August 7, 2024 / Calendar No. 14 C 240237 ZMM

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, as shown on a diagram (for illustrative purposes only) dated April 29, 2024, and subject to the conditions of CEQR Declaration E-760.

This application for a zoning map amendment 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 map amendment (C 240237 ZMM) 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 240235 ZSM	Zoning special permit to enable modifications of height and setback regulations along a street on the periphery of a LSCFD, lot coverage regulations and signage regulations.
C 240236 GFM	Revocable consent to enable a skybridge over a public street.
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 previously approved 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

A full background discussion and description of this application appears in the report for the related zoning special permit (C 240235 ZSM).

ENVIRONMENTAL REVIEW

This application (C 240237 ZMM), 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 full description of the environmental review is included in the report for the related zoning special permit (C 240235 ZSM).

UNIFORM LAND USE REVIEW

This application (C 240237 ZMM), and the related applications for a zoning special permit (C 240235 ZSM) and a revocable consent (C 240236 GFM), was certified as complete by the Department of City Planning 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 240237 ZMM) along with the related applications for a zoning special permit (C 240235 ZSM), a revocable consent (C 240236 GFM), 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 conditions. A summary of the recommendation

appears in the report for the related action (C 240235 ZSM).

Borough President Recommendation

On June 14, 2024, the Manhattan Borough President issued a recommendation this application (C 240237 ZMM) along with the related applications for a zoning special permit (C 240235 ZSM), a revocable consent (C 240236 GFM), 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 conditions. A summary of the recommendation appears in the report for the related action (C 240235 ZSM).

City Planning Commission Public Hearing

On June 12, 2024, (Calendar No. 6), the City Planning Commission scheduled June 26, 2024, for a public hearing on this application (C 240237 ZMM) and the related actions (C 240235 ZSM, C 240236 GFM, N 240238 ZRM). The hearing was duly held on June 26, 2024 (Calendar No. 24).

There were a number of speakers, as described in the report for the related action (C 240235 ZSM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 240237 ZMM), in conjunction with the related actions for a zoning special permit (C 240235 ZSM), a revocable consent (C 240236 GFM), 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. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related action (C 240235 ZSM).

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 consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing 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, as shown on a diagram (for illustrative purposes only) dated April 29, 2024, and subject to the conditions of CEQR Declaration E-760.

The above resolution (C 240237 ZMM), duly adopted by the City Planning Commission on August 7, 2024 (Calendar No. 14), 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	
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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	
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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

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(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
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www.manhattanbp.nyc.gov
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