

# **NEW YORK BLOOD CENTER**

## **RESPONSES TO QUESTIONS PRESENTED BY MANHATTAN COMMUNITY BOARD NO. 8 AT ITS MAY 12, 2021 PUBLIC HEARING ON ULURP Nos. C210351ZMM, N210352ZRM AND C210353ZSM**

This summary addresses certain questions raised by members of the Community Board 8 Land Use Committee members and of the public at the May 12th public hearing regarding the New York Blood Center's (NYBC or Blood Center) proposed project. Additional questions will be addressed in our presentation this evening.

Before addressing these questions, we want to be sure that the record reflects that supporters of the project include, in addition to the New York Building Trades Council that spoke at the public hearing, the following organizations:

- City University of New York, Tech NYC, the Life Science Secondary School, NYC ETC, and the New York Building Congress, all of which have submitted written statements in support of the applications: and
- NYC Builds Bio+, NEW, BioBus, Knowledge House, Christo Rey High School, and the Manhattan Chamber of Commerce, all of which were present at the public hearing but did not have the opportunity to speak. All will be submitting statements in support of this application.

### **RESPONSES**

#### 1. Land Use and Zoning

- *Is there any way to restrict site's use to life sciences, rather than office or residential uses?*

The use of the new Center East will be restricted by the special permit, which is required to authorize (i) commercial use in excess of two FAR, (ii) commercial use above the second floor and (iii) the scientific research and development facility use. The special permit is also required for the proposed building envelope.

Actions involving a rezoning and a special permit are sometimes accompanied by a deed restriction (Restrictive Declaration) providing that, unless otherwise permitted by the City Planning Commission (CPC) and the City Council, the use of the rezoned property is limited to the development authorized by the special permit or a development permitted by the zoning controls applicable prior to the rezoning.

- *If the site is being rezoned, why do we also need waivers?*

The rezoning and the special permit address different aspects of the proposal. The rezoning permits the additional floor area and life sciences use. However, the generic controls of the C2-7 district are not sufficiently fine-grained for the specialized life sciences use and building envelope proposed.

The special permit addresses the new Center East's unique program and design issues. To do so, it authorizes modifications of:

- The maximum commercial FAR to allow a flexible mix of community facility and commercial uses, both of which have similar land use impacts, within the maximum community facility FAR.
  - Height and setback regulations for a floorplate that is large enough to accommodate (i) the optimal number of principal researchers, (ii) laboratory layouts consistent with National Institutes of Health planning principles, and (iii) flexibility to be subdivided in order to accommodate companies at all stages of organizational development. The factors affecting the size and shape of the scientific research and development facility are discussed more fully at #2 below.
  - Rear yard equivalent regulations to allow NYBC to match its existing lot-line to lot-line footprint.
  - Signage controls to identify the building as important part of New York City's life sciences development initiative.
- *Why is MIH included in rezoning?*

Department of City Planning (DCP) requires that any rezoning that increases the residential capacity of a property will be subject to the City's Mandatory Inclusionary Housing (MIH) program. The rezoning of the Center East site from R8B to C2-7 will increase the permitted residential FAR from 4.0 to 7.52. The increase in FAR means that an MIH overlay is required even though Blood Center will be developing a non-residential building.

- *Why are the movie theater and adjacent co-op being included in the rezoning?*

We are proposing to bring the C2 zoning district, which currently is mapped on 2nd Avenue up to East 66th Street, one block north and to extend it to the east to cover the Blood Center site. The avenues would be mapped with the same C2-8 zoning that exists one block to the south, and the Blood Center site would be mapped with a C2-7 district that is similar to an R9 district, and more appropriate for its midblock location.

Rezoning a property from a C1-9 district to a C2-8 district has no adverse effects to a property. There is little difference between what can go on in a C2-8 district and what can go on in a C1-9 district. Both districts have identical bulk controls, with the same FAR limits for residential (10/12), commercial (2) and community facility (10/12)

uses. The range of uses permitted in a C2-8 district, which includes movie theaters as a matter of right, is slightly wider than the range of uses permitted in a C1-9 district – something most owners would treat as a benefit.

Land uses change over time, and a zoning ordinance should be flexible and nimble enough to change with them as appropriate. Here, including this Second Avenue blockfront as a part of a larger mapping action is appropriate because more of the existing uses on Second Avenue between East 66th and East 67th Streets are conforming under a C2-8 mapping than under a C1-9 mapping.

There is no magic to the existing location of the boundary between the C2-8 zoning district and the C1-9 zoning district, and there is no reason to treat it as set in stone. It was this way in 1961, and, based on our knowledge of neighborhood land uses in 1960, the line was drawn at East 66th Street and not further south to ensure that the Beekman Theater (Second Avenue between 65th and 66th Streets prior to MSK's development of the property) would be a conforming use. The movie theaters one block north of the former Beekman Theater site entitled to comparable treatment.

- *Why do we need a signage waiver?*

More prominent signage will help to identify the building and highlight its mix of institutional, research, and clinical uses and commercial product development uses in the life sciences and its place in moving New York City toward leadership in the life sciences economy.

The extent of the waiver is less than it appears to be. Under C2 rules, each street frontage could accommodate four stores with up to 600 square feet of signage (of which 200 square feet could be illuminated). The proposed condition has 470 square feet of signage (of which 370 square feet would be illuminated) on East 66th Street and 530 square feet of signage (of which 360 square feet would be illuminated) on East 67th Street.

The types of illuminated signs being considered are, as shown below, both muted and respectful of the surrounding neighborhood. NYBC intends to continue to study ways, including reduced brightness or elimination of illumination later in evening, to control impacts. Agreed-upon controls could be incorporated into the special permit.



- *Did any past Blood Center acquisitions involve changes to zoning of those sites?*

No.

- *What is the current value of the Blood Center land?*

The value of the Blood Center's land might be relevant to a Board of Standards and Appeals zoning variance, which is based in part on a feasibility analysis of a proposed development. It is not a relevant to the consideration of a rezoning or a special permit, both of which are based on their consistency with New York City land use and economic development policies.

## 2. General Building Design

- *How is laboratory air exhausted and will it impact neighboring properties?*

There are generally two types of exhausts within a laboratory space: chemical fume hood exhaust and environmental exhaust.

- All work in the laboratory using chemicals is performed at workstation enclosures tied to a dedicated fume hood exhaust system. These workstation enclosures are maintained under negative pressure and are continuously vented while work is taking place. All chemical fume hood exhaust is ducted directly to the roof of the building, where it is then diluted with fresh outdoor air and expelled at high velocities above the roof in compliance with all regulations for air quality and safety.
- The general laboratory spaces are required by code to have a minimum of six air changes of 100% outside air/ hour – or between six and 10 times the number of air changes required for ordinary office space – when the laboratory space is occupied. Outside air is ducted to each space to provide a continuous supply of fresh air. The fresh air flushes and dilutes any contaminants within the laboratory's ambient air so that the air in the laboratory is safe to breathe and meets applicable indoor air quality standards. The general laboratory air is then removed via the chemical fume hood exhaust and the general, environmental exhaust system

The air removed from the laboratories by the general, environmental exhaust is the same air that the occupants of the laboratory are breathing. This air is ducted to the building's main air handling units at the mid-level mechanical room on the seventh floor and then exhausted out of the building through the exterior louvers. The 2014 NYC mechanical code stipulates the location of exhaust outlets from the building relative to operable openings in adjacent buildings, street level, and property lines to prevent exhaust air from impacting pedestrians and neighbors.

- o The mid-level mechanical floor at the proposed Center East is typical for commercial and institutional buildings of this size in order to efficiently provide services throughout the building. Additional mechanical plant equipment is provided below grade and at the upper mechanical and roof area, including chillers, cooling towers, hot water heaters/boilers, electrical switchgear, and emergency power systems. All rooftop mechanical equipment will be screened.

Building mechanical systems will be designed to meet all applicable noise regulations (Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) and to avoid producing any significant increase in ambient noise levels.

- *Why is the 30,000 SF floor plate needed if it might be sub-divided?*

There are four fundamental drivers for the floorplate size at Center East.

Laboratory Module. The laboratory module is the fundamental organizational basis of a laboratory building. The National Institute of Health has established 11' as a standard module for planning new laboratory construction projects. This optimal width is dictated by a minimum aisle width of 5 ft, plus 2.5-3 ft of bench or equipment on each side of the aisle. This module offers versatility, efficiency, and flexibility in the planning of biomedical laboratories.

Laboratories are both more useful and more usable if they are designed and laid out to be flexible. This allows them to meet a variety of needs, ranging from space for a large user occupying a full floor to smaller users occupying parts of sub-divided, multi-tenant floors and to accommodate reasonable change. This is especially true where the core and shell configuration of the lab floorplate will be determined before tenants and their specific needs are identified. Many private research companies make physical changes to an average of 25% of their labs each year. Flexibly designed space within a commercial laboratory facility gives it the capacity to attract a variety of academic, institutional, and commercial labs at all stages of growth and to allow them to grow in place.

Planning the entire floorplate on an 11' module ensures that there are multiple configurations available to support life sciences businesses in all stages of growth, to provide for different research needs, and to accommodate future changes.

Principal Investigator Group Size. The laboratory floor plate size is directly related to the number of Principal Investigators (often called PIs) who can work effectively together on the same floor. The PI is the head researcher or grant holder who leads an investigation, working with a number of co-investigators and research assistants to carry out research or development initiatives. PIs work independently but collaborate extensively with their peers who are working on related efforts. According to Jacobs Consultancy, an internationally-recognized leader in the design and planning of laboratory facilities, a group of 8-12 PIs on a single laboratory

floor is the optimal size for effective collaboration.

Because laboratory buildings have a high cost per square foot, they are designed for efficiency and use rigorous space planning metrics. Each PI requires approximately 1,500 net square feet (NSF), including primary open laboratory space, a dedicated office and a portion of the support laboratory and collaboration space on each floor. After a reasonable grossing factor is applied to account for building core elements (including stairs, elevators, toilet rooms and shafts), a group of 8-12 Principal Investigators yields a floorplate size of 25,000 - 30,000 gross square feet (GSF).

Consistency in Floorplate Size. Modification of the floorplate from floor-to-floor is a challenge to laboratory planning and efficiency. A survey of modern laboratory facilities indicates that the critical lab block is nearly always vertically stacked, without set-backs or other modifications. In New York City, recent new laboratory facilities, including Mt. Sinai's Hess Center and Icahn Building and Columbia's Jerome L. Greene Science Center, follow the principles of modular planning and vertical floor alignment. They also maximize site coverage without setbacks to increase the laboratory floorplate size. Both of the Mt. Sinai buildings have floorplates over 30,000 GSF and the Columbia Science Center has floorplates over 40,000 GSF.

Attracting and keeping life sciences companies in New York City. Center East's 30,000 GSF floorplate is designed both to foster and to accommodate growth so that small companies can stay in NYC as they grow to maturity. It can effectively support a critical mass of PIs for the average user in the marketplace -- a mature-stage private-sector research entity or an academic research institution -- by providing it with a full floor for maximum efficiency and productivity. It can also be subdivided into a wide range of sizes and configurations, allowing it to serve start-ups and companies in more advanced stages of development as well as those that are larger and more fully matured.

- *Are tall buildings suited to laboratories and are they more energy intensive?*

Tall buildings in NYC can be well suited to laboratory use provided that the floorplates are appropriately sized.

Consolidating program space in a single tall building is often more energy efficient than providing the same amount of program space in multiple buildings. This is because the height of the building does not necessarily drive the energy usage in non-residential buildings where elevators and mechanical ventilation are required by code. This is particularly true in laboratory buildings, for which energy usage is driven primarily by air exchange rates.

Longfellow has a long-standing commitment to developing sustainable buildings and has committed to a holistic approach to building design at Center East. To improve thermal performance, Center East will include high-performance wall systems that include well insulated and continuous air-tight materials. Roofs will include planted surfaces and/or highly reflective and insulating materials. Using the building envelope, including the window-to-wall ratio and the floor-plate size, to minimize

thermal transmission is a key to optimizing passive energy reduction strategies. Linear buildings, whether tall and slender or low and long, have more surface area of enclosure (including exterior walls and roofs) which means more area of heat loss or heat gain to mitigate. Center East has a balanced ratio of floor space to surface enclosure to further limit heat gain/loss through its envelope.

Energy use within laboratory buildings is driven primarily by the code requirements of the building mechanical systems to support life safety, including the number of air changes within laboratory spaces and enhanced exhaust systems. The building mechanical systems are being designed to the highest efficiency standards and will include energy recovery, heat exchangers and chilled beam technology.

NYC is at the forefront of energy conservation and has enacted some of the most stringent energy codes in the nation, including the 2020 NYC Energy Conservation Code and recently passed Local Law 97, which caps building carbon emissions. Center East will comply with latest energy code requirements by deploying progressive solutions for sustainability, energy consumption reduction and carbon emission planning. The building's design and engineering team is also investigating opportunities to exploit fully state-of-the-art energy recovery systems to capture and reuse energy before it leaves the building and options to reduce or eliminate fossil fuels for building heat.

- *Can trucks turn into loading docks?*

To minimize traffic congestion in the area, commercial scientific research and development uses are required to comply with ZR Section 36-62 for enclosed, off-street loading berths. The approximately 300,000 square feet of commercial laboratory space is required by ZR Section 36-63 to have four loading berths; there are no loading berth requirements for NYBC's community facility use. Center East is planned with five enclosed loading berths, all of which will conform to all minimum size and access requirements and to the rules governing their associated curb-cuts. The five enclosed loading berths will be shared by NYBC and the companies occupying the Longfellow space.

The enclosed loading berths planned for the proposed Center East facility allow trucks to pull entirely within the footprint of the building to load and unload material, keeping this activity and any associated congestion off of East 66th Street. These arrangements are expected to be an improvement over today's system of deliveries and pick-ups, all of which occur on the street.

Trucks will access the loading docks by backing in from East 66th Street and will leave by pulling out head-first and travelling west-bound on 66th Street. Truck maneuvering paths have been modelled by AKRF in a conservative computer simulation to confirm that the location and size of the loading berths is suitable and to validate the curb-cut dimensions. These models indicate that some on-street parking spaces may need to be eliminated on the south side of East 66th Street in order to facilitate the most efficient and the fastest maneuvering into and out of the

loading bay. Any parking removal will be coordinated with the DOT Manhattan Borough Engineer prior to building occupancy.

According to the transportation analysis of the Draft Environmental Impact Statement ("DEIS"), there will be no more than seven deliveries during any hour – or about one delivery every nine minutes. Many of these deliveries will also come in vans and box trucks; very few large trucks are expected. Thus, the truck activity on East 66th Street is not expected to be heavy or to have a negative impact on traffic.

- *How will Center East dispose of regulated waste?*

Regulated waste will remain on individual lab floors or in segregated interior locked holding rooms adjacent to the loading dock until scheduled pick-up by a certified hauler. There are no circumstances where regulated waste will be left unattended on the sidewalk or outside of the building.

- *How will Center East manage light pollution?*

The building will not fully occupied 24/7 and therefore will not be fully lit at night. However, it is likely that, from time to time, building occupants will work well into the evening. As an energy-conservation measure, the building will deploy occupancy sensors that turn off lights automatically when the space is not occupied and by itself will significantly reduce the amount of light transmitted from the building at night. In addition, window shades that reduce both nighttime transmission of light and daytime glare will be installed.

The Blood Center and Longfellow are exploring the options available to reduce nighttime transmission of light from Center East.

### 3. BSL 3 Laboratory

- *Will anything in the proposal restrict the use of the BSL-3 lab to NYBC? What will prevent commercial tenants from having BSL-3 labs?*

The special permit conditions and/or a Restrictive Declaration could include restrictions addressing either or both of these issues.

- *When was the BSL-3 disclosed and why wasn't it specifically noted during scoping?*

The NYBC team has always been transparent about NYBC's intent to replace the existing BSL-3 laboratory, which has operated at Center East for nearly 40 years, with a new facility in the proposed building. The future existence of a BSL-3 laboratory has been discussed in various presentations of the project since Summer 2019. It was not called out explicitly in the Draft Scope of Work for the project's DEIS because it is a simple replacement of an existing use and because it can be incorporated into the proposed Center East without any of the proposed land use actions.



- *Would NYBC limit the BSL-3 to a 'blood and tissue' lab?*

Title 24 Article 13 of the NYC Health Code requires research laboratories operating BSL-3 or BSL-4 labs to register. It exempts clinical laboratories, including "blood and tissue" labs from the registration requirement. These clinical activities are typically performed in BSL-2 laboratories. NYBC holds permits with NYS-DOH for blood and tissue for its clinical laboratory operations. The BSL-3 research laboratory cannot be restricted to "blood and tissue" by definition since it is used to support the laboratory research that is critical to the Blood Center's mission.

- *How will NYBC keep the lab secure? Will it be on a shared floor?*

The proposed BSL-3 laboratory will have the same security protections as its counterpart in NYBC's existing building. It will be located on a below-grade floor with restricted, limited access and will be locked at all times. Access will be given only named individuals approved by NYBC. Card-key security will limit access to the hall that provides access to the laboratory, and the laboratory itself will have similar security controls. These spaces and the laboratory itself will have cameras and alarms to monitor activity within and to track of each person who enters the secured area.

#### 4. Construction Impacts

- *Schedule*

Construction of the proposed Center East would consist of the following stages: demolition and abatement (approximately 12 months); excavation and foundation (approximately 10 months); superstructure and exteriors (approximately 28 months); and interiors and finishing (approximately 23 months). The demolition, excavation and foundation, and superstructure and exteriors stages are scheduled to occur sequentially. However, the interiors and finishing stage would begin following the start of the superstructure and exteriors construction stage and would overlap, resulting in a total anticipated construction duration of approximately 51 months.

While not expected to be frequent, weekend or night work may also be occasionally required for certain construction activities. Appropriate work permits from DOB would be obtained for any necessary work outside of normal construction hours, and no work outside of normal construction hours would be performed until such permits are obtained.

- *Noise*

Noise levels from construction operations will fluctuate during the construction period. Some operations – building demolition, rock excavation, and concrete operations -- will generate noticeable and potentially intrusive increases over existing noise levels; other operations – interior demolition/abatement and interior fit-out -- will produce noise level increases that would not be readily noticeable.

Virtually all construction operations will occur during weekday daytime hours.

NYBC has committed in the DEIS to a range of measures to reduce construction noise levels that would not be asked of a project that is as-of-right and not subject to CEQR:

- Noise Level limits for each type of equipment including project-specific limits less than specified by Code;
- Use of grid power when available to avoid use of generators;
- Site configured to minimize back-up alarm noise;
- Truck idling limits;
- Proper maintenance of equipment and mufflers;
- Site-perimeter noise barriers (8-12 feet);
- Concrete operation located inside site-perimeter noise barriers that are at least 12 feet tall with a cantilever towards the work area; and
- At building façades that are predicted to experience impact, NYBC will make available at no cost storm windows for façades that do not already have insulated glass windows and/or one window air conditioner per living room and bedroom for residences that do not already have alternative means of ventilation.

NYBC will also study whether there are measures that would further reduce noise increases for Julia Richmond Education Center (JREC) students, including those on the spectrum. The effectiveness of this study in identifying appropriate measures will depend upon the willingness of the JREC administration to cooperate in conducting it and in analyzing the results.

- *Air Quality*

NYBC will require that contractors working on Center East take measures to protect air existing quality that include the following:

- Dust suppression measures; for example:
  - Water sprays would be used for all demolition, excavation, and transfer of soils so that materials are dampened to avoid the suspension of dust into the air;
  - Trucks hauling loose material would be equipped with tight-fitting tailgates with their loads securely covered prior to leaving the site.
- Restrictions on truck idling time;
- Mandated use by construction vehicles of ultra-low sulfur diesel (ULSD) fuel and the best available technologies to reduce tailpipe emissions (i.e., diesel particulate filters); and

- Mandated use of newer construction equipment.
- *Traffic, Ambulances*

Construction activities at the new Center East are not anticipated to cause noticeable delays or increases in ambulance response times during construction. During construction, as under existing conditions, one travel lane would be maintained on East 66th and East 67th Streets.

Street closures would be extremely limited during construction; ambulances would likely detour around the site to most efficiently move through the neighborhood. Moreover, ambulances enter the NYPH-HSS complex at East 70th Street and York Avenue and exit at East 68th Street and York Avenue. Both East 66th and East 67th Streets are westbound. So ambulances travelling eastbound to the Emergency Department at NYPH would not be affected by traffic on East 66th and 67th Streets.

There would be a limited number of short-duration street blockages during crane erection or large material deliveries, but these would be coordinated with flaggers at street ends so that ambulances could avoid the street at those times. Most truck deliveries would occur within the parking lane which would be used for staging throughout construction.

The DEIS notes that, during the three month period in which construction activities generate the most traffic, construction workers driving past the site and up to nine trucks making materials deliveries would add 29 autos on East 67th Street and 38 autos and construction delivery vehicles on East 66th Street during the 6-7 AM peak construction arrival period. During the peak construction departure period of 3-4 PM, there would be no additional vehicles passing the site on East 67th Street and up to 24 vehicles (including two material delivery vehicles) on East 66th Street passing by the NYBC building. At all other times, including the peak rush hours, construction activity would generate substantially less traffic. Traffic generated by construction activity would also be lower – and during some periods substantially lower – at all other times during the construction period.

A Maintenance and Protection of Traffic Plan will be developed and implemented in collaboration with the New York City Department of Transportation's Office of Construction Mitigation and Coordination to ensure the safety of the public during construction.

NYBC has from the start required that construction planning be predicated on the delivery of construction-related materials and supplies on East 66<sup>th</sup> Street to avoid affecting traffic passing by and serving JREC. It will also study whether there are specific additional measures that can be taken to facilitate the safe drop-off and pick-up of students at JREC. The effectiveness of this study in identifying appropriate measures will depend upon the willingness of the JREC administration to cooperate in conducting it and in analyzing the results.

- *Construction Period Outreach and Coordination*

NYBC would notify neighborhood residents and businesses regularly about upcoming construction activities.

A construction coordination group consisting of NYBC, NYBC's construction manager or community liaison, and representatives of the Community Board, elected officials, and JREC would be established to serve as the contact point for neighborhood residents and businesses and would be available to address concerns or problems that arise during the construction period.

NYBC would establish a dedicated hotline for neighborhood residents and businesses to register concerns or problems that may arise during the construction period.