



## CITY PLANNING COMMISSION

November 28, 2001/Calendar No. 1

C 010547 ZMM

**IN THE MATTER OF** an application submitted by the Memorial Sloan-Kettering Cancer Center pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 8c and 9a**, changing from an R8 District to a R9 District property bounded by East 69<sup>th</sup> Street, a line 100 feet west of York Avenue, East 66<sup>th</sup> Street, and a line 100 feet east of First Avenue, as shown on a diagram (for illustrative purposes only) dated June 4, 2001, and subject to the conditions of CEQR Declaration E-105, Borough of Manhattan, Community District 8.

The application for an amendment to the zoning map was filed by the Memorial Sloan-Kettering Cancer Center (MSKCC) on March 30, 2001, to rezone three midblocks, located between East 66<sup>th</sup> and East 69<sup>th</sup> streets, and First and York avenues, from an R8 district to an R9 district. This action, in conjunction with related actions, would facilitate a new research facility in the midblock bounded by East 68<sup>th</sup> and East 69<sup>th</sup> streets and future expansion and upgrade of the existing MSKCC facilities located in the blocks between East 66<sup>th</sup> and East 68<sup>th</sup> streets. The application was revised on November 16, 2001.

### RELATED ACTIONS

In addition to the amendment of the Zoning Map, Section Nos. 8c and 9a, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 010548 ZSM **Special Permit** pursuant to Section 79-43 to modify height and setback on East 69<sup>th</sup> Street, which is a peripheral street to the Large Scale Community Facility Development (LSCFD).
2. N 010549 ZAM **Authorizations** pursuant to section 79-21 to modify height and setback requirements along East 68<sup>th</sup> Street; and distribution of floor area without regard to zoning lot lines.

## **BACKGROUND**

The zoning map amendment would facilitate the proposed expansion of the Memorial Sloan-Kettering Cancer Center. In order to build the proposed expansion, a special permit (C 010548 ZSM) and an authorization (N 010549 ZAM) are also required.

A full background discussion and description of this project appears in the report on the related application for a special permit (C 010548 ZSM ).

## **ENVIRONMENTAL REVIEW**

This application (C 010547 ZMM), in conjunction with the applications for the related actions (C 010548 ZSM and N 010549 ZAM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 01DCP050M. The lead agency is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement (FEIS) appears on the report on the related application for a special permit (C 010548 ZSM).

## **UNIFORM LAND USE REVIEW**

This application (C 010547 ZMM), in conjunction with the applications for the related actions (C 010548 ZSM), was certified as complete by the Department of City Planning on June 4, 2001, and was duly referred to Community Board 8 and to the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the related non-ULURP application (N 010549 ZAM) which was referred for information and comment.

On September 21, 2001, the City Council adopted a local law, signed by the Mayor on October 10, 2001 as Local Law No. 58 of 2001, to extend review periods under the Uniform Land Use Review Procedure for applications pending as of September 11, 2001, the date of the World Trade Center tragedy. Under Local Law No. 58, the 60-day period for community board review was extended by 30 days for any application pending at a community board as of September 11, 2001; the 30-day period for borough president and/or borough board review was extended by 30 days for any application pending before the borough president and/or borough board as of September 11, 2001; and the 60-day period for review and action by the City Planning Commission on ULURP applications (NYC Charter §197-c(f)) was extended for forty-five days for applications pending before the Commission as of September 11, 2001. Local Law No. 58 of 2001 also provides that, notwithstanding the provisions of NYC Charter §197-c(j), the failure of the Commission to act on a ULURP application pending as of September 11, 2001 within the sixty day period prescribed by the NYC Charter for Commission review, shall not be deemed to result in disapproval of the application.

#### **Community Board Public Hearing**

Community Board 8 held a public hearing on this application (C 010547 ZMM) on July 18, 2001, and on that date, by a vote of 22 in favor, 19 opposed, and 2 abstaining, adopted a resolution recommending disapproval of the application.

A summary of the recommendation of Community Board 8 appears in the report on the related application for a special permit (C 010548 ZSM).

#### **Borough President Recommendation**

This application was considered by the Borough President who issued a recommendation approving the application with conditions on August 21, 2001.

A summary of the Borough President's recommendation appears in the report on the related application for a special permit (C 010548 ZSM).

### **City Planning Commission Public Hearing**

On August 22, 2001, (Calendar No. 5), the City Planning Commission scheduled September 12, 2001, for a public hearing on this application (C 0010547 ZMM). On September 25, 2001, (Calendar No. 23) the City Planning Commission rescheduled October 10, 2001, for a public hearing on this application. The hearing was duly held on October 10, 2001 (Calendar No.23), in conjunction with the hearings on the related applications (C 010548 ZSM) and the Draft Environmental Impact Statement. The hearing was continued to October 12, 2001 (Calendar No. 25).

There were a number of appearances, as described in the report on the related application for a special permit (C 010548 ZSM).

### **CONSIDERATION**

The Commission notes that the applicant has revised the application on November 16, 2001. The Commission believes that the application, as revised (C 010547 ZMM) to rezone the midblocks between East 67<sup>th</sup> and East 69<sup>th</sup> streets between First and York avenues from an R8 district to an R9 district is appropriate.

A full consideration and analysis of the issues, and the reason for approving this application appears in the report on the related application for a special permit (C 010548 ZSM).

### **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on November 9, 2001, with respect to this application (C 010547 ZMM), the City Planning Commission finds that the requirements of Part 617, New York State Environmental Quality Review, have been met and that, consistent with social, economic and other considerations:

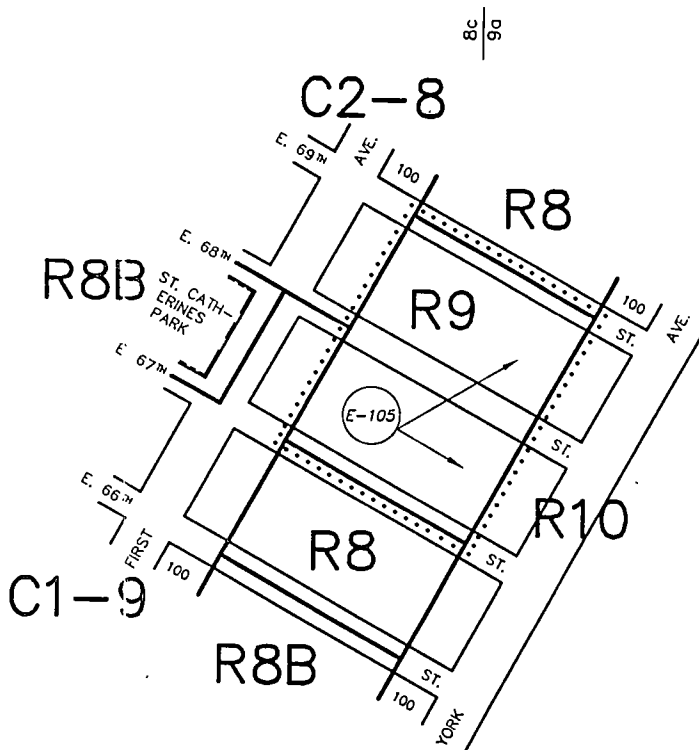
1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with this FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

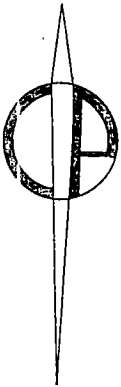
**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 8c and 9a, changing from an R8 District to an R9 District property bounded by East 69<sup>th</sup> Street, a line 100 feet west of York Avenue, East 67<sup>th</sup> Street, and a line 100 feet east of First Avenue, as shown on a diagram (for illustrative purposes only) dated June 4, 2001, and revised on November 16, 2001, Borough of Manhattan, Community District 8, and subject to the conditions of CEQR Declaration E-105.

The above resolution (C 010547 ZMM), duly adopted by the City Planning Commission on November 28, 2001 (Calendar No. 1), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**JOSEPH B. ROSE**, Acting Chairman  
**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., KATHY HIRATA CHIN, ESQ., ALEXANDER GARVIN, KENNETH J. KNUCKLES, ESQ., JOHN MEROLO**, Commissioners



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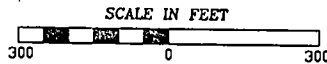


CITY PLANNING COMMISSION  
CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
ON SECTIONAL MAPS  
**8c & 9a**  
BOROUGH OF  
**MANHATTAN**

*[Signature]*  
Director of Technical Review

New York, Certification Date  
JUNE 4, 2001  
Revised  
NOVEMBER 16, 2001



**NOTE:**

- Indicates Zoning District boundary.
- The area enclosed by the dotted line is proposed to be rezoned by changing an R8 District to an R9 District.
- Indicates a City Environmental Quality Review Declaration, refer to C.E.Q.R. sheet.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.