



DASNY

Memorandum

TO: Jack D. Homkow, Director, Office of Environmental Affairs
FROM: Matthew A. Stanley, AICP, Senior Environmental Manager *MAS*
DATE: November 20, 2017
RE: *State Environmental Quality Review (SEQR) Previous SEQR Determination, Negative Declaration Concurrence and Type II Determination for the Memorial Sloan-Kettering Cancer Center 2017 Financing Project — Other Independent Institutions Program*

The Memorial Sloan-Kettering Cancer Center (“MSKCC”) has requested financing from DASNY (“Dormitory Authority State of New York”) pursuant to DASNY’s Other Independent Institutions Program for its *2017 Financing Project*. Accordingly, the *2017 Financing Project* is subject to environmental review pursuant to the *State Environmental Quality Review Act (“SEQRA”)*.

Based on a review of the attached *Credit Summary*, dated November 8, 2017, it has been determined that for purposes of *SEQRA*, the Proposed Action would consist of DASNY’s authorization of the issuance of approximately \$442,885,000 in 30-year fixed and/or variable rate, taxable and/or tax-exempt, Series 2017 Bonds to be sold through a negotiated sale and/or a private placement on behalf of MSKCC.

2017 Financing Project. The proceeds of the bond issuance would be used to finance the *2017 Financing Project* which would involve:

David H. Koch Center: The construction of a 23-story, approximately 760,000-gross-square-foot (“gsf”), ambulatory care center, located at 530 East 74th Street, New York, New York (currently under construction). MSKCC is developing the *David H. Koch Center* (the “Koch Center”) in partnership with The City University of New York (“CUNY”) Hunter College (“Hunter”). MSK proposes to build the Koch Center, a new ambulatory care facility, while CUNY proposes to build the Hunter College Science and Health Professions Building (“CUNY-Hunter Building”).

Nassau Outpatient Center. The construction of a two-story, approximately 140,000-gsf, outpatient center, located at 1255 Hempstead Turnpike, Uniondale, New York, and an associated five-story, 156,000-gsf, 450-space parking garage (currently under construction).

Steam Heating System Conversion Project. The conversion of facilities located at 1275 York Avenue, 417 East 68th Street and 430 East 67th Street in New York, New York from a steam-based system to a hot water-based system for heating and domestic hot water.

Medical Equipment Purchase: The acquisition of major medical equipment for the facilities located at 417 East 68th Street and 430 East 67th Street, New York.

Refundings. The refunding of all or a portion of DASNY's Memorial Sloan-Kettering Cancer Center Revenue Bonds, 2015 Series 1 (\$91.8 million) and DASNY's Memorial Sloan-Kettering Cancer Center Revenue Bonds, 2016 Series 1 (\$106.8 million).

Together, these various project elements constitute the "Proposed Project" for purposes of *SEQR* compliance.

Description of the Institution. Memorial Sloan-Kettering Cancer Center (the "Center Corporation") is part of a group of corporations that make up the oldest and largest privately operated not-for-profit cancer center in the world. The other corporations in the group include Memorial Hospital for Cancer and Allied Diseases (the "Hospital"), Sloan-Kettering Institute for Cancer Research, S.K.I. Realty, Inc., MSK Insurance US, Inc., the Louis V. Gerstner Jr. Graduate School of Biomedical Sciences and MSK Insurance, Ltd., collectively (the "Related Corporations") and, collectively with the Center Corporation ("MSK"). The Hospital, a 514-bed licensed specialty hospital traces its roots to the New York Cancer Hospital, founded in 1884 as the nation's first cancer hospital. The Hospital is the premier institution for setting the standard of care for cancer patients and countless discoveries in clinical research have occurred here that have led to standard-setting innovations in all areas of cancer diagnosis and treatment.

SEQR Determination. DASNY completed this environmental review in accordance with *SEQRA*, codified at Article 8 of the New York *Environmental Conservation Law* ("ECL") and implementing regulations, promulgated at Part 617 of Title 6 of the *New York Codes, Rules and Regulations* ("N.Y.C.R.R."), which collectively contain the requirements for the New York *State Environmental Quality Review* ("SEQR") process.

David H. Koch Center. The Koch Center and CUNY-Hunter Building required certain discretionary approvals from the City of New York, including a disposition of City property, a zoning map amendment and zoning text amendment as well as special permits, all of which were subject to City Planning Commission ("CPC") and City Council approval. Accordingly, the Koch Center and CUNY-Hunter Building were the subject of a *City Environmental Quality Review* ("CEQR").

The City of New York Office of the Deputy Mayor for Housing and Economic Development ("ODMHED"), as *CEQR* lead agency, accepted a *Draft Environmental Impact Statement* ("DEIS") for the project on March 14, 2013. A public hearing to receive comments on the *DEIS* was held on July 10, 2013. A *Final Environmental Impact Statement* ("FEIS") was accepted by ODMHED on August 8, 2013. A *SEQR Findings Statement* was issued by ODMHED on November 25, 2014 (attached). The approvals were granted subsequent to the completion of *CEQR*. DASNY was an involved agency for ODMHED's coordinated *CEQR* review.

In early 2014, CUNY approached DASNY for financing for the CUNY-Hunter Building. DASNY adopted a *SEQR Findings Statement* on April 3, 2014 (attached). DASNY's *SEQR Findings Statement* contemplated the overall MSKCC/CUNY development, in anticipation of both institutions eventually requesting DASNY financing. As DASNY has already adopted a *SEQR Findings Statement* for the overall MSKCC/CUNY development, no further SEQR review is required for MSKCC's Koch Center.

Nassau Outpatient Center. The *Nassau Outpatient Center* project ("MSK Nassau") required several approvals from the Town of Hempstead, including Amendments to the *Conceptual Master Plan for the Mitchel Field Mixed-Use ("MFM") District* and Site Plan Approval. Prior to consideration of the requested approvals, MSK Nassau was the subject of a coordinated SEQR review by the Town of Hempstead Town Board as a Type I action. The Town of Hempstead Town Board issued a *SEQR Negative Declaration Notice of Determination of Nonsignificance* on August 2, 2016 (attached). The approvals were granted subsequent to the completion of SEQR.

While DASNY was not an involved agency during the Town of Hempstead Town Board's coordinated SEQR review in 2016, it is bound by the determination of the lead agency.¹ DASNY independently analyzed the relevant areas of environmental concern and concurred with the Town of Hempstead Town Board's *Negative Declaration* that the MSK Nassau project would not have a significant adverse impact on the environment. No further SEQR review is required.

Steam Heating System Conversion Project: Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in Part 617.4 is a Type II action as specifically designated by 6 N.Y.C.R.R. § 617.5(c)(2). Type II "actions have been determined not to have significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8." Therefore, no further SEQR determination or procedure is required for any project identified as Type II.

Medical Equipment Purchase: The purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials, is a Type II action as specifically designated by 6 N.Y.C.R.R. § 617.5(c)(25). Type II "actions have been determined not to have significant impact on the environment or are otherwise precluded from environmental review under *Environmental Conservation Law*, article 8." Therefore, no further SEQR determination or procedure is required for any project identified as Type II.

¹ 6 N.Y.C.R.R. § 617.6(b)(3)(iii).

Refundings. The refinancing of existing debt is a Type II action as specifically designated by 6 N.Y.C.R.R. § 617.5(c)(23). Type II “actions have been determined not to have significant impact on the environment or are otherwise precluded from environmental review under Environmental Conservation Law, article 8.” Therefore, no further SEQR determination or procedure is required for any project identified as Type II.

SHPA Determination. The Proposed Project was also reviewed in conformance with the *New York State Historic Preservation Act of 1980 (“SHPA”)*, especially the implementing regulations of Section 14.09 of the *Parks, Recreation, and Historic Preservation Law (“PRHPL”)*, as well as with the requirements of the Memorandum of Understanding (“MOU”), dated March 18, 1998, between DASNY and the New York State Office of Parks, Recreation, and Historic Preservation (“OPRHP”).

David H. Koch Center. The Koch Center and CUNY-Hunter Building were reviewed by the New York City Landmarks Preservation Commission (“LPC”) and OPRHP. In letters dated December 11, 2012 and January 18, 2013 (attached), the LPC and OPRHP (12PR05364) determined that the project site is not archaeologically sensitive and does not contain any architectural resources. OPRHP did request a construction protection plan (“CPP”) for the protection of two adjacent properties that appeared to be eligible for the State Register of Historic Places. DASNY submitted the requested CPP on May 8, 2013, and on June 14, 2013, OPRHP concluded that the CPP was acceptable (attached).

Nassau Outpatient Center. The MSK Nassau project site contains no structures and is not considered archaeologically sensitive. No further review is required.

It is the opinion of DASNY that the *2017 Financing Project* would have no impact on historic or cultural resources in or eligible for inclusion in the National and/or State Registers of Historic Places.

SSGPIPA Determination. Since the Proposed Action would include DASNY bond financing, a Smart Growth Impact Statement (“SGIS”) for the Proposed Project was prepared pursuant to the *State of New York State Smart Growth Public Infrastructure Policy Act (“SSGPIPA”)* procedures (see “Smart Growth Impact Statement Assessment Form [“SGISAF”], attached). DASNY’s Smart Growth Advisory Committee reviewed the SGIS and attested that the Proposed Project, to the extent practicable, would meet the smart growth criteria established by the legislation. The compatibility of the Proposed Project with the ten criteria of the *SSGPIPA*, article 6 of the ECL, is detailed in the SGISAF. As indicated on the form, the Proposed Project would be generally supportive of *SSGPIPA* and no further *SSGPIPA* analysis is required.

Attachments

cc: Donna Avrach Rosen, Esq. (via email); Matthew T. Bergin (via email); SEQR File

Credit Summary

Memorial Sloan-Kettering Cancer Center
New York, New York

November 8, 2017

Program: Other Independent Institutions

Purpose: New Money/Refunding

New Issue Details

Approximately \$442,885,000 in 30-year fixed and/or variable rate, taxable and/or tax-exempt, Series 2017 Bonds are expected to be sold through a negotiated sale and/or a private placement.

Purpose

- A portion of the construction of an ambulatory care center in Manhattan (\$50 million).
- A portion of the construction of an ambulatory care center in Uniondale, New York (\$83 million).
- The conversion of the steam heating system at various facilities (\$110 million).
- The refunding of DASNY's Memorial Sloan-Kettering Cancer Center Revenue Bonds, 2015 Series 1 (\$91.8 million).
- The refunding of DASNY's Memorial Sloan-Kettering Cancer Center Revenue Bonds, Series 2016-1 (\$106.8 million).

Security

- A General Obligation of the Center Corporation.
- Guarantees from Sloan-Kettering Institute for Cancer Research and S.K.I. Realty Inc.

Expected Ratings: Aa3/AA-/AA

Overview

Memorial Sloan-Kettering Cancer Center (the "Center Corporation") is part of a group of corporations that make up the oldest and largest privately operated not-for-profit cancer center in the world. The other corporations in the group include Memorial Hospital for Cancer and Allied Diseases (the "Hospital"), Sloan-Kettering Institute for Cancer Research, S.K.I. Realty, Inc., MSK Insurance US, Inc., the Louis V. Gerstner Jr. Graduate School of Biomedical Sciences and MSK Insurance, Ltd., collectively (the "Related Corporations") and, collectively with the Center Corporation ("MSKCC"). The Hospital, a 514-bed licensed specialty hospital traces its roots to the New York Cancer Hospital, founded in 1884 as the nation's first cancer hospital. The Hospital is the premier institution for setting the standard of care for cancer patients and countless discoveries in clinical research have occurred here that have led to standard-setting innovations in all areas of cancer diagnosis and treatment. All inpatient activity takes place at the main New York City campus between 67th and 68th Streets on York Avenue. The shift in the delivery of cancer care to

the outpatient setting over the past fifteen years required that the Hospital look beyond the immediate campus for space and convenient access for its patients. In response to this change, MSKCC opened and expanded several diagnostic and treatment centers in Manhattan and multiple regional network facilities. While the focus of these entities is to promote the prevention, treatment and cure for cancer, the Center Corporation's main purpose is to coordinate the efforts of the entire group. A common board of managers controls all corporate entities. As of December 31, 2016, MSKCC reported total net assets of approximately \$5.73 billion.

Strengths

- Market Position – MSKCC is world-renowned as a leader in the treatment of cancer and cancer research and has strengthened its regional presence in recent years.
- Balance Sheet – Unrestricted net assets are approximately \$4.3 billion.
- Liquidity Position – MSKCC has a solid liquidity position with over \$876 million in cash and short-term investments.
- Fundraising – MSKCC has proven that it can raise capital on a continuous basis. Total contributions raised through fundraising efforts were approximately \$300 million for the past two years combined.
- Revenue Diversity – Revenue sources are diversified with patient care, research, fundraising and royalties all contributing to a healthy revenue stream that provides flexibility. In 2016, total operating revenue was approximately \$3.94 billion with net operating income of approximately \$178.2 million.

Risks

- Reimbursement – MSKCC is exposed to uncertainties in the health care environment and the potential for future reductions in patient service reimbursement.
- Research Grants – In the current Federal budget environment, it is very difficult to predict whether funding for cancer research, particularly from the National Institutes for Health, will continue to be strong.



DASNY

Credit Summary

Memorial Sloan-Kettering Cancer Center
New York, New York

November 8, 2017

Program: Other Independent Institutions

Purpose: New Money/Refunding

Recommendation

The attached staff report recommends that the Board adopt a Resolution to Proceed in an amount not to exceed \$465,000,000 for a term of 30 years for Memorial Sloan-Kettering Cancer Center. The recommendation is based on the Center Corporation and Related Corporations' strong balance sheet and income statement, the Center Corporation's underlying rating in the "AA" category from all three rating agencies and DASNY's experience with the Center Corporation.



DASNY

DIVISION OF PUBLIC FINANCE AND PORTFOLIO MONITORING
PORTIA LEE, MANAGING DIRECTOR
PREPARED BY: MATTHEW T. BERGIN (518) 257-3140



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

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

Block 1485, Lot 15
Community District 8
Borough of Manhattan

CEQR Number 13DME003M

STATEMENT OF FINDINGS

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

Office of the Deputy Mayor for Housing and Economic Development

November 25, 2014

A. INTRODUCTION

This Statement of Findings is issued pursuant to Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617, and New York City Mayoral Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review (CEQR), found at Title 62, Chapter 5 of the Rules of the City of New York. This Statement of Findings has been prepared to (1) certify that procedural requirements have been met; (2) consider the relevant environmental impacts, facts, and conclusions disclosed in the final Environmental Impact Statement (EIS); (3) weigh and balance the relevant environmental impacts of the proposed action with social, economic, and other considerations; and (4) provide a rationale for the decision of the Office of the Deputy Mayor for Housing and Economic Development¹ (ODMHED), in the Office of the Mayor.

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

LEAD AGENCY

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

SEQRA STATUS

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

PROCEDURAL HISTORY

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

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

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

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

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

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

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

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

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

B. PROJECT OVERVIEW

Memorial Sloan-Kettering Cancer Center (MSK) and The City University of New York (CUNY) are partnering to acquire an approximately 66,111-square-foot (sf), New York City-owned site on the east end of a block bounded by York Avenue, Franklin Delano Roosevelt (FDR) Drive, and East 73rd and 74th Streets (Block 1485, Lot 15) on the Upper East Side of Manhattan. MSK proposes to build a new ambulatory care center (MSK ACC), while CUNY proposes to build the Hunter College Science and Health Professions Building (CUNY-Hunter Building).

BACKGROUND

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

MSK/CUNY-Hunter Project at 74th Street

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

PURPOSE AND NEED

MSK

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

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

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

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

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

HUNTER

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

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

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

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

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

PROJECT SITE

The approximately 66,111-sf project site is largely vacant with standing remnants of the walls of the former garage structure. The western portion of the project site is occupied by a surface public parking lot with a capacity of 128 cars.

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

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

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

SITE PLAN AND CIRCULATION

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

The service entrances for both buildings will be on East 73rd Street, and both buildings are designed to allow trucks to maneuver and be docked inside the buildings. In addition, the MSK ACC will have a pedestrian entrance for staff on East 73rd Street as well as a bay for an ambulance should the need arise to transfer a patient to the main hospital on York Avenue and East 68th Street. There will also be access to bike parking for MSK staff off East 73rd Street.

MSK ACC

The MSK ACC will be 23 stories² (447 feet, or approximately 450 feet) tall on a footprint of approximately 39,667 sf. In a gross floor area of 749,357 gross square feet (gsf), it will contain state-of-the-art ambulatory care facilities, including office practice space for head and neck, endocrinology, thoracic, hematologic oncology, dental, speech, and consultative services; infusion rooms; interventional and diagnostic radiology; radiation oncology; cardiology and pulmonary testing; pharmacy and clinical laboratories to support the on-site activities; academic offices; conference rooms; and up to 250 accessory parking spaces for patients.

CUNY-HUNTER BUILDING

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

OVERALL DESIGN APPROACH

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

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

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

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

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

² Includes rooftop bulkhead.

C. PROPOSED ACTIONS

CITY ACTIONS

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

- Disposition—The City of New York will dispose of the project site to the New York City Land Development Corporation that will then dispose to EDC for subsequent disposal to MSK and CUCF. CUCF is a public benefit corporation established by New York State to provide facilities and support the educational purposes of CUNY.
- The disposition required Mayoral and Manhattan Borough Board approval pursuant to New York City Charter Section 384(b)(4).
- Rezoning—The project site was zoned M3-2, which allows a maximum FAR of 2.0 (132,222 sf of zoning floor area (zfa)) and a maximum base height of 60 feet before setting back. That zoning designation prohibited all community facilities including ambulatory diagnosis and treatment centers and schools. The project site and an approximately 6 inch wide portion of Block 1485, Lots 14 and 39 immediately west of the project site have been rezoned from M3-2 to C1-9 to permit Use Group 3 and 4 developed to FAR 10 (661,110 sf of zfa) with up to an additional FAR 2 (132,222 sf of zfa) through provision of a qualifying park improvement. Ambulatory diagnostic and treatment centers and schools are permitted as-of-right in C1-9 districts. The existing M1-4 zoning district west of the project site on Block 1485, Lots 14 and 39 has been extended approximately 5 feet east to the proposed C1-9 boundary, located approximately 0.5 feet west of the MSK/CUNY lot line, at the request of the Department of City Planning (DCP).
- Zoning Text Amendment—A text amendment established a new provision in the LSGD special permit to allow a predominantly community facility development wholly within a C1-9 district within Community District 8 in Manhattan to obtain a floor area bonus not to exceed 20 percent of the maximum FAR allowed by the underlying district regulations, where in connection with such development an improvement is provided to a public park located within the same community district or within a 1-mile radius of the proposed development that would otherwise be unlikely to be completed absent such funding.
- LSGD—Approval to develop the project site as a LSGD pursuant to Zoning Resolution (ZR) Section 74-74 et seq., which includes ZR Section 74-743 special permits to modify bulk, side yard, rear yard equivalent, height and setback regulations; and to provide for a 2.0 FAR bonus, and a ZR Section 74-744 special permit to modify sign regulations as follows:
 - *ZR 33-25: Minimum Required Side Yards*
Side yards are not required in C1-9 districts. However, if an open area extending along a side lot line is provided at any level, it shall be either (a) at least eight feet wide at every point; or (b) at least five feet wide at every point, with an average width of eight feet in accordance with the remaining provisions of ZR 33-25. The proposed project will provide a side yard along the western side lot line of the zoning lot with a width of 3 feet. The width represents that necessary for a seismic separation from the building to the west, which is approximately 2.5 feet, plus an additional 0.5 feet of open space to permit the resulting gap to be suitably maintained and cleaned.

- *ZR 33-283(b): Required Rear Yard Equivalents*

On any through lot with a depth in excess of 110 feet, a rear yard equivalent must be provided that either (a) is an open area with a minimum depth of 40 feet midway between the two street lines upon which such through lot fronts, or (b) is two open areas, each adjoining and extending along the full length of the street line, each with a minimum depth of 20 feet, or (c) is an open area adjoining and extending along the full length of each side lot line, each with a minimum width of 20 feet. As set forth in ZR 33-302, no rear yard equivalent is required for any portion of the zoning lot within 100 feet of the street line along the short dimension of a block where the front lot line of the zoning lot coincides with all of the street line measuring less than 230 feet between two intersecting streets, which in this case is the eastern portion of the zoning lot from the FDR Drive to 100 feet westerly from the FDR Drive.

In addition, ZR 33-23 permits the location of a portion of a nonresidential building to be located within a rear yard equivalent provided that that the height of such building does not exceed one story or 23 feet above curb level, whichever is less. The proposed buildings exceed 23 feet in height within the rear yard equivalent type (b) on the through lot along the street line of East 73rd Street and East 74th Street.

The proposed project will be built full to its street frontages including the FDR Drive. A 3 foot noncomplying side yard is provided along the western lot line. No open space that will qualify as a rear yard equivalent is provided midway between East 73rd or East 74th Streets, along those streets for that portion of the zoning lot deemed a through lot (beyond 100 feet from the FDR) or along the western side lot line. The portions of the buildings located within any part of the zoning lot that might have qualified as a location for a rear yard equivalents exceed the 23 feet height allowed for permitted obstructions for community facility buildings.

- *ZR 33-432: Maximum Height of Walls and Required Setbacks*

In C1-9 districts, if the front wall or other portion of a building is located at the street line of a narrow street or within the initial setback distance of 15 feet from a wide street line, or 20 feet from a narrow street line, the height of such front wall or portion of a building within the initial setback distance shall not exceed 85 feet above curb level. Above 85 feet and beyond the 15 feet initial setback on a wide street, or the initial 20 feet setback on a narrow street, the building cannot penetrate the sky exposure plane set forth in ZR 33-432. The proposed buildings have front walls that exceed the maximum front wall height, do not provide qualifying initial setbacks and penetrate the sky exposure planes on East 73rd Street (a narrow street) and East 74th Street (a narrow street) and the FDR Drive (a wide street).

- *ZR 33-123: Floor Area Regulations*

In C1-9 districts, community facility buildings are permitted to be developed to an FAR of 10.0. The proposed buildings will be developed to an FAR of 12.0.

- *ZR 32-641 (Total Surface Area of Signs)*

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

- *ZR 32-642: Non-Illuminated Signs*
In C1-9 districts, non-illuminated signs are not permitted to exceed 150 sf of total surface area for a through lot or 150 sf on each frontage of a corner lot. A non-illuminated sign of 125 sf is proposed at the north façade, near the entry of the MSK ACC and a non-illuminated sign of 25 sf is proposed on the north façade, over the entry canopy of the CUNY-Hunter Building. These signs are in addition to the allowable 150 sf of total surface area for a through lot and the allowable 150 sf on each frontage of a corner lot.
- *ZR 32-643: Illuminated Non-Flashing Signs*
In C1-9 districts, illuminated non-flashing signs are not permitted to exceed 50 sf of total surface area for a through lot or 50 sf on each frontage of a corner lot. Two indirectly illuminated non-flashing signs of 1,290 sf each are proposed on the north and east façades of the MSK ACC and one indirectly illuminated non-flashing sign of 500 sf is proposed planned on the west façade of the CUNY-Hunter Building.
A freestanding illuminated non-flashing sign of 65 sf is also proposed to aid in directional way finding at the vehicular drop-off of the MSK ACC. A façade-mounted illuminated non-flashing sign of 25 sf is proposed at the entry to the CUNY-Hunter Building.
The above noted illuminated non-flashing signs are in addition to the permitted 50 sf of total surface area for a through lot and the permitted 50 sf on each frontage of a corner lot.
- *ZR 32-655: Height of Signs in Other Commercial Districts*
In C1-9 districts, all permitted signs are not permitted to extend more than 25 feet above the curb level. Two signs are proposed at maximum height of 69 feet on the MSK ACC. One sign is proposed at a maximum height of 116 feet on the CUNY-Hunter Building (at the mechanical floor level). These heights are measured from average curb elevation.
- Special Permit for Parking—Approval of a special permit pursuant to ZR Section 13-562 to increase the number of accessory parking spaces up to 250, which is approximately 84 more than permitted as-of-right.

OTHER AGENCY APPROVALS

A certification by the Commissioner of Buildings to permit an entrance and exit to an accessory parking facility to be located within 50 feet of an intersection was required and approved.

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

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

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

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

D. FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT THE DECISION

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

- For hazardous materials, the Phase I Environmental Site Assessment (ESA) identified a variety of historical uses of the project site including a Sanitation Department incinerator and garage (with vehicle fueling and maintenance). Although removal of a number of petroleum tanks and petroleum contaminated soil was conducted, contamination of groundwater remained and remediation (and monitoring) continues. The ESA also noted that partially demolished on-site structures and/or project site fill materials may contain asbestos, lead-based paint (LBP) and/or polychlorinated biphenyls (PCB)-containing elements. The Phase II Environmental Site Investigation (ESI) identified field evidence (e.g., odors) of petroleum contamination in some of the collected soil and groundwater samples. A 1.5-inch layer of petroleum product was measured floating on the water table in one of the geotechnical borings, Laboratory analysis identified petroleum-related compounds in soil and groundwater samples. Other sampling results were typical of those found at other sites with historic urban fill materials in New York City. The potential for significant adverse impacts associated with the identified contamination will be avoided by placing an (E) designation for hazardous materials on Block 1485, Lot 15 to ensure that appropriate procedures for any necessary subsurface disturbance are followed prior to, during, and following construction as delineated in the Hazardous Materials chapter of the FEIS. In addition, the laboratories in the proposed CUNY-Hunter Building will be operated under the same state and local regulations and controls as the existing Hunter College laboratories to manage the use of chemical, biological, and radiological materials. With these measures, there will be no potential for the proposed project to have significant adverse impacts related to the use of hazardous materials.
- For greenhouse gas emissions, the building energy use and vehicle use associated with the proposed project will result in up to approximately 21,000 to 22,000 metric tons of carbon dioxide equivalent (CO₂e) emissions per year. Of that amount, up to 16,000 metric tons of CO₂e will be generated by MSK ACC uses, while up to 7,000 metric tons of CO₂e will be generated by CUNY-Hunter Building uses. Additional GHG emissions associated with the production of materials to be used by the proposed project (not included in the above estimate) will be reduced by the selection of lower-carbon alternatives where practicable. The proximity of the proposed project to public transportation and efficient design are all factors that contribute to energy efficiency. At this time, the proposed project is intending to meet or exceed the requirements for the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) Silver certification. As such, specific measures will need to be incorporated into the design of the proposed project to qualify for the LEED rating, which will decrease the potential GHG emissions from the proposed project as described above. Based on these project components and efficiency measures, the proposed project will be consistent with the City's emissions reduction goal, as defined in the *CEQR Technical Manual*.

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

E. POTENTIAL SIGNIFICANT ADVERSE IMPACTS

OPEN SPACE

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

DIRECT EFFECTS

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

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

INDIRECT EFFECTS

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

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

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

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

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

SHADOWS

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

TRANSPORTATION

TRAFFIC

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

Weekday AM Peak Hour

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

Weekday Midday Peak Hour

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

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

Weekday PM Peak Hour

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

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

VEHICULAR AND PEDESTRIAN SAFETY

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

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

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

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

SUMMARY OF MITIGATION ANALYSIS

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

CONSTRUCTION

Traffic

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

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

F. MITIGATION MEASURES

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

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

G. ALTERNATIVES ANALYZED IN THE FEIS

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

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

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

H. UNAVOIDABLE ADVERSE IMPACTS

OPEN SPACE

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

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

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

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

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

At 1.1 acres, the area of Andrew Haswell Green Park to be improved and made accessible to the public represents a considerable benefit. John Jay Park to the north of the project site is well-maintained, well-programmed and fully open to the public. Improvements to Andrew Haswell Green Park, therefore, will be more beneficial. Improvement to Andrew Haswell Green Park will allow 1.1 acres of the open space to be opened to the public and will amount to a substantial contribution to the East River Esplanade in this section of the waterfront and to all the people who use the esplanade for outdoor recreation, such as walking and jogging.

TRANSPORTATION

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

CONSTRUCTION

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

I. GROWTH-INDUCING ASPECTS OF THE PROJECT

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

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

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

J. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

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

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

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

K. CONCLUSION

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

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

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

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

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

L. CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

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

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



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

November 25, 2014
Date

DORMITORY AUTHORITY STATE of NEW YORK
STATE ENVIRONMENTAL QUALITY REVIEW
FINDINGS STATEMENT

Pursuant to the *State Environmental Quality Review Act*, codified at Article 8 of the New York *Environmental Conservation Law*, and its implementing regulations, promulgated at Part 617 of Title 6 of the *New York Code, Rules and Regulations*, which collectively contain the requirements for the *State Environmental Quality Review ("SEQR")* process, the Dormitory Authority State of New York, as an involved agency, makes the following findings.

Date: April 3, 2014

Title of Action: Memorial Sloan-Kettering Cancer Center *Ambulatory Care Center* and CUNY–Hunter College *Science and Health Professions Building*

Description of Proposed Action and Proposed Project

Proposed Action. The Dormitory Authority State of New York (hereinafter, "DASNY") has received a funding request from The City University of New York ("CUNY") for funding portions of its proposed CUNY–Hunter College *Science and Health Professions Building*. For the purposes of *State Environmental Quality Review ("SEQR")*, the Proposed Action would consist of DASNY's authorization of the issuance of bonds and/or authorization of the expenditure of bond proceeds, which would be used to finance the design and construction of portions of the CUNY–Hunter College *Science and Health Professions Building*. It is anticipated that Memorial Sloan-Kettering Cancer Center ("MSK") will also request funding from DASNY for its *Ambulatory Care Center*. For the purposes of *SEQR*, the cumulative effects of both components of the Proposed Project are considered below.

The land use actions necessary for the Proposed Project include a disposition of city-owned property; a zoning map amendment to rezone the project site from an M3-2 Heavy Manufacturing District (Low Performance) to a C1-9 Local Retail District; a zoning text amendment to establish a new provision in the Large Scale General Development ("LSGD") special permit; approval to develop the project site as a LSGD with special permits to waive bulk,

side yard, rear yard equivalent, height and setback, and sign regulations and to provide for a 2.0 floor area ratio (“FAR”) bonus; and approval for a special permit to provide an accessory parking facility with more spaces than allowed as of right. These actions are subject to City the New York City Planning Commission (“CPC”) and City Council approval through the *Uniform Land Use Review Procedure* (“ULURP”) and to Mayoral and Manhattan Borough Board approval pursuant to New York City Charter Section 384(b)(4) and require New York City *Environmental Quality Review* (“CEQR”).

The CUNY Board must approve, undertake, and fund the proposed CUNY–Hunter Building.¹ The City University Construction Fund (“CUCF”), which is a public benefit corporation established by New York State to provide facilities and support the educational purposes of CUNY, must approve acquisition of the real property. For purposes of *SEQR/CEQR*, CUNY’s proposed action is the Final Approval of the undertaking and funding of the Proposed Project, and the CUCF’s proposed action is the Final Approval of the acquisition of real property. A coordinated review has been conducted for this Type I action. The lead agency for the environmental review is the New York City Office of the Deputy Mayor for Economic Development (“ODMED”). DASNY, CUNY, and CUCF are involved agencies.

Proposed Project. CUNY and MSK are partnering to acquire an approximately 66,111-square-foot (“sf”), New York City-owned site on the east end of a block bounded by York Avenue, Franklin Delano Roosevelt (“FDR”) Drive, East 73rd Street and East 74th Street (Block 1485, Lot 15) on the Upper East Side of Manhattan.² CUNY proposes to build the Hunter College Science and Health Professions Building (“CUNY–Hunter Building”), while MSK proposes to build a new ambulatory care center (“MSK ACC”). The proposed buildings would be built to an overall FAR of 12.0, which would be approximately 793,332 sf of zoning floor area (“zfa”), with full lot coverage over the project site. The gross floor area would total approximately 1,152,347 gross square feet (“gsf”).

The proposed CUNY-Hunter Building would be approximately 16 stories (approximately 350 feet) tall on a footprint of 26,444 sf. The approximately 402,990-gsf building would house teaching and research laboratories, classrooms, a learning center, a single 350-seat lecture hall, faculty offices, and a vivarium to house research animals. Approximately 1,130 undergraduates and 1,219 graduate students would come to classes and laboratories in this building. In addition, students from the main Hunter College campus at Lexington Avenue and East 68th Street would attend lectures in the lecture hall.

¹ DASNY issues bonds on behalf of CUNY.

² In May 2011, the New York City Economic Development Corporation (“NYCEDC”), at the request of and on behalf of the New York City Department of Sanitation (“DSNY”), issued a Request for Proposals to redevelop a former DSNY garage site with the creation or expansion of a health care, educational or scientific research facility. CUNY and MSK partnered to respond.

The proposed MSK ACC would be approximately 23 stories³ (approximately 450 feet) tall on a footprint of 39,667 sf. The approximately 749,357-gsf building would contain state-of-the-art ambulatory care facilities, including office practice space for head and neck, endocrinology, thoracic, hematologic oncology, dental, speech, and consultative services; infusion rooms; interventional and diagnostic radiology; radiation oncology; cardiology and pulmonary testing; pharmacy and clinical laboratories to support the on-site activities; academic offices; and conference rooms; and up to 250 accessory parking spaces on the lower levels of the building for patients and visitors. The facility would be expected to treat approximately 1,335 patients daily.

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

The service entrances for both buildings would be on East 73rd Street, and both buildings are designed to allow trucks to maneuver and be docked inside the buildings. In addition, the proposed MSK ACC would have a pedestrian entrance for staff on East 73rd Street as well as a bay for an ambulance should the need arise to transfer a patient to the main hospital on York Avenue and East 68th Street. There would also be access to bike parking for MSK staff off East 73rd Street.

Project Site and Development Parcel

The project site is an approximately 66,111-sf lot that is largely vacant with standing remnants of the walls of the city-owned, former garage structure. The western portion of the project site is occupied by a surface public parking lot with a capacity of 128 cars. East 74th Street, the northern border of the site, dead ends at a wall that divides it from the FDR Drive. Given the presence of the Con Edison East 74th Street Steam Plant ("Con Edison Steam Plant") across much of the north side of the street, the lack of active use on the project site and the lack of linkage to a street network on the east, East 74th Street carries relatively little traffic. East 73rd Street, the southern border of the site, ends in an access lane to the southbound FDR Drive service road. In addition to parking facilities, there are residential buildings on this street and much more traffic than is found on East 74th Street.

Currently zoned an M3-2 Heavy Manufacturing District (Low Performance), the project site was part of a manufacturing district that included uses similar to the now-demolished New York City Department of Sanitation ("DSNY") garage, the Con Edison Steam Plant to the north, and several auto repair businesses located midblock on the project block.

³ Including rooftop bulkhead.

Lead Agency: Office of the Deputy Mayor for Economic Development
100 Gold Street, 2nd Floor
New York, New York 10038

Date Final EIS Filed: August 8, 2013

For Further Information:

Contact: Jack D. Homkow
Director
Office of Environmental Affairs

Address: Dormitory Authority State of New York
One Penn Plaza, 52nd Floor
New York, New York 10119-0098

Telephone: (212) 273-5033

Fax: (212) 273-5121

Facts and Conclusions in the *FEIS* Relied Upon to Support the Findings

Introduction

This *Findings Statement* for the Memorial Sloan-Kettering Cancer Center *Ambulatory Care Center* and CUNY–Hunter College *Science and Health Professions Building Project* has been prepared in compliance with the *State Environmental Quality Review Act* (“*SEQRA*”), codified at Article 8 of the New York *Environmental Conservation Law* (“*ECL*”), and its implementing regulations, promulgated at Part 617 of Title 6 of the *New York Code, Rules and Regulations* (“*N.Y.C.R.R.*”), which collectively contain the requirements for the *State Environmental Quality Review* (“*SEQR*”) process.

This *SEQR Findings Statement*, issued in accordance with 6 *N.Y.C.R.R.* § 617.11(d), (a) considers the relevant environmental impacts disclosed in the *FEIS*; (b) weighs and balances the relevant environmental impacts with applicable social, economic and other essential considerations; (c) provides the rationale for the agency’s decision; (d) certifies that the *SEQR* requirements (as specified in 6 *N.Y.C.R.R.* § 617) have been met; and (e) certifies that, consistent with social, economic and other essential factors, and considering the available reasonable alternatives, the Proposed Project is one that avoids or minimized adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts would be avoided or minimized to the maximum extent practicable by incorporating, as conditions to the decision, those mitigation measures identified as practicable.

SEQR Process

The ODMED, as lead agency, conducted a coordinated *SEQR* process of the Proposed Project. The Proposed Project was also reviewed pursuant to the *CEQR* Rules of Procedure of 1991 and Executive Order No. 91 of 1977 (*CEQR* No. 13DME003M).

On October 2, 2012, in accordance with *SEQRA/CEQR*, the ODMED, as lead agency, issued a *Positive Declaration* indicating that the Proposed Project could have the potential to result in significant adverse impacts and directing that a *Draft Environmental Impact Statement* (“*DEIS*”) would be prepared for the Proposed Project. The *Draft Scope of Work* was also issued by ODMED on October 2, 2012.

To provide a forum for public comments on the *Draft Scope of Work*, a public scoping meeting was held on November 1, 2012, at 6:30 p.m. at the Kaye Playhouse at Hunter College located on East 68th Street between Park Avenue and Lexington Avenue in the borough of Manhattan, New York County, New York. The scoping meeting was continued on December 4, 2012, at 6:30 p.m. at the MSK Mortimer B. Zuckerman Research Center Auditorium located at 415 East 68th Street in Manhattan. Written comments were accepted until 5:00 p.m. on Friday, December 14, 2012.

On March 12, 2013, ODMED issued the *Final Scope of Work* for the preparation of a *DEIS*. The *Notice of Completion for the DEIS* was issued on March 14, 2013, and the *DEIS* was made available for public review on the same day. A joint public hearing on the *DEIS* and the associated *ULURP* applications (Nos. 130214ZMM, 130215ZRM, 130216ZSM, 130217ZSM, 130218ZSM, and 130219PPM) was held at 10:00 a.m. on July 10, 2013, at Spector Hall, 22 Reade Street in Manhattan. The public comment period remained open until 5:00 p.m. on July 22, 2013.

The *DEIS*, prepared in accordance with the *Final Scope of Work*, is a comprehensive document that accomplishes the systematic consideration of the potential environmental effects of a proposed action; an evaluation of reasonable alternatives; and the identification of reasonable and practicable mitigation measures to reduce or eliminate the significant adverse environmental impacts of a proposed action. During the preparation of the *DEIS*, ODMED coordinated the *SEQR* process with DASNY and other involved agencies and interested parties in an effort to ensure that the *DEIS* adequately disclosed the potential environmental effects of the Proposed Project.

A *Final Environmental Impact Statement* (“*FEIS*”) was completed and a *Notice of Completion for a FEIS* was issued on August 8, 2013, by ODMED, marking the completion of the Proposed Project’s *SEQR/CEQR* environmental review. The *FEIS* identified significant adverse impacts to open space and traffic and proposed mitigation measures that are summarized in the Executive Summary of the *FEIS*.

The *FEIS* and its appendices, which are incorporated by reference in its entirety into this *SEQR Findings Statement*, provide the information and analyses upon which the determinations set forth herein are based.

Other Actions and Approvals

The Proposed Project would be facilitated by the following discretionary actions that are subject to CPC and City Council approval: (1) a disposition of a New York City-owned property;⁴ (2) a zoning map amendment to rezone the project site and an approximately 6-inch-wide portion of Block 1485, Lots 14 and 39 immediately west of the project site from an M3-2 Heavy Manufacturing District (Low Performance) to a C1-9 Local Retail District and to extend the existing M1-4 Light Manufacturing District (High Performance) (on Block 1485, Lots 14 and 39, to the west) east to the boundary of the proposed C1-9 district; (3) a zoning text amendment to establish a new provision in the LSGD special permit to allow a predominantly community facility development wholly in a C1-9 district in Community District 8 in Manhattan to obtain a

⁴ The City of New York would dispose of the project site to the New York City Land Development Corporation that would then dispose to NYCEDC for subsequent disposal to MSK and CUCF. CUCF is a public benefit corporation established by New York State to provide facilities and support the educational purposes of CUNY. The disposition requires Mayoral and Manhattan Borough Board approval pursuant to New York City Charter Section 384(b)(4).

floor area bonus of up to 20 percent by providing a public park improvement within the same community district or within a 1-mile radius of the Proposed Project; (4) approval to develop the project site as an LSGD with special permits to waive bulk, side yard, rear yard equivalent, height and setback, and sign regulations and to provide for a 2.0 FAR bonus; and (5) approval of a special permit to increase the number of accessory parking spaces up to 250.

The Proposed Project would also require certain permits and/or approvals from other state and local agencies, including: a certification by the Commissioner of the New York City Department of Buildings (“NYCDOB”) to permit an entrance and exit to an accessory parking facility to be located within 50 feet of an intersection, and a Certificate of Need (“CON”) from the New York State Department of Health (“NYSDOH”) for the proposed MSK ACC. The CUNY Board action includes final approval and funding of the Proposed Project, while the CUCF Board action includes final approval of the acquisition of real property.

Purpose and Need

CUNY. CUNY is the nation’s largest urban public university, serving more than 271,000 degree-credit students and nearly 270,000 continuing and professional education students. CUNY confers 35,000 degrees each year — more than 1.1 million associate, baccalaureate, masters, and doctoral degrees since 1967. CUNY plays a crucial role in the life and economy of the city and New York State and employs more than 39,000 faculty and staff. CUNY's history dates to the formation of the Free Academy in 1847 by Townsend Harris. The Free Academy later became The City College of New York, the oldest institution among the CUNY colleges. From this grew a system of senior colleges, community colleges, as well as graduate schools and professional programs. CUNY was established in 1961 as the umbrella institution for the system which provides first-rate academic opportunities for students of all backgrounds.

Founded in 1870, Hunter is also one of the oldest public colleges in the country and the largest college in the CUNY system. Currently, over 22,000 undergraduate and graduate students attend Hunter, pursuing degrees in more than 170 different programs. Famous for the diversity of its student body, Hunter has provided educational opportunities for women, minorities, and people from every walk of life. Hunter is a proud leader in the sciences and medicine with research grants in record amounts — more than \$31 million in 2010 alone.

To maintain and build on its excellence in science, advanced research, and the health professions, Hunter proposes to build a new Science and Health Professions Building near its main campus that would bring together basic sciences and advanced research that occupy aging facilities on its main campus and health sciences and nursing located in a physical plant inherited from Bellevue Hospital in 1967. The proposed CUNY–Hunter Building would consolidate the related Science and Health Professions programs in a state-of-the-art facility providing modern classrooms, laboratories and cutting-edge equipment. The facility would also allow Hunter scientists and health professionals to maintain close ties with the Upper East Side’s world-renowned medical and research institutions

MSK. MSK is the world's oldest and largest private cancer treatment center, having devoted more than a century to patient care as well as to innovative research, including the training of future generations of oncologists. It has made significant contributions to new and better therapies for the treatment of cancer. In recent years, MSK has expanded with new construction and renovations designed to meet the growing needs of its patients and research programs. Aside from its main campus and satellite facilities on Manhattan's Upper East Side, MSK has developed a network of state-of-the-art outpatient cancer treatment facilities that bring expert care closer to patients living throughout the greater New York area.

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

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

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

Alternatives to the Proposed Project

The *FEIS* evaluated the potential environmental impacts of two alternatives, the No-Action Alternative and the No Unmitigated Impact Alternative.

No-Action Alternative. The No Action Alternative is the future without the Proposed Project that is described in each of the analysis sections of the *FEIS*. Under the No Action Alternative, the project site would remain undeveloped with only a surface parking lot and the remnants of the former DSNY garage. The No-Action Alternative would not meet the established goals and objectives of the Proposed Project.

No Unmitigated Impact Alternative. The No Unmitigated Impact Alternative would avoid or reduce the significant adverse impacts for which mitigation is not available. Since all other significant adverse impacts were mitigated, the No Unmitigated Impact Alternative focused on the significant adverse impacts to open space and to traffic.

For open space, the Proposed Project would result in unmitigated open space impacts. Neither reducing the population nor providing publicly-accessible open space on site are considered feasible measures. The former would reduce the proposed employee population from 4,516 to less than 500 to represent a decrease of no more than a 5 percent in the open space ratio. A reduced staffing level of this nature would not yield workable institutional uses. The latter would require that a major portion of the Proposed Project not be constructed.

For traffic, the Proposed Project would result in unmitigated traffic impacts at the intersection of York Avenue and East 79th Street. Due to congested No Action conditions at this intersection, even a small increase in traffic would result in unmitigated impacts. Based on a sensitivity analysis of this intersection, no other feasible mitigation measures could be implemented to mitigate the impacts at this intersection and the project-generated vehicle trips would have to be reduced by 95 percent for this intersection to not be impacted. This reduction would not yield workable institutional uses. Therefore, no reasonable alternative could be developed to avoid such impacts without substantially compromising the Proposed Project's stated goals.

Discussion of Impacts of the Proposed Project

Land Use, Zoning and Public Policy

The Proposed Project would complement the existing and planned health- and education-related institutional uses in the study area and would be compatible with the surrounding residential and commercial uses, many of which cater to the faculty, staff, and student populations of the institutions. While the development of the two buildings on the project site would represent a change from the existing vacant site, this change would add active ground floor uses and the proposed buildings would be consistent with (or shorter than) other existing structures in the study area. The setbacks and overhangs of the proposed buildings would contribute to creating a visually dynamic waterfront and become part of the dense surrounding development. Therefore, the Proposed Project would not result in any significant adverse land use impacts.

The land use approvals being requested for the Proposed Project include a disposition of New York City-owned property; a zoning map amendment to rezone the project site and an approximately 6-inch-wide portion of Block 1485, Lots 14 and 39 immediately west of the project site from an M3-2 Heavy Manufacturing District (Low Performance) to a C1-9 Local Retail District and to extend the existing M1-4 Light Manufacturing District (High Performance) (on Block 1485, Lots 14 and 39, to the west) east to the boundary of the proposed C1-9 district; a zoning text amendment to establish a new provision in the LSGD special permit to allow a

predominantly community facility development wholly in a C1-9 district in Community District 8 in Manhattan to obtain a floor area bonus of up to 20 percent by providing a public park improvement within the same community district or within a 1-mile radius of the Proposed Project; approval to develop the project site as an LSGD with special permits to waive bulk, side yard, rear yard equivalent, height and setback, and sign regulations, and to provide for a 2.0 FAR bonus; and approval of a special permit for an accessory parking facility with more spaces than allowed as of right (up to 250). The Proposed Project would also require certification by the Commissioner of Buildings to permit an entrance/exit to an accessory parking facility to be located within 50 feet of an intersection.

The project site is currently zoned M3-2 Heavy Manufacturing District (Low Performance), which allows a maximum FAR of 2.0 (132,222 zsf) and a maximum base height of 60 feet before setting back. It prohibits all community facilities including ambulatory diagnosis and treatment centers and schools. The proposed rezoning to a C1-9 Local Retail District would result in a zoning district that would be more consistent with existing zoning in the study area and immediately beyond and would reflect the trend to less heavy manufacturing uses in this area. Ambulatory diagnostic and treatment centers and schools are permitted as-of-right in C1-9 districts. The proposed zoning text amendment would allow an FAR bonus since MSK would make a substantial contribution to the New York City Department of Parks and Recreation ("NYCDPR") for Phase 2B of the park improvement plan for Andrew Haswell Green Park, a 1.98-acre parcel owned by the City, under the jurisdiction of NYCDPR and located roughly between East 59th Street and East 63rd Street along the East River Esplanade. Improvement to this public park would allow 1.1 acres of the open space to be opened to the public, and would amount to a substantial contribution to the East River Esplanade in this section of the waterfront and to all the people who use the esplanade for outdoor recreation such as walking and jogging. The proposed zoning approvals and special permits would be specific to the project site and would not apply to any other areas. Therefore, the Proposed Project would not result in any significant adverse impacts on zoning.

The Proposed Project would be generally consistent with the policies and goals of the Mayor's Office of Long Term Planning and Sustainability's document, *PlaNYC: A Greener, Greater New York* in the areas of air quality, energy, water quality, land use, open space, natural resources and transportation. Overall, the Proposed Project would be situated on a site that is served by existing mass transit; would result in the redevelopment of a former garage site containing contaminated materials (a "brownfield") that would be remediated as part of project development; would provide bike storage for faculty, staff, and students; and would result in state-of-the-art ambulatory care facilities and facilities for Hunter's Science and Health Professions program.

DASNY's Smart Growth Advisory Committee reviewed the Proposed Project under the *State Smart Growth Public Infrastructure Policy Act ("SSGPIPA")* and found that to the extent practicable, it would be generally supportive of the smart growth criteria established by the legislation. DASNY also finds that the Proposed Project would be consistent with the applicable

Coastal Zone policies set forth by 19 *N.Y.C.R.R.* § 600.5 and with the New York City Waterfront Revitalization Program (“WRP”) to the maximum extent practicable. Overall, the Proposed Project would comply with the established public policies.

As analyzed in the *FEIS*, the Proposed Project would not result in any significant adverse impacts on land use, zoning, or public policy. The Proposed Project would not directly displace any land uses so as to adversely affect surrounding land uses, nor would the Proposed Project generate land uses that would be incompatible with land uses, zoning, or public policy in the study area. The proposed rezoning would be compatible with the existing zoning in the study area, and the Proposed Project would not result in land uses that conflict with public policies applicable to the study area. For these reasons, the Proposed Project would not impose significant adverse impacts with respect to land use, zoning or public policy.

Open Space

The Proposed Project would not remove any publicly-accessible open space. However, it would substantially increase the user population for study area open spaces and cast new shadow on a portion of the East River Esplanade in the afternoon in all seasons of the year and on John Jay Park in December.

The project site is located in an area that, according to the 2012 *CEQR Technical Manual*, is underserved in terms of open space. Underserved areas are defined as areas having a high population density and being located far from parkland such that the amount of open space per 1,000 residents is less than 2.5 acres. According to the *CEQR Technical Manual*, a worker population of over 125 may noticeably diminish the ability of open spaces in the area to serve the total future population. As the Proposed Project would generate well over the 125-worker threshold for analysis a detailed analysis was undertaken. The quantitative assessment of open space is based on ratios of usable open space acreage to the study area populations (the “open space ratios”). The Proposed Project would decrease the total, active, and passive open space ratios in the study area by between 31 and 34 percent. The passive open space ratio would decrease by 34 percent, but would remain above the city’s passive open space guidelines with the Proposed Project. Therefore, the Proposed Project would result in a significant adverse impact on passive open space.

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

In addition, pursuant to the proposed Zoning Text Amendment that would allow an additional 20 percent of the allowable floor area (2.0 FAR) in connection with an improvement to a public park, MSK would make a substantial contribution to NYCDPR for Phase 2B of NYCDPR's improvement plan for the 1.98-acre Andrew Haswell Green Park. Because the improvements to Andrew Haswell Green Park are part of the Proposed Project and would result in a floor area bonus, they are not open space mitigation. Improvements to this park would allow 1.1 acres of the open space to be opened to the public, and would amount to a substantial contribution to the East River Esplanade in this section of the waterfront and to all the people who use the esplanade for outdoor recreation such as walking and jogging.

While the improvements to Andrew Haswell Green Park would be a part of the East River Esplanade that runs by the project site, this open space is located outside the ¼-mile radius study area, south of the project site, approximately between East 59th Street and East 63rd Street. Further, while both MSK and CUNY would provide open space on the project site, those open spaces would serve users of the Proposed Project and would not be open to the public.

Shadows

The Proposed Project would cast new shadows on portions of the adjacent East River Esplanade in the spring, summer, and fall afternoons for durations between 2 hours and 20 minutes and up to 3 hours and 40 minutes depending on the season. Most of the new shadow would fall on a section of the esplanade containing only a narrow bikeway/walkway connector extending between the FDR Drive and a 2-story structure related to the Con Edison Steam Plant. Therefore, the Proposed Project would not cause a significant adverse impact to the esplanade.

New project-generated shadow would also fall on John Jay Park, a few blocks north of the project site, on the winter analysis day only. The new shadow would last for a total of 2 hours and 38 minutes and would fall on different areas as it moves across the space, but would never eliminate all the remaining sun and would not significantly impact the use of the space. A few other resources, including the East River, would also receive project-generated shadow, but would not experience significant adverse shadow impacts.

Historic and Cultural Resources

The Proposed Project was reviewed in conformance with the *New York State Historic Preservation Act of 1980* ("SHPA"), especially the implementing regulations of Section 14.09 of the *Parks, Recreation and Historic Preservation Law* ("PRHPL"), as well as with the requirements of the Memorandum of Understanding ("MOU"), dated March 18, 1998, between DASNY and the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP").

Pursuant to the SHPA and the implementing regulations of Section 14.09 of the PRHPL, DASNY submitted the Proposed Project to OPRHP for review and comment (OPRHP Project No. 12PR05364). In a letter dated January 18, 2013, OPRHP concurred with the New York City

Landmarks Preservation Commission (“NYCLPC’s) assessment that the subject property is not eligible for listing in the State and/or National Registers of Historic Places (“S/NR”) and is not likely to contain any intact archeological resources.⁵ OPHRP indicated that the Proposed Project will have No Adverse Impact upon historic resources provided a Construction Protection Plan (“CPP”) be developed and implemented to avoid inadvertent construction-related impacts to the two adjacent properties that have been determined eligible for listing in the S/NR: the garage at 524 East 73rd Street and the Con Edison Steam Plant at 503-507 East 74th Street.⁶ With the CPP in place, DASNY has similarly determined that the Proposed Project would have no significant adverse impacts upon cultural resources.

The Proposed Project would not obstruct significant public views of these architectural resources. Although views of the Con Edison Steam Plant would be eliminated from East 73rd Street, unobstructed views of the plant from the immediately surrounding streets and from Roosevelt Island, the East River, and the East River Esplanade would remain. Similarly, although views of the garage at 524 East 73rd Street would be obstructed from East 74th Street by the Proposed Project, views of the garage from East 73rd Street would remain. Therefore, the Proposed Project would not have any significant adverse contextual or visual impacts on architectural resources in the study area.

Urban Design and Visual Resources

The Proposed Project would not alter the arrangement, appearance, or functionality of the project site such that the alteration would negatively affect a pedestrian’s experience of the area. Instead of a largely vacant and underutilized lot, the pedestrian would experience new buildings with active ground floors. East 74th Street, on which the main entrances to both buildings would front, would be improved with new street trees and landscaping. While East 73rd Street would be the location of both service entries, the facilities are designed such that trucks maneuver inside the buildings and the docks and storage areas are inside the buildings and out of pedestrian views. The Proposed Project would not have any significant adverse impacts related to urban design and visual resources on the project site and in the study area.

Signs proposed for the north, east, and west façades and the buildings’ entrances on East 74th Street would be indirectly illuminated and nonflashing or not illuminated. The larger signs would be visible from a distance and not obtrusive to pedestrians. The smaller signs at the entrances would be wayfinding aids. In addition, there are no visual resources on the project site and the Proposed Project would not block significant public views of the East River or the two known architectural resources and one potential architectural resource located in the study area. As such, there would be no adverse impacts on view corridors or visual resources as a result of the Proposed Project.

⁵ NYCLPC letter dated December 11, 2012.

⁶ A CPP was approved by NYCLPC and OPRHP in comments dated May 28, 2013, and June 14, 2013, respectively.

Hazardous Materials

A Phase I Environmental Site Assessment (“ESA”) conducted for the project site in June 2012 identified a variety of historical uses of the project site including a DSNY incinerator and garage (with vehicle fueling and maintenance). Although removal of a number of petroleum tanks and petroleum contaminated soil was conducted, contamination of groundwater remained and remediation (and monitoring) continues. The Phase I ESA also noted that partially-demolished, on-site structures and/or project site fill materials may contain asbestos, lead-based paint (“LBP”) and/or polychlorinated biphenyls (“PCB”)-containing elements.

A Subsurface (Phase II) Environmental Site Investigation (“ESI”) conducted at the project site in October 2012 identified field evidence (e.g., odors) of petroleum contamination in some of the collected soil and groundwater samples. A 1.5-inch layer of petroleum product was measured floating on the water table in one of the geotechnical borings. Laboratory analysis identified petroleum-related compounds in soil and groundwater samples. Other sampling results were typical of those found at other sites with historical urban fill materials in New York City.

The greatest potential for exposure to any contaminated materials would occur during subsurface disturbance during construction of the Proposed Project. The potential for adverse impacts associated with construction activities would be minimized by adhering to the protocols identified in *FEIS* Chapter 7, “Hazardous Materials”. Placing an (E) designation for hazardous materials on Block 1485, Lot 15 would ensure that the appropriate procedures for any subsurface disturbance are followed prior to, during, and following construction.

The laboratories in the proposed CUNY-Hunter Building would be operated under the same state and local regulations and controls as the existing Hunter College laboratories to manage the use of chemical, biological, and radiological materials. With the implementation of the procedures described relating to project construction and the use of hazardous materials in the proposed facility, no significant adverse impacts related to hazardous materials would be expected to occur as a result of the Proposed Project.

Water and Sewer Infrastructure

Water Supply. The Proposed Project would generate an estimated total water demand of 293,090 gallons per day (“gpd”). This project-generated increase represents a small increase in demand on the New York City water supply system — approximately 0.03 percent of the 1.1 billions of gallons per day (“bgd”) typically distributed within New York City and Westchester County. As a result, the Proposed Project would have no significant adverse impacts on the city’s water supply.

Sanitary Sewage. The Proposed Project would generate an estimated 239,540 gpd of sanitary sewage. The sanitary flow would be generated from domestic water use (general tap water use by staff, patients, visitors, and students), MSK ACC process water (water used for

equipment sterilizers, washers, ice makers, etc.), water used in the research labs at the CUNY-Hunter Building, and cooling tower make-up water for both buildings. The increase in sewage would represent approximately 0.09 percent of the average daily flow of 275 millions of gallons per day (“mgd”) at the Wards Island Wastewater Treatment Plant (“Wards Island WWTP”), and would not result in an exceedance of the plant’s design capacity, as per the plant’s State Pollutant Discharge Elimination System (“SPDES”) permit. Therefore, the Proposed Project would not create a significant adverse impact on the city’s sanitary sewage conveyance and treatment system. In addition, per the *New York City Plumbing Code* (Local Law 33 of 2007), low-flow fixtures would be required to be implemented and would help to reduce sanitary flows from the new buildings.

Storm Water. The overall volume of storm water runoff and the peak storm water runoff rate from the project site is anticipated to increase slightly, due to the replacement of the existing paved parking area with more impervious building rooftop. Best Management Practices (“BMPs”) would be required as a part of the New York City Department of Environmental Protection (“NYCDEP”) site connection approval process. Both the proposed MSK ACC and CUNY-Hunter Building would include storm water harvesting tanks of 45,000 gallons and 30,000 gallons, respectively. The storm water collected in these tanks would be available for reuse as makeup water for the building cooling towers, reducing both water demand and discharge of storm water to the combined sewer system. The design of both buildings would also incorporate the use of limited green roofs to detain the flow of storm water during wet weather conditions. With the incorporation of selected BMPs, the peak storm water runoff rates are not expected to have a significant adverse impact on the city’s sewage conveyance or treatment systems.

Transportation

Traffic. The traffic study found that the Proposed Project would result in the potential for significant adverse impacts at 11 different intersections, 8 intersections each during the weekday a.m., midday, and p.m. peak hours, as follows:

Weekday AM Peak Hour

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

- First Avenue and East 65th Street – eastbound approach.

Weekday Midday Peak Hour

- York Avenue and East 79th Street – eastbound and northbound approaches;
- York Avenue and East 75th Street – northbound approach;
- York Avenue and East 74th Street – eastbound and westbound approaches;
- York Avenue and East 73rd Street – northbound and southbound approaches;
- York Avenue and East 72nd Street – eastbound *de facto* left-turn and northbound approach;
- York Avenue and East 66th Street – northbound approach;
- York Avenue and East 65th Street – eastbound approach; and
- First Avenue and East 65th Street – eastbound approach.

Weekday PM Peak Hour

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

Of the 11 different traffic intersections impacted, all projected significant adverse impacts, except for those at one intersection — the York Avenue and East 79th Street intersection — could be fully mitigated with standard mitigation measures, such as signal retiming, changes to parking regulations, lane restriping, and prohibition of left turns. The specific measures that would be feasible to mitigate the significant adverse impacts at these intersections are further discussed below under “Mitigation.” These measures would be subject to the review and approval by the New York City Department of Transportation (“NYCDOT”).

Parking. The Proposed Project would displace existing public parking spaces and include a total of up to 250 new off-street accessory parking spaces. In the Build condition, anticipated future development projects (including No Build projects and the Proposed Project) are expected to displace the surface public parking lot on the western portion of the project site, for a total displacement of 128 parking spaces. Accounting for the displacement of the public parking

spaces, the addition of the accessory parking spaces, and the parking demand generated from background growth, No Build projects, and the Proposed Project, the Build public parking supply and utilization analysis shows that there would be a parking shortfall of 298 spaces during the weekday midday period within the ¼-mile off-street parking study area. Excess demand could be accommodated with a slightly longer walking distance beyond the ¼-mile radius. According to the *CEQR Technical Manual*, a parking shortfall resulting from a project located in Manhattan does not constitute a significant adverse parking impact, due to the magnitude of available alternative modes of transportation. As such, no significant adverse impacts related to parking are anticipated as a result of the Proposed Project.

Transit. A preliminary screening assessment concluded that a bus line-haul analysis of the M66 and M72 bus routes, a line-haul analysis of the future Second Avenue Q subway line, and a detailed analysis of station elements at the 72nd Street/Second Avenue subway station (future Second Avenue Q line), which is currently under Phase 1 construction and planned to open in 2016, were warranted. Based on the results of the transit analyses, the Proposed Project would not result in any significant adverse impacts on subway line-haul or circulation and control area elements at the future Second Avenue Subway station. In addition, a detailed allocation of incremental bus riders onto specific segments of the M66 and M72 bus routes was performed. This analysis concluded that the proposed project would not have the potential to incur a significant adverse line-haul impact on either of these bus routes. As such, no significant adverse impacts to transit are anticipated as a result of the Proposed Project.

Pedestrians. Weekday peak-period pedestrian conditions were evaluated at key sidewalk, corner reservoir, and crosswalk elements at seven area intersections. The pedestrian analysis concluded that the Proposed Project would not result in any significant adverse pedestrian impacts at any of the analysis locations. As such, no significant adverse pedestrian-related impacts are anticipated as a result of the Proposed Project.

Vehicular and Pedestrian Safety. Accident data for the study area intersections obtained from the New York State Department of Transportation (“NYSDOT”) for the time period between January 1, 2009 and December 31, 2011, identified two study area intersections as high accident locations: First Avenue at East 72nd Street and York Avenue at East 72nd Street. With the Proposed Project, the intersection of First Avenue and East 72nd Street would be impacted during the weekday p.m. peak hour, while the intersection of York Avenue and East 72nd Street would be impacted during all three analysis peak hours.

The predicted impacts at these intersections could be fully mitigated with standard traffic engineering measures as described below and in *FEIS* Chapter 17, “Mitigation”. Therefore, the Proposed Project is not anticipated to exacerbate any of the current causes of pedestrian-related accidents. Nonetheless, the implementation of additional safety measures, such as the installation of countdown timers on all pedestrian crosswalks, the installation of pedestrian safety signs warning turning vehicles to yield to pedestrians in the crosswalk, and restriping both the faded north and south crosswalks, would improve pedestrian safety at these intersections.

Air Quality

Mobile Sources. The maximum hourly incremental traffic from the Proposed Project would exceed the *CEQR Technical Manual* carbon monoxide (“CO”) screening threshold of 170 peak-hour trips at nearby intersections in the study area and the fine particulate matter less than 2.5 microns in diameter (“PM_{2.5}”) emission screening threshold.⁷ In addition, the Proposed Project would include a below-grade parking garage. Therefore, an analysis of emissions from project-generated traffic was performed at the analysis site located at York Avenue and East 74th Street and an analysis was conducted to evaluate potential future pollutant concentrations in the vicinity of the ventilation outlets with the proposed parking garage.

The detailed analyses indicated that the maximum predicted pollutant concentrations and concentration increments from mobile sources with the Proposed Project would be below the corresponding *CEQR Technical Manual* guidance thresholds and National Ambient Air Quality Standards (“NAAQS”). There would be no violations of the 1-hour and 8-hour CO standard and the very small incremental increases in 8-hour average CO concentrations would not result in a violation of the *CEQR de minimis* CO criteria. The results also showed that the annual and daily (24-hour) PM_{2.5} increments are predicted to be below the interim guidance *de minimis* criteria. Therefore, no significant adverse impacts on air quality from vehicle trips generated by the Proposed Project are anticipated.

Stationary Sources. Based on the stationary-source analyses, there would be no potential significant adverse stationary source air quality impacts from pollutant emissions from fossil fuel-fired boiler and cogeneration systems. An American Meteorological Society/Environmental Protection Agency Regulatory Model (“AERMOD”) modeling analysis was performed to determine potential impacts from the exhaust stacks for the boiler and cogeneration systems associated with the Proposed Project, as well short-term impacts due to emergency generators.

Based on the analysis of the existing and future large emission sources on the Proposed Project, there would be no significant impacts. The results of the analysis indicated that for NO₂, PM₁₀ and SO₂, impacts from the Proposed Project are less than their respective NAAQS, and the maximum projected PM_{2.5} increments would be less than the city’s applicable *de minimis* criteria. In addition, there are no existing permitted sources of manufacturing use emissions within the study area that could affect the Proposed Project. Overall, no significant adverse air quality impacts from the Proposed Project’s boiler, cogeneration and emergency generators are predicted to occur. The Proposed Project would not result in any significant adverse air quality impacts.

Chemical Spill Analysis. Potential emissions from a chemical spill within the proposed CUNY–Hunter Building’s laboratory exhaust system were evaluated. Maximum concentrations

⁷ Chapter 17 Sections 210 and 311 of the *CEQR Technical Manual*, 2012 Edition, Revised June 5, 2013.

were determined based on dispersion modeling at downwind receptors, rather than due to recirculation impacts of the fume exhaust on receptors on the CUNY-Hunter Building. The results of the laboratory chemical spill analysis demonstrate that no significant adverse impacts from the exhaust system of the laboratories to be located in the new CUNY-Hunter Building or on other nearby buildings in the surrounding community would be expected with the Proposed Project. An analysis of the proposed CUNY-Hunter Building's laboratory exhaust system determined there would be no significant impacts in the proposed building or on the surrounding community in the event of a chemical spill in a laboratory and no further analysis is warranted.

Greenhouse Gas Emissions

The building energy use and vehicle use associated with the Proposed Project would result in up to approximately 21,000-22,000 metric tons of carbon dioxide equivalent (CO₂e) emissions per year. Of that amount, up to 6,000 metric tons of CO₂e would be generated by CUNY-Hunter Building uses, while up to 16,000 metric tons of CO₂e would be generated by MSK ACC uses. Additional GHG emissions associated with the production of materials to be used by the Proposed Project (not included in the above estimate) would be reduced by the selection of lower-carbon alternatives where practicable.

The proximity of the Proposed Project to public transportation and efficient design are factors that contribute to energy efficiency. The Proposed Project is intending to meet or exceed the requirements for the U.S. Green Building Council's ("USGBC") Leadership in Energy and Environmental Design ("LEED")[®] Silver certification. As such, specific measures would need to be incorporated into the design of the Proposed Project to qualify for the LEED[®] rating, which would decrease the potential GHG emissions from the Proposed Project as described above. Based on these project components and efficiency measures, the Proposed Project would be consistent with the city's emissions reduction goal, as defined in the *CEQR Technical Manual*.

Noise

A detailed mobile-source noise analysis was conducted for the operation of the Proposed Project. Future noise levels with the Proposed Project were calculated at three mobile source noise analysis receptor sites: (1) FDR Drive between East 74th and East 73rd Streets, (2) East 74th Street between York Avenue and FDR Drive, and (3) East 73rd Street between York Avenue and FDR Drive. The results of the analysis indicated that the maximum increase in Leq(1) noise levels for the Build condition in 2019 would be 1.2 dBA or less at all of the mobile-source noise analysis receptors. Changes of this magnitude would be imperceptible and would fall well below the *CEQR* threshold for a significant adverse impact. In terms of *CEQR* noise exposure guidelines, noise levels at Site 1 would remain in the "clearly unacceptable" category, and noise levels at Sites 2 and 3 would remain in the "marginally acceptable" category. There would be no significant adverse noise impact with respect to mobile-source noise.

Ambient noise levels adjacent to the project site were assessed in order to address *CEQR Technical Manual* noise abatement requirements for the building. The *CEQR* building-attenuation analysis concluded that in order to meet *CEQR* interior noise level requirements, up to 38 dBA of building attenuation for the project building would be required by placement of an (E) designation for noise on the project site. The following (E) designation text would apply for building façade locations requiring 28 to 38 dBA of window/wall attenuation: *In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of [28-38] dBA of window/wall attenuation in order to maintain an interior noise level of 45 dBA. The minimum require window/wall attenuation for future commercial uses would be 5 dBA less than that for residential uses. In order to maintain a closed window condition, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.* Because the project building would be designed to satisfy these specifications, there would be no significant adverse noise impact with respect to building attenuation.

The Proposed Project would include a terrace open space along the north and east façades on the second floor that would be accessible to CUNY–Hunter faculty, staff, and students as well as MSK staff and a terrace open space on the sixth floor that would be accessible to MSK patients and visitors. An ambient noise levels analysis examined whether the newly created open spaces would meet *CEQR* noise level guidelines for open spaces. Noise levels in the newly created open spaces would be greater than the 55 dBA $L_{10(1)}$ *CEQR* guideline, but would be comparable to other parks around New York City. Therefore, there would be no significant adverse noise impacts with respect to the newly created open spaces.

New stationary sources that would be added by the Proposed Project, such as the building mechanical system (i.e., heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the *New York City Noise Control Code* and the *New York City Department of Buildings Code*) and to avoid producing levels that would result in any significant increase in ambient noise levels. Therefore, the Proposed Project is not expected to result in significant adverse stationary-source noise impacts.

Public Health

Public health in the context of *SEQR* is defined as the activities that society carries out in order to create and maintain an environment in which people can be healthy. Typically a public health analysis considers the topics of construction and operational air quality, construction and operational noise, water quality and hazardous materials.

Significant adverse mobile or stationary source air quality impacts were not identified, nor were significant adverse mobile or stationary source noise impacts. Traffic noise from the adjacent FDR Drive would result in noise levels within the Proposed Project's terrace open spaces on the second and sixth floors that would exceed the 55-dBA $L_{10(1)}$ threshold recommended in the

CEQR Technical Manual noise exposure guidelines for outdoor areas requiring serenity and quiet. Because the dominant noise at the project site results from traffic noise, there are no practical and feasible mitigation measures that could be implemented to reduce noise levels to below the *CEQR* guidelines. Although noise levels in these areas would be above the guidelines, they would be comparable to noise levels in many existing parks around New York City that are located adjacent to roadways, including Hudson River Park, Riverside Park, Bryant Park, Fort Greene Park. Furthermore, the *CEQR* noise thresholds are based on quality of life considerations and not on public health considerations. Therefore, the future projected noise levels would not constitute a significant adverse noise impact to the Proposed Project's open space areas.

In order to meet *CEQR* interior noise level requirements, the *CEQR* building-attenuation analysis concluded that up to 38 dBA of building attenuation for the project building would be required by placement of an (E) designation for noise on Block 1485, Lot 15. Because the project building would be designed to satisfy these specifications, there would be no significant adverse noise impact with respect to building attenuation.

Construction of the Proposed Project would not be expected to cause significant adverse impacts with respect to hazardous materials. Any hazardous materials encountered in soil, soil gas, groundwater or building materials on the site would be managed, isolated, and/or removed in accordance with applicable requirements. The potential for significant adverse impacts associated with the contamination identified in the Phase I ESA and the Subsurface (Phase II) ESI would be avoided by placing an (E) designation for hazardous materials on Block 1485, Lot 15 to ensure that appropriate procedures for any necessary subsurface disturbance are followed prior to, during, and following construction. With implementation of the proposed protective measures and adherence to the applicable regulatory requirements, no significant adverse public health impacts would be expected under the Proposed Project.

Significant adverse hazardous materials-related impacts due to operations of the proposed facilities would not be expected to occur because all hazardous, medical and radioactive waste would be handled in compliance with applicable federal, state and local regulatory standards. Programmatic design elements would be incorporated into the project to protect building occupants and public health. With implementation of the proposed protective measures and adherence to the applicable regulatory requirements, no significant adverse public health impacts would be expected as a result of the Proposed Project.

Neighborhood Character

Although the new buildings would represent a significant change to the project site, the types of uses would not be new to the area and the proposed changes would result in buildings that would be consistent with the existing mix of bulk, uses, and types of buildings in the neighborhood. The entrance to the proposed below-grade parking garage for the proposed MSK ACC would be located at the east end of the MSK ACC along East 74th Street, and would be in keeping with other accessory parking garages that are found in the immediate area, such as the

garage in the residential buildings at 1 East River Place on East 73rd Street. The Proposed Project would also be an improvement over the largely vacant and underutilized lot by adding new buildings with active ground floors. Overall, the Proposed Project would revitalize the project site — replacing a largely vacant lot with active uses, and enlivening the neighborhood with street-level activity. Therefore, the Proposed Project would not have a significant adverse impact on neighborhood character.

The Proposed Project would result in significant adverse impacts to two technical areas that are considered character-defining features of the neighborhood: open space and transportation. However, the adverse impacts on open space and traffic would be partially mitigated. Open space within the proposed CUNY-Hunter Building and MSK ACC would serve the user population generated by the Proposed Project, which would help diminish impacts on nearby open spaces in the study area, and MSK would make a substantial contribution to NYCDPR for Phase 2B of NYCDPR's improvement plan for Andrew Haswell Green Park, a 1.98-acre public park along the East River Esplanade that is outside the study area. Two additional parcels along the waterfront and located north and south of the Con Edison oil receiving facility would be improved by Con Edison and opened for public access. These improvements would expand the paved walkway along the FDR Drive, introduce a new walkway along the East River, install a new handrail along the sea wall, and add lawn areas, trees, and benches, totaling approximately 9,392 sf (0.22 acre) of new, publicly-accessible passive open space in the study area.

Construction Impacts

Construction activities associated with the Proposed Project are not expected to result in any significant adverse impacts to air quality, noise and vibration, land use and neighborhood character, socioeconomic conditions, community facilities, open space, historic and cultural resources, and hazardous materials. However, construction of the Proposed Project would result in significant adverse traffic impacts and the potential for a parking shortfall during peak construction. No significant adverse impacts to transit or pedestrian conditions are anticipated due to construction.

The Proposed Project would result in significant adverse traffic impacts at three different intersections during the p.m. construction peak hour. The significant adverse impacts at the intersections of York Avenue and East 73rd Street and First Avenue and East 72nd Street could be fully mitigated by applying mitigation measures similar to those proposed for mitigation under the operational conditions. These measures would entail primarily signal timing adjustments and other operational measures, all of which could be implemented early at the discretion of NYCDOT to address conditions experienced during construction. However, similar to the operational analysis, traffic impacts during construction at the York Avenue and East 79th Street intersection are likewise unmitigatable.

The parking analysis concluded that there would be a parking shortfall of approximately 247 spaces within one-quarter mile of the project site during construction. As with the analysis results for the Proposed Project when operational, it is anticipated that the excess demand could be accommodated with a slightly longer walking distance beyond the ¼-mile radius. Furthermore, as stated in the *CEQR Technical Manual*, a parking shortfall resulting from a project located in Manhattan does not constitute a significant adverse parking impact, due to the magnitude of available alternative modes of transportation.

The Proposed Project is located within 90 feet of the Con Edison East 74th Street Steam Plant and the garage at 524 East 73rd Street, both of which have been determined eligible for listing in the S/NR. Therefore, a CPP was developed in accordance with the guidelines set forth in Chapter 9, Section 523 of the *CEQR Technical Manual*, the NYCDOB “Technical Policy Procedure Notice #10/88” and the LPC guidelines described in “Protection Programs for Landmarked Buildings. The CPP contains measures to avoid construction-related impacts including ground-borne vibration and accidental damage from heavy machinery. With the implementation of the CPP, no significant adverse impacts upon cultural resources are anticipated during construction of the Proposed Project.

Construction of the Proposed Project is expected to last 5 years, from 2014 through 2019. The construction activities would result in temporary disruptions to the surrounding community, temporary closures of sidewalks and curb lanes bordering the site, and occasional noise and dust. Maintenance and Protection of Traffic (“MPT”) plans would be developed, reviewed, and approved by NYCDOT’s Office of Construction Mitigation and Coordination (“OCMC”) for curb-lane and sidewalk closures as well as equipment staging activities. These effects would be short term and are not considered significant.

Construction of the Proposed Project could overlap with that of the adjacent Hospital for Special Surgery (“HSS”) building. As a result, cumulative effects of simultaneous construction of the two projects from construction worker and truck trip-making were analyzed. No significant adverse impacts are expected to occur due to the combined construction impacts of the HSS building and the Proposed Project.

The greatest potential for exposure to any contaminated materials would occur during subsurface disturbance associated with construction of the Proposed Project. However, the potential for significant adverse impacts associated with these activities would be minimized by adhering to the following protocols identified in the *FEIS*. Placing an (E) designation for hazardous materials on Block 1485, Lot 15 would ensure that the appropriate procedures for any subsurface disturbance are followed prior to, during, and following construction. With the implementation of the measures outlined above, no significant adverse impacts related to hazardous materials would be expected to occur as a result of the construction of the Proposed Project.

Any hazardous materials encountered in soil, soil gas, groundwater or building materials on the site would be managed, isolated, and/or removed in accordance with applicable requirements. It is expected that a Worker Health and Safety Plan ("HASP") would be developed for construction activities associated with the project. The HASP would include a sampling and monitoring protocol to be followed in the event that contaminants are encountered during construction, in accordance with U.S. Occupational Safety and Health Administration ("OSHA") regulations and guidelines. With implementation of the HASP, no impacts to the health and safety of the general public or the construction worker population would be anticipated.

Mitigation

The Proposed Project would result in significant adverse impacts at 11 different intersections, 8 intersections each during the weekday a.m., midday, and p.m. peak hours. Traffic capacity improvements that would mitigate the significant adverse impacts at these intersections are summarized in Table 17-2 in the *FEIS* Chapter 17, "Mitigation." With the proposed mitigation measures in place, all the significant adverse traffic impacts resulting from the Proposed Project could be fully mitigated during all three analysis peak hours, with the exception of those at the York Avenue and East 79th Street intersection, as identified below.

During construction, the Proposed Project would result in significant adverse traffic impacts at three different intersections during the p.m. construction peak hour. The significant adverse impacts at the intersections of York Avenue and East 73rd Street and First Avenue and East 72nd Street could be fully mitigated by applying mitigation measures similar to those proposed for mitigation under the operational conditions. Similar to the operational conditions, significant adverse impacts at the intersection of York Avenue and East 79th Street could not be fully mitigated during the p.m. construction peak hour.

York Avenue and East 79th Street. The significant adverse impacts at this intersection during the weekday a.m., midday, and p.m. peak hours could be mitigated by prohibiting parking and signal timing adjustments. However, based on NYCDOT's review, the proposed parking prohibition measures have been deemed infeasible and, therefore, the significant adverse impacts could not be mitigated. Additional mitigation measures were explored to potentially mitigate the significant adverse impacts at this intersection, but no other standard mitigation measures were determined to be feasible.

York Avenue and East 75th Street. The significant adverse impact at the northbound approach of this intersection during the weekday midday peak hour could be fully mitigated by shifting 1 second of green time from the westbound phase to the northbound/southbound phase.

York Avenue and East 74th Street. The significant adverse impact at the eastbound approach of this intersection during the weekday a.m. peak hour could be fully mitigated by shifting 2 seconds of green time from the northbound/southbound phase to the eastbound/westbound phase. The significant adverse impacts at the eastbound and westbound

approaches of this intersection during the weekday midday and p.m. peak hours could be fully mitigated by installing a No Standing 10:00 a.m. to 7:00 p.m. Monday through Friday sign on the north side of East 74th Street on the westbound approach for approximately 100 feet from the intersection and shifting 4 seconds of green time from the northbound/southbound phase to the eastbound/westbound phase. The daylighting of the north curb of the westbound approach would prohibit curbside loading/unloading activities during the weekday midday and p.m. peak hours.

York Avenue and East 73rd Street. The significant adverse impacts at the northbound approach, southbound *de facto* left turn, and southbound through/right turn of this intersection during the weekday a.m. peak hour could be fully mitigated by prohibiting northbound left turns on York Avenue (installing a No Left Turns 7:00 a.m. to 7:00 p.m. Monday through Friday sign); prohibiting parking (installing a No Standing 7:00 a.m. to 7:00 p.m. Monday through Friday sign) on the west side of York Avenue on the southbound approach from East 73rd Street to East 74th Street; and shifting 2 seconds of green time from the lead pedestrian interval ("LPI") phase to the southbound phase; and shifting 1 second of green time from the LPI to the northbound/southbound phase.

The significant adverse impacts at the northbound and southbound approaches of this intersection during the weekday midday peak hour could be fully mitigated by prohibiting northbound left turns on York Avenue (installing a No Left Turns 7:00 a.m. to 7:00 p.m. Monday through Friday sign); and prohibiting parking (installing a No Standing 7:00 a.m. to 7:00 p.m. Monday through Friday sign) on the west side of York Avenue on the southbound approach from East 73rd Street to East 74th Street; and shifting 1 second of green time from the LPI to the northbound/southbound phase.

The significant adverse impacts at the westbound approach, northbound approach, southbound *de facto* left turn, and southbound through/right turn of this intersection during the weekday p.m. peak hour could be fully mitigated by prohibiting northbound left turns on York Avenue (installing a No Left Turns 7:00 a.m. to 7:00 p.m. Monday through Friday sign); prohibiting parking (installing a No Standing 7:00 a.m. to 7:00 p.m. Monday through Friday sign) on the west side of York Avenue on the southbound approach from East 73rd Street to East 74th Street; shifting 1 second of green time from the LPI phase to the westbound phase; and shifting 3 seconds of green time from the LPI phase to the southbound phase. The daylighting of the west curb of the southbound approach would prohibit parking at approximately 2 on-street parking spaces during the weekday a.m., midday, and p.m. peak hours.

York Avenue and East 72nd Street. The significant adverse impacts at the eastbound *de facto* left-turn and the northbound approach of this intersection during the weekday a.m., midday, and p.m. peak hours could be fully mitigated by prohibiting parking (installing a No Standing 7:00 a.m. to 7:00 p.m. Monday through Friday sign) on the east side of York Avenue on the northbound approach for approximately 100 feet from the intersection to provide a northbound right-turn lane and by shifting the centerline on the eastbound approach 5 feet to the north to provide two 11-foot moving lanes and one 10-foot parking lane. The daylighting of the east curb

of the northbound approach would prohibit parking at approximately 4 metered parking spaces during the weekday a.m., midday, and p.m. peak hours.

York Avenue and East 71st Street. The significant adverse impact at the northbound approach of this intersection during the weekday a.m. peak hour could be fully mitigated by modifying the signal phasing to provide an additional exclusive northbound phase prohibiting parking (installing a No Standing Anytime sign) on the west side of York Avenue on the southbound approach for approximately 60 feet from the intersection to provide a 10-foot, southbound, right-turn lane.

York Avenue and East 66th Street. The significant adverse impact at the northbound approach of this intersection during the weekday midday peak hour could be fully mitigated by shifting 3 seconds of green time from the westbound phase to the northbound phase. The significant adverse impact at the southbound approach of this intersection during the weekday p.m. peak hour could be fully mitigated by shifting 1 second of green time from the westbound phase to the northbound/southbound phase.

York Avenue and East 65th Street. The significant adverse impact at the eastbound approach of this intersection during the weekday a.m. and midday peak hours could be fully mitigated by shifting 2 seconds of green time from the northbound/southbound phase to the eastbound phase. The significant adverse impact at the eastbound approach of this intersection during the p.m. peak hour could be fully mitigated by shifting 1 second of green time from the northbound/southbound phase to the eastbound phase.

York Avenue and East 61st Street. The significant adverse impact at the westbound right-turn of this intersection during the weekday a.m. peak hour could be fully mitigated by shifting 1 second of green time from the northbound/southbound phase to the westbound phase.

First Avenue and East 72nd Street. This intersection is not impacted during the weekday AM peak hour. However, the signal timing was adjusted under the mitigation conditions (shifting 1 second of green time from the northbound phase to the eastbound/westbound phase) in order to accommodate the proposed mitigation measures at the intersection of York Avenue and East 73rd Street as described above. The significant adverse impact at the eastbound *de facto* left-turn of this intersection during the weekday p.m. peak hour could be fully mitigated by shifting 2 seconds of green time from the northbound phase to the eastbound/westbound phase.

First Avenue and East 65th Street. The significant adverse impact at the eastbound approach of this intersection during the weekday a.m., midday, and p.m. peak hours could be fully mitigated by shifting 1 second of green time from the northbound phase to the eastbound phase.

Unavoidable and Immitigable Adverse Environmental Impacts

Open Space. The significant adverse impact of the Proposed Project on open space would not be mitigated. The Proposed Project is located in an area that, according to the 2012 *CEQR*

Technical Manual, is underserved in terms of open space. Underserved areas are defined as areas having a high population density and being located far from parkland such that the amount of open space per 1,000 residents is less than 2.5 acres. With the Proposed Project, the passive open space ratio in the study area would decrease by 34 percent (but would remain above the city's passive open space guidelines with the Proposed Project), resulting in a significant adverse impact on passive open space. However, the open space ratio would remain above the city's passive open space guidelines with the Proposed Project.

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

Pursuant to the proposed Zoning Text Amendment that would allow an additional 20 percent of the allowable floor area (2.0 FAR in this case) in connection with an improvement to a public park, MSK would make a substantial contribution to NYCDPR for Phase 2B of NYCDPR's improvement plan for Andrew Haswell Green Park, a 1.98-acre public park along the East River Esplanade that is outside the study area. Previously controlled by the NYCDOT and used as a heliport, NYCDPR took control of the parcel in 2007 and began the process of developing it into a public park. While the ramp down to the project site is open to the public, of the 1.98-acre area, 1.1 acres at the grade of the esplanade has not been opened to public access due to lack of sufficient capital funding to complete necessary infrastructure repairs and replacements in kind. The funding would be used by NYCDPR for such repairs, replacements-in-kind, and improvements at NYCDPR's discretion. This work would allow NYCDPR to open the portion of Andrew Haswell Green Park at esplanade grade to public access. Because the improvements to Andrew Haswell Green Park as part of the Proposed Project would result in a floor area bonus, they are not open space mitigation.

Improvements to parks and public open spaces in the study area were considered, but were found not to be feasible. There are no large unused city-owned properties in the study area. The Upper East Side and Community Board 8 are considered highly desirable places to live, and unutilized or underutilized sites (other than the project site) are not owned by the city. Since publication of the *DEIS*, it was announced that two parcels located north and south of the Con Edison oil receiving facility on the waterfront will be improved by Con Edison and opened for public access. These parcels are not under the jurisdiction of NYCDPR. At 1.1 acres, the area of Andrew Haswell Green Park to be improved and made accessible to the public represents a considerable benefit. John Jay Park to the north of the project site is well-maintained, well-programmed and fully open to the public. Improvements to Andrew Haswell Green Park, therefore, would be more beneficial. Improvements to Andrew Haswell Green Park would allow 1.1 acres of the open space to be opened to the public and would amount to a substantial

contribution to the East River Esplanade in this section of the waterfront and to all the people who use the esplanade for outdoor recreation such as walking and jogging.

Transportation. Traffic conditions were evaluated at 19 intersections for the weekday a.m., midday, and p.m. peak hours. With the Proposed Project, there would be the potential for significant adverse impacts at 11 different intersections, 8 intersections each during the weekday a.m., midday, and p.m. peak hours. With the proposed mitigation measures in place, all the significant adverse traffic impacts could be fully mitigated during all three analysis peak hours, with the exception of those at the York Avenue and East 79th Street intersection. Therefore, the Proposed Project would result in unavoidable significant adverse traffic impacts.

Construction. While the peak construction traffic increments would be lower than the full operational traffic increments associated with the completion of the Proposed Project in 2019, some of the study area intersections through which construction-related traffic would also travel were determined to operate at unacceptable levels during commuter peak hours. In order to alleviate potential for significant adverse traffic impacts during construction, measures recommended to mitigate impacts associated with the operational traffic of the Proposed Project could be implemented during construction before full build-out of the Proposed Project. Measures to mitigate the operational traffic impacts in 2019 were recommended for implementation at 10 out of the 11 different impacted intersections during weekday peak hours. These measures would encompass primarily signal timing adjustments and other operational measures, all of which could be implemented earlier at the discretion of NYCDOT to address actual conditions experienced at that time. However, traffic impacts during construction at the York Avenue and East 79th Street intersection would likewise be unmitigated. Therefore, construction under the Proposed Project would result in unavoidable significant adverse traffic impacts.

Growth-Inducing Aspects

While the proposed uses would result in increased activity on the project site, they do not represent new types of land uses in the study area, which currently contains institutional, commercial, parking, light manufacturing, and residential uses. The proposed actions would result in development that would be compatible with and complementary to existing study area land uses. The area surrounding the project site is fully developed, and the level of development is controlled by zoning. As such, the Proposed Project would not “induce” new growth in the study area. The Proposed Project and related actions are specific to the project site only.

The Proposed Project would not result in any significant adverse impacts to water supply or wastewater and storm water infrastructure. While the Proposed Project would increase the project site’s water consumption, sewage generation, and storm water runoff as compared to the No Build condition, it is expected that there would be adequate water service to meet the Proposed Project’s incremental water demand, and there would be no significant adverse impacts on the city’s water supply. The incremental volume in sanitary flow to the combined sewer

system would not result in an exceedance of the Wards Island WWTP's design capacity, as per the plant's SPDES permit, nor would it create a significant adverse impact on the city's sewage conveyance system. With the incorporation of selected BMPs, the peak storm water runoff rates would be reduced from the future without the Proposed Project. Therefore, no significant adverse impacts are anticipated on the city's sewage conveyance or treatment systems.

Irreversible and Irretrievable Commitment of Resources

Natural and man-made resources would be expended in order to construct and operate the Proposed Project. The development of Proposed Project would require the irreversible and irretrievable commitment of energy, construction materials, land, and funds. These resources would be irretrievably committed to or consumed by the Proposed Project and thus would not be available for use elsewhere.

Implementation of the Proposed Project would constitute a long-term commitment of the project site and would render land use for other purposes infeasible. In addition, funds expended on the design, construction and operation of the Proposed Project would not be available for other projects. These commitments of land resources and materials are weighed against the benefits of the proposed development, which would bring new institutional uses to an underdeveloped site. Hence, the Proposed Project is expected to substantially improve the project site.

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the *Draft EIS* and *Final EIS*, including all comments submitted through the *SEQR* process and responses thereto, and having considered the preceding written facts and conclusions relied upon to meet the requirements of the *State Environmental Quality Review Act*, codified at Article 8 of the New York *Environmental Conservation Law*, and its implementing regulations, promulgated at Part 617 of Title 6 of the *N.Y.C.R.R.*, including 6 *N.Y.C.R.R.* § 617.11, this Statement of Findings certifies that:

1. The requirements of the *State Environmental Quality Review Act*, and its implementing regulations, 6 *N.Y.C.R.R.* Part 617, have been met and fully satisfied; and

Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the impacts disclosed in the *FEIS* and set forth in this Findings Statement; and

Consistent with the social, economic and other essential considerations the significant adverse impacts of the proposed action revealed in the *FEIS*, through the *SEQR* process and set forth in this Findings Statement, have been minimized or avoided or minimized by incorporating as conditions to this decision those mitigative measures which were identified as practicable.

Dormitory Authority State of New York (DASNY)

(Name of Agency)



(Signature of Responsible Official)

Jack D. Homkow

(Name of Responsible Official)

Director, Office of Environmental Affairs

(Title of Responsible Official)

April 3, 2014

(Date)

One Penn Plaza, 52nd Floor, New York, New York 10119-0098

(Address of Agency)

SEQRA
State Environmental Quality Review Act
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

August 2, 2016

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Hempstead Town Board, as Lead Agency, has determined that the Proposed Action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Amendments to the Conceptual Master Plan for the Mitchel Field Mixed-Use (MFM) District and Site Plan Approval for the Memorial Sloan Kettering Regional Center (hereinafter "MSKRC") Project (the "Proposed Action")

SEQR Status: Type I

Conditioned Negative Declaration: No

Location: The subject MSKRC parcel (Section 44, Block F, Lot 413) is situated in Uniondale in the unincorporated area of the Town of Hempstead and is part of a group of parcels comprising the MFM District which contain a total area of approximately 91 acres and which are currently improved with the Nassau Veterans Memorial Coliseum and the Marriot Hotel and which are designated as Section 44, Block F, Lots 351, 411, 412 and 414 (hereinafter "Coliseum Parcel"), Section 44, Block F, Lots 326 and 401 (hereinafter "Marriott Parcel") and Section 44, Block F, Lot 402 (hereinafter "Vacant Parcel") on the Nassau County Land and Tax Map (hereinafter collectively referred to as the "Subject Premises").

Description of Action: The MSKRC project is comprised of the construction of an approximately 140,000-square foot building that would serve as an outpatient treatment and cancer research facility, as well as a 452-space, 133,940-square foot (excluding 33,485 square feet at grade level) parking garage and other accessory site improvements. The MSKRC project is a component of a larger approved Conceptual Master Plan for the Subject Premises in the MFM District. The Conceptual Master Plan provides for the future development of the Subject Premises with a total of 3,477,700 square feet of space composed of retail, restaurant, office and medical facility, recreation, convention center and hotel space.

Additionally, the Conceptual Master Plan provides for 104,304 square feet of public open space (including, but not limited to, a plaza accessible to the public), equal to or exceeding three percent (3%) of the land area of the Subject Premises after deduction of the area of the right-of-ways, including 85,617 square feet of open space on the Coliseum Parcel and 18,687 square feet of open space on the Marriott Parcel and Vacant Parcel.

Reasons Supporting This Determination: Prior to the establishment of the MFM District, the Town of Hempstead initiated a SEQRA environmental review of the impacts related to the draft regulations of the MFM District and the Zoning Map amendments to add the Subject Premises to the Mitchel Field Mixed-Use District. The Town's FGEIS, filed by the Town Board in May of 2011, introduced and analyzed the MFM District. The FGEIS determined, in pertinent part, that the adoption of the MFM District and development having a floor area ratio of 1.6 in accordance with the MFM regulations would address the environmental issues of concern raised by the Town and the community with respect to redevelopment of the Coliseum, Marriott and Vacant parcels. A Findings Statement to that effect was adopted by the Town Board on June 9, 2011.

After receiving an application for Site Plan Approval from MSKRC and determining the Proposed Action to be a Type I Action subject to a coordinated review, the Town of Hempstead Town Board distributed a Notice of Intent to be Lead Agency for the environmental review to all Involved Agencies, and received no written objection to its intent to be Lead Agency during the passage of the required thirty (30) days.

MSKRC prepared and submitted a draft Expanded EAF and application materials to the Town. Frederick P. Clark Associates, Inc., the Town's environmental consultants, reviewed the information and analysis in the draft Expanded EAF and provided comments to the Applicant and the Town by email and memoranda. The Applicant revised the draft Expanded EAF, the MSKRC Site Plan and the Conceptual Master Plan to respond to the comments.

The Expanded Full Environmental Assessment Form provides detailed information regarding topic areas pertinent to the MSKRC Site Plan and the MFM District Conceptual Master Plan to analyze whether the proposed MSKRC project and the amended MFM District Conceptual Master Plan would result in any significant adverse impacts not contemplated in the Town's 2011 FGEIS, and if so, to provide appropriate project changes to minimize or avoid said impacts. In the Town's FGEIS, the analysis of the test development scenario for the MFM District Alternative did not identify significant adverse impacts in certain subject areas based on conformance of the development with the requirements of the MFM District. The areas in which no significant adverse impacts were predicted to occur include:

Negative Declaration for Amendments to the Conceptual Master Plan for the MFM District and Site Plan Approval for the Memorial Sloan Kettering Regional Center Project

Ecological Resources; Air Quality; Noise and Vibration; Socioeconomics; Community Facilities and Services; Aesthetics and Visual Resources; Cultural Resources; Cumulative Impacts; Unavoidable Adverse Impacts; Irretrievable and Irreversible Commitment of Resources; Growth Inducing Impacts; Use and Conversation of Energy; and Sustainability.

Further, the Town's FGEIS and the Town's Findings Statement were reviewed to assess whether the MSKRC Site Plan has the potential to result in new or different significant adverse impacts in any of the impact areas previously analyzed in the 2011 FGEIS and Findings Statement, and/or to determine where additional analysis would be required.

The following analysis areas identified as sensitive in the 2011 FGEIS and Findings Statement with respect to potential impacts were analyzed:

Geology, Subsurface Conditions, Soils and Topography; Water Resources; Stormwater Management; Hazardous Materials Handling; Transportation and Parking; and Construction.

More specifically with respect to the MSKRC Site Plan and the amended MFM District Conceptual Master Plan:

1. The Proposed Action will not have a significant adverse environmental impact on geology, soils, and topography because the Coliseum Parcel, the Marriott Hotel Parcel, and the Vacant Parcel are already developed, are minimally sloped, and do not include significant areas of undeveloped land that would be disturbed. New development would be confined to already developed areas of the Subject Premises.
2. The Proposed Action will not have a significant adverse environmental impact with respect to any unique or unusual land forms because there are no unique or unusual land forms on the Subject Premises.
3. The Proposed Action will not have a significant adverse environmental impact on any wetlands or other surface water bodies because there are no wetlands or surface water bodies on the Subject Premises.
4. The Proposed Action will not have a significant adverse environmental impact with respect to new or additional use of ground water, and will not have a significant adverse environmental impact with respect to the introduction of contaminants to ground water or the Nassau/Suffolk sole source aquifer because the Subject Premises is required to develop and implement erosion and sediment controls during construction and a stormwater management plan for the MSKRC

Negative Declaration for Amendments to the Conceptual Master Plan for the MFM District and Site Plan Approval for the Memorial Sloan Kettering Regional Center Project

project plan. In addition, stormwater runoff will be directed into the existing stormwater collection system and the Subject Premises is located in the existing Roosevelt Industrial Area Sewer District, which has the capacity to handle the sanitary waste water generated by the Proposed Action.

5. The Proposed Action will not have a significant adverse environmental impact with respect to the development of lands subject to flooding because the Subject Premises is not located within any floodplains or floodways.
6. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact related to any State regulated mobile or stationary air emission sources.
7. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact with respect to the loss of flora or fauna or significant habitats because the Subject Premises is already developed and the Proposed Action development will be entirely within the developed areas of the parcels and district.
8. The Proposed Action will not have a significant adverse environmental impact on agricultural resources because the Subject Premises is not located in a designated agricultural district and it is already developed.
9. Based on the 2011 FGEIS analysis, the Conceptual Master Plan for the MFM District, and the MSKRC project plan's relation to the MFM District regulations, the Proposed Action will not have a significant adverse environmental impact on any scenic or aesthetic resources, or community character.
10. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact on any historic or archaeological resources because the Subject Premises does not contain, and is not located contiguous to, a building, archaeological site, or district listed on, or nominated to the State or National Register of Historic Places. In addition, the height restrictions of the MFM District eliminate or limit impacts to more remote historic and cultural sites.
11. The Proposed Action will not have a significant adverse environmental impacts with respect to the loss of recreational opportunities or with respect to a reduction of an open space resource because the Proposed Action will preserve and improve the Coliseum, an existing recreational resource, provide new open space resources required by the MFM District regulations, and it will not create new demand for recreational opportunities.

Negative Declaration for Amendments to the Conceptual Master Plan for the MFM District and Site Plan Approval for the Memorial Sloan Kettering Regional Center Project

12. The Proposed Action will not have a significant adverse environmental impact on a Critical Environmental Area (CEA) because there is no CEA located on or adjacent to the Subject Premises.
13. The Proposed Action will not have a significant adverse environmental impact on existing transportation or parking systems because the Proposed Action includes project changes and additions that eliminate or limit the effects of any increased traffic above present levels generated by the Proposed Action, and it will not generate substantial new demand for transportation facilities or services as demonstrated by the traffic study prepared by the Applicant. The multiple uses proposed allow for shared parking between the uses as demonstrated by the shared parking analysis prepared by the Applicant.
14. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact as a result of an increase in the use of any form of energy, and will be served by the existing capacity of the Central Utility Plant currently supplying energy to the Coliseum and the rest of the MFM District.
15. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact as a result of an increase in noise or vibrations. Temporary noise and vibrations during construction will be limited by a construction management plan and the implementation of best practices with regarding to excavation, mechanical equipment, vehicles, and hours of operation.
16. Based on the 2011 FGEIS analysis, and the development and implementation of the Construction Health and Safety Plan, the Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing subsurface and building sources hazardous materials encountered during demolition and construction, and during operation of the facility, medical waste will be separated from the waste stream and will be carted and disposed of in compliance with all applicable regulations.
17. The Proposed Action will be consistent with the MFM District regulations and adopted community plans; therefore, it will not have a significant adverse environmental impact with respect to land use and zoning.
18. Based on the 2011 FGEIS analysis, and the Expanded EAF the Proposed Action will not have a significant adverse environmental impact on water resources and water supply. The existing water district serving the Subject Premises has capacity to supply water to meet the increased demand anticipated from the Proposed Action.

Negative Declaration for Amendments to the Conceptual Master Plan for the MFM District and Site Plan Approval for the Memorial Sloan Kettering Regional Center Project

19. Based on the 2011 FGEIS analysis and the Expanded EAF, the Proposed Action will not have a significant adverse environmental impact on community services because the Conceptual Master Plan and the MSKRC project plan do not include housing that would generate school children, and the Coliseum parcel and the Marriott Hotel parcels are already served by fire, police and emergency services that have capacity to continue to serve the Subject Premises.

Based upon the information contained herein, and the information in the Expanded Full Environmental Assessment Form, the Hempstead Town Board finds that the Proposed Action will not have any significant adverse impacts upon the environment. This Negative Declaration indicates that no environmental impact statement need be prepared and that the SEQRA process is complete.

Lead Agency: Town of Hempstead Town Board
Hempstead Town Hall
1 Washington Street
Hempstead, New York 11550

For Further Information: David A. Levy, Esq.
Office of Supervisor Anthony J. Santino
Hempstead Town Hall
1 Washington Street
Hempstead, New York
(516) 489-5000

Filing and Publication: This notice of a Negative Declaration shall be emailed to enb@dec.ny.gov for publication in the Environmental Notice Bulletin. Further, this notice of a Negative Declaration shall be filed with the following:

1. Town of Hempstead Department of Water
2. Town of Hempstead Department of Highways
3. Nassau County Executive
4. Nassau County Legislature
5. Nassau County Planning Commission
6. Nassau County Department of Health

Negative Declaration for Amendments to the Conceptual Master Plan for the MFM District and Site Plan Approval for the Memorial Sloan Kettering Regional Center Project

7. Nassau County Department of Public Works
8. New York State Department of Health (Albany and regional office)
9. New York State Department of Transportation (Albany and regional office)
10. New York State Department of Environmental Conservation (Albany and regional office)

J:\DOCS2\100\Hempstead\Sloan Kettering\neg dec.docx

Adopted: August 2, 2016

Councilwoman Goosby offered the following resolution and moved its adoption:

RESOLUTION ADOPTING A NEGATIVE DECLARATION (DETERMINATION OF NON-SIGNIFICANCE) IN ACCORDANCE WITH THE NYS ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) PROCESS FOR APPLICATIONS FOR AMENDMENTS TO THE CONCEPTUAL MASTER PLAN FOR THE MITCHEL FIELD MIXED-USE (MFM) DISTRICT AND FOR SITE PLAN APPROVAL FOR THE MEMORIAL SLOAN KETTERING REGIONAL CENTER (MSKRC) PROJECT IN UNIONDALE IN THE TOWN OF HEMPSTEAD, NEW YORK

WHEREAS, the Town Board of the Town of Hempstead has received applications from Memorial Hospital for Cancer and Allied Diseases for Amendments to the Conceptual Master Plan for the Mitchel Field Mixed-Use (MFM) District and for Site Plan Approval for the Memorial Sloan Kettering Regional Center (hereinafter "MSKRC") project (hereinafter the "Proposed Action"); and

WHEREAS, the subject MSKRC parcel (Section 44, Block F, Lot 413) is situated in Uniondale in the unincorporated area of the Town of Hempstead and is part of a group of parcels comprising the MFM District which contain a total area of approximately 91 acres and which are currently improved with the Nassau Veterans Memorial Coliseum and the Marriott Hotel and which are designated as Section 44, Block F, Lots 351, 411, 412 and 414 (hereinafter "Coliseum Parcel"), Section 44, Block F, Lots 326 and 401 (hereinafter "Marriott Parcel") and Section 44, Block F, Lot 402 (hereinafter "Vacant Parcel") on the Nassau County Land and Tax Map (hereinafter collectively referred to as the "Subject Premises"); and

WHEREAS, the MSKRC project is comprised of the construction of an approximately 140,000-square foot building that would serve as an outpatient treatment and cancer research facility, as well as a 452-space, 133,940 square foot (excluding 33,485 square feet at grade level) parking garage and other accessory site improvements; and

WHEREAS, the MSKRC project is a component of a larger approved Conceptual Master Plan for the Subject Premises in the MFM District; and

WHEREAS, the Conceptual Master Plan provides for the future development of the Subject Premises with a total of 3,477,700 square feet of space composed of retail, restaurant, office and medical facility, recreation, convention center and hotel space; and

WHEREAS, additionally, the Conceptual Master Plan provides for 104,304 square feet of public open space (including, but not limited to, a plaza accessible to the public), equal to or exceeding three percent (3%) of the land area of the Subject Premises after deduction of the area of the right-of-ways, including 85,617 square feet of open space on the Coliseum Parcel and 18,687 square feet of open space on the Marriott Parcel and Vacant Parcel; and

WHEREAS, the Town Board has identified the Conceptual Master Plan project as a Type I action in accordance with the New York State Environmental Quality Review Act; and

WHEREAS, pursuant to 6 NYCRR 617.6(b)(2)(i), for all Type I actions involving more than one agency, a lead agency must be established prior to a determination of significance; and

WHEREAS, 6 NYCRR 617.6(b)(3)(i) requires that, when an agency proposes to approve a Type I action undergoing coordinated review with other involved agencies, it must, as soon as possible, transmit Part 1 of the Environmental Assessment Form (EAF) completed by the project sponsor and a copy of any application it has received to all involved agencies and notify them that a lead agency must be agreed upon within 30 calendar days of the date the EAF was transmitted to them; and

WHEREAS, the Town Board declared its intent to be lead agency, followed the above mentioned lead agency designation procedure, received no objection from the other involved agencies during the ensuing 30-day period, and became the lead agency; and

WHEREAS, the Applicant has prepared an Expanded Full Environmental Assessment Form (the "Expanded EAF") with attachments to analyze the potential adverse environmental impacts associated with the Proposed Action, as described above; and

WHEREAS, the issues analyzed in the Expanded Full EAF and its attachments include the potential for adverse environmental impacts relating to Geology, Subsurface Conditions, Soils and Topography; Water Resources; Stormwater Management; Hazardous Materials Handling; Transportation and Parking; and Construction; and

WHEREAS, the Expanded EAF and its attachments have been reviewed by the Town and its consultants and the significance of all environmental considerations, including those enumerated in 6 NYCRR Part 617.7(c), have been thoroughly evaluated to determine whether significant adverse environmental impacts will result.

NOW, THEREFORE, BE IT RESOLVED, that the Hempstead Town Board, as lead agency, after due consideration of the Expanded EAF and its attachments, hereby finds that the Proposed Action, as defined above, will not have a significant adverse impact on the environment for the following reasons:

1. The Proposed Action will not have a significant adverse environmental impact on geology, soils, and topography because the Coliseum Parcel, the Marriott Hotel Parcel, and the Vacant Parcel are already developed, are minimally sloped, and do not include significant areas of undeveloped land that would be disturbed. New development would be confined to already developed areas of the Subject Premises.
2. The Proposed Action will not have a significant adverse environmental impact with respect to any unique or unusual land forms because there are no unique or unusual land forms on the Subject Premises.
3. The Proposed Action will not have a significant adverse environmental impact on any wetlands or other surface water bodies because there are no wetlands or surface water bodies on the Subject Premises.
4. The Proposed Action will not have a significant adverse environmental impact with respect to new or additional use of ground water, and will not have a significant adverse environmental impact with respect to the introduction of contaminants to ground water or the Nassau/Suffolk sole source aquifer because the Subject Premises is required to develop and implement erosion and sediment controls during construction and a stormwater management plan for the MSKRC

project plan. In addition, stormwater runoff will be directed into the existing stormwater collection system and the Subject Premises is located in the existing Roosevelt Industrial Area Sewer District, which has the capacity to handle the sanitary waste water generated by the Proposed Action.

5. The Proposed Action will not have a significant adverse environmental impact with respect to the development of lands subject to flooding because the Subject Premises is not located within any floodplains or floodways.
6. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact related to any State regulated mobile or stationary air emission sources.
7. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact with respect to the loss of flora or fauna or significant habitats because the Subject Premises is already developed and the Proposed Action development will be entirely within the developed areas of the parcels and district.
8. The Proposed Action will not have a significant adverse environmental impact on agricultural resources because the Subject Premises is not located in a designated agricultural district and it is already developed.
9. Based on the 2011 FGEIS analysis, the Conceptual Master Plan for the MFM District, and the MSKRC project plan's relation to the MFM District regulations, the Proposed Action will not have a significant adverse environmental impact on any scenic or aesthetic resources, or community character.
10. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact on any historic or archaeological resources because the Subject Premises does not contain, and is not located contiguous to, a building, archaeological site, or district listed on, or nominated to the State or National Register of Historic Places. In addition, the height restrictions of the MFM District eliminate or limit impacts to more remote historic and cultural sites.
11. The Proposed Action will not have a significant adverse environmental impacts with respect to the loss of recreational opportunities or with respect to a reduction of an open space resource because the Proposed Action will preserve and improve the Coliseum, an existing recreational resource, provide new open space resources required by the MFM District regulations, and it will not create new demand for recreational opportunities.
12. The Proposed Action will not have a significant adverse environmental impact on a Critical Environmental Area (CEA) because there is no CEA located on or adjacent to the Subject Premises.
13. The Proposed Action will not have a significant adverse environmental impact on existing transportation or parking systems because the Proposed Action includes project changes and additions that eliminate or limit the effects of any increased traffic above present levels generated by the Proposed Action, and it will not generate substantial new demand for transportation facilities or services as demonstrated by the traffic study prepared by the Applicant. The multiple uses proposed allow for shared parking between the uses as demonstrated by the shared parking analysis prepared by the Applicant.
14. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact as a result of an increase in the use of any form of

energy, and will be served by the existing capacity of the Central Utility Plant currently supplying energy to the Coliseum and the rest of the MFM District.

15. Based on the 2011 FGEIS analysis, the Proposed Action will not have a significant adverse environmental impact as a result of an increase in noise or vibrations. Temporary noise and vibrations during construction will be limited by a construction management plan and the implementation of best practices with regarding to excavation, mechanical equipment, vehicles, and hours of operation.
16. Based on the 2011 FGEIS analysis, and the development and implementation of the Construction Health and Safety Plan, the Proposed Action will not have a significant adverse environmental impact on human health from exposure to new or existing subsurface and building sources hazardous materials encountered during demolition and construction, and during operation of the facility, medical waste will be separated from the waste stream and will be carted and disposed of in compliance with all applicable regulations.
17. The Proposed Action will be consistent with the MFM District regulations and adopted community plans; therefore, it will not have a significant adverse environmental impact with respect to land use and zoning.
18. Based on the 2011 FGEIS analysis, and the Expanded EAF the Proposed Action will not have a significant adverse environmental impact on water resources and water supply. The existing water district serving the Subject Premises has capacity to supply water to meet the increased demand anticipated from the Proposed Action.
19. Based on the 2011 FGEIS analysis and the Expanded EAF, the Proposed Action will not have a significant adverse environmental impact on community services because the Conceptual Master Plan and the MSKRC project plan do not include housing that would generate school children, and the Coliseum parcel and the Marriott Hotel parcels are already served by fire, police and emergency services that have capacity to continue to serve the Subject Premises; and

BE IT FURTHER RESOLVED, that the Town Board hereby adopts the attached Negative Declaration in connection with the Proposed Action as defined above; and

BE IT FURTHER RESOLVED, that the State Environmental Quality Review Act process has been satisfied and finished with the completion of the above mentioned review and the adopted Negative Declaration; and

BE IT FURTHER RESOLVED, that the Town Board hereby directs the Town Clerk to file and publish the attached Negative Declaration in accordance with the requirements of 6 NYCRR Part 617.12.

The foregoing resolution was adopted upon roll call as follows:

Ayes: SIX (6)

Noes: NONE (0)

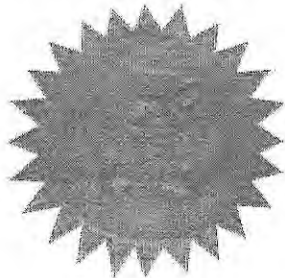
COUNCILMAN AMBROSINO RECUSED HIMSELF FROM VOTING

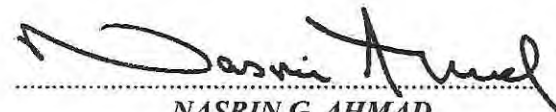
Attachment: Negative Declaration

STATE OF NEW YORK }
COUNTY OF NASSAU } ss.:
TOWN OF HEMPSTEAD }

I do hereby certify that I have compared the annexed copy of Resolution No. 1149-2016 with the original on file in the office of the Town Clerk of the Town of Hempstead, and that the same is a true and correct copy of said original and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Hempstead on this day of August 2, 2016




.....
NASRIN G. AHMAD
Town Clerk

ENVIRONMENTAL REVIEW

Project number: DEPUTY MAYOR FINANCE/ECO DEV / 13DME003M
Project: MSK/CUNY
Address: 525 EAST 73 STREET, **BBL:** 1014850015
Date Received: 12/11/2012

- No architectural significance**
- No archaeological significance**
- Designated New York City Landmark or Within Designated Historic District**
- Listed on National Register of Historic Places**
- Appears to be eligible for National Register Listing and/or New York City Landmark Designation**
- May be archaeologically significant; requesting additional materials**

Comments: Revised of this date.

Gina Santucci

12/11/2012

SIGNATURE
Gina Santucci, Environmental Review Coordinator

DATE

File Name: 28083_FSO_GS_12112012.doc



Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643

www.nysparks.com

January 18, 2013

Ms. Sara E. Stein, AICP, LEED-AP
Environmental Manager
DASNY, Office of Environmental Affairs
One Penn Plaza, 52nd Floor
New York, NY 10119-0098

Re: DASNY/DOH
MSK/CUNY-Hunter Project at East 74th Street
New York County
12PR05364

Dear Ms. Stein:

Thank you for requesting the comments of the New York State Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) for the proposed work at East 74th Street in Manhattan. We have reviewed the materials submitted in accordance with Section 14.09 of the State Historic Preservation Law of 1980. These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).


We concur with the New York City Landmarks Preservation Commission's assessment that the subject property is not eligible for listing in the state register and is not likely to contain any intact archeological resources. Two adjacent properties, 524 East 73rd Street and 503-507 East 74th Street, have been determined eligible for listing in the state register. A copy of the Resource Evaluation for each property is enclosed for your reference.

We note that the project proposal involves the construction of new facilities. Any such construction will need to protect the adjacent historic properties. As such it is OPHRP's opinion that the proposed work will have No Adverse Impact upon historic resources provided the following condition is met:

1. A construction protection plan is put in place for any historic structures within 90 feet of the proposed work. The construction protection plan should be developed in accordance with the New York City Department of Buildings "Technical Policy Procedure Notice #10/88" and the New York City Landmarks Preservation Commission guidelines described in "Protection Programs for Landmarked Buildings."

If you have any questions, I can be reached at (518) 237-8643, ext. 3282. Please refer to the SHPO Project Review (PR) number in any future correspondences regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth A. Cumming". The signature is fluid and cursive, with a prominent initial "B" and a long, sweeping underline.

Beth A. Cumming
Historic Site Restoration Coordinator
e-mail: Beth.cumming@oprhp.state.ny.us

enc: Resource Evaluations

via e-mail only



Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation • Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643

www.nysparks.com

June 14, 2013

Ms. Sara E. Stein, AICP, LEED-AP
Environmental Manager
DASNY, Office of Environmental Affairs
One Penn Plaza, 52nd Floor
New York, NY 10119-0098

Re: DASNY/DOH
MSK/CUNY-Hunter Project at East 74th Street
New York County
12PR05364

Dear Ms. Stein:

Thank you for continuing to consult with the New York State Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP) for the proposed work at East 74th Street in Manhattan. We have reviewed the materials submitted in accordance with Section 14.09 of the State Historic Preservation Law of 1980 and our letter dated January 18, 2013.

We have reviewed the Construction Protection Plan dated May 8, 2013. Based upon our review, it meets the requirements provided in our January 18, 2013 condition. As such, no further submissions on this condition are required.

If you have any questions, I can be reached at (518) 237-8643, ext. 3282
Sincerely,

Beth A. Cumming
Historic Site Restoration Coordinator
e-mail: Beth.cumming@oprhp.state.ny.us

via e-mail only



DASNY

SMART GROWTH IMPACT STATEMENT ASSESSMENT FORM

Date: November 14, 2017

Project Name: Memorial Sloan Kettering Cancer Center
2017 Financing Project
State and Municipal Facilities Capital Program (SAM)

Project Number: N/A

Completed by: Matthew A. Stanley, AICP
Senior Environmental Manager

This Smart Growth Impact Statement Assessment Form ("SGISAF") is a tool to assist you and Dormitory Authority State of New York ("DASNY") Smart Growth Advisory Committee in deliberations to determine whether a project is consistent with the State of New York *State Smart Growth Public Infrastructure Policy Act ("SSGPIPA")*, article 6 of the New York State *Environmental Conservation Law ("ECL")*. Not all questions/answers may be relevant to all projects.

Description of Proposed Action and Proposed Project:

The Proposed Action would consist of DASNY's authorization of the issuance of approximately \$442,885,000 in 30-year fixed and/or variable rate, taxable and/or tax-exempt, Series 2017 Bonds to be sold through a negotiated sale and/or a private placement on behalf of MSKCC, the proceeds which would be used to finance the 2017 Financing Project which would involve the following project elements:

David H. Koch Center: The construction of a 23-story, approximately 760,000-gross-square-foot ("gsf"), ambulatory care center, located at 530 East 74th Street, New York, New York (currently under construction). MSKCC is developing the David H. Koch Center (the "Koch Center") in partnership with The City University of New York ("CUNY") Hunter College ("Hunter"). MSK proposes to build the Koch Center, a new ambulatory care facility, while CUNY proposes to build the Hunter College Science and Health Professions Building ("CUNY-Hunter Building").

Nassau Outpatient Center: The construction of a two-story, approximately 140,000-gsf, outpatient center, located at 1255 Hempstead Turnpike, Uniondale, New York and an associated five-story, 156,000-gsf, 450-space parking garage (currently under construction)

Additional project elements (Steam Heating System Conversion Project; Medical Equipment Purchase; and Refundings) are Type II actions under SEQR and therefore do not require SSGPIPA compliance.

Smart Growth Impact Assessment: Have any other entities issued a Smart Growth Impact Statement (“SGIS”) with regard to this project? (If so, attach same).

Yes No

1. Does the project advance or otherwise involve the use of, maintain, or improve existing infrastructure? Check one and describe:

Yes No Not Relevant

Both the David H. Koch Center and MSK Nassau projects would take advantage of existing infrastructure in the form of existing roadways, water and sanitary sewage, electrical and other utilities. Therefore the Proposed Project would be consistent with this criterion.

2. Is the project located wholly or partially in a **municipal center**,* characterized by any of the following: Check all that apply and explain briefly:

- A city or a village
- Within the interior of the boundaries of a generally-recognized college, university, hospital, or nursing home campus
- Area of concentrated and mixed land use that serves as a center for various activities including, but not limited to: **see below**
- Central business districts (such as the commercial and often geographic heart of a city, “downtown”, “city center”)
- Main streets (such as the primary retail street of a village, town, or small city. It is usually a focal point for shops and retailers in the central business district, and is most often used in reference to retailing and socializing)
- Downtown areas (such as a city's core (or center) or central business district, usually in a geographical, commercial, and community sense).
- Brownfield Opportunity Areas (http://nyswaterfronts.com/BOA_projects.asp)
- Downtown areas of Local Waterfront Revitalization Program areas (http://nyswaterfronts.com/maps_regions.asp)
- Locations of transit-oriented development (such as projects serving areas that have access to mass or public transit for residents)
- Environmental Justice Areas (<http://www.dec.ny.gov/public/899.html>)
- Hardship areas

* DASNY interprets the term “municipal centers” to include existing, developed institutional campuses such as universities, colleges and hospitals.

The David H. Koch Center would be located in the city of New York.

3. Is the project located adjacent to municipal centers (please see characteristics in question 2, above) with clearly-defined borders, in an area designated for concentrated development in the future by a municipal or regional comprehensive plan that exhibits strong land use, transportation, infrastructure and economic connections to an existing municipal center? Check one and describe:

Yes No Not Relevant

The MSK Nassau project would be located in the Town of Hempstead-designated Mitchel Field Mixed-Use ("MFM") District and would be developed in accordance with the MFM Conceptual Master Plan. Therefore the Proposed Project would be consistent with this criterion.

4. Is the project located in an area designated by a municipal or comprehensive plan, and appropriately zoned, as a future municipal center? Check one and describe:

Yes No Not Relevant

This is not relevant because the project is consistent with criteria 2 and 3 above.

5. Is the project located wholly or partially in a developed area or an area designated for concentrated infill development in accordance with a municipally-approved comprehensive land use plan, a local waterfront revitalization plan, brownfield opportunity area plan or other development plan? Check one and describe:

Yes No Not Relevant

This is not relevant because the project is consistent with criterion 2 above.

6. Does the project preserve and enhance the state's resources, including agricultural lands, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and/or significant historic and archeological resources? Check one and describe:

Yes No Not Relevant

The respective *State Environmental Quality Reviews (SEQR)* conducted by the City of New York and the Town of Hempstead concluded that the projects would have no adverse impacts on agricultural land, forest, surface and groundwater, air quality, recreation and open space, scenic areas or significant historic and archeological resources, therefore they would be consistent with this criterion.

7. Does the project foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and/or the integration of all income and age groups? Check one and describe:

Yes No Not Relevant

Both projects would be developed in close proximity to residential, commercial, institutional and community facility land uses, therefore the Proposed Project would be consistent with this criterion.

8. Does the project provide mobility through transportation choices, including improved public transportation and reduced automobile dependency? Check one and describe:

Yes No Not Relevant

Both project sites are accessible by public transportation. Therefore the Proposed Project would be consistent with this criterion.

9. Does the project demonstrate coordination among state, regional, and local planning and governmental officials? (Demonstration may include *State Environmental Quality Review* ["SEQR"] coordination with involved and interested agencies, district formation, agreements between involved parties, letters of support, State Pollutant Discharge Elimination System ["SPDES"] permit issuance/revision notices, etc.). Check one and describe:

Yes No Not Relevant

The David H. Koch Center would represent coordination between the City of New York (City Planning Commission and City Council), New York State Department of Health, The City University of New York, Hunter College, and DASNY. The MSK Nassau Project would represent coordination between the Town of Hempstead, New York State Department of Health, and DASNY. Therefore the Proposed Project would be consistent with this criterion.

10. Does the project involve community-based planning and collaboration? Check one and describe:

Yes No Not Relevant

Coordinated SEQR reviews were conducted for both projects, therefore the Proposed Project would be consistent with this criterion.

11. Is the project consistent with local building and land use codes? Check one and describe:

Yes No Not Relevant

Both projects would meet all appropriate codes, therefore, it would be consistent with this criterion.

12. Does the project promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations?

Yes No Not Relevant

The projects would promote sustainability by being located in developed urban and suburban settings that are undergoing revitalization and are accessible by public transportation.

13. During the development of the project, was there broad-based public involvement? (Documentation may include *SEQR* coordination with involved and interested agencies, SPDES permit issuance/revision notice, approval of Bond Resolution, formation of district, evidence of public hearings, *Environmental Notice Bulletin* ["ENB"] or other published notices, letters of support, etc.). Check one and describe:

Yes No Not Relevant

Coordinated *SEQR* reviews were conducted for both projects, therefore the Proposed Project would be consistent with this criterion.

14. Does the Recipient have an ongoing governance structure to sustain the implementation of community planning? Check one and describe:

Yes No Not Relevant

As a healthcare provider, MSKCC engages in planning activities to improve the services it delivers to its patients and the local community, therefore the Proposed Project would be consistent with this criterion.

DASNY has reviewed the available information regarding this project and finds:

- The project was developed in general consistency with the relevant Smart Growth Criteria.

- The project was not developed in general consistency with the relevant Smart Growth Criteria.

- It was impracticable to develop this project in a manner consistent with the relevant Smart Growth Criteria for the following reasons:

ATTESTATION

I, President of DASNY/designee of the President of DASNY, hereby attest that the Proposed Project, to the extent practicable, meets the relevant criteria set forth above and that to the extent that it is not practical to meet any relevant criterion, for the reasons given above.



Signature

Jack D. Homkow, Director, Office of Environmental Affairs

Print Name and Title

November 14, 2017

Date