Special Permit pursuant to ZR Section 74-904
Lenox Hill Hospital Redevelopment
Project ID: P2017M0299

December 20, 2024

Applicant's Discussion of Conditions & Statement of Findings

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

For a #zoning lot# occupying an entire #block# located in an R9 or an R10 District, or in an equivalent #Commercial 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.

Lenox Hill Hospital (the "Applicant") proposes to redevelop portions of its existing hospital complex occupying the block bounded by Lexington Avenue, East 76th Street, Park Avenue and East 77th Street (the "Development Site") with a new building on the eastern portion of the Development Site, fronting on Lexington Avenue, and the alteration and enlargement of existing buildings at the western portion (collectively, the "Proposed Development") containing predominantly Use Group III(B) non-profit hospital use. The Development Site, which would be redeveloped as a single zoning lot, is located within C1-9 (R10 equivalent), C1-8 (R9 equivalent, and R10 districts, and the area within the R10 district is also mapped within the Special Park Improvement District.

(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.

The Proposed Development would utilize two floor area bonuses totaling 2.5 FAR (206,894 square feet). First, the Applicant seeks a floor area bonus to increase the maximum permitted community facility floor area ratio by 2.0 FAR (165,515 square feet), from 10.0 FAR to 12.0 FAR, an increase of twenty percent. Second, the Applicant seeks a floor area bonus of up to

0.5 FAR (41,379 square feet) by an authorization of the Commission under Section 66-511 in connection with proposed improvements, including accessibility enhancements, at the southbound platform of the 77th Street Station of the Lexington Avenue (6 train) subway line.

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

Two maximum building envelopes for the Proposed Development, known as "Envelope 1" and "Envelope 2," are proposed. As shown on Dwg. Nos. Z-02 through Z-21 of Set B (the "Envelope 2 Drawings") of the drawings by Ennead Architects LLP included with this application, with respect to Envelope 2, the Application seeks modifications to front wall height, setback and sky exposure plane regulations for community facility buildings within C1-9, C1-8 and R10 districts, as well as front wall height and setback controls of the Special Park Improvement District and community facility lot coverage controls within R10 districts. In addition, modification of the streetscape regulations applicable to East 76th Street and East 77th Street of the portion of the Development Site within the C1-9 and C1-8 districts are sought to allow for on-site loading berths and ambulance bays of sufficient size to meet the hospital's programmatic needs.

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

(1) a minimum of 75 percent of any #development# or #enlargement# on such #zoning lot# will be allocated to such hospital #use#;

As shown on the Envelope 2 Drawings, the Proposed Development includes construction of a new, efficient hospital building with large floor plates on the eastern portion of the Development Site (the "New Hospital Building") and renovation and alteration of the buildings to remain on the western portion of the Development Site, resulting in an integrated, upgraded Lenox Hill Hospital complex. The current hospital contains approximately 7.5 FAR (620,500 square feet), and the total floor area within the Proposed Development would be up to 12.5 FAR (1,034,471 square feet). Of this amount, approximately 1,031,971 square feet of floor area (99.76% of the total floor area) would be Use Group III(B) hospital use, comprising 600,662 square feet within the New Hospital Building and 433,809 square feet within the renovated and reconfigured existing buildings on the western portion of the Development Site; and up to approximately 2,500 square feet (0.24%) would be retail area within the New Hospital Building.

(2) the bonus #floor area# allowed pursuant to this Section shall be exclusively allocated to such hospital #use#; and

All of the proposed 206,894 square feet (2.5 FAR) of bonus floor area within the Proposed Development would be allocated to Use Group III(B) hospital use.

(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.

While the Proposed Development would contain a total of up to 1,034,471 square feet, equating to 12.5 FAR on the Development Site as a whole, the amount of floor area provided on the portion of the Development Site within the Special Park Improvement District would not exceed 10.0 FAR on such portion (approximately 204,340 square feet).

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

(1) the public benefit derived from such proposed hospital #development# or #enlargement# merits the additional #floor area# being granted pursuant to this special permit;

The Applicant seeks a total floor area bonus of up to 206,894 square feet (2.5 FAR) to facilitate an expansion and modernization of Lenox Hill Hospital in its current location. The Development Site is currently improved with a hospital complex containing approximately 620,500 square feet of zoning floor area spread across ten buildings constructed between the late 1800s and early 1970s. The configuration of the existing buildings represents nearly a century of evolution of best practices in hospital construction, but do not reflect significant changes in healthcare standards over the past half-century. While the existing buildings have been interconnected to function as a single hospital, there are inconsistencies in elevation, and many of the buildings have long, narrow floor plates. Due to these constraints, operating suites are undersized, and the majority of patient beds are provided in multi-bedded rooms. Despite approximately $275 million in capital investment since 2010, Lenox Hill Hospital does not meet current best practices for hospital design, and there are serious inefficiencies that cannot be addressed within the constraints imposed by the current complex and that impose limitations on the Applicant's on-going ability to deliver world-class healthcare to the community it serves, a reality highlighted by the ongoing COVID-19 pandemic.

For example, the majority of the 450 patient beds currently provided within the existing complex are within double-bedded rooms, rather than single-bedded rooms. In general, double-bedded rooms result in increased infection risks and reduce patient privacy. In addition, the typical existing patient rooms at Lenox Hill Hospital provide only approximately 130 square feet of space per patient within the double-bedded rooms, which places constraints on the clinical team, limits the incorporation of new medical technology, and does not allow sufficient space for family, caregivers and other visitors. The Proposed Development would slightly increase the total number

of patient beds provided, from 450 to 475,[1] but would provide all of these beds within single-bedded rooms with approximately 360 square feet of space per patient, including ADA-compliant restrooms, appropriate space for the clinical team and medical equipment, and adequate space for family, caregivers and other visitors. These enhancements are expected to significantly improve the patient experience and outcomes, and would align Lenox Hill Hospital with the standard of care required by the latest codes and industry requirements.

Similarly, the proposed increase in floor area would allow the Proposed Development to increase the typical size of operating rooms from approximately 300 square feet to approximately 900 square feet, allowing the incorporation of new medical technologies, and will allow operating rooms to be arranged around a sterile core for the transportation of materials. The total number of operating rooms would also be increased from 25 to 30, improving the ability of Lenox Hill Hospital to efficiently address the acute care needs of the communities it serves.

In addition to increased area for, and an efficient layout of, patient rooms and operating suites, the Proposed Development will include new off-street ambulance parking and loading berths, robust mechanical ventilation systems, adequate lobby and pre-treatment screening areas, and a right-sized emergency department to reduce patient congestion and limit cross-contamination. These significant programmatic improvements will bring Lenox Hill Hospital up to contemporary industry standards and will enable the hospital to continue to provide world-class healthcare services to the Lenox Hill neighborhood and the New York City community more broadly, providing a significant public benefit that merits the proposed floor area increase.

(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

The Applicant seeks bulk modifications as shown on the Envelope 2 Drawings to allow construction of the New Hospital Building in a manner that will allow it and the remaining existing portions of the complex to function as an integrated hospital, while also allowing for on-going patient care during construction of the Proposed Development. As described above, the existing Lenox Hill Hospital complex consists of ten buildings constructed over the course of nearly a century, and while these buildings have been interconnected, the existing floor plates are of varying sizes and at inconsistent elevations, resulting in significant operational inefficiencies that cannot be addressed without redevelopment. The Proposed Development would include demolition of the four existing buildings along the Lexington Avenue frontage, and one additional building and portions of two other buildings at the midblock, to allow construction of the New

[1] Lenox Hill Hospital is current licensed by the New York State Department of Health to provide up to 634 patient beds.

Hospital Building to contemporary hospital standards within the existing hospital footprint. The New Hospital Building would consist of a podium portion with a height of approximately 195 feet, except at the midblock on East 76th Street, where the podium would set back at a height of approximately 85 feet above the new loading berths. The podium would include an expanded lobby entrance in a new location, at the southern portion of the Lexington Avenue frontage; a right-sized emergency department with a new, separate entrance; an off-street ambulance loading bay on East 77th Street; and industry standard operating suites and patient rooms. Above the podium, the building would rise to a total height of 395 feet (inclusive of mechanicals) on Lexington Avenue and 360 feet at the midblock on East 76th Street, which would include several floors of single-bedded patient rooms surrounding a vertical circulation core. The building portion above the podium would also include necessary mechanical space to support the hospital's operations.

The New Hospital Building has been located and configured to allow for the ongoing operation of Lenox Hill Hospital during construction, as hospital functions will temporarily be consolidated within retained buildings fronting on Park Avenue (the most recently-constructed buildings on the Development Site) and portions of buildings to be retained at the midblock. The Proposed Development also includes alterations and minor enlargements of the retained buildings to upgrade patient rooms from double- to single-bedded rooms, provide a new mother-baby hospital entrance at the midblock on Park Avenue, and provide a new fire stair tower in connection with building upgrades.

The proposed modifications of front wall height, setback and sky exposure plane requirements applicable to community facility uses in C1-8 and C1-9 districts, as shown on Dwgs. Z-05 and Z-07 through Z-12 of the Envelope 2 Drawings, are necessary to allow for construction of the New Hospital Building with large floor plates on the eastern portion of the Development Site. By replacing all or portions of seven existing, interconnected buildings on the block, the New Hospital Building will significantly improve the hospital's operational efficiently, while also accommodating necessary programmatic improvements, including providing single-bedded patient rooms, larger operating suites to accommodate new medical technologies, and a right-sized emergency department. The modifications of bulk regulations to facilitate the New Hospital Building will, by concentrating bulk on the eastern and midblock portion of the Development Site, allow portions of the existing hospital complex to be retained to provide ongoing patient care throughout construction of the Proposed Development. Without the proposed bulk modifications for the New Hospital Building, the potential podium height would be limited, floor plate sizes above the podium would be significantly reduced, and the redevelopment would not be able to achieve the goal of upgrading and modernizing Lenox Hill Hospital to meet the next generation of healthcare needs.

With respect to the western portion of the block, the proposed modifications to the Special Park Improvement District front wall minimum and maximum heights, community facility lot

coverage, and height and setback regulations applicable beyond 50 feet from Park Avenue, will ensure that the existing buildings will remain essentially as they are today (below the maximum allowed in the Special District), with slight flexibility to accommodate a new mother-baby hospital entrance on Park Avenue, a stair enlargement to facilitate interior reconfiguration and upgrade of patient rooms, and potential future alterations that do not exceed the maximum permitted floor area on the Development Site under the proposed special permit. Collectively, the proposed bulk modifications will facilitate significant improvements to operational efficiency and to patient experience and outcomes, will allow for ongoing patient care and, following construction of the Proposed Development, will deliver a far better-integrated Lenox Hill Hospital complex on the Development Site than would be possible without the proposed modifications.

(3) where modifications to #bulk# regulations 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 proposed bulk modifications will result in a satisfactory site plan on the Development Site, in light of the project's aim to provide a significant upgrade of Lenox Hill Hospital while allowing for ongoing hospital operations. As shown on the Envelope 2 Drawings, the proposed bulk modifications would allow the New Hospital Building to be constructed with large, efficient floor plates below a height of approximately 195 feet, and above the podium with patient beds rising up to a total height of 395 feet (inclusive of rooftop mechanical installations) at the Lexington Avenue frontage and 360 feet (inclusive of rooftop mechanicals) in the midblock along the East 76th Street frontage. The proposed modifications of front wall height, setback and sky exposure plane controls will allow the floor area provided in the New Hospital Building, including bonus floor area, to be located primarily at the Lexington Avenue frontage. The proposed modifications will also permit the New Hospital Building to have larger floor plates for patient room floors up to a height of 360 feet, including a patient wing within the midblock, which allows for a lower total building height than would otherwise be necessary to encompass the hospital program. The midblock wing will be located on 76th Street, across from blocks which contain several buildings that exceed current height controls, with a setback of approximately 60 feet from 77th Street and the lower-rise context of blocks to the north. It is anticipated that the design of the New Hospital Building will include materials and façade elements that differentiate the midblock wing from the primary portion of the hospital above the podium. The proposed bulk modifications also will allow the form of existing buildings on the western portion of the Development Site to be retained in largely their current forms, below the maximum height permitted within the Special Park Improvement District, with some flexibility for alterations and minor enlargements in connection to upgrade patient care and service within that portion of the hospital complex.

The proposed bulk modifications will also result in a satisfactory urban design relationship of the Proposed Development to adjacent streets and the surrounding area. The massing of the

New Hospital Building would contribute to the variety of building forms and heights along the Lexington Avenue corridor, and at the midblock on East 76th Street, a setback would be provided at a lower height of 85 feet, providing variation in front wall heights and a sense of lower scale on this side street frontage. These bulk modifications also would allow for significant streetscape enhancements, as floor area is located higher within the building. These enhancements include new off-street loading berths on East 76th Street, alleviating impacts to pedestrian activity on that frontage; a new, approximately 148-foot wide off-street ambulance bay on East 77th Street, allowing for private, off-street unloading and transfer of patients rather than the current on-street, exposed condition; and at-grade covered open area adjacent to the Lexington Avenue sidewalk.

With respect to the existing buildings to remain, the proposed bulk modifications will allow existing building forms largely to be retained, including lower front walls at the midblock of Park Avenue and at the intersections of Park Avenue and 76th and 77th Streets, and allowing such walls to be offset from the street line. In addition to allowing lower-scale areas to be retained, the proposed envelope will accommodate alterations and minor enlargements in connection with the hospital upgrade, including a new midblock mother-baby hospital entrance on Park Avenue. This frontage is largely blank today, and by activating the ground floor at the midblock, the new entrance will improve the urban design relationship of these existing buildings to the adjacent streets.

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

Authorization pursuant to ZR Section 66-511
Lenox Hill Hospital Redevelopment
Project ID: P2017M0299

December 20, 2024

Applicant's Discussion of Conditions & Statement of Findings

ZR Section 66-511
Additional floor area for mass transit station improvements by authorization

For #developments# or #enlargements# located on #qualifying transit improvement sites# the City Planning Commission may grant, by authorization, an increase in the maximum permitted #floor area ratio#, up to a maximum of 20 percent or 200,000 square feet of #floor area#, whichever is less, where a major improvement to a #mass transit station# is provided.

The Development Site is adjacent to the southbound platform of the 77th Street Station of the Lexington Avenue (6 train) subway line (the "Subway Station"). In connection with the Proposed Development, the Applicant proposes to construct improvements to the station to provide ADA-compliant access and is seeking a floor area bonus of up to 41,379 square feet (0.5 FAR).

The provisions of Section 66-513 (Additional rules and limitations, conditions, findings and requirements) shall apply to all #developments# or #enlargements# utilizing the provisions of this Section. Additional rules and limitations on bonus #floor area# are set forth in paragraph (a), conditions associated with the improvement to a #mass transit station# are set forth in paragraph (b), application requirements are set forth in paragraph (c), the findings that must be met in order for the Commission to grant the authorization, are set forth in paragraph (d), and additional requirements for all applications are set forth in paragraph (e).

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

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ZR Section 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#;

The Applicant is seeking a floor area bonus of up to 41,379 square feet (0.5 FAR) in connection with proposed improvements to the Subway Station. This is five percent of the basic maximum floor area permitted for community facility use on the Development Site (10.0 FAR), and, pursuant to Section 66-513(a)(2)(iii), would be utilized in connection with a floor area bonus of 2.0 FAR for a project subject to a special permit under Section 74-904, resulting in a total floor area ratio of 12.5 FAR for the Proposed Development.

(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

The Applicant is seeking a special permit pursuant to ZR Section 74-904, which permits a floor area bonus pursuant to Section 66-51 to be utilized in combination with a floor area bonus for a development or enlargement for hospital use, for a total floor area bonus in excess of twenty percent of the maximum floor area ratio otherwise permitted on the Development Site. The proposed floor area bonuses sought by the Applicant will allow the Proposed Development to be constructed at a total floor area ratio of up to 12.5 FAR.

(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.

Not applicable.

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.

The proposed floor area increase pursuant to ZR Section 66-511 is up to 41,379 square feet.

(b) Conditions

All applications shall include proposed on-site or off-site improvements to a proximate #mass transit station#, that shall be characteristic of current best practice in mass transit network design.

All applications shall include accessibility or capacity-enhancing improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities. Where improvements are proposed for a #mass transit station# that is not in compliance with the Americans with Disabilities Act, accessibility improvements shall be prioritized.

In addition to accessibility or capacity-enhancing improvements, environmental design or resiliency improvements may also be provided, including but not limited to, daylight access, retail #uses#, enhancements to noise abatement, air quality, lighting, finishes, rider orientation in new or existing passageways, or flood resiliency upgrades.

All proposed improvements shall be subject to the approval of the applicable #transit agency# and the City Planning Commission.

The Applicant has been working with NYCT since 2018 to determine the feasibility of improvements to access to the southbound platform of the Subway Station in light of below-grade utility lines and the existing configuration of the station. As shown on concept plans by Stantec included with this application (the "Station Improvement Drawings"), which have been developed in consultation with NYCT, the Applicant is proposing significant improvements to the access to the southbound platform of the Subway Station at the southwest corner of the intersection of Lexington Avenue and East 77th Street (the "Station Improvements"). Access at this corner is currently provided by two five-foot wide stairs within the sidewalk adjacent to the Development Site, and the station does not currently provide ADA-compliant access via an elevator or otherwise. The existing stairs at this corner would be replaced by a new 15'-4" wide stair within the hospital property, beneath portions of the Proposed Development. The new stair entrance would face Lexington Avenue and would open onto an approximately 725 square foot open area within the Development Site, which will provide covered pedestrian circulation space adjacent to the sidewalks along Lexington Avenue and East 77th Street.

In addition to the new, widened stair and pedestrian circulation area, the proposed Station Improvements include an elevator from street level to the station mezzanine level, within the Development Site, and a ramp providing access between the station mezzanine and platform, providing full ADA access between street level and the platform. Within the station, in connection with reconfiguration to accommodate the stair and elevators, improved lighting and security systems would also be provided.

(c) Application requirements

All applications shall include the following:

(1) Prior to submitting an application, the applicant shall submit a schematic or concept plan for the proposed improvement to the #transit agency# and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.

The Applicant has developed concept plans for the Station Improvements in coordination with NYCT, a copy of which is included with this application.

(2) At the time of application referral or certification, the Commission shall be provided with the following application materials:

(i) a letter from the #transit agency# containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;

A letter from NYCT confirming conceptual approval of the Station Improvements is included with this application.

(ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and

This application includes all information and justification sufficient to provide the Commission for evaluating the benefits of the Station Improvements to the general public.

(iii) initial plans for the maintenance of the proposed improvements.

As reflected in the letter from NYCT included with the application, it is anticipated that the Applicant will be responsible for maintenance of the proposed improvements, with specific requirements subject to ongoing negotiations with NYCT.

(3) Where a #transit volume# is needed pursuant to the provisions of Section 66-21 (Determination and Certification for Transit Volumes), the applicant shall provide materials sufficient to demonstrate the relationship between the proposed on-site improvement and such #transit volume#.

The area of the transit volume required by NYCT pursuant to ZR Section 66-21 is shown on Dwg. Z-04 of the Envelope 2 Drawings. As shown on the Station Improvement Drawings, the Station Improvements would include a new stairway, a new elevator, an at-grade circulation area and below-grade station space within property lines of the Development Site.

(d) Findings

In order to grant such #floor area# bonus, the Commission shall find that:

(1) the public benefit derived from the #mass transit station# improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to the authorization or special permit;

The proposed Station Improvements will provide a substantial benefit to the public in connection with the Proposed Development. The proposed stairway reconfiguration will replace two unenclosed five-foot wide stairs with a single 15'-4" stair located beneath portions of the Proposed Development. The new stair will increase stair capacity at this corner by roughly 50%, it would be protected from the elements. An approximately 725-square foot covered open area would also be provided on the Development Site adjacent to the stair. Most significantly, the Station Improvements is providing full ADA access to the station with the introduction of accessibility to the southbound platform of the Subway Station through the construction of an elevator from street level to the station mezzanine level, within the Development Site, and a ramp providing access between the station mezzanine and platform. This work represents a substantial benefit to the public and warrants the relatively modest floor area bonus of 41,379 square feet (0.5 FAR) sought by the Applicant in connection with the Proposed Development.

(2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, such improvements will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; and

The Applicant's proposed stairway reconfiguration and expansion and provision of elevator access would be significant enhancements to connectivity from the pedestrian circulation network at and around the Development Site, which will also be enhanced by the Proposed Development, to the southbound platform of the Subway Station.

(3) where environmental design or resiliency improvements are provided in addition to accessibility or capacity-enhancing improvements, such improvements will constitute significant enhancements to the station environment or its function.

Not applicable.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

(1) Prior to the granting of such #floor area# bonus, the following requirements shall be met:

(i) To the extent required by the #transit agency#, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#; and

The Applicant will coordinate with NYCT as to the potential need for execution of an agreement with respect to the Station Improvements prior to approval of the floor area bonus.

(ii) The City Planning Commission shall be provided with a final letter of approval from the transit agency stating that the drawings and other documents submitted by the applicant have been determined by such transit agency to be of sufficient scope and detail to describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

A final approval letter from NYCT with respect to the plans for the Station Improvements will be provided prior to approval of the floor area bonus.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

A written declaration of restrictions in a form acceptable to the Chairperson will be recorded against the Development Site in connection with this application.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus floor area shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the transit agency, where applicable.

Where an #easement volume# is needed pursuant to the provisions of Section 66-21 (Determination and Certification for Transit Volumes) or Section 66-31 (Determination and Certification for Optional Transit Volumes), the provisions of paragraph (b) of Section 66-41 (Construction, Maintenance and Other Obligations) shall not apply.

The portion of the New Hospital Building utilizing bonus floor area is shown on Dwg. ZZ-01 of the Envelope 2 Drawings, which will be included in the declaration of restrictions filed in accordance with Section 66-513(e)(2). The Applicant acknowledges that no temporary certificate of occupancy will be granted for this portion of the New Hospital Building until the Station Improvements have been substantially completed and are useable by the public, and no permanent certificate of occupancy will be granted for this portion until the Station Improvements have been finally completed.

Certification pursuant to ZR Section 66-21(c)
Lenox Hill Hospital Redevelopment
Project ID: P2017M0299

December 20, 2024

Applicant's Discussion of Conditions

66-21
Determination and Certification for Transit Volumes

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination by the #transit agency# as to whether a #transit volume# is needed on the #zoning lot# shall be obtained pursuant to the provisions of this Section prior to any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit. An initial determination by the #transit agency# shall be made in accordance with paragraph (a) of this Section. Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established in accordance with paragraph (b) of this Section, and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c).

(a) Initial determination

The owner of the #zoning lot# shall request a determination by the #transit agency# as to whether or not a #transit volume# is needed on the portion of the #zoning lot# not otherwise occupied by existing #buildings# that will remain. Within 30 days of receipt of such request, the #transit agency# shall issue a determination, indicating whether or not a #transit volume# is needed on such portion of the #zoning lot#. Failure by the #transit agency# to issue the determination within the 30-day period will release the owner from any obligation to provide a #transit volume# on such #zoning lot#.

Where the #transit agency# determines a #transit volume# is needed on the #zoning lot#, the provisions of paragraphs (b) and (c) of this Section shall apply. Where the #transit agency# determines a #transit volume# is not needed, a building permit may be issued for such #development# or #enlargement#, and no remaining provisions of this Section shall apply.

The Development Site is a "primary transit-adjacent site" as defined in ZR Section 66-11, as it is adjacent to the Subway Station, and NYCT has determined that a transit volume is needed at the northeast corner of the Development Site, within which the Applicant proposes to construct the Station Improvements.

(b) Determination of easement dimensions and location

Where a #transit volume# is needed, as determined pursuant to the provisions of paragraph (a) of this Section, the #transit agency# shall, within 30 days, determine the appropriate type, dimensions and general location of the #transit volume# on the #zoning lot# based on a concept plan for the use of such volume. Prior to the 30-day period, the #transit agency# may request relevant materials from the owner of the #zoning lot#, including existing and proposed site conditions, or other necessary information that will support the planning of such #transit volume#.

In coordination with the NYCT, the Applicant has determined the area and dimensions of an easement volume that would encompass the proposed Station Improvements.

After the size and general location of the #transit volume# has been determined by the #transit agency#, the owner shall submit for approval by the #transit agency# a site plan showing a proposed specific location of the #transit volume# that would be compatible with the proposed #development# or #enlargement# on the #zoning lot#. The #transit agency# shall, within 30 days of its receipt, either approve the site plan, or request modifications to the #transit volume# within the site plan in a manner that aligns with the concept plan. Upon such request, the owner shall submit a revised site plan, and within 15 days of its receipt, the #transit agency# shall confirm that the requested modifications have been addressed. In the event that such requested modifications have not been sufficiently addressed, subsequent revisions to the site plan may be requested by the #transit agency#, and each submission shall have a 15-day review period from the #transit agency#.

The area of the easement volume as determined by NYCT is shown on the site plan provided as Dwg. Z-04 of the Envelope 2 Drawings.

Upon approval of the site plan by the #transit agency#, such site plan shall be certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section prior to the issuance of a building permit by the Department of Buildings for such #development# or #enlargement#.

The Applicant seeks a certification by the Chairperson of the proposed easement volume as shown on Dwg. Z-04 of the Envelope 2 Drawings.

Notwithstanding the above, a building permit may be issued for a #development# or #enlargement#:

(1) where the size of the proposed #transit volume# exceeds 25 percent of the width of any #street# frontage on the #zoning lot#, as measured along the #street line#; or

Not applicable.

(2) where the number of days associated with the determination and review periods by the #transit agency# exceeds any of the limits set forth in this paragraph, or a total review period of 120 days. The total review period shall only be inclusive of the duration of the #transit agency's# determination and review periods set forth in both paragraphs (a) and (b) of this Section.

Not applicable.

(c) Chairperson certification

Upon approval of the site plan by the #transit agency#, a legally enforceable instrument, running with the land and setting forth the dimensions and location of a #transit volume#, shall be executed and recorded in a form acceptable to the #transit agency# and Chairperson of the City Planning Commission. The Chairperson shall be provided with a certified copy of the legally enforceable instrument, and upon receipt, shall certify the application and forward copies of such certification to the Commissioner of the Department of Buildings. Such certification shall be a precondition for the utilization of

the remaining provisions of Section 66-20, inclusive, in any #development# or #enlargement# on a #zoning lot# where a #transit volume# is needed.

A legally enforceable instrument will be recorded against the Development Site with respect to the transit volume and Station Improvements accepted by NYCT in accordance with the requirements of ZR Section 66-513(e).

Where an #easement volume# is needed on the #zoning lot# pursuant to paragraph (a) and (b) of this Section, additional requirements setting forth the construction, maintenance and other obligations shall apply pursuant to the provisions of Section 66-41 (Construction, Maintenance and Other Obligations).

Not applicable in connection with the Station Improvements pursuant to ZR Section 66-513(e)(3).

No temporary or final certificate of occupancy for the #development# or #enlargement# shall be granted until the Chairperson of the City Planning Commission notifies the Department of Buildings that the execution and recordation of other basic terms of the #easement volume# setting forth the obligations and requirements of either the #transit agency# or the owner and developer, their successors and assigns, inclusive of the requirements set forth in Section 66-41, have been completed.