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Response to Comments on the DEIS

1. Introduction

This document summarizes and responds to comments on the Draft Environmental Impact Statement (DEIS) for the SPARC Kips Bay project published on June 20, 2024.

City Environmental Quality Review (CEQR) requires a public hearing as part of the environmental review process. Oral and written comments were received during the meeting held by the New York City Planning Commission on November 6, 2024. Written comments were accepted from issuance of the DEIS through the close of the public comment period, which ended on November 18, 2024. **Appendix D** contains the written comments received on the DEIS. Where relevant and appropriate, the Final Environmental Impact Statement (FEIS) has been modified to incorporate and address substantive public comment on the DEIS.

Section 1 of this document lists the elected officials, organizations, and individuals that provided relevant comments on the DEIS. **Section 2** contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together.

2. List of Elected Officials, Organizations, and Individuals who Commented on the Draft Environmental Impact Statement

Elected Officials

1. None.

Organizations and Interested Public

2. Alexandria Real Estate Equities, Inc., provided written comments on November 6, 2024 and verbal comments, delivered by Richard Suarez, on November 6, 2024 (Alexandria).
3. Maria Gotsch, President & CEO of The Partnership Fund for New York City, provided written comments on October 31, 2024 and November 6, 2024 (Gotsch).
4. Sophie McElroy, SPARC Community Task Force, provided written comments on November 4, 2024 (McElroy).
5. Karen Moore, Bellevue Community Advisory Board, provided written comments on November 5, 2024 (Moore).
6. Santos Rodriguez, Building & Construction Trades Council of Greater New York & Vicinity (BCTC), provided written comments on November 6, 2024.
7. Dr. Jennifer Rosati, Chair of the Department of Sciences, John Jay College (City University of New York) and Forensic Science Program Coordinator, provided written comments on November 5, 2024 and verbal comments on November 6, 2024 (Rosati).
8. Gary LaBarbera, President of BCTC, provided written comments on November 6, 2024 (LaBarbera).
9. Annalise Schweickert, member of the public, provided verbal comments on November 6, 2024 (Schweickert).
10. Molly Hollister, Alliance for Kips Bay, provided verbal comments on November 6, 2024 (Hollister).
11. Robert Van Pelt, Chief of Staff at Office of Chief Medical Examiner (OCME), provided verbal comments on November 6, 2024 (Van Pelt).
12. Mitch Gibson, Senior Advisor to CUNY Chief Operating Officer, provided verbal comments on November 6, 2024 (Gibson).
13. Harini Venkatesh, Executive Director for Career Connected Learning at New York City Public Schools, provided verbal comments on November 6, 2024 (Venkatesh).
14. Steve Levin, CEO of Solar One, provided verbal comments on November 6, 2024 (Levin).
15. Dr. Andrew Wallach, Ambulatory Care Chief at Bellevue Hospital and Ambulatory Care Chief Medical Officer at New York City Health and Hospitals, provided verbal comments on November 6, 2024 (Wallach).

3. Comments and Responses on the DEIS

Comments Received in Support of the Proposed Action

The following organizations and members of the interested public submitted testimony in support of the Proposed Action:

16. Gotsch, President & CEO of The Partnership Fund for New York City, provided written comments on October 31, 2024 and November 6, 2024.
17. McElroy, SPARC Community Task Force, provided written comments on November 4, 2024.
18. Moore, Bellevue Community Advisory Board, provided written comments on November 5, 2024.
19. Rodriguez, BCTC, provided written comments November 6, 2024.

20. Rosati, Chair, Department of Sciences, John Jay College (City University of New York) and Forensic Science Program Coordinator, provided written comments November 5, 2024 and verbal comments November 6, 2024.
21. LaBarbera, President of BCTC, provided written comments on November 6, 2024.
22. Schweickert, member of the public, provided verbal comments on November 6, 2024.
23. Hollister, Alliance for Kips Bay, provided verbal comments on November 6, 2024
24. Van Pelt, OCME, provided verbal comments on November 6, 2024
25. Gibson, Senior Advisor to CUNY Chief Operating Officer, provided verbal comments on November 6, 2024
26. Venkatesh, Executive Director for Career Connected Learning at New York City Public Schools, provided verbal comments on November 6, 2024
27. Levin, CEO of Solar One, provided verbal comments on November 6, 2024
28. Wallach, Ambulatory Care Chief, Bellevue Hospital and Ambulatory Care Chief Medical Officer at New York City Health and Hospitals, provided verbal comments on November 6, 2024

Comments Relating to EIS Analyses

General Comments

C.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. (Alexandria)

Response: As described in the Draft Environmental Impact Statement (Draft EIS) and Final EIS, LifeSci NYC was established in 2016 by NYCEDC with the goal to establish New York City as a global leader in Life Sciences.

A key priority for the life sciences development at SPARC Kips Bay is to create a future forward life sciences and innovation campus that is able to adapt to the dynamic and rapidly evolving pace of innovation within the life sciences industry. As the life science users and program have not yet been identified for the Proposed Project, the Laboratory Use Special Permit would provide flexibility for production uses to be included. This approach would ensure that the Proposed Project can provide more options, competitiveness, and a variety of spaces to serve different needs for different types of users within the industry.

The Project Description and relevant chapters of the Final EIS have been updated to explicitly include a production facility of up to 32,000 square feet. A production facility of this size would not result in an appreciable difference in any other technical areas, including energy, solid waste, or transportation.

C.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. (Alexandria)

Response: This comment is outside the scope of the environmental review. Housing would not achieve the purpose and need of the Proposed Project and is therefore not proposed on the SPARC

site. As described in the response to Comment 1 and in the Draft EIS and Final EIS, the Proposed Project is intended to help establish New York City as a global leader in Life Sciences.

C.3 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. (Gotsch)

Response: Comment noted.

C.4 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. (Gotsch)

Response: Comment noted.

C.5 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. (LaBarbera)

Response: Comment noted.

C.6 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. (McElroy)

Response: Comment noted.

C.7 As an alum of the LifeSciNYC program, it helped me develop my career as a scientist and innovator in the space of biotech here at NYC. I gained invaluable technical experience and learned about the job opportunities in the New York biotech space. The LifeSciNYC program showed me how important it is to build pipelines from the academic setting to the biotech industry, so that we can keep the massive talent in New York City school's higher education here in New York City's biotech scene. (Schweickert)

Response: Comment noted.

C.8 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 in the field. This project would provide our students with access to cutting-edge technology and instrumentation and unparalleled opportunity to further develop their research and practical skills. (Rosati)

Response: Comment noted.

C.9 We're thrilled about this. We're going to be an excellent addition to the campus and it's going to be great for our agency and even better for the City. (Van Pelt)

Response: Comment noted.

C.10 SPARC, as part of the city's largest cluster of life sciences activity will provide CUNY with the opportunity to play a key role in creating a talent pipeline for New Yorkers to enter the life sciences and health care sector. (Gibson)

Response: Comment noted.

C.11 The new space will allow us at Bellevue to further expand its primary care prevention and wellness services to our community and its ambulatory care patients. (Wallach)

Response: Comment noted.

Land Use, Zoning, and Public Policy

C.12 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.

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. (Alexandria)

Response: This comment is outside the scope of the environmental review. The floor area schedule of the buildings shown on Drawing Z-003 is illustrative and does not reflect the exact floor-by-floor breakdown. The Proposed Project has a maximum commercial floor area of 846,859 zoning square feet which must fit within the proposed zoning envelope for all three buildings. The total commercial floor area listed on Drawing Z-003 of the land use application was accurate, but the table has been updated to reflect a 22-story building, consistent with the illustrative building, intent of the proposed Master Plan and the analyses in the Draft EIS and Final EIS, as appropriate.

C.13 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. (Alexandria)

Response: This comment is outside the scope of the environmental review. The floor area schedule of the buildings shown on Drawing Z-003 of the land use application is illustrative and does not reflect the exact program for retail or laboratory space as the design of Building B1 and Building B2 is not finalized at this time. The illustrative table correctly shows the total commercial floor area for the two buildings which includes both laboratory space and retail.

C.14 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. (Alexandria)

Response: This comment is outside the scope of the environmental review. The special permit sought for the Proposed Project can apply in conjunction with a laboratory listed under Use Group VII. This does not mean that the waivers can only be on floors where there is lab use, but rather that the waiver must be sought in buildings that contain primarily lab uses, which is the case in this application.

C.15 The CPC has not been provided with enough information to determine that the propose 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. (Alexandria)

Response: This comment is outside the scope of the environmental review. Neighborhood character diagrams within the land use application are illustrative, and the full envelope is shown elsewhere in the drawing set. Neighborhood character diagrams have been updated to include envelope outlines.

C.16 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. (Alexandria)

Response: This comment is outside the scope of the environmental review.

Southeast corner of the zoning lot: This change is a technical correction and within scope of what was included in the filed/certified land use application since it will be reducing the proposed building envelope. The drawing has been updated and submitted to the City Planning Commission.

Building height from the design floor elevation relative to ZR 64-50: To maintain appropriate flexibility for the final building designs, the detailed elements pursuant to ZR 64-50 are not typically addressed in the ULURP documents. They will be addressed during the design process for each of the SPARC buildings, and their compliance demonstrated in the zoning analysis portion of each building's permit application to the NYC Department of Buildings. The design of the buildings in the ULURP drawings are illustrative only.

C.17 **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. (Gotsch)

Response: Comment noted.

C.18 **We're excited to see the investment in the community, but we do continue to push/champion for more community space in the building, opportunities for public meeting spaces, and perhaps and office for Community Board 6. (Hollister)**

Response: Comment noted.

Socioeconomic Conditions

C.19 **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. (Alexandria)

Response: Per *CEQR Technical Manual* guidance, an assessment must determine whether the proposal could result in Adverse Effects on Specific Industries. The Proposed Project would not result in direct business displacement, and any potential indirect business displacement would not be limited to any one industry. Because any potential business displacement would not be concentrated in any particular industry, should a particular business be displaced, other businesses in the area can provide goods and services to residents and workers in the area. Similarly, goods and services provided by other industry businesses would prevent a loss or substantial diminishment of a particularly important product or service within the city. Therefore, an assessment of adverse effects on specific industries is not warranted. Further, nothing more than a preliminary assessment was required for the Proposed Project as per *CEQR Technical Manual* guidance.

As described in the Draft EIS and Final EIS, the Proposed Project would support the goals of the City's LifeSci NYC initiative, which aims to establish New York City as a global leader in life sciences. Given the robust presence of life sciences, academic, and medical institutions in the Kips Bay area, NYCEDC identified the Brookdale Campus within the Kips Bay Science District and First Avenue Health and Sciences Corridor as a well-suited location to advance many of the goals of the City's LifeSci NYC initiative. SPARC Kips Bay will add purpose-built life science laboratory space to grow this burgeoning industry in the city. Currently, the life science industry accounts for over 700 research and development companies in NYC *(Pitchbook, 2024[1])*, representing a 100% increase over the past five years. The life science industry contributes $5.3 billion to the economy each year *(EDC, 2024)*, and the City aims to create an additional 20,000 jobs over the next 10-15 years.

In the Kips Bay Science District specifically, commercial lab buildings are presently 96.2% leased *(EDC, 2024)*, reinforcing the resiliency of this cluster to sustain continued growth and absorb the evolving needs of the industry. Additionally, pre-built lab vacancy has fallen from 10.7% in Q1 to 9.9% citywide in Q2 2024 *(CBRE[2])* while raw spaces have kept citywide vacancy above 40%.

C.20 It should be clarified why a direct residential displacement analysis was not warranted despite the elimination of 711 dormitory beds on the project site.

[1] https://pitchbook.com/profiles/industry/life-sciences

[2] https://www.cbre.com/insights/figures/new-york-city-life-sciences-figures-q2-2024

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. (Alexandria)

Response: While dormitories are not included in CEQR methodology for residential displacement analyses, per guidance in the *CEQR Technical Manual*, a discussion of CUNY's plan for replacing the existing Brookdale Campus dormitories was included for informational purposes as part of the Draft EIS residential analysis in response to community concerns. Since publication of the Draft EIS, CUNY has identified replacement dormitory space and, for informational purposes, the Final EIS has been updated to reflect the new location and capacity.

C.21 It's (the SPARC project) a tremendous workforce development opportunity, it is a unique project that will bring students in industry to one campus. In my experience, this cohabitation leads to amazing things. Students will be exposed to life science industry, meet people, get internships, and learn what it takes to enter the industry. Industry will have the opportunity to have a robust pipeline of talented New Yorkers who can make up their future workforce and the neighborhood will benefit from the energy of the campus full of ambitious youth and innovators. (Levin)

Response: Comment noted.

C.22 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. (Moore)

Response: Comment noted.

C.23 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. (LaBarbera)

Response: Comment noted.

C.24 The Science Park and Research Campus 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. (Gotsch)

Response: Comment noted.

Coastal Resiliency

C.25 **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. The DEIS is inconsistent with, and at times contradicts, KBCR design criteria.

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 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. (Alexandria)

Response: There are no plans to discontinue the East Midtown Coastal Resiliency (EMCR, referred to as Kips Bay Coastal Resiliency/KBCR in the Draft EIS) project or for the eastern portion of the SPARC Kips Bay block not to include the planned flood wall, consistent with the overall EMCR plans. The design team for SPARC Kips Bay has been in close coordination with the EMCR team on the floodwall and tie-in. SPARC flood wall drawings with calculations will be integrated into a full design package for FEMA review. FEMA requires that the two projects protect Bellevue Hospital from a 500-year storm. There will be an MOU documenting all parties' agreement to a 500-year DFE and design criteria, and the SPARC design team is referring to the EMCR Design Criteria Report (November 2023) for all technical requirements for the floodwall. The DFE for SPARC is +19 feet. The Final EIS has been updated to reflect the EMCR-required DFE of +19 feet and will also reflect the heightened EMCR design standards that will be required for the portion of the flood wall to be constructed on the SPARC block. The Draft EIS references a hypothetical scenario in which there is no EMCR, for the sole purpose of indicating that the SPARC site would be protected with or without the EMCR. There are no plans to discontinue the EMCR project.

C.26 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 I 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. (Alexandria)

Response: Flooding resulting from the absence of a gate across East 25th Street occurs in the Existing and No-Action conditions and is described in the Proposed Project's Waterfront Revitalization Program assessment located in Appendix 1 of the Final EIS. As design has progressed since the Draft EIS, the SPARC design team has moved away from the concept of a floodgate across East 25th Street. Instead, the portion of the floodwall fronting East 25th Street will be designed to be integrated into SPARC Square and the buildings' foundation, as previously contemplated. Testing of the floodgate is no longer relevant and does not need to be studied under CEQR guidelines. While the open space design for SPARC Square has not yet been finalized, it will be designed to be elevated from the street and partially floodable. The intent is to integrate the flood wall seamlessly into the natural and programmed grade changes of the open space in order to minimize the visual and physical impact of

the floodwall along East 25th Street. The floodwall proposed as part of the SPARC Kips Bay project will provide an equivalent amount of protection to the campus as the previously proposed floodgate.

C.27 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. (Alexandria)

Response: Per *CEQR Technical Manual* guidance, the Construction analysis considers peak construction activity for the project. The quantitative transportation, air quality and noise assessments evaluate the condition that would be most conservative for each of the analyses. For example, the construction transportation assessment evaluates the period when construction traffic would be highest at the site; air quality evaluates the period when the potential for emissions from truck traffic and on-site equipment would be highest; and the noise assessment evaluates the period that is expected to represent the period of loudest construction activity. While the analysis accounts for known projects such as 455 First Avenue, no specific construction phasing schedule was available for the EMCR project at the time of the Draft EIS preparation.

Since publication of the Draft EIS, EMCR has provided an updated preliminary schedule (EMCR Schedule Update, November 14, 2024). EMCR is currently in schematic design and will continue into preliminary design through Q3 2025. The specific construction phasing schedule and logistics is unknown at this time, however the latest construction schedule shows that construction of EMCR would overlap with the SPARC construction, with construction commencing in 2027 and concluding in 2030. To account for construction activities related to the EMCR project, the construction analysis in the Construction Chapter of the Final EIS has been updated to assume that construction activities in the proximity of the SPARC project site would occur during the peak quarter of construction of the SPARC project, and that construction activities would be comparable to construction of the flood wall at the SPARC project site.

As such, construction of the EMCR project is not expected to extend the overall construction activity within the area by occurring before or after the SPARC construction period.

C.28 The applicant should confirm 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 storm water (including, but not limited to: permanent seepage cutoff walls, a pump station, hydraulic connections, and isolation gates that would activate during flood events). (Alexandria)

Response: The New York City Office of the Deputy Mayor for Housing, Economic Development, and Workforce, in its role as lead agency for environmental review, consulted with the NYC Department of Environmental Protection (DEP) as the expert agency for review of the Water and Sewer

Infrastructure chapter. The EIS analysis takes a hard look at the anticipated water and sewer demands of the illustrative design as contemplated in the master plan. Without a site-specific design available, the analysis included in the EIS describes potential stormwater management strategies that could be reasonably assumed to be implemented on the SPARC site, including compliance with DEP's unified stormwater rule.

Consistent with CEQR Technical Manual guidance, the water and sewer infrastructure analysis relies on water supply maps and sewer maps provided by DEP's Bureau of Environmental Planning and Analysis (BEPA), as well as the latest available average monthly flow information for the Newtown Creek Wastewater Resource Recovery Facility (WRRF). The analysis provided in Chapter 9, "Water and Sewer Infrastructure" of the Final EIS has been updated to reflect an increase of 32,000 gsf of production space, with a corresponding reduction in 32,000 gsf in commercial office space. The water and wastewater demand projections for the project have been updated accordingly to provide a conservative analysis. The revision did not change the conclusions of the analysis.

Stormwater management approach may differ as design of each building progresses and as new information becomes available. However, the stormwater management for each building will require standard NYC permitting prior to implementation.

Shadows

C.29 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 ACL 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. (Alexandria)

Response: The shadows assessment in Chapter 5, "Shadows" of the Final EIS has been updated to more accurately reflect the existing ACLS open space, including the open space to the south and east of the ACLS East Tower. The assessment was also updated to reflect the future ACLS North Tower open spaces. With the inclusion of the future ACLS open space area in the assessment, there are no times during any of the analysis days where incremental shadows would eliminate sunlight from the open space.

The incremental shadows caused by SPARC on the December 21 analysis day would begin at the very southwest corner of the existing open space in a portion of the plaza that currently contains a bike rack (bicycle parking), as shown in the background right in **Photo 1**. At their greatest extent, the incremental shadows would cover a slightly larger area that includes four picnic tables and one tree (see **Photo 1**). The eastern portion of the open space, which includes seating and vegetation, would continue to receive sunlight during this time.

The EIS conclusion considered that on the December 21 analysis day, the majority of the open space in areas where picnic tables, landscaping and benches are provided is already shaded. The additional shading on the southwestern portion of this open space is not expected to fundamentally change the character of the area, decrease public enjoyment of the resource, or affect how people use the open space in the future. Even during times where the Proposed Project would introduce limited incremental shadow on a seating area, other areas within the plaza would continue to receive sunlight.

Photo 1 - View of a portion of Alexandria Center Public Plaza and Urban Garden that would receive incremental shading from the Proposed Project in the afternoon on December 21



Photo captured November 12, 2024

Urban Design and Visual Resources

C.30 The DEIS fails to provide the requisite wind condition analysis along the sheer East 25th Street facade 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. (Alexandria)

Response: Per the *CEQR Technical Manual*, factors that were considered when making the determination about whether a pedestrian wind assessment is warranted as part of Chapter 7, Urban Design and Visual Resources include the following five-part test:

- Whether the location is exposed to high wind conditions, such as along west and northwest-facing waterfronts, or other locations at or in close proximity to waterfront sites where prevailing winds from the waterfront are not attenuated by buildings or natural features;
- The size of the project (generally only projects of a substantial size have the potential to alter wind conditions);
- The number of proposed buildings to be constructed;
- The size and orientation of the buildings that are proposed to be constructed; and
- The site plan and surrounding pedestrian context of the project.

Given the site's location on the east side of Manhattan (not a west/north-west facing waterfront), the distance of the site from the East River, the position of the site relative to the intervening FDR Drive and Riverside Plaza, and the orientation of the proposed buildings around a recessed open space

plaza, it was determined that a pedestrian wind assessment was not warranted as part of the Urban Design chapter.

C.31 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. (Alexandria)

Response: As described in Chapter 7, Urban Design and Visual Resources, of the Draft EIS and Final EIS, the Proposed Project would consist of multiple buildings on the periphery of the Development Site surrounding a central open space that would have frontage on East 25th Street. The illustrative site plan proposes to concentrate the most density and height along the 100-foot-wide First Avenue corridor, which consists of three travel lanes, parking lanes, and a bike lane. This would allow the massing to drop in scale towards the East River, to be more in context with the residential and institutional uses to the south and east. The intent of this massing strategy is to maximize light and air into the campus buildings, specifically for classrooms and offices, while reducing the height of buildings towards residential and institutional buildings to the south and east. The easternmost portion of the site occupied by CUNY and the NYC public school would be consistent in height with the nearby Waterside Plaza towers across FDR Drive.

An analysis of urban design and visual character considers many factors, of which building height is just one. The following figures show views toward the Development Site from a pedestrian's perspective and in area context, showing the potential maximum future massing, including the portion of the project that may rise to 500 feet. Overall, though taller, the Proposed Project would be one of many tall buildings in a densely developed area that has an established pattern of mixed building heights and types.

As described in the *CEQR Technical Manual*, determining the significance of an urban design impact requires consideration of the degree to which a project would result in a change to the built environment's arrangement, appearance, or functionality and whether the change would negatively affect a pedestrian's experience of the area. The manual states that one important consideration is a project's context—for example, the scale and use of surrounding buildings. However, the manual notes that, matching context is not necessarily the sole benchmark for measuring urban design impacts.

Per CEQR guidance, key considerations in the assessment of the significance of a visual resource impact may include whether the project obstructs important visual resources and whether such obstruction would be permanent, seasonal, or temporary; how many viewers would be affected; whether the view is unique or do similar views exist; or whether the visual resource can be seen from many other locations. The visual resources located within the study area include the East River, the East River Greenway (also known as the East River Esplanade), and Asser Levy Playground. The East River Greenway is approximately one block east of the Development Site and includes Stuyvesant Cove Park. Asser Levy Playground is located adjacent to the Development Site and includes the Asser Levy Recreation Center, (a designated New York City landmark), within the block south of the Development Site. The Proposed Project would not negatively affect pedestrian views to these visual

resources. Therefore, no significant adverse impacts to these visual resources would occur as a result of the Proposed Actions.

Directly to the north of the Development Site across the former East 26th Street is the H+H Bellevue Hospital, occupying a superblock bounded by East 28th Street, FDR Drive, the former East 26th Street, and First Avenue. The entire campus includes seven buildings (the tallest of which is 25 stories). Directly south of the Development Site is the U.S. Corbin VA Facility, which consists of several buildings ranging in height from 2 to 19 stories. The Alexandria Center for Life Science, located at East 29th Street and First Avenue between Bellevue Hospital and NYU Medical Center, is a state-of-the-art research and development campus. The Alexandria Center currently includes two buildings of approximately 584,000 sf in approximately 260 and 275 feet. The building proposed at 455 First Avenue would consist of approximately 13 stories and approximately 270 feet.

When considering the height maximum building height that could be constructed on the Development Site in the context of the Manhattan skyline, the Proposed Project would be located within the context of other tall towers that include Madison Square Park Tower, 435 East 30th Street, 300 East 34th Street, and The Copper building. While these buildings are located beyond the study area, the overall height is a factor that can be best seen in context when viewed from a distance and would not be easily distinguished by a pedestrian walking past the Development Site. Within this broader context, the design elements of the proposed buildings, including the building height on First Avenue and proposed ground-floor retail, would harmonize with, rather than adversely impact, the urban design character of the surrounding area.

Water and Sewer Infrastructure

C.32 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. (Alexandria)

Response: The water and sewer analysis has been updated to reflect a higher consumption rate for approximately 32,000 gsf of production laboratory area. Consistent with the Draft EIS analysis, as no specific water consumption and sewage generation rate is provided in the CEQR Technical Manual, the balance of the space is expected to have a water consumption and sewer generation rate similar to an office use.

Greenhouse Gas Emissions

C.33 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. (Alexandria)

Response: The GHG emissions analysis has been updated in the Final EIS to reflect use of Local Law 97 emission factor for laboratory space in lieu of CEQR factors. The conclusion of the analysis remains unchanged.

Air Quality

C.34 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. (Alexandria)

Response: With approximately 32,000 gsf of production laboratory space assumed, the production would be limited by the building size and its location in a dense urban area. Furthermore, it is assumed that a production laboratory of this size would have a human health and biology focus, rather than a chemical focus. As discussed in the EIS, "Common buffers, salts, enzymes, nucleotides, peptides, and other bio-chemicals were not considered in the analysis because they are not generally categorized as air pollutants." Those are the most likely types of chemicals that would be regularly used in the proposed production laboratory space. To further assess the potential for impact, a search of chemicals released by larger bio-manufacturing facilities was performed using EPA's Toxic Release Inventory. The search included 2023 data for New York State, New Jersey, Connecticut, and Pennsylvania (considered representative for the region), the chemicals released by the following "Pharmaceutical and Medicine Manufacturing" facilities – "Medicinal and Botanical Manufacturing" (NAICS 325411), Pharmaceutical Preparation Manufacturing (NAICS 325412), In-Vitro Diagnostic Substance Manufacturing (NAICS 325413), and Biological Product Manufacturing (NAICS 325414). The chemicals identified were primarily common solvents, such as toluene, methanol, and acetonitrile. A comparison of the vapor pressures and toxicity of those and other chemicals identified indicates that the laboratory spill analysis performed in the EIS represents a reasonable worst case for analysis purposes. Furthermore, a production laboratory with potential air toxic emissions would require an industrial source permit from the NYC DEP and would therefore be subject to additional review to ensure safety prior to operating. The NYC DOB and NYC DEP approvals process will require the appropriate review, approvals and permitting process and will require appropriate safety precautions.

Transportation

C.35 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. (Alexandria)

Response: The Proposed Project would provide parking within the Development Site for OCME vehicles; as discussed in Chapter 10, "Transportation" of the Final EIS, access to the parking facility would be provided via the former East 26th Street. Changes in traffic volumes in the future conditions are discussed in Chapter 10of the Final EIS (for the No-Action and With-Action conditions) and assumes changes in travel patterns for existing traffic volumes along the former East 26th Street, i.e., the existing vehicles that travel along or are parked along the former East 26th Street are assumed to continue to travel or park along this roadway in the future.

The ambulances would not be relocated as part of the Proposed Project. The EIS traffic analysis assumes that these vehicles would continue to be parked along the former East 26th Street, which would be widened as part of the Proposed Project from two to three lanes, thereby providing more space for through and parked vehicles.

C.36 We'd like to see improved public transportation. There'll be more people coming to this area of east Midtown so hoping to have better connectivity. (Hollister).

Response: A component of the Proposed Project would include enhancements to the pedestrian bridge to create a safe and universally accessible connection over the FDR Drive, connecting the Project Site to the East River Esplanade. This will allow for ADA accessibility and connectivity where it did not exist previously. MTA Bus service will be reevaluated and adjusted as demand materializes.

Construction

C.37 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. (Alexandria)

Response: The RFP selection timeline has not been finalized at this time. However, given typical RFP selection, design, permitting, and construction timelines, a build year of 2031 was determined to be a reasonable and conservative estimate of when the Proposed Project could be fully operational.

C.38 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). (Alexandria)

Response: The EIS assumed that the Alexandria North Tower would be completed and occupied by the year 2029. Therefore, the Construction analysis overlays the effect of activities related to a fully occupied North Tower to the peak quarter of construction activities for the SPARC project, which

represents the most conservative conditions for traffic, air quality, and noise analyses. The traffic analysis evaluates the potential for traffic impacts during the peak quarter of construction activities at 23 intersections in the surrounding roadway network, these intersections include FDR Drive and East 30th Street, and First Avenue and East 26th Street.

C.39 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. (Alexandria)

Response: The design of the pedestrian bridge is currently in progress and specific details have not been finalized at this time. For the purposes of the Draft EIS and Final EIS, a generic design was analyzed in the Construction chapter. The Construction analysis accounts for construction activities related to demolishing the existing pedestrian bridge and constructing a new ADA-compliant pedestrian bridge in its place. The analysis was prepared using estimates for the number of construction workers, material deliveries, and equipment provided by a construction manager. The potential for significant impacts related to construction activities related to the SPARC project, including bridge reconstruction, was assessed in the EIS.

The SPARC project and design teams have been in close coordination with NYSDOT for the replacement pedestrian bridge, which will meet NYSDOT clearance requirements. At present, NYSDOT is not anticipated to have any discretionary approvals over the replacement bridge over the FDR Drive.

C.40 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. (Alexandria)

Response: As discussed in the Transportation section of the Construction chapter, the temporary closure of parking lanes and sidewalks would be required to allow for construction activities. The

former East 26th Street south sidewalk would be closed during periods of construction, as well as the north sidewalk of East 25th Street between First Avenue and FDR Drive. A temporary pedestrian walkway would be installed along East 25th Street which was analyzed as part of the construction pedestrian analysis that was conducted between the Draft and Final EIS. The construction traffic analysis considers the changes to the parking conditions.

C.41 I'm very impressed with the project's plan to use cutting edge construction techniques like circular construction, which will result in emission reduction equivalents to taking thousands of cars off the roads. (Levin)

Response: Comment noted.