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October 7, 2019

VIA E-MAIL (cspencer@albanyny.gov) & UPS OVERNIGHT

Richard Berkley, Chairman
Board of Zoning Appeals
City of Albany Planning and Development
200 Henry Johnson Blvd
First Floor, Suite #3
Albany, NY 12210

**Re: Hannaford Plaza
900 Central Avenue, Albany, NY (53.83-1-5)
Proposed Blood Plasma Collection Office**

Dear Mr. Berkley:

This firm represents Somerset Associates, L.P., 900 Central Avenue, LLC, Central Colvin Realty, LLC and Dedham Post Funding, LLC, owners of Hannaford Plaza at the intersection of Central and Colvin Avenues in the City of Albany ("Shopping Center"). Please accept this letter as our client's appeal of a determination by the Chief Planning Official, dated September 6, 2019, which determined that a blood plasma collection office is not a permitted use within the Mixed Use – Community Highway ("MU-CH") zoning district in the City of Albany. A copy of the September 6, 2019 determination ("Determination") is attached as **Exhibit 1**.

Pursuant to § 375-5 of the Uniform Sustainable Development Ordinance ("USDO"), the Chief Planning Official has the authority to issue interpretations of the USDO as it pertains to the permissibility of a particular land use.

USDO § 375-3(A)(3) provides that, when a particular proposed land use is not explicitly listed in the USDO's "Permitted Use Table" (attached as **Exhibit 2**) "the Chief Planning Official shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics, and external impacts of a listed use that it should

be treated as the same use. **In making this determination, the Chief Planning Official shall consider the scale, character, traffic impacts, storm drainage impacts, utility demands, and potential impacts of the proposed use on surrounding properties**” (emphasis added).

As set forth herein, a blood plasma collection office is so similar to several expressly permitted uses in the MU-CH zoning district, and Unlisted Uses which have been deemed permitted, that it should be treated as a permissible use in the MU-CH zoning district.

Blood Plasma Collection

CSL Plasma, Inc. (“CSL Plasma”) operates numerous blood plasma collection offices throughout the country, including approximately ten (10) in New York State, with the closest being in Schenectady. CSL Plasma operates similar offices in Greenville-Spartanburg, SC, Knoxville, TN, Columbia, SC, Charleston-North Charleston, SC and Greensboro-High Point, NC. Each of these offices is in a geographic area similar in size to the Albany market.

The following is a link to a news segment on CSL Plasma that aired in Albany in May of 2019: https://www.news10.com/video/plasma-collection-center-hosts-incentives-helps-lives_20190510004914/1993443520.

Blood plasma is used to produce therapies that treat people with bleeding disorders who are unable to clot blood properly, individuals who have improperly functioning immune systems and do not respond to traditional antibiotics, and those with genetic emphysema. In addition, plasma is used to derive albumin (used to treat burns, trauma patients and surgical patients, as well as hyperimmune globulins (used to treat rabies, tetanus, dialysis patients, organ transplant recipients, and pregnant women who have Rh incompatibility). Like with whole blood, plasma donations are critically important in saving lives. Attached as **Exhibit 3** is information on the United States blood plasma industry provided by CSL Plasma.

The process of blood plasma collection is almost identical to that of whole blood, in that with both procedures, whole blood is drawn from a donor. Thereafter, with plasma collection, the whole blood is run through a device which separates the plasma from the other blood components. The red cells and platelets are returned to the donor and the plasma is retained.

This process is not unique to CSL Plasma, with the American Red Cross accepting plasma donations at its donation offices. An American Red Cross printout citing some “key facts” about how plasma donations make a “profound impact” is attached as **Exhibit 4** and located at <https://www.redcrossblood.org/donate-blood/how-to-donate/types-of-blood-donations/plasma-donation.html>.

As stated on Exhibit 4, “Plasma products are used by burn, trauma and cancer patients” and “a single donation can provide up to three units of plasma to patients in need.” The video that can be accessed at the above site explains that donors can provide “regular blood donation” but that as plasma donors, they “provide more of what hospital patients need most” and that as plasma donors, they are “able to give more often.” The video also states that plasma donations “help stop bleeding” and “are critical to saving patients’ lives.” It ends by saying, “You can help a burn victim, a trauma patient, and someone battling cancer, all with a single donation.” The two Red

Cross donation centers located in the Eastern New York Region (Everett Road in Colonie, which is less than a mile from the Shopping Center, and New Hartford) are plasma collection centers.

Because the plasma donation process has the extra step of separating the plasma and returning the red cells and platelets to the donor, it takes longer than regular blood donation, with the process expected to take between one and three hours (regular blood donation takes less than 30 minutes). Given the amount of time required for plasma collection, CSL Plasma offers prepaid credit cards as an incentive to donors. This is analogous to free shirts or gift cards given to donors by the Red Cross.

Proposed Use by CSL Plasma

The applicant has engaged in extensive negotiations with CSL Plasma, which proposes to establish a plasma-only collection office in the Shopping Center. CSL Plasma would be performing plasma collection services (as well as donor screening) for its parent company, CSL Behring. Blood plasma collection is necessary as a support to hospitals, doctors and most importantly to their patients whose lives directly benefit from the donations.

Potential donors are screened medically and tested for viral markers such as HIV and hepatitis. In the event a potential donor is rejected, he or she is prohibited from attempting to donate at any CSL Plasma donation office. Potential donors are also required to provide proof of a *local* permanent address, so the office will not attract an influx of traffic from individuals outside the Albany area.

CSL Plasma's donation centers are typically open between 8.5 and 12 hours per day. CSL anticipates a *peak* number of donors to be 200 per day (averaging approximately 16-23 visitors per hour) once the office is fully staffed and operational, which should be at the end of the third year of operation. The marginal traffic impact will therefore be minimal for the Shopping Center, and this zoning district in general. Surrounding properties will not be adversely impacted, as the space in question is located in a 131,000 square foot retail plaza which faces Central Avenue, a major commercial thoroughfare.

CSL Plasma would employ reception technicians (21), donor support technicians (13), phlebotomists (7), medical staff (7), processing technicians (4), a training coordinator (1), quality management staff (2), and operations management/supervisors (5) at the Shopping Center location. The type of skilled employees necessary for the operation of this office is similar to that of a dentist, doctor's office or hospital. The number of employees is in line with permitted uses in the MU-CH district, and is much less than the number required for many permitted uses, such as a supermarket (Hannaford Supermarket anchors the Shopping Center) or hospital.

The Proposed Use is Nearly Identical to Multiple Permitted Uses

As set forth above, the Chief Planning Official and Board of Zoning Appeals must consider the following in determining whether an unlisted use is so similar to a permitted use in the MU-CH zone that it should be treated as the same use:

- 1) Size/Scale
- 2) Operating characteristics (i.e., character)

- 3) External impacts (i.e., traffic impacts, storm drainage impacts, utility demands, potential impacts on surrounding properties)

As set forth below, the proposed use is nearly identical to permitted uses (particularly hospitals and medical offices) that it should be treated as the same use.

A. Size and Scale

As set forth above, the space to be used for the proposed blood plasma collection office is an existing 11,000 +/- square foot space in the Shopping Center. The size of the proposed office is entirely consistent with other offices in the MU-CH zone, including medical offices.

Moreover, the number of employees (approximately 60) and visitors per day (a maximum of 200 per day at full capacity) is far less intensive than a hospital would be. The number of employees and clients is entirely consistent with an office use.

Thus, the scale of the proposed use is less intensive than many permitted and existing uses. Moreover, as set forth below, the character of the use is so similar to a hospital or medical office that it should be treated as the same use. USDO § 375-3(A)(3).

B. Operating Characteristics

The operating characteristics of the proposed blood plasma collection office are similar in nature to a dentist or doctor's office. Notably, a *hospital* is a permitted use in the MU-CH zoning district. A hospital is defined as an establishment that provides diagnosis and treatment, **both surgical and non-surgical**, for patients who have any of a variety of medical conditions through an organized medical staff and permanent facilities that include inpatient beds, medical services and continuous licensed professional nursing services. The definition includes any facility licensed by the state as a general, limited or special hospital. See <http://medical-dictionary.thefreedictionary.com/special+hospital>.

All "offices" are permitted uses in the MU-CH zoning district. "Offices" is defined as "[a]ny building or part of a building where the principal use is the operation of a business, administrative, governmental, public utility, sales, professional, or other business or services." Clearly, a blood plasma donation office has, as its principal use, "the operation of a business," and the definition of "offices" is expansive, including "other business or services" (USDO § 375-6(B)), many of which are located within the MU-CH zone.

Thus, a hospital, urgent care center, surgery center, or medical office could clearly be established in the MU-CH zone. The inquiry then, under USDO 375-3(A)(3), is whether a blood plasma collection office is so similar in "the size, scale, operating characteristics, and external impacts of a [hospital, urgent care center, surgery center, or medical office] that it should be treated as the same use."

As set forth above, the operating characteristics involve some administrative tasks, such as donor screening, as well as the drawing of blood. These are functions which, of course, would

routinely take place in a hospital setting or medical lab or office. CSL Plasma would perform these services on a much smaller scale than a hospital, more akin to a doctor's office or LabCorp facility, where the collection of plasma is in fact performed.

While there are no LabCorp facilities in the MU-CH zone, there are two very nearby in the Mixed Use – Campus/Institutions (“MU-CI”) zoning district where, like the MU-CH zone, hospitals and offices are also permitted. In fact, the listed permitted uses in the MU-CI zone are nearly identical to those in the MU-CH zone, with very few exceptions which bear no relation to this appeal. See Exhibit 2. Thus, there can be no doubt that LabCorp, which collects plasma, would be permitted in the MU-CH zoning district. CSL Plasma cannot be rationally distinguished from LabCorp, a hospital or a doctor's office in terms of its operating characteristics. Most hospitals, of course, have their own laboratories where blood or blood components are drawn, processed and tested.

Medical offices are not only permitted in the MU-CH zone, but they are numerous. A blood plasma collection office is nearly indistinguishable from a medical office in that it provides a very small segment of services which could be performed in a hospital. A printout of Google search results for “doctor” near 900 Central Avenue is attached as **Exhibit 5**. These include dentists and doctors from varying disciplines.

The commonality between the proposed use, a doctor's office and a LabCorp use is that they each provide a small segment of services which would customarily and routinely be performed at a hospital, which is a permitted use in its own right in the MU-CH zone. One of the operating characteristics is the same, namely the collection of plasma, but the scale is much smaller.

Remarkably, a **Planned Parenthood office** is located at 855 Central Avenue, within the MU-CH zone, directly across the street from the Shopping Center. At that office, patients can receive a variety of medical services, including but not limited to, surgical abortion. A map and website printout relating to the Planned Parenthood office is attached as **Exhibit 6**. Routine gynecological care, birth control services and hormone therapy are also provided.

The operating characteristics of the proposed use are indistinguishable from those of other permitted and existing uses. If a Planned Parenthood office and other doctor's offices are permitted uses, a blood plasma collection office must also be permitted.

C. External Impacts

The external impacts for the Board of Zoning Appeals to consider on this appeal include traffic and storm drainage impacts, utility demands, and potential impacts of the proposed use on surrounding properties. Because the proposed office would be established in an existing space in the Shopping Center, these external impacts have already been incorporated into the design of the center itself. The marginal impact of the proposed use will be negligible, and would be consistent with any number of expressly permitted uses.

As set forth above, a hospital, doctor's office or urgent care center could be established in the space which would likely yield more vehicular traffic than the proposed blood plasma collection office. Traffic flow and parking in the center are more than sufficient for the proposed

use.

The proposed office will be located in a 131,000 square foot retail shopping plaza, would face other commercial uses, and is located away from any nearby residential properties. The use will be indistinguishable from a traditional doctor's or medical office or lab facility such as LabCorp in terms of its impact on surrounding properties.

Because no exterior construction or site work will be involved, there will be no storm drainage impacts.

The external impacts of the proposed use will nearly identical same as a multitude of existing and permitted uses in the MU-CH zoning district, and the proposed blood plasma collection office should therefore be considered a permitted use.

Board of Zoning Appeals and Chief Planning Official Precedent

What these medical services-related offices have in common with each other – and a blood plasma collection office - is they provide a medically-related service on a smaller scale than a full hospital. The reversal of the Chief Planning Official's determination in this matter would be in keeping with the Board of Zoning Appeals' interpretation of an "office" use in at least one recent case.

In fact, a reversal of the Chief Planning Official's determination in this matter would be consistent with the Chief Planning Official's own interpretation of the USDO. In 2018, the Chief Planning Official rendered a determination that "[p]ara-medical micropigmentation to restore the Areola/Nipple complex after Mastectomy and other surgery; cosmetic enhancement and reconstructive micropigmentation to restore the color and shape to missing eyebrows, eyelash line and lips; restorative micropigmentation to the scalp know[n] [as] Simulated Hair Follicle (SMP); and micropigmentation to correct and diminish scars and vitiligo" constituted an **office** use under the USDO and was therefore permissible at 372 New Scotland Avenue. These medically-related services, of course, are not expressly listed in the USDO as permitted uses. The determination is attached as **Exhibit 7**. In his determination, the Chief Planning Official expressly noted that "offices" have traditionally included doctor and dental offices under the USDO. While that property was in an R-2 zone, the same rationale applies here.

The Board of Zoning Appeals upheld the Chief Planning Official's determination in December, 2018. A blood plasma collection office is also a medical services-related office and, under this same rationale, should be permitted.

Conclusion


As set forth above, the size, scale, operating characteristics and external impacts are identical to those of a medical office (a permitted use), and smaller in scale than a hospital (which is also a permitted use).

We therefore respectfully request that the Chief Planning Official's September 6, 2019 determination be reversed, and a blood plasma collection office be determined to be a permissible use in the Mixed Use – Community Highway zoning district of the City of Albany.

If there is any further information we can provide, please do not hesitate to contact me.
Thank you for your time and consideration.

Very truly yours,

BARTLETT, PONTIFF, STEWART
& RHODES, P.C.

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John D. Wright, Esq.
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EXHIBIT 1

USDO USE INTERPRETATION

DATE: SEPTEMBER 6, 2019
FROM: CHRIS SPENCER 
ACTION: NO ACTION REQUIRED | BLOOD PLASMA DONATION CENTER

UNLISTED USE:

As noted in the USDO, §375-3(A)(3), "When a proposed land use is not explicitly listed in Table 375-3-1: Permitted Use Table, The Chief Planning Official shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics, and external impacts of a listed use that it should be treated as the same. Should the Chief Planning Official determine no similar use is listed within this USDO, the Chief Planning Official shall have the right to delay making a determination and to propose the addition of a new use to Permitted Use Table through an amendment to this USDO as described in Section 375- 5(E)(23) (Amendments to Zoning Map or USDO Text).

DESCRIPTION OF PROPOSED USE:

"The proposed CSL Plasma blood plasma collection center involves an individual coming to the center , and having his or her blood drawn and run through a device which separates the plasma from the blood. The blood is then returned to the individual and the plasma retained. After the initial visit, which includes a medical evaluation of the donor and the completion of a questionnaire, the process can be expected to take approximately 90 minutes."

USE DETERMINATION:

Based on the above description, as well as conversations with the applicant about the character of its use, its scale, intensity, traffic impacts, storm drainage impacts, utility demands, and its other external impacts, I have determined that the proposed use is not included within the definition of any existing listed use or is so inconsistent with the size, scale, operation characteristics, and external impacts of any existing listed use that it should be treated as the same use. According, as the Chief Planning Official, I am hereby exercising my authority under USDO §375-3(A)(3) to delay making a determination and to propose the addition of a new use classification (with appropriate use-specific standards to control or mitigate external impacts) though an amendment to the USDO.

EXHIBIT 2

(B) PERMITTED USE TABLE

Table 375-3-1: Permitted Use Table

P=Permitted Use | C=Conditional Use | A=Accessory Use | T=Temporary Use | V=Vacant Property Use

Proposed Zoning District	Residential						Mixed-Use										Special Purpose			Use-Specific Standard in Section 375-3
	R-1L	R-1M	R-2	R-T	R-M	R-V	MU-NE	MU-NC	MU-CU	MU-CH	MU-DT	MU-CI	MU-FW	MU-FC	MU-FS	MU-FM	I-1	I-2	LC	
District Standards 375-2	(C)(1)(d)	(C)(2)(d)	(C)(3)(d)	(C)(4)(d)	(C)(5)(d)	(C)(6)(d)	(D)(1)(d)	(D)(2)(d)	(D)(3)(d)	(D)(4)(d)	(D)(5)(d)	(D)(6)(d)	(D)(7)(d)	(D)(8)(d)	(D)(9)(d)	(D)(10)(d)	(E)(1)(d)	(E)(2)(d)	(E)(3)(d)	
LAND USE CATEGORY	(C)(1)(d)	(C)(2)(d)	(C)(3)(d)	(C)(4)(d)	(C)(5)(d)	(C)(6)(d)	(D)(1)(d)	(D)(2)(d)	(D)(3)(d)	(D)(4)(d)	(D)(5)(d)	(D)(6)(d)	(D)(7)(d)	(D)(8)(d)	(D)(9)(d)	(D)(10)(d)	(E)(1)(d)	(E)(2)(d)	(E)(3)(d)	
RESIDENTIAL USES																				
Household Living																				
Dwelling, Single-Family Detached	P	P	P		P	P	P									P				(C)(2)(a)(1)
Dwelling, Two-Family Detached			P		P	P	P									P				(C)(2)(a)(2)
Dwelling, Townhouse			C	P	P	P	P	P	P	P	P	P	P	P	P	P				(C)(2)(a)(3)
Dwelling, Live-Work					C	C	P	P	P	P	P	P	P	P	P	P	P	P		(C)(2)(a)(4)
Dwelling, Multi-Family					P	P	P	P	P	P	P	P	P	P	P	C				(C)(2)(a)(5)
Group Living																				
Assisted Living Facility or Nursing Home					C	P	C	P	P	P	P	P	P	P	P	C				(C)(2)(b)(1)
Community Residential Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				(C)(2)(b)(2)
Dormitory					P		C	C	P	C	P	C	P	C	C	C				(C)(2)(b)(3)
Group Living, Other					C	C	C	C	C	C	C	C	C	C	C	C				(C)(2)(b)(4)
Rooming House									C	C	C	C	C	C	C					(C)(2)(b)(5)
CIVIC & INSTITUTIONAL USES																				
Cemetery																			C	(a)
Club							P	P	P	P	P	P	P	P	P	P	P			(C)(3)(b)
Community Center				V	P	P	P	P	P	P	P	P	P	P	P	P	P			(C)(3)(c)
Cultural Facility		V	V	V	C	C	P	P	P	P	P	P	P	P	P	P	P	P		(C)(3)(d)
Day Care Center			V	V	C	C	P	P	P	P	P	P	P	P	P	P	P	A		(C)(3)(e)
Higher Education Institution						C	C	C	P	P	P	P	P	P	P	P	P			(C)(3)(f)
Hospital						C	C	C	C	P	P	P	C	C	C	C	C			(C)(3)(g)
Natural Area or Preserve																			P	(C)(3)(h)
Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(C)(3)(i)
Police or Fire Station			V	V	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(C)(3)(j)
Public Utility or Services, Major																	C	P		(C)(3)(k)
Public Utility or Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(C)(3)(l)

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	R-1L	R-1M	R-2	R-T	R-M	R-V	MU-NE	MU-NC	MU-CU	MU-CH	MU-DT	MU-CI	MU-FW	MU-FC	MU-FS	MU-FM	I-1	I-2	LC	
District Standards 375-2	(C)(1)(d)	(C)(2)(d)	(C)(3)(d)	(C)(4)(d)	(C)(5)(d)	(C)(6)(d)	(D)(1)(d)	(D)(2)(d)	(D)(3)(d)	(D)(4)(d)	(D)(5)(d)	(D)(6)(d)	(D)(7)(d)	(D)(8)(d)	(D)(9)(d)	(D)(10)(d)	(E)(1)(d)	(E)(2)(d)	(E)(3)(d)	
LAND USE CATEGORY																				
Religious Institution	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C		(C)(3)(m)
School	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				(C)(3)(n)
Stadium or Arena									C	C	C	A	C	C	C	A	C	C		(C)(3)(o)
Towers	A	A	A	A	A	A	A	A	A	C	A	A	A	A	A	A	C	C		(C)(3)(p)
COMMERCIAL USES																				
Agriculture & Animal-Related																				
Agriculture, Urban	C	C	P	P	A	A	A	A	A	A	A	P	A	A	A	A	A			(C)(4)(a)(1)
Plant Nursery										C		A					P	P	C	(C)(4)(a)(2)
Veterinarian or Kennel										P	A	A	P	P	P		P	P		(C)(4)(a)(3)
Food & Beverage Service																				
Bar or Tavern								C	P	P	P	C	P	P	P	C	V	V		(C)(4)(b)(1)
Restaurant							C	P	P	P	P	P	P	P	P	P				(C)(4)(b)(2)
Guest Accommodations																				
Bed and Breakfast	C	C	C	C	P	C	C	P	P	P	P	P	P	P	P	P				(C)(4)(c)(1)
Hotel					V	V	V	C	P	P	P	C	P	P	P	P	V	V		(C)(4)(c)(2)
Office & Services																				
Funeral Home or Crematorium							V	C	C	P	C	V	V	V	V	V				(C)(4)(d)(1)
Office							P	P	P	P	P	P	P	P	P	P	P	A		(C)(4)(d)(2)
Personal or Business Service							C	P	P	P	P	P	P	P	P	P	P	P		(C)(4)(d)(3)
Trade School								C	P	P	P	P	P	P	P	P	P	P		(C)(4)(d)(4)
Recreation & Entertainment																				
Adult Entertainment																		P		(C)(4)(e)(1)
Indoor Recreation or Entertainment							C	P	P	P	P	P	P	P	P	P	V	V		(C)(4)(e)(2)
Outdoor Recreation or Entertainment										P	C	P	C	C	C	C	C	C	C	(C)(4)(e)(3)
Retail																				
Adult Retail										C							C	P		(C)(4)(f)(1)
Convenience Retail								P	P	P	P	P	P	P	P	P	P			(C)(4)(f)(2)
General Retail							C	P	P	P	P	P	P	P	P	P	A	A		(C)(4)(f)(3)
Controlled Substance Dispensary										C		C	C	C			P	P		(C)(4)(f)(4)
Pawn Shop										C							P			(C)(4)(f)(5)

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District Standards 375-2	(C)(1)(d)	(C)(2)(d)	(C)(3)(d)	(C)(4)(d)	(C)(5)(d)	(C)(6)(d)	(D)(1)(d)	(D)(2)(d)	(D)(3)(d)	(D)(4)(d)	(D)(5)(d)	(D)(6)(d)	(D)(7)(d)	(D)(8)(d)	(D)(9)(d)	(D)(10)(d)	(E)(1)(d)	(E)(2)(d)	(E)(3)(d)	
LAND USE CATEGORY	(C)(1)(d)	(C)(2)(d)	(C)(3)(d)	(C)(4)(d)	(C)(5)(d)	(C)(6)(d)	(D)(1)(d)	(D)(2)(d)	(D)(3)(d)	(D)(4)(d)	(D)(5)(d)	(D)(6)(d)	(D)(7)(d)	(D)(8)(d)	(D)(9)(d)	(D)(10)(d)	(E)(1)(d)	(E)(2)(d)	(E)(3)(d)	
Specialty Retail							P	P	P	P	P	P	P	P	P	P	A			(C)(4)(f)(6)
Supermarket									P	P	P	C	P	P	P	P	P			(C)(4)(f)(7)
Vehicles & Equipment																				
Automobile Wash										P	A	A		C			C	P		(C)(4)(g)(1)
Dispatch Service or Freight Truck Terminal										C		A	C				P	P		(C)(4)(g)(2)
Heavy Vehicle and Equipment Sales, Rental, and Servicing													C				P	P		(C)(4)(g)(3)
Light Vehicle Sales, Rental, and Servicing										P	C	A	C	P	C		P	P		(C)(4)(g)(4)
Parking Lot	A	A	A	A	A	A	A	A	A	A	C	A	A	A	A	A	P	P	A	(C)(4)(g)(5)
Parking Structure	A	A	A	A	A	A		C	A	A	P	P	P	P	P	P	P	P	A	(C)(4)(g)(6)
Transit Facility										C	P	A	A	A	A	A	P	P		(C)(4)(g)(7)
Vehicle Fueling Station								C	C	P		A	C	C	C	C	P	P		(C)(4)(g)(8)
INDUSTRIAL USES																				
Commercial Services																				
Heavy Commercial Services										C		C	P				P	P		(C)(5)(a)(1)
Self-Storage Facility									C	P	C	C	C	C	C	C	P	P		(C)(5)(a)(2)
Storage and Wholesale Distribution										C		C	P				P	P		(C)(5)(a)(3)
Manufacturing, Production, & Extraction																				
Artisan Manufacturing								C	P	P	P	P	P	P	P	P	P	P		(C)(5)(b)(1)
Heavy Manufacturing																		P		(C)(5)(b)(2)
Light Manufacturing										C			P				P	P		(C)(5)(b)(3)
Marijuana Manufacturing Facility													P				P	P		(C)(5)(b)(4)
Waste & Salvage																				
Recycling Drop-Off Center					A	A	A	A	C	C	A	A	A	A	A	A	P	P		(C)(5)(c)(1)
Landfill																		C		(C)(5)(c)(2)
Vehicle Towing, Wrecking, or Junkyard																		C		(C)(5)(c)(3)
Waste/Recycling Processing Facility																	C	P		(C)(5)(c)(4)

Table 375-3-1: Permitted Use Table

P=Permitted Use | C=Conditional Use | A=Accessory Use | T=Temporary Use | V=Vacant Property Use

Proposed Zoning District	Residential						Mixed-Use										Special Purpose			Use-Specific Standard in Section 375-3
	R-1L	R-1M	R-2	R-T	R-M	R-V	MU-NE	MU-NC	MU-CU	MU-CH	MU-DT	MU-CI	MU-FW	MU-FC	MU-FS	MU-FM	I-1	I-2	LC	
District Standards 375-2	(C)(1)(d)	(C)(2)(d)	(C)(3)(d)	(C)(4)(d)	(C)(5)(d)	(C)(6)(d)	(D)(1)(d)	(D)(2)(d)	(D)(3)(d)	(D)(4)(d)	(D)(5)(d)	(D)(6)(d)	(D)(7)(d)	(D)(8)(d)	(D)(9)(d)	(D)(10)(d)	(E)(1)(d)	(E)(2)(d)	(E)(3)(d)	
LAND USE CATEGORY	(C)(1)(d)	(C)(2)(d)	(C)(3)(d)	(C)(4)(d)	(C)(5)(d)	(C)(6)(d)	(D)(1)(d)	(D)(2)(d)	(D)(3)(d)	(D)(4)(d)	(D)(5)(d)	(D)(6)(d)	(D)(7)(d)	(D)(8)(d)	(D)(9)(d)	(D)(10)(d)	(E)(1)(d)	(E)(2)(d)	(E)(3)(d)	
ACCESSORY USES																				
Accessory Dwelling Unit	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		(C)(6)(a)
Alternative Energy Generation Equipment or Facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	(C)(6)(b)
Cabaret							A	A	A	A	A	A	A	A	A	A	A	A		(C)(6)(c)
Composting of Household Waste Generated on Site	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				(C)(6)(d)
Customary Accessory Uses and Related Structures	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	(C)(6)(e)
Day Care Home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	(C)(6)(f)
Delivery Service							A	A	A	A	A	A	A	A	A	A	A	A		(C)(6)(g)
Drive-In or Drive-Through Facility									C	A	A	A	A	A	A		A	A		(C)(6)(h)
Electric Vehicle Charging Station					A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	(C)(6)(i)
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				(C)(6)(k)
Rain Barrel	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				(C)(6)(m)
Sidewalk or Outdoor Cafe							A	A	A	A	A	A	A	A	A	A	A			(C)(6)(n)
Storage Shed	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	(C)(6)(o)
Swimming Pool	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				(C)(6)(p)
Telecommunication Antenna or Satellite Dish as an Accessory Use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	(C)(6)(o)
Trash Storage, Outdoor	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	(C)(6)(p)
TEMPORARY USES																				
Farmers' Market					T	T	T	T	T	T	T	T	T	T	T	T	T			(C)(7)(a)
Mobile Vendor									T	T	T	T	T	T	T	T	T	T	T	(C)(7)(b)
Portable Storage Container	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(C)(7)(c)
Temporary Construction Office or Yard	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(C)(7)(d)
Temporary Real Estate Sales/Leasing Office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(C)(7)(e)
Temporary/Seasonal Sales/Activity	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		(C)(7)(f)

EXHIBIT 3

The U.S. Plasma Industry

The U.S. plasma industry has roughly 750 plasma donation centers across the United States. Roughly 88% of those centers are owned and operated by four international pharmaceutical companies: CSL Behring, Grifols S.A, Shire Plc and Octapharma Plasma. All four of these companies are 100% vertically integrated whereby each company collects, tests and manufactures blood plasma into life-saving therapies.

Plasma protein therapies are used for:

- Immunoglobulins – Used in the treatment of immunological disorders, such as congenital and acquired primary immune deficiency as well as many diseases that strike healthy people due to some change in the body's defense system.
- Coagulation – Therapies used in the treatment of bleeding disorder, including hemophilia and Von Willebrand disease
- Critical Care Products - Used in critical care settings for treatment of shock and burns, during surgery, and for fluid replacement therapy
- Wound Healing – Used in surgery and the treatment of wounds to facilitate healing
- Respiratory – Used in treatment of alpha1-antitrypsin deficiency (a genetic condition resulting in liver and lung failure)

The demand for plasma donations is great. To treat one patient for one year requires:

- 130 donations to treat a Primary Immunodeficiency patient
- 943 donations to treat a Alpha-1 Antitrypsin Deficiency patient
- 1,237 donations to treat a Hemophilia patient

The pharmaceutical industry is one of the most heavily regulated industries in the world, and the plasma industry is no exception. In the U.S., plasma donation centers are regulated, inspected, governed and approved by the U.S. Federal Drug Administration (FDA), the German Health Authority (GHA), the Plasma Proteins Therapeutics Association (PPTA), the Clinical Laboratory Improvement Amendments (CLIA) which is administered by the State Department of Health, and other applicable agencies. Companies within the plasma industry operate with over 2,600 Standard Operating Procedures and regularly host hundreds of announced and unannounced Regulatory Inspections per year industrywide.

For safety of patients and donors, not everyone is permitted to donate plasma. New donors are required to show valid identification, proof of a Social Security Number, provide proof of local residence and answer industry standard background and medical questions. Following this donor check-in, each new donor must view a new donor video that explains the donation process, while also providing general education to the donor about the donation process. The new donor will sign an Informed Consent Agreement consenting to random drug testing as well as consent for plasmapheresis. The new donor will then undergo a free health screening and another medical questionnaire to ensure the safety of the donor and the quality of the blood plasma. Only after

passing the screening process can a new donor begin donating, which takes approximately 45 minutes. Unsuitable donors are not permitted to donate. Following the 45-minute donation process, the donors are compensated for their time via a reusable Visa debit card. Donors may return to donate again after 48 hours for a second (and final) weekly donation.

Industry studies have shown that 61% of plasma donors are male and about 55% of donations are by donors younger than 35 years old. The overall annual donation rate is highest for 55-64 year olds, who donate roughly 31 times per year. For those weighing 110-129 lbs, 71% are female; for those weighing 130-149 lbs, female and male percentages are approximately equal (49% and 51%, respectively); and for those weighing more than 150 lbs, a greater percentage is male. Company studies have shown that 47% of donors are full-time workers; 26% are part time workers; 16% are not currently in the work-force and 11% are college students.

Company studies on a plasma donation centers effect on surrounding commercial/retail uses finds that plasma donation centers have a positive fiscal impact on the local economy as donors and employees spend approximately 85 percent of their compensation at local businesses. Such local businesses include: grocery stores (~\$1,500,000 annually), gas station/convenience stores (~\$500,000 annually), food services/restaurants (~\$250,000 annually), variety/discount stores (~\$200,000 annually), pharmacies (~\$100,000 annually), office and home supplies (~\$75,000 annually) and utilities (~\$75,000 annually).

Plasma donation centers also support the communities they are located in through directed efforts to hire locally, use of local vendors/suppliers and donor compensation payments. A typical plasma donation center contributes roughly \$5 million per year back into the local economy via \$2 million-plus per year in local wages and related expenditures and \$3 million-plus per year in donor compensation payments.

Plasma center employees also give back to the local community by participating in the following types of events:

- Back to School Drives
- Clothes Drives
- Food Drives
- United Way
- Habitat for Humanity
- Ronald McDonald House
- Walks/Runs to support many diseases

EXHIBIT 4

[Donate Blood](#)[Hosting a Blood Drive](#)[Biomedical Services](#)[Find a Blood Drive](#)
[Zip or Sponsor Code](#)[Home](#) > [Types of Blood Donations](#) >
[Plasma Donation](#)

AB Elite Plasma Donation

A single AB Elite donation can provide up to three units of plasma to patients in need, giving you the power to make an even greater impact.



What is AB Elite Plasma Donation?

During a plasma-only donation, blood is drawn from one arm and sent through a high-tech machine that collects your plasma and then safely and comfortably returns your red cells and platelets back to you, along with some saline. It takes only a few minutes longer than donating blood but can have a profound impact.

Donors with type AB blood make ideal candidates for AB Elite plasma or [platelet donations](#).

AB plasma appointments may be booked via online chat, when available. Online chat is available when the red chat icon appears on the bottom right corner of the screen. If no chat icon appears, please call to book your appointment.

[MAKE AN APPOINTMENT](#)

Key Facts About Plasma Donations

- Type AB plasma is the only universal type and can be given to patients of any blood type
- Only 4 percent of the population has type AB blood.
- Plasma products are used by burn, trauma and cancer patients.
- You can donate every 28 days, up to 13 times per year.
- The average donation takes one hour and 15 minutes.

Ready to Donate?

Two easy ways to schedule an AB Elite plasma appointment today.

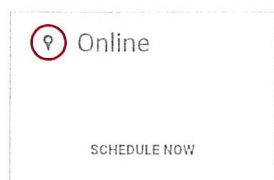


EXHIBIT 5

Google Maps doctor



Jane Marsh, RN
Doctor - 45 Melrose Ave



Donna B. Lewandowski, OD
Doctor - 1009 Central Ave



Adelson Robert T MD
4.2 ★★★★★ (5)
Doctor - 400 Patroon Creek Blvd #205



Peter D. Myer, CASAC
Doctor - 82 Winthrop Ave



Richard S. Moffitt, CASAC
Doctor



Palmer Liza A
Doctor - 400 Patroon Creek Blvd # 1



Gruss Mary S
Doctor - 400 Patroon Creek Blvd # 1



Calder Christopher MD
Doctor - 400 Patroon Creek Blvd # 210



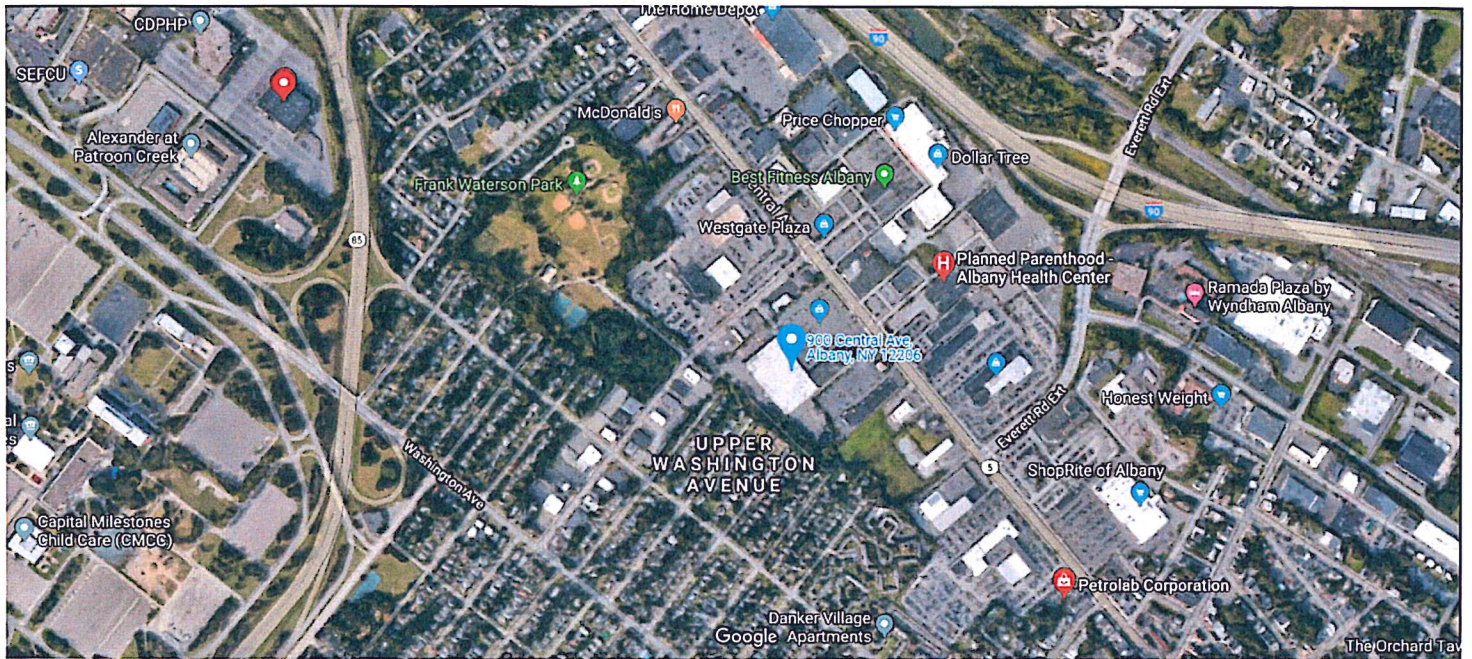
Albany Associates In Cardiology
Doctor - 400 Patroon Creek Blvd



Showing results 1 - 20



EXHIBIT 6



Imagery ©2019 Google, Imagery ©2019 CNES / Airbus, Maxar Technologies, New York GIS, USDA Farm Service Agency, Map data ©2019 500 ft

Planned Parenthood - Albany Health Center

3.0 ★★☆☆ (29)
Medical Center · 855 Central Ave
Open until 7:30 PM



Albany Med

2.9 ★★☆☆ (266)
Medical Center · 43 New Scotland Ave



University-Albany Health Center

2.4 ★★☆☆ (9)
Medical clinic · 400 Patroon Creek Blvd
Open until 4:00 PM



St. Peter's Health Partners Medical Associates, P.C.

5.0 ★★★★★ (1)
Medical clinic · 400 Patroon Creek Blvd #100



Albany ENT & Allergy Services

Medical clinic · 400 Patroon Creek Blvd #205



Albany Family Medicine

2.8 ★★☆☆ (58)
Medical group · 391 Myrtle Ave 4th Floor
Open until 7:30 PM



Mercy Care Medical Offices

Hospital · 310 Manning Blvd



Suny Health Center

Medical clinic · 400 Patroon Creek Blvd, #200



Braverman-Panza Medical Group

5.0 ★★★★★ (1)
Medical group · 1375 Washington Ave # 202
Open until 5:00 PM



Albany Med Community Division The Endocrine Group

3.8 ★★☆☆ (12)
Medical group · 1365 Washington Ave #300
Open until 5:00 PM



Petrolab Corporation

Medical supply store · 7 Harriman Campus Rd # A



Albany Health Center of Albany, NY

VISIT US

855 Central Ave.
Albany, NY 12206

([http://maps.google.com/?](http://maps.google.com/?daddr=855+Central+Ave.,+Albany,+NY+12206)

daddr=855+Central+Ave.,+Albany,+NY+12206

[Get Directions](#) (Albany+Health+Center))

CONTACT US

Call:

[518-434-5678](tel:518-434-5678) (tel:518-434-5678)

Fax: 518-434-0732

[BOOK ONLINE](#)

About This Health Center

Operated by: [Upper Hudson Planned Parenthood, Inc.](https://www.plannedparenthood.org/planned-parenthood-upper-hudson) (<https://www.plannedparenthood.org/planned-parenthood-upper-hudson>)

CARE NO MATTER WHAT

Planned Parenthood is one of the nation's leading providers of high-quality, affordable health care, and the nation's largest provider of sex education. With or without insurance, you can always come to us for your health care.

LANGUAGE & INTERPRETERS

English; Interpretation by telephone available for other languages.

Please let us know if you need an interpreter when scheduling your appointment.

<p>Language Line</p>



Services Offered

Our expert care providers offer care in the following services. Learn more about what services are offered, what to expect, and pricing.

[Abortion Services \(/health-center/new-york/albany/12206/albany-health-center-3336-91020/abortion\)](#)

[Birth Control \(/health-center/new-york/albany/12206/albany-health-center-3336-91020/birth-control\)](#)

[HIV Testing \(/health-center/new-york/albany/12206/albany-health-center-3336-91020/hiv-testing\)](#)

[LGBTQ Services \(/health-center/new-york/albany/12206/albany-health-center-3336-91020/lgbtq\)](#)

[Men's Health Care \(/health-center/new-york/albany/12206/albany-health-center-3336-91020/mens-health\)](#)

[Morning-After Pill \(Emergency Contraception\) \(/health-center/new-york/albany/12206/albany-health-center-3336-91020/emergency-contraception\)](#)

[Pregnancy Testing & Services \(/health-center/new-york/albany/12206/albany-health-center-3336-91020/pregnancy-testing-options\)](#)

[STD Testing, Treatment & Vaccines \(/health-center/new-york/albany/12206/albany-health-center-3336-91020/std-testing-treatment\)](#)

[Women's Health Care \(/health-center/new-york/albany/12206/albany-health-center-3336-91020/womens-health\)](#)

Hours

Health Center Hours

OPEN NOW

Mon	8:00 a.m. - 4:00 p.m.
Tues	9:00 a.m. - 5:00 p.m.
Wed	11:30 a.m. - 7:30 p.m.

Walk-in Information

If you need emergency contraception (AKA the morning after pill), you can walk in anytime we're open.

Please call us - same day appointments available daily.

Thurs	Hours	11:30 a.m. - 7:30 p.m.	More Info	Call 518-434-5678 (tel:518-434-5678)	BOOK ONLINE
Overview	Appointments	Insurance & Payments			
Fri		9:00 a.m. - 5:00 p.m.			
Sat		9:00 a.m. - 4:00 p.m.			
Sun		Closed			
Please note that we'll be closed on these holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, Christmas Day					

Appointments

You can privately and easily book your appointment online for select services 24/7. For the full set of services, you can call [518-434-5678 \(tel:518-434-5678\)](tel:518-434-5678) to book your appointment. Health center staff can also answer any questions you may have.

Book Online

Select Visit Reason

Select Visit Reason

Abortion
 Annual Exam
 Birth Control
 Morning-After Pill
 Pain/Inflammation/Infection

THU
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FRI
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OCT

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OCT

SUN
6
OCT

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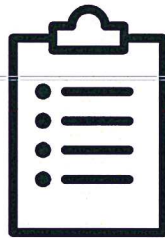
12:35 p

In case of emergency, please call 911

Powered by [DOCASAP](https://docasap.com) ([//docasap.com](https://docasap.com))

Insurance & Payments

Everyone deserves affordable health care. With or without insurance, you can always come to us for your health care.



I don't have insurance or Medicaid

I have insurance or Medicaid

Additional Payment information

Additional Information

MORE APPOINTMENT INFORMATION

We're unable to provide childcare at our health center. For safety reasons children need to be accompanied by an adult when they're in the waiting room. Only infants can accompany you to the exam room. Please bring a friend or family member to be with your children if you don't have childcare at home.

You can fill your birth control prescriptions at our health center instead of the pharmacy. all hours clinic is open.

Our teen clinic is open at the following times. In Albany every Thursday from 3 to 6pm

You can come to us for services that don't require a medical exam. For example, birth control education and supplies; emergency contraception (AKA the morning after pill); pregnancy testing and counseling; STD testing, and testing and treatments for urinary tract infections.

Donations [help support](#)

(<https://www.weareplannedparenthood.org/onlineactions/-1Tjt9FXXE-vl0dHnHSFQ2?sourceid=1000061&affiliateID=091020>) our mission and continue the important work we do.

EXHIBIT 7

CITY OF ALBANY



NEW YORK

DEPARTMENT OF PLANNING AND DEVELOPMENT

MAYOR: KATHY M. SHEEHAN

COMMISSIONER: CHRISTOPHER P. SPENCER

USDO USE INTERPRETATION 100418.001

DATE: October 04, 2018

FROM: CHRIS SPENCER

ACTION: NO ACTION REQUIRED

UNLISTED USE:

As noted in the USDO, §375-3(A)(3), "When a proposed land use is not explicitly listed in Table 375-3-1: Permitted Use Table, The Chief Planning Official shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics, and external impacts of a listed use that it should be treated as the same.

DESCRIPTION OF PROPOSED USE:

"Para-medical micropigmentation services to restore the Areola/Nipple complex after Mastectomy and other surgery; cosmetic enhancement and reconstructive micropigmentation to restore the color and shape to missing eyebrows, eyelash line and lips; restorative micropigmentation to the scalp know has Simulated Hair Follicle (SMP); and micropigmentation to correct and diminish scars and vitiligo. Also, the office will provide esthetician skin care. This will not be a retail business and will be by appointment only. Services will be provided by a NYS Licensed Registered Nurse and a NYS Licensed Esthetician."

USE DETERMINATION:

Based on the above description, the size, scale, operating characteristics, and external impacts, such a use is most closely related to Office and shall be treated as the same. There are two (2) definitions for Office in the USDO. The first one is related to the Albany-Colonie Intermunicipal Overlay District. The second one, which is relevant to the above use description shall be used.

OFFICE:

Establishments providing executive, management, administrative, professional services, consulting, banking, laboratory, record keeping, music or sound recording, or a headquarters of an enterprise or organization, but not including the on-premises sale of retail goods. This use does not include a Marijuana Dispensary or Methadone Dispensary.

Office Use has included doctors offices, dental offices, professional design offices, or other non-retail uses where clients, if seen at all, are by appointment only in a professional setting.

LIMITATIONS:

Based on the description of the proposed use, and the use category of Office, such a use shall not include retail, or uses typically associated with personal service. Any micropigmentation shall be corrective in nature and shall not include body art or services typically performed in a tattoo parlor.