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**Testimony of State Senator Liz Krueger**  
**Before the New York City Council Subcommittee on Zoning and Franchises**  
**Regarding the New York Blood Center's Application to Develop a Life Sciences Hub**  
**October 20, 2021**

My name is Liz Krueger and I represent the 28th State Senate District, which includes the Upper East Side and East Midtown neighborhoods of Manhattan, and the locations which are the subject of the proposed zoning changes. Thank you for the opportunity to comment on the private application by the New York Blood Center to rezone its site to construct a new Life Sciences Hub in collaboration with private developer Longfellow Real Estate Partners.

I join Manhattan Borough President Gale Brewer, Congresswoman Carolyn Maloney, Assemblymember Rebecca Seawright, Councilmember Ben Kallos, Community Board 8, Friends of the Upper East Side Historic Districts, and hundreds of neighborhood associations and local residents in strongly urging the New York City Council to reject the Blood Center's application. During my almost two decades as a State Senator, I do not remember another rezoning proposal generate as vociferous and unified community opposition as the one currently under consideration.

The application would permit the construction of a mid-block commercial tower that is entirely inappropriate for a mid-block site in a residential community and jeopardize the R8B zoning which has governed mid-blocks on the Upper East Side since 1985. The proposed 334 foot mid-block tower would create severe and unmitigable impacts on the surrounding neighborhood, severely impact an adjacent school complex serving over 2,000 students and a beloved park that serves as critical open space for the neighborhood, and overwhelm the area for blocks around with its size. I am confident that there are alternatives to this proposal that would meet the needs of both the Blood Center and the community we all share.

My opposition to the current zoning application is in no way a reflection of the critically important work done by the Blood Center or of my support for life sciences research. Since its establishment over 50 years ago, the Blood Center has expanded to become one of the largest non-profit suppliers of blood and stem cell products to medical institutions across the world and is renowned for its medical research. No one who has lived in New York City during the COVID-19 pandemic can question the value of life sciences research. I also appreciate that the

Blood Center's existing facility, which was originally constructed in 1930 as a trade school, is out of date, and places limitations on the ability of staff and researchers to expand their work. I want the Blood Center to be able to continue thriving, conducting pioneering research, and providing desperately needed living-wage jobs to New Yorkers.

### **Failure to Consider Alternatives**

Unfortunately, during over a year of discussions with local elected officials, Community Board 8, and other neighborhood stakeholders, the Blood Center has refused to recognize that it could fully modernize and expand without the massive rezoning that is being proposed to accommodate its for-profit development partner. As Community Board 8, Friends of the Upper East Side Historic Districts, and land use consultant George Janes have repeatedly stated, the Blood Center could replace its existing three story building with a 75 foot building that would fully meet its space needs as of right within the current R8B zoning district. In fact, the Blood Center would occupy just the first five floors of tower being proposed. The remaining two-thirds of the building's square feet would be controlled by Longfellow and occupied by unknown future commercial laboratory tenants. It is abundantly clear that the tower being proposed in the current application is designed to benefit Longfellow, not to fulfill the Blood Center's space needs.

The Blood Center has similarly refused to consider other potential rezoning options for its site that would enable it to meet its desire for expanded, modernized facilities while minimizing the impacts on the surrounding community. Friends of the Upper East Side Historic Districts and its land use consultants have repeatedly pointed out that a "full-coverage alternative" in which rear yard requirements are waived would give the Blood Center the floorplate it desires plus substantial additional FAR. A new facility complying with the existing height limits but with full lot coverage would double the gross FAR of the Blood Center's current space, provide 100% of the space the Blood Center would obtain under its rezoning proposal, and create more than 115,000 square feet of additional space that could be used for new commercial and/or community facility uses. Despite the fact that a full-coverage alternative would greatly reduce the harmful impacts on the community and likely receive widespread support, the Environmental Impact Statement prepared by the applicant solely considered a no-action alternative. The refusal to give serious consideration to other rezoning alternatives makes it even more evident that the current application is designed to accommodate Longfellow.

The Blood Center has also seemingly failed to explore other locations for a life sciences hub of the size being proposed. This is in spite of the fact that New York City's Economic Development Corporation has been actively soliciting proposals since 2018 for the development of life science clusters exactly like what is being contemplated in this application on three city-owned sites. The three city-owned sites are well connected to public transportation, close to other medical and research institutions, and much more appropriately zoned for large scale commercial development.

### **Failure to Modify Proposal in Response to Community Concerns**

Despite overwhelming opposition from the community and local elected officials, the Blood Center has not modified its proposal in any way since it was first presented to lessen the impacts on the neighborhood. Before the application was even certified, Community Board 8 held three virtual meetings that were attended by more than 600 members of the public; 94% of those in attendance indicated they opposed the proposal. The Blood Center apparently disregarded the December 2020 letter sent by the Community Board 8 to the City Planning Commission

opposing all of the zoning changes being contemplated that outlined in great detail the serious unmitigable adverse impacts of the proposal and the dangerous zoning precedents it would set. After multiple subsequent meetings that generated interest that Zoom's 300 person capacity was repeatedly exceeded, Community Board 8 passed an extraordinarily thoughtful and detailed seven page unanimous resolution disapproving the application in the strongest possible terms.

Following the Borough President's recommendation calling for the rejection of the application, the Blood Center again failed to modify its proposal or consider reasonable alternatives. At the July 29<sup>th</sup> City Planning Commission hearing, representatives for the applicant reiterated in response to questions from commissioners that the Blood Center was neither exploring alternatives nor considering reducing the number of floors in the proposed building to reduce its impacts.

### **Unprecedented Violation of Mid-block R8B Zoning**

A mid-block 334 foot commercial tower with minimal setbacks and a footprint similar in size to the Empire State building would tower over its low-rise neighbors. It would jeopardize the R8B contextual zoning that has protected the scale, residential character, existing low-rise tenement buildings, provision of light and air, and quality of life of side streets on the Upper East Side for decades. The proposed tower is contrary to the most basic planning principle governing the built environment of the Upper East Side—the concept that towers belong on avenues while side streets are dominated by low-rise residential and related uses. The Blood Center is actually seeking to construct exactly the type of mid-block tower that R8B zoning was designed to prevent. Following extensive dialogue with the community, historic preservation and block associations, elected officials, and neighborhood institutions, the City Planning Commission rezoned approximately 190 of 200 mid-blocks in Community Board 8 to R8B in 1985. In the intervening 37 years, not a single development lot in an R8B zone has been rezoned. R8B zoning has not prevented other neighborhood institutions, including Memorial Sloan Kettering, from developing new community facilities. If approved, the application would set a dangerous precedent and place at risk all Upper East Side mid-blocks, as well as similarly zoned residential areas throughout the city.

### **Significant Adverse and Unmitigable Impacts on the Julia Richman Education Complex and St. Catherine's Park**

The proposed tower would cause significant and unmitigable impacts on the Julia Richman Education Complex (JREC), an award-winning complex directly opposite the Blood Center. Approximately 2,000 pre-K-12 students from all across New York City attend six small schools at JREC each day. The complex includes four unique high schools, a middle school for students with autism, the only unzoned elementary school on the East Side, and a childcare program for pre-school aged children of student parents. JREC principals have reached out to me and my staff, and spoken at numerous at Community Board 8 meetings, regarding the extremely disruptive noise and traffic impacts a multi-year construction process would have on their students. They also have repeatedly expressed concerns about the harmful effects of the proposed tower's shadows on JREC students. In fact, shadows studies reveal that the tower would eliminate more than half of the natural sunlight reaching the classrooms facing 67<sup>th</sup> Street, including all the classrooms used for the middle school for students with autism. There are no mitigation measures that could be implemented that would meaningfully mitigate these impacts, and JREC leaders have indicated that the Blood Center has been unresponsive to their concerns.

The proposed tower would also create severe and unmitigable negative impacts on St. Catherine's Park, which is adjacent to JREC and across from the Blood Center. A treasured

open space used by thousands of community residents, students, and area workers each day, St. Catherine's Park is the second most visited park per square foot in the city and the only park within a half-mile of the Blood Center. While it has always been a vital resource, the park has become even more indispensable to the community during the pandemic, serving as the only location within walking distance where neighborhood residents and workers can safely spend time outdoors. The tower would cast new shadows over 70% of the park during peak afternoon hours throughout most of the year, and place 95% of the park in shadow exactly at the times the space is most frequently used by children. City Parks Department staff expressed concerns to the Department of City Planning that the shadows cast by the tower would negatively impact plantings and activities in the Park. There are simply no mitigation measures that can be implemented would make up for the loss of light in the park. The only option to lessen the impacts on the park is the construction of a significantly smaller building, the one the applicant has refused to consider.

The application before you today unfortunately reflects the Blood Center's unwillingness to meaningfully engage with the community to develop a proposal to modernize its facilities without violating decades of zoning precedents and imposing substantial adverse impacts on its neighbors. I strongly urge the City Council to reject the pending application and encourage the Blood Center to work with the community on alternative options.

Thank you for your time and consideration of my comments.