CITY PLANNING COMMISSION

August 7, 2024 / Calendar No. 16

C 240235 ZSM
CORRECTED[1]

IN THE MATTER OF an application submitted by Memorial Sloan Kettering Cancer Center pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 79-43** of the Zoning Resolution to modify:

1. the height and setback requirements of Section 24-522 (Front setbacks in districts where front yards are not required) on the periphery of a large-scale community facility development;

2. the lot coverage requirements of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage); and

3. the sign regulations of Section 22-321 (Nameplates or identification signs), Section 22-323 (Signs for parking areas), and Section 22-342 (Height of signs)

to facilitate a proposed 31-story inpatient medical facility on the South Block Zoning Lot (Block 1461, Lots 13 & 21), in R9* and R10 Districts, within an existing Large-Scale Community Facility Development generally bounded by East 69th Street, a line 338 feet easterly of First Avenue, a line midway between East 69th Street and East 68th Street, a line 463 feet easterly of First Avenue, East 68th Street, York Avenue, East 66th Street, a line 300 feet westerly of York Avenue, East 67th Street, First Avenue, East 68th Street, and a line 100 feet easterly of First Avenue (Block 1461, Lots 13 & 21, Block 1462, Lots 1 & 5, and Block 1463, Lots 5 and 7501 (condo lot 1001)) in R8, R9*, and R10 Districts, Borough Of Manhattan Community District 8.

*Note: A portion of the site is proposed to be rezoned by changing an existing R8 District to an R9 District under a concurrent related application for a Zoning Map change (C 240237 ZMM).

**Note: A zoning text amendment is proposed to modify Section 79-40 under a concurrent related application (N 240238 ZRM).

[1] The report (C 240235 ZSM) has been administratively corrected on June 20, 2025, to reflect the following changes:

- The original report inadvertently did not list Section 22-323 (Signs for parking areas) under modifications to sign regulations in the docket, one part of the background, and resolution.
- The last revised dates for drawing numbers Z-32, Z-33, Z-344, and Z-35 was corrected.
- A duplicate reference to the attached restrictive declaration dated August 7, 2024, was deleted from the resolution.

This application for a zoning special permit pursuant to Section 79-43 of the Zoning Resolution (ZR) was filed by Memorial Sloan Kettering Cancer Center (MSKCC) on January 23, 2024. This application, in conjunction with the related applications, 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.

RELATED ACTIONS

In addition to the zoning special permit (C 240235 ZSM) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following actions, which are being considered concurrently with this application:

C 240236 GFM	Revocable consent to enable a skybridge over a public street.
C 240237 ZMM	Zoning map amendment to change an R8 District to a R9 District.
N 240238 ZRM	Zoning text amendment to enable modifications to lot coverage and signage, within a hospital or hospital-related large-scale community facility development located within the boundaries of Community District 8.
N 240239 ZAM	Zoning authorization to enable modifications of height and setback regulations along a street within a LSCFD, rear yard regulations and to allow for the distribution of floor area for all zoning lots within a LSCFD without regard for zoning lot line.
M 240240 LDM	Cancelation of a recorded restrictive declaration.

M 010548A ZSM	Modifications to a previously approved LSCFD site plan and zoning calculations.
N 240242 ZCM	Zoning certification to enable more than one curb cut on a narrow street.

BACKGROUND

MSKCC has been at the forefront of patient care and groundbreaking research for over a century, significantly advancing new and improved cancer therapies. It also stands as a premier academic institution for training physicians and researchers in various oncology fields. In addition to its major medical campus and satellite locations on Manhattan's Upper East Side, MSKCC has developed a network of outpatient cancer treatment centers, bringing medical care closer to patients across New York City and the broader metropolitan area. In recent years, it has expanded its facilities through new construction and renovations to accommodate the growing needs of its patients and research programs.

This application addresses the critical need for MSKCC to substantially increase its inpatient facilities at its main campus. According to analyses by MSKCC, the Centers for Disease Control and Prevention (CDC), and other national and international organizations, there is a substantial increase in new cancer cases, with projections indicating a doubling of cases from 2015 to 2050. This increase is not only due to an aging population but also an unexpected rise in cases among young adults, a significant demographic in New York City. Although MSKCC already performs more cancer-related surgeries annually than any other hospital in the U.S., it anticipates that the increased demand for surgical services and acute care inpatient beds will require a major expansion. The proposed 31-story inpatient hospital building, known as MSK Pavilion, located within its medical campus on the Upper East Side, is in response to this growing challenge.

The MSKCC campus is located between East 66th and East 69th streets between First and York avenues in the Lenox Hill neighborhood of Manhattan Community District 8. The campus boundaries coincide with the previously established LSCFD and consists of three blocks: the north, main and south blocks.

The north campus block occupies the midblock portion of the block bounded by East 68th and East 69th streets (Block 1463, Lots 5 and 7501). The zoning lot within the north campus block contains the Zuckerman Research Center (ZRC) and the Roman Catholic Church of St. Catherine's of Siena. ZRC houses the Sloan Kettering Institute, the Gerstner Sloan Kettering Graduate School of Biomedical Sciences, and the relocated St. Catherine's Church's rectory. MSKCC's physicians conduct extensive cancer research in their respective fields in ZRC's labs but there are no clinical programs, and no patients are seen in the north campus block. The main campus block occupies the full block between East 67th and East 68th streets and between First and York avenues (Block 1462, Lots 1 and 5). It contains several buildings including the Schwartz Research Building, the Howard Building, the Bobst Building, the Enid A. Haupt Pavilion and the Radiation Oncology Building, which provide research, diagnostic and treatment facilities. In addition, it contains the 498-bed Memorial Hospital, providing inpatient care, and the Winston Surgical Pavilion, providing ambulatory care facilities. The south campus block occupies the eastern half of the block between East 66th and East 67th streets and York Avenue (Block 1461, Lots 13 and 21). It provides laboratory facilities in the Rockefeller Research Laboratory on the midblock, and staff housing and offices in the Scholars Residence and Sloan House buildings along York Avenue.

The remaining portion of the north and south blocks, that are not part of the MSKCC campus, have uses that are not affiliated with MSK. The eastern portion of the north block (Block 1463), along York Avenue, is developed with an ambulatory care center and maternity hospital for New York Presbyterian Hospital-Weill Cornell Medical Center. The western portion of the north block, along First Avenue, is developed with low-rise walk-up apartment buildings with ground floor retail. The western portion of the south block (Block 1461), along First Avenue, is developed with a 30-

story mixed-use residential building with ground floor retail on the northeast corner and community facility uses on the remainder of the block, including the Roman Catholic Church of St. John of Nepomucene, rectory and school and Robert Louis Stevenson School (PS 183). PS 183 accommodates 560 pre-kindergarten to fifth grade students and is located next to the Rockefeller Research Lab on the south campus block.

The MSKCC campus was facilitated through various land use actions by the CPC and the Board of Standards and Appeals (BSA). Various actions were approved by the CPC on November 28, 2001, and adopted, with amendments, by the City Council on December 19, 2001. These actions provided for the establishment of the LSCFD on the three campus blocks, a zoning special permit (C 010548 ZSM) and zoning authorization (N 010549 ZAM) for certain bulk waivers to facilitate the ZRC, and a zoning map amendment (C 010547 ZMM) for the midblocks on the north and main campus blocks to rezone an R8 district to an R9 district to support both the development of the ZRC and the long-range planning necessary for the future development of a new clinical hospital building at an unspecified location within the LSCFD.

The zoning map amendment application (C 010547 ZMM), certified into ULURP on June 4, 2001, also included a rezoning of the midblock portion of the south campus block from an R8 district to an R9 district, however, the applicant voluntarily removed the south campus block from the map amendment action in response to public and Borough President feedback during public review. The public hearing was calendared for September 12, 2001, but was indefinitely postponed due to the catastrophic events of 9/11. The Department of City Planning (DCP) was not able to schedule its public hearing on the application until October 11, 2001, which was after its required regulatory limit therefore technically terminating the application. Although the terminated application, and others in the same situation, were re-instated following the enactment of a local law by the City Council, it was determined that the Council could not extend the ULURP clock beyond the expiration of its own term, which expired on December 31, 2001. With less than six weeks remaining in the application's ULURP clock to calendar and hold its public hearing, complete the

Final Environmental Impact Statement (FEIS), hold a vote and submit the approval to City Council, the CPC Chair brought together the applicant and representatives of the Manhattan Borough President and City Council to address issues raised during public review to support a modified application that could be approved in the few remaining weeks. One such issue raised by the Borough President was that approval of the requested rezonings for all three campus midblocks would generate sufficient floor area for both ZRC and a future hospital building within the LSCFD but details of the future hospital building remained unacceptably tentative. MSKCC agreed to voluntarily withdraw the rezoning of the south campus midblock until a time when the future hospital building's location, footprint and operational needs were more confirmed.

The CPC approved actions resulted in a substantial increase in permitted floor area through the zoning map amendments for the north and main campus blocks within the LSCFD. MSKCC agreed to only utilize the floor area necessary to develop the ZRC on the north campus block until they could come back to the CPC with the location and design of the future hospital building within the LSCFD. To memorialize this agreement, MSKCC recorded a restrictive declaration that required a return to the CPC to seek distribution of the 290,310 square feet of newly created floor area, except 75,000 square feet to accommodate potentially necessary small enlargements, for a future hospital building.

With the design of the hospital building now complete, MSKCC has returned to the CPC with this application (C 240235 ZSM) and the related applications (C 240236 GFM; C 240237 ZMM; N 240238 ZRM; N 240239 ZAM; M 240240 LDM; M 010548A ZSM; N 240242 ZCM) to facilitate the proposed MSK Pavilion. The related zoning map amendment application (C 240237 ZMM) replicates the withdrawn action of 2001.

In addition to the CPC approvals, MSKCC obtained a variance and a special permit from the BSA under calendar No 130-01-BZ, adopted on December 4, 2001. The approved variance enabled relief from R9 district maximum permitted lot coverage regulations (ZR Section 24-11) and rear

yard equivalent regulations (ZR Section 24-382) and the zoning special permit pursuant to Section 73-642 enabled relief from a temporary failure to comply with the R9 district floor area regulations for the period between the completion of the ZRC and the demolition of the former Kettering Labs Building (KLB) on the north campus block. The KLB could not be demolished until its replacement laboratories in ZRC became available due to the inability to suspend or relocate groundbreaking cancer research underway in KLB.

Additional land use actions to facilitate the MSKCC campus include a variance granted by the BSA on April 18, 1967, under Calendar No. 51-67-BZ, in connection with construction of the Memorial Hospital on the main campus block. The variance modified sky exposure plane, height, and setback regulations (ZR Section 24-522), the maximum floor area regulations (ZR Section 77-22), and the lot coverage regulations (ZR Sections 77-24 and 24-10), allowing for 100 percent lot coverage across the entire main campus block.

The proposed project area for this and related applications is limited to the MSKCC south campus block. The south campus block is currently improved with the 23-story Scholars Residence and 20-story Sloan House along York Avenue and the 16-story Rockefeller Research Lab on the midblock. The three buildings have a below grade connection, sharing a belowground accessory parking garage with 263 spaces. Under Rockefeller Research Lab an additional below grade connection beneath East 67th Street connects to the main campus block for easy movement of materials. The south campus block's York Avenue frontage (eastern portion of Block 1461, Lot 21) is mapped with an R10 which allows a maximum FAR of 10 for residential and community facility uses. The remainder of the south campus block (Block 1461, Lot 13 and western portion of Lot 21), 100 ft west of York Avenue, is mapped with an R8 district which allows a maximum residential FAR up to 7.2 and community facility FAR up to 6.5. This 40,167.60-square foot midblock area is the subject of the proposed zoning map amendment application (C 240237 ZMM) to rezone an R8 district to an R9 district. The eastern portion of the south campus block along York Avenue is the proposed development site for the MSK Pavilion and has the street address of 1233

York Avenue. The development site has an area of approximately 32,133 square feet. It occupies the entire York Avenue frontage of the block with a 180-foot frontage on East 66th Street and a 140-foot frontage on East 67th Street. The development site is currently developed with the Scholars and Sloan buildings, constructed in 1969 and comprising approximately 242,856 gross square feet of floor area. The two buildings provide MSK staff contract housing on the upper floors and offices for staff and administrative support for MSK operations on the lower floors.

The area to the north and east of the development site is dominated by medical and institutional campuses that characterize Manhattan's East Side medical corridor. This includes Rockefeller University, New York Presbyterian Hospital, Weil Cornell and the Hospital for Special Surgery. These hospital, medical, and academic facilities dominate the east side of York Avenue from East 63rd to East 71st Street as well as the block between First and York avenues, from East 69th Street to East 70th Street. Most of these institutional buildings were constructed in the mid-twentieth century and are 15-36 stories in height. The area to the west of the development site is characterized by a variety of building sizes and uses that are typical in the Upper East Side including larger mixed-use developments on the avenues, walk-up scale residential buildings on the midblocks, scattered institutional and educational uses including the New York Blood Center, Julia Richmond Educational Complex and MSK's Breast and Imaging Center. The area south of the development site has a stronger residential character, dominated by pre-war walk-up buildings, scattered tenements, townhouses, as well as the City and Suburban Homes Company First Avenue Estate block, a city landmark. Further south in the vicinity of East 59th Street, institutional uses of the medical corridor continue to be prevalent, as well as increasingly larger residential buildings on approach to the commercial center of midtown.

St. Catherine's Park, located directly to the west of the main campus block across First Avenue, is a 1.38-acre park along the entire First Avenue frontage between East 67th Street and East 68th Street and continues west to a depth of 200 feet. The park includes a playground, a multi-purpose play

area including basketball courts, running track and other recreational facilities, a comfort station, as well as an area used by students from the adjacent Julia Richman Education Complex (JREC).

York Avenue is primarily mapped with an R10 district from 62nd to 78th streets, allowing a maximum of 10 FAR for residential and community facility development, while First Avenue is mapped with an C1-9 district. C1-9 districts are generally located along major thoroughfares to provide for neighborhood service uses in high-density residential areas. It is an R10 residential equivalent, and has a maximum commercial FAR of 2.0 and permits a limited range of neighborhood retail services. The zoning east of York Avenue is R9 which allows for a residential FAR of 7.52 and community facility up to 10 FAR. Midblocks including the development site and to the immediate north are mapped with either R8 or R9 districts between East 66th and East 72nd streets. These districts allow for development using height-factor regulations, often resulting in taller buildings. The R9 district also favors institutional uses, such as hospitals, with additional floor area. Midblocks to the south of the site are mapped with either R8B or R8 zoning districts, reflecting their residential character of walk-ups, tenement, and townhouse scale buildings. R8B is a contextual district that allows a residential FAR of 4.0 and community facility FAR up to 5.1 in Community District 8.

First Avenue, serving northbound traffic, and York Avenue, serving both north- and southbound traffic, are major thoroughfares. Both East 66th Street and East 67th Street carry westbound traffic only, East 68th Street is eastbound and East 69th Street is westbound. The M66 bus runs westbound on East 67th Street and eastbound on East 68th Street. The M15 and M15 Select Bus Service run on both First Avenue and Second Avenue. The M31 bus runs on York Avenue in both directions. The nearest subway station is the 72nd Street and Second Avenue station on the Q subway line. Lexington Avenue, three blocks to the west, is also served by the 63rd Street/Lexington Avenue stop on the F and Q subway lines, and the 68th Street/Hunter College stop on the 6 subway line.

Proposed Development

The proposed 31-story MSK Pavilion would have a maximum height of approximately 558 feet, or 598 feet to the top of the bulkhead, and community facility floor area of 641,582 square feet. This includes 264,938 square feet of floor area transferred from the main campus block zoning lot pursuant to the related application for a cancelation of the restrictive declaration (M 240240 LDM) that required CPC action to utilize this floor area within the LSCFD. The MSK Pavilion would provide 28 operating rooms, including recovery and intensive care facilities and up to 206 inpatient beds for acutely ill patients, including intensive care units (ICUs), on 24 hospital floors and five mechanical floors distributed throughout the building.

MSK Pavilion would have a double-height lobby space along York Avenue and the primary pedestrian entrance to the lobby would be located at the corner of East 67th Street just off York Avenue, set back approximately 79 feet south of East 67th Street. A secondary entrance would be located at the corner of East 66th Street just off York Avenue, set back approximately 20 feet north of East 66th Street. The waivers for the upper floors would create the large and flexible floorplates necessary for state-of-the-art and efficient operating rooms. The massing and floorplates are driven by the specific functional requirements of these operating rooms and necessary mechanical spaces.

Vehicular access to the Pavilion would be via a one-way internal through-block driveway with an entrance on East 66th Street and exit on East 67th Street, requiring two new 18-foot curb cuts located 50 feet west of York Avenue. No additional parking is proposed but an existing below-grade 236-space accessory parking garage is proposed to remain. Access to the parking garage would be either through a valet service located at the driveway or self-service through the reduced 19-foot parking ramp curb cut on East 66th Street located 131 feet west of York Avenue. There would also be a new two-lane ramp with a 22-foot curb cut servicing the garage, located 134 feet west of York Avenue. One lane would be dedicated to garage entry solely by the valet attendants and the other would be for exiting the garage.

There would be a total of three loading docks on East 67th Street, which would be accessed via one new 51.5-foot curb cut and one mandatory ambulance bay on East 66th Street accessed via a new 16.5-foot curb cut. In total, there would be seven curb cuts on the south campus block zoning lot, including the one existing curb cut serving the Rockefeller Research Lab building. No curb cuts would be located closer than 50 feet to an intersection.

In addition to the MSK Pavilion, the proposed development would also include a two-story skybridge over East 67th Street to connect the proposed hospital building on the south campus block with the existing Memorial Hospital on the main campus block. The 48-foot-tall skybridge would be located approximately 70.9 feet west of York Avenue at a height of 75 feet above curb level. It would connect floors five and six of the MSK Pavilion with floors seven and eight of Memorial Hospital and would serve as the primary artery for safe passage of patients and staff accessing medical services across the two campus blocks.

With the proposed MSK Pavilion, inclusive of Rockefeller Research Lab, the south campus block zoning lot would have a lot coverage of 80.1 percent and would contain a total of 867,438 square feet of community facility floor area, inclusive of the 264,938 square feet transferred from the main campus block, for an FAR of 14.4 on this zoning lot and an overall FAR across the entire LSCFD of slightly less than 10. Completion of the MSK Pavilion would exhaust all the developable floor area within the LSCFD.

Requested Actions

Zoning Special Permit (C 240235 ZSM)

The applicant requests a special permit pursuant to the amended Section 79-43 (Special Permit for Limited Bulk Modifications for Certain Large-scale Community Facility Developments), to modify height and setback regulations pursuant to Section 24-522 (Front setbacks in districts where front yards are not required), modify lot coverage regulations pursuant to Section 24-11

(Maximum Floor Area Ratio and Percentage of Lot Coverage), and modify sign regulations pursuant to Sections 22-321 (Nameplates or identification signs), Section 22-323 (Signs for parking areas), and 22-342 (Height of signs).

Bulk and Height Modification of Section 24-522

Zoning Resolution Section 24-522 requires that if the front wall or other portion of a building or other structure on the periphery of a large-scale community facility development is located at the street line or within the initial setback distance (15 feet on York Avenue and 20 feet on East 66th Street), the height of such front wall or other portion of a building or other structure cannot exceed 85 feet or nine stories, whichever is less. Above such specified maximum height and beyond the initial setback distance, the building or other structure shall not penetrate a sky exposure plane (expressed as a ratio of vertical distance to horizontal distance) of 5.6:1 on York Avenue and 2.7:1 on East 66th Street. The applicant is proposing a modification of the height, setback and sky exposure regulation to enable the proposed maximum building envelope of the 31-story hospital building. The proposed modification would allow the MSK Pavilion's streetwalls on York Avenue and East 66th Street to rise without setback for its full height, to a height of 594.3 ft to the top of the parapet wall/including mechanical bulkhead (598.30 ft to the top of the highest bulkhead height).

The applicant claims that the uniformity of full lot coverage floorplates is the only configuration that would permit the MSK Pavilion to provide the 28 operating rooms and accompanying facilities that are at the core of the Pavilion's programmatic goals. A maximum building envelope is therefore proposed to maximize the operational footprints of the Pavilion's surgical, inpatient and support program floors with a maximum building envelope height of up to 598.3 feet without setbacks from the three streets on which it is located.

Lot Coverage Modification of Section 24-11

Pursuant to Zoning Resolution Section 24-11, in R9 and R10 districts a lot coverage of 75 percent is permitted for the corner portion of the zoning lot and a lot coverage of 65 percent is permitted for an interior or through portion of the zoning lot. Pursuant to ZR Section 77-24, the adjusted maximum lot coverage on the south campus block is 68.3 percent. The proposed MSK Pavilion would have a lot coverage is 80.1 percent. Compliance with the required lot coverage would reduce floorplates by 30 percent, thereby reducing the number of operating rooms on each of its operating room floors. According to MSKCC, this reduction cannot be addressed by reducing the size of an operating room or reducing the number of inpatient beds assigned to support it, it can only be addressed by eliminating the necessary number of operating rooms to achieve complying lot coverage. An alternative that both complies with the lot coverage requirement and does not reduce the number of operating rooms would be to add more floors to the building.

Sign Modifications of Sections 22-321, 22-323 and 22-342

Zoning Resolution Section 22-321 limits the total surface area of identification or directional signs to 25 square feet per street frontage. The total surface area of the proposed signs is 1,215 square feet along the East 66th Street frontage, 1,215 square feet along the East 67th Street frontage and 1,597 square feet along the York Avenue frontage.

Zoning Resolution Section 22-323 limits total surface area of signs designating each entrance to or exit from an off-street parking area to 2 square feet, to be located no higher than 7 feet above curb level. Two parking-related signs of approximately 65 square feet each mounted 13 feet above curb level are proposed, one each on East 66th Street and East 67th Street.

Zoning Resolution Section 22-342 prohibits any sign to extend above the ground floor ceiling, or more than 20 feet above curb level, whichever is less. The proposed maximum sign heights are 47.63 feet along the East 66th Street frontage, 46.05 feet along the East 67th Street frontage and 50 feet on York Avenue.

Revocable Consent (N 240236 GFM)

MSKCC has filed for a revocable consent from NYC Department of Transportation (DOT) for an enclosed two-floor skybridge, which would connect the MSK Pavilion to the Memorial Hospital building on the main campus block. The proposed skybridge within an elevated 57,173 cubic feet envelope of air space above the East 67th Street streetbed would have its eastern boundary running approximately 70 feet west of York Avenue and would have an east/west approximate width of 24 feet. The proposed envelope would have a lower plane height of approximately 75 feet above average curb level. Its upper plane height would be approximately 123 feet above average curb level. This proposed envelope would support a two-story skybridge that would be approximately 61 feet long, connecting critical patient care floors on the fifth and sixth floors of the MSK Pavilion to the existing seventh and eighth floors of Memorial Hospital. The surfaces of the two bridge floors would slope moderately to match up with connected floors.

Since the skybridge would be located within the visible public realm, the DOT revocable consent application would be coordinated with the required approvals from the NYC Public Design Commission (PDC). On October 17, 2023, PDC issued its Conceptual Design Status Report, which found the proposal to be generally successful and appropriate for the site, and members commended the minimal, elegant massing of the bridge. The conceptual review package also stated that the public-facing underside of the structure would be designed to incorporate a highly designed surface to be commissioned by MSKCC at a later date during the Pavilion's construction. This artwork would also be subject to PDC approval.

Zoning Map Amendment (C 240237 ZMM)

A zoning map amendment is proposed on the development site to change a midblock R8 residential zoning district to an R9 district to facilitate the proposed hospital building. The property is located

between East 66th Street and East 67th Street and is bounded by a line 315 feet easterly of First Avenue and a line 100 feet westerly of York Avenue.

An R8 district permits a community facility FAR of 6.5 and maximum residential FAR of 7.2, while an R9 district permits a community facility FAR of 10 and maximum residential FAR of 10 without changing the permitted uses. Both districts are governed by identical bulk regulations. Approximately 40,167 square feet of the south campus block is located in the proposed rezoning area. The proposed rezoning to an R9 district would increase the permitted community facility floor area to 401,670 square feet and the permitted residential floor area to 302,055.84 square feet in the south campus midblock. The total community facility floor area in the south campus block would increase by 140,584.5 square feet from 461,919.4 square feet to 602,500 square feet.

Zoning Text Amendment (N 240238 ZRM)

A zoning text amendment to Section 79-43 is proposed to allow modifications to lot coverage, and sign regulations in R9 and R10 districts located within Manhattan Community District 8.

Section 79-43 currently permits a large-scale community facility development applicant located in Manhattan Community Districts 8 and 12 to apply for certain modifications relating to height and setback regulation on the periphery of the large-scale community facility developments, courts and distance between windows and walls or lot lines not otherwise available via authorization pursuant to ZR Section 79-21 (General Provisions).

The requirements and findings of the Section 79-43 special permit are focused on providing an essential service to the community, a better site plan, its impacts on the surrounding neighborhood and developments, and access to light and air.

Zoning Authorization (N 240239 ZAM)

The applicant requests a zoning authorization pursuant to Section 79-21 (General Provisions), to modify height and setback regulations pursuant to Section 24-522 (Front setbacks in districts where front yards are not required), modify rear yard equivalent regulations pursuant to Section 24-382 (Required rear yard equivalents), and modify distribution of floor area regulations pursuant to Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage).

Bulk and Height Modification of Section 24-522

Zoning Resolution Section 24-522 requires that if the front wall or other portion of a building or other structure on the interior of a large-scale community facility development is located at the street line or within the initial setback distance of 20 feet on a narrow street, the height of such front wall or other portion of a building or other structure cannot exceed 85 feet. Above such specified maximum height and beyond the initial setback distance, the building or other structure shall not penetrate a sky exposure plane (expressed as a ratio of vertical distance to horizontal distance) of 2.7:1. The applicant is proposing a maximum building envelope that would allow the MSK Pavilion's streetwalls on East 67th Street to rise without setback for its full height, to a height of 593.01 ft to the top of the parapet wall/including mechanical bulkhead (597.01 ft to the top of the highest bulkhead height).

Rear Yard Equivalent Modification of Section 24-382

Pursuant to Zoning Resolution Section 24-382, in R9 and R10 districts, in lieu of providing a 60 foot rear yard equivalent separating two or more buildings on each frontage, a through lot 110 feet or more in depth may provide two open areas, each adjoining and extending along the full length of a street line, and each with a minimum depth of 30 feet measured from such street line.

In the R9 district, the proposed MSK Pavilion would not provide either the 60-foot rear yard equivalent or the alternate two open areas on each frontage. Due to the Pavilion's full coverage

floorplate requirements, the proposed maximum building envelope would rise without yard or setback from East 66th or East 67th streets.

Floor Area Distribution Modification of Section 24-11

Pursuant to Zoning Resolution Section 24-11, in an R9 and R10 district, maximum permitted community facility FAR is 10, which would permit on the south campus block zoning lot a development of up to 602,500 square feet of community facility floor area. Accounting for the 225,856 square feet utilized in the Rockefeller Research Lab building, only 376,644 square feet would be available for the MSK Pavilion, which requires 641,582 sf of floor area. The applicant is proposing to distribute 264,938 square feet of excess floor area from the main campus block to the south campus block to facilitate the proposed MSK Pavilion. The overall development within the LSCFD will not exceed the FAR 10 permitted in R9/R10 zoning districts.

Cancelation of a Restrictive Declaration (M 240240 LDM)

The restrictive declaration recorded in connection with the LSCFD contained restrictions in Section 1 thereof against deployment of the 264,938 square feet of floor area on the main campus block to other zoning lots within the LSCFD without CPC action. The applicant would file a Notice of Cancellation of the restrictive declaration pursuant to Section 6 thereof to eliminate the interim restriction on use of the approved floor area to facilitate its distribution to the south campus block.

Modification to a LSCFD Site Plan and Zoning Calculation (M 010548A ZSM)

The proposed modification to the LSCFD would update the site plans and zoning calculations previously authorized by CPC to reflect (1) the requested zoning map amendment, (2) the incorporation of additional 140,584.50 square feet of floor area generated by the requested zoning map amendment into both the south campus block zoning lot and LSCFD, (3) changes to the floor area distribution without regard to zoning lot lines (including transfer of 264,938 square feet of floor area from the main campus block to the south campus block) to facilitate the proposed

development on the south campus block within the existing LSCFD, and (4) the parameters of the proposed development on the south campus block.

Zoning Certification (N 240242 ZCM)

Zoning Resolution Section 26-15 limits curb cuts to no more than one per a zoning lot's narrow street frontage along any one street. Pursuant to the same section, additional curb cuts, in excess of one for each narrow street frontage, for zoning lots in excess of 30,000 square feet of lot area may be allowed, provided that the CPC and the DOT certify to the Commissioner of Buildings that such additional curb cuts will not result in conflict between pedestrian and vehicular circulation and will result in a good overall site plan.

In addition to the proposed parking garage circulation improvements and through-block driveway requiring three curb cuts, two additional curb cuts are needed to accommodate loading and service berth requirements. ZR Section 25-72 requires a minimum of three loading berths for the MSK Pavilion. Health regulations require a berth for a standby ambulance.

The proposed development would introduce two new curb cuts, for a total of three, along East 66th Street frontage to accommodate (1) the entrance to the one-way northbound internal through-block driveway and (2) a service berth; and three new curb cuts, for a total of four, along East 67th Street frontage to accommodate (1) the internal through-block driveway exit, (2) the new two-way parking garage ramp and (3) the three new service berths.

ENVIRONMENTAL REVIEW

This application (C 240235 ZSM), in conjunction with the related actions, was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order

No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 23DCP118M.

It was determined that this application, in conjunction with the applications for the related actions, may have a significant effect on the environment, and that an Environmental Impact Statement (EIS) would be required. A Positive Declaration was issued on March 28, 2023, and subsequently distributed, published, and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on March 28, 2023. A public scoping meeting was held on April 27, 2023, and the Final Scope of Work was issued on April 26, 2024.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on April 26, 2024. Pursuant to SEQRA regulations and the CEQR procedure, a joint public hearing was held on June 26, 2024, in conjunction with the public hearing on the related Uniform Land Use Review Procedure items (C 240235 ZSM; C 240236 GFM; C 240237 ZMM; N 240238 ZRM; N 240239 ZAM; M 240240 LDM; M 010548A ZSM; N 240242 ZCM). A FEIS reflecting comments made during the public review process was completed, and a Notice of Completion for the FEIS was issued on July 26, 2024. Significant adverse impact related to traffic would be avoided through the establishment of a Transportation Monitoring Plan (TMP) as specified in Chapter 10, "Transportation," of the FEIS. Significant adverse impacts related to air quality and noise would be avoided through the placement of (E) designations (E-760) on the project site as specified in Chapters 11 and 13 respectively of the FEIS.

The application, as analyzed in the FEIS, contained Project Components Related to the Environment (PCREs), which are set forth in 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 Chapter 17, "Mitigation," of the FEIS. The significant adverse impacts that would not be fully mitigated are summarized in Chapter 19, "Unavoidable Adverse Impacts," of the FEIS. To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in the Restrictive Declaration.

UNIFORM LAND USE REVIEW

This application (C 240235 ZSM), and the related applications for a revocable consent (C 240236 GFM) and zoning map amendment (C 240237 ZMM), was certified as complete by DCP on April 24, 2024, and duly referred to Manhattan Community Board 8 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related applications for a zoning text amendment (N 240238 ZRM), zoning authorization (N 240239 ZAM), cancelation of a restrictive declaration (M 240240 LDM), modification to a previously approved LSCFD (M 010548A ZSM) and zoning certification (N 240242 ZCM), which were referred in accordance with the procedures for non-ULURP matters.

Community Board Review

Manhattan Community Board 8 held a public hearing on this application (C 240235 ZSM) along with the related applications for a revocable consent (C 240236 GFM), zoning map amendment (C 240237 ZMM), zoning text amendment (N 240238 ZRM), zoning authorization (N 240239 ZAM), cancelation of a restrictive declaration (M 240240 LDM), modification to a previously approved LSCFD (M 010548A ZSM) and zoning certification (N 240242 ZCM) on May 8, 2024, and on that date, by a vote of 24 in favor, 11 opposed, and one abstaining adopted a resolution recommending approval of the application with the following conditions.

"1. Replacement of all housing on the current site with new housing units in Community District 8;
2. A design that meets the needs of MSK to care for the projected increase in cancer patients in a lower profile structure than currently proposed;
3. That the new Pavilion meet the highest standards of carbon neutrality possible, as proposed by MSK;
4. That MSK construct the building using union labor, as proposed by MSK;
5. That MSK require union labor to be used for off-site fabrication, as proposed by MSK;
6. That MSK design the building exterior with material that does not reflect light onto the surrounding community, including residences and parks;
7. That MSK implement the highest levels of noise mitigation, dust control, and pest control as proposed by MSK;
8. That MSK ensure adequate lighting on its construction fencing to ensure a well-lit and safe community;
9. That MSK install artwork on the construction fence to beautify the neighborhood during the six-year construction duration;
10. That MSK coordinate noise mitigation plans with PS.183 to minimize the impact of construction activities on the students at P.S. 183, as proposed by MSK during our 2023 task force meetings;
11. That MSK maximize the use of greenery in the facility design and install greenery in front of the Schwartz building;
12. That MSK work to mitigate the traffic back-up at the parking garage;
13. That MSK holds monthly meetings with the community during the course of construction to apprise the community of construction progress and next steps, and receive feedback and address any community concerns, as proposed by MSK;
14. That MSK post on the construction site and its website an emergency phone number that is different from 311, for community concerns about construction activities;

15. That MSK, in its traffic studies, pay particular attention to the following issues:
    - Drop-off on York Avenue (although this will be "prohibited" under the proposal);
    - Queuing for parking on York and both side streets;
    - Traffic headed to and from the FDR Drive at 62nd Street;
    - Garage capacity both in the Pavilion and surrounding neighborhood;
    - Possible effects of Congestion Pricing both on neighborhood parking capacity, and increased traffic from the 59th Street Bridge;
16. That MSK conduct shadow studies and make mitigation proposals for the effects of shadows from such a tall building;
17. That MSK present an appropriate aesthetic solution for the generally acceptable skybridge proposed to connect the Pavilion with the existing hospital to the north;
18. That MSK do its utmost to minimize on-going noise and monitor air quality and ensure that no exhaust venting be directed towards 66th Street below the upper most mechanical level;
19. That given the extraordinary benefit afforded to MSK as a result of these proposed modifications to the zoning map and text amendments, that MSK enter into a community benefits agreement with the City, acceptable to the Councilmember of Council District 5, based upon input of local residents of Community District 8 and Manhattan Community Board 8 regarding improvements and enhancements to community infrastructure, including the esplanade, the local parks, local schools and the immediately adjacent residents and other items to be agreed upon."

Borough President Recommendation

On June 14, 2024, the Manhattan Borough President issued a recommendation on this application (C 24035 ZSM) along with the related applications for a revocable consent (C 240236 GFM), zoning map amendment (C 240237 ZMM), zoning text amendment (N 240238 ZRM), zoning authorization (N 240239 ZAM), cancelation of a restrictive declaration (M 240240 LDM),

modification to a previously approved LSCFD (M 010548A ZSM) and zoning certification (N 240242 ZCM), to approve the application with the following conditions.

"1. That MSK work to mitigate traffic conditions during construction, including improved wayfinding and active management of parking, to help alleviate the current backup from queuing to enter the parking garage in advance of the proposed improvements in the MSK Pavilion project and
2. That MSK further explore their anticipated need for employee and fellow housing and present a plan to ensure that any future demand present as little effect on the local housing market as possible."

City Planning Commission Public Hearing

On June 12, 2024, (Calendar No. 8), the City Planning Commission scheduled June 26, 2024, for a public hearing on this application (C 240235 ZSM) and the related actions (C 240236 GFM, C 240237 ZMM, N 240238 ZRM). The hearing was duly held on June 26, 2024 (Calendar No. 26). Twelve speakers testified in favor of the application, and three in opposition. Following the public hearing, the CPC received letters of written testimony.

The applicant team, comprising of three applicant representatives, testified in favor of the application, providing an overview of the proposed project. They emphasized how the project would help meet the growing needs of the hospital due to rising cancer rates. The team described the spatial and mechanical needs for operating rooms and single-occupancy patient rooms to meet industry standards. The team noted the importance of expanding the hospital within the existing campus to provide comprehensive patient care, enable continued cancer research and development of new treatments.

Nine speakers testified in favor of the application.

Three speakers testified in opposition to the proposed project.

A representative the Friends of the Upper East Side Historic Districts spoke against the project, noting concerns about the impact of the proposed height and bulk on neighborhood character and traffic. They were supportive of MSK's mission but recommended the development of satellite facilities in other parts of the city instead of expanding the existing campus.

Two residents of Community Board 8 spoke against the project. One of the speakers raised concerns about the project's mechanical output onto residential buildings across the street and the location of the hospital's oxygen farm near the parking garage entrance. The other speaker noted several concerns with the project and its impact on kids attending the nearby PS 183. These concerns included shadow on school play area, construction timeline, construction noise, and release of hazardous materials during construction.

Several speakers spoke in favor the project and MSKCC's mission. These included hospital staff, former and current patients, and their loved ones. They cited the importance of having world-class cancer care in Manhattan and appreciated MSKCC's need to expand to continue to meet increasing patient care demands.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning special permit (C 240235 ZSM), in conjunction with the related actions for a revocable consent (C 240236 GFM), zoning map amendment (C 240237 ZMM), zoning text amendment (N 240238 ZRM), zoning authorization (N 240239 ZAM), cancelation of a restrictive declaration (M 240240 LDM), modification to a previously approved LSCFD (M 010548A ZSM) and zoning certification (N 240242 ZCM), is

appropriate.

MSKCC is considered one of the world's leading cancer care and research institutions. Over the years, it has grown incrementally through a process of demolition, renovation, and enlargement of facilities on its existing campus. However, with a projected rise in cancer rates it can no longer sufficiently meet its inpatient care needs amid increasing current and future demands.

The Commission recognizes MSKCC's need to expand its facilities, emphasizing the significance of this growth for both the institution and the City at large. The proposed actions will facilitate MSKCC in developing a new state-of-the-art hospital pavilion with operating suites and patient beds, building on the long-term planning goals for facility expansion and modernization that were introduced as part of the Commission approvals in 2001. At the time of the previous approval, the Commission acknowledged that MSKCC may return for additional discretionary actions once the design and programmatic needs of their future hospital building was finalized. MSK Pavilion is a project that is not only appropriate in relation to the land use and context of the Upper East Side, but also in relation to the existing MSKCC campus and LSCFD. It is located near all the major medical institutions in Community District 8 and aligns with the City's goal of actively promoting the growth and development of these facilities to ensure they can continue providing top-tier healthcare for the City's residents.

The proposed 31-story MSK Pavilion will provide state-of-the-art facilities for patient care and meet the anticipated needs of the hospital given the projections of increasing cancer rates in both aging and younger populations. In the long run, the proposed project will enable MSKCC to enhance patient care and research, capitalize on new scientific advancements, and remain competitive with other leading institutions in attracting top-tier talent.

Zoning Map Amendment

The Commission believes the proposed zoning map amendment is appropriate. The proposed action would rezone the midblock portion of the south campus block from an R8 zoning district to an R9 zoning district.

Under existing zoning, the south campus block has the permitted community facility floor area of 461,919.4 square feet. Of this total, the Rockefeller Research Lab constitutes 225,856 square feet, leaving only 236,063 square feet for a new hospital building. The proposed R9 district will increase the community facility floor area on the south campus block by 140,584.5 square feet for a total of 602,500 square feet with 376,644 square feet to be utilized by the MSK Pavilion. With the Rockefeller Research Lab proposed to remain on the south campus midblock, the rezoning will not affect the built density on the midblock and the proposed increase in density along the avenue will be buffered from the remaining uses on the block.

The increased community facility floor area will enable a larger hospital building for MSKCC programmatic needs of 28 operating rooms and 206 inpatient beds. The number of operating rooms determines the Pavilion's inpatient bed count, and together they dictate the Pavilion's number of floors and overall height. Reducing the number of inpatient beds would necessitate a corresponding reduction in operating rooms to maintain the necessary ratio of patient beds to operating rooms.

During public review, the Commission heard testimony that MSK should consider locating the proposed program in a satellite location instead of expanding their Upper East Side campus. The Commission notes that the context of the surrounding neighborhood of the proposed project is notable for an abundance of world class health-related institutions and affiliated academic facilities, many of which have been collaborators with MSKCC for decades. Expanding their facilities within the existing campus will enable MSKCC to build on their existing health-care infrastructure and stay close to neighboring partners. By growing in place, MSKCC will be better

able to share resources and knowledge within this health-related context which will in turn advance scientific research and medical interventions.

Zoning Text Amendment

The Commission believes that a zoning text amendment to Section 79-43 as proposed to allow large-scale community facility developments to expand the current permitted bulk modifications to include lot coverage and signage is appropriate. Given the unique nature of scale for a LSCFD, the Commission often waive certain bulk regulations of the underlying zoning districts through text amendments to allow greater flexibility and promote good site planning. The Commission believes that the proposed zoning text changes reflect this goal of enabling modifications through discretionary actions to support strategic planning and development for the City's hospitals and community facilities.

Special Permit and Authorization

Height and Setback

The Commission finds that the waivers related to building height, setback, and sky exposure plane to the upper floors of the proposed building are appropriate. This site is located along the avenue within an existing LSCFD that was established to allow bulk flexibility to facilitate a medical campus that resulted in an overall better site plan. The proposed Pavilion will push the highest density within the campus to the avenue where it is more appropriate and will be fully located within the existing LSCFD boundaries. These waivers are necessary to create the large and uniform floorplates required for optimized patient care and staff efficiencies. To maximize the operational footprints of its surgical, inpatient and support program floors, MSK Pavilion would rise without setback from the street lines. The uniformity of full lot coverage floorplates is the only configuration that would permit the MSK Pavilion to provide the 28 operating rooms and accompanying facilities that are at the core of the Pavilion's programmatic goals. Typically, in health care planning, large contiguous floorplates are desirable for programmatic functionality as well as staffing efficiencies. Intermediary building setbacks impose extremely smaller floorplates

at the upper levels where a large proportion of the available floor area is dedicated to elevators and shafts, imposing design decisions such as core location and bay depths that are antithetical to best practices in hospital design. The maximum building envelope of up to 598.30 ft without setbacks from the three streets on which it is located requested in this application addresses these design and programmatic concerns.

The Commission heard testimony that MSKCC should consider a lower profile building with reduced height and setbacks. However, such development would not achieve the floorplates and layouts necessary to accommodate the programmatic needs of the MSK Pavilion. A decreased height would result in fewer than 28 operating rooms making it difficult for MSKCC to meet the projected demands for increasing cancer care.

Rear Yard and Lot Coverage

The Commission finds that modification to the rear yard equivalent and lot coverage is appropriate. The proposed building will encroach on the required 60-foot rear yard equivalent or the alternate two open areas on each frontage and exceed the adjusted permitted maximum lot coverage. Compliance with rear yard and lot coverage will reduce the proposed floorplates, thereby reducing the number of operating rooms. This reduction cannot be addressed by reducing the size of an operating room or reducing the number of inpatient beds assigned to support it. An alternative that reduces lot coverage and provides the required rear yard without reducing the number of operating rooms will result in the need for additional floors and height.

Due to the Pavilion's full coverage floorplate needs, the proposed maximum building envelope will rise without yard or setback from East 66th Street, East 67th Street and York Avenue.

Distribution of Floor Area

The Commission believes the distribution of 264,938 square feet of floor area from the main campus block to the south campus block is appropriate. The proposed distribution of floor area to

the south campus block would effectively increase its available floor area for the MSK Pavilion from 376,644 square feet to 641,582 square feet, providing the proposed project with sufficient floor area necessary for its programmatic needs.

Signage

The Commission notes that the building has three street frontages on East 66th Street, East 67th Street and York Avenue, requiring signage on all three frontages to identify the building and parking facilities. Additionally, the proposed project is located within the larger MSKCC campus and will need additional signage for easier wayfinding for patients and visitors to locate the different programs located across the three campus blocks. The proposed signage would establish a uniform building and campus-wide signage at a height necessary to ensure visibility by pedestrians and drivers approaching the MSK Pavilion. The modified height and surface area of the proposed signage will enable drivers to identify the internal through-block driveway and entrance to the parking beneath Rockefeller Research Lab and differentiate the Pavilion's entrances from the numerous other MSKCC entrances within the campus. Included in the text amendment are a new set of findings related to the signs that includes details about the location, size, height, and illumination of all signs on the zoning lot. The Commission believes that the proposed signage meets the findings and are appropriate.

Zoning Certification

The Commission believes the zoning certification for curb cuts on narrow streets is appropriate. The Commission appreciates the traffic-reducing elements of the MSK Pavilion, specifically the internal through-block driveway and separate ramps for entering and exiting the below grade parking garage. The covered through-block driveway in a weather-protected environment will also ensure a dignified and safe drop-off location for patients and visitors.

Since curb cuts are not permitted on York Avenue, East 66th and East 67th streets are the only opportunities for curb cuts on the south campus block. The majority of the more heavily utilized

curb cuts are provided on East 67th Street front which is entirely within the LSCFD in order to reduce conflicts on East 66th Street, a perimeter street shared with residential and school uses. The loading berths and one of the parking ramps will be located on East 67th Street, leaving only the internal through-block driveway entrance and the parking ramp entrance to be located on East 66th Street. The rarely used curb cut for the standby ambulance will also be located on East 66th Street. Given the few opportunities available, MSKCC has designed a reasonable array of curb cuts that will function well and limit impact on traffic as much as possible.

Revocable Consent

The Commission believes the revocable consent to provide a skybridge connecting the MSK Pavilion on the south campus block to Memorial Hospital on the main campus block is appropriate. The skybridge is a medical necessity for the efficient, safe, and comfortable transportation of patients and staff moving between the new operating rooms and inpatient beds in the MSK Pavilion and the large footprint of diagnostic and treatment facilities in Memorial Hospital and the remainder of the main campus block. In addition to these significant necessary programmatic efficiencies, the linkage of the MSK Pavilion to Memorial Hospital and the major facilities on the main campus block will serve to reduce the land use, size, and environmental impacts for the MSK Pavilion by eliminating unnecessary redundancies in related medical services and administrative and support services, thereby foregoing additional bulk and height.

The Commission believes skybridges are appropriate in only limited circumstances to ensure the city's streets and sidewalks remain active, lively and safe. One such circumstance is for life and safety where movement between buildings across streets is critical for medical care or protection of vulnerable individuals. In this case the skybridge will connect operating rooms in the pavilion with imaging and diagnostic equipment as well as recovery rooms in Memorial Hospital across the street. The Commission believes the proposed skybridge is necessary for the safe and critical movement of patients.

Cancelation of Restrictive Declaration

The Commission believes the cancelation of the restrictive declaration limiting the amount of floor area that could be utilized on the main campus block is appropriate. The Commission notes that without removing this restriction of the transfer of excess floor area to the south campus block, the MSK Pavilion cannot support the 28 new operating rooms, up to 206 inpatient beds and related support program spaces required to address the projected increase in new cancer cases identified by both the CDC and MSKCC.

Modifications to LSCFD

The Commission believes the modification to the LSCFD to update the site plans and zoning calculations previously authorized by CPC to reflect the changes approved to facilitate the proposed MSK Pavilion is appropriate.

Finally, the Commission notes that the MSK Pavilion facilitated through these applications will meet the long-term expansion needs of MSKCC and is consistent with sound land use planning.

FINDINGS

Based upon the above consideration, the City Planning Commission hereby makes the following findings required by Section 79-43 (Special Permit for Limited Bulk Modifications for Certain Large-scale Community Facility Developments):

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

(1) is required in order to enable the large-scale community facility development to provide an essential service to the community;

(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;

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

(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

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

(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.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on July 26, 2024, with respect to this application (CEQR No. 23DCP118M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action that is set forth in this report; and

2. Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the actions are one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
3. 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 report of the City Planning Commission, together with the FEIS, constitutes the written statement of findings, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, that the application submitted by Memorial Sloan Kettering Cancer Center pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 79-43 of the Zoning Resolution to modify:

1. the height and setback requirements of Section 24-522 (Front setbacks in districts where front yards are not required) on the periphery of a large-scale community facility development;
2. the lot coverage requirements of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage); and
3. the sign regulations of Section 22-321 (Nameplates or identification signs), Section 22-323 (Signs for parking areas), and Section 22-342 (Height of signs)

to facilitate a proposed 31-story inpatient medical facility on the South Block Zoning Lot (Block 1461, Lots 13 & 21), in R9 and R10 Districts, within an existing Large-Scale Community Facility Development generally bounded by East 69th Street, a line 338 feet easterly of First Avenue, a line midway between East 69th Street and East 68th Street, a line 463 feet easterly of First Avenue,

East 68th Street, York Avenue, East 66th Street, a line 300 feet westerly of York Avenue, East 67th Street, First Avenue, East 68th Street, and a line 100 feet easterly of First Avenue (Block 1461, Lots 13 & 21, Block 1462, Lots 1 & 5, and Block 1463, Lots 5 and 7501 (condo lot 1001)) in R8, R9, and R10 Districts, Borough Of Manhattan Community District 8

is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 240235 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by AAI Architects, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Revised Date
Z-10	LSCFD Site Plan (Proposed)	01/12/2024
Z-11	LSCFD Zoning Analysis (Proposed)	07/30/2024
Z-22	South Block Zoning Lot – Zoning Diagrams	01/12/2024
Z-23	South Block Zoning Lot – Site Plan	01/12/2024
Z-30	Zoning Waiver Plan – Development Site	01/12/2024
Z-31	Zoning Waiver Section North-South 1	07/30/2024
Z-32	Zoning Waiver Section North-South 2	07/30/2024
Z-33	Zoning Waiver Section North-South 3	07/30/2024
Z-34	Zoning Waiver Section North-South 4	07/30/2024
Z-35	Zoning Waiver Section East-West	07/30/2024
Z-71	Signage Diagrams	01/12/2024
Z-72	Signage Diagrams	01/12/2024

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans

listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.

5. In the event the property that is the subject of the application is developed, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 240235 ZSM), duly adopted by the City Planning Commission on August 7, 2024 (Calendar No. 16), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq., *Chair,*
KENNETH J. KNUCKLES, Esq., *Vice Chairman*
GAIL BENJAMIN, ALFRED C. CERULLO, III,
ANTHONY CROWELL, Esq., JOSEPH I. DOUEK,
DAVID GOLD, Esq., LEAH GOODRIDGE, Esq.,
RASMIA KIRMANI-FRYE, ORLANDO MARÍN,
JUAN CAMILO OSORIO, RAJ RAMPERSHAD*, Commissioners*

COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: MSK Pavilion			
Applicant:	Memorial Sloan Kettering Cancer Center (MSKCC)	**Applicant's Primary Contact**:	Shelly Friedman
Application #	240235ZSM	**Borough**:	
CEQR Number:	23DCP118M	**Validated Community Districts**:	M08

Docket Description:
IN THE MATTER OF an application submitted by Memorial Sloan Kettering Cancer Center pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 79-43** of the Zoning Resolution to modify:
1. the height and setback requirements of Section 24-522 (Front setbacks in districts where front yards are not required) on the periphery of a large scale community facility development;
2. the lot coverage requirements of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage); and
3. the sign regulations of Section 22-231 (Nameplates or identification signs) and Section 22-342 (Height of signs)
to facilitate a proposed 31-story inpatient medical facility on the South Block Zoning Lot (Block 1461, Lots 13 & 21), in R9* and R10 Districts, within an existing Large-Scale Community Facility Development generally bounded by East 69th Street, a line 338 feet easterly of First Avenue, a line midway between East 69th Street and East 68th Street, a line 463 feet easterly of First Avenue, East 68th Street, York Avenue, East 66th Street, a line 300 feet westerly of York Avenue, East 67th Street, First Avenue, East 68th Street, and a line 100 feet easterly of First Avenue (Block 1461, Lots 13 & 21, Block 1462, Lots 1 & 5, and Block 1463, Lots 5 and 7501 (condo lot 1001)) in R8, R9*, and R10 Districts, Borough Of Manhattan Community District 8.
*Note: A portion of the site is proposed to be rezoned by changing an existing R8 District to an R9 District under a concurrent related application for a Zoning Map change (C 240237 ZMM).
**Note: A zoning text amendment is proposed to modify Section 79-40 under a concurrent related application (N 240238 ZRM).
Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at https://zap.planning.nyc.gov/projects/2022M0359, or the Department of City Planning, 120 Broadway, 31st Floor, New York, NY, 10271-0001.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable			
# In Favor: 24	**# Against:** 11	**# Abstaining:** 1	**Total members appointed to the board:** 36
Date of Vote: 5/8/2024 12:00 AM		**Vote Location**: PS 183	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/8/2024 6:30 PM	
Was a quorum present? Yes	*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*
Public Hearing Location:	This meeting will be conducted hybrid in person and via Zoom. P.S. 183 Robert L. Stevenson School, Cafeteria 419 East 66th Street. For Zoom access to the meeting, visit www.cb8m.com

CONSIDERATION:

Recommendation submitted by	MN CB8	Date: 5/15/2024 4:59 PM

NYC PLANNING

COMMUNITY/BOROUGH BOARD RECOMMENDATION

COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: MSK Pavilion			
Applicant:	Memorial Sloan Kettering Cancer Center (MSKCC)	**Applicant's Primary Contact**:	Shelly Friedman
Application #	240236GFM	**Borough**:	
CEQR Number:	23DCP118M	**Validated Community Districts**:	M08

Docket Description:
IN THE MATTER OF an application submitted by Memorial Sloan Kettering Cancer Center pursuant to Sections 197-c of the New York City Charter for a revocable consent to construct, main and use a 24 foot-wide pedestrian bridge over East 67th Street approximately 67 feet westerly of First Avenue, Borough of Manhattan, Community District 8.
Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at https://zap.planning.nyc.gov/projects/2022M0359, or the Department of City Planning, 120 Broadway, 31st Floor, New York, NY, 10271-0001.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION:	**Conditional Favorable**		
# In Favor: 24	**# Against:** 11	**# Abstaining:** 1	**Total members appointed to the board:** 36
Date of Vote: 5/8/2024 12:00 AM		**Vote Location**: PS 183	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/8/2024 6:30 PM	
Was a quorum present? Yes	*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*
Public Hearing Location:	This meeting will be conducted hybrid in person and via Zoom. P.S. 183 Robert L. Stevenson School, Cafeteria 419 East 66th Street. For Zoom access to the meeting, visit www.cb8m.com

CONSIDERATION:

Recommendation submitted by	MN CB8	Date: 5/15/2024 4:59 PM

COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: MSK Pavilion			
Applicant:	Memorial Sloan Kettering Cancer Center (MSKCC)	**Applicant's Primary Contact**:	Shelly Friedman
Application #	240237ZMM	**Borough**:	
CEQR Number:	23DCP118M	**Validated Community Districts**:	M08

Docket Description:
IN THE MATTER OF an application submitted by Memorial Sloan Kettering Cancer Center pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an R8 District to an R9 District property bounded by East 67th Street, a line 100 feet westerly of York Avenue, East 66th Street, and line 315 feet easterly of First Avenue, Borough of Manhattan, Community District 8, as shown on a diagram (for illustrative purposes only) dated April 29, 2024, and subject to the conditions of CEQR Declaration E-760.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: **Conditional Favorable**			
# In Favor: 24	**# Against:** 11	**# Abstaining:** 1	**Total members appointed to the board:** 36
Date of Vote: 5/8/2024 12:00 AM		**Vote Location**: PS 183	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 5/8/2024 6:30 PM	
Was a quorum present? Yes	*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*
Public Hearing Location:	This meeting will be conducted hybrid in person and via Zoom. P.S. 183 Robert L. Stevenson School, Cafeteria 419 East 66th Street. For Zoom access to the meeting, visit www.cb8m.com

CONSIDERATION:

Recommendation submitted by	MN CB8	Date: 5/15/2024 4:59 PM

Valerie S. Mason
Chair

Will Brightbill
District Manager

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The City of New York
Community Board 8 Manhattan

May 15, 2024

Daniel R. Garodnick, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: MSK Pavilion application requesting a zoning map amendment from R8 to R9, text amendment to ZR 79-43, authorizations per ZR 79-21, a ZR 79-43 special permit, modifications to the Large Scale Community Facility Development and Restrictive Declaration, a ZR 26-15 certification and a revocable consent to facilitate a new 31-story hospital building with a pedestrian bridge over 67th Street, within the existing MSK campus' LSCFD. at 1233 York Avenue, in Manhattan Community District 8. (C240235ZSM, C240236GFM, C240237ZMM, N240238ZRM, and N240239ZAND)

Dear Chair Garodnick,

At the Land Use Committee meeting of Community Board 8 Manhattan held on Wednesday, May 8, 2024, the board approved the following resolution by a vote of 24 in favor, 11 opposed, 1 abstention, and 0 not voting for cause:

> **WHEREAS** this is an application requesting a zoning map amendment from R8 to R9, text amendment to ZR 79-43, authorizations per ZR 79-21, a ZR 79-43 special permit, modifications to the Large Scale Community Facility Development and Restrictive Declaration (LSCFD), a ZR 26-15 certification and a revocable consent to facilitate a new 31-story hospital building with a pedestrian bridge over 67th Street, within the existing MSK campus' LSCFD. at 1233 York Avenue, in Manhattan Community District 8; and
>
> **WHEREAS** the maximum height of the building envelope will be no more than 594 feet; and
>
> **WHEREAS** the proposed Pavilion will utilize virtually all of the available Floor Area derived from the change in zoning and virtually all the remaining Floor Area of the 2001 LSCFD; and
>
> **WHEREAS** Operating Room Floors and Patient Floors will require 18-foot and 15-foot floor to floor heights respectively; and
>
> **WHEREAS** MSK has committed to constructing a new cancer Pavilion that meets the highest standards of carbon neutrality possible; and
>
> **WHEREAS** MSK has committed to constructing the building using union labor for both onsite construction and offsite fabrication; and
>
> **WHEREAS** MSK has committed to coordinating with P.S. 183 on noise mitigation and minimizing the impact of construction on P.S. 183; and

WHEREAS CB8 is home to multiple world class healthcare institutions, including MSK, with several concentrated in the vicinity of the proposed site; and

WHEREAS MSK has committed to implementing the highest levels of noise mitigation, dust control, and pest control during construction and demolition; and

WHEREAS MSK has committed to holding monthly meetings with local residents and stakeholders to provide updates on construction and address any concerns:

NOW THEREFORE BE IT RESOLVED that Community Board 8 Manhattan **APPROVES** this application subject to the following conditions:

- Replacement of all housing on the current site with new housing units in Community District 8;
- A design that meets the needs of MSK to care for the projected increase in cancer patients in a lower profile structure than currently proposed;
- That the new Pavilion meet the highest standards of carbon neutrality possible, as proposed by MSK;
- That MSK construct the building using union labor, as proposed by MSK;
- That MSK require union labor to be used for off-site fabrication, as proposed by MSK;
- That MSK design the building exterior with material that does not reflect light onto the surrounding community, including residences and parks;
- That MSK implement the highest levels of noise mitigation, dust control, and pest control as proposed by MSK;
- That MSK ensure adequate lighting on its construction fencing to ensure a well-lit and safe community;
- That MSK install artwork on the construction fence to beautify the neighborhood during the six-year construction duration;
- That MSK coordinate noise mitigation plans with PS.183 to minimize the impact of construction activities on the students at P.S. 183, as proposed by MSK during our 2023 task force meetings;
- That MSK maximize the use of greenery in the facility design and install greenery in front of the Schwartz building;
- That MSK work to mitigate the traffic back-up at the parking garage;
- That MSK holds monthly meetings with the community during the course of construction to apprise the community of construction progress and next steps, and receive feedback and address any community concerns, as proposed by MSK;
- That MSK post on the construction site and its website an emergency phone number that is different from 311, for community concerns about construction activities;
- That MSK, in its traffic studies, pay particular attention to the following issues:

- Drop-off on York Avenue (although this will be "prohibited" under the proposal);
- Queuing for parking on York and both side streets;
- Traffic headed to and from the FDR Drive at 62nd Street;
- Garage capacity both in the Pavilion and surrounding neighborhood;
- Possible effects of Congestion Pricing both on neighborhood parking capacity, and increased traffic from the 59th Street Bridge;

- That MSK conduct shadow studies and make mitigation proposals for the effects of shadows from such a tall building;
- That MSK present an appropriate aesthetic solution for the generally acceptable skybridge proposed to connect the Pavilion with the existing hospital to the north;
- That MSK do its utmost to minimize on-going noise and monitor air quality and ensure that no exhaust venting be directed towards 66th Street below the upper most mechanical level;
- That given the extraordinary benefit afforded to MSK as a result of these proposed modifications to the zoning map and text amendments, that MSK enter into a community benefits agreement with the City, acceptable to the Councilmember of Council District 5, based upon input of local residents of Community District 8 and Manhattan Community Board 8 regarding improvements and enhancements to community infrastructure, including the esplanade, the local parks, local schools and the immediately adjacent residents and other items to be agreed upon.

Please advise our office of any action taken on this matter.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

cc: Honorable Kathy Hochul, Governor of New York
Honorable Eric Adams, Mayor of the City of New York
Honorable Mark Levine, Manhattan Borough President
Honorable Jerry Nadler, 12th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable José M. Serrano, NYS Senator, 29th Senatorial District
Honorable Edward Gibbs, NYS Assembly Member 68th Assembly District
Honorable Alex Bores, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Keith Powers, NYC Council Member, 4th Council District
Honorable Julie Menin, NYC Council Member, 5th Council District
Honorable Diana Ayala, NYC Council Member, 8th Council District

BOROUGH PRESIDENT RECOMMENDATION

Project Name: MSK Pavilion	
Applicant: Memorial Sloan Kettering Cancer Center (MSKCC)	**Applicant's Administrator**: Shelly Friedman
Application # 240235ZSM	**Borough**: Manhattan
CEQR Number: 23DCP118M	**Validated Community Districts**: M08

Docket Description:
IN THE MATTER OF an application submitted by Memorial Sloan Kettering Cancer Center pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 79-43** of the Zoning Resolution to modify:
1. the height and setback requirements of Section 24-522 (Front setbacks in districts where front yards are not required) on the periphery of a large scale community facility development;
2. the lot coverage requirements of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage); and
3. the sign regulations of Section 22-231 (Nameplates or identification signs) and Section 22-342 (Height of signs)
to facilitate a proposed 31-story inpatient medical facility on the South Block Zoning Lot (Block 1461, Lots 13 & 21), in R9* and R10 Districts, within an existing Large-Scale Community Facility Development generally bounded by East 69th Street, a line 338 feet easterly of First Avenue, a line midway between East 69th Street and East 68th Street, a line 463 feet easterly of First Avenue, East 68th Street, York Avenue, East 66th Street, a line 300 feet westerly of York Avenue, East 67th Street, First Avenue, East 68th Street, and a line 100 feet easterly of First Avenue (Block 1461, Lots 13 & 21, Block 1462, Lots 1 & 5, and Block 1463, Lots 5 and 7501 (condo lot 1001)) in R8, R9*, and R10 Districts, Borough Of Manhattan Community District 8.
*Note: A portion of the site is proposed to be rezoned by changing an existing R8 District to an R9 District under a concurrent related application for a Zoning Map change (C 240237 ZMM).
**Note: A zoning text amendment is proposed to modify Section 79-40 under a concurrent related application (N 240238 ZRM).
Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at https://zap.planning.nyc.gov/projects/2022M0359, or the Department of City Planning, 120 Broadway, 31st Floor, New York, NY, 10271-0001.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION:

Recommendation submitted by	MN BP	Date: 6/14/2024 12:31 PM

BOROUGH PRESIDENT RECOMMENDATION

Project Name: MSK Pavilion	
Applicant: Memorial Sloan Kettering Cancer Center (MSKCC)	**Applicant's Administrator**: Shelly Friedman
Application # 240236GFM	**Borough**: Manhattan
CEQR Number: 23DCP118M	**Validated Community Districts**: M08

Docket Description:
IN THE MATTER OF an application submitted by Memorial Sloan Kettering Cancer Center pursuant to Sections 197-c of the New York City Charter for a revocable consent to construct, main and use a 24 foot-wide pedestrian bridge over East 67th Street approximately 67 feet westerly of First Avenue, Borough of Manhattan, Community District 8.
Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at https://zap.planning.nyc.gov/projects/2022M0359, or the Department of City Planning, 120 Broadway, 31st Floor, New York, NY, 10271-0001.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION:

Recommendation submitted by	MN BP	Date: 6/14/2024 12:31 PM

BOROUGH PRESIDENT RECOMMENDATION

NYC PLANNING

Project Name: MSK Pavilion	
Applicant: Memorial Sloan Kettering Cancer Center (MSKCC)	**Applicant's Administrator**: Shelly Friedman
Application # 240237ZMM	**Borough**: Manhattan
CEQR Number: 23DCP118M	**Validated Community Districts**: M08

Docket Description:
IN THE MATTER OF an application submitted by Memorial Sloan Kettering Cancer Center pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8c, changing from an R8 District to an R9 District property bounded by East 67th Street, a line 100 feet westerly of York Avenue, East 66th Street, and line 315 feet easterly of First Avenue, Borough of Manhattan, Community District 8, as shown on a diagram (for illustrative purposes only) dated April 29, 2024, and subject to the conditions of CEQR Declaration E-760.

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION:

Recommendation submitted by	MN BP	Date: 6/14/2024 12:31 PM

OFFICE OF THE
MANHATTAN
BOROUGH PRESIDENT

1 Centre Street, 19th Floor, New York, NY 10007
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Mark Levine, Borough President

June 14, 2024

Recommendation on ULURP Application Nos. 240235ZSM, 240236GFM, 240237ZMM, 240238ZRM, 240239ZAM, 240240LDM, 240241ZSM, 240242ZCM – MSK Pavilion
By Memorial Sloan Kettering Cancer Center (MSKCC)

PROPOSED ACTIONS

MSKCC (the "Applicant") is proposing multiple land use actions to facilitate the development of a new hospital building ("MSK Pavilion") located at 1233 York Avenue, which is part of an existing Large-Scale Community Facility Development (LSCFD) (which includes Block 1461, Lots 13 and 21 ("South Block"), Block 1462, Lots 1 and 5 ("Main Block"), and Block 1463, Lot 7501 ("North Block")) in Manhattan Community District 8 (the "Site").

The Applicant proposes the following actions:

1. A zoning map amendment to rezone Block 1461 Lot 13 and the western part of Lot 21 from R8 to R9;
2. An amendment to Section 79-43 of the Zoning Resolution (ZR 79-43) to allow the City Planning Commission (CPC) to authorize modifications to lot coverage and sign regulations in R9 and R10 districts in Manhattan Community District 8 by special permit;
3. Authorizations pursuant to ZR 79-21 to allow a new 31-story inpatient hospital building on the South Block of the 2001 LSCFD without regard for height and setback regulations, rear yard regulations, zoning lot lines, and streets in the LSCFD that wouldn't otherwise allow distribution of floor area to the Site;
4. Special permit pursuant to the newly amended ZR 79-43 to allow modifications of regulations regarding height, setback, lot coverage, and signs;
5. Modification to the 2001 LSCFD to update the site plans and zoning calculations previously authorized by CPC;
6. Cancellation of the 2001 LSCFD Floor Area restrictive declaration to allow previously approved floor area to shift from the Main Black to the South Block;
7. Certification per ZR 26-15 to allow more than one curb cut on East 66th and 67th Streets; and
8. Revocable consent for a two-story Patient Bridge above East 67th Street.

These actions would facilitate the development of a new 31-story inpatient hospital building with approximately 28 operating rooms and 206 patient beds.

BACKGROUND

The first iteration of this land use application began for MSKCC in 2001 with the initial approval of the LSCFD. The 2001 LSCFD established the North, Main, and South Blocks, facilitated the

development of the Zuckerman Research Center, and rezoned the midblock of the North and Main Blocks from R8 to R9. Application and approval documents noted future actions to facilitate a new hospital building within the LSCFD. That new hospital building was originally proposed as part of Phase II of the 2001 LSCFD and would have required a rezoning of the South Block to facilitate the increased floor area necessary for the new hospital. However, the application's City Planning Commission (CPC) hearing was scheduled for September 12, 2001. Due to the events of September 11, 2001, CPC went on hiatus, and the application could not be heard until October 11, 2001. With plans for the new hospital building not concrete at the time and facing a consolidated timeline, the Applicant voluntarily withdrew the rezoning application for the South Block and shelved plans for their new hospital building while proceeding with the other land use actions. At the time, CPC stated that the land use actions for the South Block should be reconsidered once plans were more concrete. This amended application for the LSCFD without a new hospital building was adopted by City Council on December 19, 2001.

Proposed Development

The Applicant's current plans for the new hospital take into account the projected increase in cancer rates by 2050. According to analysis by the Applicant, the Centers for Disease Control and Prevention, and other experts, there will be a 50% increase in cancer rates from 2015 to 2050, both due to an aging population and a rise in cancer cases in younger adults. They project that one in three people will have cancer at some point in their lifetime. New York City currently sees 40,000 new cases a year, and 60,000 cases a year are expected by 2050.

To meet the anticipated increase in need for cancer care, the Applicant proposes a 31-story building with approximately 28 operating rooms and 206 patient beds. The new building, which would be known as the MSK Pavilion, would rise to a height of 550 feet, or 594 feet including mechanical equipment at the roof. The maximum zoning floor area that could be developed as a result of the proposed land use actions would be 641,582 square feet.

The Applicant proposes the MSK Pavilion on the South Block of the LSCFD. The main MSKCC hospital building is across the street on the Main Block of the LSCFD, and the Applicant has emphasized that the inpatient MSK Pavilion building could not operate without a connection to the main hospital. The existing 50-year-old MSKCC hospital has 514 beds and 42 operating rooms, and the bed occupancy rate was 90-115% as of 2023. When the hospital is over capacity, MSKCC needs to find additional spaces for inpatient beds, including in urgent care areas.

The inpatient rooms are proposed as industry standard single-bed rooms at 270 square feet, to protect immunocompromised patients from infectious disease and accommodate space for patient care, including overhead booms and lifts to transfer patients. The square footage and height (18 feet floor-to-floor) of the operating rooms is necessary to accommodate modern surgery equipment and to meet requirements for air circulation. According to MSK, they receive the same negotiated payment from insurance companies whether a patient is in a private or a semi-private room. There should not be a cost differential for patients compared to a shared room.

The Site currently has two buildings, Scholars and Sloan, which collectively contain 355 units of contract housing for MSK staff and trainees (such as graduate students and fellows) as well as administrative offices. The Applicant proposes to demolish these buildings to build the MSK Pavilion, providing both the site and the floor area necessary for the project. The Applicant has stated that all existing residents, many of whom only work at MSK on a shorter-term basis, have already been offered residences and will be accommodated in MSK's existing stock of contract housing. They are also adding 200 units of contract housing on Roosevelt Island.

The Applicant is requesting the following zoning actions in order to facilitate the proposed project and explains the purpose of each action:

1. Rezoning a 40,167-square-foot area midblock on Block 1461 Lot 13 and a portion of Lot 21 from R8 to R9, thereby increasing the community facility FAR from 6.0 to 10.0. This change would provide 140,581 square feet of zoning floor area for the proposed MSK Pavilion. The rezoning from R8 to R9 on the South Block was originally proposed in the 2001 ULURP application. The corresponding CPC Report for that application noted that the community facility FAR of 10.0 in R9 districts is appropriate for the midblock of the MSKCC campus.

2. A zoning text amendment pursuant to ZR 79-43 to authorize the CPC to allow modification of lot coverage and sign regulations in R9 and R10 districts in Manhattan Community District 8 by special permit. Without the ability to go through a special permit process, lot coverage requirements would require approval from the Board of Standards and Appeals (BSA) to allow for the MSK Pavilion's proposed floorplates, and without the ability to waive signage regulations the wayfinding to the facility could be impacted.

3. Authorizations pursuant to ZR 79-21 to allow a new 31-story inpatient hospital building on the South Block of the 2001 LSCFD. The first authorization would allow a change in height and setback requirements. Because East 67th Street is fully within the LSCFD, the Applicant is requesting these waivers in order to maximize the space for the number of proposed operating rooms and patient rooms. Rear yard regulations require either a 60-foot rear yard or two open areas, but due to the building floorplate needed, the Applicant is seeking a waiver from this requirement. Lastly, the maximum community facility FAR is 10.0, and with the existing Rockefeller Research Lab on the South Block there are only 376,644 zoning square feet available for the MSK Pavilion. Therefore, the Applicant is requesting distribution of floor area within the LSCFD without regard for streets or zoning lot lines, transferring 264,938 of floor area from the Main Block to the South Block.

4. Special permit pursuant to the newly amended ZR 79-43 regarding maximum floor area and lot coverage on corner lots in R9 and R10 districts. The Applicant is requesting a special permit for modifications related to height and setback regulations on the periphery of a LSCFD in order to allow for a building with a uniform floorplate to accommodate the patient and operating rooms. Next, MSKCC seeks a special permit for lot coverage, as 75% lot coverage is permitted on corner lots and 65% of lot coverage is permitted on

interior lots, for a permitted adjusted maximum lot coverage of 68.3% at the Site. However, the Applicant is proposing 80.1% lot coverage on the South Block, and 100% lot coverage for the MSK Pavilion building, again to facilitate the proposed patient and operating rooms. This special permit also allows for a uniform campus signage plan at a height that can be seen by pedestrians and drivers to identify the through-block driveway and parking entrance.

5. Modification to the 2001 LSCFD to update the site plans and zoning calculations to reflect the changes from the zoning map amendment, the additional floor area created by the proposed rezoning, changes to floor area distribution, and the updated development plans for the South Block.

6. Cancellation of the LSCFD restrictive declaration from December 19, 2001, which restricted the remaining floor area on the main campus that was generated from the 2001 rezoning, so that it can be used for the MSK Pavilion.

7. Requesting a curb cut certification, to allow for more than one curb cut per zoning lot on a narrow street frontage. MSKCC is proposing two new curb cuts (three total) along East 66th Street for the parking garage entrance, ambulance bay, and through-block driveway. MSKCC is proposing three new (four total) along East 67th Street for the parking garage exit and valet entrance, exit from the through-block driveway, new loading docks, and existing loading docks for the Rockefeller Research Lab.

8. Revocable consent for a two-story bridge above East 67th Street to connect the proposed MSK Pavilion to the existing main hospital building. This pedestrian bridge would allow MSK to move patients between the inpatient setting of the MSK Pavilion and the diagnostic and treatment facilities on the main campus.

The overall FAR of the LSCFD campus would be 10.0 if the proposed actions are approved. The zoning floor area (ZFA) generated from the proposed actions to facilitate the development of the MSK Pavilion is outlined below:

Generated by proposed upzoning from R8 to R9	140,581 ZFA
Available from previous LSCFD authorizations	264,938 ZFA
Floor area available after demolition of Scholars and Sloan buildings	236,069 ZFA
Total available ZFA for MSK Pavilion	**641,588 ZFA**

The existing 263-space parking garage that is located underneath the existing Scholars and Sloan buildings and the Rockefeller Research Lab would remain with the same number of parking spots. Currently, the garage is open to the public and quickly reaches capacity, but the Applicant has stated that the garage would only be available for patients and visitors, and that they would implement a new online registration system that would require people to reserve spots and would provide up-to-date information about parking availability. The Applicant has also committed to providing a larger staging area, a through-block driveway with a valet drop-off, and separate

ramps for the parking entrance on East 66th Street and valet entrance and parking garage exit on East 67th Street, as facilitated by the proposed curb cuts.

The Applicant has also committed to completing a voluntary traffic monitoring plan to monitor vehicle movement after the MSK Pavilion opens in order to address any traffic issues. The MSK Pavilion would not have a pedestrian entrance on York Avenue, in order to discourage drop offs on that busy street. Moreover, a through-block driveway would help minimize traffic and pedestrian congestion.

If the proposed actions are approved, the Applicant would begin construction in early 2025 and complete the MSK Pavilion by 2030. MSKCC has committed to a construction task force/working group to keep the community up to date on construction and address any issues. They have also already begun meeting with P.S. 183 leadership regarding safety, noise disruption, and air quality, and have committed to continued communication and mitigation.

Area Context

The Site is located in Manhattan Community District 8 in the Lenox Hill neighborhood. The surrounding area is zoned R10 along York Avenue, R8, R8B, and R9 in the midblock, and C1-9 along First Avenue.

The site is served by transit with the M31 bus along York Avenue, the M66 crosstown bus, and the 6 Subway line which has a stop at 68th Street and Lexington Avenue.

There are several other hospitals along York Avenue including NewYork-Presbyterian, Hospital for Special Surgery, and the Rockefeller University campus across York Avenue.

P.S. 183, an elementary school, is located adjacent to MSKCC's Rockefeller Research Lab on 66th Street. The Applicant has already begun engagement with the school.

COMMUNITY BOARD RESOLUTION

Prior to certification of the application, MSKCC held a series of task force meetings on a range of topics related to the project with Manhattan Community Board 8 ("CB 8") from April – July 2023 that culminated in a resolution from the full board on July 23, 2023 with the following recommendations for the Applicant:

1. Replacement of the contract housing units within Community District 8;
2. A design that meets the needs of MSK to accommodate increased cancer rates in a lower-profile structure;
3. That the MSK Pavilion meet the highest standards of carbon neutrality possible, as proposed by MSK;
4. That MSK construct the building using union labor, as proposed;
5. That MSK require union labor for off-site fabrication, as proposed;
6. That MSK design the building exterior to not reflect light onto the surrounding community, including residences and parks;

7. That MSK implement the highest levels of noise mitigation, dust control, and pest control as proposed;
8. That MSK use adequate lighting on its construction fencing;
9. That MSK install artwork on the construction fencing for the duration of construction;
10. That MSK work with P.S. 183 on noise mitigation plans to minimize the impact of construction on the school, as proposed;
11. That MSK maximize the use of greenery at the MSK Pavilion and install greenery at the existing Schwartz Cancer Research Building;
12. That MSK work to mitigate the traffic backup at the parking garage;
13. That MSK hold monthly meetings with the community during construction to communicate construction progress and next steps and hear any concerns, as proposed;
14. That MSK post an emergency phone number on the construction site and its website for community concerns about construction;
15. That MSK pay attention to five specific issues in their traffic studies, including drop-off and queuing for parking on York Avenue and side streets, traffic to and from the FDR Drive, garage capacity in the MSK Pavilion and the neighborhood, and effects of congestion pricing;
16. That MSK conduct shadow studies and propose mitigations for any shadow impacts;
17. That MSK present an appropriate aesthetic solution for the generally acceptable skybridge.

The Applicant presented again to the Zoning & Development Committee of Manhattan CB 8 on April 24, 2024 and provided updates related to the conditions and concerns of the July 2023 resolution. This presentation included topics such as the parking garage and traffic impacts, construction mitigation and the working group, engagement with P.S. 183, and reiterating the need for the building based on projections of cancer rates.

The Applicant presented to the Land Use Committee of the full board of CB 8 on May 8, 2024. During the public hearing, members of the public expressed concern over the height of the proposed project, suggesting a new facility in satellite locations instead, construction impacts, and environmental impacts. MSK addressed some of these concerns, stating that the proposed height of the building is necessary to accommodate the projected increase in cancer patients, expected to be almost 30,000 inpatient stays in 2030, that the building could not stand alone at a satellite location without connection to the main hospital, and other changes they have made to the design to deal with traffic, parking, and other concerns. Many members of the public, including some who expressed opposition and those who spoke in favor, spoke about the important services that MSK provides, some citing personal experience or the experiences as friends or family members and the care received.

CB 8 voted to recommend approval of the project with 24 in favor, 11 opposed, and 1 abstention with the same conditions as the July 2023 resolution, as above, and two additional conditions:

1. That MSK work to minimize ongoing noise, monitor air quality, and ensure that no exhaust venting be directed toward 66th Street below the upper-most mechanical level; and

2. That MSK enter into a Community Benefits Agreement with the City and accepted by the Council Member of Council District 5, based on input of local residents and CB 8, regarding improvements and enhancements to community infrastructure, including the esplanade, local parks, schools, the experiences of adjacent residents, and other items to be agreed upon.

BOROUGH PRESIDENT'S COMMENTS

MSKCC's projections for future cancer rates are staggering. For the predicted one in three people who will have cancer at some point in their lifetimes, and the family and friends in their lives, MSKCC provides essential services, and this project will help them meet the challenges ahead.

The hospital's current bed capacity is already being stretched to critical levels, and the 50-year-old hospital will need upgrading to keep up with modern and life-saving technology, and will not be able to withstand the onslaught of patients that they project. Throughout this land use process, members of the public have made their voices heard at Community Board meetings and the environmental scoping hearing to express gratitude for care they, a family member, or friend have received or are receiving at MSKCC.

MSKCC has been responsive to Community Board feedback, attending task force meetings well before certification, and responding to specific questions regarding construction and traffic impacts. I applaud their commitment to the construction task force and traffic monitoring plan as responsive community partners.

I hear the concerns raised by members of Community Board 8 and members of the public around the height of the building, the replacement of contract housing units, impacts from construction, and existing traffic and parking issues and whether they would be exacerbated from the Pavilion project. I also understand how MSK's building footprint is needed to accommodate the number of patient rooms and operating rooms to serve their future patients. However, I ask MSK to continue to be responsive neighbors and make any mitigations possible to enhance to experience of surrounding community members, including incorporating green space and plantings around the building and their campus wherever possible, using building materials that minimize reflection, mitigating construction impacts, communicating with the community about hours of construction, and ensuring venting does not impact area residents, as called for by CB 8.

I also appreciate that MSKCC has already accommodated their existing contract housing residents into their contract housing portfolio. The Applicant shared that they will also be adding an additional 200 units on Roosevelt Island to house students enrolled in clinical fellowships starting in 2025. I encourage MSKCC to add additional contract housing units in the future if needed to meet new demand, to ensure that their short-term graduate students and fellows do not have to enter the highly competitive market-rate rental market so that we can keep New York City affordable for future cancer practitioners.

The final design of the MSK Pavilion project added many improvements to address existing traffic and parking concerns, including the new drop-off lane and valet service, parking

registration systemand limiting the garage to just patients and visitors, signage regulations to improve wayfinding, and a continued traffic management plan. However, I ask that to mitigate existing conditions and reduce traffic impacts during construction, MSK actively manage parking and traffic conditions by directing patients and visitors on where to park if the garage fills up ahead of their visits and providing ample wayfinding during construction.

I appreciate MSKCC's longstanding commitment to using union labor on its capital projects, as recognized by a representative of the Trades Council testifying at the CB 8 public hearing, and I hope that conversations between MSKCC and the Trades Council continue to be productive.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, I recommend **approval** of ULURP Application Nos. 240235ZSM, 240236GFM, 240237ZMM, 240238ZRM, 240239ZAM, 240240LDM, 240241ZSM, and 240242ZCM **with the following conditions**:

1. That MSK work to mitigate traffic conditions during construction, including improved wayfinding and active management of parking, to help alleviate the current backup from queuing to enter the parking garage in advance of the proposed improvements in the MSK Pavilion project and
2. That MSK further explore their anticipated need for employee and fellow housing and present a plan to ensure that any future demand present as little effect on the local housing market as possible.



Mark Levine
Manhattan Borough President