TESTIMONY OF

Craig Thompson, President and CEO

Memorial Sloan-Kettering Cancer Center

before the

NEW YORK CITY COUNCIL SUBCOMMITTEE ON ZONING AND FRANCHISES

September 16, 2013

in support of Nos. 43-48

MSK/CUNY

LU 0885-2013, LU 0886-2013, LU 0887-2013, LU 0888-2013, LU 0889-2013, LU 0890-2013, BOROUGH OF MANHATTAN

Good morning. I am Craig Thompson, President and CEO of Memorial Sloan-Kettering Cancer Center. I appreciate the opportunity to address the City Council Subcommittee on Zoning and Franchises.

MSK treats more patients with cancer than any hospital in the tri-state area. More than 100,000 patients are in our care every year – the majority of whom live in the NYC metropolitan area. MSK's contribution to the economic vitality of New York is significant. With more than 12,000 employees, we are one of the largest employers in the city, and we are the primary place New Yorkers turn to for advice and treatment concerning cancer.

New Yorkers are older than they were a decade ago, and the life expectancy here is 2 years longer than in the rest of the US. As the city's population ages, we will experience a significant increase in the number of patients in need of cancer care. In New York City, new cancer cases will grow by close to 20% in the next 15 years as a result of the increased longevity New Yorkers enjoy.

This week the Institute of Medicine released a report detailing the tremendous challenges facing the cancer care delivery system in the U.S. The report sets forth the disparities in cancer knowledge among community physicians, the significant increase in cancer patients as the population ages, and a shrinking oncology workforce.

The 74th Street facility presents a unique opportunity to treat a growing population of cancer patients in our city, while developing new and more-effective treatments, and preparing the next generation of healthcare professionals.

We plan to use our portion of the 74th Street site to provide leading-edge treatment for patients with hematologic cancers, such as leukemia and lymphoma, head and neck cancers, and thoracic cancers, as well as to provide radiation therapy and conduct early-stage clinical trials, among several other programs.

It may sound ominous, but one in every two men and one in every three women in New York City will develop cancer. Thanks to the advances led by MSK, 2/3's of cancer patients can expect to see their cancer effectively treated and to be alive and back to their normal lives 5 years after a cancer diagnosis. The new MSKCC outpatient facility on 74th street is going to play a critically important role in our cancer care delivery system.

We also anticipate exciting collaborations with CUNY and Hunter College researchers and health science professionals.

Thank you.

TESTIMONY OF

Paul Sabbatini, Deputy Physician-in-Chief for Clinical Research

Memorial Sloan-Kettering Cancer Center

before the

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The 74th Street location, within walking distance of our main campus, will allow us to meet the growing demand for cancer care without any unnecessary duplication of services. The enhanced outpatient facilities will also allow us to bring new approaches to improving cancer diagnosis and treatment, and members of the NYC community will be among the first to benefit from these advances.

As part of our commitment to providing patients with the best cancer care, MSK oversees an extensive program of clinical research. In addition to state-of-the-art care, our patients have access to more than 1,000 clinical trials that take place in New York City, accessible to New York City residents — trials that help us determine the safety and effectiveness of innovative approaches to cancer care.

Clinical research provides the roadmap to better care, and I'm proud to say that my MSK colleagues have developed more FDA-approved drugs than any other cancer center in the United States.

For example, since 2005, seven new drugs have been approved for the treatment of advanced kidney cancer, and MSK was involved in the development or led the clinical trials for five of them. Not only have these drugs made lives better for MSK's patients in New York City, they have improved outcomes for patients around the world.

MSK's Jedd Wolchok recently led a groundbreaking clinical trial for advanced melanoma that resulted in long-term shrinkage of tumors in more than half the patients. The results were so promising that this combination of immunotherapy drugs will be evaluated in a worldwide trial led by MSK.

Yet cancer is more than one disease and will require thousands of clinical trials to treat each type. We have begun to investigate how to group patients – and their tumors – on the basis of their genetic similarities and to use novel therapeutic agents that target specific mutations. This means that our clinical trials program will change: Instead of large clinical trials focused on a single disease and large numbers of patients, we will conduct smaller clinical trials that involve patients with many different tumor types.

The proposed ambulatory care building on East 74th Street will enable MSK to effectively support this new approach to clinical research and our most important goal as a cancer center: the rapid identification of better treatments for all New Yorkers with cancer.

TESTIMONY OF

Cheryl Jacobs, former patient

Memorial Sloan-Kettering Cancer

before the

NEW YORK CITY COUNCIL SUBCO

September 16, 2013

in support of Nos. 43-48

MSK/CUNY

LU 0885-2013, LU 0886-2013, LU (
BOROUGH OF MANHATTAN

I have worked in the health and w
workshops, support groups and w
lifestyle – did all the right things. I
supportive, positive relationships.
radar.

Surprise! Surprise!! It was four an
remove a "little something" that h
pushing on something that "might
with a rare cancer.

It took me several weeks to even
lightning. It was "high" grade and
known about it. These are NOT cc

Me
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These are the words that I pray none of you or your family experience.

I began to do my research. I went to multiple highly respected medical centers on the east coast. I met with the "specialists" at each of them. I kept hearing that they would consult with Memorial Sloan-Kettering since they would have the most in depth and recent research. It was a no brainer. I would go to MSK. I met with the doctors there. True. They did have research. I wish it was more but they did have protocols and I am most gratefully here with you today.

I have captained a team for "Cycle for Survival for the last two years. It is one of the fastest growing fundraising organizations and has raised over 31million dollars since its inception in 2007. This year, my team "The Wheeler Healers" raised over $15k and the event raised over 14-million dollars. 100% of the money raised goes directly to MSK to fund research and clinical studies for rare cancers. 50% of the people with cancer are battling a rare cancer. Rare cancers include brain, pancreatic, cervical, sarcoma, stomach, pediatric and countless others.

I, for one, am here to support any project that will increase the badly needed research in this field. There are many patients who are alive today due to the clinical studies that are being carried out at MSK.

I support MSK in this expansion as I hope you too will. I, for one, want this research being done in my backyard!!

This is my wish so that in the future none of my friends and family or yours hear the words, "we don't have a lot of research around this!!"

TESTIMONY OF

Charles Washington, Administrator, Radiation Oncology

Memorial Sloan-Kettering Cancer Center

before the

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Good morning. I am Charles Washington, and I serve as Administrator in Radiation Oncology for Memorial Sloan-Kettering Cancer Center. I am excited to offer support for the proposed 74th Street facility and the promise it brings to expanded patient care services.

With an increasing number of cancer diagnoses and increasing need for advanced therapeutic intervention, combined with our mission and vision to control and cure cancer, this expansion offers a unique and important opportunity to extend MSK's expertise in cancer management to additional patients from the New York City area who will need these services.

This venture will offer many advances in cancer management technology, inclusive of radiation oncology. Radiation treatment is used in over 50% of all cancer cases in active treatment. This new facility will offer state-of-the-art treatment planning and care delivery systems that are safe and effective for both the patient and the community.

I'd like to mention a few features that will enhance our ability to manage this disease for our patients.

- New state of the art linear accelerators that will have the most advanced imaging capabilities to ensure that prescribed doses of radiation are administered to targeted sites with precision that enhances the effectiveness of care
- CT and MRI imaging within the planned department that will provide immediate access to assess patient and tumor anatomy and physiology for planning and delivery of treatment
- Access to PET scan imaging for tumor localization
- Expanded nursing and hydration suites that will directly offer needed care during treatment delivery
- Close proximity for physicians, researchers, treatment planners, and quality management personnel to ensure a local, integrated team approach to care

The 74th Street site is an important and necessary component in furthering our ability to treat New Yorkers, Americans, and world citizens that come to us for expert care. It provides increased capacity for greatly needed care provision and I have no doubt that our ability to care for more patients and improve the quality of their lives goes hand in hand with the development of this new facility in a city renowned for its healthcare excellence.

Thank you for the opportunity to share my enthusiasm for this project.

[redacted]

Institutional District Plan

- CUNY - HUNTER COLLEGE
- MEMORIAL SLOAN KETTERING CANCER CENTER
- WEILL CORNELL MEDICAL COLLEGE
- NY PRESBYTERIAN HOSPITAL
- HOSPITAL FOR SPECIAL SURGERY
- LENOX HILL HOSPITAL
- ROCKEFELLER UNIVERSITY
- ANIMAL MEDICAL CENTER
- ANDREW HASWELL GREEN PARK

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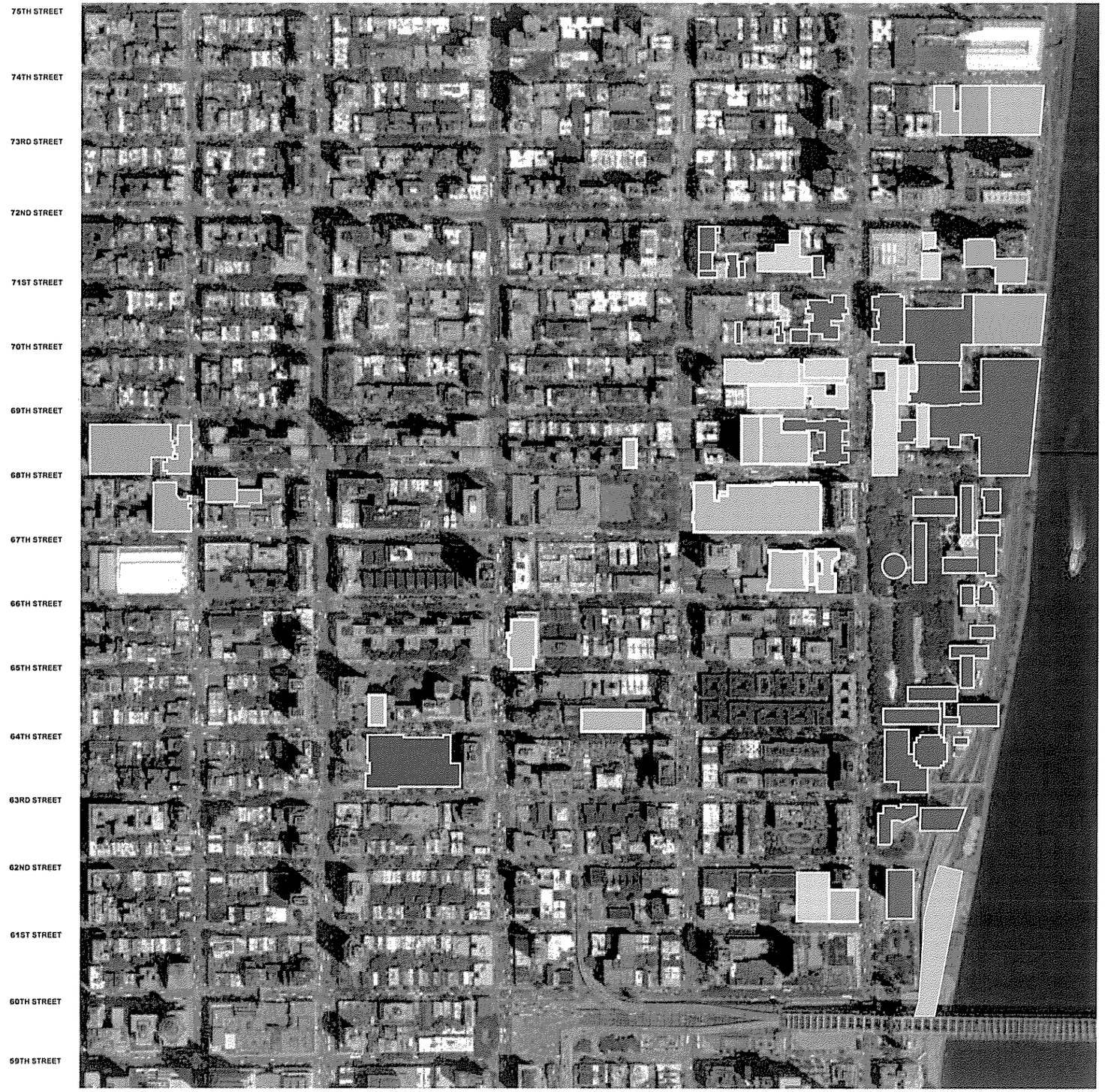
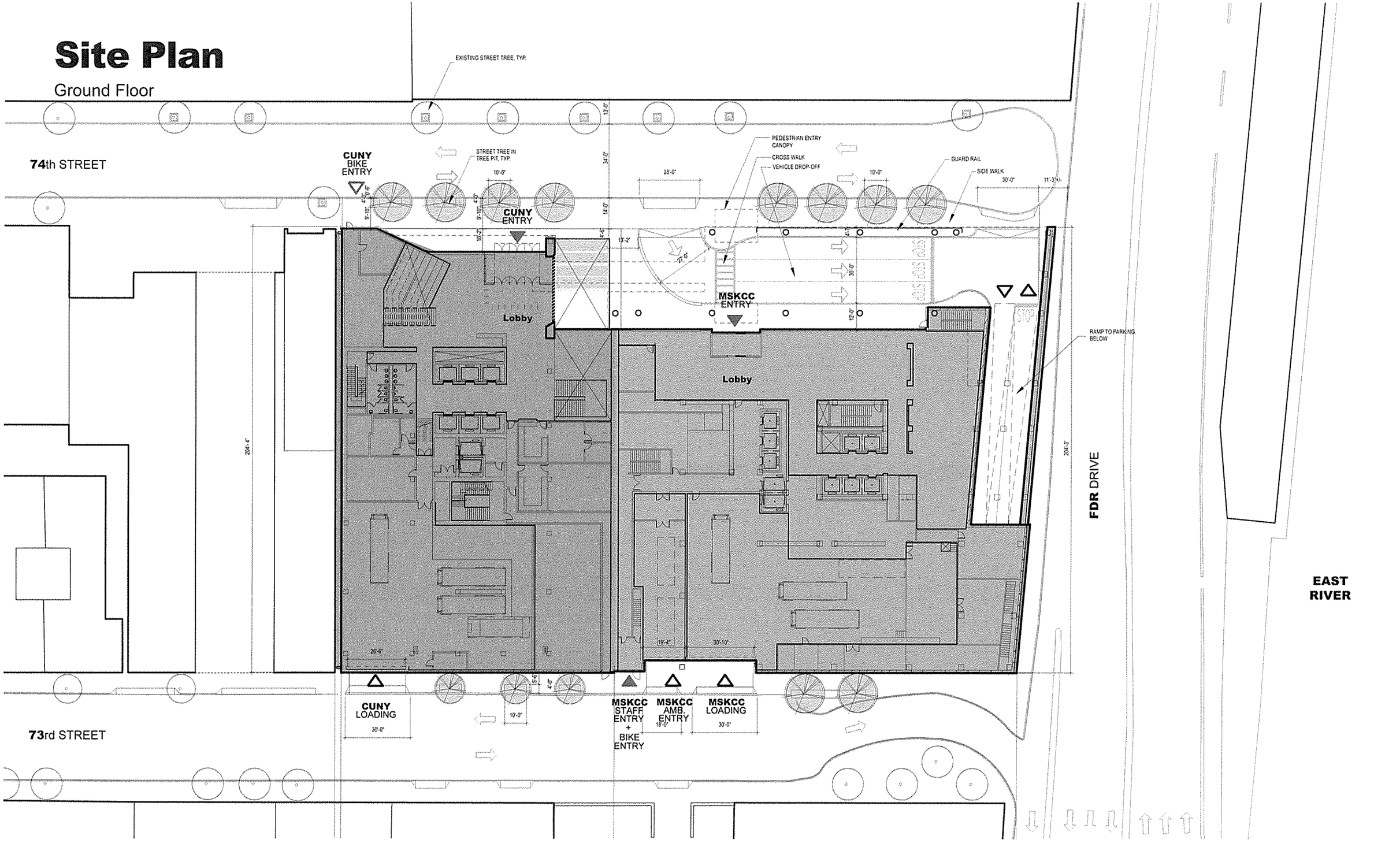



Project Site
75th Street
74th Street
73rd Street
York Avenue
FDR Drive


Project Site
75th Street
74th Street
73rd Street
York Avenue
FDR Drive
40%
CUNY
60%
MSKCC

Site Plan

Ground Floor



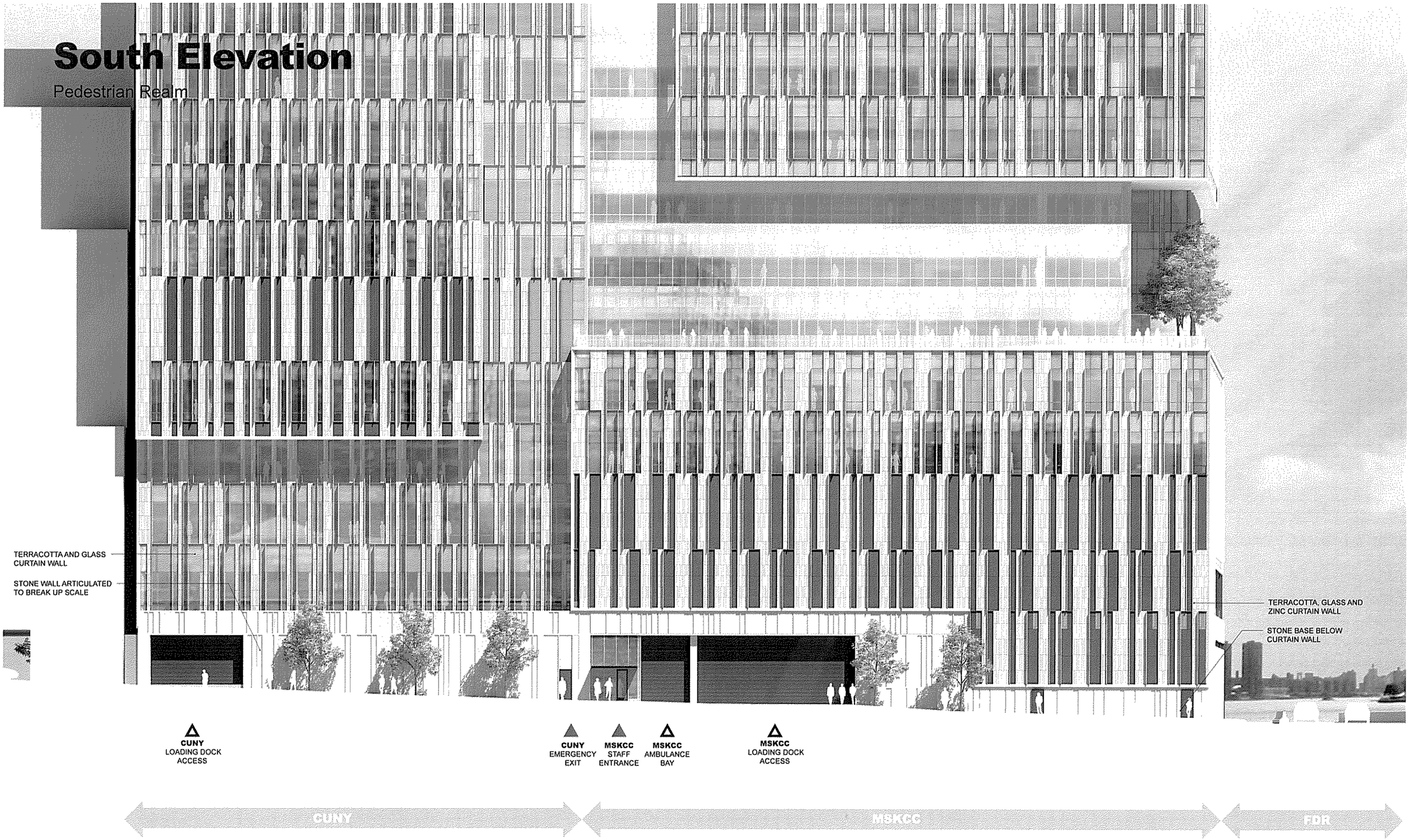
Pedestrian Realm

74th St - Looking East



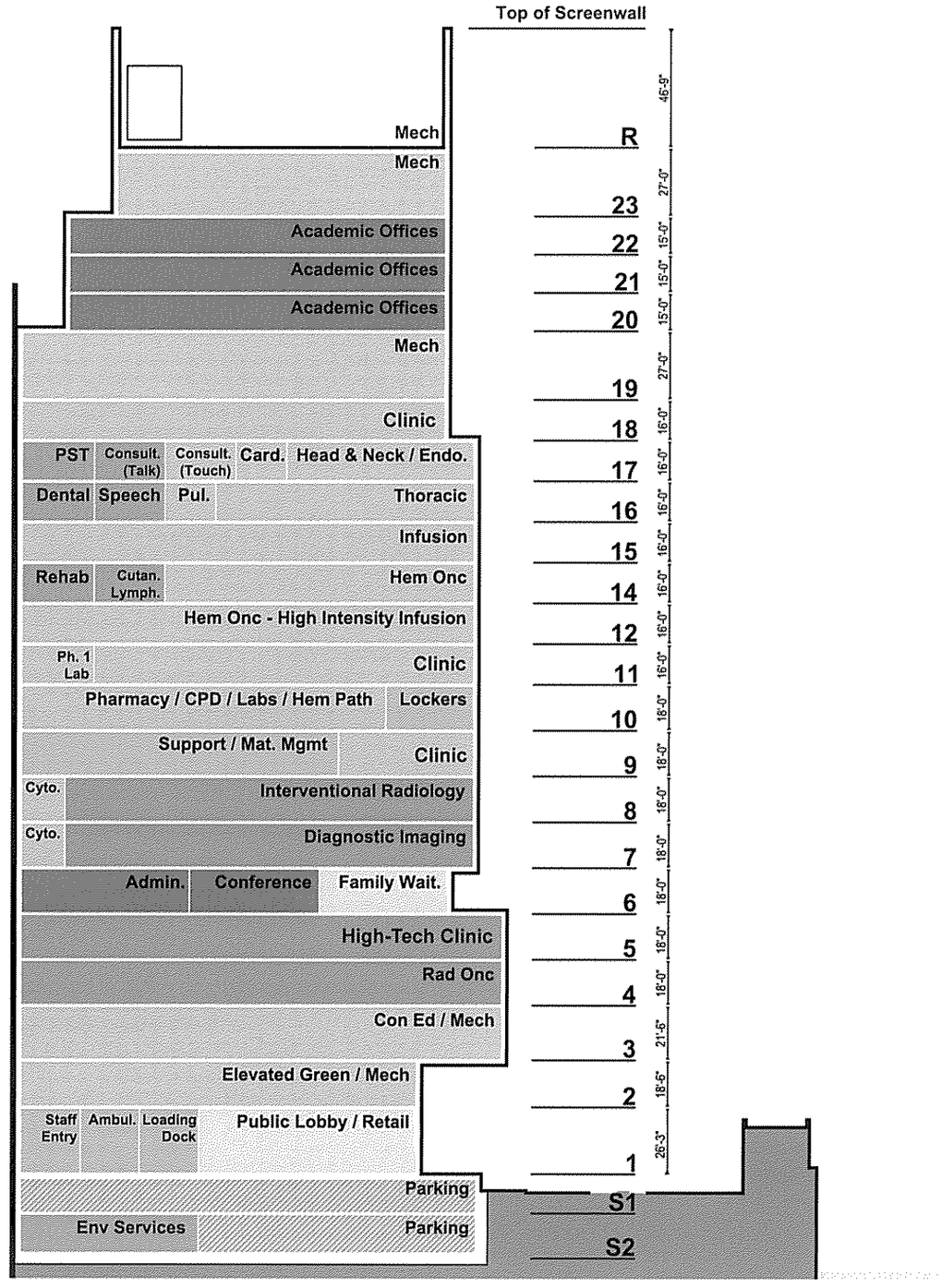
South Elevation

Pedestrian Realm



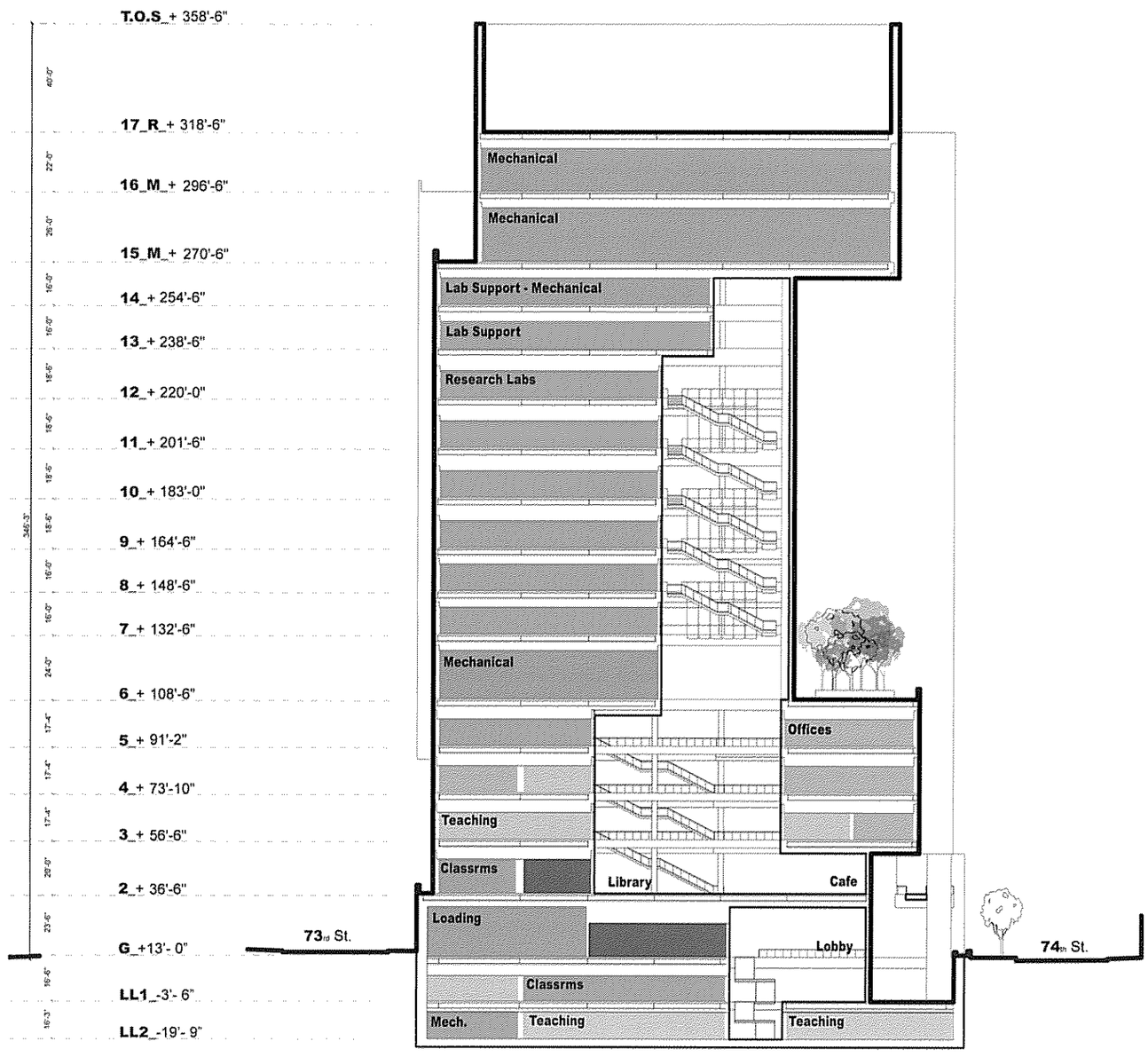
MSKCC Stacking

East-West



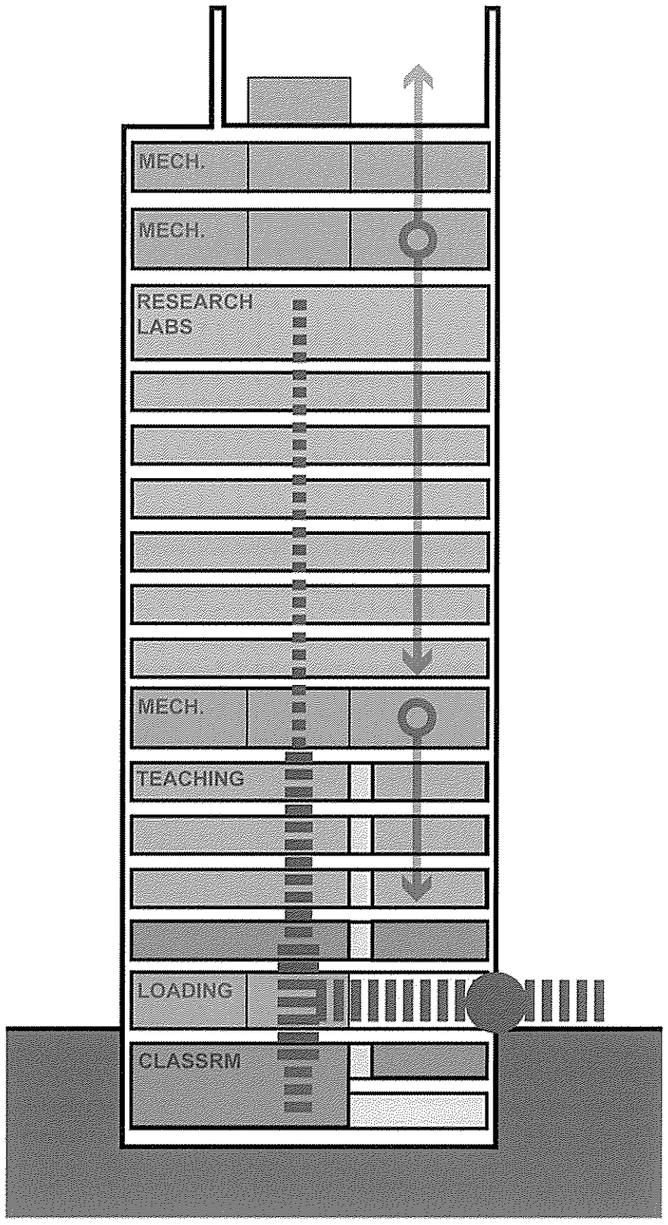
CUNY Stacking

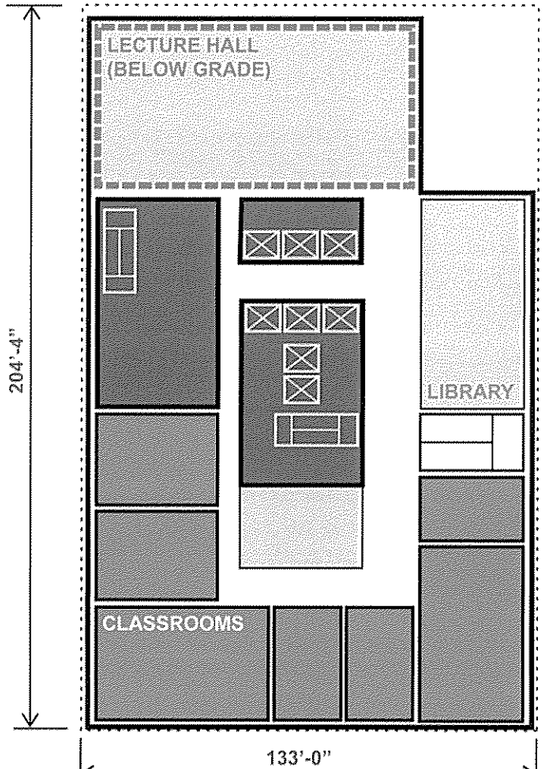
North-South



CUNY Program

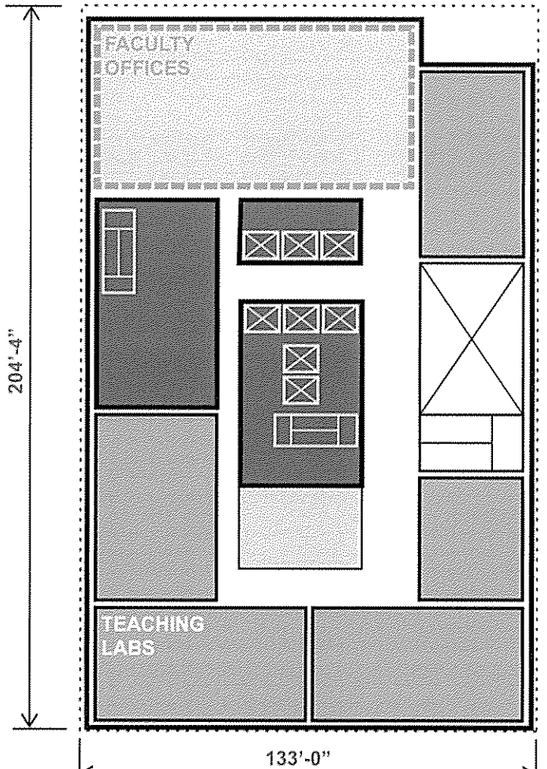
Programmatic Need





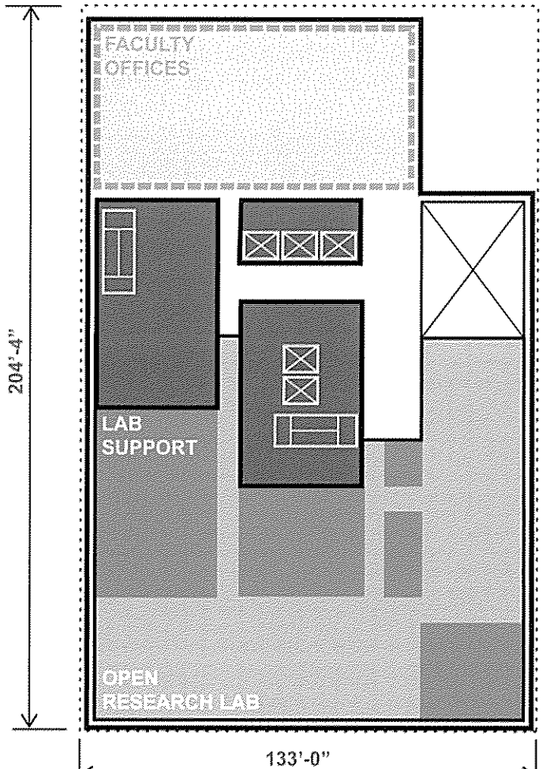
AVE. FLOORPLATE SIZE: 22,300 GSF

- Classrooms located on lower floors to minimize impact on elevators during class changes
- 320 seat Lecture Hall
- Multiple 24-72 seat Classrooms



AVE. FLOORPLATE SIZE: 22,300 GSF

- Instructional spaces require large footprints 1200-1800 sf
- Nursing simulation & skills labs
- Physical Therapy training rooms
- Medical Lab science teaching laboratories

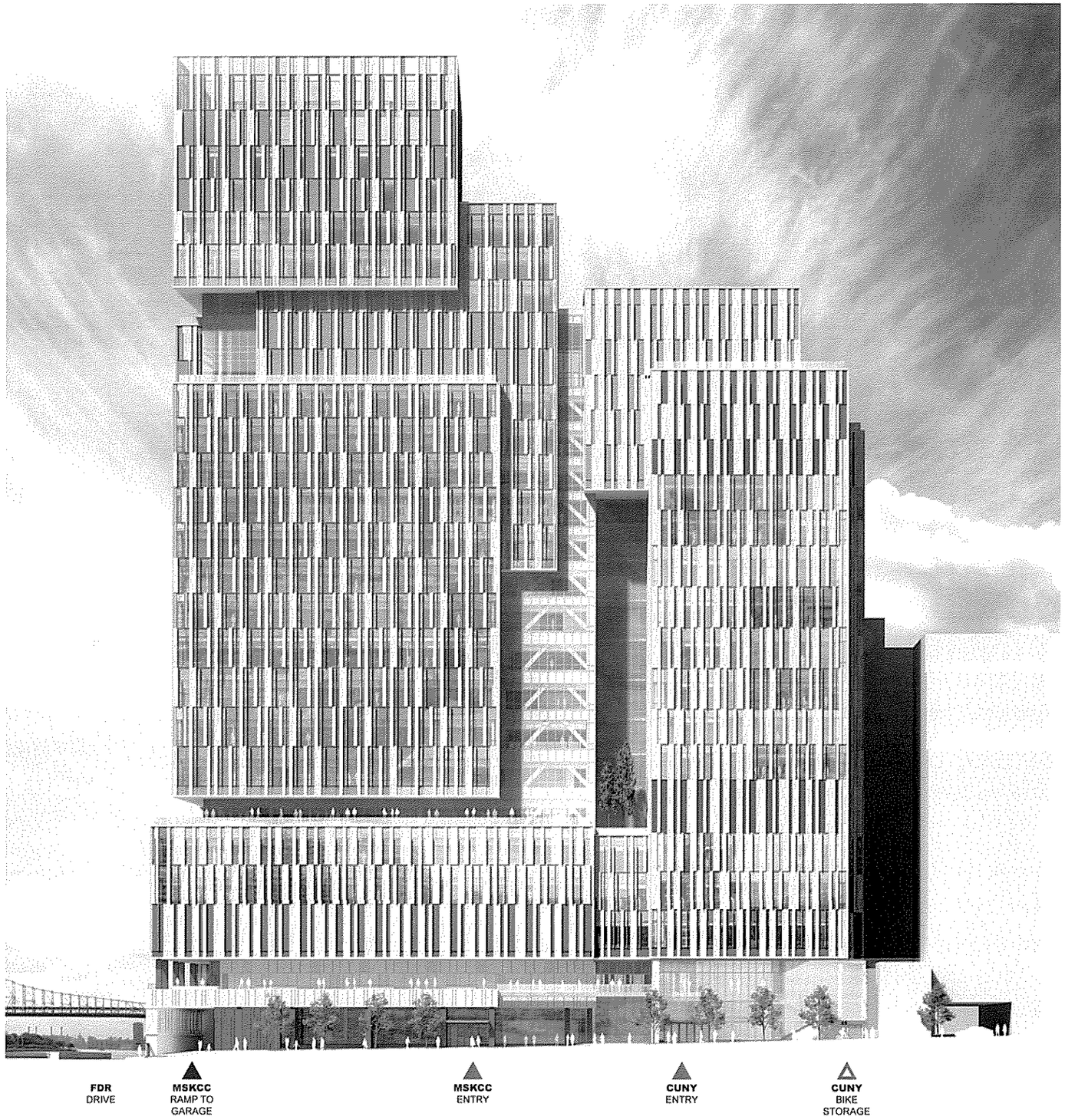


AVE. FLOORPLATE SIZE: 22,300 GSF

- Research Labs have open bench and closed alcove space with flexible modular layout
- Heavy mechanical infrastructure requires large floor plates for efficiency
- Heaviest mechanical demand and lowest population at the top of the building

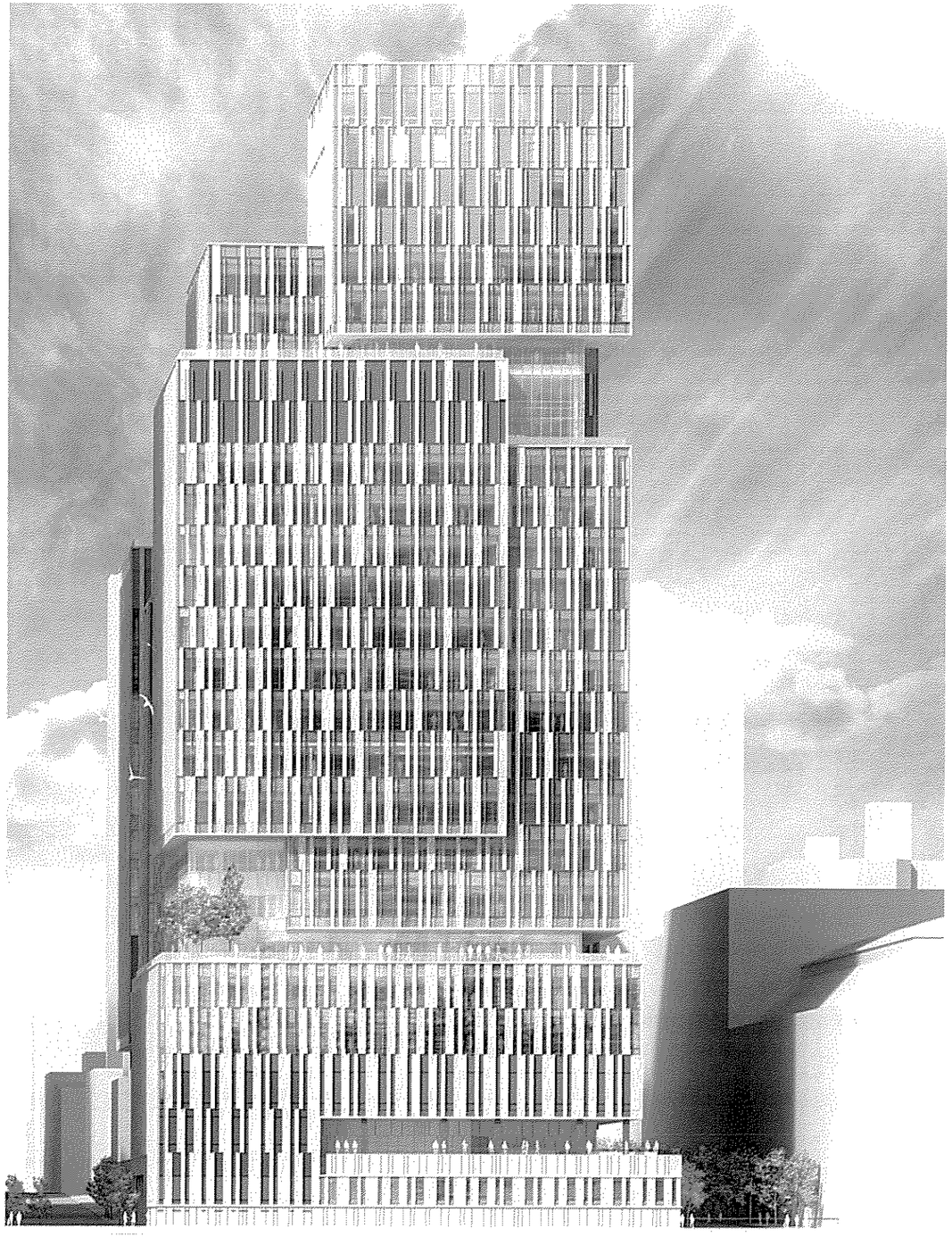
Rendered Elevation

North - E. 74th Street



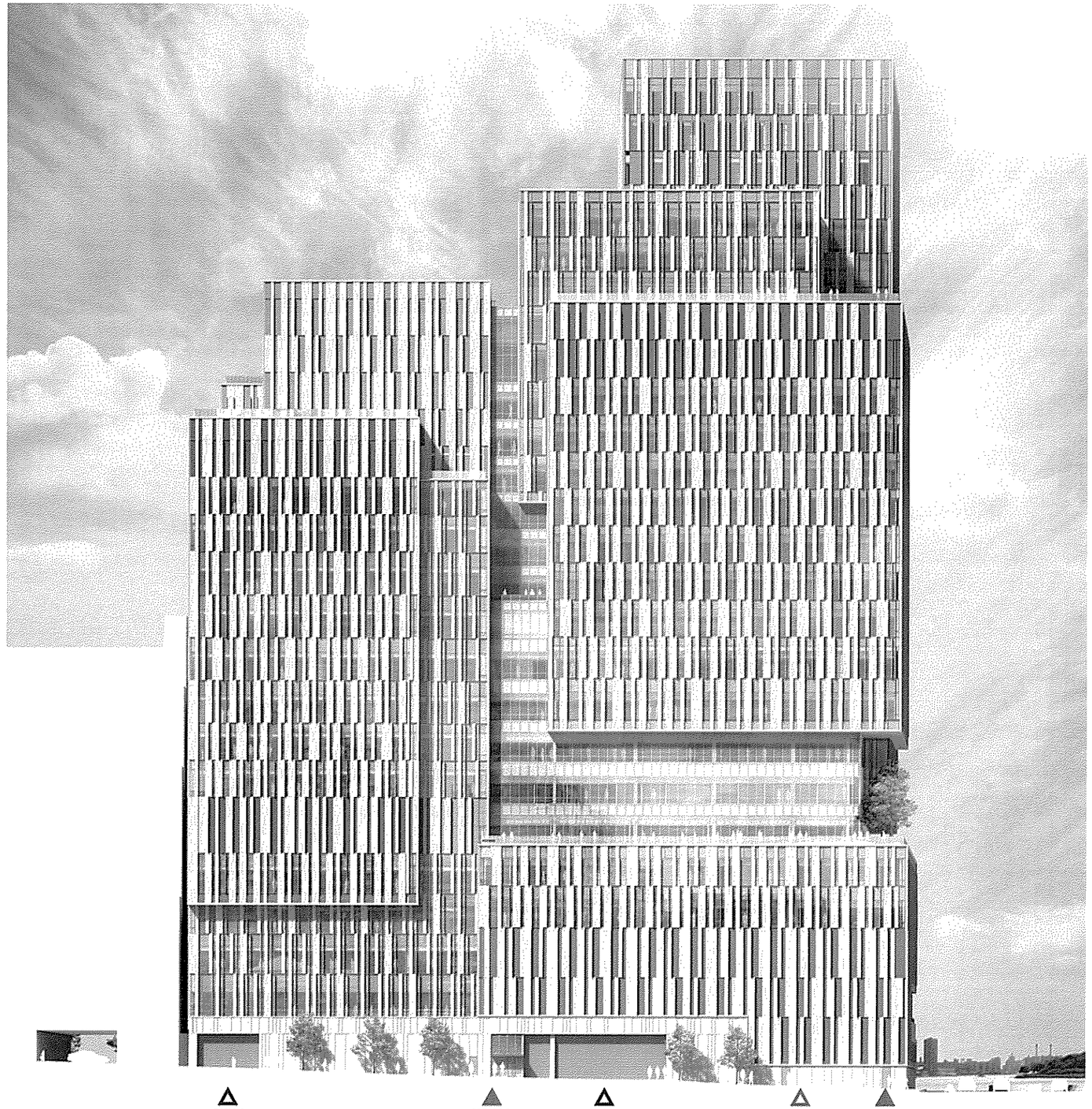
Rendered Elevation

East - FDR Drive



Rendered Elevation

South - E. 73rd Street



Context Rendering

View from 74th St. Looking East



Context Rendering

View from Roosevelt Island looking North



Required Actions

Zoning map change

- from M3-2 to C1-9 and from M3-2 to M1-4

Zoning text amendment to ZR 74-743(a)

- to establish new provision for park improvements bonus within Community District 8 in Manhattan

LSGD Special Permit pursuant to ZR 74-743 to permit:

- 74-743(a)(2) location of buildings without regard to applicable side, rear yard, rear yard equivalent and height and setback regulations
- 74-743(a)(11) a 20% floor area bonus for an improvement to a public park

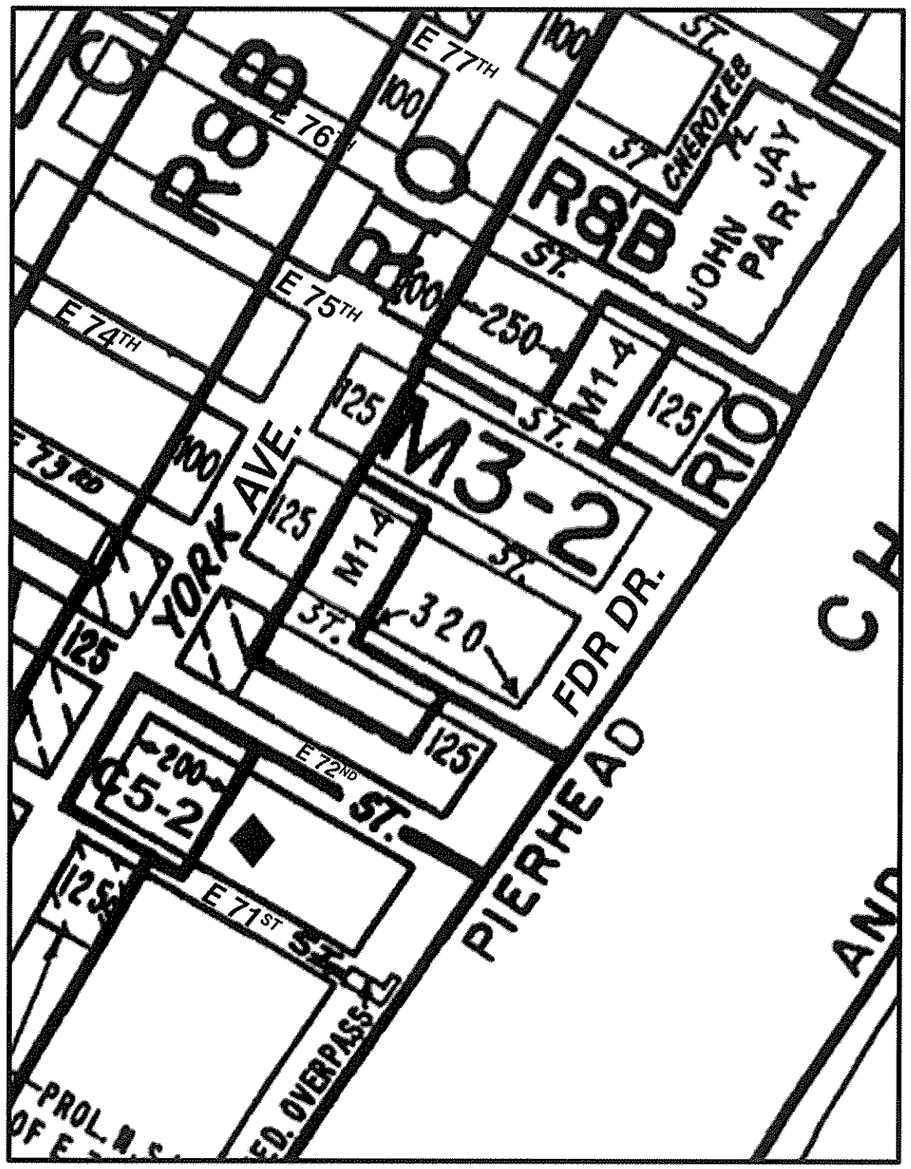
LSGD Special Permit pursuant to ZR 74-744(c) to permit:

- the surface area of non-illuminated signs to exceed 150 sf per through lot and to exceed 150 sf per frontage of a corner lot
- the surface area of illuminated non-flashing signs to exceed 50 sf per through lot and to exceed 50 sf per frontage of a corner lot
- location of two illuminated non-flashing signs at 69 ft above curb level and location of one illuminated non-flashing sign at 116 ft. above curb level

Special Permit pursuant to ZR 13-561

- to permit a 248 space accessory parking facility

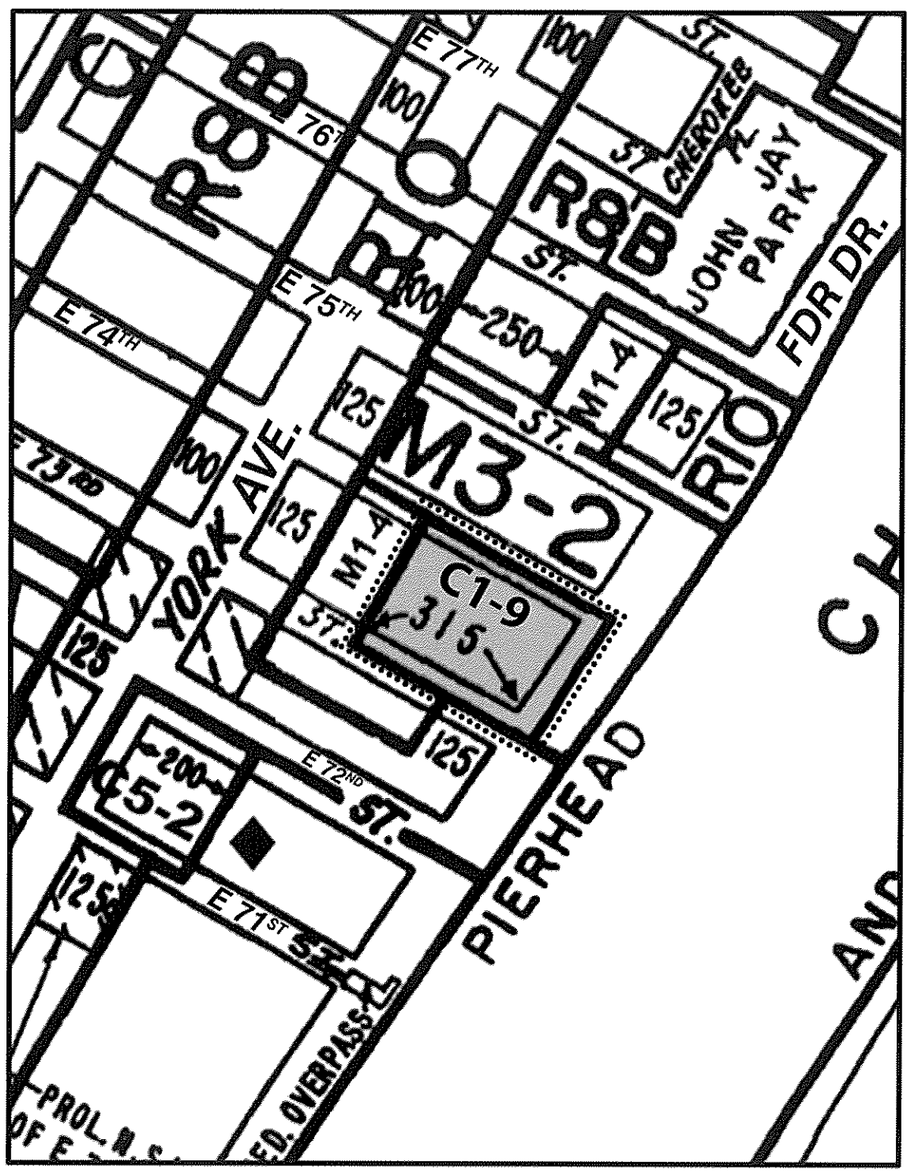
Zoning Map Change



CURRENT ZONING MAP

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution



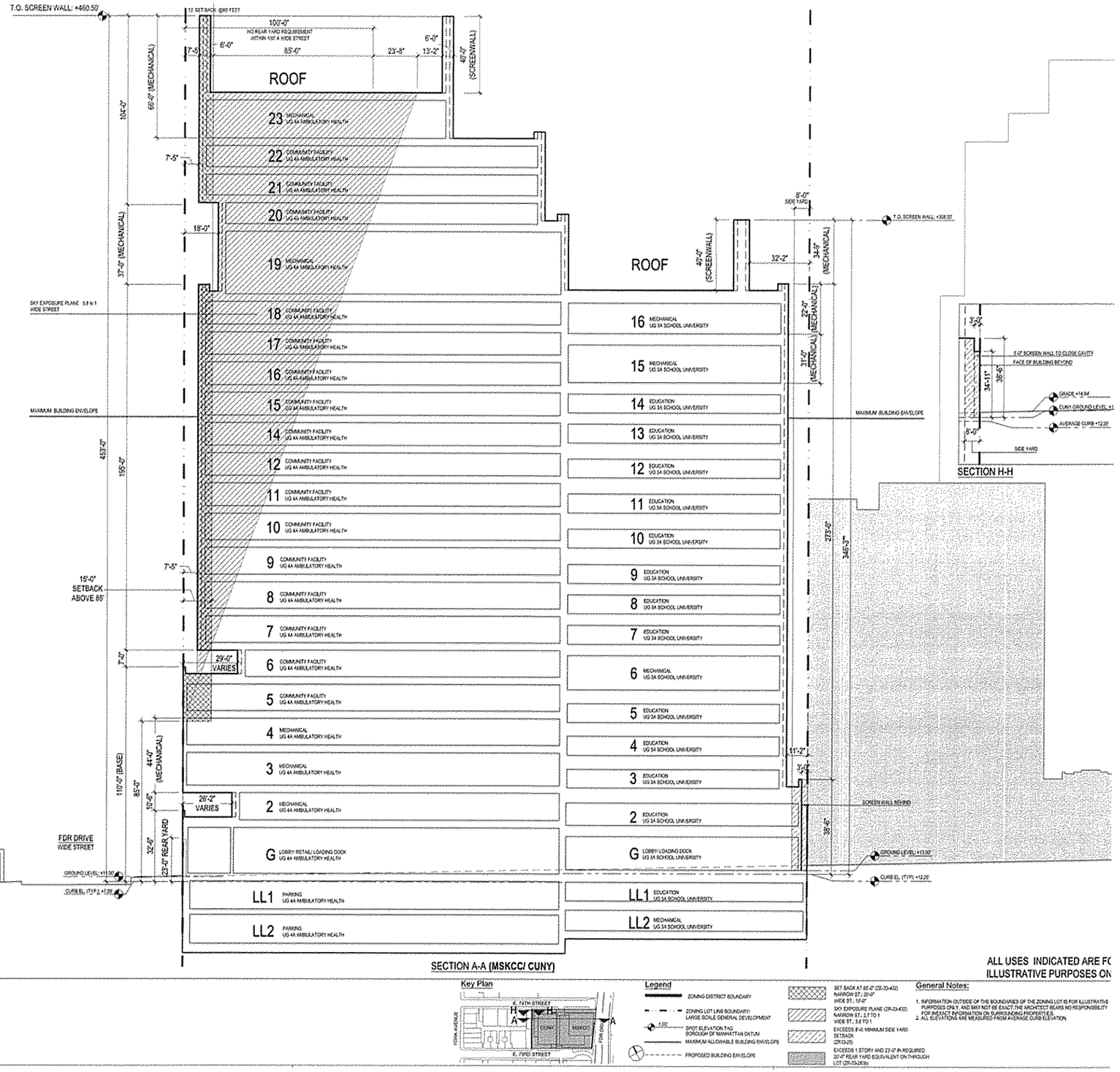
PROPOSED ZONING MAP - Area being rezoned is outlined with dotted lines

Changing a M3-2 district to a C1-9 district

Changing a M3-2 district to a M1-4 district

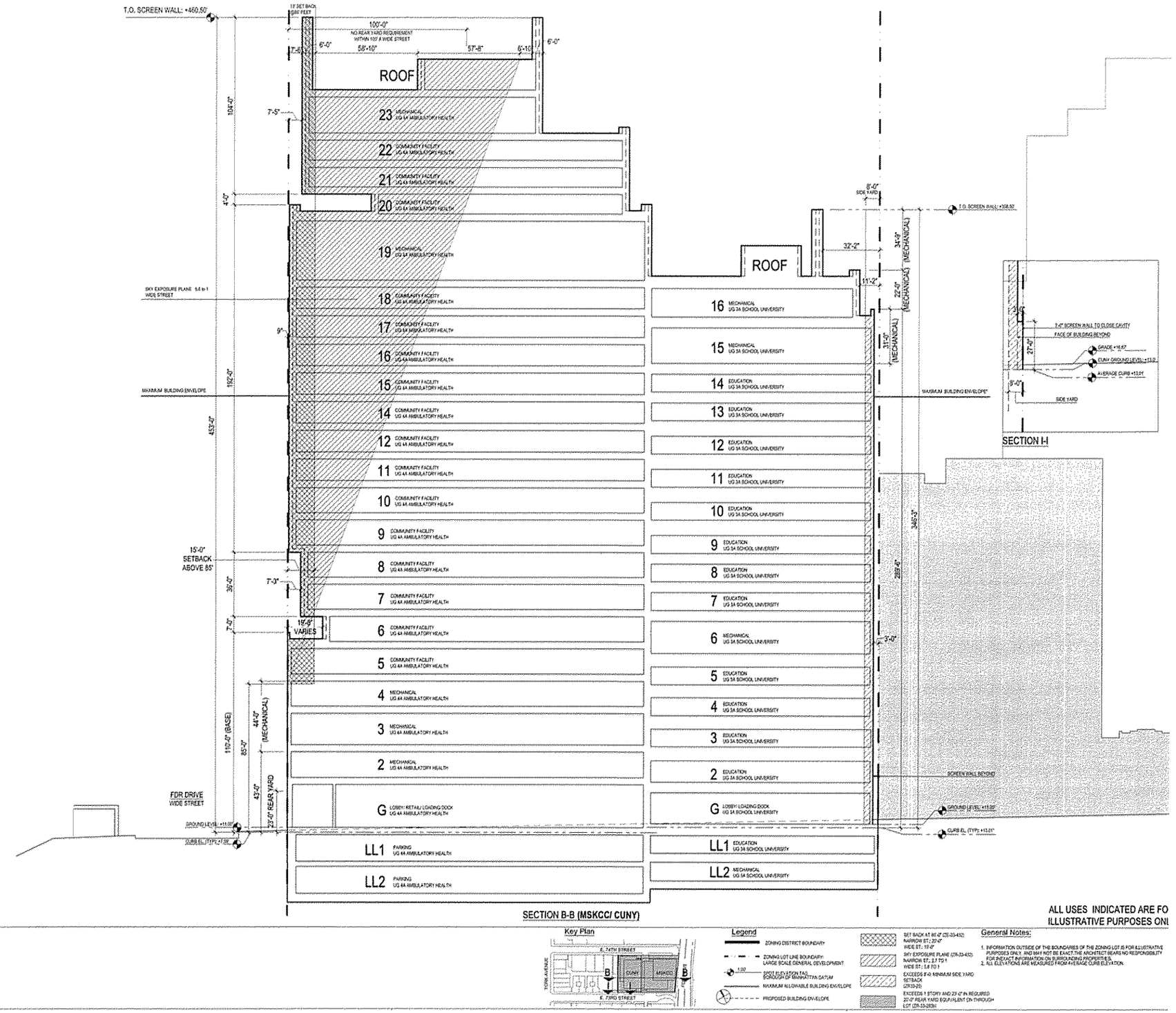
Requested Waivers

- **Side Yard**
- **Rear Yard**
- **Rear Yard Equivalent**
- **Height & Setback**
- **Floor Area**



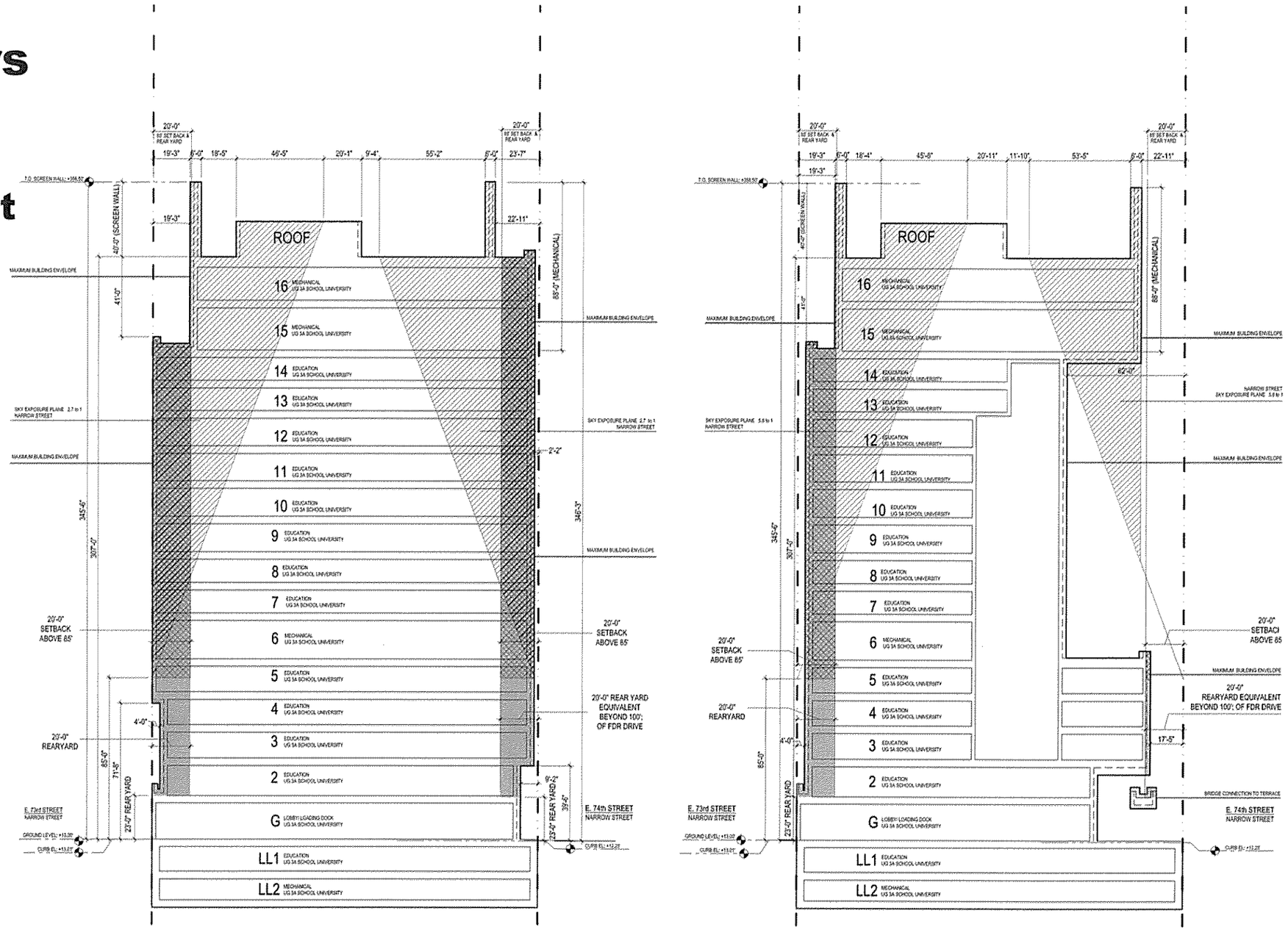
Requested Waivers

- **Side Yard**
- **Rear Yard**
- **Rear Yard Equivalent**
- **Height & Setback**
- **Floor Area**



Requested Waivers

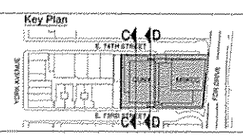
- Side Yard
- Rear Yard
- Rear Yard Equivalent
- Height & Setback
- Floor Area



SECTION C-C (CUNY)

SECTION D-D (CUNY)

ALL USES INDICATED ARE FOR ILLUSTRATIVE PURPOSES ONLY



Legend

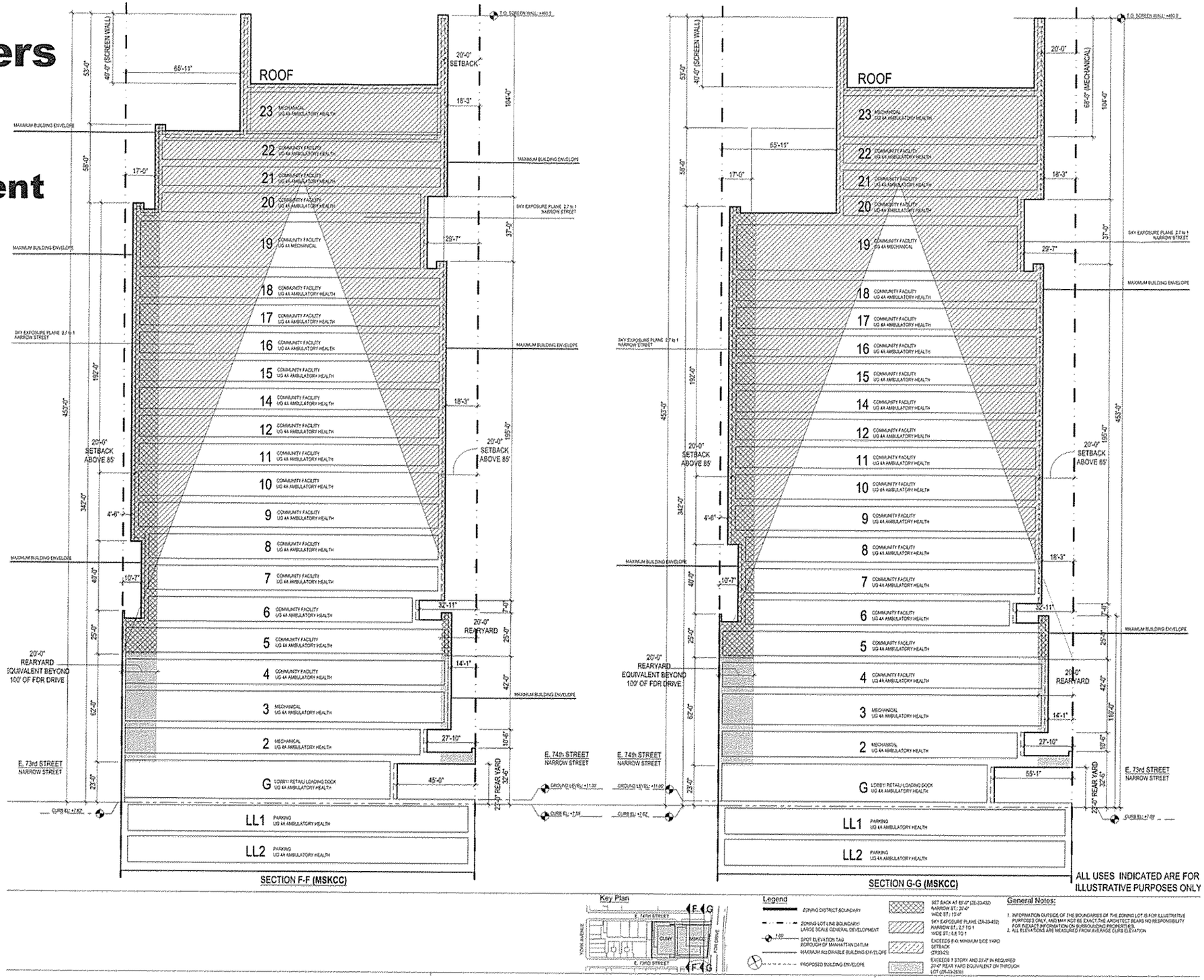
- ZONING DISTRICT BOUNDARY
- ZONING LOT LINE BOUNDARY; LARGE SCALE GENERAL DEVELOPMENT
- SPOT ELEVATION TAG BOROUGH OF MANHATTAN DATUM
- MAXIMUM ALLOWABLE BUILDING ENVELOPE
- PROPOSED BUILDING ENVELOPE

General Notes:

1. INFORMATION OUTSIDE OF THE BOUNDARIES OF THE ZONING LOT IS FOR ILLUSTRATIVE PURPOSES ONLY AND MAY NOT BE EXACT THE ARCHITECT BEARS NO RESPONSIBILITY FOR INEXACT INFORMATION ON SURROUNDING PROPERTIES.
2. ALL ELEVATIONS ARE MEASURED FROM AVERAGE CURB ELEVATION.

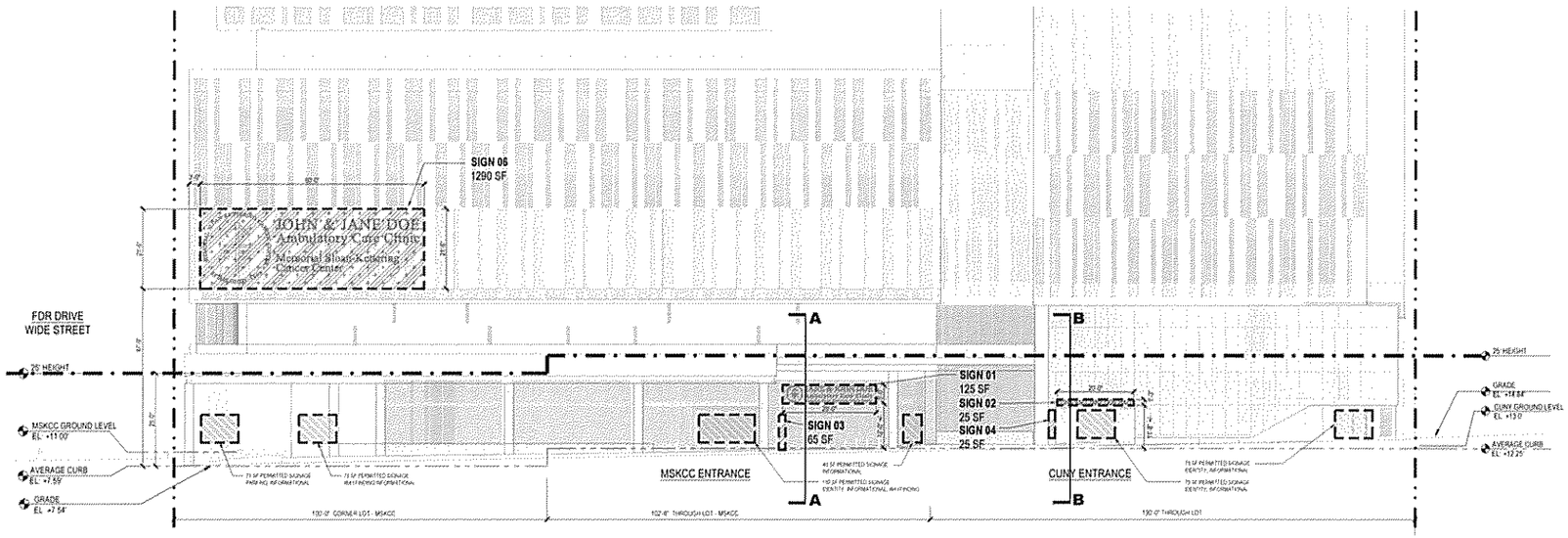
Requested Waivers

- Side Yard
- Rear Yard
- Rear Yard Equivalent
- Height & Setback
- Floor Area

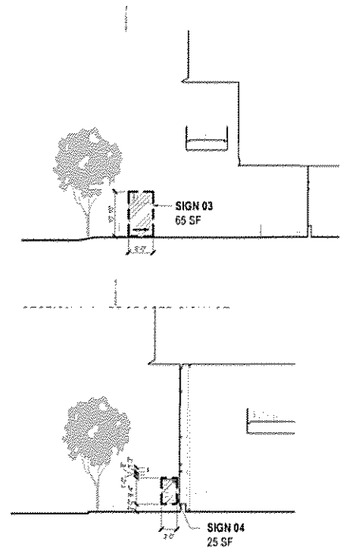


Requested Waivers

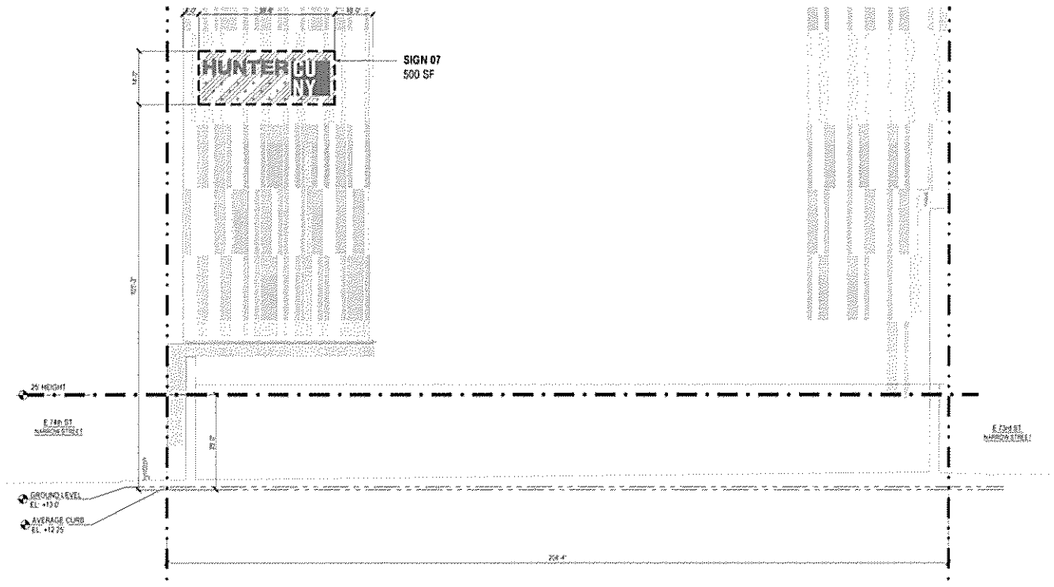
• Signage



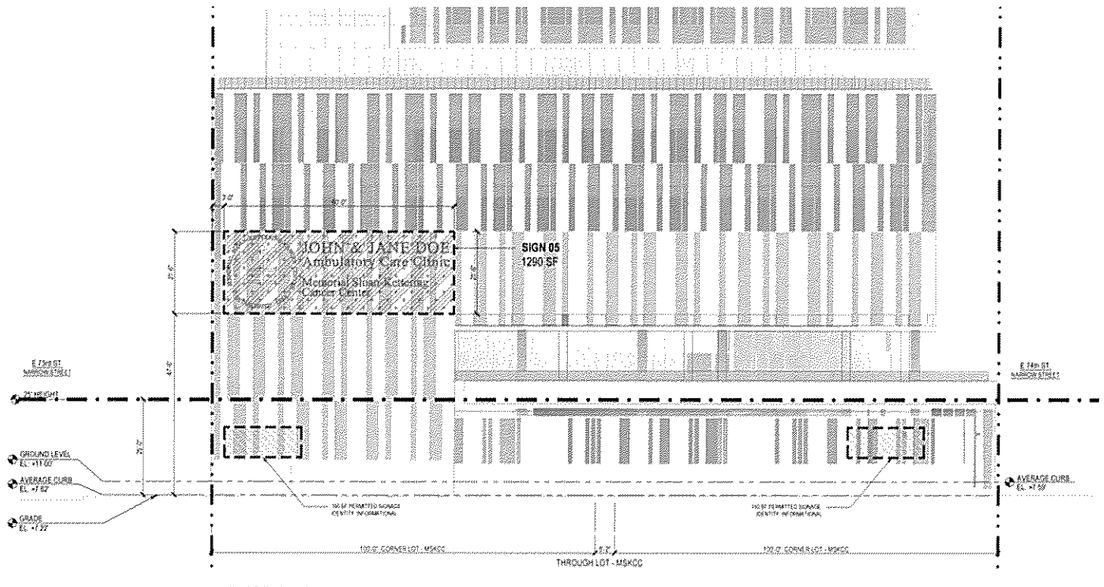
E. 74th Street



E. 74th Street: Free-Standing & Wall Mounted



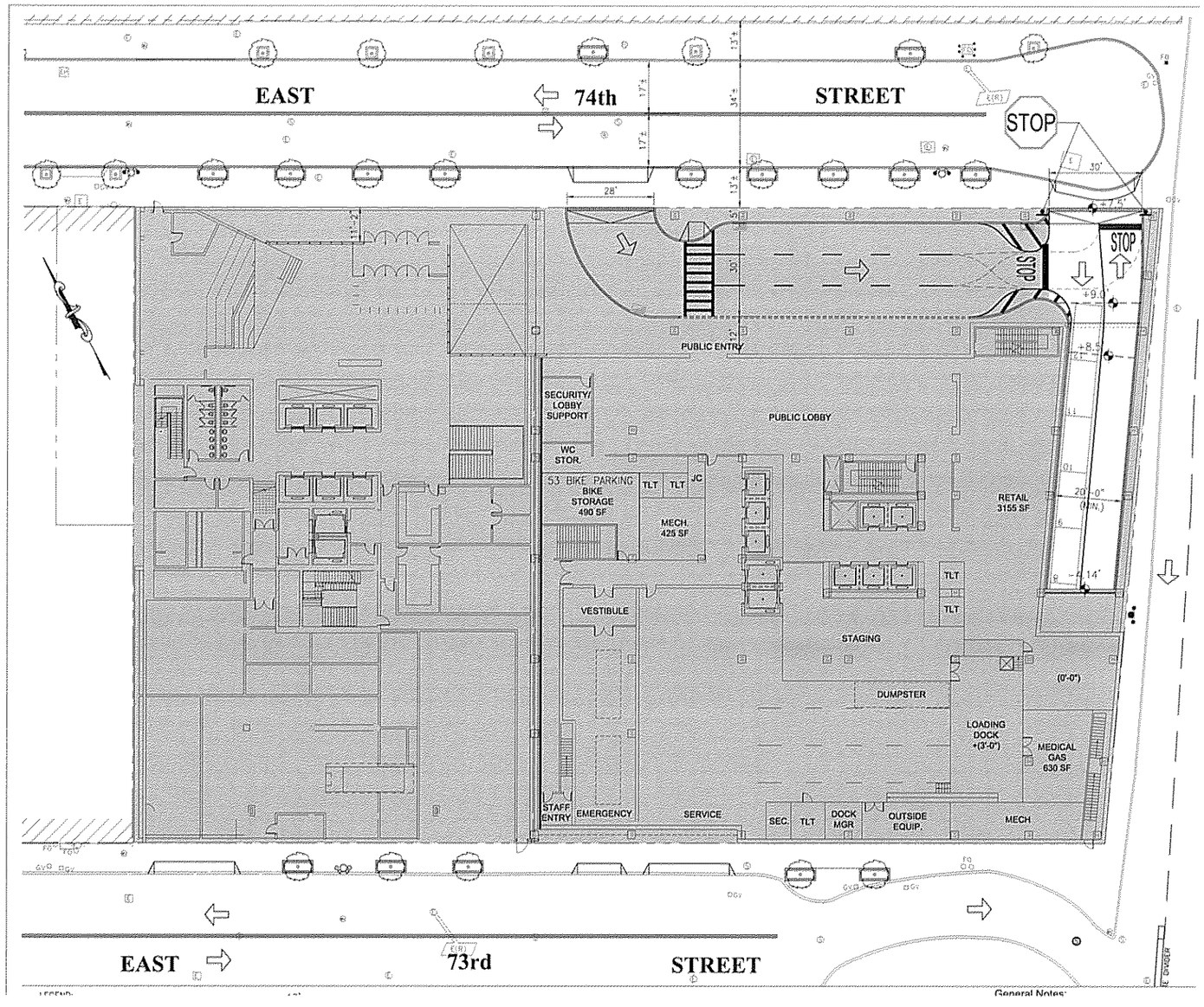
West Facade



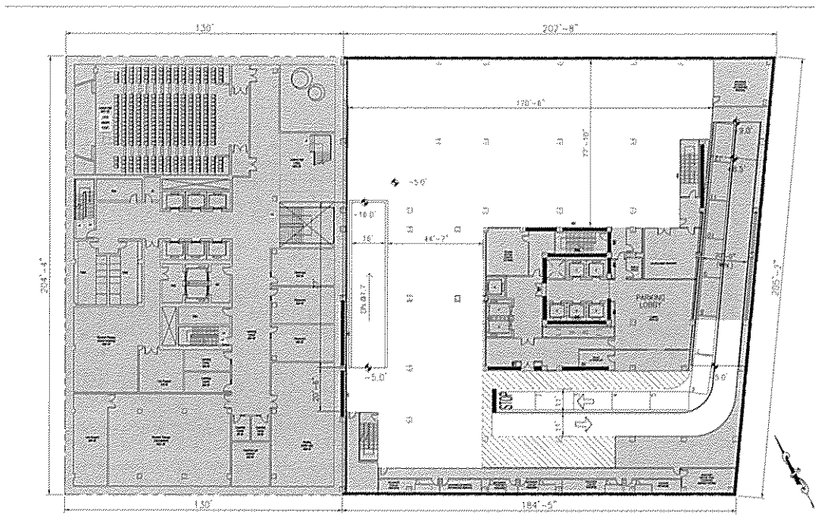
FDR Drive

Requested Waivers

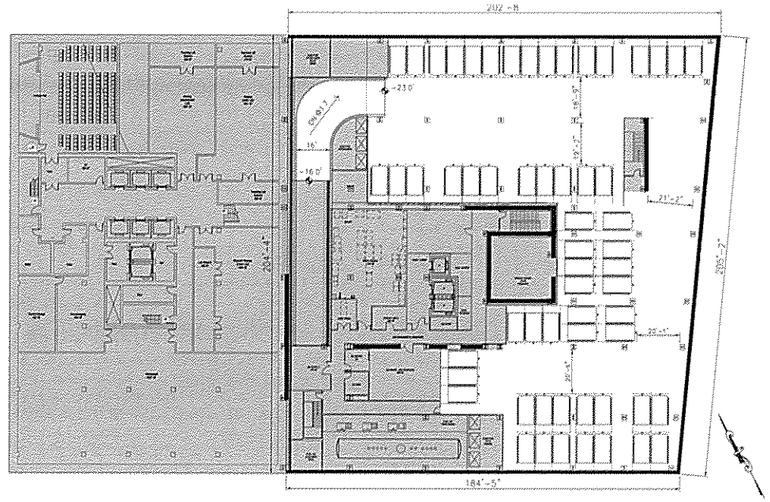
• Accessory Parking



Ground Floor



Cellar Level (S1)



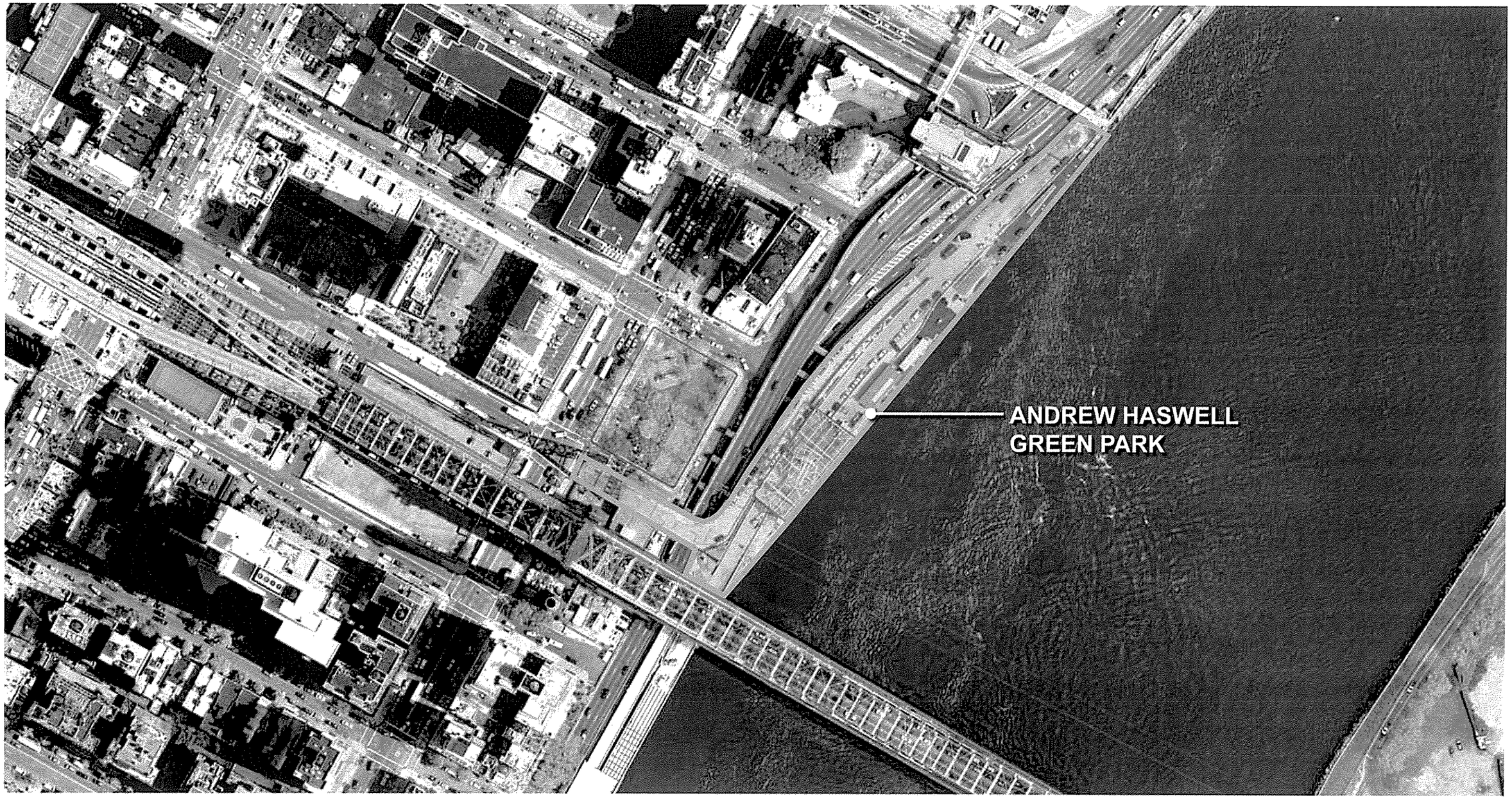
Sub-Cellar Level (S2)

Andrew Haswell Green Park - Phase 2B

Department of Parks and Recreation Materials

Andrew Haswell Green Park - Phase 2B

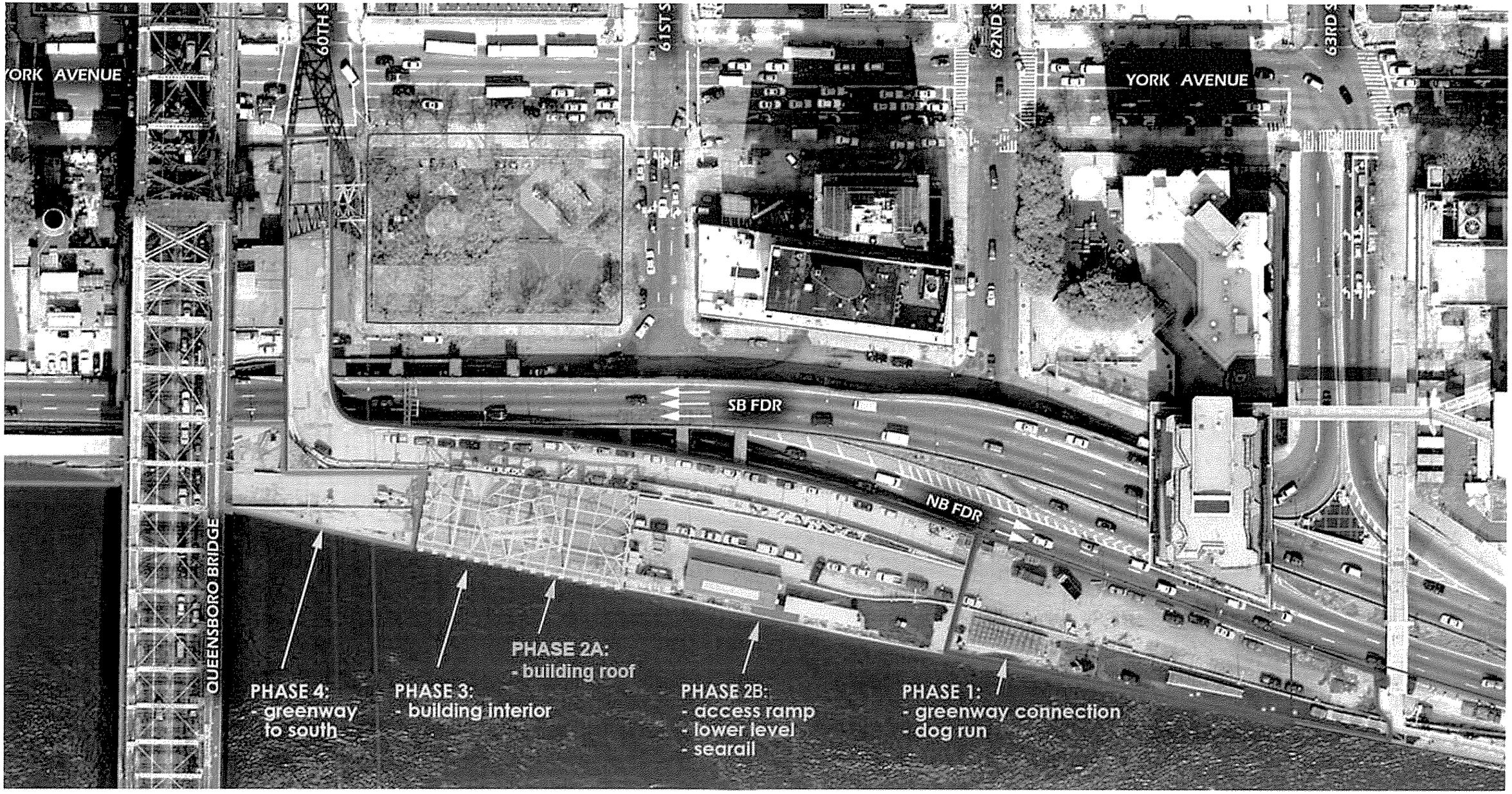
Location Plan



City Of New York
Parks & Recreation
Michael R. Bloomberg, Mayor
Veronica M. White, Commissioner
Thérèse Braddick, Deputy Commissior

Andrew Haswell Green Park - Phase 2B

Phasing Plan



Andrew Haswell Green Park - Phase 2B

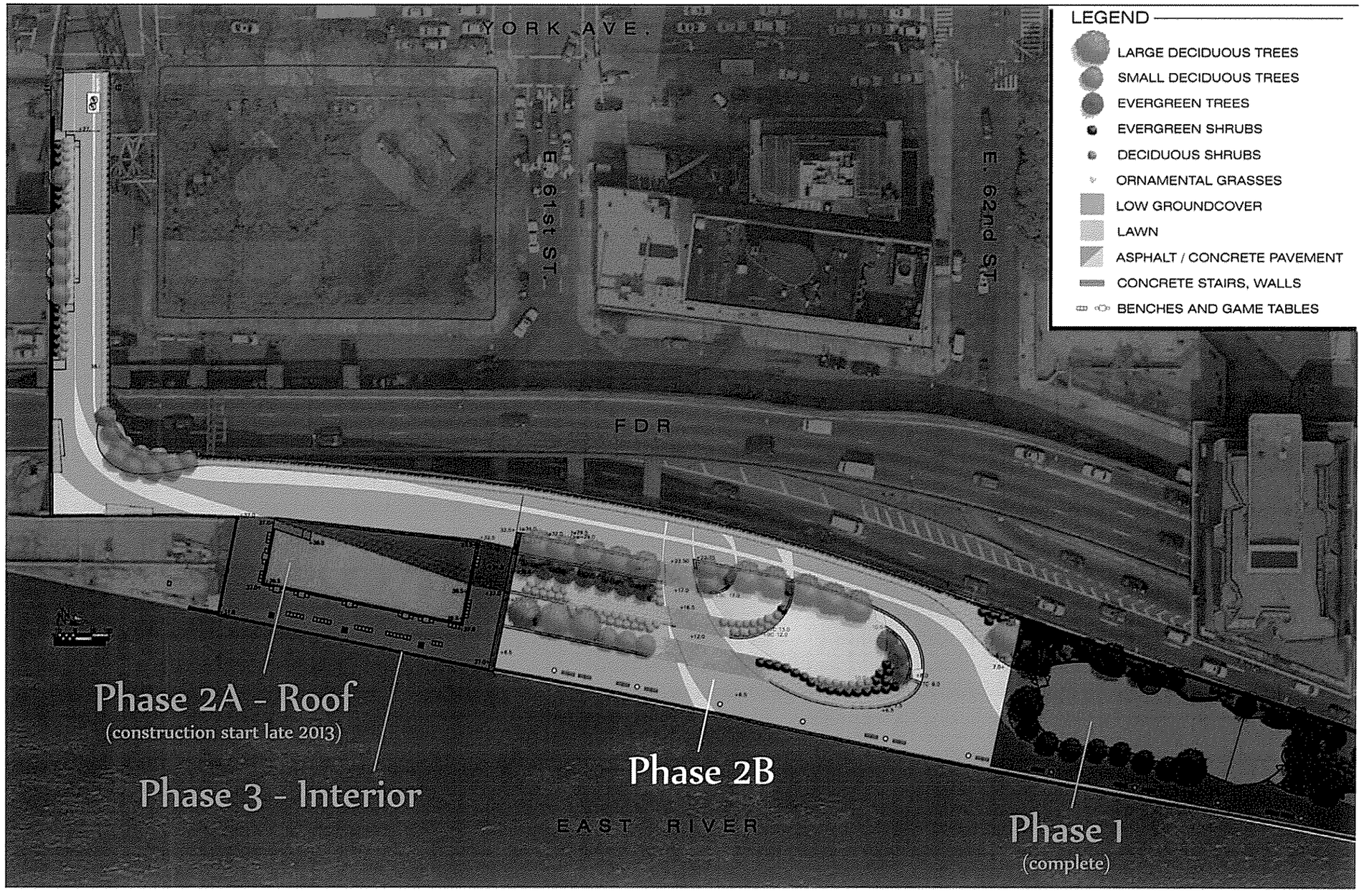
Landscape Plan



City Of New York
Parks & Recreation
Michael R. Bloomberg, Mayor
Veronica M. White, Commissioner
Thérèse Braddick, Deputy Commissior

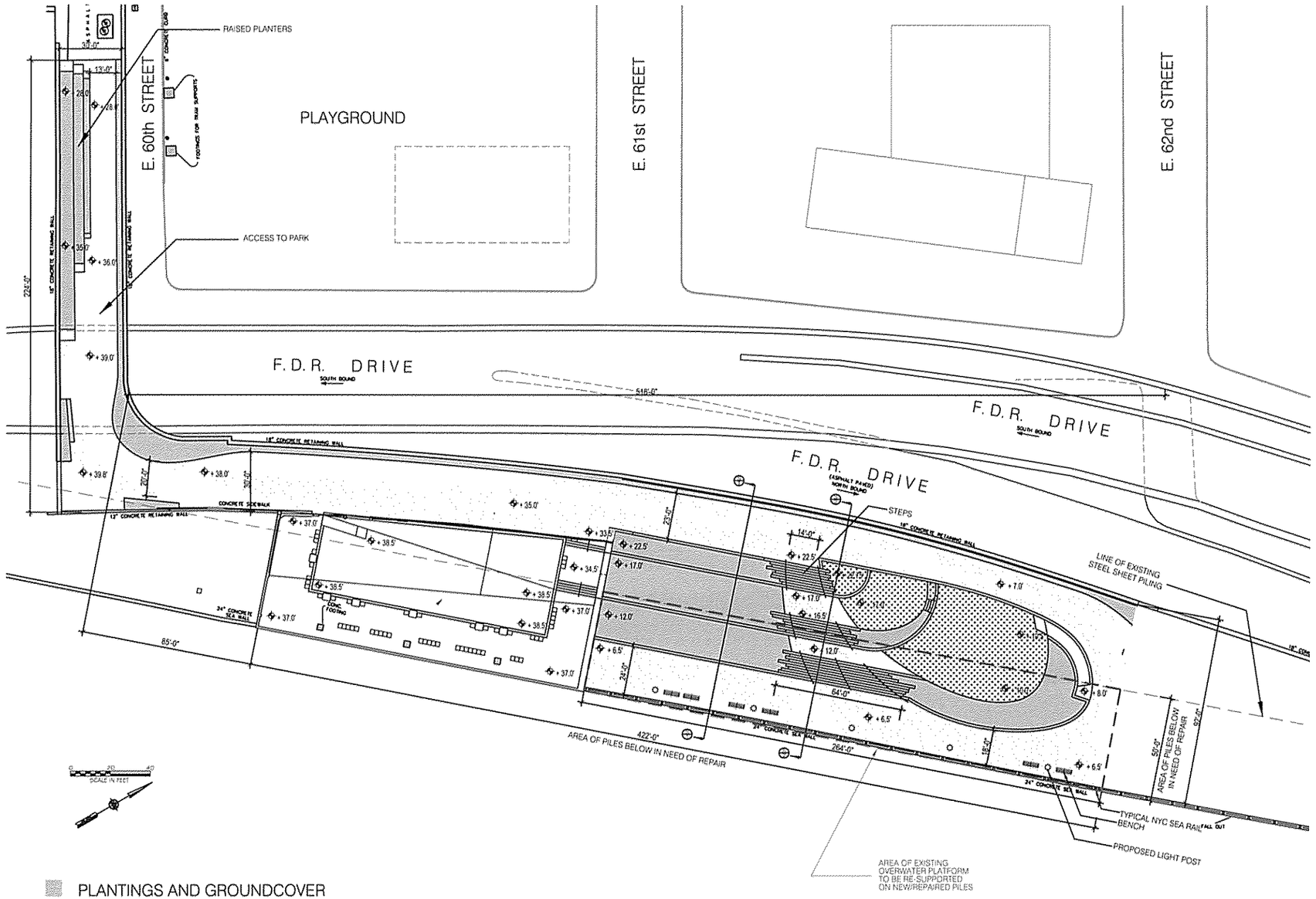
Andrew Haswell Green Park - Phase 2B

Phase 2B - Landscape Plan



Andrew Haswell Green Park - Phase 2B

Phase 2B Plan



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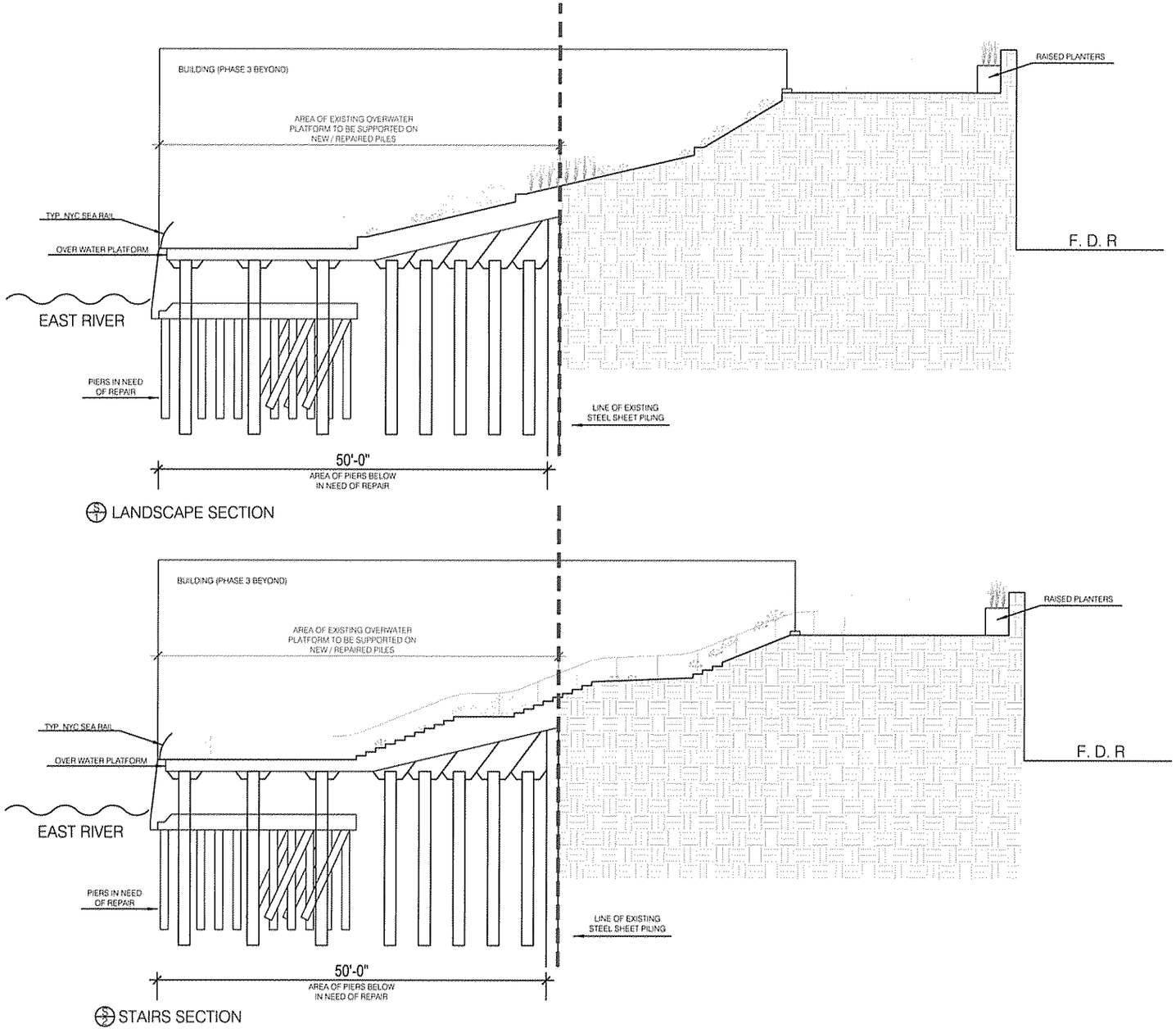
Andrew Haswell Green Park - Phase 2B

Phase 2B Sections



LANDSCAPE SECTION

STAIRS SECTION

Andrew Haswell Green Park - Phase 2B

Existing Conditions Photos





Andrew Haswell Green Park - Phase 2B

Phase 2B - Proposed Renderings





TESTIMONY OF

Jennifer Raab, President, Hunter College

before the

NEW YORK CITY COUNCIL SUBCOMMITTEE ON ZONING AND FRANCHISES

September 16, 2013

in support of Nos. 43-48

MSK/CUNY

LU 0885-2013, LU 0886-2013, LU 0887-2013, LU 0888-2013, LU 0889-2013, LU 0890-2013, BOROUGH OF MANHATTAN

Good afternoon. I am Jennifer Raab and I am the President of Hunter College.

The proposed Hunter College Science and Health Professions Building, which will be located on East 74th Street between York Avenue and FDR Drive, will house Hunter College's science research programs, School of Nursing, and Physical Therapy programs. This project provides Hunter with a unique opportunity to build state-of-the-art space for its high level programs in a location that is near Hunter's main campus on 68th Street and Lexington Avenue. An investment in Hunter College and its students is an investment in New York City as 85% of our students are New York City residents and 85% remain here after graduation. Hunter is training researchers who will make significant scientific breakthroughs and work towards finding cures for life-threatening diseases. We are training the nurses and physical therapists who will provide direct patient care for many New Yorkers. In order to remain a serious research institution that conducts cutting edge research and effectively trains future health care professionals, Hunter College needs space that is as good as our students and faculty.

More than ever, Hunter College is a science powerhouse. The achievements of our faculty have been acknowledged with record-breaking grants from the NIH – tens of millions of dollars annually – an extraordinarily rare accomplishment for a public college without a medical school. Our faculty is equally respected as scientists and mentors and has sent many of their students on to post-docs and graduate programs at numerous institutions, including Memorial Sloan Kettering. We are creating pipelines for the next generations of women and minority scientists. Hunter's science faculty – one of the most diverse in the nation – are rightly celebrated for their long history of training record numbers of women, minorities, and other groups traditionally underrepresented in the sciences. They are role models for students of every background and provide opportunities that many students never imagined. It's no wonder that Hunter sends unprecedented numbers of minorities into graduate science programs and is still the only school in the world to have produced two women Nobel laureates in medicine.

Our ability to keep making the American dream come true for the next generation of scientists has been threatened by the physical limitations of Hunter's current science facility, which was built in 1939. This new building will ensure that Hunter science students and faculty get the world-class facilities they deserve.

It also marks a new era for Hunter's legendary School of Nursing. Hunter has long supplied New York City with the best nursing force in the country. Studies prove that patients' mortality rates are directly related to the education of their nurses – and no nurses are better educated than Hunter nurses. We are educating students at all levels and offer bachelor's,

specialized master's, and doctoral degree programs. By providing an outstanding education at an affordable price, Hunter has provided pathways to the nursing profession for countless minority, second-career, and other non-traditional students.

Now more than ever, nurses are at the forefront of health care. The implementation of the Affordable Care Act has increased the number of people eligible for health care. As a result, there will be a large demand of nurses to work with this influx of patients. According to the U.S. Bureau of Labor Statistics, employment of registered nurses will have grown by 26 percent or 711,900 jobs from 2010 to 2020. The 74th Street project will provide Hunter with the opportunity to continue our record of excellence in nursing education while contributing to this great need in our healthcare system.

We at Hunter are so proud to be partnering with Memorial Sloan Kettering, the world's foremost cancer research and treatment center. Our coming together is a testament to our history of fruitful collaboration and to the amazing science happening at both our wonderful institutions. And many of our most groundbreaking projects are collaborations with Memorial—most notably a $3 million dollar NSF grant to increase the number of scientists trained to use radio imaging to detect cancer.

We are breaking down the barriers separating disciplines and institutions that ultimately share a common goal – to improve the health and well-being of New Yorkers. We are deep at work to combat the city's shortage of qualified medical lab technicians by creating clinical

internships and offering a new certificate in cytotechnology, the microscopic study of disease-causing cells. Finally, the students Hunter is training as scientists, nurses, and physical therapists will be able to work directly with each other and with the students and practitioners at Memorial Sloan Kettering to enhance the quality of health care for future generations.

The Hunter-Memorial project will be an important addition to the Upper East Side research corridor. We hope you will support this project and help Hunter's great legacy of science and health care training flourish for generations to come.

STATEMENT FROM RITA POPPER

My name is Rita Popper. I am a Community Board member but I am not here to speak for the board. I am an active member of the Yorkville community, and as a community member I appear before you today.

I like you have seen and heard the applicants' reasons for selecting the particular site on E. 74th Street and the FDR Drive for an ambulatory chemotherapy facility and a CUNY-Hunter Nursing School. We certainly have our share of medical and medical school facilities stretching all the way from E. 61st to E. 72nd St. all along and adjacent to York Avenue.

This new application has many aspects that would normally be deemed unsuitable for a medical facility. This particular medical facility is ***not*** reachable door-to-door by public transportation. The proposed MSK project at the very end of E. 74th St. and the FDR Drive is a dead end street. Please keep in mind that this particular facility is only for patients receiving chemotherapy.

For those of us who have had or accompanied a patient for chemotherapy treatments know that their energy level as well as their immune system is compromised. The MSK building is situated at the end of a very long block. I refer you to Photo #9 in the reference book you have been sent. I will enter this same book into the record. The photo demonstrates exactly how long that block is. Public transportation takes a patient to E. 72nd St. and York Ave. That's a pretty long walk, especially for someone who is not feeling well. That's an even longer walk in inclement weather. This inconvenient site selection almost assures patients will by necessity arrive by vehicle...car, taxi, Access-A-Ride and ambulette.

The traffic section in the book shows photos, taken at all hours of the day and some from resident's apartments. These photos give you an idea as to what the traffic is now. This differs from the applicant's EIS traffic study conducted solely by computer. You can't dispute what the area residents see on a daily basis and have visually shared with you.

MSK is currently building an ambulatory same-day surgery facility at the corner of E. 61st St and York Ave. MSK once again sought approval for a larger, bulkier than the

permitted as-of-right building. It was argued that the larger building was needed to accommodate operating and recovery rooms on the same floor.

Chemotherapy is administered in a reclining chair with an IV pole. Why does the applicant need double height floors for chemotherapy treatments?

The first viewing of the project was in November 2012; the applicant showed the architect's rendering for a 10 FAR building provided that a myriad of zoning permits and various waivers would be granted.

March 2013, the applicant presented a Zoning Text Amendment that would allow the construction of a 12 FAR building. No artist's rendering accompanied this request.

Neither the public nor the Community Board have ever seen the proposed 10 FAR building and the 12 FAR building as a side-by-side comparison. In fact, the original architect's rendering looks exactly the same as the rendering that was presented when the request was made for a 10 FAR building. We have not seen the two proposed building sizes together but this committee could and hopefully will make that request.

It is our sincere hope that this committee, who represent constituents, will question...

- The site location as it pertains to patient accessibility.
- The increased traffic caused by the site location
- The height of the floors do not match the required residential floor height for the administration of chemotherapy treatments
- The size of the building as presented in 2012 and the larger building requested in 2013 need to be viewed and evaluated side-by-side.

Thank you.

OLD HOMESTEAD
STEAK HOUSE

September 13, 2013

NYC Department of Consumer Affairs
Café Licensing Division
42 Broadway 5th Floor
New York, NY 10004

To whom it may concern:

This letter is to request a withdrawal of our Sidewalk Café application for the Original Homestead Restaurant, Inc., License # 1467552.

Please forward deposit and license fee to 56 Ninth Avenue, New York, NY 10011

Thank you for your assistance in this matter.

Best regards,

Gregory Sherry
President

DEFENDERS OF THE HISTORIC UPPER EAST SIDE
TESTIMONY RE: MSK/CUNY ULURP APPLICATION (C130214ZMM;C1302177SM; C1302187ZSM; C130219PPM)
GENERAL LARGE SCALE DEVELOPMENT ZONING TEXT AMENDMENT
BEFORE THE NEW YORK CITY COUNCIL ZONING AND FRANCHISES SUBCOMMITTEE. MARK S. WEPRIN, CHAIR.

Dear Chairman Weprin and Councilmembers,

Thank you for making it possible to testify before you today. I am Teri Slater, Co-Chair of the Defenders of the Historic Upper East Side.

Defenders is a preservation advocacy group founded in 2003 and dedicated to preserving and protecting the Upper East Side's historic character.

We are testifying in opposition to the application which would permit the construction of the Memorial Sloan Kettering Cancer Center's Ambulatory Care Center over 400' in height and the CUNY/Hunter College Science and Health Professions Building, over 300' in height. In addition, we oppose the proposed disposition of city property, zoning changes, special permit waivers and Zoning Text Amendment which would make these bulky, oversized and obtrusive buildings larger and completely inappropriate for one of Yorkville's densest residential neighborhoods and encourage even more institutional height and bulk along the avenues zoned C1-9.

Having grown up on York Avenue in the low Sixties, I can testify with some accuracy about the pattern of institutional development during the last fifty years. The institutions along York Avenue embarked on a pattern of expansion which dismissed the residential character of the neighborhood and resulted in the destruction of thousands of units of affordable housing, displacing and re-locating residents to other parts of the City. Not-for profits replaced taxable real estate. The Zoning Resolution permits community facilities in residential areas as-of-right, because they are considered "compatible. The planners never envisioned the voracious behavior which is occurring throughout the Upper East Side. Community facilities are no longer "compatible." The City Planning Commission has ignored this epidemic. There is a way to grapple with this issue on a zoning and planning level.

Permitting Community facilities to locate anywhere without Master Plans and long range planning, using variances, waivers, Special Permits and Zoning Text Amendments is dangerous and unhealthy for our residential neighborhoods. Community Board #8M has consistently initiated and championed zoning changes which support the preservation of the residential character of the Upper East Side by limiting the height and bulk of buildings. The proposed Zoning Text Amendment flies in the face of Community Board #8M's zoning history included in the RRD books you received.

This application is the straw that breaks the camel's back. York Avenue in the seventies from 72nd Street on, is a residential neighborhood in a community board zoned for residential use. Mammoth applications like the one before you are not compatible. We ask you to modify this application by reducing the height and bulk of the proposed buildings and include on site public. open space and even consider the possibility of rebuilding a sanitation garage on the site which would be an efficient and logical use of the space under the present zoning. In our experience working with many community groups, we are astounded by the resident's willingness to accept a sanitation garage over the proposed application.

We implore you to work with our residential community to find a more appropriate solution. No world class city can do without livable residential neighborhoods.

Respectfully,

Teri Slater, Co-Chair,
Defenders of the Historic Upper East Side

My name is Mina Greenstein. I have lived in Yorkville for 50 years. During that time, I, together with community groups have fought to retain the residential qualities of the area for family and neighbors. My involvement started with a group of moms buying brooms to clean up Carl Schurz Park and to deter the Koch Administration from building a 2-lane road to Gracie Mansion through the Park. We worked to save City and Suburban Houses for middle and low income families, we worked to save P.S. 158 from being torn down to create high rise developments, and now we, as Residents for Reasonable Development, are working again to save our fragile neighborhood from being demolished by unnecessary overbuilding by Memorial Sloan Kettering and Hunter College under the guise of medical research. In essence a "fat lady squeezing into a too tight girdle." I am sure you can relate to this – unnecessary and unwarranted encroachment upon a neighborhood, where the connected developers get the breaks and we get...well, you know what I mean.

I invite you to come and see our neighborhood and its problems. See the present overcrowding, see traffic tie-ups not only on York Avenue but on the FDR Drive access roads, see the lack of public spaces – parks, plazas. See trucks backing up and down 73rd and 74th streets because there is no space to adequately turn around on the narrow dead end roads. These are the same streets that MSK/Hunter wants to use for their ambulettes, taxis, students, teachers, and maintenance staff. These are the same streets that will bring in 8,000 persons daily-the infirmed, students, doctors, nurses, maintenance workers. These are the same streets where an estimated 1,600 cars for MSK are projected to roam the streets looking for space to park.

This is the last gasp for Yorkville as we know it. The medical corridor is no yellow brick road to Oz leading us to a better future. Rather it will become another sterile medical corridor that will hasten the end of the viable Yorkville community we know today. We ask for your help. Please help us Save Yorkville.

Mina Greenstein, 1385 York Avenue, New York, NY 10021

To the members of the City Council on Zoning & Franchises:

My name is Richard Nelson and I have been a resident of the Cherokee Apartments (adjacent to John Jay Park) at 508 East 78th Street, since 1962. During those five decades, I have seen many changes to cultural, economic and class structures, languages spoken, religions practiced as well as social changes from immigrant working families and those escaping persecution from pre and post World War 2 Europe, to almost "singles only" then back to families and children as we have now. When I first moved here at age eleven, gangs still had a presence in our neighborhood and the old RKO Movie Theater on 86th & Lex gave double features on Saturdays for 75 cents. There were Hungarian restaurants and clubs such as "Chardash" On 79th Street, and at least 5 languages could be heard spoken just by walking 5 blocks any direction from my home. The kids who caused trouble were rounded up, not by the police (we had beat cops back then who knew us by name) but by a feisty 5 foot tall 95 pound woman named Rita French who got us all in line, created teams and activities, and made the neighborhood safe. But then that's the definition of "neighborhood" isn't it? And neighborhood is the key to my comments today. The difficulty is in acknowledging the importance of Medical facilities in general, and on a personal note as one who lost his mother, a Nurse who worked at Bellevue, Doctors Hospital and Lenox Hill over the years, to cancer when she was only 49, yet balancing that against the importance of "neighborhood" versus families and children living in a "Medical District" with all the ills that entails. First, there are several schools within a short radius of the proposed mega-construction site, the students of which would be adversely affected by several important changes such as increased vehicular traffic during school hours, a potentially dangerous increase in air pollution when the Upper East Side has already been categorized as one of the least healthy areas of NYC, an unfortunate irony that this would be exacerbated by a Cancer Care Center and a School For Healthcare Professionals. My source on pollution levels is the NY Times. The entrance to the Southbound FDR drive on 73rd Street would be either closed or severely impaired, pushing and condensing traffic all throughout the neighborhood making life dangerous for everyone. I still remember a friendly school crossing guard who was struck and killed by a car on 79th and York leading to a revised and safer traffic pattern at that intersection; do we need to see more such fatalities to understand the potential harm of additional traffic and the proposed patterns of traffic? There is another group of residents who become visible during massive construction projects and who can cause harm to young children and the elderly. I speak of the indestructible city rat. The rodents I saw waddling (they wee too big to run) across York Avenue in the past, making me shudder to think what this project will unleash. I say that there are many other parts of the city in greater need of such a project, and that our neighborhood must remain a neighborhood, not converted into a business district.

Thank You – Richard Nelson

SARAH CHU
509 E. 77TH STREET, #5C
NEW YORK, NY 10075

September 12, 2013

Hon. Mark S. Weprin, Chairperson
Zoning & Franchises Subcommittee
New York City Council
250 Broadway, Suite 1807
New York, NY 10007

RE: MSK/CUNY ULURP Item

Dear Chairperson Weprin and Members of the Zoning and Franchises Subcommittee,

Thank you for the opportunity to provide the feedback regarding the proposed MSK/CUNY development project. My name is Sarah Chu and I reside in the Cherokee Apartments, a co-op building located on E. 77th Street and York Avenue. For full disclosure, I am the Second Vice Chair of Community Board 8 in Manhattan and served on the Community Education Council of District 2 from 2009-2013. I must emphasize that I am speaking independently and not on behalf of these organizations.

My husband, my nine month-old daughter, and I live in the Cherokee Apartments, a low-rise, six story building hosting 387 apartments on the side streets of Yorkville. Because proponents of this project have cast my community as my neighbors as "privileged" or "NIMBY," I wanted to make sure you knew who the faces of the Yorkville community truly are, why this project creates safety concerns for our neighborhood, and why enhancements to the Andrew Haswell Green Park at a distant E. 61st Street will not benefit my neighbors.

WHO WE ARE

While there are members of my community who are successful, there are also many people like me who live in the small R8B zoned walk up buildings west and east of York Avenue. We are young families who want to live close to a public school, nonprofit sector workers, educators, and immigrants. My neighbors are seniors in rent-stabilized apartments, young people living with multiple roommates beginning their first jobs, and the people I say hello to everyday who work in the buildings and businesses in my neighborhood.

SAFETY CONCERNS

My husband and I moved to this neighborhood to start our family because it was it is a quiet residential area near a great public school with a wonderful amenity - John Jay Park at the end of E. 77th Street. In fact, we came to learn that our home is near many great schools. You will find from E. 69th Street to E. 78th Street between York Avenue and Second Avenue, there are nearly 4,500 students in schools, preschools, and daycares. Of those students, over 3,000 will go to schools within three blocks of the new development.

Those schools include:

- P.S. 158
  1458 York Avenue
- New Middle School at P.S. 158
  1458 York Avenue
- Eleanor Roosevelt High School
  411 E. 76th Street
- The Town School
  540 E. 76th Street
- Lycee Francais de New York
  505 E. 75th Street
- The Cathedral School
  319 E 74th Street
- Epiphany Community
  Nursery School
  510 E. 74th Street
- The Church of the Epiphany
  Day School
  1393 York Avenue
- The International Preschools
  351 E. 74the Street

This student rich concentration within the shadow of the proposed development raises serious pedestrian safety concerns as the majority of these schools serve small children, who, as you know, often run ahead of their parents on their way to school and are too small to be seen from behind parked cars. Additionally, our neighborhood has dangerous intersections at E.79th Street and York Avenue, E. 72nd Street and York Avenue, as well as E. 72nd Street and First Avenue. The promise of over 1,600 additional vehicles traveling to our neighborhood daily, racing to parking spots, will exacerbate the already dangerous crossings and tie up public transit.

My upstairs neighbor, Eileen, is in her 80's and has lived in my building since 1950. In the last few years, her ability to walk has diminished and I shudder to think of how she will be able to navigate these crosswalks alone. The EIS suggests that pedestrian safety can be mitigated at pedestrian crosswalks with the installation of yield signs warning drivers to watch for pedestrians, countdown timers, and repainting crosswalks. **These solutions are wholly ineffective and insufficient for both my senior neighbors and for the children who walk to schools in our neighborhood.** Eileen won't be able to cross the street faster because a countdown clock is installed and bright white stripes won't prevent a car from hitting my daughter.

The conundrum here is that in order to improve traffic, mitigation approaches need to speed it up. In order to improve pedestrian safety, traffic needs to be slowed down. This negative relationship between traffic flow and pedestrian safety means that the two can never co-exist at the same time in a neighborhood with as many small children and older adults as our community.

Additionally, the EIS does not discuss the impact of traffic on the M31, the bus that serves as a lifeline for residents of the "Far East Side." This bus travels up and down York Avenue, crosstown at E. 57th Street, and is important to my older neighbors. Yorkville is home to one of the highest concentrations of seniors in the City. Many of

Please, do not squander my family's quality of life for an empty promise. The children, seniors, residents, and the businesses and the people who support this community are deserving of true open space in our immediate vicinity.

Sincerely,



Sarah Chu

Anthony Zografos
509 East 77th Street
New York, NY 10075

September 12, 2013

Hon. Mark S. Weprin, Chairperson
Zoning & Franchises Subcommittee
New York City Council
250 Broadway, Suite 1807
New York, NY 10007

RE: MSK/CUNY

Dear Chairperson Weprin and Members of the Zoning & Franchises Subcommittee,

I am writing to express my concerns with the building of the MSK/CUNY facilities on 73rd St and York Avenue. I am the board president at the Cherokee Buildings which are located on York Avenue between 77th and 78th Streets. The Cherokee is a national landmark and has a population of over 600, not including staff. We are a very diverse building with rent control and owner occupied units. The residents not only at the Cherokee, but its neighboring buildings, work hard to keep our community safe and accessible to other areas of the city. In a five block radius there are over 20,000 residents and employees that live and work in our community.

The impact of these buildings will not only affect the residents but will have a direct impact on the employees commuting from the five boroughs, New Jersey, and Long Island. Along with the E.91st Street garbage transfer station, the MSK/CUNY buildings will create what will become a traffic nightmare in our neighborhood as well as destroy the beauty and diversity of our neighborhood. It is also my understanding that this proposed development is driving talks to make York Avenue a one way street. This will directly impact commuting for the residents who currently use the M31 bus line to get downtown and cross town.

We need to protect the most vulnerable: children, seniors and low income families who will be directly impacted by the building of these facilities. The Yorkville area is not mid-town Manhattan - we are a neighborhood and a place of tranquility. If these facilities are built as proposed, we will be destroying this historical neighborhood, families and overall goodness that we call our COMMUNITY.

Thank you.

Sincerely,
Anthony Zografos

Comments for September 16th Hunter/CUNY-MSK City Planning Commission

Good Morning Mr Chairman and Council Members,

I am speaking today as one of the representatives of ESNA—the East Sixties Neighborhood Association.

We support the Hunter/CUNY-MSK project. We think these two new buildings will be a valuable asset to the community. We believe the synergy between the college and hospital will be important to the students, as well as to the medical and research communities.

My comments will address the Zoning Text Amendment. In 2006, Community Board 8 received approval of a 197-A plan for the greater Queensboro Bridge Area from the City Council. This was a vision for the L-shaped area from Tramway Park, along the bridge on 59and 60th streets down to the waterfront, along the esplanade from 59th to 63rd streets. This would allow the residents in the southern half of Community District 8 to have green open park spaces, as the residents in the middle and upper portions of the district have in John Jay, Carl Schurz Parks.

Andrew Haswell Green Park Phase I is completed. Phase 2 is planned, designed, funded and approved by the Public Design Commission .....So what is holding it up? Parks started this phase with an engineering study and discovered they had a costly problem, as the pilings needed replacement before the park could be constructed to bear the necessary weight load. Until this text amendment was offered, there did not seem there was a viable solution for obtaining these funds, as parks has stated it is highly unlikely that funding will be available in the foreseeable future.

The dog run is well used. The rest of the waterfront level of the site is not used—it is fenced off and it is unattractive and remains the way it was when parks obtained the property from the Economic Development Corp. It needs to be completed!

As a resident of the East 60s I am proud to count among my neighbors the Hunter College community and all the other institutions that will benefit from the use of this park. Our neighborhood is bursting with children and this park is desperately needed by all the residents. It would be so wonderful to have a patch of grass to sit on.

In closing, I believe the Parks Department picked this site to be the benefit of the Zoning Text Amendment because the Community Board 8 approved the 197-a plan; it is designed; ready to be built; funded—except for the piling problem; and most importantly there was a real need in the community for Phase 2 of Andrew Haswell Green Park to be completed.

So I ask you to please give this project your support and approval.

Thank you for listening to my comments.

Judith Schneider, Executive Vice President
East Sixties Neighborhood Association

Just one more comment. The issue of a badly need traffic Study/Analysis of York Avenue has been coming up at a number of CB meetings for a long period of time. If possible, it would be wonderful if the Council asked DOT to carry this out, with the financial support of ALL the institutions along York Avenue.

esna

A Not for Profit Corporation
east sixties neighborhood association, inc.
1173A Second Avenue, # 110
New York, NY 10065
Tel 212-713-5826 • Fax 212-688-5044 • info@esna-nyc.com • www.esna-nyc.com

September 16, 2013

Good morning Mister Chairman and Council Members,

My name is Barry Schneider and I am the president of the East Sixties Neighborhood Association, a 22 year old neighborhood improvement organization on the upper East Side of Manhattan.

I strongly support the applications before you brought by Hunter-CUNY and MSK. Today there are no more compelling public issues than education and health care. And the new facilities planned for the former Department of Sanitation Garage at E. 73/74 Street and York Avenue address these issues head on. The upper East Side – and the city at large – will benefit from the new campus in myriad ways. Not least of which is the realization of the vision of the Andrew Haswell Green park. It was Community Board 8 that first dreamed of a waterfront park in the reflection of the magnificent Queensboro Bridge when it undertook the 197-a Plan. That Plan, adopted by City Council resolution on August 16, 2006 established what is now Andrew Haswell Green park. And today, with your approval of the Zoning Text Amendment, this community-driven open public green space of nearly two acres will become an oasis in the parched landscape of the southeast sixties. In support of this position, I present a petition signed by more than 1,000 of our neighbors and obtained in the two weeks before the Community Board 8 hearing on May 8th of this year. These signatures show their support for the construction of the Andrew Haswell Green Riverfront Park through the funding offered by CUNY/MSK.

Further, I applaud Borough President Scott Stringer's initiative in calling for a comprehensive, independent traffic study of York Avenue as part of his recommendation on this project. For too long the residents, shop keepers and visitors in this bustling corridor have suffered vehicular and pedestrian congestion, physical hazards and polluted air. A remedy must be sought. I urge the Council to include this very sensible proposal in your approval of the Hunter-CUNY/MSK project.

Thank you.

City Council Testimony RE:MSK/CUNY URLUP Application
Prepared by Robert Jackman (soxbob@me.com)
Sept 16th, 2013

I am Robert Jackman, Chair of Residents for Reasonable Development (RRD), an organization of residents that supports the diverse Yorkville community and is dedicated to preserving the residential scale and character of this neighborhood for the people who live, work and attend schools here, a resident of Yorkville for almost 30 years, and a cancer survivor myself!

I am not an expert on zoning, nor a veteran of prior community efforts. However, I would like to address the BIG picture.

Yorkville is a village with a diverse residential population as well as many schools and small businesses.

There has always been a hospital corridor from 63rd street to 72nd street serving the needs of many New Yorkers – and we have welcomed that segment of our community. There are many communities in New York that are underserved in the healthcare field.

For over forty years, there was a Sanitation Department garage on 73rd Street, and we lived in concert with that garage and the truck traffic it generated. The City tore down the garage and now plans to rebuild it in a community further downtown – a community that is home to many hospitals that we believe would welcome another hospital facility – but is fighting hard to keep the Sanitation Garage out of their community.

In its infinite wisdom, the City is planning to allow MSK to expand the hospital corridor North of 72nd Street and to relocate the sanitation garage to 25th street.

In return for being allowed to build this massive project, MSK has agreed to support the rebuilding of a park over ½ mile away from the affected community with NO contribution to the quality of life in the affected area of Yorkville.

This project will, according to their own figures, add almost 10,000 people per day coming into our community. Many of these people will, of necessity, come by car, taxi or ambulette as they are receiving cancer treatments. The impact on this community, already choked with traffic, will be immense.

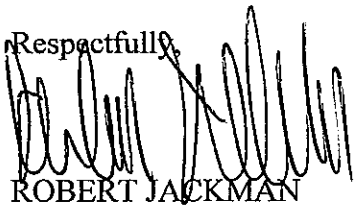
I believe that breaching the 72nd Street barrier with this massive project will mean the end of the Yorkville community as we've known it. More projects will be impossible to stop and some of the more affordable housing in our community will disappear.

I ask that you withhold permission for MSK to build an outpatient facility in this residential community and ask them to build it in an underserved community and allow the Sanitation Department to rebuild its garage on this site.

Please support the Preservation of Yorkville as a residential community with a new sanitation garage built back where it once was. I would join Pat Mulcahy in asking all of the hospitals below 71st Street to contribute to a fund that would build a new Esplanade over the FDR Drive that offers green and open space for this waterfront community.

Thank you for listening.

Respectfully,



ROBERT JACKMAN

MSK/CUNY Testimony

I represent Ben Kallos, Democratic Nominee for City Council on the Upper East Side and Roosevelt Island. Today we join with the community to ensure the MSK/CUNY proposed expansion supports the surrounding neighborhood. Ben's father has multiple myeloma, a form of bone marrow cancer, so he supports research designed to improve treatment and, hopefully, produce a cure for all cancers. However, the quality of life of the neighborhood that makes it such an attractive building area must be preserved.

In support of neighborhood groups who have already spoken out on this issue, we strongly believe the following steps must be taken:

1. **Mitigate traffic.**
   We echo the Borough President's call for a full traffic density study.
   a. As part of the study, we must include an exploration of improving the entrance and exit on FDR.
   b. A bikeshare station should be placed in the facility to reduce traffic and improve options for the community.
2. **Ensure residents aren't crowded out of their neighborhood.**
   a. If zoning permits, the lot will allow up to 250 spaces
   b. MSK/CUNY should consider or setting some of those spaces aside for residents, whose streets are already crowded.

3. **Make open space available to the community.**
   a. While Andrew Haswell Green's $15-million dollar rehabilitation is an exciting aspect of the project, the community immediately surrounding the project does not benefit enough.
   b. Open space should be rehabilitated for the community to enjoy within blocks, not miles, including reviving the East River Esplanade.

4. **Mitigate impact of construction.**
   a. To avoid unnecessarily disrupting those living and working nearest to the construction, efforts should be made to limit early starts and weekend construction.
   b. A schedule of blasting -including email and text message notifications- should be provided at least one week in advance if possible.

5. **Promote economic development.**
   a. In addition to its function as a research and treatment center, this project should also be a benefit to the surrounding community. To ensure that is the case, and to maintain economic fairness, EDC must follow all guidelines regarding development near the site.

Barbara Trueson
445 East 80th Street, #4F
New York, NY 10075

September 15, 2013

Dear City Council Members:

As a longtime resident of 80th Street overlooking York Avenue, I strongly oppose MSK/CUNY's application for building a "large scale general development project" on East 73rd and East 74th Streets between York and the FDR drive for the following reasons:

- York Avenue became more heavily congested after the dedicated bus and the new bike lanes were introduced on First Avenue. I don't see how the area can handle 8,569 more people, including 1,680 cars for which only 278 parking spaces will be provided. That leaves over 1,400 cars scouring the area looking for parking. The project involves six years of construction, including blasting, six days a week. In addition, the new East 91st Marine Transfer Station scheduled to begin construction next year promises to add between 400-500 garbage trucks a day on York Avenues and area streets, 24 hours a day, six days a week. We already have the worst air in Manhattan and the highest asthma rates. The noise, the congestion and the pollution will hurt the quality of life in the neighborhood.

- The MSK/CUNY proposal is driving a traffic study to change York Avenue to a one-way street, possibly eliminating the M31 bus. How would ambulances get to and from hospitals, students to and from schools, people to and from work? In addition, any change would push traffic flow further into other residential streets of the neighborhood. The M31 bus, which runs up and down York Avenue, is a major lifeline for residents, especially seniors. Any project that would change any portion of York Avenue to a one-way street and eliminate the M31 bus would be devastating to this community.

I firmly believe that the repercussions from the proposed project in addition to other previously scheduled projects like the MTS, will destroy this neighborhood. I oppose MSK/CUNY's application for building a "large scale general development project" and recommend that it be rejected. Thank you.

Respectfully submitted,

Barbara Trueson

G Chew LLC
d/b/a Ciccio
190 Sixth Avenue
DCA# 1464338

September 13, 2013

Council Member Christine C. Quinn
224 West 30 Street, Suite 1206
New York, NY 10001

Dear Council Member Quinn,

This letter serves as our agreement with the Chair, Council Member Mark Weprin, and the encompassing members of the Subcommittee on Zoning and Franchises that we will commit to the following:

1. We will reduce the sidewalk café size from 6 tables and 12 seats to 3 tables and 6 seats.

2. We will arrange our sidewalk café tables and chairs according to the plans on file with the New York City Department of Consumer Affairs.

3. Management and staff will ensure patrons do not congregate outside the sidewalk café.

If there are any questions please call my office. Thank you.

Sincerely,

Giacomo Romano

GIACOMO ROMANO 646 416 3226

ASSOCIATION FOR NEIGHBORHOOD AND HOUSING DEVELOPMENT, INC.

Association For Neighborhood & Housing Development, Inc.
50 Broad Street, Suite 1125
New York, NY 10004
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TESTIMONY OF BENJAMIN DULCHIN, EXECUTIVE DIRECTOR, BEFORETHE NYC CITY COUNCIL SUBCOMMITTEE ON ZONING & FRANCHISES ON THE CROWN HEIGHTS WEST REZONING

September 12, 2013

Good Morning.

Thank you Councilmember Weprin and to the members of City Councilmembers of the Subcommittee on Zoning & Franchises for this opportunity to testify. My name is Benjamin Dulchin and I am the Executive Director for the Association for Neighborhood and Housing Development (ANHD).

ANHD is a membership organization of NYC- neighborhood based housing groups- CDCs, affordable homeownership groups, supportive housing providers and community organizers. Our mission is to ensure flourishing neighborhoods and decent, affordable housing for all New Yorkers. We have 98 members throughout the five boroughs who have developed over 100,000 units of affordable housing in the past 25 years alone and directly operate over 30,000 units, providing housing for 100,000 people.

ANHD and our members are committed to ensuring affordable housing for the future of Brooklyn neighborhoods and we have been carefully considering the proposed Crown Heights West Rezoning currently under review. We support the efforts of Brooklyn Community Board 8 in consultation with Department of City Planning (DCP) to rezone Crown Heights West, however we urge you to request a Follow Up Corrective Action from DCP to change the *voluntary* Inclusionary Housing Areas to Guaranteed Inclusionary Housing Areas.

ANHD applauds Brooklyn's Community Board 8 for their foresight and initiative to proactively request a rezoning in order to maintain their community's character and their continued commitment and effort seeing the near decade long process though. As outlined by the Department of City Planning (DCP) the proposed Crown Heights West rezoning goals are to (a) maintain the existing scale and character of the neighborhood, (b) create incentives for the development of affordable housing, and (c) match commercial zoning to reflect the existing retail character. We have been in communication with Community Board 8 and recognizes that the rezoning's primary goal is to maintain the existing scale and character of the neighborhood through the contextual rezoning of the residential areas.

However, we believe the Crown Heights West rezoning proposal will not generate the affordable housing as suggested in the proposal and needed in the community. A review of the current Inclusionary Housing Program (IHP) in a report released on August 16th by Councilmember Brad Lander's office indicates that the program has not produced affordable units for

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neighborhoods like Crown Heights West. Outside of large-scale development projects, many developers have opted out of participating in IHP generating far fewer affordable housing units than expected and that neighborhoods need. From 2005 to 2013, excluding the large-scale IHP areas in Manhattan's West Side and North Brooklyn, only 11 developments in the entire city produced affordable housing under the Inclusionary Housing Program.[1] Brooklyn has seen just 83 affordable housing units from the more than 1,400 market-rate residential units built from rezoning in IHP areas outside of Greenpoint-Williamsburg.

ANHD believes that in order to ensure that new multi-family developments do not squeeze out existing affordable housing and that residents are not priced out of developing communities, the Crown Heights West rezoning should include Guaranteed Inclusionary Zoning areas in order to meet the goal of Community Board 8. This would ensure that the community receives a public value from the enormous increase in the value of the rezoned land for the owner and/or developer.

Guaranteeing affordable housing is critical. Crown Heights West, Brooklyn's Community Board 8, and neighborhoods throughout New York City are struggling to maintain their neighborhoods livability while facing the most severe affordable housing crisis in in decades. In 2011 Brooklyn made up the largest share of the city's housing units with 30 percent of the housing stock, but had very few units available with a vacancy rate of only 2.61 percent.[2] Furthermore, most of Brooklyn's households are paying a substantial amount of their annual income to rent. Nearly 38.7 percent of Brooklyn residents are rent burdened and pay over 30 percent of their annual income to rent. Furthermore 22 percent of Brooklyn residents are severely rent burdened and pay over 50 percent of their annual income to rent [3]

As housing costs in Crown Heights West, Brooklyn, and across New York City continue to increase we must maintain affordability and stabilize communities for the residents and families that call Brooklyn home. We support the efforts of Brooklyn Community Board 8 to rezone Crown Heights West, however we urge you, the City Council, to request a Follow Up Corrective Action from the Department of City Planning to change the voluntary Inclusionary Housing Areas to Guaranteed Inclusionary Housing Areas.

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[1] Lander, Brad, Freedman-Schnapp , Michael, & Ullman , Seth (August, 2013). "Inclusionary Zoning in New York City: The Performance of New York City's Designated Areas Inclusionary Housing Program since its launch in 2005." Office of Council Member Brad Lander.

[2] 2011 New York City Housing Vacancy Survey. U.S. Census Bureau.

[3] 2011 New York City Housing Vacancy Survey. U.S. Census Bureau.

The City of New York

COMMUNITY BOARD NO. 8

1291 ST. MARKS AVENUE • BROOKLYN, NEW YORK 11213
TEL.: (718) 467-5620 • FAX: (718) 778-2979

Nizjoni Granville
Chairperson

Robert Matthews
Chairperson Emeritus

Michelle T. George
District Manager

Marty Markowitz
Borough President

FOR THE RECORD

May 28, 2013

Brooklyn Community Board 8 Recommendation
in Support of Uniform Land Use Review Application (C 130213ZMK)
for the Crown Heights West Rezoning and
the related non-ULURP text amendment (N 130212 ZRK)

On May 9, 2013, Brooklyn Community Board 8 held its public hearing on the Uniform Land Use Review Application (C-130213 ZMK) for the Crown Heights West Rezoning and the related non-ULURP text amendment (N 130212 ZRK). Twelve attendees gave testimony with 10 in support of the proposal notwithstanding their reservations regarding the efficacy of the Inclusionary Housing Program.

As recommended by the Housing/ULURP Committee (which had voted to support the proposal at its April 4, 2013 meeting), the 35 appointed Community Board 8 members in attendance at the May 9, 2013 public hearing voted unanimously to adopt the proposal as Department of City Planning (DCP) had undertaken the project in 2005 at the request of CB 8.

Brooklyn CB 8 has been vocal and committed in its pursuit of affordable housing for the District. While recognizing that the effectiveness of existing programs aimed at creating affordable housing is not within the full or sole control of the DCP, testimony provided by the Association for Neighborhood and Housing Development at the hearing in review of this proposal claims that the voluntary aspect of the Inclusionary Housing Program (IHP) has not ensured production of the expected quantum of affordable housing units in other localities and in other communities within the City. This testimony is sufficient to put CB 8 on notice to take a closer look. With the assistance of DCP, CB 8 hopes for guarantees of permanently affordable housing from those developers and property owners benefitting from the rezoning. We hope that DCP can provide clarification to the testimony regarding the effectiveness of the IHP.

In order to achieve the substantial and near-term protections from out-of-context development that the current proposal provides, the full Board voted to support it, and hopes that the request below will be understood in that context.

Request for Follow-up Corrective Action

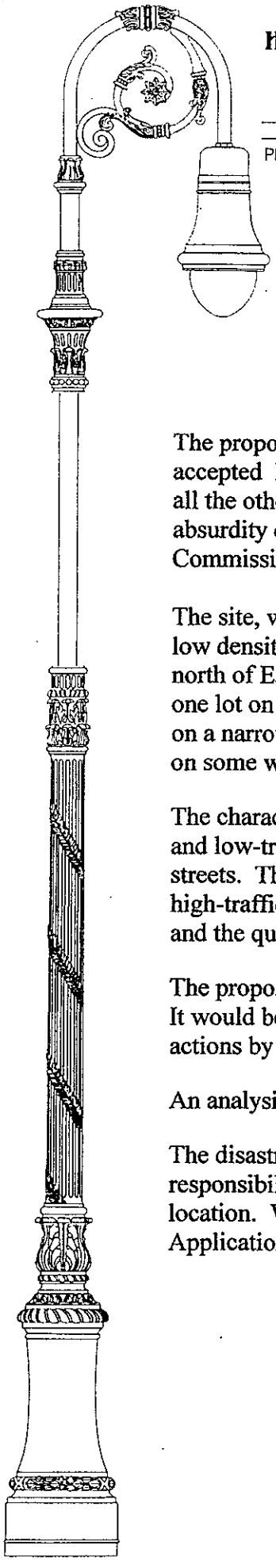
Based on comments received from the community, and to realize the full potential of the work and time City Planning and this community has invested in this project, we request the follow-up corrective actions listed below:

1. Revise the Zoning Text, maps, pertinent codes and rules to make the Inclusionary Housing Program in Brooklyn CD 8 mandatory for any buildings taller than 60 feet;
2. Require that the affordable units be built on-site, or entirely within Brooklyn CD 8;
3. Require that the affordable units have a 50% preference for CD 8 residents of five years or more; and
4. Adjust the income requirements to reflect the average median income of Brooklyn CD 8.

Thank you in advance.

Sincerely,

Nizjoni Granville
Chairperson



HISTORIC NEIGHBORHOOD ENHANCEMENT ALLIANCE, INC.

Suite 7-B
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Memorial Sloan-Kettering/City University of New York Proposal for 524-540 East 74th Street

The proposal to put such a gargantuan project on this narrow, dead-end street is contrary to accepted land use and zoning principles. If the site is to be rezoned it should be rezoned like all the other side streets east of York Avenue and north of East 72nd Street – to R8-B. The absurdity of this location for this propose development is acknowledged in the City Planning Commission's approval of the waiver of the signage regulations.

The site, which is on a narrow side street that is a cul de sac, is currently zoned for low-scale, low density, and low-traffic development. All of the side streets east of York Avenue and north of East 72nd Street – with the exception of the few remaining manufacturing sites and one lot on East 76th Street - have been rezoned to R8-B. There is not one inch of C1-9 zoning on a narrow, cross-town street in this area or in any part of the Upper East Side; it only exists on some wide, north-south avenues.

The character of the surrounding neighborhood features low-scale, low density, residential, and low-traffic development. R8-B is the prevailing zoning on the Upper East Side side streets. The proposal, which is to change the zoning to permit high-scale, high density, and high-traffic development, would gravely damage the scale and character of the neighborhood and the quality of life of its residents.

The proposed 453-foot development will cover the entire lot, leaving no open space whatever. It would be a monolithic obstruction of the view of the waterfront, which recent land use actions by this city have attempted to create and preserve.

An analysis of significant flaws in the City Planning Commission follows.

The disastrous impacts of this proposal cannot be mitigated; it is the Applicant's responsibility to find a location where its development will cause no harm and this is not that location. We count upon our elected representatives on the City Council to deny this Application in its entirety.

Elizabeth Ashby
President

DEFENDERS OF THE HISTORIC UPPER EAST SIDE
HISTORIC NEIGHBORHOOD ENHANCEMENT ALLIANCE

Memorial Sloan-Kettering/City University of New York
Proposal for 524-540 East 74th Street

The City Planning Commission Report

The City Planning Commission's approval of the various actions requested is not based upon rational or established land use and zoning principles. Having declared that the resulting institutional development would be a good thing for the city, the Commissioners seem to find that the actions are appropriate because they enable the MSK and CUNY buildings to be built. The standard employed for appropriateness is whatever the Applicant proposes to build.

The report contains misinformation about the character and zoning of the surrounding neighborhood and about the nature of the narrow, dead-end street on which the site is located. To state that the "densities permitted would be generally consistent with prevailing conditions in the surrounding context" (page 23) is misleading in the extreme. The context on the narrow cross-town streets is two to four FAR; the context on the avenues and wide cross-town streets is ten to twelve. Using the report's logic, one would have to say all huge towers are consistent with the conditions prevailing in the vicinity of every R8-B site.

In finding "that the streets providing access to the proposed development will be adequate to handle the traffic generated" (page 28), the report ignores the experience of those who live and work in the neighborhood and the findings in the EIS. The EIS identifies eleven intersections that would be adversely impacted. It proposes trivial mitigation measures for ten of them and cannot even accomplish that for the eleventh.

The report correctly identifies the hospital corridor as ending with the Hospital for Special Surgery on 71st Street. It goes on to state that the residential are starts at 75th Street and claims that there is some sort of "transitional" (page 3) zone between the two. If there is a transition, it is the transition from 2 FAR manufacturing and 4 FAR residential – R8-B. The report's description of 73rd and 74th Streets (pages 4 and 5) lists residential and local retail uses, in addition to the original manufacturing, demonstrating the "zone's" residential character.

Zoning Map Amendment (C 130214 ZMM)

Having declared the rezoning appropriate, the Commission report goes on to say, "The rezoning would.....enable the development as proposed." (page 22) This is another example of whatever-the-Applicant-proposes-to-build standard

To say that the proposed densities are equivalent to those already present in the surrounding context is misleading in the extreme; the equivalent densities are on the avenues and the wide cross-town streets; they are not on the narrow cross-town streets.

This is a Zoning Map Change that the Applicant wants no part of. He wants to waive all of its provisions – the height, the setbacks, the rear-yard requirements, the side-yard requirements (the lot coverage), the bulk limit, even the signage and parking regulations. It, therefore, makes no sense to give it to him.

Zoning Text Amendment (N 130215 ZRM)

The proposed Zoning Text Amendment only applies to a Large Scale General Development, in a C1-9 district, in Community District 8 Manhattan, and for a predominately Community Facility Development. By the way, there are currently no Large Scale General Developments in Community District 8 Manhattan. This isn't zoning text; it is spot zoning and a carefully crafted, carefully targeted, and successful enticement to obtain the support of Community Board 8. Of course, the Department of Parks found that Andrew Haswell Green Park was the only suitable site; that was the whole point.

In addition, the text amendment provides no formula or other means of relating the price paid for the extra floor area to its value; it merely requires that the City Planning Commission determine that it is appropriate. In this case, the Commission has determined that an amount that is $56.39 per square foot less than that proposed for midtown is appropriate.

In stating that "The proposed modification of floor area in the application is consistent with what is already permitted within the zoning district" (page 33) is incorrect in the current M3-2 district; it is only true to say that the modification would be consistent with the zoning district that the applicant wants.

Special Permit for bulk and floor area modifications (C 130216 ZSM)

Deciding that the modifications are appropriate, because, among other things, the underlying regulations "would impair the ability of the applicants to design buildings that function optimally for their needs" (page 27) and "the rezoning would.....enable the development as proposed" (page 22) is another example of using the whatever-the-applicant-wants standard. The request for all these waivers calls into question the application for a zoning map change.

Special Permit for Modification of Sign Regulations (C 130217 ZSM)

The justification for granting this Special Permit demonstrates the inappropriateness of this location for the proposal. The report states "that the proposed modifications to sign regulations are appropriate and will successfully compensate for **the unusual circumstance of two major facilities located on one dead-end street at the edge of Manhattan**." (page 35, emphasis added)

500 E. 77 St. #831
NY, NY 10162
Sept. 12, 2013
646-398-7141

Members of the City Council:

I am a cancer survivor, and I am opposed to MSK's outpatient Cancer Center, proposed for E. 74th St. If thousands of new patients are expected to use these proposed facilities, who is really looking out for the best interests of these cancer patients? Not MSK.

If they were really thinking of the thousands of patients per day they would have secured space in each of the boroughs and counties so that patients could have needed chemo/radiation treatments closer to where they lived. If they really were thinking of those thousands of patients per day, they would have realized that it's bad enough having cancer and the anxieties that go with it - that long distance traveling to E. 74th St. only makes it more traumatic and expensive.

When I underwent 7 weeks of daily radiation treatment, I went to a medical oncologist recommended by my breast surgeon, who was Chief of Breast Surgery at North Shore/LIJ. It was close to where I lived in Manhasset, at the time. One doesn't always feel good after having radiation or chemo, and certainly to have treatment

— continued —

Closer to one's home seems like the caring and civilized thing for a cancer center to do.

Why the need for a 40+ story building?

As I keep getting solicitations from the multitude of cancer organizations, they all proclaim how close we are to finding a cure. Sounds good to me.

Then why do we need a 40+ story building on a residential street — unless MSK is also in the real estate business?

Sincerely,

Marcia D. Reese

marciamitchellreese@gmail.com

Statement of Albert K. Butzel, Counsel for the Residents for Reasonable Development,
To the City Council Subcommittee on Zoning and Franchises
Public Hearing on MSK-CUNY Project, September 16, 2013

My name is Albert Butzel. I am the attorney for Residents for Reasonable Development, and I appear here today in opposition to the MSK-CUNY Project, as currently proposed.

I have prepared and am submitting detailed written materials identifying the substantive and legal failings of this Project. In a sense they begin and end with the reality that this 800,000 square foot institutional development, which will bring 10,000 people a day into the neighborhood, is far too large and traffic-intensive for the residential neighborhood that surrounds it. We do not question the importance of high quality cancer care. But in a community already overrun with medical institutions, which up to now at least have been confined south of 72nd Street, the MSK expansion north to 74th Street is too much and in the wrong place.

Let's be frank. For all of its glamour, MSK is a huge business, which depends on constantly expanding its patient base to justify new facilities. It already has 14 separately-listed facilities in Manhattan, one in Brooklyn and five in suburban communities. Now it wants to expand north to 74th Street. But there has to be an end to this relentless march of oversized medical facilities. It rests with the Council to end it.

That will take courage. Sloan Kettering is powerful institution, and the Mayor wants what he wants on City land that he is asking for your approval to sell. From the outset, the disposition process has been a set-up, specifically tailored to MSK and CUNY, with no consideration for the community on which he intends to impose it.

This has been the story over the last 12 years: Big projects for big institutions and developers involving big money. And time and again, this Council has gone along. This is the time for it to call a halt, to stand up to the Mayor and HIS City Planning Commission, to stand up, frankly, to the Council Speaker, and say "no," -- to stand up for local community concerns and interests. If you are truly concerned with the voices of the people, rather than the interests of powerful developers and powerful institutions, this is your chance to show it. I urge you to vote against this ill-conceived Project.

Albert K. Butzel
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Submission of Albert K. Butzel, Counsel for the Residents for Reasonable Development, to the City Council Subcommittee on Zoning and Franchises on the Memorial Sloan-Kettering/CUNY "Large Scale" Project

Public Hearing, September 16, 2013

My name is Albert Butzel. I make this submission on behalf of Residents for Reasonable Development ("RRD") in opposition to the proposed Memorial Sloan-Kettering/City University of New York Large Scale General Development Project (the "Project") that is now before the City Council for review. The Project would be located between East 73rd and East 74th Streets adjacent to the FDR Highway (the "Project Site"),

I have previously made two written submissions to the City Planning Commission, which set out the shortcomings, including the legal deficiencies, of the Project. Since the three minutes I will be given for oral comments will be far less than necessary to bring before this Committee the legal and substantive failings of the proposed Project and the procedures that have been following in the ULURP process, I attach the prior materials to this submission and incorporate them herein as part of my testimony to the City Council

The following is a listing of the points I wish to put on the record.

1. The Project will occupy the site of a DSNY sanitation garage that operated in the community for many years. The community would gladly accept a replacement garage but rather than take advantage of that willingness, the Administration has opted for the current project. As a result, the City is seeking to force a replacement garage on an unwilling community that will fight it tooth and nail and which is considerably more distant from the area the garage will serve. This is not only bad planning; it is a formula that courts outrage.

2. When the City informally sought indications of interest for reuse of what is now the Project Site, it advised recipients that they would need to combine their proposals with a replacement sanitation garage. No surprise, no one rushed forward to respond. When, subsequently, the City issued a formal RPF, it did not require such a combination. More than that, it issued an RFP limited to health and educational uses, clearly hand-tailored to fit the interests of MSK-CUNY. No surprise, MSK-CUNY was the only institution to respond and was selected. In fashioning the RFP in this restrictive way, the City excluded other feasible alternatives, including residential and a replacement sanitation garage. This was improper and illegal.

3. Paralleling the failure to consider alternatives in fashioning the RFP, the City failed to address or assess reasonable alternatives in the EIS for the Project, in

violation of the State Environmental Quality Review Act ("SEQRA"). These included residential development and use of the site for a replacement sanitation garage. The EIS – and the City in general -- also failed to consider design relevant alternatives. For example, the new hospital building is purportedly for ambulatory use only. That being the case, there is no need for the 18 to 20-foot floors incorporated into the Project. The use of 12-foot floor would reduce the height of the Project by a third and thereby mitigate its adverse impacts. This obvious alternative has been ignored.

4. In order to secure additional FAR for the Project, the Applicants drafted and secured City Planning approval of a text amendment to the Zoning Resolution that allows them to build an additional 2 FAR (approximately 130,000 additional square feet) in return for a payment of an undisclosed amount to support improvements in Andrew Haswell Green Park, a park 12 blocks distant. This is illegal because the "mitigation" it supposedly offered is too far removed from the Project to offset the impacts to the local community. It is also a give-away. City Planning did not make its approval contingent on any specified payment by the Applicants, and the Applicants have not specified what they are prepared to pay in support of the improvements. Moreover, even if the Applicants committed to DCP's estimate of what the park improvements will cost, that sum would translate into a figure per FAR well below the going market rate. This is a waste of City assets.

5. The zoning amendments proposed by the Applicants and bought in their entirety by City Planning serve private, rather than public purposes, and constitute illegal spot zoning.

6. The zoning amendments run counter to the essential residential fabric of the neighborhood and to the established direction of planning on the East Side to strengthen the residential character of the area and discourage large developments that would overburden the community with traffic and the incursions of large crowds. Drawing some 10,000 new people to it every day, the Project is the epitome of such a large, and inappropriate, development. It is not consistent with a well considered plan, as the law requires.

7. The process by which the City tailored its RFP for, and eventually selected, MSK/CUNY as the party with whom it would do business was illegal in that, among other things, it cheated the surrounding residents of the benefits that less impactful residential development would have brought with it.

8. The EIS for the Project was deficient in many respects, some of which are spelled out in my submissions to City Planning, copies of which are attached.

9. In its approval documents, City Planning misstated, misrepresented and/ or misunderstood many key facts regarding the existing fabric of the neighborhoods surrounding the Project site, including the zoning and direction of zoning in the area.

10. City Planning's finding that the FAR bonuses allowed for onsite plazas supported or justified allowing similar bonuses for open space half a mile removed from the Project site was an invalid comparison and without legislative or any other legal basis.

11. In approving the Project, City Planning did not take proper account of the extraordinarily limited access there will be to the Project because 74th Street dead ends at the Site and 73rd Street has to accommodate two-way traffic entering or exiting the FDR Drive – the only entrance and exit between 96th and 60th Streets. Furthermore, there is essentially no public transportation to or from the site, with the consequence that most patients will have to be driven to the facility.

September 16, 2013

Albert K. Butzel

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Tel: 212-643-0375 Email: akbutzel@gmail.com

Submission of Albert K. Butzel, Counsel for the Residents for Reasonable Development, to the City Planning Commission on the Memorial Sloan-Kettering/CUNY "Large Scale" Project

Public Hearing, July 10, 2013

My name is Albert Butzel. I make this submission on behalf of Residents for Reasonable Development ("RRD") in opposition to the proposed Memorial Sloan-Kettering/City University of New York Large Scale General Development Project (the "Project") that is now before the City Planning Commission for review. The Project would be located between East 73rd and East 74th Streets adjacent to the FDR Highway (the "Project Site"),

RRD is a community organization that has come together in the face of the adverse impacts that would be inflicted on the adjoining neighborhood if the Project is approved. RRD believes that the time has come to halt the northern march of large-scale institutional facilities into the residential areas of the Upper East Side. Rightly, that march should have ended on the south side of 72nd Street, which, as a wide street, constituted a logical (and physical) barrier between the hospital complexes to the south and the residential community to the north. That did not happen when the Board of Standards and Appeals approved the northward expansion of the Hospital for Special Surgery east of York Avenue between 73rd and 74th Streets. But that ill-advised decision cannot be used to justify the massive development that is being proposed by MSK and CUNY in this case; one intrusive billboard does not justify another. And here, notwithstanding the applicants' claims, the surrounding area is primarily residential. Nothing can justify the incursion of a huge medical facility generating thousands of vehicle and pedestrian trips every day into this area.

Until recently, the Project Site had supported a garage for the sanitation trucks that serve adjoining areas. The garage was demolished with the expectation that it would be rebuilt for the same purpose. *The surrounding community had no problem with that proposal, nor does it now.* Yet the City, in a kind of bait and switch, decided belatedly not to rebuild. This is ironic given the fierce opposition that the City has faced (for example, at Spring Street) in locating new sanitation facilities and the opposition it will undoubtedly face in trying to site a replacement garage for the 74th Street facility. It also makes no sense. When a neighborhood is prepared to accept its "fair share" of facilities that other communities regard as noxious, the City should embrace that receptivity. Instead, in this case, presumably because of the dollars it will receive, the City has opted to support a largely-private development that could be located elsewhere. It is a telling measure of the City for Sale ethic that has been promoted by the current administration and implemented by this Commission. This would be a good time to bring a halt to these kinds of transactions.

Legal Issues

My principle purpose in this document is to identify the violations of law that will result if the Commission approves the Project at this point.

1. Failure to Evaluate Alternatives Prior to the ULURP Process.

When the City decided to develop the Project Site, it issued an RFP that sought to combine a sanitation garage with private development. There were no use limits on the RFP – residential as well as institutional was permitted. There were no responses to this RPF.

The City subsequently modified the RFP to focus on institutional uses, but still combined with a replacement sanitation garage. However, when the institutional responders complained that they could not include a garage in their proposals, the City eliminated this requirement, allowing health and educational uses only. MSK-CUNY was the ONLY institution to respond and was selected.

The modification of the RFP, its elimination of residential as a permitted use, and its elimination of the garage requirement all took place before there was any effort to comply with the State Environmental Quality Review Act and the City Environmental Quality Review regulations (collectively, "SEQRA") and without explanation or analysis of why residential use was rejected or the garage requirement eliminated. Moreover, as noted below, nothing in the subsequent SEQRA process addressed the potential of residential use, which was certainly a logical option given the residential fabric of the surrounding community, or evaluated a replacement garage as an option, even though that use was generally accepted in the community.

This is about as bad as it gets when it comes to complying with both spirit and letter of SEQRA. Here, where there was an admitted conflict between the expanding hospital uses moving north and the residential neighborhoods that start at 72nd Street, the importance of examining the options was paramount; and indeed, the whole thrust of SEQRA is to require the **early** examination of options and their respective impacts. No effort was made to undertake such an examination here. To the contrary, the alternatives of residential development or building a replacement garage on the site were ruled out by fiat, without explanation.

The City apparently believes that it can *define* the project it wants and thereby insulate itself from the mandates of SEQRA regarding alternatives. This might be so for private developers, but it is certainly not the case for the City, which is a governmental entity obligated to consider the overall public interest. More than that, under SEQRA and general principles of municipal law, the City cannot make an arbitrary choice of how it intends to sell property that it owns into the private market. It is bound by the mandates of the law and its responsibilities as a governmental entity. Here, by eliminating residential use or a replacement garage as options by fiat and without

regard to the overall public interest and the interests of the community surrounding the Project Site, the City has violated the law.

2. Failure to Address Alternatives within the SEQRA Process.

Having failed to analyze the residential or replacement garage options during the time it was developing and later issuing the various versions of the RFP, the City has followed suit within the SEQRA process itself. The Alternatives section of the draft environmental impact statement ("DEIS") does not mention, much less analyze, the option of residential use; nor does it identify or evaluate as an alternative using the Project Site for a replacement garage. (Indeed, the DEIS does not address any use other than a combined hospital-educational facility.) Again, it appears that the City is taking the position that having defined the uses for which it wants to sell its property, it need not consider anything else. This is wrong, for the reasons identified above. Moreover, if this interpretation of SEQRA were accepted, the mandates of the law would have little meaning. The EIS is fundamentally deficient due to its failure to evaluate a residential option and other feasible options, such as a replacement garage and mixed use.

3. The Distant Park Gambit

In order to secure additional FAR for the Project, the Applicants have drafted and proposed a text amendment to the Zoning Resolution that would allow them to purchase and additional 2 FAR (approximately 130,000 additional square feet) in return for a payment of an undisclosed amount to support improvements in Andrew Haswell Green Park, a park 12 blocks distant. Exactly what improvements the money would be used for are not identified; and given that the underlying problem at the Park appears to be rotted pilings that would require many millions of dollars to replace, it is doubtful that anything significant would be achieved in terms of opening the Park to a broader or different public. That is a legal infirmity in its own right.

But that is only one of the deficiencies of this proposal. Another is that the payment will do nothing to serve the neighborhood that is being impacted. And that neighborhood, like developers in other instances, has a major stake in this sale of additional development rights. It is the immediate neighbors, not the residents 12 blocks to the south, who will suffer the impacts of the enlargement of the Project by 130,000 square feet. They are the ones who will suffer the additional vehicle and pedestrian traffic; they are the ones who will see their limited open space further overtaxed; they are the ones who will have to live in a community inundated with hospital workers, students, teachers and the suppliers who make the facility function; they are the ones who will have to live in the shadow of the Project and have their views blocked by it. If the City is going to sell its zoning (additional development rights), it cannot legally do so without some reasonable nexus of benefit for those adversely impacted by the sale. Here, there is none. True, the Park happens to be in Community District 8, but that is simply a legal boundary. In terms of proximity, the

dollar contribution and the supposed improvements that it will finance do nothing for the residents who live around the Project Site.

And then there is the fundamental question: Can the City sell zoning to private bidders? It is unclear that there is any legislative authorization for a sale in this case. It is far from certain, moreover, that "bought" zoning, as the applicants are proposing here, can be said to be pursuant to a well-considered plan. It is also far from certain that the "sold" zoning can be said to be in the public interest, especially in a case like this where the purchase price is so low and the benefits accrue to a class that is not impacted by the development. These issues remain to be tested. If the Project is approved, RRD expects to do so.

4. Private Purpose Zoning.

It is apparent that the proposed zoning amendments have been tailored to fit the applicants' wishes and purposes. This is most evident from the proposed text amendment, which has been not only proposed by the applicants but drafted by its attorneys. It is also an outlier, having no discernible public purpose beyond serving the applicants' interests in building bigger buildings. At the same time, the proposed zoning map changes are designed specifically to accommodate the applicants' wishes. The current M3-2 zoning is outdated, but what follows it still must be in accordance with a well-considered plan. Given the residential development across 73rd Street, the residential character of York Avenue north of 72nd Street and the largely residential fabric of the broader community, the plunking down of an immense institutional facility, drawing thousands of people through the surrounding residential neighborhoods every day, does not comply with the statutory standard. What is at issue here is effectively a deal made for the benefit of the applicants. This violates the law.

5. Illegal Process

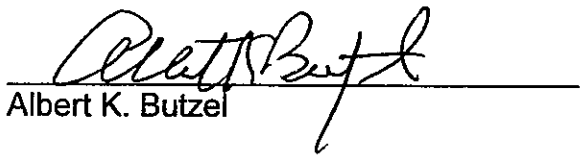
The process by which the City tailored its RFP for, and eventually selected, MSK/CUNY as the party with whom it would do business was fundamentally flawed. The original RFP was for open bids, but carried with it the requirement to accommodate a replacement sanitation garage. Subsequently, when the RPF was narrowed to health and education uses, that requirement was dropped. The result of this slight-of-hand is that residential development, which would have been far less damaging to the surrounding neighborhood than the huge institutional project and far more compatible with the existing fabric of the community, was never accorded an equal chance to bid on the Project Site. This, in turn, cheated the surrounding residents of the benefits that less impactful residential development would have brought with it. It may also have cheated the City's taxpayers, since the price a residential developer may have been willing to pay for prime real estate on the East River could well have exceeded the amounts MSK and CUNY are committed to pay. There was, in effect, here a bait-and-switch scenario that was not only inequitable, but also exposed residents of the area to significant adverse impacts. This also violated the law.

6. Shortcomings of the DEIS

I have already identified the failure of the DEIS to comply with SEQRA in its analysis of alternatives. This is far from the only flaw in the document. As usual, the principal impact that such a large project will inflict on the environment and the immediate community is its effect on Community Character. Community character is not, as the DEIS would have it, simply a matter of taking isolated categories and asserting that in none of them will there be any significant impact and therefore community character will not be adversely affected. This is laughable. You cannot add two 400 foot high towers with more than a million square feet of gross floor area and acknowledged to bring to the neighborhood thousands of staff, patients, students and visitors every day without having a significant impact on the character of the community. The East Side east of First Avenue between 62nd and 72nd Streets has seen this already, with the steady expansion of hospitals and hospital support facilities. What was once a primarily low- and mid-rise residential community with neighborhood stores and a local elementary school I sent my children to has been transformed into a vast assembly of medical institutions that has decisively changed the fabric and character and feeling of the area. The community north of 72nd Street has largely escaped this transformation. But taken together with the much smaller Hospital for Special Surgery expansion, the MSK-CUNY Project will change that – and change it for the worse. To assert as the DEIS does that there will be no impact on community character is willful blindness.

The DEIS is also deficient in its failure to address and evaluate the threat of flooding of the Project Site and the implications that has for health and safety. The Project Site is located in the highest Flood Emergency Zone identified by FEMA, yet there is a not a word in the DEIS regarding the resulting environmental impacts. Since concerned agencies and the public have not been given the opportunity to comment on whatever the DEIS might present in terms of flooding, any addition to deal with the subject with require recirculation of an amended DEIS.

Other deficiencies in the DEIS and the zoning applications will be identified within the 10 day comment period following the City Planning Commission public hearing.



Albert K. Butzel

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July 22, 2013

The Hon. Amanda M. Burden, Chair
The Commissioners
City Planning Commission
22 Reade Street
New York, NY 10007

Re: Memorial Sloan-Kettering/CUNY Large Scale General Development Project

Dear Chairman Burden and Commissioners:

I am counsel for the Residents for Reasonable Development and submit this letter in connection with your consideration of the above project. This letter supplements my oral and written submissions of July 10, 2013 and constitutes further comments on the zoning applications and draft EIS.

With this letter, I submit for the record copies of my oral and written statements of July 10, along with copies of statements and testimony presented (but not always completed) by the following persons who appeared on July 10:

Elizabeth Ashby
James Brown
Sarah Chu
Jill Eisner
Nancy Terrell Grace
Pat Mulcahy
Rita Popper
Teri Slater (for Friends of the Upper East Side Historic District)
Hunter Armstrong (for Civitas)

The testimony presented at the July 10 public hearing underscored and elaborated on the points I made in my written submission. The representative from EDC stated that there was only a single RFP, but the office of Council Member Jessica Lappin says otherwise. At the very least, the RFP contemplated that any institutional development would be combined with a replacement garage for sanitation trucks, but that requirement was dropped when it did not suit MSK/CUNY. Moreover, even if there was only a single RFP, that in itself was deficient under municipal law and SEQRA in failing to consider alternatives and in manipulating the RFP process to the advantage and benefit of a particular private developer. The fact that the City is proposing to dispose of its property at well below fair market value, as set out in the submission of David Brown, serves to underscore the impropriety of the transaction.

The public hearing testimony also highlighted the private purpose underpinnings of the requested zoning changes and waivers. As Teri Slater pointed out, the direction of zoning on the Upper East Side over the last 20 years has been to *reduce* permitted bulk and height and to forward the residential fabric of the neighborhoods. The applicants' proposed zoning changes run in exactly the opposite direction, in discord (rather than accord) with any well

considered plan. Furthermore, as Elizabeth Ashby pointedly observed, the applicants have proposed a C1-9 rezoning, which has no precedent for side streets on the East Side, and then have then turned around and sought waivers of virtually every relevant restriction under the C1-9 regulations. This is not zoning, but an attempted manipulation of zoning to meet the applicants' purported special needs. There is no basis in law for such private purpose land use regulation.

The private and improper aspects of the applicants' rezoning are underscored by the proposed text amendment, clearly tailored to the pending application (and only the pending application), which attempts to allow the applicants an additional 130,000 square feet of floor area in return for funding park restoration over half a mile removed from the site. State zoning enabling legislation does not authorize the sale of FAR, which is exactly what is in play here, and for good reason: the idea of selling the public's patrimony to special interests smells. If that is to be allowed, the State Legislature will have to authorize it. It has not done so for the transaction proposed here. The applicable law does not allow such *quid pro quo* zoning.

Turning lastly to the draft EIS, in my July 10 submission, I focused on the deficiencies in the consideration of alternatives, the analysis of neighborhood character and the failure to address the potential for flooding in light of Sandy and the updated FEMA maps. These are central issues. But the elephant in the room is traffic. From prior experience, I have come to understand that it is all but impossible to successfully challenge the kind of traffic analysis presented in the DEIS. The pages of numbers gorged up by anonymous computers, the little arrows purporting to show vehicle movements, the figures supposedly representing pedestrians, all of whom cross at corners, the miniscule adjustment of signal timing as mitigation – these and other mechanisms are used to make an impossible situation purportedly fine and dandy. But it is a ruse. No one who has had any experience with traffic along York Avenue in the East Side hospital corridor would argue that vehicle and pedestrian congestion is not already a severe problem, and one that already detracts for the quality of life in the area. To conclude, as the DEIS does, that the addition of more than 8,000 people coming and going every day will have virtually no negative impacts contravenes reality. It is not a tale – but a fairy tale – told by an idiot signifying nothing.

We are dealing here with a massive development on two narrow crosstown streets, one of which dead ends and the other of which provides one of the few Upper East Side entrances to the FDR drive. And it is a development that has no frontage on an avenue – anyone arriving, whether on foot or by vehicle, has to use one of the side streets. With more than 8,000 arrivals and departures a day, the result will be choked streets and worse if emergency vehicles are caught in the chaos; and all of this in a predominantly residential neighborhood. To conclude anything else, as does the DEIS, is pure fabrication.

As an example of the deficiencies of the document, in the discussion of transit at page 9-2 the DEIS only assesses the impact of the development on the M66 and M72 buses, both crosstown lines. While those buses are heavily impacted already by the traffic from the medical corridor, the DEIS does not evaluate the development's impact on the M31, which runs down the length of York Avenue through the medical corridor before turning to run crosstown on 57th St. This bus is the lifeline for the neighborhood, especially for many older residents. The development will presumably place heavy new demands on the M31, but these have not been considered in the DEIS. In addition, the development will add to the congestion on York Avenue, directly impacting the M31 bus.

As an example of the mythology the DEIS weaves, at page 9-3 the DEIS states: "Weekday peak period pedestrian conditions were evaluated at key sidewalk, corner reservoir, and crosswalk elements at seven area intersections. It was concluded that the proposed project would not result in any significant adverse pedestrian impacts at any of the analysis locations." For anyone who has spent time in the medical corridor, this is fantasy today, much less a reasonably-expected outcome with more than 8,000 new arrivals and departures every day. Among other things, the DEIS takes no account of how backed-up vehicles, which often block crosswalks, will affect pedestrian conditions. In a similar vein, the DEIS takes no account of how pedestrian movements will affect traffic congestion. It takes only about 20 people crossing at crosswalks to delay left and right turns for much of a light cycle, leading to extended vehicle backups, but this is not considered. Nor is the impact of pedestrians crossing at locations other than the crosswalks, as is common for all City streets.

Finally, by way of specifics, the modification of traffic signal timing, which underlies virtually all the mitigation measures held out as relieving congestion, is totally theoretical. There is nothing in the DEIS to demonstrate that these sorts of mitigation measures, which are part of virtually every EIS for projects in the City, work or, indeed, that any of them have actually been implemented. With this kind of theoretical mitigation having been "used" for development projects for many years, there has to be some empirical proof that it works if the measures proposed in this case are to be accepted as actually moderating the negative impacts of the development. Moreover, there needs to be demonstrable evidence that the adjustment of signal timing proposed for this development does not offset the mitigation measures adopted for some other project, as reflected in the applicable EISs or EASs.

Thank you for your consideration.

Sincerely,



Albert K. Butzel

Oral Statement of Albert K. Butzel to City Planning Commission
MKS/CUNY Development Project
July 10, 2013

1. I represent Residents for Reasonable Development and 515 East 72nd Street Condominium. RRD is a community-based organization of residents from many buildings in the area of the proposed project.

2. We oppose the Project because it is oversized, incompatible with the surrounding residential neighborhood and will otherwise inflict on the adjacent community unacceptable adverse impacts, ranging from excessive traffic in an already over-trafficked area to betrayal of the community's essential residential fabric.

3. We also believe there are better alternatives, none of which have been addressed, much less given fair consideration. These include residential development and/or a replacement garage for the one that previously occupied the site. This is an unusual situation in which the community would support an appropriate replacement garage, thus accepting its fair share of municipal facilities. But rather than embracing this willingness, the City is instead trying to impose the replacement garage on a community that does not want it. It makes no sense and confounds the process of locating sanitation facilities.

4. The failure to address alternatives is one of a number of legal infirmities that we believe undercut any approval of the Project that this Commission might give. I have prepared a written submission setting out our position that the process that has been followed violates the law, including, but not limited to SEQRA. Given the limits on my time to speak, I will not enumerate these now, other than to note that the sale of FAR involved here offends any conceivable sense of fairness, driving home the reality that New York City is for sale to those with wealth and power.

5. While I have little hope or expectation that you will respond to our concerns, I urge you to reject the applications before you and start the process anew, seeking a solution that will serve the broader public interest.

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RE-EVALUATION

TOPICS:

1. Mission Statement
2. Summary.....(Photo #1)
3. Neighborhood Character.....(Photos #2-#8/ Map #1)
4. Zoning Text Amendment.....(Exhibits #1–#7)
5. Misused Taxpayer Funds.....(Charts #1–#3)
6. Traffic.....(Photos #9–#12)
7. Project Alternatives.....(Exhibit #8)
8. UES Zoning History
9. Community Board 8M Vote.....(Exhibits #9 & #10)
10. Parking.....(Exhibits #11–#13)
11. New Increased Population
12. Community.....(Exhibit #14/ Charts #4–#7)
13. Flood Zone.....(Maps #2 & #3)
14. CPC Legal Submission
15. RRD CPC Testimony

MISSION STATEMENT:

RESIDENTS FOR REASONABLE DEVELOPMENT supports the diverse Yorkville community and is dedicated to preserving the residential scale and character of this neighborhood for the people who live, work and attend schools here.

Residents for Reasonable Development (RRD) will accomplish our mission by observing the following - **F.A.C.T.S.**

F: *FAMILY* - We will protect our families, seniors, students and workers from harmful exposure to dangerous traffic, noise and air pollution, over population, overdevelopment, and medical waste exposure.

A: *ADVOCACY* - We support any politician who shares our vision for the preservation of Yorkville as a residential community rather than supporting the encroachment of additional Medical and Educational Institutions in our Yorkville community.

C: *COMMUNITY* - As an economically, culturally and ethnically mixed residential community, it is critical that this community mix be retained and that the nature of the community remains residential.

T: *TAXES* - The city's deeply discounted sale of land to MSK is as foolish and irresponsible as selling your home for a fraction of its current value. NYC should not financially harm taxpayers with the proposed MSK sweetheart deal by selling this land for a price significantly under fair market value.

S: *SAFETY* - The Yorkville community is already burdened with extreme traffic created by medical institutions to the south of the proposed project site on E. 74th St.

- In the 10 blocks between East 61st and East 71st Streets, there are 4 hospitals comprising over 20 medical buildings, a University and a Medical College drawing 35,000 people daily. The piling of additional hospital projects in a community where so many already exist, while other communities are starved for hospitals, is not logical. (NOT REASONABLE NOR LOGICAL)

- The Department of Transportation named 72nd and York, and 72nd and First Avenue, high accident intersections.

- This community experiences routine traffic obstructions on the FDR Drive, on York Avenue and the side streets, extensive delays entering and exiting the FDR Drive and on E 73rd, E 71st, and E 79th Streets which access the FDR Drive.

- We live with the daily struggle to keep close to 3,000 school children and more than 38,000 senior citizens safe in dangerous intersections.

- The traffic impacts on York Avenue (the heartbeat of Yorkville) as a result of the proposed MSK/CUNY development would be extremely destructive.

- The loss of a Sanitation Garage on E. 74th Street was unnecessary as our community lived with it for over 40 years without complaint. The return of the Sanitation Garage to this site is more acceptable to this community than the MSK/CUNY development.

Summary:

- The Zoning Text Amendment must be denied.

- The original MSK-CUNY architect's rendering presented Nov. 2012 to CB 8 asked for zoning changes to accommodate a C 1-9, 10 FAR building. In March 2014 the applicant requested a Zoning Text Amendment that would allow an additional 2 FAR for a total of 12 FAR. Since the architect's renderings have not changed from it's initial presentation and to CPC, was the project always proposed for 12 FAR?Is this a case of *bait and switch*?

  Exhibit Photo # 1 Original architects rendering.

- Never has a "give back" for a development project served a *distant* neighborhood other than the people who will be directly impacted by the development.
  Note: ConEd barge and dock area adjacent to proposed development is now being given back to the city making it feasible to provide on-site open space and/or to "spread" building over the FDR Drive.

- The project was conceived prior to the June 2013 FEMA Flood Zone map designation and as originally presented places both a health and educational facility right **in** the highest flood zone and priority evacuation areas.

- The EIS is flawed and does not address the proposed **surge** in vehicular and foot traffic in currently one of the most congested areas in NYC.

- The MSK-CUNY double building requires too many zoning changes and is **"force fit"** and out of character with the surrounding residential neighborhood.

- The original RFP included the sanitation garage in any development. That was later switched out to accommodate a health/educational facility. This was not a fair or lawful switch.

Photo #1

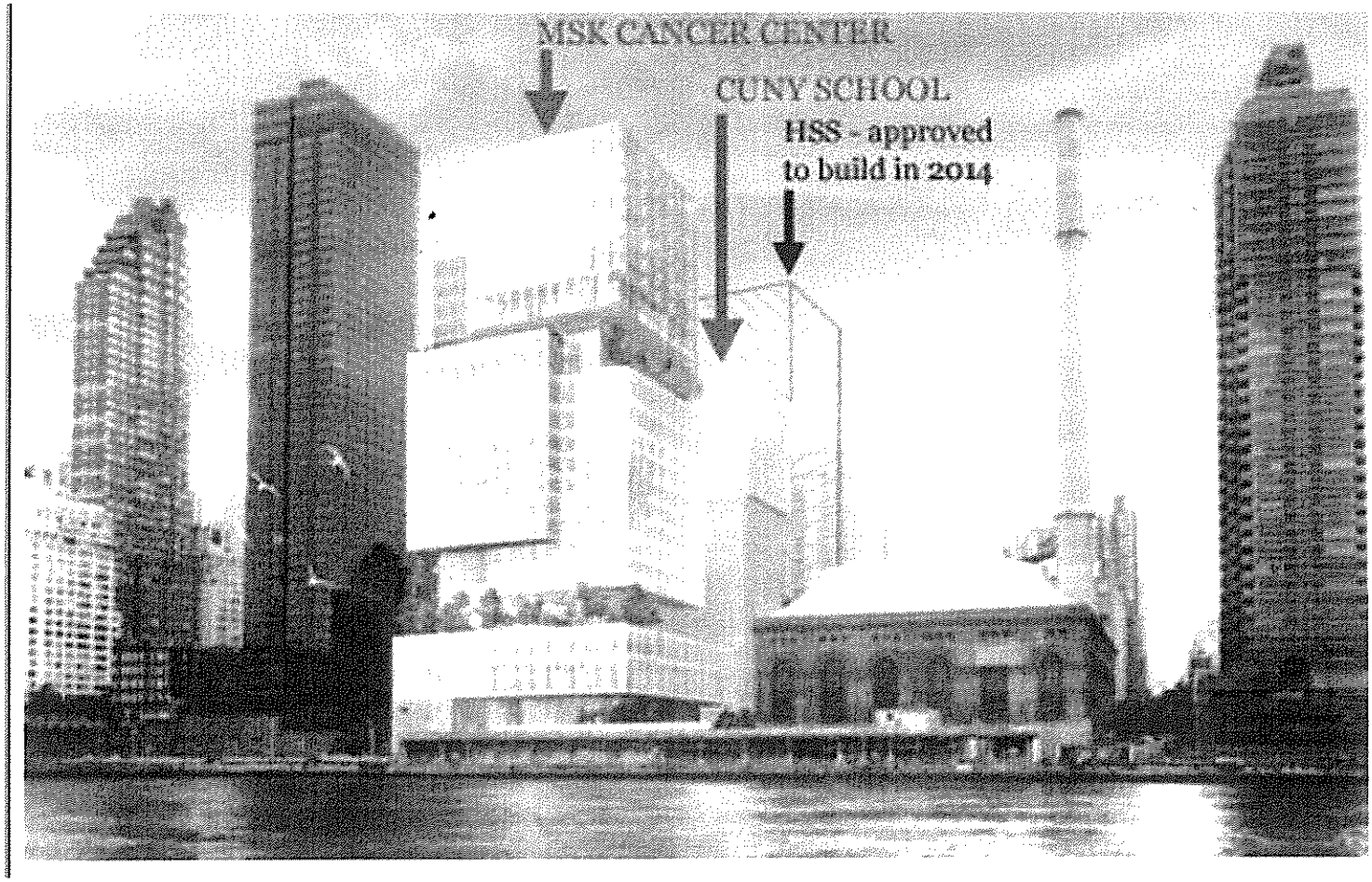


Photo #2

Photo #3

BARKING DOG
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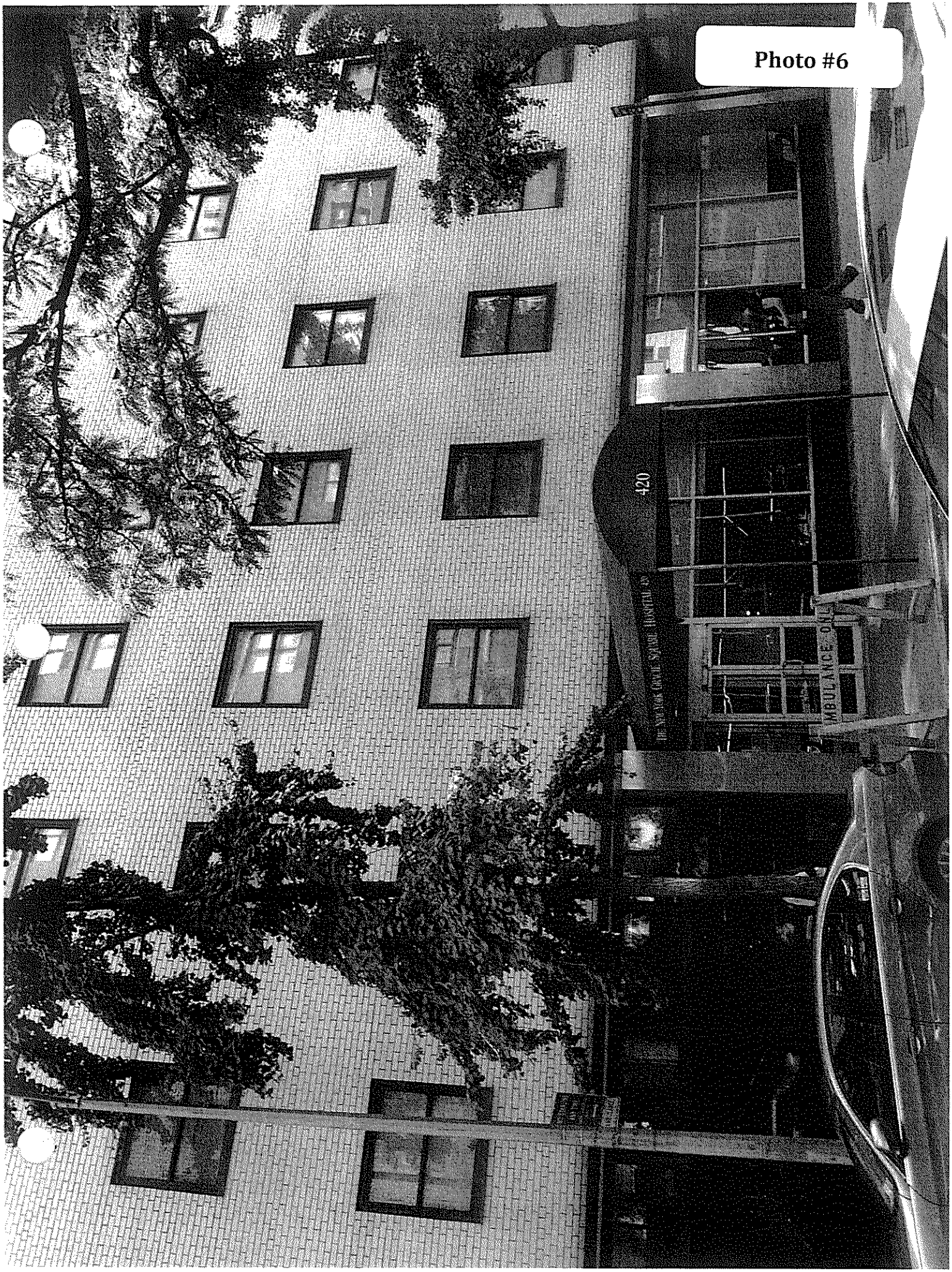
BARKING DOG
LUNCHEONETTE
BARKING DOG
LUNCHEONETTE
DOG BAR

Photo #4

Photo #5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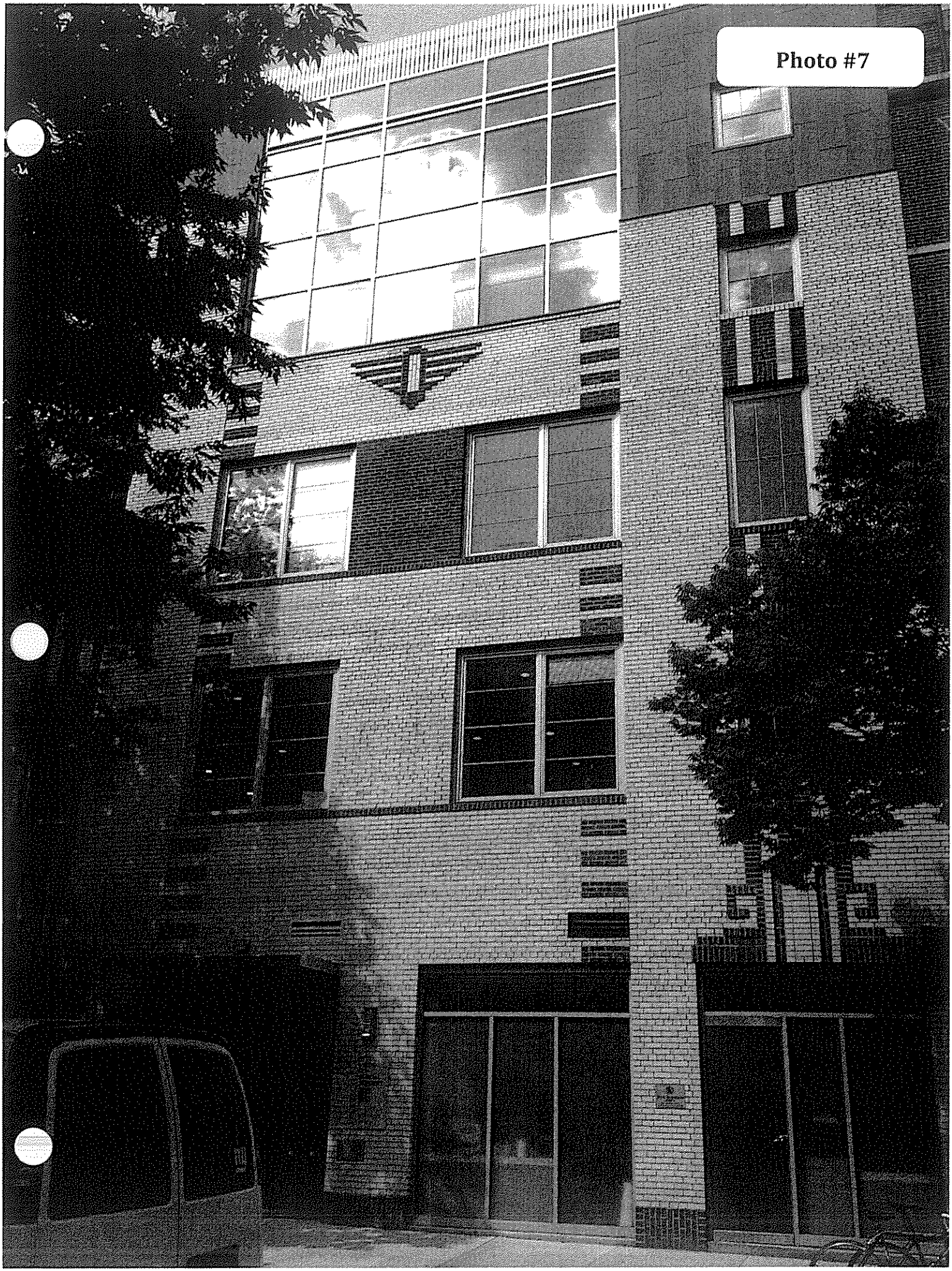
Photo #7

Photo #8



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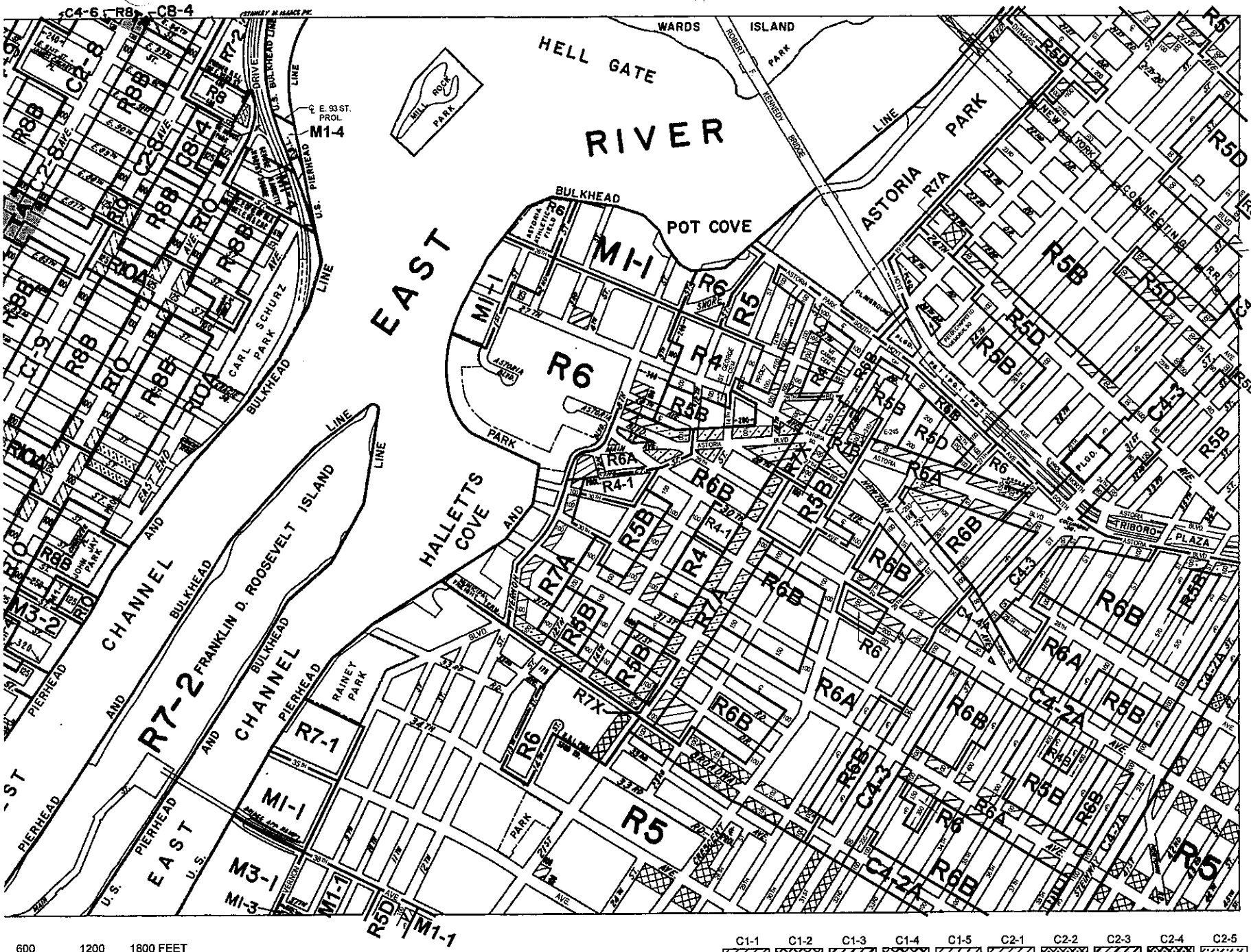

600 1200 1800 FEET

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

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Map #1

NOTE: Zoning information as s change. For the most up-to-dat visit the Zoning section of the C www.nyc.gov/planning or cor (212) 720-3291.

Zoning Text Amendment
MSK-CUNY ULURP #C130216ZSM

The Zoning Text Amendment is An Extreme Example of Spot Zoning

- The Zoning Text Amendment only applies to a Large Scale General Development, in a C1-9 district, in Community District 8 Manhattan, and for a predominately Community Facility Development.
- There are currently NO Large Scale General Development ~~is~~ in Community District 8 Manhattan.
- The combination of its four restrictions, has no general applicability.
- There is no relationship between the value of the additional floor area and the cost of repairing a park, thereby creating a meaningless cost basis for the bonus.
- This is NOT zoning text; it is a carefully crafted, carefully targeted, and successful enticement.

The Questionable Genesis of the Zoning Text Amendment:

- **Nov. 30, 2012** (two day after Hurricane Sandy) and **Dec. 14, 2012**, the applicant presented the MSK-CUNY project to the public and the CB 8M specially formed Task Force and asked for public open space and the applicant stated that the building contains open space but it is ***not*** for the public.
- At both public sessions, the CB Task Force requested, "open space" for the community directly impacted by the construction/development of these large-scale structures, proposed for a residential neighborhood. These proposed buildings require zoning changes and numerous waivers because the land is zone (M3-2) with residential housing from mid-block to York Ave.
- **March 13, 2013**, 4-months ***after*** the public notice, the applicant presented the Community Board with a cleverly crafted and targeted ultimatum. **If** the Community Board would allow the applicant to ***increase*** the size of the proposed buildings by 20% thereby requiring an additional 2 FAR, assuming the applicant would get permission to re-zone a M3-2 area with 2 FAR into for a C1-9 zone with a 10 FAR **and** an additional 2 FAR would now **increase** the size of the building to 12 FAR!
- If the Community Board approved the additional 2 FAR then and **only** then would the applicant insert a Zoning Text Amendment that provides "***improvement to a public park within the same Community District or within a one mile radius of the proposed development.***" (Attached: Zoning Text Amendment as presented to the CB on March 13, 2013. **Exhibit # 1**)

- Although the name of the park does not appear in the Zoning Text Amendment, the applicant verbally named the public park as the "Andrew Haswell Green" Park (AHG). A CB member asked who designated where this newly found largess would be spent and a Community Board member shouted, "I did."
  Note: The CB member, who admitted to naming the selected park, has demonstrated a "vested interest" for this particular park to the press.

- On **June 29, 2012**, a "vested interest" CB Board member gave a media interview about the "Andrew Haswell Green" Park and how money was needed to complete this passive recreation area located under the 59th St. Bridge. To date a dog run and seating area were previously completed and the remaining undeveloped one-block area needs money to complete the original plan.
  (Attached: DNA/Info article - **Exhibit # 2**)

- Still at the **March 13, 2013** meeting, CB members spoke out and opposed the applicant's surprise offer on the grounds that **1.** Could not tell the board how much money the MSK-CUNY applicant was willing to invest in the park, and **2.** Explain why the committee process had been bypassed in the selection of the park. *There are park areas and the Esplanade area that are closer to the development that would have benefitted from money for repairs in the aftermath Hurricane Sandy. These other candidate parks are not passive recreation areas. These other parks serve hundreds of seniors, adults and children.*

- **April 10, 2013** the applicant's representative was still unable to answer how much money MSK-CUNY would be giving to the park and assured the board that if the additional 2 FAR were ***not granted*** the "Andrew Haswell" Park would not be completed. The board recommended voting against granting the additional requested 2 FAR that further increased the size of the development. That vote put the completion of the "Andrew Haswell Green" Park in jeopardy. The disapprovals of the Zoning Text Amendment was 12 Y, 6 N, 1 A. and 11 Y, 4 N, 1 A on and the remainder of the application. (CB MSK-CUNY Task Force Vote **Exhibit # 3**)

  Note: The "vested interest" board members voted in opposition and were aware that the Task Force votes would go to a Full Board vote on May 8, 2013.

- **April 30, 2013** - The MSK-CUNY Task Force met and extensively discussed every aspect of the project that concerns the community.
  The Task Force voted to *disapprove* the Zoning Changes, Disposition of Project Site, Large Scale Development and Waivers. (Community Board Minutes **Exhibit # 4**)

- **Between April 30 and May 8, 2013**, the "vested interest" Community Board members distributed flyers and petitions stating ***"On April 10th the Community Board Committee Voted Down Our Neighborhood Park!"*** **Further stating, "there is a very vocal group of Community Board members who are speaking out to stop the completion of our park."**
  Note: These inflammatory flyers and petitions were not the truth. Members of the CB were not against the completion of the "Andrew Haswell Green" Park. The board was against the increased size of the development in an already ***congested residential*** neighborhood.
  Please note "vested interest" group's usage of the word "**our**" park.
  (Attached: Flyer and petition distributed to the public. **Exhibit #** 5)

- **May 8, 2013**, after hearing testimony from both MSK and CUNY, where a doctor spoke about the proposed development as a "same day" cancer treatment center. He stated that in the future, chemotherapy would be administered in a patient's home. That begged the question as to why a large and then again an even larger building was required.

After the public session, the meeting reverted to the CB. In an orchestrated and pre-arranged set-up the CB Chair recognized one of the "vested interest" members who proceeded to read a 17-point "substitute" motion before the motions voted on by the Task Force were read into the record and voted on. Only a total of ***19*** board members voted on the Task Force resolutions to disapprove. ***46*** board members were present at the full board vote. The remaining ***27*** members of the Full Board ***had no idea*** what the Task Force voted on and why. The "substitute" Zoning Text Amendment, was the ***only*** motion the full board heard and it had 17 WHEREAS clauses. 15 of the 17 clauses mentioned the park. ***Not one WHEREAS mentioned the increased size of the building in exchange for the park!*** With all the orchestrations the vote was "***split"*** on the Zoning Text Amendment...23 Y, 20N, 1A, 2 NVC and on the remainder of the application the vote was 24 Y, 17 n, 2 A, 2 NVC. (Attached **Exhibits #** 6&7)

Conclusions:

- CB 8M has always demonstrated and lobbied in favor of every park and open space in the district. However, the *"split"* vote on the MSK-CUNY ULURP was obtained by inserting a last minute "dangling a carrot" in front of handpicked members of the board in order to achieve approval for the application. These tactics were observed by the public and reported. At no time were the community's concerns considered. Representing the community is the responsibility of every board member. The Zoning Text Amendment is tarnished and should not receive approval.

Exhibit #1

Memorial Sloan Kettering / CUNY Text Amendment

D R A F T

February 28, 2013

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

74-74
General Large Scale Development

* * *

74-743
Special provisions for bulk modifications

(a) For a #large-scale general development#, the City Planning Commission may permit:

* * *

(11) wholly within a C1-9 District entirely within the boundaries of Community District 8 in Manhattan, for a predominantly #community facility development#, a #floor area# bonus not to exceed 20 percent of the maximum #floor area ratio# permitted by the underlying district regulations where, in connection with such #development#, an improvement to a #public park# located within the same Community District or within a one mile radius of the proposed #development# is provided in accordance with the provisions of this Section.

(i) An application for such bonus #floor area# shall be accompanied by:

(a) a site plan for a #public park# improvement, transmitted by the Commissioner of Parks and Recreation, sufficient in detail and scope with respect to the work necessary to complete such #public park# improvement, to enable the City Planning Commission to determine the appropriate amount of bonus #floor area# to be granted to the #development#; and

(b) a letter from the Commissioner of Parks and Recreation stating that such #public park# improvement provides an appropriate amenity

for the surrounding area and that, absent funding to be provided by the applicant such #public park# improvement is unlikely to be made in the foreseeable future.

(ii) Prior to a determination as to whether to grant the special permit, the City Planning Commission shall have received from the Commissioner of Parks and Recreation:

(a) any revisions to the site plan for the #public park# improvement or a statement that the site plan provided in the application is unchanged; and

(b) a letter that shall include:

(i) cost estimates for the #public park# improvement; and

(ii) a statement that the funding to be provided by the applicant, in combination with any other available funding, is adequate for completion of the necessary infrastructure, landscape and other work necessary to complete the #public park# improvement.

(b) In order to grant a special permit pursuant to this Section for any #large scale general development#, the Commission shall find that:

* * *

~~(9) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.~~

(9) where the Commission permits a #floor area# bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section:

(i) the amount of such bonus #floor area# is appropriate in relation to the size and quality of the proposed #public park# improvement; and

(ii) such bonus #floor area# will not unduly increase the #bulk# of #buildings# on the #zoning lot# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;

Grant of a floor area bonus for a #public park# improvement in accordance with the provisions of paragraph (a)(11) of this Section shall be conditioned upon adequate assurances for provision of the funding identified by the Commissioner of Parks and Recreation in a letter pursuant to paragraph (a)(11)(ii) of this Section as necessary for completion of the necessary infrastructure, landscape and other work for the #public park# improvement. The Commissioner of Buildings shall not issue a building permit for the #large scale development# unless the Commissioner of Parks and Recreation shall have certified that the funding has been made or secured in a manner acceptable to such Commissioner.

(10) a declaration with regard to ownership requirements in paragraph (b) of the #large-scale general development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

END OF TEXT

DNAinfo.com New York
neighborhood news

$15M Fix Needed to Keep Andrew H. Green Park From Falling into East River

June 29, 2012 7:01am | By Amy Zimmer, DNAinfo News Editor



A view of Andrew Haswell Green Park, looking south from East 63rd to East 60th Streets. (DNAinfo/Amy Zimmer)

UPPER EAST SIDE — When $5 million in city funding was raised to renovate a neglected piece of the East River esplanade at East 60th Street, nobody figured that the area's moorings may have been eaten.

When the Parks Department started an engineering study for the second phase of improvements at Andrew Haswell Green Park last June, it found that marine borers — underwater organisms that feed on wood — had been chomping on the pilings supporting it.

Now they estimate the pilings holding up the park have another eight years before they start to crumble into the East River unless $15 million is found for repairs.

And neighbors say there's no money for the much-needed work.

When the Parks Department last June started the necessary engineering study for the second phase it found that marine borers — underwater organisms that feed on wood — had been chomping on the pilings supporting the park.

"When the water was dirty, the pilings were good," said Judy Schneider, Community Board 8's co-chair of the Queensboro Bridge Area Committee overseeing a neighborhood-based plan for the area.

"Now that it's clean, the marine borers have been having a feast destroying the pilings."

The first phase of the park's renovation, which included the addition of two dog runs, chess tables and benches along the waterfront from East 61st to 63rd streets, has been completed.

Next, the Parks Department is expected to renovate the pavillion atop a former sanitation facility — where yet another dog run has quietly taken hold underneath Alice Aycock's giant aluminum helix sculpture from 1995.

"We are planning to renovate the top of the pavilion with grasses, groundcover, lawn, benches and game tables," a Parks Department spokeswoman wrote in an email.

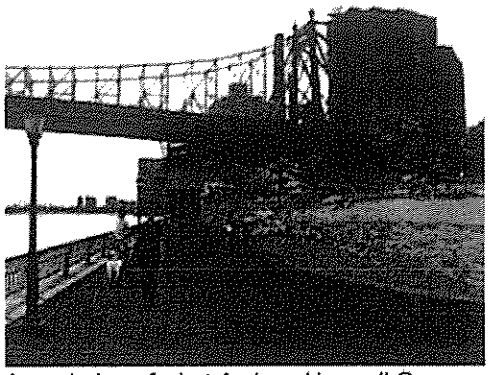
We have roughly $2 million allocated for the pavilion work which will be moving ahead now because it will

not be affected by the pile reconstruction and related construction access in the future."

She added, "Parks decided, and the funders and community board agreed, that it was important to keep the momentum moving on this important project."

But the waterfront level renovations — which involved trucking in tons of dirt to create the grassy expanses — can't begin until other pilings are fixed.

"It's going to be a lush park with a beautiful green area," Schneider said, "but we need the money for the pilings."



A rendering of what Andrew Haswell Green Park will look like after the renovation. (East Sixties Neighborhood Association website)

She noted that if plans to open up an inaccessible chunk of the East River greenway, from East 38th to 59th streets, move ahead — pending a complicated deal with the United Nations — it may not end up linking with the rest of the esplanade if Andrew Haswell Green Park falls apart.

"They'll spend millions, and what is it going to hook into?" Schneider asked.

Park-goers were glad to hear that some renovations will take place — though dog walkers who frequent the run at the pavilion had mixed feelings that they'll lose their spot.

"People are always saying that this is going to be closed down for renovations," said Trent Saner, 26, a professional dog walker. "But I haven't seen anything yet. I'm fine with it as long as they bring the dog run back."

When he was informed that the dog run was not included in the plan, he said maybe he'd go to the dog run at East 50th Street.

He brings his dogs to the pavilion run instead of the official ones down below, which are lined with sand. Owners don't like their dogs to get dirty in the sand, he said.

"I'm here all the time," Saner said. "The dogs love it."

The 1.29-acre Andrew Haswell Green Park was named after the urban planner who paved the way for Central Park's creation, as well as the American Museum of Natural History and Metropolitan Museum of Art, among other landmarks.

ZONING MAP CHANGE FROM M3-2 TO C1-9

The CUNY-MSK Task Force passed the following resolution to **disapprove** the Zoning map change by a vote of 11 in favor, 4 opposed, 1 abstention, and 1 no vote for cause.

Exhibit #3

WHEREAS the Applicants have requested a zoning map change from M3-2 to C1-9, and
WHEREAS the site is currently zoned for low-scale, low density, and low-traffic development, and
WHEREAS the proposal is to change the zoning to permit high-scale, high density, and high-traffic development, and
WHEREAS the character of the surrounding neighborhood features low-scale, low density, and low-traffic development, and
WHEREAS all of the side streets east of York Avenue and north of 72nd Street – with the exception of the few remaining manufacturing sites and one lot on 76th Street - have been rezoned to R8-B, and
WHEREAS this low-rise residential zoning reflects the character of the surrounding neighborhood, and
WHEREAS the site is on a narrow street, which is a cul de sac, and
WHEREAS the area is already suffering from excess traffic density, and
WHEREAS traffic will be increased and the congestion problems exacerbated when the Hospital for Special Surgery building is completed, and
WHEREAS any zoning change at this site should be to R8-B, and
WHEREAS the proposed zoning map change from M3-2 to C1-9 would cause serious damage to the character of the surrounding community and exacerbate the current traffic problems, and
WHEREAS the Applicant does not wish to utilize C1-9 zoning and seeks waivers of all its provisions, and
THEREFORE BE IT RESOLVED that Community Board 8, Manhattan, recommends **disapproval** of the proposed zoning map change.
(11 In Favor)-Barbara Rudder, Molly Blayney, Elizabeth Ashby, Ed Hartzog, Marco Tamayo, Elaine Walsh, David Rosenstein, Rita Popper, Susan Evans, Teri Slater, and Peggy Price
(4 Opposed)-David Helpern, Barry Schneider, Judy Schneider, and Hedi White
(1 Abstention)-Nick Viest
(1 No Vote for Cause)-Rebecca Seawright

DISPOSITION OF PROJECT SITE

The CUNY-MSK Task Force passed the following resolution to **disapprove** the proposed disposition of the project site by a vote of 11 in favor, 4 opposed, 1 abstention, and 1 no vote for cause.

WHEREAS the proposal involves the disposition of public property, the disposition of public funds, and the issuance of Dormitory Authority bonds, and
WHEREAS the public has not been provided with adequate information regarding the above dispositions, and
WHEREAS the proposed development would create a large and detrimental impact on the surrounding community, and
WHEREAS the Draft Environmental Impact Statement fails to recognize and address the project's adverse impacts, and
WHEREAS this project requires thorough re-examination before any disposition of the site could responsibly be considered;
THEREFORE BE IT RESOLVED that Community Board 8, Manhattan, recommends **disapproval** of the proposed disposition of the project site.
(11 In Favor)-Barbara Rudder, Molly Blayney, Elizabeth Ashby, Ed Hartzog, Marco Tamayo, Elaine Walsh, David Rosenstein, Rita Popper, Susan Evans, Teri Slater, and Peggy Price
(4 Opposed)-David Helpern, Barry Schneider, Judy Schneider, and Hedi White
(1 Abstention)-Nick Viest
(1 No Vote for Cause)-Rebecca Seawright

LARGE SCALE GENERAL DEVELOPMENT

The CUNY-MSK Task Force passed the following resolution to **disapprove** the proposal to develop the site as a Large Scale General Development by a vote of 11 in favor, 4 opposed, 1 abstention, and 1 no vote for cause.

WHEREAS the applicants seek to develop the site as a Large Scale General Development, and
WHEREAS the site in question has two different owners, and
WHEREAS the proposal calls for two different buildings, and
WHEREAS the proposed Large Scale General Development enables an MSK building that is even less respectful of the neighborhood's scale and character than a C1-9 building;
THEREFORE BE IT RESOLVED that Community Board 8, Manhattan, recommends **disapproval** of the proposal to develop the site as a Large Scale General Development.
(11 In Favor)-Barbara Rudder, Molly Blayney, Elizabeth Ashby, Ed Hartzog, Marco Tamayo, Elaine Walsh, David Rosenstein, Rita Popper, Susan Evans, Teri Slater, and Peggy Price
(4 Opposed)-David Helpern, Barry Schneider, Judy Schneider, and Hedi White
(1 Abstention)-Nick Viest
(1 No Vote for Cause)-Rebecca Seawright

WAIVERS

The CUNY-MSK Task Force passed the following resolution to **disapprove** the waivers by a vote of 11 in favor, 4 opposed, 1 abstention, and 1 no vote for cause.

WHEREAS Community Board 8-M recommends disapproval of the proposal to change the site's zoning from M3-2 to C1-9, and
WHEREAS waiving the maximum floor area regulations would increase the damage to the community of this zoning change, and
WHEREAS waiving the rear yard equivalent regulations would increase the damage to the community of this zoning change, and
WHEREAS waiving the minimum side yard requirements would increase the damage to the community of this zoning change, and
WHEREAS waiving the height and setback regulations would increase the damage to the community of this zoning change, and
WHEREAS the proposed buildings would cast significant shadows over local parks, residents, and amenities;
THEREFORE BE IT RESOLVED that Community Board 8, Manhattan, recommends **disapproval** of the proposed waiver of the floor area regulations, of the proposed waiver of the rear yard equivalent regulations, of the proposed waiver of the minimum required side yard regulations, and of the proposed waiver of the height and setback regulations..
THEREFORE BE IT RESOLVED that Community Board 8, Manhattan, recommends **disapproval** of the proposed waiver of the floor area regulations, and
BE IT FURTHER RESOLVED that Community Board 8, Manhattan, recommends **disapproval** of the proposed waiver of the rear yard equivalent regulations, and
BE IT FURTHER RESOLVED that Community Board 8, Manhattan, recommends **disapproval** of the proposed waiver of the minimum required side yard regulations, and
BE IT FURTHER RESOLVED that Community Board 8, Manhattan, recommends **disapproval** of the proposed waiver of the height and setback regulations.
(11 In Favor)-Barbara Rudder, Molly Blayney, Elizabeth Ashby, Ed Hartzog, Marco Tamayo, Elaine Walsh, David Rosenstein, Rita Popper, Susan Evans, Teri Slater, and Peggy Price
(4 Opposed)-David Helpern, Barry Schneider, Judy Schneider, and Hedi White
(1 Abstention)-Nick Viest
(1 No Vote for Cause)-Rebecca Seawright

The Chair adjourned the meeting

Nicholas Viest
Chair

Latha Thompson
District Manager

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Exhibit#4

The City of New York
Manhattan Community Board 8

CUNY MSK Task Force
Ramaz School
125 East 85th Street (Park-Lex)
Auditorium
Wednesday April 30, 2013
6:30PM

CB8 Members present – Elizabeth Ashby, Molly Blayney, Barbara Chocky, Susan Evans, Ed Hartzog, David Helpern, Rita Popper, Peggy Price, David Rosenstein, Barbara Rudder, Barry Schneider, Judy Schneider, Helene Simon, Teri Slater, Marco Tamayo, Nick Viest, Elaine Walsh, Hedi White

Meeting called to order at 6:35PM.

The representatives for CUNY MSK, Shelly Friedman and Anne Locke of AKRF made a short presentation on the application.

Dr. George Alexiades presented slides

The Chair read through the ULURP actions being requested.

The Task Force then reviewed the impacts of the project and these issues were discussed. Anne Locke and Shelly Friedman handled most of the question. This is a summary of the issues discussed:

Traffic
19 Intersections studied 11 significant adverse impacts Ms. Locke stated all can be mitigated except 79th St/York.
79th and York – not able to mitigate?
Ms. Locke stated that DOT would have to be willing to sign off on removing parking spaces
71st Street and York? Need traffic agents
72nd and York Ave? Left turns, buses? Back up? Residents expressed major concerns about this location and the traffic impacts.

Vehicular/Pedestrian Safety
High Accident locations – 72nd and York, Why is this location so much worse for pedestrian safety?
Residents expressed concerns about the lack of safety at York Ave /1st Ave and 72nd Street.

Parking
Displace 128 spots – Does this include mitigation steps?
Add 250 spots in garage. What is the rate for patients? Market rates will be charges. Parking will be for patients.
Parking increase is 11% greater for AM, 25% greater in midday and 15% greater for PM. 298 shortfall in midday.
Construction workers will also be using parking places.

There are less spaces on 1st Ave due to bike lane. Was this considered in EIS study? Applicant stated that all impacts were considered.

Air Quality
What will increased traffic do to air quality especially at significant impact locations? Ms. Locke said that these were not significant adverse impacts.
Construction impacts on air quality. Ms. Locke stated that this was considered also.

Construction
Begins February 2014
CUNY complete April 2018 CUNY not fully funded – delays?
The attorney stated that this project is no different than any other government project and CUNY's record is excellent regarding completion of projects like this.
MSK complete November 2018
79th St/York and 72nd/York are critical intersections.

Noise Impacts
How long will it last? What hours will there be significant noise impacts?
Impact on the local school – Epiphany Nursery on 74th St
Construction hours are 7a – 6p. Weekend work not normally permitted but can apply for weekend work. Hours would have a later start time if weekend work is required.
Attorney Shelly Friedman stated that they will have follow up with the community on these issues to reduce the construction impacts.

Hazardous Materials
Handling of Hazmat materials
Ms. Locke stated that City State and Federal laws must be assiduously complied with.

Open Space
Reduce passive open space by 32%. Task Force members expressed significant concerns about the reduction in open space in this area stating that the Community Board is requesting open space to be incorporated into plans.
Increase the user population for study area open spaces and cast new shadows on the East River Esplanade
Can the Esplanade be opened up in the area across from Con Ed? This look very doubt as the main building houses equipment for Con Ed.

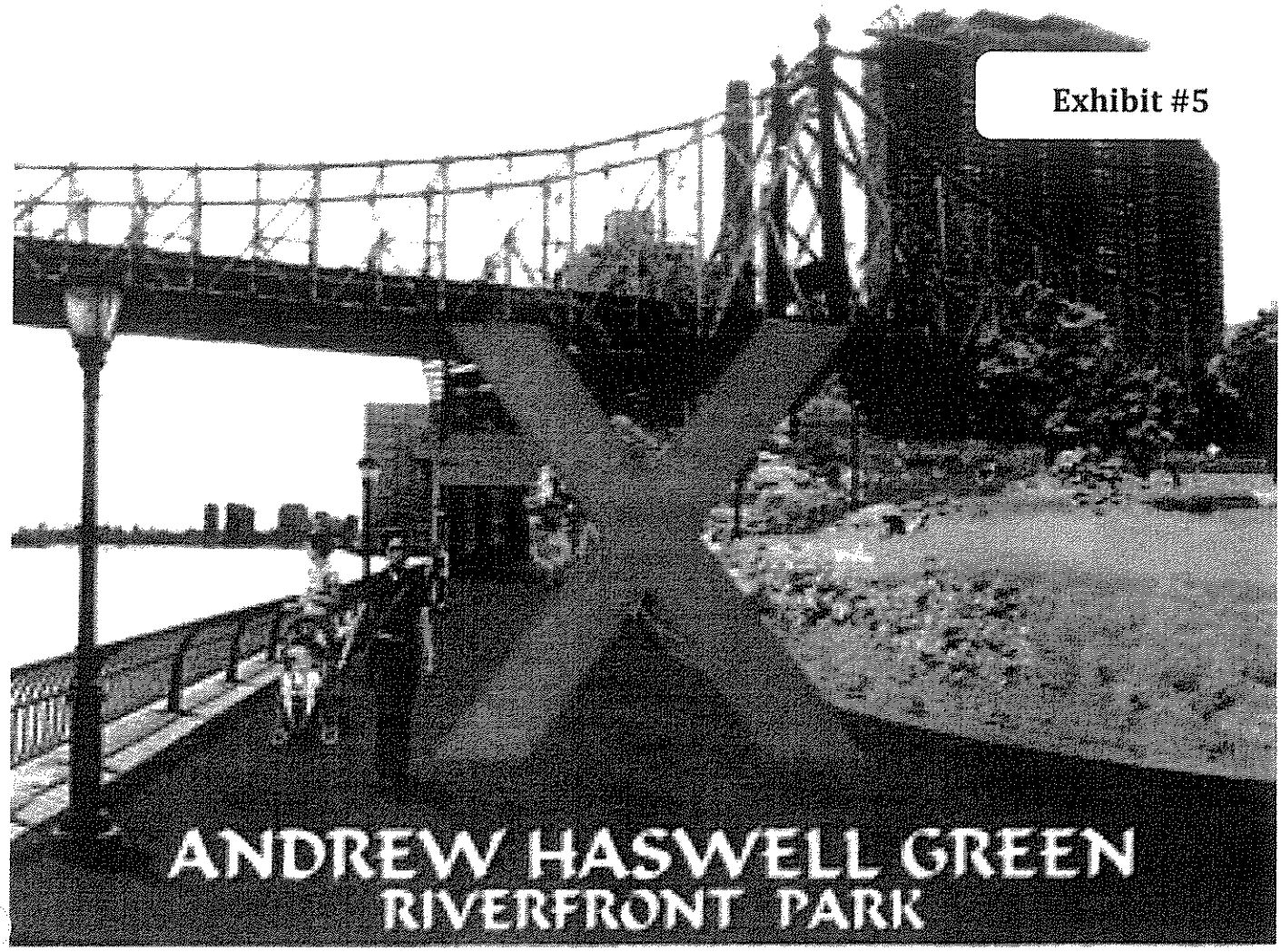
Neighborhood Impacts
Local businesses – short term and long term
How will the neighborhood change as a result of the project? The representative said there may be benefits to local business. Residents and some Task Force members expressed concerns about these impacts.

Visual Impacts/ Shadows
A resident expressed concerns about her apartment being subjected to bright light at night.
The architect stated that CUNY MSK will have special shades to prevent light from shining into resident apartments.

Shelly Friedman stated for the record that union labor would be used for construction.

The following resolutions regarding the ULURP actions were made by Elizabeth Ashley and are as follows:

Exhibit #5



On Wednesday, April 10 The Community Board Committee Voted Down Our Neighborhood Park!

Now it's up to you to stand up and save Andrew Haswell Green Park!

On Wednesday, May 8 the Community Board will be holding its final hearing on the future of our waterfront park. Your support at this meeting is critical because there is a very vocal group of Community Board members who are speaking out to stop the completion of our park. At issue: Will the community accept the gift of millions of dollars from CUNY/MSK to fund the building of the park or will the Community Board just say no? Let us be clear – the plan to build a new science and medical facility for Hunter College and MSK on 73/74 Street at the FDR Drive will go forward. CUNY/MSK is under no legal obligation to fund the park. Their offer is truly a generous give back to our community. And only your presence and your voice can make it happen.

When – 6:30 PM, Wednesday, May 8th
Where – MSK, 430 East 67th Street, bet. York & 1st Ave., Auditorium
What – When the Community Board chairman opens up the meeting for comments by the public, please state your name and say,
"I support the building of Andrew Haswell Green Park!"

Exhibit #6

SUPPORT ANDREW HASWELL GREEN RIVERFRONT PARK

In 2010, after many years of discussion, Community Board 8 unanimously approved a plan to redesign and landscape Andrew Haswell Green Park, located on the East River between East 59th and East 63rd Streets. The NYC Parks Department allocated the funding to support this improvement project. Unfortunately, last year, this plan came to a halt after engineers found that additional work to repair the pilings that support the park would be necessary. As part of their building project on East 74th Street and the East River, CUNY-Hunter/MSK will make a generous contribution to support Andrew Haswell Green Park. This proposal could make this park a reality, but there is a very vocal group of Community Board 8 members that are speaking out against it. Support for Andrew Haswell Green park will increase the number of open spaces in our community. A final hearing will be held on May 8th, 2013 regarding the future of this park and your support is critical.

Will the community reject the millions of dollars from CUNY/MSK to fund the construction of the park?

With **YOUR** support we can save the Andrew Haswell Green Park!





We, the undersigned, SUPPORT the construction of the Andrew Haswell Green Riverfront Park:

NAME	SIGNATURE	ADDRESS
1		

Nicholas Viest
Chair

Latha Thompson
District Manager

505 Park Avenue, Suite 620
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Exhibit #7

The City of New York
Manhattan Community Board 8

May 14, 2013

Hon. Amanda M. Burden
Chair
The Department of City Planning
22 Reade Street
New York, New York 10007

Re: CUNY-MSK ULURP Application No. C130216ZSM-Zoning Text Amendment

Dear Chair Burden:

At its Land Use meeting on Wednesday, May 8, 2013 Community Board 8M **approved** the following resolution by a vote of 23 in favor, 20 opposed 1abstention and 2 not voting for cause.

WHEREAS, the ULURP application of CUNY-Hunter College and Memorial Sloan-Kettering Cancer Center for development of the former Department of Sanitation Garage at East 73rd/74th Street and the FDR Drive is currently before CB 8; and,

WHEREAS, one of the actions in the ULURP application is a proposed Zoning text amendment that will provide through special permit up to an additional FAR 2 (for a maximum site development of FAR 12) and will include Incentive Zoning providing for a substantial monetary contribution to a public park improvement; and,

WHEREAS, another of the actions in the ULURP application is to approve, as provided in the proposed zoning text amendment, a special permit for a monetary contribution as stipulated in writing by the DPR that a public park improvement will provide an appropriate amenity for the surrounding area; and

WHEREAS, CB 8 has actively advocated for the opening of Andrew Haswell Green Park, which is only partially completed due to the lack of available funding for the unforeseen repair of the pilings beneath the surface of the Park; and

WHEREAS, CB 8 has long sought to expand public parkland within its boundaries and notes that the proposed zoning text amendment will provide a new opportunity for adding significant acreage by completing parkland that is currently unimproved and inaccessible to the public; and,

WHEREAS, in the summer of 2006, CB 8 strongly recommended the opening of Andrew Haswell Green Park in its 197-a Plan; and,

WHEREAS, in response to CB 8's long advocacy for the creation and opening of Andrew Haswell Green Park, and DPR submitted a plan for its design and completion to the Public Design Commission in 2010; and

WHEREAS, the Public Design Commission approved the DPR plans for the creation of Andrew Haswell Green Park as supported by CB 8; and,

WHEREAS, CB 8's elected officials have contributed over $5 million of their own discretionary funds toward the opening of Andrew Haswell Green Park for the current Phase; and,

WHEREAS, work on Andrew Haswell Green Park Phase I was completed but the work on Phase 2B had to be indefinitely postponed once the extent of the poor conditions of the pilings beneath the Park were uncovered because there was no funding in the capital budget for their repair; and,

WHERAS, DPR has confirmed to the City Planning Commission by letter that the original funding for the opening of Andrew Haswell Green Park is available except for the funds necessary to repair the pilings beneath the Park platform and it has further advised CPC that there are no plans to provide such funds in the foreseeable future; and,

WHEREAS, at a recent CB 8 Parks Committee Public Forum, parks advocates released a study that this community is "impoverished" in comparison to other communities in all of NYC regarding the amount of available public park space; and,

WHEREAS, alternate proposals to utilize the funding that would be generated by this application to improve other parks within CD 8 are exemplary but will not result in the increase of available public parkland, and this proposal will bring the amount of additional available public parkland to a total of 2 acres and provide a major area of passive recreation along the East River Waterfront on parkland which is presently unimproved and unavailable to the public; and,

WHEREAS, while Andrew Haswell Green Park is located in the East 60's neighborhood in which both Hunter College and MSK have resided for decades, is proximate to the new MSK ambulatory surgery building at 1133 York, which CB 8 criticized for not providing public open space, and is proximate to the other institutions in the medical corridor on York Avenue which currently do not provide the public or their populations any publicly accessible open space; and,

WHEREAS, CUNY-Hunter and MSK have designed their buildings to provide for private open space for the use of their expected populations with upper level terraces and interior spaces so as to minimize the impact on the adjoining community's existing open spaces and public sidewalks; and,

WHEREAS, the CUNY-Hunter/MSK proposal represents the only currently foreseeable opportunity to reduce CD 8's "impoverishment" and actually add to the amount public parkland within this community; and,

WHEREAS, recommending disapproval of this proposal to complete and open Phase 2B of Andrew Haswell Green Park to the public with funding offered by this application rather than

through the City's capital budget may have significant adverse consequences to CB 8 in the future competitive pursuit of limited DPR funding for our parks,

THEREFORE BE IT RESOLVED THAT Manhattan Community Board 8 recommends approval of the proposed zoning text amendment, provided:
(1) it is modified to assure that the site of the proposed park improvement be limited to the boundaries of CD 8 and
(2) the bonus remains available only through a special permit, requiring Community Board review, a full environmental review and full ULURP public hearings; and,

BE IT FURTHER RESOLVED THAT Manhattan Community Board 8 recommends, consistent with its longstanding support for the creation of Andrew Haswell Green Park, approval of its selection as the location for a monetary contribution to a park improvement under the requested special permit, provided that CPC obtain prior to its vote a clear and unequivocal statement in writing from DPR that all necessary funding is in place for the repair of the pilings and completion of Phase 2B of Andrew Haswell Green Park and its opening to the public.

Please advise this office of any decision made by City Planning concerning this matter.

Sincerely,

Nicholas Viest
Chair

cc: Honorable Michael Bloomberg, Mayor of the City of New York
Honorable Scott Stringer, Manhattan Borough President
Honorable Carolyn Maloney, 14th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 26th Senatorial District
Honorable Micah Kellner, NYS Assembly Member, 65th Assembly District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Jessica Lappin, NYC Council Member, 5th Council District
Honorable Daniel Garodnick, NYC Council Member, 4th Council District
Shelly Friedman, Esq., Friedman and Gotbaum, LLP

Nicholas Viest
Chair

Latha Thompson
District Manager

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The City of New York
Manhattan Community Board 8

May 14, 2013

Hon. Amanda M. Burden
Chair
The Department of City Planning
22 Reade Street
New York, New York 10007

Re: CUNY-MSK ULURP Application Nos. C130214ZMM; C130217ZSM; C130218 ZSM; C130219PPM

Dear Chair Burden:

At its Land Use meeting on Wednesday, May 8, 2013 Community Board 8M **approved** the following resolution by a vote of 24 in favor, 17 opposed, 2 abstentions and 2 not voting for cause.

ULURP Application with conditions

BE IT RESOLVED THAT Manhattan Community Board 8 approves the applications submitted by the Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) for a zoning map change (C 130214 ZMM), a special permit to modify sign regulations (C 130217 ZSM), and a special permit for an accessory parking garage (C 130218 ZSM),; and be it further

BE IT RESOLVED THAT Manhattan Community Board 8 approves the application submitted by the Department of Citywide Administrative Services for disposition of city-owned property (C 130219 PPM) SUBJECT TO THE CONDITION that the application (C 130219 PPM) limit use of the subject property to hospital/medical and higher education purposes; and be it further

BE IT RESOLVED THAT Manhattan Community Board 8 approves the application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) for a special permit for bulk modifications (C 0130216 ZSM) is SUBJECT TO THE CONDITION that the designated recipient for improvement of a public park pursuant to the proposed Section 74-743(a)(11) of the Zoning Resolution shall be Andrew Haswell Green Park

Please advise this office of any decision made by City Planning concerning this matter.

Sincerely,

Nicholas Viest
Chair

cc: Honorable Michael Bloomberg, Mayor of the City of New York
Honorable Scott Stringer, Manhattan Borough President
Honorable Carolyn Maloney, 14th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 26th Senatorial District
Honorable Micah Kellner, NYS Assembly Member, 65th Assembly District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Jessica Lappin, NYC Council Member, 5th Council District
Honorable Daniel Garodnick, NYC Council Member, 4th Council District
Shelly Friedman, Esq., Friedman and Gotbaum, LLP

Misuse of Taxpayer Funds:

The proposed MSK project will immediately increase the financial burden of NYC taxpayers, residents and voters in all five boroughs by hundreds of millions of dollars. The deep discount sale of land to MSK is as foolish and irresponsible as selling your home for a fraction of its current value. You wouldn't financially harm your family by irresponsibly selling your valuable assets at a deep discount and NYC should not financially harm its taxpayers and voters with the proposed MSK sweetheart deal.

- NYC is selling a city-owned site at 525 East 73rd Street to MSK and CUNY for $215 million. (Attached: **Chart #** 1)
- MSK's share of the deal involves MSK paying approximately $140 million for approximately 750,000 buildable square feet (bsf). (Attached: **Chart #** 2)
- MSK is paying NYC a price that is significantly below fair market value (approximately $187/bsf).
- Fair Market Value prices for NYC lots recently sold for as much as $800/bsf. (Attached: **Chart #** 3)
- Consequently, if the MSK deal is approved as proposed, MSK will realize a built-in gain and NYC taxpayers will consequently lose as much as $450 million as illustrated in the charts attached.

MSK/CUNY
Misuse of Taxpayer Funds
525 East 73rd Street Project

MSK Share of Project Cost Calculation

Calculation of Price/bsf

		(A) Total Price	(B) bsf	(C = A/B) Price/bsf
MSK	65.0%	**$139,811,841**	**749,357**	**$186.58**
Hunter	35.0%	$75,188,159	402,990	$186.58
Total Price / Avg. Price/bsf		**$215,000,000**	1,152,347	$186.58

MSK Built-In Gain Estimates

		I	II	III	IV	V	VI
Location		Manhattan	Midtown West	UES	UES	Tribeca	Chelsea
Reporting Period		Q1 2013 Avg	6/1/13	9/1/12	8/29/12	2012	5/28/13
FMV price/bsf	A	$307.45	$400.00	$520.40	$600.00	$707.29	$800.00
MSK bsf	B	749,357	749,357	749,357	749,357	749,357	749,357
FMV sale price to MSK	C = A * B	$230,389,810	$299,742,800	$389,965,383	$449,614,200	$530,012,713	$599,485,600
Sales Price as Currently Proposed	D	$139,811,841	$139,811,841	$139,811,841	$139,811,841	$139,811,841	$139,811,841
Built-in Gain	E = C - D	**$90,577,969**	**$159,930,959**	**$250,153,542**	**$309,802,359**	**$390,200,872**	**$459,673,759**
Discount %	F = E / C	39.32%	53.36%	64.15%	68.90%	73.62%	76.68%

Chart #1

MSK/CUNY
Misuse of Taxpayer Funds
525 East 73rd Street Project

Source Data for MSK Buildable Square Feet (bsf) Acquired if Project is Appproved

Environmental Impact Statement (EIS), Chapter 19

The MSK ACC would stand approximately 23 stories (approximately 450 feet) tall on a footprint of 39,667 square feet. In a gross floor area of **749,357 gross square feet**.

* * *

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

http://www.nyc.gov/html/oec/downloads/pdf/dme_projects/13DME003M/13DME003M_FEIS/13DME003M_FEIS_19_Growth-Inducing.pdf

NOTICE OF FINAL EIS

MSK ACC
The MSK ACC would be 23 stories1 (447 feet, or approximately 450 feet) tall on a footprint of approximately 39,667 sf. In a gross floor area of **749,357 gsf**, it 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 accessory parking spaces for patients.

CUNY-HUNTER BUILDING
The CUNY-Hunter Building would 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 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.

http://www.nyc.gov/html/oec/downloads/pdf/dme_projects/13DME003M/13DME003M_FEIS/13DME003M_FEIS_NoC.pdf

Chart #2

MSK/CUNY
Misuse of Taxpayer Funds
525 East 73rd Street Project

Source Data and References for Sales Prices of Manhattan Commercial Lots (Price/bsf)

Address		Neighborhood	Source Date	Price/bsf	Source
239 10th Avenue	VI	West Chelsea	5/20/13	$800.00	http://online.wsj.com/article/SB10001424127887323582904578489460273565032.html?mod=WSJ_NY_RealEstate_LEADNewsCollection
24 Varick St (11 N. Moore)	V	Tribeca	2012	$707.29	http://therealdeal.com/wp-content/uploads/2012/08/dirt-chart.jpg
1059 Third Avenue (63rd St) *(R-10 Zoning)*	IV	UES	8/29/12	$600.00	http://therealdeal.com/blog/2012/08/29/ues-office-building-primed-for-conversion-trades-for-31-5m/
888 Lexington Ave	III	UES	9/1/12	$520.40	http://therealdeal.com/wp-content/uploads/2012/08/dirt-chart.jpg
259-267 West 45th Stre	II	Midtown West	6/1/13	$400.00	on-the-market-commercial-properties-
$/BSF Average	I	Manhattan	Q1 2013	$307.45	http://www.masseyknakal.com/downloads/PSR-Manhattan_1Q13.pdf
Average Price/bsf for Development Sites report for Q1 2013 per Massey Knackal					

Chart #3

Traffic:

The attached photos indicate current daily traffic.

- **Photo #4**: This a ***current*** photo of the exact proposed MSK-CUNY building site of E. 73rd St. and E. 74th St. between York Ave. and the FDR Drive.*

- MSKCC/CUNY Hunter will serve an additional 8,569 people per day. (Attached: Daily Population)

- This does ***not*** include additional student, staff, patient transportation vehicles...Private cars, taxis, ambulettes, Access-A-Ride, Inter-campus shuttle buses, delivery trucks, FedEx, Sanitation trucks.

- **Photo #10**: This is the intersection of E. 72nd St. and York Ave. all day, everyday, 14 hr./7 days a week.*

- **Photo #11**: This is the intersection of E. 74th St. and York Ave.*

- **Photo #12**: This shows the traffic entering the FDR Drive at 73rd St. and merging with traffic exiting toward E. 71st St.
  Note: The entering and exiting traffic at E. 73rd St. use the same FDR lane.

- **Note**: These photos were ***not*** taken during "rush hour" as indicated by the N/S traffic flow on the FDR Drive. This is the ***current*** daily traffic situation without the ***additional*** traffic the proposed construction/buildings will bring to this already congested area.

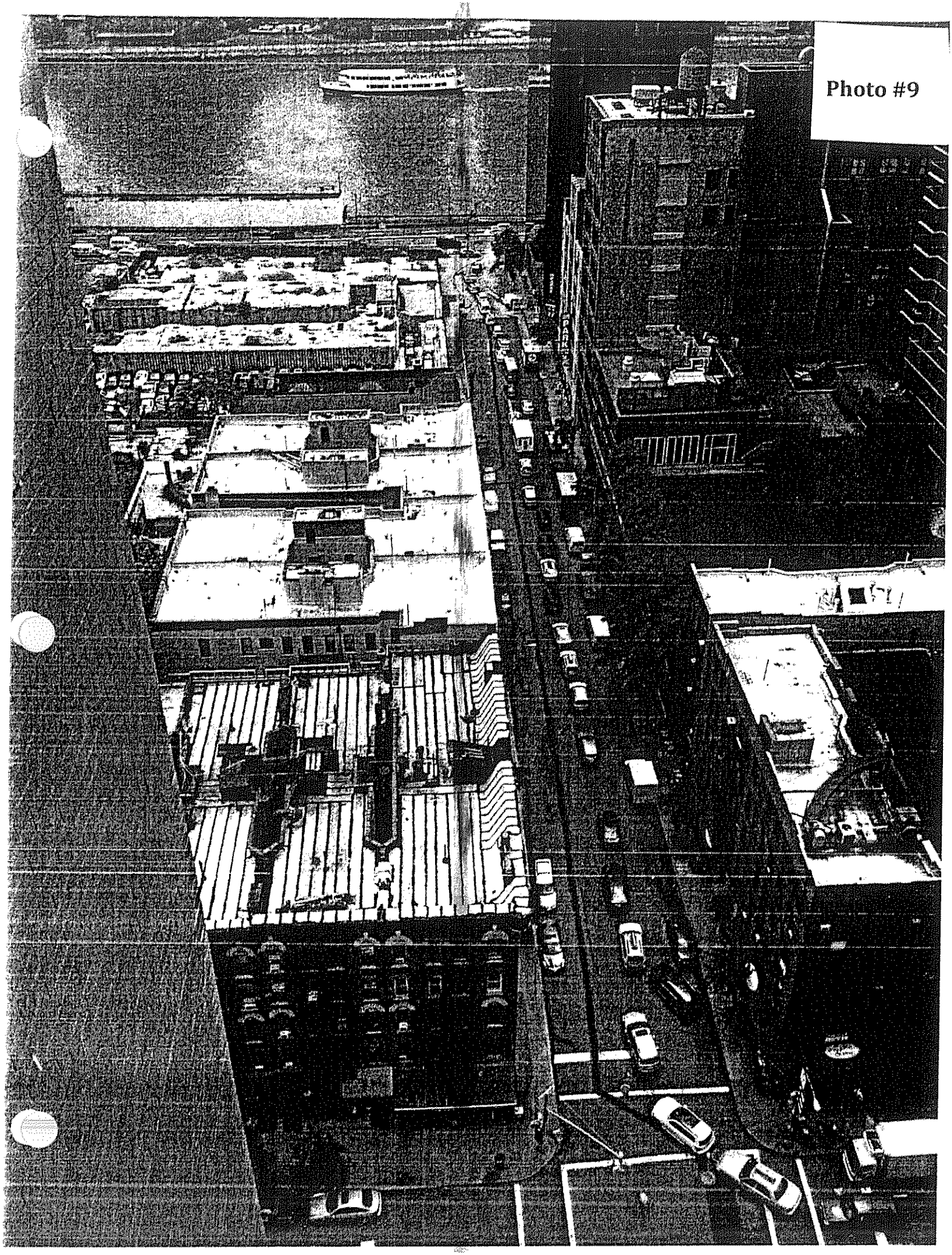


Photo #9


Photo #10

Photo #11



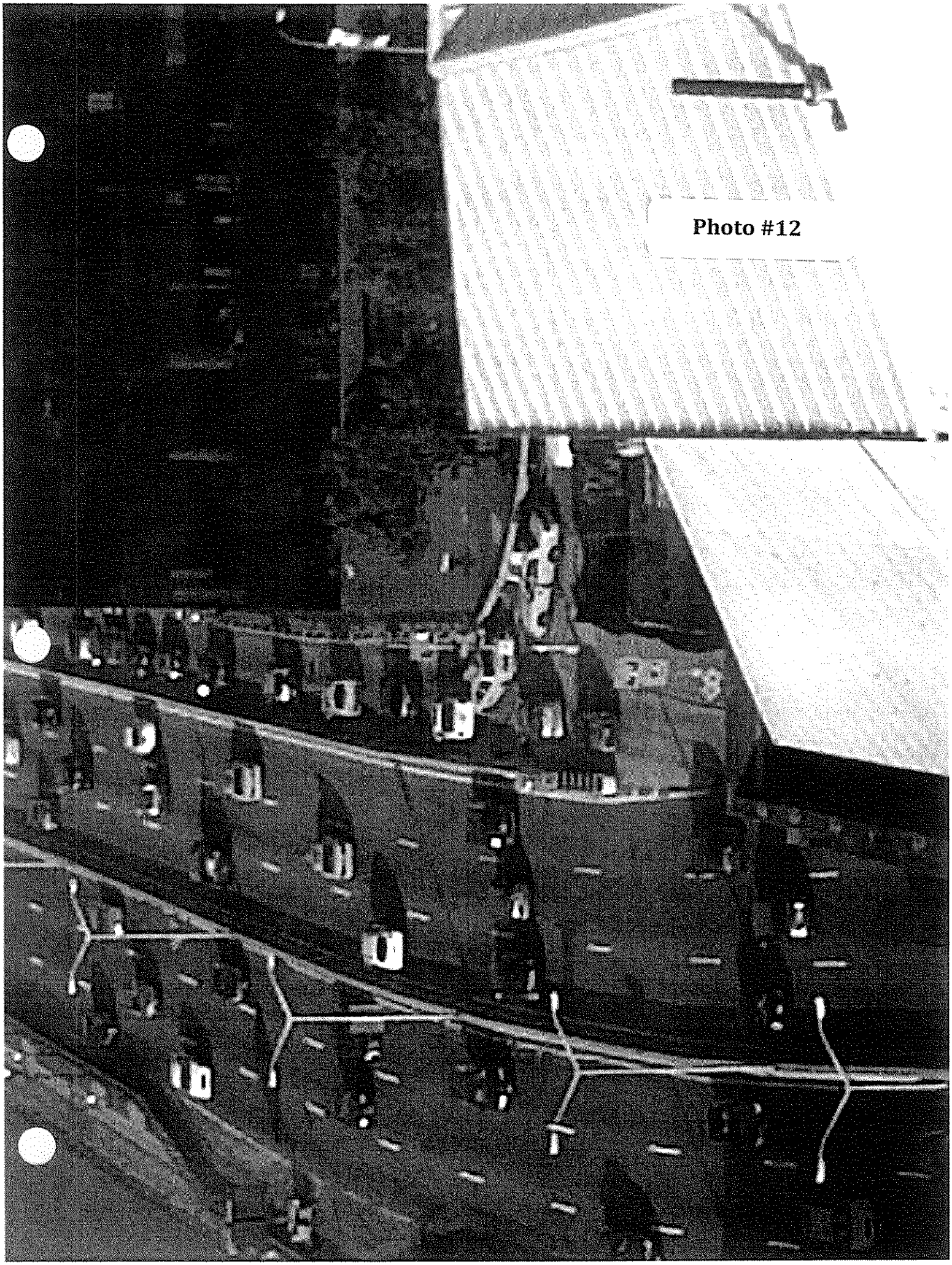


Photo #12

Project Alternatives:

If the Applicants cannot reduce the size of the project to a level at which it does not damage the scale and character of the neighborhood and the quality of life of its residents, alternatives should be considered.

- The Sanitation Garage that is currently being proposed for the Kips Bay area on 25th Street (between 1st Avenue and the FDR Drive) should be brought back to this site. The sanitation garage stood on this site for over 40 years and the Yorkville community would gladly welcome it back to its original location. Additionally, since the Kips Bay community, where the garage is currently being proposed, is vigorously opposed to it, (but they would welcome MSK building their hospital there), it would make incredible sense for the City to consider this option seriously. (We have heard that the 74th Street site is the Department of Sanitation's first choice for the garage location as well.)

- Sotheby's Upper East Side headquarters, located at the corner of 72nd and York, is currently up for sale. As the building is 500,000 square feet, has high ceilings, is not in a **#1 Flood Zone Area** as the proposed buildings are **and** it is located within the current hospital corridor and would therefore be in keeping with the character of the neighborhood, it should be considered as an alternative to the current site for MSK's building. (Attached: NY Times 6/19/13 **Exhibit #** 8)

- Both institutions currently utilize facilities outside CD8.

- Hunter has property outside CD8 and is currently building a facility in East Harlem.

- MSK has facilities outside CD8 and outside the city and state.
  The Brookdale site could be considered, along with others that would be suitable to the Applicants.

- The Brookdale site should be considered for the MSK/CUNY project as it is in keeping with the neighborhood plan developed by Community Board 6 (CB6).

- MSK's own data indicates that its growth rate from 2007 to 2011 at Regional locations (outside of NYC) for Outpatient MD Visits, Radiation Treatments and Implants far exceeds its respective Manhattan growth rates.

- **Outpatient MD Visits** increased by 36.3% from 2007 to 2011 in MSK's regional network, more than double the 17.5% increase in Outpatient MD Visits in MSK Manhattan facilities.

- **Radiation Treatments and Implants** visits have increased by 15.7% in MSK's Regional Network from 2007 to 2011, almost triple the5.4% increase for Manhattan during the same period.

- ***New Information**: June 7, 2013 at an east side "Esplanade Forum" at Lenox Hill Hospital, Con Ed stated that they are giving up the "dock" and "barge" area on the south and north sides of their 74th - 75th East River property. Previously the applicant stated that the proposed project could not build over the FDR Drive because of the dock/barge impediment. This new information now makes it feasible for the applicant to re-adjust their plans.

June 19, 2013

Sotheby's Considers Putting Its Headquarters Up for Sale

By GRAHAM BOWLEY

Sotheby's, the auction house that has for centuries put other people's treasures up for sale, is in the early days of exploring whether it should place one of its own on the block: its glittering glass-and-granite-fronted worldwide headquarters on the Upper East Side of Manhattan.

The company has hired two real estate firms to weigh a possible sale. One, Eastdil Secured, is seeking out buyers for the 10-story building, at York Avenue and 72nd Street; the other, Jones Lang LaSalle, will evaluate where Sotheby's could operate next were it to sell its home, which it has occupied for more than 30 years.

"We are looking at our options," said Andrew Gully, Sotheby's worldwide director of communications.

The exploration of a possible sale, which was first reported by The New York Post, includes a sale-and-lease-back option that would give the company time to consider its next move.

The 490,000-square-foot building, which takes up the entire front of the York Avenue block between 71st and 72nd streets, is in a prime neighborhood known for luxury residential towers and a corridor of hospitals.

In the city's robust real estate market, Sotheby's has already fielded unsolicited overtures, Mr. Gully said, without specifying further details. As a public company, the auction house had a duty to explore a possible sale, he said. That decision, he added, was not motivated by a thirst for capital and should not be interpreted as a signal that the heart of Manhattan's art market has shifted elsewhere.

While the building, which houses Sotheby's headquarter offices and auction space, is vast and near the Upper East Side art galleries, much of the activity in the New York art market has long since moved to other areas like Chelsea.

"This is a long-term decision that has nothing to do with short-term results or sales," Mr. Gully said.

In the first quarter of this year, Sotheby's reported a 3 percent decline in revenue from a year earlier and a net loss of $22.3 million, after auction commission margins were squeezed. That followed a 37 percent decline in net income to $108.3 million in 2012.

Christie's, the rival auction house, said it had no plans to move from its New York headquarters, at 20 Rockefeller Plaza, which it rents.

Built in 1925 as a cigar factory and functioning as a Kodak warehouse beginning in 1949, the York Avenue building was first occupied by Sotheby's in 1980. Around 2000 the auction house bought the building for $11 million and completed a $140 million expansion and renovation.

But by then, a federal investigation of a price-fixing conspiracy between Sotheby's and Christie's was under way as well as an array of related lawsuits. The affair, culminating in a trial of Sotheby's former chairman and principal owner,

Alfred Taubman, drained Sotheby's of cash, and the company sold the building in 2002 for $175 million.

It leased it back from the buyer, the real estate RFR Holding, and in 2009 it repurchased it for $370 million. At the time, it assumed the existing mortgage of $235 million and paid $135 million in cash.

Douglas Harmon of Eastdil Secured said the property was of "trophy quality." "It is a beautiful building in a very good location," he said.

He described it as "a blank canvas" that would be perfect for hospital or office use — or even for knocking down to build a new residential tower.

He suggested that Sotheby's could capture a "sell-high-buy-low moment" by selling at a peak price while taking advantage of leasing prices that are still relatively low at some developments in the city where the auction house would be welcomed as a prime tenant.

Mr. Harmon recently handled the sale of the 37-story Sony Building, on Madison Avenue at 55th Street, to a consortium for $1.1 billion.

Upper East Side Zoning History:

Over the years CB#8M has consistently

- supported zoning changes which
- support the preservation of the
- residential character of the Upper
- East Side by limiting the bulk and/or height of buildings.

R8-B Midblock Zoning.

- Contextual zoning which preserves the low-rise character of the mid-blocks limiting height and bulk of buildings in the mid-blocks. Changed from R8.

Reduction of the Avenue Zoning District Depth

- From 125' to 100' on the avenues east of Lexington.
- **Goal**: reducing height and bulk of buildings on avenues.

R10-A Zoning for avenues east of

- Lexington and wide crosstown streets.
- Discontinued Plaza Bonus for residential buildings and governed the use of towers on a base.
- **Goal**: limiting height and bulk of buildings on avenues and wide streets.

CB#8M R8B Midblock Zoning Text Amendment

- Seeks to return the FAR allotted to Community Facilities to 4.0 FAR from the current 5.1FAR.
- CB#8M is the only community board where community facilities are allotted more FAR in the mid-blocks than owners of non-Community Facility buildings.
- This application is pending.
- **Goal**: limiting bulk of buildings in the mid/blocks.

Contradictory Community Board Vote:

Community Board 8-M is on record requesting that new buildings be smaller or lower (Attached: Statement of Needs - **Exhibit # 9**), and that open space be part of a development (Attached CB 11/8/12 Resolution - **Exhibit # 10**). In addition, the Task Force that was setup to evaluate the proposal and that deliberated for many months, voted two to one (12 in favor, 6 opposed ,1 abstaining) against the Zoning Text Amendment; and 11 in favor, 4 opposed, 1 not voting for cause against the remainder of the Application) against all the remaining aspects of the Application (Attached: Both Task Force Resolutions - See **Section #4 ZTA Exhibit # 3**). Contrary to its long-standing positions and by a fairly close margin (23 in favor, 20 opposed, 1 abstaining, 2 not voting for cause against the Zoning Text Amendment and 24 in favor, 17 opposed, 2 abstaining, 2 not voting for cause against the remainder of the application), the Community Board voted in favor of the proposed zoning text amendment and the remainder of the Application.

The explanation for this contradictory vote, lies in the undertaking to fund Andrew Haswell Green Park utilizing a cleverly crafted and targeted Zoning Text Amendment. Indeed, the full board's resolutions were conditioned upon the funding for the park (Attached: Both resolutions - See **Section #4 ZTA Exhibit # 1**). The relevant clauses follow:

BE IT FURTHER RESOLVED THAT Manhattan Community Board 8 recommends, consistent with its longstanding support for the creation of Andrew Haswell Green Park, approval of its selection as the location for a monetary contribution to a park improvement under the requested special permit, provided that CPC obtain prior to its vote a clear and unequivocal statement in writing from DPR that all necessary funding is in place for the repair of the pilings and completion of Phase 2B of Andrew Haswell Green Park and its opening to the public.

BE IT RESOLVED THAT Manhattan Community Board 8 approves the application submitted by Memorial Hospital for Cancer and Allied Diseases (MSK) and City University of New York (CUNY) for a special permit for bulk modifications (C 0130216 ZSM) is SUBJECT TO THE CONDITION that the designated recipient for improvement of a public park pursuant to the proposed Section 74-743(a)(11) of the Zoning Resolution shall be Andrew Haswell Green Park.

Community Board 8M
Fiscal Year 2013
District Needs Statement

Section II: 2.1 Land Use

II. AREAS OF PERFORMANCE 2.1 LAND USE

Nearly every portion of CB8 has experienced major development. Where tenements and small commercial properties once stood, luxury apartment buildings now soar to thirty or forty floors (10 feet per floor). After a construction lull during the early to mid 1990's, residential and commercial development exploded on the Upper East Side. Currently, construction has decreased with the recession.

Zoning changes including R8-B enacted within the past fifteen years to protect the midblock, from massive structures and R10-A governing use of the plaza bonus and towers on a base for avenues and cross-town streets have only slightly moderated development. New 30-35 story buildings on some avenues, which currently are allowed, strain the infrastructure and municipal services.

CB8 and local civic groups have urged the Department of City Planning to review the Community Facility provisions of the Zoning Resolution. CB8 is the only district where community facilities are entitled to a 5.1 FAR in the R8B mid-blocks. CB8 has proposed modifications to the Department of City Planning to change the current community facility in R8B areas from a 5.1 to a 4.0 FAR.

CB8 seeks to preserve the Upper East Side's residential character. The C1 and C2 zoning (Local Retail Use) control commercial signage in the District. CB8 seeks to maintain a careful balance to prevent new buildings from detracting from CB8's historic districts. CB8 believes that new and more effective regulations, coupled with increased enforcement, would ease this problem.

Exhibit #10

Nicholas D. Viest
Chair

Latha Thompson
District Manager

505 Park Avenue
Suite 620
New York, N.Y. 10022
(212) 758-4340
(212) 758-4616 (Fax)
info@cb8m.com - E-Mail
www.cb8m.com – Website

The City of New York
Manhattan Community Board 8

November 08, 2012

Hon. Veronica White
Commissioner
Department of Parks and Recreation
The Arsenal
830 Fifth Avenue
New York, New York 10021

Re: Discussion about the need/desire for a CB8M position urging institutions on the Upper East Side to provide for public open space when they plan new buildings.

Dear Commissioner White:

At the Full Board meeting on Wednesday, October 17, 2012, Manhattan Community Board 8 approved the following resolution by a vote of 37 in favor, 3 opposed and 0 abstentions:

WHEREAS Manhattan's Upper East Side suffers from a severe shortage of public open space, particularly green space, compared with other districts of New York City; and

WHEREAS CB8M can help expand available public open space by encouraging institutions to include such open space in their development plans; and

WHEREAS providing public open space could enhance institutions' compatibility with the residential zoning districts in which they are permitted to exist; and

WHEREAS providing public open space would help local institutions demonstrate their concern for the community they operate in and sense of partnership with it; therefore,

BE IT RESOLVED that Community Board 8, Manhattan urges all organizations planning new facilities in the CB8M district to incorporate public open space into their plans for the project.

Parking:

Pg. 16 Applicant's DEIS states...

"The proposed project would displace existing public parking spaces and include new off-street accessory parking spaces in the Build condition, anticipated future development projects (including No Build project and the proposed project) are expected to displace the surface public parking lot on the western portion of the project sits, for a total displacement of 128 parking spaces. The proposed project would include a total of up to 250 off-street accessory 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 during the weekday midday period within the ¼-mile off-street parking study area. 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."

- DEIS states the MSK-CUNY project is expected to bring into E. 73rd and E. 74th an additional 1,680 cars **and** 5,440 pedestrians per day.
- MSK- CUNY plans 248 parking spaces for patients only. A total of 504 cars will look for a parking space/garage EVERY DAY! (Attached: **Exhibit #** 11)
- Loss of Public Parking...411 public parking spaces. (Attached: **Exhibit #** 12)
- Daily Parking...504 cars will be looking for parking.
- (Attached: **Exhibit #** 13)

Note: The applicant is referring to a hospital facility where there is no door-to-door Public Transportation. Patients who are ill are more likely to be unable to walk the very long city block from York Ave. to the hospital entrance located adjacent to the FDR Drive. The only way to reach the proposed facility is by private car, taxi, ambulette, Access-A-Ride, Inter-campus Shuttle or on foot.

TRAFFIC – PARKING

The Draft EIS says that MSK and CUNY can expect
1,680 cars per day
5,440 pedestrians per day

Staff: 1,620 people per day in 2 shifts (810 people per shift)
Patients/Visitors: 4,005 people per 8-hour day (500 people per hour)

MSK and CUNY-Hunter say that they will "draw a minimum of vehicular traffic to and through any local residential streets in the vicinity of the site".

MSK has planned 248 parking places for patients only. However, "30% of the patients and visitors traveling by auto would first arrive at the MSK building, with the patients getting dropped off and the accompanying visitor(s) seeking other available parking in the area."

That would be **504 cars looking for parking** every day in the area "to and through any local residential streets……"

Loss of Existing Public Parking: 128 places in lot 525-545 E 73rd St.
77 places in lot York & 68th St.
Total 333
52 places on E. 74th Street
26 places on E. 73rd Street

Total lost Parking 411 public parking places

Current Parking Lots/Garages have 470 available spaces per day for daily unreserved parking. (see chart)

There is not enough parking for patients, staff, visitors at the new MSK/CUNY site, plus local workers who come by car. They will drive around the residential streets looking for parking. This causes safety and pollution issues, and clogs the streets.

Not enough parking spaces

Table 1

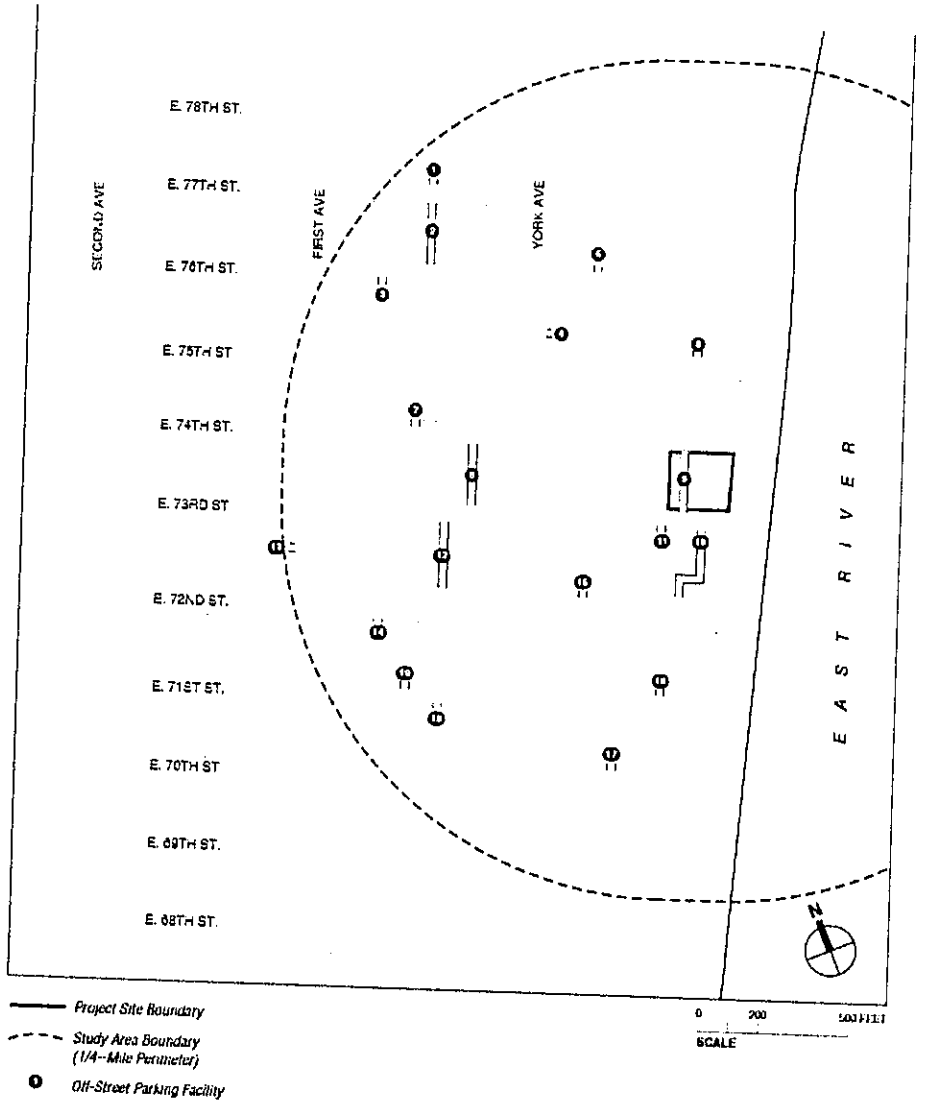
2012 Existing Off-Street Parking - ¼-Mile Weekday Midday Utilization

Map No.	Facility Name & Address	License #	Capacity	Midday Utilization	Available Spaces	Utilization (%)
1	Surrey Garage Corp. - 439 E. 77th Street	138694	96	86	10	90%
2	STA Parking Corp. - 434 E. 77th Street	427101	131	105	26	80%
3	Alliance Impala Parking - 402 E. 76th Street	1286774	58	41	17	70%
4	Capital Car Park - 1420 York Avenue	1243101	28	27	1	95%
5	East 77th Realty LLC - 500 E. 77th Street	1071280	300	225	75	75%
6	Kinney Parking System - 530 E. 76th Street	1201685	23	21	2	90%
7	Samo Parking LLC - 401 E 74th Street	1423764	61	52	9	85%
8	River York Stratford LLC - 1385 York Avenue	1070442	150	113	37	75%
9	73 Operating LLC - 525-545 E. 73rd Street	1382879	128	122	6	95%
10	Quik Park East 72 LLC - 525 E. 72nd Street	1330577	146	95	51	65%
11	Quik Park E. 73rd St. LLC - 524 E. 73rd Street	1376342	320	224	96	70%
12	E. 72nd Realty LLC - 1353-1367 York Avenue	1070441	235	200	35	85%
13	355 E. 72nd Garage Corp. - 355 E. 72nd Street	1184091	31	31	0	100%
14	420 E. 72nd Garage Corp. - 420 E. 72nd Street	1412461	51	46	5	90%
15	E. River 72nd Garage LLC - 515 E. 72nd Street	813280	130	117	13	90%
16	72nd Street LLC - 517 E. 71st Street	1152232	50	38	12	75%
17	Helmsley Medical Tower Garage - 507 E. 70th St	831026	175	149	26	85%
18	The NY Hospital Laurence G. Payson House - 426-438 E. 71st Street	369314	174	148	26	85%
19	Independent Parking LLC - 417 E. 71st Street	897040	77	54	23	70%
TOTAL:			**2,346**	**1,894**	**470**	**80%**

Source: Survey conducted by AKRF, Inc. July 2012

Exhibit #12

504 cars looking for parking



MSK ACC | CUNY-HUNTER

Off-Street Parking Facilities
Figure 9-30

Exhibit #13

#10 PARKING

Parking:

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26 places on E. 73rd Street

Total lost Parking 411 public parking places

Current Parking Lots/Garages have 470 available spaces per day for daily unreserved parking. (see chart)

There is not enough parking for patients, staff, visitors at the new MSK/CUNY site, plus local workers who come by car. They will drive around the residential streets looking for parking. This causes safety and pollution issues, and clogs the streets.

Not enough parking spaces

Table 1

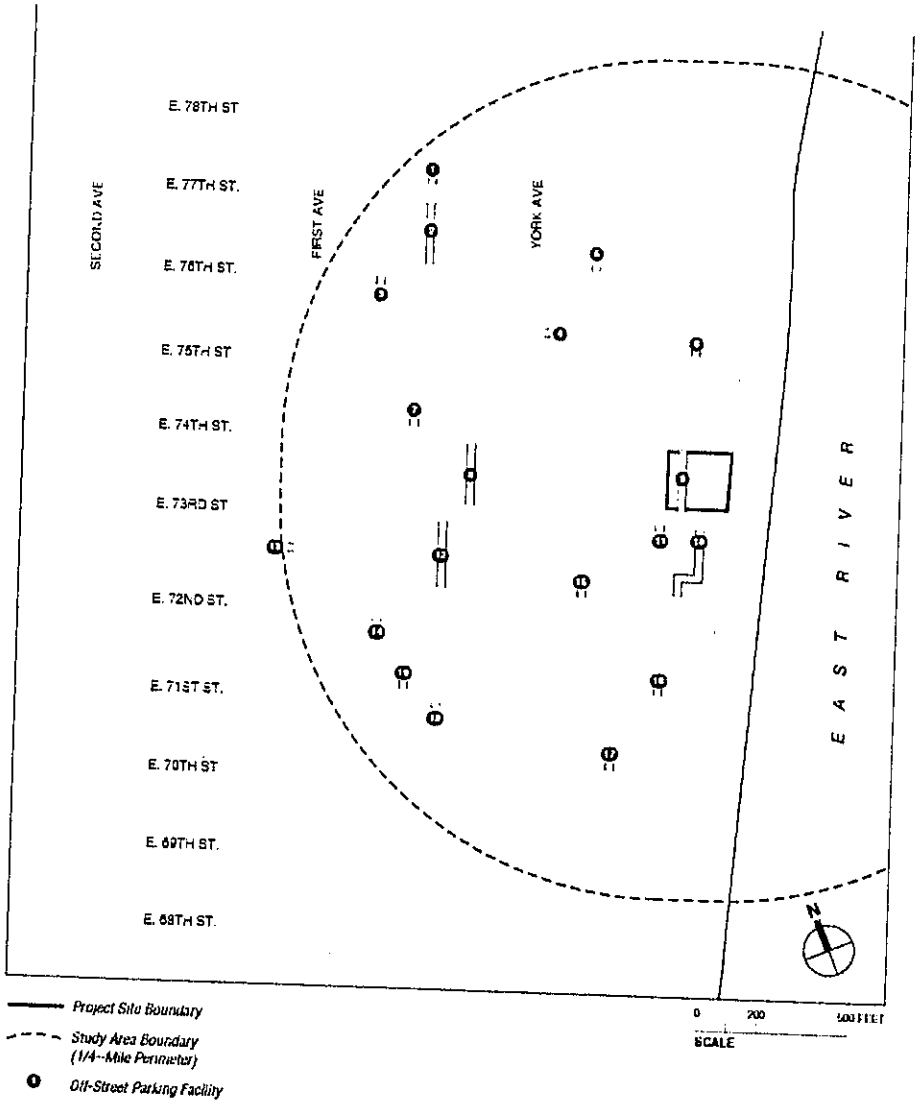
2012 Existing Off-Street Parking - ¼-Mile Weekday Midday Utilization

Map No.	Facility Name & Address	License #	Capacity	Midday Utilization	Available Spaces	Utilization (%)
1	Surrey Garage Corp. - 439 E. 77th Street	138694	96	86	10	90%
2	STA Parking Corp. - 434 E. 77th Street	427101	131	105	26	80%
3	Alliance Impala Parking - 402 E. 76th Street	1286774	58	41	17	70%
4	Capital Car Park - 1420 York Avenue	1243101	28	27	1	95%
5	East 77th Realty LLC - 500 E. 77th Street	1071280	300	225	75	75%
6	Kinney Parking System - 530 E. 76th Street	1201685	23	21	2	90%
7	Samo Parking LLC - 401 E 74th Street	1423764	61	52	9	85%
8	River York Stratford LLC - 1385 York Avenue	1070442	150	113	37	75%
9	73 Operating LLC - 525-545 E. 73rd Street	1382879	128	122	6	95%
10	Quik Park East 72 LLC - 525 E. 72nd Street	1330577	146	95	51	65%
11	Quik Park E. 73rd St. LLC - 524 E. 73rd Street	1376342	320	224	96	70%
12	E. 72nd Realty LLC - 1353-1367 York Avenue	1070441	235	200	35	85%
13	355 E. 72nd Garage Corp. - 355 E. 72nd Street	1184091	31	31	0	100%
14	420 E. 72nd Garage Corp. - 420 E. 72nd Street	1412461	51	46	5	90%
15	E. River 72nd Garage LLC - 515 E. 72nd Street	813280	130	117	13	90%
16	72nd Street LLC - 517 E. 71st Street	1152232	50	38	12	75%
17	Helmsley Medical Tower Garage - 507 E. 70th St	831026	175	149	26	85%
18	The NY Hospital Laurence G. Payson House - 426-438 E. 71st Street	369314	174	148	26	85%
19	Independent Parking LLC - 417 E. 71st Street	897040	77	54	23	70%
TOTAL:			2,346	1,894	470	80%

Source: Survey conducted by AKRF, Inc. July 2012

Exhibit #12

504 cars looking for parking



MSK AGC | CUNY-HUNTER

Off-Street Parking Facilities
Figure 9-30

Exhibit #13

E. 74TH STREET PROPOSED ADDITIONAL DAILY POPULATION:

The development of MSK-CUNY with school and hospital entrances on E. 74th Street between York Avenue and the FDR Drive will bring an ***additional*** population of over 8,600 patients, staff, students and visitors to this one city street on a daily basis. This additional population will negatively impact the already strained traffic and public transportation servicing this residential neighborhood.

MSKCC	1,335 patients per day most arriving by car/taxi/ambulette. 1,620 staff, 95% daily, most arriving via public transportation. 2,670 visitors and family arriving via all modes.
Sub Total	**5,625 people per day.**
CUNY/HUNTER	2,349 students per day, plus students from the main campus for lectures 547 faculty and staff 48 visitors
Sub Total	**2,944 people per day.**
MSK/CUNY	
Sub Total	**8,569 PEOPLE PER DAY (24.8%** increase over current daily population, including additions below)
HSS	**1,556** based on MSK utilization is patients, staff, visitors per day.
TOTAL	**10,125 people per day will fill *ONE* city side-street between E. 74th St. and the FDR Drive***

**No public transportation is available directly to the site. Patients, staff, students and visitors will arrive on foot, or by car, ambulette or Access-A-Ride.*

Community:

The geographic area where MSK-CUNY proposed project is to be constructed is known as YORKVILLE. It is an economically, culturally and ethnically mixed residential community and best described by the applicant's project description, albeit in the fine print... (Attached: **Exhibit # 14** Pg. 4 of MSK-CUNY Proposal.)

"*Although not located within this corridor of large community facilities, there are numerous institutional uses in the neighborhood the reinforce it defining institutional character. 510 E. 74th Street is leased and operated by the Epiphany Community Nursery School and 74th Street Magic, a gymnastics facility for children The Lycée Français de New York is located at 505-07 East 76th St. and the Town School is located at 540 E. 76th St. Private medical offices and offices belonging to the medical institutions are located in nearby residential, mixed use or commercial buildings both within and beyond the corridor. River Terrace at 519 East 72nd Street the East River Professional Building at 523 E. 72nd Street, Dana Center at 510 East 73rd Street, and East River Place at 525 E. 72nd Street occupy most of the block just south of the Project Area. The Belaire Building and Gest Facility at 525 East 71st Street and the Human Resources/Education Division/Occupational Health offices at 517 East 71st Street both front on East 72nd Street. The large office building at 425 East 61st Street, just west of York and adjacent to MSK's new ambulatory surgical facility now under construction at 1133 York is largely occupied by hospital offices and medical practices.*"

The applicant makes its right for large scale development above E. 72nd Street by citing low scale buildings and private and public elementary, middle and high school facilities, none of which are "large scale" developments.

Attached are charts indicating the "community" statistics:

Chart Exhibit # 4	Current Institution/Schools/Pedestrian Traffic (without Visitors)
Chart Exhibit # 5	Residential Buildings
Chart Exhibit # 6	Schools
Chart Exhibit # 7	Medical and Senior Facilities

3. Description of the Surrounding Area and Project Area

Geographic Location Information

The Project Area is located within CD8 on Manhattan's Upper East Side and is identified as Block 1485, Lot 15 (524-540 East 74th Street/525 East 73rd Street) and parts of Lot 14 (523 East 73rd Street) and Lot 39 (504 East 74th Street). The Development Site consists solely of Lot 15.

Land Uses and Existing Zoning in the Surrounding Area and Proposed Project Area

Surrounding Area

The area surrounding the Project Area contains a mix of residential, light industrial, parking, commercial, and community facility uses. The most significant neighborhood feature, which defines the neighborhood, is the large percentage of land devoted to large community facility uses in relation to the total amount of developed land in the neighborhood. This percentage is among the highest in New York City. In particular, the long-term trend of medical institutional development between York and the FDR, East 72nd to the Ed Koch Queensboro Bridge has created a medical corridor that today serves as (a) a source of medical care to millions of New Yorkers, (b) a world-renowned multi-institutional center for the advancement of medical and scientific research, (c) an integrated campus for the medical training of physicians and other healthcare professionals of every category and (d) a powerful contributor to the City's and region's economy. This multi-institutional medical complex represents one of the City's most important communities of hospitals, medical schools, and research institutions containing as many as 50 buildings belonging to the Animal Medical Center, Rockefeller University, MSK, New York Presbyterian Hospital, Weil Cornell Medical College and HSS. These institutions and the healthcare professionals associated with them also occupy leased and owned space in dozens of nearby buildings to the north and west of the corridor and Project Area.[5] The Proposed Project will extend this medical corridor north to East 74th Street. This medical corridor is zoned predominantly R10 and R9, with the exception of the Sotheby's North American headquarters (Block 1483 Lot 1), which was rezoned to C5-2 from C5-1 and R9 in 1998.

The surrounding neighborhood that is not included within the medical corridor includes manufacturing M1-4 and M3-2 districts, residential R8B, R8, R9 and R10 districts and commercial C1-5 and C5-2 districts. Immediately adjacent to the M3-2 district that includes the Project Area is an M1-4 district that encompasses the remainder of the midblock's retail business,

[5] Although not located within this corridor of large community facilities, there are numerous institutional uses in the neighborhood that reinforce its defining institutional character. 510 East 74th Street is leased and operated by the Epiphany Community Nursery School and 74th Street Magic, a gymnastics facility for children. The Lycée Français de New York is located at 505-07 East 77th Street and the Town School is located at 540 East 76th Street. Private medical offices and offices belonging to the medical institutions are located in nearby residential, mixed use or commercial buildings both within and beyond the corridor. River Terrace at 519 East 72nd Street, the East River Professional Building at 523 East 72nd Street, Dana Center at 510 East 73rd Street, and East River Place at 525 East 72nd Street occupy most of the block just south of the Project Area. The Belaire Building and Guest Facility at 525 East 71st Street and the Human Resources/Education Division/Occupational Health offices at 517 East 71st Street both front on East 72nd Street. The large office building at 425 East 61st Street, just west of York and adjacent to MSK's new ambulatory surgical facility now under construction at 1133 York is largely occupied by hospital offices and medical practices.

Current Institution/School and Traffic Flow*

Note: Hospital daily calculations are based on 360 days and does not include visitors nor people accompanying a patient.
Schools are based on a daily basis

1. HSS

2096 Employees per day – annually 4,191
53 In-patients per day – annually 13,666
821 Out-patient visits per day – annually 295,427
109 Surgeries per day – annually 27,32

3,079 Total daily pedestrian traffic (without visitors)

2. MSK

6,000 Employees per day – annually 12,000
98 In-patients per day – annually 24,486
1,489 Out-patient visits per day – annually 535,900
Surgeries – no available information

7,587 Total daily pedestrian traffic (without visitors)

3. NYPH & Weill Cornell Medical College

10,073 Employees per day – annually 20,145
469 In-patients per day – annually 117,358
4,761 Out- patient visits per day – annually 1,713,853
192 Surgeries per day – annually 69,258

15,495 Total daily pedestrian traffic (without visitors)

4. Rockefeller University

1,868 Daily - Students/faculty – no families

1, 868 Total daily pedestrian traffic (without visitors)

5. Schools

3,620 Children (faculty not available0 – 8 Public Schools
1,940 Children – 4 Private Schools
247 Faculty – 4 Private Schools

5807 Total daily pedestrian traffic

33,836 Total daily pedestrian traffic (without visitors)

*Information provided by PR Depts. and School Offices

6. FDR Drive

5 Egresses (E. 61, E. 64, 71, E. 73, E 79)
24 hours/7 days a week per annum
Traffic: TBD

ILDINGS WI STREET BLOCKS (or equivalent) OF SANITATION GARAG . (to Second Ave)

me	Address	Height	10 - Foot Residential Stories	Public Amenities/Notes
nitation Garage Site	MSK (830 new jobs)	**Proposed 453 feet**	23 medical = **45 residential**	None
	CUNY	Proposed 346 feet	16 medical = 33 residential	None
h Rise Residential Neighbors (within 6 blocks north or south, 2 blocks west of Sanitation Garage site)				
E 68th St.	359 E 68th St.		11	
Kingsley Condo	400 E 70th St	406 feet	42	Set back, driveway
aire Condo	525 E 71st St.	**512 feet (156m)**	**50**	Plaza, set back, shared space
Diplomat	311 E 71st St. (2nd)		12	Set back, landscaped entry
Charles Condo	1355 First Ave (72nd St)		35	
ckerbocker	308 E 72nd St.		21	set backs
Chambord	350 E 72nd St.		22	Mid-block 2-way street, setbacks
Fontaine	353 E 72nd St.		36	
ol Towers (built 1963)	360 E 72nd St.	303 feet (92.36m)	34	1/3 block, Set backs
E 72nd St.	420 E 72nd St.		19	
ord Condo	422 E 72nd St.		**44**	Set backs, gardens
E 72nd St. Corp	515 E 72nd St.		41	Set backs
ker 72nd	520 E 72nd St.		18	
East River Place	525 E 72nd St.	**500 feet**	**49**	Plaza
Edgewater	530 E 72nd St.		21	
nerset	1365 York Ave. (72-73)		38	Set backs, gardens
Stratford	1385 York Ave (73-74)		36	Set backs, gardens
a 74	255 E 74th St.		30	
74	433 E 74th St.		7	Mid-block
Fairmont	300 E 75th St. (2nd/3rd)		33	
atoga Condo	330 E 75th St (1st)		40	Lg Plaza, set back
Larrimore	444 E 75th St.		20	
0 York Avenue	1420 York Ave.		7	
Impala	404 E 76th St.		31	
ielle Court	435 E 76th St.		8	Mid-block
John Jay House	520 E 76th St.		13	
Promenade Condo	530 E 76th St. (FDR)	400 feet	39	Set backs, adjacent park donation
ille	300 E 77th St.		31	
Isis	303 E 77th St		19	
Pavilion (built 1963)	500 E 77th St. (JJ Park)		34	lot 34,412.4 square feet, Set backs, gardens
E 79th St.	300 E 79th St. (2nd)		18	"considerable traffic"
tinental Towers	301 E 79th St.		36	Pop Park next door
Lucerne	350 E 79th St. (1st)		**45**	Set back, landscaping
npton House	404 E 79th St.		31	
adia	408 E 79th St.		20	

Chart #5

2012 SCHOOLS IN COMMUNITY DISTRICT 8 - AREA OF MSK/CUNY PROJECT

(CENSUS TRACTS 116, 124, 132) — **Chart #6**

Facility Name	Address	Facility Type	Capacity	
Public Elementary and Secondary Schools				
PS 158 Bayard Taylor	1458 York Ave	Elementary	725	
New Middle School (2013)	1458 York Ave	Middle	270	
Eleanor Roosevelt High School	411 E 76	High School	506	
PS 183 Robert L. Stevenson	419 E 66	Elementary	610	
Julia Richman Complex	317 E 67	Elementary		
Ella Baker School			267	
Manhattan International High School			324	
Talented Unlimited High School			491	
Urban Academy Lab School			157	
Vanguard High School			443	
Total Public Schools				3,793
Private/Parochial Elementary and Secondary Schools				
The Cathedral School	319 E 74	Elementary	108	
The Town School	540 E 76	Elementary	407	
Lycee Francais de New York	505 E 75	K-12	1328	
Total Private/Parochial Elementary and Secondary Schools				1,843
EARLY CHILDHOOD EDUCATION & DAY CARE FOR CHILDREN				
Early Childhood Education: Day Care and Headstart Facilities			Children	
SCAN New York/Volunteer Parent-Aides Assoc	1794 First Ave	Group Day Care	60	
Bright Horizens Children's Center	435 E 70	Group Day Care	78	
Chabad Lobavitch of the Upper East Side	419 E 77	Group Day Care	36	
Epiphany Community Nursery School	510 E 74	Group Day Care	123	
Lycee Francais de New York	505 E 75	Group Day Care	250	
Michael Branciforte, Bonnie Branciforte, Lena Vollaro	1520 York Ave	Group Day Care	58	
St. Catherine of Sienna	420 E 69	Group Day Care	25	
The Cathedral School	319 E 74	Group Day Care	NA	
The Church of the Epiphany	1393 York Ave	Group Day Care	75	
The International Preschools	351 E 74	Group Day Care	30	
The Rockefeller University	1230 York Ave	Group Day Care	28	
The Rockefeller University	1230 York Ave	Group Day Care	66	
The Rockefeller University	1230 York Ave	Group Day Care	28	
William Woodward, Jr. Nursery School	436 E 69	Group Day Care	47	
York Avenue Preschool	1520 York Ave	Group Day Care	128	
Lenox Hill Neighborhood House	331 E 70	Head Start Center	141	
Total Education/Day Care for Small Children				1,173
28 DAILY EDUCATION EXCEPT MEDICAL INSTITUTIONS				**6,809**
Graduate Schools and Other Post-Secondary Institutions				
Cornell University Medical College	1300 York Ave	Independent - Degree Granting	1009	
Louis V. Gerstner Grad School of Biomedical Sciences at MSK	1275 York Ave	Independent - Degree Granting	52	
Rockefeller University	1230 York Ave	Independent - Degree Granting	207	
Total Colleges and Other Post-Secondary Institutions				**1,268**
31 TOTAL ALL EDUCATIONAL INSTITUTIONS				**8,077**

Chart #7

FACILTIES IN COMMUNITY DISTRICT 8, TRACTS 116, 124, 132: AREA OF M

Facility Name	Facility Address
Nursing Homes, Hospitals, Hospices, and Hospital Inpatient Units (If we looked	
Mary Manning Walsh Nursing Home	1339 York Ave
Hospital for Special Surgery	535 E 70
Memorial Hospital for Cancer and Allied Diseases	1275 York Ave
New York Presbyterian Hospital - Weill Cornell Center	525 E 68
Rockefeller Unitersity Hospital	1230 York Ave
Total Beds	
Staff???????????? OTHER SHEET OF DOCTORS, ETC.	
Ambulatory Facilities and Programs	
Rogosin Kidney Center	505 E 70
Weill Cornell Imaging at NY Presbyterian	520 E 70
Weill Cornell Imaging at NY0WGC	1305 York Ave
Breast and Diagnostic ImagingCenter	320 E 66
Hospital for Special Surgery, 75th St. "Campus"	429 E 75
Hospital for Special Surgery, Extension Clinic	475 E 72
NY Hospital Cardiac Health	1153 York Ave
Osteoporosis Prevention Center	523 E 72
Prosthetics & Orthotics	510 E 73
Rehabilitation Clinic	525 E 71
River Terrace Radiology	519 E 72
Sidney Kimmel Center	353 E 68
Julia Richman High School	317 E 67
Chemical Dependency Services (Non Residential)	
NY Presbyterian Hospital Methodone Treatment	503 E 70
VPD Treatment and Research Institute	503 E 70
Mental Health Services (Residential)	
Gracie Square Hospital Inpatient Unit	420 E 76
NY Weill Cornell Center Inpatient Program	535 E 68
Mental Health (Non Residential)	
NY Cornell Weill Center Adult Clinic	525 E 68
NY Cornell Weill Center child and Adolescent Clinic	525 E 68
NY Division-Payne Whitney PH Program	525 E 68
FACILITIES FOR SENIORS	
Carter Burden Luncheon Club	351 E 74
Lenox Hill Innovative Senior Center	343 E 70

FOOD PROGRAMS FOR ADULTS AND FAMILIES

Church of the Epiphany	1393 York Ave
Jan Hus Church/Homeless Outreach and Advocacy Program	351 E 74

Map #2

Mapping
INFORMATION PLATFORM

Log In | Need an Account? | FEMA Dictionary | MIP Help?

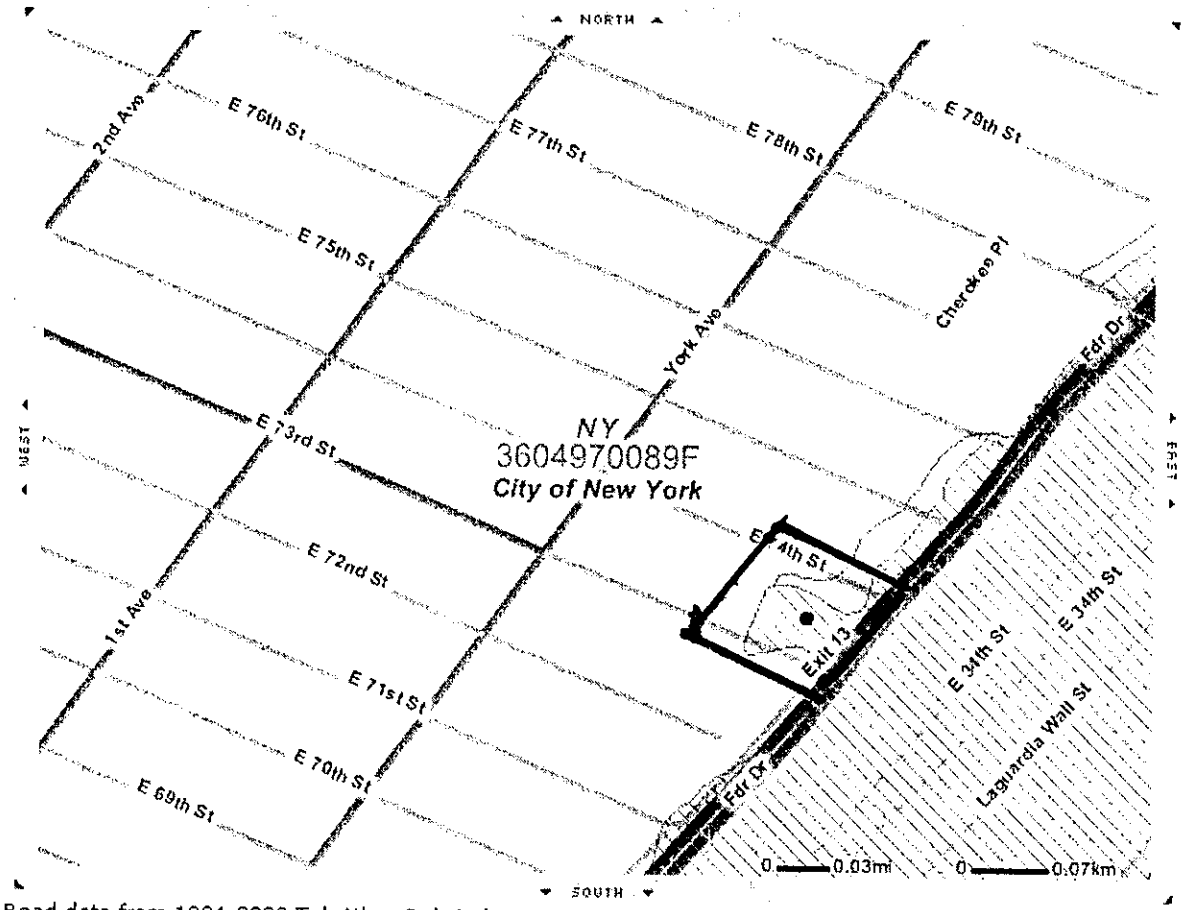
FEMA

Map Viewer

Flood Map Viewer

File Navigation Quick Zoom

PR & VI AS GU & MP AK HI US 48



Road data from 1984-2008 TeleAtlas, Rel. 05/2007
The current map contains layers that do not comply with DFIRM specifications

Map Legend

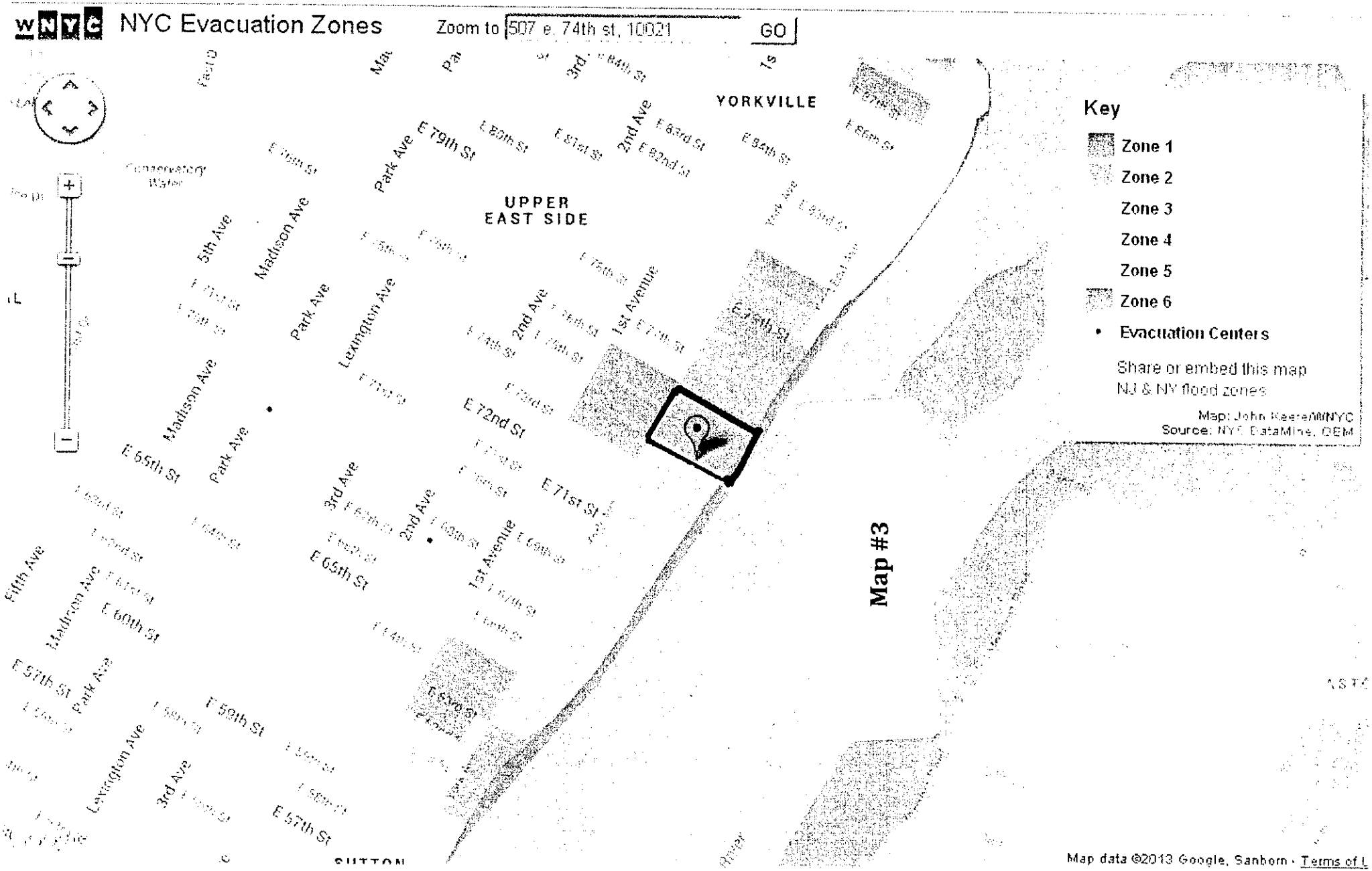
Click "+" button to see a list of map layers th displayed
Click on a check box to add or remove a laye
Click "Refresh Map" button to update the mar

Refresh Map

Legend Identify

- ☑ Floodways
- ☑ Flood Hazard Zone Boundaries
- ☑ Flood Hazard Zones
  - Zone A
  - Zone AE
  - Zone AH
  - Zone AO
  - Zone AR
  - Zone A99
  - Zone V
  - Zone VE
  - Zone D
  - 0.2% Annual Chance Flood Hazard Zone
- ☑ Political Boundaries
  - Corporate Limits
  - Miscellaneous Public Land Boundaries

Source: *FEMA Flood Hazard Map available at*
https://hazards.fema.gov/femaportal/wps/portal/!ut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3aDCyNfM_OAYGcLA2cjdwMnwwADKADKR2LKmxrD5fHn[illegible]18_WB4HcD1Q9_Plz03Vj9S[illegible]scwxSLABGZKZE5qemJypX5BboRBlkmolqDulWf9/dl3/d3/L2dJQSEv[illegible]QS9ZQnZ3LzZfMDqyTTY3UFNHQjBHSExNSzFJMTAwMDAwMDA!/



Source: *NYC Hurrican Evacuation Zones available at* http://project.wnyc.org/news-maps/hurricane-zones/hurricane-zones.html

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Submission of Albert K. Butzel, Counsel for the Residents for Reasonable Development, to the City Planning Commission on the Memorial Sloan-Kettering/CUNY "Large Scale" Project

Public Hearing, July 10, 2013

My name is Albert Butzel. I make this submission on behalf of Residents for Reasonable Development ("RRD") in opposition to the proposed Memorial Sloan-Kettering/City University of New York Large Scale General Development Project (the "Project") that is now before the City Planning Commission for review. The Project would be located between East 73rd and East 74th Streets adjacent to the FDR Highway (the "Project Site"),

RRD is a community organization that has come together in the face of the adverse impacts that would be inflicted on the adjoining neighborhood if the Project is approved. RRD believes that the time has come to halt the northern march of large-scale institutional facilities into the residential areas of the Upper East Side. Rightly, that march should have ended on the south side of 72nd Street, which, as a wide street, constituted a logical (and physical) barrier between the hospital complexes to the south and the residential community to the north. That did not happen when the Board of Standards and Appeals approved the northward expansion of the Hospital for Special Surgery east of York Avenue between 73rd and 74th Streets. But that ill-advised decision cannot be used to justify the massive development that is being proposed by MSK and CUNY in this case; one intrusive billboard does not justify another. And here, notwithstanding the applicants' claims, the surrounding area is primarily residential. Nothing can justify the incursion of a huge medical facility generating thousands of vehicle and pedestrian trips every day into this area.

Until recently, the Project Site had supported a garage for the sanitation trucks that serve adjoining areas. The garage was demolished with the expectation that it would be rebuilt for the same purpose. *The surrounding community had no problem with that proposal, nor does it now.* Yet the City, in a kind of bait and switch, decided belatedly not to rebuild. This is ironic given the fierce opposition that the City has faced (for example, at Spring Street) in locating new sanitation facilities and the opposition it will undoubtedly face in trying to site a replacement garage for the 74th Street facility. It also makes no sense. When a neighborhood is prepared to accept its "fair share" of facilities that other communities regard as noxious, the City should embrace that receptivity. Instead, in this case, presumably because of the dollars it will receive, the City has opted to support a largely-private development that could be located elsewhere. It is a telling measure of the City for Sale ethic that has been promoted by the current administration and implemented by this Commission. This would be a good time to bring a halt to these kinds of transactions.

Legal Issues

My principle purpose in this document is to identify the violations of law that will result if the Commission approves the Project at this point.

1. Failure to Evaluate Alternatives Prior to the ULURP Process.

When the City decided to develop the Project Site, it issued an RFP that sought to combine a sanitation garage with private development. There were no use limits on the RFP – residential as well as institutional was permitted. There were no responses to this RPF.

The City subsequently modified the RFP to focus on institutional uses, but still combined with a replacement sanitation garage. However, when the institutional responders complained that they could not include a garage in their proposals, the City eliminated this requirement, allowing health and educational uses only. MSK-CUNY was the ONLY institution to respond and was selected.

The modification of the RFP, its elimination of residential as a permitted use, and its elimination of the garage requirement all took place before there was any effort to comply with the State Environmental Quality Review Act and the City Environmental Quality Review regulations (collectively, "SEQRA") and without explanation or analysis of why residential use was rejected or the garage requirement eliminated. Moreover, as noted below, nothing in the subsequent SEQRA process addressed the potential of residential use, which was certainly a logical option given the residential fabric of the surrounding community, or evaluated a replacement garage as an option, even though that use was generally accepted in the community.

This is about as bad as it gets when it comes to complying with both spirit and letter of SEQRA. Here, where there was an admitted conflict between the expanding hospital uses moving north and the residential neighborhoods that start at 72nd Street, the importance of examining the options was paramount; and indeed, the whole thrust of SEQRA is to require the **early** examination of options and their respective impacts. No effort was made to undertake such an examination here. To the contrary, the alternatives of residential development or building a replacement garage on the site were ruled out by fiat, without explanation.

The City apparently believes that it can *define* the project it wants and thereby insulate itself from the mandates of SEQRA regarding alternatives. This might be so for private developers, but it is certainly not the case for the City, which is a governmental entity obligated to consider the overall public interest. More than that, under SEQRA and general principles of municipal law, the City cannot make an arbitrary choice of how it intends to sell property that it owns into the private market. It is bound by the mandates of the law and its responsibilities as a governmental entity. Here, by eliminating residential use or a replacement garage as options by fiat and without

regard to the overall public interest and the interests of the community surrounding the Project Site, the City has violated the law.

2. Failure to Address Alternatives within the SEQRA Process.

Having failed to analyze the residential or replacement garage options during the time it was developing and later issuing the various versions of the RFP, the City has followed suit within the SEQRA process itself. The Alternatives section of the draft environmental impact statement ("DEIS") does not mention, much less analyze, the option of residential use; nor does it identify or evaluate as an alternative using the Project Site for a replacement garage. (Indeed, the DEIS does not address any use other than a combined hospital-educational facility.) Again, it appears that the City is taking the position that having defined the uses for which it wants to sell its property, it need not consider anything else. This is wrong, for the reasons identified above. Moreover, if this interpretation of SEQRA were accepted, the mandates of the law would have little meaning. The EIS is fundamentally deficient due to its failure to evaluate a residential option and other feasible options, such as a replacement garage and mixed use.

3. The Distant Park Gambit

In order to secure additional FAR for the Project, the Applicants have drafted and proposed a text amendment to the Zoning Resolution that would allow them to purchase and additional 2 FAR (approximately 130,000 additional square feet) in return for a payment of an undisclosed amount to support improvements in Andrew Haswell Green Park, a park 12 blocks distant. Exactly what improvements the money would be used for are not identified; and given that the underlying problem at the Park appears to be rotted pilings that would require many millions of dollars to replace, it is doubtful that anything significant would be achieved in terms of opening the Park to a broader or different public. That is a legal infirmity in its own right.

But that is only one of the deficiencies of this proposal. Another is that the payment will do nothing to serve the neighborhood that is being impacted. And that neighborhood, like developers in other instances, has a major stake in this sale of additional development rights. It is the immediate neighbors, not the residents 12 blocks to the south, who will suffer the impacts of the enlargement of the Project by 130,000 square feet. They are the ones who will suffer the additional vehicle and pedestrian traffic; they are the ones who will see their limited open space further overtaxed; they are the ones who will have to live in a community inundated with hospital workers, students, teachers and the suppliers who make the facility function; they are the ones who will have to live in the shadow of the Project and have their views blocked by it. If the City is going to sell its zoning (additional development rights), it cannot legally do so without some reasonable nexus of benefit for those adversely impacted by the sale. Here, there is none. True, the Park happens to be in Community District 8, but that is simply a legal boundary. In terms of proximity, the

dollar contribution and the supposed improvements that it will finance do nothing for the residents who live around the Project Site.

And then there is the fundamental question: Can the City sell zoning to private bidders? It is unclear that there is any legislative authorization for a sale in this case. It is far from certain, moreover, that "bought" zoning, as the applicants are proposing here, can be said to be pursuant to a well-considered plan. It is also far from certain that the "sold" zoning can be said to be in the public interest, especially in a case like this where the purchase price is so low and the benefits accrue to a class that is not impacted by the development. These issues remain to be tested. If the Project is approved, RRD expects to do so.

4. Private Purpose Zoning.

It is apparent that the proposed zoning amendments have been tailored to fit the applicants' wishes and purposes. This is most evident from the proposed text amendment, which has been not only proposed by the applicants but drafted by its attorneys. It is also an outlier, having no discernible public purpose beyond serving the applicants' interests in building bigger buildings. At the same time, the proposed zoning map changes are designed specifically to accommodate the applicants' wishes. The current M3-2 zoning is outdated, but what follows it still must be in accordance with a well-considered plan. Given the residential development across 73rd Street, the residential character of York Avenue north of 72nd Street and the largely residential fabric of the broader community, the plunking down of an immense institutional facility, drawing thousands of people through the surrounding residential neighborhoods every day, does not comply with the statutory standard. What is at issue here is effectively a deal made for the benefit of the applicants. This violates the law.

5. Illegal Process

The process by which the City tailored its RFP for, and eventually selected, MSK/CUNY as the party with whom it would do business was fundamentally flawed. The original RFP was for open bids, but carried with it the requirement to accommodate a replacement sanitation garage. Subsequently, when the RPF was narrowed to health and education uses, that requirement was dropped. The result of this slight-of-hand is that residential development, which would have been far less damaging to the surrounding neighborhood than the huge institutional project and far more compatible with the existing fabric of the community, was never accorded an equal chance to bid on the Project Site. This, in turn, cheated the surrounding residents of the benefits that less impactful residential development would have brought with it. It may also have cheated the City's taxpayers, since the price a residential developer may have been willing to pay for prime real estate on the East River could well have exceeded the amounts MSK and CUNY are committed to pay. There was, in effect, here a bait-and-switch scenario that was not only inequitable, but also exposed residents of the area to significant adverse impacts. This also violated the law.

6. Shortcomings of the DEIS

I have already identified the failure of the DEIS to comply with SEQRA in its analysis of alternatives. This is far from the only flaw in the document. As usual, the principal impact that such a large project will inflict on the environment and the immediate community is its effect on Community Character. Community character is not, as the DEIS would have it, simply a matter of taking isolated categories and asserting that in none of them will there be any significant impact and therefore community character will not be adversely affected. This is laughable. You cannot add two 400 foot high towers with more than a million square feet of gross floor area and acknowledged to bring to the neighborhood thousands of staff, patients, students and visitors every day without having a significant impact on the character of the community. The East Side east of First Avenue between 62nd and 72nd Streets has seen this already, with the steady expansion of hospitals and hospital support facilities. What was once a primarily low- and mid-rise residential community with neighborhood stores and a local elementary school I sent my children to has been transformed into a vast assembly of medical institutions that has decisively changed the fabric and character and feeling of the area. The community north of 72nd Street has largely escaped this transformation. But taken together with the much smaller Hospital for Special Surgery expansion, the MSK-CUNY Project will change that – and change it for the worse. To assert as the DEIS does that there will be no impact on community character is willful blindness.

The DEIS is also deficient in its failure to address and evaluate the threat of flooding of the Project Site and the implications that has for health and safety. The Project Site is located in the highest Flood Emergency Zone identified by FEMA, yet there is a not a word in the DEIS regarding the resulting environmental impacts. Since concerned agencies and the public have not been given the opportunity to comment on whatever the DEIS might present in terms of flooding, any addition to deal with the subject with require recirculation of an amended DEIS.

Other deficiencies in the DEIS and the zoning applications will be identified within the 10 day comment period following the City Planning Commission public hearing.

Albert K. Butzel

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July 22, 2013

The Hon. Amanda M. Burden, Chair
The Commissioners
City Planning Commission
22 Reade Street
New York, NY 10007

Re: Memorial Sloan-Kettering/CUNY Large Scale General Development Project

Dear Chairman Burden and Commissioners:

I am counsel for the Residents for Reasonable Development and submit this letter in connection with your consideration of the above project. This letter supplements my oral and written submissions of July 10, 2013 and constitutes further comments on the zoning applications and draft EIS.

With this letter, I submit for the record copies of my oral and written statements of July 10, along with copies of statements and testimony presented (but not always completed) by the following persons who appeared on July 10:

Elizabeth Ashby
James Brown
Sarah Chu
Jill Eisner
Nancy Terrell Grace
Pat Mulcahy
Rita Popper
Teri Slater (for Friends of the Upper East Side Historic District)
Hunter Armstrong (for Civitas)

The testimony presented at the July 10 public hearing underscored and elaborated on the points I made in my written submission. The representative from EDC stated that there was only a single RFP, but the office of Council Member Jessica Lappin says otherwise. At the very least, the RFP contemplated that any institutional development would be combined with a replacement garage for sanitation trucks, but that requirement was dropped when it did not suit MSK/CUNY. Moreover, even if there was only a single RFP, that in itself was deficient under municipal law and SEQRA in failing to consider alternatives and in manipulating the RFP process to the advantage and benefit of a particular private developer. The fact that the City is proposing to dispose of its property at well below fair market value, as set out in the submission of David Brown, serves to underscore the impropriety of the transaction.

The public hearing testimony also highlighted the private purpose underpinnings of the requested zoning changes and waivers. As Teri Slater pointed out, the direction of zoning on the Upper East Side over the last 20 years has been to *reduce* permitted bulk and height and to forward the residential fabric of the neighborhoods. The applicants' proposed zoning changes run in exactly the opposite direction, in discord (rather than accord) with any well

considered plan. Furthermore, as Elizabeth Ashby pointedly observed, the applicants have proposed a C1-9 rezoning, which has no precedent for side streets on the East Side, and then have then turned around and sought waivers of virtually every relevant restriction under the C1-9 regulations. This is not zoning, but an attempted manipulation of zoning to meet the applicants' purported special needs. There is no basis in law for such private purpose land use regulation.

The private and improper aspects of the applicants' rezoning are underscored by the proposed text amendment, clearly tailored to the pending application (and only the pending application), which attempts to allow the applicants an additional 130,000 square feet of floor area in return for funding park restoration over half a mile removed from the site. State zoning enabling legislation does not authorize the sale of FAR, which is exactly what is in play here, and for good reason: the idea of selling the public's patrimony to special interests smells. If that is to be allowed, the State Legislature will have to authorize it. It has not done so for the transaction proposed here. The applicable law does not allow such *quid pro quo* zoning.

Turning lastly to the draft EIS, in my July 10 submission, I focused on the deficiencies in the consideration of alternatives, the analysis of neighborhood character and the failure to address the potential for flooding in light of Sandy and the updated FEMA maps. These are central issues. But the elephant in the room is traffic. From prior experience, I have come to understand that it is all but impossible to successfully challenge the kind of traffic analysis presented in the DEIS. The pages of numbers gorged up by anonymous computers, the little arrows purporting to show vehicle movements, the figures supposedly representing pedestrians, all of whom cross at corners, the miniscule adjustment of signal timing as mitigation – these and other mechanisms are used to make an impossible situation purportedly fine and dandy. But it is a ruse. No one who has had any experience with traffic along York Avenue in the East Side hospital corridor would argue that vehicle and pedestrian congestion is not already a severe problem, and one that already detracts for the quality of life in the area. To conclude, as the DEIS does, that the addition of more than 8,000 people coming and going every day will have virtually no negative impacts contravenes reality. It is not a tale – but a fairy tale – told by an idiot signifying nothing.

We are dealing here with a massive development on two narrow crosstown streets, one of which dead ends and the other of which provides one of the few Upper East Side entrances to the FDR drive. And it is a development that has no frontage on an avenue – anyone arriving, whether on foot or by vehicle, has to use one of the side streets. With more than 8,000 arrivals and departures a day, the result will be choked streets and worse if emergency vehicles are caught in the chaos; and all of this in a predominantly residential neighborhood. To conclude anything else, as does the DEIS, is pure fabrication.

As an example of the deficiencies of the document, in the discussion of transit at page 9-2 the DEIS only assesses the impact of the development on the M66 and M72 buses, both crosstown lines. While those buses are heavily impacted already by the traffic from the medical corridor, the DEIS does not evaluate the development's impact on the M31, which runs down the length of York Avenue through the medical corridor before turning to run crosstown on 57th St. This bus is the lifeline for the neighborhood, especially for many older residents. The development will presumably place heavy new demands on the M31, but these have not been considered in the DEIS. In addition, the development will add to the congestion on York Avenue, directly impacting the M31 bus.

City Planning Commissioners July 22, 2013

As an example of the mythology the DEIS weaves, at page 9-3 the DEIS states: "Weekday peak period pedestrian conditions were evaluated at key sidewalk, corner reservoir, and crosswalk elements at seven area intersections. It was concluded that the proposed project would not result in any significant adverse pedestrian impacts at any of the analysis locations." For anyone who has spent time in the medical corridor, this is fantasy today, much less a reasonably-expected outcome with more than 8,000 new arrivals and departures every day. Among other things, the DEIS takes no account of how backed-up vehicles, which often block crosswalks, will affect pedestrian conditions. In a similar vein, the DEIS takes no account of how pedestrian movements will affect traffic congestion. It takes only about 20 people crossing at crosswalks to delay left and right turns for much of a light cycle, leading to extended vehicle backups, but this is not considered. Nor is the impact of pedestrians crossing at locations other than the crosswalks, as is common for all City streets.

Finally, by way of specifics, the modification of traffic signal timing, which underlies virtually all the mitigation measures held out as relieving congestion, is totally theoretical. There is nothing in the DEIS to demonstrate that these sorts of mitigation measures, which are part of virtually every EIS for projects in the City, work or, indeed, that any of them have actually been implemented. With this kind of theoretical mitigation having been "used" for development projects for many years, there has to be some empirical proof that it works if the measures proposed in this case are to be accepted as actually moderating the negative impacts of the development. Moreover, there needs to be demonstrable evidence that the adjustment of signal timing proposed for this development does not offset the mitigation measures adopted for some other project, as reflected in the applicable EISs or EASs.

Thank you for your consideration.

Sincerely,

Albert K. Butzel

Oral Statement of Albert K. Butzel to City Planning Commission
MKS/CUNY Development Project
July 10, 2013

1. I represent Residents for Reasonable Development and 515 East 72nd Street Condominium. RRD is a community-based organization of residents from many buildings in the area of the proposed project.

2. We oppose the Project because it is oversized, incompatible with the surrounding residential neighborhood and will otherwise inflict on the adjacent community unacceptable adverse impacts, ranging from excessive traffic in an already over-trafficked area to betrayal of the community's essential residential fabric.

3. We also believe there are better alternatives, none of which have been addressed, much less given fair consideration. These include residential development and/or a replacement garage for the one that previously occupied the site. This is an unusual situation in which the community would support an appropriate replacement garage, thus accepting its fair share of municipal facilities. But rather than embracing this willingness, the City is instead trying to impose the replacement garage on a community that does not want it. It makes no sense and confounds the process of locating sanitation facilities.

4. The failure to address alternatives is one of a number of legal infirmities that we believe undercut any approval of the Project that this Commission might give. I have prepared a written submission setting out our position that the process that has been followed violates the law, including, but not limited to SEQRA. Given the limits on my time to speak, I will not enumerate these now, other than to note that the sale of FAR involved here offends any conceivable sense of fairness, driving home the reality that New York City is for sale to those with wealth and power.

5. While I have little hope or expectation that you will respond to our concerns, I urge you to reject the applications before you and start the process anew, seeking a solution that will serve the broader public interest.

Albert K. Butzel
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STATEMENT OF ELIZABETH ASHBY

Submission to the City Planning Commission on the Memorial
Sloan-Kettering/CUNY "Large Scale Development" Project

Public Hearing, July 10, 2013
Calendar Items 43-48

My name is Elizabeth Ashby and I'm speaking as a Co-Chair of *Defenders of the Historic Upper East Side* and on behalf of *The Historic Neighborhood Enhancement Alliance.*

We ask that you not permit this destruction of a residential neighborhood and this assault on the residents' quality of life. To put such a gargantuan project on a narrow, dead-end street is ridiculous. If the site is to be rezoned it should be rezoned like all the other side streets east of York Avenue and north of East 72nd Street – to R8-B.

The entire Application and process seem absurd. First of all, an RFP was issued for uses not permitted on the site.

Second, there was a request for a Zoning Map Change that the Applicant wants no part of. He wants to waive all of its provisions – the height, the setbacks, the rear-yard requirements, the side-yard requirements (the lot coverage), the bulk limit, even the signage and parking regulations.

Finally, the Applicant requests a Zoning Text Amendment that only applies to a Large Scale General Development, in a C1-9 district, in Community District 8 Manhattan, and for a predominately Community Facility Development. By the way, there are currently no Large Scale General Developments in Community District 8 Manhattan. This isn't zoning text; it is a carefully crafted, carefully targeted, and successful enticement. Of course, the Department of Parks found that Andrew Haswell Green Park was the only suitable site; that was the whole point.

The disastrous impacts of this proposal cannot be mitigated; it is the Applicant's responsibility to find a location where its development will cause no harm and this is not that location. We again ask that you deny this Application in its entirety.

To: City Planning Commissioners
Date: July 10, 2013
Re: Testimony of Sarah Chu re: City Planning Commission, Borough of Manhattan, Nos. 43-48 MSK/CUNY

Thank you for the opportunity to provide the feedback regarding the proposed MSK/CUNY development project. My name is Sarah Chu and I reside in the Cherokee Apartments which is located on E. 77th Street and York Avenue. For full disclosure, I am the Second Vice Chair of Community Board 8 in Manhattan and served on the Community Education Council of District 2 from 2009-2013. Today I am speaking independently and not on behalf of these organizations.

As a mother and as a neighbor, my main concern is **SAFETY** of the children and older adults that live in my neighborhood. My husband, my seven month-old daughter, and I live three blocks north of the planned development site. We moved to this neighborhood to start our family because it was it is a quiet residential area near a great public school, and John Jay Park. In fact, we learned that our home was near many great schools. From E. 69th Street to E. 78th Street between York Avenue and Second Avenue, there are nearly 4,500 students in high schools, elementary schools, preschools, and daycares.[1] Of those students, over 3,000 of these students will go to schools within three blocks of the new development. Those schools include:

- P.S. 158
  1458 York Avenue
- New Middle School at P.S. 158
  1458 York Avenue
- Eleanor Roosevelt High School
  411 E. 76th Street
- The Town School
  540 E. 76th Street
- Lycee Francais de New York
  505 E. 75th Street
- The Cathedral School
  319 E 74th Street
- Epiphany Community Nursery School
  510 E. 74th Street
- The Church of the Epiphany Day School
  1393 York Avenue
- The International Preschools
  351 E. 74the Street

The majority of these schools include small children who often run ahead of their parents on their way to school and are too small to be seen from behind parked cars. Additionally, our neighborhood has dangerous intersections at E.79th Street and York Avenue, E. 72nd Street and York Avenue, as well as E. 72nd Street and First Avenue.

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[1] A full list of schools in this area can be found in the book provided by the Residents for Reasonable Development.

The promise of over 1,600 additional vehicles traveling to our neighborhood daily will exacerbate the already dangerous crossings and tie up public transit.

My upstairs neighbor, Eileen, is in her 80's and has lived in my building since 1950. In the last few years, her ability to walk has diminished and I shudder to think of how she will be able to navigate these crosswalks alone. The DEIS suggests that pedestrian safety can be mitigated with pedestrian crosswalks the installation of yield signs warning drivers to watch for pedestrians, the installation of countdown timers, and repainting crosswalks. These solutions are wholly ineffective. Eileen won't be able to cross the street faster because a countdown clock is installed and bright white stripes won't prevent a car from hitting my daughter.

The conundrum here is that in order to improve traffic, mitigation approaches need to speed it up. In order to improve pedestrian safety, traffic needs to be slowed down. This negative relationship between traffic flow and pedestrian safety means that you can never have both at the same time in a neighborhood with as many small children and older adults as our community.

Additionally, the DEIS does not discuss the impact of traffic on the M31, the bus that serves as a lifeline for residents of the "Far East Side." It travels up and down York Avenue and crosstown at E. 57th Street. This bus is important to my older neighbors because many have difficulty walking from York Avenue to First Avenue, which is a particularly long block. MSK did not raise the M31 in the DEIS has no plans to improve traffic patterns for the M31 because they are using the impact of their new development to support the argument to trun York Avenue into a one-way street – preferably with a traffic study that is paid for by MSK. Turning York Avenue into a one-way street will devastate the transit options for my neighbors.

Lastly, the MSK/CUNY complex is located in a high risk flood zone. The building plans have not been revised since Hurricane Sandy nor after FEMA released its new flood zone hazard map last month. The East River flooded over the FDR and up the block during Sandy and I would like to know what plans are in place to manage the radiation and chemotherapy waste and the drugs in the pharmacy at MSK, the radioisotopes, chemicals, vectors, and the laboratory animals that will be used in research at CUNY.

Why are sacrifices being asked of me, my community, the length of York Avenue – why must we all sacrifice for the sake of one poorly designed neighbor? Wouldn't it make more sense to build a more reasonably and responsibly to limit the impact on the residents of these neighborhoods? Through its past history on the Upper East Side and its continuing insensitivity to the neighborhood, MSK will destroy as it claims to save lives. MSK has depleted the trust that my neighbors have placed in community facilities. With this project MSK is taking away all the things that make this neighborhood a place for families and older adults and gives us nothing in return.

STATEMENT OF JILL EISNER

Submission to the City Planning Commission
on the Memorial Sloan-Kettering/CUNY "Large Scale Development" Project

Public Hearing, July 10, 2013

My name is Jill Eisner.

I have been a resident of East 74th St on York Avenue since 1991. The neighborhood is predominantly 5-story walk-ups and high rise buildings, the perfect demographic mix for raising families, which is now in jeopardy. The sanitation garage on East 74th Street was a good neighbor; no one ever had any complaints about the garbage or its trucks. We were quite surprised when it was torn down without any notice and even more surprised when our neighborhood was labeled "garbage elites". That title is unfair.

I want to speak about the brilliant work of CB8 CUNY/MSK Task Force. This committee had several meetings open to the public. After careful and extensive review and after diligent investigation over many months, the Task Force passed the following resolution to disapprove the Zoning Text Amendment by a vote of 12 in favor, 6 opposed and 1 abstention.

> WHEREAS the City University of New York and Memorial Sloan-Kettering Cancer Center are planning to erect very large buildings in a heavily residential area on the east end of a block bounded by York Avenue, the FDR Drive and East 73 and 74th Streets: and
>
> WHEREAS Community Board 8 Manhattan, through its CUNY-MSK Task Force, has repeatedly urged CUNY-MSK officials to provide ample public open space on or near tins planned building project to accommodate the needs of the local community affected by CUNY-MSK's large and intrusive project; and
>
> WHEREAS, instead of acceding to the Community Board's request for public open space at or near the CUNY-MSK project, CUNY-MSK has inexplicably proposed a zoning text amendment that would allow it to provide money for the further development of Andrew Haswell Green Park, which is a sizable distance from the planned CUNY-MSK project; and
>
> WHEREAS the proposed zoning text amendment itself sets up a dangerous precedent because it would allow all developers to have, as of right, the ability to increase their floor area ratio by 20% above the amount allowed by current zoning provisions as long as they abide *b* the terms of this ill-defined text amendment: and
>
> WHEREAS this proposed financial allocation, via the Parks Department, to Andrew Haswell Green Park, violates the

procedures of CB8M and sets a precarious precedent by circumventing the Community Board's CUNY-MSK I ask Force and its Parks Committee—two committees that should have been consulted before CUNY-MSK project developers selected a site for funding public open space: and

WHEREAS CB8M already has passed a resolution calling for new construction projects in its district to include public open space as part of the projects design: therefore.

BE IT RESOLVED that Community Board 8 Manhattan opposes the proposed text amendment included as part of the CUNY-MSK project.

BE IT FURTHER RESOLVED that Community Board 8 Manhattan reiterates its strong desire to have the CUNY-MSK project include public open space at or adjacent to its proposed construction project,

NANCY TERRELL GRACE
530 East 76th Street, New York, NY 10021
212-439-6077; Email terrygrace@juno.com

Submission to the City Planning Commission
on the Memorial Sloan-Kettering/CUNY "Large Scale Development" Project

Public Hearing, July 10, 2013

Thank you for this opportunity to share my thoughts with you.

My name is Terry Grace. I have lived on East 76th St. for 24 years. I am an organization management and fundraising consultant, am chair of Friends of John Jay Park, am an affordable housing and anti-poverty advocate, and a member of Residents for Reasonable Development. Both of my sisters, graduates of Cornell Nursing School and St. Vincent's Hospital Nursing School respectively, served for years on the MSK nursing staff.

I am a cancer survivor. I received my surgery at MSK and 5 months of chemotherapy in a regular, windowless office-like treatment room without a 20-foot ceiling or a river view.

However, this hearing is not about cancer, or nursing education, or funding for a park, albeit 12 blocks away from the project site. This hearing is about massive buildings, the population that will use them on a daily basis, and their negative impact on a well-established, historic, family residential neighborhood.

I vehemently oppose the MSK-CUNY project on E. 73rd-74th Streets because its sheer massive size, and accompanying daily population will destroy the residential neighborhood north of East 72nd Street and York Avenue. It is completely incompatible and inappropriate in this location.

Out of a desire to maximize their financial opportunity, the hospital and CUNY have designed buildings that are **unnecessarily tall and bulky** – curb to curb for over half a city block! When MSK applied for their 1133 York Avenue building, they insisted that they needed **large floorplates** so that all surgery and support functions for surgery could be on the same floor, ie. program efficiency. In this project, MSK admits that there will be no surgery performed in the buildings; yet, they continue to insist on large floorplates anyway. Why? Is it merely because "everybody is doing it?" At what price to the neighborhood?

Hospital for Special Surgery, immediately to the west, will actually perform surgery in their new building, and their floorplates will be much smaller. Why are the needs so different at these equally fine institutions?

MSK/CUNY's huge buildings, over 1 million square feet of floor area, will bring over **8,569 new people every day** into the E 73rd-74th St. block, a 17% increase in total daily population. You can't have over 8,500 new people coming into one block every day without significant impact on the neighborhood. It's impossible!

MSK proudly claims that their staff and patients come from all over the Metro NYC area and even the world. Yet, they claim that most of these people will come for work and treatment by **foot or mass transit**. Really? That's understandable for CUNY, but not for MSK. When I was in chemotherapy treatment (pills and push) with no hair, I was

fatigued, weak, and vulnerable to infection due to my compromised immune system, as all chemotherapy patients are. I was strongly discouraged from taking any mass transit because of exposure to infections. And I was too weak to walk very far. So I took taxis.

Even if I could have taken mass transit, the bus system on the far East Side is completely overwhelmed; sometimes you have to wait for a second or third bus.

MSK estimates that their hospital will **add 1,680 cars per day, excluding Access-A-Rides**, to the East 73rd-74th St dead-end block that has a T- intersection at York Ave.; yet they planned only 248 parking places on site, for patients only. There is simply **not enough parking** within 3 blocks (a 5 minute walk) of the project site for all these cars. While they cars go round and round through our narrow streets looking for parking spaces and lots, they will further clog our traffic and pollute our air. Exasperating traffic is unsafe for residents, workers, children, patients, and all pedestrians.

When my family members from Long Island come to NYC for doctors' appointments – and all our family has used all the hospitals in this area – they often have to wait up to ½ hour to get off the FDR Drive at 71st St. Imagine if you were in an ambulance with a compound fracture or a heart attack! What if first responders need to get through?

Let's look at the numbers: Add to MSK/CUNY's 8,569 people the 1,500 people anticipated at HSS on E. 74th St, plus the 4,749 expected at the new NY Presbyterian Hospital facility on 68th & York Avenue and you have a whopping **14,818 new people per day, nearly a 30% increase in total daily population**! What will we do with them – no space anywhere? And what are we residents supposed to do to get around to their own daily obligations? We did not ask to live in a "medical corridor", but it has invaded us. We are strangled.

This project is ill-conceived and a mess! There must be another way. It needs to be **smaller in bulk and height** so that fewer people will come to its doors all at once. Or it needs to be in a different location:

(1) MSK could consider the Sotheby's lot and CUNY could use their own lot on East 80th and East End Avenue.
(2) The sanitation garage is welcome to return to E. 74th St. We are sanitation garage-friendly.
(3) CUNY could stay on the old sanitation lot and put a park on top of a smaller building, or on the easternmost portion of the lot, perhaps with a bridge or platform to the East River Esplanade.
(4) Both MSK and CUNY are welcome at the Brookdale location on East 25th St.

There are many creative solutions other than massive buildings in the residential family neighborhood north of East 72nd Street.

PLEASE, Say NO to Large Scale General Development north of E 72nd St. & York Ave.;

Say NO to massive height and bulk in a primarily residential neighborhood;
Say NO to over 10,000 people on a daily basis in one dead-end block;
Say NO to 1,680 cars that have no place to park;
Say NO to clogged and dangerous streets;
Say NO to computerized traffic studies and photos that lie about real life;
Say NO to zoning tradeoffs in parks 12 blocks from the project site;
Say NO to family neighborhood destruction.

Thank you.

Nancy Terrell Grace

STATEMENT OF PAT MULCAHY

City Planning Commission Meeting on July 10, 2013 (Calendar # 43-48)

I'm Pat Mulcahy- Resident of 515E 72nd St who has lived in this neighborhood for 25 years. I'm also one of the founders of Residents for Reasonable Development because I care, I'm an IBMer , and I'm a lifeguard.

In my 20ies, I was lifeguarding the diving section of a town pool, when a young man dove off the high dive and hit his head on the bottom, was bleeding and stayed submerged. I dove off the lifeguard stand after asking my associates to call 911. As I brought him up to the side of the pool unconscious, my fellow lifeguards jumped in to assist me as the paramedics arrived on the scene. The entire community and his mother were watching anxiously.

I relay this story because my neighborhood and I are watching and hoping that your vote to stop these Applications for a general large scale development will make all of you our lifeguards. These applications are analogous to the bloody submerged victim that needs saving. Everyone anxiously awaits to see if the neighborhood remains a residential neighborhood with its current M3-2 zoning intact or allowing MSK/CUNY to build a huge 46 story building. Yikes! With city owned properties, the public has the direct responsibility and control of the outcomes. The public does not want to extend the medical corridor above 72nd Street. We have thousands of neighbors who oppose these applications because they want to prevent a private institution from altering the scale and character of our neighborhood.

We will take the burden of a new sanitation garage which is in line with the current zoning and was NEVER a problem to our community. Please reconsider this option or a park that would bring such joy to our waterfront neighborhood like so many others around this great city. We are also open to a new residential building being built at this location. Our seniors, children and adults are all anxiously watching to see if our neighborhood survives. I hope you become our lifeguards.

I encourage you to read our Residents for Reasonable Development lifeguard manual so you can clearly hear the voice of our neighborhood and vote NO against this large scale development project. Thanks for listening.

STATEMENT OF RITA POPPER

My name is Rita Popper. I am a Community Board member but I am not here to speak for the board. I live at E. 91st St. I am an active member of the community, and as a community member I appear before you today.

What you heard at the Review Session was somewhat but not entirely truthful. I'm here to correct the record.

Regarding traffic, you saw street photos of E. 73rd and E. 74th St. and the FDR Drive. There was no traffic! It's the busiest area in the UES. Were the cars deleted in Photoshop? Are we telling the residents that what they see every day they are NOT seeing?

The two new buildings will serve an additional 8,500 people and 1,680 cars on a daily basis. How could this increase have no impact on the neighborhood...on its services? The applicant's statics and photos are like Cinderella's step-sisters trying to get their feet into the glass slipper...it's a force fit.

Four months after the application process, a Zoning Text Amendment was inserted that would complete a one-block acre of a passive recreation area 11-blocks south, in return for allowing MSK to build an additional 20% larger building, increasing the edifice by130,000 square feet. There are 43,560 square feet in an acre. That's the equivalent of and additional 3 acres on top of an already over-sized building in a residential area.

Not providing on-site "new" open space sets a bad precedent for future developers. The Community Board voting on this application was compromised and compounded by the fact that a very lengthy Public Session caused the meeting to run 4:45. It was all about the park. The Zoning Text Amendment was approved 23-Y, 20-N, 1-A, 2-NVC. The vote to approve the remainder of the application was taken together 24-Y, 17-N, 2-NVC. Some board members thought they were voting for a park. Board members were so hungry and tired they would have voted for a building that manufactured poison gas as long as they could leave. Under adverse voting conditions, no time for debate, the board was SPLIT on the Zoning Text Amendment and not very far apart on the rest of the application.

MSK needs the building space for daily chemotherapy treatments. Those of us who have had chemo know it's given in a comfortable chair with an IV drip for a few hours. An MSK doctor stated chemotherapy treatments soon will be administered to patients at home. A bulkier building for chemo is not needed.

This is a complicated application with more requests than Carter has pills...Zoning changes, waivers, special permits, environment studies, tax payer funds, sale of FAR, a distant park for additional floors, sanitation garage disposition, are just a few topics that need your vigilant consideration. The community, represented by Residents for Reasonable Development is very concerned. This is their home. The residents have

provided everyone on the panel with a reference book to help you understand their concerns as you consider this application.

Thank you.

Additional Comments:

1. Architect's rendering of the MSK-CUNY buildings.

The architect is showing the exact same renderings that were initially presented to the public in 2012. Those renderings only represented a C1-9 building with a 10 FAR. Ever since March 14, 2013, and additional 2 FAR has been requested. The architect, although requesting a building with 12 FAR, has never shown the Community Board, Manhattan Borough President or the City Planning Commissioners the proposed 12 FAR building. That 20% building height increase is an additional 130,000 sq. ft.

2. Sotheby's as an Alternative Site

When asked if MSK-CUNY considered moving into Sotheby's building at E. 72nd St. & York Ave, the applicant's representative knew nothing about the building being for sale. This prestigious building being put up for sale appeared in several financial publications and the New York Times. It is a viable alternative to the proposed site at E. 73/74th Streets. The applicant talked about the advantages of being close to the "Main Campus". The Sotheby's building is closer to the "Main Campus" than the proposed site. . Additionally, mass transportation literally stops across the street from Sotheby's entrance.

3. Traffic

The service entrance to MSK-CUNY is on E. 73rd St. That is the packed entrance to the drive. See the photo in the book of this street. Now add delivery supply trucks to service the buildings along with FedEx, ambulettes, Access-A-Ride. These are not ordinary buildings. CUNY is a teaching building. Special vehicles will deliver animals. Special medical waste trucks will also use E. 73rd St. on a daily basis.

4. Large Floor Plates

Large floor plates were needed for the MSK ambulatory operations 13 blocks south of this proposed building on E. 61st St. & York Ave. They needed a variance/waiver for this large floor plate design. This type of building was needed in order to have both operating and recovery rooms on the same floor. Large floor plates are not needed for a hospital that is just delivering chemotherapy to same-day patients. The hospital likes large floor plates. That's the only reason they want them.

5. Community Board Process

A few Commissioners asked why the Task Force resolutions were not read to the full Board. Unfortunately the people we had read the Task Force resolutions into the CPC hearing

record were not CB members and could not answer the question. Therefore, you might want to enlighten the Commissioners about the compromised CB vote.

At the risk of beating a dead horse, the question regarding the Task Force resolutions that were passed and never presented nor voted on by the Full Board occurred because of several factors: The Task Force resolutions (they are in the book) were all *disapprovals* for myriad of salient reasons:

1. Members of the Task Force who are also executives of the E. 60s Neighborhood Association a 501 (4) (c) and a Co-Chair of the 197-A Andrew Haswell Green Park Community Board committee, had a "*vested interest*" in making sure the disapproved Zoning Text Amendment voted on in the Task Force would NEVER be read to the Full Board.

2. On May 8th, the full board meeting commenced at 6:30 PM. 4 hours and 15 minutes into the meeting, the meeting reverted from the long Public Session to the board at10:45 PM.

3. To ensure that the Zoning Text Amendment would not be heard, in a pre-arranged, pre-emptive maneuver, the first person the Chair recognized in the Full Board session made and read a "Substitute" Zoning Text Amendment. The "Substitute" had 17 WHEREAS points. 16 are about "The Park." One mentions 12 FAR. Then the roll call of 50 Community Board names was read and the vote was recorded by 11:10 PM. EVERYONE was tired, hungry, etc. So all the other resolutions were voted on together and they were also *approved* the same time. Another Roll Call. It is 11:20 when the meeting was adjoined.

4. A total of 46 Community Board members voted on the Zoning Text Amendment: 23-Y, 20-N, 1-A, 2-NVC at the My 8th Full Board meeting.

5. By the time the remaining resolutions were voted on, only 43 Community Board members stayed to vote. 3 members left.

6. IF the Community Board Members were aware of the Task Force resolutions in the packets, they did not have time to read them and there was absolutely no mention of their existence in the packet.

7. The applicant's representative has a long time relationship with the Community Board member who made the "Substitute" motion securing money for "the" park at allowing the project to increase by an additional 130,000 sq. ft.

8. The President and Executive V-P of the E. 60s Neighborhood Association who are also Community Board members who also made the "Substitute" resolution spoke at the CPC hearing and only spoke about the park. In response to a Commissioner's query about the use of the park so far away from site of the proposed buildings, they stated, "The park is not only for people who live in the 60's but for people who live in the 70s, 80s and 90s."

9. The Andrew Haswell Green Park is a passive recreation park and the money will be used for ground cover lawn, benches, game tables and to fix the pilings. The park is one block long of the Esplanade.

13. Steve Simon, representing Manhattan Parks Commissioner Bill Castro, stated before the Commissioners that the applicant's representative approached the Parks Dept. The applicant's

representative knew that a hand-picked Community Board member could deliver the board's *approval* vote when the Task Force recommended *disapproval*. That's all applicant's representative cared about...the vote. Why else would they have chosen AHG Park? The Zoning Text Amendment could have been used in many different ways so why the AHG Park? This is too neat of a bundle to not have had a lot of "back door" negotiations.

TESTIMONY OF DEFENDERS OF THE HISTORIC UPPER EAST SIDE

RE: MSK/CUNY ULURP Application (C130214ZMM; C130217ZSM
C130218ZSM; C130219PPM)
>
General Large Scale Development Zoning Text Amendment

I am Teri Slater, Co-Chair of the Defenders of the Historic Upper East Side. Defenders is a preservation advocacy group founded in 2003 and dedicated to preserving and protecting the Upper East Side's historic character. We are testifying in opposition to the application which would permit the construction of the Memorial Sloan-Kettering Cancer Center Ambulatory Care Center over 400' in height and the CUNY-Hunter College Science and Health Professions Building over 300' in height.

In addition, we oppose the proposed disposition of city property, zoning changes, special permit waivers and Zoning Text Amendment which would make these bulky, oversized and obtrusive buildings possible. The proposed Zoning Text Amendment which would permit a floor area bonus of up to 20 percent for predominantly community facility developments within C1-9 areas in Community Board #8 in exchange for providing a public park improvement within the same community district thus encouraging taller bulkier buildings throughout the residentially zoned neighborhoods of the Upper East Side.

Community Facilities are permitted as of right because they are considered "compatible" by zoning definition which has resulted in an institutionalization of many blocks and neighborhoods in CB#8M. Encouraging taller and bulkier buildings flies in the face of the Upper East Side's zoning history. CB#8M has consistently championed zoning changes which support the preservation of the residential character of the Upper East Side by limiting the height and bulk of buildings. All of the following zoning changes have received overwhelming public support. Some of us worked on each of the following:

R8-B Midblock Zoning: Contextual zoning enacted in the eighties which preserves the low-rise character of the midblocks limiting the height and bulk of buildings in the midblocks, Changed from R8.

Reduction of the Avenue Zoning District Depth in the '80s from 125' to 100' on the avenues east of Lexington. This resulted in a reduction of the height and bulk of buildings on the avenues. I can remember walking with Warrie Price, CB#8M's Chair helping her carry a ladder from block to block. Warrie in a large straw hat would climb the ladder and photograph each side street documenting the existing zoning district

depth of 125' to be able to make the case for the reduced zoning district depth in a wonderful pamphlet, A Walk on the East Side, produced by our community board.

R10-A Zoning for the avenues east of Lexington and wide crosstown streets. Discontinued Plaza bonus for residential buildings and governed the use of towers on a base. This resulted in the limiting of the height and bulk of buildings on the avenues and wide streets.

CB#8M R8-B Midblock Zoning Text Amendment, 2006. This Zoning Text Amendment seeks to return the FAR allotted to Community facilities to 4.0 FAR from the current 5.1 FAR. CB#8M is the only community board in New York City where community facilities are allotted more FAR in the midblocks than owners of non-Community Facility buildings, owners of identical property with different rights. This application is pending. This Midblock Zoning Text Amendment, when approved, will limit the bulk of buildings in the midblocks thereby preserving the low rise character of those blocks.

Community Facility expansion in the Upper East Side needs to be addressed without delay. The so called "medical corridor" along York Avenue in the seventies is really a residential neighborhood where the relentless expansion of medical facilities has resulted in severe erosion of the residents' residential quality of life.

Where does planning come in? What should the role of the City Planning Commission be when it is confronted by a MSK/CUNY proposal? If the Commission is to act in the public interest, it must address the height and bulk of the proposed buildings, the lack of on site open space and a Zoning Text Amendment added at the eleventh hour to sweeten the pot in an effort to make an overbearing proposal bearable.

We urge the commissioners to work with the community to find the best possible solution which will protect and preserve the neighborhood's residential character which is irreplaceable.

Respectfully submitted,

Teri Slater, Co-Chair

CIVITAS
WORKING FOR QUALITY
IN URBAN LIFE

1457 Lexington Avenue
New York, NY 10128
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Statement on the Memorial Sloan Kettering / City University of New York Project
and Zoning Text Amendment
Presented to the New York City Planning Commission
July 10, 2013

CIVITAS is a non-profit organization that sponsors zoning and environmental programs on the Upper East Side and in East Harlem. We would like to comment on the Memorial Sloan Kettering (MSK)-City University of New York (CUNY) project that is under consideration. Specifically, there are two significant aspects to address: 1) the treatment of required open space and 2) the proposed zoning text amendment which requests additional floor area ratio (FAR) that is under consideration.

According to the applicant, the proposed buildings would be built to an overall FAR of 12.0, which would be 793,332 square feet of zoning floor area and with full lot coverage over the project site. Their gross floor area would total 1,092,788 square feet. This is the equivalent of a height of more than 450 feet for the MSK building and 350 feet for the CUNY building. According to the Draft Environmental Impact Statement could bring an additional 8,500 daily visitors into this congested neighborhood.

The project is located between East 73rd and 74th Streets and east of York Avenue and is currently a city owned site zoned M3-2. The applicant is seeking a zoning change to a C1-9 lot, which allows for a 10 FAR, and is requesting an additional 2 FAR through a new zoning text amendment. The zoning text amendment increase is equal to more than an additional 130,000 square feet. This is a major increase to the value of this site and will have significant impacts on the surrounding blocks. CIVITAS would like to see that huge impact reflected in the design of the project and the treatment of the open space required for the 2 FAR increase.

With respect to the project, CIVITAS would like to see open space improvements that are immediately proximate to the development site to handle its negative impacts and improvements that are commensurate with the extremely valuable FAR increase being considered. We are strongly in favor of improvements to the East River Esplanade and waterfront and are in favor of the improvements being considered for Andrew Haswell Green Park, over a half mile away. However, we also feel that additional open space needs to be created and improved on the development site, or very proximate, to accommodate the 8,500 daily visitors. This type of amenity will only add to the overall experience of employees, patients, and students of MSK and CUNY, respectively. We encourage the applicant to explore decking over the FDR Drive to create new parkland for the community. Furthermore, improvements to 74th Street should be reconsidered to accommodate the massive increase in pedestrians and automobiles.

The proposed zoning text amendment is problematic for multiple reasons and should not be approved. CIVITAS objects to the lack of information and specificity in this amendment. First, the text does not specify the amount of money that would be part of the investment. If this zoning text amendment were to be seriously considered, the amount of contribution would need to be

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defined, and would need to be commensurate with the increase of value the applicant is receiving from the increase in FAR. For an approximately million square foot project, that value is sizeable. Second, the mile wide radius from the development site is too large. Park creation and open space should be required to be located significantly less than half of a mile from rezoned properties in order to mitigate the impact to neighbors of the development. Third, in order to be considered, the zoning text amendment would need provisions to guarantee completion of the open space prior to approving the application. This would be similar to provisions in the New York City Department of City Planning's inclusionary housing program. Furthermore, any open space investment should include a long-term strategic maintenance plan.

We urge the NYC Planning Commission to consider the significant adverse impacts of the project to open space and transportation revealed in the Draft Environmental Impact Statement as well our other concerns as part of their ULURP recommendation. The neighborhood will live with the legacy of this decision for many decades.

Levitan, Amy

From: Sarah Chu <sarah0chu@gmail.com>
Sent: Monday, September 16, 2013 6:00 PM
To: Levitan, Amy
Cc: Lynn Bechtold
Subject: Fwd: Please vote NO on the MSK/CUNY development project on E 73rd / E 74th Sts

Dear Amy,

My neighbors Lynn and Daniel sent written testimony directly to Chairperson Weprin and Land Use Chairperson Comrie. Please accept their statement for the official council record.

Best,
Sarah Chu

---------- Forwarded message ----------
From: **Lynn Bechtold** <violynn@yahoo.com>
Date: Mon, Sep 16, 2013 at 12:55 AM
Subject: Please vote NO on the MSK/CUNY development project on E 73rd / E 74th Sts
To: "MWeprin@Council.NYC.gov" <MWeprin@council.nyc.gov>, "LComrie@council.nyc.gov" <LComrie@council.nyc.gov>
Cc: "sarah0chu@gmail.com" <sarah0chu@gmail.com>

Dear Council Members Weprin and Comrie:

We are writing in protest of the MSK/CUNY developments that are proposed between FDR Drive and York Ave, from E 73rd to E 74th Streets...
From what we have read, it does not seem as if enough studies have gone into the impact these two giant developments will have on this neighborhood. –Where will all of these new employees park? Perhaps you should consider 'resident permit parking only' as cities like Boston have had for many years.
–How will the traffic impact the many students and seniors who live in the neighborhood? In an area from E 73rd St to E 84th Street, from only FDR Drive to 1st Avenue, we have the following schools in the area, among others: Church of the Epiphany Preschool, "School of Rock," Eleanor Roosevelt HS, PS 158, Lycée Français de New York, The Town School, The Caedmon School, Brearley, and Chapin. Is all this extra traffic going to be safe for children who may dart out into the street, or seniors who take a bit longer to cross?
–If York Ave is changed into a one-way street, what happens to the M31 bus that many of us rely on at various points in the week? Don't forget...the 2nd Ave subway will not really help those of us who live closer to 79th Street as it will take just as long to walk to 72nd and 2nd as it already does to walk to 77th and Lexington.
– We are going to be impacted by the new waste transfer station that is ALREADY being built near Asphalt Green. A good majority of those garbage trucks will be driving up York Ave to get to the transfer station. We don't need the additional cars and taxis in the neighborhood that the new MSK/CUNY development will bring to this neighborhood daily. You can pretend that the waste transfer station might not happen, but as it is ALREADY being built, I don't think that it's going to be converted into a playground.
–MSK may say that they want to keep everything nearby their other buildings in the neighborhood, but what's wrong with putting them in a completely different neighborhood? These are outpatient facilities, and may have separate doctors from the inpatient hospitals. As we all know from reading the news, there are many neighborhoods in NYC that lack a nearby hospital. I teach in the W Village and fear for my life if I'm ever in a life-threatening emergency in midday as it will take an ambulance quite a while to get me to the closest hospital as it's across town.

At home on York Ave, I feel at ease if anything happens as there are already SO MANY HOSPITALS in this area. Perhaps this wonderful cancer hospital can be built in the West Village, close to where St. Vincent's used to be? Or how about in Cobble Hill, Brooklyn, where the Long Island University Downstate Hospital is close to being shut down every day so that the land can be sold to real estate investors.

It is high time that the council members start to think about the changes in the quality of life that many of us face every day with all of these large real estate developments that threaten our existence and means of crossing the street, driving to meet friends in another borough or to jobs, parking our cars, etc. Just because we choose to live in Manhattan does not mean that we should not have access to a car or be able to park it on the street or be able to get to another part of Manhattan in less than 60 min. The MSK/CUNY devlopment will have drastic changes on this already crowded neighborhood with its influx of many more workers and patients and students. PLEASE think carefully before approving this plan. We URGE you to vote NO!

Sincerely,
Lynn Bechtold & Daniel Cooper
Residents of the Cherokee Building on E 77th Street

--
Sarah Chu
(646) 789-2648

HOSPITAL BUILDINGS AND MEDICAL FACILITIES ON THE UPPER EAST SIDE

North of E. 60th Street – A Partial List

New York City Council
Zoning & Franchises Subcommittee Hearing
September 16, 2013

Memorial Sloan-Kettering:
Mort Zuckerman Research Building
415-417 E. 68th Street



Number of Stories:
23 medical stories

Height:
443.09 ft

Memorial Sloan-Kettering:

Rockefeller Research Laboratories

430 E.67th Street



Memorial Sloan-Kettering:

NEW Surgery Center

1133 York Ave

FRIDAY, SEPTEMBER 13, 2013 2:50 PM

CRAIN'S NEW YORK BUSINESS

Sloan-Kettering's $322 million surgery center

Memorial Sloan-Kettering submitted a certificate of need application for its replacement outpatient surgery center, to be built at 1133 York Ave. If the state Department of Health approves the CON application, MSK will relocate to the new site its Surgical Day Hospital, now on the second floor of the main hospital. In its application, MSK said that its surgeons perform 20,576 procedures at the SDH and that volume is projected to rise by more than 1,000 procedures annually to 26,365 by 2017. The project will cost nearly $322 million and should take 42 months to complete.

The new center will have 12 operating rooms, five more than the current SDH. Of these, four will accommodate robotic equipment. Most of the financing will be from New York State Dormitory Authority bonds to be issued in 2014 for $225 million, with the rest from private and institutional sources. MSK said the center would start turning a profit in its third year. Staffing the facility will create about 280 new jobs among a projected 408 full-time-equivalent workers.

MSK's market share for cancer patients in the New York area is an estimated 9% to 15%, depending on who is counting. Either way, it is clearly the regional leader in oncology care, followed by the cancer centers at the much broader New York-Presbyterian Hospital and Mount Sinai Hospital systems.

"In Manhattan, we feel there are no competitors that offer the same care and

Height:

261 Feet

Memorial Sloan-Kettering:
Memorial Hospital
1275 York Ave



Number of Stories:
19

Height:
275 ft

Memorial Sloan-Kettering: Schwartz Research Building 1250 First Ave



Memorial Sloan-Kettering:

Howard Labs Sloan Kettering Institute

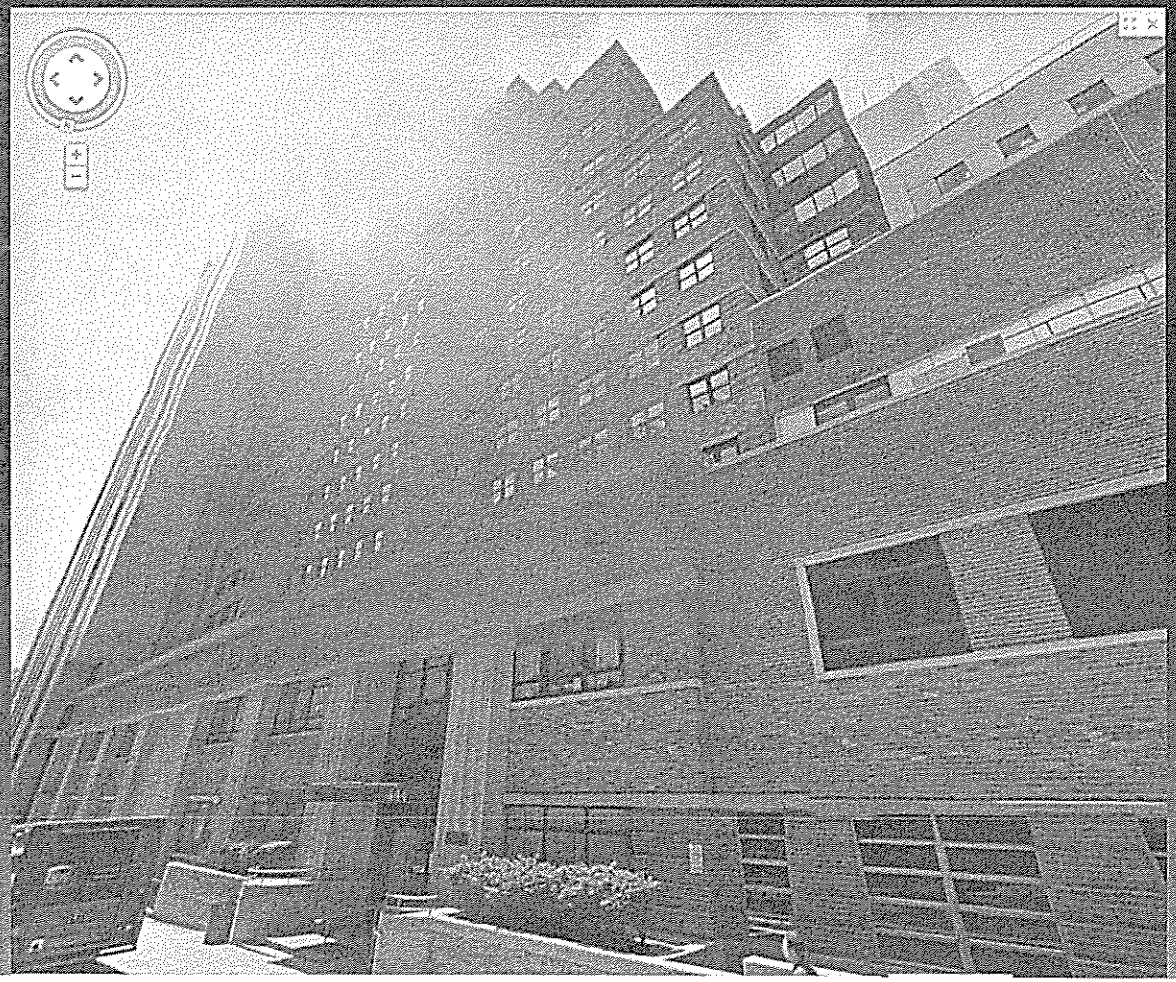
410 E. 68th Street



Memorial Sloan-Kettering:

Bobst International Center

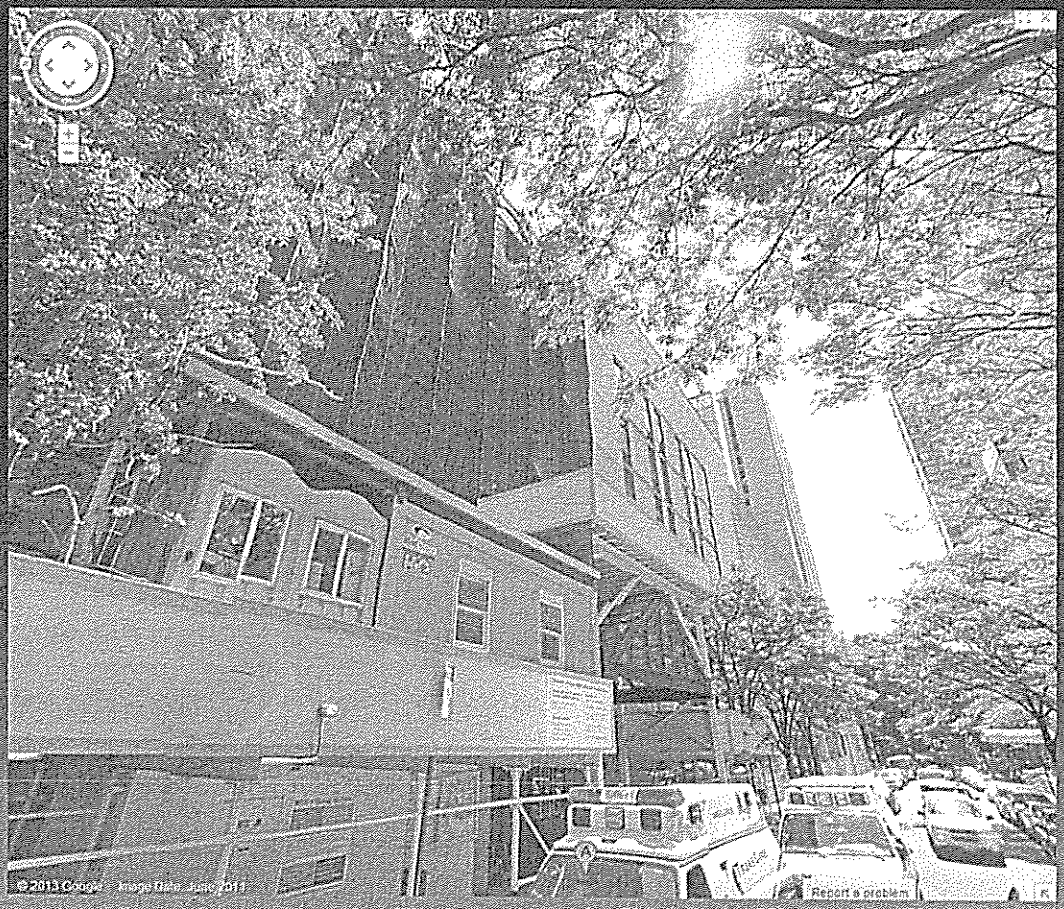
444 E. 68th Street



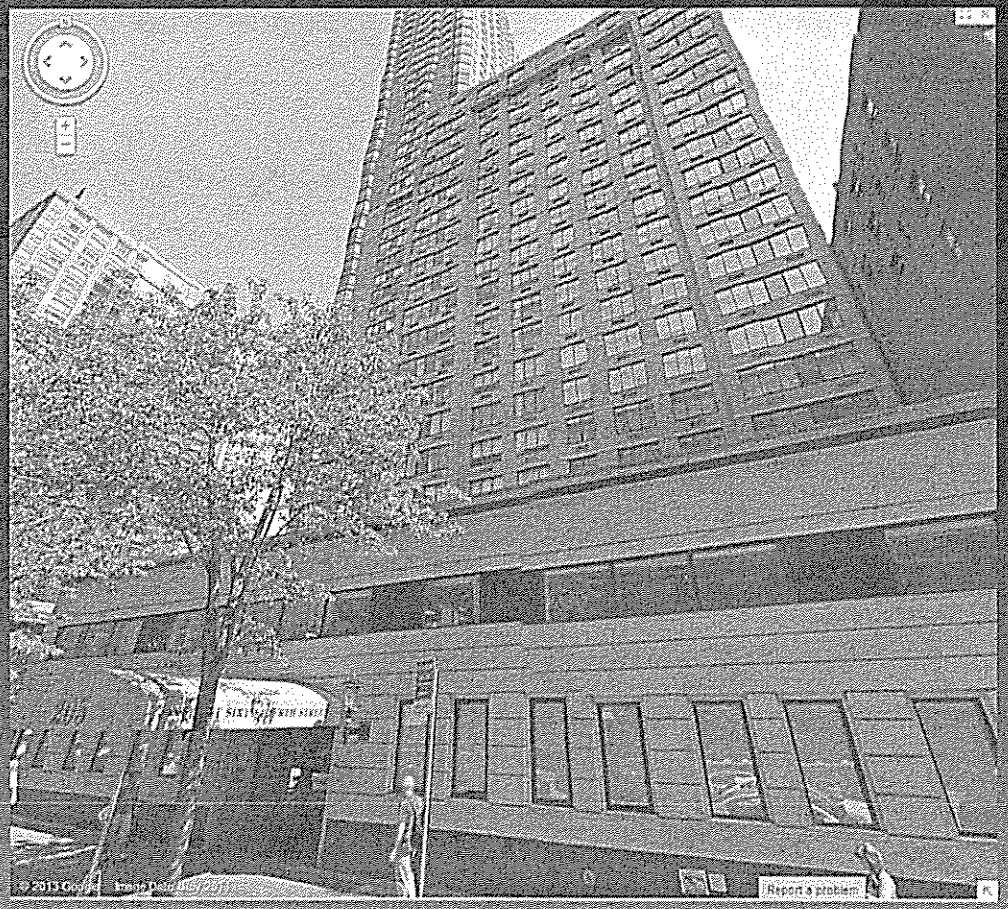
Memorial Sloan-Kettering:

Enid Haupt Pavilion

425 E. 67th Street

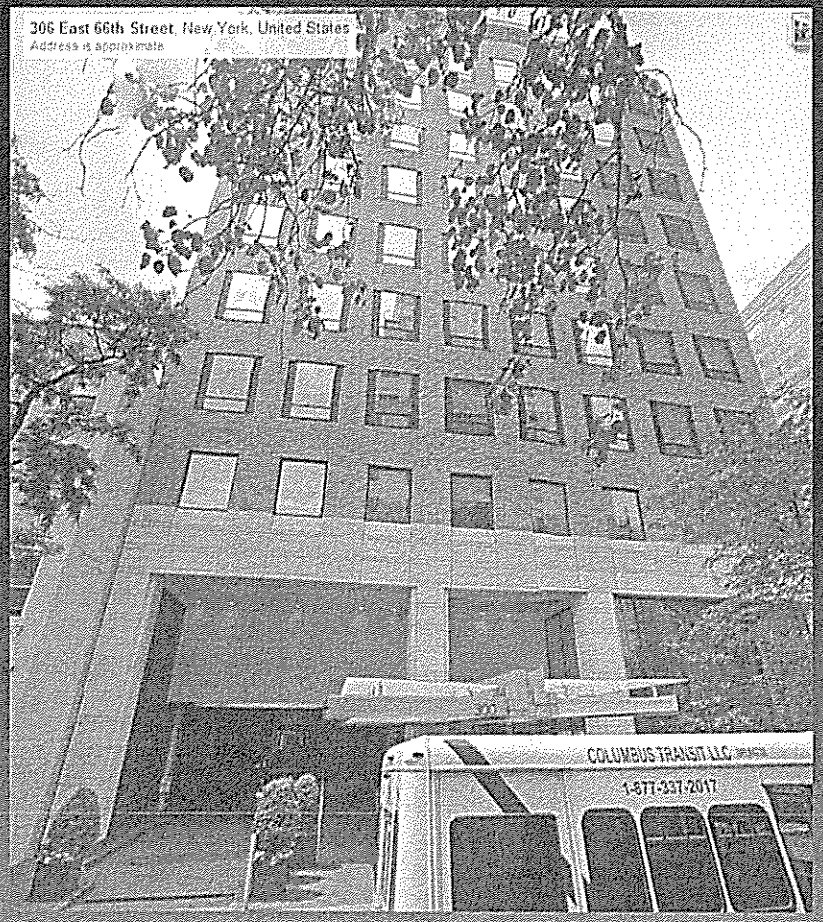


Memorial Sloan-Kettering:
64th Street Outpatient Center
205 East 64th Street



Number of Stories:
4

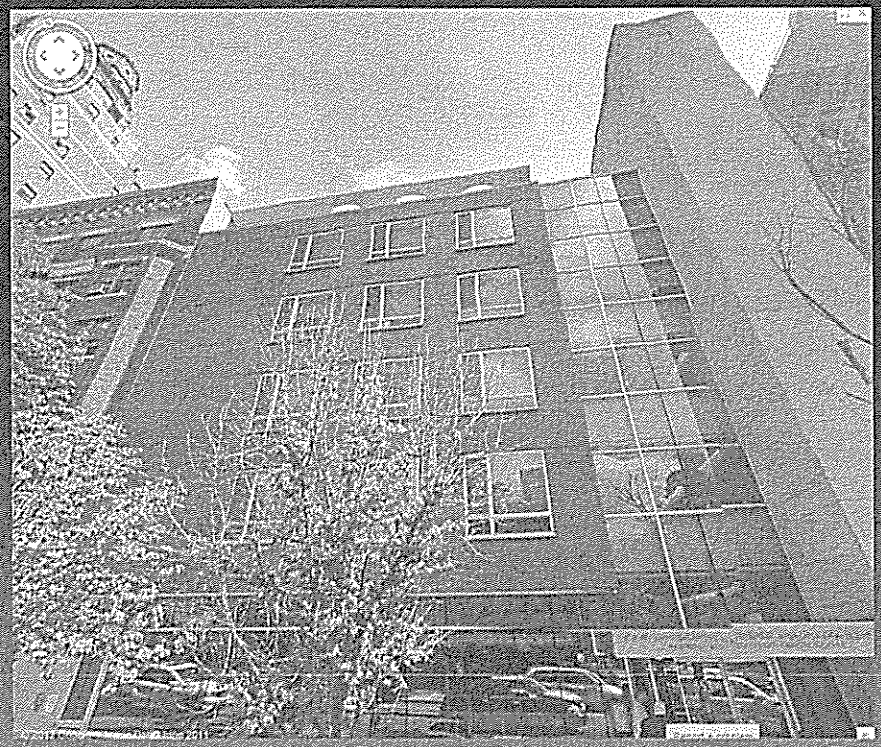
Memorial Sloan-Kettering:
Imaging Center
300 East 66th Street



Memorial Sloan-Kettering:

Sidney Kimmel Center for Prostate and Urologic Cancers

353 East 68th Street



Memorial Sloan-Kettering: Laboratory Medicine Building

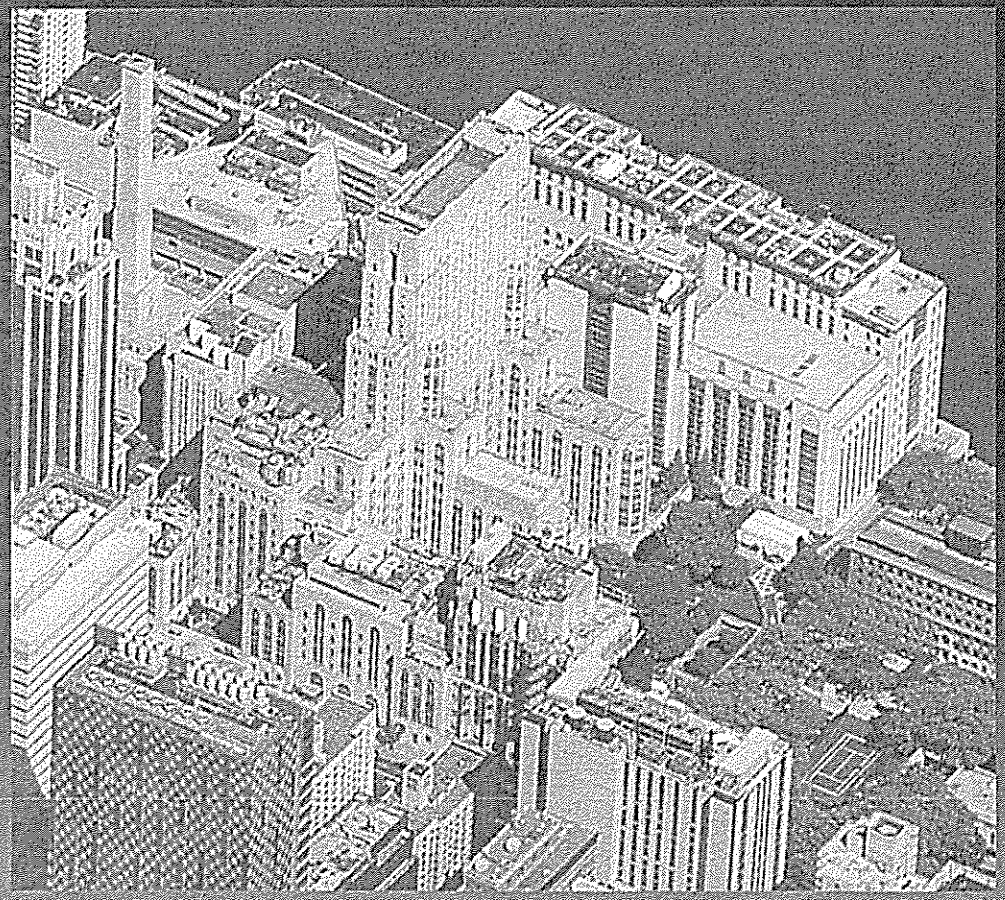
324 E. 64th Street

Memorial Sloan-Kettering Cancer Center

Future Laboratory Medicine Building
327 East 64th Street

Community Affairs: (212) 639-4444
Facilities Emergency: (212) 639-7850

New York Presbyterian Hospital:
Weill Cornell Medical Center
525 E. 68th Street



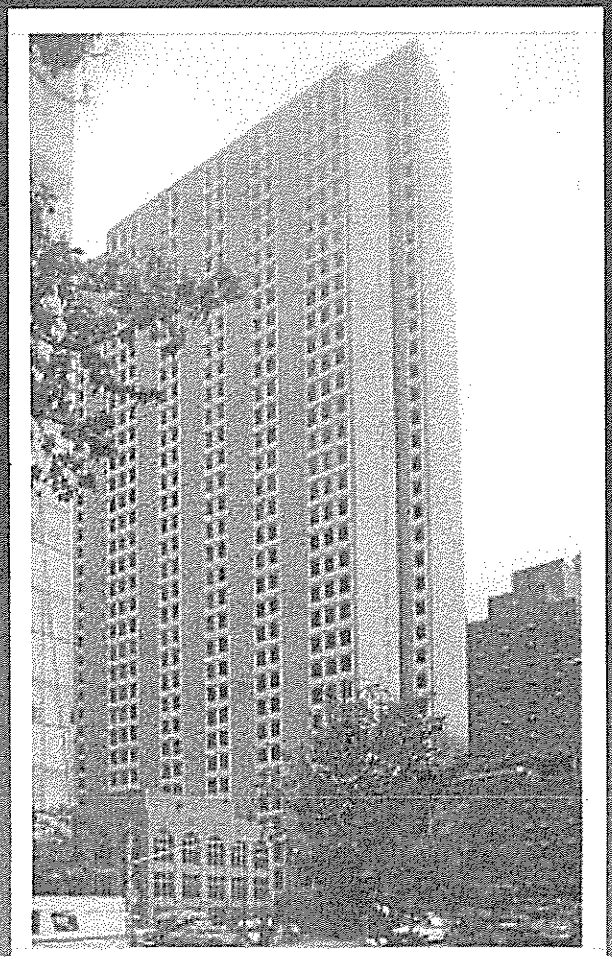
Number of Stories:
27 stories
or
39 residential stories

Height:
395.5 ft

New York Presbyterian Hospital:

Payson House and Medical Offices

435 East 70th Street



Number of Stories:
39

Height:
332 ft

New York Presbyterian Hospital:

Helmsley Medical Tower

1320 York Ave / 505 E. 70th Street



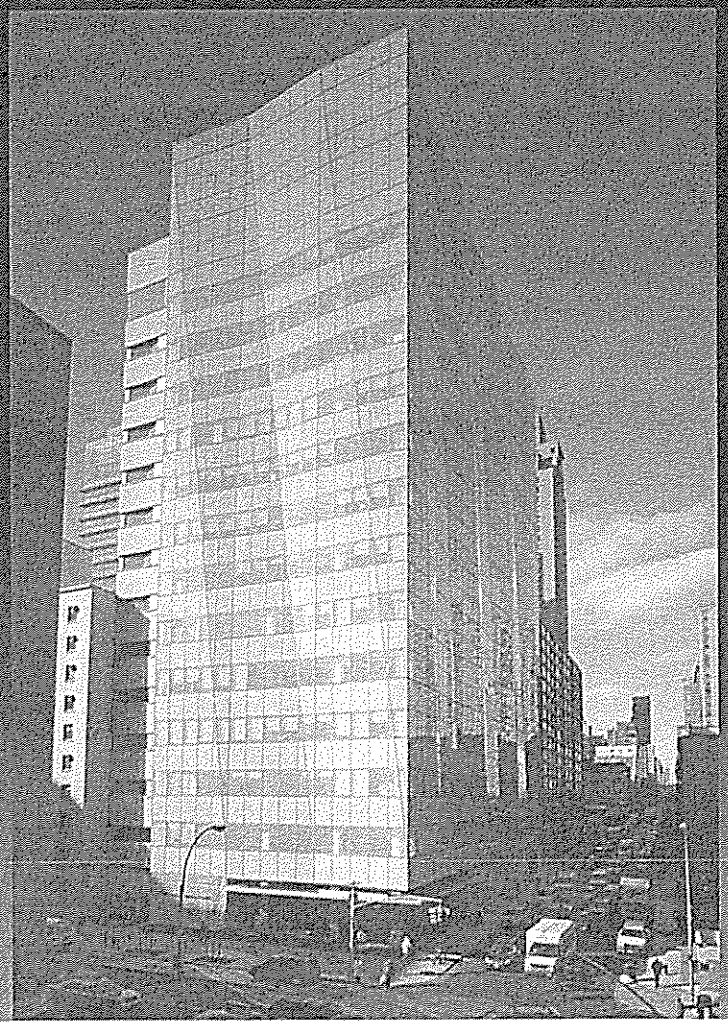
Number of Stories:
39

Height:
423.91ft

New York Presbyterian Hospital:

Weill Greenberg Center

1305 York Ave



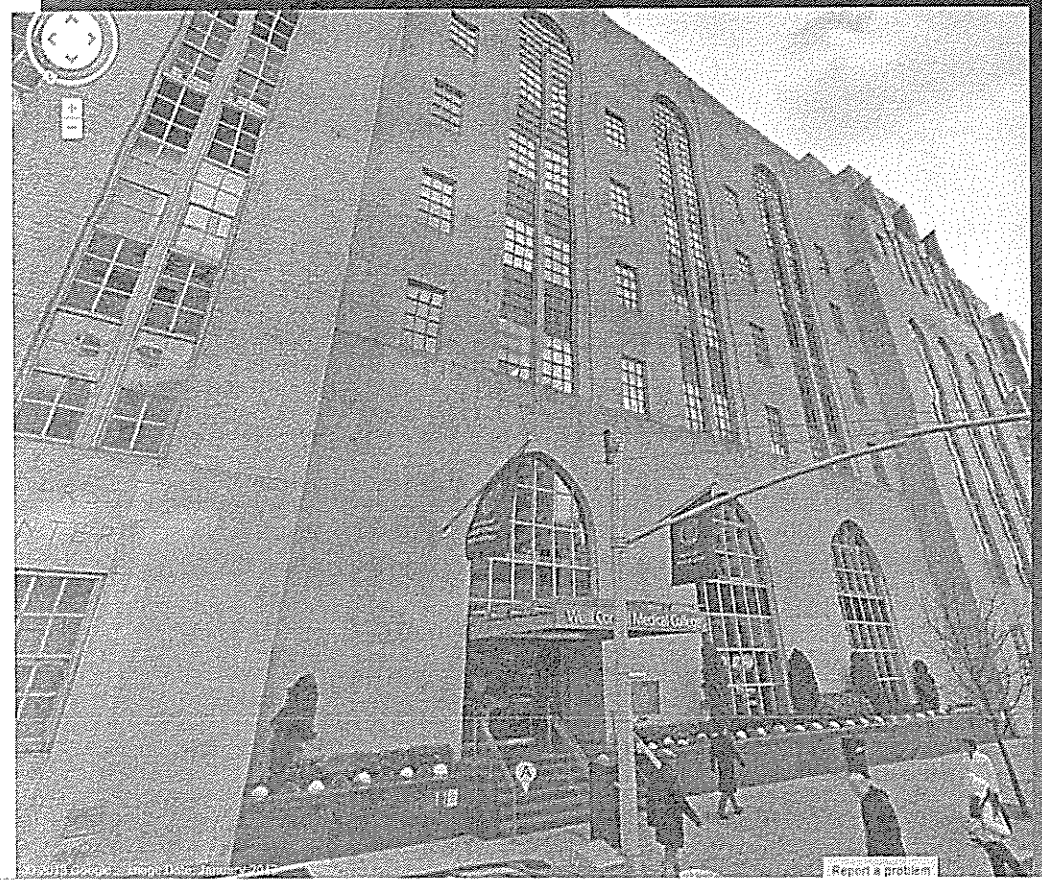
Number of Stories:
15

Height:
267.66 ft

New York Presbyterian Hospital:

Weill Cornell Medical College

1300 York Ave



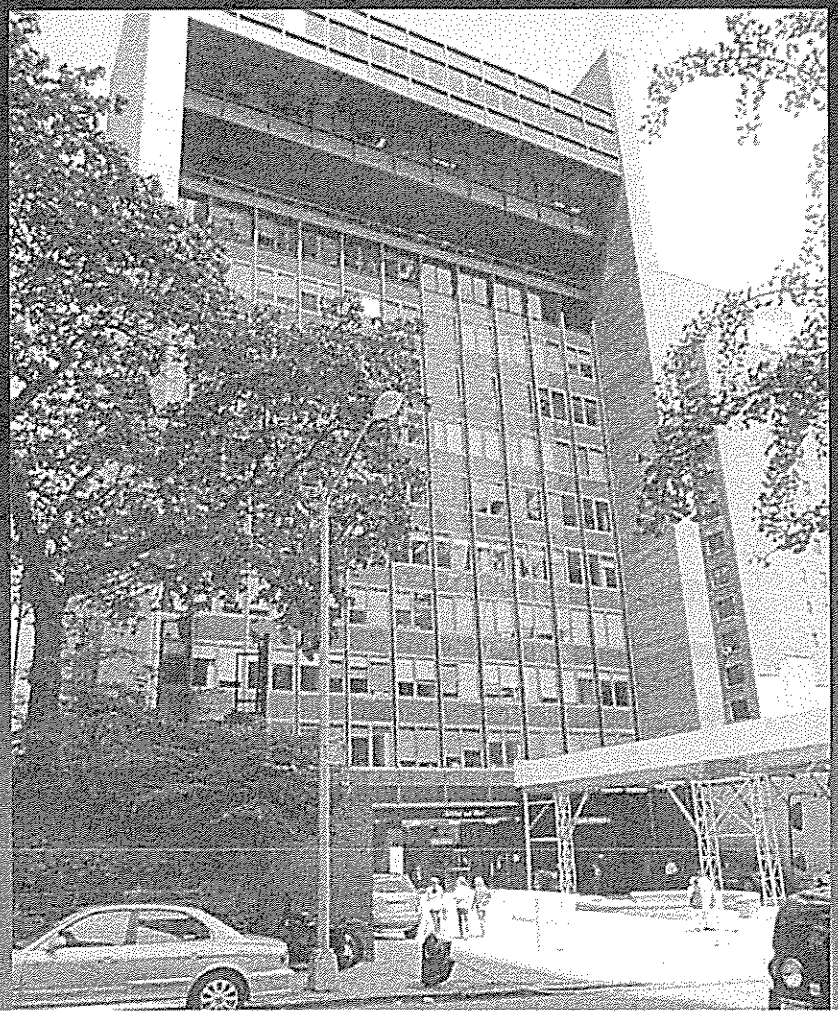
Number of Stories:
11

Height:
210.15 ft

New York Presbyterian Hospital:

Iris Cantor Health Center

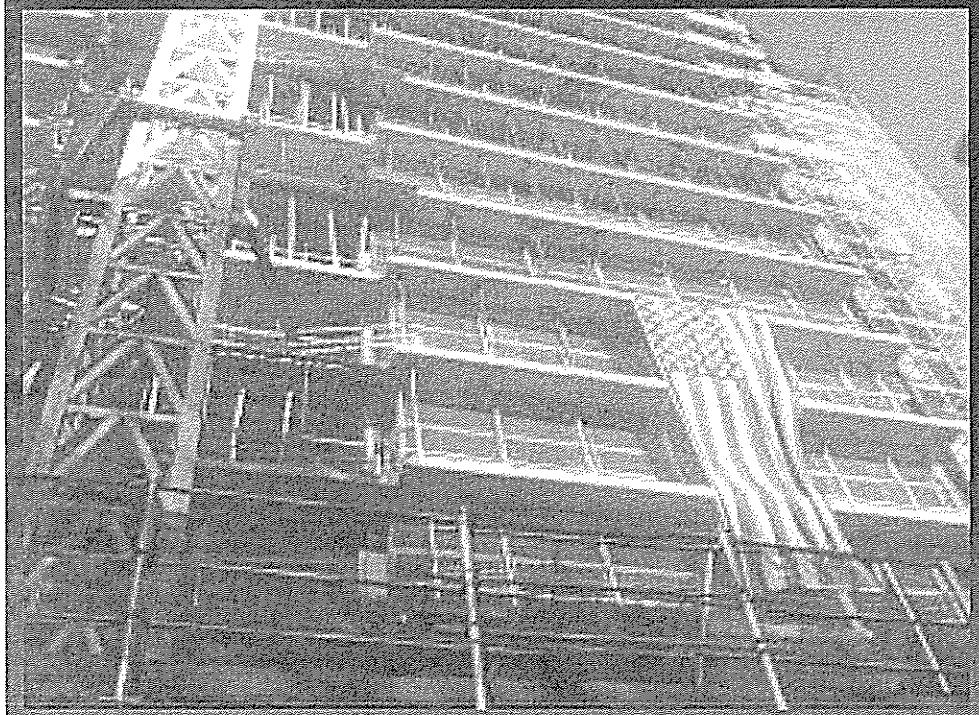
425 E. 61st Street



New York Presbyterian Hospital:

Belfer Research Building

413 E. 69th Street



Number of Stories:
18

Height:
335.5 ft

New York Presbyterian Hospital:

Methadone Treatment Clinic

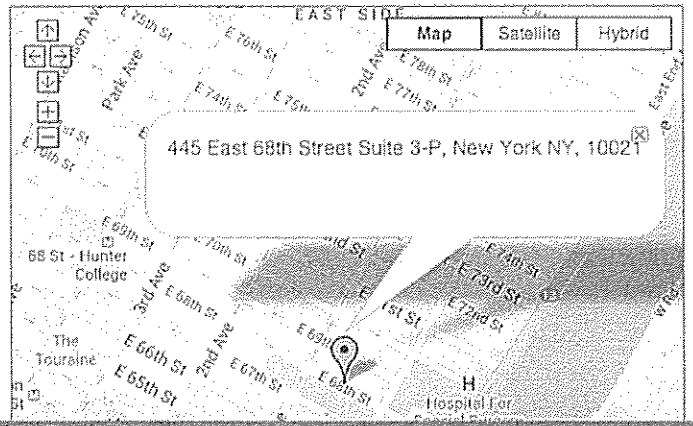
445 E. 68th Street

Buprenorphine Doctors | Find A Doctor | Find A Treatment Center | Blog | Articles | Search Site

New York Presbyterian Hospital Methadone Treatment Clinic - (212) 746-1252

Home / Suboxone Treatment Centers / New York Suboxone Treatment Centers / Suboxone Treatment Centers in New York, NY /

New York Presbyterian Hospital
Methadone Treatment Clinic
(212) 746-1252
445 East 68th Street
Suite 3-P
New York, NY 10021 USA
www.nyp.org



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Get Help Today!

Do you or someone you love need help with an opioid dependency?

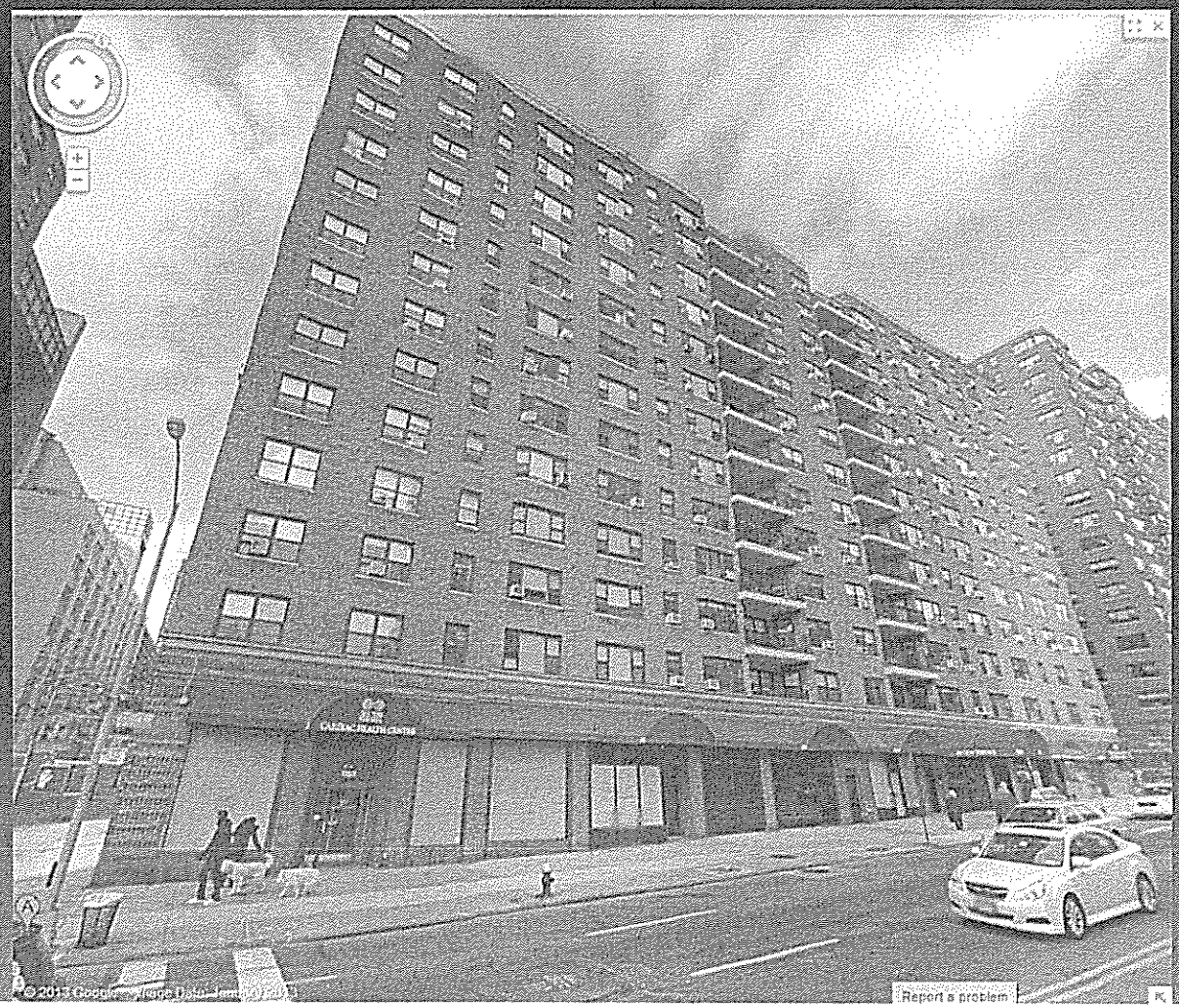
Call Today
(877) 621-2129

Quick Links

Weill Cornell:

Cardiac Heath Center

1153 York Ave



Hospital for Special Surgery:

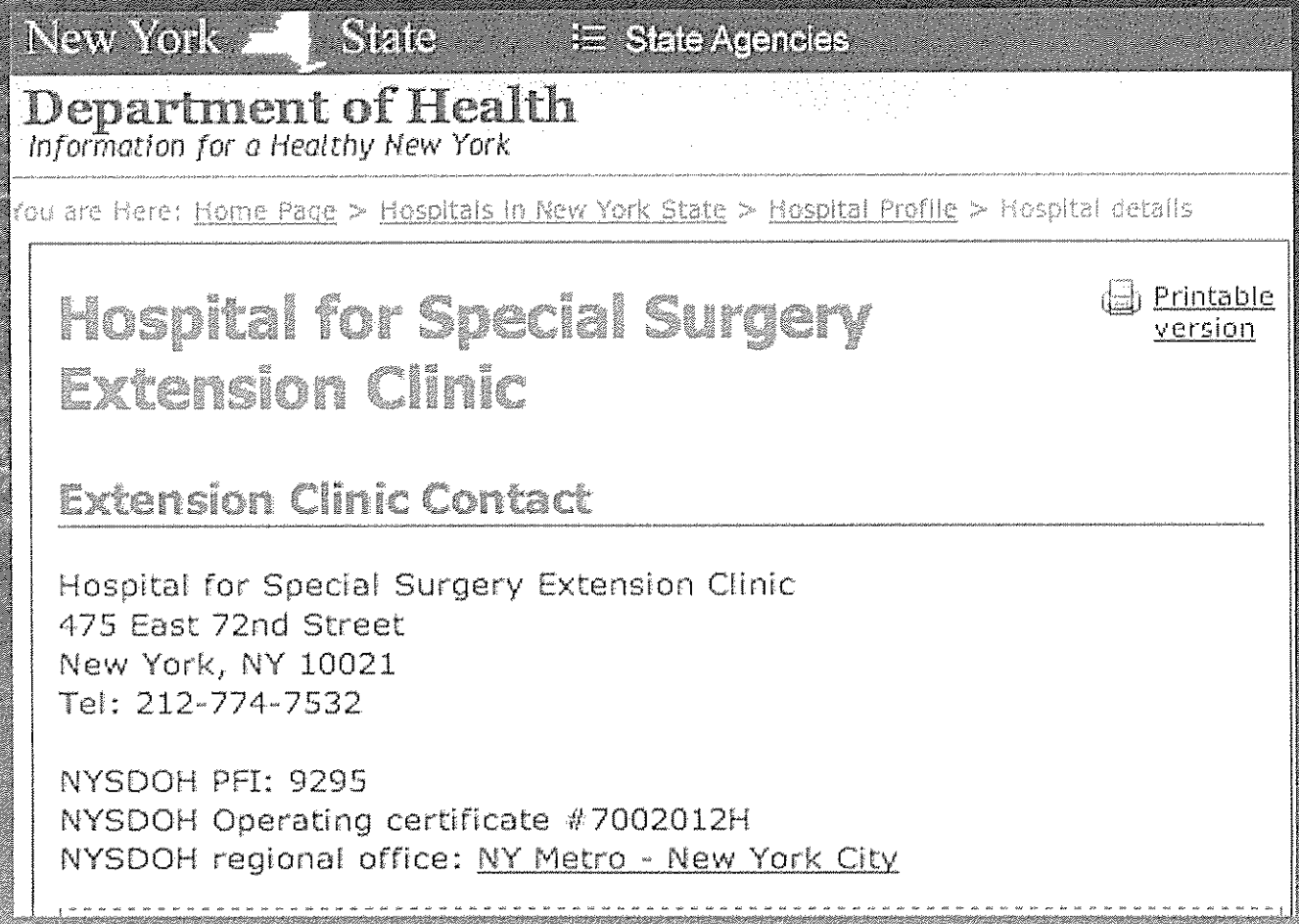
535 E. 70th Street



Number of Stories:
12

Height:
186.42 ft

Hospital for Special Surgery:
Extension Clinic
475 E. 72nd Street



Hospital for Special Surgery:
Belaire Building
525 E.71st St.



Hospital for Special Surgery:

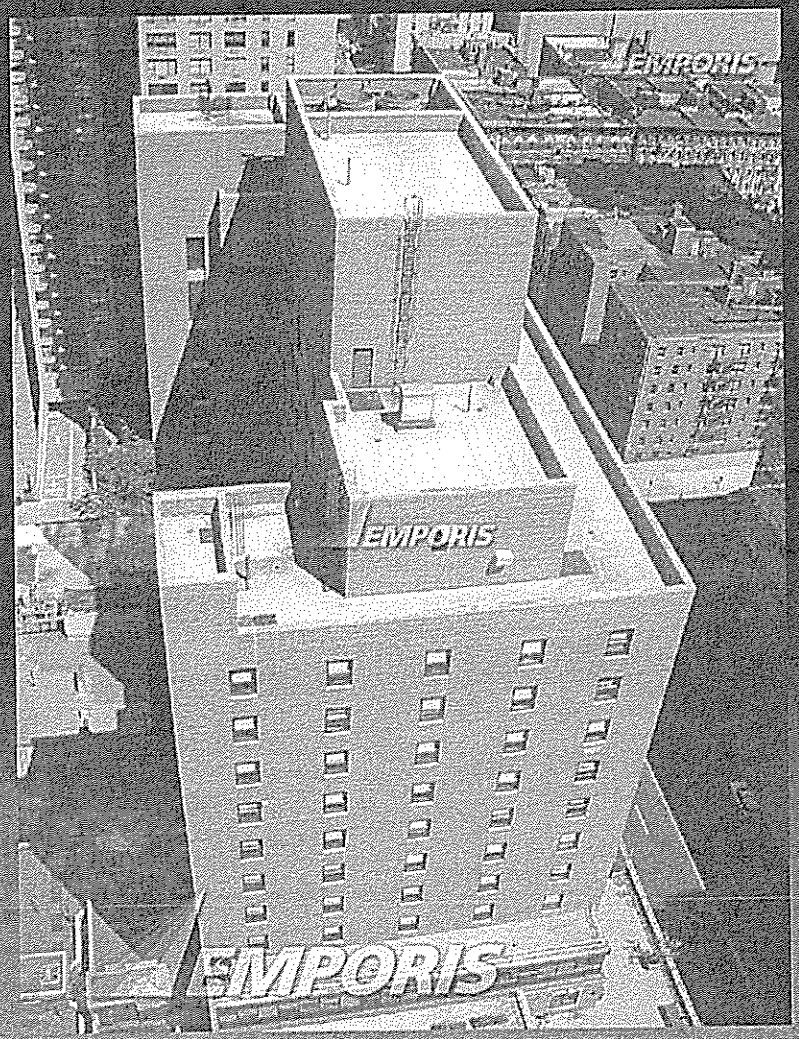
East River Professional Building

523 E.72nd St.



Rockefeller University Hospital

1230 York Avenue



Number of Stories:
16

Height:
160.77 ft

YORKVILLE has plenty of hospitals.

Let's put hospitals where they are needed.

New Yorkers in the Bronx, Queens, Brooklyn, and Staten Island need treatment too.

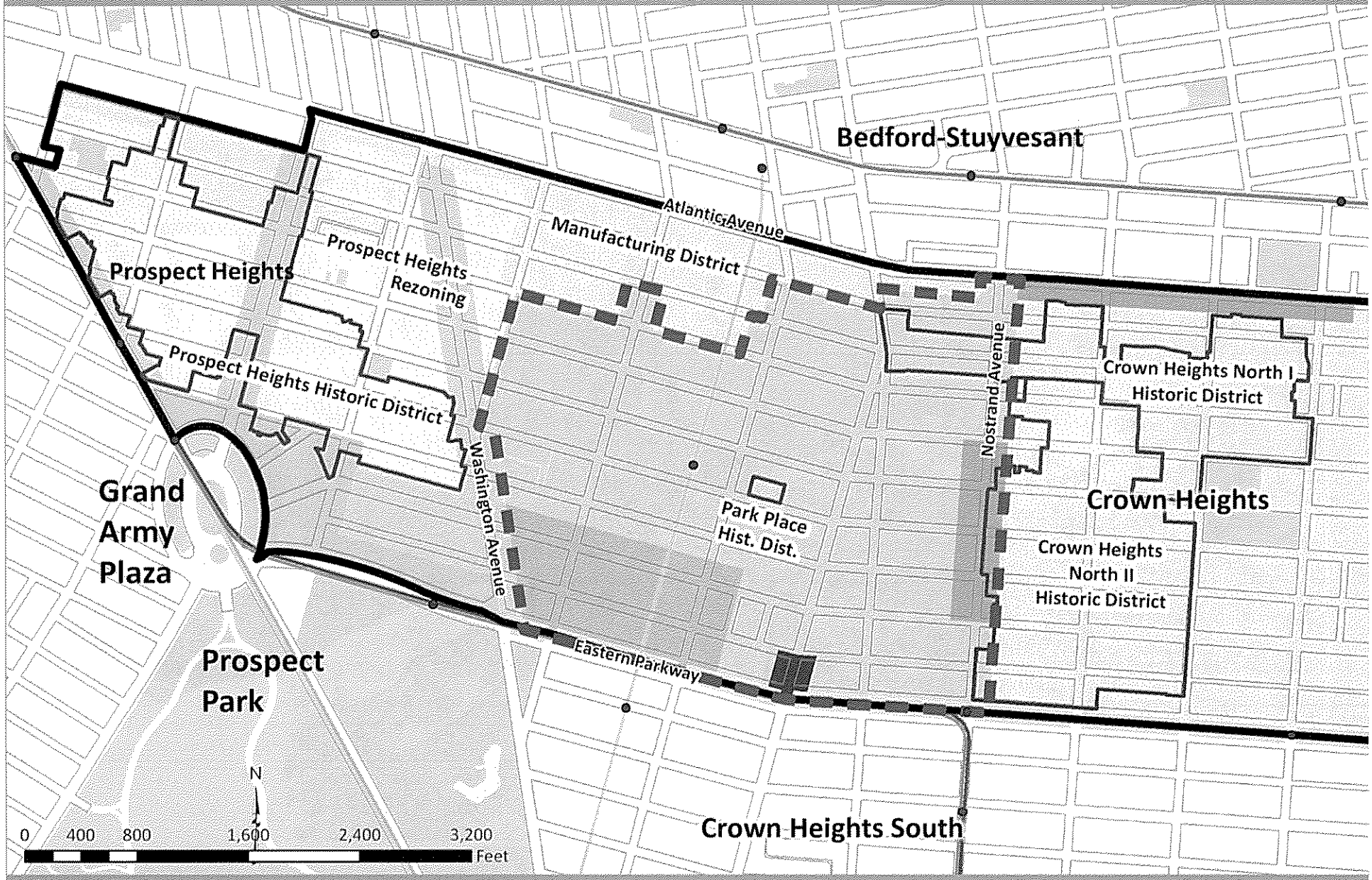
Crown Heights West Rezoning Study



NYCPLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK
BROOKLYN OFFICE

September 16, 2013

Rezoning Area Boundary



Crown Heights West Rezoning

Goals of the Rezoning Study

- Maintain the existing scale and character of the neighborhood
- Create incentives for development of affordable housing
- Match commercial zoning to retail character

Existing Character - Diverse Building Types





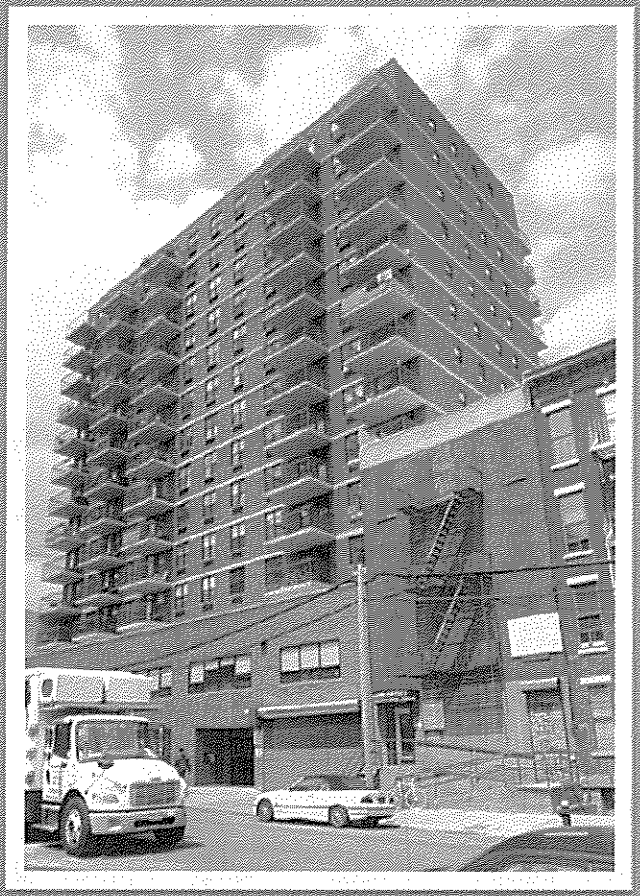


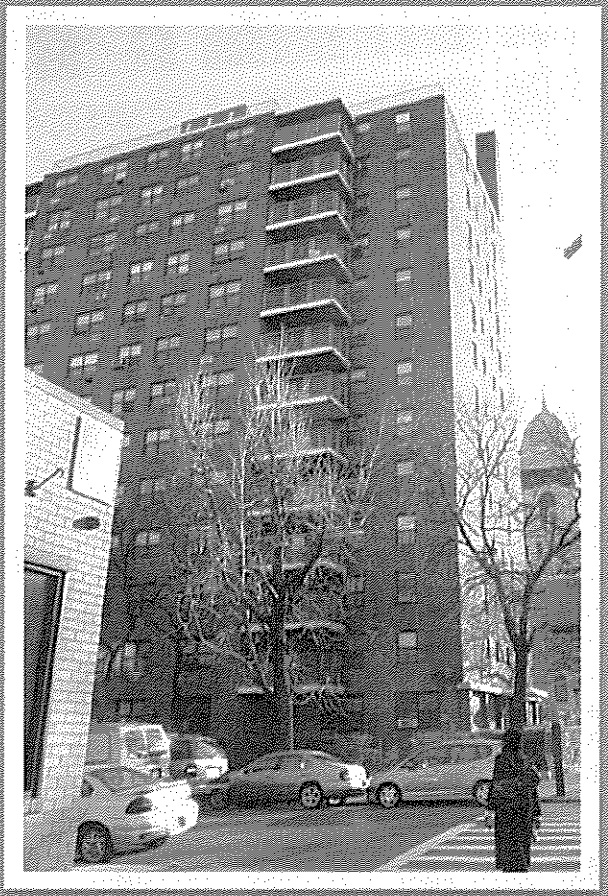


Existing Character - Non-Contextual Buildings

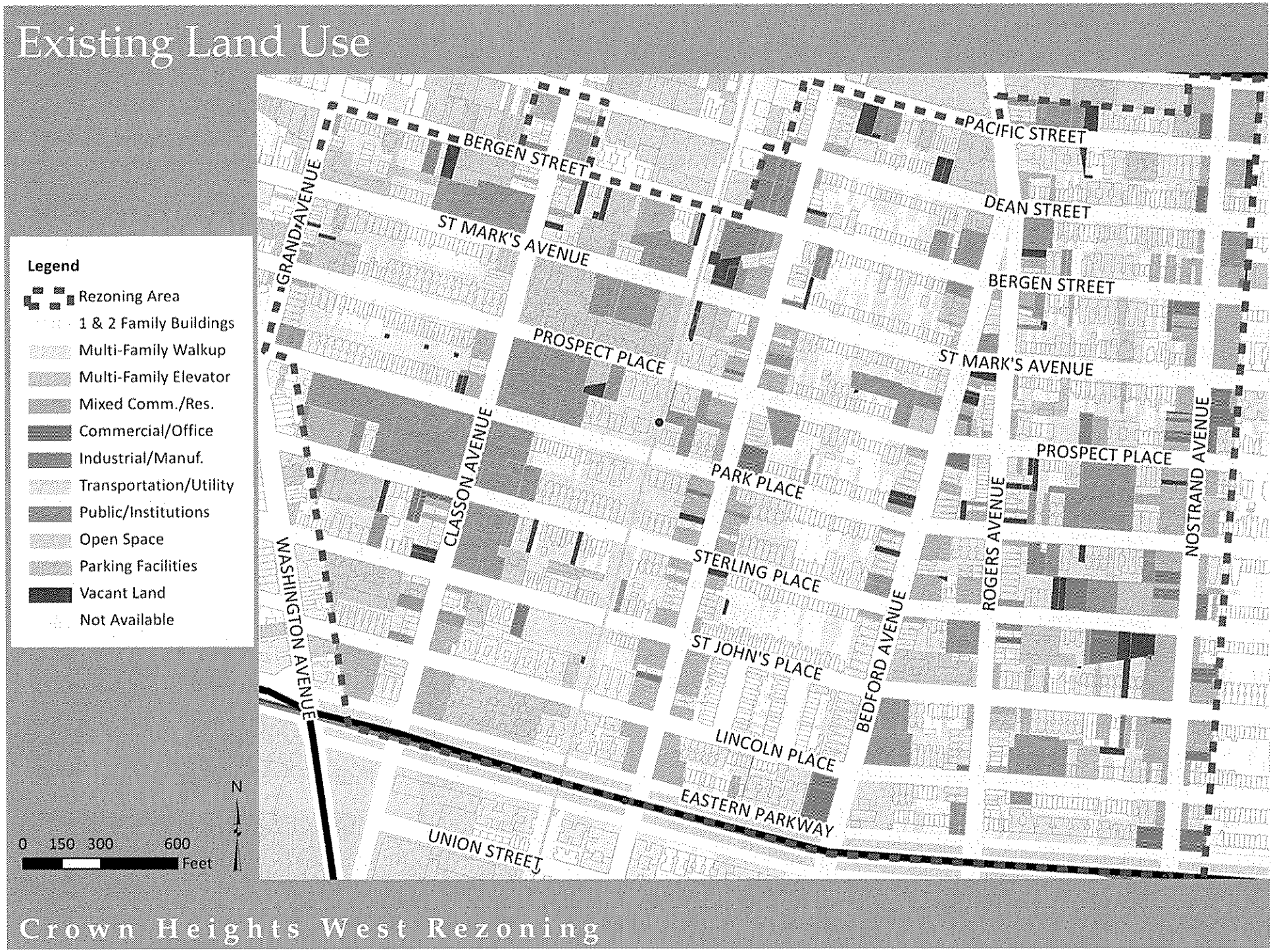








Existing Land Use



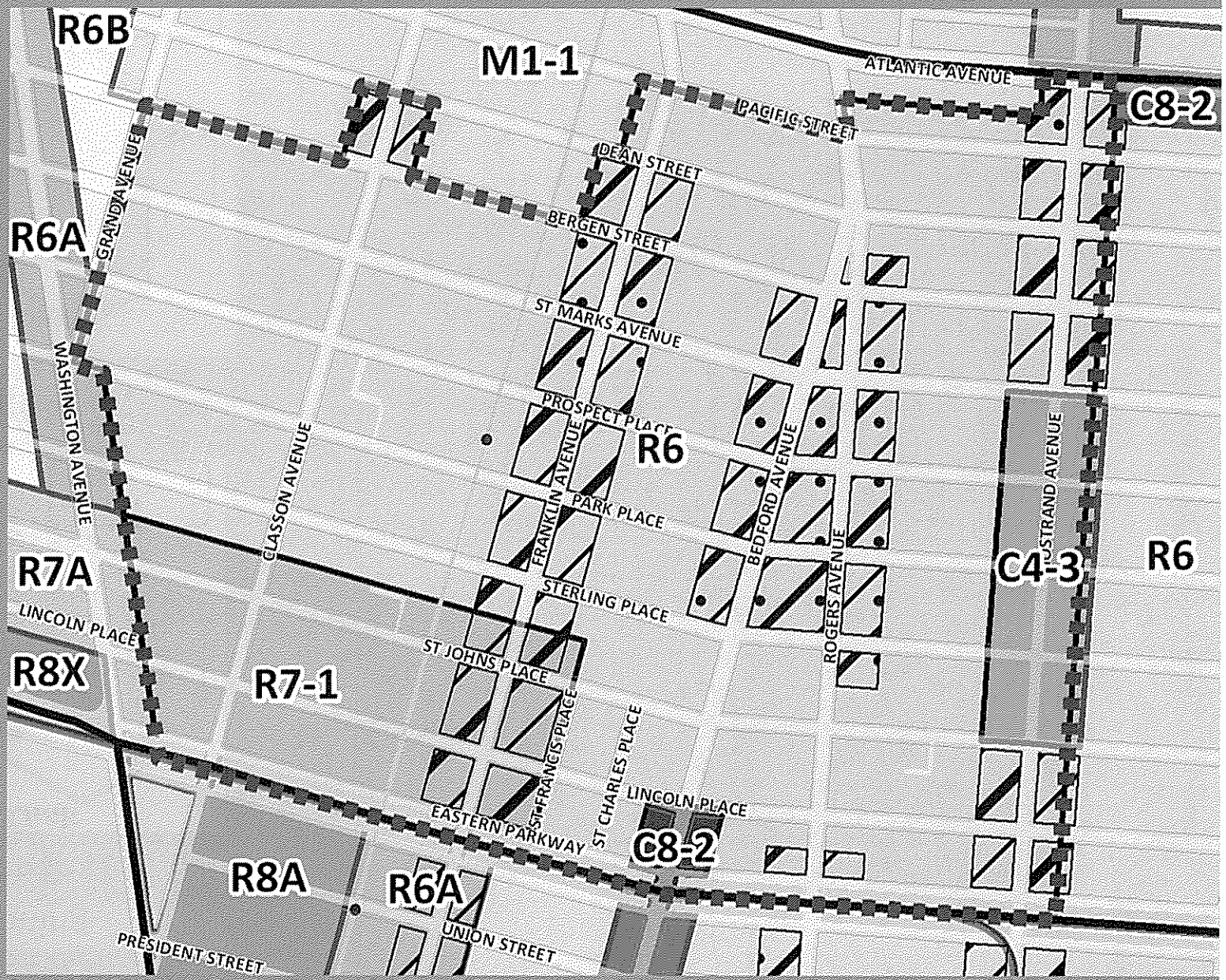
Crown Heights West Rezoning

Existing Zoning

Residential
- R6
- R7-1

Commercial
- C4-3
- C8-2

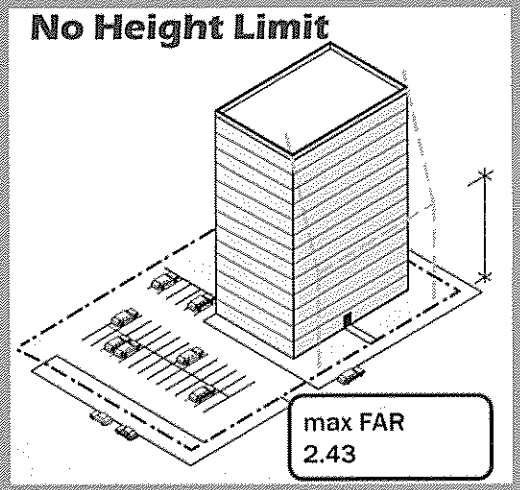
Commercial Overlays
- C1-3
- C2-3



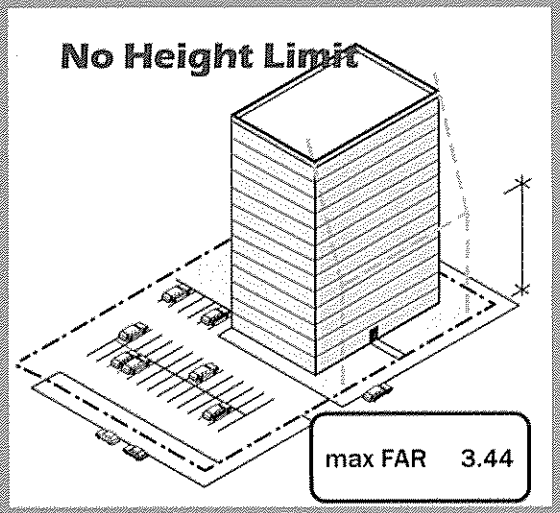
Overview of Proposed Zoning Districts

Existing Zoning

R6 Height Factor



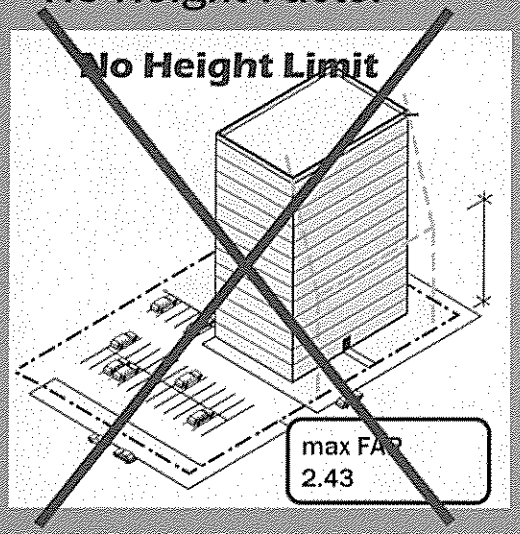
R7-1 Height Factor



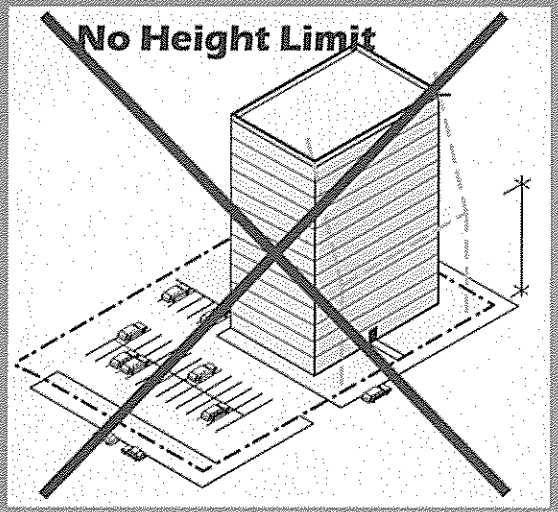
Overview of Proposed Zoning Districts

Existing Zoning

R6 Height Factor



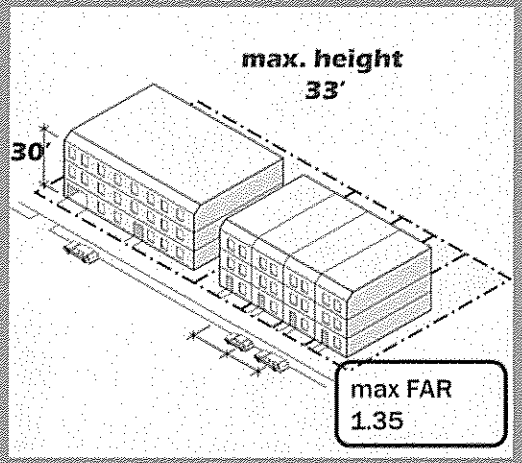
R7-1 Height Factor



Proposed Zoning

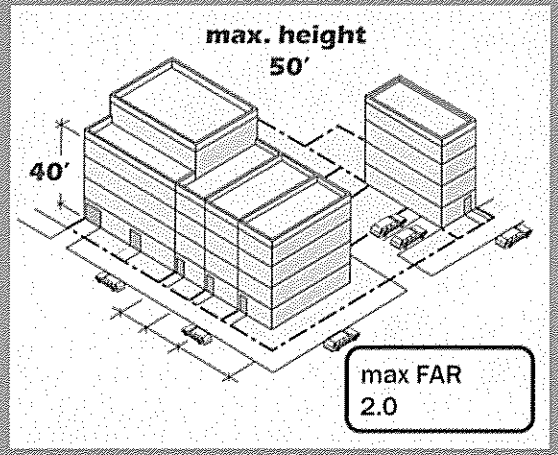
R5B

Proposed for low-scale rowhouse blocks



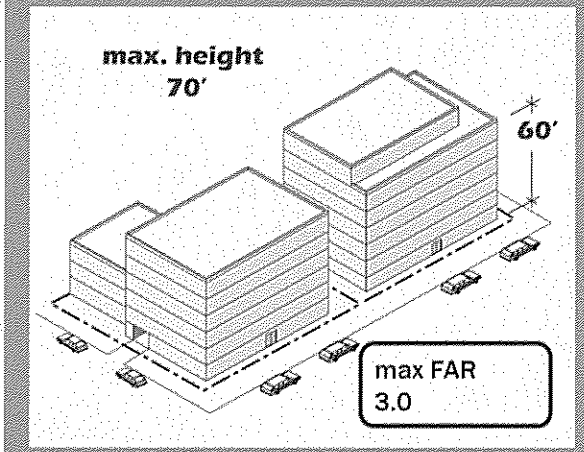
R6B

Proposed for rowhouse and apartment blocks



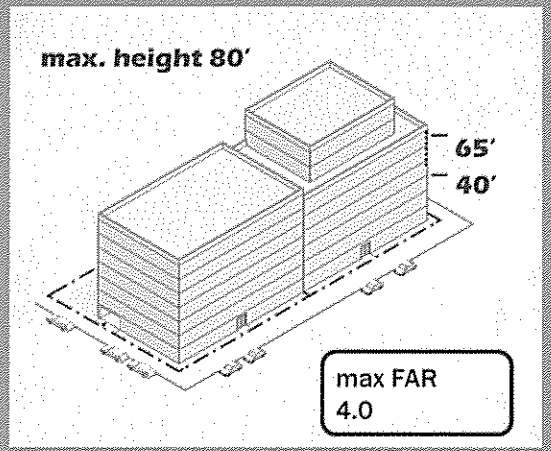
R6A

Proposed for denser areas, avenues and mixed-use blocks



R7A

Proposed for denser areas and avenues



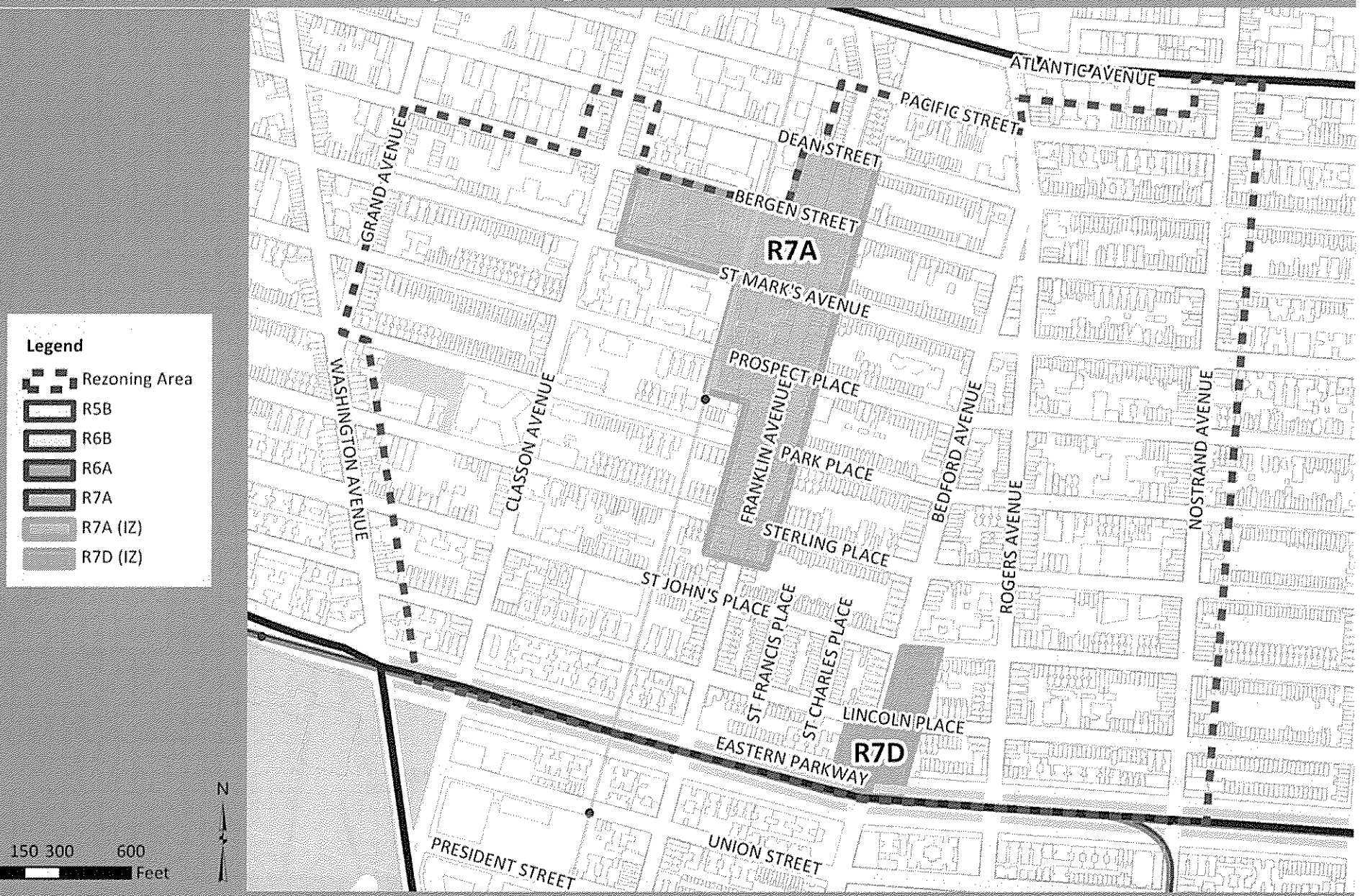
Proposed Zoning – Inclusionary Housing Program

Incentives for Affordable Housing

In exchange for 33% Floor Area bonus,

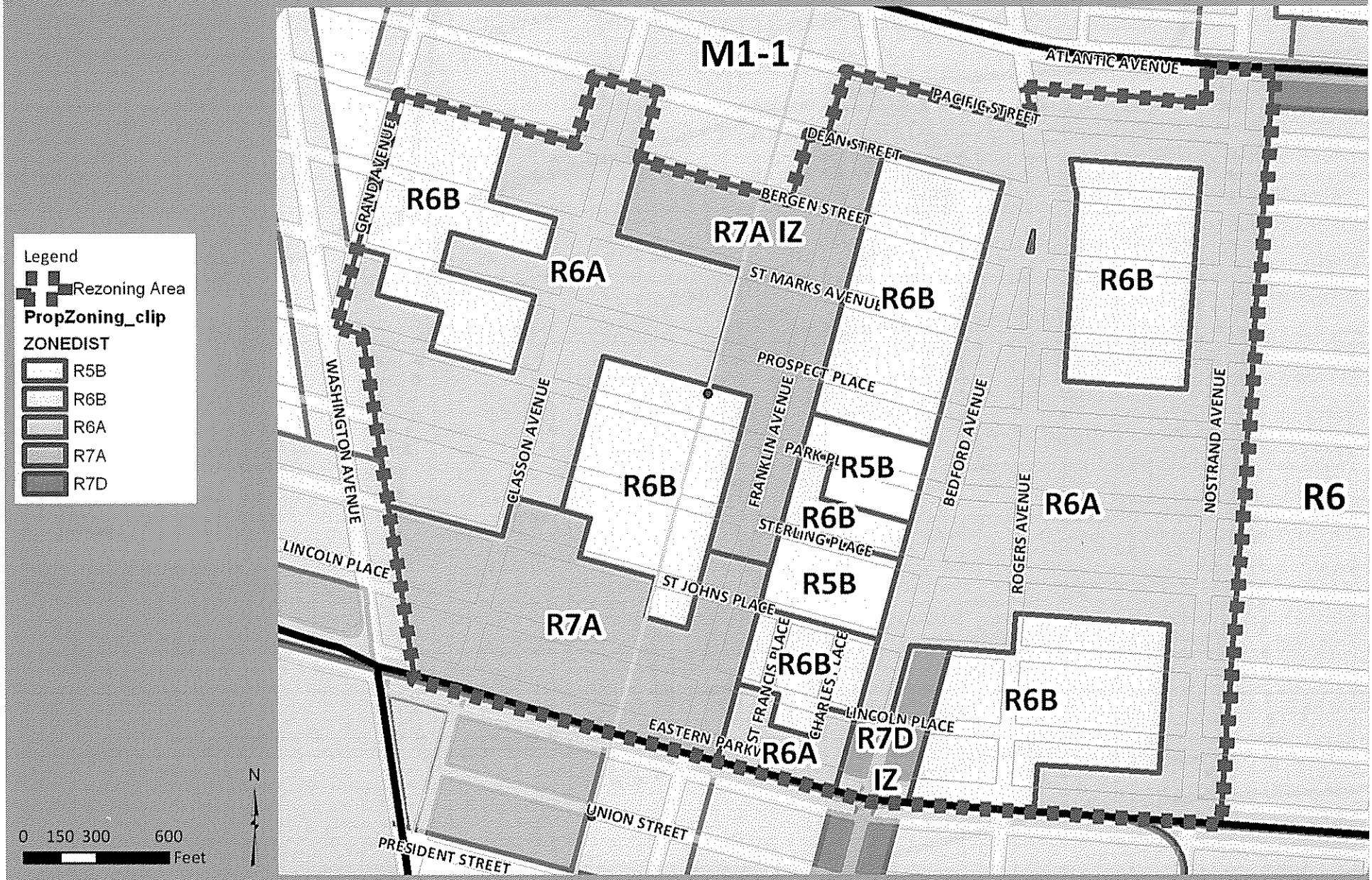
- 20% of the floor area must be set aside as affordable units
- Affordable to Households earning at or below 80% of the Area Median Income
- Units are permanently affordable

Inclusionary Housing Designated Areas



Crown Heights West Rezoning

Proposed Zoning

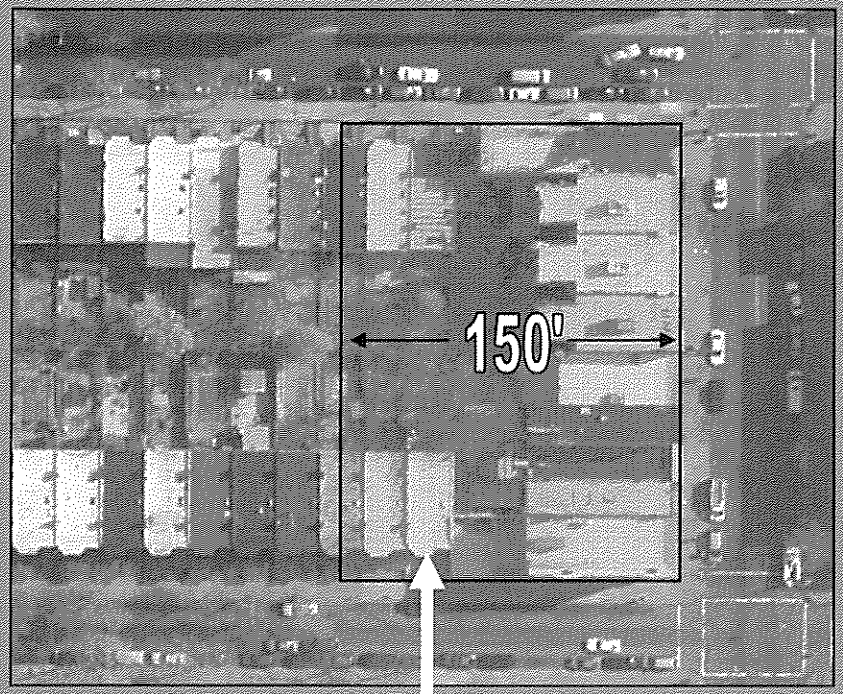


Crown Heights West Rezoning

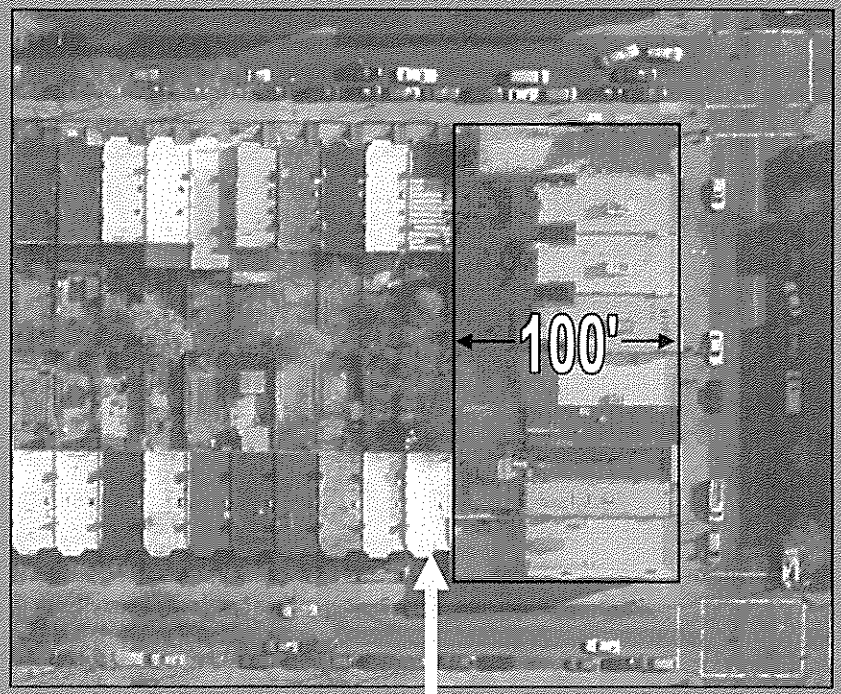
May 2013

Commercial Overlays

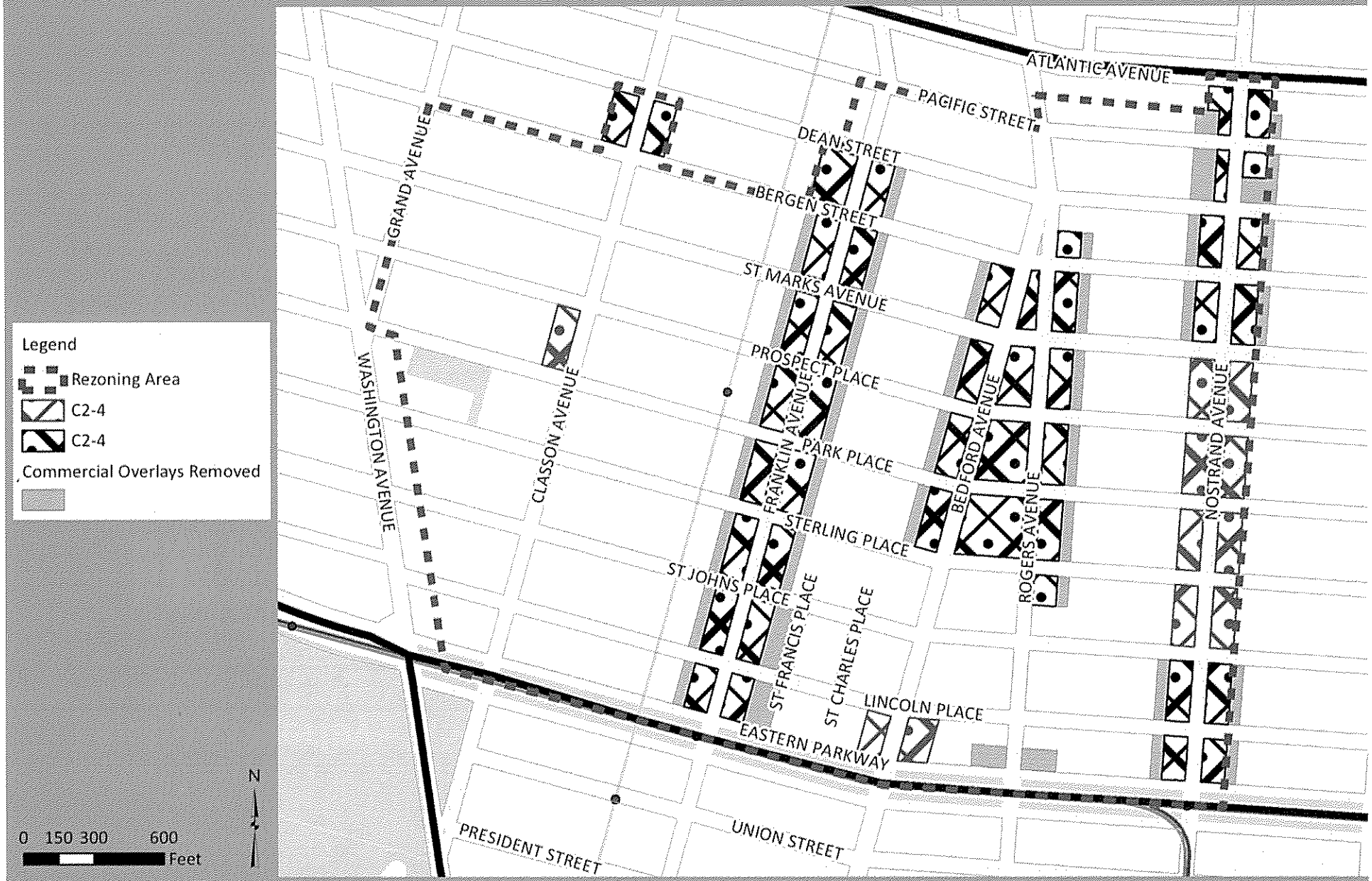
Existing Overlay – 150’ deep



Proposed Overlay –50’-100’ deep



Commercial Overlays



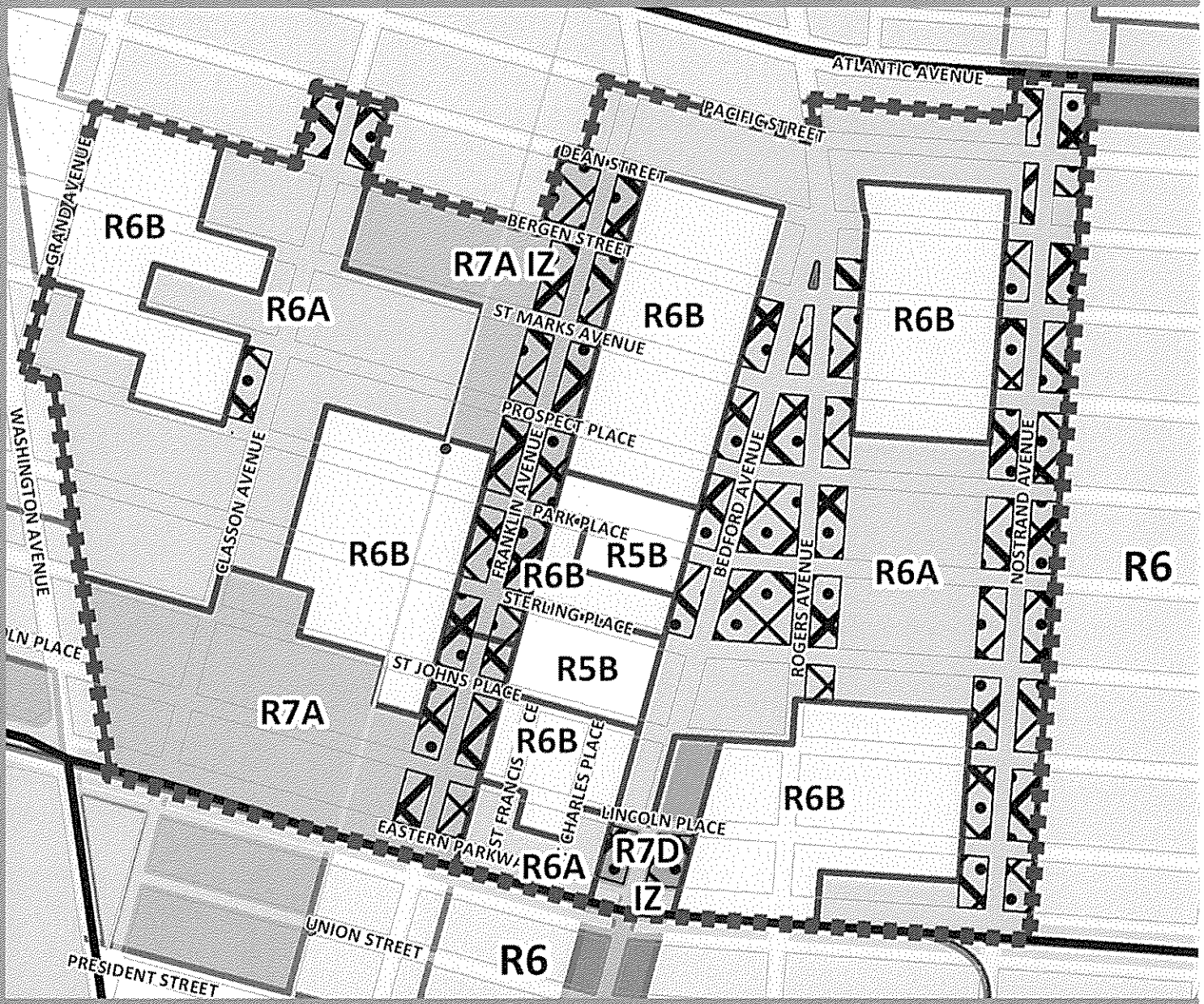
Crown Heights Rezoning

Study Goals and Rezoning Proposal

Protect the existing scale and character

Create incentives for affordable housing

Match zoning to better reflect the retail character



THE COUNCIL
THE CITY OF NEW YORK 885

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 9-16-2013

(PLEASE PRINT)

Name: CHARLES WASHINGTON

Address: 425 MAIN ST

I represent: MEMORIAL SLOAN KETTERING CANCER CTR

Address: 1275 YORK AVE NY NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0882 Res. No. _____

☒ in favor ☐ in opposition

Date: 9.16.13

(PLEASE PRINT)

Name: MS. SANMATI NAIK

Address: 116 Court St. BKLYN

I represent: NYC Dept. of City Planning

Address: 22 Reade St. NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0882 Res. No. _____

☒ in favor ☐ in opposition

Date: 9.16.13

(PLEASE PRINT)

Name: MS. PURNIMA KAPUR

Address: 116 Court St. BKLYN

I represent: NYC Dept. of City Planning

Address: 22 Reade St. NY

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0882 Res. No. _____

☒ in favor ☐ in opposition

Date: 9.16.13

(PLEASE PRINT)

Name: WINSTON K VON ENGEL

Address: 16 Court St. BKLYN

I represent: NYC Dept of City Planning

Address: 22 Reade St. NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card 885

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 9/16/13

(PLEASE PRINT)

Name: Albert Butzel

Address: 249 W 34th St NYC 10001

I represent: Residents for Reasonable Development

Address: Same

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card 885

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: David Foster

Address: 83 Hutton St, Rhinecliff, NY

I represent: Hunter College, Dept of Biology

Address: 695 Park Ave, NYC

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 885

☐ in favor ☑ in opposition

Date: 9/16/13

(PLEASE PRINT)

Name: Jill Eisner

Address: 444 E 75th St 17A

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 885

☐ in favor ☒ in opposition

Date: 9-16-13

(PLEASE PRINT)

Name: RITA POPPER

Address: 1751 2nd Ave.

I represent: RRD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Cheryl Jacobs

Address: 220 East 52nd St, NY, NY 10022

I represent: MSKH

Address: 1275 York Ave, N.Y, NY 10065

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885 Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Andrea Hershey

Address: 530 E. 76th St. N.Y.

I represent: RRD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card 885

I intend to appear and speak on Int. No. 885 Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: MITCHELL HERSHEY

Address: 530 E. 76th STREET APT 36CD

I represent: RRD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885 Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: Teri Slater N.Y. N.Y.

Address: 12 Henderson Place 10028

I represent: Defenders of the Historic U.E.S.

Address: PO Box 768 Lenox Hill Station N.Y. N.Y. 10021

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885 Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Carol Spiegelman

Address: 1385 York Ave

I represent: RD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885 Res. No. _____

☐ in favor ☒ in opposition

Date: 9/16/13

(PLEASE PRINT)

Name: MARCIA REESE

Address: 500 E 77 #831 NY 10162

I represent: MYSELF

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885 Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: BEN KALLOS, DEMOCRATIC NOMINEE FOR CITY COUNCIL

Address: 1520 YORK AVE, 21E

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

885

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 9-16-2013

(PLEASE PRINT)

Name: CAROL LIPSKY

Address: 1325 York Ave

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885 Res. No. _____

☐ in favor ☒ in opposition

Date: SEPT 16, 2013

(PLEASE PRINT)

Name: Ed Hartzog

Address: 300 E. 75th St.

I represent: RB

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 9/16/13

(PLEASE PRINT)

Name: Sarah Chu

Address: 509 E 77th St, #5C

I represent: Residents for Reasonable Development

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

885

I intend to appear and speak on Int. No. 885 Res. No. _____

☐ in favor ☒ in opposition

Date: 9-16-13

(PLEASE PRINT)

Name: ROBERT JACKMAN

Address: 530 E 76 ST NY 10021

I represent: RRD

Address: 530 E 76 ST NY 10021

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885 Res. No. _____

☐ in favor ☒ in opposition

Date: Sept 16, 2013

(PLEASE PRINT)

Name: MINA GREENSTEIN

Address: 1385 YORK AVE NYC 10021

I represent: RRD - Residents for Reasonable Dev

Address: 530 E 76 ST NYC

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885 Res. No. _____

☐ in favor ☑ in opposition

Date: 9/16/13

(PLEASE PRINT)

Name: [illegible] SACHAR

Address: 1355 [illegible] NYC 10021

I represent: RRD

Address: 1355 York Ave NYC (530 E 76)

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Andrew Cook

Address: 530 E. 76th St. St. #20H

I represent: Myself

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Ciccio Sidewalk Café

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: GIACOMO ROMANO

Address: 190 6th AVE STORE NY 10013

I represent: G CHEW LLC CICCIO

Address: 190 6th AVE NY 10013

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

885

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☑ in opposition

Date: _____

(PLEASE PRINT)

Name: ELIZABETH ASHBY

Address: 8 EAST 96TH ST, NYC 10128

I represent: DEFENDERS OF THE HISTORIC UPPER EAST SIDE, + THE HISTORIC NEIGHBORHOOD ENHANCEMENT ALLIANCE

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885 Res. No. _____

☐ in favor ☒ in opposition

Date: 9/16/13

(PLEASE PRINT)

Name: TERRY GRACE

Address: 530 E 76TH St Apt 23G NY 10021

I represent: Residents for Reasonable Development

Address: 530 E 76th St

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 885

☐ in favor ☒ in opposition

Date: Sept. 16, 2013

(PLEASE PRINT)

Name: Eileen Monaghan

Address: 520 East 72 St #5N NYC 10021

I represent: _____

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

885

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 9/16/13

(PLEASE PRINT)

Name: Sarah Chu

Address: 509 E 77th St, #5C

I represent: Residents for Reasonable Development

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 882 Res. No. _____

☐ in favor ☒ in opposition

Date: 9/16/2013

(PLEASE PRINT)

Name: Marissa Maharaj

Address: 1443 1st Brklyn NY 11215

I represent: Crown Heights Assembly

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 882 Res. No. _____

☐ in favor ☑ in opposition

Date: 9/16/13

(PLEASE PRINT)

Name: Elana Bilman

Address: 666 St Marks Ave, Brooklyn

I represent: Crown Heights Assembly

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 882 Res. No. _____

☐ in favor ☒ in opposition

Date: 9/16/13

(PLEASE PRINT)

Name: Gwen Tuld

Address: 866 Park Pl Bklyn NY

I represent: Crown Heights Assbly

Address: NA

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 4348 Res. No. _____

☒ in favor ☐ in opposition

Date: Sept. 16, 2013

(PLEASE PRINT)

Name: Dr. Donna M. Nickitas

Address: 425 East 25 St. N.Y. NY 10010

I represent: Hunter College, Hunter-Bellevue School of Nursing

Address:

Panel 3

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885-896 Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Donna Nickitas

Address: _____

I represent: Hunter College

Address: _____

Panel 3

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885-896 Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: David Foster

Address: _____

I represent: Hunter College

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Christina DeRose

Address: 110 William Street

I represent: NYCEDC

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885 Res. No. _____

☒ in favor ☐ in opposition

Date: 9/16/13

(PLEASE PRINT)

Name: Ashley Dennis

Address: 110 William Street

I represent: NYCEDC

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

CROWN HEIGHTS WEST *Date:* _____

(PLEASE PRINT)

Name: BENJAMIN NULCHIN

Address: 30 BROAD STREET

I represent: AHA

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ~~43-48~~ 885-890 Res. No. _____

☒ in favor ☐ in opposition

Date: 9-16-13

(PLEASE PRINT)

Name: Craig Thompson - President

Address: 1275 York Avenue, N.Y.C 10065

I represent: Memorial Sloan-Kettering

Address: SLALA

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885 - 890 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Iris Weinshall

Address: Vice Chancellor - CUNY

I represent: _____

Address: 885-890

THE COUNCIL
THE CITY OF NEW YORK

Panel 1

Appearance Card

I intend to appear and speak on Int. No. 885-890 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Jennifer Kabb

Address: _____

I represent: Hunter College

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 885-890 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Shelly Friedman

Address: Friedman + Gotbaum

I represent: MSK / CUNY / Hunter

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ~~43-48~~ 885-890 Res. No. _____

☒ in favor ☐ in opposition

Date: 9-16-13

(PLEASE PRINT)

Name: Paul Sabbatini

Address: 1275 York Avenue, NYC 10065

I represent: Memorial Sloan-Kettering

Address: s/a/a

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ~~43-48~~ 885-890 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Charles Washington

Address: 1275 York Ave, NYC 10065

I represent: Memorial Sloan-Kettering

Address: s/a/a

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card 885-890

I intend to appear and speak on Int. No. ~~43-48~~ Res. No. _____

☒ in favor ☐ in opposition

Date: 9-16-13

(PLEASE PRINT)

Name: Cheryl Jacobs

Address: 1275 York Ave, NYC 10065

I represent: Memorial Sloan-Kettering

Address: Sala

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. ~~885~~ 887 Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Anne Locke

Address: AKRF

I represent: MSK / CUNY / HUNTER

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card 885

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Charles M. Miller

Address: 340 E 64th St Apt 17L

I represent: ESNA

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

885

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: NAOMI PERLE

Address: 301 E 63rd NY NY

I represent: EJNA

Address:

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

885

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 9/16/13

(PLEASE PRINT)

Name: James A. Cincotta

Address: 301 E 64th St. #15D

I represent: Board President of Co-op

Address:

THE COUNCIL
THE CITY OF NEW YORK

CUNY/MSK

Appearance Card

885

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: 9/16/13

(PLEASE PRINT)

Name: Judy Schneider

Address: 340 E 64 St

I represent: ESNA

Address: 1173A 2nd Ave #110

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

CUNY MSK

Appearance Card

885

I intend to appear and speak on Int. No. _____ Res. No. _____

☑ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Barry Salvaggio

Address: 340 E 64 St

I represent: East Sixties Neighborhood Assoc

Address: 1173A 2nd Ave #110

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: Sept 16, 2013

(PLEASE PRINT)

Name: CHI K CHAN

Address: ~~AKRF~~ 440 PARK AVE S. 7TH FL NY, NY 10016

I represent: AKRF, environmental consultants for

Address: MSK/CUNY

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: SAM LEUNG

Address: 175 RIVINGTON ST.

I represent: G CHEN LLC / CICCIO

Address: 190 6TH AVE.

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition
with conditions

Date: Monday September 16th 2013

(PLEASE PRINT)

Name: Joseph Strong

Address: 30 river road

I represent: Benkallos

Address: _____

Please complete this card and return to the Sergeant-at-Arms