IN THE MATTER OF an application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the surface area of signs requirements of Section 32-64 (Surface Area and Illumination Provisions), and the height of signs requirements of Section 32-65 (Permitted Projection or Height of Signs), in connection with a proposed community facility development on property located at 524-540 East 74th Street a.k.a. 525-545 East 73rd Street (Block 1485, Lot 15), within a Large-Scale General Development, in a C1-9 District, Borough of Manhattan, Community District 8.

The application was filed by Memorial Hospital for Cancer and Allied Diseases and City University of New York on March 12, 2013, for a special permit pursuant to Section 74-744(c) of the Zoning Resolution to allow for the modification of surface area and height of signs in a proposed general large-scale development on property generally bounded by East 74th Street, Franklin D. Roosevelt Drive, East 73rd Street, and a line approximately 320 feet west of Franklin D. Roosevelt Drive, within Manhattan Community District 8.

RELATED ACTIONS

In addition to the special permit which is the subject of this report (C 130217 ZSM), 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:

C 130214 ZMM: a zoning map amendment to rezone a M3-2 district to C1-9 and M1-4

districts;

N 130215 ZRM: zoning text amendment to create a new provision in Section 74-743 to permit floor area increase of up to 20 percent in exchange for provision of a public park improvement, as modified;

C 130216 ZSM: a special permit, pursuant to Section 74-743, to allow for modifications of height, setback, yard, and floor area regulations for a Large Scale General Development;

C 130218 ZSM: a special permit, pursuant to Section 13-561, for an accessory parking facility with 248 spaces;

C 130219 PPM: Disposition of City-owned property, as modified.

BACKGROUND

A full background discussion and description of this application appears in the related report for a special permit application (C 130216 ZSM).

ENVIRONMENTAL REVIEW

This application (C 130217 ZSM), in conjunction with the application for the related actions, was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Office of the Deputy Mayor for Economic Development (ODMED). The designated CEQR number is 13DME003M.

A summary of the environmental review and the Final Environmental Impact Statement appears in the related report for a special permit application (C 130216 ZSM).

UNIFORM LAND USE REVIEW

This application (C 130217 ZSM), in conjunction with related applications (C 130214 ZMM, N 130215 ZRM, C 130216 ZSM, C 130218 ZSM, C 130219 PPM), was certified as complete by the Department of City Planning on March 18, 2013, and was duly referred to Community Board 8 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the application for the zoning text amendment (N 130215 ZRM) which was referred for review and comment.

Community Board Public Hearing

Community Board 8 held a public hearing on this application on May 8, 2013, and on that date, adopted a resolution recommending approval of the application with conditions.

A summary of the recommendations of Community Board 8 appears in the report for a related application for a special permit (C 130216 ZSM).

Borough President Recommendation

This application was considered by the Manhattan Borough President, who issued a recommendation approving the application with conditions on June 27, 2013.

A summary of the recommendations of the Manhattan Borough President appears in the report for a related application for a special permit (C 130216 ZSM).

City Planning Commission Public Hearing

On June 19, 2013, (Calendar No. 9), the City Planning Commission scheduled July 10, 2013, for a public hearing on this application (C 130217 ZSM), in conjunction with related applications (C 130214 ZSM, N 130215 ZRM, C 130216 ZMM, C 130218 ZSM, C 130219 PPM). The hearing was duly held on July 10, 2013, (Calendar No. 46) in conjunction with the public hearing on the applications for the related actions.

There were a number of appearances as described in the related application for a special permit (C 130216 ZSM), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 130217 ZSM), in conjunction with those for the related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999, and by the New York State Department of State on May 28, 2002,

pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 12-102.

Based on the information submitted, the Waterfront Open Space Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby finds the project consistent with the WRP policies.

CONSIDERATION

The Commission believes that this application for a special permit (C 130217 ZSM), in conjunction with related applications (C 130214 ZMM , N 130215 ZRM, C 130216 ZSM, C 130218 ZSM, C 130219 PPM) is appropriate.

A full consideration and analysis of issues and the reasons for approving this application appear in the related report for a special permit application (C 130216 ZSM).

FINDINGS

The City Planning Commission hereby makes the findings pursuant to Section 74-744(c) (Modifications of sign regulations) of the Zoning Resolution:

1. the modification of sign regulations will result in a better site plan.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 8, 2013, with respect to this application (CEQR No. 13DME003M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that:

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with the environmental commitment letter, dated August 13, 2013, from NYCEDC, those project components related to the environment and mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the 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 200 of the New York Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744(c) of the Zoning Resolution to modify the surface area of signs requirements of Section 32-64 (Surface Area and Illumination Provisions), and the height of signs requirements of Section 32-65 (Permitted Projection or Height of Signs), in connection with a proposed community facility development on property located at 524-540 East 74th Street a.k.a. 525-545 East 73rd Street (Block 1485, Lot 15), within a Large-Scale General Development, in a C1-9 District, Borough of Manhattan, Community District 8, is approved, subject to the following terms and conditions:

1) The property that is the subject of this application (C 130217 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Perkins Eastman and Ennead Architects, LLP filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Date Revised

Z-02	Zoning Calculations	March 12, 2013
Z-11	Signage: Key Plan, Calculations East Elevation	March 12, 2013
Z-12	Signage: North & West Elevation	March 12, 2013
Z-13	Signage: South Elevation	March 12, 2013

2) Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

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

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

5) Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose

provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the attached restrictive declaration.

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

The above resolution (C 130217 ZSM), duly adopted by the City Planning Commission on August 21, 2013 (Calendar No. 15), 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.

AMANDA M. BURDEN, *FAICP*, Chair

ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,
MARIA M. DEL TORO, JOSEPH I. DOUEK,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners

RICHARD W. EADDY, recused