

Russell Squire
Chair

Will Brightbill
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**The City of New York
Community Board 8 Manhattan
Special Meeting of the Board
Tuesday, May 25, 2021 - 6:30 PM
*This meeting was conducted via Zoom***

MINUTES

Community Board Members Present: Vanessa Aronson, Elizabeth Ashby, P. Gayle Baron, Michele Birnbaum, Lori Ann Bores, Taina Borrero, Lorraine Brown, Alida Camp, Barbara Chocky, Anthony Cohn, Saundra Coleman, Brian Correia, Rebecca Dangoor, Felice Farber, Billy Freeland, Edward Hartzog, Takako Kono, Craig Lader, Rebecca Lamorte, May Malik, Valerie Mason, Gregory Morris, Jane Parshall, Peter Patch, Rita Popper, Margaret Price, Elizabeth Rose, Barbara Rudder, Abraham Salcedo, William Sanchez, Tricia Shimamura, Cos Spagnoletti, Russell Squire, Lynne Strong-Shinozaki, Marco Tamayo, Adam Wald, Elaine Walsh, Charles Warren, Sharon Weiner

Community Board Members Absent (Excused): David Helpern, Barry Schneider,

Community Board Members Absent (Unexcused): Lowell Barton, Sarah Chu, Wilma Johnson, Dorothea Newman, Harrison Pierson-Panes, Sharon Pope-Marshall, Carolina Tejo, Jack Zimmerman

Total Attendance: 39

Chairman Russell Squire called the meeting to order at 6:30 PM.

1. Continued Discussion: New York Blood Center and Longfellow Partners

Private application by the New York Blood Center to create a Life Sciences Hub on their existing site in Community District 8. Actions consist of (1) map amendment to rezone midblock from R8B to C2-7 ULURP Number: C210351ZMM (2) text amendment to Section 74-48 to allow an increase in commercial FAR and mods to use, bulk, signage ULURP Number: N210352ZRM (3) special permit pursuant to Section 74-48 ULURP Number: C210353ZSM (4) map MIH.

Representatives from the New York Blood Center and Longfellow Partners presented additional information on the project, including answers to previously submitted questions from members of the public. The special meeting continued with questions for the representatives from CB8M Board members.

Resolution Opposing New York Blood Center Project

WHEREAS the New York Blood Center (“NYBC”) has partnered with Longfellow Real Estate Partners and is proposing to construct a 334’-tall building on the site of the existing NYBC (Block 1441, Lot 40) which will provide, above the 5th floor, space for commercial tenants to use as research laboratories and medical offices; and

WHEREAS the proposed project would implement a spot zoning change to the R8B zoning of the site, which would deleteriously impact the surrounding area and jeopardize hard-won R8B zoning elsewhere in New York City; create severe and unmitigable shadow impacts on a nearby park and

school, in addition to other significant adverse effects; is unnecessary; and is inappropriate for a midblock site in a residential area, all as set forth further below; and

Project Background

WHEREAS the NYBC and Longfellow Real Estate Partners (together, the “Applicant”) are requesting ten (10) zoning changes in three broad categories:

1. Change of Zoning Designation
 - a. Rezone site from R8B district to a C2-7 district which allows a commercial laboratory use (USE GROUP 9) and to develop the site to 10 FAR (453,000 zoning square feet) with no height limit.
 - b. Rezone Second Avenue block frontages between 66-67 St. to a depth of 100’ from C1-9 to a C2-8 to “legalize” an existing movie theater and to allow several other large-scale functions under USE GROUP 9 (Catering Hall, Wedding chapel, TV Studio, Gymnasium);
2. Zoning Text Amendment to Section 74-48 to allow, by special permit
 - a. An increase in commercial FAR in C 2-7 districts for medical laboratories and associated offices
 - b. Modifications to the applicable supplementary use, bulk, and signage regulations.
3. Special permit pursuant to Section 74-48, as amended, to permit:
 - a. Commercial laboratory and associated office space to be included in the project at more than the 2 FAR permitted in C2-7 districts pursuant to Section 33-122;
 - b. Commercial space to be located above the second floor of the building, which is not permitted by Zoning Resolution Section 32-421;
 - c. Commercial space to be located above the lesser of 30 feet or two stories, which is not permitted by Zoning Resolution Section 33-432;
 - d. Special permit pursuant to Section 74-48, as amended, to permit:
 - i. Modifications of the height and setback regulations of Section 33-432, which will allow the building to encroach on the initial setback distance and the sky exposure plane;
 - ii. Modifications of the rear yard equivalent regulations of Section 33-383, which will allow the Proposed Development to occupy the same footprint as the existing building on its lower floors;
 - iii. A sign to be located at the top of the building’s base, in excess of the surface area permitted for illuminated signs pursuant to Section 32-642, the total surface area permitted for all signs pursuant to Section 32-641 and 32-643, and the maximum height of signs allowed by Section 32-655; and

Review of the Proposal by Community Board 8 Manhattan and the Public

WHEREAS prior to the certification of the NYBC/Longfellow application by the Department of City Planning (“DCP”) on April 19, 2021, the Community Board 8 Manhattan (“CB8M”) Zoning and Development Committee held three meetings—on November 17, 2020, December 8, 2020, and January 26, 2021—at which the principal topic was the Applicant’s zoning application, attended by more than 600 members of the public, and with two presentations by the Applicant; and

WHEREAS informal polls of attendees disapproved of the application by 94% to 6%; and

WHEREAS at its December 8, 2020 meeting, the CB8M Zoning and Development Committee passed a resolution disapproving the proposed application (enclosed as Appendix A), which was affirmed by the Full Board on December 16, 2020, by a vote of 38 in favor, 5 opposed, 2 abstaining, and 1 not voting for cause; and

WHEREAS after the certification of the NYBC/Longfellow application by DCP, the CB8M Zoning and Development Committee had another meeting focused principally on the NYBC/Longfellow application on April 27, 2021, which was attended by more than 200 members of the public; and

WHEREAS on May 13, 2021, the CB8M Parks and Waterfront Committee passed a resolution opposing the proposed Blood Center Development (enclosed as Appendix B), and this resolution was approved by the full Board on May 19, 2021 by a vote of 41 in favor, 3 opposed, 1 abstaining, and 1 not voting for cause; and

WHEREAS at the CB8M Land Use Committee of the Whole meeting on May 12, 2021, CB8M held a public hearing on the NYBC/Longfellow application; and

WHEREAS at that hearing, the Applicant made an extensive presentation on the application; and

WHEREAS a professional urban planner, George Janes, made a presentation on the application at that hearing and provided board members with a memo on the application prior to the hearing; and

WHEREAS the hearing, conducted over Zoom, was at capacity for most of its duration, with nearly 300 people in attendance and others watching a live stream of the hearing; and

WHEREAS members of the public had the opportunity to make comments and ask questions about the application; and

WHEREAS the Applicant had the opportunity to answer questions and respond to comments during the hearing; and

WHEREAS the comments from the public at the hearing were overwhelmingly in opposition to the application; and

WHEREAS CB8M held a Special Meeting of the Board on May 25, 2021, for further consideration of the application, which had similar high attendance from the public as the May 2021 Land Use meeting; and

WHEREAS at the Special Meeting, the Applicant had the opportunity to answer and respond to questions and comments raised during the meeting as well as outstanding from the Land Use Committee meeting; and

WHEREAS prior to the May 2021 Land Use Committee and Special Meetings, CB8M solicited written comments from the public and received more than 400 such comments (enclosed as Appendix C and available at

<https://docs.google.com/spreadsheets/d/1DtGMwO0vdDF6DqF7nZvG0zvweBBM3xia9yHomf9G8m8/edit#gid=908491452>), the vast majority of which express strong opposition to the application; and

WHEREAS from the first time that the NYBC/Longfellow proposal was presented to CB8M in November 2020 through when the application was made to and certified by DCP and continuing to this Special Meeting of the Board, the Applicant has made no changes in response to community and CB8M concerns; and

The Application Is a Thinly-Veiled Attempt at Spot Zoning

WHEREAS the proposal amounts to “spot zoning,” which is defined as “singling out one parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners” (15 Warren's Weed New York Real Property § 157.13 (2021)); and

WHEREAS the application gratuitously includes changes to zoning on Second Avenue that are unrelated to the project and appear to have been included to mask the spot zoning; and

The Application Would Undermine Longstanding Policies with Respect to Balanced Development and Quality of Life Through Midblock Zoning

WHEREAS in July 1985, the City, through its City Planning Commission, recognized the incompatibility of midblock projects built under R7-2 or R8 regulations and the long term importance to the City of maintaining balanced development and quality of life on the Upper East Side and approved the rezoning of approximately 190 of 200 mid-blocks in Community District 8 Manhattan to “R8B” zoning; and

WHEREAS in July 1985, the City, through its City Planning Commission proposed and implemented the rezoning of approximately 190 of 200 mid-blocks in Community District 8 Manhattan to “R8B” zoning; and

WHEREAS in so doing, the Department of City Planning

1. Gave thoughtful and thorough consideration to testimony of the community, neighborhood associations, eight elected officials, and neighboring hospitals and research institutions
2. Recognized the incompatibility of new midblock developments built under R7-2 or R8 regulations,
3. Weighed the interests of future institutional expansion against maintenance of residential midblock low-rise housing and buildings,
4. Promoted and maintained the existing scale, provision of light and air, control of density and protection of existing tenements as a vital housing resource on the mid-blocks of the Upper East Side,
5. Expressed an overriding public policy interest in preserving mid-blocks because they “form enclaves within the larger community and offer quiet refuge from the busier avenues and provide a viable and attractive housing resource to a wide range of income groups.”
6. Stated that “The balancing of high-density zoning on the avenues by low-scale development in the midblocks has been a policy upheld consistently by the City Planning Commission”; and

WHEREAS the City also implemented R8B zoning on mid-blocks in a number of other neighborhoods, for similar reasons that such zoning was implemented in Community District 8 Manhattan; and

WHEREAS in the intervening thirty-five years, no development lot in an R8B zone in Community District 8 Manhattan has been rezoned to allow for more intensive development; and

WHEREAS the proposed zoning changes, if approved, would set a dangerous precedent, putting all the Upper East Side mid-blocks and all R8B zoning throughout the City at risk; and

WHEREAS the proposed rezoning of the R8B midblock would set a dangerous precedent for R5B, R6B, and R7B zoning in Brooklyn and Queens; and

The Project Does Not Merit Overriding the City’s Longstanding Commitment to R8B Zoning and the Community Interests Served Thereby

WHEREAS CB8M recognizes and agrees that in addition to promoting the health and long term viability of residential communities through its R8B zoning scheme, the City of New York additionally has a paramount interest in vigorously pursuing, encouraging and maintaining the long term economic health and growth of our economy, most recently by focusing on the development of the life science industry in New York; as evidenced by

1. The City’s 2016 announcement of a \$500 million life science initiative, led by the City’s Economic Development Corporation,
2. Including proposing 3 sites upon which it was encouraging the development of life science clusters; and

WHEREAS neither 310 East 67th Street, nor any other R8B street was among the sites on which such development was encouraged; and

WHEREAS the omission of 310 East 67th Street from those sites indicates that it is not an indispensable location for life science development; and

WHEREAS there are multiple existing sites elsewhere that could house the 334 foot tall commercial tower, three of which were offered to the applicant by the City; and

WHEREAS in a recent survey conducted by CBRE (enclosed as Appendix D), CBRE reported 2,964,695 RSF of “life science space” would be coming online in New York through 2024, which is two years before the Applicant’s commercial tower would open; and

WHEREAS the New York Times recently reported that there is more than 100,000,000 RSF of empty commercial office space as a result of the pandemic; and

WHEREAS Crain’s recently reported that as investors clamor to break ground on life science buildings, there is a risk of an oversupply of space, and lab buildings are trading for capitalization rates of less than 4% which is lower than apartment buildings or industrial properties; and

WHEREAS the Applicant acknowledges that it rejected alternative sites the City has offered for this project due to various “unsuitabilities”; and

WHEREAS the rezoning requested by the Applicant is egregious in its scope and sheer magnitude; and

WHEREAS a commercial tower of the sort proposed in the application does not in any way belong on a block with a library, an educational complex that houses five schools and a park; and

WHEREAS the Applicant acknowledged during one of the public meetings that proximity to other institutions was not the most important factor in selection of the site for the project; and

WHEREAS the Applicant has not demonstrated any overriding or unique reason to up-end the City’s interest in protecting the midblock that would cause the Community Board to support its application; and

WHEREAS it is not necessary, reasonable, or in the public interest to override the longstanding zoning policy of maintaining low rise midblocks in order to facilitate and accomplish the City’s economic goal of establishing itself as the premier life sciences hub in the United States (which it can achieve in any event in the absence of the proposed project); and

The Application’s Impact on St. Catherine’s Park Is Severe and Unmitigable

WHEREAS St. Catherine’s Park is the second most visited park per square foot in New York City and is the only park within a half-mile radius of the proposed building site, and Community District 8 Manhattan contains a lower than average amount of open space by area and population in the city; and

WHEREAS St. Catherine’s Park serves as an essential open space for all members of the community: children, families, seniors, patients and staff from the surrounding medical institutions; and

WHEREAS St. Catherine’s Park features several amenities such as tables, benches, multipurpose courts, chess tables, and water features that serve these populations of visitors; and

WHEREAS the proposed project would cast new shadows over up to 70% of St. Catherine’s Park during peak afternoon hours during the spring, summer, and fall months, placing 95 – 100% of the park in shadow when it is most used by neighborhood children; and

WHEREAS the Applicant’s Draft Environmental Impact Statement (DEIS) admits that the proposed project would have significant adverse shadow impacts on St. Catherine’s Park; and

WHEREAS the District Manager of the NYC Department of Parks and Recreation has expressed concerns to DCP regarding the shadows cast by the project, stating that they would negatively affect plantings and activities in the park, and concluded (in agreement with the Applicant) that the proposed project would lead to adverse shadow impact on St. Catherine’s Park; and

WHEREAS current zoning prohibits towers in residential areas that are within 100 feet of a public park or on the street wall opposite a public park in order to prevent the very type of shadows that this proposed project would cast on St. Catherine’s Park; and

WHEREAS there are no mitigation measures that can replace the loss of light on St. Catherine’s Park for its visitor population; and

The Application’s Impact on the Julia Richman Education Complex Is Severe and Unmitigable

WHEREAS the Julia Richman Education Complex (“JREC”) is an award-winning educational complex serving over 2,000 students ages six-weeks to 21 years; and

WHEREAS the building is home to the following schools and programs: The Ella Baker School, a school serving students in grades PK-8, and providing the only “choice” elementary school on the Upper East Side; Vanguard High School, providing a college preparatory curriculum; Talent Unlimited High School, specializing in performing arts; Urban Academy, a transfer high school serving students who are not on track to graduate from traditional high schools; Manhattan International High School, which serves English Language Learner students who have lived in the United States for four years or fewer; P226, a middle school program for students with autism; and a LYFE program, providing childcare for pre-school aged children of student parents; and

WHEREAS the students at JREC represent the full diversity of New York City, including students from nearly every City Council district; and

WHEREAS JREC is directly opposite the New York Blood Center on East 67th Street; and

WHEREAS in addition to the shadow impacts on St. Catherine’s Park (which also serves as the schoolyard), the proposed project would cast significant shadows on the school building itself; and

WHEREAS the proposed project would also eliminate over 50% of the solar radiation (natural sunlight) to the classrooms facing 67th street; and

WHEREAS these classrooms are used by the P226 program, so the proposed project would literally place students with autism in darkness; and

WHEREAS multiple studies have shown that natural light improves the health, well-being and education outcomes of students; and

WHEREAS the Applicant has performed additional studies on the impact of the proposed project on the natural light and shadows that would reach JREC and refused to share the results of this analysis directly with CB8M; and

WHEREAS the applicant has never proposed any form of compensation to the Department of Education that would benefit JREC and its students prior to the applicant proposing to construct a building that will have such negative impacts on the students at JREC; and

The Height and Bulk of the Proposed Tower are Excessive and Extraordinary

WHEREAS the proposed tower will, at the 85 foot tall base, occupy the entire lot, an area in excess of one acre, and will, after minimal setbacks, rise to a height of 334 feet with a “footprint” of approximately 180’ X 180’, which rivals large commercial towers like the Empire State Building; and

WHEREAS the proposed tower will have a larger height/bulk ratio than any midblock building West of First Avenue within Community District 8 Manhattan; and

WHEREAS the proposed floor-to-floor height of sixteen (16) feet is out of scale with surrounding construction, and the large amount of tall floor space (not counted as Zoning floor area) dedicated to mechanical equipment also contributes to the out-of-scale quality of a large commercial building in a residential neighborhood; and

WHEREAS the NYBC has acknowledged that it can satisfy its own mission and space needs as-of-right within the R8B zoning (five floors and 75’ high); and

The Application Raises Significant Additional Concerns

WHEREAS the commercial laboratory component is inappropriate for the residential area; and

WHEREAS the owners of 301 East 66th Street, a cooperative, were not informed of the rezoning of their building and have requested that it not be rezoned; and

WHEREAS in contrast to a residential tower, which “goes largely dark” during the late evening and early morning hours, the commercial laboratories can and will be used for work throughout the night, seven days a week and 365 days per year; and

WHEREAS the perpetually illuminated commercial tower will be a source of light pollution at night; and

WHEREAS the occupants of neighboring buildings will be deprived of light during the day on account of shadows, and deprived of darkness at night on account of the active commercial space; and

WHEREAS the application allows for a large, brightly lit sign on the proposed tower to be lit at all times, which is unnecessary and will create light pollution for area residents at night; and

WHEREAS CB8M has approved and is working with DCP towards limiting building height on First, Second, Third, and York Avenues to 210’, and this proposal significantly exceeds that on a mid-block lot; and

WHEREAS there is widespread fear regarding and opposition to the application in the community, as evidenced by the hundreds of residents attending the committee meetings to voice their concerns; and

WHEREAS the numerous severe and unmitigable adverse impacts of the proposal demonstrate the appropriateness and importance of R8B zoning to the site and the importance to the community of its retention;

THEREFORE, BE IT RESOLVED that CB8M opposes the request for all of the zoning changes outlined in our resolution and requested by the Applicant.

THEREFORE, BE IT FURTHER RESOLVED that CB8M opposes the proposed NYBC/Longfellow development at 310 East 67th Street due to the significant adverse and unmitigable impacts on St. Catherine’s Park.

THEREFORE, BE IT FURTHER RESOLVED that CB8M opposes the proposed NYB C/Longfellow development at 310 East 67th Street due to the significant adverse and unmitigable impacts on the Julia Richman Education Complex.

THEREFORE, BE IT FURTHER RESOLVED that CB8M disapproves the application and urges that it be rejected.

Community Board 8 Manhattan approved this resolution by a vote of 38 in favor, 0 opposed, 0 abstentions, and 1 not voting for cause.

Meeting Adjourned at 10:30pm

Russell Squire, Chair

DRAFT

Name	Attendance	Item 1
ARONSON, VANESSA	Present	Yes
ASHBY, ELIZABETH	Present	Yes
BARON, P. GAYLE	Present	Yes
BARTON, LOWELL	Absent	
BIRNBAUM, MICHELE	Present	Yes
BORES, LORI ANN	Present	Yes
BORRERO, TAINA	Present	Yes
BROWN, LORAINÉ	Present	Yes
CAMP, ALIDA	Present	Yes
CHOCKY, BARBARA	Present	Yes
CHU, SARAH	Absent	
COHN, ANTHONY	Present	Yes
COLEMAN, SAUNDREA	Present	Yes
CORREIA, BRIAN	Present	Yes
DANGOOR, REBECCA	Present	Yes
FARBER, FELICE	Present	Yes
FREELAND, BILL	Present	Yes
HARTZOG, EDWARD	Present	Yes
HELPERN, DAVID B.	Excused	
JOHNSON, WILMA	Absent	
KONO, TAKAKO	Present	Yes
LADER, CRAIG	Present	Yes
LAMORTE, REBECCA	Present	Yes
MALIK, MAY	Present	Yes
MASON, VALERIE	Present	Yes
MORRIS, GREGORY	Present	Yes
NEWMAN, DOROTHEA	Absent	
PARSHALL, JANE	Present	Yes
PATCH, PETER	Present	Yes
PIERSON-PANES, HARRISON	Absent	
POPE-MARSHALL, SHARON	Absent	
POPPER, RITA	Present	Yes
PRICE, MARGARET	Present	Yes
ROSE, ELIZABETH	Present	Yes
RUDDER, BARBARA	Present	Yes
SALCEDO, ABRAHAM	Present	Yes
SANCHEZ, WILLIAM	Present	Yes
SCHNEIDER, M. BARRY	Excused	
SHIMAMURA, TRICIA	Present	Yes
SPAGNOLETTI, COS	Present	Yes
SQUIRE, RUSSELL	Present	Yes
STRONG-SHINOZAKI, LYNNE	Present	Yes
TAMAYO, MARCO	Present	Yes
TEJO, CAROLINA	Absent	
WALD, ADAM	Present	Yes
WALSH, ELAINE	Present	Yes
WARREN, CHARLES	Present	NVPC
WEINER, SHARON	Present	Yes
ZIMMERMAN, JACK	Absent	
Total Yes	39	38
Total No		0
Total Abstain		0
Total Not Vote For Cause		1
Total Votes		39