1. Introduction

This is an application by 455 First Avenue Associates LLC ("455 LLC") and the New York City Economic Development Corporation (EDC) (the "Applicants") for land use actions to facilitate development at 455 First Avenue (Manhattan Block 932, Lot 17) (the "Development Site"). The proposed land use actions include:

(i) a zoning map amendment to rezone the Development Site from an R8 district with a C2-5 commercial overlay on a portion of the Development Site to a C6-4 district;
(ii) A special permit pursuant to Section 74-901 of the Zoning Resolution of the City of New York ("Zoning Resolution" or "ZR") to modify bulk regulations; and
(iii) a zoning text amendment to map a Mandatory Inclusionary Housing area on the Development Site.

The proposed actions will facilitate the development of a new approximately 443,680-square foot (10 FAR) commercial life sciences building with ground floor retail and a life sciences multi-purpose programming space (the "Proposed Development").

2. Background

In 2016, EDC launched LifeSci NYC, an initiative to establish New York City as a global leader in the life sciences sector. This initiative represents a $1 billion investment in life sciences research and development and related innovation. It is expected to create thousands of new jobs and help discover new cures to keep New Yorkers safe and healthy. In its work to pursue this initiative, EDC has a specific focus on three goals: (1) connecting existing researchers and institutions to the resources needed to advance programs to commercialization, (2) unlocking space for life sciences companies to grow within the city, and (3) building a pipeline for the talent and workforce needed to support these companies across the five boroughs.

The Development Site is located in the First Avenue Health & Sciences Corridor, a critical and long-established cluster of medical, research, and academic facilities. As part of LifeSci NYC, the City seeks to expand and strengthen the Corridor. In particular, the City seeks expansion opportunities for life sciences companies that can leverage the proximity to existing institutions and academic medical centers in the Corridor to foster innovation.

The Development Site is currently occupied by the City's Public Health Laboratory. In 2018, the New York City Department of Health and Mental Hygiene (DOHMH) announced that it would relocate the Public Health Laboratory to a new, purpose-built facility at a site adjacent to Harlem Hospital. That same year, EDC issued a Request for Expressions of Interest (RFEI) to create an Applied Life Sciences Hub and identified the Development Site as a possible location. As outlined in the RFEI, the City required proposals for the Hub to have three key components: (1) substantial space for a large-scale research and development organization, (2) ready-to-occupy and/or easily customizable wet lab, associated office and collaborative space for commercial life sciences R&D tenants, and (3) a design and program that fosters collaboration both within the facility and the broader life sciences ecosystem in NYC. In 2022, the Mayor announced that the City would partner with Taconic Partners and DivcoWest (which together formed 455 LLC), in collaboration with New York University (NYU) on behalf of NYU Grossman School of Medicine, to redevelop the Development Site with such a project.[1]

3. Description of the Surrounding Area

The area within a 600-foot radius of the Development Site (the "Surrounding Area") is located in Manhattan Community District 6.

The Development Site and the eastern portion of the Surrounding Area are located along the First Avenue Health & Sciences Corridor. This area contains a mix of hospitals, academic institutions and commercial life sciences uses. The NYU Rory Meyers College of Nursing is located directly to the south of the Development Site across East 26th Street, comprising a six-

[1] On May 29, 1985, the Board of Estimate approved the disposition of the Development Site via a long-term lease for medical research and related uses (C 850485 PNM). This prior approval grants authority to the City to enter into a long-term lease with 455 LLC for the Proposed Development.

story building and an 11-story building. Directly to the east of the Development Site across First Avenue is Bellevue Hospital, a six-building hospital complex with heights up to 17 stories. South of Bellevue Hospital across 26th Street is the City University of New York (CUNY) Hunter College's Brookdale Campus, which occupies a full City block east of First Avenue. In 2022, Governor Hochul and Mayor Adams announced plans to develop the Science Park and Research Campus (SPARC) on this block, an approximately 2.19 million square foot development consisting of academic, public health, health care, and life sciences space. Additionally, to the northeast of the Development Site sits Alexandria LaunchLabs along East 29th Street.

There are additional academic and medical uses beyond the Surrounding Area such as the Tisch Hospital, which is part of NYU Langone Health located to the north, additional NYU Langone Health buildings two blocks northwest of the Development Site (Medical Center Radiology, School of Medicine, and Pulmonary + Critical Care Associates), and the Shiel Medical Laboratory.

In addition to the life sciences, health and academic uses, which predominate in the Corridor, the Surrounding Area also contains both residential and open space uses. To the north of the Development Site across the East 27th Street pedestrian way are a 26-story New York City Housing Authority (NYCHA) development at 344 East 28th Street and a nine-story building containing microunits at 335 East 27th Street. Additional residential buildings are located further north across East 28th Street. The western portion of the Surrounding Area is occupied by five of the eight buildings that make up the approximately 900-unit Kips Bay Court housing complex. The buildings in this complex range from 12-stories to 28-stories and include ground-floor retail uses and private open space amenities. The southwestern portion of the Surrounding Area also includes residential uses in a mix of multifamily walkup and elevator buildings.

Immediately to the west of the Development Site across Mount Carmel Place is Bellevue South Park. It is a 1.59-acre park that reopened in summer 2023 after a renovation.

The Development Site and a large portion of the Surrounding Area are located in an R8 zoning district. The floor area ratio (FAR) for residential development in R8 districts is 6.02 for Quality Housing buildings and ranges from 0.94 to 6.02 for other buildings. The FAR for most community facility uses in R8 districts is 6.5. There is a C2-5 commercial overlay mapped along the western side of First Avenue with a depth of 100 feet, extending from the midpoint between East 23rd Street and East 24th Street up to East 30th Street. When mapped in a R8 district, the C2-5 overlay permits commercial uses up to 2.0 FAR.

On the western portion of the Surrounding Area, Second Avenue is mapped with a C1-9, a C1-8, and a C1-8A commercial district. The C1-9 district is equivalent to a R10 residential district, which has a base residential FAR of 10, a maximum FAR of 12.0 in a Mandatory Inclusionary Housing (MIH) area, and a 10 FAR for community facility use. The C1-8 district is equivalent to a R9 residential district, which permits a base residential FAR of 7.52, a maximum FAR of 8 in a MIH area, and a 10 FAR for community facility use. The C1-8A district is equivalent to a R9A residential district, which permits a base residential FAR of 7.52, a maximum FAR of 8.5 in a MIH area, and a 7.5 FAR for community facility use. All three districts have a maximum commercial FAR of 2.0. A portion of the Second Avenue frontage, from East 26th Street to 100 feet north of East 27th Street, is mapped in a Special Transit Land Use District. This special district facilitates plans for a future Second Avenue subway extension by requiring certain new developments to incorporate an easement for public access to a planned subway station or for other subway-related uses.

Public transit options serving the Development Site include the number 6 subway line with a stop at 28th Street, the M15 bus line along First Avenue, the M9 bus line running from Battery Park City to Bellevue Hospital across the street, and the NYC ferry with a stop at Stuyvesant Cove.

4. Description of the Project Area

The Development Site is a full block bounded by First Avenue to the east, East 26th Street to the south, Mt. Carmel Place to the west, and the East 27th Street pedestrian way to the

north. The Development Site has a lot area of 44,368 square feet and is currently zoned R8 with a C2-5 overlay along the First Avenue frontage.

The Development Site is improved with a 14-story, approximately 191-foot-tall, 359,000 square foot building built in the 1960s. The existing building is primarily occupied by the City's Public Health Laboratory, which will be relocated to a new dedicated space in Harlem. The building also contains other City uses and some leased spaces. This existing building is an aging facility that is no longer suited to meet the needs of a modern laboratory. The layout is compartmentalized and inconsistent with flexible modern office or laboratory design. The building infrastructure and mechanical systems, many of which are original to the building, do not meet current codes or standards and are past their useful life. Neither the bulk nor use of the existing building complies with the existing R8 zoning.

The existing building extends 20 feet into the East 26th Street right of way. Both of the East 26th Street and Mount Carmel Place frontages are dominated by multiple vehicular entrances and loading areas. There is also a fenced exterior parking area along the 27th Street pedestrian way accessed from Mount Carmel Place. The ground floor is raised approximately three feet above First Avenue and is accessed via stairs on First Avenue or a separate, accessible ramp located on, and encroaching within, the 27th Street pedestrian way.

Surrounding the Development Site, First Avenue and East 26th Street are both wide streets. There is a protected bike lane on the western side of First Avenue. The portion of East 27th Street directly north of the Development Site is a pedestrian way closed off to vehicle traffic. It contains a Citi Bike docking station.

5. Description of the Proposed Development

The Proposed Development would replace the existing building on the Development Site with a new, modern commercial life sciences building. The building is specially designed to accommodate life sciences businesses at all stages of growth; it would provide incubation space for start-ups, graduation space for life sciences businesses, space for established research and development firms, and anchor space for NYU Grossman School of Medicine.

The ground floor would include a life sciences multi-purpose programming space, which would be for use by building tenants for internal meetings and events as well as life sciences-related events (e.g., lectures or symposia) where the public may participate. There would also be ground floor retail space at the corner of First Avenue and East 27th Street with an entrance on East 27th Street; there are currently limited food and beverage options in the vicinity. The building's main entrance would be located on First Avenue.

Buildings occupied by life science research laboratories benefit from large, regularly shaped floorplates organized on a strict 11-foot planning module. Lab users benefit from collaborating with each other in shared space; large floorplates offer sufficient space to support a critical mass of such users on each floor. Large floorplates also permit subdivision for smaller start-up companies. For these reasons, ideal laboratory design would provide a minimum 55-foot core-to-perimeter dimension. The 40,000 square-foot floorplates in the Proposed Development, which would provide an approximately 55-foot distance from core to perimeter on the north-south axis, adhere to these best practices in laboratory planning.

The Proposed Development would have a total of approximately 443,680 square feet of zoning floor area and would be 13 stories. It would rise to a height of approximately 255 feet and would have an additional height allowance up to approximately 270 feet to accommodate rooftop bulkheads, mechanical equipment, and associated equipment screens. For resiliency, all critical infrastructure in the building would be raised above the design flood elevation, occupying a substantial footprint within the building and at the roof. As currently contemplated, the building would feature a setback along the eastern façade facing First Avenue.

The Proposed Development would include a bike room for building tenants, which would be accessed from East 27th Street. No car parking would be provided. Loading berths would be accessed from Mount Carmel Place.

6. Actions Necessary to Facilitate the Project

With this application, the Applicants seek three land use actions to facilitate the Proposed Development:

(i) A zoning map amendment to map the Development Site in a C6-4 district

The Applicants seek a zoning map amendment to rezone the Development Site from an R8 residential district with a 100-foot-deep C2-5 overlay along First Avenue to a C6-4 commercial district.

R8 districts do not allow commercial uses including laboratories. The C2-5 overlay district permits certain commercial uses but limits those uses to the first floor in a building with residential uses and two stories in other buildings. The current use of the existing building for the Public Health Laboratory and other office use is non-conforming.

The proposed C6-4 zoning district is appropriate in this location. It would allow the proposed commercial uses—laboratories and retail—as well as a range of commercial and institutional uses. These permitted uses are consistent with uses already found in the First Avenue Health & Sciences Corridor and allowing these uses on the Development Site would help strengthen the Corridor. The C6-4 district permits up to 10 FAR for commercial use. Height and setback is dictated by sky exposure plane regulations with an allowance for a tower. The density and bulk produced with these regulations is consistent with the surrounding area, which includes a variety of building forms and a mix of large institutional buildings and residential apartment buildings. The density and bulk is particularly appropriate given the prominent location of the Development Site at the intersection of two wide streets and the Site's access to transit. The uses, density and bulk of the C6-4 district are also consistent with planned redevelopment in the area, including the planned development of SPARC on the east side of First Avenue.

(ii) A zoning text amendment to Appendix F of the Zoning Resolution

The Applicants seek a zoning text amendment to Appendix F of the Zoning Resolution to map the Development Site in a Mandatory Inclusionary Housing area. This designation of the Development Site is required in conjunction with the proposed zoning map amendment to a C6-4, which would increase the permitted residential FAR on the Development Site. There would be no residential use in the Proposed Development.

(iii) A special permit pursuant to ZR Section 74-901

The Applicants seek a special permit pursuant to ZR Section 74-901 to modify the height and setback regulations applicable in the proposed C6-4 district.

In C6-4 districts, sky exposure plane regulations dictate height and setback. The maximum height of a front wall is 85 feet. At or below 85 feet, a building must incorporate a 20-foot setback on narrow streets and a 15-foot setback on wide streets. A building may not penetrate a sky exposure plane that starts at a height of 85 feet and inclines inward with a ratio of 2.7 feet of vertical distance to 1 foot of horizontal distance along narrow streets and a ratio of 5.6 feet of vertical distance to 1 foot of horizontal distance along wide streets. An alternate set of regulations provide for a steeper sky exposure plane where an open area is provided along the front lot line. Tower regulations allow a building portion to penetrate the sky exposure plane but require certain setbacks from the street and establish a maximum tower lot coverage.

The Proposed Development would not provide the setbacks required under these regulations. The building would rise sheer at the street line to a height of 255 feet. Above that height, a mechanical bulkhead, set back at least 20 feet from each frontage, may rise to a total maximum height of 270 feet.

The modifications to the applicable height and setback regulations are necessary to accommodate the specific programmatic needs of a laboratory building for two primary reasons. First, as discussed above, the proposed 40,000-square foot floorplates are optimal to create an

efficient and flexible layout with an 11-foot lab module and a 55-foot core-to-perimeter distance. Providing the setbacks in accordance with C6-4 zoning would introduce inefficiencies in the floor layouts by creating variations inconsistent with the 11-foot module, reducing the core-to-perimeter distance on the north-south axis to less than 55 feet, and reducing the size of the floorplate on the upper floors below the optimal size. Second, the laboratory use requires a substantial amount of mechanical equipment to ensure proper ventilation and provide a robust power supply, among other functions. These infrastructure requirements result in taller floor-to-floor heights and occupy substantial footprints within the building and at the rooftop, increasing the overall height of the building as compared to buildings with other uses.

The massing of the Proposed Development with these modifications would not be out of scale with the surrounding area, which includes a mix of large institutional buildings, residential towers and other buildings.

7. Conclusion

The proposed actions would facilitate the construction of a new 443,680-square foot life sciences building within the First Avenue Health & Sciences Corridor. The Proposed Development advances the goals of Life Sci NYC by providing needed space for life sciences companies of a variety of sizes to grow at a location that benefits from close proximity to established academic and medical institutions. The life sciences multi-purpose programming space in the Proposed Development would offer opportunities for learning and collaboration, further strengthening the Corridor. The Proposed Development would create jobs and facilitate the creation and delivery of new medical cures and treatments, contributing to a healthier and fairer city.