



**IN THE MATTER OF** an application submitted by One45 Lenox LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a:

1. eliminating from an existing R7-2 District a C1-4 District bounded by a line midway between West 144<sup>th</sup> Street and West 145<sup>th</sup> Street, Lenox Avenue – Malcolm X. Boulevard, West 144<sup>th</sup> Street, and a line 100 feet northwesterly of Lenox Avenue – Malcolm X. Boulevard;
2. changing from an R7-2 District to a C4-6 District property bounded by a line midway between West 144<sup>th</sup> Street and West 145<sup>th</sup> Street, Lenox Avenue – Malcolm X. Boulevard, West 144<sup>th</sup> Street, and a line 100 feet northwesterly of Lenox Avenue – Malcolm X. Boulevard; and
3. changing from a C8-3 District to a C4-6 District property bounded by West 145<sup>th</sup> Street, Lenox Avenue – Malcolm X. Boulevard, a line midway between West 144<sup>th</sup> Street and West 145<sup>th</sup> Street, and a line 160 feet southeasterly of Adam Clayton Powell Jr. Boulevard;

Borough of Manhattan, Community District 10, as shown on a diagram (for illustrative purposes only) dated November 15, 2021, and subject to the conditions of CEQR Declaration E-651.

This application (C 220134 ZMM) for a zoning map amendment was filed by One45 Lenox LLC on October 28, 2021. This application, in conjunction with the related actions, would facilitate the development of a new 32-story, approximately 826,000-square-foot mixed-use building, with approximately 866 to 939 dwelling units; 80,431 to 135,581 square feet of commercial floor area; approximately 44,000 square feet of community facility floor area; and 130 to 141 off-street accessory parking spaces in the Central Harlem neighborhood of Manhattan Community District 10.

On January 14, 2022, One45 Lenox LLC filed an amended application (C 220137(A) ZSM) to modify the surface area, height, and projection limitations of sign regulations and allow community facility signage for the museum to be located on the midblock portion of West 145<sup>th</sup> Street.

## **RELATED ACTIONS**

In addition to the zoning map amendment application that is the subject of this report (C 220134 ZMM), implementation of the proposed development also requires action by the City Planning Commission (CPC) on the following applications, which are being considered concurrently with this application:

- N 220135 ZRM**                    Zoning text amendment to establish the project area as a Mandatory Inclusionary Housing (MIH) area and to allow, by a special permit, commercial uses above residential units
- C 220136 ZSM**                    Special permit to modify the height and setback regulations
- C 220137(A) ZSM**                Special permit to modify supplementary use and sign regulations
- C 220142 ZSM**                    Special permit to modify residential parking regulations
- N 220138 ZCM**                    Zoning certification to modify retail continuity requirements
- N 220139 ZCM**                    Zoning certification to allow additional curb cuts
- N 220143 ZCM**                    Zoning certification to allow curb cuts on a wide street

**BACKGROUND**

The applicant requests a zoning map amendment to change the current zoning designation of the project area from the existing C8-3 and R7-2/C1-4 zoning districts to a C4-6 zoning district to facilitate the development of a new mixed-use building. The new building would contain 866 to 939 dwelling units, of which 216 to 282 would be made permanently affordable pursuant to the MIH program; 80,431 to 135,581 square feet of commercial floor area; approximately 44,000 square feet of community facility floor area; and approximately 130 to 141 off-street accessory parking spaces serviced in a below-grade facility.

The project area which is coterminous with the development site includes contiguous Lots 29, 33, 38, 44, and 50 on the northeast side of Block 2013, located at 685-691 Lenox Avenue and 112-150 West 145<sup>th</sup> Street in the northern portion of Central Harlem. The block is bounded by Adam Clayton Powell, Jr. Boulevard to the west, West 145<sup>th</sup> Street to the north, Lenox Avenue to the east, and West 144<sup>th</sup> Street to the south.

The project area includes five contiguous tax lots that comprise approximately 68,800 square feet of lot area and would be developed as a single zoning lot, with approximately 580 feet of frontage along West 145<sup>th</sup> Street, 200 feet along Lenox Avenue, and 100 feet along West 144<sup>th</sup> Street. Lots 29 and 38 are occupied by four one-and-two-story buildings, with approximately 20,000 square feet of retail and restaurant use, two vacant storefronts, and approximately 8,000 square feet of community facility use. Community facilities include the National Action Network House of Justice headquarters and the Timbuktu Islamic Center. Lot 50 is occupied by a gas station, and Lots 33 and 44 are vacant.

Recent land use actions and developments in the surrounding area include City-sponsored and private land use applications focused on increasing affordable housing development and encouraging a vibrant street character along major thoroughfares and transit hubs. The Special 125<sup>th</sup> Street District (N 080100(A) ZRM and C 080099(A) ZMM), was established in 2008 with the goal of revitalizing the 125<sup>th</sup> Street corridor, a significant cultural and commercial hub in Harlem. This rezoning included the creation of a C4-7 zoning district along major intersections on 125<sup>th</sup> Street, allowing a maximum Floor Area Ratio (FAR) of 12.0 for residential uses that include voluntary affordable housing, with mixed-use towers permitted in certain locations with no maximum building heights. The text for the special district also created incentives for developing performing arts and entertainment uses in recognition of Harlem's historic cultural legacy.

In 2017, the CPC approved the new Special East Harlem Corridors District (C 170358 ZMM, N 170359 ZRM, and C 170360 HUM), along Park and Third avenues located south of 125<sup>th</sup> Street. This neighborhood study and rezoning mapped high density commercial and residential districts and was intended to facilitate the development of affordable housing, preserve existing neighborhood character, improve the pedestrian experience, and create new commercial and manufacturing space to support job creation adjacent to existing and future transit.

The surrounding neighborhood is predominantly residential in character, characterized by five- to 10-story residential buildings in R8 and R7-2 residential zoning districts. Ground-floor retail activity and intermittent second-floor commercial activity can be found along major streets, including West 145<sup>th</sup> Street, Adam Clayton Powell Jr., and Frederick Douglass boulevards. Many public institutions are also

located within the surrounding area, including the Harlem Hospital Center, the Drew Hamilton Community Center, small churches, academic and other community institutions.

The project area is proximate to a variety of parks and open spaces. Directly east of the project area, across Lenox Avenue, is Brigadier General Charles Young Playground, a 6.42-acre open space that includes baseball fields, playgrounds, basketball and handball courts, and public restrooms. Two blocks southwest of the project area, adjacent to P.S. 194, is the 1.34-acre Renaissance Playground. Two blocks northeast of the project area is the 0.44-acre Robert L. Clinkscales Playground and Community Garden. Three blocks northeast of the project area is the 12.7-acre Jackie Robinson Park and Recreation Center.

The surrounding area is well-served by public transit. The 145<sup>th</sup> Street subway station, which provides service to the 3-train line, is located immediately adjacent to the project area at the intersection of West 145<sup>th</sup> Street and Lenox Avenue. Bus service includes the M1, M7, and M102, which run north-south along Lenox Avenue, providing service to the East Village and 14<sup>th</sup> Street; and the BX19, which runs east-west along West 145<sup>th</sup> Street, providing service to the New York Botanical Garden in the north Bronx. The surrounding area also includes access to the A, B, C, and D subway lines with an entrance at 145<sup>th</sup> Street and St. Nicholas Avenue, five blocks west of the project area. Major thoroughfare roadways located one block to the east of the project area provide access to the Harlem River Drive and the 145<sup>th</sup> Street Bridge to the Bronx, with connections to the Major Deegan Expressway and the Cross Bronx Expressway. Four CitiBike hubs are also located nearby, including one at the intersection of West 144<sup>th</sup> Street and Lenox Avenue.

There are several prominent examples of high-rise residential buildings in the surrounding area. Northeast of the project area on Adam Clayton Boulevard, Jr. Blvd and West 147<sup>th</sup> Street is Esplanade Gardens, two 27-story residential buildings developed under a Mitchell-Lama Housing program targeted for moderate to middle-income families. Within a five-block radius of the project area are the four 27-story Dunbar Apartments located at 226 West 150<sup>th</sup> Street, the 16-story Savoy Park Apartments located at 45 West 139<sup>th</sup> Street, and the 21-story Drew Hamilton Houses at 2600 Fredrick Douglas Boulevard between West 142<sup>nd</sup> and West 143<sup>rd</sup> Street owned and operated by the New York City Housing Authority. Further south of the project area, within the Special 125<sup>th</sup> Street District corridor, several commercial and mixed-use towers currently exist or are currently under development. The Victoria Theater

redevelopment, between Adam Clayton Powell, Jr. and Frederick Douglass boulevards, will rise to 27 stories and include approximately 400 hotel rooms and residential units and is scheduled to open in early 2023.

The two blocks immediately to the north of the project area are mapped as an a C8-3 zoning district, a light industrial/commercial district that typically results in automotive, self-storage, and other heavy commercial uses. A gas station is located at 232 West 145<sup>th</sup> Street, approximately a block west of the active gas station on Lot 50; other auto-related uses can be found on West 145<sup>th</sup> Street, east of the proposed project area. The project area is located approximately one block west from the Harlem River, which has a C4-4 zoning district just south of the 145<sup>th</sup> Street bridge in the Special Harlem River Waterfront District.

Excluding the southern portion of Lot 29, the project area is zoned C8-3. C8-3 zoning districts permit community facility, commercial, and semi-industrial uses as of right, while residential uses are not permitted. The maximum FAR for community facility uses is 6.5, and 2.0 for all other uses. The southern portion of Lot 29 is zoned with an R7-2 zoning district and a C1-4 commercial overlay, permitting residential uses, community facility uses, and commercial uses. Residential developments built pursuant to height factor regulations have a base maximum FAR between 0.87 and 3.44 for buildings built pursuant to Quality Housing regulations, 4.0 for zoning lots or portions thereof located within 100 feet of a wide street, or 3.44 for zoning lots or portions thereof not located within 100 feet of a wide street. The project area is located within the Transit Zone, pursuant to Appendix I of the Zoning Resolution (ZR), and is also located within a FRESH Zone, pursuant to Article VI, Chapter 3 of the ZR.

The applicant requests a zoning map amendment, zoning text amendment, three special permits and three zoning certifications. The actions would facilitate a 363-foot-tall (12.0 FAR) mixed-use development that would include two connected buildings: “Building I,” located at the corner of Lenox Avenue and West 145<sup>th</sup> Street, and “Building II,” located at the mid-block along West 145<sup>th</sup> Street. Because of unknown market conditions, the applicant would select one of two proposed development scenarios: A Residential Podium Scenario and an Office Podium Scenario. While the proposed building massing and overall building height are the same in each scenario, the Residential Podium Scenario would contain primarily residential uses in the base, whereas the Office Podium Scenario would contain

commercial floor area in the base of Building I. Additionally, the Residential Podium Scenario would provide a non-continuous setback on the seventh floor on the western side of the east tower.

In the Residential Podium Scenario, the base of Building I would include a predominantly residential floor area, resulting in a total residential floor area of 701,203 square feet (10.19 FAR) and approximately 939 dwelling units, between 216 and 282 of which would be permanently affordable pursuant to MIH requirements. Dwelling units would be located at the base of both buildings (floors 2-7) and the towers of both buildings (floors 9-27 of Building I and floors 9-30 of Building II). In this scenario, residential amenity floors would be located in the cellar and on the eighth floor of Building I and Building II. The commercial floor area would total 80,431 square feet (1.17 FAR), including new office space for the National Action Network (NAN), replacing the existing NAN headquarters on the site. The proposed development would provide accessory parking spaces at the cellar level of both buildings in a fully attended garage with stackers. In this scenario, the development would include 141 parking spaces.

In the Office Podium Scenario, the base of Building I would comprise predominantly commercial office space, and the commercial floor area would total 135,581 square feet (1.97 FAR), including new office space for NAN. The residential floor area would total 646,053 square feet (9.38 FAR) with approximately 866 dwelling units (between 216 and 260 of which would be permanently affordable pursuant to MIH requirements). Dwelling units would be located at the base of Building II (floors 2-7) and the towers of both buildings (floors 7-26 of Building I and floors 9-32 of Building II). In this scenario, residential amenity floors would be located in the cellar levels and sixth floor levels of Building I and the eighth floor of Building II. Additional commercial offices would be located throughout floors 2-7 of Building I, excluding community facility space, totaling 75,433 square feet of total commercial office floor area (1.1 FAR). In this scenario, the development would include 130 parking spaces.

Both development scenarios would contain 33,114 square feet (0.48 FAR) of ground floor commercial retail use and 44,458 square feet (0.65 FAR) of community facility use. The community facility floor area would be allocated for a new Museum of Civil Rights located within the western portion of the base of Building I and along West 145<sup>th</sup> Street. The top floor of Building I would also contain a 30,334-

square-foot (0.44 FAR) banquet hall/event space, accessible through an elevator from a small lobby entrance on the ground floor at the northeast corner of West 145<sup>th</sup> Street. The banquet hall/event space would be rented as a commercial event and community meeting space and made available for programming by the museum and other building tenants. The floor beneath the banquet hall floor would be used as an accessory kitchen, storage, and staging area.

The proposed Museum of Civil Rights is sponsored by the Civil Rights Foundation, led by a board of trustees co-chaired by Reverend Al Sharpton and Judge Jonathan Lippman. It would include various galleries and educational spaces designed to preserve and promote knowledge of the historical and contemporary intersectional struggles for civil rights, political rights, and social justice. Gallery space would feature multidisciplinary exhibits on the history of the northern civil rights movement and the contemporary social justice movements that continue to transform the social landscape of the United States. As a community-based institution, the museum's programming would be curated to serve the Harlem community and to be a resource and attraction for the greater New York region and the nation.

The museum would include artistic murals covering the adjacent inner facades of both towers; in addition, the requested special permit (C 220137(A) ZSM) for the signage waivers would enable supplemental community facility signage to highlight the building's street frontage along West 145<sup>th</sup> Street and better identify and establish the museum's presence in the surrounding neighborhood.

The proposed development would be designed pursuant to the tower regulations of ZR Sections 35-64 and 23-65, as modified by a special permit (C 220136 ZSM), with a base height of 85 feet and setbacks of 10 feet along wide streets and 15 feet on narrow streets. In both scenarios, each building would rise to a maximum height of 363 feet, with an additional 30 feet allocated to rooftop mechanical equipment. One curb cut to access the parking facility would be provided, on West 144<sup>th</sup> Street, approximately 75 feet west of the intersection with Lenox Avenue. Two loading berths would be provided on the ground floor, one immediately to the east of the parking facility entrance on West 144<sup>th</sup> Street and another on West 145<sup>th</sup> Street, approximately 375 feet west of the intersection with Lenox Avenue.

To facilitate the proposed development, the applicant seeks a zoning map amendment, a zoning text amendment, three zoning special permits, and three CPC zoning certifications.

Zoning Map Amendment (C 220134 ZMM)

The applicant requests a zoning map amendment to change the existing C8-3 and R7-2/C1-4 zoning districts in the project area to a single C4-6 zoning district, which is an R10 equivalent. For developments with inclusionary affordable housing, the maximum FAR in a C4-6 district is 12.0, with a maximum community facility FAR of 10.00 and a maximum commercial FAR of 3.4. Under the Quality Housing program, the maximum lot coverage is 70 percent for buildings on the interior lot and through-lot portions of the zoning lot. The maximum building height would be 215 feet, or 23 stories, with a required base height of between 125 and 155 feet and a setback of 10 feet on any street wall fronting a wide street.

The proposed development would comply with tower regulations, where height and setback are governed by a sky exposure plane with a ratio of 5.6 to 1 for buildings fronting on a wide street. The maximum height of the front wall is 85 feet or nine stories, with a 15-foot setback required on a wide street. Tower regulations allow residential uses to penetrate the sky exposure plane, provided that the residential portion occupies a maximum of 40 percent of the zoning lot's lot area, occupies at least 65 percent of the total allowable floor area, and all uses comply with supplemental use regulations regarding location within buildings.

The proposed C4-6 zoning district would allow a broader range of uses, including residential uses in use groups (UG) 1 and 2, community facility uses in UG 3 and 4, and commercial uses in UG 5, 6, 8-10, and 12. This would allow residential, office, a greater commercial density, and museum uses as of right.

Zoning Text Amendment (N 220135 ZRM)

The applicant requests a zoning text amendment to Appendix F to designate the project area as an MIH Area. The proposed text amendment would map MIH Options 1 and 2. Option 1 requires that at least 25 percent of the residential floor area be provided as housing units that are permanently affordable to households with incomes at an average of 60 percent of the Area Median Income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to residents with household incomes at an average of 40 percent of the AMI. Option 2 requires that at least 30 percent of

the residential floor area be provided as housing units that are permanently affordable to households with incomes at 80 percent of the AMI. Under Option 1 and Option 2, household incomes may not exceed 130 percent of the AMI.

The applicant also requests a zoning text amendment to modify allowances pursuant to paragraph (b) of ZR Section 74-744 (Location of Commercial Uses). The proposed modification would allow the Commission to permit commercial uses to be located directly over any story containing dwelling units if an acoustic barrier provides sufficient noise abatement is provided. This would be limited to large-scale general developments within a C4-6 zoning district in Manhattan Community District 10. In the proposed development, the construction of the floor/ceiling assembly separating dwelling units from the banquet hall and office amenity space in Building I would be designed to provide a minimum of Sound Transmission Class (STC) 60 and Impact Insulation Class (IIC) 60.

#### Zoning Special Permit (C 220136 ZSM)

The applicant requests a special permit pursuant to ZR Section 74-743 to modify ZR Section 35-64(b)(3) to permit the office amenity space and banquet hall floor area to penetrate the sky exposure plane. ZR Section 35-64(b)(3) requires that only the residential portion of a mixed building to penetrate the sky exposure plane. Building I would rise to approximately 363 feet and would include a commercial banquet hall and accessory office amenity space on the top two stories. These floors containing commercial use would penetrate the applicable sky exposure plane.

#### Zoning Special Permit (C 220137(A) ZSM)

The applicant requests a special permit pursuant to the proposed modified findings of ZR Section 74-744(b) to allow commercial uses to be located above residential use and within 50 feet of the street wall of a mixed-use building. ZR Section 32-422 requires that within C4 zoning districts, any portion of a building occupied by commercial uses may be located only on a story below the lowest story occupied in whole or in part by dwelling units. Additionally, ZR Section 32-423 requires that, within C4 zoning districts, commercial uses must be located on the first two floors of the building and not within 50 feet of a street wall of the building.

The proposed development would include a banquet hall and accessory office amenity space located on the top two floors of Building I, above the several stories in Building I that would contain dwelling units. The small lobby portion of the banquet hall, located on the ground floor of Building I and providing entrance to the vertical circulation up to the tower top space, would be partially located within 50 feet of the street wall. In the absence of these waivers, the top floor commercial banquet hall/event space would be required to be located on a lower floor.

This special permit would also modify community facility signage regulations pursuant to ZR Section 74-744(c). The proposed community facility signage would be located on the midblock of West 145<sup>th</sup> Street on the museum portion of the proposed development. Currently, the community facility use is unable to take advantage of the provisions of ZR Section 22-332, which would allow for flags, banners or pennants without limitation if it were on its own zoning lot. The signage waivers would enable the proposed community facility signage to better identify, increase visibility and establish the museum's presence on West 145<sup>th</sup> Street.

The total surface area for the proposed community facility signage would be limited to 1,650 square feet and distributed between two multifaceted illuminated blade signs and one non-blade illuminated sign. The surface area of each multifaceted illuminated blade sign would be limited to 225 square feet to a maximum of 550 square feet, projecting 36 inches across the street line on West 145<sup>th</sup> Street. The one non-blade illuminated sign would be limited to a maximum of 1,200 square feet. All signs would be located above a height of 40 feet and below a height of 89 feet from the curb level/zoning base plane.

The special permit would modify the following sections:

*ZR Sections 32-641, 32-642 and 32-644*

These provisions limit the total surface area of accessory signs, non-illuminated and illuminated, in C4 zoning districts to the lesser of five times the zoning lot frontage, but not more than 500 square feet. The waiver is requested due to the proposed signage area of 1,650 square feet, which includes illuminated signage.

*ZR Section 32-652*

This provision limits the projection of permitted signs across a street line to no more than 18 inches for double or multi-faceted signs in C4 zoning districts. The waiver is requested due to the proposed blade sign for the Museum, which would project across the street line up to 36 inches.

*ZR Section 32-655*

This provision limits the height of signs to 40 feet from curb level/zoning base plane in C4 zoning districts. The waiver is requested due to the proposed signage height of up to 89 feet (including a supporting wall or structure) from curb level/zoning base plane.

Zoning Special Permit (C 220142 ZSM)

The applicant proposes a special permit pursuant to ZR Section 74-533 to reduce required accessory off-street parking spaces.

Within a C4-6 zoning district, 40 percent of new market-rate residential units require accessory off-street parking spaces. Because the project area is located within the Transit Zone, no accessory off-street spaces are required for newly developed, income-restricted dwelling units. Pursuant to MIH Option 1 or Option 2, 25-30 percent of the proposed dwelling units would be permanently affordable. The Residential Podium Scenario would include approximately 939 dwelling units, 282 of which would be income restricted. The C4-6 zoning would require up to 282 accessory off-street parking spaces. The Office Podium Scenario would consist of about 866 dwelling units, 216 of which would be income restricted. The C4-6 zoning would require up to 260 accessory off-street parking spaces.

The applicant requests to waive 50 percent of the required residential parking. This would decrease the overall required accessory off-street parking to 20 percent of market-rate residential units in each scenario, yielding approximately 130 spaces for the Office Podium Scenario and 141 spaces for the Residential Podium Scenario. These proposed accessory off-street parking spaces would be located in a below-grade parking facility shared by the two buildings.

CPC Zoning Certification (N 220138 ZCM)

The applicant proposes a CPC zoning certification pursuant to ZR Section 32-435(c) to modify retail continuity requirements. In a C6-4 zoning district, ZR Section 32-435(c) requires 50 percent of building

walls that are at least 50 feet in width and front a wide street, to be occupied by certain commercial uses. Nearly the entire ground floor frontage of Building I would include retail use, totaling approximately 190 feet (approximately 42 percent) of the combined total frontage of the building, except for the museum's frontage, occupying approximately 157 feet (approximately 60 percent) of the ground floor frontage on West 145<sup>th</sup> Street. Therefore, the applicant requests a CPC certification to waive the 50 percent minimum commercial use requirement.

#### CPC Zoning Certification (N 220139 ZCM)

The applicant proposes a CPC zoning certification pursuant to ZR Section 26-15 to allow additional curb cuts. The proposed development is required to provide two accessory loading berths and an accessory group parking facility. ZR Section 26-15 prohibits any curb cuts on wide streets and allows only one curb cut on narrow streets. Therefore, the applicant seeks a CPC certification to allow the location of one curb cut on West 145<sup>th</sup> Street (wide street) and an additional curb cut on West 144<sup>th</sup> Street (narrow street).

#### CPC Zoning Certification (N 220143 ZCM)

The applicant proposes a CPC zoning certification pursuant to ZR Section 26-17 to allow a curb cut on a wide street. Pursuant to ZR Section 26-17, the CPC may allow modifications to streetscape requirements if such modifications would enhance the design and quality of the development. The proposed curb cut would be located on West 145<sup>th</sup> Street (wide street) and more than 100 feet from the Museum's entrance to provide access to a second accessory loading berth. The proposed waivers would allow the proposed development to provide a total of three curb cuts: two on West 144<sup>th</sup> Street, and one on West 145<sup>th</sup> Street.

### **ENVIRONMENTAL REVIEW**

This application (C 220134 ZMM) in conjunction with the applications for the related actions (N 220143 ZCM, N 220139 ZCM, N 220138 ZCM, C 220142 ZSM, C 220137(A) ZSM, C 220136 ZSM, N 220135 ZRM) 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 designated CEQR number is 21DCP167M. The lead is the City Planning Commission.

It was determined that the proposed 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 April 9, 2021 and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on April 9, 2021. A public scoping meeting was held on the Draft Scope of Work on May 10, 2021 and the Final Scope of Work was issued on November 12, 2021.

The applicant prepared a DEIS and the Notice of Completion for the DEIS was issued on November 12, 2021. Pursuant to SEQRA regulations and the CEQR procedures a joint public hearing was held on the DEIS on March 2, 2022, in conjunction with the public hearing on the related Uniform Land Use Procedure (ULURP) items (C 220134 ZMM, N 220143 ZCM, N 220139 ZCM, N 220138 ZCM, C 220142 ZSM, C 220136 ZSM, N 220135 ZRM). The public hearing also considered modifications to the proposed actions (the amended application, C 220137(A) ZSM). A Final Environmental Impact Statement (FEIS) reflecting the comments made during the public hearing was completed and a Notice of Completion for the FEIS was issued on April 14, 2022.

The original application as analyzed in the FEIS identified significant adverse impacts with respect to open space (passive and active space) and construction activities related to noise. In addition, the FEIS analyzed the amended application (C 220137(A) ZSM), as reflected in Chapter 1, “Project Description” of the FEIS. The analysis concludes that the amended application would result in the same impacts as the original application. The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 20, “Mitigation” of the FEIS. Commitments made related to the mitigation measures will be codified in a Restrictive Declaration.

Significant adverse impacts related to hazardous materials, air quality and noise would be avoided through the placement of an (E) designation (E-651) on the development site (Block 2013, Lots 29, 33, 38, 44 and 50) as specified in Chapters 10, “Hazardous Materials”, 13, “Air Quality”, and 15, “Noise” of the FEIS.

## **UNIFORM LAND USE REVIEW**

On November 15, 2021 this application (C 220134 ZMM), in conjunction with the related applications (C 220142 ZSM, C 220137(A) ZSM, and C 220136 ZSM) was certified as complete by the Department of City Planning and duly referred to Community Board 10 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related applications for zoning text amendments and certifications (N 220135 ZRM, N 220143 ZCM, N 220138 ZCM, N 220139 ZCM), which were referred for information and review in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Manhattan Community Board 10 held two public hearings on this application (C 220134 ZMM) and the related applications (N 220143 ZCM, N 220139 ZCM, N 220138 ZCM, C 220142 ZSM, C 220137(A) ZSM, C 220136 ZSM, N 220135 ZRM) on December 16 and December 27, 2021, and on January 5, 2022, by a vote of 35 in favor, none opposed and two abstaining, adopted a resolution recommending disapproval of the application.

### **Borough President Recommendation**

This application (C 220134 ZMM) in conjunction with the related applications (N 220143 ZCM, N 220139 ZCM, N 220138 ZCM, C 220142 ZSM, C 220137(A) ZSM, C 220136 ZSM, N 220135 ZRM) was considered by the Manhattan Borough President, who, on February 23, 2022 issued a recommendation to disapprove the application unless the applicant agrees to meet the following conditions:

“

- Ensure that the affordable housing component of the proposed Project reflects the community’s needs by increasing the number of affordable units to 50% of the total units; increasing the portion of affordable, family-sized units; and providing units at AMI levels that are appropriate.
- Work with the MTA and DOT to track development’s impacts on transportation infrastructure and identify improvements to mitigate congestion.
- Work with NYC Parks and the local community to provide more meaningful community spaces at Brigadier General Charles Young Park.
- Ensure that the open space above the museum is open and accessible to the public free of charge at least 150 days per year, and partner with local nonprofits to create programming and memorialize this commitment in the restrictive declaration.

- Partner with physical wellness organizations to provide free community programs in the proposed events space at least 45 days per year and memorialize this commitment in the restrictive declaration.
- Incorporate amenities and programs that will disincentivize car ownership, including:
  - Increasing the number of car share spaces from five to 15 and securing a partnership with one or more car share companies to provide financial incentives for residents.
  - Providing extensive bike amenities to incentivize bike usage among residents.
- Conduct extensive community outreach to finalize the design of the towers to make them more contextual with the surrounding neighborhood and ensure that the museum’s frontage along West 145th Street is a passive recreation amenity for the community.
- Present a plan for extending use of the proposed geothermal plant to other developments, including the Frederick E. Samuel Apartments, Drew-Hamilton Houses, and Esplanade Gardens.
- Establish a construction task force to note and respond to construction impacts to surrounding community.”

The Borough President further explained the recommendation in the resolution letter dated February 23, 2022, which is attached to this report.

### **City Planning Commission Public Hearing**

On February 16, 2022 (Calendar No. 1), the City Planning Commission scheduled March 2, 2022, for a public hearing on this application (C 220134 ZMM). The hearing was duly held on March 2, 2022 (Calendar No. 11), in conjunction with the applications for the related actions (N 220143 ZCM, N 220139 ZCM, N 220138 ZCM, C 220142 ZSM, C 220137(A) ZSM, C 220136 ZSM, N 220135 ZRM). Fourteen speakers testified in favor of the application and eight in opposition.

Five members of the applicant team spoke in favor of the project. The applicant team included representatives from the developer, a representative from the applicant's land use counsel, the environmental consultant, and the project architect, who spoke in favor of the application. The team provided an overview of the proposed development, existing conditions of the project area, and projected community benefits.

The project architect discussed the proposed program for the development, the design of the building, and its relation to the surrounding context. The developer described the proposed development's benefits, highlighting the creation of up to 282 affordable housing units, comprehensive local hiring plan, an internship program for local youth, and a retail empowerment initiative for local businesses. He noted that the proposed development would also result in improvements to the public realm, and the creation of a Green Energy District (GRID) to include the project area and the Esplanade Gardens NYCHA complex and potentially other developments within 0.5-mile radius of the project area creating a district-wide GRID. In response to concerns raised during the public review process, the developer highlighted the challenges of addressing the community's request to increase affordable housing units and affordability levels by citing current market conditions and the proposed development's financing, which is financed by private investment only. The developer also mentioned that the applicant team is currently meeting with HPD and other administration representatives to explore increasing the levels of affordability for the proposed development.

The land use counsel explained the as-of-right development scenario, highlighting the development limitations of the current C8-3 zoning district, in which allowable uses include heavy commercial uses and self-storage facilities. The land use counsel also mentioned that the museum is in the final stages of receiving its charter from the New York Board of Regents. In the unlikely event that the museum does not occupy the allocated community facility space within the proposed development, a Restrictive Declaration requires the museum area delineated on the plans to only be used as a community facility, that may include museums and non-commercial art galleries, schools, universities, houses of worship, and health care facilities. The Restrictive Declaration will extend to future owners of the site.

In addition to the applicant team, nine other people spoke in favor of the application. Supporters of the project included the construction workers' union Laborers' Local 79 and 100 Black Construction Workers (100BCW), a representative of the Association for a Better New York (ABNY), as well as local residents.

A representative from ABNY spoke in favor of the application and emphasized the projected community benefits related to the proposed development. The speaker stated that the project represented a unique

opportunity to make New York City more environmentally resilient, stimulate the local economy, and create new housing and jobs for New Yorkers.

A local resident and representative of the Frederick Samuel Apartments NYCHA complex spoke in support of the application, citing the creation of affordable housing, affordable retail space for local businesses and entrepreneurs, and high-skilled jobs in the green energy sector. The speaker also noted the benefits of the proposed museum and the upgraded NAN's headquarters, as well as the GRID's potential benefits to the Harlem community.

A local resident and representative of the Drew Hamilton Houses tenant association spoke in support of the application, stating the current conditions of the project area and the opportunity the proposed development represents to improve Harlem with more housing and jobs in the green sector economy while activating 145<sup>th</sup> Street with the museum and ground floor commercial activity.

Representatives from Local 79 workers union and 100BCW spoke in favor of the application, noting the project's ability to create prevailing-wage jobs and opportunities for community benefits, such as the mentorship and internship initiative proposed by the applicant, but highlighted issues regarding the need for more affordable housing units and deeper affordability levels.

Several speakers in opposition cited concerns regarding the increased population that would be generated by the proposed development, further aggravating strained resources such as the MTA 3-line subway 145<sup>th</sup> Street station, overcrowded bus lines, and existing congestion; the proposed affordable housing unit mix and affordability levels, as well as primary and secondary residential displacement; and the community outreach process.

A representative of Community Board 10 spoke in opposition, noting their belief that the applicant team failed to provide concrete examples for completion of the projected community benefits, potential residential displacement, and the project's disconnection with the Harlem community as it relates to the proposed housing units mix and affordability levels not meeting the community's need for deeper levels of affordability and increase in family-size housing units.

A local resident also spoke in opposition to the application and mentioned that over 600 signatures from local residents have been collected in opposition to the project. The speaker also re-emphasized the need for deeper affordability levels of the proposed affordable housing units and questioned the feasibility of the Museum in an area where two other museums are located nearby.

A representative and a resident of the Esplanade Gardens spoke in opposition to the application. They stated that the proposed development's massing and height would negatively impact the view, light, ventilation, and ultimately the health of existing residents of the community. The speakers further noted the importance of addressing the community board's requests and the limited community outreach efforts.

A local resident and member of Community Board 10 spoke in opposition to the proposed development, highlighting the legal complications of creating the GRID in Harlem. The Speaker felt that the proposed distribution of commercial space square feet was not catered to local businesses or existing businesses in the project area.

There were no other speakers, and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application (C 220134 ZMM), in conjunction with the related applications (N 220143 ZCM, N 220139 ZCM, N 220138 ZCM, C 220142 ZSM, C 220137(A) ZSM, C 220136 ZSM, N 220135 ZRM), as modified herein, is appropriate.

Together, these actions will facilitate the development of a 363-foot-tall mixed-use building comprising 866 to 939 dwelling units, between 216 to 282 of which would be made permanently affordable pursuant to MIH requirements; 80,431 to 135,581 square feet of commercial floor area; approximately 44,000 square feet of community facility floor area; and approximately 130 to 141 off-street accessory parking spaces serviced in a below-grade facility.

The proposed development will occupy underutilized land containing one vacant lot, one-story retail stores, outdated one-story office spaces, and two gas stations, one of which is currently vacant. The

proposed mixed-use development will bring opportunities for economic growth in Harlem by replacing and expanding the commercial and retail floor area and facilitating the development of much-needed affordable housing.

The Commission believes that the proposed zoning map amendment (C 220134 ZMM) to change the current zoning designation of the project area from the existing C8-3 and R7-2/C1-4 zoning districts to a C4-6 zoning district is appropriate. The existing C8-3 and R7-2/C1-4 zoning districts have remained unchanged since the enactment of the Zoning Resolution in 1961. The Commission believes that the project area represents an opportune location for increased commercial and residential density given its frontage on two wide streets, adjacency to open spaces such as the Brigadier General Charles Young Playground and the Harlem River waterfront, and the immediate proximity to the 3 train and other transit networks. The current C8-3 zoning does not permit residential uses, and the R7-2 zoning district is located within a very small portion of the lot that would generate less than 50 dwelling units and not include any type of income restricted requirements. The surrounding context has a mix of uses and building typologies, with many medium and high-density residential buildings in the immediate area. Providing up to 282 permanently affordable units the project area is a suitable location for significant increase in housing units and consistent with the goals and objectives outlined in the City's *Housing New York* plan.

The increase in residential density requires the mapping of an MIH area, facilitated through the proposed zoning text amendment (N 220135 ZRM). If developed under the Residential Podium Scenario, MIH Option 1 would ensure that 235 residential units remain permanently affordable at 60 percent of the AMI, and Option 2 would ensure that 282 residential units remain permanently affordable at 80 percent of the AMI. If developed under the Office Podium Scenario, 216 residential units would remain permanently affordable at 60 percent of the AMI, and Option 2 would ensure that 260 residential units remain permanently affordable at 80 percent of the AMI. The Commission acknowledges the opportunity for this site to provide a significant number of permanently affordable housing units that will benefit the Harlem community, providing much-needed low and moderate-income housing and ensuring neighborhood economic diversity.

The applicant is also proposing to modify findings of ZR Section 74-744(b) to allow, by a special permit, commercial uses to locate above residential units.

The special permit will require the applicant to provide intervening acoustical and vibration measures to ensure sufficient noise abatement and separation between commercial and residential uses. On April 8, 2022, the Commission requested a series of formatting and grammatical changes to the proposed language of the zoning text amendment. The Commission notes that the required changes did not substantially modify the requested text amendment and its purpose and believes that this text amendment, as modified herein, is appropriate.

Approval of the modified special permit (C 220137(A) ZSM), pursuant to the text amendment, will allow the banquet hall and the office amenity space to be located at the top of Building I. The Commission believes that the proposed intervening acoustic and vibration measures are sufficient and have been designed to avoid adverse noise impacts to the floors below. Along with acoustical flooring systems, an intervening story (office amenity space) will separate the residential floors from the primary noise and vibration producer (the banquet hall). This intervening story will include an accessory kitchen, storage, and staging area for the banquet hall. In addition, the applicant has committed to incorporating shielding materials in the residential units to minimize adverse noise effects from the commercial uses above. To further ensure no adverse effects on other uses within Building I, access to the banquet hall and commercial space will be provided by two dedicated elevators with a separate entrance and lobby on West 145<sup>th</sup> Street. The Commission believes that the tower's top commercial uses will add visual interest to the design of the proposed development and will solidify the Museum as an attraction within Central Harlem. Without approval of this requested special permit, the top floor commercial banquet hall/event space would be required to be located on a lower floor preventing the opportunity to create a distinctive attraction in the neighborhood.

The requested use waiver special permit (C 220137(A) ZSM) will also modify the permitted surface area, height, and projection limitations of community facility signage for the museum. Signage for the new museum will be limited to 1,650 square feet and will be distributed between two multifaceted illuminated blade signs and one non-blade illuminated sign located on West 145<sup>th</sup> Street. To minimize the impact on the surrounding residences, all signage will be located at least 30 feet away from the

residential units. The Commission believes that the requested increase in permitted signage is reasonable given the surrounding context and the signage needs for such a use. The blade signs and illuminated signs will provide a visual wayfinding measure and help visitors and residents find and recognize the museum as they approach the property from the cross streets.

The Commission believes that the special permit (C 220136 ZSM) to modify height and setback regulations is appropriate. The requested waivers will allow the two towers to penetrate the sky exposure plane, facilitating more efficient floorplates. The surrounding context includes a wide range of tower-in-the-park typologies, NYCHA campuses, and bulkier medium-density buildings. The bulk waivers provide an improved building configuration that balances keeping the building height in context with the upper Central Harlem neighborhood while allowing the applicant to provide a substantial amount of housing, including up to 282 affordable housing units, for the community. The proposed height of 363 feet for the two towers will relate to neighboring buildings such as Esplanade Gardens and Bronx Point development across the Harlem River in the Bronx.

Given the proposed development's proximity to transit and large percentage of affordable units, the Commission believes that the special permit (C 220142 ZSM) to decrease the amount of required accessory parking on site is appropriate. Depending on which MIH option is used, the proposed C4-6 zoning district would require between 260 and 282 parking spaces. The Commission notes that the project area is located at a prominent intersection in Harlem directly adjacent to the MTA 3 train 145<sup>th</sup> Street Station and served by several bus routes, in addition to the recent area trends of reduced car ownership. The Commission believes that the 130-141 proposed parking spaces are sufficient for the proposed project and will not create an undue burden on existing parking infrastructure or automobile traffic.

The Commission finds the Chair Certification to waive retail continuity requirements of the C4-6 zoning district to be appropriate (N 220138 ZCM). Retail continuity requirements intend to ensure an activated street front and ground floor. Given the unique museum use and its prominent location within the project area, a large portion of the 145<sup>th</sup> Street frontage will be dedicated to community facility use. There will still be a significant amount of retail frontage on the zoning lot. C4-6 zoning districts require at least 50 percent of retail continuity frontage; because of the location of the museum on the frontage of Building

I, the proposed development will provide 42 percent of the required retail continuity. The Commission notes that, like the proposed retail uses, the museum's ground floor will be an active use, and will include transparency requirements to activate the streetscape and be a welcoming frontage to visitors of the museum and 145<sup>th</sup> Street pedestrians.

The Commission believes the request to allow the location of a curb cut on a wide street, West 145<sup>th</sup> Street, and an additional curb cut on a narrow street, West 144<sup>th</sup> Street, is appropriate. (N 220143 ZCM, N 220139 ZCM). The loading demands of the commercial, museum, and residential uses in the proposed development will require a total of three curb cuts on the zoning lot. Two curb cuts will be located on West 144<sup>th</sup> Street, a narrow street with less automobile and pedestrian traffic than West 145<sup>th</sup> Street and Lenox Avenue. One of the West 144<sup>th</sup> Street curb cuts will give access to an accessory loading berth and the second will provide access to a below-grade group parking facility. The curb cut on West 145<sup>th</sup> Street will provide access to the second accessory loading berth servicing Building II. The Commission acknowledges that in the absence of a curb cut on West 145<sup>th</sup> Street, the proposed retail uses at the base of Building II, which may include eating and drinking establishments, would have no loading berth to service them. On-street loading and unloading to service these retailers would likely cause considerable automobile and pedestrian congestion. The Commission recognizes the efforts to minimize conflict between pedestrians and vehicles, noting the applicant's commitment to installing audiovisual equipment at the parking garages and loading berths to alert both vehicle drivers and pedestrians. The Commission does not believe the location of a curb cut on a wide street and additional curb cut on the zoning lot on a narrow street will negatively impact the streetscape or pedestrian realm surrounding the proposed development.

The Commission believes the requested bulk and use waivers are appropriate and will allow for a better site plan and building envelope, balancing the needs of the unique uses located on the site and responding to the surrounding built context. The requested waivers will not result in an undue increase in bulk or height, or unduly obstruct access to light and air to the surrounding streets and buildings. Lastly, the Commission notes that a Restrictive Declaration has been filed and will require that the proposed building will be developed in substantial accordance with the approved drawings and conditions. Additionally, the Restrictive Declaration will establish any environmental mitigation conditions as necessary, as identified through the environmental review for the project.

While acknowledging that the proposed development would bring a significant number of affordable housing units to the site pursuant to MIH, the Commission also acknowledges the requests raised in the Manhattan Borough President's recommendation to increase the number of affordable units and increase the portion of family-sized units. The Commission is pleased that the applicant is in discussions with HPD regarding alternatives to provide additional affordable housing in the property, while ensuring the proposed development remains financially feasible.

At the CPC public hearing, participants raised concerns about the proposed development's impact on the surrounding area associated with transit circulation and congestion. The Commission notes that, as part of the environmental review process, it was determined that the proposed development would not result in significant adverse impacts on traffic, transit, pedestrians, parking, or vehicular and pedestrian safety. The Commission believes that the streets surrounding the proposed development are adequate to accommodate additional traffic. The project area is bounded by three wide streets, West 145<sup>th</sup> Street, Lenox Avenue, and Adam Clayton Powell Jr. Boulevard, which are capable of handling high volumes of traffic. Additionally, the applicant will enter into a Restrictive Declaration that incorporates measures to limit the occupancy of the banquet hall/event space to a maximum of 200 attendees. The Commission believes that this added measure will adequately address potential transportation-related impacts.

The Commission encourages the applicant to continue efforts to make the proposed development's newly created open spaces and community facility spaces accessible to the Harlem community. The Commission is pleased that the applicant has committed to creating a local retail initiative to encourage and support local businesses locating on site, a mentorship and internship program for community members, and the creation of a GRID. The applicant should thoughtfully consider the development of these projected community benefits and work in partnership with Community Board 10 and other local organizations to ensure they are incorporated into the built project.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on April 14, 2022, with respect to this application (CEQR No.

21DCP167M), 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. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;
2. The adverse environmental impacts disclosed 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 attached as Exhibit A to City Planning Commission report for C 220134 ZMM, those project components related to environment and mitigation measures that were identified as practicable;
3. No development pursuant to this resolution shall be permitted until the Restrictive Declaration attached as Exhibit A, as same may be modified with any necessary administrative or technical changes, all as acceptable to Counsel to the Department of City Planning, is executed by One45 Lenox LLC or its successor, and such Restrictive Declaration shall have been recorded and filed in the Office of the Register of the City of New York, County of New York.

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

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6a:

1. eliminating from an existing R7-2 District a C1-4 District bounded by a line midway between West 144<sup>th</sup> Street and West 145<sup>th</sup> Street, Lenox Avenue – Malcolm X. Boulevard, West 144<sup>th</sup> Street, and a line 100 feet northwesterly of Lenox Avenue – Malcolm X. Boulevard;

2. changing from an R7-2 District to a C4-6 District property bounded by a line midway between West 144<sup>th</sup> Street and West 145<sup>th</sup> Street, Lenox Avenue – Malcolm X. Boulevard, West 144<sup>th</sup> Street, and a line 100 feet northwesterly of Lenox Avenue – Malcolm X. Boulevard; and
3. changing from a C8-3 District to a C4-6 District property bounded by West 145<sup>th</sup> Street, Lenox Avenue – Malcolm X. Boulevard, a line midway between West 144<sup>th</sup> Street and West 145<sup>th</sup> Street, and a line 160 feet southeasterly of Adam Clayton Powell Jr. Boulevard;

Borough of Manhattan, Community District 10, as shown on a diagram (for illustrative purposes only) dated November 15, 2021, and subject to the conditions of CEQR Declaration E-651.

The above resolution (C 220134 ZMM), duly adopted by the City Planning Commission on April 25, 2022 (Calendar No. 1), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of plans of the development, 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*  
**DAVID J. BURNEY, ALFRED C. CERULLO, III,**  
**JOSEPH DOUEK, LARISA ORTIZ, RAJ RAMPERSHAD,** *Commissioners*

**LEAH GOODRIDGE, ANNA HAYES LEVIN,** *Commissioners*, **VOTING NO**



CICELY HARRIS  
Chairperson

SHATIC MITCHELL  
District Manager

CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD 10  
215 West 125th Street, 4th Floor  
New York, NY 10027  
T: 212-749-3105 F: 212-662-4215

## One45/Museum of Civil Rights Resolution Manhattan Community Board 10

**RESOLUTION:** To disapprove the private application by One45 Lenox LLC for a zoning map and zoning text amendments, special permits, and NYC City Planning Commission certifications to facilitate the development of a mixed-use building in Manhattan Community District 10 known as One45/Museum of Civil Rights.

**WHEREAS,** One45 Lenox LLC development group is seeking approval of a Uniform Land Use Review Procedure (*hereafter known as "ULURP"*) application for C220134-ZMM, N220135-ZRM, C220136-ZSM, C220137-ZSM, C220142-ZSM, N220138-ZCM, N220139-ZCM, and N220143-ZCM for a zoning map and zoning text amendments, special permits, and NYC City Planning Commission certifications to facilitate the development of mixed-use buildings in Manhattan Community District 10 known as One45/Museum of Civil Rights; and

**WHEREAS,** the C220134-ZMM application is seeking approval for a zoning map amendment to rezone the area from a C8-3 and R7-2 zone with a 6.50 FAR (floor area ratio) to a C4-6 zone with a 12.0 FAR and maximum commercial FAR of 3.4; and

**WHEREAS,** the N220135-ZRM application seeks approval for a zoning text amendment to Appendix F of the ZR mapping a Mandatory Inclusionary Housing ("MIH") area, by proposing that 25% (220 apartments) of the units will be permanently affordable with an average 60% AMI (area median income of which 10% (85 apartments) of the total number of units designated affordable, will be at 40% AMI; and

**WHEREAS,** the C220136-ZSM application seeks a special permit for height and setback regulations, and the C220137-ZSM application seeks a special permit for the event space to be located above residential units, the event space lobby to be located within 50 ft. of the street wall, and allows for signage modifications for the museum. The C220142-ZSM application seeks a special permit to reduce the required number of parking spaces from 40% (260-280) of the market units to 20% (130-140) spaces; and

**WHEREAS,** the N-220128-ZCM, N220139-ZCM, and N220143-ZCM applications request a zoning certification to waive the requirement that 50% of the street wall be used for commercial uses on the north side of Building 1 in order to provide space for the community facility museum frontage; a zoning certification to allow two curb cuts on a narrow street (144<sup>th</sup> Street) for parking and loading entrances; as well as a zoning certification to permit a curb cut on a wide street (145<sup>th</sup> Building 2); and

**WHEREAS**, the development consists of two buildings, one with 28 stories the other with 32 stories, located on 145<sup>th</sup> Street between Malcolm X Blvd & Adam Clayton Powell, Jr. Blvd., as well as 144<sup>th</sup> to 145<sup>th</sup> Street on Malcom X. Blvd., with approximately 850 apartments that will be connected by a Civil Rights museum, and includes the new offices of the National Action Network (“NAN”); and

**WHEREAS**, One45 Lenox LLC development group identified community benefits such as dedicated community spaces, economic opportunity for community residents via the creation of 1100 jobs, of which 550 would be permanent, job training and development, and opportunities to empower youth that includes a youth mentorship program. Other community benefits suggested by the developer is the creation of a Harlem-based Business Preference Initiative providing below market rent and preferential space for Harlem businesses, the addition of 220 permanently “affordable” residential units in the community, and utilizing the Turning Harlem Green program; and

**WHEREAS**, Manhattan Community Board 10 facilitated two public hearings on 12/16/21 and 12/27/21 wherein the One45 Lenox LLC development group conducted presentations, received comments from the CB 10 board members, community members, and elected representatives, and answered questions; and

**WHEREAS** Manhattan Community Board 10 remains extremely concerned about the following issues that were not adequately addressed by the development team:

- **Affordable Units/Affordability** – the project will have **850** residential units but only **220** of them will be designated permanently affordable. Of the 220 units, only 85 will be at 40% AMI with no units designated for homeless or those individuals receiving homeless assistance within CB10. The remaining 135 apartments will be at an average of 60% AMI. While the community gains 220 permanently affordable unit, it will also gain 630 fair market units that is not consistent with community needs.
- **Apartment Ratio** – 21% or 178 apartments will be studios, 52% or 442 apartments will be one-bedroom units, and 27% or 230 apartments will be two- or three-bedroom units. Therefore, 73% or 620 of the apartments will be studio or one-bedroom units. The developer proposes the application of the same ratio to the permanently affordable residential units. Thus 46 units will be studios, 114 units will be one-bedrooms, and only 60 units will be two or three bedrooms. This configuration of residential units does not support the growing number of families in the community and the shortage of affordable housing for this segment of population within our district.
- **Increased Density/Transportation Concerns** – The project will add two buildings with at least 28 stories each, taller than any building in the surrounding area. Based on the number of residential units (850), it is estimated that 1900 to 2600 new residents will be added to this area. This increased density will severely impact the existing public transportation systems in the area.

Currently, the BX 19 bus runs from Riverbank State Park to the Botanical Gardens in the Bronx. The IRT#3 train station at 145<sup>th</sup> Street and Malcom X. Blvd. is a short station that only affords 5-6 subway cars to open up on the platform. The existing transportation hubs are not equipped to support the increased density.

The developer is requesting a special permit to reduce the number of required parking spaces for fair market units from 40% to 20%, or from 260 to 130 spaces. The remaining spaces will be used by residents, museum visitors, and other tenants, thereby creating an additional parking challenge in the surrounding community already overburdened with the lack of adequate parking for residents and businesses.

Although the Citywide Zoning for Accessibility Text Amendment identifies several subway stations in Manhattan Community Board 10 that are eligible for easements and/or bonus, the station located at 145<sup>th</sup> Street and Malcolm X. Blvd. is only eligible for easements that would not address the aforementioned concerns related to the increased density.

- **Community Benefits** – The developer proposed several community benefits that on the surface would add value, improve the quality of life, and support a healthier future for Central Harlem residents. However, the developer was not able to provide concrete, written agreements with community organizations and/or MWBE businesses to achieve the goals outlined in the aforementioned community benefits, thus reaffirming the community’s perspective that developers make promises to secure support for their project but often fail to deliver once the project is completed.
- **Displacement** – In Central Harlem 86% of residents are renters of which 23.7% are severely rent burdened, spending more than 50% of their income on rent. The proposed location does not currently have residential tenants. However, the proposed addition of 650 fair market residential units, for income levels of \$83k to \$100k or more, creates an additional challenge for a community where the cost of housing continues to rise. Current “affordability” rates are not realistic nor do they reflect the needs of the community. Consequently, the potential increase of these levels would result in the displacement of lifetime residents who can no longer afford to live in the community.
- **African American Plurality/Voting Rights** - City Council District 9 residents successfully fought to strengthen the African American plurality in District 9 (as well as Community Board 10) when the City brought forth its City Council Redistricting plan in 2012-2013, making such plurality (59%) greater by 8%. Community Board 10 and District 9 residents relied on the Voting Rights Act of 1965, as amended in 2006 known as the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006. The Act’s purpose in part was to guarantee the right of protected groups (i.e., African American) to be able to cast meaningful votes [Section 2].

Congress has declared in part that any practice or procedure that affects voting that has the purpose of or will have the effect of diminishing or diluting the ability of any citizens in a protected class (i.e., African American) to elect their preferred candidates of choice denies or abridges the right to vote [Section 5]. The African American population in CB 10 and Council District 9 is sufficiently large and geographically compact to constitute a majority in a single – member district; such group is politically cohesive; and the majority votes sufficiently as a bloc. Therefore, African Americans living in CB 10, Council District 9, Senate District 30, Assembly District 70, enjoy African American representation in government, which is by their choice, as they have demonstrated that

they want to continue voting for people in their group. The United States Supreme Court in 2013 in a matter known as *Shelby County v Eric Holder* upheld Section 5, which means a district's plurality could sustain its political power and reject any rezoning or redistricting that threatens such political power. The One45/Museum of Civil Rights project creates an environment that threatens African American plurality in the Central Harlem community.

- **Preparedness & Responsiveness** – Overwhelmingly, Manhattan Community Board 10 is disappointed by the developer's lack of preparation and their failure to address the concerns repeatedly outlined in both public hearings, as well as in the pre-certification meeting held in September 2021. Concerns related to affordability, the number of permanently affordable units, increased density, transportation implications, and community benefits were not addressed. For example, the response to the request for deeper affordability included statements from the developer that NYC did not provide any funding for the project, followed by a request to the community to help advocate on behalf of the project to secure such funding. Yet, throughout their presentations, One45 Lenox LLC stated that they have been working on this project for several years, thus affording them sufficient time to secure the necessary funding to create a project with acceptable levels of affordability.

**WHEREAS**, Manhattan Community Board 10 has 60 days to review the One45/Museum of Civil Rights Certification application and render an opinion, which such time to review began on November 24, 2021; and

**WHEREAS**, Community Board 10 through its Land Use Committee held two public meetings on December 16, 2021 and December 27, 2021, respectively, affording One45 Lenox LLC the opportunity to present to the board and the public, and affording opportunities to review said applications and comment; and

**WHEREAS**, on December 27, 2021, the Land Use Committee after hearing all of the views, including written submissions, for and against the project voted **23 Yes, 0 No, 0 Abstention, and 3 Recusal** to disapprove the application; and

**WHEREAS**, on December 29, 2021, The Executive Committee voted **12 Yes, 0 No, 0 Abstention, and 1 Recusal** to disapprove the application.

**NOW THEREFORE, BE IT RESOLVED** Manhattan Community Board 10 **DISAPPROVED** C220134-ZMM, N220135-ZRM, C220136-ZSM, C220137-ZSM, C220142-ZSM, N220138-ZCM, N220139-ZCM, and N220143-ZCM applications for zoning map and zoning text amendments, special permits, and CPC certifications to facilitate the mixed-use development known as One45/Museum of Civil Rights. During the January 5, 2022 General Board Meeting, the board voted **35 Yes, 0 No, 0 Abstention, and 2 Recusal.**



# NOTICE OF CERTIFICATION

Pursuant to the Uniform Land Use Procedure

<b>Application #:</b>	<b>Project Name:</b>
<b>CEQR Number:</b>	<b>Borough(s):</b>
	<b>Community District Number(s):</b>
<i>Please use the above application number on all correspondence concerning this application</i>	

**Docket Description:**

<b>Related Applications:</b>	N 220135 ZRM C 220136 ZSM	C 220137 ZSM C 220138 ZCM	N 220139 ZCM N 220140 LDM	C 220142 ZSM N 220143 ZCM
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<b>Applicant(s):</b>	<b>Applicant Contact:</b>

**Contact:** Address questions about this application to the following DCP Office:  
 DEPARTMENT OF CITY PLANNING

Address:  
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**Public Review Timeline:**  
 On \_\_\_\_\_ the above listed application was certified as complete by the Department of City Planning.  
 The period for community board review begins on \_\_\_\_\_ and must be completed by \_\_\_\_\_



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> One 45/ Museum of Civil Rights	
<b>Applicant:</b> One45 Lenox LLC	<b>Applicant's Primary Contact:</b> Paul Selver
<b>Application #</b> 220134ZMM	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP167M	<b>Validated Community Districts:</b> M10

<b>Docket Description:</b> IN THE MATTER OF an application submitted by One45 Lenox LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a:  1. eliminating from an existing R7-2 District a C1-4 District bounded by a line midway between West 144th Street and West 145th Street, Lenox Avenue - Malcolm X. Boulevard, West 144th Street, and a line 100 feet northwesterly of Lenox Avenue - Malcolm X. Boulevard; 2. changing from an R7-2 District to a C4-6 District property bounded by a line midway between West 144th Street and West 145th Street, Lenox Avenue - Malcolm X. Boulevard, West 144th Street, and a line 100 feet northwesterly of Lenox Avenue - Malcolm X. Boulevard; and 3. changing from a C8-3 District to a C4-6 District property bounded by West 145th Street, Lenox Avenue - Malcolm X. Boulevard, a line midway between West 144th Street and West 145th Street, and a line 160 feet southeasterly of Adam Clayton Powell Jr. Boulevard; Borough of Manhattan, Community District 10, as shown on a diagram (for illustrative purposes only) dated November 15, 2021, and subject to the conditions of CEQR Declaration E-651.
---

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

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 35	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 1/5/2022 12:00 AM		<b>Vote Location:</b> Zoom Virtual Meeting	

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

<b>Date of Public Hearing:</b> 12/16/2021 6:30 PM
<b>Was a quorum present?</b> 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>
<b>Public Hearing Location:</b> Zoom Virtual Meeting

<b>CONSIDERATION:</b> Manhattan Community Board 10 DISAPPROVED C220134-ZMM, N220135-ZRM, C220136-ZSM, C220137-ZSM, C220142-ZSM, N220138-ZCM, N220139-ZCM, and N220143-ZCM applications for zoning map and zoning text amendments, special permits, and CPC certifications to facilitate the mixed-use development known as One45/Museum of Civil Rights. During the January 5, 2022 General Board Meeting, the board voted _35 Yes, 0 No, 0 Abstention, and 2 Recusal.		
Recommendation submitted by	MN CB10	Date: 1/24/2022 1:48 PM



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> One 45/ Museum of Civil Rights	
<b>Applicant:</b> One45 Lenox LLC	<b>Applicant's Primary Contact:</b> Paul Selver
<b>Application #</b> 220135ZRM	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP167M	<b>Validated Community Districts:</b> M10

**Docket Description:**

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

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 35	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 1/5/2022 12:00 AM		<b>Vote Location:</b> Zoom Virtual Meeting	

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

<b>Date of Public Hearing:</b> 12/16/2021 6:30 PM	
<b>Was a quorum present?</b> 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>
<b>Public Hearing Location:</b>	Zoom Virtual Meeting

**CONSIDERATION:** Manhattan Community Board 10 DISAPPROVED C220134-ZMM, N220135-ZRM, C220136-ZSM, C220137-ZSM, C220142-ZSM, N220138-ZCM, N220139-ZCM, and N220143-ZCM applications for zoning map and zoning text amendments, special permits, and CPC certifications to facilitate the mixed-use development known as One45/Museum of Civil Rights. During the January 5, 2022 General Board Meeting, the board voted \_35 Yes, 0 No, 0 Abstention, and 2 Recusal.

Recommendation submitted by	MN CB10	Date: 1/24/2022 1:48 PM
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# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> One 45/ Museum of Civil Rights	
<b>Applicant:</b> One45 Lenox LLC	<b>Applicant's Primary Contact:</b> Paul Selver
<b>Application #</b> 220136ZSM	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP167M	<b>Validated Community Districts:</b> M10

**Docket Description:**  
 IN THE MATTER OF an application submitted by One45 Lenox LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to modify the tower regulations of Section 35-64 (Special Tower Regulations for Mixed Buildings) of a mixed-use building (Building 1), in connection with a proposed mixed-use development, within a large-scale general development, bounded by West 145th Street, Lenox Avenue - Malcolm X. Boulevard, West 144th Street, a line 100 feet northwesterly of Lenox Avenue - Malcolm X. Boulevard, a line midway between West 144th Street and West 145th Street, and a line 160 feet southeasterly of Adam Clayton Powell Jr. Boulevard (Block 2013, Lots 29, 33, 38, 44 and 50), in a C4-6\* District, Borough of Manhattan, Community District 10.

\* Note: This site is proposed to be rezoned by changing existing R7-2/C1-4 and C8-3 Districts to a C4-6 District, under a concurrent related application for a Zoning Map Amendment (C 220134 ZMM). Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271-0001.

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

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 35	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 1/5/2022 12:00 AM		<b>Vote Location:</b> Zoom Virtual Meeting	

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

<b>Date of Public Hearing:</b> 12/16/2021 6:30 PM	
<b>Was a quorum present?</b> 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>
<b>Public Hearing Location:</b>	Zoom Virtual Meeting

<b>CONSIDERATION:</b> Manhattan Community Board 10 DISAPPROVED C220134-ZMM, N220135-ZRM, C220136-ZSM, C220137-ZSM, C220142-ZSM, N220138-ZCM, N220139-ZCM, and N220143-ZCM applications for zoning map and zoning text amendments, special permits, and CPC certifications to facilitate the mixed-use development known as One45/Museum of Civil Rights. During the January 5, 2022 General Board Meeting, the board voted _35 Yes, 0 No, 0 Abstention, and 2 Recusal.		
Recommendation submitted by	MN CB10	Date: 1/24/2022 1:48 PM



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> One 45/ Museum of Civil Rights	
<b>Applicant:</b> One45 Lenox LLC	<b>Applicant's Primary Contact:</b> Paul Selver
<b>Application #</b> 220137ZSM	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP167M	<b>Validated Community Districts:</b> M10

**Docket Description:**  
 IN THE MATTER OF an application submitted by One45 Lenox LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-744\* of the Zoning Resolution to modify requirements of Section 32-42 (Location Within Buildings) to allow commercial uses (banquet hall use & office amenity space) to be located above residential use, and to modify the requirements of Section 32-423 (Limitation on ground floor location) to allow Use Group 9 uses (banquet hall use) to be located within 50 feet of the street wall of a mixed-use building (Building 1), in connection with a proposed mixed-use development, within a large-scale general development, bounded by West 145th Street, Lenox Avenue - Malcolm X. Boulevard, West 144th Street, a line 100 feet northwesterly of Lenox Avenue - Malcolm X. Boulevard, a line midway between West 144th Street and West 145th Street, and a line 160 feet southeasterly of Adam Clayton Powell Jr. Boulevard (Block 2013, Lots 29, 33, 38, 44 and 50), in a C4-6\* District, Borough of Manhattan, Community District 10.  
 \* Note: A zoning text amendment is proposed to Section 74-744 under a concurrent related application for a Zoning Text change (N 220135 ZRM).  
 \*\* Note: This site is proposed to be rezoned by changing existing R7-2/C1-4 and C8-3 Districts to a C4-6 District, under a concurrent related application for a Zoning Map amendment (C 220134 ZMM).  
 Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271-0001.

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

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 35	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 1/5/2022 12:00 AM		<b>Vote Location:</b> Zoom Virtual Meeting	

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

<b>Date of Public Hearing:</b> 12/16/2021 6:30 PM	
<b>Was a quorum present?</b> 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>
<b>Public Hearing Location:</b>	Zoom Virtual Meeting

<b>CONSIDERATION:</b> Manhattan Community Board 10 DISAPPROVED C220134-ZMM, N220135-ZRM, C220136-ZSM, C220137-ZSM, C220142-ZSM, N220138-ZCM, N220139-ZCM, and N220143-ZCM applications for zoning map and zoning text amendments, special permits, and CPC certifications to facilitate the mixed-use development known as One45/Museum of Civil Rights. During the January 5, 2022 General Board Meeting, the board voted _35 Yes, 0 No, 0 Abstention, and 2 Recusal.		
Recommendation submitted by	MN CB10	Date: 1/24/2022 1:48 PM



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> One 45/ Museum of Civil Rights	
<b>Applicant:</b> One45 Lenox LLC	<b>Applicant's Primary Contact:</b> Paul Selver
<b>Application #</b> 220138ZCM	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP167M	<b>Validated Community Districts:</b> M10

**Docket Description:**

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

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 35	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 1/5/2022 12:00 AM		<b>Vote Location:</b> Zoom Virtual Meeting	

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

<b>Date of Public Hearing:</b> 12/16/2021 6:30 PM	
<b>Was a quorum present?</b> 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>
<b>Public Hearing Location:</b>	Zoom Virtual Meeting

<b>CONSIDERATION:</b> Manhattan Community Board 10 DISAPPROVED C220134-ZMM, N220135-ZRM, C220136-ZSM, C220137-ZSM, C220142-ZSM, N220138-ZCM, N220139-ZCM, and N220143-ZCM applications for zoning map and zoning text amendments, special permits, and CPC certifications to facilitate the mixed-use development known as One45/Museum of Civil Rights. During the January 5, 2022 General Board Meeting, the board voted _35 Yes, 0 No, 0 Abstention, and 2 Recusal.		
Recommendation submitted by	MN CB10	Date: 1/24/2022 1:48 PM



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> One 45/ Museum of Civil Rights	
<b>Applicant:</b> One45 Lenox LLC	<b>Applicant's Primary Contact:</b> Paul Selver
<b>Application #</b> 220139ZCM	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP167M	<b>Validated Community Districts:</b> M10

**Docket Description:**

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

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 35	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 1/5/2022 12:00 AM		<b>Vote Location:</b> Zoom Virtual Meeting	

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

<b>Date of Public Hearing:</b> 12/16/2021 6:30 PM	
<b>Was a quorum present?</b> 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>
<b>Public Hearing Location:</b>	Zoom Virtual Meeting

<b>CONSIDERATION:</b> Manhattan Community Board 10 DISAPPROVED C220134-ZMM, N220135-ZRM, C220136-ZSM, C220137-ZSM, C220142-ZSM, N220138-ZCM, N220139-ZCM, and N220143-ZCM applications for zoning map and zoning text amendments, special permits, and CPC certifications to facilitate the mixed-use development known as One45/Museum of Civil Rights. During the January 5, 2022 General Board Meeting, the board voted _35 Yes, 0 No, 0 Abstention, and 2 Recusal.		
Recommendation submitted by	MN CB10	Date: 1/24/2022 1:48 PM



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> One 45/ Museum of Civil Rights	
<b>Applicant:</b> One45 Lenox LLC	<b>Applicant's Primary Contact:</b> Paul Selver
<b>Application #</b> 220142ZSM	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP167M	<b>Validated Community Districts:</b> M10

**Docket Description:**  
 IN THE MATTER OF an application submitted by One45 Lenox LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the required accessory off-street parking spaces to 130 spaces (20%) for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a large-scale general development, bounded by West 145th Street, Lenox Avenue - Malcolm X. Boulevard, West 144th Street, a line 100 feet northwesterly of Lenox Avenue - Malcolm X. Boulevard, a line midway between West 144th Street and West 145th Street, and a line 160 feet southeasterly of Adam Clayton Powell Jr. Boulevard (Block 2013, Lots 29, 33, 38, 44 and 50), in a C4-6\* District, Borough of Manhattan, Community District 10.

\* Note: This site is proposed to be rezoned by changing existing R7-2/C1-4 and C8-3 Districts to a C4-6 District, under a concurrent related application for a Zoning Map amendment (C 220134 ZMM). Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, NY 10271-0001.

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

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 35	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 1/5/2022 12:00 AM		<b>Vote Location:</b> Zoom Virtual Meeting	

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

<b>Date of Public Hearing:</b> 12/16/2021 6:30 PM	
<b>Was a quorum present?</b> 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>
<b>Public Hearing Location:</b>	Zoom Virtual Meeting

<b>CONSIDERATION:</b> Manhattan Community Board 10 DISAPPROVED C220134-ZMM, N220135-ZRM, C220136-ZSM, C220137-ZSM, C220142-ZSM, N220138-ZCM, N220139-ZCM, and N220143-ZCM applications for zoning map and zoning text amendments, special permits, and CPC certifications to facilitate the mixed-use development known as One45/Museum of Civil Rights. During the January 5, 2022 General Board Meeting, the board voted _35 Yes, 0 No, 0 Abstention, and 2 Recusal.		
Recommendation submitted by	MN CB10	Date: 1/24/2022 1:48 PM



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> One 45/ Museum of Civil Rights	
<b>Applicant:</b> One45 Lenox LLC	<b>Applicant's Primary Contact:</b> Paul Selver
<b>Application #</b> 220143ZCM	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP167M	<b>Validated Community Districts:</b> M10

**Docket Description:**

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

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 35	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 1/5/2022 12:00 AM		<b>Vote Location:</b> Zoom Virtual Meeting	

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

<b>Date of Public Hearing:</b> 12/16/2021 6:30 PM	
<b>Was a quorum present?</b> 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>
<b>Public Hearing Location:</b>	Zoom Virtual Meeting

**CONSIDERATION:** Manhattan Community Board 10 DISAPPROVED C220134-ZMM, N220135-ZRM, C220136-ZSM, C220137-ZSM, C220142-ZSM, N220138-ZCM, N220139-ZCM, and N220143-ZCM applications for zoning map and zoning text amendments, special permits, and CPC certifications to facilitate the mixed-use development known as One45/Museum of Civil Rights. During the January 5, 2022 General Board Meeting, the board voted \_35 Yes, 0 No, 0 Abstention, and 2 Recusal.

Recommendation submitted by	MN CB10	Date: 1/24/2022 1:48 PM
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# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> One 45/ Museum of Civil Rights	
<b>Applicant:</b> One45 Lenox LLC	<b>Applicant's Primary Contact:</b> Paul Selver
<b>Application #</b>	<b>Borough:</b> Manhattan
<b>CEQR Number:</b> 21DCP167M	<b>Validated Community Districts:</b> M10

**Docket Description:**

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

<b>RECOMMENDATION: Unfavorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 35	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 1/5/2022 12:00 AM		<b>Vote Location:</b> Zoom Virtual Meeting	

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

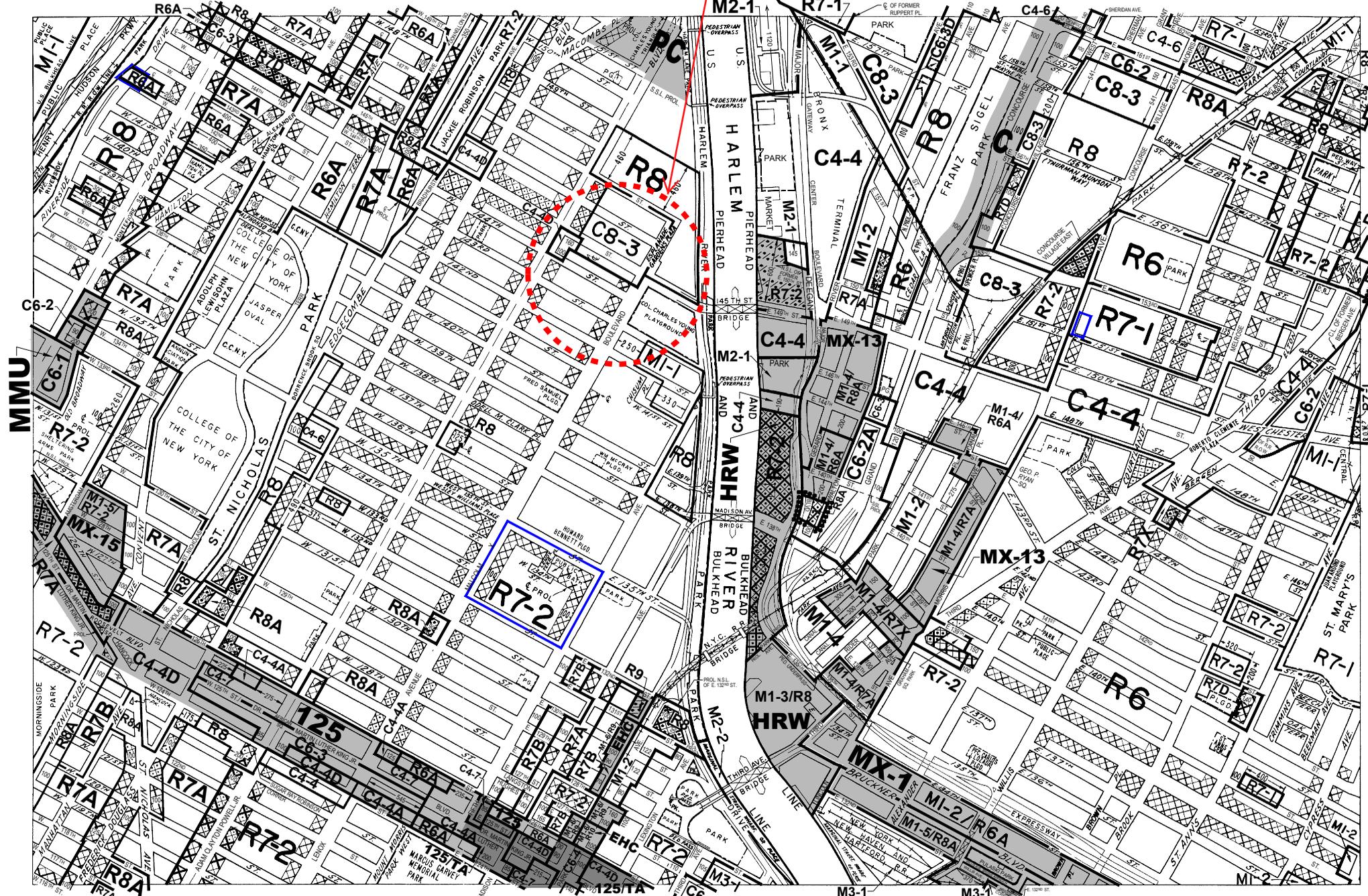
<b>Date of Public Hearing:</b> 12/16/2021 6:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Zoom Virtual Meeting

<b>CONSIDERATION:</b> Manhattan Community Board 10 DISAPPROVED C220134-ZMM, N220135-ZRM, C220136-ZSM, C220137-ZSM, C220142-ZSM, N220138-ZCM, N220139-ZCM, and N220143-ZCM applications for zoning map and zoning text amendments, special permits, and CPC certifications to facilitate the mixed-use development known as One45/Museum of Civil Rights. During the January 5, 2022 General Board Meeting, the board voted _35 Yes, 0 No, 0 Abstention, and 2 Recusal.		
Recommendation submitted by	MN CB10	Date: 1/24/2022 1:48 PM



Click blue outline on map to view diagram of proposed zoning change

Proposed Project Area



# ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

## Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT  
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

## Effective Date(s) of Rezoning:

05-27-2021 C 200286 ZMX

## Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

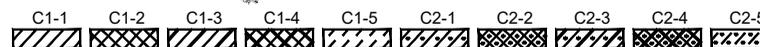
## MAP KEY

	3b	3d
5c	<b>6a</b>	6c
5d	6b	6d

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ZONING MAP 6a

600 0 600 1200 1800 FEET



NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: [www.nyc.gov/planning](http://www.nyc.gov/planning) or contact the Zoning Information Desk at (212) 720-3291.

# Museum of Civil Rights Area Map

Block: 2013, Lots: 29, 33, 38, 44 & 50

## Project Information

-  600' Radius
-  Development Site
-  Area Proposed to be Rezoned
-  Large-Scale General Development Area

## Existing Commercial Overlays & Zoning Districts

- |  |   |   |                   |
|--|---|---|-------------------|
|  |  |  | Zoning Districts  |
|  |  |  | Special Districts |
|  |  |   |                   |
|  |  |   |                   |
|  |  |   |                   |

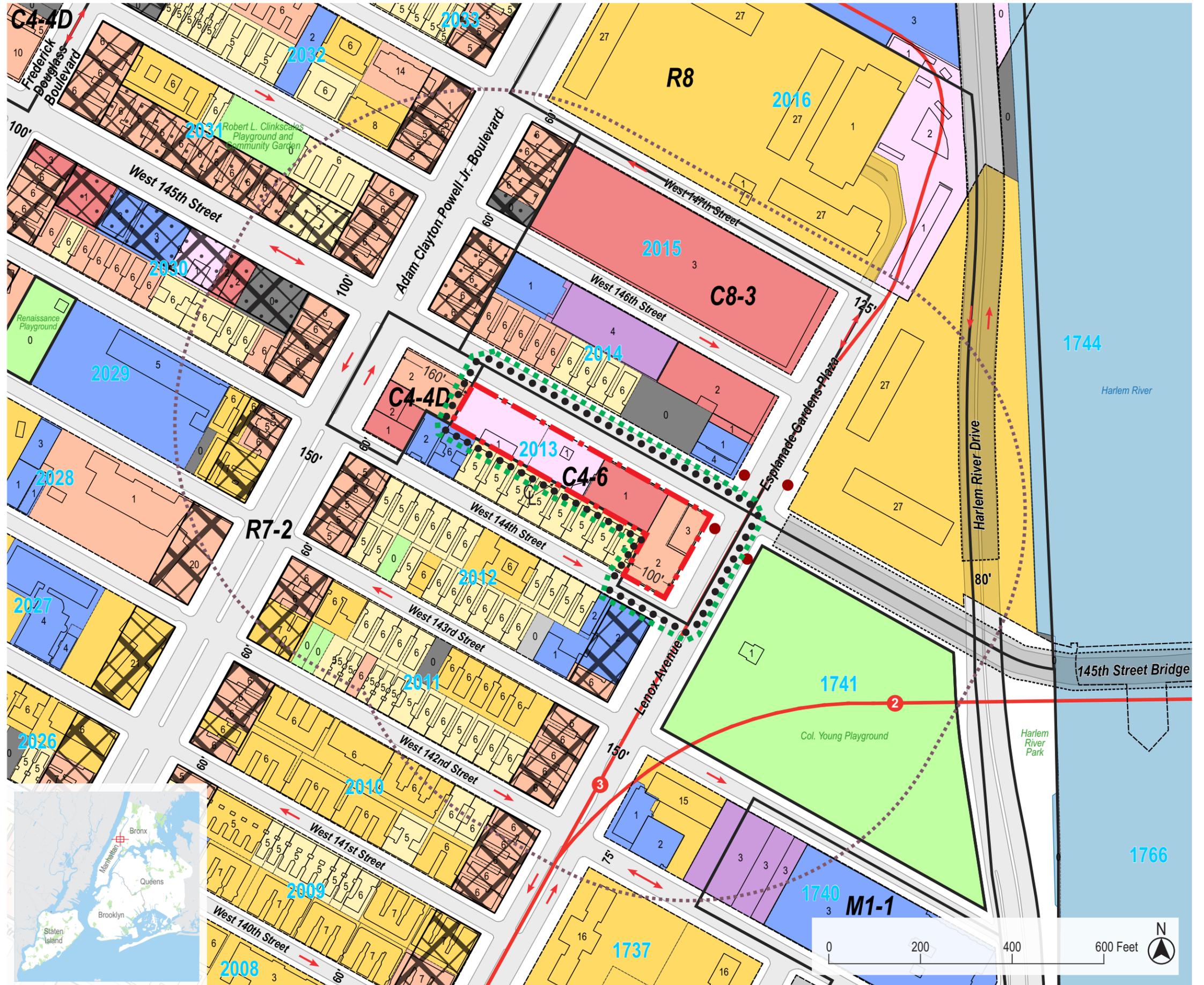
-  Subway Entries
-  5037 Block Numbers
-  Property Lines
-  5 Number of Floors

## Land Uses

-  One & Two Family Residential Buildings
-  Multi-Family Residential Buildings (Walk-up)
-  Multi-Family Residential Buildings (Elevator)
-  Mixed Residential & Commercial Buildings
-  Commercial/Office Buildings
-  Industrial/Manufacturing
-  Transportation/Utility
-  Public Facilities & Institutions
-  Open Space
-  Parking Facilities
-  Vacant Land
-  No Data/Other

August 2020

Urban Cartographics



# Museum of Civil Rights



## NYC Digital Tax Map

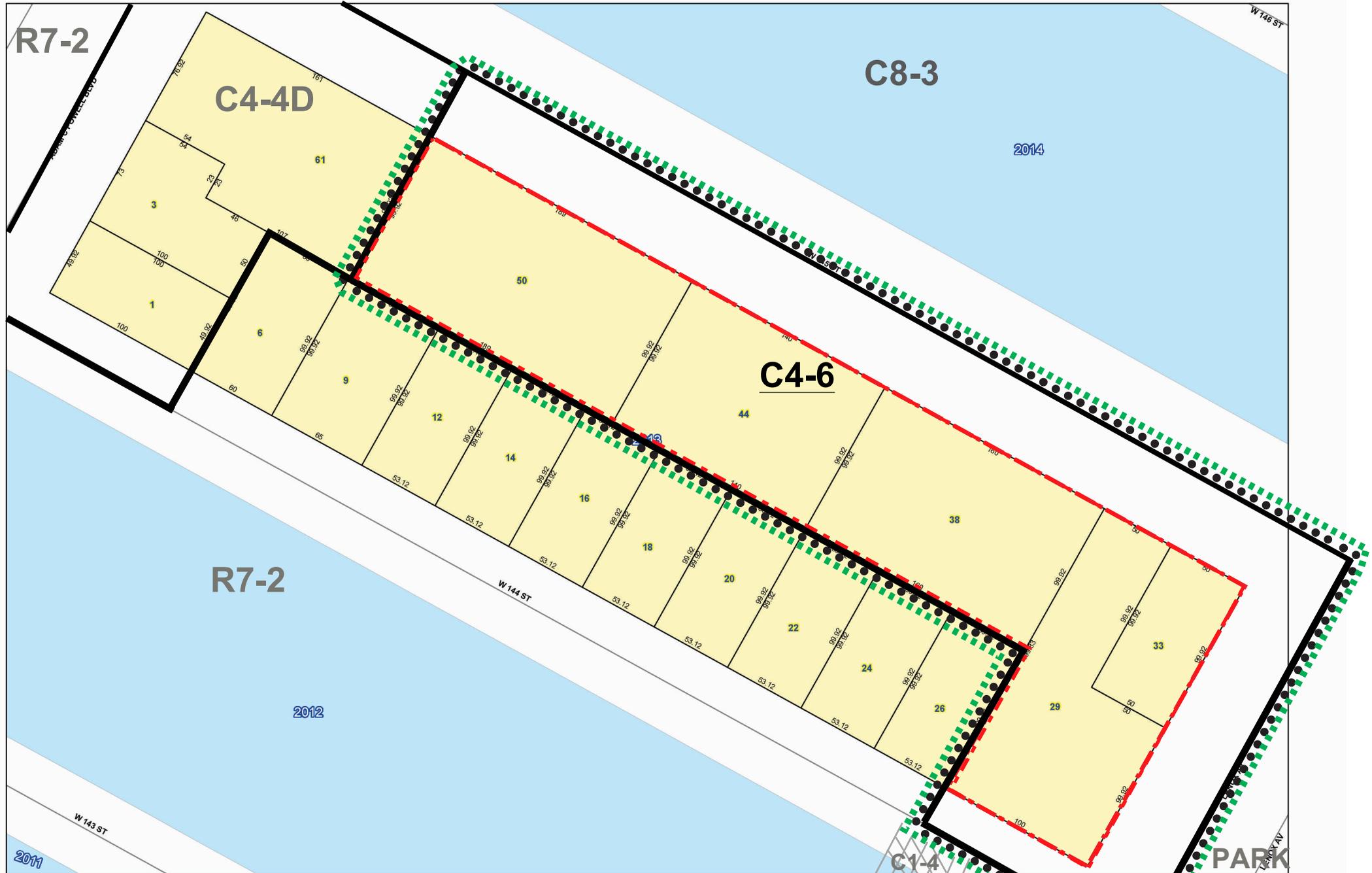
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 End Date : Current  
 Manhattan Block: 2013



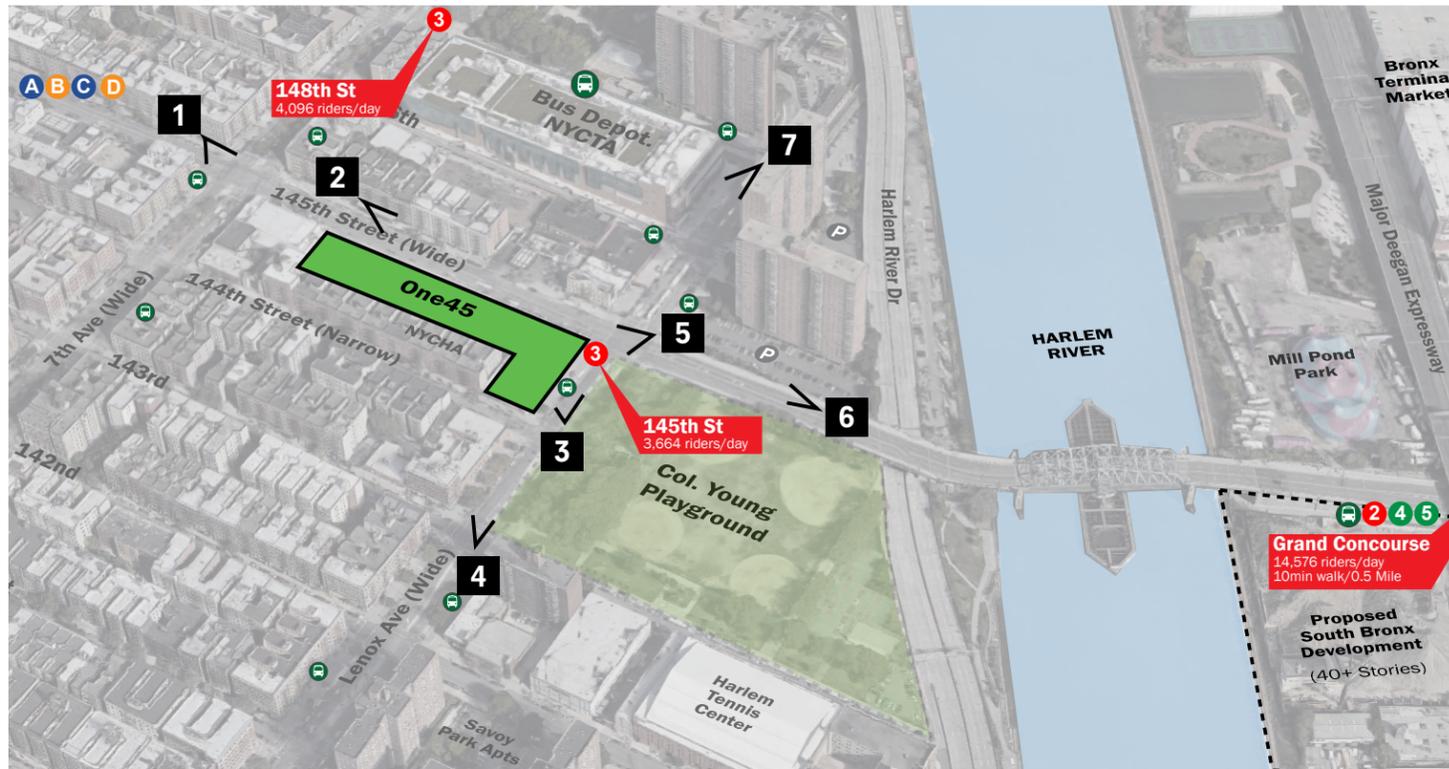
### Legend

- Streets
- Miscellaneous Text
- ↙ Possession Hooks
- - - Boundary Lines
- ↙ Lot Face Possession Hooks
- Regular
- Underwater
- Yellow Tax Lot Polygon
- Blue Tax Block Polygon
- Condo Number
- Tax Block Polygon

- - - Development Site
- Project Area
- Zoning District Boundary
- Large Scale General Development Boundary
- R7-2** Existing Zoning District
- C4-6** Proposed Zoning District



# Photographs of the Development Site



Area Map



1 Intersection of 7th Avenue - Looking Southeast - February 8th 2021

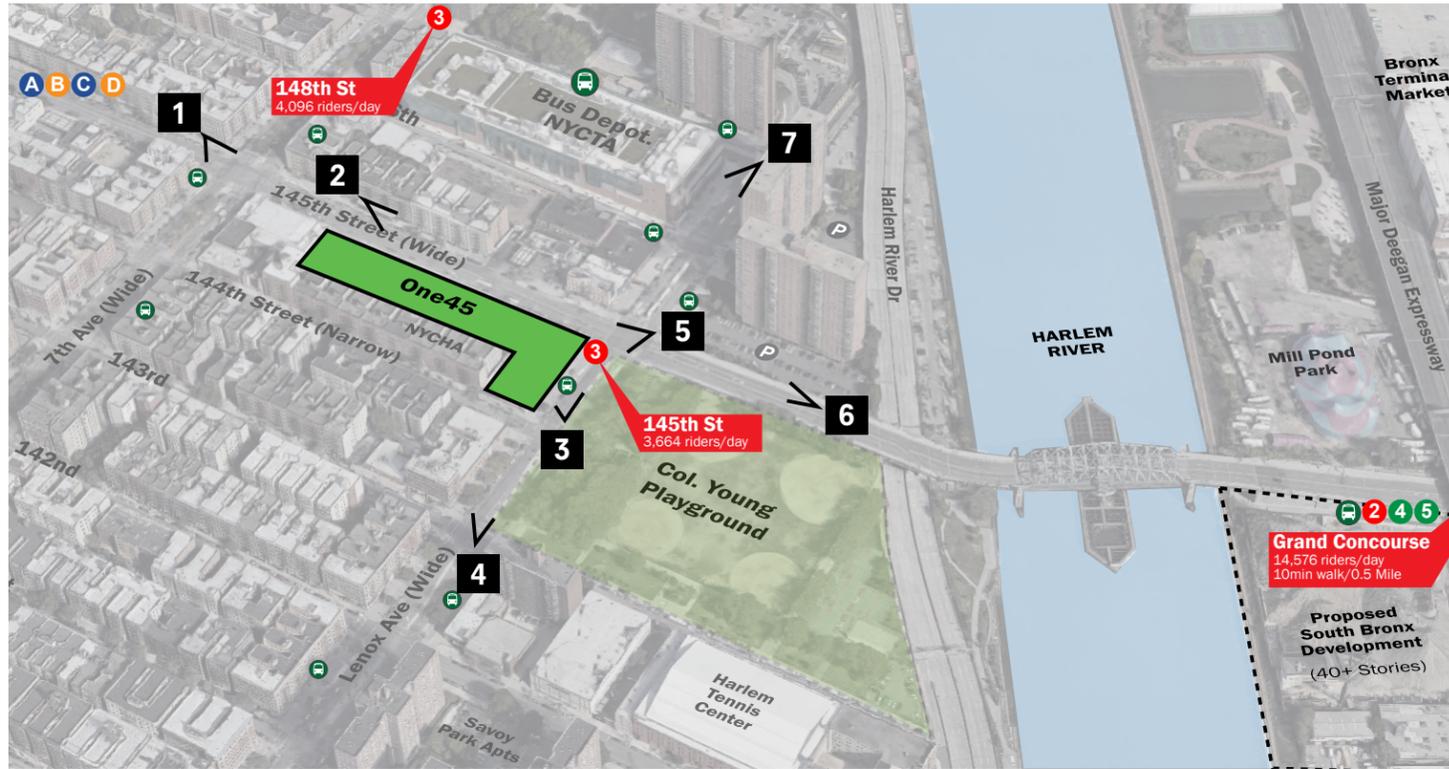


2 145th Street - Looking Southwest - February 8th, 2021



3 Intersection of Lenox Avenue and 144th Street - Looking Northeast - February 8th, 2021

# Photographs of the Development Site



Area Map



4 Intersection of Lenox Avenue and 143rd Street - Looking Northeast - February 8th, 2021

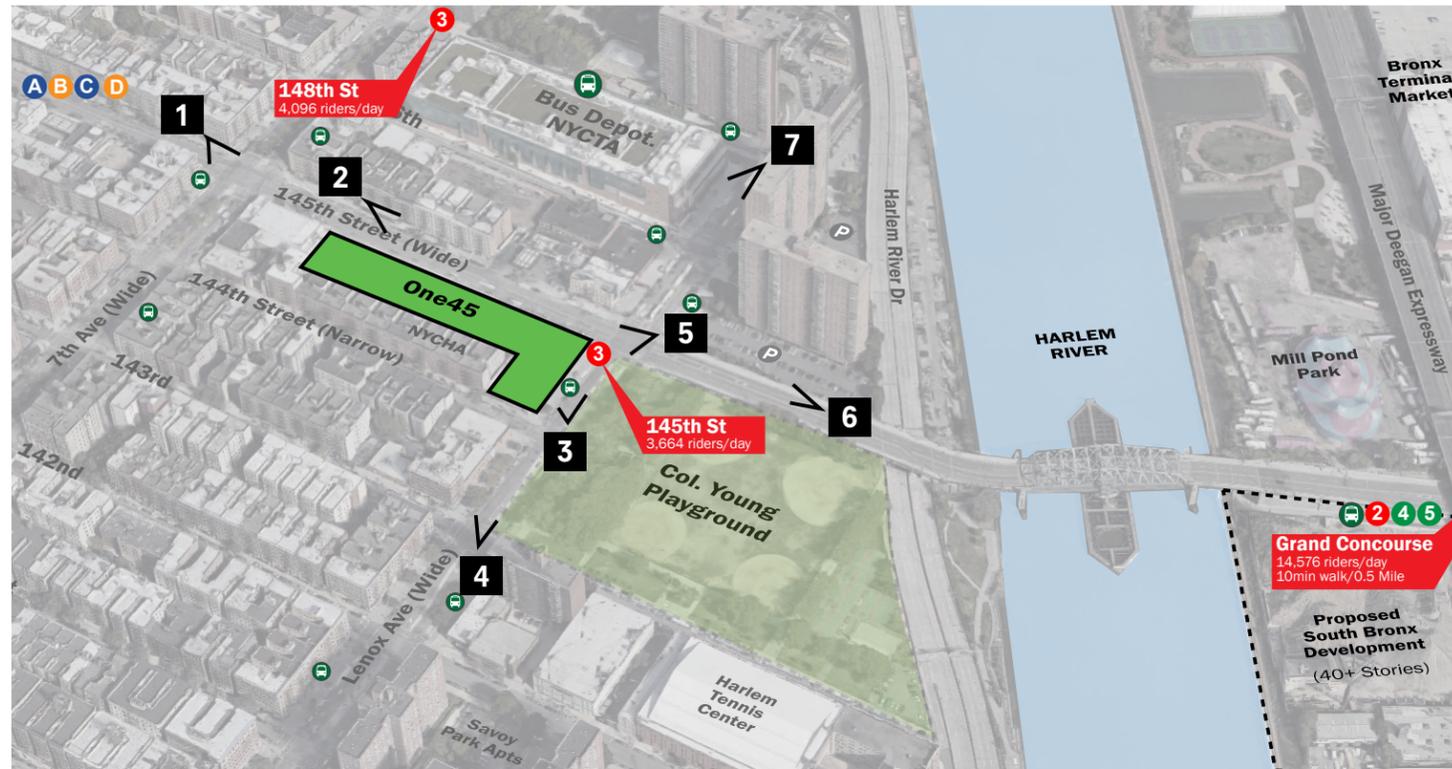


5 Intersection of Lenox Avenue and 145th Street - Looking West - February 8th, 2021



6 145th Street Bridge - Looking Northwest - February 8th, 2021

# Photographs of the Development Site

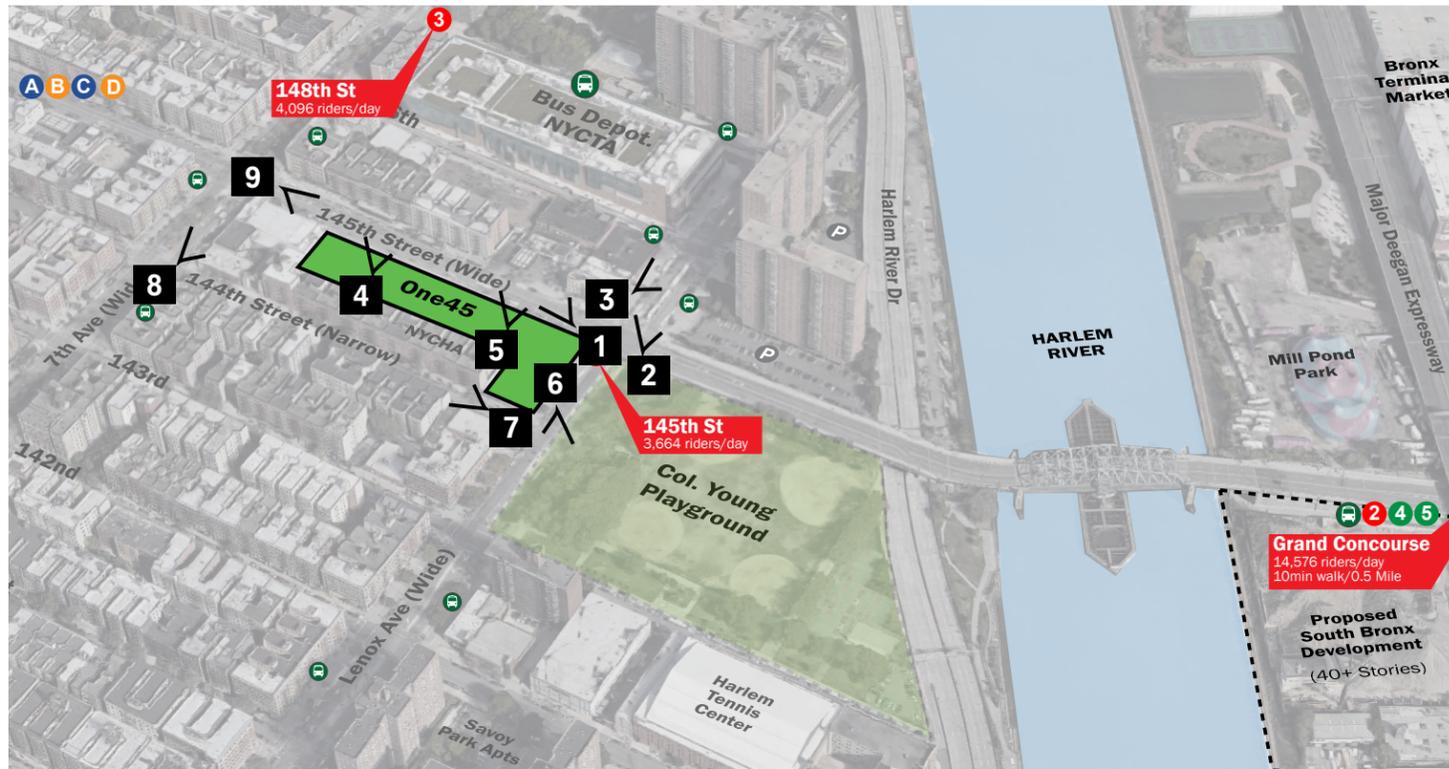


Area Map



Intersection of Lenox Avenue and 147th Street - Looking Southwest - February 8th, 2021

# Photographs of the Urban Character



Area Map



Intersection of Lenox Avenue and 145th Street - Looking Northwest - February 21st, 2021

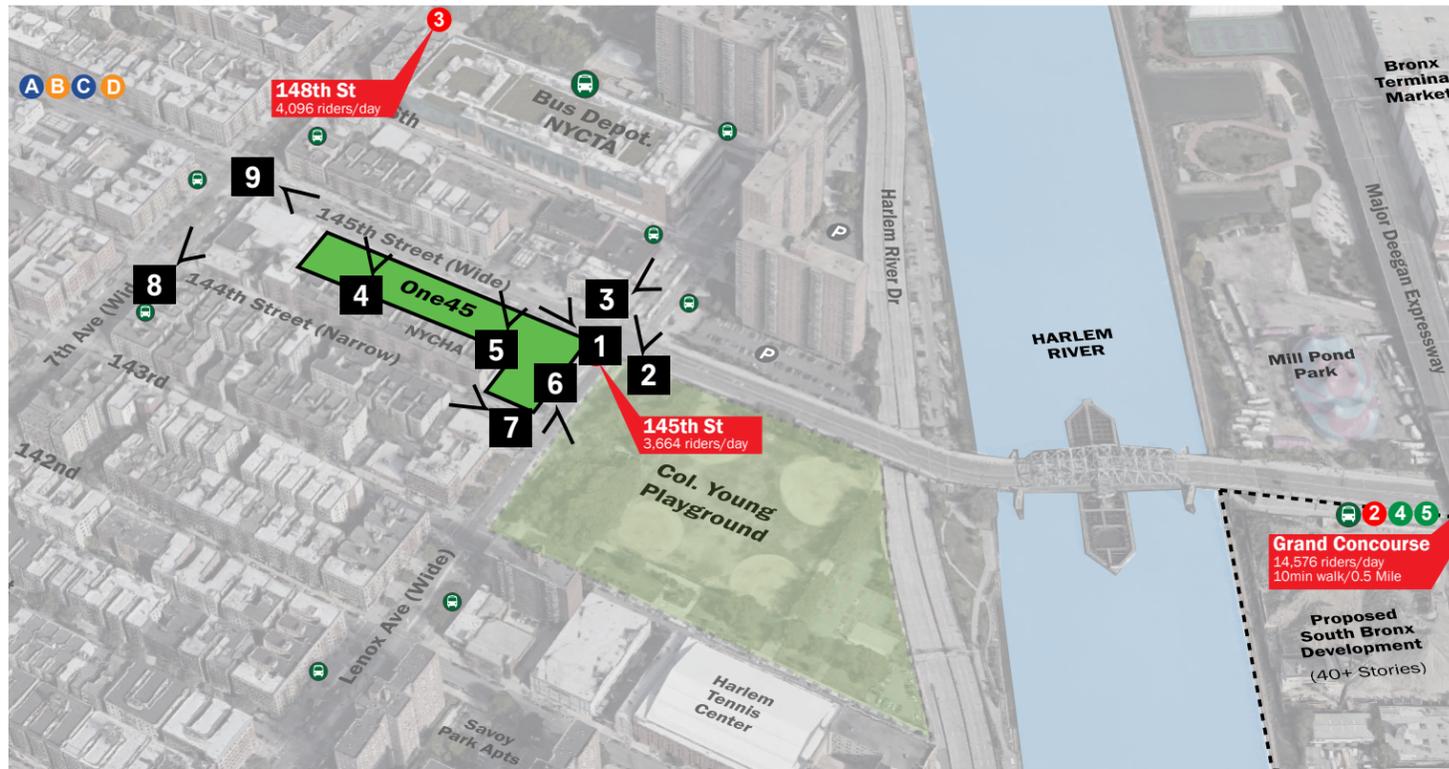


Intersection of Lenox Avenue and 145th Street - Looking North - February 21st, 2021



Intersection of Lenox Avenue and 145th Street - Looking Northeast - February 21st, 2021

# Photographs of the Urban Character



Area Map



Midblock on 145th Street - Looking North - July 2nd, 2021

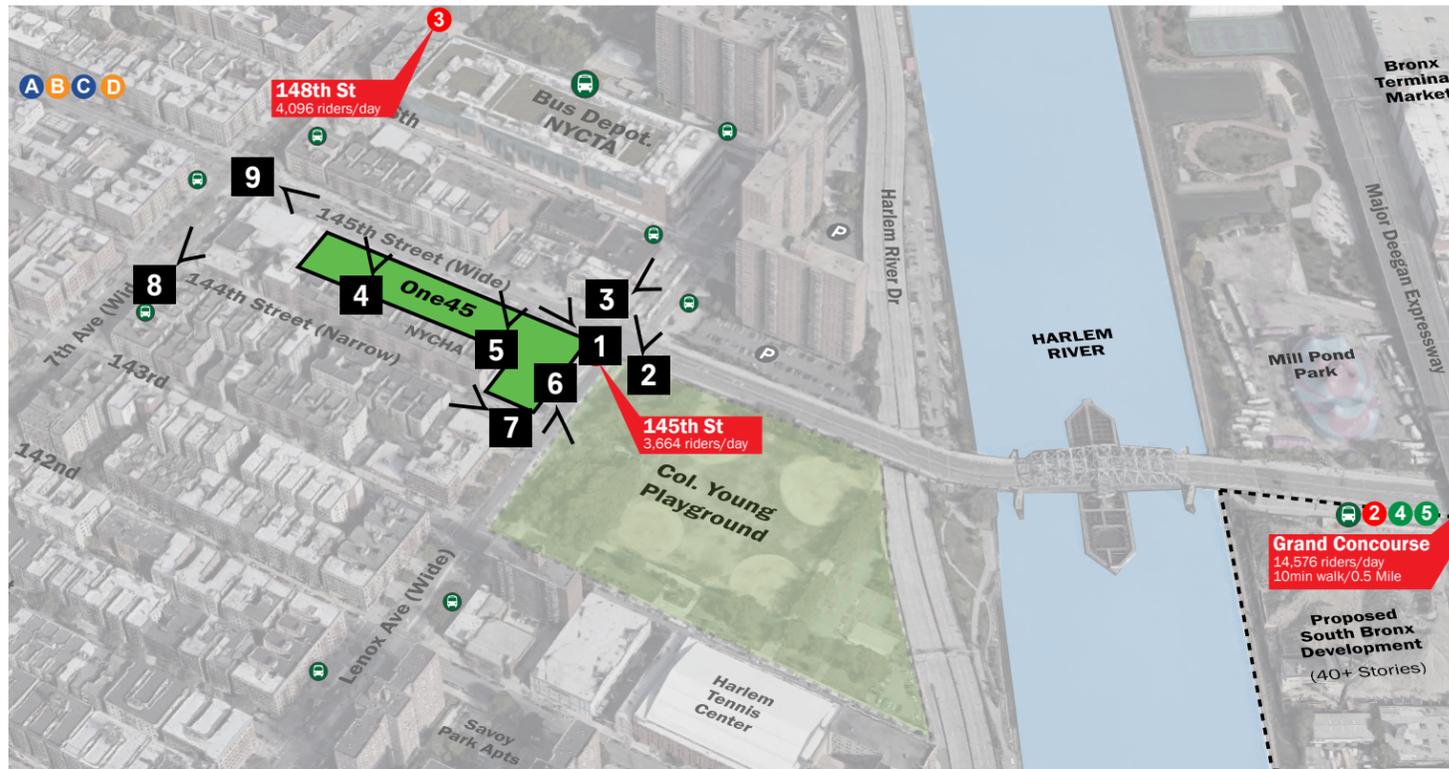


Midblock on 145th Street - Looking North - July 2nd, 2021



Intersection of Lenox Avenue and 144th Street - Looking South - July 2nd, 2021

# Photographs of the Urban Character



Area Map



Intersection of Lenox Ave and 144th Street - Looking Northwest - July 2nd, 2021

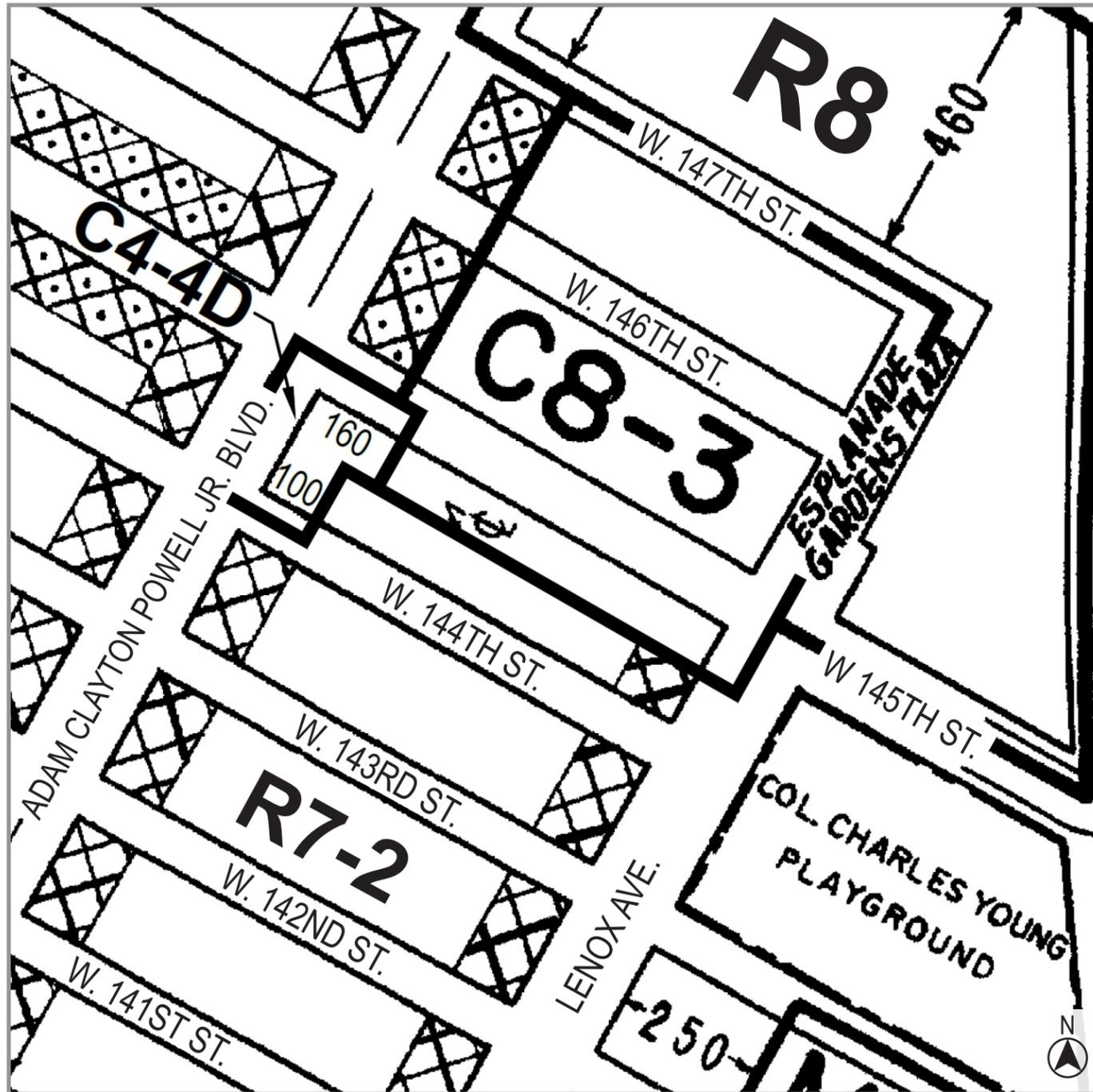


Intersection of Adam Clayton Powell Jr. Blvd and 144th Street - Looking Northeast - February 21st, 2021

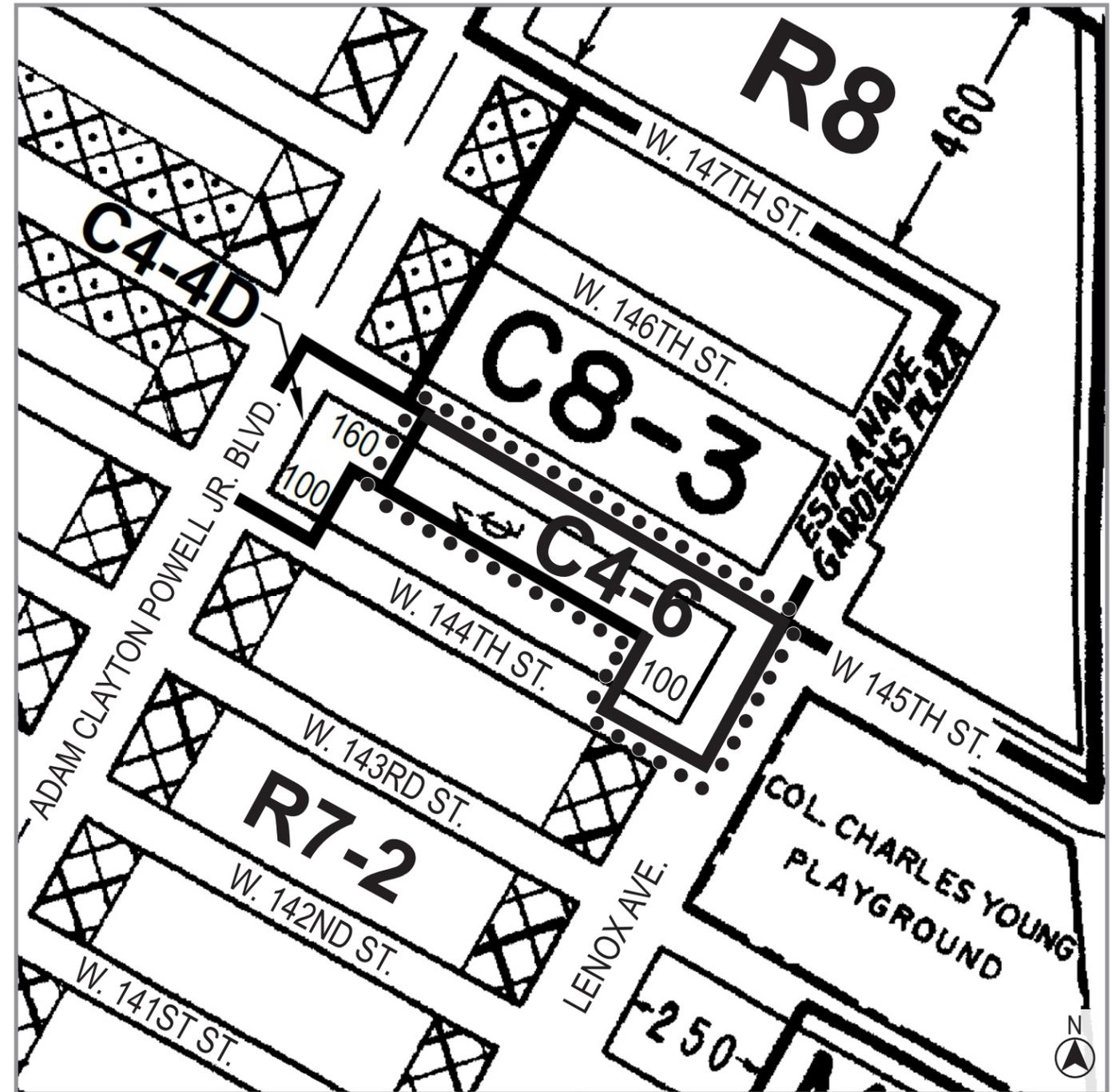


Intersection of Adam Clayton Powell Jr. Blvd and 145th Street - Looking Southeast - July 2nd, 2021

# Zoning Change Map

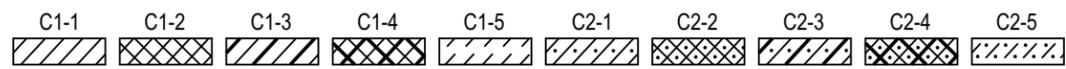


Current Zoning Map (6a)



Proposed Zoning Map (6a) - Area being rezoned is outlined with dotted lines

Rezoning from C8-3 to C4-6  
 Rezoning from R7-2/C2-4 to C4-6



**NOTE:** Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

# ONE 45/ MUSEUM OF CIVIL RIGHTS

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 VII ADMINISTRATION

\* \* \*

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

\* \* \*

#### 74-74 Large-scale General Development

\* \* \*

#### 74-744 Modification of use regulations

\* \* \*

(b) Location of #commercial# #uses#

For any #large-scale general development#, the Commission may permit #residential# and non-#residential# #uses# to be arranged within a #building# without regard for the regulations set forth in Section 32-42 (Location Within Buildings), provided the Commission shall find that:

- (1) the #commercial# #uses# are located in a portion of the #mixed building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building# at any #story#;
- (2) the #commercial# #uses# are not located directly over any #story# containing #dwelling units#, except in C4-6 Districts within Community District 10 in the Borough of Manhattan, where an acoustic barrier provides sufficient noise abatement; and
- (3) the modifications shall not have any adverse effect on the #uses# located within the #building#.

\* \* \*

**APPENDIX F  
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

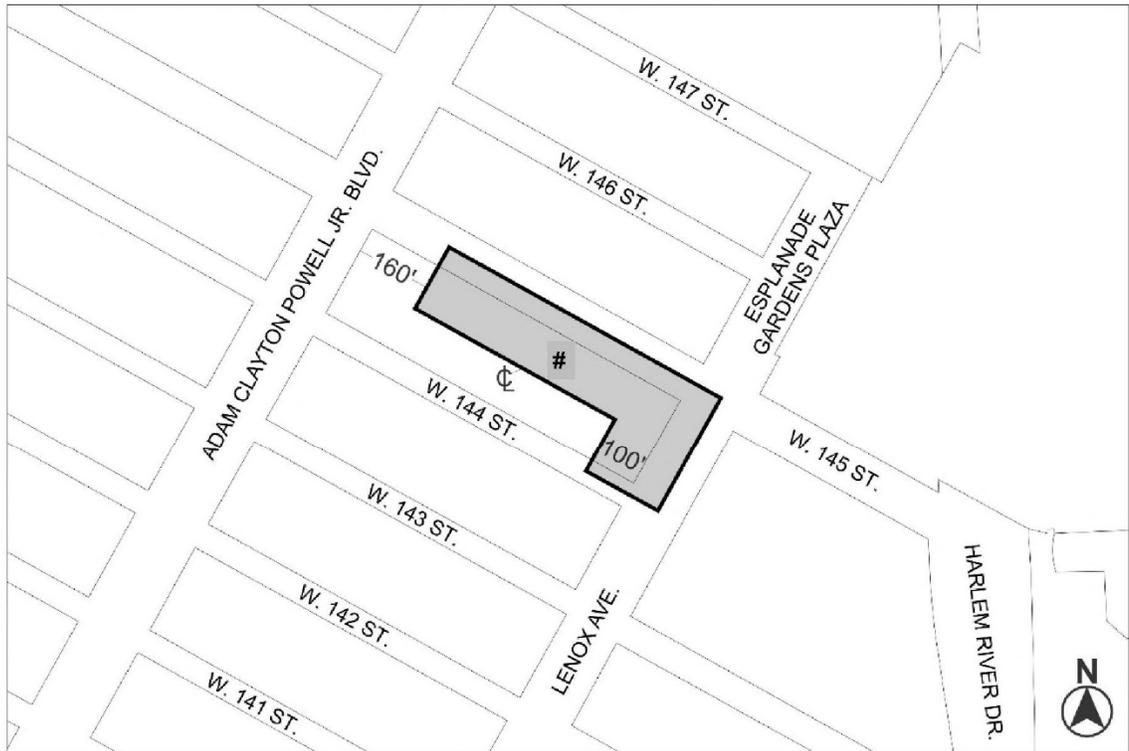
**MANHATTAN**

\* \* \*

**Manhattan Community District 10**

\* \* \*

Map 2 – [date of adoption]



 Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area # — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 10, Manhattan

\* \* \*

<b>CLIENT</b>	
LENOX BY THE BRIDGE, LLC 100 WALL ST NEW YORK, NY 10038 P: 212.693.8900	
<b>ARCHITECT</b>	<b>STRUCTURAL ENGINEER</b>
SHoP ARCHITECTS 100 WALL ST 10TH FLOOR NEW YORK, NY 10038 P: 212.693.8900	BRUNO MAGLIOLI (DBA) 100 WALL ST 10TH FLOOR NEW YORK, NY 10038 P: 212.693.8900
<b>MEPPP ENGINEER</b>	<b>CIVIL ENGINEER</b>
ECOR 400 EAST 100TH ST 2ND FLOOR NEW YORK, NY 10029 P: 718.224.2200	LANGAN 300 W 107 ST 10TH FLOOR NEW YORK, NY 10027 P: 212.693.8900
<b>GEOTECHNICAL ENGINEER</b>	<b>ENVIRONMENTAL ENGINEER</b>
LANGAN 300 W 107 ST 10TH FLOOR NEW YORK, NY 10027 P: 212.693.8900	LANGAN 300 W 107 ST 10TH FLOOR NEW YORK, NY 10027 P: 212.693.8900
<b>FACADE CONSULTANT</b>	<b>VERTICAL TRANSPORT</b>
COCKRELL O'CALLAGHAN (COO) 20 BROADWAY 10TH FLOOR NEW YORK, NY 10038 P: 212.693.8900	VERTICAL TRANSPORT 100 WALL ST 10TH FLOOR NEW YORK, NY 10038 P: 212.693.8900



Sheet List	
Sheet Number	Sheet Name
Z-000	TITLE PAGE
Z-001	SITE SURVEY
Z-002	ZONING ANALYSIS TABLE
Z-003	ZONING LOT SITE PLAN
Z-004	CELLAR PLAN
Z-005	GROUND FLOOR PLAN
Z-006	WAIVER SITE PLAN
Z-007	WAIVER FLOOR PLANS
Z-008	WAIVER SECTIONS
Z-009	DETAILS - ACOUSTIC TREATMENT
Z-010	ELEVATIONS
Z-011	AXONOMETRICS
Z-012	NEIGHBORHOOD CHARACTER DIAGRAM
Z-013	NEIGHBORHOOD CHARACTER DIAGRAMS

PROJECT NAME  
**One45**

PROJECT ADDRESS  
691 Lenox Avenue  
New York City, NY 10030

SITE INFORMATION  
BOROUGH: MANHATTAN  
BLOCK: 3018  
LOTS: 29, 33, 38, 44, 50 (ANTICIPATED 1 MERGED TAX LOT)

ISSUANCE

NO.	DATE	ISSUE/REVISION
1	10/11/21	ULURP APPLICATION

THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND AS SUCH MAY NOT BE USED FOR OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF SHoP ARCHITECTS. ALL RIGHTS RESERVED.

**NOT FOR CONSTRUCTION**

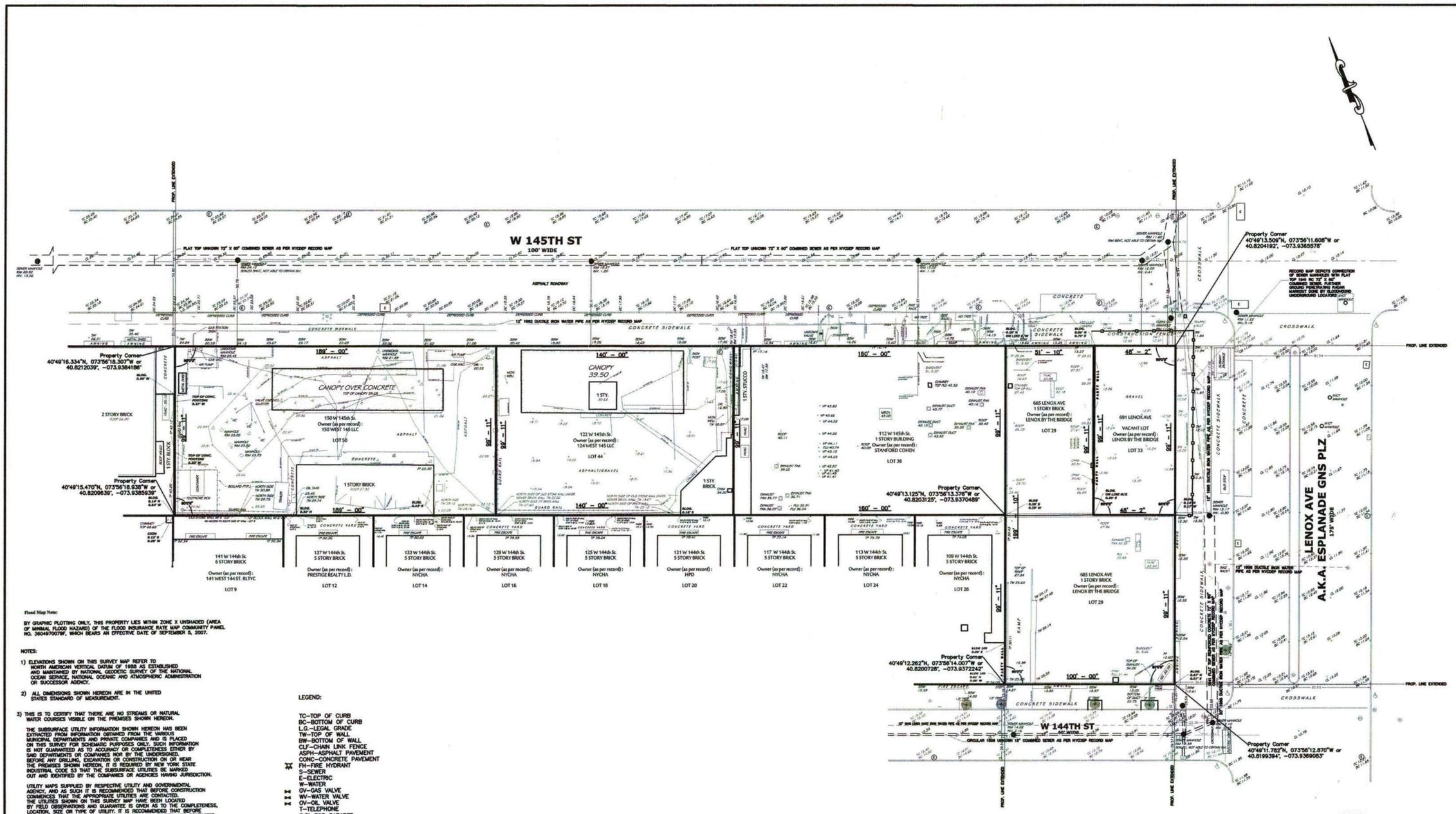
DRAWING TITLE  
**TITLE PAGE**

SEAL & SIGNATURE	DATE	10/11/2021
	PROJECT NO.	200512
	DRAWN BY	Author
	CHECKED BY	Checker
	DRAWING NUMBER	Z-000

# ONE45

## ULURP DRAWINGS

CLIENT	
LENOX BY THE BRIDGE, LLC	
ARCHITECT	
SH&P ARCHITECTS	STRUCTURAL ENGINEER
20 BROADWAY, 10TH FLOOR	100 W. 4TH ST., 10TH FLOOR
NEW YORK, NY 10003	NEW YORK, NY 10003
MEPP ENGINEER	CIVIL ENGINEER
605 E. 10TH ST., 5TH FLOOR	LANGAN
NEW YORK, NY 10003	NEW YORK, NY 10003
GEOTECHNICAL ENGINEER	ENVIRONMENTAL ENGINEER
LANGAN	LANGAN
605 E. 10TH ST., 5TH FLOOR	NEW YORK, NY 10003
NEW YORK, NY 10003	NEW YORK, NY 10003
FACADE CONSULTANT	
FORRESTER O'CALLAGHAN (FOC)	VERTICAL TRANSPORT
20 BROADWAY, 10TH FLOOR	FORTUNE SHEPHERD LANGAN (FSL)
NEW YORK, NY 10003	NEW YORK, NY 10003



**Flood Map Note:**  
 BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE X UNSHADDED (AREA OF ANNUAL FLOOD HAZARD) OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 36049700797, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 5, 2007.

- NOTES:**
- ELEVATIONS SHOWN ON THIS SURVEY MAP REFER TO NORTH AMERICAN VERTICAL DATUM OF 1988 AS ESTABLISHED AND MAINTAINED BY NATIONAL GEODETIC SURVEY OF THE NATIONAL OCEANIC SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OR SUCCESSOR AGENCY.
  - ALL DIMENSIONS SHOWN HEREON ARE IN THE UNITED STATES STANDARD OF MEASUREMENT.
  - THIS IS TO CERTIFY THAT THERE ARE NO STREAMS OR NATURAL WATER COURSES VISIBLE ON THE PREMISES SHOWN HEREON. THE SUBSURFACE UTILITY INFORMATION SHOWN HEREON HAS BEEN OBTAINED FROM INFORMATION OBTAINED FROM THE VARIOUS MUNICIPAL DEPARTMENTS AND PRIVATE COMPANIES AND IS PLACED ON THIS SURVEY FOR INFORMATION PURPOSES ONLY. SUCH INFORMATION IS NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS EITHER BY SAID DEPARTMENTS OR COMPANIES OR BY THE UNDERSIGNED. BEFORE ANY GRADING, EXCAVATION OR CONSTRUCTION OR MARKED ON THE PREMISES SHOWN HEREON, IT IS REQUIRED BY NEW YORK STATE INDUSTRIAL CODE 23 THAT THE SUBSURFACE UTILITIES BE HEARD OUT AND IDENTIFIED BY THE COMPANIES OR AGENCIES HAVING JURISDICTION. UTILITY MARKS SUPPLIED BY RESPECTIVE UTILITY AND GOVERNMENTAL AGENCY, AND AS SUCH IT IS RECOMMENDED THAT BEFORE CONSTRUCTION COMMENCES THAT THE APPROPRIATE UTILITIES ARE CONTACTED. THE UTILITIES SHOWN ON THIS SURVEY MAP HAVE BEEN LOCATED BY FIELD OPERATIONS AND GUARANTEED AS TO THE COMPLETENESS, LOCATION, SIZE OR TYPE OF UTILITY. IT IS RECOMMENDED THAT BEFORE CONSTRUCTION COMMENCES THAT THE APPROPRIATE UTILITIES ARE CONTACTED.
  - STREET NAMES AND R.O.W. WIDTHS, BLOCK, AND LOT NUMBERS AS PER CURRENT TAX MAPS.
  - STREET, GAS, & STEAM CON ED MAPS ARE NO LONGER AVAILABLE TO THIRD PARTIES. THE INFORMATION HEREON IS BASED BY OWNER'S UPON RECEIPT OF THIS INFORMATION FROM OWNERSHIP SHALL BE APPROPRIATELY AMENDED.
  - MAPS PERFORMED BY BLOODHOUND UNDERGROUND UTILITY LOCATORS AND FIELD LOCATED ON 10-8-20.
  - LOT AREAS:  
 LOT 29: 15,170.044 SQ. FT.  
 LOT 33: 4,812.955 SQ. FT.  
 LOT 35: 13,988.404 SQ. FT.  
 LOT 44: 13,988.10 SQ. FT.  
 LOT 36: 16,888.53 SQ. FT.  
 TOTAL: 66,841.430 SQ. FT. APPROX. 1.550 ACRES

**LEGEND:**

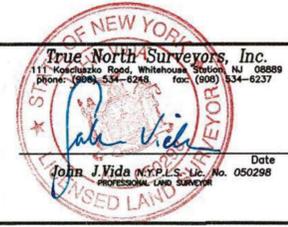
TC	TOP OF CURB
SC	BOTTOM OF CURB
LG	LEGAL GRADE
TW	TOP OF WALL
BW	BOTTOM OF WALL
CLF	CHAIN LINK FENCE
ASPH	ASPHALT PAVEMENT
CONC	CONCRETE PAVEMENT
FI	FIRE HYDRANT
S	SEWER
E	ELECTRIC
W	WATER
GV	GAS VALVE
WV	WATER VALVE
OV	OIL VALVE
T	TELEPHONE
TP	TOP OF PARAPET
LP	LIGHT POLE
UM	UTILITY POLE
MW	MONITORING WELL
LQ	LEGAL GRADE
ESW	BACK OF SIDEWALK
DC	DEPRESSED CURB
VP	VENT PIPE
RD	ROOF DRAIN
SC	STEEL COLUMN
ESW	BACK OF SIDEWALK
SW	SIDEWALK
SPM	BOROUGH PRESIDENT MANHATTAN
FF	FINISHED FLOOR
CB	CATCH BASIN
CL	CENTER LINE
SP	SIGN POST
BH	BLOODHOUND UNDERGROUND UTILITY LOCATORS

**I CERTIFY TO:**  
 SH&P Architects, P.C.  
 THE NEW YORK CITY BUILDING DEPARTMENT  
 THAT THIS SURVEY WAS PREPARED AND REVIEWED  
 UNDER MY SUPERVISION IN THE OFFICE AND THE FIELD.

UNLICENSED ALIEN OR, IN ACCORDANCE WITH SECTION 2105 OF THE NEW YORK ELECTION LAW, CONSOLE THE SIGNING AND AFFIRMING THE SEALS OF REGISTERED SURVEYORS AND ARCHITECTS. ANY VIOLATION OF THIS SECTION SHALL BE A VIOLATION OF SECTION 2105 OF THE NEW YORK ELECTION LAW. ANY VIOLATION OF THIS SECTION SHALL BE A VIOLATION OF SECTION 2105 OF THE NEW YORK ELECTION LAW. ANY VIOLATION OF THIS SECTION SHALL BE A VIOLATION OF SECTION 2105 OF THE NEW YORK ELECTION LAW.

NO. COMMENTS/ADDED	DATE	FIELD DATE
NO. LATITUDE/LONGITUDE COORDS.	8-31-20	SCALE: 1/25
DATE/ALONG ORIGINAL	10/9/20	ISSUED BY: ANY
UTILITY MARKS	10/9/20	CHG BY: ANY
LENOX AVE UTILITIES LABELED	10/16/20	COMP FILE: 8-14-20
SEWER INVERTS	10/21/20	
W 145TH ST. WATER LINE REDRAWN	2/23/21	

**ARCHITECTURAL SURVEY**  
 SITUATED IN  
**THE BOROUGH OF MANHATTAN**  
 CITY OF NEW YORK  
 STATE OF NEW YORK  
 691 LENOX AVE. a.k.a. One45  
 NY, NY, 10030  
 BLOCK 2013 LOTS 29, 33, 38, 44, & 50



**PROJECT NAME:**  
 One45  
**PROJECT ADDRESS:**  
 691 Lenox Avenue  
 New York City, NY 10030

**SITE INFORMATION:**  
 BOROUGH: MANHATTAN  
 BLOCK: 2013  
 LOTS: 29, 33, 38, 44, 50 (ANTICIPATED 1 MERGED TAX LOT)

ISSUANCE	
NO.	1011201
DATE	LULUP APPLICATION
NO.	
DATE	
ISSUE/REVISION	

**NOT FOR CONSTRUCTION**

**DRAWING TITLE:**  
 SITE SURVEY

**SEAL & SIGNATURE:**

DATE	10/11/2021
PROJECT NO.	200512
DRAWN BY	Author
CHECKED BY	Checker
DOB NO.	
DRAWING NUMBER	

**Z-001**

Site Data		List of Required Actions		
Block(s)	2013 29, 33, 38, 44, and 50 (anticipated 1 merged tax lot)	(1) a zoning map amendment (Zoning Sectional Map 6a) to rezone the Rezoning Area from the existing C8-3 and R7-2 / C1-4 zoning districts and to a C4-6 zoning district;		
Lot(s)	685 Lenox Avenue, 691 Lenox Avenue and 112-150 West 145th Street, C4-6 (proposed zoning map amendment)	(2) a zoning text amendment to modify Zoning Section 74-744(b) and to modify Appendix F to designate the Rezoning Area as included in the Mandatory Inclusionary Housing ("MIH") program;		
Street Address(es)	685 Lenox Avenue, 691 Lenox Avenue and 112-150 West 145th Street, C4-6 (proposed zoning map amendment)	(3) a special permit pursuant to Section 74-743 to modify the height and setback regulations of Section 35-44(b)(3);		
Proposed Zoning	C4-6 (proposed zoning map amendment)	(4) a special permit pursuant to Section 74-744 to modify the supplementary use regulations of Sections 32-422 and 32-423;		
Community District	Manhattan CD10	(5) a special permit pursuant to Section 74-533 to modify the residential parking regulations of Section 36-33 and 25-33;		
Zoning Section Map No.	6a	(6) a certification by the City Planning Commission ("CPC") pursuant to Section 32-435(c) to waive certain retail continuity requirements;		
Zoning Lot Area	68,841 sf	(7) a certification by the CPC pursuant to Section 26-15 to allow additional curb cuts; and		
		(8) a certification by the CPC pursuant to Section 26-17 to allow a curb cut on a wide street.		
ZR	Item/Description	Permitted/Required	Proposed	Compliance/Notes
		C4-6	C4-6	
USE REGULATIONS				
USE GROUPS				
32-10	USES PERMITTED AS OF RIGHT	USE GROUPS 1-6, 8-10, 12	USE GROUPS 2, 3, 6, 9	COMPLIES
SUPPLEMENTAL USE REGULATIONS				
32-422	LOCATION OF FLOORS OCCUPIED BY COMMERCIAL USES	COMMERCIAL USE NOT PERMITTED ABOVE RESIDENTIAL DWELLING UNITS	COMMERCIAL USE ABOVE RESIDENTIAL DWELLING UNITS	DOES NOT COMPLY; REQUIRES SPECIAL PERMIT PURSUANT TO SECTION 74-744, SEE SHEET Z-007
32-423	LIMITATION ON GROUND FLOOR LOCATION	USE GROUP 9 NOT PERMITTED ON GROUND FLOOR	USE GROUP 9 ENTRY LOBBY ON GROUND FLOOR	DOES NOT COMPLY; REQUIRES SPECIAL PERMIT PURSUANT TO SECTION 74-744, SEE SHEET Z-005
32-435(c)	RETAIL CONTINUITY ON WIDE STREET	50% MINIMUM GROUND FLOOR RETAIL REQUIRED ON WIDE STREET FRONTAGE	BUILDING 1 - LENOX AVENUE (WIDE STREET) FRONTAGE = 107.17/199.83' = 53.6% BUILDING 1 - 145TH ST (WIDE STREET) FRONTAGE = 83.25/245.67' = 33.9%	COMPLIES
32-435(d) / 37-34	GROUND FLOOR USE IN HIGH DENSITY COMMERCIAL DISTRICTS/ MINIMUM TRANSPARENCY REQUIREMENTS	50% MINIMUM GROUND FLOOR RETAIL REQUIRED ON WIDE STREET FRONTAGE	BUILDING 2 - 145TH ST (WIDE STREET) FRONTAGE = 250.98/333.33' = 75.3% BUILDING 1 - LENOX AVENUE (WIDE STREET) FRONTAGE = 50% MINIMUM GROUND FLOOR TRANSPARENCY	DOES NOT COMPLY; REQUIRES CPC CERTIFICATION PURSUANT TO SECTION 32-435(C) COMPLIES
32-435(e)	SIGN REGULATIONS	NOT HIGHER THAN 3' FEET, BASE OF WHICH NOT HIGHER THAN 17'	NOT HIGHER THAN 3' FEET, BASE OF WHICH NOT HIGHER THAN 17'	COMPLIES
SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES				
32-512	FOR CORNER LOTS	NO PRIMARY BUSINESS ENTRANCE, SHOW WINDOW OR SIGN WITHIN 75' OF RESIDENCE DISTRICT	BUILDING 1 - 144TH ST (NARROW) FRONTAGE = NO PRIMARY BUSINESS ENTRANCE, SHOW WINDOW OR SIGN WITHIN 75' OF RESIDENCE DISTRICT	COMPLIES
BULK REGULATIONS				
FAR				
35-11 / 33-122 / 33-123 / 23-154(a)	RESIDENTIAL (BASE)	N/A	N/A	N/A
	RESIDENTIAL (MIH)	12.00	9.38	COMPLIES
	COMMERCIAL	3.40	1.97	COMPLIES
	COMMUNITY FACILITY	10.00	0.65	COMPLIES
	MAX. TOTAL	12.00	12.00	COMPLIES
FLOOR AREA				
35-31 / 33-122 / 33-123 / 23-154(b)	RESIDENTIAL (BASE)	N/A	N/A	N/A
	RESIDENTIAL (MIH)	826,092 SF	646,093 SF	COMPLIES
	COMMERCIAL	234,059 SF	135,581 SF	COMPLIES
	COMMUNITY FACILITY	688,841 SF	44,458 SF	COMPLIES
	MAX. TOTAL	826,092 SF	826,092 SF	COMPLIES
23-154(D)(3)	MANDATORY INCLUSIONARY HOUSING AREA	MIH OPTION STILL TBD, HOLDING OPTION 1 AT 25%	RESIDENTIAL FLOOR AREA = 646,053 X 25% + 161,513 SF OF AFFORDABLE FLOOR AREA	COMPLIES, SEE ZONING TEXT AMENDMENT TO APPENDIX F
YARDS				
35-51	FRONT YARD	NONE REQUIRED	NONE PROVIDED	COMPLIES
35-52	SIDE YARD	NONE REQUIRED OR 8' MIN, IF PROVIDED	NONE PROVIDED	COMPLIES
35-53	REAR YARD - MODIFICATION OF REAR YARD REQUIREMENTS	REAR YARD TO BE PROVIDED AT FLOOR LEVEL OF LOWEST STORY USED FOR DWELLING UNITS	REAR YARD PROVIDED AT FLOOR LEVEL OF LOWEST STORY USED FOR DWELLING UNITS	COMPLIES
33-301 / 23-541	REAR YARD - WITHIN ONE HUNDRED FEET OF CORNERS	NO REAR YARD REQUIRED WITHIN ONE HUNDRED FEET OF CORNERS	NO REAR YARD PROVIDED WITHIN ONE HUNDRED FEET OF CORNERS	COMPLIES
23-47	MINIMUM REQUIRED REAR YARD (RESIDENTIAL)	30'	30'	COMPLIES
33-292	REAR YARD - REQUIRED YARDS ALONG DISTRICT BOUNDARIES (COMMUNITY FACILITY)	MAXIMUM LEVEL OF YARD = 23' MINIMUM DEPTH IN FEET = 30'	MAXIMUM LEVEL OF YARD = 23' MINIMUM DEPTH IN FEET = 30'	COMPLIES
33-23(b)	REAR YARD - PERMITTED OBSTRUCTIONS IN REAR YARDS	NON RESIDENTIAL PORTION OF BUILDING BELOW 23'	NON RESIDENTIAL PORTION OF BUILDING AS PERMITTED OBSTRUCTION = 23' ABOVE CURB LEVEL	COMPLIES
33-42	PERMITTED OBSTRUCTIONS	SUN CONTROL, ELEVATOR SHAFT OR BULKHEAD, EXTERIOR WALL THICKNESS, PARAPET WALLS, BALCONIES, SKYLIGHTS, SOLAR ENERGY SYSTEMS, WIND ENERGY SYSTEM, WINDOW WASHING EQUIPMENT, AERIALS, ROOFTOP GREENHOUSE	ALL CONTEMPLATED AS PERMITTED OBSTRUCTIONS TO EXCEED MAXIMUM ENVELOPE	COMPLIES
HEIGHT AND SETBACK				
35-64(b)	SPECIAL TOWER REGULATIONS FOR MIXED BUILDINGS	IN CONFORMANCE WITH 23-652 STANDARD TOWER REGULATIONS ARE APPLICABLE IF FOLLOWING CONDITIONS ARE MET	TOWER REGULATIONS OF 23-652 APPLIED	COMPLIES
35-64(b)(1)	CONDITION 1	AT LEAST 65% FLOOR AREA IS OCCUPIED BY RESIDENTIAL	646,053 RESIDENTIAL FLOOR AREA / 826,092 SF TOTAL FLOOR AREA = 78.2%	COMPLIES
35-64(b)(2)	CONDITION 2	ALL USES IN COMPLIANCE WITH 23-652	COMMERCIAL USE ABOVE RESIDENTIAL DWELLING UNITS, USE GROUP 9 ENTRY LOBBY ON GROUND FLOOR	DOES NOT COMPLY; REQUIRES SPECIAL PERMIT PURSUANT TO SECTION 74-743, SEE SHEET Z-005 and Z-006
35-64(b)(3)	CONDITION 3	ONLY RESIDENTIAL PORTION PENETRATES SKY EXPOSURE PLANE	COMMERCIAL PORTION PENETRATES SKY EXPOSURE PLANE	DOES NOT COMPLY; REQUIRES SPECIAL PERMIT PURSUANT TO SECTION 74-743, SEE SHEET Z-006
23-641	MAXIMUM BASE HEIGHT (WIDE STREET) (RESIDENTIAL)	85' OR 9 STORIES, WHICHEVER IS LESS.	85' / 7 STORIES	COMPLIES
	MAXIMUM BASE HEIGHT (NARROW STREET) (RESIDENTIAL)	85' OR 9 STORIES, WHICHEVER IS LESS.	85' / 7 STORIES	COMPLIES
	INITIAL SETBACK DISTANCE (WIDE STREET)	15'	10'	N/A - SETBACK COMPLIES WITH 23-652
	INITIAL SETBACK DISTANCE (NARROW STREET)	20'	15'	N/A - SETBACK COMPLIES WITH 23-652
33-431	MAXIMUM BASE HEIGHT (WIDE STREET) (COMMERCIAL / COMMUNITY FACILITY)	85' OR 6 STORIES, WHICHEVER IS LESS	85' / 5 STORIES	COMPLIES
	MAXIMUM BASE HEIGHT (NARROW STREET) (COMMERCIAL / COMMUNITY FACILITY)	85' OR 6 STORIES, WHICHEVER IS LESS	85' / 5 STORIES	COMPLIES
	INITIAL SETBACK DISTANCE (WIDE STREET)	15'	10'	N/A - SETBACK COMPLIES WITH 23-652
	INITIAL SETBACK DISTANCE (NARROW STREET)	20'	15'	N/A - SETBACK COMPLIES WITH 23-652
23-65	TOWER REGULATIONS: MAXIMUM LOT COVERAGE	IN THE AGGREGATE TOWER PORTIONS OF BUILDINGS NOT PERMITTED TO EXCEED 40% OF LOT AREA	TOWER 1 LOT COVERAGE = 16,177.32 SF / 68,841 SF = 23.50% TOWER 2 LOT COVERAGE = 14,659.18 SF / 68,841 SF = 21.29% TOTAL TOWER AGGREGATE LOT COVERAGE NOT TO EXCEED 40%	COMPLIES
23-652	STANDARD TOWER SETBACK	MIN. WIDE STREET SETBACK = 10' MIN. NARROW STREET SETBACK = 15'	LENOX AVENUE (WIDE): 10' SETBACK PROVIDED 145TH STREET (WIDE): 10' SETBACK PROVIDED 144TH STREET (NARROW): 15' SETBACK PROVIDED	COMPLIES
MINIMUM REQUIRED DISTANCE BETWEEN BUILDINGS				
23-711	WINDOW TO WINDOW	MINIMUM 60'	PROPOSED = 111'	COMPLIES
PARKING				
25-23 / 36-33	RESIDENTIAL	PARKING REQUIRED FOR 40% OF TOTAL MARKET RATE DWELLING UNITS	PARKING PROVIDED: 130 SPACES, OR EQUIVALENT TO 20% OF TOTAL MARKET RATE DWELLING UNITS	DOES NOT COMPLY; REQUIRES SPECIAL PERMIT PURSUANT TO SECTION 74-533, SEE SHEET Z-004
25-251 / 36-35	INCOME RESTRICTED UNITS	NO PARKING REQUIRED FOR INCOME RESTRICTED UNITS AND LOCATED WITHIN A TRANSIT ZONE	NO PARKING PROVIDED FOR INCOME RESTRICTED UNITS	COMPLIES, DEVELOPMENT LOCATED IN THE TRANSIT ZONE, SEE APPENDIX I
36-21	COMMERCIAL	NONE REQUIRED FOR PROPOSED COMMERCIAL USES	NONE PROVIDED FOR PROPOSED COMMERCIAL USES	COMPLIES
36-21	COMMUNITY FACILITY	NONE REQUIRED FOR PROPOSED COMMUNITY FACILITY USES	NONE PROVIDED FOR PROPOSED COMMUNITY FACILITY USES	COMPLIES
35-521	SIZE OF SPACES	MINIMUM 300 SF PER PARKING SPACE	PARKING AREA 35,263 SF / 130 PARKING SPACES = 271.3 SF PER PARKING SPACE	COMPLIES, REQUIRES DOB COMMISSIONER CERTIFICATION
36-53	WIDTH OF CURB CUTS AND LOCATION OF ACCESS TO THE STREET	LOCATED NOT LESS THAN 50' FROM THE INTERSECTION OF TWO STREETS	LOCATED 50' FROM THE INTERSECTION OF TWO STREETS	COMPLIES
LOADING				
36-62	REQUIRED ACCESSORY OFF-STREET LOADING	RESIDENTIAL - NONE REQUIRED MUSEUM - NONE REQUIRED OFFICES - NONE REQUIRED BELOW 100,000 SF OF FLOOR AREA RETAIL OR SERVICE USES IN 6A, 6C, 9A - 2 REQUIRED BELOW 100,000 SF OF FLOOR AREA	RESIDENTIAL - NONE PROVIDED MUSEUM - NONE PROVIDED OFFICES - 72,133 SF OF FLOOR AREA = NONE PROVIDED RETAIL (ABOVE GRADE) = 33,115 SF OF FLOOR AREA RETAIL (SELLABLE BELOW GRADE) = 7,552 SF EVENT SPACE / BANQUET HALL = 30,334 SF OF FLOOR AREA TOTAL RETAIL OR SERVICE USES IN 6A, 6C, 9A = 71,001 SF = 2 PROVIDED	COMPLIES COMPLIES COMPLIES
36-67	JOINT LOADING BERTHS SERVING TWO OR MORE BUILDINGS	PERMITTED IF FOLLOWING CONDITIONS ARE MET: 1) NUMBER OF BERTHS NOT LESS THAN REQUIRED 2) DIRECT ACCESS IS PROVIDED 3) DESIGN AND LAYOUT MEET STANDARDS OF ADEQUACY BY COMMISSIONER OF BUILDINGS	PROVIDED PROVIDED TO BE PROVIDED	COMPLIES
36-681	SIZE OF REQUIRED BERTHS	OFFICE USES - LENGTH - 33', WIDTH - 12', VERT. CLEAR - 12' COMMERCIAL USES - LENGTH - 33', WIDTH - 12', VERT. CLEAR - 14'	LOADING BERTH ON 144TH MIN. - LENGTH - 54', WIDTH - 12', VERT. CLEAR - 12' OR 14' LOADING BERTH ON LENOX MIN. - LENGTH - 52', WIDTH - 13', VERT. CLEAR - 12' OR 14'	COMPLIES COMPLIES
36-682	LOCATION OF ACCESS TO THE STREET	LOCATED NOT LESS THAN 50' FROM THE INTERSECTION OF TWO STREETS	LOCATED 54' FROM THE INTERSECTION OF TWO STREETS	COMPLIES
36-683	RESTRICTIONS ON LOCATIONS OF BERTHS NEAR RESIDENCE DISTRICTS	BERTHS WITHIN 60' OF RESIDENTIAL DISTRICT BOUNDARY SHALL BE ENCLOSED AND NO EXIT OR ENTRANCE WITHIN 30' OF RESIDENTIAL DISTRICT BOUNDARY	LOADING BERTH ON 144TH - ENCLOSED, LOCATED 31' FROM RESIDENTIAL DISTRICT BOUNDARY	COMPLIES
BICYCLE PARKING				
36-711	ENCLOSED BICYCLE PARKING SPACES	RESIDENTIAL - 1 PER 2 DWELLING UNITS; 866 DWELLING UNITS / 2 = 433 SPACES REQUIRED MUSEUMS - 1 PER 20,000 SF OF FLOOR AREA; 44,458 SF OF FLOOR AREA / 20,000 = 2 REQUIRED SPACES USE GROUP 6B - 1 PER 7,500 SF OF FLOOR AREA; 72,133 SF OF FLOOR AREA / 7,500 = 10 REQUIRED SPACES USE GROUP 6A, 6C, 9A - 1 PER 10,000 SF OF FLOOR AREA; 71,001 SF / 10,000 = 7 REQUIRED SPACES TOTAL SPACES REQUIRED = 452	TOTAL SPACES PROVIDED = 452	COMPLIES
36-73	RESTRICTIONS ON OPERATION, SIZE LOCATION OF BICYCLE SPACES	SPACES SHALL BE ENCLOSED, ADJOIN A RACK, AND BE SECURED/LOCKEABLE. ALL SPACES FOR RESIDENTIAL, COMMUNITY FACILITY OR COMMERCIAL USES SHALL HAVE BE MADE AVAILABLE FOR STORAGE AND HAVE INDEPENDENT ACCESS. 15 SF SHALL BE PROVIDED FOR EACH BICYCLE SPACE	BICYCLE STORAGE IS ENCLOSED, ADJOIN A RACK AND BE SECURED/LOCKEABLE AND AVAILABLE FOR INDEPENDENT ACCESS. 6 SF PER BICYCLE SPACE IS PROVIDED	COMPLIES: REDUCTION TO 6SF PROPOSED PER COMMISSIONER OF BUILDINGS CERTIFICATION
SPECIAL URBAN DESIGN GUIDELINES				
26-15	CURB CUTS	ONLY ONE CURB CUT PERMITTED ON A NARROW STREET FOR PREDOMINANTLY RESIDENTIAL BUILDINGS IN A C4-6	TWO CURB CUT PROPOSED ON 144TH STREET (NARROW) ADDITIONAL CURB CUT ON NARROW STREET	DOES NOT COMPLY, REQUIRES CPC CERTIFICATION PURSUANT TO 26-15 TO ALLOW ADDITIONAL CURB CUT ON NARROW STREET
26-17	CURB CUTS	NO CURB CUTS ARE PERMITTED ON WIDE STREETS FOR PREDOMINANTLY RESIDENTIAL BUILDINGS IN A C4-6	ONE CURB CUT PROPOSED ON 145TH STREET (WIDE)	DOES NOT COMPLY, REQUIRES CPC CERTIFICATION PURSUANT TO 26-17 TO ALLOW CURB CUT ON WIDE STREET
26-16	CENTRAL REFUSE STORAGE AREA	AREA FOR CENTRAL TRASH COLLECTION PROVIDED AT A RATE OF 75 SF FOR UNCOMPRESSED AND 50 SF FOR COMPRESSED GARBAGE FOR EACH 10,000 SF OF LOT AREA. SUCH AREA SHALL BE VENTILATED - 68,841 SF OF LOT AREA = 6.881 X 50 = 344 SF REQUIRED.	COMPRESSED: 1,860 SF PROVIDED	COMPLIES
26-41	STREET TREE PLANTING	ONE STREET TREE PRE-EXISTING OR NEWLY PLANTED FOR EVERY 25 FEET OF STREET FRONTAGE. LENOX AVE LINEAR FEET OF STREET FRONTAGE - 589'-0" 145TH STREET LINEAR FEET OF STREET FRONTAGE - 199'-10" 144TH STREET LINEAR FEET OF STREET FRONTAGE - 100'-0" TOTAL LINEAR FEET OF STREET FRONTAGE = 888'-10"/25 = 36 TREES REQUIRED	LENOX AVE: 1 STREET TREE PROVIDED 145TH STREET: 0 STREET TREES PROVIDED 144TH STREET: 1 STREET TREE PROVIDED TOTAL STREET TREES PROVIDED = 2 TREES REQUIRED COMPENSATION FOR 34 STREET TREES TO BE PROVIDED TO THE DEPARTMENT OF PARKS TREE FUND	COMPLIES

ZONING AREA SUMMARY			
Lot Area	68,841		
FAR			
Proposed:	12.00		
Floor Area			
Proposed:	826,092		
Tower Lot Coverage			
Proposed:	33.4%		
Dwelling Units			
Affordable	866	100%	
Market rate	217	25%	
	650	75%	
Parking			
Parking Spaces	Required: 260	Proposed: 130	Parking Waiver
Bicycle Parking Spaces	452	452	
Program Area	GSF	ZSF	FAR
Community Facility - Museum	48,015	44,458	0.65
Residential *	684,358	646,053	9.38
Commercial - Office *	75,018	72,133	1.05
Commercial - Retail *	41,991	33,114	0.48
Commercial - Banquet Hall *	31,791	30,334	0.44
Mechanical	23,292	-	-
Vehicle Parking	33,456	-	-
Development Total	940,921	826,092	12.00

\*Note: The proposed residential zoning floor area shall not exceed 701,203 SF; the proposed commercial zoning area shall not exceed 135,581 SF

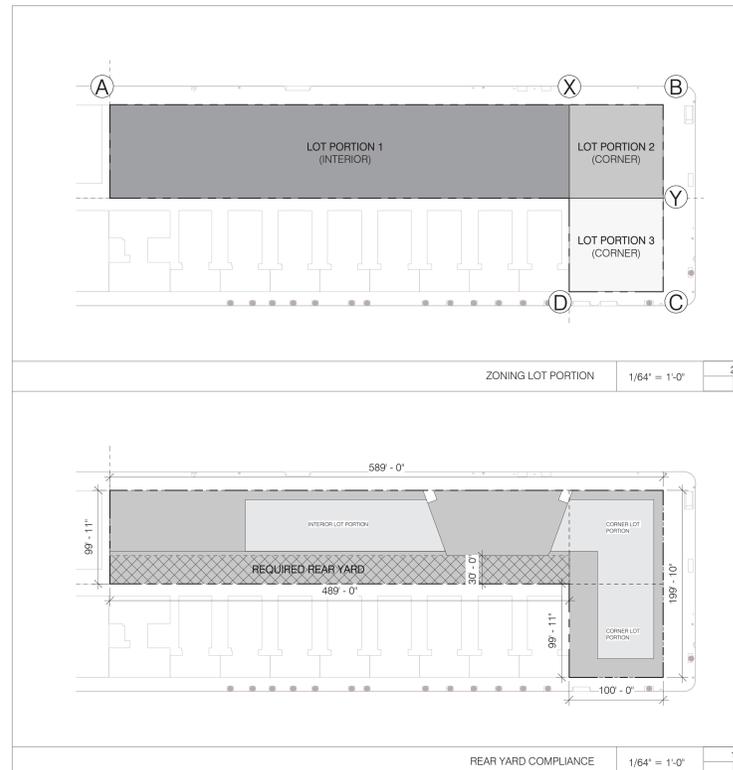
ZONING AREA SCHEDULE - BUILDING 1						
Use	Gross Floor Area	Floor Area Deductions	Zoning Floor Area	# of Dwelling Units	Bike Parking Spaces	Vehicle Parking Spaces
Community Facility	48,015	3,557	44,458	-	2	-
Museum	48,015	3,557	44,458	-	-	-
Residential	260,851	15,464	245,387	330	165	99
Total Commercial	114,040	4,573	108,219	-	-	-
Banquet Hall	17,291	665	16,626	-	2	-
Vertical Circulation (Banquet Hall)	14,500	792	13,708	-	1	-
Retail - Above Grade	5,983	230	5,753	-	-	-
Retail - Below Grade	1,248	1,248	-	-	1	-
Commercial Office	75,018	2,885	72,133	-	10	-
Vehicle Parking	11,763	11,763	-	-	-	-
Mechanical	20,362	-	-	-	-	-
Total	455,051	55,739	398,064	330	182	99

ZONING AREA SCHEDULE - BUILDING 2						
Use	Gross Floor Area	Floor Area Deductions	Zoning Floor Area	# of Dwelling Units	Bike Parking Spaces	Vehicle Parking Spaces
Community Facility	-	-	-	-	-	-
Residential	423,507	22,841	400,666	536	268	161
Total Commercial	34,760	7,398	27,362	-	-	-
Retail - Above Grade	28,456	1,094	27,362	-	3	-
Retail - Below Grade	6,304	6,304	-	-	-	-
Commercial Office	-	-	-	-	-	-
Commercial - Retail *	21,693	21,693	-	-	-	-
Commercial - Banquet Hall *	5,910	5,910	-	-	-	-
Mechanical	20,362	-	-	-	-	-
Vehicle Parking	485,870	57,842	428,028	536	271	161

#### ONE45

BLOCK: 2013 / LOT: 29, 33, 38, 44, 50  
PROPOSED ZONING DISTRICT: C4-6  
ZONING MAP: 6a  
MANHATTAN COMMUNITY DISTRICT 10  
USE GROUPS: 2 (RESIDENTIAL), 3 (COMMUNITY FACILITY), 6 (COMMERCIAL), 9 (COMMERCIAL)  
MIXED USE BUILDING

BASE PLANE CALCULATION						
CURB LEVEL ELEVATIONS	STREET LINE ELEVATIONS	LOT	AREA (SF)	WEIGHT FACTOR	AVG CURB HEIGHT	AVG STREET HEIGHT
A 24.34	A' 24.84	LOT 1	48,900	71%	18.04	18.40
B 11.73	B' 11.97	LOT 2	9,992	15%	12.46	12.73
C 12.28	C' 12.61	LOT 3	9,992	15%	13.19	13.44
D 14.10	D' 14.27	TOTAL	68,884	100%		
X 13.59	X' 13.93					
Y 12.07	Y' 12.30					
		CURB LEVEL BASE PLANE:			16.52	
		STREET LINE BASE PLANE:			16.86	
		PROJECT BASE PLANE:			16.76	



CLIENT  
LENOX BY THE BRIDGE, LLC  
35 BROADWAY, 10TH FLOOR  
NEW YORK, NY 10013  
TEL: 212.693.8888  
WWW.LENOXBYTHEBRIDGE.COM

ARCHITECT  
SHP ARCHITECTS  
235 BROADWAY, 10TH FLOOR  
NEW YORK, NY 10013  
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STRUCTURAL ENGINEER  
BORGHOFF MANHATTAN  
100 BROADWAY, 10TH FLOOR  
NEW YORK, NY 10013  
TEL: 212.693.8888  
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MEPPF ENGINEER  
LANGAN  
300 W 42ND ST, 10TH FLOOR  
NEW YORK, NY 10018  
TEL: 212.693.8888  
WWW.LANGAN.COM

CIVIL ENGINEER  
LANGAN  
300 W 42ND ST, 10TH FLOOR  
NEW YORK, NY 10018  
TEL: 212.693.8888  
WWW.LANGAN.COM

GEOTECHNICAL ENGINEER  
LANGAN  
300 W 42ND ST, 10TH FLOOR  
NEW YORK, NY 10018  
TEL: 212.693.8888  
WWW.LANGAN.COM

VERTICAL TRANSPORT  
FORTELINE SHEPHERD SALONGI PSC  
100 BROADWAY, 10TH FLOOR  
NEW YORK, NY 10013  
TEL: 212.693.8888  
WWW.FORTELINE.COM

PROJECT NAME  
**One45**

PROJECT ADDRESS  
**691 Lenox Avenue  
New York City, NY 10030**

SITE INFORMATION  
BOROUGH: MANHATTAN  
BLOCK: 2013  
LOTS: 29, 33, 38, 44, 50 (ANTICIPATED 1 MERGED TAX LOT)

ISSUANCE

NO.	DATE	ISSUE/REVISION
1	10/10/21	LALUP APPLICATION

THESE CHANGES ARE IMPLEMENTATIONS OF SERVICES AND AS SUCH MAY NOT BE USED FOR OTHER PROJECTS. FOR ADDITIONAL TO THE PROJECT, EPC COMPLETE FOR THE PROJECT BY OTHERS.

COMPILED BY: SHP ARCHITECTS ALL RIGHTS RESERVED.

**NOT FOR CONSTRUCTION**

**ZONING ANALYSIS TABLE**

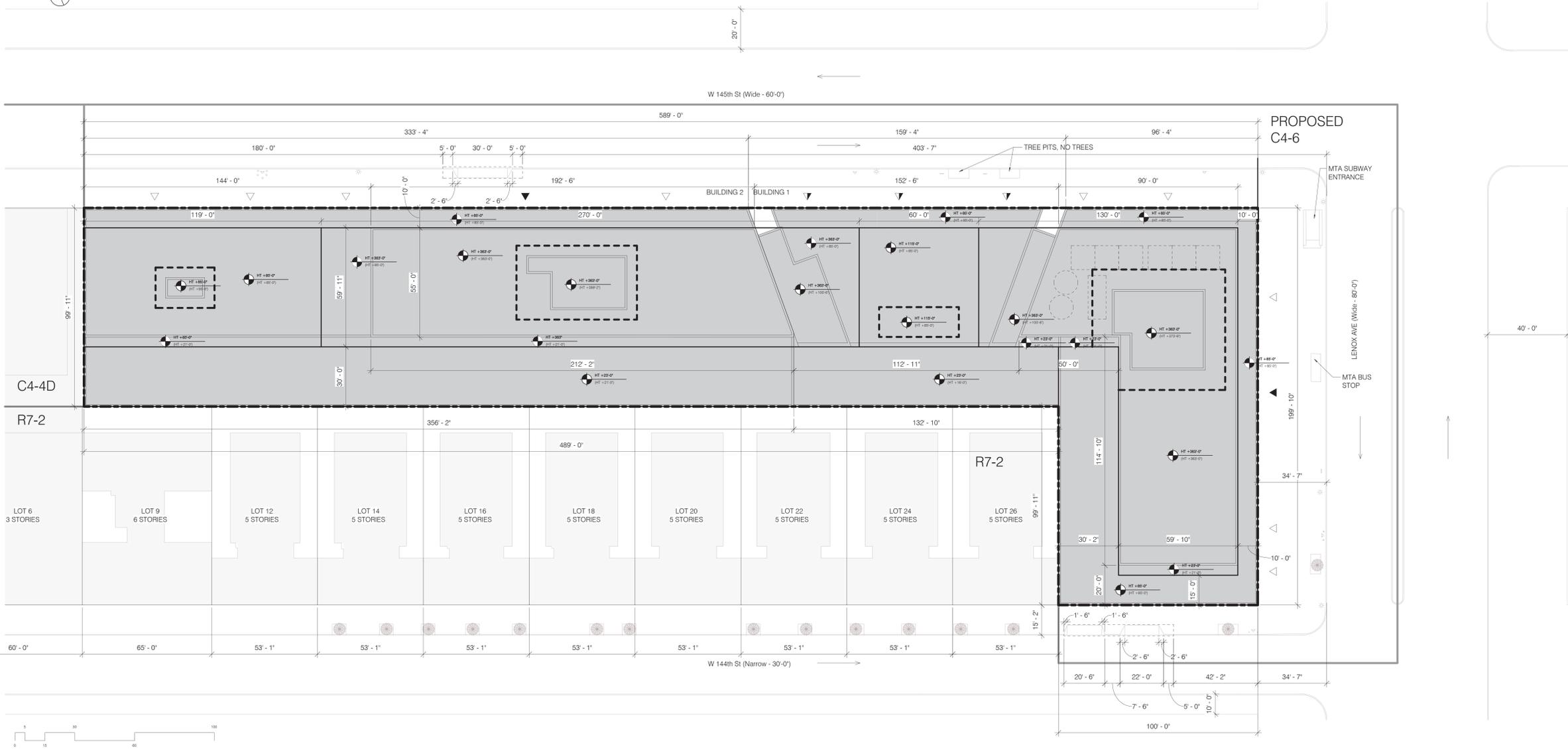
SEAL & SIGNATURE	DATE	PROJECT NO.
	10/10/21	200512
DESIGNED BY	Author	
CHECKED BY	Checker	
DATE		
DRAWING NUMBER		

<b>CLIENT</b>	
LENOX BY THE BRIDGE, LLC	
20 BROADWAY, 15TH FLOOR NEW YORK, NY 10038	
<b>ARCHITECT</b>	
SH&P ARCHITECTS 20 BROADWAY, 15TH FLOOR NEW YORK, NY 10038	
<b>MEPPP ENGINEER</b>	
ICOR 400 EAST 100TH STREET, 2ND FLOOR NEW YORK, NY 10022	
<b>GEOTECHNICAL ENGINEER</b>	
LANGAN 300 W. 42ND STREET, 10TH FLOOR NEW YORK, NY 10018	
<b>ENVIRONMENTAL ENGINEER</b>	
LANGAN 300 W. 42ND STREET, 10TH FLOOR NEW YORK, NY 10018	
<b>STRUCTURAL ENGINEER</b>	
BORG MARCHETTI (BORG) 100 BROADWAY, 15TH FLOOR NEW YORK, NY 10038	
<b>CIVIL ENGINEER</b>	
LANGAN 300 W. 42ND STREET, 10TH FLOOR NEW YORK, NY 10018	
<b>VERTICAL TRANSPORT</b>	
FORTUNE SHEFLER SALING (FSS) 20 BROADWAY, 15TH FLOOR NEW YORK, NY 10038	

### LEGEND

- PROPOSED MAXIMUM BLDG ENVELOPE
- ILLUSTRATIVE BUILDING LINE
- ZONING DISTRICT BOUNDARY
- LARGE SCALE GENERAL DEVELOPMENT/  
ZONING LOT LINE
- ILLUSTRATIVE MECHANICAL BULKHEAD
- DIRECTION OF TRAFFIC
- POTENTIAL CURB CUT ZONE
- EXISTING BUILDING FOOTPRINT
- PROPOSED BUILDING FOOTPRINT
- EXISTING STREET TREE
- FIRE HYDRANT
- STREET LAMP
- BICYCLE RACK
- DEVELOPMENT OVERLAP HEAD/  
ILLUSTRATIVE RAISING HEAD
- COMMERCIAL ACCESS POINT
- COMMUNITY ACCESS POINT
- RESIDENTIAL ACCESS POINT
- NORTH ARROW

- GENERAL NOTES:**
1. APPLICANT'S STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT, AND RELATED CURB CUTS.
  2. INFORMATION OUTSIDE OF THE BOUNDARIES OF THE ZONING LOT IS FOR ILLUSTRATIVE PURPOSES ONLY, AND MAY NOT BE EXACT. THE ARCHITECT BEARS NO RESPONSIBILITY FOR INEXACT BUILDING LINE INFORMATION ON SURROUNDING PROPERTIES.
  3. BUILDING ENTRANCES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
  4. ROOFTOP MECHANICAL BULKHEAD AND STAIR BULKHEAD LOCATIONS AND SIZES ARE SUBJECT TO CHANGE.



**PROJECT NAME**  
**One45**

**PROJECT ADDRESS**  
**691 Lenox Avenue  
New York City, NY 10030**

**SITE INFORMATION**  
BOROUGH: MANHATTAN  
BLOCK: 3015  
LOTS: 28, 33, 38, 44, 50 (ANTICIPATED 1 MERGED TAX LOT)

**ISSUANCE**

NO.	DATE	ISSUE/REVISION
1	10/11/21	LULUP APPLICATION

**NOT FOR CONSTRUCTION**

**ZONING LOT SITE PLAN**

SEAL & SIGNATURE: [Signature]  
DATE: 10/11/2021  
PROJECT NO.: 200512  
DRAWN BY: Author  
CHECKED BY: Checker  
DRAWING NUMBER: Z-003

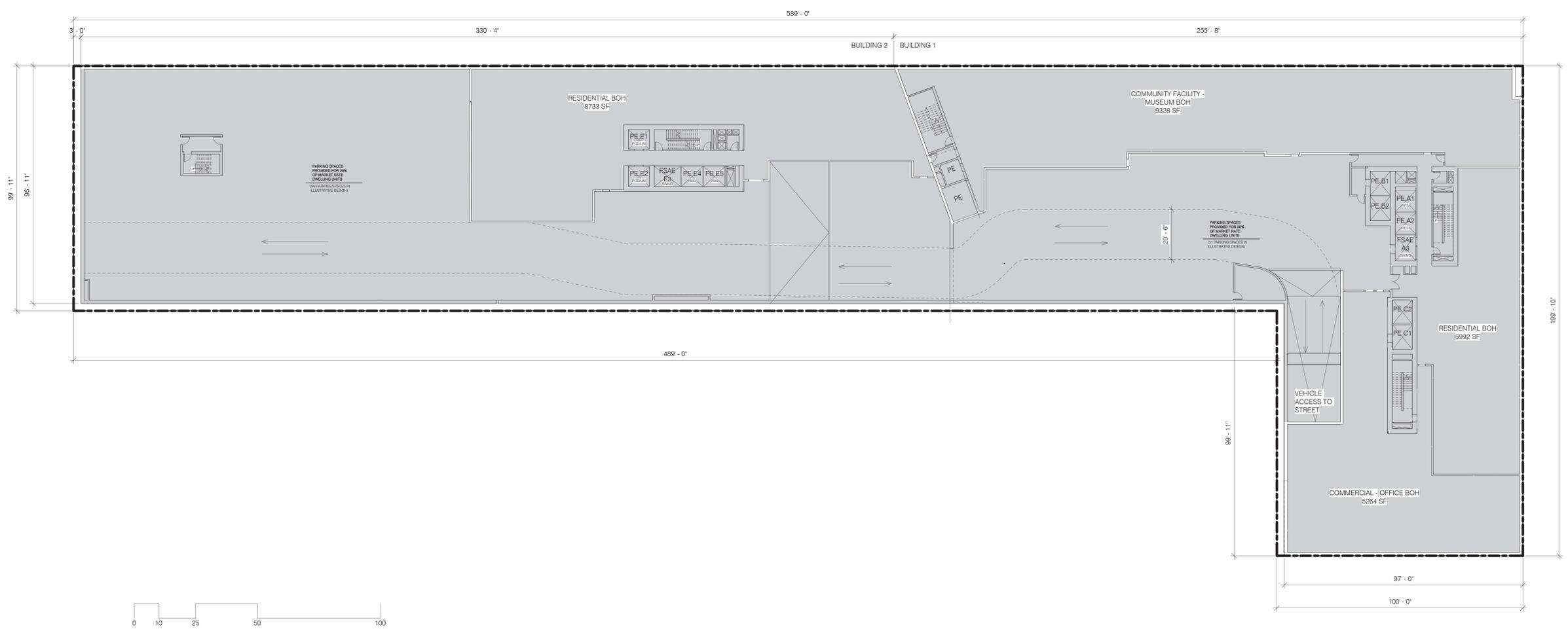
<b>CLIENT</b>	
LENOX BY THE BRIDGE, LLC 25 BRUNNEN ST 10TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8900	
<b>ARCHITECT</b>	<b>STRUCTURAL ENGINEER</b>
SHAP ARCHITECTS 25 BRUNNEN ST 10TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8900	SEUNG HAN COO (SE) 100 WALKER ST 10TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8900
<b>MEPPP ENGINEER</b>	<b>CIVIL ENGINEER</b>
DOOR 485 E 111TH ST 2ND FLOOR BKA 100 BLDG NEW YORK, NY 10035 TEL: 348.773.3388	LANGAN 300 W 107TH ST 10TH FLOOR NEW YORK, NY 10035 TEL: 348.773.3388
<b>GEOTECHNICAL ENGINEER</b>	<b>ENVIRONMENTAL ENGINEER</b>
LANGAN 300 W 107TH ST 10TH FLOOR NEW YORK, NY 10035 TEL: 348.773.3388	LANGAN 300 W 107TH ST 10TH FLOOR NEW YORK, NY 10035 TEL: 348.773.3388
<b>FACADE CONSULTANT</b>	<b>VERTICAL TRANSPORT</b>
COVERLEY O'CALLAGHAN (CO) 28 BRUNNEN ST 10TH FLOOR NEW YORK, NY 10038 TEL: 946.764.4733	VERTICAL TRANSPORT FORTUNE SHEPHERD SALING (FS) 27 WOODLAND ROAD ROCKWOOD, NJ 07866 TEL: 943.465.8332

### LEGEND

- PROPOSED MAXIMUM BLDG ENVELOPE
- ILLUSTRATIVE BUILDING LINE
- ZONING DISTRICT BOUNDARY
- LARGE SCALE GENERAL DEVELOPMENT/ ZONING LOT LINE
- DIRECTION OF TRAFFIC
- PROPOSED BUILDING FOOTPRINT
- 20% OF MARKET RATE OR 0.1% OF MARKET RATE CHANGING UNITS
- 20% OF MARKET RATE OR 0.1% OF MARKET RATE CHANGING UNITS
- NORTH ARROW

### GENERAL NOTES:

- INTERIOR PARTITIONS AND USES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE.
- INFORMATION WITHIN THE COMMUNITY FACILITY SPACES IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND IS SUBJECT TO CHANGE PURSUANT TO COMMUNITY FACILITY OPERATIONS.



**PROJECT NAME**  
**One45**

**PROJECT ADDRESS**  
691 Lenox Avenue  
New York City, NY 10030

**SITE INFORMATION**  
BOROUGH: MANHATTAN  
BLOCK: 3015  
LOTS: 28, 33, 38, 44, 50 (ANTICIPATED 1 MERGED TAX LOT)

**ISSUANCE**

NO.	DATE	ISSUE/REVISION
1	10/11/21	LULUP APPLICATION

**NOT FOR CONSTRUCTION**

**DRAWING TITLE**  
**CELLAR PLAN**

SEAL & SIGNATURE	DATE	10/11/2021
PROJECT NO.	200512	Author
DRAWN BY	Checked by	Checker
DRAWING NUMBER		

**Z-004**

FLOOR PLAN - SUBLEVEL 1 - CELLAR 1/16" = 1'-0"

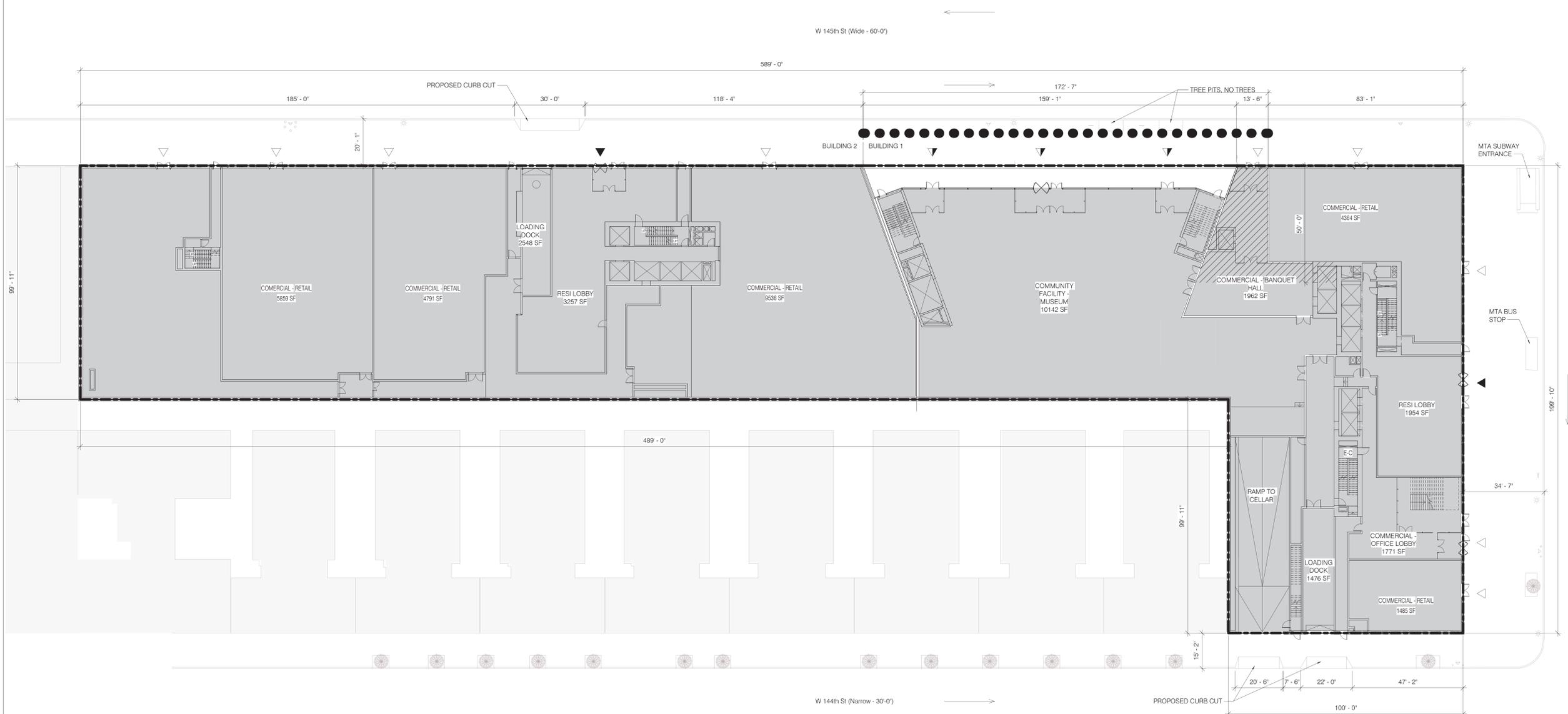
<b>CLIENT</b>	
LENOX BY THE BRIDGE, LLC 150 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8300	
<b>ARCHITECT</b>	<b>STRUCTURAL ENGINEER</b>
SHIP ARCHITECTS 25 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8300	SHIP ARCHITECTS (S.E.) 150 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8300
<b>MEPPP ENGINEER</b>	<b>CIVIL ENGINEER</b>
LANGAN 400 WEST 104TH STREET, 2ND FLOOR NEW YORK, NY 10026 TEL: 348.232.2200	LANGAN 400 WEST 104TH STREET, 2ND FLOOR NEW YORK, NY 10026 TEL: 348.232.2200
<b>GEOTECHNICAL ENGINEER</b>	<b>ENVIRONMENTAL ENGINEER</b>
LANGAN 400 WEST 104TH STREET, 2ND FLOOR NEW YORK, NY 10026 TEL: 348.232.2200	LANGAN 400 WEST 104TH STREET, 2ND FLOOR NEW YORK, NY 10026 TEL: 348.232.2200
<b>FACADE CONSULTANT (E.O.C.)</b>	<b>VERTICAL TRANSPORT</b>
COVERLEY O'CALLAGHAN (E.O.C.) 25 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 TEL: 946.736.4151	VERTICAL TRANSPORT FORTUNE SHEPHERD SALANG (P.E.) 11 WOODLAND ROAD ROCKWOOD, NJ 07866 TEL: 943.462.8332

## LEGEND

- PROPOSED MAXIMUM BLDG ENVELOPE
- ILLUSTRATIVE BUILDING LINE
- ZONING DISTRICT BOUNDARY
- LARGE SCALE GENERAL DEVELOPMENT/ ZONING LOT LINE
- DIRECTION OF TRAFFIC
- POTENTIAL CURB CUT ZONE
- EXISTING BUILDING FOOTPRINT
- PROPOSED BUILDING FOOTPRINT
- EXISTING STREET TREE
- FIRE HYDRANT
- STREET LAMP
- BICYCLE RACK
- COMMERCIAL ACCESS POINT
- COMMUNITY ACCESS POINT
- RESIDENTIAL ACCESS POINT
- NORTH ARROW

- USE WAIVER FOR ZR 32-423 TO ALLOW U.G. 9 USES WITHIN 50' OF STREET LINE
- USE WAIVER FOR ZR 32-422: LOCATION OF FLOORS OCCUPIED BY COMMERCIAL USES
- BULK WAIVER FOR ZR 34-64(b)(3): COMMERCIAL PORTION PENETRATES SKY PLANE
- USE WAIVER FOR ZR 32-422: LOCATION OF FLOORS OCCUPIED BY COMMERCIAL USES

- GENERAL NOTES:**
1. APPLICANT'S STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT AND RELATED CURB CUTS.
  2. INFORMATION OUTSIDE OF THE BOUNDARIES OF THE ZONING LOT IS FOR ILLUSTRATIVE PURPOSES ONLY, AND MAY NOT BE EXACT. THE ARCHITECT BEARS NO RESPONSIBILITY FOR INEXACT BUILDING LINE INFORMATION ON SURROUNDING PROPERTIES.
  3. BUILDING ENTRANCES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
  4. INTERIOR PARTITIONS AND USES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE.
  5. INFORMATION WITHIN THE COMMUNITY FACILITY SPACES IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND IS SUBJECT TO CHANGE PURSUANT TO COMMUNITY FACILITY OPERATIONS.



**PROJECT NAME**  
**One45**

**PROJECT ADDRESS**  
691 Lenox Avenue  
New York City, NY 10030

**SITE INFORMATION**  
BOROUGH: MANHATTAN  
BLOCK: 3015  
LOTS: 28, 33, 38, 44, 50 (ANTICIPATED 1 MERGED TAX LOT)

**ISSUANCE**

NO.	DATE	ISSUE/REVISION
1	10/11/21	LULUP APPLICATION

**NOT FOR CONSTRUCTION**

**DRAWING TITLE**  
**GROUND FLOOR PLAN**

**SEAL & SIGNATURE** DATE: 10/11/2021  
PROJECT NO.: 200512  
DRAWN BY: Author  
CHECKED BY: Checker  
DATE: 10/11/2021  
DRAWING NUMBER: Z-005

<b>CLIENT</b>	
LENOX BY THE BRIDGE, LLC 25 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8800	
<b>ARCHITECT</b>	<b>STRUCTURAL ENGINEER</b>
SH P ARCHITECTS 25 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8800	BOURO HARVEY CO. (DBA) 100 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8800
<b>MEPP ENGINEER</b>	<b>CIVIL ENGINEER</b>
MEPP 405 EAST 100TH STREET, 2ND FLOOR BROOKLYN, NY 11230 TEL: 718.332.1200	LANGAN 300 WEST 125TH STREET, 2ND FLOOR NEW YORK, NY 10030 TEL: 212.693.8800
<b>GEOTECHNICAL ENGINEER</b>	<b>ENVIRONMENTAL ENGINEER</b>
LANGAN 300 WEST 125TH STREET, 2ND FLOOR NEW YORK, NY 10030 TEL: 212.693.8800	LANGAN 300 WEST 125TH STREET, 2ND FLOOR NEW YORK, NY 10030 TEL: 212.693.8800
<b>FACADE CONSULTANT</b>	<b>VERTICAL TRANSPORT</b>
COVERLEY O'CALLAGHAN (COO) 25 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8800	VERTICAL TRANSPORT FORT LINDSEY SHEPHERD SALONGI (FSS) 110 WOODLAND ROAD BROOKLYN, NY 11238 TEL: 718.462.8332

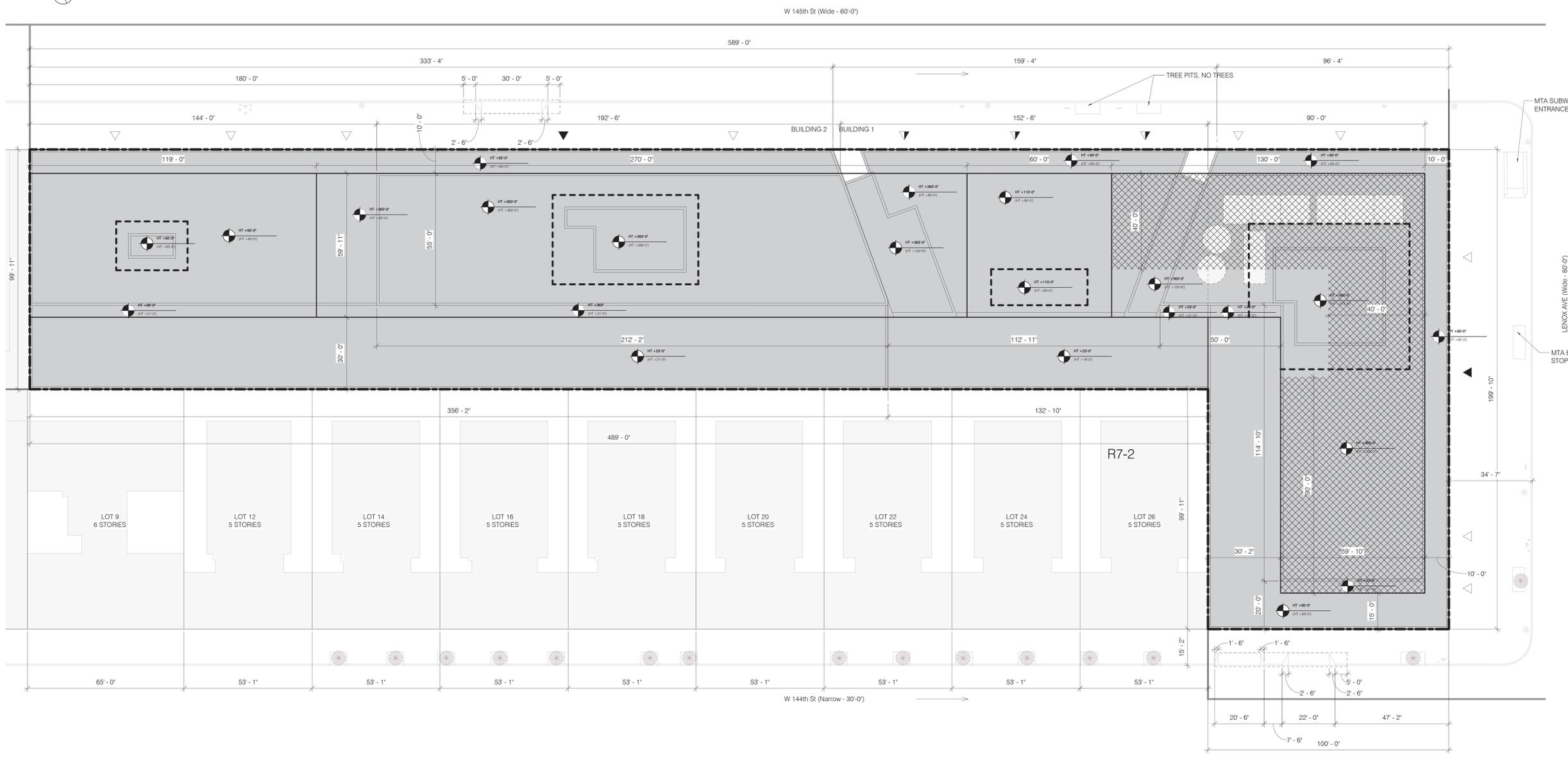
## LEGEND

- PROPOSED MAXIMUM BLDG ENVELOPE
- ILLUSTRATIVE BUILDING LINE
- ZONING DISTRICT BOUNDARY
- LARGE SCALE GENERAL DEVELOPMENT/ ZONING LOT LINE
- ILLUSTRATIVE MECHANICAL BULKHEAD
- DIRECTION OF TRAFFIC
- POTENTIAL CURB CUT ZONE
- EXISTING BUILDING FOOTPRINT
- PROPOSED BUILDING FOOTPRINT
- EXISTING STREET TREE
- FIRE HYDRANT
- STREET LAMP
- BICYCLE RACK
- DEVELOPMENT ENVELOPE HEIGHT
- ILLUSTRATIVE BUILDING HEIGHT
- COMMERCIAL ACCESS POINT
- COMMUNITY ACCESS POINT
- RESIDENTIAL ACCESS POINT
- NORTH ARROW

- USE WAIVER OF ZR 32-423 TO ALLOW U.G. 9 USES WITHIN 50' OF STREET LINE
- USE WAIVER FOR ZR 32-422: LOCATION OF FLOORS OCCUPIED BY COMMERCIAL USES
- BULK WAIVER FOR ZR 34-64(b)(3): COMMERCIAL PORTION PENETRATES SKY PLANE

### GENERAL NOTES:

1. APPLICANT'S STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT AND RELATED CURB CUTS.
2. INFORMATION OUTSIDE OF THE BOUNDARIES OF THE ZONING LOT IS FOR ILLUSTRATIVE PURPOSES ONLY, AND MAY NOT BE EXACT. THE ARCHITECT BEARS NO RESPONSIBILITY FOR INEXACT BUILDING LINE INFORMATION ON SURROUNDING PROPERTIES.
3. BUILDING ENTRANCES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
4. ROOFTOP MECHANICAL BULKHEAD AND STAIR BULKHEAD LOCATIONS AND SIZES ARE SUBJECT TO CHANGE.
5. AGGREGATE TOWER LOT COVERAGE OF BUILDINGS 1 & 2 NOT TO EXCEED 40%



### PROJECT NAME

**One45**

PROJECT ADDRESS  
**691 Lenox Avenue  
New York City, NY 10030**

SITE INFORMATION  
BOROUGH: MANHATTAN  
BLOCK: 3018  
LOTS: 26, 33, 38, 44, 50 (ANTICIPATED 1 MERGED TAX LOT)

### ISSUANCE

NO.	DATE	ISSUE/REVISION
1	10/11/21	LULUP APPLICATION

THESE CHANGES ARE IMPLEMENTATIONS OF SERVICE AND AS SUCH MAY NOT BE USED FOR OTHER PROJECTS. FOR ADDITIONS TO THE PROJECT OR COMPLETION OF THE PROJECT BY OTHERS.

COMMENTS BY 2025 SH P ARCHITECTS ALL RIGHTS RESERVED.

**NOT FOR CONSTRUCTION**

### DRAWING TITLE

**WAIVER SITE PLAN**

SEAL & SIGNATURE DATE PROJECT NO. 10110201

PROJECT NO. 200512

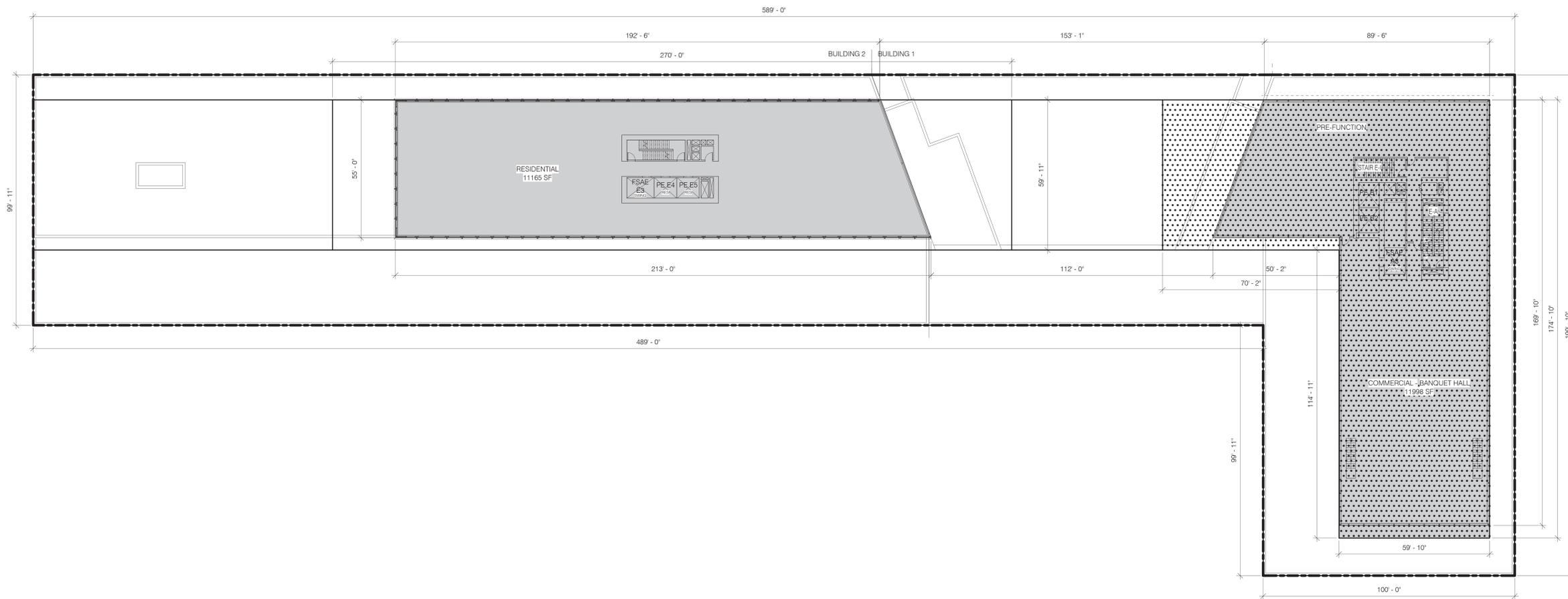
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CHECKED BY Checker

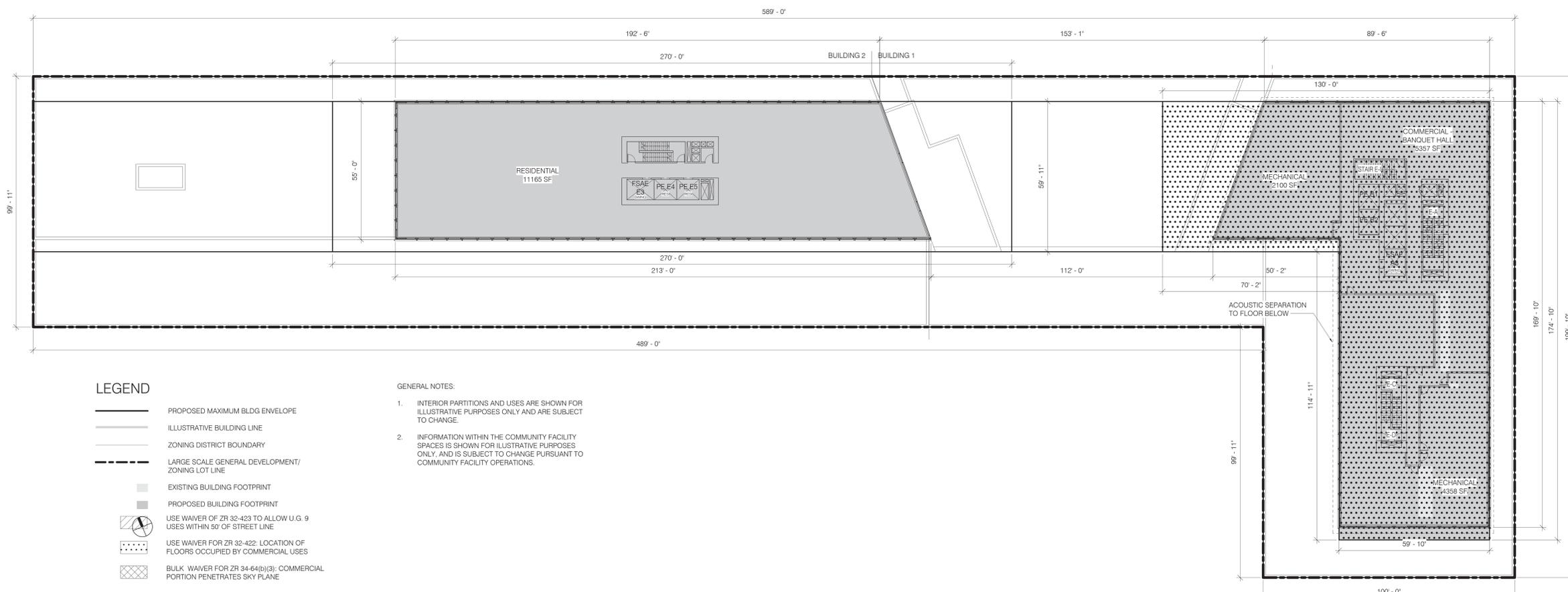
DRAWING NUMBER

**Z-006**

<b>CLIENT</b>	
LENOX BY THE BRIDGE, LLC 25 BROADWAY, 10TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8900	
<b>ARCHITECT</b>	<b>STRUCTURAL ENGINEER</b>
SH&P ARCHITECTS 25 BROADWAY, 10TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8900	SH&P ARCHITECTS (S&P) 25 BROADWAY, 10TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8900
<b>MEPP ENGINEER</b>	<b>CIVIL ENGINEER</b>
MEPP 400 WEST 125TH STREET, 2ND FLOOR NEW YORK, NY 10032 TEL: 212.693.8900	LANGAN 300 WEST 125TH STREET, 2ND FLOOR NEW YORK, NY 10032 TEL: 212.693.8900
<b>GEOTECHNICAL ENGINEER</b>	<b>ENVIRONMENTAL ENGINEER</b>
LANGAN 300 WEST 125TH STREET, 2ND FLOOR NEW YORK, NY 10032 TEL: 212.693.8900	LANGAN 300 WEST 125TH STREET, 2ND FLOOR NEW YORK, NY 10032 TEL: 212.693.8900
<b>FACADE CONSULTANT</b>	<b>VERTICAL TRANSPORT</b>
COVERLEY O'CALLAGHAN (COO) 25 BROADWAY, 10TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8900	FORTLINE SHEPHERD SALES (FSO) 25 BROADWAY, 10TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8900



WAIVER PLAN - LEVEL E-28 - BANQUET HALL 1/16" = 1'-0" 2



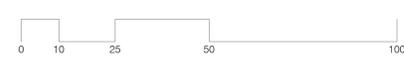
WAIVER PLAN - LEVEL E-27 - MECHANICAL 1/16" = 1'-0" 1

### LEGEND

- PROPOSED MAXIMUM BLDG ENVELOPE
- ILLUSTRATIVE BUILDING LINE
- ZONING DISTRICT BOUNDARY
- LARGE SCALE GENERAL DEVELOPMENT/ ZONING LOT LINE
- EXISTING BUILDING FOOTPRINT
- PROPOSED BUILDING FOOTPRINT
- USE WAIVER OF ZR 32-423 TO ALLOW U.G. 9 USES WITHIN 50' OF STREET LINE
- USE WAIVER FOR ZR 32-422: LOCATION OF FLOORS OCCUPIED BY COMMERCIAL USES
- BULK WAIVER FOR ZR 34-64(b)(3): COMMERCIAL PORTION PENETRATES SKY PLANE

### GENERAL NOTES:

1. INTERIOR PARTITIONS AND USES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE.
2. INFORMATION WITHIN THE COMMUNITY FACILITY SPACES IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND IS SUBJECT TO CHANGE PURSUANT TO COMMUNITY FACILITY OPERATIONS.



PROJECT NAME  
**One45**

PROJECT ADDRESS  
**691 Lenox Avenue  
New York City, NY 10030**

SITE INFORMATION  
BOROUGH: MANHATTAN  
BLOCK: 3013  
LOTS: 29, 33, 38, 44, 50 (ANTICIPATED 1 MERGED TAX LOT)

ISSUANCE

NO.	DATE	ISSUE/REVISION
1	10/11/21	LULUP APPLICATION

THESE CHANGES ARE IMPLEMENTATIONS OF SERVICE AND AS SUCH MAY NOT BE USED FOR OTHER PROJECTS. FOR ADDITIONS TO THIS PROJECT OR COMPLETION OF THIS PROJECT BY OTHERS.

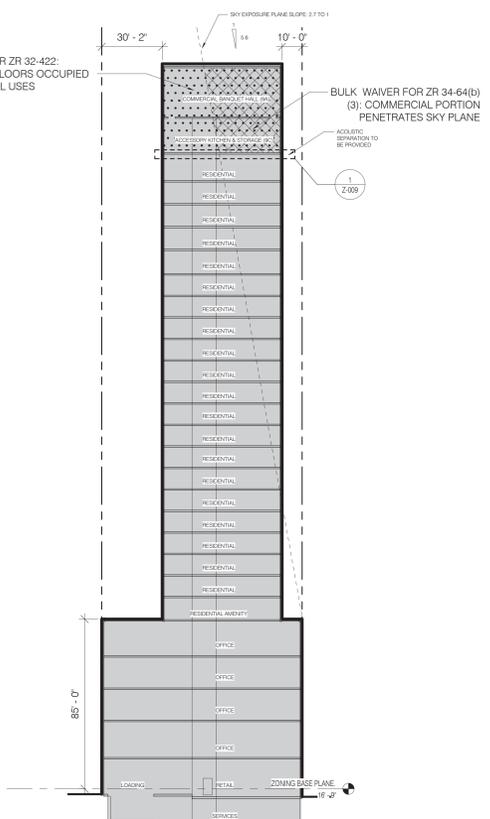
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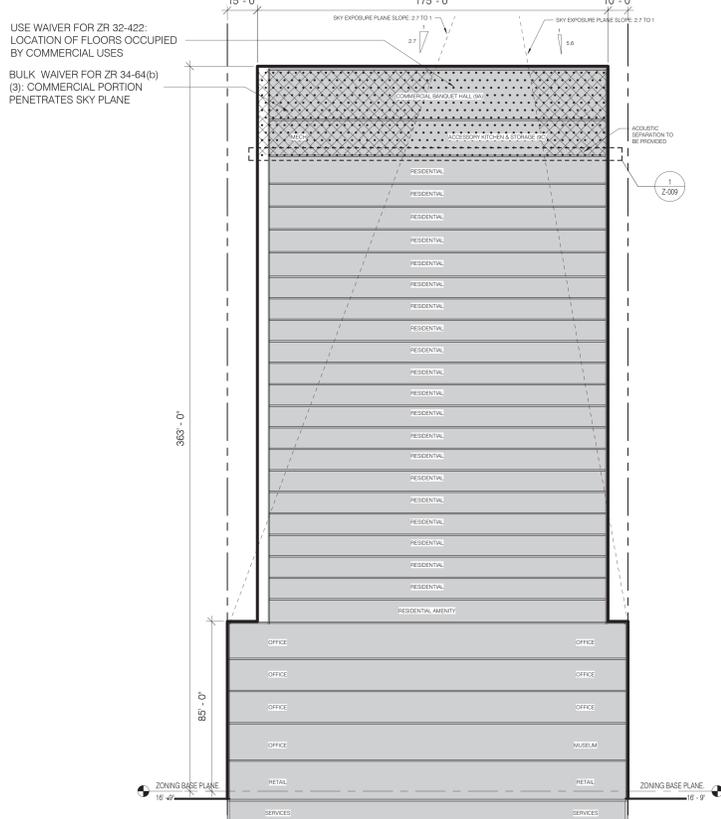
DRAWING TITLE  
**WAIVER FLOOR PLANS**

SEAL & SIGNATURE	DATE	10/11/2021
PROJECT NO.	200512	
DRAWN BY	Author	
CHECKED BY	Checker	
DRAWING NUMBER	Z-007	

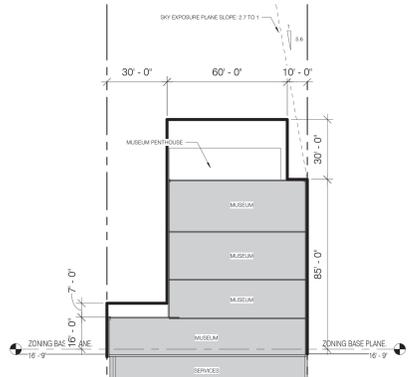
<b>CLIENT</b>	
LENOX BY THE BRIDGE, LLC	
150 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8888	
<b>ARCHITECT</b>	<b>STRUCTURAL ENGINEER</b>
SHIP ARCHITECTS 300 W. 42ND STREET, 15TH FLOOR NEW YORK, NY 10018 TEL: 212.693.8888	SHUPAK PARTNERS LLP 100 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8888
<b>MEPP ENGINEER</b>	<b>CIVIL ENGINEER</b>
DOOR 400 WEST 100TH STREET, 2ND FLOOR BRONX, NY 10450 TEL: 914.233.3333	LANGAN 300 WEST 100TH STREET, 2ND FLOOR BRONX, NY 10450 TEL: 914.233.3333
<b>GEOTECHNICAL ENGINEER</b>	<b>ENVIRONMENTAL ENGINEER</b>
LANGAN 300 WEST 100TH STREET, 2ND FLOOR BRONX, NY 10450 TEL: 914.233.3333	LANGAN 300 WEST 100TH STREET, 2ND FLOOR BRONX, NY 10450 TEL: 914.233.3333
<b>FACADE CONSULTANT</b>	<b>VERTICAL TRANSPORT</b>
COHENLEY O'CALLAGHAN (COO) 25 BROADWAY, 5TH FLOOR NEW YORK, NY 10038 TEL: 914.736.4131	FORTUNE SHEPHERD SALES (FSS) 10 WOODLAND ROAD ROCKY HILL, CT 06154 TEL: 860.462.8888



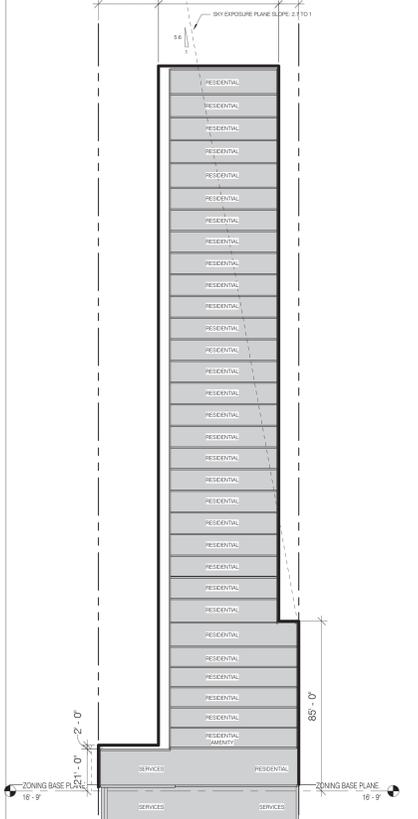
E-W ZONING SECTION E-E 1" = 30'-0" 5 A-100 Z-000



N-S ZONING SECTION D-D - EAST TOWER 1" = 30'-0" 4 A-100 Z-000



N-S ZONING SECTION C-C - MUSEUM 1" = 30'-0" 3 A-100 Z-000

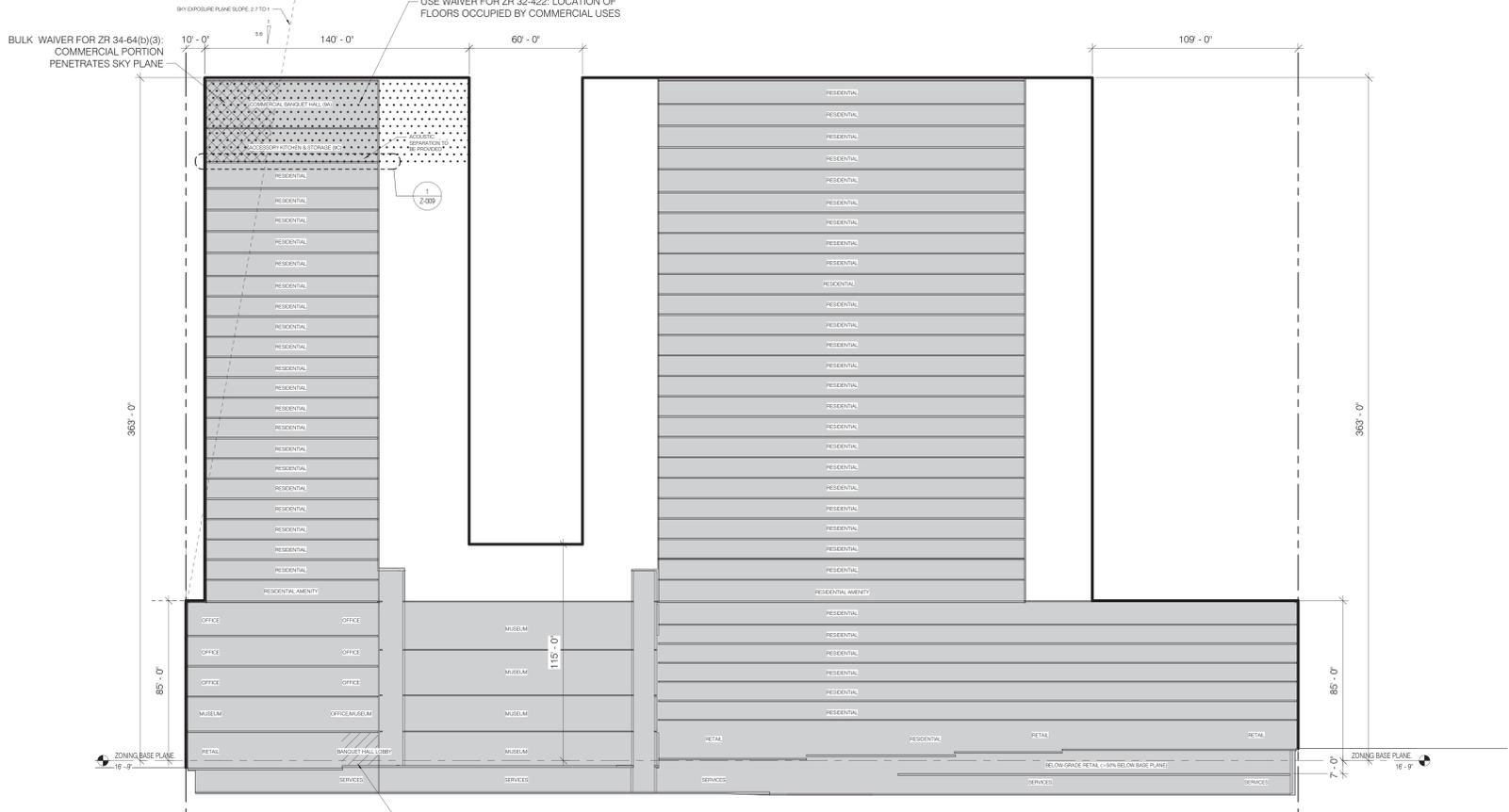


N-S ZONING SECTION B-B - WEST TOWER 1" = 30'-0" 2 A-100 Z-000

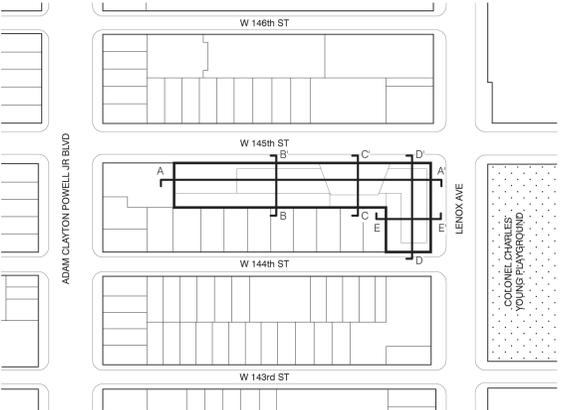
- GENERAL NOTES:**
- APPLICANT'S STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT AND RELATED CURB CUTS.
  - INFORMATION OUTSIDE OF THE BOUNDARIES OF THE ZONING LOT IS FOR ILLUSTRATIVE PURPOSES ONLY, AND MAY NOT BE EXACT. THE ARCHITECT BEARS NO RESPONSIBILITY FOR INEXACT BUILDING LINE INFORMATION ON SURROUNDING PROPERTIES.
  - INTERIOR PARTITIONS AND USES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE.
  - ROOFTOP MECHANICAL BULKHEAD AND STAIR BULKHEAD LOCATIONS AND SIZES ARE SUBJECT TO CHANGE.
  - INFORMATION WITHIN THE COMMUNITY FACILITY SPACES IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND IS SUBJECT TO CHANGE PURSUANT TO COMMUNITY FACILITY OPERATIONS.

**LEGEND**

	PROPOSED MAXIMUM BLDG ENVELOPE
	ILLUSTRATIVE BUILDING LINE
	EXISTING BUILDING FOOTPRINT
	PROPOSED BUILDING FOOTPRINT
	USE WAIVER FOR ZR 32-423 TO ALLOW U.G. 9 USES WITHIN 50' OF STREET LINE
	USE WAIVER FOR ZR 32-422: LOCATION OF FLOORS OCCUPIED BY COMMERCIAL USES
	BULK WAIVER FOR ZR 34-64(b)(3): COMMERCIAL PORTION PENETRATES SKY PLANE



E-W ZONING SECTION A-A 1" = 30'-0" 1 A-100 Z-000



**PROJECT NAME**  
One45

**PROJECT ADDRESS**  
691 Lenox Avenue  
New York City, NY 10030

**SITE INFORMATION**  
BOROUGH: MANHATTAN  
BLOCK: 3018  
LOTS: 28, 33, 38, 44, 50 (ANTICIPATED 1 MERGED TAX LOT)

**ISSUANCE**

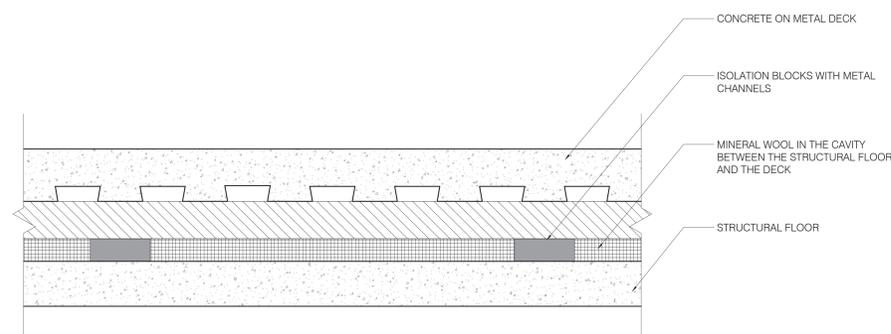
NO.	DATE	ISSUE/REVISION
1	10/11/21	LULURP APPLICATION

**NOT FOR CONSTRUCTION**

**WAIVER SECTIONS**

SEAL & SIGNATURE	DATE	10/11/2021
PROJECT NO.	200512	
DRAWN BY	Author	
CHECKED BY	Checker	
DRAWING NUMBER	Z-008	

<b>CLIENT</b>	
LENOX BY THE BRIDGE, LLC 150 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 P: 212.693.8900	
<b>ARCHITECT</b>	<b>STRUCTURAL ENGINEER</b>
SHRP ARCHITECTS 125 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 P: 212.693.8900	SEUNG HAN CO. (SHP) 100 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 P: 212.693.8900
<b>MEPPP ENGINEER</b>	<b>CIVIL ENGINEER</b>
MEPPP 400 WEST 104TH STREET, 2ND FLOOR BRONX, NY 10452 P: 914.232.2200	LANGAN 300 WEST 125TH STREET, 2ND FLOOR NEW YORK, NY 10028 P: 212.693.8900
<b>GEOTECHNICAL ENGINEER</b>	<b>ENVIRONMENTAL ENGINEER</b>
LANGAN 300 WEST 125TH STREET, 2ND FLOOR NEW YORK, NY 10028 P: 212.693.8900	LANGAN 300 WEST 125TH STREET, 2ND FLOOR NEW YORK, NY 10028 P: 212.693.8900
<b>FACADE CONSULTANT</b>	<b>VERTICAL TRANSPORT</b>
COVERSLEY O'CALLAGHAN (COO) 100 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 P: 212.693.8900	VERTICAL TRANSPORT 100 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 P: 212.693.8900



NOTE: THIS ILLUSTRATIVE DETAIL IS ONE EXAMPLE OF A TYPE OF FLOOR CONSTRUCTION THAT COULD ACHIEVE THE PROPOSED SOUND TRANSMISSION CLASS (STC) OF AT LEAST 60 AND PROPOSED IMPACT INSULATION CLASS (IIC) OF AT LEAST 60.

PROJECT NAME

**One45**

PROJECT ADDRESS  
**691 Lenox Avenue  
New York City, NY 10030**

SITE INFORMATION  
BOROUGH: MANHATTAN  
BLOCK: 3015  
LOTS: 28, 33, 38, 44, 50 (ANTICIPATED 1 MERGED TAX LOT)

ISSUANCE

NO.	DATE	ISSUE/REVISION
1	10/11/21	LULUP APPLICATION

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DRAWING TITLE  
**DETAILS - ACOUSTIC TREATMENT**

SEAL & SIGNATURE DATE 10/11/2021

PROJECT NO. 200512

CHECKED BY Author

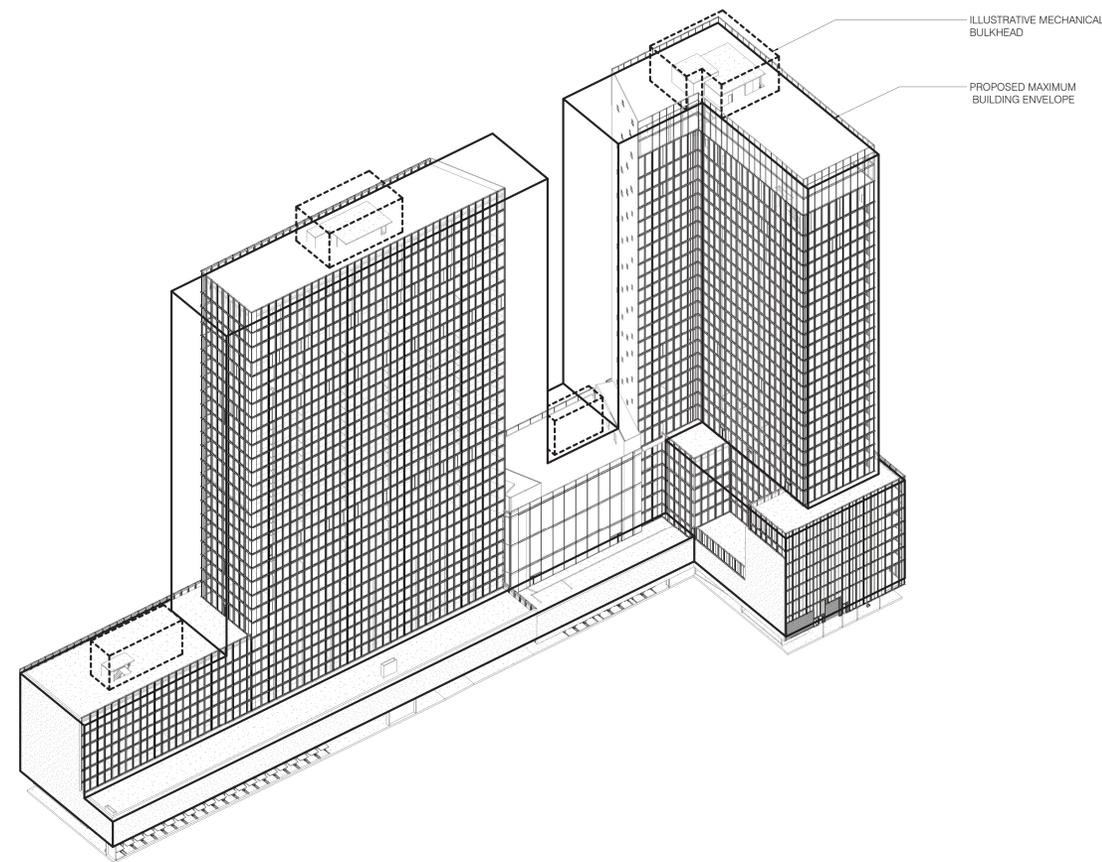
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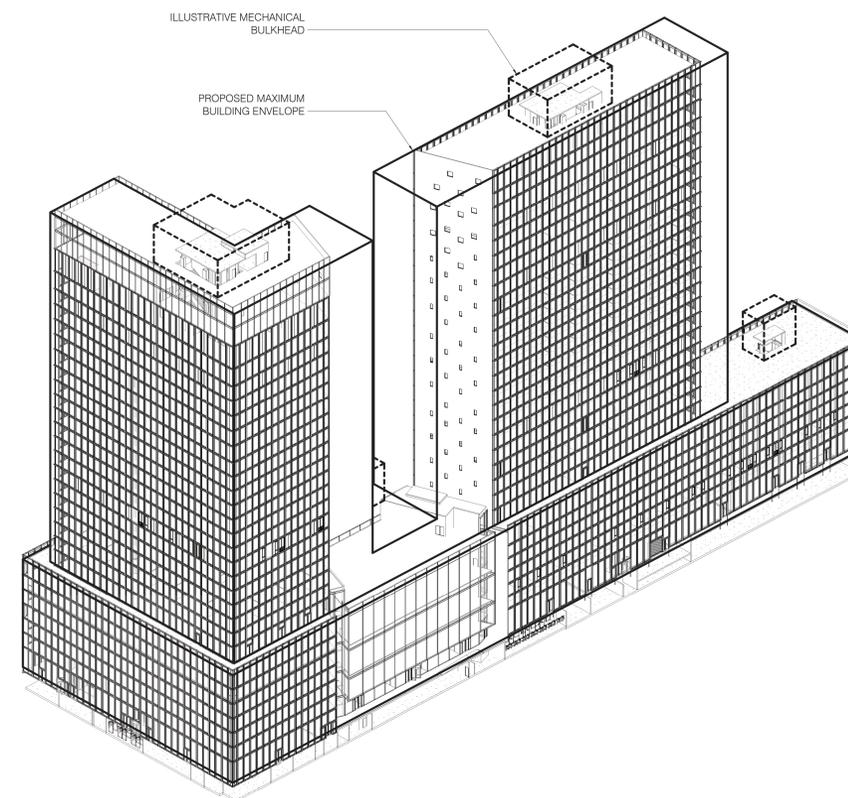
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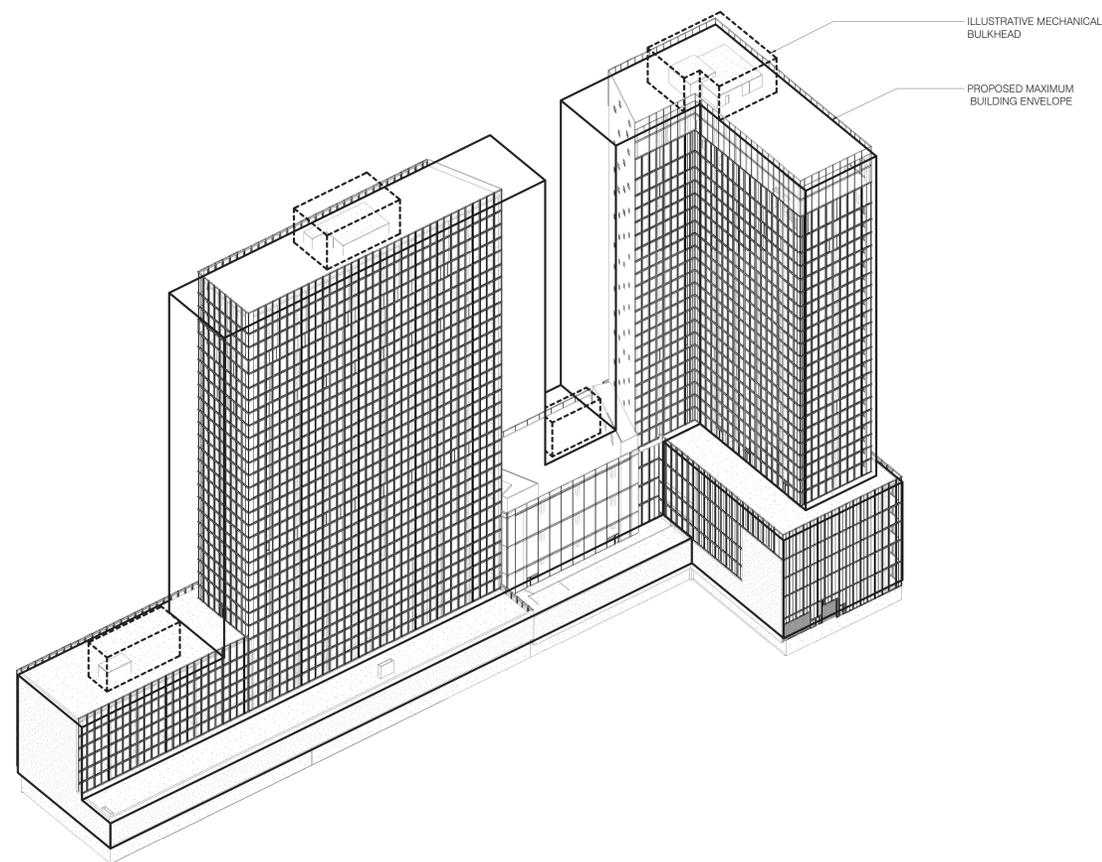
<b>CLIENT</b>	
LENOX BY THE BRIDGE, LLC 25 BRONX AVENUE NEW YORK, NY 10026 P: 909.899.8999	
<b>ARCHITECT</b>	<b>STRUCTURAL ENGINEER</b>
SHUP ARCHITECTS 25 BRONX AVENUE NEW YORK, NY 10026 P: 212.889.8999	BRUNO FERRACELLI (SE) 100 WASHINGTON ST. 12TH FLOOR NEW YORK, NY 10038 P: 212.693.8881
<b>MEPP ENGINEER</b>	<b>CIVIL ENGINEER</b>
ICOR 465 EAST 190TH STREET 2ND FLOOR BRONX, NY 10460 P: 914.233.2222	LANGAN 300 WEST 125TH STREET NEW YORK, NY 10027 P: 212.633.1000
<b>GEOTECHNICAL ENGINEER</b>	<b>ENVIRONMENTAL ENGINEER</b>
LANGAN 300 WEST 125TH STREET NEW YORK, NY 10027 P: 212.633.1000	LANGAN 300 WEST 125TH STREET NEW YORK, NY 10027 P: 212.633.1000
<b>FACADE CONSULTANT</b>	<b>VERTICAL TRANSPORT</b>
CONSENYEY O'CALLAGHAN (CO) 25 BRONX AVENUE 12TH FLOOR NEW YORK, NY 10026 P: 946.764.4131	FORTUNE SHEPHERD SAUNDERS (FS) 11 WOODLAND ROAD ROCKY HILL, CT 06154 P: 860.466.8880



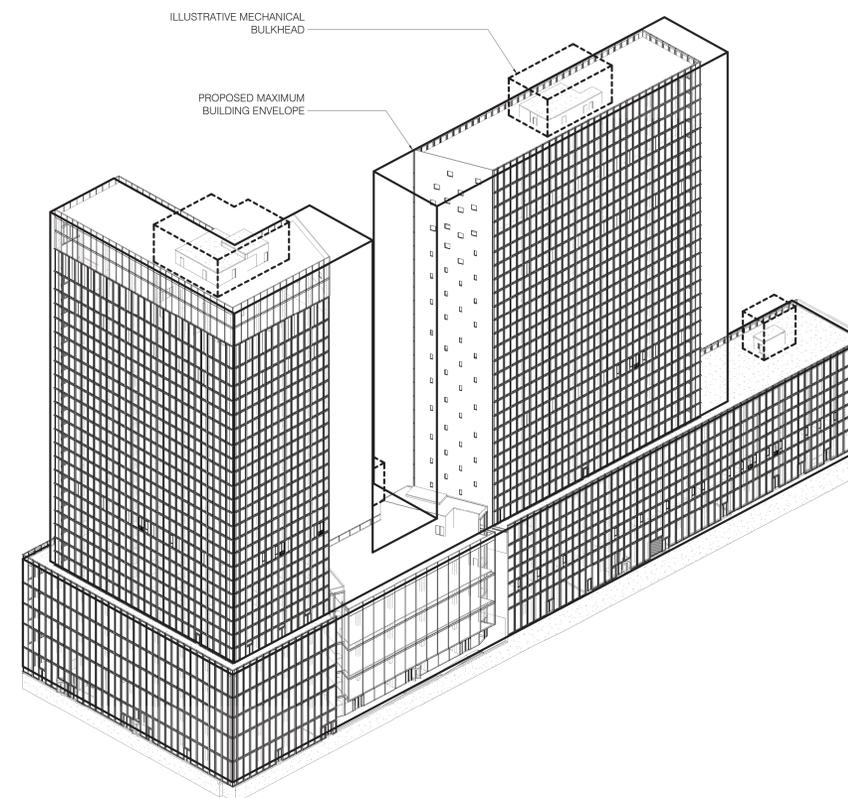
ISOMETRIC - SOUTHWEST RESIDENTIAL SCENARIO 4 2011



ISOMETRIC - NORTHEAST RESIDENTIAL SCENARIO 3 2011



ISOMETRIC - SOUTHWEST COMMERCIAL SCENARIO 2 2011



ISOMETRIC - NORTHEAST COMMERCIAL SCENARIO 1 2011

PROJECT NAME  
**One45**

PROJECT ADDRESS  
691 Lenox Avenue  
New York City, NY 10030

SITE INFORMATION  
BOROUGH: MANHATTAN  
BLOCK: 3015  
LOTS: 29, 33, 38, 44, 50 (ANTICIPATED 1 MERGED TAX LOT)

ISSUANCE

1	10/11/2011	ULURP APPLICATION
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NO. DATE ISSUE/REVISION

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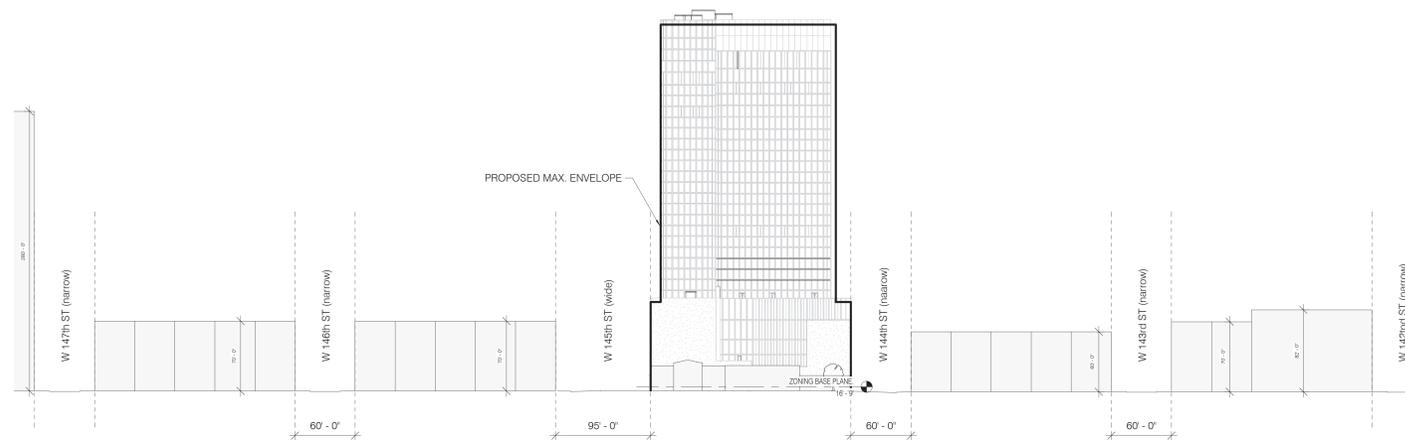
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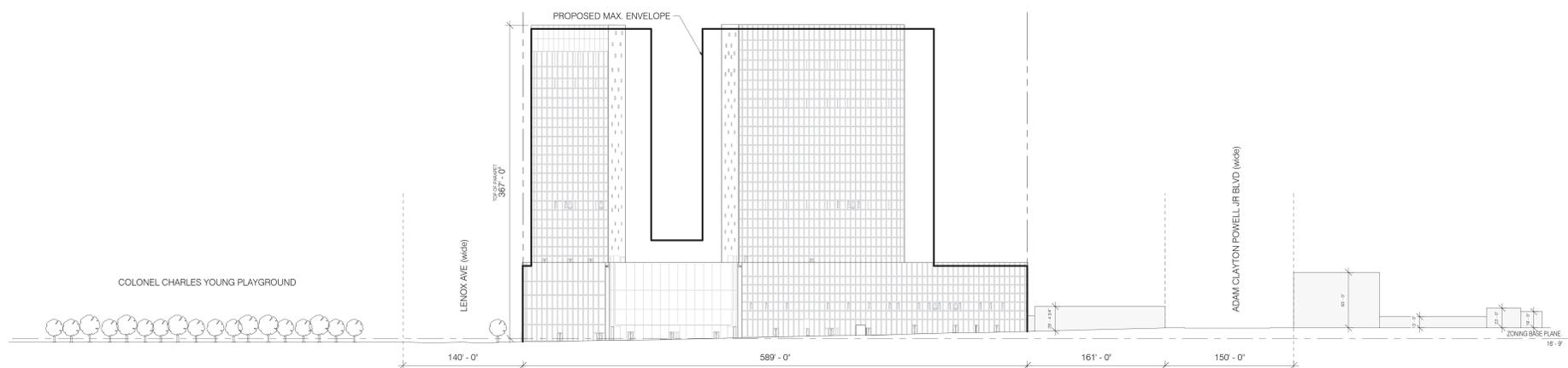
SEAL & SIGNATURE	DATE	10/11/2011
DRAWN BY	PROJECT NO.	200512
CHECKED BY	AUTHOR	
DATE	CHECKER	
DRAWING NUMBER		

**Z-011**

<b>CLIENT</b>	
LENOX BY THE BRIDGE, LLC 150 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8800	
<b>ARCHITECT</b>	<b>STRUCTURAL ENGINEER</b>
SHMP ARCHITECTS 225 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8800	BRUNO ZANFELLI (SE) 100 BROADWAY, 15TH FLOOR NEW YORK, NY 10038 TEL: 212.693.8800
<b>MEPPP ENGINEER</b>	<b>CIVIL ENGINEER</b>
MEPPP 405 EAST 104TH STREET, 2ND FLOOR BETHLEHEM, PA 18010 TEL: 610.733.2200	LANGAN 300 WEST 22ND STREET, 2ND FLOOR NEW YORK, NY 10011 TEL: 212.921.2000
<b>GEOTECHNICAL ENGINEER</b>	<b>ENVIRONMENTAL ENGINEER</b>
LANGAN 300 WEST 22ND STREET, 2ND FLOOR NEW YORK, NY 10011 TEL: 212.921.2000	LANGAN 300 WEST 22ND STREET, 2ND FLOOR NEW YORK, NY 10011 TEL: 212.921.2000
<b>FAÇADE CONSULTANT</b>	<b>VERTICAL TRANSPORT</b>
COVERLEY O'CALLAGHAN (CO) 28 BROADWAY, 5TH FLOOR NEW YORK, NY 10038 TEL: 646.736.4131	VERTICAL TRANSPORT FORTUNE SHEPHERD SALING (FS) 17 WOODLAND ROAD BROOKLYN, NY 11214 TEL: 866.465.8882



WEST ELEVATION - ADAM CLAYTON POWELL JR BLVD 1" = 60'-0" 4



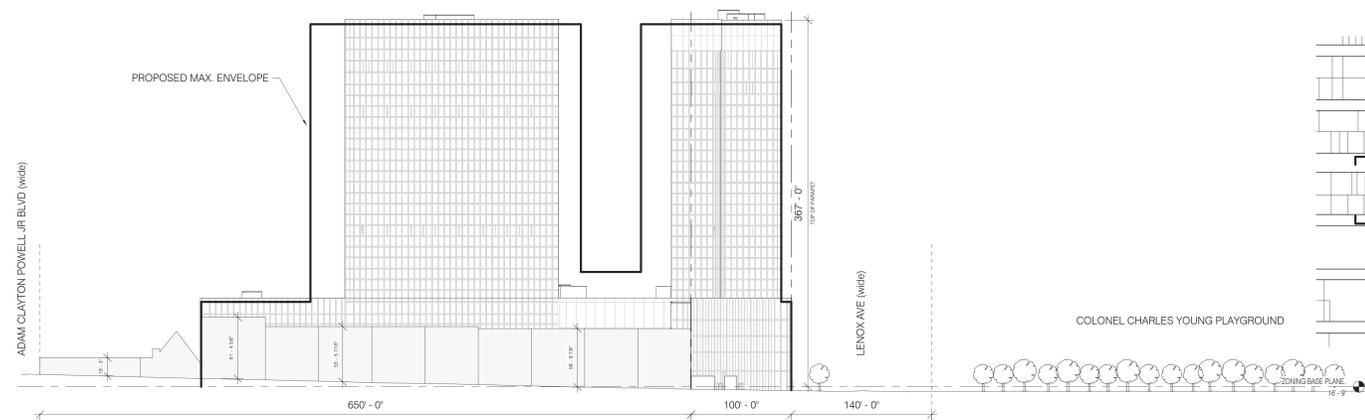
NORTH ELEVATION - 145th STREET 1" = 60'-0" 3



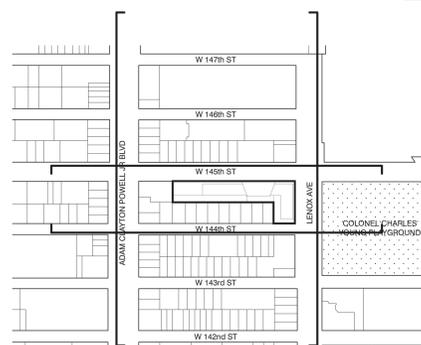
EAST ELEVATION - LENOX AVENUE 1" = 60'-0" 2

**GENERAL NOTES:**

1. APPLICANT'S STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT AND RELATED CURB CUTS.
2. INFORMATION OUTSIDE OF THE BOUNDARIES OF THE ZONING LOT IS FOR ILLUSTRATIVE PURPOSES ONLY, AND MAY NOT BE EXACT. THE ARCHITECT BEARS NO RESPONSIBILITY FOR INEXACT BUILDING LINE INFORMATION ON SURROUNDING PROPERTIES.
3. BUILDING ENTRANCES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
4. INTERIOR PARTITIONS AND USES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE.
5. ROOFTOP MECHANICAL BULKHEAD AND STAIR BULKHEAD LOCATIONS AND SIZES ARE SUBJECT TO CHANGE.
6. INFORMATION WITHIN THE COMMUNITY FACILITY SPACES IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND IS SUBJECT TO CHANGE PURSUANT TO COMMUNITY FACILITY OPERATIONS.
7. DIMENSIONS OF SURROUNDED PROPERTIES ESTIMATED THROUGH STREET VIEW IMAGES.
8. STREET TREE LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY.



SOUTH ELEVATION - 144th STREET 1" = 60'-0" 1



**PROJECT NAME**

**One45**

**PROJECT ADDRESS**  
691 Lenox Avenue  
New York City, NY 10030

**SITE INFORMATION**  
BOROUGH: MANHATTAN  
BLOCK: 3018  
LOTS: 28, 33, 38, 44, 50 (ANTICIPATED 1 MERGED TAX LOT)

**ISSUANCE**

NO.	DATE	ISSUE/REVISION
1	10/11/21	LULURP APPLICATION

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● NOT FOR CONSTRUCTION

**DRAWING TITLE**  
NEIGHBORHOOD CHARACTER DIAGRAM

SEAL & SIGNATURE DATE 10/11/2021

PROJECT NO. 200512

DRAWN BY Author

CHECKED BY Checker

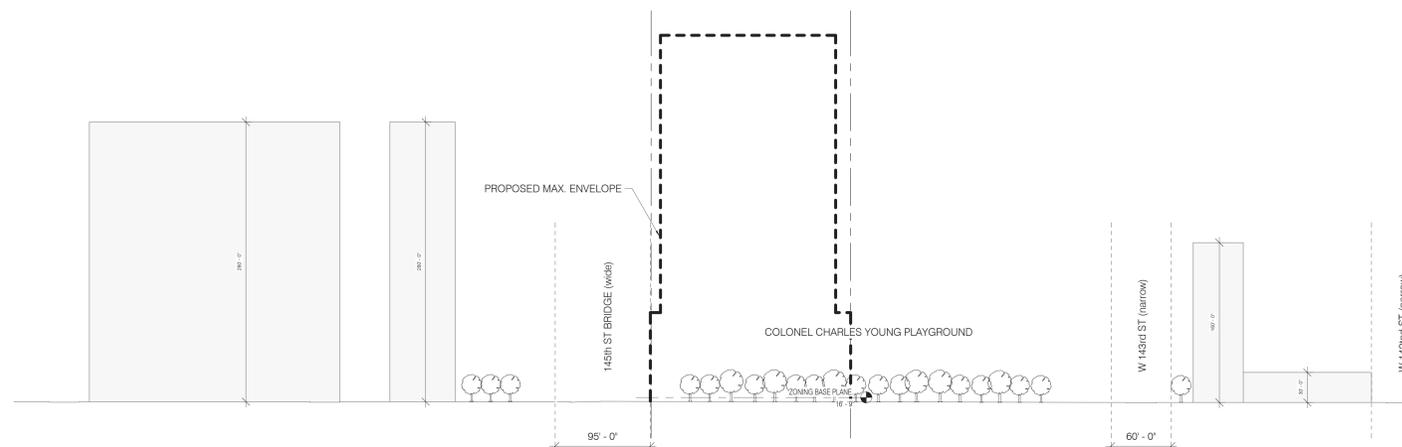
DATE 10/11/2021

DRAWING NUMBER

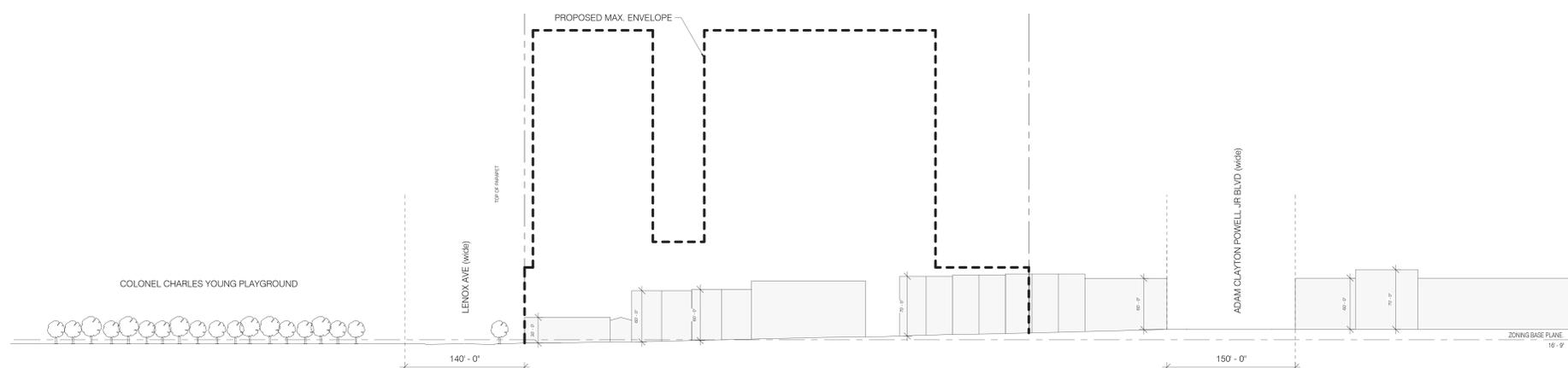
**Z-012**

10/11/2021 1:06:17 PM

<b>CLIENT</b>	
LENOX BY THE BRIDGE, LLC 150 W 42nd ST NEW YORK, NY 10018 P: 212.693.8900	
<b>ARCHITECT</b>	<b>STRUCTURAL ENGINEER</b>
SHMP ARCHITECTS 225 BRONX RD NEW YORK, NY 10458 P: 212.693.8900	BRUNO FERRACELLI (SE) 100 W 42nd ST NEW YORK, NY 10018 P: 212.693.8900
<b>MEPPP ENGINEER</b>	<b>CIVIL ENGINEER</b>
ICOR 405 E 116th ST JAMAICA, NY 11435 P: 718.522.3300	LANGAN 300 W 42nd ST NEW YORK, NY 10018 P: 212.693.8900
<b>GEOTECHNICAL ENGINEER</b>	<b>ENVIRONMENTAL ENGINEER</b>
LANGAN 300 W 42nd ST NEW YORK, NY 10018 P: 212.693.8900	LANGAN 300 W 42nd ST NEW YORK, NY 10018 P: 212.693.8900
<b>FAÇADE CONSULTANT</b>	<b>VERTICAL TRANSPORT</b>
COVERLEY O'CALLAGHAN (EO) 28 BRONX RD NEW YORK, NY 10468 P: 947.764.4131	FORTUNE SHEPLER SALING (PSE) 17 WOODLAND ROAD ROCKY HILL, CT 06154 P: 860.462.8332



OPPOSITE EAST ELEVATION - LENOX AVE 1" = 60'-0" 4



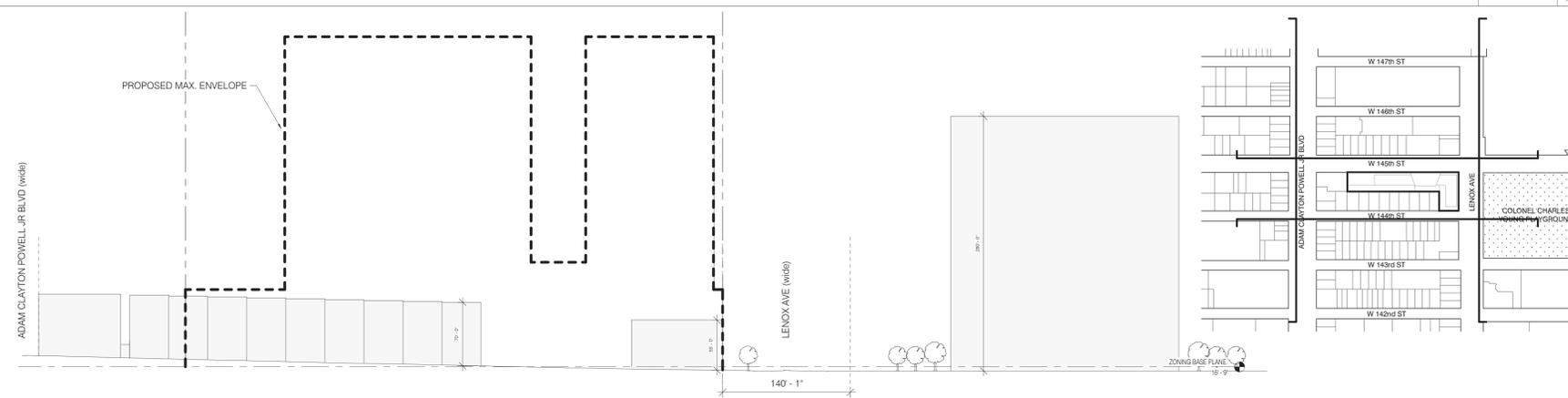
OPPOSITE SOUTH ELEVATION - 144th STREET 1" = 60'-0" 3



OPPOSITE WEST ELEVATION - ADAM CLAYTON POWELL JR BLVD 1" = 60'-0" 2

**GENERAL NOTES:**

1. APPLICANT'S STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT AND RELATED CURB CUTS.
2. INFORMATION OUTSIDE OF THE BOUNDARIES OF THE ZONING LOT IS FOR ILLUSTRATIVE PURPOSES ONLY, AND MAY NOT BE EXACT. THE ARCHITECT BEARS NO RESPONSIBILITY FOR INEXACT BUILDING LINE INFORMATION ON SURROUNDING PROPERTIES.
3. BUILDING ENTRANCES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
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5. ROOFTOP MECHANICAL BULKHEAD AND STAIR BULKHEAD LOCATIONS AND SIZES ARE SUBJECT TO CHANGE.
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7. DIMENSIONS OF SURROUNDED PROPERTIES ESTIMATED THROUGH STREET VIEW IMAGES.
8. STREET TREE LOCATIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY.



OPPOSITE NORTH ELEVATION - 145th STREET 1" = 60'-0" 1

**PROJECT NAME**

**One45**

**PROJECT ADDRESS**  
691 Lenox Avenue  
New York City, NY 10030

**SITE INFORMATION**  
BOROUGH: MANHATTAN  
BLOCK: 3018  
LOTS: 28, 33, 38, 44, 50 (ANTICIPATED 1 MERGED TAX LOT)

**ISSUANCE**

NO.	DATE	ISSUE/REVISION
1	10/11/21	LULUP APPLICATION

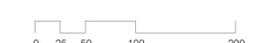
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**DRAWING TITLE**  
NEIGHBORHOOD CHARACTER DIAGRAMS

**SEAL & SIGNATURE** DATE: 10/11/2021  
PROJECT NO.: 200512  
DRAWN BY: Author  
CHECKED BY: Checker  
DRAWING NUMBER: Z-013





**Valerie Campbell**

Partner

T 212.715.9183

F 212.715.8252

vcampbell@kramerlevin.com

1177 Avenue of the Americas

New York, NY 10036

T 212.715.9100

F 212.715.8000

**April 20, 2022**

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

Dear Chair Garodnick:

Kramer Levin represents One45 Lenox LLC (the "Applicant") in connection with application number C220137 ZSM, for a zoning special permit by the City Planning Commission (the "Commission") pursuant to Section 74-74 of the Zoning Resolution of the City of New York (the "Application"). The Commission certified the Application at its Review Session on November 15, 2021.

We are writing to advise you that the Applicant has directed us to withdraw the Application under this application number and that, by this letter, we are doing so and asking the Department of City Planning not to process it further. The modified zoning special permit application under application number C220137 A should remain active. Thank you for your attention to this matter.

Sincerely,

Valerie Campbell

cc: Jose Trucios  
Bruce Teitelbaum

# ONE<sup>45</sup> MUSEUM OF CIVIL RIGHTS

---

CPC Follow-Up

March 22, 2022



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# Higher Density Zoning is Appropriate for Site

- Well-Served by Mass Transit
- Fronting on Two Wide Streets
- Opposite a Public Park

## Subway Lines:

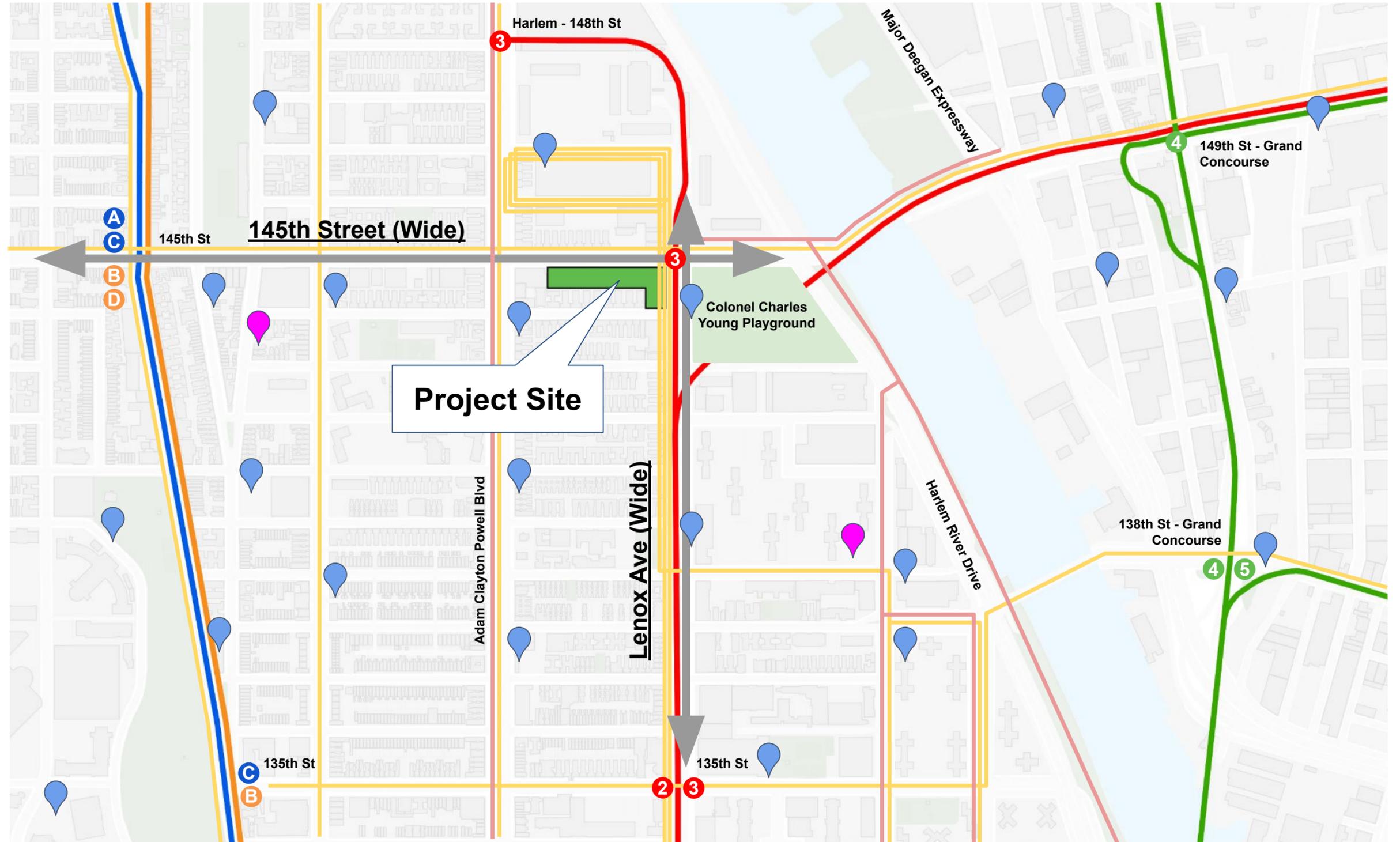
-  A/C
-  B/D
-  2/3
-  4/5/6

 All Bus Routes

 Bike Route

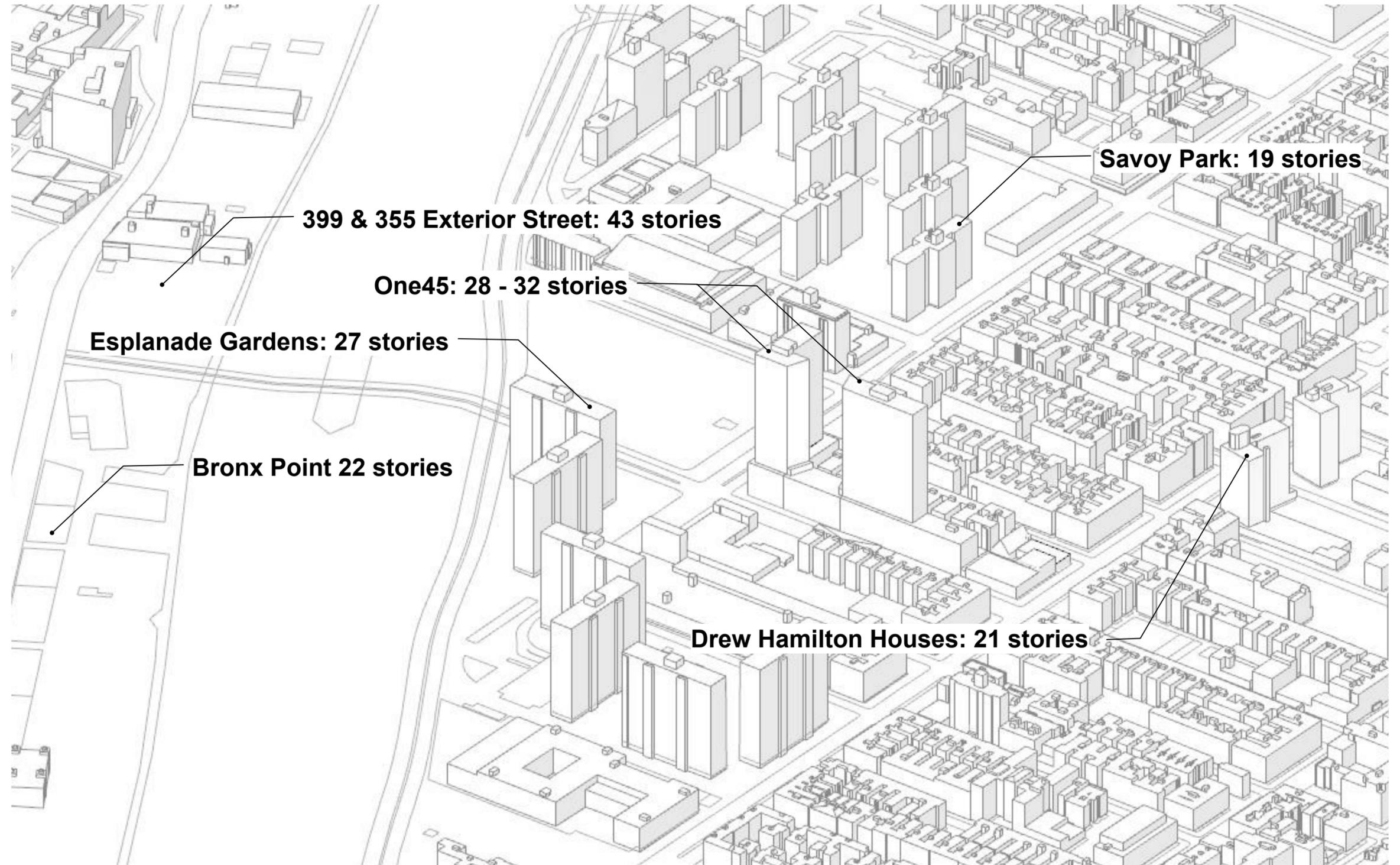
 Citi Bike Station

 Zipcar Station



# Building Height

- Building Massing Accommodates the Mixed-Use Program and Will Create an Active Streetscape
- Taller Buildings are Found Elsewhere in the Neighborhood



# Existing C8-3 Designation is Inappropriate

- Outmoded Designation Designed for Automotive and Other Heavy Commercial Uses
- Does not Allow Residential Use or Most Community Facilities
- Proposed Zoning Will Allow for the Development of Residential Units (Market Rate and Affordable) on the Site with no Displacement
- Increased Density Will Support New Retail that Will Also Service the Broader Community



145th Street Looking Southwest



145th Street Looking East



Lenox Ave. / Malcolm X Blvd. Looking South



145th Street Looking Northwest

## ONE45 GREEN ENERGY IMPROVEMENT DISTRICT (GRID)

Below is an overview of the plan to Turn Harlem Green as part of our ONE45 Harlem proposal, as requested.

We welcome the opportunity to meet with you in person or via Zoom to more fully explain our design plan and to answer any of your questions after you have reviewed the following.

Thank you.

Jeff Urlab, P.E.

Mike Walters, P.E., LEED AP

Bruce Teitelbaum

Tristan Nadal

## INTRODUCTION

A seminal [April, 2021 Report issued by The NYC Mayor's Office of Sustainability](#) (MOS) references "GEO-THERMAL DISTRICT WIDE (emphasis added) decarbonization (which) can keep NYC on track to achieving carbon neutrality by 2050".

- The MOS Report goes on to highlight the need for "further study of a variety of topics, such as the resiliency of a zero-emission grid, advanced demand management, costs, and the role of GEO-THERMAL and DISTRICT ENERGY, is needed to inform the path ahead. Innovation in long duration and seasonal storage, GEO-THERMAL DISTRICTS hydrogen blending, carbon dioxide removal, and other technologies can help fill decarbonization gaps and drive down costs."

We could not agree more.

We are engineers and energy sector financiers who have planned, designed, and developed District (Green) Energy systems like the proposed Harlem GRID.

Geothermal-based District Energy systems work. The technology is proven. Systems that are similar to ours have been built (at scale) in densely populated urban centers around the globe.

(Geo-thermal) District Energy is not a magic bullet that will, by itself, solve the imperative of reducing carbon emissions in NYC. Nor is it practicable in every corner of our city. But as the MOS Report indicates, it is an increasingly important and underutilized tool that should be part of a comprehensive strategy to meet NYC's ambitious objectives of reaching carbon neutrality by 2050.

Please consider this aspect of our broader development plan in that light.

### A. Building Back Better – A Green Eco-District for Central Harlem.

The District (Green) Energy concept that we propose for ONE45Harlem is about much more than reducing carbon emissions and achieving environmental justice.

Ours is a comprehensive plan designed around clean energy technology (geo-thermal, solar, sewage heat recovery, etc.), which is the centerpiece of a much broader strategy to:

- develop a resilient and sustainable Green neighborhood,
- create higher paying jobs in a rapidly expanding sector of the State economy,
- Invest in and upgrade critical infrastructure,
- provide job training targeted to the new Green economy,
- attract investment and economic opportunities,
- mentor young people by providing apprenticeships and internships in GREEN-STEM related careers.

Significantly, our planned Green District for Central Harlem can be replicated in other neighborhoods, especially in underserved communities that were hurting before COVID, and are worse off now. **These Districts will not only become cleaner and healthier, but also function as incubators for innovation, hope, opportunity and engines of job creation and economic development.** In her [keynote address at the 2021 Geothermal Rising Conference](#), Secretary of Energy Jennifer M. Granholm highlighted geothermal energy as a “crucial tool” to “tackle the climate crisis”, deliver the “benefits of clean energy to disadvantaged communities” and to “build a skilled and diverse energy workforce”.

Especially now, as we emerge from the darkest days of COVID, we must build a more sustainable, equitable and environmentally conscious NYC for us all.

Let's build [ONE45Harlem.com](https://ONE45Harlem.com)

#### B. What is District Energy?

District Energy is not a new concept. There are nearly [6,000 district energy systems](#) in operation in the United States. In New York City alone, [18 district energy systems](#) provide heating and cooling to nearly 2,000 commercial and residential buildings. The problem is that most existing district energy systems are designed on fossil fuel combustion and require high-pressure, high-temperature distribution systems associated with pollution as well as significant energy loss and maintenance.

#### C. What is **Green** District Energy?

It is a network of integrated systems that provide heating, cooling and electricity from clean energy sources. Synergies between the systems result in much less total energy use than if the buildings were serviced individually. A green energy district is highly efficient, as it uses natural energy flows, recovers and re-purposes energy. Learn more about a [Green Energy District in Stockholm, Sweden](#).

Our own proposed GRID (Green Energy Improvement District) employs a high-performance system that includes geo-thermal technology, solar energy, sewage energy recovery, high-efficiency heat pumps and ice storage. This highly efficient system for One45Harlem provides a broad array of community benefits including cleaner air by reducing and ultimately eliminating direct fossil fuel consumption, enhanced thermal comfort, better air quality for tenants, reduced rates of long-term illness such as asthma associated with particulate emissions and the reduction of 1,000 tons of Carbon emissions annually, supporting NYC's clean energy and carbon reduction targets.

D. Sounds Good. But the Devil is in the details. **DOES IT WORK?** (Yes) Has this been done successfully elsewhere (Yes)? **CAN IT BE BUILT IN NYC?** (Yes)

**Define GRID.**

GRID is an acronym that we came up with. It stands for a **Green Energy Improvement District**. But you can call it whatever you want.

**What is a GRID?**

A geographically defined area, or district, within which residential and/or commercial buildings that use fossil fuels for heating and cooling, convert to Green Energy technology and where other benefits associated with the emerging Green Economy are created. [[More about District Energy](#)].

**Are there any other GRIDs in NYC?**

No, not as we are planning, to our knowledge.

**So, is this a new concept?**

Yes, in NYC.

There are a handful of other projects that are considering using district energy, including geothermal, but this remains a relatively novel concept in New York City.

**Do Green District Energy systems exist in other cities?**

Yes.

Green District Energy is currently used in other global cities. [[Copenhagen Example](#)]

**Can you provide other examples?**

Yes. Please see Attachment A.

**So, what is so special about a GRID?**

A Green Energy Improvement District, like the other District Energy Systems that already exist in the city, is simply a set of buildings that share a common heating, cooling, and sometimes, electrical system. The primary difference with a **GREEN** Energy District is that it uses clean and recycled energy as the primary energy source rather than fossil fuels like natural gas and oil. Synergies between the connected buildings result in less total energy use by utilizing natural energy flows and recovered and re-purposed energy. This saves money for building owners and occupants.

**AND** our GRID concept takes it one step further by creating a host of other benefits related to the emerging GREEN economy. [[Learn more about green energy jobs and the new green economy](#)].

**How does a geo-thermal District Energy system work? Describe the technology?**

A geo-thermal heat pump system is a heating and cooling system that uses the Earth's ability to store heat in the ground. A geo-thermal heat pump uses the Earth as either a heat source, when operating in heating mode, or a heat sink, when operating in cooling mode.

The ground a few feet below the surface has a very stable temperature throughout the year. Geo-thermal heat pumps draw that available heat in the winter and sink heat into the ground in the summer. A conventional furnace or boiler burns fossil fuel to produce heat. In contrast, geo-thermal systems simply transfer heat from one place to another. Geo-thermal heat pumps are also known as "ground-source heat pumps." [Credit: Ball State University]

### **What are the technical components of the system?**

The system consists of four key components: vertical heat exchangers, energy stations, hot and cold district loops of water-filled pipes, and building interfaces.

#### Ground-loop Heat Exchangers (GLHX)

GLHX are spaced around the district. The fields contain a series of closed pipes that are installed vertically in the ground. The vertical heat exchangers are 4 to 5 inches in diameter. Pipe inserted into a borehole is joined with a U-shaped cross connector at the bottom of the hole, allowing water to circulate through the closed piping system. The borehole is commonly filled with a grout surrounding the pipe to provide a good thermal conductor to the surrounding soil or rock to maximize the transfer of heat. There is no direct interaction between the water in the system and the Earth, only heat transfer across the pipe.

#### Energy Station(s)

Energy station(s) house the equipment that are the workhorse of the system. The heat pump chillers through a compression cycle move energy much the same way as a common household refrigerator. Energy or heat can be either pulled from or sank into the ground. The heat exchange will allow for the simultaneous production of cold water.

#### Hot and Cold District Loops

Hot and cold water is routed throughout the district via two separate district loops, one for heating purposes and one for cooling purposes.

#### Building Interface

The district loops supply buildings' demand for heating or cooling. The hot and cold water passes through heat exchangers (similar to a radiator in a car) and fans blow air across the heat exchangers to maintain the correct temperature in buildings as called for by the occupants. [Credit: Ball State University]

### **Does the technology really work?**

Yes.

As outlined above, the components of the system are common devices. It consists of pipes, pumps, and heat pumps. The pipes are inert and have very long lives. Pumps are a very reliable technology that have been around for decades and are used in many applications throughout the city and the world. Heat pumps are very reliable as well and extremely common even though many may not know them as heat pumps. The most common heat pumps most would be familiar with are air conditioners, freezers, and refrigerators.

Please refer to the [MOS Report](#) which specifically cites this technology.

**Where will you build your geexchange field?**

Directly under the building at One45.

If we are able to create a district energy GRID that includes more than our own site, we would install the ground-loop heat exchangers in open public spaces, sidewalks, and any other open space we can access.

**Do you need lots of open space to accommodate all of the component parts of a geothermal system?**

It depends. If we are building a stand-alone system, no. However, if we build a larger district-wide system, that would require more area, like public streets, sidewalks, and other public spaces.

**How big is the District that you are proposing to build in Central Harlem?**

Well, that depends.

We are suggesting that at minimum the Green District include our own site and the NYCHA campus to our South. Such a District would serve 1.1 million square feet of building space.

We think that including the nearby Esplanade Gardens complex makes sense and should be part of the Green District, as depicted on our website. That District would serve 3.4 million square feet of building space. Beyond that, we could include Savoy and other surrounding properties which could expand the size of the District to more than 4.5 million square feet served.

Each incremental increase in area served will require additional coordination, permissions, network development and energy resource development. But it also means a greater reduction in carbon emissions, more efficiencies, and more Green Jobs.

**SO, the size or geographic boundaries of your proposed Green Energy District are not fixed and can be determined as we proceed with the approvals for the Plan?**

Yes.

**Doesn't it make more sense to start with a small District and not overreach?**

From a technical and engineering perspective the size of the District is not a problem. It will cost more to construct a larger District and there will surely be more logistical and practical issues, but nothing that is insurmountable. The bigger the District, the greater the impact. But it does not make a difference to us.

**Will this work in a tall Residential building with say, 850 units?**

Yes.

The engineering is the same. So is the technology. It doesn't make a difference how tall the building is or the number of apartments in the building.

**But don't you need to drill holes that are thousand(s) of feet deep into the ground?**

No.

If we are designing just for our own site, the vertical heat exchanger depth will be between 500 and 900 feet deep. Yes, it can be done even in a place like Manhattan where we will have to drill through bedrock. We have completed successful test bores on our site to a depth of 500 feet.

\* For a district-wide system we could contemplate drilling up to 1,500 feet to maximize available capacity per acre of land. This also is possible, has been done (including by us), and is **allowable in NYC** with the proper permits. In the expanded district case, we would also employ other energy sources such as river water, sewage heat recovery and air sources. The additional energy sources would optimize the number of vertical heat exchangers required.

**Ok, but can the technology be scaled and used in more than one building across an entire district?**

Yes. There are plenty of examples in the United States and some in NY of District Energy systems. All we are proposing to do is use clean energy sources instead of fossil fuels to create usable energy. It is all in the engineering-which is what we know how to do and have successfully done.

**Can you design, engineer and construct GRIDs in a densely populated place like NYC? In Central Harlem? Is this a practical solution?**

Yes, yes and yes.

We have designed & engineered plans like this in other cities and we already engineered a stand alone geo-thermal system for the **Bloomberg** center at the Cornell-Technion campus on Roosevelt Island.

Central Harlem is actually a very good spot to build a GRID.

But unless there is real buy-in from the City government and its political and civic leadership, it will take a lot longer, it will be more expensive and far less effective. There must be a concerted effort between the public and private sector to facilitate the use of advanced technologies, like Geo-thermal, and a willingness to embrace different approaches to address climate change-just as the MOS report indicates.

**Ok, but can you also engineer and build a (Green) District of scale in Central Harlem, that might require access to other geo-thermal sources?**

Yes.

Let's look to The [Empire State Plaza in Albany](#) as an example.

How to convert from a traditional fossil-fuel based heating system to a sizable geothermal energy system supplemented by river-source energy, is being pursued. The plaza's aging

energy system needs to be modernized to support the 13,000 state employees who work there. [The goals of the audit](#) includes develop[ing] a path toward significantly reducing the plaza's dependence on fossil fuels, including an investigation of geothermal and surface water as an energy source.

How does this translate to Harlem? In Harlem we would need to combine ground source and river source to provide sufficient energy to heat and cool the entire Harlem Green Energy District. To do this we will need cooperation from the City to secure the rights-of-way and other river access necessary to develop a genuine district energy plan.

### **How about the law? Can you build a geo-thermal District as you propose that doesn't run afoul of the law?**

We are represented by two of the leading practitioners in this space; [Paul D. Selver, Co-Chair of Land Use at Kramer Levin](#), and [Michael Bogin, Environmental Regulation and Permitting at Sive, Paget, and Riesel](#).

From a planning and environmental perspective there are no legal impediments that prevent us from building the proposed green energy district in Harlem.

To be sure, we will need to obtain permits for drilling, dewatering, river access, etc., but nothing that is not in the regular course of business. For reference, we have attached a 2019 memo, addressed to Mr. Teitelbaum, which outlined the approvals that would be required for a different green energy district we are pursuing in Long Island City. We have been advised that we can proceed under existing law without the need for new legislation or regulation and that the analysis described in the attached memorandum is essentially the same as it would be for ONE45Harlem. There have been no changes to existing regulations or policies that would alter any of the analysis or conclusions contained in the attached memo.

### **What are the advantages or benefits of a District Energy system versus a building-by-building approach?**

“District scale systems can provide a number of advantages. By generating energy locally, distribution losses and costs incurred by a centralized system are lessened. The district scale can also offer economies of diversification. By combining the loads of a series of buildings with varying load profiles, the overall load is more consistent and less variable, thereby increasing the efficiency of the centralized equipment.” (Source: [Geothermal Systems and their Application in New York City](#), NYC Mayor's Office of Sustainability, February 2015)

### **How would you finance the construction of your Harlem GRID?**

The financial markets consider green energy and green infrastructure projects good investments, with minimal risk (including NY State's Green Bank). These investments provide stable profits, high risk-adjusted rates of returns and natural hedges against fossil fuel and carbon market uncertainty. Our green energy development partners have the capacity to facilitate the design, building, ownership, operation, and maintenance of the One45-specific system and the expanded green energy district system while accessing significant federal, state, and local incentives already available to green energy system developers.

### **Are you working with government agencies?**

Yes.

We have primarily been working and consulting with New York State Energy Research and Development Agency (NYSERDA) for the past several years about our other geo-thermal project in Long Island City and now Harlem. In fact, NYSERDA is co-sponsoring our [Green District Community Workshops](#).

We have also engaged with several State agencies like DEP, ESDC, NYPA, the Green Bank and also the previous and current Governor's office.

We have just recently started conversations with senior members of the Adam's Administration.

### **What's the difference between geo-thermal and let's say wind or solar? And why not just stick with technology that we are more familiar with?**

Geo-thermal on one hand and wind and solar on the other is really an apples and oranges comparison. It isn't that you choose between them because they are renewable energy sources suited to very different uses. Wind and solar – or photovoltaics – generate electricity, obviously great for offsetting electricity requirements. Because regional and national electrical grids are two-way streets of using electricity and providing it, wind and solar sources are likely to be far offsite from points of use, located somewhere able to accommodate industrial-scaled wind farms and solar arrays.

Meanwhile, geo-thermal energy is applied to heating and cooling and is able to support demand on site. A more accurate consideration of geothermal, wind, and solar is to see them as having cumulative benefits, more of a 1+1=3 equation.

One apt basis for comparison of geo-thermal with wind and solar is in reliability. Because the temperature of the earth is constant, heating in winter and cooling in summer do not vary. It's available 24/7/365, which is a benefit that Solar and Wind do not share.

### **If this is such a great solution, why isn't geo-thermal already being used in NYC?**

Actually, it is already being used in NYC - but in a very limited way. That is going to change.

But change is never simple and until very recently there hasn't been the public demand to seriously tackle the problem. This is also NYC, and nothing happens that quickly or easily in this town. Geo-thermal is also a relatively unknown technology with decisionmakers, much more so than say Solar or Wind technology, so people are understandably skeptical.

You might also ask the same question about other recent innovative initiatives like car or bike sharing or dedicated bicycle lanes that came to NYC much later than they did in other global cities.

### **Will building owners object?**

They will not. To the contrary. This is a more cost efficient and sustainable way to operate existing buildings that must come into compliance with local law 97 and other laws. Importantly, it provides safer, more comfortable and consistent heating and cooling than other HVAC systems. Developers are already using all sorts of Green systems like ours to build new projects.

## What about Con Ed? Other utilities? Do they oppose or support District Energy systems?

In fact, ConEdison is doing a pilot district-scale ground source heat-pump project along the lines we suggest. In a recent article titled "[NY gas utilities outline future role for electric, geothermal heat](#)", ConEdison noted it is working with other electric utilities to implement a program to **accelerate adoption** of electrification technologies, including air-source and **ground-source heat pumps** for cold climates, under the umbrella of the [New York State Clean Heat Program](#).

Also noted in the article: **National Grid** is exploring the **potential of owning and operating a geothermal loop**, which would provide heating and cooling to New Yorkers through customer-owned heat pumps. A shared loop serving multiple customers can potentially achieve capital and operational efficiencies, the company said. **ConEdison** will also conduct at least **two geothermal pilot projects** during its current gas rate period to **install geothermal loops instead of replacing gas mains**.

## Who else is considering\*\* a geothermal-based district energy system in New York City?

### New Construction, Multiple Owners

- Innovation Queens mixed-use complex - Queens, NY\*

### New Construction, Single Owner Campuses

- The Peninsula mixed-use complex - Bronx, NY\*
- Gowanus Green mixed-use complex - Brooklyn, NY
- Fleet Financial Eastern Emerald mixed-use complex - Queens, NY

### Existing Buildings, Single Owner Campus

- Pratt Institute - Brooklyn, NY
- Spring Creek Towers multifamily residential complex - Brooklyn, NY\*
- Barnard College - New York, NY
- Rockefeller Center - New York, NY
- Wagner College - Staten Island, NY

\*\* To the best of our knowledge these projects are all in early-stage planning and have received some level of NYSERDA funding. We believe we will be able to move much more quickly and start construction of the underlying development project upon final approval of the city.

\*Located in an underserved community.

Source: [Governor Cuomo Announces Nearly \\$4 Million Awarded to Grow Community Heat Pump Networks Across New York State](#)

## District Energy seems to be more applicable and in wider use on college campuses and industrial settings than in residential complexes. Why?

"University and college campuses are currently leading the charge in pursuit of low-carbon district energy options as a result of aggressive greenhouse gas emission reduction goals (often 100%) within the next 15 to 30 years." (Source: [2021 U.S. Geothermal Power Production and District Heating Market Report](#))

“Drilling and boring required in a dense city with tight space constraints, for example, can add significant cost premiums to projects, depending on the site. **The City can help reduce geo-thermal project costs by reducing complexity in the zoning and permitting processes.**”  
(Source: [Pathways to Carbon-Neutral NYC: MODERNIZE, REIMAGINE, REACH](#), Mayor’s Office of Sustainability, April 2015)

**Building a geo-thermal District in Harlem seems complicated & it appears to be a lot of work. Can’t we find some other way to address climate change and capitalize on the new Green economy? Is this worth the effort?**

Yes, it is worth all of the work we are doing and it merits the support of City officials.

And no, there isn’t a single Green technology that does the trick. If it were that simple we would slap some solar panels on every building and build wind farms in the East River, but it doesn’t work that way. Geo-Thermal technology is a 24/7 cost effective, efficient, and a smart **part** of a more comprehensive strategy to address climate change. It is also relatively easy to design and execute, even at scale in a place like Harlem.

And we are willing to put our money at risk to make this happen.

**Have YOU done this before?**

Yes. We have engineered some of the largest geothermal-based district energy systems in the country (Princeton, Ball State, Miami of Ohio), including a stand-alone system for the **Bloomberg** center at the Cornell-Technion campus on Roosevelt Island.

We also designed a \$1 billion + district energy plant for the **Ford Motor Company** that serves a 6 million square foot research, engineering, and design campus converting it to a modern district energy system.

**If you cannot build a Harlem GRID, will you still build a stand-alone geo-thermal system to heat and cool your own buildings?**

In all probability, yes – it is our base design.

#### E. Resources

[A Harlem project that’s a boon to all](#); New York City Daily News, OpEd, 2/17/2022

Project Website: [One45Harlem.com](http://One45Harlem.com)

Green Energy District Design Credentials

- [Jeff Urlaub CV](#)
- [Mike Walters CV](#)

#### F. Conclusion



We intend to build geo-thermal powered buildings as part of our own One45 development. But we want to expand the use of and share our clean energy technology with our neighbors in Central Harlem to create NYC's first Green Energy Improvement District.

If NYC is to meet its ambitious objective of carbon neutrality by 2050, it will take the joint efforts of the private & public sectors. It will also take a comprehensive strategy that includes a suite of technologies and innovative approaches to combat climate change, just like other global cities are now doing. That includes geo-thermal.

Nothing is easy in NY, especially change. But we know this technology works, so despite the challenges that we face and the added complexity of doing it in an aging, densely populated city like our's, we must not be deterred. Instead, we must redouble our efforts, embrace the future, and seize the moment-which is precisely what the MOS report recommends.

**Success requires the buy-in, cooperation, and assistance of City Hall and local civic, political and business leaders to address and then overcome whatever challenges exist, so that we can achieve our shared objectives. We must commit to working in concert, not at cross purposes, if we are serious about reducing carbon emissions, creating Green District Energy in NYC, and REAPING ALL OF THE RELATED BENEFITS THAT COME WITH IT.**

Thank you.

Attachment A - [Examples of Green Energy Districts](#)

Attachment B - [Example Regulatory and Permitting Memo](#)

## Attachment A

### I. Selected Examples of stand-alone Geothermal Projects in New York City

- St. Patrick's Cathedral In New York City Goes Green With \$35 Million Geothermal Installation ([Learn more](#)).
  - Replaced 60-year old steam boiler and air conditioning system
  - Open-loop system. Deepest well is **2,220 feet deep**.
  - "It was not only the most sustainable, cost-effective, long-term energy option for the cathedral, but the option that best aligns with the greater good of New York, and not just today, but for generations to come." Monsignor Robert T. Ritchie, the rector of St. Patrick's Cathedral
  
- Cornell Tech On Path to Reach Net Zero at The Bloomberg Center ([Learn more](#)).
  - All-electric building
  - 80 closed-loop, **400 feet-deep** geothermal heat exchangers
  - "Cornell Tech [has] some of the most environmentally-friendly and energy-efficient buildings in the world." Dan Huttenlocher, Dean of Cornell Tech
  
- 561 Greenwich Street's Excavation Rapidly Progressing In Hudson Square, Manhattan ([Learn more](#)).
  - Substructural borefield integrated into 63 piles.
  
- American Institute of Architects' Center for Architecture in Greenwich Village - in operation since 2003. [Learn more](#).
  - "**In other cities**, geothermal is not a radical, what-were-they-thinking kind of technology, but **something that's very common**." Rick Bell, Executive Director, Center for Architecture in Greenwich Village.
  
- Bronx Zoo Lion House - in operation since 2007
- Brooklyn Children's Museum
- Queens Botanical Garden

### II. Geothermal-based District Energy Systems on College, University and Corporate Campuses:

- Columbia University (NYC) - Knox Hall, located at Columbia affiliate Union Theological Seminary on 122nd Street and Broadway, utilizes four 2,000-foot deep geothermal wells. Columbia will be considering the feasibility of a district-scale ground-source system at the Manhattanville campus. [Learn more](#).
  
- Princeton University (NJ) - Princeton's geothermal system will replace steam generation in more than 180 buildings, some built in the 1700s. [Learn more](#).

- Cornell University (NY)
  - Enhanced Geothermal - Cornell is developing a 10,000-foot-deep “bore hole observatory” where scientists will study strategies for capturing the earth’s heat in preparation for installing a geothermal system. [Learn more.](#)
  - Lake Source Cooling Plant - With its startup in July 2000, Lake Source Cooling (LSC) upgraded the central campus chilled water system to a more environmentally sound design that conserves energy and utilizes a renewable resource, the deep cold waters of nearby Cayuga Lake. [Learn more.](#)
  
- Stockton College (NJ) - The school has two geothermal systems. The first, installed in 1993, utilizes 400 ground-loop heat exchangers installed to a depth of 425 feet under a parking lot. The second, installed in 2008, has six open-loop wells that take water out of an underground aquifer beneath the campus and put it back in. [Learn more.](#)
  
- Amherst College (MA) - Water will flow through a closed loop system into geothermal wells, where the water’s temperature will become equal to the constant temperature of the earth, between 50 and 60 degrees Fahrenheit. The water will then be sent through a heat pump that uses electricity to lift the temperature up to an additional 90 degrees F, allowing that water to be used in a low-temperature hot water heating system. Once it heats the space, the water will be sent back through the geothermal system to reject its heat and return to the starting temperature of 50–60 degrees F. [Learn more.](#)
  
- EPIC Systems Corporation (WI) - Epic’s 10,000+ employees work in 8 million square feet on a 1,100-acre property divided into five campuses served by four borefields (6,200 bores), a 5.8 acre thermal pond, an 18,000 GPM open loop system, and a central pump house transferring energy among buildings, sources, and distribution energy plants. [Learn more.](#)
  
- Ball State University (IN) - The system heats and cools 47 buildings using 3,600 boreholes that are 400 to 500 feet deep. [Learn more.](#)
  
- Carleton College (MN) - Includes three geothermal bore fields and a heat pump to take advantage of simultaneous heating and cooling loads in addition to building upgrades, substantially moving the 2.4M sf campus toward its goal of carbon-free status by 2050. [Learn more.](#)
  
- Miami University (OH) - Miami’s geothermal system includes a 700-bore vertical heat exchanger. Over the last decade, Miami University has cut campus-wide energy use by 48% and carbon emissions by 56%, while increasing total GSF by 28%. [Learn more.](#)
  
- Oberlin College (OH) - 100 geothermal wells that will effectively heat and cool campus buildings. [Learn more.](#)

- Grinnell College (IA) - The geothermal system serving the HSSC and ASFS was the first system tied into our “central plant” that will eventually allow for the replacement of boilers in our boiler plant and chillers in the chilled water plant. [Learn more](#).
- Colorado Mesa University (CO) - The system includes 171,000 feet of pipes and seven well fields. [Learn more](#)
- Galt House East Hotel and Waterfront Office Building (Louisville, KY) - completed in 1994, the complex has over 4,700 tons of geothermal capacity for heating and air conditioning.

### III. Green Energy Districts outside the U.S.

- Linked Hybrid, Beijing, China
  - A mixed-use complex of eight linked towers utilizing 660 geothermal wells, 100 meters below the basement foundation, designed to provide 70% of the complex’s yearly heating and cooling load. [Learn more](#).
  - [Review of geothermal energy performance 7 years after construction](#).
- The National Stadium (Bird’s Nest) Complex, Beijing, China.
  - Ground-loop Heat Exchangers, beneath the main athletic field, provide the natural heating and cooling for the stadium and the nearby aquatics center.
- Edmonton District Energy Sharing System, Edmonton, Canada. [Learn more](#).
- Alexandra District Energy Utility, Richmond, Canada. [Learn more](#).
- Enwave Deep Lake Cooling, Toronto, Canada. [Learn more](#).
- Neighborhood Energy Utility with Sewage Heat Recovery, Vancouver, Canada. [Learn more](#).
- District Heating in Stockholm, Sweden. [Learn more](#).
- Copenhagen District Heating System, Copenhagen, Denmark. [Learn more](#).
- Smart Heat Grid, Hamburg, Germany. [Learn more](#).

In the context of the One45Harlem Green Energy District, geothermal energy means [Ground Source Heat Pumps](#) utilizing ground source heat exchangers. We are NOT referring to [Direct-use Geothermal](#) or [Deep and Enhanced Geothermal Systems](#).

## EXHIBIT B

### MEMORANDUM

To: Bruce Teitelbaum

From: Michael Bogin

Date: September 26, 2019

Re: Preliminary Permitting Analysis on Two Pillars Development Project

#### INTRODUCTION

This memorandum provides an initial evaluation of the environmental permits necessary to construct and operate a cooling water intake structure (“CWIS”) in the East River, along with an onshore geothermal well. This analysis is based on limited preliminary information provided to date and is subject to more detailed review based on construction plans, location, system design, and other factors.

#### ANALYSIS

##### Permits from New York State Department of Environmental Conservation

1. State Pollutant Discharge Elimination System (“SPDES”) Permit: Clean Water Act (“CWA”) § 316(b); Environmental Conservation Law (“ECL”) Article 17, Title 8; 40 C.F.R. §§ 122 and 125 (subparts I, J, and N); 6 NYCRR Parts 704 and 750. A permit is required for any CWIS with a design intake flow greater than two million gallons per day. Section 316(b) of the CWA and 6 NYCRR 704.5 require any new CWIS to utilize the best technology available for minimizing adverse environmental impact. EPA and DEC have by regulation identified closed-cycle intake systems or the equivalent as the best technology available. Of course, any pollutant discharge through a point source requires

a SPDES permit under 6 NYCRR 750-1.4(a); thermal discharges are pollutants, and under 6 NYCRR 704.2(b)(5), discharges into tidal estuaries (like the East River) must meet the following standards:

- o The water temperature at the surface of an estuary shall not be raised to more than 90 degrees Fahrenheit at any point.
- o At least 50 percent of the cross sectional area and/or volume of the flow of the estuary including a minimum of one-third of the surface as measured from water edge to water edge at any stage of tide, shall not be raised to more than four Fahrenheit degrees over the temperature that existed before the addition of heat of artificial origin or a maximum of 83 degrees Fahrenheit whichever is less.
- o From July through September, if the water temperature at the surface of an estuary before the addition of heat of artificial origin is more than 83 degrees Fahrenheit an increase in temperature not to exceed 1.5 Fahrenheit degrees at any point of the estuarine passageway as delineated above, may be permitted.

2. Tidal Wetlands Permit: ECL Article 25; 6 NYCRR Part 661. A tidal wetlands permit will likely be required if the CWIS is installed in a tidal wetlands zone, defined to include the area between the shore and a depth of six feet at mean low water. 6 NYCRR § 661.4(hh).
3. Protection of Waters Permit: ECL Article 15 Title 5; 6 NYCRR Part 608. A protection of waters permit is required for the construction of any structure within the navigable waters of the state. ECL § 15-0503(1)(b); 6 NYCRR § 608.4. The construction and installation of a CWIS in the East River likely so qualifies.
4. Water Quality Certification: CWA § 401; 8 NYCRR § 608.9(c). A water quality certification is required for any activity that may result in the discharge into navigable waters of any pollutant, including thermal discharge, that requires a SPDES permit. Assuming a SPDES permit is required, a water quality certification will also be necessary to construct a CWIS.

5. Water Withdrawal Permit: ECL Article 15, Title 15; 6 NYCRR Part 601. A water withdrawal permit will likely not be required, provided that the CWIS is a closed-loop, standing column, or similar non-extractive geothermal system.
6. Geothermal Well Permit: ECL §§ 15-1525; 23-0305(14). The construction of an onshore geothermal well would also require certain permits, the scope of which depends on the depth of the well and whether the system is closed- or open-loop in design. Wells drilled to a depth of less than 500 feet are regulated by the DEC Department of Water. *See* ECL § 15-1525. Permitting closed-loop systems is generally less rigorous and does not require certain registrations or a preliminary notice of well completion. An open-loop system would also likely require a SPDES permit and a water withdrawal permit. Wells drilled to a depth of greater than 500 feet are regulated by the DEC Department of Mining and generally have more onerous requirements, including, for example, posting financial security for future well closure. ECL § 23-0305(14)(a-j).

#### Permits from United States Army Corps of Engineers

1. Section 10 of the Rivers and Harbors Act Permit: 33 U.S.C. § 403; 33 C.F.R. Part 322. Installing a CWIS would likely require a permit from the United States Army Corps of Engineers (ACE) under Section 10 of the Rivers and Harbors Act, which regulates the construction of any structure in a navigable river or water of the United States.
2. Section 404 Permit: 33 U.S.C. § 1344(e); 33 C.F.R. Part 330. The construction of a CWIS would likely require coverage under a less rigorous ACE Nationwide General Permit, which is authorized by statute for certain activities that have minimal environmental impacts. This project likely qualifies as under Nationwide Permit No. 7,

which covers outfall and associated intake structures permitted under Section 402 of the CWA. Pre-construction notice to the District Engineer is still required. 82 Fed. Reg. 1860-01 (January 6, 2017).

#### Additional Consultations

1. For New York State DEC and U.S. ACOE: Project completion will require a consultation with the New York State Historic Preservation Office on whether the project would impact any archaeological or historical resources. New York Parks, Recreation and Historic Preservation Law § 14.09.
2. For U.S. ACOE: Project completion will also require a Consistency Determination from the New York Department of State under the Coastal Zone Management Act, *see* 16 U.S.C. § 1456(c), as well as an Essential Fish Habitat assessment and consultation with the United States Fish and Wildlife Service, *see* 16 U.S.C. § 1855(g); 50 C.F.R. Part 600 Subpart J.

## **MTA ACCESSIBILITY – 145<sup>th</sup> STREET 3 TRAIN STATION**

As discussed at One45's CPC hearing on March 2<sup>nd</sup>, the MTA has rejected the Applicant Site as a candidate for a transit easement (please see Exhibit A for a letter from the MTA indicating such unsuitability). Though the letter does not provide reasoning behind the decision, it is our understanding that site complications have prevented the viability of an accessible access point. As we know, the MTA spent nearly \$30 million on a comprehensive upgrade to the station approximately three years ago and did not include the installation of an accessible entrance, presumably because of site difficulty.

Our own research indicates substantial complications unique to the site in the form of proximity to a DOT bridge, water table levels, and obstructions in the sidewalk that would make creating a vertical transportation system connecting to the station very difficult or infeasible. As indicated in Exhibits B and C, based on surveys we've completed, obstructions in the Lenox Avenue sidewalk include a 6'x7' concrete-encased DEP combined sewer main, a 12" DEP water pipe, a gas pipe, and some communications cables. As an example of this difficulty that we noted during the hearing, Con Ed has mandated that we design the electrical vaults for the project to be located inside the building because it is infeasible to install them in the sidewalk surrounding the building.

**EXHIBIT A – TRANSIT EASEMENT DETERMINATION**



December 3, 2021

One45 Lenox LLC  
233 Broadway, Floor 11  
New York, NY 10279  
Attn: Bruce Teitelbaum

**Re: Transit Easement Determination for**  
**685-691 Lenox Ave, New York, New York 10030**  
**Manhattan Block 2013, Lots 29, 33, 38, 44 and 50 (“Applicant Site”)**

Dear Mr. Teitelbaum:

Pursuant to Section 66-21 of the New York City Zoning Resolution, The Metropolitan Transportation Authority (“MTA”) has received a request to determine whether a transit easement volume would be needed in the Applicant Site, as represented in the attached Exhibit A, which is adjacent to the downtown platform of the 145<sup>th</sup> Street Station on the Lenox Avenue Line.

After conducting such a review, the MTA has made the determination that an easement is not needed from the Applicant Site, as represented in the attached Exhibit A.

Sincerely,



Robert Paley  
Senior Director  
Transit Oriented Development

Enclosure: Exhibit A, Applicant Site

Cc: File  
Virginia Borkoski, MTA C&D, External Partner Project  
Matt Best, MTA C&D, Engineering  
Lisa Schreiber, NYCT, Operations Planning  
Rachel Cohen, MTA Systemwide Accessibility  
Helene Cinque, MTA C&D, Transit Oriented Development  
Munsun Park, MTA C&D, Transit Oriented Development

*The agencies of the MTA*

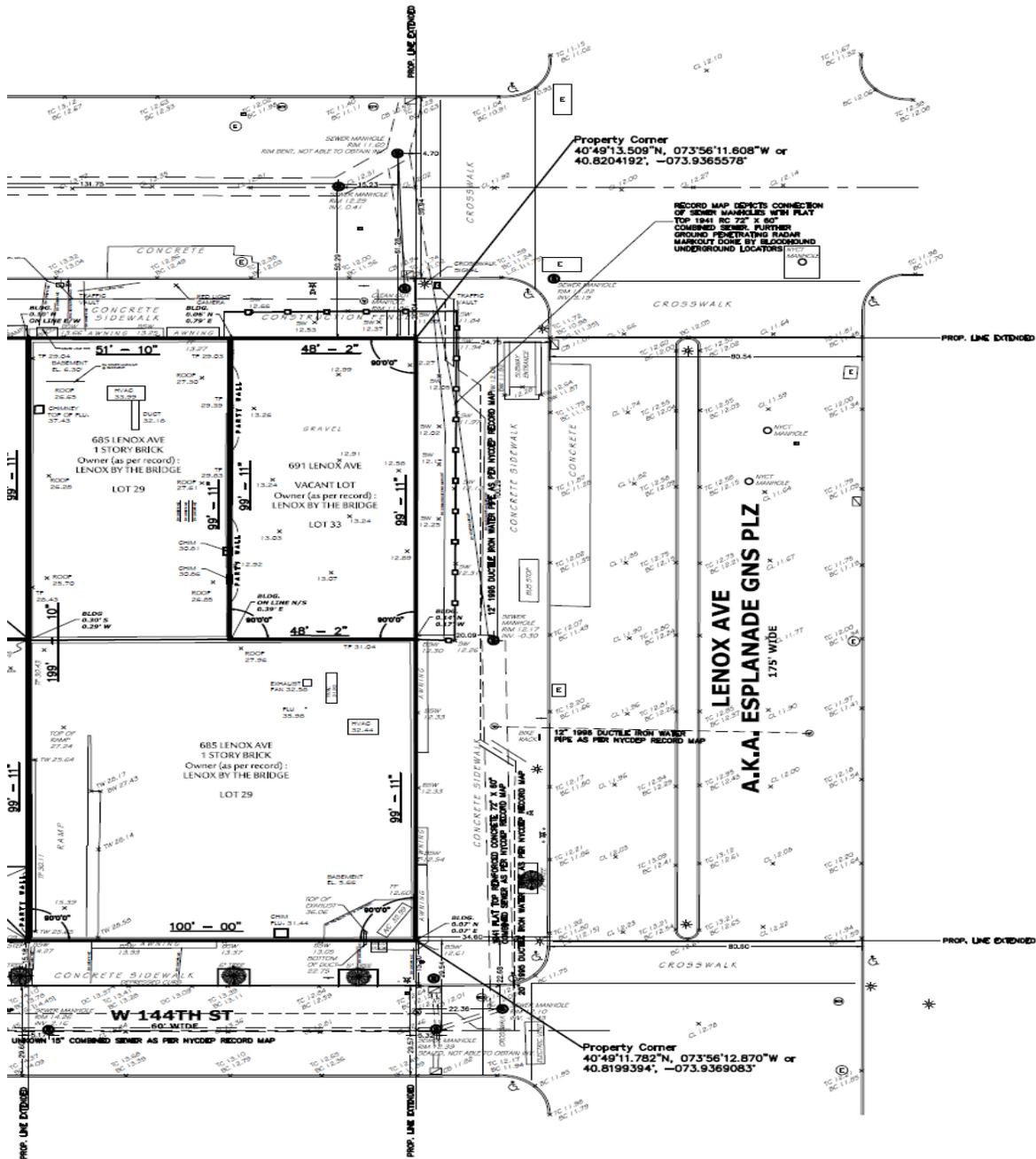
MTA New York City Transit  
MTA Long Island Rail Road

MTA Metro-North Railroad  
MTA Bridges and Tunnels

MTA Capital Construction  
MTA Bus Company



**EXHIBIT C – TOPOGRAPHICAL SURVEY**



PS: SCA COPY ON THE ORIGINAL S: OF SCA BR: ADOPED TE: 8-13-20 ARV J-V B-14-20	<b>ARCHITECTURAL SURVEY</b> SITUATED IN <b>THE BOROUGH OF MANHATTAN</b> CITY OF NEW YORK STATE OF NEW YORK
	691 LENOX AVE. a.k.a. One45 NY, NY, 10030 BLOCK 2013 LOTS 29, 33, 38, 44, & 50

**True North Surveyors, P.C.**  
 111 Kosciuszko Road, Whitehouse Station, NJ 08889  
 phone: (908) 534-6248 fax: (908) 534-6237



**John J. Vida** N.Y. P.L.S. Lic. No. 050298  
 PROFESSIONAL LAND SURVEYOR

**ONE45 COMMUNITY RETAIL EMPOWERMENT INITIATIVE**

We have devised a local retail that will help ensure that local small businesses populate the retail spaces. We will work in partnership with local commerce organizations like the Harlem Chambers of Commerce and the Uptown Leaders to ensure that the program is publicized to local businessowners and entrepreneurs. Local Retail can be occupied by businesses and/or residents located within CB10 or the councilmatic district and that have been there for 2+ years. The parameters of the program are as follows:

- Qualified occupants must have no more than 7 stores open nationally or \$5 million annual revenue
- At least 20% of retail square footage must consist of Local Retail
  - 50% of which must be MWBE
- Local Retail tenants will receive a 10% discount to market rents based on 3<sup>rd</sup> party broker opinion of value
- The Project agrees to have no single retail tenant occupying over 20,000 SF of ground floor space (Community facility excluded)

## **ONE45 YOUTH EMPOWERMENT INITIATIVE**

### **Internship Program**

Working with [CONFIDENTIAL PARTNER UNTIL AGREEMENT IS FINALIZED], the project sponsor will jointly administer a Youth Internship program for deserving Harlem residents who currently live within CB10.

The Initiative will be open to current residents who live within CB10 between the ages of 17-25 who meet certain academic and socioeconomic criteria determined in concert with our administering partner. Each participating firm will also have criteria for mentorship, orientation, and participation to ensure that the experience is fulfilling and targets development of communications, critical thinking, professional comportment, technological / technical, career building skills. Each student will be assigned a worksite mentor to foster development of these skills and monitor progress with milestone evaluations.

The initiative will include up to 20 paid internships that will pay each intern \$15-20 per hour, for a total of 250 hours per calendar year. Academic credit for time is being worked through now.

We will offer opportunities in the same professional services that we are using to build ONE45Harlem;

- Engineering – Langan, Buro Happold, Salas O'Brien, ICOR, and others
- Construction – Urban Atelier Group (UAG)
- Green Technology – REDI, NYSERDA
- Architecture – SHoP Architects
- Government Relations - Kasirer
- Legal – Kramer Levin
- Development & Urban Planning - Pointsfive

The Program will start subsequent to the successful completion of ULURP and will continue until the completion of construction of the project.

This program is fully funded by ownership/developer, expected to cost approximately \$3,000 per student.

### **Green Opportunity Workshops**

Starting in the coming months and in partnership with REDI, we are hosting Green Energy education & opportunity workshops for local residents sponsored by NYSERDA, which has agreed to grant \$5,000 for the administration of the program. Please see website here for more details on this program: <https://www.one45harlem.com/opportunity-workshops>

### **Mentorship Program**

In partnership with the Mission Society, Urban Assembly School of Design and Construction, and SHoP U, the project sponsor is administering a weekly seminar program beginning on March 24<sup>th</sup> that will bring professionals to zooms and classrooms to high school students across a set of schools in the area to open their eyes to different professions and opportunities that may be foreign or elusive to them. The goal is to spark interest in and provide relatable information about different fields that are attainable and creative. Please see the following program summary for more detail on the Mentorship.

# Architecture is \_\_\_\_\_.

## A One45 and SHoP Architects workshop series for NYC high school students

One45/SHoP Architects and the School of Design and Construction invite students in the Mission Society network of Harlem-based high schools to join the first 2022 workshop in the successful program—the upcoming series developed with direct new relevance and NYC and global expert instructors to open up and provide first-hand professional insights into how our buildings, communities and cities are made.

Our goal is to connect inspiring expert practitioners—specialists with real-world agency in shaping the built environment, forefronting leaders in BIPOC and underrepresented communities—with young people. These are professions that wouldn't necessarily be visible and lives wouldn't otherwise intersect, even around decision-making on the very same block.

The Architecture is \_\_\_\_\_ model, where the students and the pros are all finding and filling in that blank together, with all the expansive possibilities the profession and surrounding placemaking and city-shaping can be, opens up dialog. The remote, conversational classroom exchange exposes new worlds, in the thought and intentionality, optimism and collaboration, imagination and inspiration and legislation that goes into every aspect of the spaces we inhabit.

We want this next generation to see themselves and these futures for themselves, and the ways to work toward making our cities, neighborhoods and worlds healthier and happier. We want to provide direct access to experts so that young people can start to learn about the possibilities in creating spaces that are more equitable and navigable and solvable for everyone.

We also recognize this is after school, after/in a most challenging stretch of time to be this age in this world, so above all, we want this to be fun. We're committed to making sure it's lively and multiplatform and meeting each and every student as we best can where they are (literally, chat, spoken, subway, camera on/off, etc.)

**Description:** A workshop series hosted by SHoP Architects that connects high school students with industry professionals around dialog-based, themed discussions on a focused practice area of architecture, engineering and construction (AEC) and other city- and community-shaping areas of specialty.

Workshop participation is remote via Zoom for NYC DOE credit.

**Objectives:**

- 1) Expose high school students to new future paths and new awareness of the design and decisions that go into creating and sustaining the city around them
- 2) Develop communication, present mentorship and future networking techniques with practicing professionals by asking exploratory questions in real time
- 3) Learn correspondence skills to engage in communication after the workshop

**Partnership:** School of Design and Construction (SDC)/The Urban Assembly  
<https://www.uasdc.org/>  
<https://urbanassembly.org/>

Mission Society of New York City?

**Workshop format:** Workshop series comprises of one-hour, after-school sessions, once a week for 8-10 weeks via Zoom. The new workshop is expected to begin early February 2022, most likely on Thursdays 3:30-4:30pm.

The first week is a kickoff and introductions and the series culminates in a final project or exercise.

Past workshops/  
Industry instructors:

Fall 2020 - pilot workshop series, all instructors within SHoP

Examples: Architecture is the future of work. Architecture is inspired by nature.  
Architecture is storytelling. Architecture is a recipe.

Tasha Threat, Cyber/facility security  
John Gulliford, Architect  
Chelsea Hyduk, Architect  
Ed Roman, Fabrication lab/model shop  
Minyoung Song, Architect  
Cathy Jones, Architect  
Berardo Matalucci, Environmental design  
Kate Colabella, Photographer/archivist  
Amy Goldwasser, Strategy  
Annie Kwon, Partnerships

Spring 2021 - masterclass workshop series (surprise, school's still remote!),  
inviting experts from around the country to turn this into a positive

Examples: Architecture is beautiful science. Architecture is lit. Architecture is a  
sneaker. Architecture is experience.

Tristan Nadal, Developer, Founder, Pointsfive  
Gideon D'Arcangelo, Associate Principal, Environmental Design, Arup  
Leo Roussel, Experiential Technology, Arup  
Joy Bailey-Bryant, Vice President, Community outreach and facilities planning,  
Lord Cultural Resources  
Jimmie Drummond, Architect, Lighting Designer, Drummond Projects  
Sam Anderson, Epic Games, Technical Marketing Manager, Designer, Artist,  
Anna Smith and Chris Dixon, Pensole and CNSTNT:DVLPMNT  
Matt Wood, Site Workshop, Horticulturalist  
Mariano Recalde, Visualization designer, Artist

The proposed new workshop for 2022 would follow a similar format—except taking the students through the process (and according professionals) in How Buildings Are Made.

We like to keep the exact roles open enough to meet the people we bring in, to provide the best instructors, but it might go something like this, incorporating the real-world professionals in real-time around the development of this current community project:

Week 1:	Kick-off and introductions
Week 2:	Owner/tenant
Week 3:	Developer
Week 4:	Community builder/organizer
Week 5:	Civil, structural or mechanical engineer
Week 6:	Architecture team
Week 7:	Landscape designer
Week 8:	Environmental designer
Week 9:	Facade/construction/fabricator
Week 10:	Final exercise and wrap-up

We look forward to talking more, finalizing in a way that suits you and your students, and hope Mission will join!

TIMBUKTU ISLAMIC CENTER INC.

103 West 144 Street

New York, NY 10030

(212) 234-1199

March 20, 2022

To Whom It May Concern,

We, represent the Timbuktu Islamic Center located at 103 West 144 Street, New York, NY.

About a year ago the owners of our building, One45 Lenox LLC, told us that they were going to redevelop their entire site, including the area where our Mosque is located. Ownership came to us in friendship to let us know what they were planning and to ask us how they could be of assistance to us. We told them that we wanted to remain in Central Harlem so we could continue to serve our community, but we no longer want to rent a building. We want to own our building. We explained to the owners that because of Sharia Law we could not borrow the money we needed to buy a new building and we asked them for help.

We asked if the ownership would buy a new building which we found and then allow us to occupy it as a Mosque for rent and buy. They agreed to this and also agreed not to charge us any interest in accordance with Sharia Law.

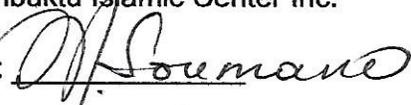
We have located a suitable building and are excited about the prospect of being able to one day own it ourselves. Without One45 Lenox's help we could not re-locate in Harlem in a building that we can call our own. A building that we will own. A building that will serve the community and allow us to continue to operate a religious center in Harlem.

The ownership has also been good to us and fair. They have kept their word. They deal with us fairly and honestly.

We also know what they have planned for the site. They want to build lots of new housing that the community needs. To build space for new stores and businesses. To help the youth who need jobs and training. We think this is good for the neighborhood and we support their efforts.

Very truly yours,

Timbuktu Islamic Center Inc.

By: 

Name:



SWEET MAMAS  
689 Lenox Ave  
New York, NY 10039

April 6, 2022

To whom it may concern

We are writing about the ONE45 development in Harlem.

We are the owners and operators of Sweet Mamas restaurant that is currently located on 144th Street. Our restaurant has served local residents for many years and we enjoy a loyal customer base.

The owners of the site have been our landlord for many years. They told us a while ago that they were planning to develop the site and build a new project. In our experience they have always been fair and reasonable with us. Even now, they have been open with us and offered us an opportunity to return to the new development so that we could re-open Sweet Mamas. That is our hope.

We think this is a good project for the community that will clean up the area and create new retail stores, housing and opportunities for the whole community.

As long time Harlem business owners we know it is important to improve the area, create jobs and make the future better. We think this project can do all of that.

Thank you.



Cheickna Maiga

Owner

**DECLARATION OF LARGE-SCALE GENERAL DEVELOPMENT**

**NEW YORK COUNTY**

Dated as of \_\_\_\_\_, 202[ ]

Block 2013, Lots 29, 33, 38, 44 and 50

**RECORD AND RETURN TO:**

Kramer Levin Naftalis & Frankel LLP  
1177 Avenue of the Americas  
New York, NY 10036

Attention: Paul D. Selver, Esq.

**DECLARATION OF LARGE-SCALE GENERAL DEVELOPMENT**

**THIS DECLARATION OF LARGE-SCALE GENERAL DEVELOPMENT** (“**Declaration**”), made as of the \_\_\_\_ day of \_\_\_\_\_, 202[\_\_\_], by **ONE45 LENOX LLC**, a limited liability company established pursuant to the laws of the State of New York, having an address at 85 Delancey Street, New York, New York 10002 (“**Declarant**”).

**WITNESSETH:**

**WHEREAS**, the Declarant is the fee owner of certain real property located in the Borough of Manhattan, County of New York, City and State of New York, identified on the Tax Map of the City of New York, County of New York (“**Tax Map**”) as Block 2013, Lots 29, 33, 38, 44, and 50, which real property is more particularly described in Exhibit A annexed hereto and made a part hereof (the “**Subject Property**”); and

**WHEREAS**, the Declarant desires to improve the Subject Property as a "large-scale general development" meeting the requirements of the definition of “large-scale general development” set forth in Section 12-10 of the Zoning Resolution of the City of New York, effective December 15, 1961, as amended to date and as same may hereafter be amended (the “**Zoning Resolution**” or “**ZR**”) (such proposed improvement of the Subject Property, the “**Proposed Development**”); and

**WHEREAS**, In connection with the Proposed Development, Declarant has filed applications with the New York City Department of City Planning (hereinafter “**DCP**”) for approval by the New York City Planning Commission (the “**Commission**”) of: (i) a Zoning Map Amendment to change the Subject Property from an C8-3 and R7-2/C1-4 zoning districts to a C4-6 zoning district (C220134 ZMM) (the “**Zoning Map Amendment**”); (ii) a Zoning Text Amendment to modify ZR 74-744(b) and to modify Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing Area (N220135 ZRM) (the “**Zoning Text Amendment**”); (iii) a Special Permit, pursuant to ZR Section 74-743, to modify the height and setback regulations of ZR Section 35-64(b)(3) (C220136 ZSM) (the “**Large-Scale Bulk Special Permit**”); (iv) a Special Permit, pursuant to ZR Section 74-744(b) to modify the supplementary use regulations of ZR Sections 32-422 and 32-423 and ZR 74-744(c) to modify the sign regulations of ZR Sections 32-64 and 32-65 (C220137A ZSM) (the “**Large-Scale Use Special Permit**”, together with the Large-Scale Bulk Special Permit the “**Large-Scale Special Permits**”); (v) a Special Permit, pursuant to ZR Section 74-533, to modify the residential parking regulations of ZR Sections 36-33 and 25-33 (C220142 ZSM) (the “**Parking Special Permit**”); (vi) a Certification by the Commission, pursuant to ZR Section 32-435(c), to waive certain retail continuity requirements (N220143 ZCM) (the “**Retail Continuity Certification**”); (vii) a Certification by the Commission pursuant to ZR Section 26-15 to allow additional curb cuts (N220138 ZCM) (the “**Additional Curb Cut Certification**”); and (viii) a Certification by the Commission pursuant to ZR Section 26-17 to allow a curb cut on a wide street (N220139 ZCM)

(the “**Curb Cut Location Certification**,” together with the Retail Continuity Certification and the Additional Curb Cut Certification, the “**Certifications**”) (collectively, the “**Land Use Applications**”); and

**WHEREAS** the Commission acted as lead agency and conducted an environmental review of the Land Use Applications pursuant to City Environmental Quality Review, Executive Order No. 91 of 1977, as amended, and the regulations promulgated thereunder at 62 RCNY § 5-01 et seq. (“**CEQR**”)(Application No. 21DCP167M 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 (“**SEORA**”), and issued a Notice of Completion for the Final Environmental Impact Statement (the “**FEIS**”) dated April 14, 2022; and

**WHEREAS**, Section 74-743(b)(10) of the Zoning Resolution requires that a declaration with regard to ownership requirements in paragraph (b) of the large scale general development definition in Section 12-10 be filed with the Commission; and

**WHEREAS**, all parties in interest (as such term is defined in the definition of “zoning lot” in ZR Section 12-10) to the Subject Property as shown on the Certification of Parties in Interest prepared by Riverside Abstract, LLC, dated \_\_\_\_\_, 2022, and attached hereto as Exhibit C, have joined in this Declaration or have waived their respective rights to execute this Declaration by written instrument annexed hereto as Exhibit C:1 (which instruments are intended to be recorded in the Register’s Office simultaneously with the recordation of this Declaration), or have previously waived their right to do so; and

**WHEREAS**, the Declarant desires to restrict the manner in which the Subject Property may be developed, redeveloped, maintained and operated in the future, and intends these restrictions to benefit all the land on the Subject Property;

**NOW, THEREFORE**, the 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 the Declarant, its successors and assigns as follows:

**1. Designation of Large-Scale General Development.** Declarant hereby declares and agrees that, following the Effective Date (as defined in **Section 11** hereof), the Subject Property, if developed pursuant to the Large Scale Special Permits, shall be treated and developed as a “large-scale general development”, as such term is defined in the Zoning Resolution in effect on the Effective Date, and shall be developed and enlarged as a single unit.

**2. Development and Use of the Subject Property.**

(a) **Plans.** If the Subject Property is developed in whole or part in accordance with the Large Scale Special Permits, Declarant covenants and agrees that the Proposed Development on the Subject Property shall be constructed substantially in accordance with the following plans prepared by ShoP Architects LLP, and annexed hereto as Exhibit D and made a part hereof (collectively, the “**Plans**”):

<b>Drawing No.</b>	<b>Title</b>	<b>Date</b>
Z-002	ZONING ANALYSIS TABLE	01/31/2022
Z-003	ZONING LOT SITE PLAN	10/11/2021
Z-005	GROUND FLOOR PLAN	11/10/2021
Z-006	WAIVER SITE PLAN	10/11/2021
Z-007	WAIVER FLOOR PLANS	11/10/20 21
Z-008	WAIVER SECTIONS	10/11/2021
Z-009	DETAILS – ACOUSTIC TREATMENT	10/11/2021
Z-014	SIGNAGE WAIVER ELEVATIONS	01/31/2022

(b) **Representation.** Declarant hereby represents and warrants that as of the Effective Date there will be no restriction of record on the development, enlargement, or use of the Subject Property, nor any then-existing estate or interest in the Subject Property, nor any lien, obligation, covenant, easement, limitation or encumbrance of any kind that shall preclude the restriction and obligation to develop and enlarge the Subject Property as a large-scale general development as set forth herein.

**3. Additional Restrictions.** Declarant agrees that it shall not apply for or accept a liquor license for the Use Group 9 banquet hall space delineated on the Plans unless such license incorporates a capacity limitation for such Use Group 9 banquet hall space of two hundred (200) occupants.

**4. 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 PCRE’s related to construction prior to the issuance of the first permit from DOB permitting the demolition, excavation or construction of foundations for the Proposed

Development (“**Construction Commencement**”) on the Subject Property, as the context may require:

(a) **Construction Air Emissions Reduction Measures.** 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, but not limited to, demolition and excavation) during the development of the Proposed Development:

(i) To the extent practicable, all non-road, diesel-powered construction equipment with engine power output 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 (currently, diesel particulate filters). Construction contracts shall specify that diesel engines rated at 50 hp 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 (“**CARB**”) verification programs. Active diesel particulate filters or other technologies proven to achieve an equivalent reduction may also be used.

(ii) To the extent practicable, all on-road diesel-powered construction equipment with a power rating of 50 horsepower (hp) or greater shall meet or achieve at least the equivalent of the United States Environmental Protection Agency (“**EPA**”) Tier 3 emission standard.

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

(iv) Idling of all on-site 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.

(v) Electrically powered equipment shall be preferred over diesel-powered and gasoline-powered versions of that equipment, to the extent practicable.

(vi) Declarant shall include enforceable contractual requirements with contractors and subcontractors to implement the provisions of this Section 4 (a), with respect to applicable work at the Subject Property.

(b) **Fugitive Dust Control Plan.** Prior to Construction Commencement Declarant shall (x) develop a plan for implementation of, and (y) thereafter implement, a plan for the

minimization of the emission of dust from construction-related activities during the development of the Proposed Development (the “**Fugitive Dust Control Plan**”), which Fugitive Dust Control Plan shall contain the following measures:

(i) 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.

(ii) All trucks hauling loose material shall be equipped with tight fitting tailgates and their loads securely covered prior to leaving the Proposed Development Site.

(iii) Stockpiled soils or debris shall be watered, stabilized with a chemical suppressing agent, or covered.

(iv) All measures required by the New York City Department of Environmental Protection’s (“DEP”) Construction Dust Rules regulating construction-related dust emissions would be implemented.

(v) Declarant shall comply with and implement all measures required by Chapter 1 of Title 24 of the New York City Administrative Code (the “**New York City Air Pollution Control Code**”) regulating construction-related dust emissions.

(vi) Declarant shall include enforceable contractual requirements with contractors and subcontractors to implement the provisions of this Section 4 (b) with respect to applicable work at the Subject Property.

(c) **Construction Noise Reduction Measures**. 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, but not limited to, demolition and excavation) during the development of the Proposed Development:

(i) All construction activities shall comply with Chapter 2 of Title 24 of the New York City Administrative Code (the “**New York 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.

(ii) Declarant shall develop and implement a plan for minimization of construction noise (the “**Noise Reduction Plan**”). The Noise Reduction Plan shall contain both path control and source control measures, including the following:

a. **Path Control Measures**

- i. Where logistics allow, noisy equipment, such as cranes, concrete pumps, concrete trucks, and delivery trucks, would be located away from and shielded from sensitive receptor locations.
  - ii. Noise barriers constructed from plywood or other materials, consistent with the noise barrier requirements set forth in the New York City Department of Environmental Protection (DEP)'s "Rules for Citywide Construction Noise Mitigation," shall be utilized to provide shielding (generally, the construction site would have a minimum 8-foot tall barrier around the perimeter).
  - iii. Concrete trucks shall be required to be located inside site-perimeter noise barriers while pouring or being washed out.
  - iv. Path noise control measures (i.e., portable noise barriers, panels, enclosures, and acoustical tents) to the extent feasible and practical, as necessary to meet the noise emission levels shown in Table 18-11 in Chapter 18, "Construction."
- b. Source Control Measures
- i. Equipment that meets the sound level standards specified in Subchapter 5 of the New York City Noise Control Code shall be utilized from the start of construction. Table 18-11 in Chapter 18, "Construction," shows the noise levels for typical construction equipment and the mandated noise levels for the equipment that would be used for construction of the Proposed Development. During construction, tower cranes shall not exceed an  $L_{max}$  noise level limit of 80 dBA at 50 feet, generators shall not exceed  $L_{max}$  noise level limit of 72 dBA at 50 feet, and excavators shall not exceed an  $L_{max}$  noise level limit of 80 dBA at 50 feet as set forth in Table 18-11.
  - ii. As early in the construction period as logistics would 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. Where electrical equipment cannot be used, diesel or gas-powered generators and pumps

would be located within buildings to the extent feasible and practicable.

- iii. Where feasible and practicable, the construction site shall be configured to minimize back- up alarm noise.
- iv. Construction vehicles shall not idle more than three minutes in accordance with New York City Administrative Code §24-163, except for equipment and vehicles using their engines to operate a loading, unloading, or processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine.
- v. Contractors and subcontractors shall be required to properly maintain their equipment and mufflers.
- vi. Declarant shall include enforceable contractual requirements with contractors and subcontractors to implement the provisions of this Section 4(c) with respect to applicable work at the Subject Property.

c. Construction Rodent Control Plan.

- i. Prior to Construction Commencement Declarant shall (x) develop a plan for implementation of, and (y) thereafter implement, an integrated plan to control rodents (i.e., mouse and rats, etc.), in accordance with requirements of the Buildings Department, throughout the construction of the Proposed Development. Prior to Construction Commencement, Declarant shall cause its contractor to bait appropriate areas of the Subject Property, using only United States Environmental Protection Agency (“USEPA”) and New York State Department of Environmental Conservation (“DEC”)-registered rodenticide.
- ii. Declarant shall include enforceable contractual requirements in the contracts of all relevant contractors and subcontractors to implement the provisions of this Section 4 (c)(ii)(c) with respect to applicable work at the Subject Property.

d. Maintenance and Protection of Traffic Plan.

- i. Prior to Construction Commencement, Declarant shall prepare a plan which provides diagrams of proposed temporary lane sidewalk and lane narrowing and/or closures to ensure the safety of the construction workers and the public passing through the area during construction (the “**Maintenance and Protection of Traffic Plan**” or “**MPT**”). Declarant shall submit the MPT to the New York City Department of Transportation (DOT)’s Office of Construction Mitigation and Coordination (OCMC) for review and approval, provided, however, that completion and submission of the MPT shall not be necessary for preliminary site work, unless DOT advises Declarant that a MPT is required.
- ii. Declarant shall include provisions in the contracts of all relevant contractors and subcontractors requiring adherence to the provisions of the MPT plan.

5. **Environmental Mitigation.** Declarants shall, in accordance with the FEIS, undertake the mitigation measures set forth in Sections 5 (a) through 5 (b) below in connection with the Proposed Development on the Subject Property:

(a) **Construction Noise.** At building façades where significant adverse construction noise impacts are predicted to occur, as set forth in Figure 18-9 of the FEIS, Declarant shall, prior to Construction Commencement, offer to make available at no cost for purchase and installation (1) storm windows for residential or community facility façades that do not already have insulated glass windows and/or (2) one window air conditioner per living room and bedroom at residences or one window air conditioner per sensitive space at impacted facades of community facility buildings that do not already have alternative means of ventilation.

(b) **Open Space.**

(i) The FEIS has identified a potential significant adverse impact to open space that may occur when 249 or more residential units are occupied in the Proposed Development and further sets forth that, in order to partially mitigate such impact, the Developer shall reconstruct the playground within Brigadier General Charles Young Playground, located between West 143<sup>rd</sup> Street, Lenox Avenue/Malcolm X Boulevard, the 145<sup>th</sup> Street Bridge, and Harlem River Drive in Manhattan, as set forth below in Section 5(b)(xi) (together, the “**Playground Capital Improvements**”), in consultation with the New York City Department of Parks and Recreation (“**DPR**”).

(ii) Declarant shall, in coordination with DPR (a) conduct a community input meeting to obtain feedback from the community on the Playground Capital Improvements prior to directing its consultants to prepare preliminary design plans for the Playground Capital Improvements and (b) present the preliminary design plan of the playground to Manhattan Community Board 10 after receiving DPR's approval of the preliminary design plan and before submitting the preliminary design plans to the New York City Public Design Commission ("**PDC**"). Declarant shall make a good faith effort to incorporate Community Board 10 comments into the preliminary design plans for the Playground Capital Improvements upon consultation with DPR.

(iii) Declarant shall engage a landscape architect familiar with DPR standards and procedures to prepare the preliminary and final plans for the Playground Capital Improvements. Declarant shall submit to DPR for review preliminary design plans for the Playground Capital Improvements that substantially comply with Section 5(b)(xi) below. Within thirty (30) days of such review, DPR shall either (A) approve the preliminary design plans or (B) notify Declarant in writing of any deficiency, in which case Declarant shall submit revised plans that address such defects. Within twenty (20) days of such revised submission, DPR will either (A) approve the preliminary design plans or (B) notify Declarant in writing of any deficiency with the preliminary design plans, in which case Declarant shall submit revised plans that address such defects. If DPR has not reasonably approved the preliminary design plans after the second round of review, this process shall repeat with twenty (20) -day review periods until DPR has approved the preliminary design plans. Upon issuance of DPR's approval of the preliminary design plans, the plans shall be deemed design plans to be developed into a final design for the Playground Capital Improvements. Notwithstanding the foregoing, in the event that DPR has failed to respond in writing to Declarant within thirty (30) days of receipt of the initial submission of the preliminary design plans or within twenty (20) days of receipt of revised preliminary design plans incorporating DPR's comments, as applicable, Declarant shall send a reminder notice to DPR.

(iv) Declarant understands that all designs, plans, and drawings for the Playground Capital Improvements shall be subject to DPR's then-current review process and that DPR may request designs, plans, drawings, and additional information on the Playground Capital Improvements, including but not limited to costs, maintenance, and specifications. DPR anticipates that the design of the Playground Capital Improvements will require submission, review, and approval, of a conceptual plan, 30% construction drawings, 50% construction drawings, 80% construction drawings, and 100% construction drawings. Declarant will not be permitted to begin any work in Brigadier General Charles Young Playground to implement the Playground Capital Improvements until DPR has approved all requested designs and drawings pertaining to the Playground Capital Improvements.

(v) Declarant shall manage and coordinate the review of the Playground Capital Improvements design submissions to PDC; and manage and coordinate any review of the Playground Capital Improvements that may be required by any agencies and utilities of the City of New York, including but not limited to the New York City Department of Environmental Protection, the New York City Department of Transportation, the Metropolitan Transportation Authority, and Con Edison.

(vi) Except as otherwise provided in this Section 5(b), Declarant shall not accept and DOB shall not issue a Temporary Certificate of Occupancy (“**TCO**”) for the Proposed Development that would result in occupancy of 249 or more new residential units, until DPR has certified to DOB that the Playground Capital Improvements have been substantially completed (hereinafter, a “**Certificate of Substantial Completion**”). “Substantial completion” or “substantially complete” shall mean completion of construction substantially in accordance with the final design plans, in the reasonable determination of DPR, notwithstanding that minor or insubstantial details of construction, decoration or mechanical adjustment remain to be performed.

(vii) Declarant shall not accept and DOB shall not issue a Permanent Certificate of Occupancy (“PCO”) for the Proposed Development that would result in occupancy of 249 or more new residential units, until DPR has certified to DOB that the Playground Capital Improvements have been finally completed (hereinafter, a “**Certificate of Final Completion**”).

(viii) Declarant shall coordinate with DPR, as necessary, regarding the Playground Capital Improvements. DPR shall (i) consult with Declarant on the community input meeting and presentation of the preliminary design of the Playground Capital Improvements to Manhattan Community Board 10 and (ii) cooperate with Declarant to diligently review and approve all drawings and specifications submitted by Declarant that are required to obtain all necessary approvals to implement the Playground Capital Improvements in a timely manner.

(ix) After Declarant has received approval for its design from DPR, PDC, and any other necessary agencies and utilities, Declarant must begin construction on the Playground Capital Improvements within one year. Before performing any work on DPR property, including but not limited to exploratory work, staging, storage of materials, excavation, demotion, or construction, Declarant must apply for and receive a DPR Construction Permit.

(x) Notwithstanding anything provided in this Section 5(b), if the Chair of DCP (the “**Chair**”), in consultation with DPR reasonably determines that, due to any Uncontrollable Circumstance, Declarant is unable to implement Playground Capital Improvements, the Chair shall grant Declarant appropriate relief, which may include

notifying DOB that a TCO or PCO may be issued for the Proposed Development, or portions thereof, as reasonably determined by the Chair, and Declarant may be entitled to obtain such TCO or PCO notwithstanding that the Playground Capital Improvements have not obtained a Certificate of Substantial Completion or Certificate of Final Completion, as the case may be. In the event an Uncontrollable Circumstance has occurred and Declarant proceeds under the preceding sentence, the Chair may require that Declarant post a reasonable bond, letter of credit, or other reasonable security in a form reasonably acceptable to the City in order to ensure that (i) the Playground Capital Improvements will be completed in accordance with the provisions of this Declaration, and (ii) upon cessation of the Uncontrollable Circumstance(s), Declarant shall recommence work on the Playground Capital Improvements in accordance with the provisions of this Declaration.

(xi) The Playground Capital Improvements include redesigning and rebuilding the play area at the Brigadier General Charles Young Playground, which includes spray showers and adult fitness equipment (“**Play Area**”). The elements and design of the rebuilt Play Area will include new play equipment, spray showers, and adult fitness equipment unless DPR approves a design with alternative elements due to community input. The Playground Capital Improvements include, but are not limited to:

- a. Remove existing pavement, fencing, play equipment, spray shower, safety surface, fitness equipment, benches, lighting within the Play Area.
- b. Install new pavement, safety surface, play equipment, and adult fitness equipment within the Play Area.
- c. Install a new perimeter steel picket fence around the Play Area.
- d. Replace benches, light posts, sprinklers, and other equipment within the Play Area. Where possible and reasonable, and as deemed acceptable by DPR, existing items, such as light poles, benches, trash bins, and equipment that are in good condition will be reused.
- e. Install local plantings and prune trees within the Play Area.
- f. Provide electrical connections, as needed, for spray shower and lighting within the Play Area.
- g. Install a property line box, if one does not exist, and related electrical lines within the Play Area as directed by DOT’s Lighting Division.

- h. Install plumbing branchwork for fresh water connection to new fountains and/or sprinklers in the Play Area and install a backflow preventer, as needed.
- i. Install basic drainage within the Play Area including new drainage lines and catch basins.
- j. Provide hard or soft scape for the playground and adult fitness area within the Play Area.
- k. Although the intent is to preserve trees, remove any trees determined to be in poor health by DPR's Forestry Division.
- l. Repair any sidewalk adjacent to the Play Area that has been disturbed by the playground reconstruction or is in poor condition.

(xii) Alternative Open Space Mitigation. If, at any time before Declarant begins initial schematic or other drawings of its design for the Playground Capital Improvements, DPR provides notice that the Playground Capital Improvements should not be implemented because they would conflict with other design or construction plans actively in progress for Brigadier General Charles Young Playground, then within twenty (20) business days of such notice DCP and DPR shall in writing (1) propose alternative open space mitigation measures to be constructed at another park or public open space within the FEIS study area; (2) provide a detailed scope of work for such alternative open space mitigation measures ("**Alternative Open Space Mitigation Scope**") and (3) provide cost estimates prepared by DPR confirming that the estimated cost of the Alternative Open Space Mitigation Scope is consistent with, and does not exceed, in aggregate the total cost estimate of the Playground Capital Improvements. The total cost estimate of the Playground Capital Improvements is Seven Million Dollars, as adjusted by the Consumer Price Index (CPI) from 2022.

- a. Developer shall provide Parks with 90 days' written notice before it begins initial schematic or other drawings of the Playground Capital Improvements, and ask DPR whether it will request an Alternative Open Space Mitigation Scope or any changes to the Playground Capital Improvements.
- b. Within thirty (30) days of receiving an Alternative Open Space Mitigation Scope, if Declarant determines that such Alternative Open Space Scope or requested changes to the Playground Capital Improvements would increase the cost for all open space mitigation work to more than seven million dollars (\$7,000,000.00) as adjusted by CPI from 2022, then Declarant shall notify DPR and DCP, and DPR and Declarant shall work in good faith to resolve the discrepancy.

- c. If Declarant and DPR cannot agree on changes to Playground Capital Improvements or an Alternative Open Space Mitigation Scope, Declarant shall make a payment to DPR of Seven Million Dollars, as adjusted by CPI from 2022 to the time of payment. After the payment has been made to DPR, DCP will notify DOB that Declarant has satisfied its open space mitigation requirements and such requirements shall not be an impediment to the issuance of a TCO or PCO for the Proposed Development.

**6. Inconsistencies with the FEIS.** If this Declaration inadvertently fails to include a PCRE or Mitigation Measure set forth in the FEIS as a PCRE or Mitigation Measure to be implemented by Declarant, such PCRE or Mitigation Measure shall be deemed incorporated in this Declaration by reference. If there is any inconsistency between a PCRE or Mitigation Measure as set forth in the FEIS and as incorporated in this Declaration, the more restrictive provision shall apply.

**7. Innovation and Alternatives: Modifications Based on Further Assessments.**

(a) **Innovation and Alternatives.** In complying with **Sections 4(a)** through **5(b)** of this Declaration, Declarant may, at its election, implement innovations, technologies or alternatives that are or become available, which Declarant demonstrates to the satisfaction of DCP would result in equal or better methods of achieving the relevant PCRE or Mitigation Measure, than those set forth in this Declaration.

(b) **Process for Innovations, Alternatives and Modifications Pursuant to Section 7.** Following the delivery of a Notice to DCP requesting an Innovation, Alternative or Modification pursuant to **Section 7** hereof (the "**Section 7 Request**"), Declarant shall meet with DCP to respond to any questions or comments on such request and accompanying materials, and shall provide additional information as may reasonably be requested by DCP in writing in order to allow DCP to determine whether to grant the Section 7 Request, acting in consultation with City agency personnel as necessary in relation to the subject matter of the Section 7 Request.

(c) **Modifications Based on Further Assessments.** In the event that Declarant believes, based on changed conditions, that a PCRE or Mitigation Measure required under **Sections 4(a)** through **5(b)** should not apply or could be modified without diminishment of the environmental standards which would be achieved by implementation of the PCRE or Mitigation Measure, it shall set forth the basis for such belief in an analysis submitted to DCP, and other relevant City agencies such as DOT or DEP (the "**Modification Request**"). Following the delivery of the Modification Request, Declarant shall meet with DCP and the relevant City agencies (and at DCP's option, the Monitor) to respond to any questions or comments on such request and accompanying materials and shall provide additional information as may be reasonably requested by DCP or the Monitor. Upon reviewing the Modification Request and any other materials submitted, DCP shall issue a

written determination within ten (10) business days after receipt of the request. In the event that, based upon review of such analysis, DCP determines that the relevant PCRE or Mitigation Measure should not apply or could be modified, Declarant may eliminate or modify the PCRE or Mitigation Measure consistent with the DCP determination, provided that Declarant records a notice of such change, as approved by DCP Counsel's Office, against the Subject Property in the office of the City Register.

**8. Appointment and Role of Independent Monitor.**

(a) Declarant shall, with the consent of DCP, retain an independent third party (the "**Monitor**") reasonably acceptable to DCP to oversee, on behalf of DCP, the implementation and performance by Declarant of the construction period PCREs required under **Section 4** of this Declaration (the "**Construction Monitoring Measures**" or "**CMMs**"). The Monitor shall be a licensed engineer, architect, general contractor or environmental consultant with significant experience in environmental management and construction management (or multiple persons or a firm employing such persons), including familiarity with the means and methods for implementation of the CMMs. DCP shall advise Declarant of its approval or rejection of the Monitor, as proposed, within fifteen (15) business days after Declarant provides DCP with satisfactory (as reasonably determined by DCP) documentation concerning the name and relevant experience of the Monitor.

(b) The "Scope of Services" described in any agreement between Declarant and the Monitor pursuant to which the Monitor is retained (the "**Monitor Agreement**") shall be subject to prior review by and approval of DCP, such approval not to be unreasonably withheld, conditioned or delayed. Such Monitor Agreement shall include provisions in a form acceptable to DCP that, among others, shall: (i) ensure that the Monitor is independent of Declarant in all respects relating to the Monitor's responsibilities under this Declaration (provided that the Monitor shall be responsible to Declarant with regard to practices generally applicable to or expected of consultants and independent contractors of Declarant) and has a duty of loyalty to DCP; (ii) provide for appropriate DCP management and control of the performance of services by the Monitor; (iii) authorize DCP to direct the termination of services by the Monitor for unsatisfactory performance of its responsibilities under the Monitor Agreement, following a fifteen (15)-day notice period by DCP to Declarant and the failure of Monitor to correct or remedy the unsatisfactory activity; (iv) allow for the retention by the Monitor of sub-consultants with expertise appropriate to assisting the Monitor in its performance of its obligations to the extent reasonably necessary to perform its obligations under this Declaration and the Monitor Agreement; and (v) allow for termination by Declarant for cause, but only with the express written concurrence of DCP, which concurrence shall not be unreasonably withheld or delayed. If DCP shall fail to act upon a proposed Monitor Agreement within twenty (20) days after submission of a draft form of Monitor Agreement, the form of Monitor Agreement so submitted shall be deemed acceptable by DCP and may be executed by Declarant and the Monitor. The Monitor Agreement shall provide for the commencement of

services by the Monitor at a point prior to Construction Commencement (the timing of such earlier point to be at the sole discretion of Declarant) and shall continue in effect at all times that construction activities are occurring on the Subject Property until issuance of the first TCO for any portion of the Proposed Development, unless the Declarant, with the prior consent of DCP or at the direction of DCP, shall have terminated the Monitor Agreement and substituted therefor another Monitor under a new Monitor Agreement, in accordance with all requirements of this **Section 8**. If the stage of development of the Subject Property identified in the Scope of Services under the Monitor Agreement is completed, Declarant shall not have any obligation to retain the Monitor for subsequent stage(s) of development of the Subject Property, provided that Declarant shall not recommence any construction until it shall have retained a new Monitor in compliance with the provisions of this Section.

(c) The Monitor shall: (i) assist and advise DCP with regard to review of plans and measures proposed by Declarant for purposes of satisfying CMMs in connection with determinations required under this Declaration as a prerequisite to Construction Commencement; (ii) provide reports of Declarant's compliance with the CMMs during any period of construction on a schedule reasonably acceptable to DCP, but not more frequently than once per month; and (iii) review records or perform field inspections of the portion of the Subject Property then being developed as reasonably necessary to confirm that Declarant is complying with the CMMs. The Monitor may at any time also provide Declarant and DCP with notice of a determination that a CMM has not been implemented, accompanied by supporting documentation establishing the basis for such determination, provided that any such notice shall be delivered to both parties. If the Monitor has provided DCP with such notice of a determination and supporting documentation that a CMM has not been implemented, the Monitor shall: (x) have full access to the portion of the Subject Property then being developed (as referenced in the Monitor Agreement), subject to compliance with all generally applicable site safety requirements imposed by law or the construction manager's safety requirements pursuant to construction contracts or imposed as part of the site safety protocol in effect for the Subject Property; (y) on reasonable notice and during normal business hours, be provided with access to all books and records of Declarant pertaining to both the CMM alleged not to have been implemented and the applicable portion of the Subject Property which it reasonably deems necessary to carry out its duties, including the preparation of periodic reports; and (z) be entitled to conduct any tests on the Subject Property that the Monitor reasonably deems necessary to verify Declarant's implementation and performance of the CMMs, subject to compliance with all generally applicable site safety requirements imposed by law, site operations, or pursuant to construction contracts in effect for the Subject Property and provided further that any such additional testing shall be (q) coordinated with Declarant's construction activities and use of the Subject Property by the occupants of and visitors; and (r) conducted in a manner that will minimize any interference with the Proposed Development. The Monitor Agreement shall provide that Declarant shall have the right to require the Monitor to secure insurance customary for such activity and may hold the Monitor liable for any damage or harm resulting from such testing activities. Nothing in this Declaration, including without limitation the

provisions of this **Section 8**, shall be construed to make the Monitor a third-party beneficiary of this Declaration.

(d) Subject to compliance with all generally applicable site safety requirements or the construction manager's safety requirements pursuant to construction contracts or imposed as part of the site safety protocol in effect for the Subject Property, DCP, or any other applicable City agency, may, upon prior written or telephonic notice to Declarant, enter upon the Subject Property during business hours on business days for the purpose of conducting inspections to verify Declarant's implementation and performance of the CMMs; provided, however, that any such inspections shall be (i) coordinated with Declarant's construction activities and use of the Subject Property by the occupants of and visitors to the Subject Property, and (ii) conducted in a manner that will minimize any interference with, delay construction of, or create any safety hazard at, the Proposed Development. Declarant shall cooperate with DCP (or such other applicable City agency) and its representatives, and shall not delay or withhold any information or access to the Subject Property reasonably requested by DCP (or such other applicable City agency). Notwithstanding the foregoing, Declarant shall not be obligated to provide DCP or any other City agency with access to tenant occupied spaces or those portions of the Subject Property not owned and controlled by Declarant (such as individual condominium units).

(e) Declarant shall be responsible for payment of all fees and expenses due to the Monitor (including fees and expenses paid to sub-consultants engaged pursuant to **Section 8(b)**) in accordance with the terms of the Monitoring Agreement.

(f) If DCP determines, based on information provided by the Monitor and others, or through its own inspection of the Subject Property during construction, as applicable, that there is a basis for concluding that Declarant has failed to implement or to cause its contractors to implement a CMM, DCP may thereupon give Declarant written notice of such alleged violation (each, a "**CMM Default Notice**"), transmitted by hand or via overnight courier service to the address for Notices for Declarant set forth in **Section 13**. Notwithstanding any provisions to the contrary contained in **Section 14** of this Declaration, following receipt of a CMM Default Notice, Declarant shall: (i) effect a cure of the alleged violation within fifteen (15) business days; (ii) seek to demonstrate to DCP in writing within five (5) business days of receipt of the CMM Default Notice why the alleged violation did not occur and does not then exist; or (iii) seek to demonstrate to DCP in writing within five (5) business days of receipt of the CMM Default Notice that a cure period greater than fifteen (15) business days would not be harmful to the environment or that the required cure cannot be accomplished within fifteen (15) business days (such longer cure period, a "**Proposed Cure Period**"). If DCP accepts within two (2) business days of receipt of a writing from Declarant that the alleged violation did not occur and does not then exist, DCP shall withdraw the CMM Default Notice and Declarant shall have no obligation to cure. If DCP accepts a Proposed Cure Period in writing within two (2) business day of receipt of a writing from Declarant, then this shall become the applicable cure period for the alleged violation (the "**New Cure**").

**Period**”), provided that if DCP does not act with respect to a Proposed Cure Period within two (2) business days or after receipt of a writing from Declarant with respect thereto, the running of the fifteen (15) day cure period for the alleged violation shall be tolled until such time as DCP so acts. If Declarant fails to: (i) effect a cure of the alleged violation; (ii) cure the alleged violation within a New Cure Period, if one has been established; or (iii) demonstrate to DCP’s satisfaction that a violation has not occurred, then representatives of Declarant shall, promptly at DCP’s request, and upon a time and date, and a location acceptable to DCP, convene a meeting (and, at the election of the parties, additional meetings) with the Monitor and DCP representatives. If, subsequent to such meetings, Declarant is unable reasonably to satisfy the DCP representatives that no violation exists or is continuing or the Declarant, the Monitor and DCP are unable to agree upon a method for curing the violation within a time period acceptable to DCP, DCP shall have the right to exercise any remedy available at law or in equity or by way of administrative enforcement, to obtain or compel Declarant’s performance under this Declaration, including seeking an injunction to stop work on the Subject Property, as necessary, to ensure that the violation does not continue, until the Declarant demonstrates either that the violation does not exist or that it has cured the violation, subject to the cure provisions of **Section 14(d)** hereof (as modified for the cure periods set forth in this **Section 8(f)** and the limitations of **Sections 10, 12(a), 14(c) and 14(e)** hereof. Nothing herein shall be construed as a waiver of any legal or equitable defense that Declarant may have in any enforcement action or proceeding initiated by DCP in accordance with this provision.

**9. Uncontrollable Circumstance Involving a PCRE or Mitigation Measure.**

(a) Notwithstanding any provision of **Section 14(e)** to the contrary, where the obligation as to which an Uncontrollable Circumstance applies is a PCRE or Mitigation Measure set forth in **Sections 4 or 5** of the Declaration, Declarant may not be excused from performing such PCRE or Mitigation Measure that is affected by the Uncontrollable Circumstance (x) unless such PCRE or Mitigation Measure cannot be reasonably implemented during the Uncontrollable Circumstance or (y) unless and until the Chair has made a determination in his or her reasonable discretion that not implementing 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 adverse environmental impact not addressed in the FEIS.

**10. Binding Effect.** The restrictions, covenants, rights and agreements set forth in this Declaration shall be binding upon Declarant, or Declarant's successor or assign thereof, and any party acquiring an interest in any portion of the Subject Property (which party shall become a Declarant); provided that the Declaration shall be binding on any Declarant, or Declarant's successor or assign thereof, only for the period during which such Declarant, or Declarant's successor or assign thereof, is the holder of an interest in the Subject Property and only to the extent of such Declarant's, or Declarant's successor or assign thereof, interest in the Subject Property. At such time as a Declarant, or Declarant's successor or assign thereof, no longer holds an interest in the Subject Property, such Declarant's, or Declarant's successor or assign thereof,

obligations and liability under this Declaration shall wholly cease and terminate and the party succeeding such Declarant, or Declarant's successor or assign thereof, shall assume the obligations and liability of Declarant, or Declarant's successor or assign thereof, pursuant to this Declaration with respect to actions or matters occurring subsequent to the date such party assumes an interest in the Subject Property to the extent of such party's interest in the Subject Property. For purposes of this Declaration, any successor to a Declarant shall be deemed a Declarant for such time as such successor holds all or any portion of any interest in the Subject Property.

**11. Recordation.**

(a) **Effective Date.** This Declaration and the provisions and covenants hereof shall become effective only upon the Effective Date (defined hereinafter), provided, that in the event that any administrative, judicial, or other action or enforcement proceeding is brought challenging the validity of the Large Scale Special Permits, the approval of any of the Land Use Applications, the conveyance of any portion of the Subject Property to the Declarant or any action undertaken in connection with or related thereto, then the Effective Date shall be deferred to the date of final resolution of such action or proceeding, including any appeals, upholding in all respects the validity of the Large Scale Special Permits, the approval of the Land Use Applications, the conveyance of any portion of the Subject Property, or such related action(s), as the case may be.

(i) **“Effective Date”** shall mean the date upon which the Final Approval (hereinafter defined) becomes effective.

(ii) **“Final Approval”** shall mean approval of the Land Use Applications (with the exception of the Certifications) by the Commission pursuant to New York City Charter Section 197-c, which shall be effective on the date that the City Council’s period of review has expired, unless (a) pursuant to New York City Charter Section 197-d(b), the City Council reviews the decision of the Commission approving the Land Use Applications and takes final action pursuant to New York City Charter Section 197-d approving the Land Use Applications, in which event “Final Approval” shall mean such approval of the Land Use Applications by the City Council or (b) the City Council disapproves the decision of the Commission and the Office of 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 Office of the Mayor’s disapproval, in which event “Final Approval” shall mean the Office of the Mayor’s written disapproval pursuant to such New York City Charter Section 197-d(e). Notwithstanding anything to the contrary contained 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 Land Use Applications.

(b) **Recordation.** Within ten (10) business days of the date hereof, Declarant shall endeavor to file and record this Declaration (together with all of the exhibits hereto) in the Office of the City Register of the City of New York (the "**Register's Office**"), indexing this Declaration against the Subject Property. Declarant shall deliver to the Commission a copy of all such documents, as recorded, certified by the Register, promptly upon receipt of such documents from the 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 (as permitted in accordance with this paragraph), shall be borne by Declarant.

**12. Limitation of Liability and Indemnification.**

(a) **Limitation of Liability.**

(i) The City shall look solely to the fee estate and interest of Declarant and any and all of its successors and assigns in the Subject Property, on an *in rem* basis only, for the collection of any money judgment recovered against Declarant or its successors and assigns, and no other property of Declarant or its principals, partners, shareholders, directors, members, officers or employees or successors and assigns 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. In the event that any building in the Projected Development is converted to condominium form of ownership, every condominium unit (other than an Affordable Housing Unit) shall, as successor in interest to Declarant, be subject to levy or execution for the satisfaction of any monetary remedies of the City, to the extent of each Unit Interested Party's Individual Assessment Interest, and provided that such enforcement procedures shall be taken simultaneously against all the condominium units in the Projected Development and not against selected individual units only. The "**Individual Assessment Interest**" shall mean the Unit Interested Party's percentage interest in the common elements of the condominium in which such condominium unit is located applied to the assessment imposed by the Association on the condominium in which such condominium unit is located. In the event of a default in the obligations of the Association as set forth herein, the City shall have a lien upon the property owned by each Unit Interested Party solely to the extent of each such Unit Interested Party's unpaid Individual Assessment Interest, which lien shall include such Unit Interested Party's obligation for the costs of collection of such Unit Interested Party's unpaid Individual Assessment Interest. Such lien shall be subordinate to the lien of any Mortgage, the lien of any real property taxes, and the lien of the board of managers of any such condominium for unpaid common charges of the condominium, and the lien of the Association pursuant to the provisions of this Declaration. The City agrees that, prior to enforcing its rights against a Unit Interested Party, the City shall first attempt to enforce its rights under this

Declaration against Declarant, the Association and the boards of managers of any condominium association. In the event that the Association shall default in its obligations under this Declaration, the City shall have the right to obtain from the Association and/or boards of managers of any condominium association, the names of the Unit Interested Parties who have not paid their Individual Assessment Interests. Notwithstanding the foregoing, nothing in this Section 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.

(ii) The restrictions, covenants and agreements set forth in this Declaration shall bind Declarant and any successor-in-interest only for the period during which Declarant and any such successor-in-interest 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 Declarant a Party in Interest. At such time as the named Declarant has no further fee interest in the Subject Property and is no longer a Party in Interest of the Subject Property, such Declarant's obligations and liability with respect to this Declaration shall wholly cease and terminate from and after the conveyance of Declarant's interest and Declarant's successors-in-interest in the Subject Property by acceptance of such conveyance automatically shall be deemed to assume Declarant's obligations and liabilities here-under to the extent of such successor-in interest's interest.

(b) **Indemnification.**

(i) If Declarant is found by a court of competent jurisdiction to have been in default in the performance of its obligations under this Declaration and such finding is upheld on final appeal, or the time for further review of such finding on appeal or by other proceeding has lapsed, Declarant shall indemnify and hold harmless the City from and against all of its reasonable and actual third party legal and administrative expenses arising out of or in connection with the enforcement of Declarant's obligations under this Declaration, provided, however, that nothing in this Section shall impose on the Association any indemnification obligations other than the reasonable and actual third party legal and administrative expenses incurred by the City arising out of or in connection with the enforcement of such obligations. If any judgment is obtained against Declarant from a court of competent jurisdiction in connection with this Declaration and such judgment is upheld on final appeal or the time for further review of such judgment or appeal by other proceeding has lapsed, Declarant shall indemnify and hold harmless the City from and against all of its reasonable legal and administrative expenses arising out of or in connection with the enforcement of said judgment.

(ii) Declarant shall indemnify and hold harmless the City and their respective officers, employees and agents from and against any and all claims, actions or judgments for loss, damage or injury, including death or personal or property damage of whatsoever kind or nature, arising from Declarant's default under this Agreement (including, without limitation, if Declarant is found by a court of competent jurisdiction to have been in default in the performance of its obligations under this Agreement and such finding is upheld on final appeal, or the time for further review of such finding on appeal or by other proceeding has lapsed), or the negligence of Declarant, its agents, servants or employees in undertaking its obligations under this Agreement unless such claims, actions or judgments arose out of the negligence, recklessness or willful acts of the City, its agents or its employees; provided, however, that should any such claim be made or action brought, Declarant shall have the right to defend such claim or action with attorneys reasonably acceptable to the City. No such claim or action shall be settled without the written consent of City, unless (i) the City is indemnified fully pursuant to this Section, and (ii) the City has no obligation under the settlement, financial or otherwise.

(iii) The City shall indemnify and hold harmless Declarant and their respective officers, employees and agents from and against any and all claims, actions or judgments for loss, damage or injury, including death or personal or property damage of whatsoever kind or nature, arising from the City's default under this Declaration (provided that the City is found by a court of competent jurisdiction to have been in default in the performance of its obligations under this Declaration and such finding is upheld on final appeal, or the time for further review of such finding on appeal or by other proceeding has lapsed), or the negligence of the City, its agents, servants or employees in undertaking its obligations under this Declaration unless such claims, actions or judgments arose out of the negligence, recklessness or willful acts of Declarant, its agents or their employees.

**13. Notice.** All notices, demands, requests, consents, approvals, and other communications (each, a "**Notice**") which may be or are permitted, desirable, or required to be given under this Declaration shall be in writing and shall be sent or delivered as follows:

(a) if to Declarant:

One45 Lenox LLC  
85 Delancey Street  
New York, New York 10002

with a copy to:

Kramer Levin Naftalis & Frankel LLP  
1177 Avenue of the Americas  
New York, New York 10036

Attn: Paul D. Selver

- (b) if to the Commission:

New York City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, New York 10271  
Attention: Chairperson

with a copy to:

The general counsel of Commission at the same address

- (c) if to a Party-in-Interest other than Declarant:

at the address provided in writing to Commission in accordance with this **Section 7**.

- (d) if to a mortgagee of all or any portion of the Subject Property (a "**Mortgagee**"):

at the address provided in writing to Commission in accordance with this **Section 7**.

Declarant, Commission, any Party-in-Interest, and any Mortgagee may, by notice provided in accordance with this **Section 13**, change any name or address for purposes of this Declaration. In order to be deemed effective any Notice shall be sent or delivered (x) in at least one of the following manners: (i) sent by registered or certified mail, postage pre-paid, return receipt requested, in which case the Notice shall be deemed delivered for all purposes hereunder five days after being actually mailed; (ii) sent by overnight courier service, in which case the Notice shall be deemed delivered for all purposes hereunder on the date the Notice was actually received or was refused; or (iii) delivered by hand, in which case the Notice will be deemed delivered for all purposes hereunder on the date the Notice was actually received, and (y) with a courtesy copy delivered via electronic mail. All Notices from Commission to a Declarant shall also be sent to every Mortgagee of whom Commission has notice, and no Notice shall be deemed properly given to a Declarant without such notice to such Mortgagee(s). 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 Commission has notice.

**14. Enforcement, Defaults and Remedies.**

(a) Declarant acknowledges that the restrictions, covenants, and obligations of this Declaration will protect the value and desirability of the Subject Property, as well as benefit the

City. If a Declarant fails to perform any of a Declarant's obligations under this Declaration, the City shall have the right to enforce this Declaration against Declarant and exercise any administrative, legal, or equitable remedy available to the City, and Declarant hereby consents to same; provided that this Declaration shall not be deemed to diminish Declarant's or any other Party-in-Interest's right to exercise any and all administrative, legal, or equitable remedies otherwise available to it, and provided further, that the City's rights of enforcement under this Declaration shall be subject to the cure provisions and periods set forth in this Declaration. Declarant also acknowledges that the remedies set forth in this Declaration are not exclusive and that the City and any agency thereof may pursue other remedies not specifically set forth herein including, but not limited to, a mandatory injunction compelling Declarant to comply with the terms of this Declaration and a revocation by the City of any certificate of occupancy, temporary or permanent, for any portion of the Large Scale Development Project on the Subject Property subject to the Large-Scale Special Permits.

(b) **[INTENTIONALLY OMITTED]**

(c) **No Enforcement by Third Parties.** Notwithstanding any provision of this Declaration to the contrary, only Declarant, Declarant's successors and assigns, and the City shall be entitled to enforce or assert any claim arising out of or in connection with this Declaration. Nothing contained herein should be construed or deemed to allow any other person or entity to have any interest in or right of enforcement of any provision of this Declaration or any document or instrument executed or delivered in connection with the Large-Scale Special Permits. In any proceedings brought by the City against Declarant seeking to deny or revoke building permits or certificates of occupancy with respect to the Proposed Development on the Subject Property, or to revoke any Large-Scale Special Permits approved by the Land Use Applications, or to impose a lien, fine or other penalty, or to pursue any other remedy available to the City, if the event or occurrence which is the basis of an allegation of a failure to comply by a Declarant is associated with a particular lot or portion(s) of lots developed as part of the Proposed Development on the Subject Property, then the City shall only deny or seek the revocation of building permits or certificates of occupancy for such lot(s) or portion(s) of lots, and only seek to impose a fine, lien or other penalty on such lot(s) or portion(s) of a lot, and any such event or occurrence shall not provide the basis for denial or revocation of the Special Permits approved by the Land Use Applications or building permits or certificates of occupancy, or the imposition of any fine, lien or other penalty, with respect to other lot(s) or portion(s) of a lot comprising a portion of the Proposed Development for which no such failure to comply has occurred. No Person other than Declarant, any Mortgagee, all holders of all holders of mortgages secured by any condominium unit or other individual residential unit located within the Subject Property and, from and after the Association Obligation Date, the Association, shall have any right to enforce the provisions of this Declaration. This Declaration shall not create any enforceable interest or right in any Person, other than Declarant, any Mortgagee and, from and after the Association Obligation Date, the Association, any of which shall be deemed to be a proper Person to enforce the provisions of this Declaration,

and nothing contained herein shall be deemed to allow any other Person, any interest or right of enforcement of any provision of this Declaration or any document or instrument executed or delivered in connection with the Applications.

(d) **Notice and Cure.**

(i) Prior to the City instituting any proceeding to enforce the terms or conditions of this Declaration due to any alleged violation hereof, the City shall give Declarant, every Mortgagee and every Party-in-Interest thirty (30) business days written notice of such alleged violation, during which period the Declarant, any Party-in-Interest and any Mortgagee shall have the opportunity to effect a cure of such alleged violation or to demonstrate to City why the alleged violation has not occurred. If a Mortgagee or Party-in-Interest performs any obligation or effects any cure a Declarant is required to perform or cure pursuant to this Declaration, such performance or cure shall be deemed performance on behalf of Declarant and shall be accepted by any person or entity benefited hereunder, including the Commission and City, as if performed by Declarant. If Declarant, any Party-in-Interest or Mortgagee commences to effect such cure within such thirty (30) day period (or if cure is not capable of being commenced within such thirty (30) day period, Declarant, any Party-in-Interest or Mortgagee commences to effect such cure when such commencement is reasonably possible), and thereafter proceeds diligently toward the effectuation of such cure, the aforesaid thirty (30) day period (as such may be extended or shortened in accordance with the preceding clause) shall be extended for so long as Declarant, any Party-in-Interest or Mortgagee continues to proceed diligently with the effectuation of such cure, as reasonably determined by the City. In the event ownership of any of the lots constituting the Subject Property is held by multiple Declarants, notice as to those lots shall be provided to all Declarants of such lots from whom the City has received notice in accordance with **Section 13** hereof.

(ii) If, after due notice and opportunity to cure as set forth in this Declaration, Declarant fails to observe any of the terms or conditions of this Declaration, and Declarant fails to cure such violation within the applicable grace period provided in herein, then, upon the expiration of such cure period, prior to institution by the City of any action or proceeding against Declarant, every Mortgagee and Party in Interest shall be given thirty (30) days written notice of such alleged violation by the City, during which period each Mortgagee and Party in Interest shall have the opportunity to effect such cure. If any Mortgagee or Party in Interest commences to effect a cure during such thirty (30) day period and thereafter proceeds diligently to complete the effectuation of such cure, such cure period shall be extended for so long as any Mortgagee or Party in Interest continues to proceed diligently toward such cure. If a Mortgagee or Party in Interest performs any obligation or effects any cure Declarant is required to perform or cure pursuant to this Declaration, such performance or cure shall be deemed performance on behalf of

Declarant and shall be accepted by any person or entity benefited hereunder, including the Commission and the City, as if performed by Declarant.

(iii) If, after due notice and opportunity to cure as set forth in this Declaration, Declarant, Mortgagee or a Party-in-Interest shall fail to cure the alleged breach or other violation under this Declaration within the applicable grace period provided herein, the City may exercise any and all of its rights, including without limitation those delineated herein, and may disapprove any amendment, modification or cancellation of this Declaration on the sole ground that a Declarant is in default of a material obligation under this Declaration. The time period for curing any violation by a Declarant, Mortgagee, and/or Party-in-Interest shall be subject to extension for Uncontrollable Circumstances pursuant to **Section 8(f)** hereof. The time period for curing any violation by Declarant, Mortgagee, and/or Party-in-Interest shall be subject to extension for Uncontrollable Circumstances pursuant to the provisions of this Declaration.

(e) **Uncontrollable Circumstances.**

(i) In the event that, as the result of an Uncontrollable Circumstance, Declarant is unable to perform or complete any obligation (A) at the time or times required by this Declaration; (B) at the date set forth in this Declaration for such action, if a specific date for such requirement is set forth herein; or (C) prior to submitting an application for a building permit or other permit or certificate of occupancy which is conditioned on the completion of such requirement, where applicable, Declarant may, upon notice to the Chair (a "**Delay Notice**") within forty-eight (48) hours after the occurrence of such Uncontrollable Circumstance becomes apparent, request that the Chair, certify the existence of such Uncontrollable Circumstance. Any Delay Notice shall include a description of the Uncontrollable Circumstance and its probable duration and impact on the work in question (as reasonably determined by Declarant). In the exercise of his or her reasonable judgment, the Chair shall thereafter, within ten (10) days of its receipt of the Delay Notice, (x) certify in writing that the Uncontrollable Circumstance has occurred, or (y) notify Declarant that it does not reasonably believe that the Uncontrollable Circumstance has occurred, and set forth with reasonable specificity the reasons therefor. Failure to respond within such ten (10) day period shall be deemed to be a determination by the Chair that Uncontrollable Circumstance has occurred. If the Chair certifies that an Uncontrollable Circumstance exists, the Chair shall grant Declarant appropriate relief, including notifying DOB that a Building Permit, TCO or a PCO (as applicable) may be issued for any buildings, or portions thereof, located within the Subject Property. Upon cessation of the Uncontrollable Circumstance, Declarant shall promptly recommence its obligations under this Declaration subject to the Uncontrollable Circumstance. As a condition to granting relief as aforesaid, the Chair may require that Declarant post a letter of credit or other security, in a form reasonably acceptable to the Chair and naming the

City as beneficiary, to secure Declarant's obligation to Finally Complete the Publicly Accessible Area upon the cessation of the Uncontrollable Circumstance. Such security shall be in a sum equal to 175% of the estimated cost of the remaining work required to Finally Complete the Publicly Accessible Area, as certified by Declarant's architect or landscape architect. Declarant shall be obligated to re-commence construction of the Publicly Accessible Area to Substantially Complete or Finally Complete same at the end of the Uncontrollable Circumstance specified in the Delay Notice, or such lesser period of time as the Chair reasonably determines the Uncontrollable Circumstances shall continue; provided, however, any delay arising by reason of a Uncontrollable Circumstance shall be deemed to continue so long as the Uncontrollable Circumstance continues. If Declarant fails to resume performance of the Publicly Accessible Area work within three (3) months after the cessation of the Uncontrollable Circumstance (as reasonably determined by the Chair), the City may undertake performance of the Publicly Accessible Area work, and draw upon the aforesaid security, to the extent required to complete the Publicly Accessible Area work. Upon Final Completion of the Publicly Accessible Area (either by Declarant or the City), the City shall return the aforesaid security (or the undrawn balance thereof) to Declarant. Declarant hereby grant the City a license to enter upon such portions of the Subject Property as shall be required to exercise the self-help rights conferred upon the City by this Section. The City hereby agrees to indemnify, defend and hold each indemnified party (hereinafter defined) harmless from and against any claims arising by reason of its exercise of the self-help rights set forth in this Article, except to the extent such claim is caused by or contributed by the negligence of the Indemnified Parties.

(ii) **"Uncontrollable Circumstance"** shall mean: an occurrence beyond the reasonable control of Declarant which delays the performance of Declarant's obligations hereunder, provided that Declarant has taken all reasonable steps reasonably necessary to control or to minimize such delay, and which occurrences shall include, but not be limited to: (i) a strike, lockout or labor dispute; (ii) the inability to obtain labor or materials or reasonable substitutes therefor; (iii) acts of God; (iv) restrictions, regulations, orders, controls or judgments of any Governmental Authority; (v) undue material delay in the issuance of approvals by any Governmental Authority, provided that such delay is not caused by any act or omission of Declarant; (vi) enemy or hostile government action, civil commotion, insurrection, terrorism, revolution or sabotage; (vii) fire or other casualty; (viii) a taking of the whole or any portion of the Subject Property by condemnation or eminent domain; (ix) inclement weather substantially delaying construction of any relevant portion of the Subject Property; (x) unforeseen underground or soil conditions, provided that Declarant did not and could not reasonably have anticipated the existence thereof as of the date hereof; (xi) the denial of access to adjoining real property, notwithstanding the existence of a right of access to such real property in favor of Declarant arising by contract, this Declaration; or Legal Requirements, (xii) failure or inability of a public utility to provide adequate power, heat or light or any other utility service; (xiii) a pandemic outbreak

of communicable disease or other public health emergency resulting in construction moratoriums; or (xiv) orders of any court of competent jurisdiction, including, without limitation, any litigation which results in an injunction or restraining order prohibiting or otherwise delaying the construction of any portion of the Subject Property.

**15. Applications.**

(a) Declarant and/or Declarant's successors or assigns shall include a copy of this Declaration with any application made to DOB for a foundation, new building, alteration, or other permit for any portion of the Proposed Development subject to the Land Use Applications. Nothing in this Declaration, including but not limited to the declaration and covenant made in **Section 1** hereof to develop and enlarge the Subject Property as a single unit, shall be construed to prohibit or preclude Declarant from filing for, or DOB from issuing, any permit for all or any portion of the Proposed Development, in such phase or order as the Declarant sees fit in the Declarant's sole discretion.

(b) Subject to the requirements of **Section 16** hereof, nothing in this Declaration shall be construed to prevent Declarant or any of Declarant's successors or assigns from making any application of any sort to any governmental agency or department (each an "**Agency**") in connection with the development of the Subject Property; provided, that Declarant shall include a copy of this Declaration in connection with any application for any such discretionary approval, and provided that nothing in this **Section 15(b)** shall be construed as superseding the requirements, restrictions, or approvals that may be required under agreements with any other Agency or the City.

**16. Amendment, Modification and Cancellation.**

(a) This Declaration may be amended, cancelled, or modified upon application by Declarant and upon the express written approval of Commission or an agency succeeding to Commission's jurisdiction. No other approval by any other public body, private person, or legal entity of any kind shall be required for such modification, amendment or cancellation.

(b) Notwithstanding anything to the contrary contained in this Declaration, any change to this Declaration proposed by Declarant and submitted to the Chair, which 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 the Commission, any public body, private person or legal entity of any kind.

(c) Notwithstanding anything to the contrary contained in this Declaration, for so long as Declarant (including any successor to its interest as fee owner of all or any portion of the Subject Property, other than a Unit Interested Party) shall hold any fee interest in the Subject Property, or any portion thereof, (i) all Unit Interested Parties, (ii) all boards of managers of any condominium

or cooperative association, and (iii) the Association, hereby (x) irrevocably consent to any amendment, modification, cancellation, revision or other change in this Declaration by Declarant; (y) waive and subordinate any rights they may have to enter into an amended Declaration or other instrument amending, modifying, canceling, revising or otherwise changing this Declaration, and (z) nominate, constitute and appoint Declarant, their true and lawful attorney-in-fact, coupled with an interest, to execute any document or instruments that may be required in order to amend, modify, cancel, revise or otherwise change this Declaration.

(d) Notwithstanding anything to the contrary contained in this Declaration, if the Land Use Applications, as approved or modified by the City Council, are declared invalid or otherwise voided by a final judgment of any court of competent jurisdiction from which no appeal can be taken or for 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 cancelled and shall be of no further force or effect and an instrument discharging it may be recorded. Prior to the recordation of such instrument, Declarant shall notify the Chair of Declarant's intent to discharge this Declaration and request the Chair's approval, which approval shall be limited to insuring that such discharge and termination is in proper form and provides the proper provisions which are not discharged survive such termination. Upon recordation of such instrument, Declarant shall provide a copy thereof to Commission so certified by the Register's Office. If some of the Land Use Applications are declared invalid, then Declarant may apply for modification, amendment or cancellation of this Declaration in accordance with this **Section 16**.

(e) From and after the date that no Declarant holds any fee interest in the Subject Property or any portion thereof (other than one or more individual residential or commercial condominium units), and provided the Association shall have been organized as provided in this Declaration, the Association shall be deemed to be the sole Declarant and Party-in-Interest under this Declaration for that portion of the Proposed Development upon that portion of the Subject Property for which the Association was formed. In such event, the Association shall be the sole party with any right to amend, modify, cancel, revise or otherwise change this Declaration, or make any application therefor, and each and every Unit Interested Party hereby (x) irrevocably consents to any amendment, modification, cancellation, revision or other change in this Declaration by the Association; (y) waives and subordinates any rights it may have to enter into an amended Declaration or other instrument amending, modifying, canceling, revising or otherwise changing this Declaration, and (z) nominates, constitutes and appoints the Association its true and lawful attorney-in-fact, coupled with an interest to execute any documents or instruments that may be required in order to amend, modify, cancel, revise or otherwise change this Declaration.

**17. 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 and

the judgment of such court shall be upheld on final appeal, or the time for further review of such judgment on appeal or by other proceeding has lapsed, such provision shall be severable, and the remainder of this Declaration shall continue to be of full force and effect.

**18. Governing Law.** This Declaration shall be governed by and construed in accordance with the laws of the State of New York.

**19. Exhibits.** Any and all exhibits, appendices, or attachments referred to herein are hereby incorporated fully and made an integral part of this Declaration by reference.

**20. Approvals.** Wherever in this Declaration the certification, consent or approval of Declarant, the Chair, or the Commissioner is required or permitted to be given, it is understood that time is of the essence and such certification, consent or approval will not be unreasonably withheld or delayed.

**21. Further Assurances.** Declarant and the City each agree to execute, acknowledge and deliver such further instruments, and take such other or further actions as may be reasonably required in order to carry out and effectuate the intent and purpose of this Declaration or to confirm or perfect any right to be created or transferred hereunder, all at the sole cost and expense of the party requesting such further assurances.

**22. Estoppel Certificates.** Whenever requested by a party, the other party shall within ten (10) days thereafter furnish to the requesting party a written certificate setting forth: (i) that this Declaration is in full force and effect and has not been modified (or, if this Declaration has been modified, that this Declaration is in full force and effect, as modified) and (ii) whether or not, to the best of its knowledge, the requesting party is in default under any provisions of this Declaration and if such a default exists, the nature of such default.

**23. Counterparts.** This Declaration may be executed in one or more counterparts, each of which shall be an original and all of which, together, shall constitute one agreement.

**24. Right to Sue.** Nothing contained herein shall prevent Declarant from asserting any claim or action against the City, or any of its agencies or any of its officials, arising out of the performance by the City, or agency thereof, or failure of the City or agency thereof, to perform, any the obligations of the City, or agency thereof, under this Declaration or the exercise, by the City, or any agency thereof, of any of its rights under this Declaration. Nothing contained herein shall prevent the City of New York or any of its officials from asserting any claim or action against Declarant arising out of Declarant's performance of, or failure to perform, any of its obligations under this Declaration, or the exercise by Declarant of any of their rights under this Declaration.

[Signature page follows]

**IN WITNESS WHEREOF**, the undersigned have executed this Declaration as of the date first written above.

**ONE45 LENOX LLC, a**

New York limited liability company

By: \_\_\_\_\_  
Name:  
Title:

**ACKNOWLEDGEMENT**

STATE OF )  
 ) SS.:  
COUNTY OF )

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**EXHIBIT A**

**DESCRIPTION OF THE SUBJECT PROPERTY**

**Lot 29:**

ALL that certain plot, piece or parcel of land, with 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 Lenox Avenue with the northerly side of West 144th Street;

RUNNING THENCE northerly along the westerly side of Lenox Avenue, 99 feet 11 inches to the center line of the block;

THENCE westerly along said center line of block 48 feet 2 inches;

THENCE northerly and parallel with Lenox Avenue and through a party wall, 99 feet 11 inches to the southerly side of West 145th Street;

THENCE westerly along the southerly side of West 145th Street, 51 feet 10 inches;

THENCE southerly again parallel with the westerly side of Lenox Avenue, 199 feet 10 inches to the northerly side of West 144th street;

THENCE easterly along the northerly side of West 144th Street 100 feet to the corner, the point or place of BEGINNING.

**Lot 33:**

ALL that certain plot, piece or parcel of land, with 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 Lenox Avenue with the southerly side of West 145th Street;

RUNNING THENCE: westerly along the southerly side of West 145th Street, 48 feet 2 inches;

THENCE southerly parallel with the westerly side of Lenox Avenue and through a party wall, 99 feet 11 inches to the center line of the block;

THENCE easterly and parallel with the southerly side of West 145th Street and along the center line of the block, 48 feet 2 inches to the westerly side of Lenox Avenue;

THENCE northerly along the westerly side of Lenox Avenue, 99 feet 11 inches to the corner, the point or place of BEGINNING.

Lot 38:

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

BEGINNING at a point on the westerly side of West 145th Street, distant 100 feet westerly from the corner formed by the intersection of the southerly side of West 145th Street with the southerly side of Lenox Avenue;

RUNNING THENCE southerly parallel with Lenox 99 feet 11 inches to the center line of the block;

THENCE westerly along the center line of the block, 160 feet;

THENCE northerly and again parallel with Lenox Avenue, 99 feet 11 inches to the southerly side of West 145<sup>th</sup> Street; and

THENCE easterly along the southerly side of West 145th Street, 160 feet to the point or place of BEGINNING.

Lot 44:

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

BEGINNING at a point on the southerly side of West 145th Street distant 350 feet easterly from the corner formed by the intersection of the southerly side of West 145th Street with the easterly side of Adam Clayton Powell Boulevard (FKA Seventh Avenue);

RUNNING THENCE southerly parallel with easterly side of Adam Clayton Powell Boulevard (FKA Seventh Avenue), 99 feet 11 inches to the center line of the Block;

THENCE easterly parallel with southerly side of West 145th Street and along the center line of the Block, 140 feet;

THENCE northerly parallel with the easterly side of Adam Clayton Powell Boulevard (FKA Seventh Avenue) 99 feet 11 inches to the southerly side of West 145th Street;

THENCE westerly along the southerly side of West 145th Street, 140 feet to the point or place of BEGINNING.

Lot 50:

All that certain plot, piece or parcel of land situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, more particularly described as follows:

BEGINNING at a point on the southerly side of West 145th Street, distant one hundred sixty-one feet (161') easterly from the corner formed by the intersection of the southerly side of West 145th Street with the easterly side of Adam Clayton Powell Boulevard (FKA Seventh Avenue);

RUNNING THENCE southerly parallel with the easterly side of Adam Clayton Powell Boulevard (FKA Seventh Avenue) ninety-nine feet (99') eleven inches (11") to the center line of the block;

THENCE easterly along said center line of the block and parallel with West 145th Street, one hundred eighty-nine feet (189');

THENCE northerly and again parallel with Adam Clayton Powell Boulevard (FKA Seventh Avenue), ninety-nine feet (99') eleven inches (11") to the southerly side of West 145th Street; and

THENCE westerly along the southerly side of West 145th Street, one hundred eighty-nine feet (189'), to the point or place of BEGINNING.

Perimeter Description

All that certain plot, 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 Lenox Avenue (AKA Malcolm X Boulevard) with the northerly side of West 144th Street;

RUNNING THENCE westerly along the northerly side of West 144th Street, 100 feet to a point;

THENCE northerly, parallel with the westerly side of Lenox Avenue, 99 feet 11 inches to a point;

THENCE westerly along the center line of block and parallel with the southerly side of 145th Street, 489 feet to a point;

THENCE northerly, parallel with Adam Clayton Powell Boulevard (FKA Seventh Avenue), 99 feet 11 inches to a point on the southerly side of West 145th Street;

THENCE easterly along the southerly side of West 145th Street, 589 feet to the corner formed by the intersection of the southerly side of West 145th Street with the westerly side of Lenox Avenue;

THENCE southerly along the westerly side of Lenox Avenue, 199 feet 10 inches, to the point of place of BEGINNING.

**EXHIBIT B**

**[INTENTIONALLY OMITTED]**

**EXHIBIT C**

**CERTIFICATION OF PARTIES-IN-INTEREST**

**(SEPARATE ATTACHMENT)**

**EXHIBIT C:1**

**WAIVERS AND SUBORDINATION**

**(SEPARATE ATTACHMENT)**

**DRAFT 4/27/2022**

**EXHIBIT D**

**PLANS**

**(SEPARATE ATTACHMENT)**