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In the Matter of the Application of

NEW YORK BLOOD CENTER, INC.

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 [C 210353 ZSM]

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PROTEST PURSUANT TO §200  
SUBD. A(3) (2) OF THE NEW YORK  
CITY CHARTER AGAINST  
PROPOSED RESOLUTION  
C210353ZSM APPROVED BY THE  
NEW YORK CITY PLANNING  
COMMISSION

The undersigned respectfully state as and for their **PROTEST** pursuant to §200 subd. (a)(3)(2) of the New York City Charter against the resolution approved by the New York City Planning Commission ("**CPC**") in response to and in favor of that certain application designated C 210353 ZSM, submitted by the NEW YORK BLOOD CENTER, INC. ("**BLOOD CENTER**"), having an address at 326 East 67th Street a/k/a 310 East 67th Street, New York, New York 10065 (Block 1441, Lot 40) 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, such CPC resolution attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter "**Special Permit Resolution**"), as follows:

1. In or about December 1999 and pursuant to Article 9-B of the Real Property Law of the State of New York, an amended Declaration of Condominium dated June 8, 1999 establishing a plan for condominium ownership of the premises known as 301 East 66th Street, New York, New York lying in Block 1441, Lot 1 and now lying in Block 1441, Lot 7501 on the Tax Map of the Borough of Manhattan, County of New York, City and State of New York was filed and recorded in the New York County Office of the Register of the City of New York ("**Amended Declaration**"), thereby lawfully establishing the

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Condominium originally known as The 301 East 66th Street Condominium and, after incorporating in accordance with the terms of Section 2.4 of the By-Laws of the Condominium ("**Condominium By-Laws**"), is now known as 301 East 66th Street Condominium Corp. ("**Condominium**").

2. The Condominium is composed, in part, of 202 residential apartments ("**Residential Units**"), a commercial unit composed of certain retail commercial space ("**Commercial Unit**"), a professional unit composed of a certain doctor's office ("**Professional Unit**") and a certain garage composed of a vehicular garage ("**Garage Unit**") (sometimes collectively referred to as "**Condominium Units**") together with certain Common Elements and/or Limited Common Elements, as defined in the Amended Declaration.

3. Under Article 7 of the Amended Declaration, one of the Common Elements of the Condominium is the land identified as Block 1441, Lot 7501 on the Tax Map of the Borough of Manhattan, County of New York, City and State of New York, and as more particularly described in Exhibit A to the Amended Declaration ("**Land**").

4. Annexed hereto and marked as Exhibit "B" is a legal description of the Land as particularly described in Exhibit A to Amended Declaration.

5. Annexed hereto and marked as Exhibit "C" is a description of the Condominium Units, as set forth in Exhibit B to the Amended Declaration.

6. Under the Amended Declaration and Condominium By-Laws, the Board of Managers of the Condominium ("**Condominium Board**") is the governing body of the Condominium with all powers and duties necessary for, or incidental to, the administration of the affairs of the Condominium.

7. Section 2.4 of the Condominium By-Laws provides, in part and in substance, that the Condominium Board has all powers and duties necessary for, or incidental to, the administration of the affairs of the Condominium including, but not limited to the specific powers and duties (a) to execute, acknowledge and deliver any consent that the Condominium Board deems necessary or appropriate and (b) to act as the Unit Owners' attorney-in-fact in the execution and prosecution of any appropriate applications.

8. The undersigned Vasilios Angelos is the president of and authorized signatory for the Condominium Board.

9. The undersigned Mark Epstein is the vice president of and authorized signatory for 301/66 Owners Corp.

10. 301/66 Owners Corp. is the owner, in fee, of 156 Residential Units in the Condominium.

11. The undersigned Mark Epstein is a member of and authorized signatory for a limited liability company known as 301 East 66 LLC.

12. 301 East 66 LLC is the owner, in fee, of the Commercial Unit, Professional Unit and Garage Unit in the Condominium.

13. The undersigned Mark Epstein is the president of and authorized signatory for 301 East 66th Street Inc., a general partner of 301 East 66th Street Associates Limited Partnership.

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14. 301 East 66th Street Associates Limited Partnership is the owner, in fee, of three (3) Residential Units in the Condominium.

15. The Condominium is the owner, in fee, of one residential unit in the Condominium.

16. The Commercial Unit Owner, Residential Unit Owners, Garage Unit Owner and Professional Unit Owner as defined in Exhibit C to the Amended Declaration (collectively "**Unit Owners**") are the owners of twenty percent or more of the land immediately adjacent and extending 100 feet from the land included in changes proposed in the Special Permit Resolution.

17. As of the date hereof, 301 East 66th Street Associates Limited Partnership, 301/66 Owners Corp. and 301 East 66 LLC, collectively, own fee title, of record, to more than eighty (80%) percent of the Condominium Units, and to over an eighty (80%) percent undivided interest in the Condominium's Common Elements.

18. Pursuant to the Condominium's By-Laws, an affirmative vote of a majority of Unit Owners shall be binding upon all Unit Owners for all purposes.

19. Pursuant to the Condominium's By-Laws, each Unit Owner shall be deemed to have irrevocably nominated, constituted and appointed the persons who constitute the Condominium Board jointly and in their capacities as members of the Condominium Board as such Unit Owner's attorney-in fact, coupled with an interest and with power of substitution to execute, acknowledge and deliver any consent affecting the Condominium or the Common Elements that the Condominium deems necessary or appropriate.

20. At a special meeting of the Unit Owners of the Condominium duly held on October 20, 2021 at which a quorum was present and acting throughout ("**Special Unit**

**Owners Meeting**”), a majority of the Unit Owners, including 301/66 Owners Corp., 301 East 66 LLC, and 301 East 66th Street Associates Limited Partnership, duly adopted and enacted a resolution which, in part, authorizes the Unit Owners of the Condominium to present a protest to the New York City Clerk pursuant to §200 subd. (a)(3) of the New York City Charter against the Special Permit Resolution (“**Protest Application**”).

21. At a special meeting of the Board of Managers duly held on October 20, 2021 at which a quorum was present and acting throughout (“**Special Meeting of the Condominium Board**”), a majority of the members of the Condominium Board enacted a resolution confirming that the Special Permit Resolution adversely affects the Condominium and, after deeming same to be necessary and appropriate, consenting to the execution and acknowledgement by the Condominium Board of a protest pursuant to §200 subd. (a)(3) of the New York City Charter against the Special Permit Resolution on behalf of and/or as attorney-in fact for the Unit Owners and for same to be presented to the New York City Clerk.

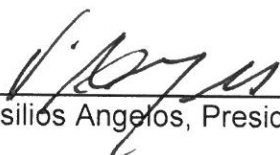
22. The Special Permit Resolution is subject to review and approval by the New York City Council under Zoning Resolution §197-d.

23. Accordingly, and pursuant to §200 subd. (a)(3)(2) of the New York City Charter, the undersigned, hereby file and present to the Clerk of the City of New York, this Protest against the Special Permit Resolution previously approved by the New York City Planning Commission and filed with the New York City Council.


24. It is respectfully submitted that pursuant to §200 subd. (a)(3)(2) of the New York City Charter upon the filing and presentment of the instant Protest to the New York City Clerk, the Special Permit Resolution shall not be effective unless approved by the

New York City Council by a three-fourths vote within one hundred eighty days after the filing of the Special Permit Resolution with the New York City Clerk.


Board of Managers of 301 East 66th Street Condominium Corp.

By:   
Vasilios Angelos, President

301 East 66th Street Associates Limited Partnership, by 301 East 66th Street Inc., as general partner

By:   
Mark Epstein, President

301 East 66 LLC

By:   
Mark Epstein, Member

301/66 Owners Corp.

By:   
Mark Epstein, Vice-President

**ACKNOWLEDGMENT**

STATE OF NEW YORK    )  
                                  ) ss.:  
COUNTY OF NEW YORK )

On the 21<sup>st</sup> day of October in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared **VASILIOS ANGELOS**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
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**NOTARY PUBLIC**

MARC S BRESKY  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02BR6383679  
Qualified in Nassau County  
My Commission Expires 11-26-2022

STATE OF NEW YORK    )  
                                  ) ss.:  
COUNTY OF NEW YORK )

On the 21<sup>st</sup> day of October in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared **MARK EPSTEIN**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
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**NOTARY PUBLIC**

MARC S BRESKY  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02BR6383679  
Qualified in Nassau County  
My Commission Expires 11-26-2022





## CITY PLANNING COMMISSION

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September 22, 2021 / Calendar No. 25

C 210353 ZSM

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**IN THE MATTER OF** an application submitted by New York Blood Center, Inc. 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 as follows:

1. to allow a scientific research and development facility as a commercial use;
2. 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;
3. 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,
4. 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);

to facilitate a proposed 16-story building on property located at 310 East 67th Street (Block 1441, Lot 40), in a C2-7 District, in the Borough of Manhattan, Community District 8.

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This application for a zoning special permit pursuant to Section 74-48 of the Zoning Resolution (ZR) was filed by New York Blood Center, Inc. on April 1, 2021, to allow for the development of an approximately 452,000 square-foot scientific research and development facility, and community facility. The proposed action, in conjunction with the related applications, 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.

## RELATED ACTIONS

EXHIBIT A

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In addition to the zoning special permit (C 210353 ZSM) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC or Commission) on the following applications, which are being considered concurrently with this application:

- C 210351 ZMM**      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.
- N 210352 ZRM**      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.

## **BACKGROUND**

The applicant, New York Blood Center, Inc. (NYBC), seeks a CPC special permit, a zoning map amendment, and a zoning text amendment to facilitate the redevelopment of its current headquarters as a modern life sciences hub containing laboratory space for both NYBC and its commercial and institutional partners. The proposed 16-story, 334-foot-tall building, to be known as Center East, would have approximately 452,000 total square feet of floor area divided between the NYBC community facility use of approximately 139,000 square feet and commercial lab space of 313,000 square feet.

A not-for-profit institution focused on the dual mission of supplying transfusion products to the New York metropolitan region and conducting scientific research, NYBC is a long-term Upper East Side organization. It was initially established by the Rockefeller family, through the Rockefeller Foundation, which provided seed money to establish NYBC in 1964. NYBC was purposely founded in its current location, close to Rockefeller University, which facilitates collaboration between the two institutions. This area of the Upper East Side is renowned for its premier health, medical and academic facilities. As the leading supplier of the blood and blood products used by over 500 hospitals and research organizations throughout the New York metro area, NYBC plays a critical role in the city's and the region's health.

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Recently, NYBC has played a role in life sciences research including the effort to treat COVID-19 patients, to improve access to reliable diagnostic antibody tests, and to develop a COVID-19 vaccine. Additionally, NYBC was the first blood center to collect convalescent blood plasma donations from individuals who have recovered from COVID-19 to treat other patients with serious or immediately life-threatening coronavirus infections. Other current research areas include exploring cures for macro- and neuro-degenerative disorders such as blindness, Parkinson's, and Alzheimer's disease, as well as prototypic SARS, MERS, and HIV vaccines. Commercial and institutional research entities currently share space with NYBC through its East Side Bio-technology Accelerator Program.

The existing building, and proposed development site, has the street addresses of 303-319 East 66<sup>th</sup> Street and 304-326 East 67<sup>th</sup> Street (Block 1441, Lot 40). It was constructed in 1930 as a three-story trade school with narrow floorplates, four inner courts, low floor-to-floor heights, and full lot coverage with approximately 130,678 square feet of floor area built to a floor area ratio (FAR) of 2.89. Because the site is a through lot with 225 feet of frontage on both East 66<sup>th</sup> and East 67<sup>th</sup> Streets and a depth of 200 feet, the lot area is exceptionally large at 45,186 square feet. The primary pedestrian entrance to NYBC administrative offices, accessory laboratory space, and blood donation center is on East 67<sup>th</sup> Street, while the service entrance, two curb cuts that serve the building's loading berths, and 30 accessory parking spaces are located on the East 66<sup>th</sup> Street frontage. The existing building is in an R8B contextual district that allows a maximum FAR of 4.0 for residential uses and 5.1 for community facility uses, and a height limit of 75 feet. The R8B zoning typically results in six- to seven-story buildings with a setback above the base height of 55-60 feet.

In addition to the development site, the project area includes both sides of Second Avenue to a depth of 100 feet, between East 66<sup>th</sup> Street and East 67<sup>th</sup> Street, which are in a C1-9 zoning district. On the western side of the avenue, 1261 Second Avenue (Block 1421, Lot 21) is improved with a 45-story, 330-unit residential tower that was built in 1973 and that also contains

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a movie theater and ground floor retail uses. The movie theater, a Use Group 8 use, is not as-of-right in a C1-9 district. The movie theater occupies the building pursuant to a 1971 special permit from the Board of Standards and Appeals (BSA) (Cal. No. 63-71-BZ). On the eastern side of the avenue, 301 East 66<sup>th</sup> Street (Block 1441, Lots 1001-1004) is improved with a 16-story, 200-unit residential building built in 1956, with restaurants, retail, and a religious preschool on its ground floor.

The surrounding area was initially developed at the turn of the 20<sup>th</sup> century with three- and four-story townhouses. The 1910s and 1920s brought a wave of construction of larger walk-up apartment buildings of five and six stories, such as those found on East 66<sup>th</sup> Street, across from the development site. Many of the smaller buildings were eventually replaced with larger apartment buildings rising 10-14 stories in the midblocks and 15-21 stories on the avenues under the pre-1961 Zoning Resolution (ZR) and by taller buildings (up to 45 stories on the avenues) under the post-1961 zoning controls. Typically, ground-floor retail provides neighborhood services in those residential buildings fronting on the avenues. The development site is located on an atypical block (Block 1441, Lot 40) as it occupies half of the midblock R8B zoning district area with 225 feet of frontage on both East 66<sup>th</sup> Street and East 67<sup>th</sup> Street and a depth of 200 feet. There are two large midrise apartment buildings of 13 and 14 stories (Lot 31 and Lot 17, respectively) that occupy approximately half of the remaining midblock area, leaving only about a quarter of the midblock area with the typical R8B buildings with three residential walkup apartment buildings and a three-story New York Public Library building.

The area to the west of the development site is predominantly residential and includes the landmark Manhattan House, which is a 20-story, 214-foot-tall apartment and retail complex that occupies the entire block bounded by Second Avenue, East 66<sup>th</sup> Street, Third Avenue, and East 65<sup>th</sup> Street. It also includes, directly across East 66<sup>th</sup> Street from the development site, the Memorial Sloan Kettering (MSK) Lauder Breast Center at 300 East 66<sup>th</sup> Street, which is a 16-story building built in 2006, and five rowhouses that are occupied by MSK staff housing. The area to the east includes a concentration of institutional uses including medical and research

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campuses associated with Rockefeller University, MSK, Weill Cornell, New York Presbyterian Hospital, and the Hospital for Special Surgery. These hospital, medical, and academic facilities dominate the blocks between First Avenue and York Avenue, from East 66<sup>th</sup> Street to East 69<sup>th</sup> Street, as well as the east side of York Avenue from East 63<sup>rd</sup> to East 71<sup>st</sup> Street. Most of these institutional buildings were constructed in the mid-20<sup>th</sup> century and are 15-36 stories in height.

In addition to health and medical institutions, there are two nearby public schools: the Julia Richman Education Complex (JREC) and Robert Louis Stevenson School (PS 183). Located directly across East 67<sup>th</sup> Street from NYBC, JREC is a large, six-story, pre-kindergarten to high school complex that has six separate schools with 1,800 students. The building, originally built in 1924 as a girls' school, has a lot area of 70,000 square feet, and includes the entire 200-foot Second Avenue block frontage between East 67<sup>th</sup> Street and East 68<sup>th</sup> Street and has a depth of 350 feet. Robert Louis Stevenson School has 560 pre-kindergarten to fifth grade students and is located one block immediately to the east of NYBC.

St. Catherine's Park, also located directly to the north of NYBC across East 67<sup>th</sup> Street, is next to JREC and takes up the rest of the block. The 1.38-acre park is along the entire First Avenue frontage between East 67<sup>th</sup> Street and East 68<sup>th</sup> Street and continues west to a depth of 200 feet where it abuts JREC. The park includes a playground, a multi-purpose play area including basketball courts, running track and other recreational facilities, a comfort station, as well as an area used by students from JREC. The block is atypical of the Upper East Side R8B residential zoning as it consists of just the two uses of JREC and St. Catherine's Park.

The project area and many of the midblocks in the surrounding area were rezoned from R8 and R7-2 to R8B in 1985 (C 850539 ZMM). R8B is a contextual district with a maximum FAR of 4.0 for residential uses and, at the time of enactment, a maximum FAR of 4.0 for community facility uses, and a height limit of 75 feet. It typically reflects the existing built condition of six- to seven-story residential buildings with a setback above the base height of 55-60 feet. One exception to the R8B mapping was the midblock area between East 62<sup>nd</sup> Street and East 71<sup>st</sup>

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Street, between First Avenue and York Avenue, which was left in the R8 district because the buildings in that area were contextually different from the R8B character. During the 1985 rezoning process, many groups, including the prominent neighborhood community facilities and institutions, voiced concerns over the R8B rezoning because it limited their ability to expand due to the FAR reduction for community facilities to 4.0. The CPC and the community's desire to provide relief for institutional growth resulted in a zoning text amendment in 1986 (N 860470 ZRM) that increased the permitted community facility FAR in R8B districts within Manhattan Community District 8 from 4.0 to 5.1.

The nearby avenues are mapped with C1-9 and C2-8 districts, which are generally located along major thoroughfares to provide for neighborhood service uses in high-density residential areas. Both are R10 residential equivalents, and both have a maximum commercial FAR of 2.0 and permit a limited range of neighborhood retail services. The difference between the C1-9 and the C2-8 zoning district is that the latter allows a slightly wider range of commercial uses than does the C1-9. Second Avenue is mapped with a C2-8 district below East 66<sup>th</sup> Street and a C1-9 district to the north. First Avenue is mapped in a C2-8 district north of East 68<sup>th</sup> Street and a C1-9 district to the south. R8 and R9 districts are mapped on the midblocks to the east of the project area, between First Avenue and York Avenue. These districts allow for development using height-factor regulations, often resulting in taller buildings. The R9 district also favors institutional uses, such as hospitals, with additional floor area. The area between East 67<sup>th</sup> Street and East 69<sup>th</sup> Street and between First Avenue and York Avenue was mapped as an R9 district in 2001 (C 010548 ZSM) to facilitate the development of a new hospital building for MSK.

First Avenue and Second Avenue are major thoroughfares, serving north- and southbound traffic, respectively. Both East 66<sup>th</sup> Street and East 67<sup>th</sup> Street carry westbound traffic only. The M66 bus runs westbound on East 67<sup>th</sup> Street and eastbound on East 68<sup>th</sup> Street. The M15 and M15 Select Bus Service run on both First Avenue and Second Avenue. The nearest subway station is the 72<sup>nd</sup> Street and Second Avenue station on the Q line. Lexington Avenue, two blocks to the

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west, is also served by the 63<sup>rd</sup> Street/Lexington Avenue stop on the F and Q lines, and the 68<sup>th</sup> Street/Hunter College stop on the 6 line.

*City Support for Medical Institutions in Manhattan Community District 8*

In addition to NYBC, Manhattan Community District 8 is home to some of the most important medical institutions in the United States, including MSK Cancer Center, Rockefeller University, New York Presbyterian Hospital, Weill Cornell Medical Center, and the Hospital for Special Surgery. The City has for many years supported the growth and development of these medical institutions in Community District 8, permitting rezonings and special permits where appropriate to allow these institutions to develop modern facilities. The City has facilitated the renewal and expansion of the institutions located on the easternmost edge of Community District 8 by allowing them to build over the FDR Drive and other adjacent streets. State legislation in 1971 authorized the City to eliminate certain air space volumes above the FDR Drive and portions of East 63<sup>rd</sup> Street, East 70<sup>th</sup> Street, and East 71<sup>st</sup> Street, and to convey these former street areas to abutting institutional owners – to Rockefeller University, Hospital for Special Surgery, and New York Presbyterian Hospital.

The City has also facilitated expansions by these medical institutions through other zoning measures, including the MSK Cancer Center (C 010548 ZSM) in 2001 that included a rezoning of the mid-blocks between East 67<sup>th</sup> Street and East 69<sup>th</sup> Street, between First Avenue and York Avenue, from an R8 to an R9 district (which permits 10.0 FAR for community facility use), to facilitate the expansion of MSK's campus, including a new research facility and new hospital buildings. Like these other important medical institutions in Community District 8, NYBC would like to modernize and expand its facilities and cannot do so within existing zoning constraints. NYBC's existing, outdated building was built in the 1930s as a trade school with narrow floorplates, constrained by four inner courts, and low floor-to-floor heights that do not have the dimensions necessary for modern life sciences laboratories. Under the 75-foot height limit and lot coverage and floor area restrictions of the R8B district, it would not be possible to develop a

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building on the site with the size and critical dimensions necessary for a modern life sciences hub.

*City Support for the Life Sciences*

The City supports the growth of the life sciences industry as an important source of high-skilled jobs that is uniquely suited for expansion in New York City due to its many academic and medical institutions, its strong financial industry, and its large and diverse population. The City's efforts to support the life sciences date from 1990, when the ZR was amended to create a special permit pursuant to Section 74-48 to facilitate the Columbia University Audubon Research Park. The biotechnological research and development center in Washington Heights was a collaboration between the New York City Public Development Corporation, now known as the New York City Economic Development Corporation (EDC), and Columbia University. The zoning text amendment permitted the CPC to allow by special permit Use Group 17 laboratories in C6 zoning district, which are only permitted as-of-right in manufacturing districts. The CPC Report for the text amendment (N 900523 ZRY) noted that the special permit would help to encourage the biomedical industry in the city. It also stated that locating these research and development laboratories near existing medical institutions, which are not located in manufacturing districts, would be appropriate because of the similarity between these laboratory uses and the uses already being conducted in medical institutions and hospitals. The special permit was used again by the City in a collaboration between EDC and New York University's School of Medicine for the East River Science Park (now known as the Alexandria Center) on the former Bellevue Hospital campus, between East 28<sup>th</sup> Street and East 30<sup>th</sup> Street, east of First Avenue. The special permit (C 010712 ZSM) facilitated a scientific research and development facility with 1.1 million square feet on surplus Bellevue Hospital property, which, like the Columbia Audubon project, is proximate to a major academic medical center, NYU Langone. The application also involved a rezoning of the property from an R8/C2-5 zoning district to a C6-2 district, which permitted an increase in commercial FAR, and made the property eligible for the ZR Section 74-48 special permit.



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The City issued a Life Sciences Memorandum, dated December 13, 2016, by EDC, the Department of City Planning (DCP), and Department of Buildings, that clarified a zoning interpretation that life sciences laboratories can be located in commercial zoning districts, and can be classified as Use Group 9 medical laboratories. According to the Memorandum, these medical laboratories may include facilities for research, testing, and development, and may include limited production activities.

EDC initiated the LifeSci NYC program and released a Request for Expressions of Interest (RFEI) in January 2018. As part of the City's \$500 million incentives program, the RFEI offered three different City-owned sites for potential disposition and up to \$100 million in financial support for "a world class facility for life sciences research and development" and to "connect research to industry, unlock space for companies to grow, and build a pipeline for diverse life sciences talent." The RFEI states that commercial life sciences is an industry that will drive new discoveries and good jobs, and its growth will reinforce New York City's leadership in the innovation economy. In May 2018 NYBC responded to the RFEI and offered to contribute its own property in support of the City's effort. In January 2021, the City announced \$38 million in capital grants to four institutions as part of LifeSci NYC to support the development of life sciences research laboratories. Each of the four facilities will be focused on supporting partnerships between the academic institutions and commercial biotech companies, and one of these grants will help to fund a new 26,000 square-foot incubator for commercial life sciences companies at Rockefeller University, which will work in partnership with MSK and Weill Cornell.

### **PROPOSED DEVELOPMENT**

The proposed Center East life sciences hub would house state-of-the art flexible and efficient research and development facilities, which would both serve NYBC's research program and life sciences companies, as well as adjacent research institutions. The building would have 451,860 square feet or an FAR of 10, with a height of 16 stories and approximately 334 feet. It would contain community facility floor area of approximately 139,094 square feet (206,375 gross

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square feet) and commercial floor area of 312,766 square feet (389,760 gross square feet). The proposed new building would contain NYBC's laboratories, offices, and other facilities on its lower floors. The lower portion of the building would be home to NYBC's administrative and research and development facilities, including microbiological and biomedical laboratories that have been located on-site since the 1980s, along with mechanical floor that would serve the entire building. The ground floor of the building would contain a multi-purpose community room accessible to local community groups, as well as an accessory café for building users, which would also be available to the public.

On the upper floors, the building would house a commercial scientific research and development facility, which will contain laboratories and related office space for companies engaged in life sciences research and development that has been designed to accommodate a wide range of occupancy configurations on large floorplates. Between the NYBC space on the lower floors and the partner space on the upper floors, there will be a floor with shared core facilities and amenities provided as a resource for Center East. Floorplates within the upper portion of the building would be approximately square in shape and have a minimum of 30,000 square feet. The floors would be designed for interaction among companies and for adaptability with both wet and dry laboratory space. The building's 16-foot floor-to-floor heights would be designed to accommodate the robust mechanical and ventilation systems required for modern laboratories. Center East would provide space and resources for a variety of growth-stage life sciences companies, commercially oriented research and development companies, and other not-for-profit institutional partners, which would establish a cluster of life sciences research and development activities anchored by NYBC in a campus-like environment.

The waivers for the upper floors would create the large and flexible floorplates necessary for modern and efficient laboratory space. The massing and floorplate are driven by the specific functional requirements of modern laboratories. Floor plates must be a minimum of 30,000 square feet to enable the flexibility to accommodate multiple small start-up entities or large research groups. These laboratory floors must be open and efficient so that they can

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accommodate both wet bench research and dry computational research. The configuration of each floor must consist of an 11-foot building module that will allow for a 22-foot laboratory support zone for enclosed specialized equipment and a 33-foot open bench zone for lab workspace, write-up desks, and sinks, resulting in a 55-foot minimum dimension from building core to building exterior structure.

This site is one of the few places in the city where a floorplate of this size could be provided in a new, purpose-built building.

The applicant proposes to rezone the project area to a C2 district, including a C2-8 district on both sides of Second Avenue to a depth of 100 feet (affecting a portion of Lot 21 of Block 1421 and Lots 1001-1004 of Block 1441), and a C2-7 district on the development site, between 100 feet and 325 feet east of Second Avenue (affecting Lot 40 of Block 1441). Both the C2-8 and C2-7 districts would permit commercial laboratories classified as Use Group 9 medical laboratories, which are similar in their operational characteristics to the scientific research and development facilities that would be included in the proposed development. The C2-8 district has the same bulk regulations as the current C1-9 district (both are R10-equivalent districts, which permit 2.0 FAR of commercial uses), and differs only in permitting a wider range of commercial uses. The C2-7 district has comparable bulk regulations to an R9 district, which is mapped one block to the east, on the MSK hospital site between First Avenue and York Avenue, and between East 67<sup>th</sup> Street and East 69<sup>th</sup> Street. The proposed C2-7 district has equivalent bulk regulations to an R9 district, and so is more appropriate for a midblock site than the C2-8 district. The C2-7 district is limited to three locations in Manhattan: on the avenue frontage of Amsterdam Avenue, between West 54<sup>th</sup> Street and West 56<sup>th</sup> Street to a depth of 150 feet, and between West 56<sup>th</sup> Street and West 59<sup>th</sup> Street to a depth of 100 feet; at St. Vincent's Triangle park in Greenwich Village, between West 12<sup>th</sup> Street, Seventh Avenue, and Greenwich Street; and at Waterside Plaza, east of the FDR Drive, between East 25<sup>th</sup> Street and East 30<sup>th</sup> Street.

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In the Matter of the Application of

NEW YORK BLOOD CENTER, INC.

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 [C 210353 ZSM]

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PROTEST PURSUANT TO §200  
SUBD. A(3) (2) OF THE NEW YORK  
CITY CHARTER AGAINST  
PROPOSED RESOLUTION  
C210353ZSM APPROVED BY THE  
NEW YORK CITY PLANNING  
COMMISSION

The undersigned respectfully state as and for their **PROTEST** pursuant to §200 subd. (a)(3)(2) of the New York City Charter against the resolution approved by the New York City Planning Commission ("**CPC**") in response to and in favor of that certain application designated C 210353 ZSM, submitted by the NEW YORK BLOOD CENTER, INC. ("**BLOOD CENTER**"), having an address at 326 East 67th Street a/k/a 310 East 67th Street, New York, New York 10065 (Block 1441, Lot 40) 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, such CPC resolution attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter "**Special Permit Resolution**"), as follows:

1. In or about December 1999 and pursuant to Article 9-B of the Real Property Law of the State of New York, an amended Declaration of Condominium dated June 8, 1999 establishing a plan for condominium ownership of the premises known as 301 East 66th Street, New York, New York lying in Block 1441, Lot 1 and now lying in Block 1441, Lot 7501 on the Tax Map of the Borough of Manhattan, County of New York, City and State of New York was filed and recorded in the New York County Office of the Register of the City of New York ("**Amended Declaration**"), thereby lawfully establishing the

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Condominium originally known as The 301 East 66th Street Condominium and, after incorporating in accordance with the terms of Section 2.4 of the By-Laws of the Condominium ("**Condominium By-Laws**"), is now known as 301 East 66th Street Condominium Corp. ("**Condominium**").

2. The Condominium is composed, in part, of 202 residential apartments ("**Residential Units**"), a commercial unit composed of certain retail commercial space ("**Commercial Unit**"), a professional unit composed of a certain doctor's office ("**Professional Unit**") and a certain garage composed of a vehicular garage ("**Garage Unit**") (sometimes collectively referred to as "**Condominium Units**") together with certain Common Elements and/or Limited Common Elements, as defined in the Amended Declaration.

3. Under Article 7 of the Amended Declaration, one of the Common Elements of the Condominium is the land identified as Block 1441, Lot 7501 on the Tax Map of the Borough of Manhattan, County of New York, City and State of New York, and as more particularly described in Exhibit A to the Amended Declaration ("**Land**").

4. Annexed hereto and marked as Exhibit "B" is a legal description of the Land as particularly described in Exhibit A to Amended Declaration.

5. Annexed hereto and marked as Exhibit "C" is a description of the Condominium Units, as set forth in Exhibit B to the Amended Declaration.

6. Under the Amended Declaration and Condominium By-Laws, the Board of Managers of the Condominium ("**Condominium Board**") is the governing body of the Condominium with all powers and duties necessary for, or incidental to, the administration of the affairs of the Condominium.

7. Section 2.4 of the Condominium By-Laws provides, in part and in substance, that the Condominium Board has all powers and duties necessary for, or incidental to, the administration of the affairs of the Condominium including, but not limited to the specific powers and duties (a) to execute, acknowledge and deliver any consent that the Condominium Board deems necessary or appropriate and (b) to act as the Unit Owners' attorney-in-fact in the execution and prosecution of any appropriate applications.

8. The undersigned Vasilios Angelos is the president of and authorized signatory for the Condominium Board.

9. The undersigned Mark Epstein is the vice president of and authorized signatory for 301/66 Owners Corp.

10. 301/66 Owners Corp. is the owner, in fee, of 156 Residential Units in the Condominium.

11. The undersigned Mark Epstein is a member of and authorized signatory for a limited liability company known as 301 East 66 LLC.

12. 301 East 66 LLC is the owner, in fee, of the Commercial Unit, Professional Unit and Garage Unit in the Condominium.

13. The undersigned Mark Epstein is the president of and authorized signatory for 301 East 66th Street Inc., a general partner of 301 East 66th Street Associates Limited Partnership.

14. 301 East 66th Street Associates Limited Partnership is the owner, in fee, of three (3) Residential Units in the Condominium.

15. The Condominium is the owner, in fee, of one residential unit in the Condominium.

16. The Commercial Unit Owner, Residential Unit Owners, Garage Unit Owner and Professional Unit Owner as defined in Exhibit C to the Amended Declaration (collectively "**Unit Owners**") are the owners of twenty percent or more of the land immediately adjacent and extending 100 feet from the land included in changes proposed in the Special Permit Resolution.

17. As of the date hereof, 301 East 66th Street Associates Limited Partnership, 301/66 Owners Corp. and 301 East 66 LLC, collectively, own fee title, of record, to more than eighty (80%) percent of the Condominium Units, and to over an eighty (80%) percent undivided interest in the Condominium's Common Elements.

18. Pursuant to the Condominium's By-Laws, an affirmative vote of a majority of Unit Owners shall be binding upon all Unit Owners for all purposes.

19. Pursuant to the Condominium's By-Laws, each Unit Owner shall be deemed to have irrevocably nominated, constituted and appointed the persons who constitute the Condominium Board jointly and in their capacities as members of the Condominium Board as such Unit Owner's attorney-in fact, coupled with an interest and with power of substitution to execute, acknowledge and deliver any consent affecting the Condominium or the Common Elements that the Condominium deems necessary or appropriate.

20. At a special meeting of the Unit Owners of the Condominium duly held on October 20, 2021 at which a quorum was present and acting throughout ("**Special Unit**

**Owners Meeting**”), a majority of the Unit Owners, including 301/66 Owners Corp., 301 East 66 LLC, and 301 East 66th Street Associates Limited Partnership, duly adopted and enacted a resolution which, in part, authorizes the Unit Owners of the Condominium to present a protest to the New York City Clerk pursuant to §200 subd. (a)(3) of the New York City Charter against the Special Permit Resolution (“**Protest Application**”).

21. At a special meeting of the Board of Managers duly held on October 20, 2021 at which a quorum was present and acting throughout (“**Special Meeting of the Condominium Board**”), a majority of the members of the Condominium Board enacted a resolution confirming that the Special Permit Resolution adversely affects the Condominium and, after deeming same to be necessary and appropriate, consenting to the execution and acknowledgement by the Condominium Board of a protest pursuant to §200 subd. (a)(3) of the New York City Charter against the Special Permit Resolution on behalf of and/or as attorney-in fact for the Unit Owners and for same to be presented to the New York City Clerk.

22. The Special Permit Resolution is subject to review and approval by the New York City Council under Zoning Resolution §197-d.

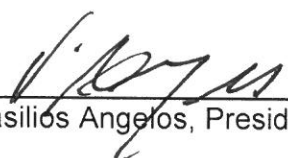
23. Accordingly, and pursuant to §200 subd. (a)(3)(2) of the New York City Charter, the undersigned, hereby file and present to the Clerk of the City of New York, this Protest against the Special Permit Resolution previously approved by the New York City Planning Commission and filed with the New York City Council.

24. It is respectfully submitted that pursuant to §200 subd. (a)(3)(2) of the New York City Charter upon the filing and presentment of the instant Protest to the New York City Clerk, the Special Permit Resolution shall not be effective unless approved by the




New York City Council by a three-fourths vote within one hundred eighty days after the filing of the Special Permit Resolution with the New York City Clerk.


Board of Managers of 301 East 66th Street Condominium Corp.

By:   
Vasiliós Angelos, President

301 East 66th Street Associates Limited Partnership, by 301 East 66th Street Inc., as general partner

By:   
Mark Epstein, President

301 East 66 LLC

By:   
Mark Epstein, Member

301/66 Owners Corp.

By:   
Mark Epstein, Vice-President

ACKNOWLEDGMENT

STATE OF NEW YORK    )  
                                  ) ss.:  
COUNTY OF NEW YORK )


On the 21<sup>st</sup> day of October in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared **VASILIOS ANGELOS**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
\_\_\_\_\_  
NOTARY PUBLIC

MARC S BRESKY  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02BR6383679  
Qualified in Nassau County  
My Commission Expires 11-26-2022

STATE OF NEW YORK    )  
                                  ) ss.:  
COUNTY OF NEW YORK )

On the 21<sup>st</sup> day of October in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared **MARK EPSTEIN**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
\_\_\_\_\_  
NOTARY PUBLIC

MARC S BRESKY  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02BR6383679  
Qualified in Nassau County  
My Commission Expires 11-26-2022



## CITY PLANNING COMMISSION

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September 22, 2021 / Calendar No. 25

C 210353 ZSM

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**IN THE MATTER OF** an application submitted by New York Blood Center, Inc. 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 as follows:

1. to allow a scientific research and development facility as a commercial use;
2. 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;
3. 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,
4. 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);

to facilitate a proposed 16-story building on property located at 310 East 67th Street (Block 1441, Lot 40), in a C2-7 District, in the Borough of Manhattan, Community District 8.

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This application for a zoning special permit pursuant to Section 74-48 of the Zoning Resolution (ZR) was filed by New York Blood Center, Inc. on April 1, 2021, to allow for the development of an approximately 452,000 square-foot scientific research and development facility, and community facility. The proposed action, in conjunction with the related applications, 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.

### RELATED ACTIONS

EXHIBIT A

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In addition to the zoning special permit (C 210353 ZSM) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC or Commission) on the following applications, which are being considered concurrently with this application:

- C 210351 ZMM**      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.
- N 210352 ZRM**      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.

## **BACKGROUND**

The applicant, New York Blood Center, Inc. (NYBC), seeks a CPC special permit, a zoning map amendment, and a zoning text amendment to facilitate the redevelopment of its current headquarters as a modern life sciences hub containing laboratory space for both NYBC and its commercial and institutional partners. The proposed 16-story, 334-foot-tall building, to be known as Center East, would have approximately 452,000 total square feet of floor area divided between the NYBC community facility use of approximately 139,000 square feet and commercial lab space of 313,000 square feet.

A not-for-profit institution focused on the dual mission of supplying transfusion products to the New York metropolitan region and conducting scientific research, NYBC is a long-term Upper East Side organization. It was initially established by the Rockefeller family, through the Rockefeller Foundation, which provided seed money to establish NYBC in 1964. NYBC was purposely founded in its current location, close to Rockefeller University, which facilitates collaboration between the two institutions. This area of the Upper East Side is renowned for its premier health, medical and academic facilities. As the leading supplier of the blood and blood products used by over 500 hospitals and research organizations throughout the New York metro area, NYBC plays a critical role in the city's and the region's health.

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Recently, NYBC has played a role in life sciences research including the effort to treat COVID-19 patients, to improve access to reliable diagnostic antibody tests, and to develop a COVID-19 vaccine. Additionally, NYBC was the first blood center to collect convalescent blood plasma donations from individuals who have recovered from COVID-19 to treat other patients with serious or immediately life-threatening coronavirus infections. Other current research areas include exploring cures for macro- and neuro-degenerative disorders such as blindness, Parkinson's, and Alzheimer's disease, as well as prototypic SARS, MERS, and HIV vaccines. Commercial and institutional research entities currently share space with NYBC through its East Side Bio-technology Accelerator Program.

The existing building, and proposed development site, has the street addresses of 303-319 East 66<sup>th</sup> Street and 304-326 East 67<sup>th</sup> Street (Block 1441, Lot 40). It was constructed in 1930 as a three-story trade school with narrow floorplates, four inner courts, low floor-to-floor heights, and full lot coverage with approximately 130,678 square feet of floor area built to a floor area ratio (FAR) of 2.89. Because the site is a through lot with 225 feet of frontage on both East 66<sup>th</sup> and East 67<sup>th</sup> Streets and a depth of 200 feet, the lot area is exceptionally large at 45,186 square feet. The primary pedestrian entrance to NYBC administrative offices, accessory laboratory space, and blood donation center is on East 67<sup>th</sup> Street, while the service entrance, two curb cuts that serve the building's loading berths, and 30 accessory parking spaces are located on the East 66<sup>th</sup> Street frontage. The existing building is in an R8B contextual district that allows a maximum FAR of 4.0 for residential uses and 5.1 for community facility uses, and a height limit of 75 feet. The R8B zoning typically results in six- to seven-story buildings with a setback above the base height of 55-60 feet.

In addition to the development site, the project area includes both sides of Second Avenue to a depth of 100 feet, between East 66<sup>th</sup> Street and East 67<sup>th</sup> Street, which are in a C1-9 zoning district. On the western side of the avenue, 1261 Second Avenue (Block 1421, Lot 21) is improved with a 45-story, 330-unit residential tower that was built in 1973 and that also contains

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a movie theater and ground floor retail uses. The movie theater, a Use Group 8 use, is not as-of-right in a C1-9 district. The movie theater occupies the building pursuant to a 1971 special permit from the Board of Standards and Appeals (BSA) (Cal. No. 63-71-BZ). On the eastern side of the avenue, 301 East 66<sup>th</sup> Street (Block 1441, Lots 1001-1004) is improved with a 16-story, 200-unit residential building built in 1956, with restaurants, retail, and a religious preschool on its ground floor.

The surrounding area was initially developed at the turn of the 20<sup>th</sup> century with three- and four-story townhouses. The 1910s and 1920s brought a wave of construction of larger walk-up apartment buildings of five and six stories, such as those found on East 66<sup>th</sup> Street, across from the development site. Many of the smaller buildings were eventually replaced with larger apartment buildings rising 10-14 stories in the midblocks and 15-21 stories on the avenues under the pre-1961 Zoning Resolution (ZR) and by taller buildings (up to 45 stories on the avenues) under the post-1961 zoning controls. Typically, ground-floor retail provides neighborhood services in those residential buildings fronting on the avenues. The development site is located on an atypical block (Block 1441, Lot 40) as it occupies half of the midblock R8B zoning district area with 225 feet of frontage on both East 66<sup>th</sup> Street and East 67<sup>th</sup> Street and a depth of 200 feet. There are two large midrise apartment buildings of 13 and 14 stories (Lot 31 and Lot 17, respectively) that occupy approximately half of the remaining midblock area, leaving only about a quarter of the midblock area with the typical R8B buildings with three residential walkup apartment buildings and a three-story New York Public Library building.

The area to the west of the development site is predominantly residential and includes the landmark Manhattan House, which is a 20-story, 214-foot-tall apartment and retail complex that occupies the entire block bounded by Second Avenue, East 66<sup>th</sup> Street, Third Avenue, and East 65<sup>th</sup> Street. It also includes, directly across East 66<sup>th</sup> Street from the development site, the Memorial Sloan Kettering (MSK) Lauder Breast Center at 300 East 66<sup>th</sup> Street, which is a 16-story building built in 2006, and five rowhouses that are occupied by MSK staff housing. The area to the east includes a concentration of institutional uses including medical and research

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campuses associated with Rockefeller University, MSK, Weill Cornell, New York Presbyterian Hospital, and the Hospital for Special Surgery. These hospital, medical, and academic facilities dominate the blocks between First Avenue and York Avenue, from East 66<sup>th</sup> Street to East 69<sup>th</sup> Street, as well as the east side of York Avenue from East 63<sup>rd</sup> to East 71<sup>st</sup> Street. Most of these institutional buildings were constructed in the mid-20<sup>th</sup> century and are 15-36 stories in height.

In addition to health and medical institutions, there are two nearby public schools: the Julia Richman Education Complex (JREC) and Robert Louis Stevenson School (PS 183). Located directly across East 67<sup>th</sup> Street from NYBC, JREC is a large, six-story, pre-kindergarten to high school complex that has six separate schools with 1,800 students. The building, originally built in 1924 as a girls' school, has a lot area of 70,000 square feet, and includes the entire 200-foot Second Avenue block frontage between East 67<sup>th</sup> Street and East 68<sup>th</sup> Street and has a depth of 350 feet. Robert Louis Stevenson School has 560 pre-kindergarten to fifth grade students and is located one block immediately to the east of NYBC.

St. Catherine's Park, also located directly to the north of NYBC across East 67<sup>th</sup> Street, is next to JREC and takes up the rest of the block. The 1.38-acre park is along the entire First Avenue frontage between East 67<sup>th</sup> Street and East 68<sup>th</sup> Street and continues west to a depth of 200 feet where it abuts JREC. The park includes a playground, a multi-purpose play area including basketball courts, running track and other recreational facilities, a comfort station, as well as an area used by students from JREC. The block is atypical of the Upper East Side R8B residential zoning as it consists of just the two uses of JREC and St. Catherine's Park.

The project area and many of the midblocks in the surrounding area were rezoned from R8 and R7-2 to R8B in 1985 (C 850539 ZMM). R8B is a contextual district with a maximum FAR of 4.0 for residential uses and, at the time of enactment, a maximum FAR of 4.0 for community facility uses, and a height limit of 75 feet. It typically reflects the existing built condition of six- to seven-story residential buildings with a setback above the base height of 55-60 feet. One exception to the R8B mapping was the midblock area between East 62<sup>nd</sup> Street and East 71<sup>st</sup>



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Street, between First Avenue and York Avenue, which was left in the R8 district because the buildings in that area were contextually different from the R8B character. During the 1985 rezoning process, many groups, including the prominent neighborhood community facilities and institutions, voiced concerns over the R8B rezoning because it limited their ability to expand due to the FAR reduction for community facilities to 4.0. The CPC and the community's desire to provide relief for institutional growth resulted in a zoning text amendment in 1986 (N 860470 ZRM) that increased the permitted community facility FAR in R8B districts within Manhattan Community District 8 from 4.0 to 5.1.

The nearby avenues are mapped with C1-9 and C2-8 districts, which are generally located along major thoroughfares to provide for neighborhood service uses in high-density residential areas. Both are R10 residential equivalents, and both have a maximum commercial FAR of 2.0 and permit a limited range of neighborhood retail services. The difference between the C1-9 and the C2-8 zoning district is that the latter allows a slightly wider range of commercial uses than does the C1-9. Second Avenue is mapped with a C2-8 district below East 66<sup>th</sup> Street and a C1-9 district to the north. First Avenue is mapped in a C2-8 district north of East 68<sup>th</sup> Street and a C1-9 district to the south. R8 and R9 districts are mapped on the midblocks to the east of the project area, between First Avenue and York Avenue. These districts allow for development using height-factor regulations, often resulting in taller buildings. The R9 district also favors institutional uses, such as hospitals, with additional floor area. The area between East 67<sup>th</sup> Street and East 69<sup>th</sup> Street and between First Avenue and York Avenue was mapped as an R9 district in 2001 (C 010548 ZSM) to facilitate the development of a new hospital building for MSK.

First Avenue and Second Avenue are major thoroughfares, serving north- and southbound traffic, respectively. Both East 66<sup>th</sup> Street and East 67<sup>th</sup> Street carry westbound traffic only. The M66 bus runs westbound on East 67<sup>th</sup> Street and eastbound on East 68<sup>th</sup> Street. The M15 and M15 Select Bus Service run on both First Avenue and Second Avenue. The nearest subway station is the 72<sup>nd</sup> Street and Second Avenue station on the Q line. Lexington Avenue, two blocks to the

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west, is also served by the 63<sup>rd</sup> Street/Lexington Avenue stop on the F and Q lines, and the 68<sup>th</sup> Street/Hunter College stop on the 6 line.

*City Support for Medical Institutions in Manhattan Community District 8*

In addition to NYBC, Manhattan Community District 8 is home to some of the most important medical institutions in the United States, including MSK Cancer Center, Rockefeller University, New York Presbyterian Hospital, Weill Cornell Medical Center, and the Hospital for Special Surgery. The City has for many years supported the growth and development of these medical institutions in Community District 8, permitting rezonings and special permits where appropriate to allow these institutions to develop modern facilities. The City has facilitated the renewal and expansion of the institutions located on the easternmost edge of Community District 8 by allowing them to build over the FDR Drive and other adjacent streets. State legislation in 1971 authorized the City to eliminate certain air space volumes above the FDR Drive and portions of East 63<sup>rd</sup> Street, East 70<sup>th</sup> Street, and East 71<sup>st</sup> Street, and to convey these former street areas to abutting institutional owners – to Rockefeller University, Hospital for Special Surgery, and New York Presbyterian Hospital.

The City has also facilitated expansions by these medical institutions through other zoning measures, including the MSK Cancer Center (C 010548 ZSM) in 2001 that included a rezoning of the mid-blocks between East 67<sup>th</sup> Street and East 69<sup>th</sup> Street, between First Avenue and York Avenue, from an R8 to an R9 district (which permits 10.0 FAR for community facility use), to facilitate the expansion of MSK's campus, including a new research facility and new hospital buildings. Like these other important medical institutions in Community District 8, NYBC would like to modernize and expand its facilities and cannot do so within existing zoning constraints. NYBC's existing, outdated building was built in the 1930s as a trade school with narrow floorplates, constrained by four inner courts, and low floor-to-floor heights that do not have the dimensions necessary for modern life sciences laboratories. Under the 75-foot height limit and lot coverage and floor area restrictions of the R8B district, it would not be possible to develop a

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building on the site with the size and critical dimensions necessary for a modern life sciences hub.

*City Support for the Life Sciences*

The City supports the growth of the life sciences industry as an important source of high-skilled jobs that is uniquely suited for expansion in New York City due to its many academic and medical institutions, its strong financial industry, and its large and diverse population. The City's efforts to support the life sciences date from 1990, when the ZR was amended to create a special permit pursuant to Section 74-48 to facilitate the Columbia University Audubon Research Park. The biotechnological research and development center in Washington Heights was a collaboration between the New York City Public Development Corporation, now known as the New York City Economic Development Corporation (EDC), and Columbia University. The zoning text amendment permitted the CPC to allow by special permit Use Group 17 laboratories in C6 zoning district, which are only permitted as-of-right in manufacturing districts. The CPC Report for the text amendment (N 900523 ZRY) noted that the special permit would help to encourage the biomedical industry in the city. It also stated that locating these research and development laboratories near existing medical institutions, which are not located in manufacturing districts, would be appropriate because of the similarity between these laboratory uses and the uses already being conducted in medical institutions and hospitals. The special permit was used again by the City in a collaboration between EDC and New York University's School of Medicine for the East River Science Park (now known as the Alexandria Center) on the former Bellevue Hospital campus, between East 28<sup>th</sup> Street and East 30<sup>th</sup> Street, east of First Avenue. The special permit (C 010712 ZSM) facilitated a scientific research and development facility with 1.1 million square feet on surplus Bellevue Hospital property, which, like the Columbia Audubon project, is proximate to a major academic medical center, NYU Langone. The application also involved a rezoning of the property from an R8/C2-5 zoning district to a C6-2 district, which permitted an increase in commercial FAR, and made the property eligible for the ZR Section 74-48 special permit.

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The City issued a Life Sciences Memorandum, dated December 13, 2016, by EDC, the Department of City Planning (DCP), and Department of Buildings, that clarified a zoning interpretation that life sciences laboratories can be located in commercial zoning districts, and can be classified as Use Group 9 medical laboratories. According to the Memorandum, these medical laboratories may include facilities for research, testing, and development, and may include limited production activities.

EDC initiated the LifeSci NYC program and released a Request for Expressions of Interest (RFEI) in January 2018. As part of the City's \$500 million incentives program, the RFEI offered three different City-owned sites for potential disposition and up to \$100 million in financial support for "a world class facility for life sciences research and development" and to "connect research to industry, unlock space for companies to grow, and build a pipeline for diverse life sciences talent." The RFEI states that commercial life sciences is an industry that will drive new discoveries and good jobs, and its growth will reinforce New York City's leadership in the innovation economy. In May 2018 NYBC responded to the RFEI and offered to contribute its own property in support of the City's effort. In January 2021, the City announced \$38 million in capital grants to four institutions as part of LifeSci NYC to support the development of life sciences research laboratories. Each of the four facilities will be focused on supporting partnerships between the academic institutions and commercial biotech companies, and one of these grants will help to fund a new 26,000 square-foot incubator for commercial life sciences companies at Rockefeller University, which will work in partnership with MSK and Weill Cornell.

## **PROPOSED DEVELOPMENT**

The proposed Center East life sciences hub would house state-of-the art flexible and efficient research and development facilities, which would both serve NYBC's research program and life sciences companies, as well as adjacent research institutions. The building would have 451,860 square feet or an FAR of 10, with a height of 16 stories and approximately 334 feet. It would contain community facility floor area of approximately 139,094 square feet (206,375 gross

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square feet) and commercial floor area of 312,766 square feet (389,760 gross square feet). The proposed new building would contain NYBC's laboratories, offices, and other facilities on its lower floors. The lower portion of the building would be home to NYBC's administrative and research and development facilities, including microbiological and biomedical laboratories that have been located on-site since the 1980s, along with mechanical floor that would serve the entire building. The ground floor of the building would contain a multi-purpose community room accessible to local community groups, as well as an accessory café for building users, which would also be available to the public.

On the upper floors, the building would house a commercial scientific research and development facility, which will contain laboratories and related office space for companies engaged in life sciences research and development that has been designed to accommodate a wide range of occupancy configurations on large floorplates. Between the NYBC space on the lower floors and the partner space on the upper floors, there will be a floor with shared core facilities and amenities provided as a resource for Center East. Floorplates within the upper portion of the building would be approximately square in shape and have a minimum of 30,000 square feet. The floors would be designed for interaction among companies and for adaptability with both wet and dry laboratory space. The building's 16-foot floor-to-floor heights would be designed to accommodate the robust mechanical and ventilation systems required for modern laboratories. Center East would provide space and resources for a variety of growth-stage life sciences companies, commercially oriented research and development companies, and other not-for-profit institutional partners, which would establish a cluster of life sciences research and development activities anchored by NYBC in a campus-like environment.

The waivers for the upper floors would create the large and flexible floorplates necessary for modern and efficient laboratory space. The massing and floorplate are driven by the specific functional requirements of modern laboratories. Floor plates must be a minimum of 30,000 square feet to enable the flexibility to accommodate multiple small start-up entities or large research groups. These laboratory floors must be open and efficient so that they can

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accommodate both wet bench research and dry computational research. The configuration of each floor must consist of an 11-foot building module that will allow for a 22-foot laboratory support zone for enclosed specialized equipment and a 33-foot open bench zone for lab workspace, write-up desks, and sinks, resulting in a 55-foot minimum dimension from building core to building exterior structure.

This site is one of the few places in the city where a floorplate of this size could be provided in a new, purpose-built building.

The applicant proposes to rezone the project area to a C2 district, including a C2-8 district on both sides of Second Avenue to a depth of 100 feet (affecting a portion of Lot 21 of Block 1421 and Lots 1001-1004 of Block 1441), and a C2-7 district on the development site, between 100 feet and 325 feet east of Second Avenue (affecting Lot 40 of Block 1441). Both the C2-8 and C2-7 districts would permit commercial laboratories classified as Use Group 9 medical laboratories, which are similar in their operational characteristics to the scientific research and development facilities that would be included in the proposed development. The C2-8 district has the same bulk regulations as the current C1-9 district (both are R10-equivalent districts, which permit 2.0 FAR of commercial uses), and differs only in permitting a wider range of commercial uses. The C2-7 district has comparable bulk regulations to an R9 district, which is mapped one block to the east, on the MSK hospital site between First Avenue and York Avenue, and between East 67<sup>th</sup> Street and East 69<sup>th</sup> Street. The proposed C2-7 district has equivalent bulk regulations to an R9 district, and so is more appropriate for a midblock site than the C2-8 district. The C2-7 district is limited to three locations in Manhattan: on the avenue frontage of Amsterdam Avenue, between West 54<sup>th</sup> Street and West 56<sup>th</sup> Street to a depth of 150 feet, and between West 56<sup>th</sup> Street and West 59<sup>th</sup> Street to a depth of 100 feet; at St. Vincent's Triangle park in Greenwich Village, between West 12<sup>th</sup> Street, Seventh Avenue, and Greenwich Street; and at Waterside Plaza, east of the FDR Drive, between East 25<sup>th</sup> Street and East 30<sup>th</sup> Street.

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The current C1-9 zoning district mapped on the Second Avenue block-front parcels is a high-density residential district (10 FAR; up to 12 FAR with Inclusionary Housing), which permits up to 2 FAR of local retail, restaurant, and office uses. These parcels have been in a C1-9 zoning district since the adoption of the ZR in 1961, when the line between the C1-9 district and the C2-8 district to the south was established at East 66<sup>th</sup> Street. The uses and built character of this section of Second Avenue are consistent both above and below East 66<sup>th</sup> Street, with high-rise apartment buildings and ground-floor retail. The proposed C2-8 district is a high-density residential district mapped on avenue block fronts, mostly in Manhattan. Its bulk regulations are the same as the regulations of the current C1-9 district. It allows 10 FAR for residential uses, which may be increased to 12 FAR through the City's Inclusionary Housing program. It allows 10 FAR for community facility uses, and 2 FAR for commercial uses. Commercial uses are limited to the first two floors of a building (or, for a mixed-use building built before September 17, 1970, to the first floor). C2-8 districts differ from C1-9 districts in the range of commercial uses permitted: both districts permit hotels (Use Group 5) and local retail, eating and drinking establishments, and offices (Use Group 6); C2-8 districts permit, in addition, home maintenance and repair services (Use Group 7), theaters and other amusement uses (Use Group 8), medical and dental laboratories for research and testing (Use Group 9), and facilities related to boating (Use Group 14).

## **ACTIONS NECESSARY TO FACILITATE THE DEVELOPMENT**

### *Zoning Special Permit*

The proposed special permit pursuant to ZR Section 74-48, as amended, would permit the following:

- scientific research and development facilities, including commercial labs and associated office space, to be included in the project at more than the 2 FAR permitted in C2-7 districts, pursuant to ZR Section 33-122, not to exceed the 10 FAR permitted for community facility uses.

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The amount of commercial floor area proposed for the development is 312,766 square feet at 6.92 FAR. The commercial labs would create a life sciences hub that would serve as a center of institutional uses but also of commercial, growth-stage companies that are engaged in the commercialization of research that would enable new products and treatments. Co-locating NYBC investigators with institutional and commercial partners would further collaborations and synergies that translate basic science discoveries into application, catalyze development of new companies, and promote technology transfer.

- modifications of the height and setback limitations of ZR Section 33-432.

ZR Section 33-432 requires that commercial and community facility buildings in C2-7 districts have a maximum base height of 85 feet or six stories, whichever is less. Above this base the building must be set back 20 feet on a narrow street (both East 66<sup>th</sup> Street and East 67<sup>th</sup> Street are narrow streets) and must be built beneath a sky exposure plane of 2.7 to 1 on a narrow street. Alternatively, the building may be built in accordance with the alternate sky exposure plane regulations of Section 33-442, according to which, if the building is set back from the street line by 15 feet on a narrow street, the applicable sky exposure plane is 3.7 to 1. The proposed development would be built with a four-story base covering the entire zoning lot, as does the existing building. The height of the base, at 85 feet, would comply with the C2-7 maximum street wall height, and would relate to the height of the lower-scale neighboring buildings on the block and in the area. Above this base, the building would include 12 stories to be used by NYBC's development partner for its laboratory and office space, with floorplates of approximately 30,000 square feet, and an upper mechanical floor. This upper portion of the building would encroach on the required 20-foot setback from both East 67<sup>th</sup> Street and East 66<sup>th</sup> Street. It would be massed toward the south end of the site, with a setback of 15 feet from East 67<sup>th</sup> Street and four feet from East 66<sup>th</sup> Street, to create greater distance from St. Catherine's Park. It would also encroach on the sky exposure plane (of 2.7 to 1) from East 67<sup>th</sup> Street starting at a height of approximately 125 feet, and from East 66<sup>th</sup> Street, starting at a height of



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approximately 96 feet. The waivers for the upper floors would create a modern laboratory space with large and flexible floorplates.

- modifications to the rear yard equivalent regulations of ZR Section 33-283.

On a through lot, ZR Section 33-283 requires a rear yard equivalent of 20 feet to be provided along each of the side lot lines of the zoning lot, 20 feet on each front lot line, or 40 feet in the middle of the lot. The base portion of the building would encroach on the required 20-foot rear yard equivalent, wherever it is located, as the building's lower floors would be built to the lot line. The size of the ground floor floorplates would accommodate all of NYBC's facilities, which would include administrative offices, the principal blood donation center, a ground-floor café, and accessory research laboratories, in addition to the lobby for the commercial portion of the building.

The upper portion of the building would be built within 15 feet of the eastern lot line, and so would also encroach on the required 20-foot rear yard equivalent along the eastern edge of the zoning lot by five feet. It would also be massed toward the east of the site, so that there would be a 30-foot setback from the western lot line and at least 50 feet in total (in most places more than 60 feet) from the 16-story residential building to the west, at 301 East 66<sup>th</sup> Street – the same distance between buildings that would be required if the buildings were on the same zoning lot. To the east, all adjacent buildings are below the level of the base of the proposed new building.

- modifications of the sign regulations to allow signs in the proposed development to exceed the surface area limitation of ZR Section 32-641, Section 32-642, and Section 32-643 and the height limitations of ZR Section 32-655, and modification of the regulations of ZR Section 32-67, which require signs in commercial zoning districts facing a residential district or a public park to follow the C1 district sign regulations.

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In C2-7 districts, ZR Section 32-641 limits the total surface area of accessory signs to the lesser of three times the zoning lot frontage, but not more than 150 square feet, which is also the limitation applicable to non-illuminated signs, pursuant to ZR Section 32-642. ZR Section 62-643 limits the surface area of illuminated signs to three times the zoning lot frontage, or 50 square feet. ZR Section 62-655 limits the height of signs to 25 feet from curb level. For through lots, the maximum permitted amount of signage is calculated for the entire zoning lot, including both street frontages together.

The proposed development would have a total of 1,000 square feet of signage, including 530 square feet on the East 67<sup>th</sup> Street frontage and 470 square feet on the East 66<sup>th</sup> Street frontage. On each street frontage, the proposed development would have a 300-square-foot illuminated sign at a height of 40 feet, which would serve to identify the building. These signs would identify the major life sciences tenant in the building and/or its development partner and would be an opportunity to brand the building. The sign would also allow the building to have greater visibility from Second Avenue, which is important because the building would not have avenue frontage. Total illuminated signage would be 730 square feet and total non-illuminated signage would be 270 square feet.

The maximum permitted amount of signage for through lots is calculated for the entire zoning lot, including both street frontages together. For corner lots, in contrast, the permitted amount of signage is calculated separately for each street frontage. If there are separate establishments on the ground floor of a building, however, each establishment is permitted its own allotment of signage, up to a maximum of 150 square feet per establishment in C2 districts, or 50 square feet for illuminated signage. For the proposed development, there would be separate establishments within the building – NYBC and each of the commercial or institutional building tenants – but these establishments would not have separate entrances on the ground floor, as is contemplated by the sign regulations, and so would not be able to take advantage of this per-establishment method of calculating allowable signage. The building would have an entrance on each street that would not be visible from the other entrance, and the building would require identifying

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signage on each frontage. If each street frontage were considered as a separate establishment, which it could be if the internal configuration of the building were configured to provide separate entrance lobbies, the required signage waiver would be reduced to the amount in excess of 150 square feet per frontage. This greater amount of signage would also be permitted if the development site were two separate interior lots rather than one through lot. ZR Section 32-67 requires that, in C2 through C8 districts, for signs located within 100 feet of a street line and facing at an angle of less than 165 degrees away from such street line, where the street forms the boundary of an adjoining residential district or where the street adjoins a public park of one-half acre or more, such signs are subject to the sign regulation of C1 zoning districts. Because the development site would be located in a C2 district and both streets bounding the zoning lot would form a boundary with an adjoining residential district, ZR Section 32-67 would require signs to comply with the C1 sign regulations, which have the same surface area and height limitations as the C2 regulations. Accordingly, a modification of ZR Section 32-67 would be required to permit the proposed signage on the building.

#### *Zoning Map Amendment*

A zoning map amendment is proposed on the development site to change a midblock R8B residential zoning district to a C2-7 district to facilitate the scientific research and development facility. The property is located between East 67<sup>th</sup> Street and East 66<sup>th</sup> Street and is bounded by a line 325 feet easterly of Second Avenue and a line 100 feet easterly of Second Avenue. The proposed map amendment also includes changing the C1-9 zoning district on the Second Avenue frontage between East 66<sup>th</sup> Street and East 67<sup>th</sup> Street, to a depth of 100 feet on east side and west side of the avenue, to a C2-8 district.

#### *Zoning Text Amendment*

A zoning text amendment to ZR Section 74-48 is proposed to allow scientific research and development facilities in C2-7 districts, which are currently only permitted in C6 districts, at higher than the 2 FAR allowed for commercial uses, up to the 10 FAR that would be permitted for accessory community facility laboratories, and to allow modifications to the applicable

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supplementary use, height and setback, yard, and sign regulations. It is also proposed that the development site would be designated as a Mandatory Inclusionary Housing area in Appendix F of the ZR, because the proposed C2-7 zoning district has a higher permitted residential FAR than the current R8B zoning district.

ZR Section 74-48 currently states that, “In C6 Districts, the City Planning Commission may permit a scientific research and development facility containing laboratories for medical, biotechnological, chemical or genetic research, including space for production, storage and distribution of scientific products generated through research and may modify height and setback regulations for the facility.” The requirements and findings of the ZR Section 74-48 special permit are focused on the character of the laboratory facility and its impacts on the surrounding neighborhood.

The special permit also requires that the laboratory facility conform to the performance standards applicable to M1 districts, where production laboratories are permitted as-of-right. The special permit is applicable only to zoning lots with a minimum lot area of 40,000 square feet.

#### **ENVIRONMENTAL REVIEW**

This application (C 210353 ZSM), in conjunction with the related applications and the related application for a zoning map amendment (C 210351 ZMM) and a zoning text amendment (N210352 ZRM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et. seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 21DCP080M. The lead is the City Planning Commission.

It was determined that this application, in conjunction with the applications for the related actions, may have a significant effect on the environment, and that an Environmental Impact Statement (EIS) would be required. A Positive Declaration was issued on November 13, 2020,

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and subsequently distributed, published, and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on November 13, 2020. A public scoping meeting was held on December 15, 2020 and the Final Scope of Work was issued on April 16, 2020.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on April 16, 2021. Pursuant to SEQRA regulations and the CEQR procedure, a joint public hearing was held on July 29, 2021, in conjunction with the public hearing on the related Uniform Land Use Review Procedure (ULURP) items (C 210351 ZMM; N 210352 ZRM). A Final Environmental Impact Statement (FEIS) reflecting comments made during the public review process was completed, and a Notice of Completion for the FEIS was issued on September 10, 2021. 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 as specified in Chapters 8, 11, and 13 respectively of the FEIS.

The application, as analyzed in the FEIS, contained Project Components Related to the Environment (PCREs), which are set forth in Chapter 16, "Construction." 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). The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 17, "Mitigation," of the FEIS. To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in the Restrictive Declaration.

#### **UNIFORM LAND USE REVIEW**

This application (C 210353 ZSM) and the related application for a zoning map amendment (C 210351 ZMM) were certified as complete by DCP on April 19, 2021 and duly referred to

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Manhattan Community Board 8 (CB8) and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 210352 ZRM), which was referred for information and review in accordance with the procedure for non-ULURP matters.

### **Community Board Review**

Manhattan CB8 held a public hearing on May 12, 2021, on this application (C 210353 ZSM) and the related actions for a zoning map amendment (C 210351 ZMM) and a zoning text amendment (N210352 ZRM). On May 25, 2021, CB8, by a vote of 38 in favor, 0 against, and none abstaining, adopted a resolution recommending disapproval of the application. CB8 wants to preserve and protect the existing R8B midblock zoning on the Upper East Side and states there has never been any development lot in an R8B that has been rezoned to allow for denser development. Furthermore, they believe there is no need for additional commercial lab space amid a surplus of commercial space and, at 16 stories and 334 feet in height, the development would be excessive and out of scale with the surrounding area. CB8 believes the application is a case of “spot zoning” and the inclusion of zoning changes to the Second Avenue frontages between East 66<sup>th</sup> Street and East 67<sup>th</sup> Street would not be justified. They also state that the impacts from the development on St. Catherine’s Park and the JREC, particularly as related to shadows and construction noise, would be significant and unmitigable.

### **Borough President Review**

The Manhattan Borough President held a public hearing on July 12, 2021, on this application (C 210353 ZSM) and the related actions for a zoning map amendment (C 210351 ZMM) and a zoning text amendment (N210352 ZRM) and, on July 28, 2021, issued a recommendation to disapprove the application with the following comments:

“Since the first announcement of the Blood Center’s Center East Development, there has been widespread opposition from the community. Additionally, Community Board 8 expressed unequivocal opposition to the project after hundreds of people testified at their public hearing. At

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my office's public hearing attended in person by over 100 people with an additional 100 people watching online, I heard from more than 40 advocates and members of the community who voiced their opposition or support for the project. Members from Community Board 8, Friends of the Upper East Side, the Coalition to Stop the Blood Center Tower, and other residents expressed their concerns about the height of the building, the shadow impact, and the precedent it would set for midblock zoning. Members from the Construction and General Building Laborers' Local 79 and Carpenters Local Union 157 spoke of the need to ensure good construction jobs for union workers at this site. Along with other groups in opposition to the rezoning, I participated in a "Stop the Blood Center" rally intended to raise awareness about the potential impacts of the proposed tower last May.

I support the mission of the Blood Center. This recommendation on the proposed rezoning is not a comment on the operation of the organization or their long history of service to New York. I understand that the Blood Center needs to modernize their facilities, but it shouldn't come at the cost of the residential character of the surrounding neighborhood, to which they have been a great neighbor for almost 50 years.

What the Blood Center and Longfellow Real Estate Partners are asking for is a subsidy. The improvements to the Blood Center's own operations can be accomplished under the existing zoning, an R8B district. Without needing a rezoning, the Blood Center would be able to build 229,092 gross square feet of community facility use, which is an increase from the current 159,347 gross square feet occupied by the Blood Center, and more than the 206,400 gross square feet estimated for use by the Blood Center in the Proposed Development.

The reason for this proposed rezoning is to allow for private lab space that can provide revenue for the redevelopment. The life sciences have been identified as a priority by the City of New York and the NYC Economic Development Corporation. However, there seems to have been no money or financing available to the Blood Center that doesn't take the form of expanded development rights.

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The human cost of this additional commercial space will be borne by the surrounding community. The size of the proposed building is far too large. These plans increase the height of the building on the Development Site from three stories to 16 stories (approximately 334 feet). The maximum height (now 75 feet under the R8B zoning) would be four times greater than the current zoning allows.

I worry about the precedent this would set for midblock zoning. The intention of R8B zoning was to maintain a residential character for the Upper East Side. The lower-scale buildings allowed under this zoning provide for light and air and contrast with the more densely developed avenues. There has never been a rezoning at this scale on an R8B-zoned midblock, and if passed, this could serve as a proof of concept for further midblock rezonings for commercial use.

I am deeply concerned about the projected shadow impacts of the proposed building on St. Catherine's Park. This park is one of the few green spaces in the neighborhood, and a loss of sunlight would limit its useability, especially in the winter. During peak hours in the spring, summer, and fall, the proposed project would cast shadows on over 70% of the park. There is no way to mitigate these impacts.

The Julia Richmond Education Complex across the street from the Blood Center would also face negative impacts, including shadows on classrooms and construction noise from the new building. Both of these would affect the capacity of students to learn.”

### **City Planning Commission Public Hearing**

On July 14, 2021 (Calendar No. 19), the CPC scheduled July 29, 2021 for a public hearing on this application (C 210353 ZSM), in conjunction with the related actions for a zoning map amendment (C 210351 ZMM) and a zoning text amendment (N210352 ZRM). The hearing was duly held on July 29, 2021 (Calendar No. 7). Eleven people testified in favor of the application



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and 36 in opposition. Following the public hearing, the CPC received several letters of written testimony.

The applicant team gave a presentation on the project and discussed how the site is unique for its size and history of non-residential use and they noted the importance of the development site location in relation to other health and academic facilities on the Upper East Side. They emphasized how the project would help to meet the City's economic and health goals of expanding the life science industry and creating jobs and would be built with union labor. They also noted that while life sciences and biotechnology is a fast-growing industry, the city lags behind a number of cities in the United States, such as Boston, San Francisco, San Diego, and Washington D.C., in their development and in available commercial laboratory space. The applicant's representative also noted that thus far, JREC has refused to meet the applicant team to discuss possible mitigation measures related to noise during construction. The lead applicant representative discussed how the project is not "spot zoning" because it is part of a well-considered and thoughtful approach to the zoning actions.

Speakers in opposition to the application include the Chair of CB8 and several of its members, Carnegie Hill Neighbors, CIVITAS, Friends of the Upper East Side Historic Districts, the New York City Councilmember for District 5, the U.S. Representative for New York's 12th congressional district, East 86<sup>th</sup> Street Merchants and Residents Association, East 72<sup>nd</sup> Street Neighborhood Association, and 250 East 65<sup>th</sup> Street Condominium Board, and the 301 East 66<sup>th</sup> Street Condominium Board.

The Chair of CB8 provided testimony in opposition to the project and stated that NYBC has not changed or modified the proposal since its initial presentation to the Community Board last year or in response to concerns they have raised.

Two lawyers representing Friends of the Upper East Side Historic Districts spoke in opposition to the project saying the building would be a commercial tower that is only appropriate for the

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Central Business District, that there is available commercial space in the city, and that the DEIS is flawed and did not adequately address impacts and development scenarios.

The Director of the Friends of the Upper East Side Historic Districts and a representative of the Defenders of the Historic Upper East Side both spoke against the project and noted the history and context of the R8B zoning, which they asserted is not aligned with this project.

Many speakers expressed support for NYBC and their mission while stating they are against the proposal.

The Manhattan Borough President and Councilmember stated that NYBC could build a new, modern headquarters as-of-right at the same location under the existing R8B zoning regulations.

Many speakers noted that the City identified three, more appropriate development sites for a life science hub, in East Harlem, Kips Bay and Long Island City, and asserted that siting a large life science laboratory at the proposed location would not be warranted.

An urban planner speaking in opposition to the project noted that, of the three City-suggested sites outlined in the EDC LifeSci initiative for a life science cluster, the East Harlem site in particular would be a more appropriate location due to its existing context and environment.

A zoning consultant retained by the 16-story residential building at 301 East 66<sup>th</sup> Street testified against the project saying the condos are an unwilling participant in the rezoning and the impacts from the project would be catastrophic.

The principal of the Ella Baker School, one of the schools at JREC, testified against the project and spoke of the construction noise, transportation, and shadow impacts on the school and students.

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Many speakers noted that the environmental impacts, hazardous material impacts, and quality of life impacts on the community, the schools, and St. Catherine's Park would be vast and unmitigable; and that the proposed project would jeopardize all R8B zoning districts in Manhattan and open the midblocks up for out-of-scale development.

Speakers in favor of the application include Nontraditional Employment for Women, Building and Construction Trades Council, Laborers' Local 79, The Knowledge House, and Greater New York Laborers-Employers Cooperation and Education Trust.

A representative of the Greater New York Laborers-Employers Cooperation and Education Trust spoke in favor of the project as it would improve the health and recovery of New York City's communities by building with the union labor that Longfellow, the development partner on the project with NYBC, has committed to use for the project. He also said that the organization is against any opposition to the project that would keep their largely immigrant and people of color members out of the Upper East Side.

A representative of the Building and Construction Trades Council testified in support of the project saying it would raise the standard of living for all workers and provide an economic stimulus to the city.

A representative of the organization Nontraditional Employment for Women spoke in favor of the project and said NYBC has set a 15 percent workforce diversity goal for female work hours.

An intern at NYBC testified in favor of the project because it would expand their partnership with The Knowledge House and create more opportunities for students to receive hands-on learning and training.

A representative of Laborers' Local 79 spoke in favor of the project as it would benefit the entire city and create thousands of jobs and career opportunities for New Yorkers of color and low-

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income households. He also noted that the new facility would support research and treatments for blood-related diseases that disproportionately impact people of color.

A representative of McKissack & McKissack testified in support of the project because it would spur economic development, job creation, and help New York City to be a leader in the life sciences.

A lawyer representing the applicant said that they would submit a supplemental analysis of the shadow impacts on JREC related to north and south facing windows, that they are eager to have a dialogue with JREC related to impact mitigation, and that the proposed C2-8 zoning district on the avenue has the same commercial FAR that is permitted in the existing C1-9 zoning district.

An environmental consultant representing the applicant testified to clarify some issues related to shadows and construction. She said the eastern portions of St. Catherine's Park would experience an incremental shadow beginning at around 4:00pm on all four seasons' analysis days. She noted that the as-of-right building scenario for NYBC would also cast new shadows on the park and that the applicant has committed to additional construction mitigation measures beyond those required by the New York City Noise Control Code.

There were no other speakers, and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application for a special permit (C 210353 ZSM), in conjunction with the related zoning map amendment (C 210351 ZMM) and a zoning text amendment (N210352 ZRM), is appropriate.

The Commission believes that Center East is a project that is not only appropriate in relation to the land use and context of the Upper East Side, but it is also an appropriate and timely project in relation to the current COVID-19 pandemic health crises. NYBC is a New York City-based

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organization whose mission is to maintain a safe blood supply for the region and to conduct scientific research. Their clinical and research capacities are already playing a vital role in the city's response to the pandemic: they are conducting cutting-edge research on COVID-19, developing a pipeline of novel COVID-19 therapeutics, and analyzing the efficacy of existing vaccines against COVID-19 variants. The modernization and expansion of NYBC and the creation of the Center East life science hub will enhance their ability to conduct their research and to collaborate with other institutions and commercial life sciences companies.

The Commission notes that the Center East project will help realize the City's goal of expanding the life sciences industry. The creation of the ZR Section 74-48 scientific research and development facility special permit back in 1990 acknowledged that the zoning regulations that governed scientific laboratories, at that time, were outdated and overly restrictive. This is the third scientific research and development facility special permit that the CPC has granted, after the Audubon Research Park in 1990 and the Alexandria Center in 2001. The LifeSci NYC initiative by EDC in 2016 aimed to take further steps to develop the life sciences to "connect research to industry, unlock space for companies to grow, and build a pipeline for diverse life sciences talent." While there has been some growth in commercial life sciences space in the city in recent years, there has not yet been a hub in which the research mission of an institution like NYBC is combined with the dynamism of a market-focused commercial life sciences laboratory.

The Center East site is uniquely well-suited to advance the City's LifeSci NYC initiative because it is regularly shaped, over an acre in size, and thus can accommodate a modern laboratory building with large, approximately 30,000-square-foot floorplates in a building that has the capacity to serve a variety of life sciences companies of all sizes, while continuing to house NYBC's headquarters. It is proximate to all the major medical institutions in Community District 8 and is close to several bus and subway lines. The site is also nonresidential, which will ensure that there will be no direct displacement of neighborhood residents. The Commission acknowledges that this life science cluster will push New York City into the forefront of the development of this important industry in the city. Center East is also an economic development

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project that will create over 2,500 permanent, full-time positions that will encompass a range of jobs at a variety of income levels, including highly skilled positions that will attract the most talented professionals in this innovate industry to on-site support staff and workers.

From an equity perspective, we should expand this to encompass the full range of jobs at a variety of income levels

### **Zoning Map Amendment**

The Commission believes the proposed zoning map amendment is appropriate. The proposed action will rezone the existing NYBC site from an R8B zoning district to a C2-7 zoning district and change the existing C1-9 zoning district to a C2-8 zoning district along the Second Avenue frontage between East 66<sup>th</sup> Street and East 67<sup>th</sup> Street to a depth of 100 feet.

The Commission acknowledges comments made at the public hearing on the history and importance of the R8B midblock zoning district. The R8B contextual district was established to preserve residential rowhouses that are typically four-six stories and found on the midblocks of the Upper East Side. However, the NYBC block is atypical of the R8B zoning and the context of low-rise residential development. The existing NYBC site, and proposed Center East development site, has a long history of nonresidential use as it was built as an institutional trade school in the 1930s. The site has a very large lot size that occupies half of the midblock area. The other buildings in the midblock include two large midrise apartment buildings of 13 and 14 stories (Lot 31; Lot 17) that are well over the 75-foot height limit and the 4.0 residential FAR limit for R8B zoning.

The Commission notes that there are only three C2-7 zoning districts in Manhattan and none are located within CB8.

The C1-9 zoning district mapped on the Second Avenue block-front parcels and the proposed C2-8 zoning district are both high-density residential district (10 FAR, up to 12 FAR with

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Inclusionary Housing) and commercial districts that permit up to 2 FAR of local retail, restaurant, and office uses. The C2-8 district permits movie theaters and other amusement uses (Use Group 8) while the C1-9 does not. On the western side of the block, the movie theater at the base the 45-story, 330-unit residential tower at 1261 Second Avenue, is not a permitted use and received a BSA special permit to operate. The proposed map amendment will permit the theater to operate as-of-right at this location. On the eastern side of the avenue, 301 East 66<sup>th</sup> Street is a 16-story, 200-unit residential building with restaurants and ground floor retail. Both sides of the Second Avenue block-front sites are fully developed with large residential buildings. There is no change in the residential or commercial FAR with the proposed zoning, and they are not expected to undergo redevelopment as a result of the proposed actions, therefore the Commission believes the C2-8 zoning is appropriate.

#### **Zoning Text Amendment**

The Commission believes that a zoning text amendment to ZR Section 74-48 as proposed to allow scientific research and development facilities in C2-7 districts is appropriate. Currently, scientific research and development facilities are only permitted in C6 districts by special permit and in manufacturing districts. The proposed C2-7 district permits a 2 FAR for commercial uses and the text amendment will permit commercial research laboratories up to a 10 FAR for community facility uses, and allow modifications to the applicable supplementary use, height and setback, yard, and sign regulations. The Commission believes that the proposed zoning text changes reflect the same principles that motivated the creation and adoption of the ZR Section 74-48 special permit in 1990: to facilitate the growth of the life sciences industry by permitting commercial research laboratories to locate in a wider range of zoning districts, where those laboratories meet certain design and operational standards. Here, the proposed zoning text amendment will facilitate the growth of the life sciences industry in a wider range of zoning districts by permitting commercial laboratories that meet certain standards, similar to the community facility laboratories that are already permitted as-of-right.

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The Commission notes that the commercial research laboratories and related office space permitted by the special permit are substantially similar in character, operations, activities, and types of chemicals used in the community facility laboratories that are routinely included in hospitals and universities, and also in the Use Group 9 medical laboratories that are currently permitted as-of-right. The City's Life Sciences Memorandum specifically clarified that life sciences laboratories can be located in a commercial zoning district and that these medical laboratories may include facilities for research, testing, and development.

NYBC is a long-standing community institution, and the Commission has every confidence that it will remain at its current location on the Upper East Side of Manhattan, as credibly represented by the applicant and as evidenced by the special permit applications. Because the proposed C2-7 zoning district has a significantly higher permitted residential FAR than the current R8B zoning district, the proposed development site will be designated as an MIH area in Appendix F of the ZR.

The Commission heard many comments about the siting of biotechnology laboratories at this location. NYBC has used microbiological and biomedical laboratories on site at this location for decades since the 1980s and will continue to have these types of labs at the new NYBC site at Center East. Longfellow, the developer of the commercial life science uses at Center East, does not have any high-risk laboratories in its significant life science real estate portfolio across the nation and it is not seeking one at Center East. These types of labs continue to have rigorous regulatory oversight on the federal, state, and local level.

The Commission notes that the context of the surrounding neighborhood of Center East is notable for an abundance of world class health-related institutions and affiliated academic facilities, many of which have been collaborators with NYBC for decades. Across the southern side of the street from Center East is MSK's Lauder Breast Center; MSK's large hospital and research buildings are located one block to the east; Weill-Cornell is one block further to the north of MSK; Rockefeller University is two blocks to the east. The Commission believes the



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location of Center East at the current NYBC site is appropriate and advantageous due to the proximity of the existing world-class health, medical and academic institutions in the neighborhood. The proposed development will enable NYBC to build on its existing collaborations and partners that it has developed over the years. NYBC and its commercial partners will be better able to share resources and knowledge that will in turn advance scientific and medical discovery.

The Commission notes that the proposed commercial zoning district will permit certain signage on the Center East development. Included in the text amendment are a new set of findings related to the signs that includes details about the location, size, height, and illumination of all signs on the zoning lot. The Commission notes that the building has two street frontages on East 66<sup>th</sup> Street and East 67<sup>th</sup> Street and will need signage on both frontages to identify the building. Additionally, the signs are located at a height of 40 feet and the total signage including both frontages will be 1,000 square feet: 730 square feet of illuminated signage and 270 feet of non-illuminated signage. The Commission believes that the proposed signage meets the findings and is appropriate.

The Commission heard testimony that NYBC could build within the as-of-right R8B zoning development framework and achieve a new, modern building that is larger than its existing building. However, an as-of-right development would not achieve the floorplates and layouts necessary to accommodate a modern, health-related NYBC community facility building. To do so would require multiple waivers and actions to be built at its present location and, if a commercial life science use were also part of the program within an R8B envelope, more waivers and actions would be necessary.

The Commission notes that the area is well-served by public transportation with the site being located within a five-minute walk to north-south and crosstown buses including the M15 Select Bus Service. There is a Citi Bike station at the eastern frontage of St. Catherine's Park on First Avenue. The 72<sup>nd</sup> Street and Second Avenue station on the Q line, the 63<sup>rd</sup> Street/Lexington

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Avenue stop on the F and Q lines, and the 68<sup>th</sup> Street/Hunter College stop on the 6 line are nearby, which allow for easy and convenient connections to all parts of Manhattan and the city's other boroughs.

The Commission finds that the waivers (building height, setback, sky exposure plane) to the upper floors of the proposed building are appropriate. The Commission believes that this site is unique in size and location in proximity to other health and medical facilities, and the waivers are necessary to create the large and flexible floorplates for modern and efficient laboratory space that will attract life sciences partners and collaborators to the building. The massing and floorplate of the development are driven by the specific functional requirements of modern laboratories that will enable the flexibility to attract both large mature companies and new smaller start-ups, as well as space for a variety of specialized equipment and lab workspace, and that will have enough space to create a unique and viable life science hub in the City.

The Commission finds that modification to the rear yard equivalent is appropriate. The proposed building will encroach on the required 20-foot rear yard equivalent as the building's base will be built out to the lot line as is the existing NYBC. The ground floor is necessary as it will accommodate all NYBC's facilities which will include the principal donation center, a ground-floor café, accessory research laboratories, administrative offices, specialized loading areas, and a lobby on each street frontage from tNYBC and for the commercial laboratories.

Finally, the Commission notes that one of the many beneficial aspects of this project is how it relates to the COVID-19 crises and pandemic recovery. The Commission believes Center East can help in the long-term recovery effort in the City by encouraging the economic development that this project will bring to the city, but also by improving the health and well-being of New Yorkers by the creation of a new, modern building for NYBC to continue its mission and to collaborate in life science research.

## **FINDINGS**

Based upon the above consideration, the City Planning Commission hereby makes the following findings required by Section 74-48 (Scientific Research and Development Facility):

**74-48 (Scientific Research and Development Facility)**

- (1) will not unduly affect the essential character or impair the future use and development of the surrounding area;
- (2) will be located so as to draw a minimum of vehicular traffic to and through local streets;
- (3) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage; and
- (4) that the modification to any applicable bulk regulations will not unduly obstruct the access of light and air to adjoining properties or public streets.
- (5) with regard to sign modifications:
  - i. a signage plan has been submitted showing the location, size, height, and illumination of all signs on the zoning lot;
  - ii. the modifications are consistent with the amount and location of commercial life sciences laboratories that the Commission finds appropriate on the zoning lot; and
  - iii. illuminated signs, if provided:
    - (a) utilize an illumination type, and are located and oriented in a manner so as to minimize any negative effects on nearby residences; and
    - (b) do not alter the essential character of the adjacent area.

**RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on September 10, 2021, with respect to this application (CEQR No. 21DCP080M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. 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
2. 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
3. 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 report of the City Planning Commission, together with the FEIS, constitutes the written statement of findings, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, by the City Planning Commission, 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 the development of a scientific research and development facility with approximately 452,000 square feet of floor area on a zoning lot of 45,186 square feet; modify the height and setback regulations of Section 33-432, modify the rear yard equivalent regulations of Section 33-283, modify the sign regulations to allow signs on the zoning lot to exceed the surface area limitation of Section 32-641, 32-642, and 32-643 and the height limitations of Section 32-655, and modify the regulations of Section 32-67, which require signs in commercial zoning districts facing a residential district or a public park to follow the C1 district sign regulations in connection with the construction of a 334-foot tall, 16-story mixed use building on property located at 310 East 67th Street (Block 1441, Lot 40), in a C2-7 district, Borough of Manhattan, Community District 8, is approved, subject to the following terms and conditions:

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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:

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

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

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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.

The above resolution (C 210353 ZSM), duly adopted by the City Planning Commission on September 22, 2021 (Calendar No. 25), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**KENNETH J. KNUCKLES, ESQ.,** *Vice Chairman*  
**DAVID BURNEY, ALLEN P. CAPPELLI, ESQ.,**  
**RICHARD W. EADDY, HOPE KNIGHT, ORLANDO MARIN,**  
**LARISA ORTIZ, RAJ RAMPERSHAD,** *Commissioners*

**ALFRED C. CERULLO, III, ANNA HAYES LEVIN,** *Commissioners, VOTING NO*



EXHIBIT A

TO THE DECLARATION OF THE 301 EAST 66TH STREET CONDOMINIUM  
DESCRIPTION OF THE LAND

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the easterly side of Second Avenue and the northerly side of East 66th Street;

RUNNING THENCE northerly along the easterly side of Second Avenue, 200 feet 10 inches to the corner formed by the intersection of the southerly side of East 67th Street and said easterly side of Second Avenue;

THENCE easterly along the southerly side of East 67th Street, 100 feet;

THENCE southerly parallel with the easterly side of Second Avenue, 200 feet and 10 inches to the northerly side of East 66th Street; and

THENCE westerly along the northerly side of East 66th Street, 100 feet to the point or place of BEGINNING.

Said premises being known as and by street number 301 East 66th Street.





EXHIBIT B

TO THE DECLARATION OF THE 301 EAST 66TH STREET CONDOMINIUM

DESCRIPTION OF THE UNITS

<u>Unit Designation</u>	<u>Tax Lot No.</u>	<u>Location in Portion of Building</u>	<u>Approx. Area in Sq. Ft.</u>	<u>Common Elements to Which Unit has Immediate Access</u>	<u>Percentage of Common Interest</u>
Garage	1001	Cellar and ramp adjacent to easterly lot line	13,344	Sidewalk Fire Passage	5.76%
Commercial	1002	First story and cellar	13,389	Sidewalk Elevators, Public Hallway in Cellar, Fire Passage	5.79%
Professional	1003	First story (Apartments)	822	Sidewalk	.38%

Residential

Residential Units shall generally have access to the Residential Limited Common Elements, and specifically those Residential Units with balconies or terraces adjacent thereto and with exclusive access thereto shall have immediate access to such terraces or balconies as Individual Residential Limited Common Elements, all of the foregoing subject to the terms of this Declaration, the By-Laws and the Floor Plans.

<u>Unit Designation</u>	<u>Tax Lot No.</u>	<u>Location in Portion of Building</u>	<u>Approximate Area in Square Feet</u>	<u>Common Elements to Which Unit has Immediate Access</u>	<u>Approximate S.F. Terrace and/or Balcony</u>	<u>Percentage of Common Interest</u>
2A	1004	S/W	465.00	Stairs, Corridor Elevators		0.20384
2B	1005	N/W	692.00	Stairs, Corridor Elevators		0.33004
2C	1006	N/W	810.00	Stairs, Corridor Elevators		0.36757
2D	1007	N/W/C	1,255.00	Stairs, Corridor Elevators	69 Sq. Ft.	0.59864
2E	1008	N/E/C	1,210.00	Stairs, Corridor Elevators	69 Sq. Ft.	0.59533
2F	1009	N/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft.	0.42202

EXHIBIT C

Unit Designation	Tax Lot No.	Location in Portion of Building	Approximate Area in Square Feet	Common Elements to Which Unit has Immediate Access	Approximate S.F. Terrace and/or Balcony	Percentage of Common Interest
2G	1010	N/E	885.00	Stairs, Corridor Elevators	37 Sq. Ft.	0.39921
2H	1011	S/W	885.00	Stairs, Corridor Elevators	37 Sq. Ft.	0.39921
2J	1012	S/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft.	0.42202
2K	1013	S/E/C	1,210.00	Stairs, Corridor Elevators	69 Sq. Ft.	0.59459
2L	1014	S/W/C	1,285.00	Stairs, Corridor Elevators	69 Sq. Ft.	0.59312
2M	1015	S/W	865.00	Stairs, Corridor Elevators		0.40326
2N/P			1,155.00			0.00000
3A	1016	S/W	465.00	Stairs, Corridor Elevators		0.20531
3B	1017	N/W	692.00	Stairs, Corridor Elevators		0.33188
3C	1018	N/W	810.00	Stairs, Corridor Elevators		0.36978
3D	1019	N/W/C	1,255.00	Stairs, Corridor Elevators		0.60121
3E	1020	N/E/C	1,210.00	Stairs, Corridor Elevators		0.60268
3F	1021	N/E	945.00	Stairs, Corridor Elevators		0.43196
3G	1022	N/E	885.00	Stairs, Corridor Elevators		0.40915
3H	1023	S/W	885.00	Stairs, Corridor Elevators		0.40915
3J	1024	S/E	945.00	Stairs, Corridor Elevators		0.43196
3K	1025	S/E/C	1,210.00	Stairs, Corridor Elevators		0.60121
3L	1026	S/W/C	1,285.00	Stairs, Corridor Elevators		0.60121
3M	1027	S/W	865.00	Stairs, Corridor Elevators		0.41467
3N	1028	S/W	690.00	Stairs, Corridor Elevators		0.33188
3P	1029	S/W	465.00	Stairs, Corridor Elevators		0.20531
4A	1030	S/W	465.00	Stairs, Corridor Elevators		0.20678
4B	1031	N/W	692.00	Stairs, Corridor Elevators		0.33372
4C	1032	N/W	810.00	Stairs, Corridor Elevators		0.37198
4D	1033	N/W/C	1,255.00	Stairs, Corridor Elevators		0.60379
4E	1034	N/E/C	1,210.00	Stairs, Corridor Elevators		0.60599
4F	1035	N/E	945.00	Stairs, Corridor Elevators		0.43454
4G	1036	N/E	885.00	Stairs, Corridor Elevators		0.41172
4H	1037	S/W	885.00	Stairs, Corridor Elevators		0.41172
4J	1038	S/E	945.00	Stairs, Corridor Elevators		0.43454
4K	1039	S/E/C	1,210.00	Stairs, Corridor Elevators		0.60379
4L	1040	S/W/C	1,285.00	Stairs, Corridor Elevators		0.60379
4M	1041	S/W	865.00	Stairs, Corridor Elevators		0.41687
4N	1042	S/W	690.00	Stairs, Corridor Elevators		0.33372
4P	1043	S/W	465.00	Stairs, Corridor Elevators		0.20678

Unit Designation	Tax Lot No.	Location in Portion of Building	Approximate Area in Square Feet	Common Elements to Which Unit has Immediate Access	Approximate S.F. Terrace and/or Balcony	Percentage of Common Interest
5A	1044	S/W	465.00	Stairs, Corridor Elevators		0.20825
5B	1045	N/W	692.00	Stairs, Corridor Elevators		0.33556
5C	1046	N/W	810.00	Stairs, Corridor Elevators		0.37419
5D	1047	N/W/C	1,255.00	Stairs, Corridor Elevators		0.60489
5E	1048	N/E/C	1,210.00	Stairs, Corridor Elevators		0.6093
5F	1049	N/E	945.00	Stairs, Corridor Elevators		0.43711
5G	1050	N/E	885.00	Stairs, Corridor Elevators		0.4143
5H	1051	S/W	885.00	Stairs, Corridor Elevators		0.4143
5J	1052	S/E	945.00	Stairs, Corridor Elevators		0.43711
5K	1053	S/E/C	1,210.00	Stairs, Corridor Elevators		0.60489
5L	1054	S/W/C	1,285.00	Stairs, Corridor Elevators		0.60636
5M	1055	S/W	865.00	Stairs, Corridor Elevators		0.41908
5N	1056	S/W	690.00	Stairs, Corridor Elevators		0.33556
5P	1057	S/W	465.00	Stairs, Corridor Elevators		0.20825
6A	1058	S/W	465.00	Stairs, Corridor Elevators		0.20972
6B	1059	N/W	692.00	Stairs, Corridor Elevators		0.3374
6C	1060	N/W	810.00	Stairs, Corridor Elevators		0.3764
6D	1061	N/W/C	1,255.00	Stairs, Corridor Elevators	42 Sq. Ft	0.61261
6E/F	1062	N/E/C	2,155.00	Stairs, Corridor Elevators	79 Sq. Ft	1.07806
6G	1063	N/E	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.42055
6H	1064	S/W	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.42055
6J	1065	S/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.43969
6K	1066	S/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft	0.61261
6L	1067	S/W/C	1,285.00	Stairs, Corridor Elevators	42 Sq. Ft	0.61261
6M	1068	S/W	865.00	Stairs, Corridor Elevators		0.42129
6N	1069	S/W	690.00	Stairs, Corridor Elevator		0.3374
6P	1070	S/W	465.00	Stairs, Corridor Elevators		0.20972
7A	1071	S/W	465.00	Stairs, Corridor Elevators		0.21487
7B	1072	N/W	692.00	Stairs, Corridor Elevators		0.34292
7C	1073	N/W	810.00	Stairs, Corridor Elevators		0.38597
7D	1074	N/W/C	1,255.00	Stairs, Corridor Elevators	42 Sq. Ft.	0.61887
7E	1075	N/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft.	0.61961
7F	1076	N/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.44594
7G	1077	N/E	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.42313

Unit Designation	Tax Lot No.	Location in Portion of Building	Approximate Area in Square Feet	Common Elements to Which Unit has Immediate Access	Approximate S.F. Terrace and/or Balcony	Percentage of Common Interest
7H	1078	S/W	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.42313
7J	1079	S/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.44594
7K	1080	S/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft	0.61887
7L	1081	S/W/C	1,285.00	Stairs, Corridor Elevators	42 Sq. Ft	0.61887
7M	1082	S/W	865.00	Stairs, Corridor Elevators		0.43932
7N	1083	S/W	690.00	Stairs, Corridor Elevators		0.34292
7P	1084	S/W	465.00	Stairs, Corridor Elevators		0.21487
8A	1085	S/W	465.00	Stairs, Corridor Elevators		0.21708
8B	1086	N/W	692.00	Stairs, Corridor Elevators		0.34549
8C	1087	N/W	810.00	Stairs, Corridor Elevators		0.38891
8D	1088	N/W/C	1,255.00	Stairs, Corridor Elevators	42 Sq. Ft	0.62218
8E	1089	N/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft	0.62292
8F	1090	N/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.44888
8G	1091	N/E	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.42607
8H	1092	S/W	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.42607
8J	1093	S/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.44888
8K	1094	S/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft	0.62218
8L	1095	S/W/C	1,285.00	Stairs, Corridor Elevators	42 Sq. Ft	0.62218
8M	1096	S/W	865.00	Stairs, Corridor Elevators		0.44226
8N	1097	S/W	690.00	Stairs, Corridor Elevators		0.34549
8P	1098	S/W	465.00	Stairs, Corridor Elevators		0.21708
9A	1099	S/W	465.00	Stairs, Corridor Elevators		0.21929
9B	1100	N/W	692.00	Stairs, Corridor Elevators		0.34807
9C	1101	N/W	770.00	Stairs, Corridor Elevators	41 Sq. Ft	0.37897
9D	1102	N/W/C	1,140.00	Stairs, Corridor Elevators	156 Sq. Ft.	0.58575
9E	1103	N/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft	0.62623
9F	1104	N/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.45183
9G	1105	N/E	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.42902
9H	1106	S/W	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.42902
9J	1107	S/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.45183
9K	1108	S/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft	0.62549
9L	1109	S/W/C	1,175.00	Stairs, Corridor Elevators	160 Sq. Ft	0.58575
9M	1110	S/W	865.00	Stairs, Corridor Elevators		0.4452
9N	1111	S/W	690.00	Stairs, Corridor Elevators		0.34807
9P	1112	S/W	465.00	Stairs, Corridor Elevators		0.21929

Unit Designation	Tax Lot No.	Location in Portion of Building	Approximate Area in Square Feet	Common Elements to Which Unit has Immediate Access	Approximate S.F. Terrace and/or Balcony	Percentage of Common Interest
10A	1113	S/W	465.00	Stairs, Corridor Elevators		0.2215
10B	1114	N/W	692.00	Stairs, Corridor Elevators		0.35064
10C	1115	N/W	770.00	Stairs, Corridor Elevators		0.3764
10D	1116	N/W/C	1,140.00	Stairs, Corridor Elevators	42 Sq. Ft	0.57215
10E	1117	N/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft	0.62954
10F	1118	N/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.45477
10G	1119	N/E	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.43196
10H	1120	S/W	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.43196
10J	1121	S/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.45477
10K	1122	S/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft	0.6288
10L	1123	S/W/C	1,175.00	Stairs, Corridor Elevators	42 Sq. Ft	0.57215
10M	1124	S/W	865.00	Stairs, Corridor Elevators		0.44814
10N	1125	S/W	690.00	Stairs, Corridor Elevators		0.35064
10P	1126	S/W	465.00	Stairs, Corridor Elevators		0.2215
11A	1127	S/W	465.00	Stairs, Corridor Elevators		0.22408
11B	1128	N/W	692.00	Stairs, Corridor Elevators		0.35359
11C/D	1129	N/W	1,710.00	Stairs, Corridor Elevators	247 Sq. Ft	0.87974
11E	1130	N/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft	0.63322
11F	1131	N/E	945.00	Stairs, Corridor Elevators	42 Sq. Ft	0.45808
11G	1132	N/E	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.43527
11H	1133	S/W	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.43527
11J	1134	S/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.45808
11K	1135	S/E/C	1,210.00	Stairs, Corridor Elevators	37 Sq. Ft	0.63248
11L	1136	S/W/C	1,020.00	Stairs, Corridor Elevators	179 Sq. Ft	0.49193
11M	1137	S/W	825.00	Stairs, Corridor Elevators	77 Sq. Ft	0.43086
11N	1138	S/W	690.00	Stairs, Corridor Elevators		0.35359
11P	1139	S/W	465.00	Stairs, Corridor Elevators		0.22408
12A	1140	S/W	465.00	Stairs, Corridor Elevators		0.22665
12B	1141	N/W	692.00	Stairs, Corridor Elevators		0.35653
12C	1142	N/W	740.00	Stairs, Corridor Elevators		0.38854
12D	1143	N/W/C	970.00	Stairs, Corridor Elevators		0.46728
12E	1144	N/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft	0.6369
12F	1145	N/E	945.00	Stairs, Corridor Elevators	42 Sq. Ft	0.46139
12G	1146	N/E	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.43858
12H	1147	S/W	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.43858

Unit Designation	Tax Lot No.	Location in Portion of Building	Approximate Area in Square Feet	Common Elements to Which Unit has Immediate Access	Approximate S.F. Terrace and/or Balcony	Percentage of Common Interest
12J	1148	S/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.46139
12K	1149	S/E/C	1,210.00	Stairs, Corridor Elevators	37 Sq. Ft	0.63616
12L	1150	S/W/C	1,020.00	Stairs, Corridor Elevators	42 Sq. Ft	0.47648
12M	1151	S/W	825.00	Stairs, Corridor Elevators		0.42239
12N	1152	S/W	690.00	Stairs, Corridor Elevators		0.35653
12P	1153	S/W	465.00	Stairs, Corridor Elevators		0.22665
14A	1154	S/W	465.00	Stairs, Corridor Elevators		0.22923
14B	1155	N/W	692.00	Stairs, Corridor Elevators		0.35948
14C	1156	N/W	565.00	Stairs, Corridor Elevators	47 Sq. Ft	0.30392
14D	1157	N/W/C	935.00	Stairs, Corridor Elevators	207 Sq. Ft	0.47722
14E	1158	N/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft	0.64058
14F	1159	N/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.4647
14G	1160	N/E	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.44189
14H	1161	S/W	885.00	Stairs, Corridor Elevators	37 Sq. Ft	0.44189
14J	1162	S/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.4647
14K	1163	S/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft	0.63985
14L/M	1164	S/W/C	1,635.00	Stairs, Corridor Elevators	259 Sq. Ft	0.88158
14N	1165	S/W	690.00	Stairs, Corridor Elevators		0.35948
14P	1166	S/W	465.00	Stairs, Corridor Elevators		0.22923
15A	1167	S/W	465.00	Stairs, Corridor Elevators		0.2318
15B	1168	N/W	692.00	Stairs, Corridor Elevators		0.36242
15C	1169	N/W	565.00	Stairs, Corridor Elevators		0.29877
15D	1170	N/W/C	905.00	Stairs, Corridor Elevators	42 Sq. Ft.	0.443
15E	1171	N/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft.	0.64426
15F	1172	N/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.45698
15G	1173	N/E	885.00	Stairs, Corridor Elevators		0.41099
15H	1174	S/W	885.00	Stairs, Corridor Elevators		0.41099
15J	1175	S/E	945.00	Stairs, Corridor Elevators	37 Sq. Ft	0.45698
15K	1176	S/E/C	1,210.00	Stairs, Corridor Elevators	42 Sq. Ft	0.64353
15L	1177	S/W/C	835.00	Stairs, Corridor Elevators	42 Sq. Ft	0.43858
15M	1178	S/W	765.00	Stairs, Corridor Elevators		0.40399
15N	1179	S/W	690.00	Stairs, Corridor Elevators		0.36242
15P	1180	S/W	465.00	Stairs, Corridor Elevators		0.2318
16A	1181	S/W	835.00	Stairs, Corridor Elevators	160 Sq. Ft	0.4809
16B	1182	N/W	660.00	Stairs, Corridor Elevators	110 Sq. Ft.	0.37125

Unit Designation	Tax Lot No.	Location in Portion of Building	Approximate Area in Square Feet	Common Elements to Which Unit has Immediate Access	Approximate S.F. Terrace and/or Balcony	Percentage of Common Interest
16C	1183	N/W/C	1,200.00	Stairs, Corridor Elevators	260 Sq. Ft.	0.65456
16D	1184	N/E/C	1,235.00	Stairs, Corridor Elevators	65 Sq. Ft	0.63469
16E	1185	N/E	755.00	Stairs, Corridor Elevators	100 Sq. Ft	0.39333
16F	1186	N/E	795.00	Stairs, Corridor Elevators	40 Sq. Ft	0.40658
16G	1187	N/S/W	795.00	Stairs, Corridor Elevators	40 Sq. Ft	0.40658
16H	1188	S/E	755.00	Stairs, Corridor Elevators	100 Sq. Ft	0.39333
16J	1189	S/E/C	1,205.00	Stairs, Corridor Elevators	65 Sq. Ft	0.62182
16K	1190	S/W/C	1,335.00	Stairs, Corridor Elevators		0.75832
16L	1191	S/W	461.00	Stairs, Corridor Elevators		0.2307
17A	1192	S/W	835.00	Stairs, Corridor Elevators		0.4636
17B	1193	N/W	660.00	Stairs, Corridor Elevators		0.35874
17C	1194	N/W/C	1,110.00	Stairs, Corridor Elevators	110 Sq. Ft	0.567
17D	1195	N/E/C	1,170.00	Stairs, Corridor Elevators	40 Sq. Ft	0.62219
17E	1196	N/E	545.00	Stairs, Corridor Elevators	105 Sq. Ft	0.30356
17F	1197	N/E	820.00	Stairs, Corridor Elevators	105 Sq. Ft	0.42865
17G	1198	S/W	820.00	Stairs, Corridor Elevators	105 Sq. Ft	0.42865
17H	1199	S/E	545.00	Stairs, Corridor Elevators	105 Sq. Ft	0.30356
17J	1200	S/E/C	1,170.00	Stairs, Corridor Elevators	40 Sq. Ft	0.60894
17K	1201	S/W/C	1,235.00	Stairs, Corridor Elevators	110 Sq. Ft	0.68179
17L	1202	S/W	461.00	Stairs, Corridor Elevators		0.22335
						88.07000