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

Memorial Sloan-Kettering Cancer Center Ambulatory Care Center and CUNY-Hunter College-Science and Health Professionals Building

Block 1485, Lot 15
Community District 8
Borough of Manhattan

CEQR Number 13DME003M

STATEMENT OF FINDINGS

Made Pursuant to the New York State Environmental Quality Review Act and City Environmental Quality Review

Office of the Deputy Mayor for Housing and Economic Development

November 25, 2014

A. INTRODUCTION

This Statement of Findings is issued pursuant to Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617, and New York City Mayoral Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review (CEQR), found at Title 62, Chapter 5 of the Rules of the City of New York. This Statement of Findings has been prepared to (1) certify that procedural requirements have been met; (2) consider the relevant environmental impacts, facts, and conclusions disclosed in the final Environmental Impact Statement (EIS); (3) weigh and balance the relevant environmental impacts of the proposed action with social, economic, and other considerations; and (4) provide a rationale for the decision of the Office of the Deputy Mayor for Housing and Economic Development[1] (ODMHED), in the Office of the Mayor.

This statement sets forth the findings of ODMHED as lead agency with respect to the environmental impacts of the Memorial Sloan-Kettering Cancer Center Ambulatory Care Center (MSK ACC) and CUNY—Hunter College Science and Health Professions Building (CUNY-Hunter Building) Project as analyzed in the Final EIS (FEIS) approved by the lead agency on August 8, 2013.

LEAD AGENCY

Office of the Deputy Mayor for Housing and Economic Development, in the Office of the Mayor
100 Gold Street – 2nd Floor
New York, NY 10038
(212) 788-9956
Contact Person: Nilda Mesa, Assistant to the Mayor

SEQRA STATUS

The MSK/CUNY-Hunter Project is classified as a Type I action pursuant to 6 NYCRR § 617.4(b)(6)(v).

PROCEDURAL HISTORY

In accordance with SEQRA/CEQR, ODMHED issued a Positive Declaration that the proposed project could have the potential to result in significant adverse impacts on October 2, 2012, and directed that a Draft EIS (DEIS) be prepared. The Environmental Assessment Statement (EAS) and Draft Scope of Work (DSOW) were made available for public comment. To provide a forum for public comments on the DSOW, a public scoping meeting was held on November 1, 2012 at 6:30 P.M. at the Kaye Playhouse at Hunter College on East 68th Street between Park and Lexington Avenues, New York, New York. The scoping meeting was continued on December 4, 2012 at 6:30 P.M. at the Mortimer B. Zuckerman Research Center Auditorium of the Memorial Sloan-Kettering Cancer Center, 415 East 68th Street, New York, New York. Written comments were accepted until 5:00 P.M. on December 14, 2012. After considering comments received during the public comment period, a Final Scope of Work (FSOW) was prepared and issued on March 12, 2013, which describes the analyses determined to be appropriate for inclusion in the DEIS.

A Notice of Completion for the DEIS was issued on March 14, 2013 and the document was circulated for review. A joint public hearing on the DEIS and the Uniform Land Use Review Procedure (ULURP) application was held on July 10, 2013 at Spector Hall, 22 Reade Street, New York, New York, 10007.

[1] The Office formerly known as the Deputy Mayor for Economic Development is now the Office of the Deputy Mayor for Housing and Economic Development. For purposes of this Statement of Findings, the term "ODMHED" refers to both entities.

The public comment period remained open until 5:00 P.M. on July 22, 2013. Relevant comments on the DEIS were considered in the preparation of the FEIS.

On August 8, 2013, ODMHED issued the Notice of Completion for the Final Environmental Impact Statement (FEIS) for the Memorial Sloan Kettering/CUNY-Hunter College Project. The FEIS incorporates revisions to the DEIS that were made subsequent to the issuance of the DEIS. The revisions include a summary of and responses to public comments.

ODMHED consulted with a number of other State and City agencies during the environmental review process. These included the Dormitory Authority of the State of New York (DASNY), the City University of New York (CUNY), and the City University Construction Fund (CUCF), as well as the Department of City Planning (DCP), the New York City Department of Environmental Protection (DEP), the New York City Department of Transportation (NYCDOT), the New York City Department of Parks and Recreation (DPR), and the New York City Landmarks Preservation Commission (LPC). These agencies provided particular assistance to ODMHED in the review of those matters within the agency's area of expertise; NYCDOT and DPR with regard to mitigation measures to be taken with respect to the proposed project. A coordinated review has been conducted for this Type I action.

Having reviewed the DEIS, FEIS, and supporting and related documents, ODMHED makes the findings and conclusions contained herein based on those documents and the administrative record.

As described in greater detail below, the land use actions necessary for the proposed project include a disposition of City-owned property; a rezoning of the project site and an approximately six-inch wide strip west of the project site from an M3-2 district (Heavy Manufacturing-low performance) to a C1-9 district (Local Retail) and a rezoning of an approximately five-foot wide strip west of proposed C1-9 district from an M3-2 district to an M1-4 district to prevent the creation of unintended zoning district remnants that would be inconsistent with City policy for measuring zoning district lines; a zoning text amendment; approval to develop the site as a Large Scale General Development (LSGD) that will include special permits to (1) modify bulk, side yard, rear yard equivalent, height and setback regulations and to provide for a 2.0 FAR bonus, (2) modify sign regulations, and (3) a special permit for an accessory parking facility with more than the number of spaces allowed as-of-right. These actions are subject to ULURP and require CEQR and Mayoral and Borough Board approval pursuant to New York City Charter Section 384(b)(4).

The Board of The City University Construction Fund (CUCF) approved acquisition of real property. In addition, CUNY has already requested funding from the Dormitory Authority of the State of New York (DASNY). For purposes of State Environmental Quality Review (SEQR), DASNY's proposed actions are Authorization of the Issuance of Bonds and/or Authorization of the Expenditure of Bond Proceeds.

B. PROJECT OVERVIEW

Memorial Sloan-Kettering Cancer Center (MSK) and The City University of New York (CUNY) are partnering to acquire an approximately 66,111-square-foot (sf), New York City-owned site on the east end of a block bounded by York Avenue, Franklin Delano Roosevelt (FDR) Drive, and East 73rd and 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).

BACKGROUND

In May 2011, the New York City Economic Development Corporation (EDC), at the request of and on behalf of the New York City Department of Sanitation (DSNY), issued a Request for Proposals to

redevelop a former DSNY garage site with the creation or expansion of a health care, educational, or scientific research facility. MSK and CUNY partnered to respond.

PURPOSE AND NEED

MSK

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

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

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

This proposed building will support two of the institution's strategic objectives. By providing additional space, it will accommodate the anticipated growth in the number of outpatients, allowing MSK to maintain its leadership role in the treatment and cure of cancer. It will also allow MSK to transfer care from an inpatient venue to a more efficient ambulatory care setting. Keeping the site close to the main campus allows for the appropriate coordination between outpatient clinical services and inpatient treatment. Among the most important changes MSK anticipates in health care delivery is the transition to performing bone marrow transplants on an outpatient basis and the increased use of interventional radiology.

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

HUNTER

CUNY is the nation's largest urban public university, serving more than 271,000 degree-credit students and nearly 270,000 continuing and professional education students. CUNY confers 35,000 degrees each year—more than 1.1 million associate, baccalaureate, masters, and doctoral degrees since 1967. CUNY plays a crucial role in the life and economy of the City and New York State and employs more than 39,000 faculty and staff.

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

Founded in 1870, Hunter is also one of the oldest public colleges in the country and the largest college in the CUNY system. Currently, over 22,000 undergraduate and graduate students attend Hunter, pursuing degrees in more than 170 different programs. Famous for the diversity of its student body, Hunter has provided educational opportunities for women, minorities, and people from every walk of life.

Hunter is a proud leader in the sciences and medicine with research grants in record amounts—more than $31 million in 2010 alone. To maintain and build on its excellence in science, advanced research, and the health professions, Hunter proposes to build a new Science and Health Professions Building near its main campus that will bring together basic sciences and advanced research that occupy aging facilities on its main campus and health sciences and nursing located in a physical plant inherited from Bellevue Hospital in 1967. The proposed CUNY-Hunter Building will consolidate the related Science and Health Professions programs in a state-of-the-art facility providing modern classrooms, laboratories and cutting-edge equipment. The facility will also allow Hunter scientists and health professionals to maintain close ties with the Upper East Side's world-renowned medical and research institutions.

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

PROJECT SITE

The approximately 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.

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

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

The proposed buildings will be built to an overall floor area ratio (FAR) of 12.0, which will be 793,332 sf of zoning floor area (zfa), with full lot coverage over the project site. The gross floor area will total 1,152,347 sf.

SITE PLAN AND CIRCULATION

The MSK ACC will be located through-block on the eastern portion of the site, and the CUNY-Hunter Building will be located through block on the western portion of the site. The main entrances for both buildings will be on East 74th Street. MSK will have a lay-by lane where patients will be dropped off; it will also provide valet parking for the on-site accessory garage. CUNY will provide access to bike storage off East 74th Street for its students, faculty, and staff.

The service entrances for both buildings will be on East 73rd Street, and both buildings are designed to allow trucks to maneuver and be docked inside the buildings. In addition, the MSK ACC will 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 will also be access to bike parking for MSK staff off East 73rd Street.

MSK ACC

The MSK ACC will be 23 stories[2] (447 feet, or approximately 450 feet) tall on a footprint of approximately 39,667 sf. In a gross floor area of 749,357 gross square feet (gsf), it will contain state-of-the-art ambulatory care facilities, including office practice space for head and neck, endocrinology, thoracic, hematologic oncology, dental, speech, and consultative services; infusion rooms; interventional and diagnostic radiology; radiation oncology; cardiology and pulmonary testing; pharmacy and clinical laboratories to support the on-site activities; academic offices; conference rooms; and up to 250 accessory parking spaces for patients.

CUNY-HUNTER BUILDING

The CUNY-Hunter Building will stand approximately 16 stories (343 feet, or approximately 350 feet) tall on a footprint of 26,444 sf. In its gross floor area of 402,990 gsf, it will house teaching and research laboratories, classrooms, a learning center, a single 350-seat lecture hall, faculty offices, and a vivarium to house research animals.

OVERALL DESIGN APPROACH

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

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

The predominant cladding will be large masonry and glass panels with irregular vertical divisions. On floors where ventilation is required for mechanical systems, louvers will be set back from the façade plane. Portions of the buildings will also be clad in a glass curtain wall.

At ground level, the CUNY-Hunter Building will be set back to provide a wide and welcoming entrance for the students, faculty, and staff. The MSK entrance will provide a covered drop-off area for patients arriving by automobile.

A number of energy options for various components of the proposed project were evaluated, with the objective of reducing energy consumption and the ensuing emissions and costs.

[2] Includes rooftop bulkhead.

C. PROPOSED ACTIONS

CITY ACTIONS

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

- Disposition—The City of New York will dispose of the project site to the New York City Land Development Corporation that will then dispose to EDC for subsequent disposal to MSK and CUCF. CUCF is a public benefit corporation established by New York State to provide facilities and support the educational purposes of CUNY.
- The disposition required Mayoral and Manhattan Borough Board approval pursuant to New York City Charter Section 384(b)(4).
- Rezoning—The project site was zoned M3-2, which allows a maximum FAR of 2.0 (132,222 sf of zoning floor area (zfa)) and a maximum base height of 60 feet before setting back. That zoning designation prohibited 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 have been 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 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 has been extended approximately 5 feet east to the proposed C1-9 boundary, 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 established 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 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 that would otherwise be unlikely to be completed absent such funding.
- LSGD—Approval to develop the project site as a LSGD pursuant to Zoning Resolution (ZR) Section 74-74 et seq., which includes ZR Section 74-743 special permits to modify 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 modify sign 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 will 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 will 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 will 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 will be developed to an FAR of 12.0.

- *ZR 32-641 (Total Surface Area of Signs)*
  In C1-9 districts, the total surface area of all permitted signs, including non-illuminated or illuminated signs, are not permitted to exceed 150 sf of total surface area for a through lot or 150 sf on each frontage of a corner lot. Total surface area of all signs proposed in connection with the proposed project amounts to 4,520 sf, which exceeds the permitted total surface area of 1,200 sf by 3,320 sf.

- *ZR 32-642: Non-Illuminated Signs*
  In C1-9 districts, non-illuminated signs are not permitted to exceed 150 sf of total surface area for a through lot or 150 sf on each frontage of a corner lot. A non-illuminated sign of 125 sf is proposed at the north façade, near the entry of the MSK ACC and a non-illuminated sign of 25 sf is proposed on the north façade, over the entry canopy of the CUNY-Hunter Building. These signs are in addition to the allowable 150 sf of total surface area for a through lot and the allowable 150 sf on each frontage of a corner lot.
- *ZR 32-643: Illuminated Non-Flashing Signs*
  In C1-9 districts, illuminated non-flashing signs are not permitted to exceed 50 sf of total surface area for a through lot or 50 sf on each frontage of a corner lot. Two indirectly illuminated non-flashing signs of 1,290 sf each are proposed on the north and east façades of the MSK ACC and one indirectly illuminated non-flashing sign of 500 sf is proposed planned on the west façade of the CUNY-Hunter Building.

  A freestanding illuminated non-flashing sign of 65 sf is also proposed to aid in directional way finding at the vehicular drop-off of the MSK ACC. A façade-mounted illuminated non-flashing sign of 25 sf is proposed at the entry to the CUNY-Hunter Building.

  The above noted illuminated non-flashing signs are in addition to the permitted 50 sf of total surface area for a through lot and the permitted 50 sf on each frontage of a corner lot.
- *ZR 32-655: Height of Signs in Other Commercial Districts*
  In C1-9 districts, all permitted signs are not permitted to extend more than 25 feet above the curb level. Two signs are proposed at maximum height of 69 feet on the MSK ACC. One sign is proposed at a maximum height of 116 feet on the CUNY-Hunter Building (at the mechanical floor level). These heights are measured from average curb elevation.

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

OTHER AGENCY APPROVALS

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 was required and approved.

A Certificate of Need has been issued from the New York State Department of Health for the proposed MSK ACC.

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

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

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

D. FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT THE DECISION

The FEIS analyzed the proposed project in detail and concluded that the proposed project will not result in significant adverse impacts in the following areas during operation of the project: land use, zoning, and public policy; historic and cultural resources; urban design and visual resources; water and sewer infrastructure; certain transportation elements (transit, pedestrians, and parking); air quality; noise; public health; neighborhood character; and certain construction elements (transportation, parking, transit, pedestrians, air quality, noise and vibration, socioeconomic conditions, and community facilities).

- For hazardous materials, the Phase I Environmental Site Assessment (ESA) identified a variety of historical uses of the project site including a Sanitation Department incinerator and garage (with vehicle fueling and maintenance). Although removal of a number of petroleum tanks and petroleum contaminated soil was conducted, contamination of groundwater remained and remediation (and monitoring) continues. The ESA also noted that partially demolished on-site structures and/or project site fill materials may contain asbestos, lead-based paint (LBP) and/or polychlorinated biphenyls (PCB)-containing elements. The Phase II Environmental Site Investigation (ESI) identified field evidence (e.g., odors) of petroleum contamination in some of the collected soil and groundwater samples. A 1.5-inch layer of petroleum product was measured floating on the water table in one of the geotechnical borings, Laboratory analysis identified petroleum-related compounds in soil and groundwater samples. Other sampling results were typical of those found at other sites with historic urban fill materials in New York City. The potential for significant adverse impacts associated with the identified contamination will be avoided by placing an (E) designation for hazardous materials on Block 1485, Lot 15 to ensure that appropriate procedures for any necessary subsurface disturbance are followed prior to, during, and following construction as delineated in the Hazardous Materials chapter of the FEIS. In addition, the laboratories in the proposed CUNY-Hunter Building will be operated under the same state and local regulations and controls as the existing Hunter College laboratories to manage the use of chemical, biological, and radiological materials. With these measures, there will be no potential for the proposed project to have significant adverse impacts related to the use of hazardous materials.
- For greenhouse gas emissions, the building energy use and vehicle use associated with the proposed project will result in up to approximately 21,000 to 22,000 metric tons of carbon dioxide equivalent (CO_2e) emissions per year. Of that amount, up to 16,000 metric tons of CO_2e will be generated by MSK ACC uses, while up to 7,000 metric tons of CO_2e will be generated by CUNY-Hunter Building uses. Additional GHG emissions associated with the production of materials to be used by the proposed project (not included in the above estimate) will be reduced by the selection of lower-carbon alternatives where practicable. The proximity of the proposed project to public transportation and efficient design are all factors that contribute to energy efficiency. At this time, the proposed project is intending to meet or exceed the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) Silver certification. As such, specific measures will need to be incorporated into the design of the proposed project to qualify for the LEED rating, which will decrease the potential GHG emissions from the proposed project as described above. Based on these project components and efficiency measures, the proposed project will be consistent with the City's emissions reduction goal, as defined in the *CEQR Technical Manual*.

As discussed below, areas where potential significant impacts were identified include open space, shadows, and transportation. The FEIS also analyzed the potential for the project to result in significant adverse impacts during the construction period.

E. POTENTIAL SIGNIFICANT ADVERSE IMPACTS

OPEN SPACE

Between publication of the DEIS and completion of the FEIS, it was announced that two parcels along the waterfront and located north and south of the Con Edison oil receiving facility will be improved by Con Edison and opened for public access. These improvements will expand the paved walkway along the FDR Drive, introduce a new walkway along the East River, install a new handrail along the sea wall, and add lawn areas, trees, and benches, totaling approximately 9,392 sf (0.22 acres) of new publicly accessible passive open space in the study area. This improvement is expected to be complete by 2019, the analysis year for the proposed project. While it will not be under the jurisdiction or control of the New York City Department of Parks and Recreation (DPR), DPR will be responsible for its maintenance and operation. These improvements were considered in the future without the proposed project.

DIRECT EFFECTS

The proposed project will not remove any open space, but will cast shadow on a portion of the East River Esplanade in the afternoon in all seasons of the year and on John Jay Park in December.

While MSK will provide funding to DPR for improvements to Andrew Haswell Green Park, this 1.98-acre open space is located outside the study area approximately between East 59th Street and East 63rd Street. Therefore, it is not counted in the quantitative assessment of impacts. Further, both MSK and CUNY will provide open space on the project site. While those open spaces will serve users of the proposed project, they will not be open to the public, and they are not counted in the quantitative analysis.

INDIRECT EFFECTS

The project site is located in an area that, according to the 2012 *CEQR Technical Manual*, is underserved in terms of open space. Underserved areas are defined as areas having a high population density and being located far from parkland such that the amount of open space per 1,000 residents is less than 2.5 acres.

According to the *CEQR Technical Manual*, a worker population of over 125 may noticeably diminish the ability of open spaces in the area to serve the total future population. As the proposed project will generate well over the 125-worker threshold for analysis a detailed analysis was undertaken. The quantitative assessment of open space is based on ratios of usable open space acreage to the study area populations (the "open space ratios").

The proposed project will decrease the total, active, and passive open space ratios in the study area by between 31 and 34 percent. The passive open space ratio will decrease by 34 percent, but will remain above the City's passive open space guidelines with the proposed project. Therefore, the proposed project will result in a significant adverse impact on passive open space.

The proposed project will partially reduce the additional demand for open space presented by its worker and student population in the study area by providing interior and outdoor passive spaces that will be attractive and much closer to the employee and student populations generated by the proposed project. These facilities, while not open to the public, will likely serve the needs of MSK and CUNY's workers, students, and faculty members seeking places to take short breaks, and will decrease the number of non-residents who will seek out public open space resources in the area.

In addition, pursuant to the Zoning Text Amendment which allows an additional 20 percent of the allowable floor area (2.0 FAR in this case) in connection with an improvement to a public park, MSK will make a substantial contribution to DPR for Phase 2B of DPR's improvement plan for Andrew Haswell Green Park. Because the improvements to Andrew Haswell Green Park are part of the proposed project and will result in a floor area bonus, they are not open space mitigation. While the improvement to 1.1 acres of this park will be a part of the East River Esplanade which runs by the project site, this improvement is outside the study area.

SHADOWS

The analysis concluded that the proposed project will cast new shadows on portions of the adjacent East River Esplanade in the spring, summer, and fall afternoons for durations between two hours and 20 minutes and up to three hours and 40 minutes depending on the season, but that most of the new shadow will fall on a section of the esplanade containing only a narrow bikeway/walkway connector extending between the FDR Drive and a two-story structure related to the Con Edison Steam Plant. Therefore, the proposed project will not cause a significant adverse impact to the esplanade. New project-generated shadow will also fall on John Jay Park, a few blocks north of the project site, on the winter analysis day only. The new shadow will last for a total of two hours and 38 minutes and will fall on different areas as it moves across the space, but will never eliminate all the remaining sun and will not significantly impact the use of the space. A few other resources, including the East River, will also receive project-generated shadow but will not experience significant adverse shadow impacts.

TRANSPORTATION

TRAFFIC

Traffic conditions were evaluated at 19 intersections for the weekday AM, midday, and PM peak hours. Under the future with the proposed project, the FEIS analyzed the potential for significant adverse impacts at 11 different intersections, 8 intersections each during the weekday AM, midday, and PM peak hours, as follows:

Weekday AM Peak Hour

- York Avenue and East 79th Street – eastbound and northbound approaches;
- York Avenue and East 74th Street – eastbound approach;
- York Avenue and East 73rd Street – northbound approach, southbound *de facto* left-turn, and southbound through/right-turn;
- York Avenue and East 72nd Street – eastbound *de facto* left-turn and northbound approach;
- York Avenue and East 71st Street – northbound approach;
- York Avenue and East 65th Street – eastbound approach;
- York Avenue and East 61st Street – westbound right-turn; and
- First Avenue and East 65th Street – eastbound approach.

Weekday Midday Peak Hour

- York Avenue and East 79th Street – eastbound and northbound approaches;
- York Avenue and East 75th Street – northbound approach;
- York Avenue and East 74th Street – eastbound and westbound approaches;
- York Avenue and East 73rd Street – northbound and southbound approaches;
- York Avenue and East 72nd Street – eastbound *de facto* left-turn and northbound approach;

- York Avenue and East 66th Street – northbound approach;
- York Avenue and East 65th Street – eastbound approach; and
- First Avenue and East 65th Street – eastbound approach.

Weekday PM Peak Hour

- York Avenue and East 79th Street – eastbound approach and northbound through/right-turn;
- York Avenue and East 74th Street – eastbound and westbound approaches;
- York Avenue and East 73rd Street – westbound approach, northbound approach, southbound *de facto* left-turn, and southbound through/right-turn;
- York Avenue and East 72nd Street – eastbound *de facto* left-turn and northbound approach;
- York Avenue and East 66th Street – southbound approach;
- York Avenue and East 65th Street – eastbound approach;
- First Avenue and 72nd Street – eastbound *de facto* left-turn; and
- First Avenue and East 65th Street – eastbound approach.

With the proposed mitigation measures in place, all the significant adverse traffic impacts will be fully mitigated during all three analysis peak hours, with the exception of those at the York Avenue and East 79th Street intersection.

VEHICULAR AND PEDESTRIAN SAFETY

Accident data for the study area intersections were obtained from the New York State Department of Transportation (NYSDOT) for the time period between January 1, 2009 and December 31, 2011. During this period, a total of 280 reportable and non-reportable accidents, zero fatalities, 209 injuries, and 68 pedestrian/bicyclist-related accidents occurred at the study area intersections. A rolling total of accident data identifies two study area intersections as high accident locations in the 2009 to 2011 period. These locations are First Avenue at East 72nd Street and York Avenue at East 72nd Street.

With the proposed project, the intersection of First Avenue and East 72nd Street will experience moderate increases in vehicular and pedestrian traffic. The incremental vehicular and pedestrian levels at this intersection will be above the *CEQR* analysis threshold of 50 peak hour vehicle trips while the incremental pedestrian levels will be below the *CEQR* analysis threshold of 200 peak hour pedestrian trips. The intersection of First Avenue and East 72nd Street will be impacted during the weekday PM peak hour. However, the predicted impact at this intersection will be fully mitigated with standard traffic engineering measures. Therefore, the proposed project is not anticipated to exacerbate any of the current causes of pedestrian-related accidents. Nonetheless, additional safety measures, such as the installation of countdown timers on all pedestrian crosswalks, the installation of pedestrian safety signs warning turning vehicles to yield to pedestrians in the crosswalk, and restriping both the faded north and south crosswalks, will be implemented to improve pedestrian safety at this intersection.

With the proposed project, the intersection of York Avenue and East 72nd Street will experience noticeable increases in vehicular and pedestrian traffic. The incremental vehicular and pedestrian levels at this intersection will be above the *CEQR* analysis threshold of 50 peak hour vehicle trips and 200 peak hour pedestrian trips. The intersection of York Avenue and East 72nd Street will be impacted during all three analysis peak hours. However, the predicted impacts at this intersection will be fully mitigated with standard traffic engineering measures. Therefore, the proposed project is not anticipated to exacerbate any of the current causes of pedestrian-related accidents. Nonetheless, additional safety measures, such as the installation of countdown timers on all pedestrian crosswalks and the installation of pedestrian safety

signs warning turning vehicles to yield to pedestrians in the crosswalk, will be implemented to improve pedestrian safety at this intersection.

SUMMARY OF MITIGATION ANALYSIS

Out of the 11 impacted different traffic intersections summarized above, all projected significant adverse impacts, except for those at one study area intersection, will be fully mitigated with readily implementable measures, such as signal retiming, changes to parking regulations, lane restriping, and prohibition of left-turns. These measures will be subject to the review and approval by the New York City Department of Transportation (NYCDOT).

CONSTRUCTION

Traffic

During peak construction in 2017, the project-generated trips will be less than what will be realized upon the full build-out of the proposed project in 2019. Therefore, the potential traffic impacts during peak construction will be within the envelope of significant adverse traffic impacts identified for the Build condition. Measures to mitigate the operational traffic impacts were recommended for implementation at 11 different intersections during weekday peak hours. These measures will entail primarily signal timing adjustments and other operational measures, all of which will be implemented early at the discretion of NYCDOT to address actual conditions experienced at that time. However, similar to the operational analysis, traffic impacts during construction at the York Avenue and East 79th Street intersection are likewise unmitigatable.

Maintenance and Protection of Traffic (MPT) plans will be developed, reviewed, and approved by NYCDOT's Office of Construction Mitigation and Coordination (OCMC) for curb-lane and sidewalk closures as well as equipment staging activities. It is expected that traffic and pedestrian flow along all surrounding streets will be maintained throughout the entire construction period.

F. MITIGATION MEASURES

With respect to transportation, traffic conditions were evaluated at 19 intersections for the weekday AM, midday, and PM peak hours, and the proposed project will result in significant adverse impacts at 11 different intersections, 8 intersections each during the weekday AM, midday, and PM peak hours. With the implementation of standard mitigation measures (including primarily signal timing changes and daylighting), the significant adverse traffic impacts identified above will be fully mitigated during all three analysis peak hours, with the exception of those at the York Avenue and East 79th Street intersection.

With respect to construction, the proposed project will result in significant adverse construction traffic impacts during the PM construction peak hour. These impacts will be mitigated using similar measures to those identified for the operational significant adverse traffic impacts, and likewise, traffic impacts during construction at the York Avenue and East 79th Street intersection will be unmitigated.

G. ALTERNATIVES ANALYZED IN THE FEIS

The No Action Alternative assumes that the project site will remain undeveloped with only a surface parking lot and the remnants of the former DSNY garage.

Since all other significant adverse impacts were mitigated, the No Unmitigated Impact Alternative focuses on the significant adverse impacts to open space and to traffic.

- For open space, neither reducing the population nor providing publicly accessible open space on-site are considered feasible measures. The former would reduce the proposed employee population from 4,516 to less than 500 to represent a decrease of no more than a 5 percent in the open space ratio. A reduced staffing level of this nature would not yield workable institutional uses. The latter would require that a major portion of the proposed project not be constructed. Therefore, a No Unmitigated Adverse Impact Alternative does not exist.
- For traffic, the proposed project will result in unmitigatable traffic impacts at the intersection of York Avenue and East 79th Street. Due to congested No Build conditions at this intersection, even a small increase in traffic will result in unmitigatable impacts. Based on a sensitivity analysis of this intersection, no other feasible mitigation measures could be implemented to mitigate the impacts at this intersection and the project generated vehicle trips would have to be reduced by 95 percent for this intersection to be not impacted. This reduction would not yield workable institutional uses. Therefore, no reasonable alternative could be developed to avoid such impacts without substantially compromising the proposed project's stated goals.

H. UNAVOIDABLE ADVERSE IMPACTS

OPEN SPACE

The significant adverse impact of the proposed project on open space will not be mitigated. The proposed project is located in an area that, according to the 2012 *CEQR Technical Manual*, is underserved in terms of open space. Underserved areas are defined as areas having a high population density and being located far from parkland such that the amount of open space per 1,000 residents is less than 2.5 acres. With the proposed project, the passive open space ratio in the study area will decrease by 34 percent, resulting in a significant adverse impact on passive open space. However, the open space ratio will remain above the City's passive open guidelines with the proposed project.

The proposed project will partially reduce the additional demand for open space presented by its worker and student population in the study area by providing interior and outdoor passive spaces that will be attractive and much closer to the employee and student populations generated by the proposed project. These facilities, while not open to the public, will likely serve the needs of MSK and CUNY's workers, students, and faculty members seeking places to take short breaks, and will decrease the number of non-residents who will seek out public open space resources in the area.

In addition, pursuant to the Zoning Text Amendment that allows an additional 20 percent of the allowable floor area (2.0 FAR in this case) in connection with an improvement to a public park, MSK will make a substantial contribution to DPR for Phase 2B of DPR's improvement plan for Andrew Haswell Green Park, a 1.98-acre public park along the East River Esplanade that is outside the study area. Previously controlled by the Department of Transportation and used as a heliport, DPR took control of the parcel in 2007 and began the process of developing it into a public park. While the ramp down to the site is open to the public, of the 1.98-acre area, 1.1 acres at the grade of the esplanade has not been opened to public access due to lack of sufficient capital funding to complete necessary infrastructure repairs and replacements-in-kind. The funding will be used by DPR for such repairs, replacements-in-kind, and improvements at DPR's discretion. Based on currently available information, including the Phase 2B plans for Andrew Haswell Green Park issued in 2010, work will include repairs to the piers beneath the platform supporting a portion of the Park; upgrades and repairs to structures; landscaping, paving, railings, and public access features. As previously planned, this work will allow DPR to open the portion of Andrew Haswell Green Park at esplanade grade to public access. Because the improvements to Andrew Haswell Green Park as part of the proposed project will result in a floor area bonus, they are not open space mitigation.

Improvements to parks and public open spaces in the study area were considered, but were found not to be feasible. There are no large unused City-owned properties in the study area. The Upper East Side and Community Board 8 are considered highly desirable places to live, and unutilized or underutilized sites (other than the project site) are not owned by the City.

Between publication of the DEIS and completion of the FEIS, it was announced that two parcels located north and south of the Con Edison oil receiving facility on the waterfront will be improved by Con Edison and opened for public access. These parcels are not under the jurisdiction of DPR.

At 1.1 acres, the area of Andrew Haswell Green Park to be improved and made accessible to the public represents a considerable benefit. John Jay Park to the north of the project site is well-maintained, well-programmed and fully open to the public. Improvements to Andrew Haswell Green Park, therefore, will be more beneficial. Improvement to Andrew Haswell Green Park will allow 1.1 acres of the open space to be opened to the public and will 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.

TRANSPORTATION

Traffic conditions were evaluated at 19 intersections for the weekday AM, midday, and PM peak hours. Under the future with the proposed project, the FEIS analyzed the potential for significant adverse impacts at 11 different intersections, 8 intersections each during the weekday AM, midday, and PM peak hours. With the proposed mitigation measures in place, all the significant adverse traffic impacts will be fully mitigated during all three analysis peak hours, with the exception of those at the York Avenue and East 79th Street intersection. Therefore, the proposed project will result in unavoidable significant adverse traffic impacts.

CONSTRUCTION

The peak construction traffic increments will be lower than the full operational traffic increments associated with the proposed project in 2019. Therefore, the potential traffic impacts during peak construction will be within the envelope of significant adverse traffic impacts identified for the Build condition. Nonetheless, because existing and No Build traffic conditions at some of the study area intersections through which construction-related traffic will also travel were determined to operate at unacceptable levels during commuter peak hours, it is possible that significant adverse traffic impacts could occur at some or many of these locations during construction. In order to alleviate construction traffic impacts, measures recommended to mitigate impacts associated with the operational traffic of the proposed project will be implemented during construction before full build-out of the proposed project. Measures to mitigate the operational traffic impacts in 2019 were recommended for implementation at 10 out of the 11 different impacted intersections during weekday peak hours. These measures will encompass primarily signal timing adjustments and other operational measures, all of which will be implemented earlier at the discretion of NYCDOT to address actual conditions experienced at that time. However, traffic impacts during construction at the York Avenue and East 79th Street intersection will likewise be unmitigated. Therefore, construction under the proposed project will result in unavoidable significant adverse traffic impacts.

I. GROWTH-INDUCING ASPECTS OF THE PROJECT

While the proposed uses will result in increased activity on the project site, they do not represent new types of land uses in the study area, which currently contains institutional, commercial, parking, light manufacturing, and residential uses. The proposed actions will result in development that will be compatible with and complementary to existing study area land uses. The area surrounding the project site

is fully developed, and the level of development is controlled by zoning. As such, the proposed project will not "induce" new growth in the study area. The proposed project and related actions are specific to the project site only.

In addition, the proposed project will not result in any significant adverse impacts to water supply or wastewater and storm water infrastructure. While the proposed project will increase the project site's water consumption, sewage generation, and storm water runoff as compared to the No Build condition, it is expected that there will be adequate water service to meet the proposed project's incremental water demand, and there will be no significant adverse impacts on the City's water supply; the incremental volume in sanitary flow to the combined sewer system will not result in an exceedance of the Wards Island Wastewater Treatment Plant (Wards Island WWTP) design capacity, as per the plant's State Pollutant Discharge Elimination System (SPDES) permit, nor will it create a significant adverse impact on the City's sewage conveyance system; and with the incorporation of selected best management practices (BMPs), the peak storm water runoff rates will be reduced from the future without the proposed project and will not have a significant impact on the City's sewage conveyance or treatment systems.

J. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

There are a number of resources, both natural and built, that will be expended in the construction and operation of the proposed project. These resources will include the materials used in construction; energy in the form of gas and electricity consumed during construction and operation of the proposed development; and the human effort (i.e., time and labor) required to develop, construct, and operate various components of the proposed development.

The resources are considered irretrievably committed because their reuse for some purpose other than the proposed project will be highly unlikely. The land use changes associated with the development of the proposed project site may be considered a resource loss. The proposed project will constitute an irreversible and irretrievable commitment of the development site as a land resource, thereby rendering land use for other purposes infeasible, at least in the near term.

These commitments of land resources and materials are weighed against the benefits of the proposed development. The proposed development will bring new institutional uses to an underdeveloped site. This is expected to substantially improve the project site.

K. CONCLUSION

Overall, the MSK/CUNY-Hunter Project will have many significant economic, environmental, civic, and social benefits. It will result in the creation of a new building for MSK with state-of-the-art ambulatory care facilities and a new Science and Health Professions Building for CUNY-Hunter. In addition to the fulfilling purposes and needs for each institution, there will be significant operational synergies with neighboring healthcare and research institutions; these synergies will benefit the population of New York City as well as enhance the City's position as a center of medical and academic excellence.

As discussed above, the benefits of the MSK/CUNY-Hunter project outweigh the adverse environmental impacts, many of which will be mitigated by the measures identified in the FEIS and summarized in this Findings Statement.

The No Action Alternative or the No Significant Impact Alternative will not accomplish the proposed project's goals and objectives.

On balance, after considering the benefits and impacts of the proposed project disclosed in the FEIS, combined with the need for New York City to provide an opportunity for a leading healthcare and

research institutions to build a state-of-the-art facilities with operational synergies in New York City, ODMHED concludes that the social, economic, and environmental benefits provide a rationale to proceed with the MSK/CUNY-Hunter project notwithstanding its environmental impacts.

L. CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the relevant environmental impacts, facts, and conclusions disclosed in the DEIS, including comments on the DEIS and the responses thereto, the FEIS, and the preceding written facts and conclusions, and having weighed and balanced relevant environmental impacts with social, economic, and other essential considerations required by 6 NYCRR § 617.11, the Office of the Deputy Mayor for Housing and Economic Development finds and certifies that:

- the requirements of Article 8 of the New York State Environmental Conservation Law and its implementing regulations found at 6 NYCRR Part 617 and the requirements of City Environmental Quality Review found at Title 62, Chapter 5, of the Rules of the City of New York and as set forth in Executive Order 91 of 1977, as amended, have been met; and
- consistent with social, economic, and other essential consideration of state and city policy, from among the reasonable alternatives available, the proposed project is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that the FEIS and this Statement of Findings have identified as practicable.

November 25, 2014

Nilda Mesa
Assistant to the Mayor
On Behalf of the Office of the Deputy Mayor for Housing and Economic Development

Date