Attachment 11: Applicant's Statement of Findings – Scientific Research and Development Facility

Special Permit pursuant to ZR Section 74-171 and 74-901

74-171, "Laboratories"

In #Residence Districts# and #Commercial Districts#, the City Planning Commission may permit laboratories 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 finds that such facility meets the applicable conditions of paragraph (a), the findings of paragraph (b) and the additional requirements of paragraph (c).

(b) Conditions

As a condition for the special permit, such facility shall:

(1) Conform to the performance standards applicable to M1 Districts;

The Proposed Development's laboratory facilities will conform to performance standards applicable to M1 Districts that regulate noise; vibration; smoke, dust and other particulate matter; odorous matter; toxic noxious matter; radiation hazards; fire and explosive hazards; and humidity, heat, or glare. Where applicable, the Applicants will coordinate with the necessary city/state/federal agencies to confirm that the required performance standards are being met.

(1) Occupy a #zoning lot# containing no #residential use#; and

No residential use will be located anywhere on the zoning lot in the Development Site containing laboratory facilities, and the Proposed Development will not introduce any new residential uses to the zoning lot.

(2) In #Residence Districts#, occupy a #large-scale community facility development# or occupy either a single #zoning lot# used predominantly for #community facility uses# that has an area of at least 40,000 square feet, or two or more contiguous #zoning lot#, or lots that would be contiguous but for their separation by a #street#, under the same single fee ownership or alternate ownership arrangements, used predominantly for #community facility uses#, that has an area of at least 40,000 square feet

The Development Site, which is the southern 4.75-acre portion of Manhattan Block 962, Lot 100, would be redeveloped with multiple new buildings (illustratively shown as Buildings A, B1, and B2) consisting of approximately 1,782,000 SF.[1] Two buildings would be located between First Avenue to the west, approximately 430 feet east of First Avenue to the east, East 25th Street to the south, and former East 26th Street to the north—on a portion of the site known as the "Western Parcel." The "Eastern Parcel" would be located approximately 370 feet west of FDR Drive between East 25th Street and former East 26th Street. The Proposed Development would include a total of approximately 934,075 zsf of community facilities (Use Group III(B)) space; specifically, approximately 559,185 zsf of community facilities (Use Group

[1] As design progresses for the Proposed Project, it is possible that the building on the eastern portion of the Development Site (i.e., Building A) could be designed as two buildings with independent utility systems to accommodate separation between the public school and CUNY/BMCC. In this instance, both buildings would provide their own loading areas pursuant to applicable zoning requirements. However, the overall program and building envelope would not change.

III(B)) space would be located on the Eastern Parcel, and approximately 374,890 zsf of community facilities (Use Group III(B)) space would be located on the Western Parcel.

* * *

(c) 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 934,075 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#. 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. 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 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.

74-901, "Bulk Modifications for Laboratories"

In #Residence Districts# and #Commercial Districts#, the City Planning Commission may permit, in conjunction with a laboratory permitted pursuant to Section 74-171 (Laboratories), modifications to #bulk# regulations, other than #floor area ratio#, provided that the following findings are met.

In order to grant the special permit, the Commission shall find that the proposed #bulk# modifications:

(1) Will not unduly affect the essential character or impair the future use and development of the surrounding area;
(2) Will not unduly obstruct the access of light and air to adjoining properties or public #streets#.

The bulk and scale of the Proposed Development would not unduly increase the bulk of buildings within the project's block or unduly obstruct access of light and air to nearby blocks or users of public streets. Buildings on the Eastern and Western Parcels would generally use the C6-4 bulk envelope, but the base may rise to an effective height of 125 feet (depending on the various base plane measurements) without setback. As the Development Site is comprised of a zoning lot that is larger than the buildable area, the proposed bulk modifications are designed to allow a greater amount of floor area above 150 feet to allow the Development Site to adequately utilize available floor area. It should be noted that a zoning and tax lot subdivision will be sought as part of the project such that the Development Site becomes its own standalone zoning and tax lot.

Height and setback waivers established in the special permit pursuant to ZR Section 74-171 and 74-901 would allow for the Building B1 to encroach on the initial setback distance by 6.4 feet along its western street frontage and by 12 feet along its southern street frontage. It would also permit Building B1 to encroach on the sky exposure plane by 44.6 feet along its western street frontage and 109.2 feet along its

southern street frontage. These modifications would allow the Proposed Development to accommodate the large floorplates required for modern, efficient laboratory uses at the Development Site.

While this provision allows taller buildings on the parcels, the proposed orientation of the massing of the Proposed Development would be similar to the existing site, with a collection of buildings on the periphery of the site surrounding a central open space fronting East 25th Street. However, the proposed massing shifts density and height towards First Avenue, with towers up to approximately 500-feet-tall resonating with other recent development in the Kips Bay neighborhood and beyond. This allows the massing of the Proposed Development to drop in scale from west to east towards the river, to be more in line with the residential and institutional uses located to the south and east. The easternmost building on the Eastern Parcel would be shorter than nearby Waterside Plaza towers across FDR Drive. The intent of this massing strategy is to maximize light and air into the campus buildings, specifically for classrooms and offices, while cascading the height of buildings towards residential and institutional buildings to the south and east and introducing terraces with additional access to open space and air throughout.

The location of the proposed buildings also helps offset the height of the buildings on the parcels. The tower portions of Buildings B1 and B2 would be separated by a minimum of approximately 60 feet, with the exception of two possible skybridge connections that would provide connections between Buildings B1 and B2. The tower portions of Buildings A and B2 would be separated by approximately 109 feet, , with the bases of the two buildings abutting one another. The initial streetwall of Building A, which would be set back 15-feet from the property line along East 25th Street and 10 feet along FDR Drive, would rise to a base height of approximately 76-feet above the design flood elevation (DFE), before reaching a maximum building height of up to approximately 365-feet (including mechanical bulkhead) after a series of setbacks along the building's frontages facing East 25th Street and FDR Drive. The initial streetwall of Buildings B1 and B2 would rise to a base height of approximately 100-feet and 92-feet above the DFE, respectively, before reaching a maximum building height of up to approximately 490-feet and 426-feet (including mechanical bulkhead), respectively. Building B1 would be set back by 3.6 feet from First Avenue and three feet from 25th Street. Building B2 would be set back 88.9 feet from 25th Street to accommodate the proposed 0.75-acre publicly accessible open space, further improving the pedestrian experience.

With the location of the proposed open space and the cascading of building heights towards the residential and institutional buildings to the south and east, light and air would be able to penetrate the middle and eastern portions of the block, benefitting the adjacent development parcels as well as the blocks directly to the north, south, and east of the Proposed Development.

Shadow and urban design impact analyses were performed for the immediate vicinity of the Proposed Area for the DEIS. With the lack of a 20-foot setback starting at 85 feet above curb height on the Western Parcel for Buildings B1 and B2 and the proposed bulk modifications for all proposed buildings within the Development Site, the Proposed Development would not unduly restrict access of light and air to occupants or users of buildings in the block or nearby blocks or of users of the street at this location. The closest public park, Asser Levy Playground, is located south of the Development Site, and would experience no incremental shadows from the Proposed Development as it is located within the area that cannot be shaded by the Proposed Development (i.e., to the south and not within ±108 degrees of True North). While several sunlight-sensitive resources were identified within the surrounding area warranting further analysis (i.e., one historic resource, Parish of Our Lady of the Scapular and Saint Stephen's; three open space resources,

including Bellevue South Park, Alexandria Center Public Plaza and Urban Garden, and Manhattan Waterfront Greenway; one natural resource, the East River; and one privately owned open space, Bellevue Sobriety Garden, that is currently able to be accessed by the public), none are expected to experience significant adverse shadow impacts due to incremental shadows from the Proposed Development. As detailed in the DEIS, it was determined that given the short duration (12 minutes) of shading on the stained-glass windows featured at the Parish of Our Lady of the Scapular and Saint Stephen's, the public's enjoyment of this resource would not be affected. For the open space resources that were studied in the detailed shadows assessment, although incremental shading could eliminate sunlight from the resources during the day in some of the analysis periods, incremental shadows would be of limited duration and would occur on spaces that either receive uninterrupted sunlight during other periods of the analysis day or on spaces that do not receive uninterrupted sunlight under existing conditions. Thus, it was determined that incremental shadows would not adversely impair the public's enjoyment of the space or the viability of vegetation of these resources. Finally, incremental shading would occur over limited portions of the East River for brief periods of time during the afternoon, and therefore are not expected to result in significant adverse impacts to any resident organisms.

In view of the foregoing, the proposed height and setback modifications would not unduly obstruct 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.