



IN THE MATTER OF an application submitted by Lenox Hill Hospital, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), Article VII, Chapter 4 (Special Permits by the City Planning Commission), Article IX, Chapter 2 (Special Park Improvement District) and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Manhattan, Community District 8.

This application for a zoning text amendment was filed by Lenox Hill Hospital on January 2, 2025. This application, in conjunction with the related applications, would facilitate the redevelopment and enlargement of Lenox Hill Hospital, located at 100 East 77th Street (Block 1411, Lots 1 and 113), in the Lenox Hill neighborhood of Manhattan, Community District 8.

RELATED ACTIONS

In addition to the zoning text amendment (N 250152 ZRM) that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following actions, which are being considered concurrently with this application:

- C 250151 ZMM** Zoning map amendment to change an R8B district to a C1-8 district and a C1-8X district to a C1-9 district.

- C 250153 ZSM** Zoning special permit to facilitate a floor area increase of up to 20 percent for non-profit hospital use, allow such floor area bonus to be used in conjunction with a transit improvement bonus, and permit modifications of applicable bulk regulations.

- N 250154 ZAM** Zoning authorization to enable a floor area increase from proposed subway station improvements.

BACKGROUND

A full background discussion and description of this application appears in the report for the related zoning special permit (C 250153 ZSM).

ENVIRONMENTAL REVIEW

This application (N 250152 ZRM), in conjunction with the related actions, was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 23DCP079M.

It was determined that this application, in conjunction with the applications for the related actions, may have a significant effect on the environment, and that an Environmental Impact Statement (EIS) would be required. A Positive Declaration was issued on January 30, 2023, and subsequently distributed, published, and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on January 30, 2023. A public scoping meeting was held on March 2, 2023, and the Final Scope of Work was issued on January 31, 2025. A full description of the environmental review is included in the report for the related zoning special permit (C 250153 ZSM).

PUBLIC REVIEW

This application (N 250152 ZRM), along with the related application for a zoning authorization (N 250154 ZAM), was duly referred to Manhattan Community Board 8 and the Manhattan Borough President on February 3, 2025 in accordance with the procedures for non-ULURP matters, along with the related applications for a zoning map amendment (C 250151 ZMM) and zoning special permit (C 250153 ZSM) which were certified as complete by the Department of City Planning in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Review

Manhattan Community Board 8 held a public hearing on this application (N 250152 ZRM) along with the related applications for a zoning map amendment (C 250151 ZMM), zoning special permit (C 250153 ZSM), and zoning authorization (N 250154 ZAM) on March 12, 2025, and on April 9, 2025, by a vote of 23 in favor, 14 opposed, and one abstaining adopted a resolution recommending disapproval of the application with the conditions. A summary of the recommendation appears in the report for the related special permit (C 250153 ZSM).

Borough President Recommendation

On May 14, 2025, the Manhattan Borough President issued a recommendation on this application (N 250152 ZRM) along with the related applications for a zoning map amendment (C 250151 ZMM), zoning special permit (C 250153 ZSM), and zoning authorization (N 250154 ZAM), to approve the application with the conditions. A summary of the recommendation appears in the report for the related special permit (C 250153 ZSM).

City Planning Commission Public Hearing

On May 7, 2025, (Calendar No. 6), the City Planning Commission scheduled May 21, 2025, for a public hearing on this application (N 250152 ZRM) and the related actions for a zoning map amendment (C 250151 ZMM), and zoning special permit (C 250153 ZSM). The hearing was duly held on May 21, 2025 (Calendar No. 13).

Twenty-four speakers testified in favor, and 46 in opposition, as described in the report for the related special permit (C 250153 ZSM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 250152 ZRM), in conjunction with the related actions for a zoning map amendment (C 250151 ZMM), zoning special permit (C 250153 ZSM), and zoning authorization (N 250154 ZAM) is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related special permit (C 250153 ZSM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on June 20, 2025, with respect to this application (CEQR No. 23DCP079M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action that is set forth in this report; and
2. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives provided in the application, the actions are one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated June 30, 2025, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of findings that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 201 of the New York City Charter, that based on the environmental determination and consideration described in the related report (C 250153 ZSM), the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;

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

**ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

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**Chapter 6
Special Regulations Applying Around Mass Transit Stations**

* * *

**66-50
SPECIAL APPROVALS**

* * *

**66-51
Additional Floor Area for Mass Transit Station Improvements**

* * *

**66-513
Additional rules and limitations, conditions, findings, and requirements**

Any authorization or special permit application pursuant to the provisions of Section 66-511 (Additional floor area for mass transit station improvements by authorization) or Section 66-512 (Additional floor area for mass transit station improvements by special permit), respectively, shall be subject to the following provisions.

(a) Additional rules and limitations on bonus #floor area#

The following rules and limitations on bonus #floor area# shall apply in addition to the provisions set forth in Sections 66-511 and 66-512:

- (1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#;
- (2) The #floor area# bonus may be used in combination with other #floor area#

bonuses, provided that the maximum #floor area ratio# permitted through the combination of bonuses does not exceed 20 percent of the maximum #floor area ratio# otherwise permitted on the #zoning lot#. However, such 20 percent limitation shall not apply:

- (i) where explicitly stated otherwise in a Special Purpose District; or
- (ii) where explicitly stated otherwise in a special permit of the City Planning Commission; and

(3) For #MIH developments# or #UAP developments#, the requirements of Article II, Chapter 7 (Additional Regulations and Administration in Residence Districts) shall not apply to the bonus #floor area# granted under the provisions of this Section.

For the purposes of applying this paragraph to applications seeking an authorization pursuant to Section 66-511 (Additional floor area for mass transit station improvements by authorization), notwithstanding the above allowances, in no event shall the amount of bonus #floor area# exceed 200,000 square feet.

(b) Conditions

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**ARTICLE VII
ADMINISTRATION**

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**Chapter 4
Special Permits by the City Planning Commission**

* * *

**74-90
ADDITIONAL PERMITS**

* * *

**74-904
Non-profit or voluntary hospitals in R9 or R10 Districts and certain Commercial Districts**

For a #zoning lot# occupying an entire #block# located in an R9 or an R10 District, or in #commercial districts# mapped within, or with a #residential equivalent# of an R9 or an R10 District, partially within the #Special Park Improvement District#, and containing a non-profit or voluntary hospital and related facilities, as listed in Use Group III(B), the City Planning Commission may, by special permit, allow the modifications set forth in paragraph (a) of this Section, provided the conditions set forth in paragraph (b) and findings set forth in paragraph (c) are met.

- (a) The Commission may allow an increase in the maximum #community facility# #floor area ratio# by up to a maximum of 20 percent. A #floor area# bonus pursuant to this Section may be used in combination with a #floor area# bonus permitted pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), and the combination of such bonuses may exceed 20 percent of the maximum #floor area ratio# otherwise permitted.

In connection with such #floor area# bonus, the Commission may allow modifications to applicable #bulk# regulations.

- (b) In order to grant a special permit pursuant to this Section, the following conditions shall be met:

- (1) a minimum #floor area# of 75 percent of any #development# or #enlargement# on such #zoning lot# will be allocated to such hospital #use#;
- (2) the bonus #floor area# allowed pursuant to this Section shall be exclusively allocated to such hospital #use#; and
- (3) the amount of #floor area# to be located on the portion of such #zoning lot# within the #Special Park Improvement District# shall not exceed a #floor area ratio# of 10.0.

- (c) In order to grant a special permit pursuant to this Section, the Commission shall find that:

- (1) the public benefit derived from such proposed hospital #development# or #enlargement# merits the additional #floor area# being granted pursuant to this special permit;
- (2) where #bulk# modifications are utilized, such modifications will provide a more satisfactory physical relationship to existing hospital #buildings or other structures# on the #zoning lot#, and facilitate a more efficient and integrated site plan; and

- (3) where #bulk# modifications are utilized, the distribution of #bulk# on the #zoning lot# will result in a satisfactory site plan and urban design relationships of #buildings or other structures# to adjacent #streets# and the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**74-91
Modification of Public Plazas**

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 2
Special Park Improvement District**

* * *

**92-20
SPECIAL BULK REGULATIONS**

* * *

**92-21
Special Floor Area Regulations**

The underlying #floor area# regulations shall apply except as modified in this Section.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be granted by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions). In addition, a #floor area# bonus may be granted by the Commission pursuant to the provisions of Section 74-904 (Non-profit or voluntary hospitals in R9 or R10 Districts and certain Commercial Districts). No other #floor area# bonuses shall be permitted.

* * *

APPENDIX F

Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas

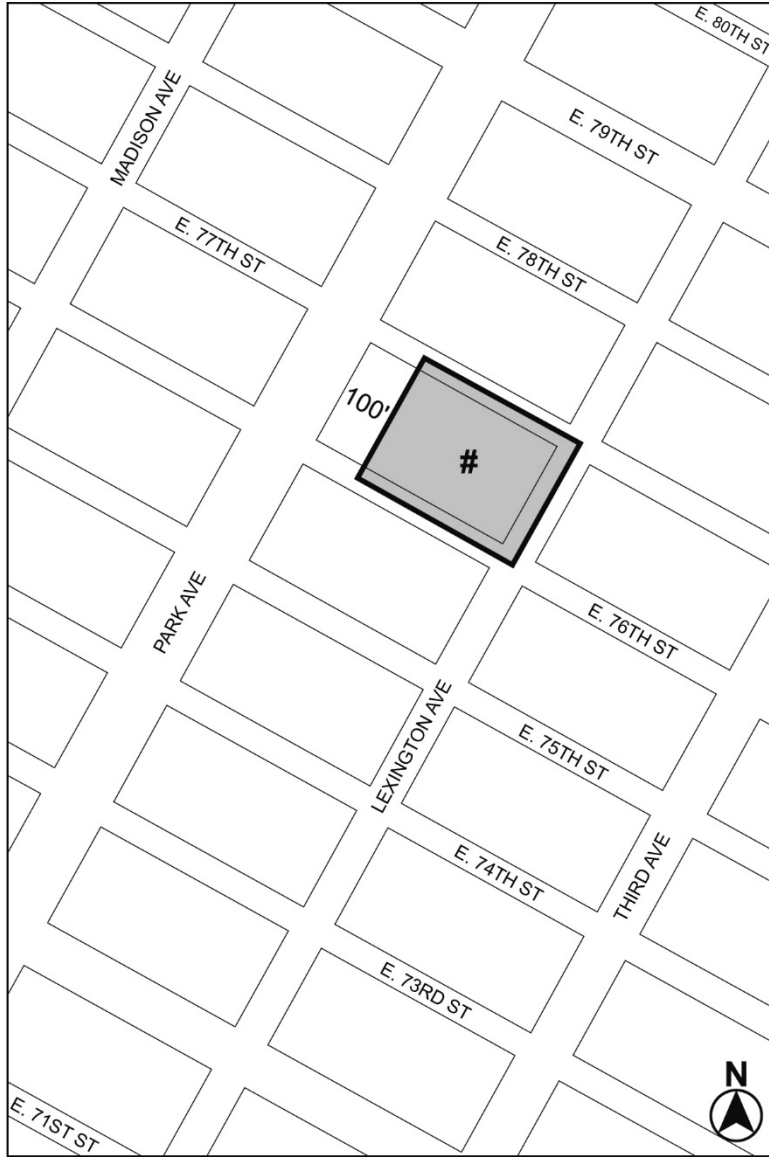
MANHATTAN

* * *

Manhattan Community District 8

* * *

Map 3 – [date of adoption]



Mandatory Inclusionary Housing area
 Area # — [date of adoption] MIH Option 1 and Option 2

Portion of Community District 8, Manhattan

* * *

The above resolution (N 250152 ZRM), duly adopted by the City Planning Commission on July 2, 2025 (Supplemental Calendar No. 2), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

DANIEL R. GARODNICK, Esq., *Chair,*
KENNETH J. KNUCKLES, Esq., *Vice Chairman*
GAIL BENJAMIN, ALFRED C. CERULLO, III, Esq., ANTHONY W. CROWELL, Esq.,
JOSEPH I. DOUEK, DAVID GOLD, Esq., LEAH GOODRIDGE, Esq.,
RASMIA KIRMANI-FRYE, ORLANDO MARÍN,
JUAN CAMILO OSORIO, RAJ RAMPERSHAD, *Commissioners*



COMMUNITY/BOROUGH BOARD RECOMMENDATION

Project Name: Lenox Hill Hospital	
Applicant: Northwell Health	Applicant's Primary Contact: Melanie Meyers
Application # 250152ZRM	Borough:
CEQR Number: 23DCP079M	Validated Community Districts: M08

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Unfavorable			
# In Favor: 23	# Against: 14	# Abstaining: 1	Total members appointed to the board: 38
Date of Vote: 4/9/2025 8:00 AM		Vote Location: https://www.cb8m.com/event/33784/	

Please attach any further explanation of the recommendation on additional sheets as necessary

Date of Public Hearing: 3/12/2025 6:00 PM	
Was a quorum present? Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
Public Hearing Location:	This hearing will be conducted hybrid in person and via Zoom. Memorial Sloan Kettering's Rockefeller Research Laboratories 430 East 67th Street (b/t First and York) https://www.cb8m.com/event/33781/

CONSIDERATION: see attached resolution		
Recommendation submitted by	MN CB8	Date: 4/15/2025 10:32 AM

Valerie S. Mason
Chair

Will Brightbill
District Manager



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**The City of New York
Community Board 8 Manhattan**

April 10, 2025

Daniel R. Garodnick, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Lenox Hill Hospital (N250152ZRM, C250153ZSM, N250155ZCM, N250154ZAM, and C250151ZMM)

Dear Chair Garodnick,

At the Land Use Meeting of Community Board 8 Manhattan held on Wednesday, April 9, 2025, the board approved the following resolution by a vote of 23 in favor, 14 opposed, 1 abstention, and 0 not voting for cause:

WHEREAS the Applicant, Lenox Hill/Northwell Health proposes a major expansion to its hospital on the block bordered by 76th and 77th Streets and Lexington and Park Avenues; and

WHEREAS the Applicant first proposed alterations to the campus in March of 2019 and few changes have been made to reflect community input following several meetings since that date; and

WHEREAS it is acknowledged that the Applicant needs to modernize certain aspects of the Lenox Hill Hospital campus; and

WHEREAS the proposed development will consist of a new tower on the Lexington Avenue portion of the site, a renovation to the Park Avenue portion of the site, and a mix of new and renovated construction in the midblock; and

WHEREAS the hospital plans to remain open throughout the projected nine year construction period; and

WHEREAS the Applicant proposes the following changes to the Zoning Resolution to accomplish the proposed development:

1. Zoning Map Amendments to rezone:
 - a. Only a 75% portion of the property's tax lot and zoning lot as follows:
 - i. The Lexington Avenue frontage of the Development Site from C1-8X to a C1-9 district; and
 - ii. The midblock of the Development Site from an R8B to a C1-8 district;
2. Zoning Text Amendment to:
 - a. Create a new special permit under ZR Section 74-904 (Non-profit or voluntary hospitals in R9 or R10 districts and certain Commercial Districts) pursuant to which the City Planning Commission may, for a development or enlargement predominantly for Use Group III(B) hospital use on a full-block zoning lot improved with an existing hospital use and located in R9 or R10 districts, or equivalent commercial districts, and partially within the Special Park Improvement District:

- i. permit a floor area increase of up to 20% for community facility use;
 - ii. allow such floor area bonus to be used in combination with a floor area bonus permitted by authorization in connection with mass transit station improvements pursuant to ZR Section 66-51; and
 - iii. permit modifications of applicable bulk regulations, provided that the amount of floor area located within the Special Park Improvement District not exceed 10.0 FAR;
 - b. amend ZR Section 66-513(a)(2) to allow a floor area bonus pursuant to Section 66-511 or 66-512 in combination with other floor area bonuses, to exceed 20 percent of the maximum floor area otherwise permitted on the zoning lot where explicitly allowed by a special permit of the Commission;
 - c. amend ZR Section 92-21 to allow the permitted floor area ratio on a zoning lot partially within the Special Park Improvement District for which a special permit is granted under ZR Section 74-904 to exceed 10.0 FAR; and
 - d. establish the portions of the Development Site within the new C1-9 and C1-8 districts as a Mandatory Inclusionary Housing (“MIH”) area;
3. Zoning special permit pursuant to ZR Section 74-904 to permit a redevelopment of the Development Site predominantly for Use Group 4 non-profit hospital use with up to 1,034,471 square feet of floor area (12.5 FAR);
 4. To permit up to 75% of the zoning lot to be programmed with hospital uses;
 5. Zoning Authorization pursuant to ZR Section 66-511 to permit, as part of the total proposed 12.5 FAR, a floor area increase of up to 0.5 FAR in connection with improvements to the southbound platform of the 77th Street station of the Lexington Avenue subway line;
 6. Zoning Certification pursuant to ZR Section 66-21 for a transit volume easement;
 7. Zoning special permit modifying street wall, height, and setback and other bulk regulations; and

WHEREAS the existing development on the block comprises approximately 781,500 gross square feet and approximately 620,500 zoning square feet (FAR 7.5), which is in excess of the allowable zoning floor area under the current zoning (approximately 600,000 zoning square feet); and

WHEREAS the applicant proposes a development (both renovated and new construction) comprising approximately 1,390,000 gross square feet and 1,034,471 zoning square feet (FAR 12.5); and

WHEREAS the applicant claims a desperate need for an expansion of the improvements, but is not seeking to rezone the entirety of the zoning lot, omitting a 20,833 square foot portion of the zoning lot fronting along Park Avenue; and

WHEREAS the applicant’s proposed effective FAR of 12.5 is unprecedented for a hospital campus in Manhattan as it exceeds the effective FAR of, at least, the following:

- a. St. Luke’s Roosevelt / Mt. Sinai West at 424 10th Avenue
- b. Mt. Sinai Hospital and 1440 Madison Avenue
- c. New York Presbyterian 1176 York Avenue
- d. The proposed MSK development and existing campus on Blocks 1461 and 1462
- e. The David Koch hospital at 530 West 74th Street (MSK)
- f. NYU Langone
- g. Bellevue Hospital
- h. The VA hospital at 423 East 23rd Street
- i. CU Medical Center and Morgan Stanley Children’s Hospital; and

WHEREAS the proposed development will feature one of two tower configurations on the Lexington Avenue portion of the site:

- A. A tower approximately 200 feet by 180 feet in ground plan and a height of 436 feet with an attached midblock portion on the 76th street side approximately 80 feet by 90 feet and a height of 210 feet; or
- B. A tower approximately 200 feet by 180 feet in ground plan and a height of 395 feet with an attached midblock portion on the 76th street side approximately 80 feet by 90 feet and a height of 360 feet; and

WHEREAS the existing hospital has 172 beds in single-bedded rooms and 278 beds in double-occupancy rooms (139 rooms) for a total of 450 beds, and the proposed hospital will have 475 single-bedded rooms (234 square feet each, exclusive of ADA bathroom and nurse's station); and

WHEREAS the proposed development will include an increased number (and size) of Operating Rooms, additional loading bays, interior ambulance bays, and an increase in the size of the Emergency Department which will be located on the Second Floor; and

WHEREAS the hospital will have its main entrance at the corner of 76th Street and Lexington Avenue, and a "Mother and Baby" entrance on Park Avenue; and

WHEREAS the proposal will provide an accessible entry to the Uptown platform of the Lexington Avenue Subway at 77th Street; and

WHEREAS the proposed zoning and proposed bulk for the Lexington Avenue portion of the site creates an imbalance of the floor area distribution across the site although spreading the proposed floor area equally across the site could produce a building about 250 feet tall; and

WHEREAS the proposed tower would be over twice the height of the tallest building permitted under the current zoning on Lexington Avenue, and its footprint, occupying the entire Lexington Avenue blockfront at its full height, is too massive and out of scale with the surrounding neighborhood; and

WHEREAS in order to build the proposed development, the applicant requires not only a change of zoning designation on three quarters of the entire site, but then must obtain permission for modification of height, setback and other bulk controls, selecting the most generous bulk and area regulations while seeking relief from those rules; and

WHEREAS the massive tower will create a "canyon" shadow effect along Lexington Avenue and both side streets; and

WHEREAS the requested floor area bonus for Transit Improvement does not take into account the absence of accessible access to the Northbound IRT at 77th Street, which is an urgent need at this location; and

WHEREAS no real consideration has been given to the way that many patients arrive at the hospital – via public transportation or by car; and

WHEREAS no drop-off area is proposed, further obstructing traffic on Lexington Avenue, as the entrance to the hospital is located on the corner of Lexington and 76th Street, adjacent to a bus lane; and

WHEREAS the proposed entrance to the "Mother and Baby" hospital with no drop-off area on Park Avenue will also disrupt traffic on Park Avenue; and

WHEREAS the proposal requires ambulances and trucks to enter the hospital but are then forced to back out, twice crossing sidewalks on 77th and 76th Streets and disrupting both pedestrian and vehicular traffic; and

WHEREAS the small increase in hospital beds increases the height of the Lexington Avenue tower by at least one floor; and

WHEREAS the DEIS (Draft Environmental Impact Statement) failed to identify potential impact of this project (transportation, open space, water and sewer infrastructure, and neighborhood character) while identifying impacts that can, under the proposal have no real mitigation; and

WHEREAS despite comments to the contrary made by the applicant, common sense would indicate that a much larger hospital will need more staff to run it, increasing traffic in the immediate area; and

WHEREAS no parking is proposed for this development, despite a current lack of parking on the Upper East Side which may be exacerbated by congestion pricing; and

WHEREAS the proposed construction schedule, a result of maintaining operations at the hospital while it is substantially reconstructed, is too long; and

WHEREAS Saturday and late work permits will be requested throughout the construction period, disrupting normal activities for a generation of East Siders; and

WHEREAS no provisions have been identified for traffic disruption mitigation during construction; and

WHEREAS no provisions for unloading of building materials or possible additional lane closures for construction vehicles have been presented; and

WHEREAS the applicant assumes that construction workers will all arrive by subway or bus which is unrealistic; and

WHEREAS noise and dust and debris are unavoidable with any construction, but the length of construction time anticipated in this development proposal amplifies these issues beyond what is reasonable; and

WHEREAS construction activities on 77th Street will interfere with the arrival of ambulances and the functioning of the Emergency Department throughout the construction period; and

WHEREAS the working conditions within the hospital during construction will likely degrade patient care and at the very least inconvenience staff; and

WHEREAS the proposed decade of construction will upend our dense residential neighborhood: a thriving community filled with schools, houses of worship, small businesses, hotels and institutions cannot survive the noise, pollutants/dust, danger, traffic and overall chaos that will accompany construction of this magnitude; and

WHEREAS the delicate balance of the architecture on the narrowest avenue on the Upper East Side will be upset forever; and

WHEREAS the portion of the development site within the Park Improvement District will not be subject to Mandatory Inclusionary Housing, and could, at a later date, be split off from the proposed development and developed as of right as housing; and

WHEREAS the proposed 12.5 FAR for the Development Site represents the application of every available floor area bonus after a rezoning of the entire site to 10 FAR, increasing the overall size of the project by 250,000 zoning square feet; and

WHEREAS the Community Board acknowledges and agrees with Lenox Hill Hospital that it is in need of modernization and we have no objection to a temporary closing of the hospital during any construction period, to speed up the modernization of the hospital; and

WHEREAS the community has opposed the project through petitions (over 6000 signatures), written testimony for the Community Board Land Use Meeting in March (522 opposed with 164 in favor), and in-person testimony at the March Land Use Meeting (over 100 speakers); and

WHEREAS healthcare equity would indicate that the applicant's resources could be put to better use in other parts of the city which have been described as "Health Care Deserts"; and

THEREFORE, BE IT RESOLVED that this application is **DISAPPROVED** as presented **unless all of the following conditions are met:**

- A. Applicant commits to a maximum height of 215' uniformly across the entire zoning lot. No bonus mechanisms will allow any increase in height; and
- B. Applicant commits to either, but not both, of the Transit Improvement and Hospital Floor Area Bonuses requested by special permit (pursuant to ZR Section 74-904 and ZR Section 66-51); and
- C. Applicant commits to mapping the entirety of the zoning lot within an MIH district; and
- D. Applicant commits to an accessible entrance to BOTH Southbound and Northbound platforms of the IRT subway at the 77th Street Station; and
- E. Applicant commits to permanent hospital use on the entire zoning lot; and
- F. If Applicant sells the Park Avenue frontage for residential development, Applicant will notify the public and commit to allocating 5% of the sales price for transit improvements and other community benefits to be determined; and
- G. Applicant commits to provide parking (on-site or new off-site parking locations) to accommodate staff and patients/visitors; and
- H. Applicant commits to request NO After Hours Variance Permits in connection with this project without the prior approval of the Community Board.

Please advise our office of any action taken on this matter, and, of course, we remain available to discuss any of the conditions set forth in our resolution and continue a dialogue with the applicant.

Sincerely,

Valerie S. Mason

Valerie S. Mason
Chair

cc: Honorable Kathy Hochul, Governor of New York
Honorable Eric Adams, Mayor of the City of New York
Honorable Jumaane Williams, Public Advocate of the City of New York
Honorable Mark Levine, Manhattan Borough President
Honorable Jerry Nadler, 12th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable José M. Serrano, NYS Senator, 29th Senatorial District
Honorable Edward Gibbs, NYS Assembly Member 68th Assembly District

Honorable Alex Bores, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Keith Powers, NYC Council Member, 4th Council District
Honorable Julie Menin, NYC Council Member, 5th Council District
Honorable Diana Ayala, NYC Council Member, 8th Council District
Dr. Daniel J. Baker, President, Lenox Hill Hospital



BOROUGH PRESIDENT RECOMMENDATION

Project Name: Lenox Hill Hospital	
Applicant: Northwell Health	Applicant's Administrator: Melanie Meyers
Application # 250152ZRM	Borough: Manhattan
CEQR Number: 23DCP079M	Validated Community Districts: M08

Docket Description:

Please use the above application number on all correspondence concerning this application

RECOMMENDATION: Conditional Favorable

Please attach any further explanation of the recommendation on additional sheets as necessary

CONSIDERATION:

Recommendation submitted by	MN BP	Date: 5/14/2025 6:18 PM
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OFFICE OF THE

MANHATTAN BOROUGH PRESIDENT

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Mark Levine, Borough President

May 14, 2025

**Recommendation on ULURP Application Nos. N250152ZRM, C250153ZSM,
N250155ZCM, N250154ZAM, C250151ZMM – Lenox Hill Hospital
By Northwell Health**

PROPOSED ACTIONS

Northwell Health (the “Applicant”) is proposing multiple land use actions to facilitate the redevelopment and enlargement of the existing Lenox Hill Hospital (the “Proposed Project”) located on the block bounded by East 76th Street, East 77th Street, Lexington Avenue, and Park Avenue (Block 1411, Lots 1 and 113), in Manhattan Community District 8 (the “Site”).

The Applicant proposes the following actions:

1. A zoning map amendment to rezone the Lexington Avenue frontage of the Site from C1-8X to C1-9 and the midblock portion of the Site from R8B to C1-8 (the “Rezoning Area”);
2. A zoning text amendment that includes the following:
 - a. Create a new special permit per Section 74-904 of the New York City Zoning Resolution (ZR), for non-profit or voluntary hospitals in R9, R10, and certain commercial districts, occupying a full-block zoning lot, and partially within the Special Park Improvement District, the City Planning Commission (CPC) can permit:
 - i. A floor area increase of up to 20% for community facility use;
 - ii. The floor area bonus can be used in combination with a floor area bonus from an authorization connected to mass transit station improvements (ZR 66-51);
 - iii. Modifications of applicable bulk regulations provided that the amount of floor area located in the Special Park Improvement District does not exceed a floor area ratio (FAR) of 10.0;
 - b. Amend ZR Section 66-513(a)(2) to allow a floor area bonus pursuant to ZR Section 66-511 or 66-512 in combination with other floor area bonuses to exceed 20% of the maximum FAR otherwise allowed where permitted by CPC special permit;
 - c. Amend ZR Section 92-21 to allow the permitted FAR on a zoning lot partially within the Special Park Improvement District for which a special permit is granted under ZR Section 74-904 to exceed 10.0 FAR;
 - d. Amend ZR Appendix F to establish the Rezoning Area as a Mandatory Inclusionary Housing (“MIH”) area;
3. A special permit pursuant to ZR Section 74-904 to permit redevelopment of the Site predominantly for Use Group III(B) non-profit hospital use, containing up to 1,034,471 square feet of floor area and an FAR of 12.5;

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4. Authorization pursuant to ZR Section 65-511 to permit a floor area increase of up to .5 FAR for improvements to the southbound platform of the 77th Street station on the Lexington Avenue line as part of the total proposed 12.5; and
5. Certification pursuant to ZR Section 66-21(c) transit volume encompassing the mass transit station improvements in connection with the Proposed Project.

These actions would facilitate the redevelopment and enlargement of Lenox Hill Hospital, with single-bed rooms, larger operating suites, a right-sized emergency department, new entrances, ambulance bays, loading bays, and subway improvements.

BACKGROUND

Lenox Hill Hospital was founded at its current location in 1857, and the first hospital building opened in the late 1860s. The Site has since grown to include ten buildings, built between the 1800s and the early 1970s.

While six of the hospital's ten buildings were built before the establishment of the 1961 Zoning Resolution, the area has undergone a series of zoning changes since then. The Special Park Improvement District was mapped in 1973 and the depth of the Special District's R10 boundary was reduced in 1983. Lexington Avenue was rezoned to C1-8A then C1-8X in 1983 and 1984 respectively, the midblock was rezoned to R8B in 1985, and maximum height limits were established. Three of the hospital buildings have existing variances from the New York City Board of Standards and Appeals (BSA), including variances for exceeding various maximum height and lot coverage requirements.

The Applicant first proposed the redevelopment of Lenox Hill Hospital in 2019. The proposal originally contemplated a 516-foot hospital building fronting Lexington Avenue and a 490-foot residential building fronting Park Avenue. Then Manhattan Borough President Gale Brewer and Council Member Keith Powers convened a task force that met seven times between December 2019 and November 2020, and by the conclusion the Applicant had revised their proposal to the 436-foot envelope on Lexington Avenue and eliminated the residential building, which is reflected in the current Proposed Development.

Lenox Hill Hospital currently has 450 beds and has an average of 360 patients per day, an occupancy rate of 80%. This occupancy rate is the standard called for in New York State to provide proper patient care, allow flexibility for hospital volume surges, ensure staff capacity, and respond to emergencies. The existing emergency department (ED) is approximately 14,000 square feet, with 34 existing ED positions, 15 of which are located in the hallway and separated by a curtain, and the ED is often over capacity. The Applicant projects that by 2036 Lenox Hill will have 62,000 ED visits annually and need 48 treatment spaces.

Other standalone hospital campuses exceed the square footage of the proposed redevelopment. The campuses of NYU Langone, Mount Sinai, New York-Presbyterian/Weill-Cornell, Memorial

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Sloan Kettering Pavilion and MSK-CUNY, and NYP/Columbia have zoning square footages ranging from 2.65 million to 4.58 million, as well as comparable heights.¹

Proposed Development

The Proposed Project would redevelop Lenox Hill Hospital with up to 1,034,471 square feet of non-profit hospital use and up to 2,500 square feet of retail use. The hospital would include 475 single-bed rooms; 30 operating rooms; 48 emergency department positions; 13 labor, delivery, and recovery rooms; enlarged operating suites; an enlarged emergency department of 41,500 square feet; new entrances, ambulance bays, and loading berths; and a new subway entrance. The retail space would likely be occupied by a ground-floor pharmacy.

The Applicant proposes two building envelope options, “Envelope 1” and “Envelope 2.” The two envelopes propose the same zoning square footage and hospital program. Envelope 1 proposes a 436-foot hospital building with a width of 180 feet on Lexington Avenue and 210 feet tall in the midblock, which is the same as the tallest existing midblock building. Envelope 2 proposes a 395-foot hospital building with a width of 180 feet on Lexington Avenue, 360 feet tall in an 84-foot-wide portion of the midblock, then decreasing to approximately 190 feet. According to the Applicant, both envelopes would satisfy the clinical needs of the hospital. Both envelopes propose an FAR of 12.5, facilitated by the 10.0 FAR from the rezoning and an additional 2.5 FAR from the community facility and mass transit improvement bonuses.

The proposed development would move the hospital entrances from the side streets they are on today to the avenues. On Lexington Avenue, the main hospital lobby would be located furthest south towards 76th Street, the retail entrance would be in the middle of Lexington Avenue, and the emergency department walk-in entrance would be furthest north close to 77th Street. The renovated southbound subway station entrance would be located at the corner of Lexington Avenue and 77th Street. Lastly, a new dedicated Mother-Baby entrance is proposed on Park Avenue. The sidewalks are also proposed to be widened for improved pedestrian circulation.

Additionally, the proposal includes six ambulance bays on 77th Street, accessible by three proposed curb cuts, compared to no ambulance bays in the current hospital where patients are unloaded from ambulances in the street. The Applicant also proposes four new loading berths on 76th Street in addition to the existing three, with the new berths sized to accommodate modern trucks.

The proposed subway station improvements include a larger covered entrance within the footprint of the hospital building, widening the staircase from two separate five-foot staircases to one 15-foot staircase, and installing an elevator to the mezzanine and then a ramp to the platform for Americans with Disabilities Act (ADA) compliance. The Applicant is proposing a floor area increase of .5 FAR connected to this mass transit improvement. No improvements to the northbound subway entrance are currently proposed, as the Applicant has stated they do not control the property on the northbound side.

¹ NYP/Columbia: 250 feet, NYU Langone: 374 feet, NYP/Weill-Cornell: 376 feet, Mount Sinai: 436 feet, MSK-CUNY: 438 feet, MSK Pavilion (not yet complete): 598 feet

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Area Context

The Site is located in Manhattan Community District 8 in the Lenox Hill neighborhood. The surrounding area is primarily zoned C1-8X, R8B, R10, and C1-9. A portion of the Site is located in the Special Park Improvement District. The Site is adjacent to the Upper East Side Historic District.

The Site is well served by transit by the 6 train at 77th Street and Lexington Avenue and the M101, M102, M103, and M79-SBS buses.

COMMUNITY BOARD RESOLUTION

Manhattan Community Board 8 (“CB8”) held a public hearing on the project on March 12, 2025 and accepted additional written commentary from members of the public.

On April 9, 2025, CB 8 voted 23-14-1 to recommend disapproval of the project unless the following conditions are met:

1. Commit to a maximum height of 215 feet across the entire zoning lot with no bonuses to increase the height;
2. Choose either the community facility floor area bonus or the mass transit improvement bonus, not both;
3. Establish the entirety of the zoning lot as a Mandatory Inclusionary Housing (MIH) area;
4. Along with the commitment of other stakeholders, make the subway entrance to both southbound and northbound platforms accessible;
5. Maintain permanent hospital use on the entire zoning lot, and if the Park Avenue frontage is sold for residential development the public should be notified and 5% of the sales price should be used for transit improvements and other community benefits;
6. Provide parking on site or off site for staff and visitors; and
7. No after hour variance permits for construction without Community Board approval.

BOROUGH PRESIDENT’S COMMENTS

New York City faces growing and urgent healthcare needs. Hospital closures, particularly in Manhattan’s downtown, have strained access across the boroughs and decaying infrastructure have forced hospitals to make difficult choices. To maintain a strong citywide healthcare system, it’s essential we invest in the institutions we have—starting with those already embedded in our neighborhoods.

Since 2019 the Upper East Side has been grappling with the proposed redevelopment of Lenox Hill Hospital and its implications for the neighborhood, for the patients who rely on healthcare services, and for the state of healthcare citywide.

Up until now, the development of the hospital has been piecemeal, with the last meaningful work to the hospital completed over 60 years ago. The building is out of compliance with current zoning. The aging facilities no longer meet present day needs. Half of the current emergency department beds are located in the hallway, patients per day exceeds capacity, and patients are

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unloaded from ambulances in the street, leading to severe congestion. In the six years since the initial proposal was contemplated, we have experienced a global pandemic, task forces have been formed, and Community Board meetings held, leading to the significant alteration of the original proposal. As the project continues to move through public review, we must ensure that the work of the past six years culminates in a project that provides high-quality healthcare to the Upper East Side and the city while also balancing the need to be a good neighbor to the surrounding community.

The redevelopment plan proposes to drastically improve patient care and experiences at the hospital. Improvements would include new operating rooms that can accommodate changing technologies, new ambulance bays that would allow ambulances to drop-off patients away from the chaos of the street, single rooms that help prevent the spread of disease, an expanded emergency department that would meet current and future capacity needs and get patients out of the hallway, wider sidewalks for better pedestrian circulation, and a more spacious and accessible southbound subway station.

While there is broad consensus that Lenox Hill is in urgent need of modernization, local residents have raised significant concerns about the current plan, including: building height, construction timeline and disruptions, patient experience and access to care, and lack of improvements to the northbound subway station.

My office and Lenox Hill have heard these concerns, and I have been working with them to identify opportunities to improve the proposal.

Height:

The height of the proposed building has been a primary concern for many local residents, and subsequently significant changes to height have been made since the plan was first proposed in 2019. Lenox Hill's current plan has reduced the proposed height of the building on Lexington Avenue by 16.8% with Envelope 1 or by 26.6% with Envelope 2. Lenox Hill has also maintained that any further reduction in height would lead to cutting hospital services. **However, I continue to call on Lenox Hill to explore creative solutions for further reduction in height without significantly reducing hospital services.**

Construction:

While the construction timeline has been reduced by two years and is now projected to be nine years (up to 6.5 externally with the rest done within the facility), it would still pose a serious disturbance. As the project continues through the design process, **I would like to see additional reduction in construction timeline, particularly the external construction, to the furthest extent possible.** The construction time period will also require extensive engagement by Lenox Hill, including communication with Community Board 8 and neighbors, and mitigations for noise, air quality, and traffic. Lenox Hill has already shared plans to soundproof patient rooms during construction and temporarily relocate the emergency department entrance to 76th Street during the period of peak construction, but ongoing coordination is needed.

Patient experience and access to care:

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While the construction of six new ambulance bays is already a vast improvement to the existing campus, the current proposal requires ambulances to back out onto 77th Street, which poses operational and emergency response challenges. **I urge Lenox Hill to create a ground-floor plan that would allow ambulances to exit the hospital without having to back out, whether by turning around within the footprint of the building or passing through the building to exit on the other side.** Ensuring that ambulances can exit as seamlessly as possible will improve local street conditions.

It is important that all communities in the city have access to quality healthcare. Northwell has shown a commitment to expanding their care citywide, including a new eight-bed inpatient medical/surgical unit and cardiac catheterization suite in addition to existing services at Northwell Greenwich Village. **I am asking Northwell to continue to expand their healthcare services to areas of need citywide.**

While single-bed rooms would improve the standard of care for patients, their families, and medical staff, I also share concerns about whether patients with government insurance will still be able to access care in single-bed rooms. Lenox Hill has confirmed that Medicare and Medicaid will cover single-bed rooms. **I am still asking the hospital to ensure that cost of care not increase as a result of the renovation.**

Subway access:

Lenox Hill has committed to an upgraded and accessible subway station at the southbound platform. But failing to implement similar improvements for the northbound platform is problematic. Lenox Hill has explained multiple barriers to achieving this—they do not control the northbound properties, for the property owners to accommodate a subway entrance they would likely have to give up ground-floor retail space and lose a revenue source, and a sewer line would prevent an underpass from the southbound station. However, **I am asking Lenox Hill to continue making a concerted effort to come to an agreement with the property owners and provide adequate resources to support those improvements.**

Community and labor partnerships:

The plan includes commitments to community partnerships and good labor standards. This includes support and future commitment to support beloved Manhattan organizations like Harlem Grown and Carter Burden, as well as a commitment to using union labor for construction and maintaining their unionized workforce. **I urge Lenox Hill to enter a Project Labor Agreement for the renovation.**

To address these concerns and help improve access to healthcare in the area, I am pleased to announce two significant commitments to enhance this proposal:

First, to help facilitate close coordination with the local community and ensure construction impacts are mitigated, Lenox Hill has committed to hosting a construction task force. Lenox Hill will invite elected officials, representatives from neighboring buildings, and members of Community Board 8 to participate. Importantly, meetings will begin before the start of

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construction. This partnership between the community and the hospital is an important part of ensuring that the neighborhood is top of mind during all phases of the project.

Second, to help address our mental health crisis and ensure we are investing in healthcare infrastructure to support New Yorkers in need, I have secured a guarantee from Lenox Hospital that they will be expanding their services to address this crisis head on. Northwell's mental health center in the Manhattan Eye, Ear, & Throat Hospital is at capacity with 21,000 patient visits a year and cannot accommodate the current volume of referrals and requests for care. Lenox Hill has committed to making a \$6 million capital investment in its mental health outpatient services, using vacant retail space nearby the Manhattan Eye, Ear, & Throat Hospital to create a new 10,000-square-foot outpatient mental health center that expects to see 30,000 patient visits annually. They intend to expand child and adolescent mental health services, partner with community organizations, and undertake important training and research, all of which will help address our citywide behavioral health needs.

Holding Lenox Hill Hospital to these improvements, in addition to the conditions related to construction, community partnership, and building size, will help ensure we invest in the future of healthcare in New York City while minimizing local disruption wherever possible. I recognize that the success of this project will require continuous work by Lenox Hill to engage with the community and be responsive to concerns at all phases of the project. My hope is that Lenox Hill Hospital and the community can come together throughout the remainder of this ULURP process and beyond to reach a reasonable outcome.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, I recommend **approval** of ULURP Application Nos. N250152ZRM, C250153ZSM, N250155ZCM, N250154ZAM, C250151ZMM with the following conditions:

Maintain commitments made to this point:

1. Establish a construction task force or working group of elected officials, representatives from neighboring buildings, Community Board members, and any other nearby stakeholders that begins before the start of construction and meets regularly throughout construction;
2. Expand behavioral health services through the creation of a new Upper East Side outpatient center for mental health nearby the Manhattan Eye, Ear, & Throat Hospital;

Make the following improvements to the proposal:

3. Commit to a ground-floor plan that allows ambulances to pass through or turn around within the footprint of the hospital instead of having to back out onto 77th Street;
4. Reduce the height to the maximum extent possible, while avoiding a significant reduction in hospital services;
5. Make a concerted effort to reach an agreement with property owners and commit significant resources for improvements to the northbound subway station;

Make the following commitments to healthcare:

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6. Ensure that wait times and admittance times will decrease at Lenox Hill Hospital;
7. Ensure that the hospital does not diminish care to patients with public insurance and assure that the transition to single rooms does not preclude low-income patients and/or patients with public insurance;
8. Double down on healthcare services in other areas citywide, such as downtown Manhattan and other areas of the city in need of healthcare services;

Make the following commitments about construction:

9. Decrease construction time to the maximum extent possible, especially external construction;
10. Mitigate noise, traffic, and air quality issues from construction;
11. Minimize off-hours work and be in conversation with the construction task force (which will include representatives from Community Board 8) about any after-hour variance permits for construction;

Make the following commitments to the community:

12. Commit to using union labor for all aspects of the project including construction and hospital operation and maintenance, memorialized in a Project Labor Agreement;
13. Continue existing community partnerships and expand partnerships with additional community organizations;
14. Maintain permanent hospital use on the entire zoning lot, and if the Park Avenue frontage is sold for residential development to notify the public and commit 5% of the sales price for transit improvements and other community benefits;

Make the following commitments about operations:

15. Provide clear wayfinding and traffic mitigations for all entrances, including for pedestrians as well as car drop-offs and pickups, and ensure building facades are cohesive with the neighborhood context;
16. Study whether moving the Mother-Baby entrance from Park Avenue would help alleviate concerns about how the entrance would interact with the street; and
17. Ensure that there is a plan for adequate offsite parking that satisfies any additional demand from staff or visitors.



Mark Levine
Manhattan Borough President

RESTRICTIVE DECLARATION

**NEW YORK COUNTY
BLOCK 1411, LOTS 1 & 113**

RECORD AND RETURN TO:

**FRIED, FRANK, HARRIS, SHRIVER & JACOBSON LLP
ONE NEW YORK PLAZA
NEW YORK, NEW YORK 10004
ATTN: MELANIE MEYERS**

RESTRICTIVE DECLARATION

THIS RESTRICTIVE DECLARATION (this “Declaration”), made as of 30th day of June, 2025, by Lenox Hill Hospital, a New York not-for-profit corporation, having an address at 100 East 77th Street, New York, New York 10075 (“Declarant”)

RECITALS:

- A. Declarant is the fee owner of certain real property located in the Borough of Manhattan, City, County and State of New York, which property is designated as Lots 1 and 113 of Block 1411 on the Tax Map of the City of New York, as more particularly described in Exhibit A attached hereto (the “Subject Property”).
- B. Declarant filed applications with the New York City Department of City Planning (“DCP”) for the following:
1. A certification (the “Certification”) by the Chairperson (the “Chair”) of the New York City Planning Commission (the “Commission”) pursuant to Section 66-21(c) of the Zoning Resolution (hereinafter defined) for the provision of a transit easement volume on the Subject Property (Application No. 250155 ZCM);
 2. An authorization (the “Authorization”) by the Commission pursuant to Section 66-511 of the Zoning Resolution allowing a floor area bonus of 41,379 square feet (the “Transit Bonus Floor Area”) in connection with improvements to the southbound platform of the 77th Street station of the Lexington Avenue subway line (Application No. N 250154 ZAM), which Authorization requires recordation of this Declaration (Legal Document No. 250214 LDM);
 3. A special permit (the “Special Permit”) pursuant to Section 74-904 of the Zoning Resolution to permit a redevelopment of the Subject Property predominantly for Use Group III(B) non-profit hospital use with up to 1,034,471 square feet of floor area, inclusive of the Transit Bonus Floor Area, and modification of certain bulk regulations (Application No. C 250153 ZSM) (together with the Certification and the Authorization, the “Project Approvals”); and
 4. Related applications for a zoning map amendment (C 250151 ZMM) (the “Map Amendment”) and zoning text amendment (N 250152 ZRM) (the “Related Actions”).
- C. Declarant intends to redevelop and enlarge portions of the existing non-profit hospital occupying the Subject Property (the “Existing Building”) pursuant to the Project Approvals with up to 1,034,471 square feet of zoning floor area predominantly for Use Group III(B) non-profit hospital use (the “Proposed Development”).
- D. The Commission acted as lead agency and conducted an environmental review of the applications of the Project Approvals and the Related Actions pursuant to City

Environmental Quality Review, Executive Order No. 91 of 1997, as amended, and regulations promulgated thereunder at 62 RCNY §5-01 et seq. ("**CEQR**") and the State Environmental Quality Review Act, New York State Environmental Conservation Law § 8-0101 et seq. and the regulations promulgated thereunder at 6 NYCRR Part 617 ("**SEQRA**"), and issued a Notice of Completion of the Final Environmental Impact Statement ("**FEIS**") on June 20, 2025.

- E. To ensure that development of the Subject Property is consistent with the analysis in the FEIS upon which the Commission has made findings pursuant to CEQR and SEQRA and incorporates certain project components related to the environment ("**PCREs**") which were material to the analysis of environmental impacts in the FEIS, and certain measures ("**Mitigation Measures**") identified in the FEIS to mitigate significant adverse construction impacts, Declarant has agreed to restrict the development, operation, use and maintenance of the Subject Property in certain respects, which restrictions are set forth in this Declaration.
- F. Declarant desires to restrict the manner in which the Subject Property may be developed, redeveloped, maintained and operated now and in the future.
- G. Requirements with respect to the transit easement volume provided as a condition of the Certification and the improvements to be constructed therein under the Authorization (the "**Station Improvements**") in accordance with Section 66-513(e) of the Zoning Resolution (hereinafter defined) are addressed in an agreement by and between Declarant and the Metropolitan Transportation Authority dated as of July 9, 2025, which sets forth certain obligations of Declarant with respect to the proposed improvements, including design development, construction, maintenance, capital maintenance and hours of access (the "**MTA Agreement**").
- H. All "parties in interest" (as defined in subdivision (c) of the definition of the term "zoning lot" in Section 12-10 of the Zoning Resolution) to the Subject Property (each, a "**Party-in-Interest**") are listed on the certification by Fidelity National Title Insurance Company attached as **Exhibit B** to this Declaration, have either executed this Declaration or waived their rights, if any, to execute this Declaration.
- I. Declarant represents and warrants that, except with respect to mortgages or other instruments specified herein, the holders of which have given their consent or waived their respective rights to object hereto, there are no restrictions of record on the development or use of the Subject Property, nor any existing lien, obligation covenant, easement, limitation or encumbrance of any kind that shall preclude the enforcement of the obligations and restrictions as set forth herein.

NOW, THEREFORE, Declarant does hereby declare and agree that the Subject Property shall be held, sold, transferred, conveyed and occupied subject to the restrictions, covenants, obligations, easements and agreements of this Declaration, which shall run with the Subject Property and which shall be binding on Declarant and its successors and assigns.

**ARTICLE I.
DEFINED TERMS**

1.01 Definitions. For purposes of this Declaration, the following terms shall have the following meanings:

“**Approved Drawings**” has the meaning set forth in Section 2.01.

“**As-of-Right Project**” means any building that can be developed and constructed on the Subject Property without utilizing the Project Approvals.

“**Authorization**” has the meaning set forth in the Recitals.

“**Business Day/s**” means any day other than a Saturday, Sunday, or other day on which banks in the State of New York are not open for business.

“**Certification**” has the meaning set forth in the Recitals.

“**CEQR**” has the meaning set forth in the Recitals.

“**Chair**” has the meaning set forth in the Recitals.

“**City**” means the City of New York.

“**Commission**” has the meaning set forth in the Recitals.

“**DCP**” has the meaning set forth in the Recitals.

“**Declarant**” has the meaning set forth in the Preamble.

“**Declaration**” has the meaning set forth in the Preamble.

“**Default Notice**” has the meaning set forth in Section 5.01(a).

“**Delay Notice**” has the meaning set forth in Section 5.04(a).

“**DOB**” means the New York City Department of Buildings.

“**Existing Building**” has the meaning set forth in the Recitals.

“**FEIS**” has the meaning set forth in the Recitals.

“**Final Approval**” means the approval or approval with modifications of the Special Permit and the Related Actions by the City Council, or (b) if the City Council disapproves the decision of the Commission and the Mayor of the City of New York (the “**Mayor**”) files a written disapproval of the City Council’s action pursuant to New York City Charter Section 197 d(e), and the City

Council does not override the Mayor’s disapproval, in which event “Final Approval” shall mean the Mayor’s written disapproval of the City Council’s action pursuant to such New York City Charter Section 197 d(e). Notwithstanding anything to the contrary in this Declaration, Final Approval shall not be deemed to have occurred for any purpose of this Declaration if the final action taken pursuant to New York City Charter Section 197-d is disapproval of the Special Permit and/or the Related Actions.

“**Map Amendment**” has the meaning set forth in the Recitals.

“**Mitigation Measures**” has the meaning set forth in the Recitals.

“**Named Mortgagee**” has the meaning set forth in Section 6.01(d).

“**Notice**” shall have the meaning set forth in Section 6.01(a).

“**Party-in-Interest**” (in the plural, “**Parties-in-Interest**”) has the meaning set forth in the Recitals.

“**PCO**” means a Permanent Certificate of Occupancy issued by DOB.

“**PCREs**” has the meaning set forth in the Recitals.

“**Project Approvals**” has the meaning set forth in the Recitals.

“**Proposed Development**” has the meaning set forth in the Recitals.

“**Related Actions**” has the meaning set forth in the Recitals.

“**SEORA**” has the meaning set forth in the Recitals.

“**Special Permit**” has the meaning set forth in the Recitals.

“**Station Improvements**” has the meaning set forth in the Recitals.

“**Subject Property**” has the meaning set forth in the Recitals.

“**TCO**” means a Temporary Certificate of Occupancy issued by DOB.

“**Transit Bonus Floor Area**” has the meaning set forth in the Recitals.

“**Uncontrollable Circumstances**” includes the following elements: strike(s) or labor dispute(s); inability to obtain labor, equipment, supplies or materials or reasonable substitutes therefor in the open market; acts of God; governmental restrictions, regulations, omissions, or controls; enemy or hostile government actions, war, hostilities, terrorism, explosion, invasion; civil commotion, riot, mob violence, malicious mischief, insurrection, revolution, or sabotage; a lockout; a flood, earthquake, or fire; an epidemic or quarantine restriction; inclement weather or field conditions of such a nature as to make performance or completion of any PCRE and/or transit

improvements associated with the Proposed Development infeasible; a taking of the Subject Property, or a portion thereof, by condemnation or eminent domain; failure of a public utility to provide power, heat, or light; unusual delay in transportation; governmental actions with respect to construction projects in the vicinity of the Subject Property that directly delay performance or completion of any PCRE and/or transit improvements associated with the Proposed Development; inability to access the work area; the pendency of litigation or similar proceeding which results in an injunction or restraining order or similar relief prohibiting or otherwise delaying the commencement or continuation of the obligations of Declarant pursuant to this Declaration, provided such litigation or proceeding was not instituted, financed or supported by Declarant or any of its affiliates; or other conditions similar in character to the foregoing which are beyond the control of Declarant. In addition, “Uncontrollable Circumstances” shall also include (i) material delays by the City, State or United States government, or any agency or instrumentality thereof, the Metropolitan Transportation Authority, or any utility company, in the performance of any work or processing or approval of any applications, or comment on architectural and engineering plans within a reasonable time period following receipt of such plans, unless due to any act or failure to act by Declarant; and (ii) denial to Declarant by any owner, ground lessee or franchisee of an enforceable interest in adjoining real property, including any private fee owner or ground lessee of adjoining real property, or any agency of the City or State or any utility company having an enforceable interest in adjoining real property, including sidewalk or streets, of a right to access to such adjoining real property. No event shall constitute Uncontrollable Circumstances unless (i) the event is not due to an act or failure to act of Declarant, (ii) Declarant complies with the procedures set forth in Section 5.04, and (iii) the Chair or the Deputy Mayor has certified the existence of Uncontrollable Circumstances or the Chair has failed to respond in accordance with the provisions of Section 5.04.

“**Zoning Resolution**” means the Zoning Resolution of the City of New York, effective as of December 15, 1961, as amended as of the date hereof.

**ARTICLE II.
DEVELOPMENT OF THE SUBJECT PROPERTY**

2.01 Proposed Development. The Proposed Development shall be constructed substantially as shown on the following plans by Ennead Architects, copies of which are attached hereto as Exhibit C (the “Approved Drawings”).

Drawing No.	Title	Last Revision Date
Z-02	Zoning Analysis	08/11/2025
Z-04	Zoning Lot Site Plan	08/11/2025
ZZ-01	Accessibility Program Bonus Plan and Section	08/11/2025

2.02 Station Improvements. The Station Improvements shall be constructed in accordance with the terms and conditions of the MTA Agreement.

2.03 Existing Building; As-of-Right Project. Notwithstanding anything to the contrary herein, prior to acceptance of a building permit that permits vertical construction and/or the

enlargement of the Existing Building, Declarant shall have the right to maintain, operate, alter and/or enlarge the Existing Building without reliance upon the Project Approvals and/or to construct an As-of-Right Project, in which case the provisions of Section 2.01 and Articles III and V of this Declaration shall not apply, except that the provisions of Articles III and V shall apply to any such alteration and/or enlargement of the Existing Buildings and/or construction of an As-of-Right Project that relies upon the Map Amendment.

**ARTICLE III.
PROJECT COMPONENTS RELATED TO THE ENVIRONMENT;
MITIGATION MEASURES**

3.01 Project Components Related to the Environment for Construction. Declarant shall implement and incorporate as part of its construction of the Proposed Development as appropriate the following PCREs, in connection with development facilitated by any of the Project Approvals and Related Actions, in accordance with the FEIS and as further set forth in this Section as the context may require:

(a) Construction Air Emissions Reduction Measures.

(i) Declarant shall develop a plan for implementation of, and thereafter implement, the following measures for all construction activities during the development of the Subject Property:

(1) Non-road diesel-powered construction equipment with a power rating of 50 horsepower or greater shall meet or achieve at least the equivalent of the United States Environmental Protection Agency (“EPA”) Tier 3 emission standard.

(2) Non-road, diesel-powered engines with a power rating of 50 horsepower or greater and controlled truck fleets (i.e. truck fleets under long term contract with Declarant, such as concrete mixing and pumping trucks) shall utilize the best available tailpipe technology for reducing diesel particulate emissions. Construction contracts shall specify that all diesel non-road engines rated at 50 horsepower or greater shall utilize diesel particulate filters (either original equipment manufacturer or retrofit technology). Retrofitted diesel particulate filters must be verified under either the EPA or California Air Resources Board verification programs. Active diesel particulate filters or other technologies proven to achieve an equivalent reduction may also be used.

(3) All on-site diesel-powered engines shall be operated exclusively with ultra-low sulfur diesel fuel.

(4) Idling of all vehicles, including non-road engines, for periods longer than three minutes shall be prohibited on the Subject Property for all equipment and vehicles that are not using their engines to operate a loading, unloading, or processing device (e.g., concrete mixing trucks) or unless otherwise required for the proper operation of the engine.

(5) As early in the construction period as logistics allow and to the extent it is feasible and practicable, Declarant shall use electrically powered equipment in lieu of diesel-powered and gasoline-powered versions of such equipment, including, but not limited to, hoists employed during construction and small equipment such as welders.

(ii) Declarant shall include enforceable contractual requirements with contractors and subcontractors to implement the provisions of this Section 3.01(a) with respect to applicable work at the Subject Property, and, prior to accepting a building permit authorizing the commencement of construction, Declarant shall certify in writing to DCP and DOB that the applicable contracts contain such requirements.

(b) Fugitive Dust Control Plan.

(i) Declarant shall develop a plan for implementation of, and thereafter implement, a plan for the minimization of the emission of dust from construction-related activities during development of the Subject Property, which shall contain the following measures:

(1) Fugitive dust from excavation, demolition, transfer of soils, and loading and unloading of soils shall be controlled through water spraying.

(2) Water sprays shall be used for all demolition, excavation, and transfer of soils to ensure materials will be dampened as necessary to avoid the suspension of dust into the air;

(3) Stockpiled soils or debris shall be watered, stabilized with a chemical suppressing agent, or covered; and

(4) All trucks hauling loose soil, rock, sediment, or similar material shall be equipped with tight fitting tailgates and covered prior to leaving construction areas.

(5) Declarant shall comply with and implement all measures required by Chapter 1 of Title 24 of the New York City Administrative Code regulating construction-related dust emissions.

(ii) Declarant shall include enforceable contractual requirements with contractors and subcontractors to implement the provisions of this Section 3.01(b) with respect to applicable work at the Subject Property, and, prior to accepting a building permit authorizing the commencement of construction, Declarant shall certify in writing to DCP and DOB that the applicable contracts contain such requirements.

(c) Construction Noise Reduction Measures.

(i) Prior to Construction Commencement, Declarant shall (x) develop a plan for implementation of, and (y) thereafter implement, the following measures for all construction activities (including demolition and excavation) related to the development of the Subject Property:

(1) All construction activities shall comply with Chapter 2 of Title 24 of the New York City Administrative Code (the “City Noise Control Code”), and with the rules on Citywide Construction Noise Mitigation, as set forth in Chapter 28 of Title 15 of the Rules of the City of New York.

(2) Declarant shall develop and implement a plan for minimization of construction noise, which shall contain both path control and source control measures, including the following:

(A) Path Control Measures

(aa) Noise barriers constructed from plywood or other materials shall be erected around the perimeter of the areas where construction activities are taking place. During Stage 2 and Stage 3 of construction (as described in the FEIS), noise barriers along East 76th Street would be 12 feet tall and cantilevered towards the work area, and 8 feet tall along any remaining perimeter.

(bb) Noisy equipment, such as cranes, concrete pumps, concrete trucks, and delivery trucks, shall be located away from and shielded from sensitive receptor locations to the extent practicable.

(cc) As early in the construction period as logistics will allow, diesel- or gas-powered equipment shall be replaced with electrical-powered equipment such as welders, water pumps, bench saws, and table saws (i.e., early electrification) to the extent feasible and practicable.

(dd) Throughout the construction period, concrete operations shall be located within the construction barrier.

(B) Source Control Measures

(aa) The noise emission levels of the construction equipment shall meet the standards specified in Subchapter 5 of the City Noise Control Code. The Proposed Development shall use some pieces of equipment that produce lower noise levels than typical construction equipment as required by the City Noise Control Code. Table 16-21 of the FEIS shows the noise levels for the equipment that would be used for construction, such as a compressor shall not exceed an L_{max} noise level limit of 75 dBA at 50 feet and impact wrench shall not exceed an L_{max} noise level limit of 76 dBA at 50 feet, to meet the mandated noise levels to be used for construction of the Proposed Project. Path noise control measures would be implemented for certain equipment as necessary to remain consistent with Table 16-21. Contractors shall be required to properly maintain construction equipment, including equipment noise mufflers.

(bb) Pile installation and foundation elements shall be constructed by drilling rather than impact driving.

(cc) In lieu of a generator, power during Stage 3 of construction (as described in the FEIS) shall be drawing from the Con Edison grid.

(dd) To the extent practicable, the construction site shall be arranged to minimize the need for the use of back-up alarms on construction equipment.

(ii) Declarant shall include enforceable contractual requirements with contractors and subcontractors to implement the provisions of this Section 3.01(c) with respect to applicable work at the Subject Property, and, prior to accepting a building permit authorizing the commencement of construction, Declarant shall certify in writing to DCP and DOB that the applicable contracts contain such requirements.

3.02 Mitigation Measures. Declarant shall undertake the following mitigation measures set forth in the FEIS in connection with development facilitated by any of the Project Approvals and Related Actions, in accordance with the FEIS and as further set forth in this Section as the context may require:

(a) **Shadows.** To address a significant adverse shadow impact to the vegetation of the garden of the Eighth Church of Christ, Scientist, located at 103 East 77th Street (the "**Church**"), prior to acceptance of a building permit allowing vertical construction above the height of the Existing Building, Declarant shall make commercially reasonable efforts to enter into an agreement with the Church with regard to potential mitigation, which may include new paving, new lighting and/or new furniture within the garden and/or a vertical green wall on the west-facing façade of a new building that may be constructed by Declarant at 111-115 East 77th Street.

(b) **Construction Noise.** As a mitigation measure at building façades that are predicted to experience temporary significant adverse construction noise impacts as described in the FEIS, Declarant shall write to the owners of impacted buildings and offer to (i) purchase and install storm windows for those windows in impacted building facades identified in the FEIS that do not already have insulated glass windows and/or (ii) purchase and install window air conditioning units on said facades of buildings that do not already have alternative means of ventilation as provided for in the FEIS. Declarant shall not accept a building permit associated with the construction of the Proposed Development until Declarant certifies in writing to DCP, and affirms under penalty of perjury, that the owners of impacted buildings identified in the FEIS have been offered said storm windows or air conditioners, as the case may be, as set forth in the FEIS and that said owners have either (i) rejected the offer, (ii) accepted the offer, or (iii) failed to respond to written notice within twenty (20) calendar days, as the case may be, and such mitigation measures have been implemented with respect to parties that have accepted the offer.

3.03 Uncontrollable Circumstance Involving a PCRE or Mitigation Measure. Notwithstanding any provision of this Declaration to the contrary, if Declarant is unable to perform a PCRE or Mitigation Measure required by the FEIS by reason of the occurrence of an Uncontrollable Circumstance, then Declarant shall not be required to perform such PCRE or Mitigation Measure while the Uncontrollable Circumstance is occurring, provided that Declarant shall not be excused from performing such PCRE or Mitigation Measure following such Uncontrollable Circumstance unless and until the Chairperson has made a determination in his or her reasonable discretion that the failure to implement the PCRE or Mitigation Measure during the period of the Uncontrollable Circumstance, or implementing an alternative proposed by Declarant,

would not result in any new or different significant environmental impact not addressed in the FEIS.

3.04 Innovation and Alternatives; Modifications Based on Further Assessments.

(a) **Innovation and Alternatives.** In complying with any obligation set forth in this ARTICLE III, Declarant may, at its election, implement innovations, technologies, or alternatives now or hereafter available, provided that Declarant demonstrates to the satisfaction of DCP that such alternative measures would result in equal or better methods of achieving the relevant obligation than those set forth in this Declaration, in each case subject to approval by DCP.

(b) **Modifications Based on Further Assessments.** In the event that Declarant believes, in good faith, based on changed conditions, that an obligation under this ARTICLE III should not apply or could be modified without diminishment of the environmental standards which would be achieved by implementation of the obligation, it shall set forth the basis for such belief in an analysis submitted to DCP. In the event that, based upon review of such analysis, DCP determines that the PCRE or Mitigation Measure, as applicable, should not apply or could be modified without diminishment of the environmental standards which would be achieved by implementation of the obligation, Declarant may eliminate or modify such PCRE or Mitigation Measure consistent with the DCP determination, provided that Declarant records a notice of such change against the Subject Property in the Office of the City Register.

ARTICLE IV.

EFFECTIVE DATE; AMENDMENT AND CANCELLATION

4.01 Effective Date. This Declaration and the provisions and covenants hereof shall become effective upon the later to occur of (i) recordation of this Declaration in accordance with Section 4.02 and (ii) issuance of a letter by DCP to DOB confirming issuance of the Project Approvals, provided that Declarant's obligations hereunder shall be postponed until the latest to occur of the following dates: (A) the date on which the right to seek judicial review of the Project Approvals has expired; (B) the date on which the time to appeal from an order of any court of competent jurisdiction upholding or affirming the Project Approvals has expired; and (C) the date on which a final order upholding or affirming the Project Approvals is entered pursuant to a decision by a court of competent jurisdiction from which no appeal can be taken.

4.02 Recordation.

(a) As a condition of utilization of the Project Approvals, Declarant shall file and record this Declaration and any related waivers executed by Parties in Interest that are required to be recorded, in the Office of the City Register, indexing them against the Subject Property. Declarant shall deliver to the Commission a copy of all such documents as recorded promptly upon receipt of such documents from the Office of the City Register. If Declarant fails to so record such documents, then the City may record duplicate originals of such documents. However, all fees paid or payable for the purpose of recording such documents, whether undertaken by Declarant or by the City, shall be borne by Declarant.

(b) In the event that Final Approval includes modifications to this Declaration, Declarant shall prepare a revised declaration incorporating such modifications which shall be recorded in accordance with paragraph (a) of this Section. If Declarant does not prepare and record such revised declaration when required to do so, the City may record a duplicate original of this Declaration, which shall have the sole effect of applying the provisions hereof governing development that relies upon the Map Amendment, pending the filing of such revised declaration. In such circumstance, development pursuant to the Special Permit shall not be permitted unless and until such revised declaration is executed and recorded.

4.03 Amendment and Cancellation

(a) **Amendment and Cancellation.** This Declaration may be amended or canceled only upon application by Declarant and subject to the express written approval of the Commission or an agency succeeding to the Commission's jurisdiction. No other approval or consent shall be required for such amendment or cancellation from any public body, private person, or legal entity of any kind, including, without limitation, any other present Party in Interest or future Party in Interest who is not a successor of Declarant. Any amendment of this Declaration pursuant to this Section 4.03 shall be executed and recorded in the same manner as provided in Section 4.02.

(b) **Amendment by the Chair.** Notwithstanding anything to the contrary contained in Section 4.03(a), any change to this Declaration proposed by Declarant that the Chair deems to be a minor modification of this Declaration may by express written consent be approved administratively by the Chair, and no other approval or consent shall be required from any public body, private person or legal entity of any kind, including, without limitation, any present or future Party-in-Interest. Such minor modifications shall not be deemed amendments requiring the approval of the Commission. In the event that a minor modification results in a modification of the Approved Drawings, a notice indicating such modification shall be recorded in the Office of the City Register, in lieu of a modification of this Declaration.

(c) Cancellation.

(i) Notwithstanding anything to the contrary contained in this Declaration, if any Final Approval declared invalid or otherwise voided by a judgment of any court of competent jurisdiction from which no appeal can be taken or from which no appeal has been taken within the applicable statutory period provided for such appeal, then, upon entry of said judgment or the expiration of the applicable statutory period for such appeal, this Declaration shall be canceled and shall be of no further force or effect and an instrument discharging it may be recorded.

(ii) Notwithstanding anything to the contrary contained in this Declaration, this Declaration shall automatically and without any further public or private action be canceled, and the restrictions, covenants, obligations, liens and agreements hereof shall be of no further force and effect if, prior to the issuance by DOB of a TCO for the Proposed Development, Declarant delivers to the Chairperson and records with the City Register's Office, a document duly executed and acknowledged in which the Declarant (x)

forfeits the Project Approvals and surrenders its right to develop the Proposed Building in accordance with the Project Approvals and (y) discharges this Declaration of record.

(iii) Prior to the recordation of an instrument discharging this Declaration, Declarant shall notify the Chair of Declarant's intent to cancel and terminate this Declaration and request the Chair's approval, which approval shall be limited to insuring that such cancellation and termination is in proper form. The Chair shall respond to such notice and request within ten (10) days of receipt by the Chair of such notice, and shall at Declarant's request execute an instrument in recordable form consenting to the discharge of Declarant's obligations hereunder. The failure of the Chair to respond within such ten (10) day period shall be deemed an approval by the Chair of the cancellation of the Declaration. Upon recordation of such instrument, Declarant shall provide a copy thereof to the Commission.

ARTICLE V. COMPLIANCE; DEFAULTS; REMEDIES

5.01 Default.

(a) The City shall give written notice (each, a "**Default Notice**") of any alleged breach of the provisions of this Declaration to Declarant. Upon receipt of a Default Notice, Declarant shall effect a cure within forty-five (45) Business Days thereof. Alternatively, if the violation is not capable of cure within such forty-five (45) Business Day period, Declarant shall promptly initiate and diligently pursue any steps required to cure such breach and, if Declarant thereafter proceeds diligently toward the effectuation of such cure, the aforesaid forty-five (45) Business Day period shall be deemed extended for so long as Declarant continues to proceed diligently with the effectuation of such cure. Declarant shall have the right, in its sole discretion, to determine the manner in which a breach of this Declaration will be cured, provided such cure is in compliance with this Declaration. The forty-five (45) Business Day period for curing any breach of this Declaration by Declarant (as such may be extended in accordance with this Section 5.01(a)) shall be subject to further extension for Uncontrollable Circumstances, provided that Declarant shall have taken the steps required by Section 5.03(d).

(b) The City retains all remedies at law and in equity and via administrative enforcement to enforce this Declaration.

(c) The City retains the right to resolve any dispute regarding the provisions of this Declaration by an alternate dispute resolution acceptable to Declarant, before resorting to litigation or administrative enforcement.

(d) In the case of an alleged breach of, or other dispute regarding the provisions of, this Declaration, both Declarant and the City may (but shall not be obligated to) agree that the same shall be resolved by arbitration in a manner to be agreed upon.

(e) A Named Mortgagee shall have the right to cure a breach on behalf of Declarant within the applicable notice and cure period provided in this Section 5.01.

5.02 Enforcement of Declaration.

(a) The obligations of Declarant under this Declaration shall be enforceable solely by the City. No person or entity other than the City shall be entitled to enforce, or assert any claim arising out of or in connection with, this Declaration. This Declaration shall not create any enforceable interest or right in any person or entity other than the City.

(b) Notwithstanding anything to the contrary contained in this Declaration, the City will look solely to the fee interest of Declarant in the Subject Property, on an in rem basis only, for the collection of any money judgment recovered against Declarant, and no other property of Declarant shall be subject to levy, execution, or other enforcement procedure for the satisfaction of the remedies of the City or any other person or entity with respect to this Declaration, and Declarant shall have no personal liability under this Declaration. For the purposes of this Section 5.02(b), "Declarant" shall include any principals, disclosed or undisclosed, partners, affiliates, officers, employees, shareholders or directors of Declarant.

(c) The restrictions, covenants, and agreements set forth in this Declaration shall be binding upon Declarant only for the period during which such party is the holder of a fee interest in or is a Party-in-Interest of the Subject Property and only to the extent of such fee interest or the interest rendering such party a Party-in-Interest. At such time as Declarant or any successor-in-interest thereto has no further fee interest in the Subject Property or portion thereof, and is no longer a Party-in-Interest of the Subject Property, or portion thereof, such party's obligations and liability with respect to this Declaration shall wholly cease and terminate as to the portion conveyed from and after the conveyance of such party's interest. Such party's successor-in-interest in the Subject Property, or portion thereof, by acceptance of such conveyance automatically shall be deemed to assume such party's obligations and liabilities hereunder to the extent of such successor-in-interest's interest.

(d) Notwithstanding the foregoing, nothing herein shall be deemed to preclude, qualify, limit, or prevent any of the City's governmental rights, powers, or remedies, including, without limitation, with respect to the satisfaction of the remedies of the City under any laws, statutes, codes, or ordinances.

5.03 Certain Remedies.

(a) Declarant hereby agrees that failure to comply with conditions or restrictions in this Declaration shall constitute a violation of the Zoning Resolution, and such failure to comply may constitute the basis for denial or revocation of building permit(s) or certificate(s) of occupancy for the Proposed Development.

(b) In any application for an amendment or modification of this Declaration, Declarant shall verify that it has complied with each of the material conditions of the Declaration applicable at the time of such application.

(c) In the event that Declarant has not complied with the material conditions of this Declaration, such non-compliance may constitute grounds for the Commission to disapprove any application for amendment or modification of the Declaration.

(d) For purposes of this paragraph (d), Declarant shall not be deemed to have failed to comply under any of paragraphs (a), (b), or (c) unless and until Declarant or a Named Mortgagee, as the case may be, has failed to remedy or cure the event or occurrence which is the basis of any allegation of a failure to comply in accordance with the procedure as set forth in Section 5.01 of this Declaration with respect to alleged default(s), including all applicable notice and cure periods afforded Declarant and Named Mortgagee(s) therein.

5.04 Uncontrollable Circumstances.

(a) In the event that, as the result of Uncontrollable Circumstances, Declarant is or believes it will be unable to perform or complete any obligation required to be performed hereunder, including, without limitation, any PCRE set forth in Article III hereof (i) at the time or times required by this Declaration or (ii) prior to acceptance of a TCO or PCO for Transit Bonus Floor Area, Declarant shall, promptly after it has actual knowledge of such Uncontrollable Circumstances, so notify the Chair in writing (such notice, a “**Delay Notice**”). Any Delay Notice shall include a description of the Uncontrollable Circumstances and, if known to Declarant, their cause and estimated impact on performance of the obligation in question. The Chair shall thereafter determine whether the Uncontrollable Circumstances exist and, upon written notice to Declarant no later than ten (10) days of receipt of the Delay Notice, certify whether the Uncontrollable Circumstances exist. If the Chair certifies that Uncontrollable Circumstances exist, the Chair shall, either concurrently with such certification or no later than ten (10) days thereafter, grant Declarant appropriate relief, including notifying DOB that a TCO or PCO for Transit Bonus Floor Area, or a portion thereof (as applicable) may be issued. If the Chair certifies that Uncontrollable Circumstances do not exist, the Chair shall set forth with specificity in the certification the reasons therefor. Declarant and DCP shall meet within five (5) Business Days of the issuance of any written notice certifying that Uncontrollable Circumstances do not exist to review the basis for such determination. Declarant shall take all steps necessary to respond, including providing additional information in writing as may be reasonably requested by the Chair to determine whether Uncontrollable Circumstances exist. Notwithstanding the foregoing, in the event that the Chair has failed to (x) respond in writing to Declarant within ten (10) days of receipt of the Delay Notice; (y) cause DCP to meet with Declarant within five (5) Business Days of the issuance of any written notice certifying that Uncontrollable Circumstances do not exist; or (z) respond in writing to Declarant within ten (10) Business Days of receipt of any additional materials reasonably requested by the Chair to determine whether Uncontrollable Circumstances exist, then the Chair shall be deemed to have made a finding of Uncontrollable Circumstances. In the event that the Chair certifies that Uncontrollable Circumstances do not exist after a meeting between Declarant and DCP as provided above, Declarant may appeal the Chair’s determination to the Deputy Mayor having oversight over DCP by providing such Deputy Mayor with written notice thereof within ten (10) days of such meeting. The determination of such Deputy Mayor, following consultation with Declarant and DCP, shall be final.

(b) Any delay caused as the result of Uncontrollable Circumstances shall be deemed to continue only as long as the Uncontrollable Circumstances continue. Upon cessation of the Uncontrollable Circumstance causing such delay, Declarant shall promptly recommence the work or implement the measure needed to complete the obligation, in accordance with any applicable directive of the Chair, unless an alternative is specified and agreed to by the Chair. If Declarant fails to resume performance of such work upon cessation of the Uncontrollable Circumstances, such failure shall be deemed an alleged breach of this Declaration subject to the provisions of Section 5.01.

ARTICLE VI. MISCELLANEOUS

6.01 Notices.

(a) All notices, demands, requests, consents, approvals, or other communications (each of which is hereinafter referred to as "Notice"), which may be or are permitted, desirable, or required to be given, served, or sent hereunder shall be effective only if in writing and (i) delivered by electronic mail with confirmation of receipt, (ii) mailed to the party for which it is intended by certified or registered mail, return receipt requested, (iii) sent via nationally recognized overnight courier service, or (iv) personally delivered, addressed as follows:

If to Declarant:

Lenox Hill Hospital
100 East 77th Street
New York, New York 10075
Attention: Office of Legal Affairs

with a copy to:

Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, New York 10004
Attention: Melanie Meyers, Esq.
Email: Melanie.Meyers@friedfrank.com

If to the City:

New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271
Attention: General Counsel

(b) Any recipient of Notice may from time to time by Notice designate a new or additional related entity or person or address for receipt of Notices.

(c) Notice shall be deemed given (i) upon issuance of a “read receipt” of delivery by electronic mail, (ii) five (5) days after mailing, (iii) two (2) Business Days after sending by nationally recognized overnight courier service, or (iv) upon personal delivery after receipt.

(d) A copy of all Notices to Declarant shall be simultaneously given to any mortgagee or ground lessor of all or a portion of the Subject Property of which the City has been given Notice (any such mortgagee or lessor, a “**Named Mortgagee**”).

(e) In the event that there is more than one Declarant at any time, any Notice from the City or the Commission shall be provided to all Declarants of whom the Commission has notice.

6.02 Estoppel Certificates. The City will at any time and from time to time upon not less than fifteen (15) days’ prior notice by Declarant or a Named Mortgagee execute, acknowledge and deliver to Declarant or such Named Mortgagee, as the case may be, a statement in writing certifying (a) that this Declaration is unmodified and in full force and effect (or if there have been modifications or supplements that the same is in full force and effect, as modified or supplemented, and stating the modifications and supplements), (b) whether or not to the best knowledge of the signer of such certificate Declarant is in default in the performance of any obligation contained in this Declaration, and, if so, specifying each such default of which the signer may have knowledge, and (c) as to such further matters as Declarant or such Named Mortgagee may reasonably request.

6.03 Representation. Declarant hereby represents and warrants that (a) there is no restriction of record on the development, enlargement, or use of the Subject Property, nor any present or presently existing estate or interest in the Subject Property, nor any existing lien, obligation, covenant, easement, limitation, or encumbrance of any kind that shall preclude the enforcement of the obligations and restrictions as set forth herein; and (b) the Parties-in-Interest listed in the Certification of Party-in-Interest are the only known Parties-in-Interest to the Subject Property as of the date hereof.

6.04 Conveyance. Nothing contained herein shall be construed as requiring the consent of the DCP, the City, any agency thereof or any other person or entity to any sale, transfer, conveyance, mortgage, lease or assignment of any interest in the Subject Property.

6.05 Successors of Declarant. References in this Declaration to “Declarant” shall be deemed to include any successor to or assign of Declarant. Notwithstanding anything to the contrary contained in this Declaration, no holder of a mortgage or other lien in the Subject Property shall be deemed to be a Declarant for any purpose, unless and until such holder obtains either a fee interest in the Subject Property or any portion thereof or a lessee’s estate in a ground lease of all or substantially all the Subject Property, and provided further that the holder of any such mortgage or lien shall not be liable for any obligations of Declarant as the “Declarant” hereunder unless such holder commences to develop the Subject Property in accordance or has acquired its interest from a party who has done so.

6.06 Parties in Interest. Declarant shall cause any individual, business organization, or other entity which, between the date hereof and the effective and recording date and time of this

Declaration, becomes a Party in Interest in the Subject Property or portion thereof to subordinate its interest in the Subject Property to this Declaration. Any and all mortgages or other liens encumbering the Subject Property after the recording date of this Declaration shall be subject and subordinate hereto. Notwithstanding anything to the contrary contained in this Declaration, if a portion of the Subject Property is held in condominium ownership, the board of managers of the condominium association shall be deemed to be the sole Party in Interest with respect to the premises held in condominium ownership, and the owner of any unit in such condominium, the holder of a lien encumbering any such condominium unit, and the holder of any other occupancy or other interest in such condominium unit shall not be deemed to be a Party in Interest.

6.07 Governing Law. This Declaration shall be governed and construed by the laws of the State of New York, without regard to principles of conflicts of law.

6.08 Severability. In the event that any provision of this Declaration shall be deemed, decreed, adjudged or determined to be invalid or unlawful by a court of competent jurisdiction, such provision shall be severed and the remainder of this Declaration shall continue to be of full force and effect.

6.09 Applications. Declarant shall include a copy of this Declaration as part of any application pertaining to the Subject Property submitted to DOB or any other interested governmental agency or department having jurisdiction over the Subject Property.

6.10 Incorporation by Reference. Any and all exhibits, appendices and attachments referred to herein are hereby incorporated fully and made an integral part of this Declaration by reference.

[Signature Appears on Following Page]

Schedule of Exhibits

- Exhibit A** Description of Subject Property
- Exhibit B** Parties-in-Interest Certification
- Exhibit C** Approved Drawings

EXHIBIT A

Description of Subject Property

Block 1411, Lots 1 & 113

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid, is known as Tax Lot Numbers 1 and 113 in Block 1411 on the Tax Map of the City of New York, New York County and more particularly described as follows:

ALL that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the westerly side of Lexington Avenue, and the northerly side of East 76th Street;

RUNNING THENCE westerly along the northerly side of East 76th Street, 405 feet to the easterly side of Park Avenue;

THENCE northerly along the easterly side of Park Avenue, 204 feet 4 inches to the southerly side of East 77th Street;

THENCE easterly along the southerly side of East 77th Street, 405 feet to the westerly side of Lexington Avenue;

THENCE southerly along the westerly side of Lexington Avenue, 204 feet 4 inches to the northerly side of East 76th Street the point or place of BEGINNING.

EXHIBIT B

Parties-in-Interest Certification

[Attached behind]

Certificate No.: 70331NY

EXHIBIT II

CERTIFICATION PURSUANT TO ZONING LOT
SUBDIVISION (D) OF SECTION 12-10
OF THE ZONING RESOLUTION OF DECEMBER 15, 1961
OF THE CITY OF NEW YORK - AS AMENDED
EFFECTIVE AUGUST 18, 1977

FIDELITY NATIONAL TITLE INSURANCE COMPANY, a Title Insurance Company licensed to do business in the State of New York and having its principal office at 485 Lexington Avenue, New York, New York 10017 hereby certifies to Lenox Hill Hospital, a New York Not-For-Profit corporation, formerly known as The German Hospital and Dispensary in the City of New York that as to the land hereinafter described being a tract of land, either unsubdivided or consisting of two or more lots of record, contiguous for a minimum of ten linear feet, located within a single block, that all the parties in interest consisting of a party as defined in Section 12-10, subdivision (d) of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended, are the following:

<u>NAME:</u>	<u>NATURE OF INTEREST</u>
1. Lenox Hill Hospital, a New York Not-For-Profit corporation, formerly known as The German Hospital and Dispensary in the City of New York 100 East 77 th Street New York, NY 10075	Fee Owner of Lots 1 and 113

The subject tract of land with respect to which the foregoing parties are the parties in interest as aforesaid, is known as Tax Lot Numbers 1 and 113 in Block 1411 on the Tax Map of the City of New York, New York County and more particularly described as follows:

ALL that certain lot, piece or parcel of land, situate, lying and being in the Borough of Manhattan, City, County and State of New York, bounded and described as follows:

BEGINNING at the corner formed by the intersection of the westerly side of Lexington Avenue, and the northerly side of East 76th Street;

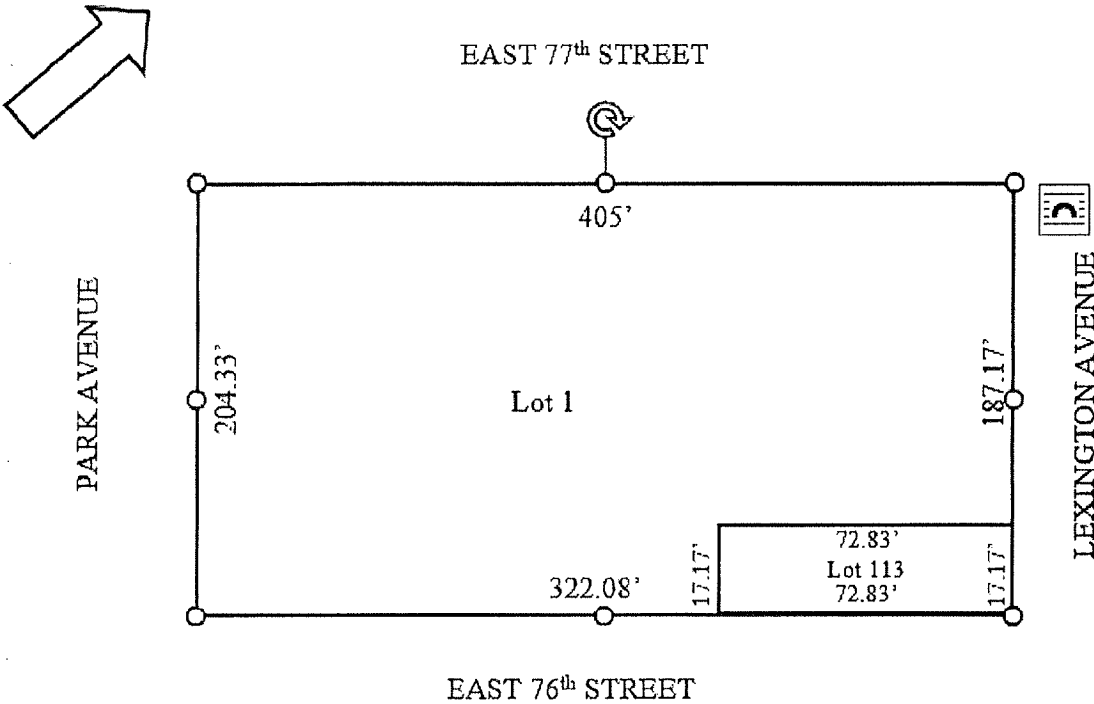
RUNNING THENCE westerly along the northerly side of East 76th Street, 405 feet to the easterly side of Park Avenue;

THENCE northerly along the easterly side of Park Avenue, 204 feet 4 inches to the southerly side of East 77th Street;

THENCE easterly along the southerly side of East 77th Street, 405 feet to the westerly side of Lexington Avenue;

THENCE southerly along the westerly side of Lexington Avenue, 204 feet 4 inches to the northerly side of East 76th Street the point or place of BEGINNING.

That the said premises are known as and by street address(es) 100-130 East 77th Street a/k/a 31 East 76th Street a/k/a 843 Park Avenue and 1080 Lexington Avenue, New York, NY 10075 as shown on the following diagram:



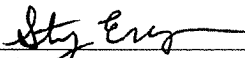
Note: A Zoning Lot may or may not coincide with a lot as shown on the Official Tax Map of the City of New York, or on any recorded subdivision plot or deed. A Zoning Lot may be subdivided into two or more zoning lots provided all the resulting zoning lots and all the buildings thereon shall comply with the applicable provisions of the zoning lot resolution.

Note: This is a Preliminary Zoning Lot Certification which has been prepared prior to the execution and recording of the necessary Declaration, Waivers, or Zoning Lot Description and Ownership Statement. Upon execution and recording of same, a Final Zoning Lot Certification will be prepared.

THIS CERTIFICATE IS MADE FOR AND ACCEPTED BY THE APPLICANT UPON THE EXPRESS UNDERSTANDING THAT LIABILITY HEREUNDER IS LIMITED TO ONE THOUSAND (\$1,000.00) DOLLARS.

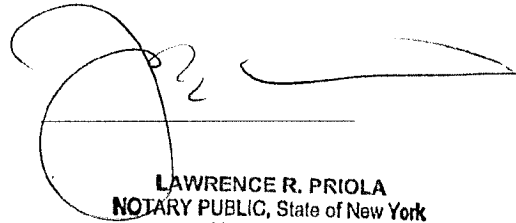
Dated: June 30, 2025

FIDELITY NATIONAL TITLE
INSURANCE COMPANY

BY: 
Stacey Engoron
Vice President and Underwriter

STATE OF NEW YORK)
)
) SS:
COUNTY OF NEW YORK)

On the 2nd day of July before me, the undersigned, personally came Stacey Engoron, personally known to me or proved to me the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



LAWRENCE R. PRIOLA
NOTARY PUBLIC, State of New York
No. 4841047
Qualified in Suffolk County
Commission Expires March 30, 2017

EXHIBIT C

Approved Drawings

[Attached behind]

9/8/2025 12:28:39 PM

ZONING ANALYSIS		
ZR SEC.	ITEM	
LOT AREA		
USE GROUPS		
22-10	Permitted Uses	
32-10	Existing to remain	U
	Proposed New	U
FLOOR AREA		
23-22	FAR Permitted	
24-11	Residential	
33-122	Commercial	
33-123	Community Facility	
92-21	Base FAR for non-residential use	
	FAR bonuses allowed by Special Permit/Authorization	
	Community Facility*	
	Transit Improvement**	
	Total Bonus***	
	FAR Bonus Requested	
	Community Facility*	
	Transit Improvement**	
	Total Bonus Requested ***	
	Total Maximum Allowable FAR	
	Total Maximum Proposed FAR	
FLOOR AREA		
	Floor Area - Permitted	
	Residential	24
	Commercial	
	Community Facility	20
	Base Floor Area for non-residential use	20
	Floor Area bonuses allowed by Special Permit/Authorization	
	Community Facility*	4
	Transit Improvement**	4
	Total Bonus***	8
	Floor Area Bonus Requested	
	Community Facility*	4
	Transit Improvement**	4
	Total Bonus Requested ***	8
	Total Maximum Allowable Floor Area	28
	Floor Area - Proposed	
	Residential	
	Existing to Remain	
	Proposed New	
	Commercial	
	Existing to Remain	
	Proposed New	
	Community Facility	
	Existing to Remain	

					ZONING ANA	
R10 / PI	C1-8 (R9 equivalent)	C1-9 (R10 equivalent)	TOTAL	COMPLIANCE / NOTES	ZR SEC.	ITEM
20,434	41,889.7	20,434	82,757.7			Narrow
UG I,II,III,IV	UG I, II, III, IV, VI, VII, VIII, IX, X	UG I, II, III, IV, VI, VII, VIII, IX, X		Complies		Requ
UG III(B) Hospital	UG III(B) Hospital	--				
UG III(B) Hospital	UG III(B) Hospital	UG III(B) Hospital UG VI Retail				Provi
12.00	9.02	12.00		* Special Permit pursuant to ZR 74-904 ** Authorization pursuant to ZR 66-511 *** FAR bonus generated by and requested for the R10/PI district. Per ZR 74-904, bonus floor area generated in R10/PI district above 10 FAR may not be located within R10/PI district. - Community Facility floor area may be located in any zoning district subject to the maximum development envelope set forth in Dwgs Z-04 to Z-12, and provided that the FAR located in the R10/PI zone shall not exceed 10.00.		
N/A	2.00	2.00				
10.00	10.00	10.00				
10.00	10.00	10.00				
2.00	2.00	2.00				
2.00	2.00	2.00				
4.00 ***	4.00	4.00				
2.00 *	2.00 *	2.00 *				
0.50 **	0.50 **	0.50 **				Narrow
2.50 ***	2.50	2.50				Requ
14.00 ***	14.00	14.00				
12.50 ***	12.50	12.50				
245,208	377,845	245,208		* Special Permit pursuant to ZR 74-904 ** Authorization pursuant to ZR 66-511 *** Bonus Floor Area generated by and requested for the R10/PI district. Per ZR 74-904, bonus floor area generated in R10/PI district above 10 FAR may not be located within R10/PI district. - Community Facility floor area may be located in any zoning district subject to the maximum development envelope set forth in Dwgs Z-04 to Z-12, and provided that the FAR located in the R10/PI zone shall not exceed 204,340 sf.		
N/A	83,779	40,868				
204,340	418,897	204,340	827,577			Provi
204,340	418,897	204,340				
40,868	83,779	40,868				
40,868	83,779	40,868				
81,736 ***	167,559	81,736	331,031			
40,868 *	83,779 *	40,868 *				
10,217 **	20,945 **	10,217 **				
51,085 ***	104,724	51,085	206,894			
286,076 ***	586,456	286,076	1,158,608			
0	0	0				
0	0	0				
0	0	0			Provi	
0	0	2,500			LOADIN	
143,058	255,216	246			13-31 25-72 36-62	Requ

G ANALYSIS

ITEM		R10 / PI		C1-8 (R9 equivalent)	C1-9 (R10 equivalent)
Narrow Street - East 76th Street					
Required		Within 50ft of Park Ave	Beyond 50ft of Park Ave		
	Front Wall Location	100% @ street line	N/A		N/A
	Setback	10 ft from street line	20 ft		20 ft
	Front Wall Height	Min 125 ft	85 ft or 9 stories		85 ft or 6 stories
		Max 150 ft			
	Max Height / Sky Exposure Plane	215 ft	215 ft SEP: 2.7 to 1	2.7 to 1	
Provided					
	Front Wall Location	Portions of front wall not located at the street line *	N/A		N/A
	Setback	9.4 ft *	0 - 9.4 ft *		0 ft - 10 ft *
	Front Wall Height	Min 20 ft *	45 - 165 ft *		85 ft - up to 195 ft *
		Max 165 ft *			
	Max Height / Sky Exposure Plane	Up to 185 ft	Maximum height provided, Up to 185 ft Waiver requested; See Z-05, Z-07 through Z-12 *	Maximum height provided Up to 370 ft Waiver requested; See Z-0 Z-07 through Z-12 *	
Narrow Street - East 77th Street					
Required		Within 50ft of Park Ave	Beyond 50ft of Park Ave		
	Front Wall Location	100% @ street line	N/A		N/A
	Setback	10 ft from street line	20 ft		20 ft
	Front Wall Height	Min 125 ft	85 ft or 9 stories		85 ft or 6 stories
		Max 150 ft			
	Max Height / Sky Exposure Plane	215 ft	215 ft SEP: 2.7 to 1	2.7 to 1	
Provided					
	Front Wall Location	Portions of Front wall not located at the street line *	N/A		N/A
	Setback	11 ft	11 ft*		10 - 20 ft *
	Front Wall Height	None *	54.94 ft - 190 ft *		60 - up to 195.00 ft *
		None *			
	Max Height / Sky Exposure Plane	Up to 190 ft	Maximum height provided, Up to 190 ft Waiver requested; See Z-05, Z-07 through Z-12 *	Maximum height provided Up to 370 ft Waiver requested; See Z-0 Z-07 through Z-12 *	
PARKING					
Required		None required within Manhattan Core (Manhattan CB 8)			
Permitted					
	Hospitals	Max 100 accessory off-street parking spaces			
	Retail uses	1 per 4,000 SF of floor area, or 10 spaces, whichever is less			
	Other commercial and Community facility uses	1 per 4,000 SF of floor area, or 100 spaces, whichever is less			
Provided		0 Spaces			
LOADING BERTH					
Required					
	Hospitals and related facilities				
	First 10,000 SF: None Required				

-9 (R10 ivalent)	TOTAL	COMPLIANCE / NOTES
ries		<p>* Special Permit pursuant to ZR 74-904 to modify height and setback requirements</p>
* 95 ft *		
provided, ft ; See Z-05, Z-12 *		<p>* Special Permit pursuant to ZR 74-904 to modify height and setback requirements</p>
ries		
* 00 ft *		
provided, ft ; See Z-05, Z-12 *		
		Complies
		Complies

Sheet No.

LOGO IF APPLICABLE

LENOX HILL HOSPITAL REDEVELOPMENT

Special Permit Drawings NOT FOR CONSTRUCTION

100 E 77th St. New York, NY 10075
Northwell Health

Architect
Ennead Architects, LLP
1 World Trade Center 40th Floor
New York, New York 10007
T: 212.807.7171
www.ennead.com

	Community Facility	
	Existing to Remain	
	Proposed New	
	Total	
	Existing to Remain	
	Proposed New	
Total Maximum Proposed Floor Area		

LOT COVERAGE REGULATIONS		
23-362	Residential (Corner Lots 100%; Interior/Through Lots 80%)	
24-11		
24-12	Commercial	
	Community Facility	
	Corner Lot (10,000 sf each)	
	Permitted	Maximum
	Provided	Corner Lot A: Corner Lot C: 1
	Interior Lot (433 sf)	
	Permitted	Maximum
	Provided	Interior Lot

YARD REGULATIONS		
24-34	Front Yard	
24-35	Side Yard	
33-25		
24-391	Rear Yards	
24-392		Within 100 feet of corners
33-301		Along short dimension of blocks
33-302		Zoning lot occupying entire block
33-28		

HEIGHT AND SETBACK REGULATIONS		
24-522	Wide Street	
33-01	Required	
33-432		Front Wall Location 10
92-22(a)		Setback 10
92-23		Front Wall Height
	Provided	
		Max Height / Sky Exposure Plane
		Front Wall Location Portions of Front v
		Setback
		Front Wall Height
		Max Height / Sky Exposure Plane

FLOOR AREA SUMMARY					
	R10 / PI**		C1-8		C1-9
	Commercial	Community Facility	Commercial	Community Facility	Commercial
Existing to Remain	0	143,058	0	255,216	0
Proposed New *	0	5,414	0	312,990	2,500
TOTAL *	0	148,472	0	568,206	2,500
NOTE:	* Allocation of floor area between zoning districts subject to change, b community facility floor area exceed 1,034,471 SF or total floor area e: As-of-right uses under zoning permitted.				
	** Floor area shall not exceed 204,340 SF within R10 portion of the zo				

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Required		
Hospitals and related facilities		
First 10,000 SF: None Required		
Next 290,000 SF: 1		Proposed New Hospital Use: 635,951 SF = 4 required
Each Additional 300,000 SF: 1		
Commercial uses (retail)		
First 25,000 SF: None Required		
Next 15,000 SF: 1		Proposed New Retail Use: 2,500 SF = 0 required
Next 60,000 SF: 1		
Each additional 150,000 SF: 1		
Total Required		
Provided		
Existing to remain:		2 berths
New:		4 berths
Total Provided		6 berths

STREET TREE PLANTING

Required		
Park Avenue frontage=204.34 LF/25 ft=		8.17 trees
East 76th Street frontage=405 LF/25 ft=		16.2 trees
East 77th Street frontage=405 LF/25 ft =		16.2 trees
Lexington Avenue frontage =204.34 LF/25 ft=		8.17 trees
Total Required:		49 trees
Provided		
Park Avenue frontage		4 trees *
East 76th Street frontage		6 trees *
East 77th Street frontage		4 trees *
Lexington Avenue frontage		0 trees *
Total Provided:		14 trees *

REQUESTED ACTIONS

- g Map Amendment to rezone:
the Lexington Avenue frontage of the Development Site from an C1-8X district to a C1-9 district;
the midblock of the Development Site from an R8B to a C1-8 district.
- g Text Amendment to:
create a new special permit under ZR Section 74-904 (Non-profit or voluntary hospitals in R9 or R10 districts and certain Commercial Districts) pursuant development or enlargement predominantly for Use Group III(B) hospital use on a full-block zoning lot improved with an existing hospital use and local districts, and partially within the Special Park Improvement District, (1) permit a floor area increase of up to 20% for community facility use, (2) allow s with a floor area bonus permitted by authorization in connection with mass transit station improvements pursuant to ZR Section 66-51, and (3) permit provided that the amount of floor area located within the Special Park Improvement District not exceed 10.0 FAR,
- amend ZR Section 66-513(a)(2) to allow a floor area bonus pursuant to Section 66-511 or 66-512, in combination with other floor area bonuses, to exce otherwise permitted on the zoning lot where explicitly allowed by a special permit of the Commission;
- amend ZR Section 92-21 to allow the permitted floor area ratio on a zoning lot partially within the Special Park Improvement District for which a specia exceed 10.0 FAR; and
- establish the portions of the Development Site within the new C1-9 and C1-8 districts as a Mandatory Inclusionary Housing ("MIH") area.
- g special permit pursuant to ZR Section 74-904 to permit a redevelopment of the Development Site predominantly for Use Group 4 non-profit hospital FAR).
- g Authorization pursuant to ZR Section 66-511 to permit, as part of the total proposed 12.5 FAR, a floor area increase of up to 0.5 FAR in connection wi 7th Street station of the Lexington Avenue subway line.
- g Certification pursuant ZR Section 66-21 for a transit volume easement.

Complies

Seal



CPC APPROVAL

* Subject to change pursuant to ZR Section 26-41; 14 trees may be provided on-site, 35 trees or remaining trees provided off-site or paid into a fund pursuant to ZR Section 26-41

pursuant to which the City Planning Commission may, for a nd located in R9 or R10 districts, or equivalent commercial) allow such floor area bonus to be used in combination) permit modifications of applicable bulk regulations,

, to exceed 20 percent of the maximum floor area ratio

a special permit is granted under ZR Section 74-904 to

hospital use with up to 1,034,471 square feet of floor area

ction with improvements to the southbound platform of

4	CC Modification	08-11-2025
3	REVISION SUBMISSION	08-27-2025
2	FLUA2 Submission	01-30-2025
1	FLUA1 Submission	12-20-2024
No.	Issue Name	Date

Date 08/15/2024 Project Number 1643

Scale

Sheet Title ZONING ANALYSIS

Sheet No. Z-02 SET A

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Sheet No.

LOGO IF APPLICABLE

LENOX HILL HOSPITAL REDEVELOPMENT

Special Permit Drawings

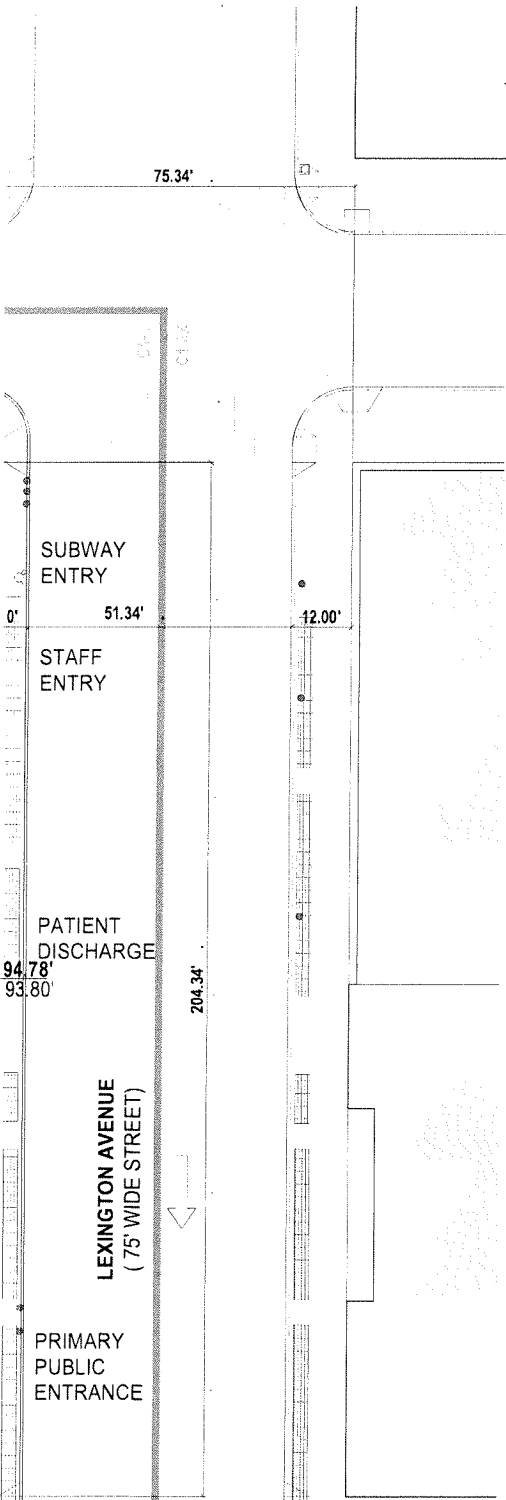
NOT FOR CONSTRUCTION

100 E 77th St, New York, NY 10075

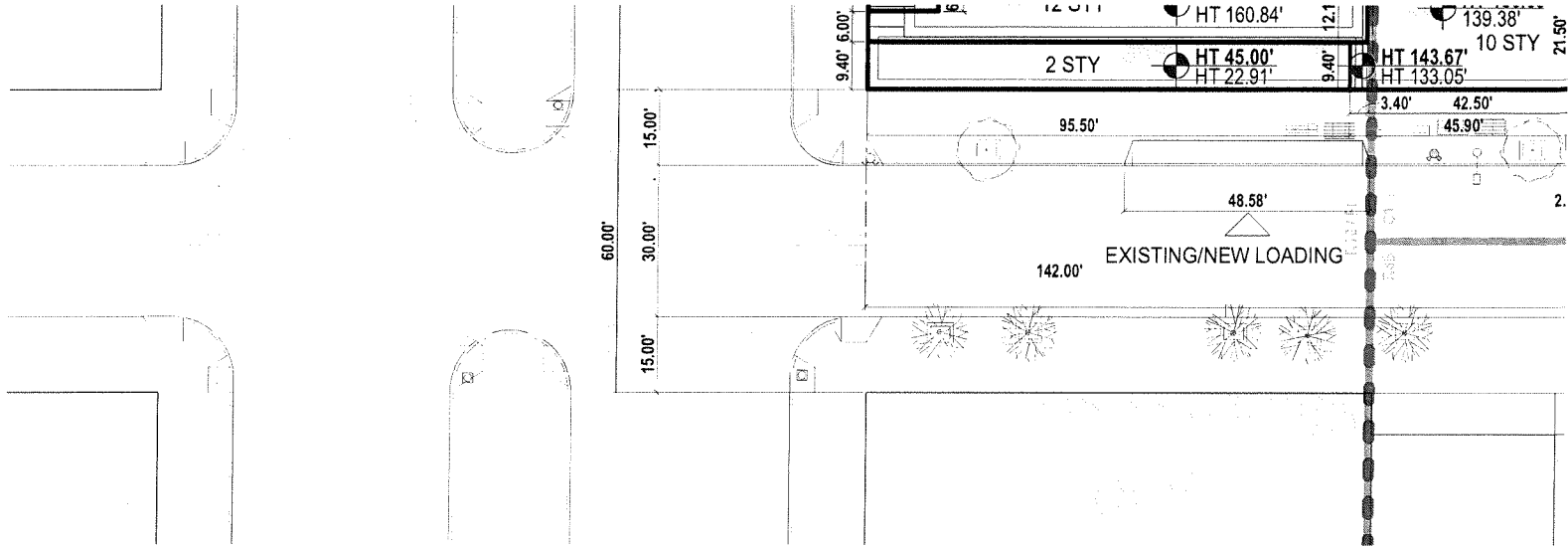
Northwell Health

Architect

Ennead Architects, LLP
1 World Trade Center 40th Floor
New York, New York 10007
T. 212.807.7171
www.ennead.com



ZR SECTION	ITEM	PERMITTED/REQUI
	FLOOR AREA...	
23-22, 24-11, 33-122, 33-123, 92-21	Maximum Floor Area Ratio for non-residential use	Base FAR: 10.0 Max Base floor area: 82, 10.0 = 827,577 SF
66-51	Additional Floor Area for Mass Transit Station Improvements by Authorization	Max floor area bonus per authorization = 20% or 2 whichever is less = 2.0 Max bonus floor area: 82 x 2.0 = 165,515.4 SF
		Max floor area for zoning bonus = 993,092.4 SF

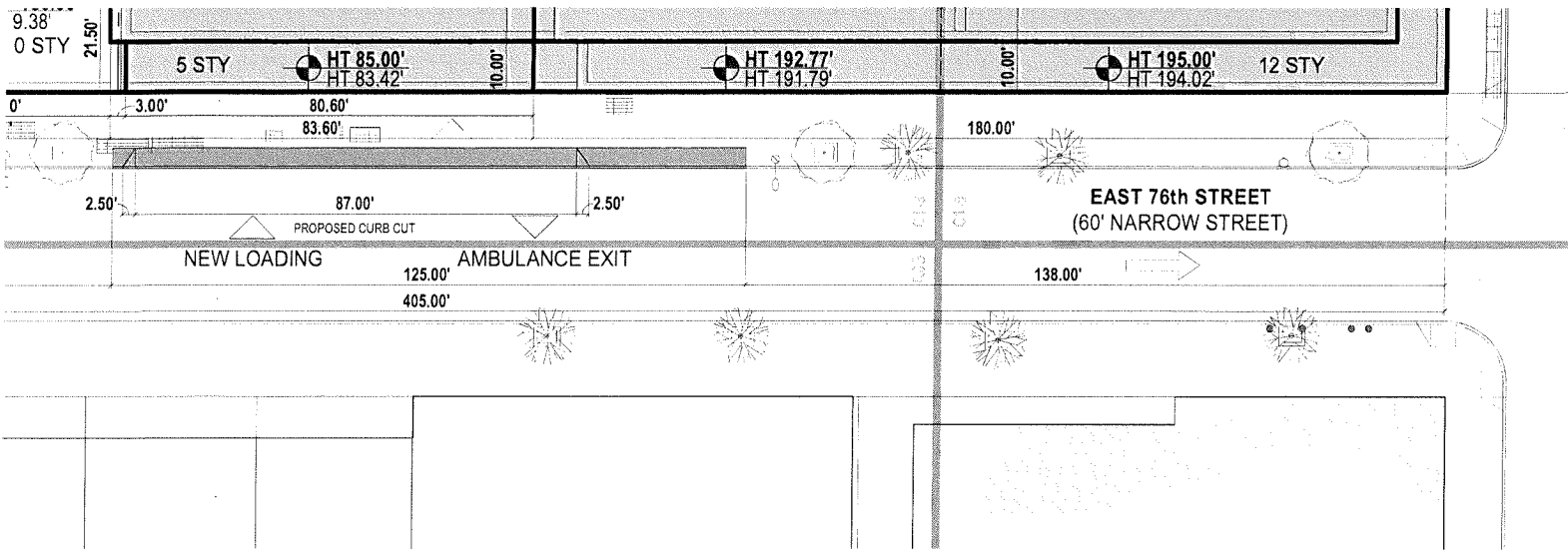


1 SITE PLAN
1" = 20'-0"

REQUIRED	PROPOSED	NOTES/COMPLIANCE
Area: 82,757.7 SF x FAR = 2.0	10.0	
Area: 82,757.7 SF	827,577 SF	
Area: 82,757.7 SF	0.5	Zoning Authorization pursuant to ZR Section 66-511 to permit, as part of the total proposed 12.5 FAR, a floor area increase of up to 0.5 FAR in connection with improvements to the southbound platform of the 77th Street station of the Lexington Avenue subway line.
Area: 82,757.7 SF	41,379 SF	
Area: 82,757.7 SF	868,956 SF	

NOTES

1. Applicant's stamp and seal corresponds to the information on the site plan. Information regarding the surrounding property is not shown. The architect bears no responsibility for inexact information.
2. Elevations referenced to North American Vertical Datum of 1988 (NAVD 88) or Geodetic Survey Datum of Sandy Hook, NJ.
3. Building heights are measured from the applicable average finished ground.
4. Buildings shown within the proposed maximum development are subject to change. Redevelopment may occur anywhere within the site. Existing buildings may be modified and rebuilt subject to applicable zoning and other regulations.
5. Building entrances are shown for illustrative purposes only. Entrances and exits are permitted.
6. Number of stories, floor-to-floor heights and notations are shown for illustrative purposes only and are subject to change.
7. Interior partitions and location of use designations are illustrative only.
8. Street trees adjacent to the zoning lot will be provided in accordance with the applicable zoning code. Trees shall be subject to NYC Department of Parks and Recreation approval.
9. Existing rooftop bulkheads and mechanical equipment may be modified and replaced, provided that any new obstruction does not exceed the applicable zoning code. Permitted obstructions shall be in accordance with location and size restrictions as set forth in the applicable zoning code.
10. Information regarding the lot areas and existing buildings is provided for informational purposes only. Engineering, Environmental, Surveying, Landscape Architecture



LEGEND

formation regarding the development site, zoning lot, and related property is shown for illustrative purposes only, and may not be exact information on surrounding properties.

I Datum of 1988 (NAVD88) which is 1.095 feet above National

le average curb level of each lot portion.

development envelope are for illustrative purposes only and are nywhere within the proposed maximum development envelope. bject to the proposed maximum development envelope.

oses only and are subject to change. Additional entrances and

tions are shown for illustrative purposes only and are subject to

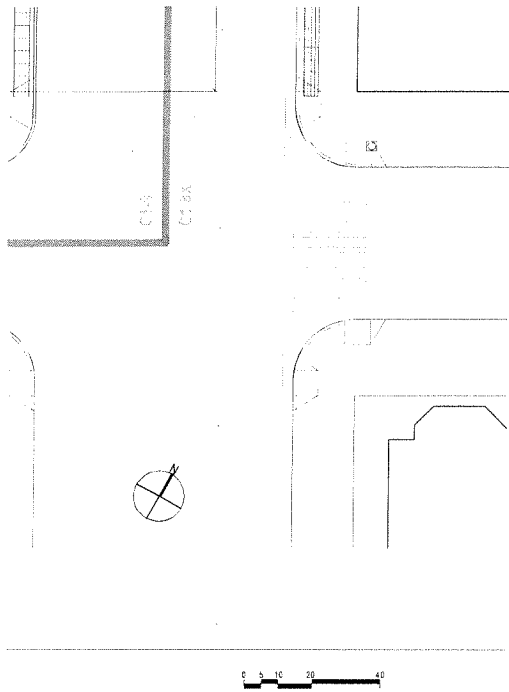
s are illustrative only and subject to change.

vided in accordance with ZR 26-41 the location and number of rks and Recreation.

pmment may be retained as permitted obstructions, or may be structions are in accordance with location and size restrictions structions may be provided above the maximum envelope in set forth in the Zoning Resolution.

buildings are derived from survey prepared by Langan ape Architecture and Geology, D.P.C., dated 06-28-2023.

	HT 436.30'	PROPOSED MAXIMUM BUILDING ENVELOPE	
	HT 436.30'	ILLUSTRATIVE BUILDING HEIGHT	
R-10		ZONING DISTRICT	
C1-8		ZONING DISTRICT	
C1-9		ZONING DISTRICT	
		CURB CUT ZONE	
		SIDEWALK GRATING	
		EXISTING BUILDING	
		PROPOSED BUILDING	
		ZONING LOT LINE	
		ZONING DISTRICT LINE	
		SPECIAL PARK IMPROVEMENT DISTRICT LINE	
		LOT PORTION LINE	
		PROPOSED MAXIMUM BUILDING ENVELOPE ILLUSTRATIVE BUILDING LINE	
		MTA EASEMENT (Zoning Certification pursuant to ZR Section 66-21 for a transit volume easement)	










Seal



CPC APPROVAL

Blank lined area for CPC approval signature and date.

-  EXISTING STREET TREE
-  NEW STREET TREE
-  DIRECTION OF TRAFFIC
-  LOADING ENTRANCE
-  SUBWAY ENTRANCE
-  BUILDING ENTRANCE
-  EXISTING STREET LIGHT
-  NEW STREET LIGHT
-  EXISTING HYDRANT
-  NEW HYDRANT

No.	Issue Name	Date
4	CC Modification	08-11-2025
3	REVISION SUBMISSION	06-27-2025
2	FLUA2 Submission	01-30-2025
1	FLUA1 Submission	12-20-2024

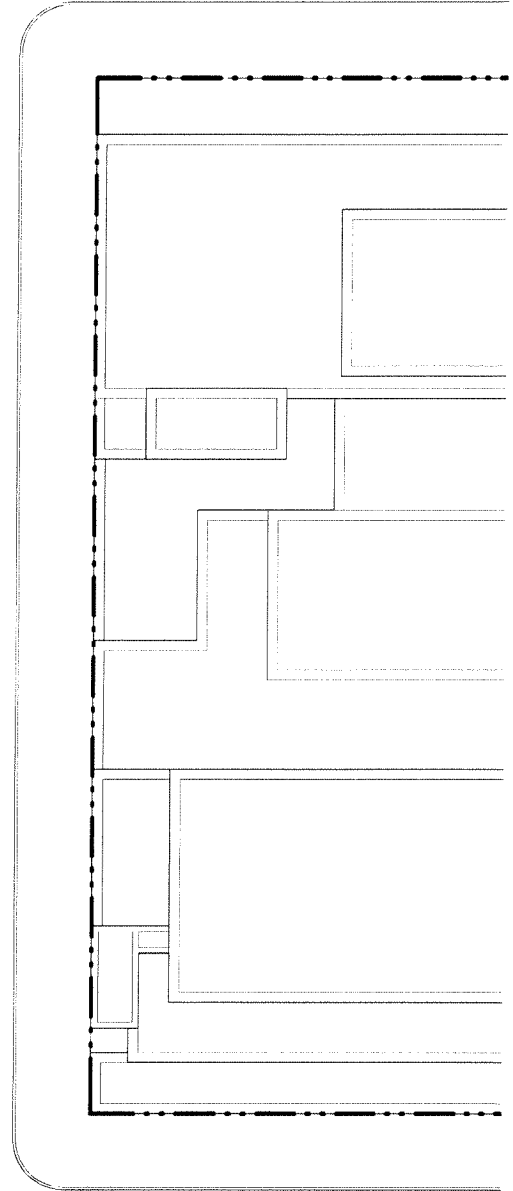
Date: 08/15/2024
 Project Number: 1643
 Scale: As indicated

Sheet Title
ZONING LOT SITE PLAN

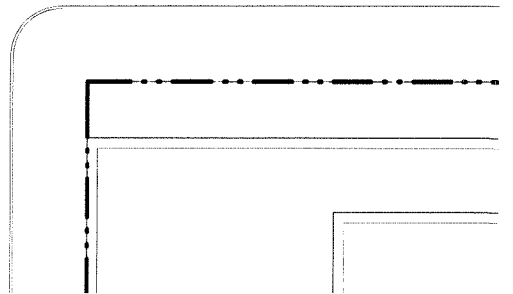
Sheet No.
Z-04 SET A

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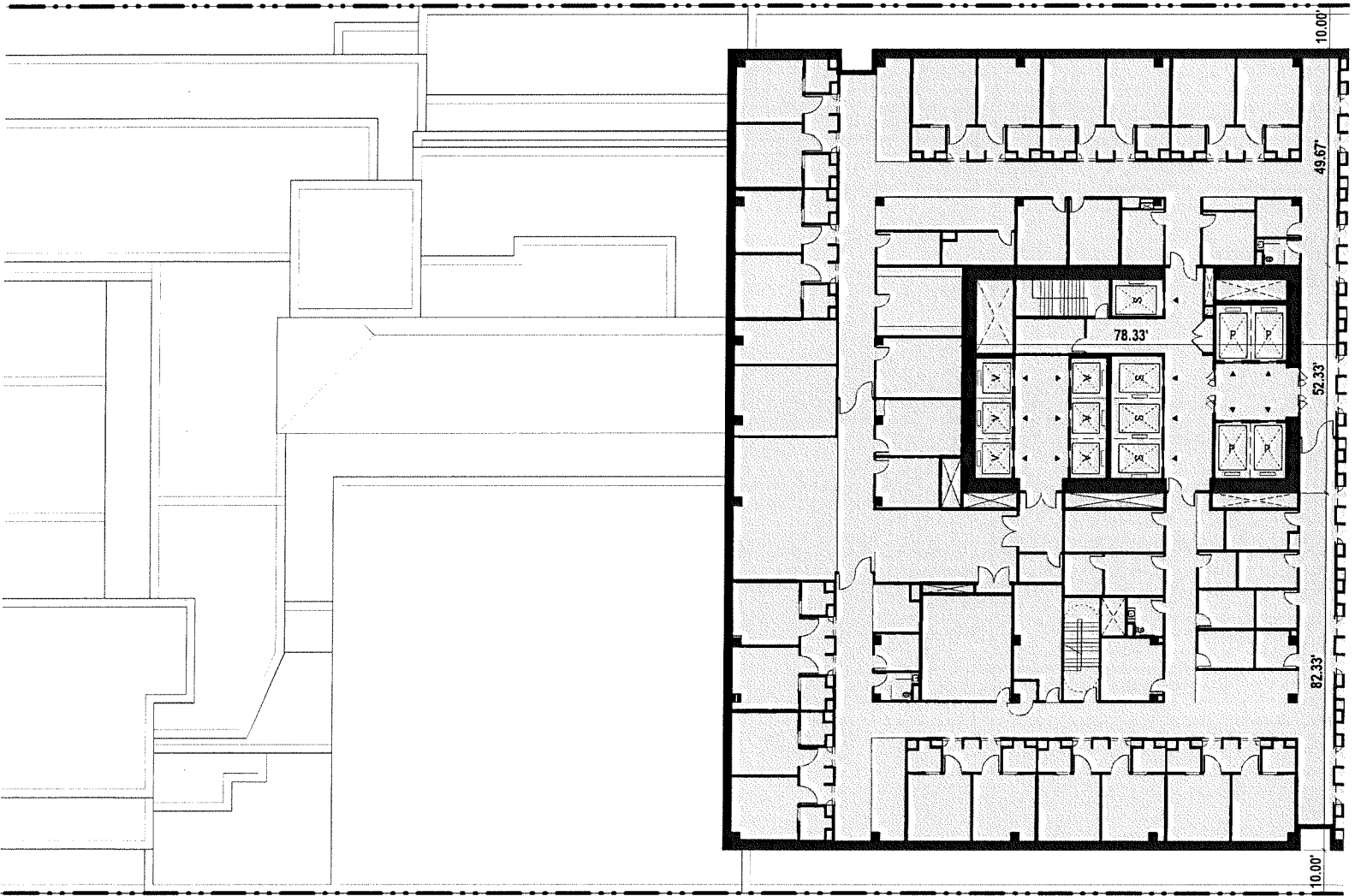
Park Avenue



2 TOWER PLAN - 21st FLOOR
1" = 20'-0"



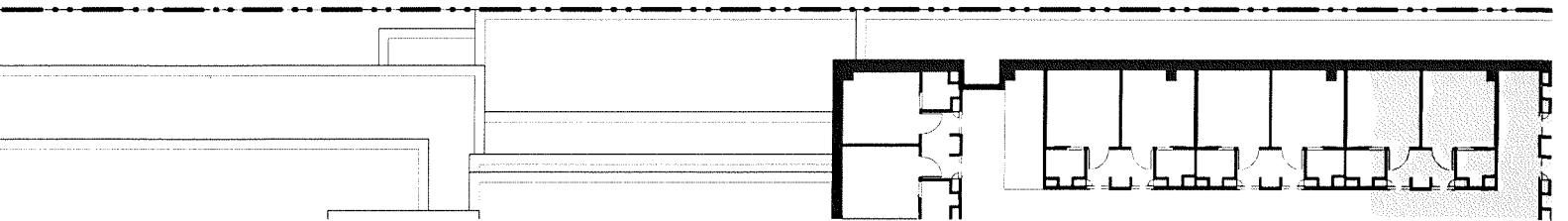
77th Street

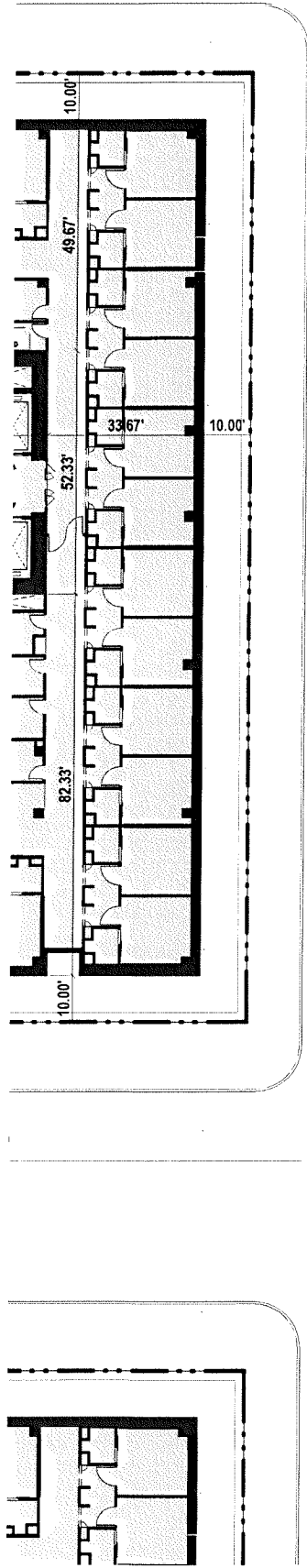


76th Street

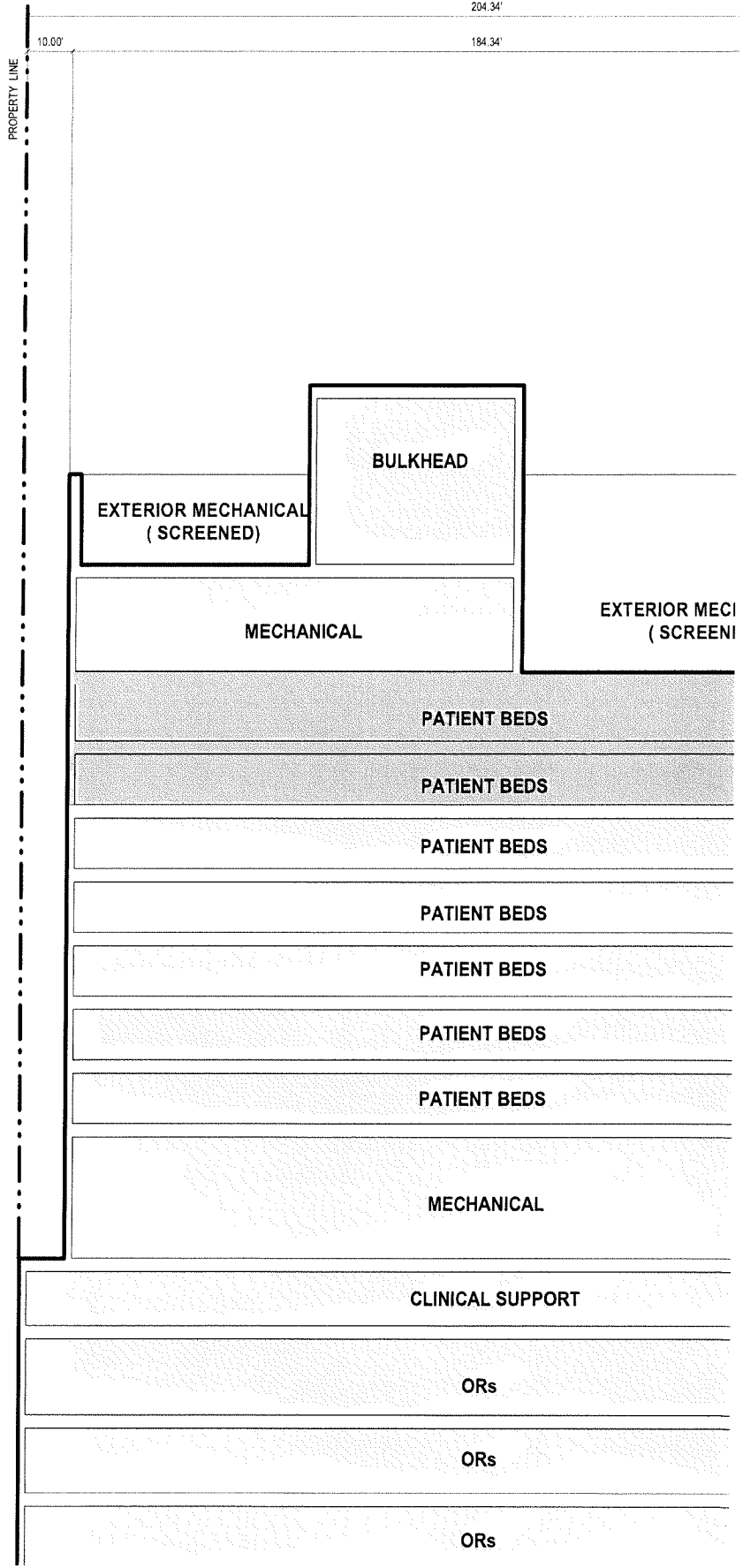
R

77th Street





Lexington Avenue



Sheet No.

LOGO IF APPLICABLE

LENOX HILL HOSPITAL REDEVELOPMENT

Special Permit Drawings NOT FOR CONSTRUCTION

100 E 77th St, New York, NY 10075
Northwell Health

Architect
Ennead Architects, LLP
1 World Trade Center 40th Floor
New York, New York 10007
T: 212.807.7171
www.ennead.com

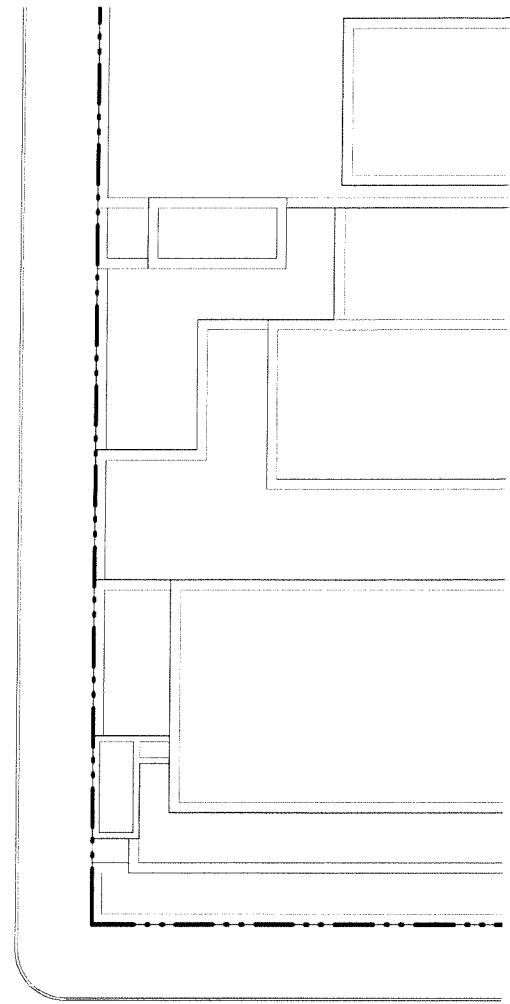
10.00'

PROPERTY LINE

(OR MECHANICAL
SCREENED)

370.00'

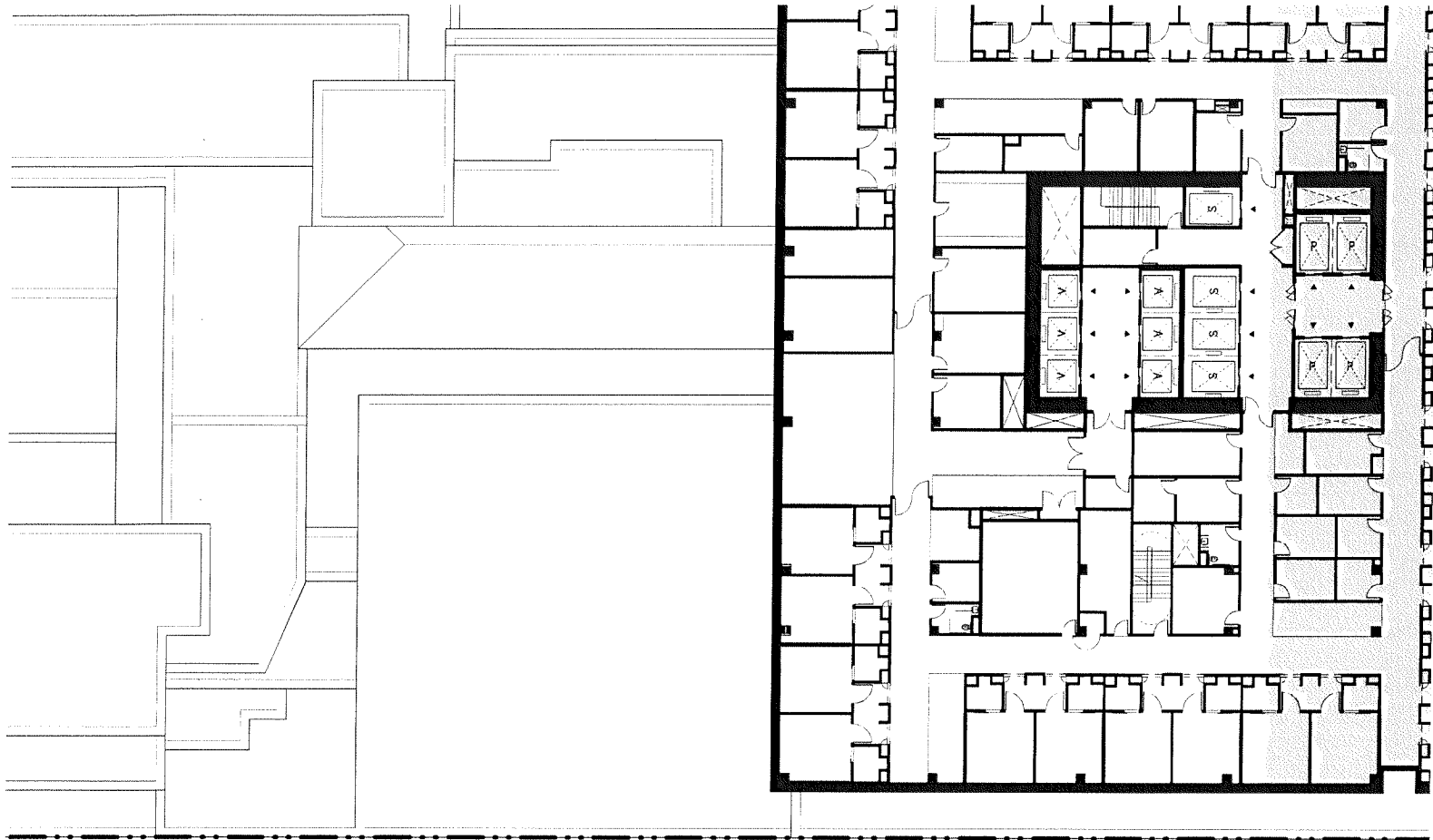
Park Avenue



1 TOWER PLAN - 20th FLOOR
1" = 20'-0"

NOTES

1. Applicant's stamp and seal corresponds zoning lot, and related curb cuts. Informative purposes only, and may not be exact information on surrounding property.
2. Elevations referenced to North American datum above National Geodetic Survey Datum.
3. Building heights are measured from the ground level.
4. Buildings shown within the proposed maximum development envelope are subject to change and are subject to the proposed maximum development envelope.
5. Building entrances are shown for illustrative purposes. Additional entrances and exits are permitted.



R

76th Street

responds to the information regarding the development site, . Information regarding the surrounding property is shown for ay not be exact. The architect bears no responsibility for ing properties.

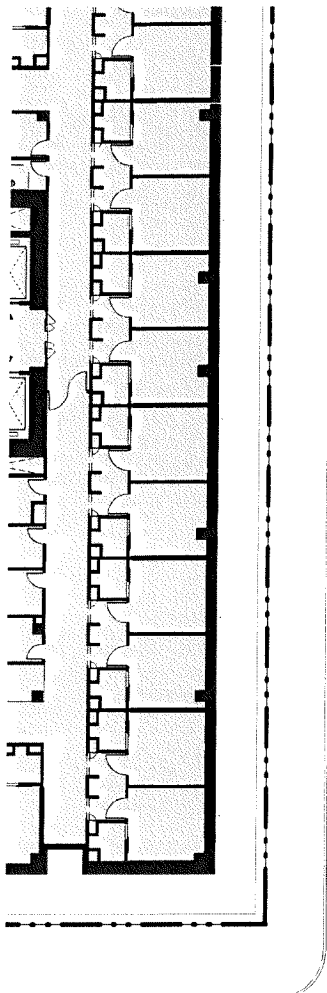
merican Vertical Datum of 1988 (NAVD88) which is 1.095 feet Datum of Sandy Hook, NJ.

rom the applicable average curb level of each lot portion.

osed maximum development envelope are for illustrative o change. Redevelopment may occur anywhere within the nt envelope. Existing buildings may be modified and rebuilt m development envelope.

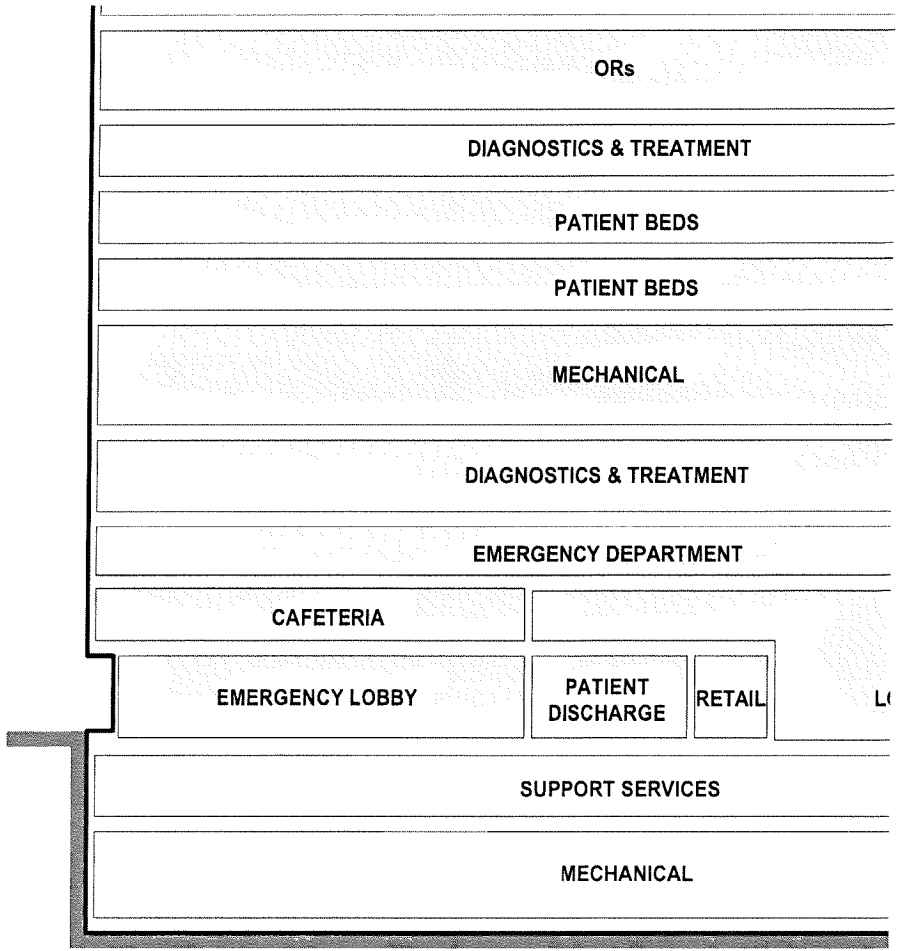
r illustrative purposes only and are subject to change. re permitted.

6. Number of stories, floor-to-floor heights and notations are shown for illustrative purposes and are subject to change.
7. Interior partitions and location of use designations are illustrative only and are subject to change.
8. Street trees adjacent to the zoning lot will be provided in accordance with the zoning resolution and location and number of which shall be subject to NYC Department of Parks and Recreation.
9. Existing rooftop bulkheads and mechanical equipment may be retained or removed, or may be modified and replaced, provided that any new or modified equipment is in accordance with location and size restrictions applicable to permitted uses. Existing rooftop obstructions may be provided above the maximum envelope in accordance with the zoning resolution and size restrictions as set forth in the Zoning Resolution.
10. Information regarding the lot areas and existing buildings are derived from the site survey by Langan Engineering, Environmental, Surveying, Landscape Architecture, Inc. dated 06-28-2023.



Lexington Avenue

77th Street
(Narrow Street)



3 NORTH SOUTH SECTION
1" = 20'-0"

DRAWING LEGEND

 ZONING FOR ACCESSIBILITY PROGRAM BONUS (41,379 SF)

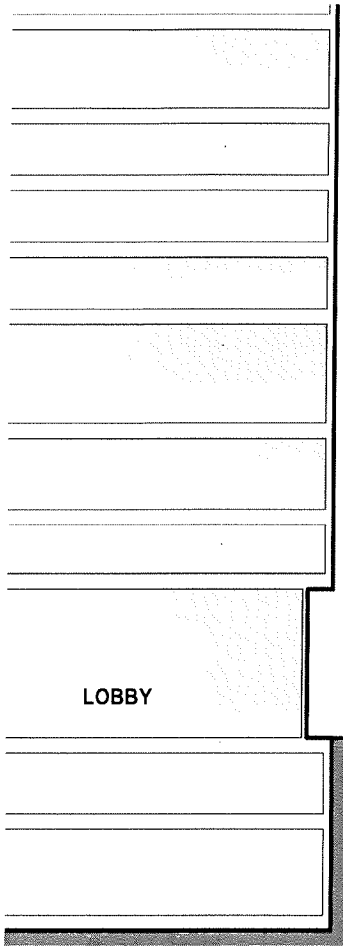
n for illustrative purposes only

e only and subject to change.

ance with ZR 26-41 the
ent of Parks and Recreation.

retained as permitted
y new obstructions are in
itted obstruction. Permitted
accordance with location and

rived from survey prepared by
hitecture and Geology, D.P.C.,



195.00'

LOBBY

76th Street
(Narrow Street)

Seal



CPC APPROVAL

Blank lined area for notes or comments.

No.	Issue Name	Date
4	CC Modification	08-11-2025
3	REVISION SUBMISSION	06-27-2025
2	FLUA2 Submission	01-30-2025
1	FLUA1 Submission	12-20-2024

Date: 08/15/2024 Project Number: 1643

Scale: As indicated

Sheet Title
**ACCESSIBILITY PROGRAM
 BONUS PLAN AND
 SECTION**

Sheet No.
ZZ-01 SET A