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In the Matter of the Application of

NEW YORK BLOOD CENTER, INC.

Pursuant to Section 201 of the New York  
City Charter For A Zoning Text Amendment  
[N210352 ZRM]

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PROTEST PURSUANT TO §200  
SUBD. A(3) (2) OF THE NEW YORK  
CITY CHARTER AGAINST  
PROPOSED RESOLUTION  
N210352ZRM APPROVED BY THE  
NEW YORK CITY PLANNING  
COMMISSION

The undersigned respectfully states as and for its PROTEST pursuant to §200 subd. (a)(3)(2) of the New York City Charter against the resolution of the New York City Planning Commission ("**CPC**"), approving that certain application, designated N 210352 ZRM, 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 Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, such CPC resolution attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter "**Zoning Text Amendment Resolution**"), as follows:

1. The undersigned is the president of a domestic corporation known as 333 East 66th Street Corp. ("**Cooperative**").

2. The Cooperative is a cooperative corporation, formed and existing pursuant to the Business Corporation Laws of the State of New York and is the fee owner of the premises located at 333 East 66th Street, New York, NY [Manhattan Block 1441, Lot 17] ("**Cooperative Premises**"). A copy of the deed containing the legal description of the Cooperative Premises is annexed hereto and marked as Exhibit "B".

2021 OCT 21 P 2 09  
RECEIVED  
NEW YORK CITY PLANNING COMMISSION

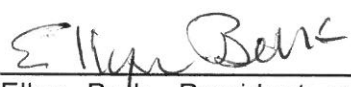
3. The Cooperative is the owner of land immediately adjacent to and within 100 feet of the land included in the changes proposed in the Zoning Text Amendment Resolution.

4. The Zoning Text Amendment Resolution is subject to review and approval by the New York City Council under Zoning Resolution §197-d.

5. At a special meeting of the Board of Directors of the Cooperative ("**Board**") duly held on the 14th day of October, 2021 at which a quorum was present and acting throughout, the Board duly adopted and enacted a resolution which, in part, authorizes the Cooperative to present a protest against the Zoning Text Amendment Resolution to the Clerk of the City of New York.

6. Accordingly, and pursuant to §200 subd. (a)(3)(2) of the New York City Charter, the undersigned hereby file and present this Protest against the Zoning Text Amendment Resolution to the Clerk of the City of New York.

333 EAST 66TH STREET CORP.

By:   
Ellyn Berk, President and Authorized Signatory

**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 **ELLYN BERK**, 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



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## CITY PLANNING COMMISSION

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September 22, 2021 / Calendar No. 24

N 210352 ZRM

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**IN THE MATTER OF** an application submitted by New York Blood Center, Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4, for the purpose of allowing scientific research facilities in C2-7 Districts and allowing related use and bulk modifications, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 8.

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This application for a zoning text amendment (N 210352 ZRM), in conjunction with the related special permit (C 210353 ZSM) and zoning map amendment (C 210351 ZMM), was filed by New York Blood Center, Inc. on April 1, 2021, to facilitate 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

In addition to the zoning text amendment (N 210352 ZRM) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

**C 210353 ZSM**      Zoning special permit pursuant to Section 74-48 of the Zoning Resolution to allow a scientific research and development facility and to allow modification of the height and setback regulations of Section 33-432.

EXHIBIT A

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**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.

## **BACKGROUND**

A full background discussion and description of this project appears in the report for the related special permit (C 210353 ZSM).

## **ENVIRONMENTAL REVIEW**

This application (N 210352 ZRM), in conjunction with the related applications for a special permit (C 210353 ZSM) and a zoning map amendment (C 210351 ZMM), were 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.

A summary of the environmental review, including the Final Environmental Impact Statement (FEIS) dated September 10, 2021, appears in the report on the related application for a special permit (C 210353 ZSM).

## **PUBLIC REVIEW**

This application (N 210352 ZRM) was referred for information and review in accordance with the procedures for non-ULURP matters, in conjunction with the applications for the related actions for a special permit (C 210353 ZSM) and zoning map amendment (C 210351 ZMM), which were certified as complete by the Department of City Planning on April 19, 2021, and duly referred to Manhattan Community Board 8 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

## **Community Board Review**

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Manhattan Community Board 8 held a public hearing on May 12, 2021, on this application (N 210352 ZRM) and the related actions for a special permit (C 210353 ZSM) and a zoning map amendment (C 210351 ZMM), and, on May 25, 2021, by a vote of 38 in favor, none against, and none abstaining, adopted a resolution recommending disapproval of the application.

#### **Borough President Review**

The Manhattan Borough President held a public hearing on July 12, 2021, on this application (N 210352 ZRM) and the related actions for a special permit (C 210353 ZSM) and a zoning map amendment (C 210351 ZMM) and, on July 28, 2021, issued a recommendation to disapprove the application.

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

On July 14, 2021 (Calendar No. 18), the CPC scheduled July 29, 2021 for a public hearing on this application (N 210352 ZRM), in conjunction with the related actions for a special permit (C 210353 ZSM) and a zoning map amendment (C 210351 ZMM). The hearing was duly held on July 29, 2021 (Calendar No. 6). Eleven people testified in favor of the application and 36 in opposition, as described in the report for the related special permit (C 210353 ZSM), and the hearing was closed. Following the public hearing, the CPC received several letters of written testimony.

#### **CONSIDERATION**

The City Planning Commission believes that this application for a zoning text amendment (N 210352 ZRM), in conjunction with the related special permit (C 210353 ZSM) and a zoning map amendment (C 210351 ZMM), are appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related special permit (C 210353 ZSM).

#### **RESOLUTION**

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**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 Part 617, New York State Environmental Quality Review, have been met and that, consistent with social, economic and other considerations:

1. From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. 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 those mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, 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 that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.



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**ARTICLE III**  
**COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2**  
**Use Regulations**

\* \* \*

**32-30**  
**USES PERMITTED BY SPECIAL PERMIT**

**32-32**  
**By the City Planning Commission**

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4, or as otherwise indicated in this Section.

\* \* \*

C1 C2 C3 C4 C5 C6 C7 C8

Railroad passenger stations

C2-7 C6

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Research and development facility, scientific, in C2-7 Districts within Community District 8 in the Borough of Manhattan, and in C6 Districts

C1 C2 C3 C4 C5 C6 C7 C8

Seaplane bases

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## ARTICLE VII

### Administration

\* \* \*

### Chapter 4

#### Special Permits by the City Planning Commission

74-40

#### USE PERMITS

\* \* \*

74-48

#### Scientific Research and Development Facility

In C2-7 Districts within Community District 8 in the Borough of Manhattan, and in C6 Districts, the City Planning Commission may permit a scientific research and development facility containing as a commercial use, where such facility contains laboratories for medical,

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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.~~ Such facility shall conform to the performance standards applicable to M1 Districts and ~~occupy a #zoning lot# that either contains a minimum #lot area# of 40,000 square feet or comprises an entire #block#.~~ No ~~#residential use#~~ is to be located anywhere on a ~~#zoning lot#~~ containing such a facility, in conjunction with such facility, may allow the modifications set forth in paragraph (a) of this Section. For a special permit to be granted, applications shall comply with conditions in paragraph (b) and the findings of paragraph (c) of this Section. Additional requirements are set forth in paragraph (d).

(a) Additional modifications

For such scientific research and development facility, the Commission may modify the following:

- (1) height and setback regulations; and
- (2) where such facility is located within C2-7 Districts:
  - (i) #sign# regulations;
  - (ii) #floor area ratio# regulations, up to the maximum #floor area ratio# permitted for #community facility uses# for the District; and
  - (iii) #yard# regulations.

(b) Conditions

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

- (1) conform to the performance standards applicable to M1 Districts;
- (2) occupy a #zoning lot# that either contains a minimum #lot area# of 40,000 square feet or comprises an entire #block#; and
- (3) occupy a #zoning lot# containing no #residential use#.

(c) Findings

As a condition for granting a special permit, the Commission shall find that the scientific research and development facility:

- (a)(1) will not unduly affect the essential character or impair the future use and development of the surrounding area;
  - (b)(2) will be located so as to draw a minimum of vehicular traffic to and through local #streets#;
  - (c)(3) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage; and
  - (d)(4) that the modification of such height and setback 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

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residences; and

(b) do not alter the essential character of the adjacent area.

(d) Additional requirements

- (1) To minimize traffic congestion in the area, the Commission shall require the provision of off-street loading berths conforming to the requirements set forth in Section 36-62 (Required Accessory Off-street Loading Berths) for commercial uses.
- (2) The Commission may also require the provision of accessory off-street parking facilities to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such use. The size and location of such parking, bicycle parking, and loading facilities shall comply with the applicable provisions of Section 36-00, inclusive.
- (3) All applications for the grant of a special permit pursuant to this Section shall be referred to the Commissioner of Health of the City of New York or its successor for a report and recommendations on matters relating to health, safety and general welfare of the public with regard to the proposed facility. If the report is received within 45 days from the date of referral, the Commission shall, in its determination, give due consideration to the report and its recommendations. If such agency does not report within 45 days, the Commission may make a final determination without reference thereto.

In order to promote and protect the public health, safety and general welfare, the City Planning Commission may impose additional conditions and safeguards and more restrictive performance standards where necessary.

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## APPENDIX F

### Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

\* \* \*

MANHATTAN

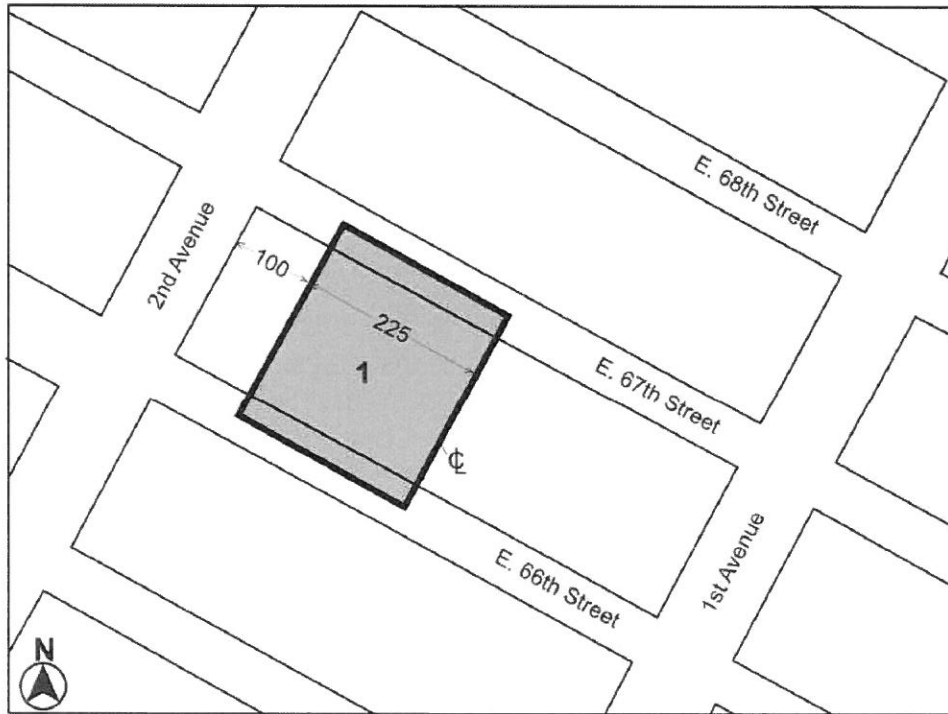
\* \* \*


Manhattan Community District 8

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Map 1 [date of adoption]

[PROPOSED MAP]



 Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))  
 Area 1 - [date of adoption] - MIH Program Option 1 and Option 2

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Portion of Community District 8, Manhattan

\* \* \*

The above resolution (N 210352 ZRM), duly adopted by the City Planning Commission on September 22, 2021 (Calendar No. 24), is filed with the Speaker, City Council, and 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*





CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

D.T.  
85248.75

ELL 542 PG 1142

THIS INDENTURE, made the 30<sup>th</sup> day of October, nineteen hundred and eighty  
BETWEEN BRYN MAWR COMPANY, a New York general partnership  
having an office at 10 Burbank Street, City of Yonkers, County  
of Westchester and State of New York,

1441  
17

party of the first part, and 333 EAST 66TH STREET CORPORATION, a New York  
corporation having its principal office c/o Kurzman Karelsen  
& Frank, 230 Park Avenue, New York, New York 10017,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration  
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs  
or successors and assigns of the party of the second part forever,

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 a point on the northerly side of 66th Street, distant  
75 feet westerly from the corner formed by the intersection of the  
northerly side of 66th Street with the westerly side of First Avenue;  
running thence northerly, parallel with First Avenue, 100 feet  
5 inches to the center line of the block; thence westerly, parallel  
with the northerly side of 66th Street and along said center line  
of the block, 175 feet; thence southerly, parallel with First Avenue  
and part of the distance through a party wall, 100 feet 5 inches to  
the northerly side of 66th Street; thence easterly, along the  
northerly side of 66th Street, 175 feet to the point or place of  
BEGINNING.

SAID PREMISES being known as and by the street number 333 East 66th  
Street.

SUBJECT to mortgages held by The Comptroller of the State of New York  
as Trustee of the Common Retirement Fund recorded in the Office of  
the New York City Register, New York County, in Liber 6137, page 8;  
Liber 6317, page 76; Record Liber 220, page 180 and Reel 292, page  
1590, as consolidated to form a single first mortgage lien in the  
reduced principal amount of \$3,186,416.76 and interest.

This conveyance is made with the consent of all the partners of the  
party of the first part.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and  
roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances  
and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO  
HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of  
the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything  
whereby the said premises have been encumbered in any way whatever, except as aforesaid.

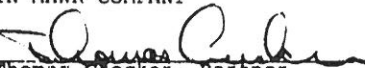
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of  
the first part will receive the consideration for this conveyance and will hold the right to receive such consid-  
eration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply  
the same first to the payment of the cost of the improvement before using any part of the total of the same for  
any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above  
written.

IN PRESENCE OF:

BRYN MAWR COMPANY

By   
Thomas Crocker, Partner

STATE OF NEW YORK, COUNTY OF New York

On the 30<sup>th</sup> day of October 19 80, before me personally came

THOMAS CROCKER A PARTNER of BRYN MAWR COMPANY A GENERAL PART to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same, as the act and deed of said partnership.

*Thomas Crocker*

ESTELLE BREREN  
Notary Public, State of New York  
No. 31-5241708  
Qualified in New York County  
Commission Expires March 30, 1983

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

NEIL 542 PG 1143  
to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

1980 NOV 5 AM 11:30

**Bargain and Sale Deed**  
WITH COVENANT AGAINST GRANTOR'S ACTS  
TITLE No. 4122603  
**BRYN MAWR COMPANY**  
TO  
**333 EAST 66TH STREET CORPORATION**

13391

SECTION 5  
BLOCK 1441  
LOT 17  
COUNTY OR TOWN New York  
From: 333 East 66th Street

Recorded At Request of the Title Guarantee Company  
RETURN BY MAIL TO:



KURZMAN KARELSEN & FRANK  
230 PARK AVENUE  
NEW YORK, N. Y. 10017  
ATT: FRANK E. KARELSEN III, ESQ.  
Zip No.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

1980 NOV 5 AM 11:30

OFFICE OF CITY REGISTER  
New York County  
RECORDED  
Witness my hand  
and official seal

*John J. Leggett*  
CITY REGISTER

\$5348.25  
REAL ESTATE S  
NOV 5 1980  
TRANSFER TAX  
NEW YORK  
COUNTY

AL2  
5348  
R 5167

THE TITLE GUARANTEE COMPANY  
120 BROADWAY, NEW YORK, N.Y. 10038