Appendix D: Letters in Response to the DEIS

ALEXANDRIA.

Daniel Garodnick, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Hilary Semel, Director and General Counsel
Mayor's Office of Environmental Coordination
100 Gold Street, 2nd Floor
New York, NY 10038

November 6, 2024

RE: SPARC Kips Bay
Borough of Manhattan, Community District 6, Council District 4
ULURP Numbers: C240370ZSM; C240390ZSM; C240369ZMM; C240309MMM; C240391PQM; C240372PPM; and N240371ZRM
CEQR Number: 23DME013M

Alexandria Real Estate Equities, Inc. ("Alexandria") submits this letter to the New York City Planning Commission ("CPC") and the New York City Mayor's Office of Environmental Coordination ("MOEC") to raise questions and concerns about the New York City Economic Development Corporation's ("EDC") proposed SPARC Kips Bay project ("SPARC"), specifically, the proposed special permit for laboratory use pursuant to Zoning Resolution ("ZR") Section 74-171 even though the use is permitted as-of-right, thus making the special permit unnecessary and, as stated below, a potential impairment to flexibility for future needs at the SPARC site.. This letter also identifies a number of technical defects within the certified land use applications for the CPC's consideration. Further, this letter provides comments on the disclosures in the Draft Environmental Impact Statement ("DEIS") regarding SPARC's integration with the Kips Bay Coastal Resiliency ("KBCR") project, as well as additional comments on the DEIS.

Over the past two decades, Alexandria has been at the vanguard of founding and growing the New York City commercial life science ecosystem, which did not meaningfully exist prior to our efforts. We have invested over $1.5 billion to build, nurture, accelerate, and grow a vibrant commercial life science cluster in New York City. Today, we are the trusted partner to over 50 New York City life science tenants, 60 direct company investments and hundreds of local life science stakeholders, including company leaders, entrepreneurs, investors, academic leaders, innovators and scientific investigators. Generally, Alexandria is supportive of efforts to grow the pool of good scientific talent in New York City, and to encourage local institutions to

commercialize novel research with the potential to make a positive and lasting impact on the world. However, Alexandria has major concerns with the laboratory use special permit being sought for SPARC. The special permit is unnecessary and will limit the flexibility of the site without any certainty that there will be enough demand for 1,000,000 square feet of new laboratory space.

LABORATORY USE SPECIAL PERMIT COMMENTS

1. ***The special permit for the laboratory use is not necessary because the use is already allowed as-of-right.***

Non-production laboratory use is currently as-of-right in most Commercial zoning districts but production laboratories require a special permit because they are essentially a Manufacturing use. In 2016 EDC, the Department of Buildings (DOB), and the Department of City Planning (DCP) issued a memo (the "2016 Memo") creating a distinction between non-production and production laboratory uses. The 2016 Memo clarified that all research and development, i.e., non-production functions, are allowed as-of-right in Commercial zoning districts. The 2016 Memo established that a special permit pursuant to then-ZR Section 74-48 was needed only for functions that are primarily for the production, storage, and distribution of pharmaceutical or scientific products available for sale, or be located in a Manufacturing zoning district. The recently-approved City of Yes for Economic Opportunity text amendment sought integrate the framework of the 2016 Memo into the Zoning Resolution. Now laboratories are allowed as-of-right in most Commercial zoning districts provided that the use complies with the New York City Building Code requirements for "non-production laboratories" regarding the storage and handling of chemicals and gases. In Commercial zoning districts, where the proposed laboratory functions exceed the Building Code thresholds for non-production laboratories, a special permit pursuant to Zoning Resolution Section 74-171 may be sought (which imports the same conditions and findings as former Section 74-48).

Despite the City's efforts to simplify and modernize zoning rules for laboratories, SPARC is seeking a special permit to allow production laboratory use: the practical implication of which is that special permit would facilitate up to 1,000,000 square feet of production use where there is no real need for it. New York City is an early-stage market focused on research and development; manufacturing functions have very specialized design requirements and are reserved for suburban markets such as New Jersey and Long Island where easy access to freight distribution and transportation networks is critical, and where production functions can occur on a single level. The SPARC master plan seeks to facilitate wet labs and translational research and development facilities; the as-of-right laboratory use, as informed by the 2016 Memo and

regulated by the Building Code limitations, already allows both research and testing functions. **The special permit to facilitate full-scale production functions is simply not needed.**

Further, the City's application for a laboratory use special permit does not provide any discussion of the production functions that would be facilitated. Absent a description of the functions that the CPC is being asked to approve, the CPC has not been provided with enough information to determine that the proposed use would satisfy the requisite findings. Absent a proper analysis of the findings, the CPC does not have a basis on which to grant the special permit today; in the future, should any laboratory user require a special permit, the CPC can review those proposals on a case-by-case basis.

2. ***The special permit would deprive the City of any flexibility for the SPARC site should there not be a need for 1,000,000 square feet of laboratory space.***

The laboratory use special permit, if approved, would eliminate the *possibility* of accommodating housing on the SPARC site should the demand for some or all of the proposed 1,000,000 square feet or laboratory space not materialize. As you know, a condition of the laboratory use special permit is that residential use may not be located on the same zoning lot as a proposed laboratory facility (see condition (a)(2) of ZR Section 74-171). As such, if and when the first laboratory building is constructed and is occupied by any special permit use, the ability to provide any housing on the entire 4.75-acre zoning lot, let alone a portion thereof, would be lost. According to reports from national brokerage firms, New York City has nearly three million square feet of life science inventory and the vacancy rate has been near or in excess of 30% since Q2 2022. Currently, it is unclear what the long-term trajectory of life science demand will be, and especially in 2031 when the laboratory buildings at SPARC are planned to be completed. In contrast, by many reports, there is a need to deliver 500,000 new homes by 2032 to address the housing crisis in New York City. Absent this special permit, future uses of the zoning lot would be flexible and could accommodate the actual state of the market in 2031, including provided much needed housing if the laboratory market remains as it is now.

ADDITIONAL LAND USE COMMENTS

In addition to the laboratory use special permit concerns raised in this letter, we have identified the following technical defects with the land use applications for the CPC's consideration.

Laboratory Use Special Permit

1. *Building B2 is represented as a 22-story building throughout the land use materials, but the application for a use special permit inaccurately requests floor area for a 26-story building.*

The floor area schedule on Drawing Z-003 indicates that Building B2 would contain 26 stories of floor area, but elsewhere throughout the land use application and DEIS the building is represented as containing only 22 stories. It is apparent on Drawing Z-201 that increasing the height of Building B2 above 22 stories would penetrate the sky exposure plane and require a bulk waiver, which is not being requested. Four-floors' worth of floor area (88,320 ZSF) must be removed from the requested laboratory use special permit to be consistent with the EIS and approvals being sought.

2. *Retail floor area is incorrectly included in the requested special permit floor area.*

The floor area schedule on Drawing Z-003 incorrectly includes retail floor area in the total laboratory floor area being requested for each building. 5,060 ZSF must be removed from the requested laboratory area for Building B1 and 2,760 ZSF must be removed from the requested laboratory area for Building B2.

Laboratory Bulk Permit

3. *The application incorrectly seeks a laboratory bulk waiver for a portion of Building B1 that is not occupied by laboratory use.*

The proposed laboratory bulk special permit seeks a bulk waiver for portions of the lower 100 feet of Building B1, yet those areas of encroachment are not proposed to be occupied by any laboratory use. ZR Section 74-901 states that the CPC may permit modifications to bulk regulations "in conjunction with a laboratory listed under Use Group VII," yet the portions of the base of Building B1 that are seeking a modification of bulk regulations contain Use Group IIIB community facility use. A review of the zoning text amendment that created the original special permit (N 030228 ZRY) reveals that the intent was for the bulk special permit to enable laboratory buildings with consistent, regular floor plates as the building rises. Building B1's base must be updated to eliminate encroachments into the required setback areas as long as they are not occupied by laboratory use.

4. *The CPC has not been provided with enough information to determine that the proposed bulk waivers would meet the required findings for the CPC to grant the requested special permit.*

The neighborhood character diagrams provided in support of the CPC's findings for the bulk special permit are incomplete and do not show the actual extent of waiver being requested, and instead show an illustrative building design. The illustrative design shows, for Building B1, a setback above the base on East 25th Street but the application seeks approval of a sheer condition there. Consistent with the Borough Based Jails applications where the City sought approval for

flexible zoning envelopes, the neighborhood character diagrams should be updated to disclose the actual envelope that the CPC is being asked to approve.

Further, the Statement of Findings is incomplete and does not provide any discussion as to how and why an approximately 500-foot tall building at First Avenue would satisfy the finding that Building B1 "will not unduly affect the essential character [...] of the surrounding area" despite the neighborhood character diagrams showing that most buildings along First Avenue range from approximately 150 feet tall to 300 feet tall.

Given the absence of this basic information, the CPC should consider establishing design controls and/or requiring a follow up design approval process if and when EDC selects a developer for SPARC, should it look to approve this waiver request.

5. *The zoning analysis for the non-laboratory elements of the project is incorrect and incomplete.*

At the southeast corner of the zoning lot the depth of the open area is reduced to less than 10 feet; the failure to provide at least 10 feet of open area for the full length of the eastern and southern frontages of Building A means that the alternate front setback regulations of ZR Section 33-442 and the more permissive sky exposure plane of 7.6 to 1 cannot be applied. The application materials should be updated to demonstrate compliance with the more restrictive 5.6 to 1 sky exposure plane (as required by ZR Section 33-432).

Additionally, the project is electing to begin measurement of building height from the design flood elevation, but the application does not include any analysis of the streetscape regulations of ZR Section 64-50 that must be satisfied when the design flood elevation is used instead of average curb level (see paragraph (b) of ZR Section 64-12). The application materials should be updated to demonstrate compliance with the streetscape regulations of ZR Section 64-50.

KIPS BAY COASTAL RESILIENCY (KBCR) COMMENTS

As the CPC is well aware of, the KBCR project is a proposed flood wall extending from East 30th Street to East 25th Street that is intended to provide long-term flood protection for Bellevue Hospital. The flood wall would uniquely integrate into the flood walls of the future ACLS North Tower (the contractual option for which Alexandria has exercised) and SPARC buildings at the northern and southern ends of the KBCR, respectively.

According to the KBCR design criteria issued by EDC and HHC's engineer to Alexandria, the Design Flood Elevation (DFE) was established at +19 feet NAVD88 in 2020 (possibly earlier) and remains unchanged; at the eastern end of each site, the DFE is approximately eleven (11)

feet above sidewalk level at the North Tower and approximately twelve (12) feet above sidewalk level at SPARC. Additionally, the design criteria issued by the engineer establishes structural design requirements that exceed those of the NYC Building Code and seek to align with FEMA standards for levee systems. The EDC and HHC intend to have the KBCR accredited by FEMA and the protected area removed from the FEMA flood hazard map, and has informed Alexandria that protecting the hospital and achieving FEMA accreditation are of equal importance. Further, according to EDC and HHC's engineer, the KBCR would connect the SPARC flood walls to the VA Hospital's flood wall to the south via a flood gate across East 25th Street, or, alternatively, extend the SPARC flood walls west along East 25th Street and north along First Avenue.

As further described below, the DEIS is inconsistent with, and at times contradicts, KBCR design criteria.

1. *The project does not meet the basic design requirements of the KBCR, and the DEIS should have analyzed the effects a reduced level of flood protection could have on the surrounding area.*

The DEIS states that SPARC would be designed to a DFE of +16.5 feet and would be designed to the less prescriptive flood proofing requirements of the NYC Building Code; these two elements alone, aside from being totally inconsistent with what is being required for the North Tower, would fail to satisfy the most basic KBCR design requirements and would prevent the KBCR from achieving FEMA accreditation, to the point that it is incorrect to say that SPARC, as it is represented in the DEIS, is part of the KBCR. The DEIS even goes on to suggest that there is the possibility of no tie-in to the KBCR; the latest information presented to Alexandria does not consider a scenario without a SPARC tie-in, so, absent a SPARC tie-in there is no KBCR project. It is doubtful that the EDC and HHC would give up over $350M in FEMA grant money that is earmarked for the KBCR project, and cancel all plans for the long term flood resiliency of the hospital, so the alternative of "no KBCR" is seemingly not a realistic option.

Alexandria is beyond frustrated that EDC and HHC have delayed the North Tower project by repeatedly moving the goal posts of the KBCR criteria, yet is advancing the SPARC project without any consideration of its own KBCR criteria. As a technical matter, since the EDC and HHC (1) are aware of their own heightened KBCR criteria, and (2) have disclosed (through the DEIS) the possibility that there might not be a KBCR project, the Final EIS ("FEIS") should analyze the potential effects to the larger Bellevue superblock (the area to-be-protected by the KBCR project) of: (a) scenarios with and without a tie-in to the KBCR, and; (b) scenarios where SPARC is designed to (i) the lower DFE of +16.5 feet and less prescriptive Building Code standards and (ii) the KBCR-required DFE of +19 feet and heightened KBCR design standards.

2. *The DEIS should have analyzed the effects of the flood gate across East 25th Street, or the alternative of flood walls along East 25th Street.*

The DEIS notes that, in addition to the KBCR tie-in, that the SPARC flood walls would connect to the existing flood walls at the VA Hospital to the south. This is consistent with the KBCR design alternatives presented by the City's engineer in its March 2024 Schematic Geometric Design report issued to Alexandria on April 15, 2024, which explores either connecting to the existing VA flood wall via a flood gate across East 25th Street or, in the alternative, a continuation of the flood walls west along East 25th Street and north along First Avenue. The DEIS, however, fails to study the traffic impacts associated with regular testing of that flood gate across East 25th Street, which could be as frequent as four times a year according to information presented by the City's engineer to Alexandria. If a flood gate is not being pursued, or to conservatively study the alternative of no gate, then the FEIS should study the urban design impact of flood walls along East 25th Street as tall as twelve feet above sidewalk level. Further, the City's engineer notes in its study of design alternatives[1] that absent a gate crossing, "25th Street may be a conduit for surge to enter if storms cause flooding above the base flood elevation (BFE)." The flooding impacts caused by the absence of a gate across East 25th Street should also be analyzed in the FEIS.

3. *The DEIS should have analyzed the potential impacts caused by 36 months of overlap between the SPARC and KBCR projects.*

The DEIS states that the timing for the KBCR project is unknown, yet the City's engineer informed Alexandria (in a letter dated May 29, 2024) that it expects construction to occur from Q2 2027 through Q2 2030. According to the DEIS, SPARC construction activities are expected to occur from Q4 2025 through Q4 2031. Given that the City is aware of the timing of its own KBCR project, but failed to disclose it in the DEIS, the FEIS should be updated to analyze the effects of 36 months of overlap between the SPARC and KBCR projects.

4. *It should be confirmed that the DEIS used the same stormwater assumptions being used for the KBCR project.*

It is unclear and not disclosed if the DEIS Water and Sewer Infrastructure chapter is using the same assumptions as the KBCR project, which collected updated sewer flow data for the sewers in East 29th and 26th Streets, performed soil testing / subsurface investigations, and performed its own coastal and stormwater modelling. We note that the KBCR project is introducing elements that could affect the flow of stormwater (including, but not limited to: permanent seepage cutoff

[1] Appendix N of Schematic Geometric Design report issued to Alexandria on April 15, 2024.

walls, a pump station, hydraulic connections, and isolation gates that would activate during flood events).

ADDITIONAL DEIS COMMENTS

In addition to the KBCR concerns raised in this letter, we have identified the following technical defects with the DEIS.

Shadows

1. *The shadows assessment inaccurately represents the configuration of the ACLS open space and does not include the future ACLS North Tower open spaces.*

There are portions of the existing ACLS open space to the south and east of the ACLS East Tower that were not accounted for in the shadows assessment. The assessment should be updated in the FEIS to reflect the correct configuration of the ACLS open space.

The ACLS North Tower is a No-Action project that, according to the DEIS, is expected to be completed by 2029, and prior to the completion of SPARC. The City is aware that new open spaces are required to be provided, and would be created to the west and east of the future North Tower. The shadows assessment should have included the ACLS North Tower open spaces in the detailed assessment, and should be added to the FEIS assessment. Oddly, it appears that the North Tower was considered a No-Action project in every other chapter except for the Shadows chapter.

We disagree with the DEIS's conclusion that the incremental shadows caused by SPARC on the December 21 analysis day would not affect the public's enjoyment of the open space on the basis that "most of the plaza would already be in shadow." On the December 21 analysis day, incremental shadows from SPARC would result in a complete loss of sunlight on the ACLS open space for a duration of 28 minutes from 12:50 PM to 1:18 PM when open space utilization from workers of nearby buildings would be highest. In total, the ACLS open space would experience 1 hour and 5 minutes of incremental shadow coverage from SPARC. The assessment of potential impacts to the ACLS open space does not accurately describe the types and locations of existing sunlight sensitive resources within the open space, including the many benches and picnic tables located to the south and east of the East 29th Street cul-de-sac. Pursuant to the CEQR Technical Manual, even during the winter, incremental shadows have the potential to result in significant adverse impacts to these sunlight-sensitive features, especially passive amenities such as benches and picnic tables. A complete loss of sunlight on the ACLS open space, including all seating areas and picnic tables, for 28 minutes when open space utilization is highest represents a significant adverse impact and should be disclosed in the DEIS. We ask that the Lead Agency

reconsider its determination that there is no significant adverse impact caused by incremental shadows.

The latest Technical Memorandum 001 (dated October 4, 2024) concludes that the proposed change to the Building A massing would increase the incremental shadow duration on the ACLS open space identified in the DEIS on the December 21 analysis day from 1 hour and 5 minutes to 1 hour and 17 minutes (18.5% increase). The amount of time that the ACLS open space would be completely cast in shadow would also increase, from 28 minutes to 40 minutes (42.9% increase). Similar to the DEIS, the shadows assessment in Technical Memorandum 001 does not accurately describe the types and locations of existing sunlight sensitive resources within the open space that would be affected by increases to incremental shadow coverage and duration. Pursuant to CEQR Technical Manual guidance, a complete loss of sunlight on the ACLS open space, including all seating areas and picnic tables, for 40 minutes when open space utilization is highest represents a significant adverse impact and should be disclosed in the Tech Memo. We ask that the Lead Agency reconsider its determination that there is no significant adverse impact caused by incremental shadows.

Socioeconomic Conditions

2. *An analysis of the potential for SPARC to introduce adverse impacts on the life science industry should be performed.*

An August 9, 2024 report from CBRE found that in Q2 2024, New York City had nearly three million square feet of life science inventory, the vacancy rate was 31.3%, and that there was no leasing activity in the first quarter of the year. A 2024 mid-year report from Newmark put vacancy at 41.1%. At the rate of 2023 leasing in the CBRE report, the existing inventory would take over eight years to fully lease, and with more planned and approved life science projects absorption could take longer. Given the high level of vacancy, low levels of leasing activity, and additional planned inventory, the FEIS should include a more robust analysis of potential adverse impacts on the life science industry that SPARC could introduce. The analysis should consider the expected life science inventory in 2031 (the Build Year) based on known/planned/approved projects and the potential impact an additional one million square feet at SPARC could have on the industry.

We note that the DEIS used a circular argument to avoid having to conduct an "adverse effects on specific industries" analysis: "Because the Proposed Project is not expected to adversely affect the economic and operational conditions of any specific industries in the City, an analysis of adverse effects on specific industries is not warranted." Given the recent reports on continued

life science vacancy and limited leasing activity (reported after the scoping meeting and after the publishing of the DEIS), we believe that the analysis is now warranted.

3. *It should be clarified why a direct residential displacement analysis was not warranted despite the elimination of 711 dormitory beds on the project site.*

Despite the project's elimination of the Hunter School of Nursing dormitories, the Socioeconomics analysis determined that no residential displacement analysis is warranted on the technicality that dormitories are categorized as Use Group III community facilities with sleeping accommodations rather than Use Group II residential use. It is indisputable that student dormitories provide affordable housing for students. As such, the DEIS should have performed an analysis of the direct displacement of the existing dormitory because it has a comparable practical effect to residential displacement. The DEIS also states that the existing dormitory will be relocated off-site at a location yet to be determined (since the publishing of the DEIS, CUNY announced that it would be locating 648 of the Brookdale beds to a dormitory at 569 Lexington Avenue, a 63-bed deficiency). It is not clear why a determination of no impact is appropriate when the siting of a new dormitory is outside the scope of the land use actions.

Urban Design and Visual Resources

4. *The DEIS fails to provide the requisite wind condition analysis along the sheer East 25th Street façade of Building B1.*

According to the DEIS, a wind analysis is being avoided because "The Development Site is not located in a high wind location, such as directly along the waterfront, and would not create a uniform street wall that would result in channelization or downwash effects." However, a sheer wall condition is being requested along East 25th Street for Building B1 as part of the laboratory bulk special permit, and the absence of a setback could create a downwash effect at the street level, so a wind condition analysis should have been performed along East 25th Street.

5. *The DEIS provides contradictory information regarding the compatibility of the scale of the proposed buildings.*

The Urban Design and Visual Resources analysis in the DEIS concludes that project "would be comparable to existing development and planned developments in the study area." However, the analysis admits that existing buildings nearby at Waterside Plaza (300 to 350 feet) and Bellevue Hospital (363 feet) are significantly shorter than the 500 feet proposed for Building B1. The analysis provides no discussion as to how and why the proposed Building B1 height is compatible with surrounding building heights.

Water and Sewer Infrastructure

6. *Office water consumption and sewage generation rates are incorrectly applied to the laboratory areas.*

Laboratories use significantly more water on a per square foot basis than standard office buildings to meet larger cooling and process loads. Further, the proposed use special permit would permit production functions for the entirety of the proposed laboratory area (1,000,000 gross square feet). The DEIS should have used more appropriate water consumption and sewage generation rates for the mechanical-intensive laboratory and production uses.

Transportation

7. *There is no discussion on how ambulances and OCME vehicles that are currently parked along East 26th Street will be relocated and/or what their impact on traffic flow could be should they remain.*

The Project Description notes that there are approximately 18 ambulances that are assigned to EMS Battalion 8, some of which are stored along former East 26th Street when they are not on active assignment. OCME also parks official vehicles along East 26th Street. Nowhere in the DEIS is there is a discussion on if and how the SPARC project would relocate those vehicles; in the absence of a concrete plan, the FEIS should analyze the impact of those vehicles remaining and partially obstructing traffic.

Air Quality

8. *The laboratory spill / fume hood analysis uses assumptions for non-production laboratories, yet the land use actions seek to establish uses that would not comply with the requirements for non-production laboratories.*

The analysis uses data from the Public Health Laboratory, which (according to the DOB filing) contains non-production laboratories. The requested use special permit would facilitate laboratory (production) functions that exceed limitations on flammable, combustible, and other highly toxic material, and so the spill analysis in the FEIS should reflect the actual, intended laboratory functions that do not comply with Building Code standards for non-production laboratories.

Greenhouse Gas Emissions

9. *The GHG analysis incorrectly assumes that laboratory emissions, on a per square foot basis, would be identical to emissions for local retail use.*

According to NYC Local Law 97, for years 2030-2034 (when SPARC would deliver) the emissions factor for laboratory use is over 12x that of retail use, 12x that of college/university use, 9.67x that of office use, and 2.9x that of an ambulatory care center use. Nationally, according to an August 2024 reference table published by Energy Star Portfolio Manager, laboratory energy intensity is 2.65x that of retail use and 2.73x that of office use. The DEIS analysis therefore significantly underestimates laboratory GHG emissions, and should be appropriately updated in the FEIS.

Construction Impacts

10. *The construction schedule – and Build Year assumption of 2031 – for the laboratory buildings is unrealistic.*

The chapter notes that foundation work on the first laboratory building would commence in Q1 2027, yet the City is not expected to select a developer until mid-2026 according to the 2023 SPARC master plan. Six months of design and permitting prior to the start of foundation work is unrealistic.

11. *It should be confirmed that construction impacts analysis considers overlap between the SPARC and North Tower projects.*

The DEIS projects that the North Tower construction would be completed by 2029; however, it is not clear that the No-Action and With-Action conditions considered ACLS North Tower construction. We note that East 30th Street and the FDR Drive (where North Tower construction activities would take place), and East 26th Street and First Avenue (where SPARC construction activities would take place), are the only non-emergency ingress and egress points (respectively) for *both* trucks and passenger vehicles accessing the ACLS and Bellevue Hospital, and so the FEIS should include a robust analysis of traffic impacts caused by the overlap of the two projects (in addition to overlap with the KBCR project).

12. *The Construction chapter does not analyze the potential effects of lane closures or other disruptions along the FDR Drive or adjacent streets for the construction of the proposed East 25th Street pedestrian bridge.*

The DEIS does not provide any specific logistics or construction details for replacement of the East 25th Street bridge, and does not analyze the potential impacts such construction activity could cause. This is a glaring omission. The materials note that the replacement bridge, depending on the design, could require its own ULURP, and presumably the impacts of the bridge replacement would be analyzed as part of that environmental review. Department of City Planning staff clarified at the project's certification into public review that if the bridge lands

entirely in public right-of-way then no ULURP (and presumably no environmental review) would be required. Since the bridge replacement would not occur absent the proposed land use actions for SPARC, the impacts of the bridge replacement should be analyzed in the FEIS. If such analysis is deferred to a future ULURP and environmental review that might not actually occur (according to the application materials), then questions of segmentation begin to arise.

Moreover, the FDR Drive is a New York State roadway within the jurisdiction of the New York State Department of Transportation ("NYS DOT"). As NYS DOT has discretionary authority to approve the replacement of the bridge over this state roadway, NYS DOT should have been identified as an involved agency in the DEIS.

13. *It should be confirmed that the construction impacts analysis considers the impact of unavoidable and necessary lane closures for hoists and construction deliveries.*

The Construction chapter notes: "Short-term roadway closures and temporary sidewalk narrowing could occur along the sides of the Development Site during specific periods of construction." For each building, a hoist that is located in the roadway would likely be present for multiple years while the building it is serving is being enclosed. Unless the City is committing to locating the hoists within the project site, the impacts of a long-term lane closure associated with one or more hoists should be analyzed.

CONCLUSION

In conclusion, we urge the CPC and MOEC to fully evaluate and disclose the environmental and land use implications of SPARC on the surrounding area before approving these actions. Should the CPC be unable to properly analyze the comments and concerns raised in this letter within the ULURP clock, the applications should be withdrawn and re-filed at a later date.

We thank the CPC and MOEC for their attention to our concerns and the concerns of others.

CC: Kenneth J. Knuckles, Esq., Vice Chairman
Gail Benjamin, Commissioner
Alfred C. Cerullo, III, Commissioner
Anthony Crowell, Esq., Commissioner
Joseph I. Douek, Commissioner
David Gold, Esq., Commissioner
Leah Goodridge, Esq., Commissioner
Rasmia Kirmani-Frye, Commissioner
Raju Mann, Commissioner
Orlando Marín, Commissioner
Juan Camilo Osario, Commissioner
Raj Rampershad, Commissioner
Susan Amron, Esq., Counsel, DCP

From:	Erin Whitney (DCP)
To:	Soto, Pamela
Cc:	Evren Ulker-Kacar (DCP)
Subject:	FW: Comments re: C 240369 ZMM - SPARC Kips Bay
Date:	Friday, November 1, 2024 11:38:51 AM
Attachments:	Partnership Fund for New York City Testimony_SPARC Kips Bay_20241106-FINAL.pdf

Hi Pamela,

Forwarding you public comments. See below and attached.

Thanks,
Erin

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Thursday, October 31, 2024 3:40 PM
To: Ally Soong (DCP) <ASoong@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; ManhattanComments_DL <ManhattanComments_DL@planning.nyc.gov>
Subject: Comments re: C 240369 ZMM - SPARC Kips Bay

Re. Project: **C 240369 ZMM - SPARC Kips Bay**

Submitted by:

Name: **Maria Gotsch**
Zip: **10004**

I represent: **A local community group or organization**

Details for "I Represent": **The Partnership Fund for New York City**

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:

Thank you, Chair Garodnick and members of the committee for the opportunity to testify in support of SPARC Kips Bay. The Partnership Fund for New York City (the "Fund") is the $130 million investment arm of the Partnership for New York City, dedicated to mobilizing private sector resources and expertise to advance New York City's standing as a global center of economic opportunity, upward mobility, and innovation. The Fund was an early catalyst for New York's life sciences industry. Since 2001, we have committed over $50 million to support the development of wet lab space, the creation of companies that capitalize on research done at city universities, the growth of city-based biotech companies such as IntraCellular Therapeutics, and the establishment of the IndieBio accelerator. In 2016 we provided a blueprint for how New York could become a leader in life sciences. Our December 2023 update (https://partnershipfundnyc.org/reports/a-decade-of-growth-new-york-s-life-sciences-industry) shows that the industry has grown substantially in recent years, spurred by commitments of $1.5 billion from the city and state governments. In addition, preliminary 2024 data shows New York received $3.5 billion in 2024 in the National Institutes of Health grants that fund the research that fuels the life sciences industry and $2.3 billion in venture capital funding. All of this investment has New York City life sciences companies employed nearly 18,000 jobs in 2023, up 44% from 12,400 jobs in 2013. The sector had $4.6 billion in economic output in 2023, up 105% from $2.3 billion in 2013. The Science Park and Research Campus (SPARC) in Kips Bay will further this success. It will strengthen the strong cluster of entities focused on life sciences developing on the east side of Manhattan including the Alexandria Center for Life Science (29th St. & 1st Ave.), Innovation East (455 1st Avenue), and the many academic medical institutions. In addition to space for life science research labs for companies of all sizes, SPARC will provide new space for health and science education including the Hunter College School of Nursing, the CUNY Graduate School of Health & Health Policy, the Borough of Manhattan Community College health care programs, and a health- and science-focused public high school. These educational programs can serve as a pipeline from local schools to careers in the life sciences industry. As a member of the SPARC Community Task Force, I can attest to the robust public engagement process that has informed the development of this project. Input was solicited from a wide range of stakeholders and local residents to ensure that the project will serve all impacted stakeholders. I strongly urge you to approve SPARC Kips Bay. Thank you.

PARTNERSHIP FUND
for New York City

Testimony of the Partnership Fund for New York City
Maria Gotsch, President & CEO
New York City Planning Commission
SPARC Kips Bay
November 6, 2024

Thank you, Chair Garodnick and members of the committee for the opportunity to testify in support of SPARC Kips Bay. The Partnership Fund for New York City (the "Fund") is the $130 million investment arm of the Partnership for New York City, dedicated to mobilizing private sector resources and expertise to advance New York City's standing as a global center of economic opportunity, upward mobility, and innovation.

The Fund was an early catalyst for New York's life sciences industry. Since 2001, we have committed over $50 million to support the development of wet lab space, the creation of companies that capitalize on research done at city universities, the growth of city-based biotech companies such as IntraCellular Therapeutics, and the establishment of the IndieBio accelerator.

In 2016 we provided a blueprint for how New York could become a leader in life sciences. Our December 2023 update (A Decade of Growth: New York's Life Sciences Industry) shows that the industry has grown substantially in recent years, spurred by commitments of $1.5 billion from the city and state governments. In addition, preliminary 2024 data shows New York received $3.5 billion in 2024 in the National Institutes of Health grants that fund the research that fuels the life sciences industry and $2.3 billion in venture capital funding. All of this investment has New York City life sciences companies employed nearly 18,000 jobs in 2023, up 44% from 12,400 jobs in 2013. The sector had $4.6 billion in economic output in 2023, up 105% from $2.3 billion in 2013.

The Science Park and Research Campus (SPARC) in Kips Bay will further this success. It will strengthen the strong cluster of entities focused on life sciences developing on the east side of Manhattan including the Alexandria Center for Life Science (29th St. & 1st Ave.), Innovation East (455 1st Avenue), and the many academic medical institutions.

In addition to space for life science research labs for companies of all sizes, SPARC will provide new space for health and science education including the Hunter College School of Nursing, the CUNY Graduate School of Health & Health Policy, the Borough of Manhattan Community College health care programs, and a health- and science-focused public high school. These educational programs can serve as a pipeline from local schools to careers in the life sciences industry.

As a member of the SPARC Community Task Force, I can attest to the robust public engagement process that has informed the development of this project. Input was solicited from a wide range of stakeholders and local residents to ensure that the project will serve all impacted stakeholders.

I strongly urge you to approve SPARC Kips Bay. Thank you.

BUILDING & CONSTRUCTION TRADES COUNCIL OF GREATER NEW YORK

AFFILIATED WITH THE
BUILDING CONSTRUCTION TRADES DEPARTMENT
OF WASHINGTON, DC

NABTU

NYS BUILDING AND CONSTRUCTION TRADES COUNCIL

AMERICAN FEDERATION OF LABOR AND CONGRESS
OF INDUSTRIAL ORGANIZATIONS

GARY LaBARBERA
PRESIDENT

TESTIMONY

On behalf

BUILDING AND CONSTRUCTION TRADES COUNCIL OF GREATER NEW YORK AND VICINITY

In Support of the Science Park and Research Campus Project

November 6, 2024

I am Gary LaBarbera, President of the Building and Construction Trades Council of Greater New York & Vicinity ("BCTC"). I respectfully submit this testimony in support of the Science Park and Research Campus Project in Kips Bay ("SPARC").

The BCTC is an organization of local building and construction trade unions that are affiliated with 15 International Unions in the North American Building Trades Union. Our local union affiliates represent approximately 100,000 union construction workers. The BCTC's mission is to raise the standard of living for all workers, to advocate for safe work conditions and to collectively advance working conditions for our affiliates' members, as well as all workers in New York City.

We are excited to work on SPARC as it is an innovative project that will provide a myriad of benefits to the community, our members, and the City. SPARC will bring a state-of-the-art life sciences, healthcare, and public health hub to the Kips Bay neighborhood. It will update 2 million square feet of space and will elevate New York City as a leader in life sciences, with Kips Bay at the center of its growth. Additionally, this project will create thousands of jobs, which the City and EDC have committed to being Union jobs.

The BCTC has seen first-hand how the community has been consulted on the project through its participation on the SPARC Community Task Force. This project will benefit the Kips Bay community and our City as a whole. The Building and Construction Trades Council of Greater New York and Vicinity supports projects like the Science Park and Research Campus Project in Kips Bay project that will improve the lives of many New Yorkers and create middle class jobs for our members in the process.

We thank you again for this opportunity to testify in support of this project.

350 WEST 31st STREET • SUITE 700 • NEW YORK, NY 10001
TEL. (212) 647-0700 • FAX (212) 647-0705

From: Erin Whitney (DCP)
To: Soto, Pamela
Cc: Evren Ulker-Kacar (DCP)
Subject: FW: Comments re: C 240369 ZMM - SPARC Kips Bay
Date: Wednesday, November 6, 2024 9:29:07 AM

FYI!

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Monday, November 4, 2024 5:33 PM
To: Ally Soong (DCP) <ASoong@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; ManhattanComments_DL <ManhattanComments_DL@planning.nyc.gov>
Subject: Comments re: C 240369 ZMM - SPARC Kips Bay

Re. Project: **C 240369 ZMM - SPARC Kips Bay**

Submitted by:

Name: **Sophie McElroy**
Zip: **10009**

I represent: **The local community board**

Details for "I Represent": **High school Representative of the SPARC community task force**

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **Yes**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
Having lived in Stuytown my entire life makes me eager to see the new opportunities The Science Park and Research Center will provide. Whether it be used by students at the new high school in their internships, or at SPARC Square and the new pedestrian bridge, the potential SPARC provides is infinite. I am delighted to explore the green spaces and participate in communal events with my friends and family. I feel grateful for the opportunity to serve on the SPARC Community Task Force

and share my views on what I hope will benefit the community. I am very excited for the SPARC project to come to life and see all the benefits put to use.

From:	Erin Whitney (DCP)
To:	Soto, Pamela
Subject:	FW: Comments re: C 240369 ZMM - SPARC Kips Bay
Date:	Wednesday, November 6, 2024 9:32:14 AM
Attachments:	City Planning SPARC hearing November 6 2024.docx

FYI!

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Tuesday, November 5, 2024 10:27 AM
To: Ally Soong (DCP) <ASoong@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; ManhattanComments_DL <ManhattanComments_DL@planning.nyc.gov>
Subject: Comments re: C 240369 ZMM - SPARC Kips Bay

Re. Project: **C 240369 ZMM - SPARC Kips Bay**

Submitted by:

Name: **Karen Moore**
Zip: **10016**

I represent: **Myself|A local community group or organization**

Details for "I Represent": **Bellevue CAB**

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
SPARC Kips Bay beats a sanitation garage any day!

City Planning Commission

Hearing to be Held November 6, 2024

My name is Karen Moore and I am writing in support of the SPARC Kips Bay Proposal.

I have lived in Kips Bay for more than 30 years. I am a member of the Bellevue CAB, a former co-chair of the Mt Sinai Beth Israel CAB for 6 years, and a former member of Community Board 6 for 8 years, including the Health and Budget Committees.

Bellevue is the jewel of the NYC Health and Hospitals Corporation with a humanitarian approach of treating all comers, regardless of ability to pay. It has been a bedrock institution in this city and especially in this community for hundreds of years.

Bellevue serves as a 'magnet' hospital for other HHC hospitals with patients in need of specialized services, while at the same time taking in patients through its ambulatory care clinics and the emergency department.

The demand for services at Bellevue has continued to grow, especially with the apparently imminent closure of Mt Sinai Beth Israel (MSBI) and healthcare services for migrants. On September 23, there were 71 people waiting for beds at Bellevue as there were no open beds (in this more than 800-bed hospital). This situation may worsen when MSBI closes.

Even though MSBI has offered a payment to Bellevue to increase the size of the Bellevue Emergency Department, referrals from the ED--especially for patients with behavioral health issues, a Mount Sinai Beth Israel 'specialty'--will tax Bellevue in the ED, the ambulatory care clinics, and as noted, the hospital.

SPARC Kips Bay will help transform Bellevue and our community. For Bellevue, SPARC Kips Bay will create a new ambulatory care center one block south of the hospital, allowing outpatient services to expand and reducing wait times for the almost 100 outpatient specialties available. Moving the ambulatory care clinics will free up space within the hospital for other crucial services.

SPARC Kips Bay will include the addition of a simulated training center across specialties, with a focus on nursing. This will improve skills throughout the hospital.

Finally, the CUNY and NYC Board of Education educational programs in the health sciences will serve as a staffing resource for Bellevue and other health service institutions. The potential synergies between Bellevue and these programs are exciting.

The SPARC Kips Bay project is the kind of innovation that will continue to attract the best and the brightest to Bellevue, and to help ensure that the hospital will remain a jewel and a healthcare leader in New York City for generations to come.

Many thanks for your attention,
Karen Moore

From:	Erin Whitney (DCP)
To:	Soto, Pamela
Subject:	FW: Comments re: C 240369 ZMM - SPARC Kips Bay
Date:	Wednesday, November 6, 2024 9:32:29 AM
Attachments:	SPARCS Kips Bay_Letter of Support_ROSATI_Jennifer_JJC_CUNY2.pdf

FYI!

From: Public Hearing Comments (Do not reply) <PublicComments_DL@planning.nyc.gov>
Sent: Tuesday, November 5, 2024 9:49 PM
To: Ally Soong (DCP) <ASoong@planning.nyc.gov>; Erin Whitney (DCP) <EWhitney@planning.nyc.gov>; ManhattanComments_DL <ManhattanComments_DL@planning.nyc.gov>
Subject: Comments re: C 240369 ZMM - SPARC Kips Bay

Re. Project: **C 240369 ZMM - SPARC Kips Bay**

Submitted by:

Name: **Jennifer Jennifer Rosati**
Zip: **10019**

I represent: **Myself**

Details for "I Represent": **Chair, Department of Sciences, John Jay College (City University of New York) and Forensic Science Program Coordinator**

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **Yes**

Additional Comments:
I have provided support for this project at CB6 Public Hearing. Please see attached letter of support.

Jennifer Rosati, Ph.D.
Associate Professor
Chair for Department of Sciences
Major Coordinator for the Forensic Science Program
Course Coordinator for First-Year Biology Courses
524 West 59th Street
New York, NY 10019
T. 212.393.6868
F. 212.621.3739
jrosati@jjay.cuny.edu

November 1st, 2024

To Whom It May Concern:

RE: Support for SPARC Kips Bay Project

I am writing to provide my support for the SPARC Kips Bay Project: Office of Chief Medical Examiner (OCME) – Forensic Pathology Center. My name is Dr. Jennifer Rosati, and I currently serve as Chair for the Department of Sciences, Program Coordinator for the Forensic Science Undergraduate Program and Course Coordinator for First-Year Biology Courses.

As my colleague, Dr. Marta Conchiero-Guissan has stated, our Forensic Science Program has a long-standing history of excellence in the field and John Jay College, itself, has a history of education in justice. We pride ourselves in being a Minority Serving Institution and have demonstrated a long-standing commitment for serving our STEM students with experiential learning opportunities. We currently provide three degree programs, which include our renowned Forensic Science [FOS] Program along with our more recent programs offerings; Cell and Molecular Biology [CMB] and Toxicology [TOX]. These experiential learning opportunities include our undergraduate and graduate research programs (PRISM, CIRE, Macauley Honors, MS FOS, MS/BS FOS) and internship courses (capstone courses 401, 402). SPARC would be an integral component to not only support the current educational experiences we provide to our students but would also improve the impacts of these experience across all three majors. It is notable that the current OCME facilities need many upgrades, which can be financially cumbersome on older and outdated instrumentation. SPARC would allow for upgraded and new instrumentation to be utilized, which is integral to maintain and build upon OCME's current reputation within the field. This project would also provide our students with access to cutting-edge technology and instrumentation, and would provide students with an unparallelled opportunity to further develop their research and practical skills. An important aspect of our program relies on the recognition that students learn best through their experiences. SPARC would build, nurture and reinforce the theoretical lecture-based and practical lab-based skills students learned through their academic pathway provided within the Forensic, Toxicology and Cell and Molecular Biology Programs.

A more recent focus for our STEM programs, our institution, and the CUNY community, is to provide students with career and industry-specific skills to be employment-ready upon graduation from either the undergraduate or graduate programs. SPARC would provide students

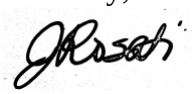
Jennifer Rosati, Ph.D.
Associate Professor
Chair for Department of Sciences
Major Coordinator for the Forensic Science Program
Course Coordinator for First-Year Biology Courses
524 West 59th Street
New York, NY 10019
T. 212.393.6868
F. 212.621.3739
jrosati@jjay.cuny.edu

with a realistic opportunity to gain workforce related skills, such as the ability to work in a team-focused environment, to understand workflow and workplace directives and to develop their job-related responsibilities and communication skills.

I am honored to provide my support on behalf of the Forensic Science Program and Department of Sciences. Due to our longstanding relationship, the success of our program is intricately tied to collaborative relationship with OCME. We look forward to the continuation of this relationship and fostering the unique opportunities SPARC would provide to our students. I have no doubt that the benefits of this project would extend far beyond OCME, our students, and our faculty, with the potential to significantly impact the scientific community, state and nation.

Please feel free to contact me should you have any questions or concerns.

Sincerely,



Jennifer Rosati, Ph.D.
Associate Professor
Chair for Department of Sciences
Major Coordinator for the Forensic Science Program
Course Coordinator for First-Year Biology Courses
Department of Sciences
John Jay College of Criminal Justice
524 West 59th St. New York, N.Y. 10019
Tel. 212-393-6868 Cel. 347-757-1667 Fax. 212-621-3739
Email: jrosati@jjay.cuny.edu