File #: Res 1817-2021, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1817

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 210353 ZSM, for the grant of a special permit (L.U. No. 866).

By Council Members Salamanca and Moya

WHEREAS, New York Blood Center Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-48 of the Zoning Resolution to allow a scientific research and development facility as a commercial use; to allow the floor area ratio regulations, up to the maximum floor area ratio permitted for community facility uses for the District, to apply to the scientific research and development facility use; to modify the height and setback regulations of Section 33-432 (In other Commercial Districts), and the required yard equivalents regulations of Section 33-283 (Required rear yard equivalents); and to modify the signage regulations of Section 32-641 (Total surface area of signs), Section 32-642 (Non-illuminated signs), Section 32-643 (Illuminated non-flashing signs), Section 32-655 (Permitted Projections or Height of Signs), and Section 32-67 (Special Provisions Applying Along District Boundaries); which in conjunction with the related actions would facilitate the development of a new, modern headquarters for the New York Blood Center and a commercial life sciences hub located at 310 East 67th Street (Block 1441, Lot 40) in the Upper East Side of Manhattan, Community District 8 (ULURP No. C 210353 ZSM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 27, 2021, its decision dated September 22, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 210351 ZMM (L.U. No. 864), a zoning map amendment to change an R8B District to a C2-7 District and to change a C1-9 District to a C2-8 District; and N 210352 ZRM (L.U. No. 865), a zoning text amendment to allow scientific research and development facilities in C2-7 Districts and allow related use and bulk modifications, and to designate a Mandatory Inclusionary Housing (MIH) area;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-48 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 20, 2021;

WHEREAS, the Council has considered the land use and environmental implications and other policy

issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued November 13th, 2020 (CEQR No. 21DCP080M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 10, 2021, in which significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-612) on the project sites. To ensure the implementation of the PCREs the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to shadows and construction (noise) and to ensure the implementation of the mitigation measures identified in the FEIS, they are included in the Restrictive Declaration. The Council has also considered the Technical Memorandum dated November 16, 2021 (the "Technical Memorandum").

RESOLVED:

Having considered the FEIS and Technical Memorandum with respect to the Decision and Application, the Council finds that:

1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

2) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and

3) Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the action[s] is [are] one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

4) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated September 20, 2021, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS and Technical Memorandum constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210353 ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter <u>double-underlined</u> is new, added by the City Council

1. The property that is the subject of this application (C 210353 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Don Weinreich, Ennead Architects, filed with this application and incorporated in this resolution:

Drawing No.	Title	Last Revised Date
Z-02	Zoning Analysis	4/6/2020 11/17 /2021
Z-03	Zoning Lot Site Plan	3/17/2021 11/17/2021
Z-04	Waiver Plan	3/17/2021 11/17/2021
Z-05	Waiver North-South Section	3/17/2021 11/17/2021
Z-06	Waiver East-West Section	3/17/2021 11/17/2021
Z-07	Signage Waiver Elevations and Calculations	3/17/2021 11/17/2021

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

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

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

5. Development pursuant to this resolution shall be allowed only after the attached restrictive declaration dated September 20, 2021, executed by New York Blood Center, Inc., the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.

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

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on _____, 2021, on file in this office.

City Clerk, Clerk of The Council