THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 582

Resolution approving the decision of the City Planning Commission on Application No. N 240238 ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 133).

By Council Members Salamanca, Riley and Mealy

WHEREAS, Memorial Sloan Kettering Cancer Center, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 9 (Special Regulations Applying to Large-Scale Community Facility Developments), which in conjunction with the related actions would facilitate the development of a 31-story hospital building with a skybridge within an existing large-scale community facility development (LSCFD), located at 1233 York Avenue (Block 1461, Lots 13 and 21), in the Upper East Side of Manhattan, Community District 8 (ULURP No. N 240238 ZRM), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on August 13, 2024 its decision dated August 7, 2024 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 240237 ZMM (L.U. No. 132), a zoning map amendment to change an R8 District to a R9 District; C 240235 ZSM (L.U. No. 134), a zoning special permit to enable modifications of height and setback regulations along a street on the periphery of a LSCFD, lot coverage regulations and signage regulations; M 240240 LDM (L.U. No. 135), a cancelation of a recorded restrictive declaration; and C 240236 GFM (L.U. No. 136), a revocable consent to enable a skybridge over a public street;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 10, 2024;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued March 28th, 2023 (CEQR No. 23DCP118M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on July 26, 2024, in which significant adverse impacts related to traffic would be avoided through the establishment of a Transportation Monitoring Plan (TMP) as specified in FEIS Chapter 10, "Transportation"; and significant adverse impacts related to air quality and noise would be avoided through the placement of (E) designations (E-760) on project site as specified in FEIS Chapters 11 and 13 respectively. Project Components Related to the Environment (PCREs), are set forth in FEIS Chapter 16, "Construction"; to ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior

to issuance of any permits. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to shadows and construction (transportation and noise); the identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in FEIS Chapter 17, "Mitigation". In addition, the significant adverse impacts that would not be fully mitigated are summarized in FEIS Chapter 19, "Unavoidable Adverse Impacts". To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that is set forth in the Decision;

3. Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the actions are those which minimize or avoid adverse environmental impacts to the maximum extent practicable; and

4. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated August 7, 2024, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS issued July 26th, 2024, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d);

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision, Application, the environmental determination, considerations described in the City Planning Commision report, N 240238 ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter <u>underlined</u> is new, to be added; Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE VII
ADMINISTRATION

Chapter 9
Special Regulations Applying to Large-Scale Community Facility Developments

* * *

79-40
SPECIAL PERMIT PROVISIONS

* * *

79-43
Special Permit for Limited Bulk Modifications for Certain Large-scale Community Facility Developments

For #large-scale community facility developments# located within the boundaries of Community Districts 8 and 12 in the Borough of Manhattan, that contain #community facility uses# specified in Section 73-64 (Modification for Community Facility Uses), the City Planning Commission may, by special permit, ~~permit modification of regulations relating to height and setback on the~~ periphery of the #large-scale community facility development#, #courts# ~~and distance between~~ windows and walls or #lot lines# ~~not otherwise allowed in Section 79-21 (General Provisions). As a condition for such action,~~ allow modifications to the following provisions set forth in paragraph (a) of this Section, provided that the findings in paragraph (b) are met.

(a) The Commission may allow modifications:

(1) to regulations relating to height and setback on the periphery of the #large-scale community facility development#, #courts# and distance between windows and walls or #lot lines# not otherwise allowed in Section 79-21 (General Provisions); and

(2) additionally, in R9 and R10 Districts, located within Community District 8:

(i) to #lot coverage#; and

(ii) to #sign# regulations.

(b) In order to grant such special permit, the Commission shall find that such modification:

~~(a)~~(1) is required in order to enable the #large-scale community facility development#

to provide an essential service to the community;

~~(b)~~(2) will provide a more satisfactory physical relationship to the existing #buildings# which form the #large-scale community facility development#, and provide a more efficient and integrated site plan;

~~(c)~~(3) will better complement the existing character of the neighborhood;

~~(d)~~(4) will not unduly increase the #bulk# of #buildings# in any #block# to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks#; ~~and~~

~~(e)~~(5) will not adversely affect any other #zoning lots# or #streets# outside the #large- scale community facility development# by unduly restricting access ~~to~~ to light and air.; and

(6) in R9 and R10 Districts located within Community District 8:

(i) with regard to #lot coverage#, will result in a better site plan and a better relationship among #buildings# and open areas; and

(ii) with regard to #sign# modifications:

(a) a signage plan has been submitted showing the location, size, height, and illumination of all #signs# on the #zoning lot#;

(b) the modifications are consistent with the amount and location of the #large-scale community facility development# that the Commission finds appropriate on the #zoning lot#; and

(c) #illuminated signs#, if provided:

(1) utilize an illumination type, and are located and oriented in a manner so as to minimize any negative effects on nearby #residences#; and

(2) do not alter the essential character of the adjacent area.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #large-scale community facility development# and to minimize adverse effects on the character of the surrounding area.

* * *

Adopted.

Office of the City Clerk,}
The City of New York,} ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on _____, 2024, on file in this office.

.....
City Clerk, Clerk of The Council