SPARC Kips Bay
425 East 25th Street (Manhattan Block 962, p/o Lot 100)

Special Permit Pursuant to ZR Section 74-171, "Laboratories"
Applicant's Statement of Findings

74-171
Laboratories

In #Residence Districts# and #Commercial Districts#, the City Planning Commission may permit laboratories listed under Use Group VII, not otherwise allowed by the underlying #use# regulations. In conjunction with such modifications the Commission may also permit modifications to the underlying #sign# regulations.

In order to grant such #use# modifications, the Commission shall find that such facility meets the applicable conditions of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c).

* * *

(b) Findings

In order to grant such permit, the Commission shall find that the laboratory:

(1) Will not unduly affect the essential character or impair the future use and development of the surrounding area;

The Bellevue Hospital Complex is located immediately north of the Development Site, occupying a superblock bounded by the demapped East 30th Street to the north, FDR Drive to the east, the demapped East 26th Street to the south, and First Avenue to the west. The entire campus includes seven buildings of various heights up to 18 stories and includes a fenced, landscaped courtyard at the corner of First Avenue and the former East 26th Street and Sobriety Garden at the eastern end of the former East 26th Street. Within that superblock, the OCME DNA Forensic Laboratory and the New York City Fire Department (FDNY) Kips Bay Emergency Medical Services (EMS) Battalion 8 are located directly across former East 26th Street from the middle portion of the Development Site. These facilities occupy an 18-story, 265-foot-tall building. In addition to OCME's lab space, the building includes OCME's administrative unit and evidence facilities. Approximately 18 ambulances are assigned to EMS Battalion 8. The Battalion stores some ambulances along former East 26th Street when they are not on active assignment. Ambulances do not generally respond to emergencies from the station. Ambulances are sent out to the field upon receipt of their daily assignment at the beginning of a shift and typically remain in the field for the entirety of their eight-hour shift, responding to calls from in-the-field locations. There is no parking at the EMS facility for personal vehicles.

The U.S. Department of Veterans Affairs New York Harbor Healthcare System's Manhattan campus (the U.S. Corbin VA Facility), located directly south of the Development Site, occupies a large portion of the superblock bounded by East 25th Street, the former Asser Levy Place, East 23rd Street, and First Avenue. The main building of the U.S. Corbin VA Facility includes over one million square feet and rises to 18 stories. The U.S. Corbin VA Facility recently constructed a 14-foot flood wall that extends around the site along the northern property line on East 25th Street, along the former Asser Levy Place on the site's eastern property line, and on the site's southern property line along East 23rd Street.

West of the Development Site, the NYU School of Dentistry occupies the block on the west side of First Avenue between East 23rd Street and East 26th Street. The New York City Department of Health and Mental Hygiene's (DOHMH) Public Health Laboratory Building is located on the northern side of East 26th Street and along First Avenue.

The surrounding area has also recently become known as the East Side Life Sciences Corridor and is already occupied by multiple scientific research and development facilities similar to what is proposed as part of the Proposed Development. The commercial wet lab space at the Alexandria Center for Life Science located at East 29th Street between First Avenue and FDR Drive is a state-of-the-art research and development campus that serves as the flagship location for New York City's expanding Life Sciences sector. While the Alexandria center is still being built-out, the existing buildings in the complex were developed in 2010. The Alexandria Center currently includes two buildings of approximately 584,000 gsf predominantly dedicated to wet lab space, or specific scientific research and development facilities focused on biological innovations. Phase I of the project included the two existing towers that were designed to foster cross-institutional collaboration and includes the option for a third building that could include up to approximately 330,000 gsf of additional Life Sciences space.

North of the Alexandria Center, the NYU Langone Medical Center, NYC School of Medicine, and the remainder of the Bellevue Hospital Center are also located along First Avenue. Immediately to the south of the Development Site is the U.S. Corbin VA Facility. Additional medical and research related uses are located along First Avenue's west side, include NYU Nursing, NYU College of Dentistry, and the New York City Department of Health and Mental Hygiene's (DOHMH) Public Health Laboratory, which is expected to be redeveloped to include approximately 443,680 zsf of new, modern commercial Life Sciences space including anchor space for NYC Grossman School of Medicine. East of the Development Site is primarily residential development within Waterside Plaza. However, the Waterside Plaza development is separated from the Development Site (and the other adjacent institutional uses) by FDR Drive and its associated service roads.

The facilities would also be a part of a larger program of commercial and/or community facility uses appropriate for the neighborhood. It is expected that the Proposed Development would provide up to approximately 10,120 ZSF of ground floor retail (Use Group VI) and approximately 843,605 ZSF of community facilities (Use Group III(B)) space for the CUNY Hunter College programs, CUNY Graduate School of Public Health & Health Policy, Borough of Manhattan Community College (BMCC) health care programs, CUNY Research Labs, and NYC Public School focused on sciences and health care professions. The retail and community facility uses would serve the surrounding community and would enhance the surrounding uses, including the Asser Levy Playground, by better activating the pedestrian experience on the surrounding streets.

In view of the foregoing, the use of a portion of the Development Site as laboratory facilities would not alter the essential character of, or impair the future use and development of, the surrounding area.

(2) will be located so as to draw a minimum of vehicular traffic to and through local #streets#;

East 25th Street is the only mapped local street proximate to the Development Site. No direct vehicular access to the proposed laboratory facilities from East 25th Street is anticipated. Vehicular access to any

building on the Western Parcel is anticipated to occur from a proposed interior private access road that would span between East 26th Street and East 25th Street. The rezoning would allow for as-of-right accessory parking, but it is anticipated that the majority of the traffic would be from service and delivery vehicles.

Drop-off locations would be provided along the interior private access road for H+H ambulatory vehicles, as well as for passenger drop-offs and pick-ups for both H+H and OCME vehicles. A separate drive-through sally port within the building would also be provided for OCME. Drop-off locations for school buses would be provided along East 25th Street.

All loading berths for the Proposed Development would be located off-street within the buildings and would conform to or exceed the requirements set forth in Section 36-62 (Required Accessory Off-Street Loading Berths) for #commercial uses#; however, the exact number of loading berths is not known at this time and will be further refined as the design of the Proposed Development advances. All berths would be provided at the basement level with access from the ground level via either a ramp or truck elevators. H+H, Life Science, and OCME would all share one loading area on the Western Parcel, while CUNY and NYC Public Schools would each have their own loading area on the Eastern Parcel. Should one of the parcels be disposed of to a developer for any commercial structure, the provision of Required Off-Street Loading Berths would be contractually obligated. Vehicles entering the Western Parcel via the interior private access road are anticipated to do so from either East 25th Street or the widened and converted two-way East 26th Street. In accordance with similar commercial and community facility uses, the majority of trucks expected to access the Western Parcel would be smaller, "box-sized" delivery trucks. Chemical and fuel tanks would be delivered by the occasional larger truck and would follow NYC rules for truck sizing and routing. A conceptual loading scheme has been carefully crafted so as to avoid any impact on the character of the surrounding area.

While no parking is required by zoning for this facility and no discretionary parking approvals are being sought for the Development Site, parking garages for OCME and CUNY vehicles would be provided at the basement level of the Western and Eastern Parcels, respectively, and accessed from the ground level via a ramp. The garage for OCME would be self-parking for their various specialty vehicles. It is anticipated that the garage for CUNY vehicles would also be a self-park facility.[1] However, it is expected that most workers and visitors would not drive to the site given the many transit options available. The Draft Environmental Impact Statement (DEIS) analyzed the potential traffic impacts generated by the development on the Western Parcel as well as the full Development Site. Current traffic conditions were studied in the DEIS in order to predict impacts to projected future traffic conditions from the Proposed Development. A total of 23 intersections were analyzed in detail and were assessed specifically for traffic impacts in the surrounding area. Of the 23 intersections, a total of 18 intersections would potentially have delays that would be characterized as traffic impacts during at least one of the traffic analysis peak hours. Specifically, the Proposed Development would result in significant adverse traffic impacts at 15 intersections during the AM peak hour, 13 intersections during the midday peak hour, and eight intersections during the PM peak hour. Some intersections could potentially be fully mitigated via signal timing modifications; these measures are subjected to NYCDOT's review which would be coordinated between the DEIS and FEIS and for the purpose of the DEIS analysis are assumed to be unmitigated. Signal timing modifications could potentially

[1] Both garages would include a combined 225 below-grade parking spaces; however, the exact size and number of parking spaces for each parking garage is not known at this time and will be further refined as design of the Proposed Development advances.

provide full mitigation for one of the 15 significantly impacted intersections in the AM peak hour and one of the eight significantly impacted intersections in the PM peak hour; however, all impacts are assumed to not be mitigated in the DEIS until NYCDOT's review and approval of these measures. Overall congestion in the surrounding area would remain at typical Manhattan levels.

It is expected the vast majority of vehicle traffic would use the major east-west cross-town roadways, the north-south avenue arterials or FDR Drive to travel to and from the site, and there would be limited vehicle traffic through local streets as a result of the facility.

(3) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage;

The facilities would comply with all regulations regarding storage space. Should this parcel be disposed of to a developer for any commercial structure containing laboratories for medical, biotechnological, chemical or genetic research, the following would be contractually stipulated:

- All storage areas would be located within the building structure and would be fully screened.
- Separate rooms would be provided for raw materials, finished products, and waste materials.
- Hazardous materials would be stored separately in accordance with all applicable codes and regulations.
- Tenants would be required to comply with all applicable regulations and guidelines for the uses and disposal of hazardous materials.
- Leases would include provisions requiring tenants intending to use hazardous materials to present all appropriate permits and licenses before any deliveries of these materials can be received.
- Failure by any commercial tenant to comply with any regulatory requirements concerning use, storage, or disposal of hazardous materials would be considered a default under the leases, which would contain appropriate remedies, including eviction.

(4) With regard to #sign# modifications:

i. The modifications are consistent with the amount and location of signage for other laboratories and are appropriate on the #zoning lot#;

The Proposed Development does not propose any modifications to the amount or location of signage associated with the proposed laboratory facilities and will comply with the underlying signage regulations in the proposed C6-4 district.

ii. #illuminated signs#, if provided, utilize an illumination type, and are located and oriented in a manner so as to minimize any negative effects on nearby residences; and do not alter the essential character of the adjacent area

The Proposed Development does not propose any modifications to signage beyond the requirements under the proposed C6-4 district, and thus the proposed laboratory facilities will comply with the underlying signage regulations for C6-4 districts.