



**Board of Standards  
and Appeals**

250 Broadway, 29th Floor  
New York, NY 10007  
212-386-0009 - Phone  
646-500-6271 - Fax  
www.nyc.gov/bsa

### Check List for BZ Applications

	Items	Variances		Special Permits	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	BZ Application Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.	Department of Buildings Objections	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.	Affidavit of Ownership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.	Statement of Facts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.	Statement of Findings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.	Certificate of Occupancy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.	Evidence of Uniqueness/ Hardship	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Financial Feasibility Study	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Zoning Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.	BSA Zoning Analysis Form	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.	Tax Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.	Radius Diagram/ Land Use Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12.	Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13.	Existing Condition Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14.	Conforming (As-of-Right) Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.	Proposed Conditions Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.	List of Affected Property Owners and Tenants	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17.	CEQR Application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

  
Applicant Signature

\_\_\_\_\_  
Board Front Desk Signature



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ZONING (BZ) CALENDAR
Application Form

Board of Standards and Appeals

BSA APPLICATION NO. 2017-240-BZ
CEQR NO. 18-BSA-016M

Section A

Applicant/ Owner

Red Rooster Harlem LLC
310 Lenox Avenue
New York NY 10027
310 Lenox Avenue LLC & RM 310 Lenox LLC, as tenants in common
OWNER OF RECORD
c/o Chapman Consulting LLC, 770 Lexington Avenue, 11th Floor
New York NY 10165
Jed.candreva@troutmansanders.com

Section B

Site Data

310 Lenox Avenue 10027
The site is located at the southeast corner of Lenox Avenue and West 126th Street
1723 69 Manhattan 10 n/a
Hon. Bill Perkins C4-4A (125) 6a

Section C

Dept of Building Decision

BSA AUTHORIZING SECTION(S) 73-00 for VARIANCE SPECIAL PERMIT
Section(s) of the Zoning Resolution to be varied 73-244
DOB Decision (Objection/ Denial) date: Acting on Application No:

Section D

Description

(LEGALIZATION YES NO IN PART)
Red Rooster Harlem LLC seeks to legalize the use of the cellar level that was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment.

Section E

BSA History and Related Actions

If "YES" to any of the below questions, please explain in the STATEMENT OF FACTS
1. Has the premises been the subject of any previous BSA application(s)?
2. Are there any applications concerning the premises pending before any other government agency?
3. Is the property the subject of any court action?

Section F

Signature

I HEREBY AFFIRM THAT BASED ON INFORMATION AND BELIEF, THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN THE PAPERS ARE TRUE
Jeremiah H. Candreva
SWORN TO ME THIS 14th DAY OF August 2017
Notary Public, State of New York No. 01VE6188090

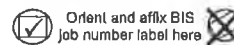
MRC000058831 dleath

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### AI1: Additional Information

Must be typewritten.



Page number 1 of 1

BIS Document No. 01

**1 Location and Job Information** Required for all applications.

House No(s) 310

Street Name Lenox Avenue

Borough Manhattan

Block 01723

Lot 00069

BIN 1053528

CB No. 110

**2 Revisions to Plans/Drawings** Required whenever updating plans. All revisions for each page must be clearly described in section 3.

Submission is part of a Post Approval Amendment (PAA)?  Yes PW1 required  No Indicate all actions for this submission:

Action	Original/New/ Omit Page ID	Superseding Page ID	Action	Original/New/ Omit Page ID	Superseding Page ID	Action	Original/New/ Omit Page ID	Superseding Page ID	Action	Original/New/ Omit Page ID	Superseding Page ID

For "Action" use "N" for new page, "S" for superseding page, "O" for omitting page.

Is this section continued on additional AI1 forms?  Yes  No

**3 Additional Information** Required for all applications.

Address: 310 Lenox Avenue, Manhattan

Block 1723, Lot 69 on the Tax Map of the City and County of New York

The proposed Use Group 12A Eating and Drinking Establishment is not permitted within a C4 zoning district where such use is within 100 feet of a Residence District boundary. The Board of Standards and Appeals may permit the establishment of a Use Group 12A Eating and Drinking Establishment with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the requisite findings of ZR Section 73-244 are met. Seek and obtain a special permit pursuant to ZR Section 73-244 from the Board of Standards and Appeals legalizing the proposed Use Group 12A Eating and Drinking Establishment on the cellar level of 310 Lenox Avenue

# DENIED

## FOR APPEAL TO BOARD OF STANDARDS AND APPEALS

DATE 7/31/2017  
PER [Signature]  
Borough Commissioner

**BHARAT GAMI, RA**  
Chief Plan Examiner, Manhattan



Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both. I understand that if I am found after hearing to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this code or of a rule of any agency, I may be barred from filing further applications or documents with the Department.

Name (please print) John J. Meyer  
Signature [Signature] Date 7/30/17  
P.E. / R.A. Seal (apply seal, then sign and date over seal)



250 Broadway, 29th Floor New York, NY 10007 212-386-0009 - Phone 646-500-6271 - Fax [www.nyc.gov/bsa](http://www.nyc.gov/bsa)

**AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION**

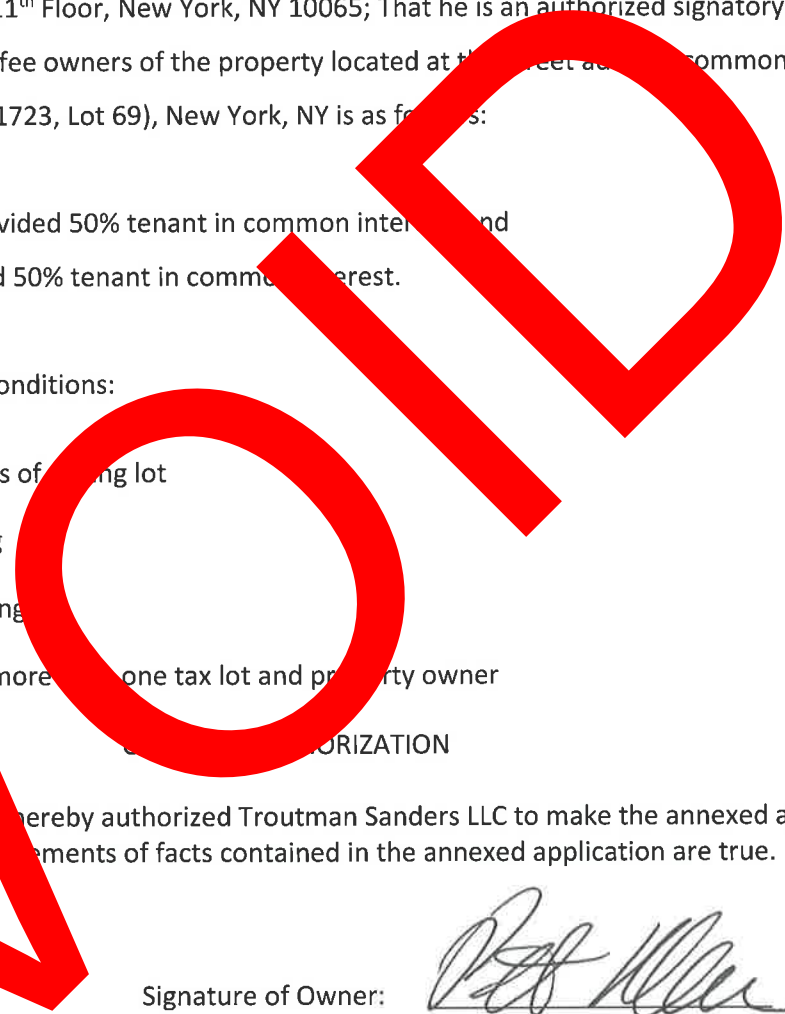
**Affidavit of Ownership**

Patrick Milner, being duly sworn, deposes and says that he has an office at c/o Chapman Consulting LLC, 770 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10065; That he is an authorized signatory of 310 Lenox Avenue LLC ; That the fee owners of the property located at the street address commonly known as 310 Lenox Avenue (Block 1723, Lot 69), New York, NY is as follows:

310 Lenox Avenue LLC , undivided 50% tenant in common interest and  
RM 310 Lenox LLC, undivided 50% tenant in common interest.

Check one of the following conditions:

- Sole property owners of zoning lot
- Cooperative Building
- Condominium Building
- Zoning lot contains more than one tax lot and property owner



**AUTHORIZATION**

The owners identified above hereby authorized Troutman Sanders LLC to make the annexed application on their behalf and that the statements of facts contained in the annexed application are true.

Signature of Owner:

Print Name:

Patrick Milner

Print Title:

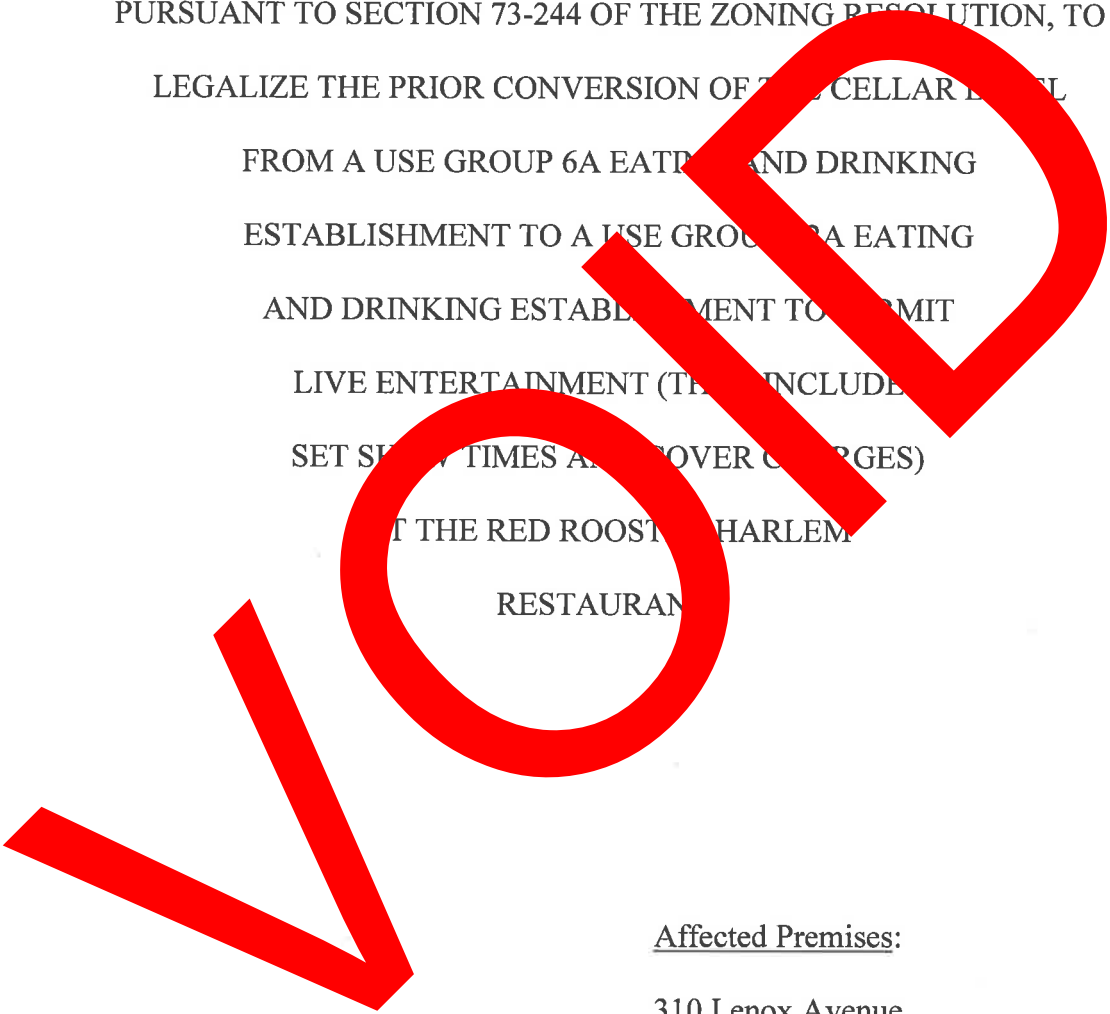
Authorized Signatory

Sworn before me this 7<sup>th</sup> day  
Of June, 2016.

Notary Public

PATRICIA HAMM  
Notary Public, State of New York  
No. 01HA6163858  
Qualified in New York County  
Commission Expires April 9, 2019

STATEMENT IN SUPPORT OF AN APPLICATION FOR A SPECIAL PERMIT,  
 PURSUANT TO SECTION 73-244 OF THE ZONING RESOLUTION, TO  
 LEGALIZE THE PRIOR CONVERSION OF THE CELLAR LEVEL  
 FROM A USE GROUP 6A EATING AND DRINKING  
 ESTABLISHMENT TO A USE GROUP 6A EATING  
 AND DRINKING ESTABLISHMENT TO PERMIT  
 LIVE ENTERTAINMENT (THIS INCLUDES  
 SET STAGES, TIMES AND COVER CHARGES)  
 AT THE RED ROOST IN HARLEM  
 RESTAURANT



Affected Premises:

310 Lenox Avenue  
 (Block 1723, Lot 69)  
 Manhattan, Community District 10.

Troutman Sanders LLP  
 875 Third Avenue  
 New York, New York 10022  
 Attention: Jeremiah H. Candreva, Esq.

## STATEMENT OF FACTS

### PART I

#### INTRODUCTION

This statement is made in support of the application by the Red Rooster Harlem LLC (the "Applicant") for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York ("Zoning Resolution" or "ZR"), to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant, which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment ("Proposed Use"). The special permit is required because the live entertainment that is located on the cellar level includes designated show times and cover charges and because the site is located within 100 feet of a residential district boundary. Use Group 12A eating and drinking establishments are otherwise permitted as a matter of right in the existing C4-4A zoning district.

310 Lenox Avenue (the "Site") is located on the southeast corner of West 126<sup>th</sup> Street and Lenox Avenue. The Site has approximately 100 feet of frontage on Lenox Avenue and 85 feet of frontage on West 126<sup>th</sup> Street, a total lot area of approximately 8,500 square feet. The zoning lot comprising the Site is mapped within a C4-4A (125) zoning district. The majority of the block in which the Site is located is mapped within either a C4-4A zoning district or a C4-7 zoning district, a portion of the 126<sup>th</sup> Street frontage is located in an R6A zoning district (approximately 100 x 545). The Site is also wholly located within the Special 125<sup>th</sup> Street District, the regulations of which either supplements and/or supersedes the underlying C4-4A district regulations.

## EXISTING SITE CONDITIONS

### The Site

The Site is today improved with a three-story commercial building that is generally utilized for bank, office and restaurant use. The third floor, which was previously utilized for office use, is currently vacant. The second floor is leased to YAI Seeing Beyond Diversity and used for office use. The second floor and the third floor (when it was tenanted) are/ as a general matter occupied from 9 am to 5 pm Monday through Friday. M&T Bank occupies a portion of the ground floor. The applicant and world renowned Chef Marcus Samuelsson operates Red Rooster Harlem (a/k/a the Red Rooster Restaurant) on the remaining portion of the ground floor (44 zfa) and cellar level (6,034 gsf). The Red Rooster Restaurant's existing certificate of occupancy allows occupancy of the ground floor to 130 persons and the cellar floor to 200 persons (See copy of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The proposed legalization of the cellar level to permit live performances (with designated show stages and cover changes) will not increase the cellar occupancy.

### The Red Rooster Restaurant

Red Rooster Restaurant is today a landmark restaurant that meets the growing and diverse tastes of an evolving neighborhood. Red Rooster Restaurant serves an eclectic mix of locals, area businesses, hardcore foodies and tourists, Manhattan to New York and beyond. Chef Samuelsson brings his passion for food and desire to make a change through active participation with community based organizations; youth work apprenticeship programs and local artists. Red Rooster Restaurant is a space where diners and guests can share great food in a chic and open atmosphere. Red Rooster Restaurant's interior combine elements of modern farm to table design with Harlem's speakeasy history and music relevance. The unique combination comes together in subtle design elements placed throughout the restaurant.

The Red Rooster Restaurant was recently reviewed by food critic and columnist Steve Cuozzo and featured in his October 8, 2016 Article ‘The 7 Restaurants that changed New York City.’ Mr Cuozzo described the Red Rooster Restaurant as follows:



(Photo: David ... zweig)

“This is Exhibit No. 1 of how a visionary chef with a smart business model can bring change far beyond the kitchen.

Chef Marcus Samuelsson’s rollicking bistro — a jolly blend of Ethiopian, southern-American and Swedish influences, served in a colorful dining room behind a retro, horseshoe-shaped bar — made the biggest splash in uptown food since the Harlem Renaissance of the 1920s. But its larger legacy is the renaissance it inspired in the historic African-American neighborhood around Lenox Avenue and West 125th Street.



Emboldened by Red Rooster's success, a dozen new cafes — Italian, Indian, French, Japanese and “crafted American soul” — have opened on Lenox since 2011. Local residents who were long denied modern dining options suddenly had choices. Downtown customers finally discovered the area's charms. And a nearby lot that stood empty for decades sprouted a retail complex where Whole Foods will open in early 2017.”

### **The Cuisine**

At Red Rooster Restaurant, the mission is to provide uncomplicated, fresh food that is inherently soulful. The menu at Red Rooster Restaurant offers Chef Samuelsson's contemporary interpretation of chicken and waffles, collard greens and catfish pointers. Chef Samuelsson gives a nod to Harlem's culinary traditions with selections featuring a modern steak with arugula and lemon vinaigrette, roasted whole sea bass with corn and brown butter, and oven-roasted chicken stuffed with apple and thyme, slow cooked in an exposed rotisserie. Red Rooster Restaurant distinguishes itself as a brunch destination, offering a distinctive twist on hearty omelets, breads and griddled creations.

### **Farm-To-Table**

Chef Samuelsson's menu at the Red Rooster Restaurant represents the diversity found in American cuisine while drawing upon fresh local ingredients to create dishes that are creative, lively and full of flavor. The restaurant serves breakfast, lunch and dinner, with a menu featuring classic southern comfort dishes prepared with regionally raised meats, fruits and vegetables, fresh seafood from the Northeast, and a wide variety of flavorful vegetarian offerings, artisanal breads and cheeses.

### **The Café**

Red Rooster Restaurant serves three meals a day at the front-of-the-house café. In the morning, fresh baked muffins, pain au chocolate, bagels and breakfast sandwiches are available for commuters on their way to the office. At lunch and dinner, seasonal salads and gourmet sandwiches are served both takeout and delivery. Given the restaurant's proximity to the bustling business district and transit hubs, clientele include destination shoppers, museum goers, neighborhood residents and local business people.

**The Bar**

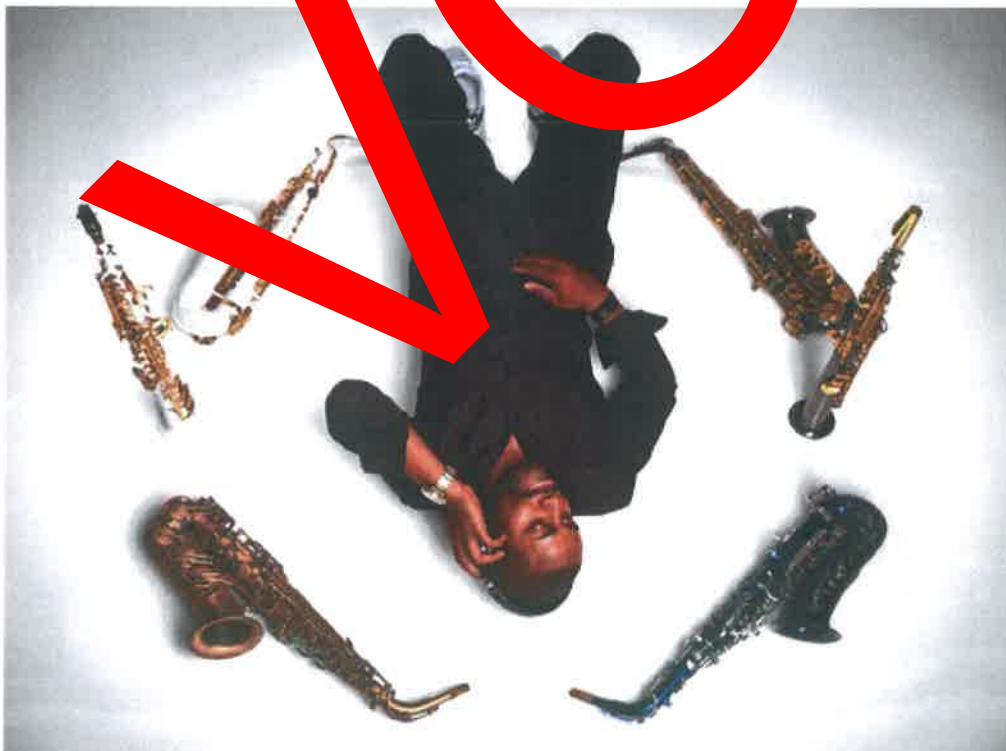
Red Rooster Restaurant serves as a popular meeting ground and lively after-work destination with a welcoming social scene. Experienced mixologists tend the well-stocked bar during weekday happy hours and busy weekends. A variety of signature cocktails are offered alongside a diverse selection of tap beers, including premium craft ales, stouts and ciders.

**Music – Ground Floor**

Red Rooster’s patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to Red Rooster’s image and offerings to its patrons and to the entire Harlem Community. Although the musicians and musical offerings vary from time to time, the following is a list of the offerings on the ground floor:

**MONDAY**

The “Rakiem Walker Project” (RWP) is a 7 piece band that consists of horns, drums, vocals, guitar, keyboards, and more. The band plays different genres and musical feels including Jazz, RnB, Neo-Soul, Live Hip Hop, Reggae, Gospel, Blues, and Latin.



**TUESDAY**

Johnny Mambo is a spicy quintet of vivacious horns and congos that light up the bar each week Red Rooster. Guests are invited to dance while enjoying the spirit of Latin grooves.



**WEDNESDAY**

DJ Hard Hittin Harry was born in Haiti in the late sixties. At the tender age of three, his family made a series of moves starting with Brooklyn New York, and Montreal, Canada. He spent the majority of his life in New Jersey and eventually returned to Brooklyn where he currently resides.



**THURSDAY**

DJ Masai is the center of the storm. He has been spinning for over 23 years and has played in some of the biggest venues in the city and Tri-State area. DJ Masai just about always knew what elements were essential to rock a party.



**FRIDAY**

Dj Stormin' Norman originally hails from East London, UK and is now a resident of Harlem, USA. In the 90's, he was part of a groundbreaking DJ collective who brought the Thunderstorm Mix on WBLS 107.5FM NYC, introducing the mixing to daytime radio previously reserved for weekend nights broadcasted from night-clubs, setting a new precedent in national radio. Dj Stormin' Norman is also the DJ resident of Marcus Samuelsson's Red Rooster in Harlem.



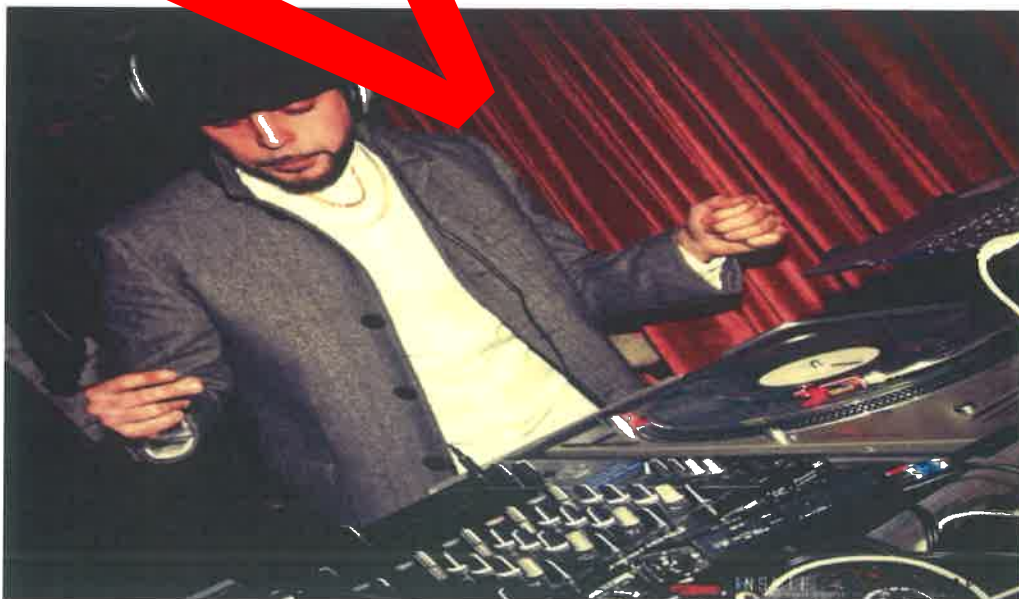
### SATURDAY BRUNCH

DJ NessDigital is a true Music Selector. Since 2005, he has been jamming at a wide range of events; some include fashion parties, clubs, lounges, gallery events, weddings and live radio. He is the essential crowd pleaser incorporating a wide variety of tracks that ranges from funk, rock, soul, r&b, house, world, jazz, hip-hop, old and new.



### SATURDAY NIGHT

A native New Yorker, DJ Alex NY's sound has been influenced by the diverse cultures that shape New York City. Since 2005 he has played throughout the five boroughs, as well as in other cities. It's his ability to entertain with intricate sets of Afro Beat, Dancehall, Hip Hop, House, and Soca that has earned him a reputation as one of the best up and coming dj's in NYC.



## SUNDAY BRUNCH

Come to Red Rooster on Sunday mornings and you will hear the lovely vocals of Boncellia Lewis. Having performed with the who's who of the Harlem jazz underground, including Bill Saxton, Donald Smith, Kim Clarke, and Harry Whitaker, Boncellia embodies the spirit of music and Harlem in every grace-plucked note she sings.



## SUNDAY DINNER

Whether you're sipping cocktails in the bar or enjoying the comfort food standards on the menu, live jazz can help stave off the late-weekend blues. Every Sunday, the Nate Lucas Quartet sets up shop and begins jamming their way through classic jazz tunes and forgotten nuggets.



## PROPOSED CONDITIONS

### PART II

#### Harlem's Historical Neighborhood Context

During the 1920's in Harlem there were over 125 entertainment establishments clustered between 125<sup>th</sup> Street and 135<sup>th</sup> Street on 7<sup>th</sup> Avenue and Lenox Avenue that drew visitors from around the world. The impressive mix was made up of taverns, supper clubs, lounges, theatres, dance halls and hundreds of speakeasies. Included were the legendary big four: the Cotton Club, Connie's Inn, Smalls Paradise and Barron Wilkins Club. Entertainers included Duke Ellington and his big band, Louis Armstrong, Cab Calloway, Fats Waller, Louis Jordan, Chick Webb and Fletcher Henderson. Legendary singers included Ella Fitzgerald, Bessie Smith, Ethel Waters and Billie Holiday. Billie Holiday danced with his gold pistol in his hand while six lovely chorus girls strutted at the Cotton Club. The most famous theatre (just two blocks from the Red Rooster restaurant) was "The Hot and Seamon's Burlesque" which changed its name to the Apollo in 1934. There were restaurants of all kinds – Chinese, rib joints, clam houses, fried chicken parlors – from white tablecloths to red counter tops. There was the A train to Sugar Hill (145<sup>th</sup> to 155<sup>th</sup> Streets) and 'Stompin' at the Savoy Ballroom (596 Lenox Avenue).

#### Harlem Today

Harlem is undergoing an exciting change with new business investment opportunities, housing developments and brownstone renovations, all of which bring a renewed energy to this community. East Harlem will also see more exciting growth in the near future with the potential adoption of the proposed East Harlem Rezoning, which was recently certified by the City Planning Commission in April, 2017. The proposed East Harlem Rezoning will most certainly stimulate economic development and provide new affordable housing opportunities throughout a large segment of East Harlem.

**The Re-establishment of Harlem’s Entertainment Uses**

The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem’s history and culture through its “supper club” experience. Red Rooster’s proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. Red Rooster Restaurant’s proposal will stand out into this void because it provides an innovative music program that features a variety of live music including Jazz, R&B, Soul and Salsa. The Red Rooster Restaurant regularly coordinates its performances with up-and-coming local artists, as well as premier musicians. The cellar space can also be utilized for special events such as wine tastings, food pairings and book signings by Chef Sameulsson and others notably. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society’s collective memory of Harlem’s days long past.

**Music – Cellar Floor**

**Ginny’s Supper Club**

The proposed legalization of the 6,034 gsf cellar level to a Use Group 12A Eating and Drinking Establishment will permit an additional supper club to operate where patrons eat dinner, have drinks and listen to a live performance (with designated show times and cover charges). While the operation of the proposed supper club may vary, it is currently envisioned to include two shows on a regular basis Thursday through Saturday with the first set playing from 6:30 pm to 8:45 pm and the second set playing from 9:30 pm to 10:30 pm. It is also envisioned that Ginny’s would offer late night live entertainment on Friday and Saturday evenings. Sunday morning “Gospel Brunch” performances are also within the programming schedule.



## GOSPEL BRUNCH

Looking to spend an unforgettable Sunday morning in Harlem? Join us downstairs at Ginny's Supper Club for a spirited Gospel Brunch featuring Vi Higginsen's Gospel For Teens Choir and Red Rooster's famous soul food brunch.



Photo by Bobby Fisher

**VOID**

**Proposed Site Improvements – First Floor:**

The applicant has undertaken the following measures in connection with the proposed legalization of the ground floor:

1. The applicant has obtained an Alteration Type 2 permit from the NYC Department of Buildings (See copy of NYC DOB Work Permit # 123326748-01-EW-OT and approved plans attached hereto) and is in the process of constructing (i) a new entry door within the existing lobby to provide direct access to the new cellar waiting areas; and (ii) a new knee wall partition within the existing lobby so that patrons can access directly the new circulation path, new door (which provides direct access to the convenience stairway and new waiting areas) and to segregate patrons from tenement use of the lobby, all of which is code compliant;
3. The applicant will establish a security guard station within the lobby (once the above-noted construction work is completed) to direct patron's movements and supervise lobby conditions;
4. Walters-Storyk Design Group (WSDG LLC) conducted acoustical noise testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDG LLC concluded upon its acoustical testing that no additional action was necessary to comply with the New York City Noise Code (See copy of June 22, 2017 WSDG LLC Noise Report attached hereto). However, WSDG LLC did recommend that the applicant properly seal the existing entry doors to reduce potential transmission of noise from the Red Rooster Restaurant to the street (and therefore neighborhood). As seen in the images below, gaps were visible around the doors. These unsealed openings are the main path by which sound is allowed to escape the restaurant space. Consequently, the applicant shall repair these existing doors to properly insulate sound transmission to the street (and therefore the neighborhood).



5. The Red Rooster Restaurant's existing walls and ceiling include at the first floor 12" Johns-Manville Formaldehyde-Free thermal and acoustical fiberglass insulation equal. Two layers of 5/8" Gypsum Board were installed at areas of existing wall and ceiling areas with two layers of Gypsum Board have staggered and caulked seams and a taped and spackle finished layer of Gypsum Board. In addition, a resilient strip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and "down in" insulation was installed to seal these areas. All seams were caulked solid with Titebond-green adhesive non hardening acoustical sealant or equal.

The applicant is in the process of installing three layers of 5/8" Gypsum Board in areas of new walls and new ceiling assemblies as a noise attenuation measure. All areas with three layers of Gypsum Board will have staggered and caulked seams and a taped and spackled finished layer of Gypsum Board.

#### **Proposed Site Improvements – Cellar Floor Configuration:**

1. The applicant has obtained an Alteration Type 2 permit from the NYC Department of Buildings (See copy of NYC DOB Work Permit # 123326748-01-EW-OT and approved plans attached hereto) and is in the process of constructing (i) two (2) new cellar waiting areas to provide the minimum required area of 4 sq. ft. per person (in fact these waiting areas provide 4.38 sq. ft. per person for the entire cellar

occupancy). Accordingly, the occupancy of the proposed cellar waiting areas (200 persons at 4.38 sq. ft. per person) exceeds that which is required by the Zoning Resolution.

2. The Red Rooster Restaurant's walls and ceilings include at cellar level 12" Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8" Gypsum Board were installed at areas of existing walls and ceilings and a layer of 5/8" Gypsum Board with White Echo Eliminator 1" wall panels by acoustical surface adhesive applied. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and "blown in" insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non hardening acoustical sealant or equal.

Three layers of 5/8" Gypsum Board are included in areas of new walls and new ceiling assemblies. All areas with three layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum Board.

### **The Special Permit**

Although the Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, it is important to note that both Use Group 6A Eating and Drinking Establishments (i.e., including those that have music for which there is no cover charge and no specified show times) and Use Group 6C Eating and Drinking Establishments (i.e., including those that have musical entertainment but not dancing with a capacity of 200 persons or less) are permitted by the Zoning Resolution as a matter of right. We also note that but for the proximity of the Site to a residential district boundary (i.e., the Site is within 100 feet of a residence district boundary), the proposed Use Group 12A Eating and Drinking Establishment would be an as-of-right use pursuant to the Zoning Resolution.

**PRIOR BOARD APPLICATIONS**

No previous actions by the Board with respect to the Site were sought by the applicant or its predecessor in title.

**OPEN DEPARTMENT OF BUILDING VIOLATIONS**

There are no open DOB and ECB violations against the

**V O I D**

STATEMENT OF FINDINGS  
PART III

Special Permit Pursuant to ZR Section 73-244

The Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, which states in part:

12/15/61

73-00

Special Permit Uses and Modifications

3/20/13

73-244

In C2, C3, C4<sup>1\*</sup>, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-5MM Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District (Note: C6-4\*\* and note n/a and omitted).

In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-5MM Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the requisite findings are met:

The Proposed Use meets each of the requisite findings specified in Zoning Resolution Section 73-244 as follows:

That a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#.

The applicant has obtained an Alteration Type 2 permit from the NYC Department of Buildings (See copy of NYC DOB Work Permit # 123326748-01-EW-OT and approved plans attached hereto) and is in the process of constructing (i) two (2) new cellar waiting areas to provide the minimum required area of 4 sq. ft. per person (in fact these waiting

<sup>1</sup> \* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary.

areas provide 4.38 sq. ft. per person for the entire cellar occupancy). The required waiting area is within an enclosed lobby and does not include space occupied by stairs, corridors or restrooms. In addition, the applicant has obtained an Alteration Type 2 permit from the NYC Department of Buildings (See copy of NYC DOB Work Permit # 123326748-01-EW-OT and approved plans attached hereto) and is in the process of constructing (i) a new entry door within the existing lobby to provide direct access to the new cellar waiting areas; and (ii) a new kneewall partition within the existing lobby so that patrons can access directly the new circulation path and new door which provides direct access to the convenience stairs and new waiting areas. With these measures, the applicant has demonstrated that the operation of the proposed establishment will not result in the gathering of patrons or the formation of lines on the street. Consequently, the project complies with this finding of the Zoning Resolution.

- (b) That the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District boundary.

The entrance to the cellar level is greater than 100 feet from the nearest Residence District boundary.

- (c) That such #use# will not cause undue vehicular or pedestrian congestion in local #streets.

The proposed legalization of the cellar restaurant supper club will not cause vehicle or pedestrian congestion on local streets. Most restaurant patrons take mass transit and/or walk to our location from the 125<sup>th</sup> Street transit corridor that provides access to a multitude of subway trains (the No. 2, No. 3, No.4, No. 5, No. 6, A, B, C & D), to the Metro-North railroad, as well as many NYC rapid transit buses. Accordingly, restaurant patrons avoid the use of the local street system especially in the evenings and instead

utilize the 125<sup>th</sup> Street corridor, which is an active, secure and well lit commercial corridor with a direct link to mass transit facilities.

In addition, the proposed legalization of the cellar restaurant supper club will not cause pedestrian congestion at or directly in front of 310 Lenox Avenue, as this proposal has been designed to provide two new cellar waiting areas specifically to foster the movement of patrons off street and within the restaurant. Consequently, the legalization of the proposed use will not cause undue vehicular or pedestrian congestion on local streets.

- (d) That such #use# will not impair the character or the future use or development of the surrounding #residential# or mixed use neighborhoods.

The Red Rooster Restaurant is a use that is entirely consistent with not only with the existing neighborhood's character but with the uses permitted in and fostered by the Zoning Resolution and the Special 125<sup>th</sup> Street District. In addition, the legalization for the proposed use is completely consistent with the historical use of Harlem and its unique built form. As such, the legalization of the proposed use will complement Harlem as a whole as well as the immediate surrounding neighborhood.

- (e) That such #use# will not cause the sound level in any affected conforming #residential use, joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in applicable provision of the New York City Noise Control Code.

The proposed use complies strictly with the New York City Noise Code. The Site is wholly located within a commercial zoning district and the Proposed Use is located within a completely enclosed building at the cellar level (which reduces the potential for noise transmission from the premises). To our knowledge, there are no joint living-work quarters for artists or loft dwellings in proximity of the Site.



Walters-Storyk Design Group (WSDG LLC) conducted acoustical testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDG LLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code. However, WSDG LLC did recommend that the applicant properly seal the existing entry doors to reduce the potential transmission of noise from the Red Rooster Restaurant to the street (and therefore neighborhood). The unsealed openings located at the point in which the entry doors close are the main path by which sound is allowed to escape the restaurant space. Accordingly, the applicant shall repair the existing doors to properly insulate sound transmission to the street (and therefore neighborhood).

- (f) That the application be made jointly by the owner of #building# and the operators of such eating or drinking establishment.

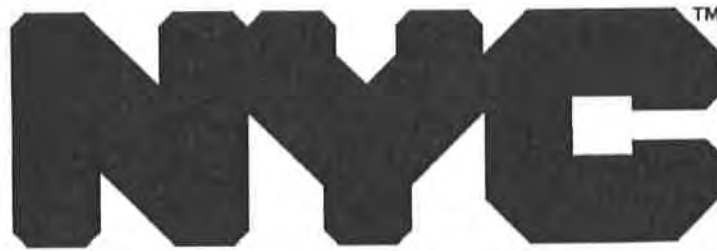
This application has been filed jointly by the owner of the building and the operators of the proposed Use Group 12A Eating and Drinking Establishment.

The Board shall prescribe appropriate conditions to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-locks, vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification, musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

**CONCLUSION  
PART IV**

Accordingly, we kindly request the BSA grant the proposed special permit for a term of three (3) years, pursuant to ZR Section 73-244, to permit the legalization of the proposed Use Group 12A Eating and Drinking Establishment on the cellar level.

**VOID**



**Buildings**

# PLACE OF ASSEMBLY CERTIFICATE OF OPERATION

Certificate Number: 120347393

Borough: MANHATTAN

Premises Address: 310 LENOX AVENUE

Block/Lot: 1723 / 69

Issued On: 02/24/2016

DOB No: 1053528

Relationship: NB/A1 Job No: 104522508

Name of Establishment: RED ROOSTER

Floors: 001

Occupancy Classification and Description:

Number of Persons

A-2 DRINKING OR DRIVING ESTABLISHMENT Not a cabaret

130

This certificate authorizes occupancy of the premises as a place of assembly for one year after its issuance, and thereafter, only for periods of time during which there is in effect a New York City Fire Department place of assembly permit, unless suspended, revoked, or superseded. This certificate is subject to the strict observance of the laws, rules and regulations enacted for the protection of the public in such places of assembly. Approved seating plans must be kept on premises at all times.

Borough Commissioner:

Commissioner:

**MUST BE POSTED CONSPICUOUSLY AT ALL TIMES**

# NYC



## Buildings

### PLACE OF ASSEMBLY CERTIFICATE OF OPERATION

Certificate Number: 120346508

Borough: MANHATTAN

Premises Address: 310 LENOX AVENUE

Block/Lot: 1723 / 69

Issued On: 03/01/2016

DOB: 1053528

Relationship: NB/A1 Job No: 104522508

Name of Establishment: RED ROOSTER

Floors: CEL

Occupancy Classification and Description:

Number of Persons

EATING OR DRINKING ESTABLISHMENT Not a cabaret 200

This certificate authorizes occupancy of the premises as a place of assembly for one year after its issuance, and thereafter, only for periods of time during which there is in effect a New York City Fire Department place of assembly permit, unless suspended, revoked, or superseded. This certificate is subject to the strict observance of the laws, rules and regulations enacted for the protection of the public in such places of assembly. Approved seating plans must be kept on premises at all times.

Borough Commissioner:

Commissioner:

**MUST BE POSTED CONSPICUOUSLY AT ALL TIMES**



[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

### NYC Department of Buildings Property Profile Overview

<b>310 LENOX AVENUE</b>		<b>MANHATTAN 10027</b>	<b>BIN# 1053528</b>
LENOX AVENUE	310 - 316	Health Area	: 1500
WEST 126 STREET	84 - 86	Census Tract	: 200
		Community Board	: 110
		Buildings on Lot	: 1
		Tax Block	: 1723
		Tax Lot	: 69
		Condo	: NO
			: NO

- [View DCP Addresses...](#)
- [Browse Block](#)
- [View Zoning Documents](#)
- [View Challenge Results](#)
- [Pre - BIS PA](#)
- [View Certificates of Occupancy](#)

Cross Street(s):	WEST 125 STREET, WEST 126 STREET		
DOB Special Place Name:			
DOB Building Remarks:			
Landmark Status:		Special	MA
Local Law:	YES	Loft Law:	
SRO Restricted:	NO	TA Restricted:	NO
UB Restricted:	NO		
Environmental Restrictions:	N/A	Numbered Sign:	NO
Legal Adult Use:	NO	City C	NO
Additional BINs for Building:	NONE		

Special District: 125 - 125 STREET

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, Coastal Erosion Hazard Area, or Special Flood Hazard Area. [Click here for more information](#)

Department of Finance Building Classification: O5-OFFICE BUILDINGS

Please Note: The Department of Finance building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, refer to the records of the Department of Buildings.

<b>Complaints</b>	8	0	<b>Elevator Records</b>
<b>Violations-DOB</b>	48	0	<b>Electrical Applications</b>
<b>Violations-ECB</b>	13	0	<b>Permits In-Process / Issued</b>
<b>Jobs/Filings</b>	4		<b>Illuminated Signs Annual Permits</b>
<b>ARA / LAA Jobs</b>			<b>Plumbing Inspections</b>
<b>Total Jobs</b>			<b>Open Plumbing Jobs / Work Types</b>
<b>Actions</b>	116		<b>Facades</b>
OR Enter Action Type:	<input type="text"/>		<b>Marquee Annual Permits</b>
OR Select from List:	Select...	▼	<b>Boiler Records</b>
AND <input type="checkbox"/> Show Actions			<b>DEP Boiler Information</b>
			<b>Crane Information</b>
			<b>After Hours Variance Permits</b>

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.

**VOID**



# Work Permit Department of Buildings

Permit Number: 123326748-01-EW-OT

Issued: 08/10/2017

Expires: 06/01/2018

Address: MANHATTAN 310 LENOX AVENUE

Issued by: MIOTTO

Business: THOMAS M. FINANCE INC

Contractor No: GC-611

**Description of Work:**

ALTERATION TYPE 2 - GEN. CONSTR. INTERIOR RENOVATION OF EXISTING COMMERCIAL SPACE INCLUDING INSTALLATION OF INTERIOR NON LOAD BEARING PARTITIONS. CHANGE IN EGRESS, USE OR OCCUPANCY.



Review is requested under Building Code: 1968

SITE SPECIFIC REQUIREMENTS: APPLICABLE

To see a Zoning Diagram (ZD1) or to challenge a zoning violation as part of a New Building application, or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department website at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

Borough Commissioner: *AA*

Commissioner of Buildings: *Paul Chanley*

Tampering with or knowingly issuing a false permit in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

01 08/10/2017

# PARTITION REMOVAL AND ADDITION AT 310 LENOX AVENUE NEW YORK, NY

**edg** DESIGN+RESTORE  
www.edgnyc.com  
152 Madison Ave 16th Fl  
New York, NY 10016  
T. 212 683 5680

### ZONING INFORMATION

ADDRESS: 310 LENOX AVENUE  
BLOCK: 1723  
LOT: 69  
C4-4A  
ZONING MAP: 6A  
NUMBER OF STORIES: 3  
CB: 110  
BIN: 1053528

### NO CHANGE IN EGRESS OR OCCUPANCY

THIS PLAN IS APPROVED ONLY FOR WORK INDICATED ON THE APPLICATION SHEET. ALL OTHER MATTERS SHOWN ARE NOT TO BE HELD UPON, OR TO BE CONSIDERED AS EITHER BEING APPROVED OR IN ACCORDANCE WITH APPLICABLE CODES.

### SCOPE OF WORK

1. MINOR DEMOLITION
2. NEW FINISHES

### DRAWINGS LIST

- A-001.00 GENERAL NOTES & PLOT PLAN
- A-101.00 EXISTING AND PROPOSED CELLAR PLANS
- A-102.00 EXISTING AND PROPOSED FIRST FLOOR PLANS

### TENANT SAFETY AND PROTECTION NOTES

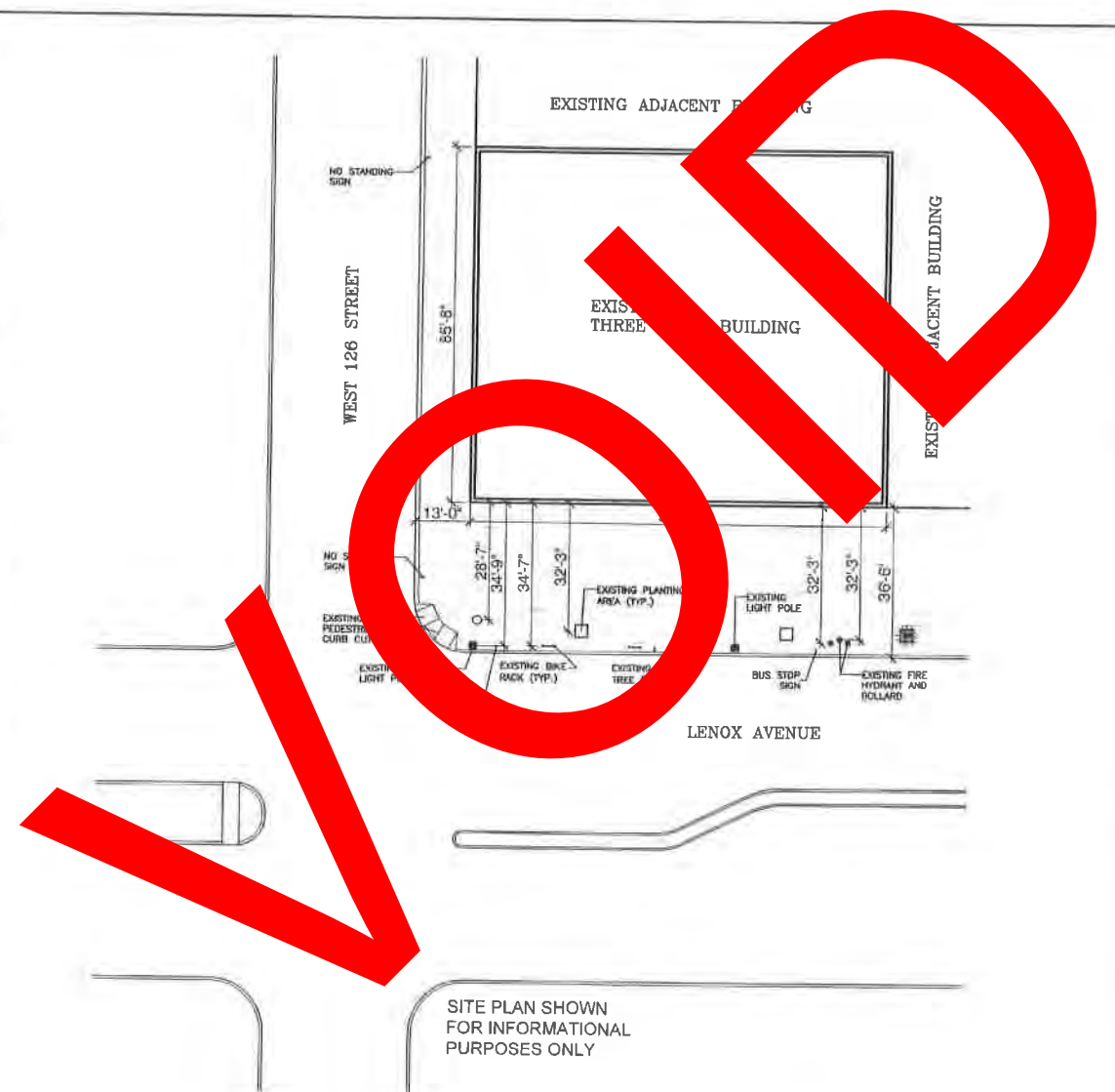
1. SITE & STRUCTURAL SAFETY: CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS DURING CONSTRUCTION ACTIVITY TO SAFEGUARD THE PROPERTY OF THE BUILDING AND OTHER TENANTS AND THE OWNER. NO STRUCTURAL WORK SHALL BE DONE THAT MAY ENDANGER THE OCCUPANTS.
2. EGRESS: CONTRACTOR SHALL KEEP ALL EXITS OF BUILDING FREE OF OBSTRUCTIONS AT ALL TIMES DURING CONSTRUCTION AND TENANT PROTECTION PLAN SHALL IDENTIFY THE EGRESS THAT WILL BE PROVIDED.
3. DELIVERIES: CONTRACTOR SHALL ARRANGE WITH OWNER TIMES FOR DELIVERY OF MATERIAL AND THE REMOVAL OF DEBRIS IN ORDER TO AVOID DISTURBANCES TO BUILDING TENANTS.
4. BUILDING SERVICES: CONSTRUCTION OPERATIONS WILL NOT INVOLVE INTERRUPTION OF HEATING, WATER OR ELECTRICAL SERVICES TO BUILDING TENANTS.
5. NOISE CONTROL CODE: CONSTRUCTION OPERATIONS WILL BE CONFINED TO NORMAL WORKING HOURS: 8AM TO 5PM MONDAY THROUGH FRIDAY, EXCEPT LEGAL HOLIDAYS IN ACCORDANCE WITH NEW YORK CITY NOISE CONTROL CODE.
6. AREA OF WORK: CONSTRUCTION WORK WILL BE CONFINED TO AREA OF WORK DESCRIBED ON DRAWING AND WILL NOT CREATE DUST, DIRT NOR OTHER SUCH INCONVENIENCES TO BUILDING TENANTS.
7. FIRE SAFETY: ALL NECESSARY LAWS AND CONTROLS, INCLUDING THOSE WITH RESPECT TO OCCUPIED DWELLINGS, AS WELL AS ADDITIONAL SAFETY MEASURES NECESSITATED BY THE CONSTRUCTION SHALL BE STRICTLY OBSERVED.
8. HEALTH REQUIREMENTS: SPECIFICATION OF METHODS TO BE USED FOR CONTROL OF DUST, DISPOSAL OF CONSTRUCTION DEBRIS, PEST CONTROL, AND MAINTENANCE OF SANITARY FACILITIES, AND LIMITATION OF NOISE TO ACCEPTABLE LEVELS SHALL BE INCLUDED.
9. COMPLIANCE WITH HOUSING STANDARDS: THE REQUIREMENTS OF THE NEW YORK CITY HOUSING MAINTENANCE CODE AND, WHERE APPLICABLE, THE NEW YORK STATE MULTIPLE DWELLING LAW SHALL BE STRICTLY OBSERVED.

### CONTROLLED INSPECTIONS

INSPECTION	TABLE REFERENCE
FIRE-RESISTANT PENETRATIONS AND JOINTS	BC 1204.27
FINAL	BC 110.5

### GENERAL NOTES

1. ALL WORK TO BE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF ALL APPLICABLE CODES, INCLUDING THE BUILDING CODE OF THE CITY OF NEW YORK.
2. CONTRACTOR MUST INSPECT PREMISES CAREFULLY BEFORE STARTING WORK. CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR ALL EXISTING CONDITIONS AS THEY AFFECT HIS WORK.
3. ALL DIMENSIONS SHOWN ARE APPROXIMATE. CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN MEASUREMENTS IN THE FIELD, SHOP DRAWINGS, AND FINAL FITTING OF ALL WORK.
4. CONTRACTOR SHALL COORDINATE HIS WORK WITH THE TENANT AND THE BUILDING MANAGEMENT.
5. CONTRACTOR SHALL REMOVE ALL RUBBISH LEAVING PREMISES ROOM CLEAN AFTER EACH DAY'S WORK.
6. ALL WORK IS SUBJECT TO INSPECTION AND ACCEPTANCE BY THE ENGINEER.
7. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS INCLUDING BUILDING PERMIT FROM DEPARTMENT OF BUILDINGS.
8. CONTRACTOR SHALL SUBMIT CERTIFICATES OF INSURANCE, WITH COVERAGES APPROVED BY OWNER BEFORE COMMENCING WORK.
9. ALL PLUMBING WORK TO BE PERFORMED BY A LICENSED PLUMBER.
10. ALL ELECTRICAL WORK TO BE FILED FOR UNDER SEPARATE APPLICATION.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY REMOVAL AND RELOCATION NECESSARY TO COMPLETE THE WORK.
12. RECREATION ROOM ACCESSORY USE ONLY, NO LIVING, SLEEPING OR COOKING PERMITTED.
13. ALL EXISTING DEMERSIS WALL AND CEILING ASSEMBLIES TO BE INSPECTED, OPENINGS PATCHED AND FIRE-STOPPED TO MAINTAIN REQUIRED RATING.
14. PENETRATIONS THRU FLOOR AND WALL ASSEMBLIES REQUIRE FIRE/SMOKE DAMPERS IN ACCORDANCE WITH NYC BUILDING CODE.



SITE PLAN

NTS

### EXISTING CONDITIONS

ADDRESS: 310 LENOX, NEW YORK, NY 10027  
BLOCK/LOT: 1723/69  
YEAR BUILT: 1940  
LANDMARK: NO  
HISTORIC DISTRICT: C4-4A  
ZONING MAP: 6A  
BIN: 1053528  
CB: 110  
CONSTRUCTION CLASS: 05  
\* ZONING FLOOR NOT CHANGING - FOOTPRINT TO REMAIN THE SAME

### ADA COMPLIANCE NOTES

THIS PROJECT SHALL COMPLY WITH ALL FEDERAL AMERICANS DISABILITY ACT REGULATIONS AND ALL LOCAL ACCESSIBILITY REGULATIONS. HOLDERS SHALL BE NO HIGHER THAN 3/4" ABOVE THE FLOOR EDGE TO BE BEVELED WITH A SLOPE NO GREATER THAN 1 IN 2. DOOR HARDWARE SHALL BE OF THE LEVER OR PUSH TYPE MOUNTED 30" TO 44" ABOVE THE FINISH FLOOR AND BE OPERABLE WITH A MINIMUM EFFORT OF 5 LBS. FOR INTERIOR DOORS.

ACCESSIBLE DOORS MUST BE MINIMUM 3'-0"(W)x8'-0"(H). MODIFY IF REQUIRED. PROVIDE 18" CLEAR SPACE AT STRIKE/PULL SIDE ON THE INTERIOR DOORS, AND 12" CLEAR AT STRIKE/PUSH SIDE IF DOORS W/ CLOSERS. FLOOR SHALL BE LEVEL THROUGHOUT. HOT WATER AND DRAIN PIPES UNDER LAVATORIES SHALL BE INSULATED. PROVIDE CLOTHING HOOK AT 44" ABOVE FLOOR IN HANDICAP TOILET.

### ENERGY ANALYSIS

TENANT ALTERATIONS TO COMMERCIAL INTERIOR.  
NO ALTERATIONS TO EXISTING BASE BUILDING ENVELOPE, HVAC/MECHANICAL OR LIGHTING SYSTEMS.

SITE ADDRESS: 310 Lenox Avenue, New York, NY  
ANSI/ASHRAE/IESNA STANDARD 90.1-2010  
CLIMATE ZONE 4A  
2014 NEW YORK CITY ENERGY CONSERVATION CONSTRUCTION CODE (NYCECCC)

ITEM DESCRIPTION	CODE REQUIRED VALUE AND CITATION	DESIGN
BUILDING ENVELOPE	"N/A" (Existing building system to remain - no effect.)	"N/A" (Existing building system to remain - no effect.)
HVAC / MECHANICAL SYSTEMS	"N/A" (Existing building system to remain - no effect.)	"N/A" (Existing building system to remain - no effect.)
INTERIOR LIGHTING POWER	"N/A" (Existing building system to remain - no effect.)	"N/A" (Existing building system to remain - no effect.)

TO THE BEST OF MY KNOWLEDGE, BELIEF AND PROFESSIONAL JUDGMENT, THESE PLANS AND SPECIFICATIONS ARE IN COMPLIANCE WITH THE 2014 NEW YORK CITY ENERGY CONSERVATION CODE

NO.	DATE	COMMENT
01	06-27-2017	FOR CONSTRUCTION

### ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
WAITING AREA

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

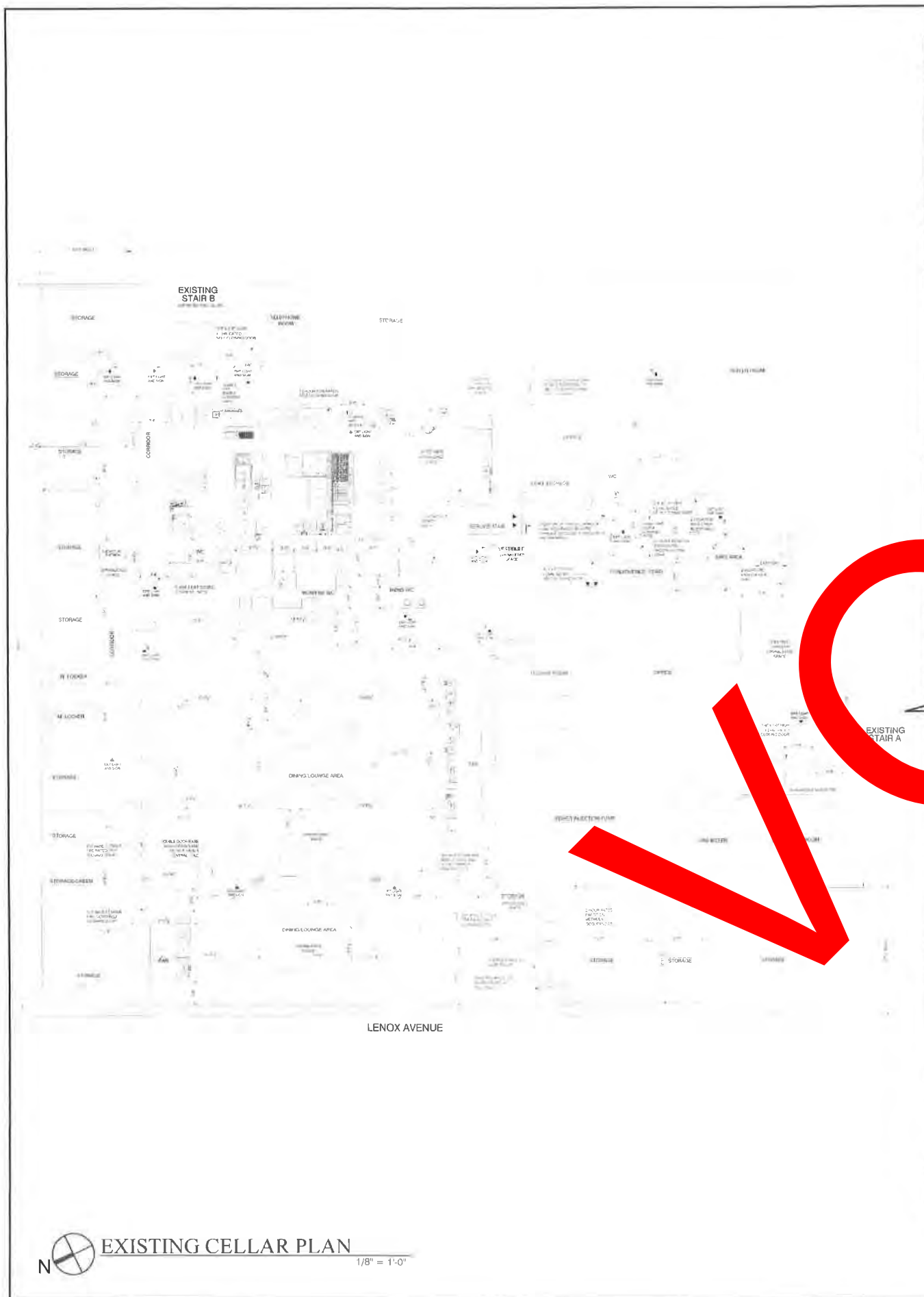
### SITE PLAN



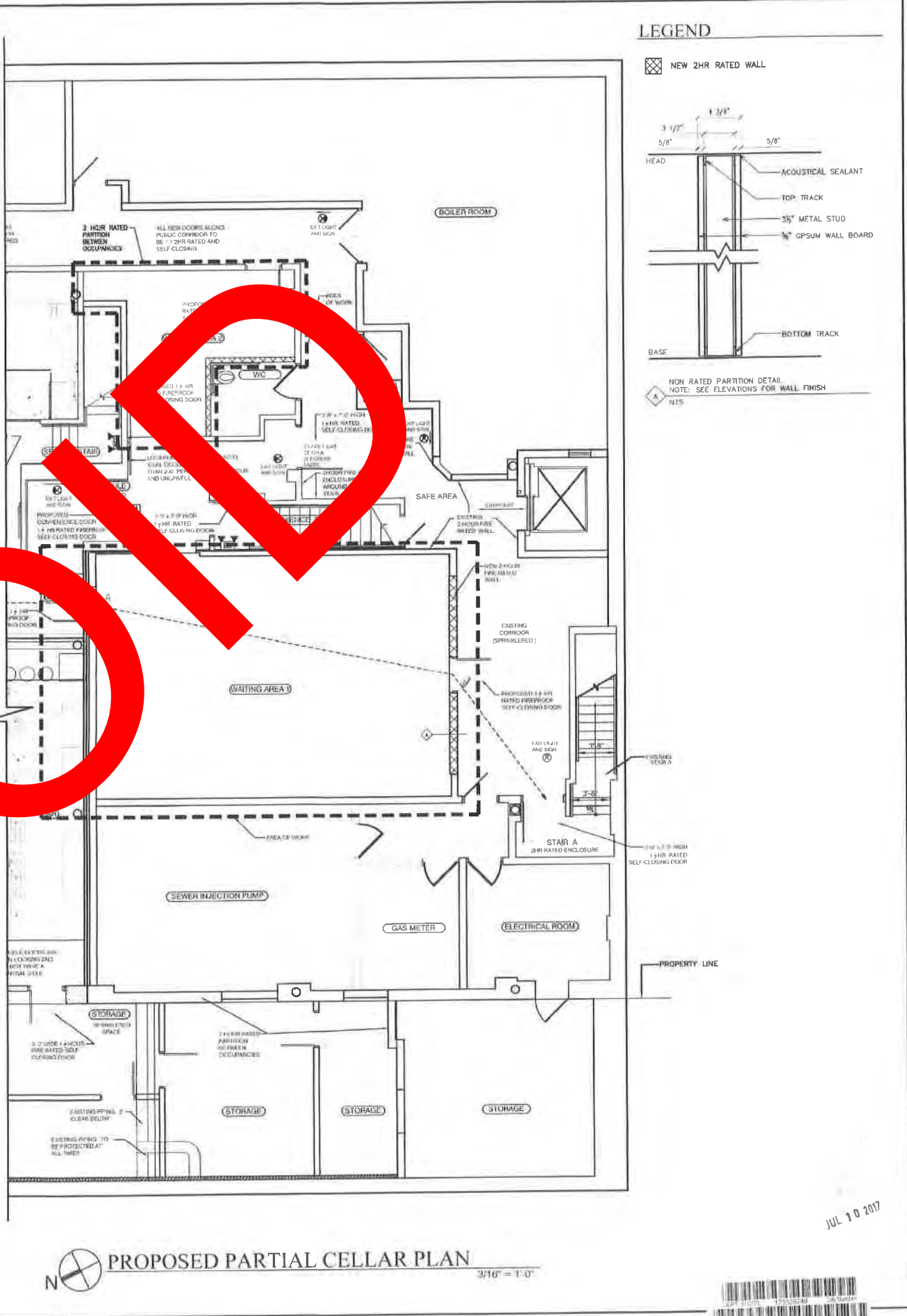
PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No:  
**A-001.00**  
AS NOTED 1 of 5



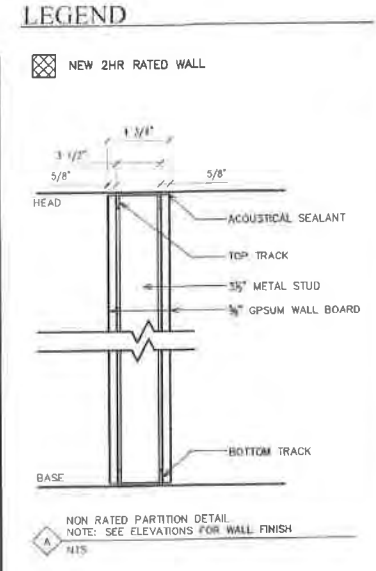




EXISTING CELLAR PLAN  
1/8" = 1'-0"



PROPOSED PARTIAL CELLAR PLAN  
3/16" = 1'-0"



NO.	DATE	COMMENT
01	06-27-2017	FOR CONSTRUCTION

ISSUE DATES

RED ROOSTER HARLEM RESTAURANT WAITING AREA

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

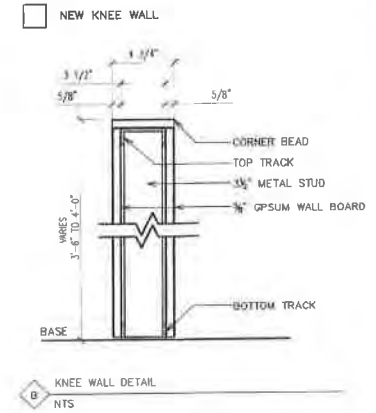
EXISTING AND PROPOSED CELLAR FLOOR PLAN

PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No: A-101.00  
AS NOTED 2 of 3

JUL 10 2017



LEGEND



NO.	DATE	COMMENT
01	06-27-2017	FOR CONSTRUCTION

ISSUE DATES

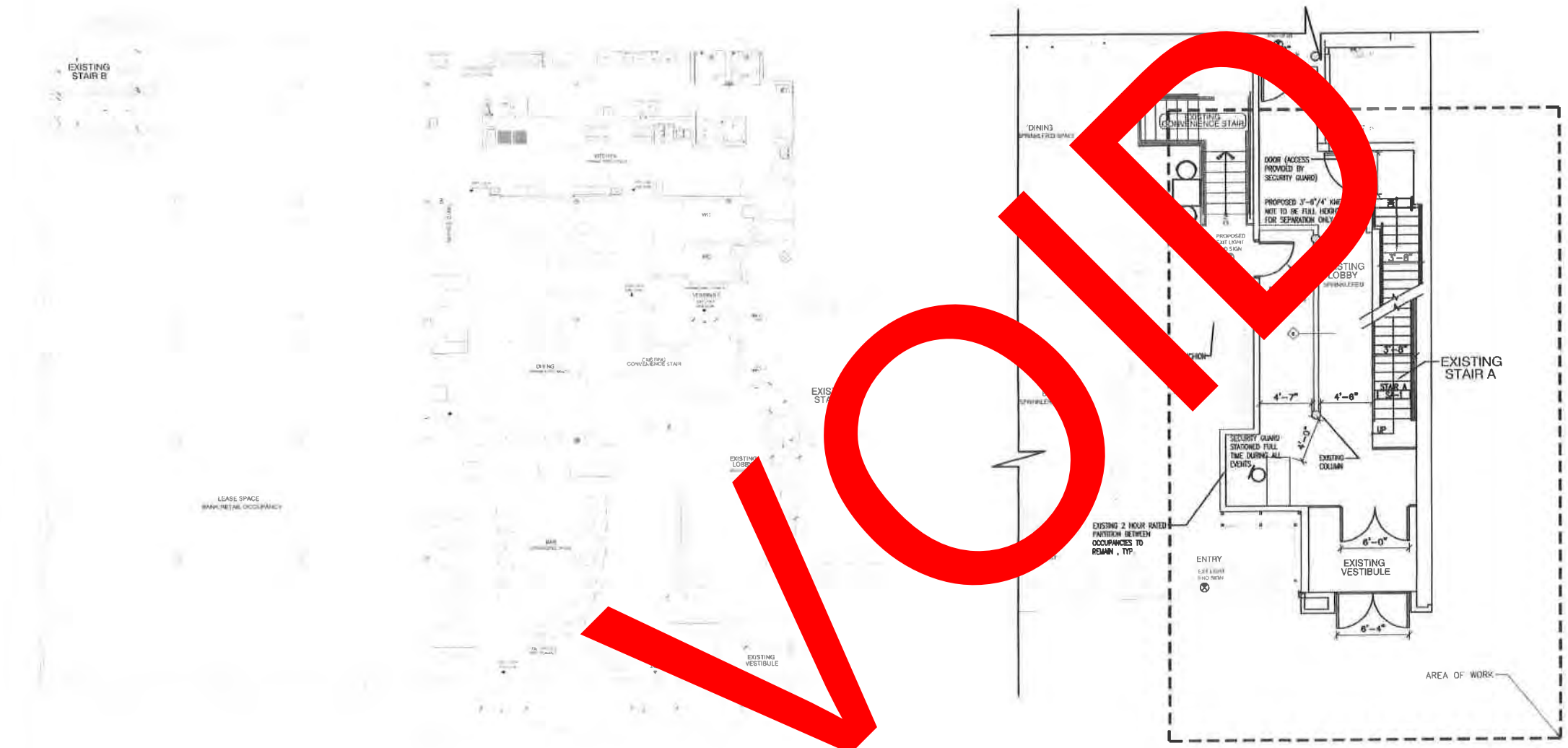
RED ROOSTER  
 HARLEM  
 RESTAURANT  
 WAITING AREA

310 LENOX AVENUE  
 NEW YORK, NY  
 BLOCK: 1723 LOT: 69

EXISTING AND PROPOSED GROUND (1ST) FLOOR PLAN

PROJECT No: 100107  
 DRAWING BY: BK  
 DESIGNED BY: SB  
 CHECKED BY: JM  
 DRAWING No: A- 102.00  
 AS NOTED 3 of 3

JUL 18 2017



EXISTING FIRST FLOOR PLAN  
 1/8" = 1'-0"

PROPOSED PARTIAL FIRST FLOOR PLAN  
 3/16" = 1'-0"





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262 Martin Avenue  
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www.wsdg.com

Neuehouse  
110 E 25th Street  
New York, NY 10010, USA  
+1 917-216-8286  
+1 973-747-4765  
www.wsdg.com

date 22 June 2017  
to Raul Adorno, Red Rooster Harlem  
cc Patrick Milner, Garage Management Company  
John Storyk, Founding Partner, WSDG  
Nancy Flannery, CFO, WSDG  
Andy Swerdlow, Acoustic Engineer, WSDG  
Ian Bromilow, Director of Acoustics, WSDG

from Frank Reder

client Red Rooster Harlem  
project Red Rooster Restaurant  
subject Acoustic Measurement Summary

seq# A003 (Rev.

Raul

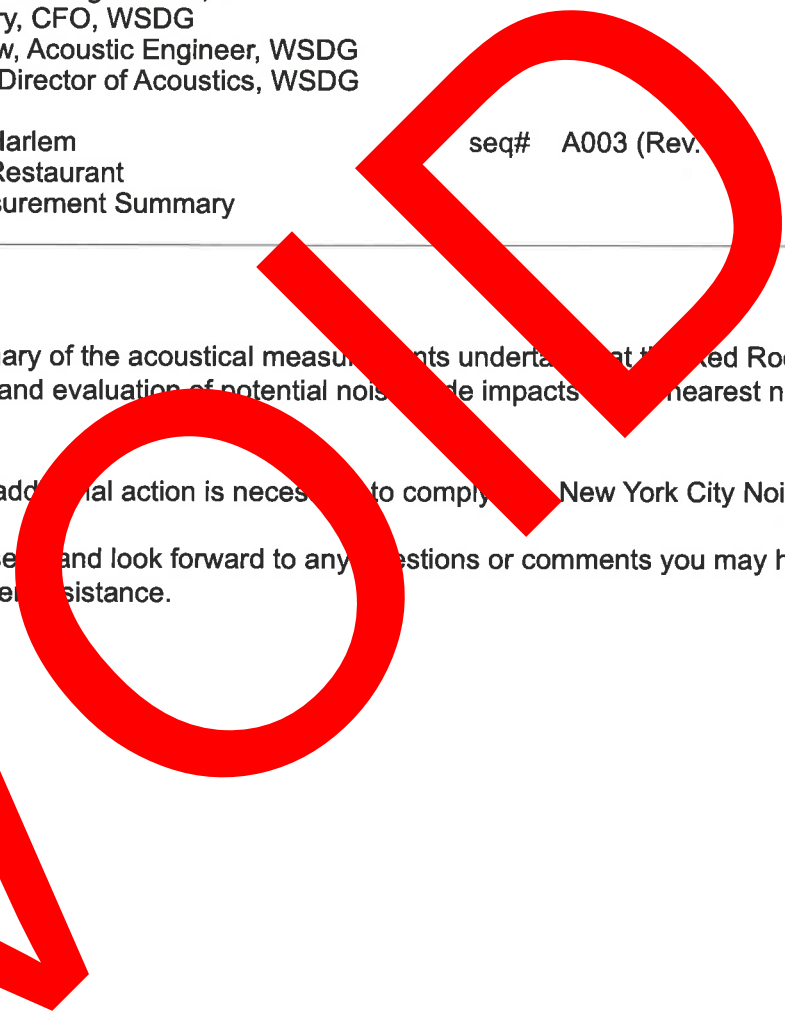
Please find enclosed a summary of the acoustical measurements undertaken at the Red Rooster Restaurant on 05 June 2017 and evaluation of potential noise level impacts on the nearest neighboring residence.

Based on our evaluation, no additional action is necessary to comply with the New York City Noise Code.

We trust this information is useful and look forward to any questions or comments you may have. Please let us know if we may be of further assistance.

Kind regards

Frank Reder  
Senior Associate





## INTRODUCTION

We understand the Red Rooster Restaurant is seeking the approval of the NYC BSA to legalize live music (including set showtimes and cover charges) typically small jazz ensembles in the basement. Walters-Storyk Design Group (WSDG LLC) was contacted to conduct acoustical testing to evaluate potential noise code impacts.

Our evaluation included acoustical testing of the acoustical isolation of the existing storefront, and calculations to determine the expected noise levels at the nearest residential unit, which we understand to be 90 W 126th st, approximately 150 feet from the restaurant.

In terms of this music, there are two applicable sections of the New York City Noise Code (Local Law 113).

- **Section 24-231 Commercial Music:** in brief, this section states that music shall not exceed 42 dBA overall nor 45 dB in any single one-third octave band, as measured in an affected dwelling unit.
- **Section 24-218 General Prohibitions:** this section states that sound shall not exceed 45 dBA over the ambient sound levels at night (10 PM - 7AM), nor 50 dBA during the day (7 AM - 10 PM), as measured in an affected dwelling unit. Further, sound may not exceed 15 dBA over the ambient as measured 15 feet onto a public right of way.



Screenshot from Google maps showing Red Rooster in relation to nearest residential unit



METHODOLOGY

In order to benchmark the acoustic isolation of the boundary constructions, WSDG performed sound isolation testing. The metric commonly used to describe sound isolation is Sound Transmission Class (STC), but in situ, Noise Isolation Class (NIC) is used.

The procedure involves generating high level broadband noise ('pink noise') in one room, and measuring the resulting noise levels in the 'source' room and any 'receiver' rooms or areas of concern.

The difference in level from source to receiver room is measured in dB and an algorithm used to calculate the single number NIC rating. It is important to understand that this single number NIC rating only covers part of the audible frequency range. This rating is useful when describing comparative isolation between different types of constructions for speech but does not describe the isolation of low frequency sound, such as is associated with music and in particular the 'thumping' of bass and drums. To accommodate this, WSDG tested for both NIC and low frequency performance of the structure separating the ground floor of restaurant from the street.

We performed a conservative noise assesment by measuring noise at ground level. Music coming from the basement will be at a lower level than those presented here; we estimate at least 10 dB lower.

With these results in hand, we then calculated the sound propagation from the restaurant to the nearest residence, assuming a standard audible noise level of about 80 dBA, with appropriate spectrum.

These calculated noise levels were then compared to the limits of the NYC Noise Code summarized in the Introduction section.

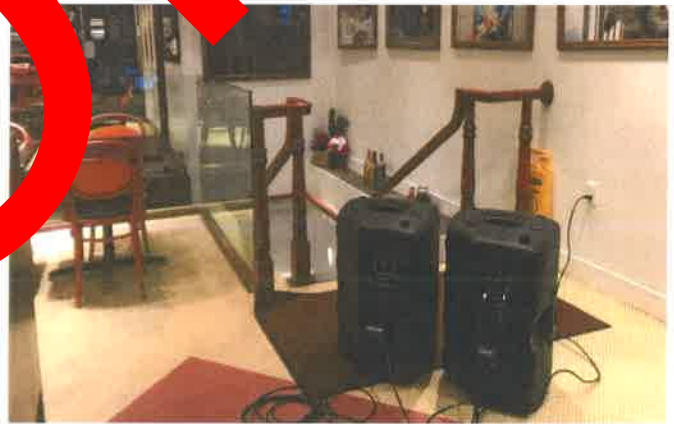


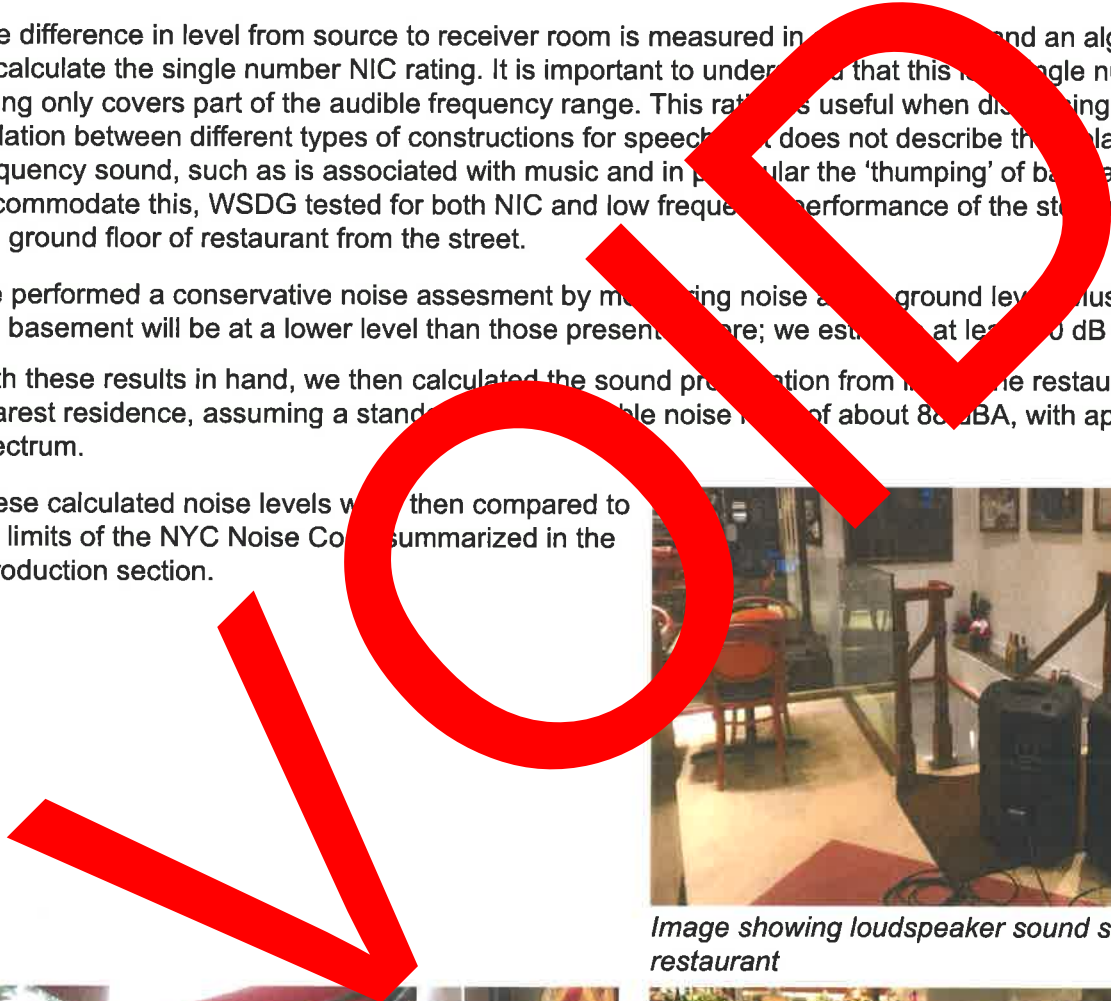
Image showing loudspeaker sound source in restaurant



Image showing sound level measurement on street 'receiver space'



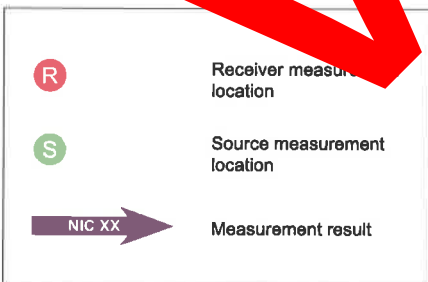
Image showing sound level measurement in restaurant 'source room'



The markup below shows the measurement setup and results visually.



NIC measurement setup



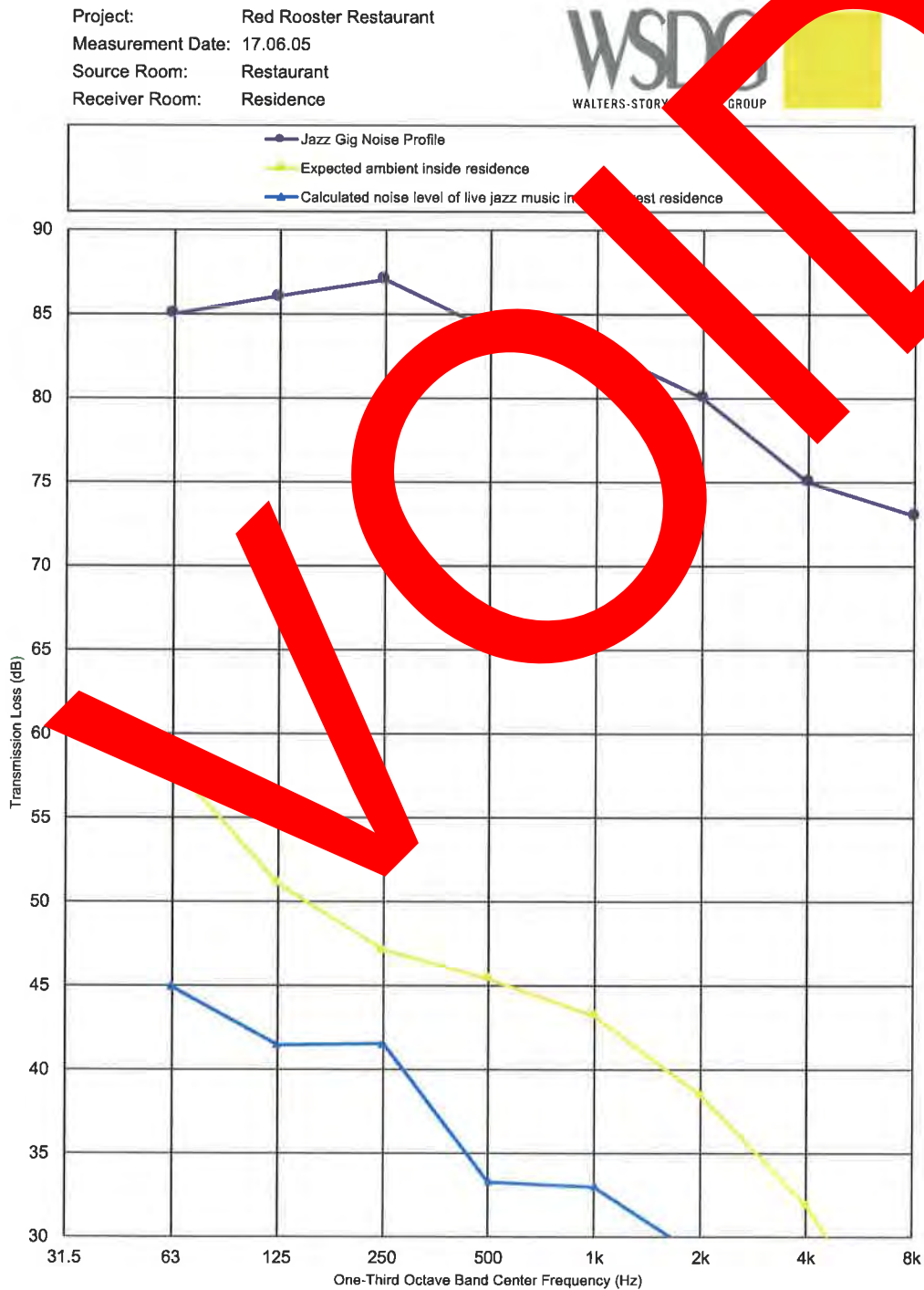


### RESULTS

#### Nearest Residence

The graph below shows the calculated noise levels at the nearest receiving property based on the results of our testing and calculations. As shown in the graph, noise levels from a jazz gig are below the ambient street levels - meaning there would be no noise code violation.

Results from the NIC test are given in Appendix for information.



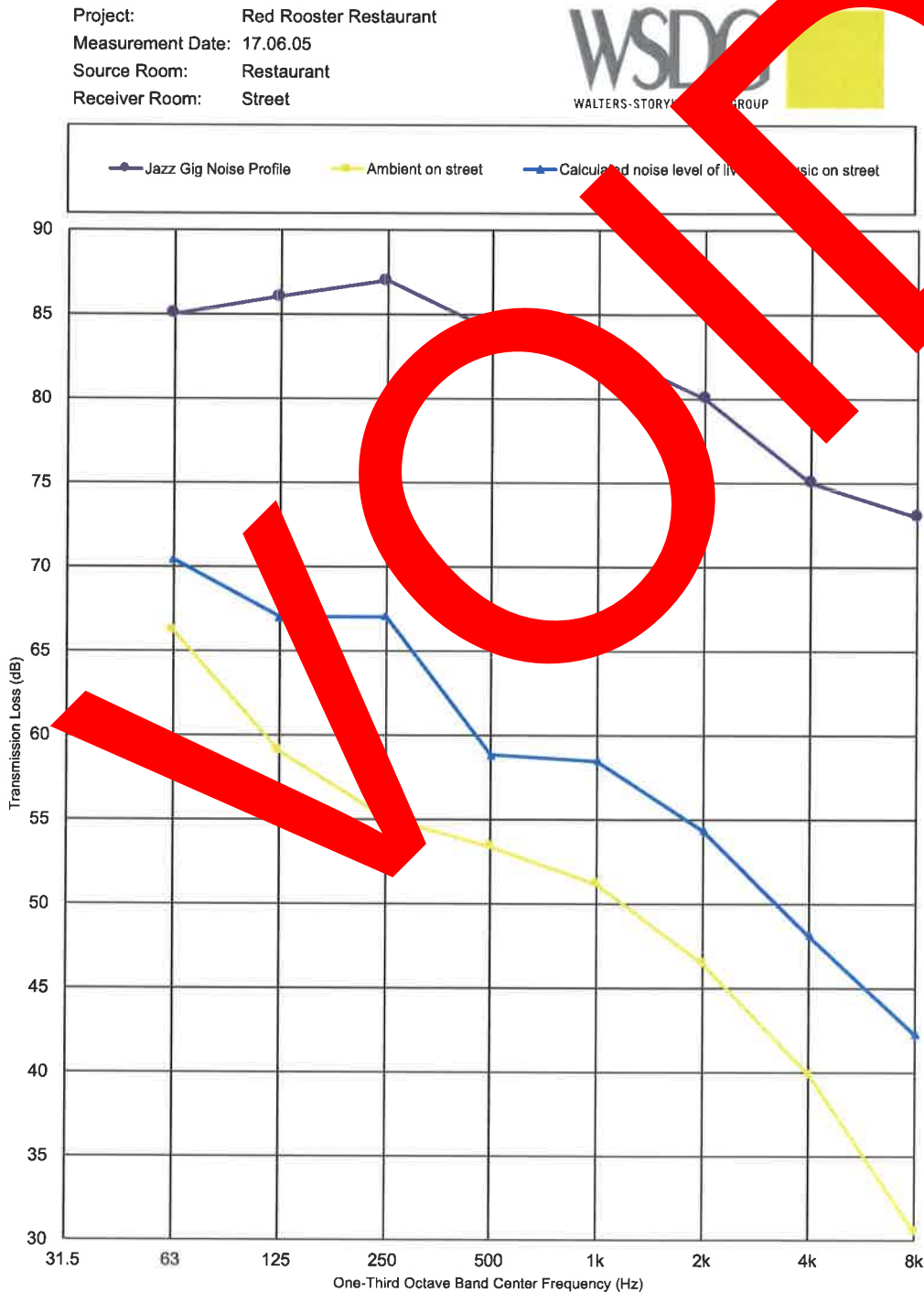


## RESULTS

### Street

The graph below shows the calculated noise levels on the street based on the results of our testing and calculations. As shown in the graph, noise levels from a jazz gig are less than 15 dBA above the ambient street levels - meaning there would be no noise code violation.

Results from the NIC test are given in Appendix for information.







ASSESSMENT

Nearest Residence

As noted on the previous page, no noise code violation is expected at the nearest residence based on the tested sound isolation of the storefront and typical sound levels of a jazz ensemble. Further, it is our understanding from conversations on site that there have not been any complaints of excessive noise transfer out of the restaurant during its operation.

Finally, we note that because our assessment was carried out on the [redacted] (which is conservative considering that live music is programmed for the cellar space), a [redacted] sound level at the nearest residence will be lower than the levels presented here and are likely to be inaudible.

Street

There is no specific NYC Noise Code provision for commercial music as heard on a street so we assume the general prohibitions would apply. As noted on the previous page, no noise code violation is expected on the street based on this assumption.

Further, Malcom X Blvd is a busy street so noise levels are typically high. The [redacted] sound bleeding out from the restaurant is less likely to be considered problematic as it is 'masked' by the traffic noise.

General Comments

Additional gypsum board is being added in new walls and floor-ceiling (as noted in the BSA application), however this will have minimal additional effect on noise transfer from the restaurant to the neighborhood. This is because the cellar is open to the ground floor via a common stair, and the ground floor is separated from the neighborhood by the storefront. Additional drywall construction does not improve this sound transmission path.

The doors limit the sound isolation to the street (and the [redacted] neighborhood). The surrounding construction is insulated glass, but because the doors are the 'weak link' in the construction, it controls the overall performance. If these were sealed properly, performance would be improved, but would eventually be limited by the relatively light weight surrounding construction.

As seen in the images below, gaps were clearly visible around the doors. These unsealed openings are the main path through which sound is allowed to escape the restaurant space and could be provided with acoustical seals to somewhat improve the performance. Nonetheless, no noise code violation is expected, even without remedial measures.



Image showing gap where double doors meet at top



Image showing gap where double doors meet at bottom



## RECOMMENDATIONS / CONCLUSIONS

As no noise code violations are expected, no action is needed at this time. If the amount of sound separation is desired to be increased, WSDG is available to provide recommendations.

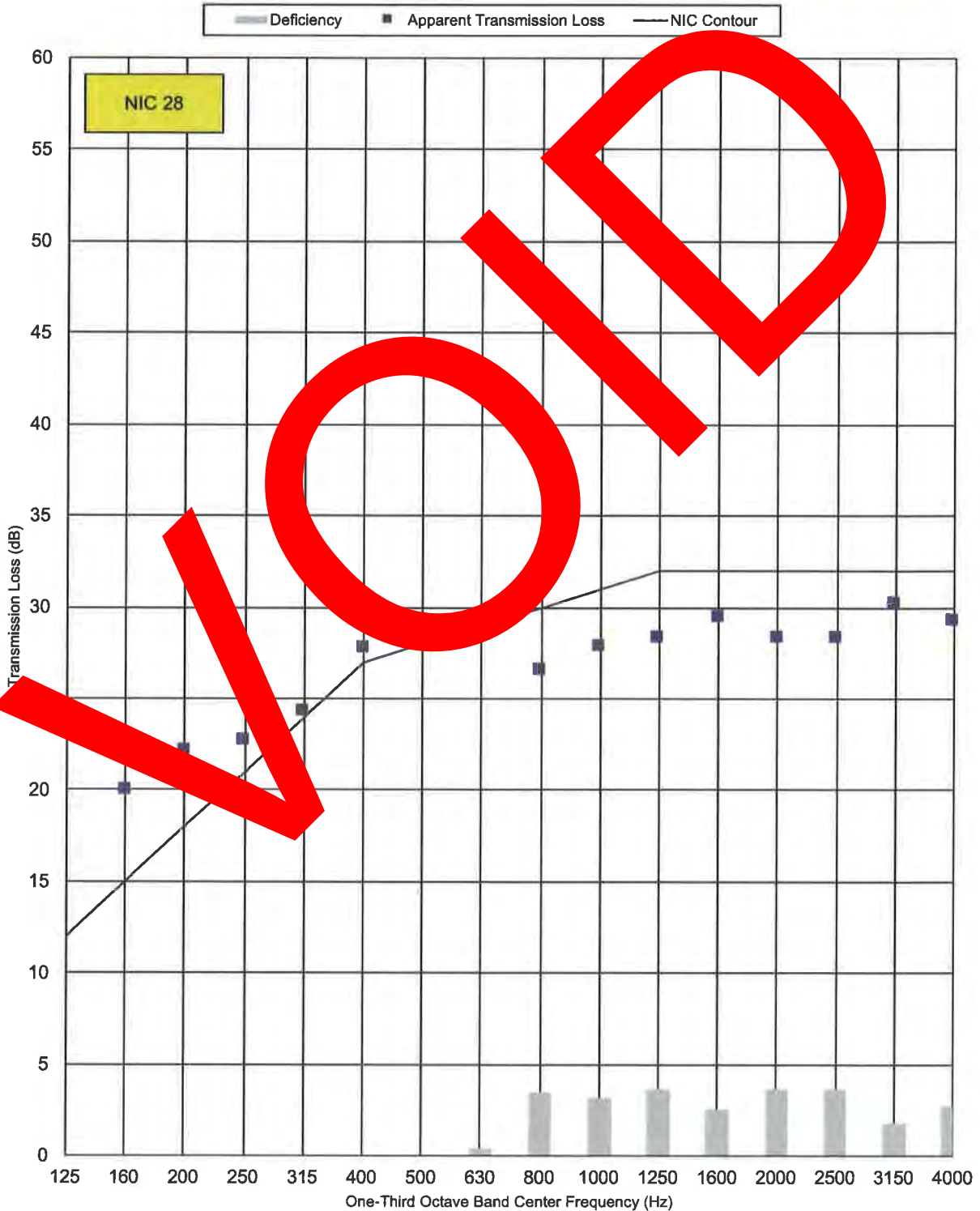
At the current moment, no corrective action appears necessary with respect to achieving New York City Noise Code.

**VOID**



APPENDIX: FULL NIC PLOT

Project: Red Rooster Restaurant  
Measurement Date: 17.06.05  
Source Room: Restaurant  
Receiver Room: Street





## APPENDIX: EQUIPMENT LIST

EQUIPMENT	MAKE / MODEL	SERIAL NO.
Pink Noise Generator	NTi Audio Minirator MR2	0730 01 14
Sound Level Meter	Bruel & Kjaer 2250	2690259
Measurement Microphone	Bruel & Kjaer 4189	2680657
Microphone Preamplifier	Bruel & Kjaer ZC-0032	
Acoustical Calibrator	Cirrus CRL 511E	125516
Self-powered Loudspeaker	Real Acoustics Custom P	-

**VOID**



# Certificate of Occupancy

**CO Number: 104522508T023**

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

<b>A.</b>	<b>Borough:</b> Manhattan	<b>Block Number:</b> 01723	<b>Certificate Type:</b> Temporary
	<b>Address:</b> 310 LENOX AVENUE	<b>Lot Number(s):</b> 69	<b>Effective Date:</b> 07/03/2017
	<b>Building Identification Number (BIN):</b> 1053528		<b>Expiration Date:</b> 10/01/2017
	<b>Building Type:</b> Altered		
<i>For zoning lot metes &amp; bounds, please see BISWeb.</i>			
<b>B.</b>	<b>Construction classification:</b> 5	(Prior to 1968 Code)	
	<b>Building Occupancy Group classification:</b> COM	(Prior to 1968 Code)	
	<b>Multiple Dwelling Law Classification:</b> None		
	<b>No. of stories:</b> 3	35	<b>No. of dwelling units:</b> 0
<b>C.</b>	<b>Fire Protection Equipment:</b> Sprinkler system		
<b>D.</b>	<b>Type and number of open space:</b> None associated with this filing.		
<b>E.</b>	<b>This Certificate is issued with the following legal limitations:</b> None		
<b>Outstanding requirements for obtaining Final Certificate of Occupancy:</b>			
There are 13 outstanding requirements. Please refer to BISWeb for further detail.			
<b>Borough Comments:</b>			

Borough Commissioner

Commissioner



# Certificate of Occupancy

CO Number: 104522508T023

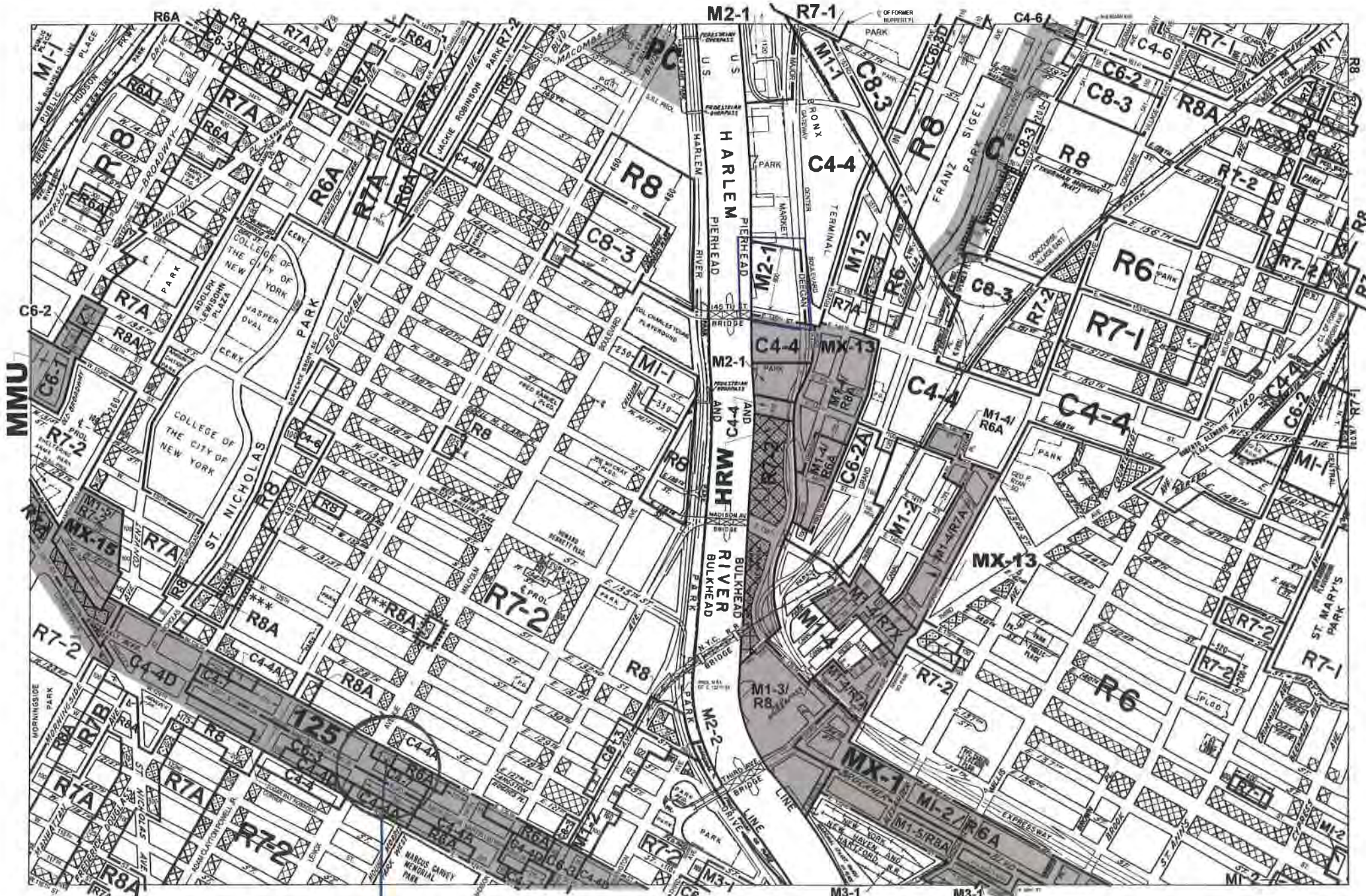
Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description
CEL		OG	D-2		2	MECHANICAL ROOMS
CEL	200	OG	F-4		6	EATING AND DRINKING ESTABLISHMENT
CEL		OG	B-2		6	STORAGE
CEL	20	OG	F-3		6	LOUNGE, NON-SIMULTANEOUS
001	144	120	C			RETAIL STORES
001	130	120	F-4		6	EATING AND DRINKING ESTABLISHMENT
002	72	75	E		6	OFFICES
002		75	D-2		6	MECHANICAL ROOMS
003	60	75			6	OFFICES, ACCESSORY LONGE, NON-SIMULTANEOUS
003			D-2		6	MECHANICAL ROOM
END OF SECTION						

Borough Commissioner

Commissioner

END OF DOCUMENT

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



## 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**

***02-15-2017	C 170081 ZMM
**02-15-2017	C 170050 ZMM
*11-16-2016	C 150312 ZMX
09-14-2016	C 160267 ZMX

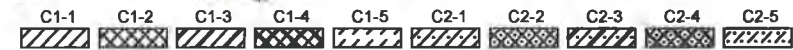
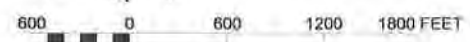
**Special Requirements:**  
 For a list of lots subject to CEQR environmental requirements, see APPENDIX C  
 For a list of lots subject to "D" restrictive declarations, see APPENDIX D.  
 For Inclusionary Housing designated areas on this map, see APPENDIX F

MAP KEY

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

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ZONING MAP 6a



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

Site

NYS RA / PE SEAL AND SIGN **BSA ZONING ANALYSIS** REVISED APRIL 2005

BSA CALENDAR NO. \_\_\_\_\_ BLOCK 1723 LOT 69

SUBJECT SITE ADDRESS 310 Lenox Avenue

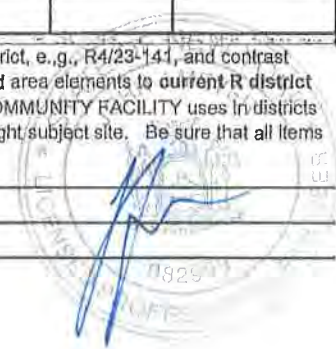
APPLICANT \_\_\_\_\_

ZONING DISTRICT C4-4A PRIORITY BSA # \_\_\_\_\_

SPECIAL/HISTORIC DISTRICT 125th COMMUNITY BOARD 10

	* APPLICABLE ZR SECTION	MAXIMUM PERMITTED	MINIMUM REQUIRED	LEGAL PER C of O or BSA	EXISTING	PROPOSED	COMPLIANT: "Y"
							IF NOT: "N" and INDICATE AMT OVER/UNDER
LOT AREA	N/A		N/A	N/A	8,493	N/A	N/A
LOT WIDTH							
USE GROUP (S)	32-21, 73-244	1-6,8-10,12		2, 6	2, 6	2, 6, 12	Y
FA RESIDENTIAL	34-112	33,972		0	0	0	Y
FA COMMUNITY FACILITY	33-123	33,972		0	0	0	Y
FA COMMERCIAL/INDUST.	33-122	33,972		24,597	24,597	24,597	Y
FLOOR AREA TOTAL	33-122	33,972		24,597	24,597	24,597	Y
FAR RESIDENTIAL	34-112	4		0	0	0	Y
FAR COMMUNITY FACILITY	33-123	4		0	0	0	Y
FAR COMMERCIAL/INDUST.	33-122	4		2.9	2.9	2.9	Y
FAR TOTAL	33-122	4		2.9	2.9	2.9	Y
OPEN SPACE	N/A		N/A	N/A	N/A	N/A	N/A
OPEN SPACE RATIO	N/A		N/A	N/A	N/A	N/A	N/A
LOT COVERAGE (%)	N/A	N/A		N/A	N/A	N/A	N/A
NO. DWELLING UNITS	N/A	N/A		N/A	N/A	N/A	N/A
WALL HEIGHT	35-652	65'		35'	45'-11"	45'-11"	Y
TOTAL HEIGHT	35-652	80'		35'	45'-11"	45'-11"	Y
NUMBER OF STORIES				3	3	3	Y
FRONT YARD	33-20		0'	0'	0'	0'	Y
SIDE YARD	33-25		0'	0'	0'	0'	Y
SIDE YARD	33-25		0'	0'	0'	0'	Y
REAR YARD	33-301		0'	0'	0'	0'	Y
SETBACK (S)	N/A		N/A	N/A	N/A	N/A	N/A
SKY EXP. PLANE (SLOPE)	N/A	N/A		N/A	N/A	N/A	N/A
NO. PARKING SPACES	36-21	N/A	0	0	0	0	
LOADING BERTH (S)	36-62	N/A	0	0	0	0	
OTHER:							

\* In Applicable ZR Section column: For RESIDENTIAL developments in non-residential districts, indicate nearest R district, e.g., R4/23-141, and contrast compliance. For COMMERCIAL or MANUFACTURING developments in residential districts, contrast proposed bulk and area elements to current R district requirements, except for parking and loading requirements (contrast to nearest district where use is permitted). For COMMUNITY FACILITY uses in districts where not permitted, contrast to nearest district where permitted. For all applications, attach zoning map and highlight subject site. Be sure that all items noted in the DOB Denial/Objection are included. NOTES:





**BSA SIGN ANALYSIS - COMMERCIAL DISTRICTS**

REVISED JANUARY 2004

BSA CALENDAR NO:

LOCATION: 310 Lenox Ave

BOROUGH Manhattan

BLOCK 1723

APPLICANT:

LOT 69

ZONING DISTRICT: C4-4A

SPECIAL DISTRICT

125th St

LOT AREA: 8,493 SF

EQUIVALENT C DISTRICT

	SECTION	PERMITTED	PROPOSED	COMPLIANCE
ACCESSORY BUSINESS SIGNS	32-62	PERMITTED IN ALL COMMERCIAL DISTRICTS	Yes	Y
ADVERTISING SIGNS	32-63	C6-5, C6-7, C7, C8 DISTRICTS	N/A	N/A
TOTAL SURFACE AREA - ALL SIGNS C1 - C8	32-641	SEE TABLE SECT. 32-642 FOR SURFACE AREA PERMITTED = 500 SF / frontage	50 SF	Y
NON-ILLUMINATED SIGNS C1 - C8	32-642	SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED = 500 SF / frontage	25 SF	Y
ILLUMINATED NON-FLASHING C1, C2	32-643	SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED = N/A	N/A	N/A
ILLUMINATED OR FLASHING C4, C5-4, C6, C7 (NO FLASHING SIGNS IN C6-1A)	32-644	SEE TABLE THIS SECTION FOR SURFACE AREA PERMITTED = 500 SF / frontage	25 SF	Y
ILLUMINATED OR FLASHING SIGNS IN C8 DISTRICTS - BUSINESS OR ADVERTISING	32-645	TOTAL SURFACE AREA OF ALL SUCH SIGNS < 5X STREET FRONTAGE OF ZONING LOT; EACH SIGN < 500 SF	N/A	N/A
PERMITTED PROJECTION C6-5, C6-7, C7 SEE SECTION 32-653 FOR ADD'L REGS	32-651	NO PERMITTED SIGN TO PROJECT ACROSS STREET LINE BY MORE THAN 8'	N/A	N/A
PERMITTED PROJECTION FOR ALL REMAINING COMMERCIAL DISTRICTS	32-652	NO PERMITTED SIGN TO PROJECT ACROSS STREET LINE BY MORE THAN 18" FOR DOUBLE OR MULTI-FACETED SIGNS OR 12" FOR ALL OTHERS	<12"	Y
REGULATIONS FOR PROJECTING BUSINESS SIGNS: AWNINGS, CANOPIES, SIGNS ON MARQUEES C1 - C8	32-653	- AWNING OR CANOPY: NON-ILLUM. < 12SF, LETTERS < 12", FOR IDENTIFICATION ONLY; - SIGN ON MARQUEE: MUST PROJECT < 48" ABOVE, > 12" BELOW, EXCEPT C6-5, C6-7, C7	AWNING	Y
MAXIMUM HEIGHT OF SIGNS C8	32-654	< 40' ABOVE CURB LEVEL; < 58' FOR NON-ILLUM. OR INDIRECT SIGNS	N/A	N/A
MAXIMUM HEIGHT OF SIGNS C1 - C7	32-655	SEE TABLE: 25'-40' RANGE PER DISTRICT; C6-5, C6-7, C7: NO RESTRICTION	13'	Y
MAXIMUM HEIGHT ABOVE ROOF C1 - C5, C6-1 to 4, C6-6, C6-8, C6-9	32-656	ONLY VERTICAL SIGNS < 28" WIDE MAY EXTEND UP TO 16' ABOVE ROOF LEVEL	N/A	N/A
ROOF SIGNS C1 - C5, C6-1 to 4, C6-6, C6-8, C6-9	32-657	NONE PERMITTED	N/A	N/A
ADDITIONAL REGULATIONS FOR SIGNS OTHER THAN ADVERTISING SIGNS IN C6-5, C6-7, C7, C8	32-661	IF WITHIN 200' OF ARTERIAL HIGHWAY OR PARK SIGN SHALL NOT EXCEED 500sf SURFACE AREA IF WITHIN VIEW. SEE EXCEPTIONS	N/A	N/A
ADDITIONAL REGULATIONS FOR ADVERTISING SIGNS IN C6-5, C6-7, C7, C8	32-662	NONE PERMITTED WITHIN 200' OF ARTERIAL HIGHWAY OR PARK, IF WITHIN VIEW	N/A	N/A
WATERWAY ADVERTISING SIGNS	32-663	NOT PERMITTED ADJACENT TO C DISTRICTS	N/A	N/A
PROVISION FOR DIST. BOUNDARIES C2 - C8	32-67	IF WITHIN 100' OF RESIDENCE DISTRICT OR ADJ. TO PARK AND SIGN < 165 DEG., SEE C1 REGS.	N/A	N/A
RESIDENTIAL OR MIXED BUILDINGS C1 - C6	32-68	FOR UG 1, 2 or RESIDENTIAL USES, SEE RESIDENTIAL REGULATIONS. FOR NON - RESIDENTIAL USE ON 2 FLOORS - NON-ILLUM. SIGNS ONLY AND BELOW 3RD STORY	N/A	N/A
ADULT ESTABLISHMENTS	32-69	SEE SECTION	N/A	N/A

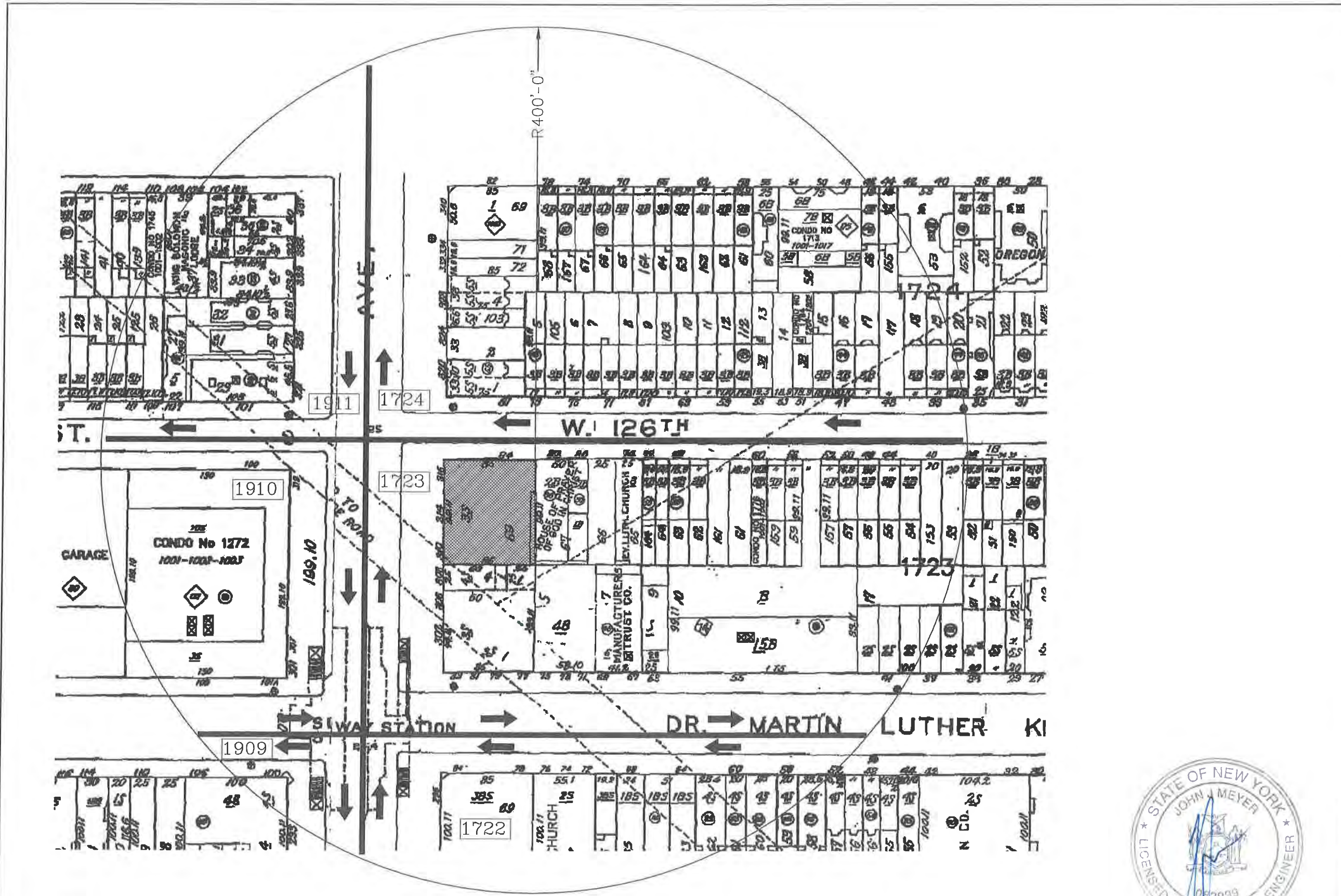


# DO5 Digital Tax Map

TAX MAPS | HISTORY OF TAX MAP CHANGES | HISTORICAL ALTERATION BOOKS | USER GUIDE



Set for a Location  
Set for a Location  
Street Address  
Map Layer  
On Map



N  
RADIUS DIAGRAM

RADIUS DIAGRAM SHOWN  
FOR INFORMATIONAL  
PURPOSES ONLY



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NO	DATE	COMMENT
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

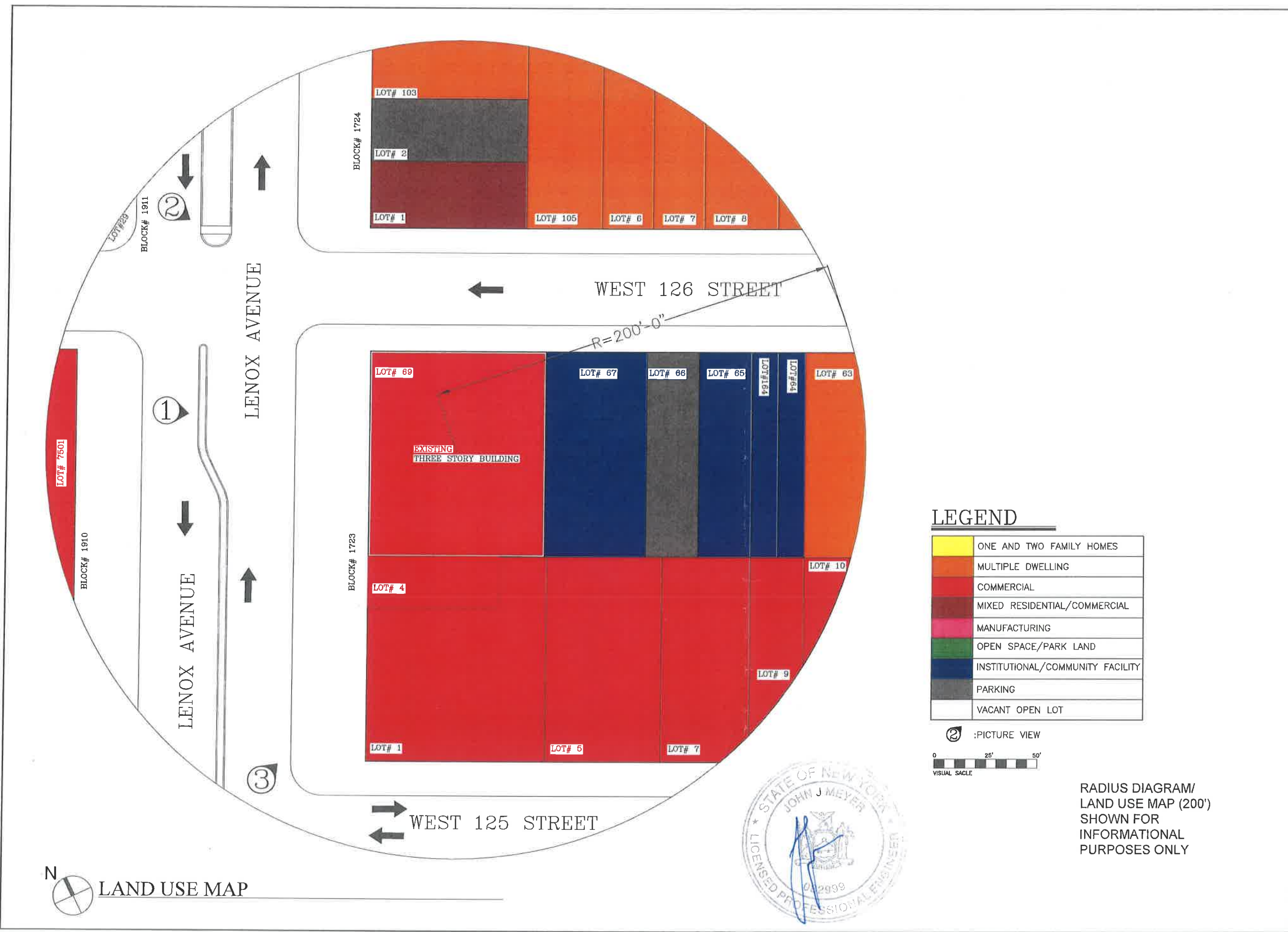
RADIUS DIAGRAM

PROJECT No 100107  
DRAWING BY BK  
DESIGNED BY SB  
CHECKED BY JM  
DRAWING No

A- 001.00  
AS NOTED 1 of 10

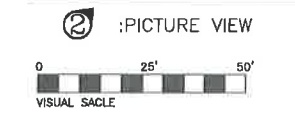
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**LEGEND**

[Yellow]	ONE AND TWO FAMILY HOMES
[Orange]	MULTIPLE DWELLING
[Red]	COMMERCIAL
[Dark Red]	MIXED RESIDENTIAL/COMMERCIAL
[Pink]	MANUFACTURING
[Green]	OPEN SPACE/PARK LAND
[Blue]	INSTITUTIONAL/COMMUNITY FACILITY
[Grey]	PARKING
[White]	VACANT OPEN LOT



RADIUS DIAGRAM/  
 LAND USE MAP (200')  
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01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

RED ROOSTER  
 HARLEM  
 RESTAURANT  
 BSA SPECIAL PERMIT

310 LENOX AVENUE  
 NEW YORK, NY  
 BLOCK: 1723 LOT: 69

LAND USE MAP

PROJECT No: 100107  
 DRAWING BY: BK  
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 CHECKED BY: JM  
 DRAWING No: A- 003.00  
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**edg**

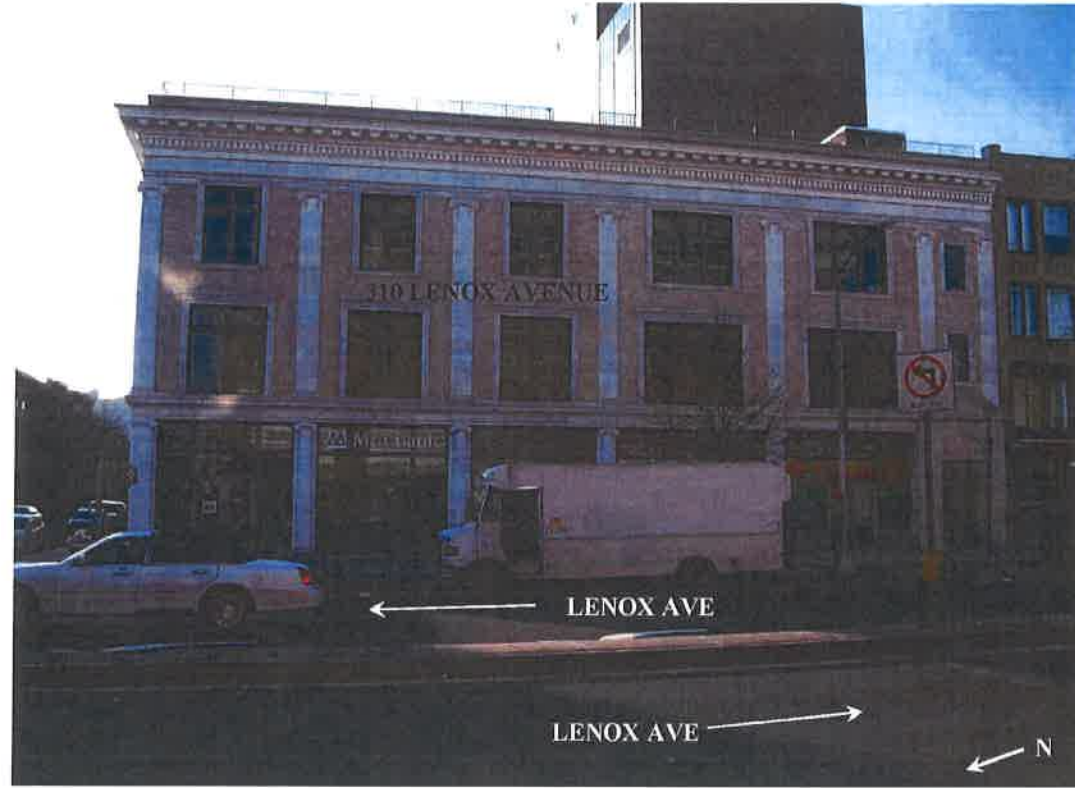


PHOTO #1: LENOX AVENUE - BUILDING WEST VIEW



PHOTO #2: CORNER OF LENOX AVENUE & 126<sup>TH</sup> STREET VIEW



PHOTO #3: CORNER OF LENOX AVENUE & 125<sup>TH</sup> STREET VIEW

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ISSUE DATES

RED ROOSTER  
 HARLEM  
 RESTAURANT  
 BSA SPECIAL PERMIT

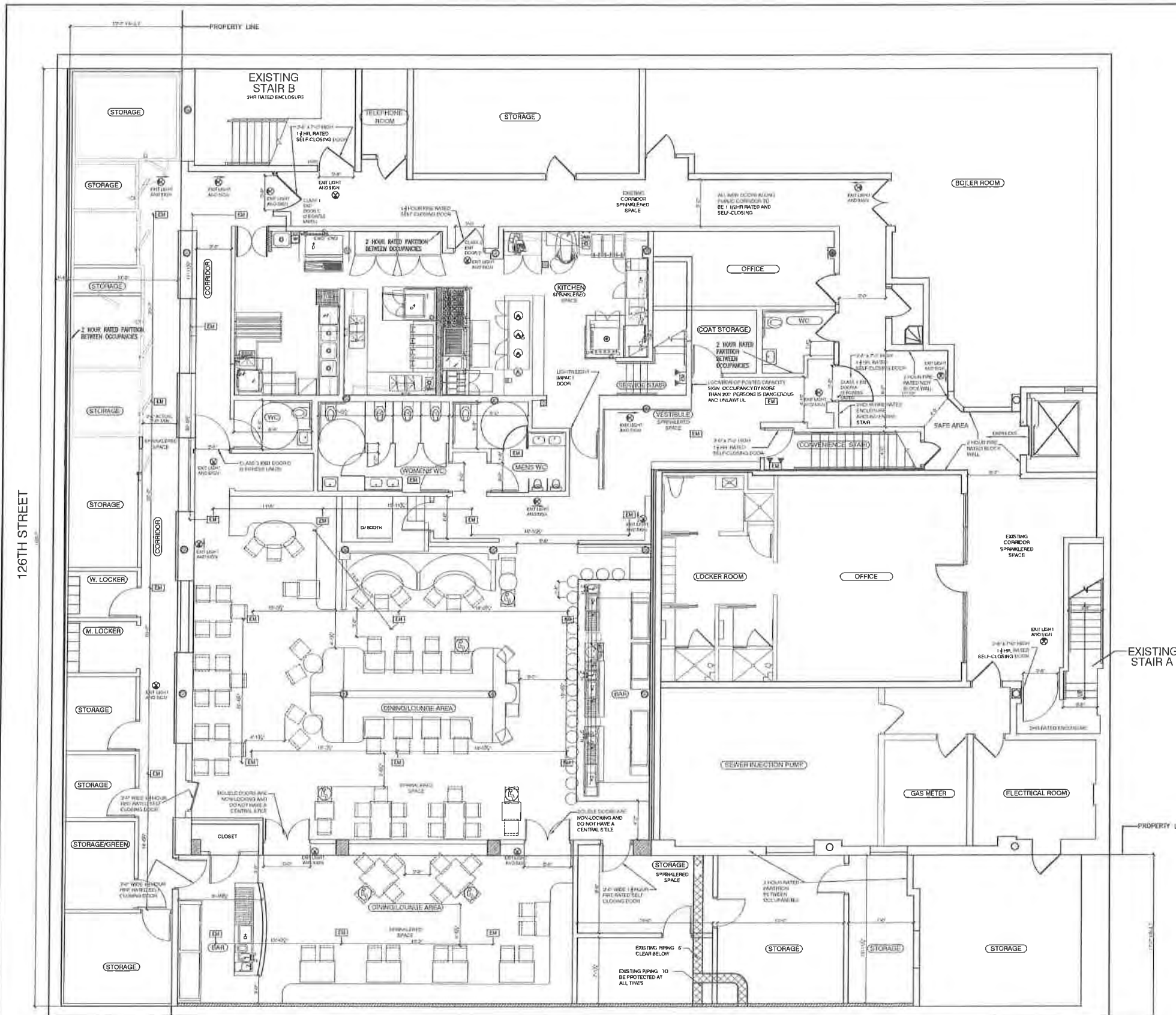
310 LENOX AVENUE  
 NEW YORK, NY  
 BLOCK: 1723 LOT: 69

CONTEXT PHOTOS



PROJECT No. 100107  
 DRAWN BY: BK  
 DESIGNED BY: SB  
 CHECKED BY: JM  
 DRAWN BY: BK  
**A- 004.00**  
 AS NOTED 4 of 11





126TH STREET

LENOX AVENUE

N **EXISTING CELLAR PLAN**

3/16" = 1'-0"

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01	08-14-2017	FOR BSA FILING
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NO	DATE	COMMENT

ISSUE DATES

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RED ROOSTER  
 HARLEM  
 RESTAURANT  
 BSA SPECIAL PERMIT

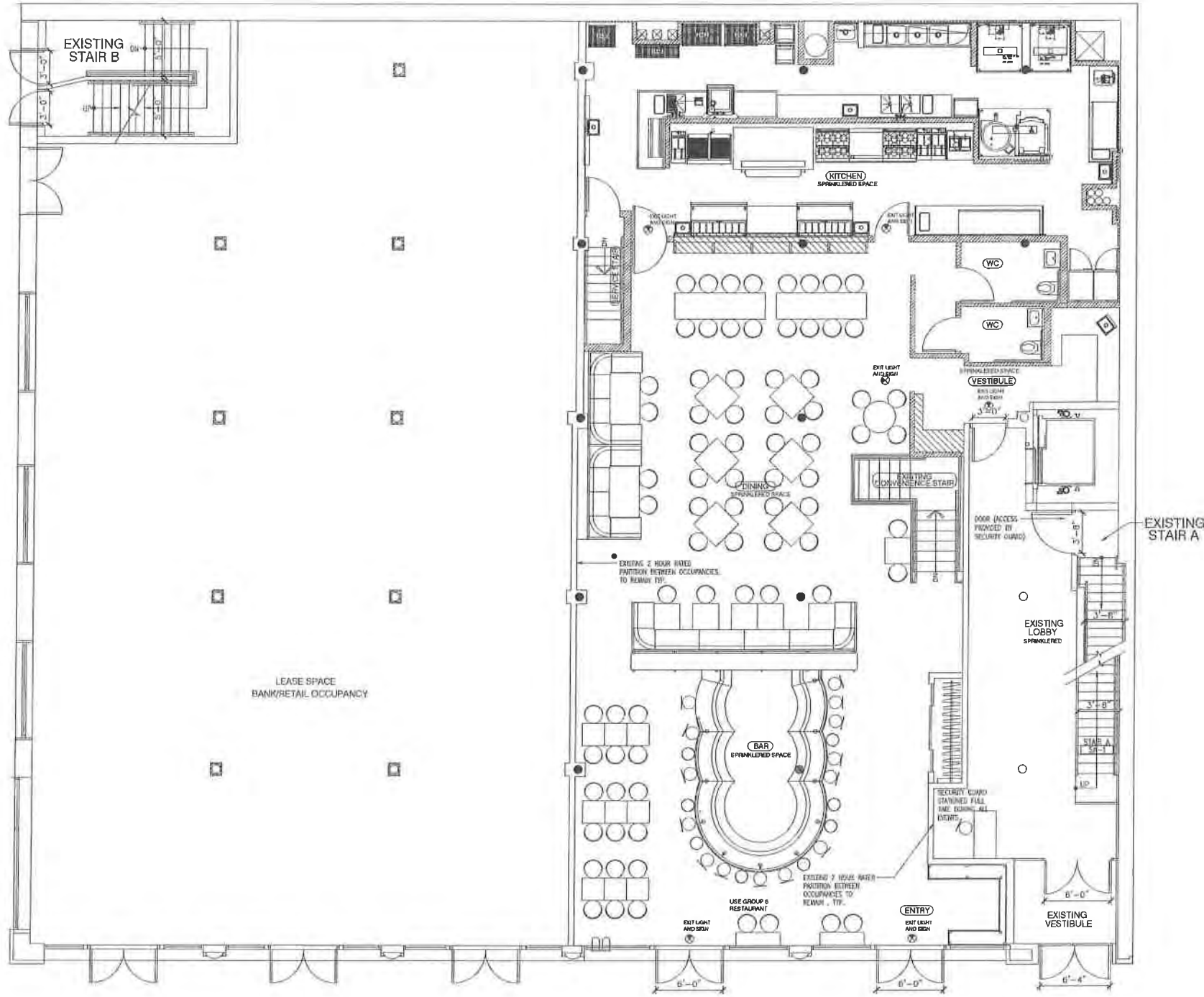
310 LENOX AVENUE  
 NEW YORK, NY  
 BLOCK: 1723 LOT: 69

EXISTING CELLAR  
 PLAN



PROJECT No 100107  
 DRAWING BY BK  
 DESIGNED BY SB  
 CHECKED BY JM  
 DRAWING No  
**A- 100.00**  
 AS NOTED 5 of 11





EXISTING GROUND FLOOR PLAN

3/16" = 1'-0"

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01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING
NO.	DATE	COMMENT

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

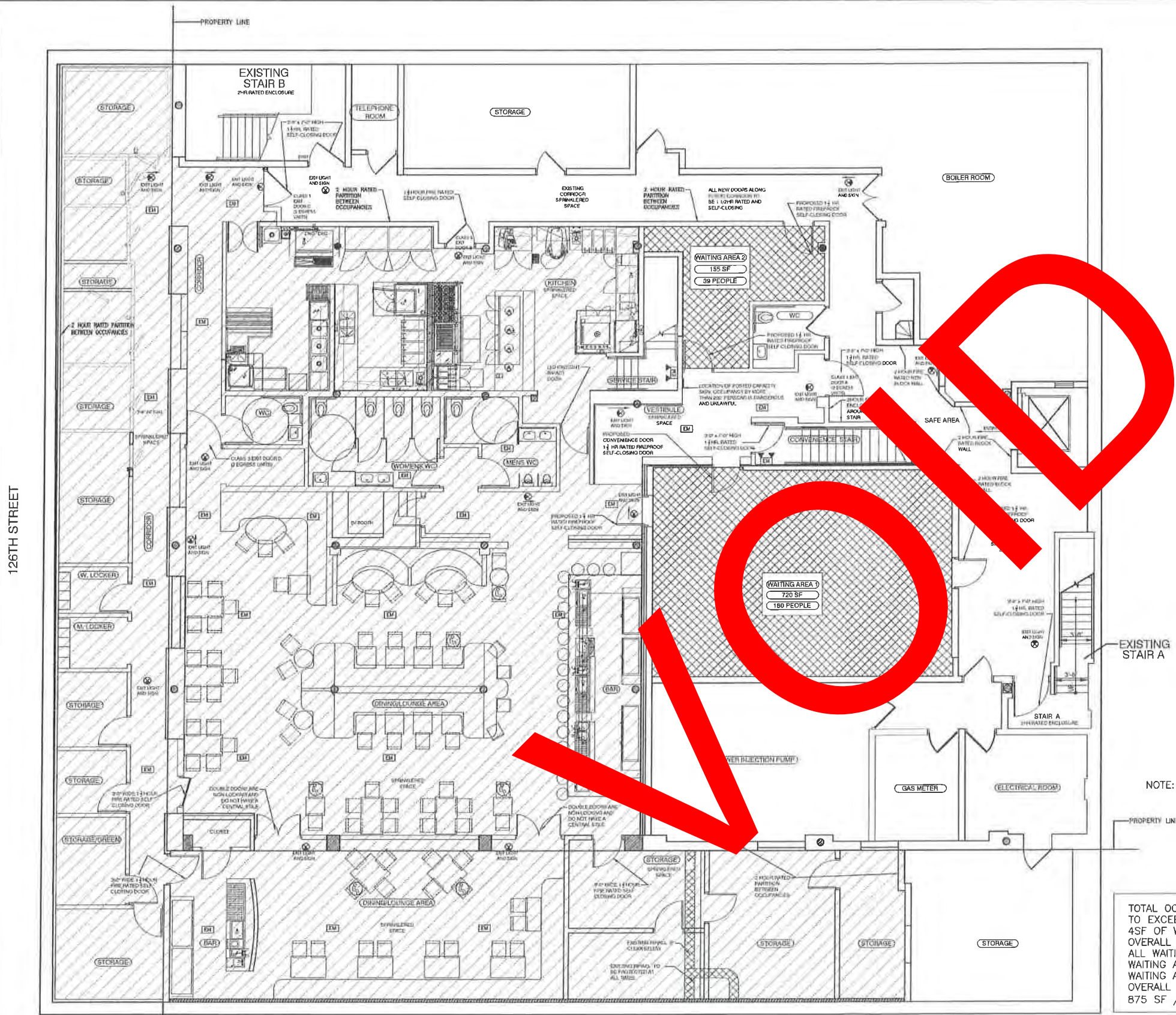
310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

EXISTING GROUND  
(1ST) FLOOR PLAN

PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No:

A- 103.00  
AS NOTED 7 of 11





- CELLAR AREA SUBJECT TO UG 12 BSA APPROVAL
- WAITING AREA
- FOR INFORMATIONAL PURPOSES ONLY

01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING
NO	DATE	COMMENT

ISSUE DATES



RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

PROPOSED CELLAR FLOOR PLAN

NOTE: ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DOB

TOTAL OCCUPANCY AT CELLAR RESTAURANT NOT TO EXCEED 200 OCCUPANTS  
 4SF OF WAITING AREA REQUIRED PER OCCUPANT.  
 OVERALL WAITING AREA REQUIRED: 800 S.F.  
 ALL WAITING AREA AT CELLAR LEVEL  
 WAITING AREA 1: 720 SF  
 WAITING AREA 2: 155 SF  
 OVERALL WAITING AREA PROVIDED: 875 S.F. 10% GREATER THAN REQUIRED  
 875 SF / 200 PEOPLE = 4.38 SF/PERSON

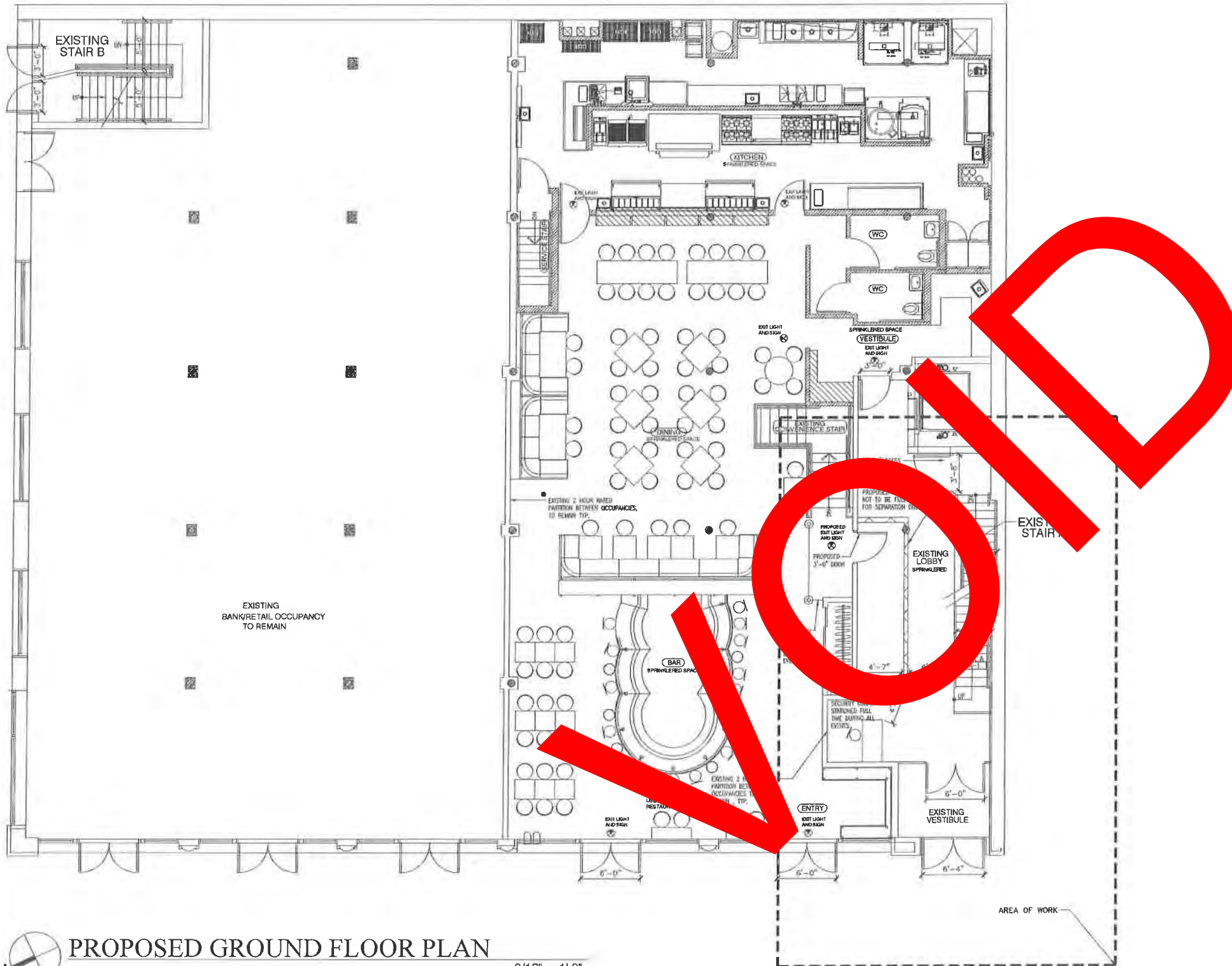
PROPOSED CELLAR PLAN

3/16" = 1'-0"

PROJECT No 100107  
DRAWING BY BK  
DESIGNED BY SB  
CHECKED BY JM  
DRAWING No

A- 101.00  
AS NOTED 6 of 11





NO.	DATE	COMMENT
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

PROPOSED GROUND  
(1ST) FLOOR PLAN

PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No:  
A- 104.00  
AS NOTED 8 of 11



PROPOSED GROUND FLOOR PLAN

3/16" = 1'-0"



JEREMIAH H. CANDREVA  
 212.704.6292 telephone  
 212.704.5991 facsimile  
 jed.candreva@troutmansanders.com

# TROUTMAN SANDERS

TROUTMAN SANDERS LLP  
 Attorneys at Law  
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 New York, New York 10022  
 212.704.6000 telephone  
 troutmansanders.com

May 9, 2017

NYC Board of Standards and Appeals  
 250 Broadway, 29th Floor  
 New York, NY 10007

**Re:** List of Affected Property Owners  
 Red Rooster Harlem (Block 1723, Lot 69)  
 310 Lenox Avenue, Manhattan

Ladies and Gentlemen:

In connection with the above referenced application, below please find a list of affected property owners within a two hundred (200) foot radius of 310 Lenox Avenue, New York, New York, as required by Item 16 of the "Check List for BZ Applications". Upon information and belief, this list is accurate as of the date hereof. The source of the information provided below is the New York City Department of Finance.

<b>Block, Lot</b>	<b>Owner's Name</b>	<b>Owner's Address</b>
1723, 0001	FATA Realty, LLC	290 Malcolm X Boulevard, Floor 2, New York, NY 10027
1723, 0004	SJC 308 Lenox Avenue Family Limited Partnership	SJC 308 Lenox Avenue FLP PO Box 620, New York, NY 10027
1723, 0005	Carver Federal Savings Bank	75 W. 125 <sup>th</sup> Street, New York, NY 10027
1723, 0007	Living God Pillar ETAL	67 West 125 <sup>th</sup> Street, New York, NY 10027
1723, 0006	Two Five Ninety Five LLC	63 West 125 <sup>th</sup> Street, New York, NY 10027

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1723, 0010	BVK 55 WEST 125 <sup>th</sup> STREET LLC	55 West 125 <sup>th</sup> Street, New York, NY 10027
1723, 0063	NY Affordable Housing Herkimer Association	c/o 68 West 126 Holding, LLC 35 Journal Square, Suite 1103 Jersey City, NJ 07306
1723, 0064	Evangelical Lutheran Church of the Transfiguration	70 W. 126 <sup>th</sup> St., New York, NY 10027
1723, 0164	Evangelical Lutheran Church of the Transfiguration	74 W. 126 <sup>th</sup> St., New York, NY 10027
1723, 0065	Evangelical Lutheran Church of the Transfiguration	74 W. 126 <sup>th</sup> St., New York, NY 10027
1723, 0066	Evangelical Lutheran Church of the Transfiguration	74 W. 126 <sup>th</sup> St., New York, NY 10027
1723, 0067	The House of Prayer of God in Christ	80 W. 126 <sup>th</sup> St., New York, NY 10027
1723, 0069	RM 310 Lenox LLC 50% TIC 310 Lenox Avenue LLC 50% TIC	310 Lenox Avenue, New York NY 10027
1724, 0001	ATOC Incorporated c/o Sovereign Bank NY	195 Montague Street, Brooklyn, NY 11201
1724, 0002	ATOC Incorporated	328 Lenox Avenue, New York, NY 10027
1724, 0006	75 W. 126 <sup>th</sup> Street Corp. c/o Advest Bank	280 Trumbull Street, Hartford, Ct. 06103
1724, 0007	Great Hills Equities, Inc.	144 East 44 <sup>th</sup> Street, New York, NY 10017
1724, 0008	Tara Johnson	69 West 126 <sup>th</sup> Street, New York, NY 10027
1724, 0103	328 Lenox Avenue Realty Corp., Inc.	328 Lenox Avenue, New York, NY 10027
1724, 0105	West 126 <sup>th</sup> Street Operating LLC	77 West 126 <sup>th</sup> Street, New York, NY 10027

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1911, 0029	DELSHAH 321 LENOX LLC	321 Lenox Avenue, New York, NY 10027
1910, 1001 (f/k/a 7501)	Harlem Center LLC	105 West 125 <sup>th</sup> Street, NY, NY 10027
1910, 1002 (f/k/a 7501)	Harlem Center Office LLC	105 West 125 <sup>th</sup> Street, NY, NY 10027

Please feel free to contact me if you have any questions in connection with this matter.

Very truly yours,

TROUTMAN SANDERS LLP

By:   
Jeremiah H. Candreva, Partner

TROUTMAN SANDERS

NYC Board of Standards and Appeals  
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STATE OF NEW YORK )  
: ss.:  
COUNTY OF NEW YORK )

On the 9<sup>th</sup> day of May 2017, before me, the undersigned, personally appeared Jeremiah H. Candreva, 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 executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of whom the individual(s) acted, executed the instrument.

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

MAXWELL KINDER  
Notary Public, State of New York  
No. 01K16354557  
Qualified in New York County  
Commission Expires Feb. 13, 2021


NO.	DATE	COMMENT
01	05-09-2017	FOR BSA FILING

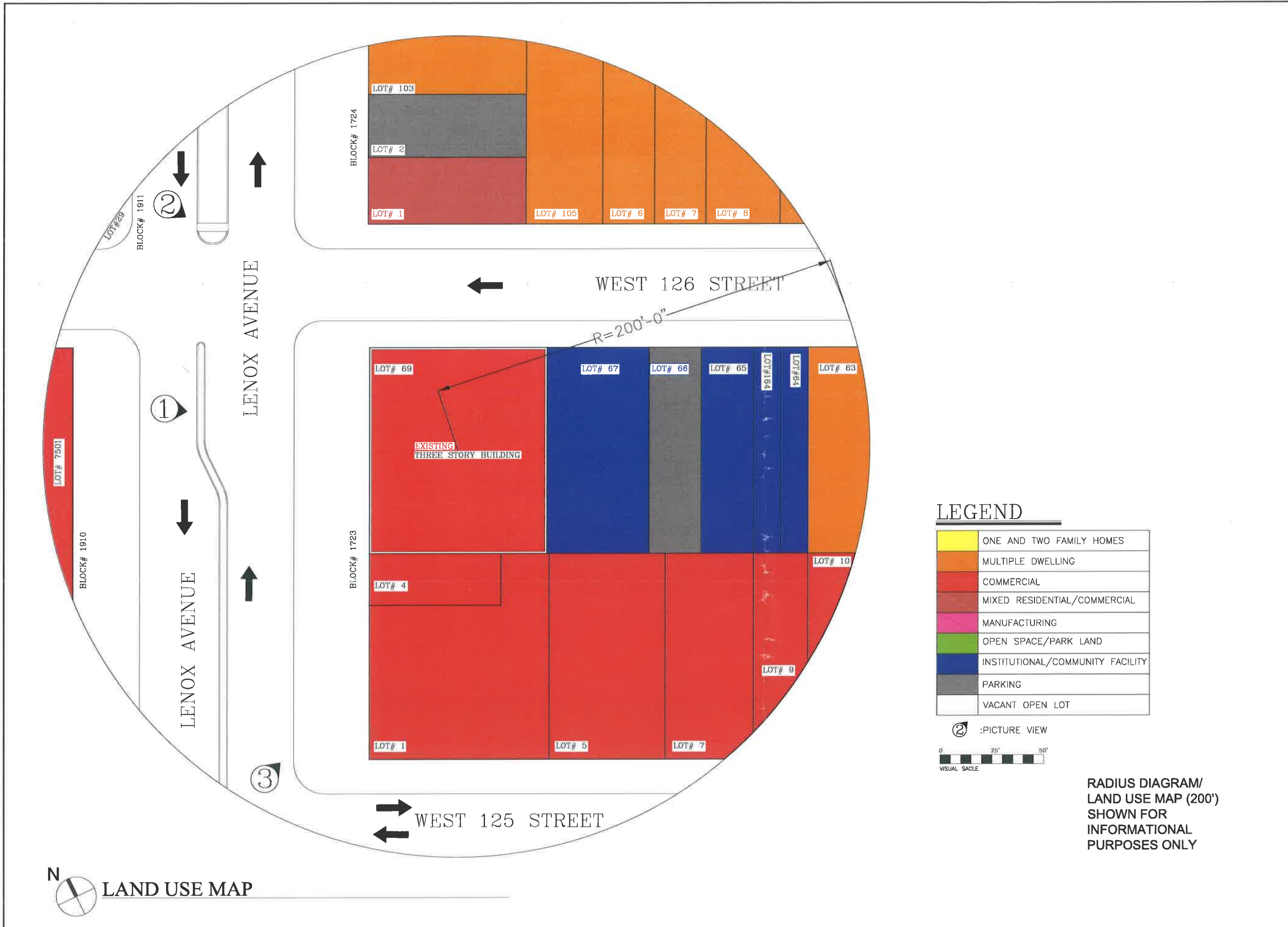
**ISSUE DATES**

**RED ROOSTER HARLEM RESTAURANT BSA SPECIAL PERMIT**

**310 LENOX AVENUE  
 NEW YORK, NY  
 BLOCK: 1723 LOT: 69**

**LAND USE MAP**

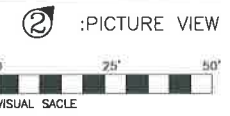
PROJECT No: 100107  
 DRAWING BY: BK  
 DESIGNED BY: SB  
 CHECKED BY: JM  
 DRAWING No: **A- 003.00**  
 AS NOTED 3 of 10



**N**  
 **LAND USE MAP**

**LEGEND**

<span style="background-color: yellow;"> </span>	ONE AND TWO FAMILY HOMES
<span style="background-color: orange;"> </span>	MULTIPLE DWELLING
<span style="background-color: red;"> </span>	COMMERCIAL
<span style="background-color: brown;"> </span>	MIXED RESIDENTIAL/COMMERCIAL
<span style="background-color: pink;"> </span>	MANUFACTURING
<span style="background-color: lightgreen;"> </span>	OPEN SPACE/PARK LAND
<span style="background-color: blue;"> </span>	INSTITUTIONAL/COMMUNITY FACILITY
<span style="background-color: gray;"> </span>	PARKING
<span style="background-color: white; border: 1px solid black;"> </span>	VACANT OPEN LOT



**RADIUS DIAGRAM/  
 LAND USE MAP (200')  
 SHOWN FOR  
 INFORMATIONAL  
 PURPOSES ONLY**

NO.	DATE	COMMENT
01	05-09-2017	FOR BSA FILING

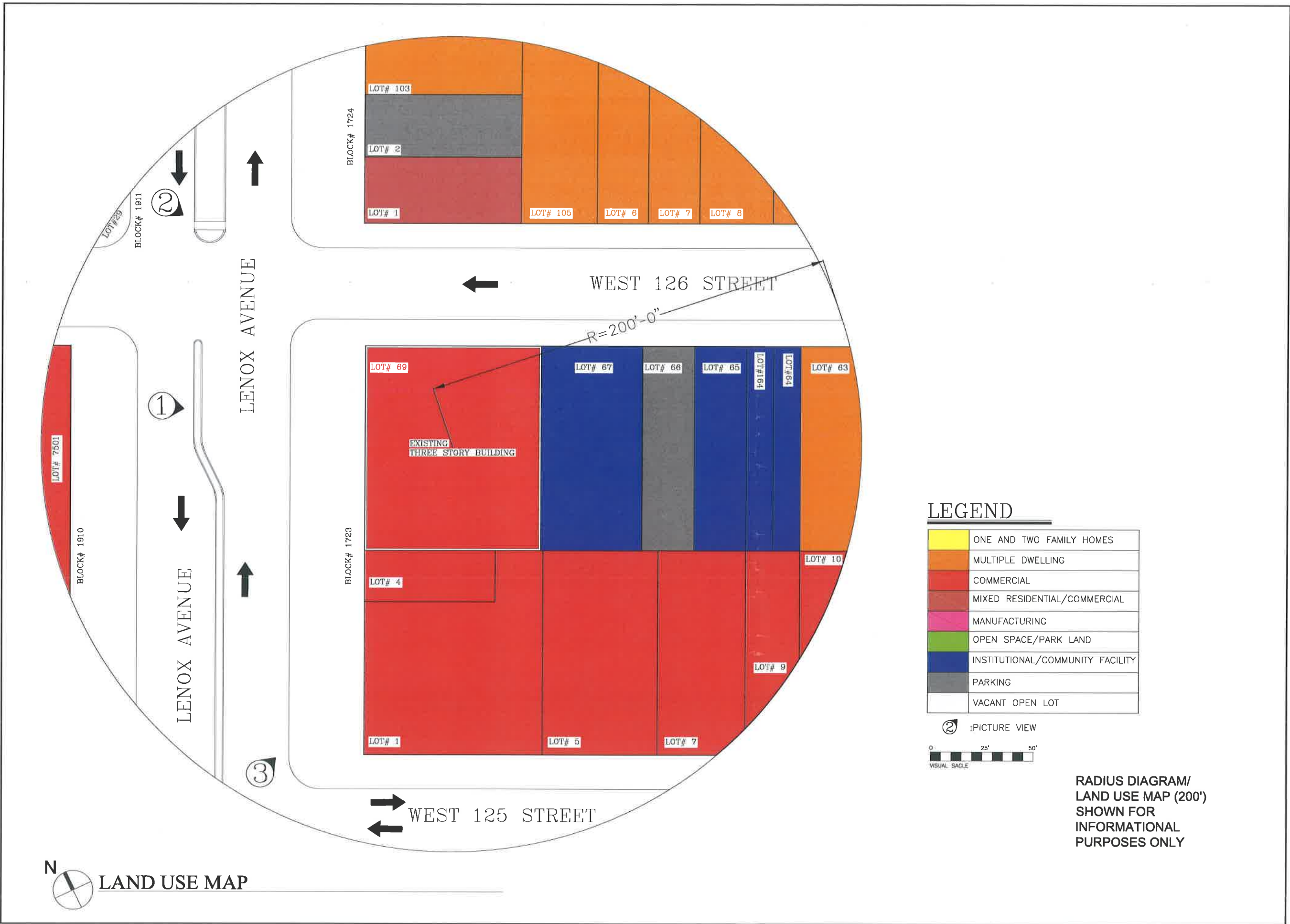
ISSUE DATES

**RED ROOSTER HARLEM RESTAURANT BSA SPECIAL PERMIT**

**310 LENOX AVENUE NEW YORK, NY BLOCK: 1723 LOT: 69**

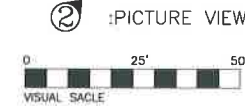
LAND USE MAP

PROJECT No: 100107  
 DRAWING BY: BK  
 DESIGNED BY: SB  
 CHECKED BY: JM  
 DRAWING No: **A- 003.00**  
 AS NOTED 3 of 10



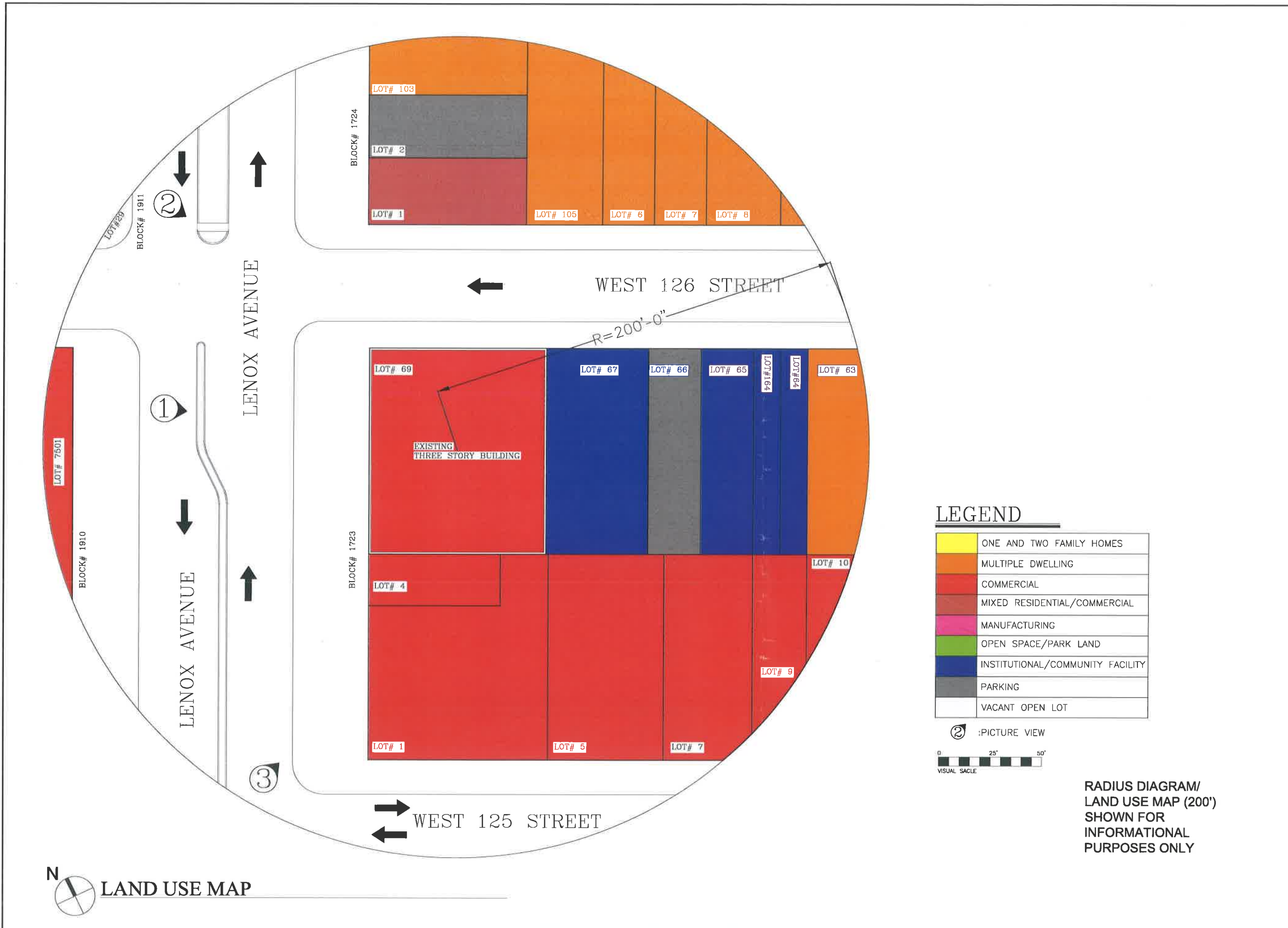
**LEGEND**

	ONE AND TWO FAMILY HOMES
	MULTIPLE DWELLING
	COMMERCIAL
	MIXED RESIDENTIAL/COMMERCIAL
	MANUFACTURING
	OPEN SPACE/PARK LAND
	INSTITUTIONAL/COMMUNITY FACILITY
	PARKING
	VACANT OPEN LOT



**RADIUS DIAGRAM/  
 LAND USE MAP (200')  
 SHOWN FOR  
 INFORMATIONAL  
 PURPOSES ONLY**

**N**  
**LAND USE MAP**



NO.	DATE	COMMENT
01	05-09-2017	FOR BSA FILING

**ISSUE DATES**

**RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT**

**310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69**

**LAND USE MAP**

PROJECT No: 100107  
 DRAWING BY: BK  
 DESIGNED BY: SB  
 CHECKED BY: JM  
 DRAWING No:  
**A- 003.00**  
 AS NOTED 3 of 10




NO.	DATE	COMMENT
01	05-09-2017	FOR BSA FILING

**ISSUE DATES**

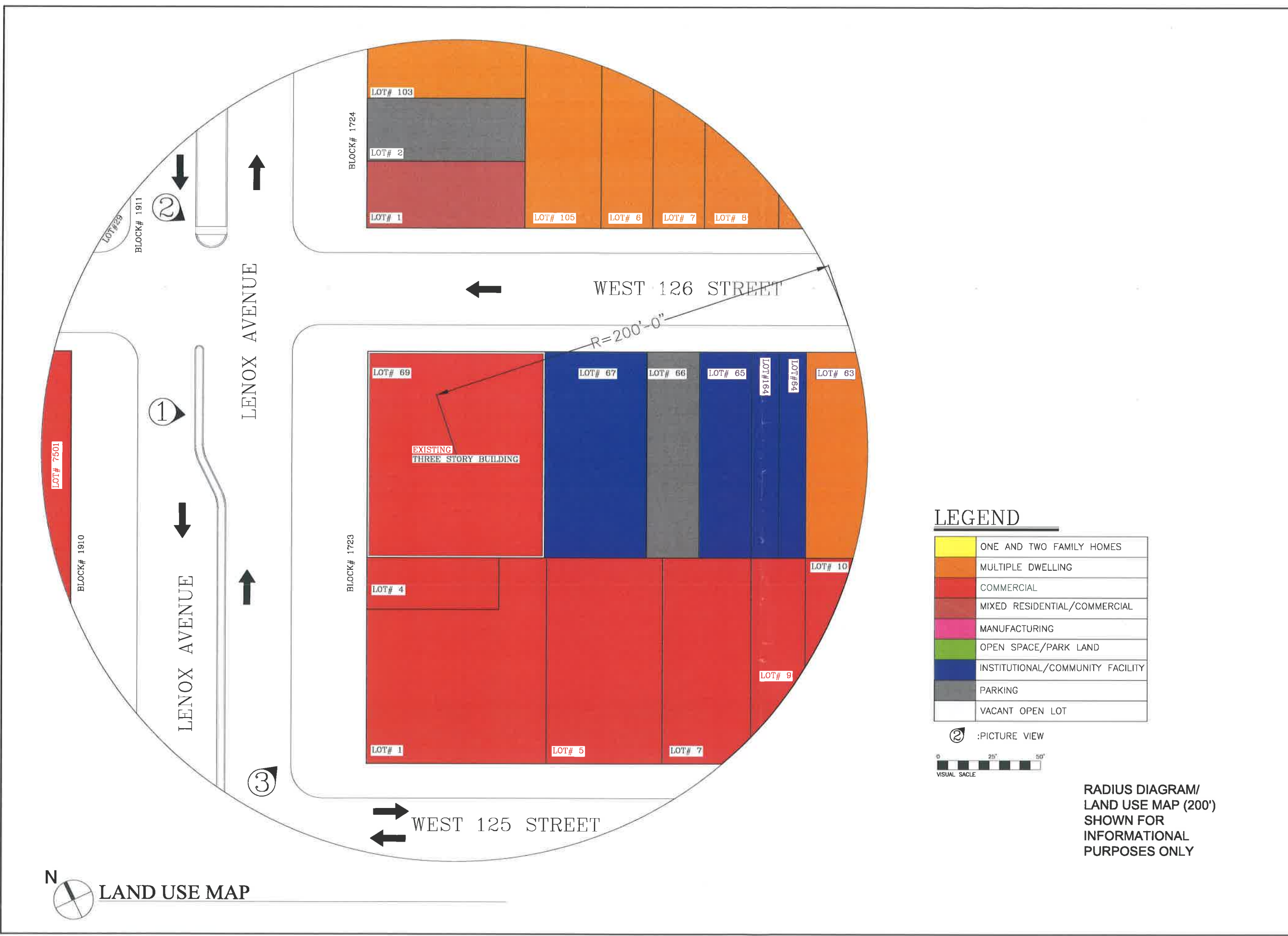
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**RED ROOSTER HARLEM RESTAURANT BSA SPECIAL PERMIT**

**310 LENOX AVENUE  
 NEW YORK, NY  
 BLOCK: 1723 LOT: 69**

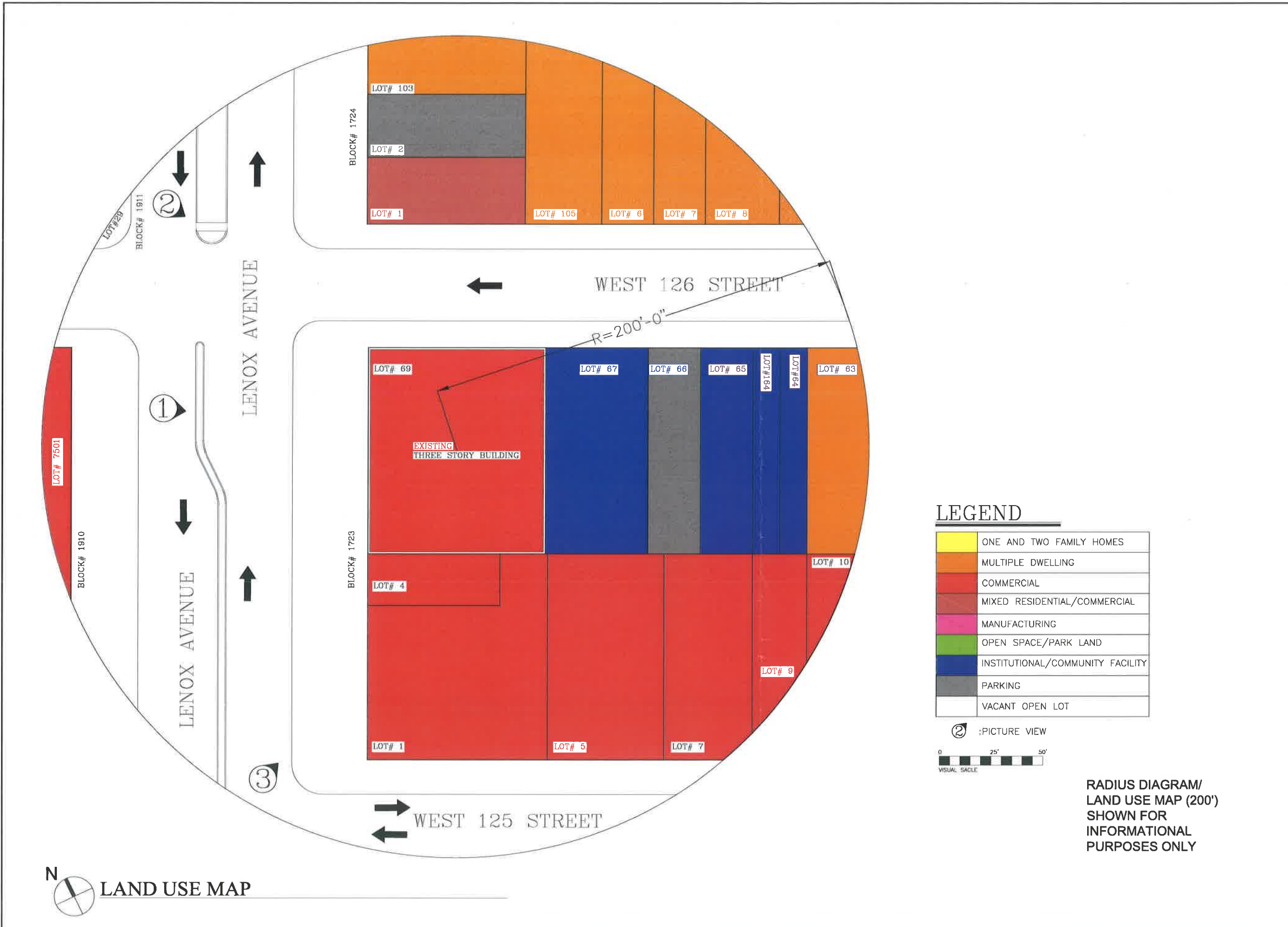
**LAND USE MAP**

PROJECT No: 100107  
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 CHECKED BY: JM  
 DRAWING No: **A- 003.00**  
 AS NOTED 3 of 10



**LAND USE MAP**

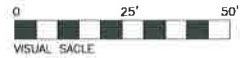
**edg** DESIGN+ RESTORE  
 www.edgny.com  
 152 Madison Ave, 16th Fl,  
 New York, NY 10016  
 T. 212.683.5680



**LEGEND**

Yellow	ONE AND TWO FAMILY HOMES
Orange	MULTIPLE DWELLING
Red	COMMERCIAL
Brown	MIXED RESIDENTIAL/COMMERCIAL
Pink	MANUFACTURING
Green	OPEN SPACE/PARK LAND
Blue	INSTITUTIONAL/COMMUNITY FACILITY
Grey	PARKING
White	VACANT OPEN LOT

Ⓜ : PICTURE VIEW



**RADIUS DIAGRAM/  
 LAND USE MAP (200')  
 SHOWN FOR  
 INFORMATIONAL  
 PURPOSES ONLY**

NO	DATE	COMMENT
01	05-09-2017	FOR BSA FILING

**ISSUE DATES**

**RED ROOSTER  
 HARLEM  
 RESTAURANT  
 BSA SPECIAL PERMIT**

**310 LENOX AVENUE  
 NEW YORK, NY  
 BLOCK: 1723 LOT: 69**

**LAND USE MAP**

PROJECT No: 100107  
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 DESIGNED BY: SB  
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**A- 003.00**  
 AS NOTED 3 of 10



**TENTATIVE ASSESSMENT ROLL 2017-2018 | City of New York**

Taxable Status Date: January 5, 2017

**EXPLANATION OF ASSESSMENT ROLL**

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**Parcel Information**

[◀ Previous BBL](#)

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**Owner Name:**

FATA REALTY

**Property Address and Zip Code:**

300 LENOX AVENUE 10027

**Real Estate Billing Name and Address:**

FATA REALTY, LLC

290 MALCOLM X BLVD FL 2

NEW YORK NY 10027

**Borough:** MANHATTAN

**Block:** 1723

**Lot:** 1

**Tax Class:** 4

**Building Class:** 05 [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
74.92FT X 85.00FT	IRREG	NE

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	75.00FT X 84.00FT		3

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		7,196,000
ACTUAL AV	495,000	3,238,200
ACTUAL EX AV	0	0
TRANS AV	495,000	3,502,350
TRANS EX AV	0	0

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	3,238,200

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%      Class 2 - 45%      Class 3 - 45%      Class 4 - 45%

## TENTATIVE ASSESSMENT ROLL 2017-2018 | City of New York

Taxable Status Date: January 5, 2017

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### Parcel Information

[◀ Previous BBL](#)

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#### Owner Name:

SJC 308 LENOX AVENUE FLP

#### Property Address and Zip Code:

308 LENOX AVENUE 10027

#### Real Estate Billing Name and Address:

SJC 308 LENOX AVENUE FLP

PO BOX 620

NEW YORK NY 10027

**Borough:** MANHATTAN

**Block:** 1723

**Lot:** 4

**Tax Class:** 4

**Building Class:** O5 [Codes](#)

### Land Information

Lot Size	Irregular	Corner
25.00FT X 60.00FT		

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	25.00FT X 60.00FT		4

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		1,516,000
ACTUAL AV	59,850	682,200
ACTUAL EX AV	0	0
TRANS AV	59,850	634,770
TRANS EX AV	0	0

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	634,770

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%	Class 2 - 45%	Class 3 - 45%	Class 4 - 45%
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### TENTATIVE ASSESSMENT ROLL 2017-2018 | City of New York

Taxable Status Date: January 5, 2017

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**Parcel Information**

[◀ Previous BBL](#)

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**Owner Name:**

CARVER FEDERAL SAVINGS BANK

**Property Address and Zip Code:**

75 WEST 125 STREET 10027

**Real Estate Billing Name and Address:**

CARVER FEDERAL SAVINGS BANK

75 W 125TH ST

NEW YORK NY 10027

**Borough:** MANHATTAN

**Block:** 1723

**Lot:** 5

**Tax Class:** 4

**Building Class:** O2 [Codes](#)

**Land Information**

<b>Lot Size</b>	<b>Irregular</b>	<b>Corner</b>
58.83FT X 99.92FT		

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	58.00FT X 100.00FT		4

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		5,001,000
ACTUAL AV	287,100	2,250,450
ACTUAL EX AV	0	0
TRANS AV	287,100	2,125,926
TRANS EX AV	0	0

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	2,125,926

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%      Class 2 - 45%      Class 3 - 45%      Class 4 - 45%



**TENTATIVE ASSESSMENT ROLL 2017-2018 | City of New York**

Taxable Status Date: January 5, 2017

**EXPLANATION OF ASSESSMENT ROLL**

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- [View 2006 FINAL ASSESSMENT ROLL](#)

**Parcel Information**

[◀ Previous BBL](#)

[Next BBL ▶](#)

**Owner Name:**

LIVING GOD PILLAR ETAL

**Property Address and Zip Code:**

67 WEST 125 STREET 10027

**Real Estate Billing Name and Address:**

LIVING GOD PILLAR ETAL

67 W 125TH ST

NEW YORK NY 10027

**Borough:** MANHATTAN

**Block:** 1723

**Lot:** 7

**Tax Class:** 4

**Building Class:** 09 [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
41.17FT X 99.92FT		

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	41.00FT X 88.00FT		6

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		193,500
ACTUAL AV	56,700	87,075
ACTUAL EX AV	0	0
TRANS AV	56,700	87,049
TRANS EX AV	0	0

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	87,049

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%      Class 2 - 45%      Class 3 - 45%      Class 4 - 45%

### TENTATIVE ASSESSMENT ROLL 2017-2018 | City of New York

Taxable Status Date: January 5, 2017

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- [View 2006 FINAL ASSESSMENT ROLL](#)

**Parcel Information**

[◀ Previous BBL](#)

[Next BBL ▶](#)

**Owner Name:**

TWO FIVE NINETY FIVE, LLC

**Property Address and Zip Code:**

63 WEST 125 STREET 10027

**Real Estate Billing Name and Address:**

SIGNATURE BANK (NY)

29 W 38TH ST FL 7

NEW YORK NY 10018

**Borough:** MANHATTAN

**Block:** 1723

**Lot:** 9

**Tax Class:** 4

**Building Class:** O5 [Codes](#)

**Land Information**

<b>Lot Size</b>	<b>Irregular</b>	<b>Corner</b>
25.00FT X 99.92FT		

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	25.00FT X 99.00FT	E	6

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		2,608,000
ACTUAL AV	67,500	1,173,600
ACTUAL EX AV	0	0
TRANS AV	67,500	1,173,355
TRANS EX AV	0	0

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	1,173,355

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%      Class 2 - 45%      Class 3 - 45%      Class 4 - 45%

**TENTATIVE ASSESSMENT ROLL 2017-2018 | City of New York**

Taxable Status Date: January 5, 2017

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**Parcel Information**

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**Owner Name:**

BVK 55 WEST 125TH STREET, LLC

**Property Address and Zip Code:**

55 WEST 125 STREET 10027

**Real Estate Billing Name and Address:**

BVK 55 WEST 125TH STREET, LLC

RYAN LLC TAX COMPLIANCE

PO BOX 4900 DEPT 207

SCOTTSDALE AZ 85261

**Borough:** MANHATTAN

**Block:** 1723

**Lot:** 10

**Tax Class:** 4

**Building Class:** O6 [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
175.00FT X 199.83FT	IRREG	

<b>Building Information</b>			
Number of Buildings	Building Size	Extension	Stories
1	175.00FT X 98.00FT	E	15

<b>Assessment Information</b>		
Description	Land	Total
ESTIMATED MARKET VALUE		44,994,000
ACTUAL AV	693,000	20,247,300
ACTUAL EX AV	0	12,932,460
TRANS AV	693,000	19,581,390
TRANS EX AV	0	12,932,460

<b>Taxable/Billable Assessed Value</b>	
	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	6,648,930

<b>Exemption Information</b>			
#	Code	Description	Exempt Value
1	1986-01 (47660)	ICIP IND/SPECIAL EX	12,932,460

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%	Class 2 - 45%	Class 3 - 45%	Class 4 - 45%
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Taxable Status Date: January 5, 2017

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### Parcel Information

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#### Owner Name:

NY AFFORDABLE HOUSING HERKIMER ASSOC

#### Property Address and Zip Code:

68 WEST 126 STREET 10027

#### Real Estate Billing Name and Address:

NY AFFORDABLE HOUSING HERKIMER ASS

68 WEST 126 HOLDING, LLC

35 JOURNAL SQ STE 1103

JERSEY CITY NJ 07306

**Borough:** MANHATTAN

**Block:** 1723

**Lot:** 63

**Tax Class:** 2A

**Building Class:** C2 [Codes](#)

### Land Information

Lot Size	Irregular	Corner
18.75FT X 99.92FT		

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	19.00FT X 50.00FT		5

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		525,000
8-30% LIMITATION	41,117	91,858
ACTUAL EX AV	0	0

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	91,858

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%	Class 2 - 45%	Class 3 - 45%	Class 4 - 45%
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**Owner Name:**

EV LUTHERAN CHURCH OF

**Property Address and Zip Code:**

70 WEST 126 STREET 10027

**Real Estate Billing Name and Address:**

EV LUTHERAN CHURCH OF

TRANSFIGURATION

70 W 126TH ST

NEW YORK NY 10027

**Borough:** MANHATTAN

**Block:** 1723

**Lot:** 64

**Tax Class:** 4

**Building Class:** M1 [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
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12.50FT X 99.92FT

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	13.00FT X 54.00FT		3

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		82,000
ACTUAL AV	13,950	36,900
ACTUAL EX AV	13,950	36,900
TRANS AV	14,130	33,030
TRANS EX AV	14,130	33,030

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	0

**Exemption Information**

#	Code	Description	Exempt Value
1	1021-01 (25110)	HOUSE OF WORSHIP	36,900

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%	Class 2 - 45%	Class 3 - 45%	Class 4 - 45%
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**Owner Name:**

EVANGELICAL LUTHERAN CHU

**Property Address and Zip Code:**

72 WEST 126 STREET 10027

**Real Estate Billing Name and Address:**

EVANGELICAL LUTHERAN CHU

OF TRANSFIGURATION

70 W 126TH ST

NEW YORK NY 10027

**Borough:** MANHATTAN

**Block:** 1723

**Lot:** 164

**Tax Class:** 4

**Building Class:** M3 [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
12.50FT X 99.92FT		

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	13.00FT X 54.00FT		3

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		72,000
ACTUAL AV	10,800	32,400
ACTUAL EX AV	10,800	32,400
TRANS AV	10,890	28,800
TRANS EX AV	10,890	28,800

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	0

**Exemption Information**

#	Code	Description	Exempt Value
1	1021-01 (25110)	HOUSE OF WORSHIP	32,400

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%	Class 2 - 45%	Class 3 - 45%	Class 4 - 45%
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### Parcel Information

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#### Owner Name:

EVANGELICAL LUTHERN CHURCH OF THE TR

#### Property Address and Zip Code:

74 WEST 126 STREET 10027

#### Real Estate Billing Name and Address:

EVANGELICAL LUTHERN CHURCH OF THE

74 WEST 126 STREET

NEW YORK NY 10027

**Borough:** MANHATTAN

**Block:** 1723

**Lot:** 65

**Tax Class:** 4

**Building Class:** M1 [Codes](#)

### Land Information

Lot Size	Irregular	Corner
25.00FT X 99.92FT		

Building Information			
Number of Buildings	Building Size	Extension	Stories
1	25.00FT X 100.00FT	E	4

Assessment Information		
Description	Land	Total
ESTIMATED MARKET VALUE		247,000
ACTUAL AV	31,950	111,150
ACTUAL EX AV	31,950	111,150
TRANS AV	32,400	99,450
TRANS EX AV	32,400	99,450

Taxable/Billable Assessed Value	
	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	0

Exemption Information			
#	Code	Description	Exempt Value
1	1021-01 (25110)	HOUSE OF WORSHIP	111,150

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%	Class 2 - 45%	Class 3 - 45%	Class 4 - 45%
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**Owner Name:**

EVANGELICAL LUTHERAN CHU

**Property Address and Zip Code:**

78 WEST 126 STREET 10027

**Real Estate Billing Name and Address:**

EVANGELICAL LUTHERAN CHU

74 W 126TH ST

NEW YORK NY 10027

**Borough:** MANHATTAN

**Block:** 1723

**Lot:** 66

**Tax Class:** 4

**Building Class:** G7 [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
25.00FT X 99.92FT		

**Building Information**

Number of Buildings	Building Size	Extension	Stories
	0.00FT X 0.00FT		

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		177,000
ACTUAL AV	79,650	79,650
ACTUAL EX AV	79,650	79,650
TRANS AV	69,271	69,271
TRANS EX AV	69,271	69,271

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	0

**Exemption Information**

#	Code	Description	Exempt Value
1	1021-01 (25110)	HOUSE OF WORSHIP	79,650

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%	Class 2 - 45%	Class 3 - 45%	Class 4 - 45%
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**Owner Name:**

THE HOUSE OF PRAYER OF GOD IN CHRIST

**Property Address and Zip Code:**

80 WEST 126 STREET 10027

**Real Estate Billing Name and Address:**

THE HOUSE OF PRAYER OF GOD IN CHRI

80 WEST 126 STREET

NEW YORK NY 10027

**Borough:** MANHATTAN

**Block:** 1723

**Lot:** 67

**Tax Class:** 4

**Building Class:** M1 [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
50.00FT X 99.92FT		

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	50.00FT X 100.00FT		3

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		249,000
ACTUAL AV	55,800	112,050
ACTUAL EX AV	55,800	105,579
TRANS AV	56,340	100,260
TRANS EX AV	56,340	95,207

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	5,053

**Exemption Information**

#	Code	Description	Exempt Value
1	1021-01 (25110)	HOUSE OF WORSHIP	95,207

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%	Class 2 - 45%	Class 3 - 45%	Class 4 - 45%
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**Owner Name:**

RM 310 LENOX LLC

**Property Address and Zip Code:**

310 LENOX AVENUE 10027

**Real Estate Billing Name and Address:**

M & T BANK (NYC)

350 PARK AVE FL 5

NEW YORK NY 10022

**Borough:** MANHATTAN

**Block:** 1723

**Lot:** 69

**Tax Class:** 4

**Building Class:** 05 [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
99.92FT X 85.00FT		SE

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	85.00FT X 100.00FT		3

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		8,146,000
ACTUAL AV	296,550	3,665,700
ACTUAL EX AV	0	0
TRANS AV	296,550	3,390,025
TRANS EX AV	0	0

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	3,390,025

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%	Class 2 - 45%	Class 3 - 45%	Class 4 - 45%
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#### Owner Name:

ATOC INC

#### Property Address and Zip Code:

318 LENOX AVENUE 10027

#### Real Estate Billing Name and Address:

SOVEREIGN BANK NY

195 MONTAGUE ST FL GRD

BROOKLYN NY 11201

**Borough:** MANHATTAN

**Block:** 1724

**Lot:** 1

**Tax Class:** 2

**Building Class:** C7 [Codes](#)

### Land Information

Lot Size	Irregular	Corner
33.83FT X 75.00FT		NE

<b>Building Information</b>			
Number of Buildings	Building Size	Extension	Stories
1	34.00FT X 75.00FT		5

<b>Assessment Information</b>		
Description	Land	Total
ESTIMATED MARKET VALUE		978,000
ACTUAL AV	13,050	440,100
ACTUAL EX AV	0	0
TRANS AV	13,050	444,240
TRANS EX AV	0	0

<b>Taxable/Billable Assessed Value</b>	
	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	440,100

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%	Class 2 - 45%	Class 3 - 45%	Class 4 - 45%
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### TENTATIVE ASSESSMENT ROLL 2017-2018 | City of New York

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**Owner Name:**

ATOC INCORPORATED

**Property Address and Zip Code:**

322 LENOX AVENUE 10027

**Real Estate Billing Name and Address:**

ATOC INCORP

328 LENOX AVE

NEW YORK NY 10027

**Borough:** MANHATTAN

**Block:** 1724

**Lot:** 2

**Tax Class:** 4

**Building Class:** V1 [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
33.00FT X 75.00FT		

**Building Information**

Number of Buildings	Building Size	Extension	Stories
	0.00FT X 0.00FT		

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		197,000
ACTUAL AV	88,650	88,650
ACTUAL EX AV	0	0
TRANS AV	68,124	68,124
TRANS EX AV	0	0

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	68,124

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%      Class 2 - 45%      Class 3 - 45%      Class 4 - 45%



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**Owner Name:**

75 W. 126TH STREET CORP.

**Property Address and Zip Code:**

75 WEST 126 STREET 10027

**Real Estate Billing Name and Address:**

ADVEST BANK

280 TRUMBULL ST

HARTFORD CT 06103

**Borough:** MANHATTAN

**Block:** 1724

**Lot:** 6

**Tax Class:** 2A

**Building Class:** C3 [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
17.00FT X 99.92FT		

<b>Building Information</b>			
Number of Buildings	Building Size	Extension	Stories
1	17.00FT X 53.00FT		3

<b>Assessment Information</b>		
Description	Land	Total
ESTIMATED MARKET VALUE		365,000
8-30% LIMITATION	31,571	60,018
ACTUAL EX AV	0	0

<b>Taxable/Billable Assessed Value</b>	
	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	60,018

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%	Class 2 - 45%	Class 3 - 45%	Class 4 - 45%
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**Owner Name:**

GREAT HILL EQUITIES, INC.

**Property Address and Zip Code:**

73 WEST 126 STREET 10027

**Real Estate Billing Name and Address:**

GREAT HILL EQUITIES, INC.

144 E 44TH ST

NEW YORK NY 10017

**Borough:** MANHATTAN

**Block:** 1724

**Lot:** 7

**Tax Class:** 2B

**Building Class:** D9 [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
34.00FT X 99.92FT		

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	35.00FT X 55.00FT		5

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		2,126,000
ACTUAL AV	189,900	956,700
ACTUAL EX AV	0	0

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	956,700

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%      Class 2 - 45%      Class 3 - 45%      Class 4 - 45%

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**Owner Name:**

JOHNSON, TARA

**Property Address and Zip Code:**

69 WEST 126 STREET 10027

**Real Estate Billing Name and Address:**

PHH MORTGAGE CORP/ROCHESTER

95 METHODIST HILL DR STE 400

ROCHESTER NY 14623

**Borough:** MANHATTAN

**Block:** 1724

**Lot:** 8

**Tax Class:** 1

**Building Class:** C0 [Codes](#)

### Land Information

Lot Size	Irregular	Corner
17.92FT X 99.92FT		

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	18.00FT X 46.00FT		3

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		2,168,000
6-20% LIMITATION	7,762	68,686
ACTUAL EX AV	1,550	1,550

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	67,136

**Exemption Information**

#	Code	Description	Exempt Value
1	1017-01 (41856)	SCHOOL TAX RELIEF	1,550

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%      Class 2 - 45%      Class 3 - 45%      Class 4 - 45%

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**Owner Name:**

328 LENOX AVENUE REALTY CORP., INC.

**Property Address and Zip Code:**

326 LENOX AVENUE 10027

**Real Estate Billing Name and Address:**

328 LENOX AVENUE REALTY CORP., INC

328 LENOX AVE

NEW YORK NY 10027

**Borough:** MANHATTAN

**Block:** 1724

**Lot:** 103

**Tax Class:** 2B

**Building Class:** C4 [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
16.50FT X 75.00FT		

Building Information			
Number of Buildings	Building Size	Extension	Stories
1	17.00FT X 75.00FT	E	5

Assessment Information		
Description	Land	Total
ESTIMATED MARKET VALUE		706,000
8-30% LIMITATION	52,569	83,402
ACTUAL EX AV	0	0

Taxable/Billable Assessed Value	
	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	83,402

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%	Class 2 - 45%	Class 3 - 45%	Class 4 - 45%
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#### Owner Name:

W 126 ST. OPERATING LLC

#### Property Address and Zip Code:

77 WEST 126 STREET 10027

#### Real Estate Billing Name and Address:

NEW YORK COMMUNITY BANK

102 DUFFY AVE

HICKSVILLE NY 11801

**Borough:** MANHATTAN

**Block:** 1724

**Lot:** 105

**Tax Class:** 2

**Building Class:** D3 [Codes](#)

### Land Information

Lot Size	Irregular	Corner
34.00FT X 99.92FT		

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	34.00FT X 70.00FT	E	5

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		2,148,000
ACTUAL AV	322,650	966,600
ACTUAL EX AV	0	0
TRANS AV	146,454	680,690
TRANS EX AV	0	0

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	680,690

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%	Class 2 - 45%	Class 3 - 45%	Class 4 - 45%
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**Owner Name:**

DELSHAH 321 LENOX LLC

**Property Address and Zip Code:**

321 LENOX AVENUE 10027

**Real Estate Billing Name and Address:**

BERKADIA COMMERCIAL MORTGAGE

323 NORRISTOWN RD STE 300

AMBLER PA 19002

**Borough:** MANHATTAN

**Block:** 1911

**Lot:** 29

**Tax Class:** 2

**Building Class:** D7 [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
45.42FT X 103.00FT		NW

**Building Information**

Number of Buildings	Building Size	Extension	Stories
1	45.00FT X 98.00FT		6

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		6,232,000
ACTUAL AV	225,000	2,804,400
ACTUAL EX AV	0	0
TRANS AV	112,680	1,776,870
TRANS EX AV	0	0

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	1,776,870

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%      Class 2 - 45%      Class 3 - 45%      Class 4 - 45%

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**Owner Name:**

HARLEM CENTER LLC

**Property Address and Zip Code:**

105 WEST 125 STREET 10027

**Real Estate Billing Name and Address:**

HARLEM CENTER LLC

1 METROTECH CTR N

BROOKLYN NY 11201

**Borough:** MANHATTAN

**Block:** 1910

**Lot:** 1001

**Tax Class:** 4

**Building Class:** RK [Codes](#)

### Land Information

Lot Size	Irregular	Corner
150.00FT X 199.83FT		CR

**Building Information**

Number of Buildings	Building Size	Extension	Stories
2	150.00FT X 200.00FT		3

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		38,708,000
ACTUAL AV	432,944	17,418,600
ACTUAL EX AV	432,944	17,418,600
TRANS AV	409,073	16,305,840
TRANS EX AV	409,073	16,305,840

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	0

**Exemption Information**

#	Code	Description	Exempt Value
1	3410-01 (18180)	NYS URBAN DEV (ESDC)	17,418,600

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%      Class 2 - 45%      Class 3 - 45%      Class 4 - 45%

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**Owner Name:**

HARLEM CENTER OFFICE LLC

**Property Address and Zip Code:**

105 WEST 125 STREET 10027

**Real Estate Billing Name and Address:**

HARLEM CENTER OFFICE LLC

1 METROTECH CTR N

BROOKLYN NY 11201

**Borough:** MANHATTAN

**Block:** 1910

**Lot:** 1002

**Tax Class:** 4

**Building Class:** RB [Codes](#)

**Land Information**

Lot Size	Irregular	Corner
150.00FT X 199.83FT		CR

**Building Information**

Number of Buildings	Building Size	Extension	Stories
2	150.00FT X 200.00FT		10

**Assessment Information**

Description	Land	Total
ESTIMATED MARKET VALUE		32,543,000
ACTUAL AV	1,042,506	14,644,350
ACTUAL EX AV	1,042,506	14,644,350
TRANS AV	985,023	13,494,479
TRANS EX AV	985,023	13,494,479

**Taxable/Billable Assessed Value**

	Assessed Value
SUBJECT TO ADJUSTMENTS, YOUR 2017/18 TAXES WILL BE BASED ON	0

**Exemption Information**

#	Code	Description	Exempt Value
1	3410-01 (18180)	NYS URBAN DEV (ESDC)	14,644,350

Property is assessed at the following uniform percentages of full market value, unless limited to a lesser amount by law:

Class 1 - 6%      Class 2 - 45%      Class 3 - 45%      Class 4 - 45%





## City Environmental Quality Review

### ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency (see instructions)

#### Part I: GENERAL INFORMATION

**PROJECT NAME** Red Rooster Harlem

#### 1. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)  
18-BSA-016M

BSA REFERENCE NUMBER (if applicable)  
2017-240-BZ

ULURP REFERENCE NUMBER (if applicable)

OTHER REFERENCE NUMBER(S) (if applicable)  
(e.g., legislative intro, CAPA)

#### 2a. Lead Agency Information

NAME OF LEAD AGENCY

New York City Board of Standards and Appeals

NAME OF LEAD AGENCY CONTACT PERSON

Mr. Rory Levy

ADDRESS 250 Broadway, 29<sup>th</sup> Floor

#### 2b. Applicant Information

NAME OF APPLICANT

Red Rooster Harlem LLC

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

Jeremiah H. Candreva

ADDRESS 875 Third Avenue, 16<sup>th</sup> Floor

CITY New York

STATE NY

ZIP 10007

CITY New York

STATE NY

ZIP 10022

TELEPHONE 212-386-0082

EMAIL RLEVY@bsa.nyc.gov

TELEPHONE 212-704-6292

EMAIL

jed.candreva@troutmansanders.com

#### 3. Action Classification and Type

##### SEQRA Classification

UNLISTED  TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 617.4(b)(9)

**Action Type** (refer to [Chapter 2](#), "Establishing the Analysis Framework" for guidance)

LOCALIZED ACTION, SITE SPECIFIC

LOCALIZED ACTION, SMALL AREA

GENERIC ACTION

#### 4. Project Description

Red Rooster Harlem LLC seeks to legalize the use of the cellar level that was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment. The special permit is required because the live entertainment located on the cellar level includes designated show times and cover charges and because the Site is located within 100 feet of a residential district boundary. But for the proximity of the site to such residential district boundary, the proposed Use Group 12A Eating and Drinking Establishment would be an as-of-right use pursuant to the Zoning Resolution.

#### Project Location

BOROUGH Manhattan

COMMUNITY DISTRICT(S) 10

STREET ADDRESS 310 Lenox Avenue

TAX BLOCK(S) AND LOT(S) Block 1723, Lot 69

ZIP CODE 10027

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Site is located on the southeast corner of Lenox Avenue and West 126<sup>th</sup> Street.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C4-4A  
(125)

ZONING SECTIONAL MAP NUMBER 6a

#### 5. Required Actions or Approvals (check all that apply)

**City Planning Commission:**  YES  NO  UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

CITY MAP AMENDMENT

ZONING CERTIFICATION

CONCESSION

ZONING MAP AMENDMENT

ZONING AUTHORIZATION

UDAAP

ZONING TEXT AMENDMENT

ACQUISITION—REAL PROPERTY

REVOCABLE CONSENT

SITE SELECTION—PUBLIC FACILITY

DISPOSITION—REAL PROPERTY

FRANCHISE

HOUSING PLAN & PROJECT

OTHER, explain:

SPECIAL PERMIT (if appropriate, specify type:  modification;  renewal;  other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

**Board of Standards and Appeals:**  YES  NO

VARIANCE (use)

VARIANCE (bulk)

SPECIAL PERMIT (if appropriate, specify type:  modification;  renewal;  other); EXPIRATION DATE:  
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION **73-244**

**Department of Environmental Protection:**  YES  NO If "yes," specify:

**Other City Approvals Subject to CEQR** (check all that apply)

LEGISLATION  FUNDING OF CONSTRUCTION, specify:  
 RULEMAKING  POLICY OR PLAN, specify:  
 CONSTRUCTION OF PUBLIC FACILITIES  FUNDING OF PROGRAMS, specify:  
 384(b)(4) APPROVAL  PERMITS, specify:  
 OTHER, explain:

**Other City Approvals Not Subject to CEQR** (check all that apply)

PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)  LANDMARKS PRESERVATION COMMISSION APPROVAL  
 OTHER, explain: NYC Department of Buildings

**State or Federal Actions/Approvals/Funding:**  YES  NO If "yes," specify:

**6. Site Description:** *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*  
**Graphics:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

SITE LOCATION MAP  ZONING MAP  SANBORN OR OTHER LAND USE MAP  
 TAX MAP  FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)  
 PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

**Physical Setting** (both developed and undeveloped areas)

Total directly affected area (sq. ft.): **6,043 gsf area** Waterbody area (sq. ft.) and type: **0**  
Roads, buildings, and other paved surfaces (sq. ft.): **0** Other, describe (sq. ft.): **0**

**7. Physical Dimensions and Scale of Project** (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): **legalization of 6,034 gsf cellar area**  
NUMBER OF BUILDINGS: **1** GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): **n/a**  
HEIGHT OF EACH BUILDING (ft.): **n/a** NUMBER OF STORIES OF EACH BUILDING: **n/a**

Does the proposed project involve changes in zoning on one or more sites?  YES  NO  
If "yes," specify: The total square feet owned or controlled by the applicant: **n/a**  
The total square feet not owned or controlled by the applicant: **n/a**

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading?  YES  NO  
If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):  
AREA OF TEMPORARY DISTURBANCE: **0** sq. ft. (width x length) VOLUME OF DISTURBANCE: **0** cubic ft. (width x length x depth)  
AREA OF PERMANENT DISTURBANCE: **0** sq. ft. (width x length)

**8. Analysis Year** [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): **2018**  
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: **0**

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE?  YES  NO IF MULTIPLE PHASES, HOW MANY?  
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

**9. Predominant Land Use in the Vicinity of the Project** (check all that apply)

RESIDENTIAL  MANUFACTURING  COMMERCIAL  PARK/FOREST/OPEN SPACE  OTHER, specify:

**DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS**

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	<b>EXISTING CONDITION</b>	<b>NO-ACTION CONDITION</b>	<b>WITH-ACTION CONDITION</b>	<b>INCREMENT</b>
<b>LAND USE</b>				
<b>Residential</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures	n/a	n/a	n/a	n/a
No. of dwelling units	n/a	n/a	n/a	n/a
No. of low- to moderate-income units	n/a	n/a	n/a	n/a
Gross floor area (sq. ft.)	n/a	n/a	n/a	n/a
<b>Commercial</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)	U.G. 12A Eating and Drinking Establishment "supper club"	U.G. 12A Eating and Drinking Establishment "supper club"	U.G. 12A Eating and Drinking Establishment "supper club"	No increase in occupancy or square footage of cellar level
Gross floor area (sq. ft.)	6,034	6,034	6,034	0
<b>Manufacturing/Industrial</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type of use	n/a	n/a	n/a	n/a
Gross floor area (sq. ft.)	n/a	n/a	n/a	n/a
Open storage area (sq. ft.)	n/a	n/a	n/a	n/a
If any unenclosed activities, specify:	n/a	n/a	n/a	n/a
<b>Community Facility</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type	n/a	n/a	n/a	n/a
Gross floor area (sq. ft.)	n/a	n/a	n/a	n/a
<b>Vacant Land</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:	n/a/n/a	n/a		n/a
<b>Publicly Accessible Open Space</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):	n/a	n/a	n/a	n/a
<b>Other Land Uses</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:	n/a	n/a	n/a	n/a
<b>PARKING</b>				
<b>Garages</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces	n/a	n/a	n/a	n/a
No. of accessory spaces	n/a	n/a	n/a	n/a
Operating hours	n/a	n/a	n/a	n/a
Attended or non-attended	n/a	n/a	n/a	n/a
<b>Lots</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces	n/a	n/a	n/a	n/a
No. of accessory spaces	n/a	n/a	n/a	n/a
Operating hours	n/a	n/a	n/a	n/a
<b>Other</b> (includes street parking)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:	n/a	n/a	n/a	n/a
<b>POPULATION</b>				
<b>Residents</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify number:	n/a	n/a	n/a	n/a

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Briefly explain how the number of residents was calculated:	n/a			
<b>Businesses</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. and type				
No. and type of workers by business	n/a	n/a	n/a	n/a
No. and type of non-residents who are not workers	n/a	n/a	n/a	n/a
Briefly explain how the number of businesses was calculated:	n/a			
<b>Other</b> (students, visitors, concert-goers, etc.)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If any, specify type and number:	n/a	n/a	n/a	n/a
Briefly explain how the number was calculated:	n/a			
<b>ZONING</b>				
Zoning classification	C4-4A (125)	C4-4A (125)	C4-4A (125)	n/a
Maximum amount of floor area that can be developed	4.0	4.0	4.0	0
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	commercial	commercial	commercial	0
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

**Part II: TECHNICAL ANALYSIS**

**INSTRUCTIONS:** For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
<b>1. LAND USE, ZONING, AND PUBLIC POLICY:</b> <a href="#">CEQR Technical Manual Chapter 4</a>		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete the <a href="#">Consistency Assessment Form</a> .		
<b>2. SOCIOECONOMIC CONDITIONS:</b> <a href="#">CEQR Technical Manual Chapter 5</a>		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer both questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer question 2(b)(v) below.		
(b) If “yes” to any of the above, attach supporting information to answer the relevant questions below. If “no” was checked for each category above, the remaining questions in this technical area do not need to be answered.		
<b>i. Direct Residential Displacement</b>		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>ii. Indirect Residential Displacement</b>		
o Would expected average incomes of the new population exceed the average incomes of study area populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes:”		
▪ Would the population of the primary study area increase by more than 10 percent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iii. Direct Business Displacement</b>		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
enhance, or otherwise protect it?		
<b>iv. Indirect Business Displacement</b>		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>v. Effects on Industry</b>		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3. COMMUNITY FACILITIES: <a href="#">CEQR Technical Manual Chapter 6</a></b>		
<b>(a) Direct Effects</b>		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(b) Indirect Effects</b>		
<b>i. Child Care Centers</b>		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>ii. Libraries</b>		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iii. Public Schools</b>		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iv. Health Care Facilities</b>		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>v. Fire and Police Protection</b>		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4. OPEN SPACE: <a href="#">CEQR Technical Manual Chapter 7</a></b>		
<b>(a)</b> Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(b)</b> Is the project located within an under-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(c)</b> If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(d)</b> Is the project located within a well-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(e)</b> If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(f)</b> If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(g)</b> If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
percent?		
<ul style="list-style-type: none"> <li>o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered?</li> </ul> Please specify:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5. SHADOWS:</b> <a href="#">CEQR Technical Manual Chapter 8</a>		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year.		
<b>6. HISTORIC AND CULTURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 9</a>		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the <a href="#">GIS System for Archaeology and National Register</a> to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. 310 Lenox Avenue (f/k/a the "Park & Tilford Building") is listed on the NY State and National Register of Historic Places (Nat Reg # 08NR05937/USN 06101.015786). 310 Lenox Avenue is not a NYC Landmark building.		
<b>7. URBAN DESIGN AND VISUAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 10</a>		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in <a href="#">Chapter 10</a> .		
<b>8. NATURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 11</a>		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of <a href="#">Chapter 11</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the <a href="#">Jamaica Bay Watershed</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the <a href="#">Jamaica Bay Watershed Form</a> and submit according to its <a href="#">instructions</a> .		
<b>9. HAZARDOUS MATERIALS:</b> <a href="#">CEQR Technical Manual Chapter 12</a>		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in <a href="#">Appendix 1</a> (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10. WATER AND SEWER INFRASTRUCTURE:</b> <a href="#">CEQR Technical Manual Chapter 13</a>		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?		
(c) If the proposed project located in a <u>separately sewer area</u> , would it result in the same or greater development than that listed in Table 13-1 in <u>Chapter 13</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the <u>Jamaica Bay Watershed</u> or in certain <u>specific drainage areas</u> , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewer or currently unsewered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
<b>11. SOLID WASTE AND SANITATION SERVICES:</b> <u>CEQR Technical Manual Chapter 14</u>		
(a) Using Table 14-1 in <u>Chapter 14</u> , the project's projected operational solid waste generation is estimated to be (pounds per week):		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>12. ENERGY:</b> <u>CEQR Technical Manual Chapter 15</u>		
(a) Using energy modeling or Table 15-1 in <u>Chapter 15</u> , the project's projected energy use is estimated to be (annual BTUs):		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. TRANSPORTATION:</b> <u>CEQR Technical Manual Chapter 16</u>		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in <u>Chapter 16</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalent (PCEs) per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>14. AIR QUALITY:</b> <u>CEQR Technical Manual Chapter 17</u>		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in <u>Chapter 17</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in <u>Chapter 17</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in <u>Chapter 17</u> ? (Attach graph as needed)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
<b>15. GREENHOUSE GAS EMISSIONS:</b> <u>CEQR Technical Manual Chapter 18</u>		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	YES	NO
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in <a href="#">Chapter 18</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See <a href="#">Local Law 22 of 2008</a> ; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>16. NOISE:</b> <a href="#">CEQR Technical Manual Chapter 19</a>		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in <a href="#">Chapter 19</a> ) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
<b>17. PUBLIC HEALTH:</b> <a href="#">CEQR Technical Manual Chapter 20</a>		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in <a href="#">Chapter 20</a> , "Public Health." Attach a preliminary analysis, if necessary.		
<b>18. NEIGHBORHOOD CHARACTER:</b> <a href="#">CEQR Technical Manual Chapter 21</a>		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in <a href="#">Chapter 21</a> , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
<b>19. CONSTRUCTION:</b> <a href="#">CEQR Technical Manual Chapter 22</a>		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in <a href="#">Chapter 22</a> , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

**20. APPLICANT'S CERTIFICATION**

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME <i>Jeremiah H. Candreva</i>	SIGNATURE <i>[Signature]</i>	DATE <i>8-14-17</i>
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PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

**Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)**

**INSTRUCTIONS:** In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

**Potentially Significant Adverse Impact**

IMPACT CATEGORY	YES	NO
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input type="checkbox"/>
Open Space	<input type="checkbox"/>	<input type="checkbox"/>
Shadows	<input type="checkbox"/>	<input type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input type="checkbox"/>
Energy	<input type="checkbox"/>	<input type="checkbox"/>
Transportation	<input type="checkbox"/>	<input type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input type="checkbox"/>
Noise	<input type="checkbox"/>	<input type="checkbox"/>
Public Health	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input type="checkbox"/>
Construction	<input type="checkbox"/>	<input type="checkbox"/>

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?

YES  NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

- Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).
- Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.
- Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

**4. LEAD AGENCY'S CERTIFICATION**

TITLE	LEAD AGENCY
NAME	DATE
SIGNATURE	

**NEGATIVE DECLARATION (Use of this form is optional)**

**Statement of No Significant Effect**

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, \_\_\_\_\_ assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

**Reasons Supporting this Determination**

The above determination is based on information contained in this EAS, which that finds the proposed project:

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

TITLE	LEAD AGENCY
NAME	DATE
SIGNATURE	



## **A. INTRODUCTION**

Red Rooster Harlem LLC (the “Applicant”) seeks a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York (“Zoning Resolution” or “ZR”), to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant, which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment (“Proposed Use”). The special permit is required because the live entertainment that is located on the cellar level includes designated show times and cover charges and because the site is located within 100 feet of a residential district boundary. Use Group 12A eating and drinking establishments are otherwise permitted as a matter of right in the existing C4-4A zoning district.

310 Lenox Avenue (the “Site”) is located on the southeast corner of West 126th Street and Lenox Avenue. The Site has approximately 100 feet of frontage on Lenox Avenue and 85 feet of frontage on West 126th Street, a total lot area of approximately 8,500 square feet. The zoning lot comprising the Site is mapped within a C4-4A (125) zoning district. The majority of the block in which the Site is located is mapped within either a C4-4A zoning district or a C4-7 zoning district, a portion of the 126th Street frontage is located in an R6A zoning district (approximately 100 x 545). The Site is also wholly located within the Special 125th Street District, the regulations of which either supplements and/or supersedes the underlying C4-4A district regulations.

### **The Site**

The Site is today improved with a three-story commercial building that is generally utilized for bank, office and restaurant use. The third floor, which was previously utilized for office use, is currently vacant. The second floor is leased to YAI Seeing Beyond Disability and used for office use. The second floor and the third floor (when it was tenanted) are/were as a general matter occupied from 9 am to 5 pm Monday through Friday. M&T Bank occupies a portion of the ground floor.

The applicant and world renowned Chef Marcus Samuelsson operates the Red Rooster Harlem (a/k/a, the Red Rooster Restaurant) on the remaining portion of the ground floor (3,444 zfa) and the cellar level (6,034 gsf). The Red Rooster Restaurant’s existing certificate of occupancy limits occupancy of the ground floor to 130 persons and the cellar floor to 200 persons (See copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The proposed legalization of the cellar level to permit live performances (with designated show times and cover charges) will not increase the cellar occupancy.

**B. PROPOSED ACTIONS**

Red Rooster Harlem LLC seeks a special permit, pursuant to Section 73-244 of the Zoning Resolution to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant, which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment. The special permit is required because the live entertainment that is located on the cellar level includes designated show times and cover charges and because the site is located within 100 feet of a residential district boundary.

**C. FRAMEWORK FOR ANALYSIS**

This document has been prepared in accordance with the guidelines presented in the *City Environmental Quality Review (CEQR) Technical Manual*. For each Environmental Assessment Statement (EAS) technical assessment, the analysis includes descriptions of existing conditions, conditions in the future without the proposed project (the “No Action” condition), and conditions in the future with the proposed project (the “With Action” condition). For each relevant technical area, the incremental difference between the No Action and With Action condition is analyzed to determine the potential environmental effects of the proposed project.

**NO ACTION SCENARIO**

The Red Rooster Restaurant serves an eclectic mix of locals, area businesses, hard-core foodies and tourists, from Manhattan to New York and beyond. Chef Samuelsson brings his passion for food and desire to make a change through active participation with community based organizations; youth work apprenticeship programs and local artists. Red Rooster Restaurant is a space where diners and guests can share great food and lively music in a chic and open atmosphere. Red Rooster Restaurant’s interior combine elements of modern farm to table design with Harlem’s speakeasy history and music relevance.

**MUSIC – GROUND FLOOR**

Red Rooster’s patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster’s image and offerings to its patrons and to the entire Harlem Community. Although, musicians and musical offerings vary from time to time, the following is a list of the musical offerings on the ground floor:

**Attachment A:****Project Description**

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**Monday**

The “Rakiem Walker Project” (RWP) is a 7 piece band that consists of horns, drums, vocals, guitar, keyboards, and more. The band plays different genres and musical feels including Jazz, RnB, Neo-Soul, Live Hip Hop, Reggae, Gospel, Blues, and Latin.

**Tuesday**

Johnny Mambo is a spicy quintet of vivacious horns and congos that light up the bar each week Red Rooster. Guests are invited to dance while enjoying the spirit of Latin grooves.

**Wednesday**

DJ Hard Hittin Harry was born in Haiti in the late sixties. At the tender age of three, his family made a series of moves starting with Brooklyn New York, and Montreal, Canada. He spent the majority of his life in New Jersey and eventually returned to Brooklyn where he currently resides.

**Thursday**

DJ Masai is the center of the storm. He has been spinning for over 23 years and has played in some of the biggest venues in the city and Tri-State area. DJ Masai just about always knew what elements were essential to rock a party.

**Friday**

Dj Stormin’ Norman originally hails from East London, UK and is now a resident of Harlem, USA. In the 90’s, he was part of a groundbreaking DJ collective who brought the Thunderstorm Mix on WBLS 107.5FM NYC, introducing live mixing to daytime radio previously reserved for weekend nights broadcasted from night-clubs, setting a new precedent in national radio. Dj Stormin’ Norman is also the DJ resident of Marcus Samuelsson’s Red Rooster in Harlem.

**Saturday Brunch**

DJ NessDigital is a true Music Selector. Since 2005, he has been jamming at a wide range of events; some include fashion parties, clubs, lounges, gallery events, weddings and live radio. He is the essential crowd pleaser incorporating a wide variety of tracks that ranges from funk, rock, soul, r&b, house, world, jazz, hip-hop, old and new.

**Attachment A:****Project Description**

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**Saturday Night**

A native New Yorker, DJ Lex NY's sound has been influenced by the diverse cultures that shape New York City. Since 2002, he has played all over the five boroughs, as well as in other cities. It's his ability to entertain with intricate sets of Afro Beat, Dancehall, Hip Hop, House, and Soca that has earned him a reputation as one of the best up and coming dj's in NYC.

**Sunday Brunch**

Come to Red Rooster on Sunday mornings and you will hear the lovely vocals of Boncellia Lewis. Having performed with the who's who of the Harlem jazz underground, including Bill Saxton, Donald Smith, Kim Clarke, and Harry Whitaker, Boncellia embodies the spirit of music and Harlem in every grace-plucked note she sings.

**Sunday Dinner**

Whether you're sipping cocktails in the bar or enjoying the comfort food standards on the menu, live jazz can help stave off the late-weekend blues. Every Sunday, the Nate Lucas Quartet sets up shop and begins jamming its way through classic jazz tunes and forgotten nuggets.

**MUSIC – CELLAR LEVEL****Ginny's Supper Club**

The 6,034 gsf cellar level operates as a Use Group 12A Eating and Drinking Establishment, the legalization of which would permit a traditional supper club to operate where patrons eat dinner, have drinks and listen to a live performance (with designated show times and cover charges). While the operation of the proposed supper club may vary, it is currently envisioned to include two shows on a regular basis Thursday through Saturday with the first set playing from 6:30 pm to 8:45 pm and the second set playing from 9:30 pm to 10:30 pm. It is also envisioned that Ginny's would offer late night live entertainment on Friday and Saturday evenings. Sunday morning "Gospel Brunch" performances are also within the programming schedule.

**GOSPEL BRUNCH**

Looking to spend an unforgettable Sunday morning in Harlem? Join us downstairs at Ginny's Supper Club for a spirited Gospel Brunch featuring Vi Higgins's Gospel For Teens Choir and Red Rooster's famous soul food brunch.



**Attachment A:****Project Description****WITH ACTION SCENARIO**

The applicant seeks a special permit from the NYC Board of Standards and Appeals, pursuant to Section 73-244 of the Zoning Resolution, to facilitate the legalization of the existing Use Group 12A Eating and Drinking Establishment on the cellar level.

The Reasonable Worst Case Development Scenario for the proposed project is summarized below in Table A-1.

**Table A-1**  
**RWCDS for the**  
**Proposed 27 East 4<sup>th</sup> Street Site Project**

	<b>Existing Cellar Conditions</b>	<b>No-Action Cellar Condition</b>	<b>With-Action Cellar Condition</b>	<b>Increment for Analysis</b>
Built Floor Area	6,034 gsf	6,034 gsf	6,034 gsf	0 sf
Uses	U.G. 12A Eating and Drinking Establishment "supper club"	U.G. 12A Eating and Drinking Establishment "supper club"	U.G. 12A Eating and Drinking Establishment "supper club"	No increase in occupancy or square footage of cellar level

**LAND USE, ZONING AND PUBLIC POLICY**

According to the CEQR Technical Manual, a Land Use, Zoning and Public Policy assessment should be conducted if the action would result in a significant change in land use or would substantially affect regulation or policies governing land use, or if analyses requiring land use information are being performed in any other technical area.

The Red Rooster Harlem LLC seeks a special permit, pursuant to Section 73-244 of the Zoning Resolution, to facilitate the legalization of the Use Group 12A Eating and Drinking Establishment on the cellar level. The special permit is required because the live entertainment that is located on the cellar level includes designated show times and cover charges and because the site is located within 100 feet of a residential district boundary.

**Music – Ground Floor**

Red Rooster's patrons are treated on the ground floor to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster's image and offerings to its patrons and to the entire Harlem Community.

**Music – Cellar Floor**

The proposed legalization of the 6,034 gsf cellar level to a Use Group 12A Eating and Drinking Establishment would permit a traditional supper club to operate where patrons eat dinner, have drinks and listen to a live performance (with designated show times and cover charges). While the operation of the proposed supper club may vary, it is currently envisioned to include two shows on a regular basis Thursday through Saturday with the first set playing from 6:30 pm to 8:45 pm and the second set playing from 9:30 pm to 10:30 pm. It is also envisioned that Ginny's would offer late night live entertainment on Friday and Saturday evenings. Sunday morning "Gospel Brunch" performances are also within the programming schedule.

The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. Red Rooster Restaurant's proposal will step into this void because it provides an innovative music program that features a variety

**Attachment B:****Land Use, Zoning and Public Policy**

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of live music including Jazz, R&B, Soul and Salsa. The Red Rooster Restaurant regularly coordinates its performances with up-and-coming local artists, as well as premier musicians. The cellar space can also be utilized for special events such as wine tastings, food pairings and book signings by Chef Sameulsson and others notables. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.

The proposed action is consistent with land use, zoning and public policy and accordingly would have no significant adverse impacts on land use, zoning or public policy conditions. Therefore, no further analysis is required.

**SOCIOECONOMIC CONDITIONS**

According to the CEQR Technical Manual, a socioeconomic assessment should be conducted if an action may reasonably be expected to create substantial socioeconomic changes in an area. This can occur if an action would directly displace a residential population, substantial numbers of businesses or employees, or a business or institution that is unusually important to the community. It can also occur if an action would bring substantial new development that is markedly different from existing uses and activities in the neighborhood and therefore would have the potential to lead to indirect displacement of businesses or residents from the area. According to the CEQR Technical Manual, residential development of 200 units or less or commercial development of 200,000 square feet or less would not be considered “substantial” new development and typically do not result in significant socioeconomic impacts.

The area around the project site includes long standing commercial businesses, and the proposed action will not affect conditions in the real estate market or produce displacement pressures that did not exist previously. Therefore, no further analysis is required and no significant adverse impacts to socioeconomic conditions would occur.

**COMMUNITY FACILITIES AND SERVICES**

According to the *CEQR Technical Manual*, a Community Facilities and Services assessment should be conducted if an action may reasonably be expected to add population or 100 or more residential units to an area, or have a direct effect on a community facility.

The proposed action would not add population or 100 or more residential units to the project area. The proposed action would also not have a direct effect on a community facility use and would not result in any new school aged children. Consequently, no further assessment of public school seats or day care facilities is warranted. Further, the proposed action would not increase the ratio of residential units to libraries in the borough. Therefore, no further analysis is required, and the proposed action would not result in any significant adverse impacts to community facilities.

**OPEN SPACE**

According to the CEQR Technical Manual, an Open Space assessment should be conducted if an action may reasonably be expected to have either a direct impact resulting from elimination or alteration of open space or an indirect impact resulting from overtaxing available open space.

The proposed action does not involve any existing or planned public open space. Therefore, no further analysis is required and no significant adverse impacts on publically accessible open space conditions would occur.

**Attachment F:****Historic and Cultural Resources**

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**A. INTRODUCTION**

According to the *CEQR Technical Manual*, a historic resources assessment is required if there is the potential to affect either archaeological or architectural resources. Actions that could affect archaeological resources and that typically require an assessment are those that involve in-ground disturbance or excavation. Actions that trigger an architectural resources assessment include new construction, demolition, or significant alteration to any building, structure, or object; a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; construction, including but not limited to, excavation, vibration, subsidence, dewatering, and the possibility of falling objects; additions to or significant removal, grading, or replanting of significant historic landscape features; screening or elimination of publicly accessible views; and the introduction of significant new shadows or significant lengthening of the duration of existing shadows over a historic landscape or on a historic structure with sunlight-dependent features.

**B. SCREENING ANALYSIS**

According to the *CEQR Technical Manual*, a Historic Resources archaeological assessment should be conducted if an action may reasonably be expected to result in an in-ground disturbance, which is defined as any disturbance to an area not previously excavated, or new construction, demolition, or physical alteration to any building.

**Archaeology**

The proposed action would not result in an in-ground disturbance including, without limitation, any excavation and foundation work. Accordingly, the proposed action would not have any significant adverse impacts on archaeological resources, and no further analysis is required.

**Architecture**

The proposed action does not include the demolition of the existing building or the construction of a new building. Further, the proposed action does not include the alteration of the exterior of the 310 Lenox Avenue building. The proposed action is strictly limited to legalization of the existing live entertainment use on the cellar level.

Although the existing building located at 310 Lenox Avenue (f/k/a the "Park & Tilford Building") is listed on the NY State and National Register of Historic Places (Nat Reg # 08NR05937/USN 06101.015786), this proposal does not include any alteration to the exterior of the building. No aspect of the proposed action requires approval from NYC Landmarks Preservation Commission, the NYS State Office of Parks Recreation and Historic Preservation or the National Register of Historic Places.

**Attachment F:****Historic and Cultural Resources**

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**CONCLUSION**

In summary, the proposed project would not have any significant adverse impacts on architectural resources, and no further analysis is required.



**SHADOWS**

According to the *CEQR Technical Manual*, a Shadows assessment should be conducted if an action may reasonably be expected to result in new shadows that are of a length that are capable of reaching a publicly accessible open space.

The proposed action does not alter the existing envelope of the 310 Lenox Avenue building and would therefore not result in any new shadows. Therefore, no further analysis is required and no significant adverse impacts on shadow conditions would occur.

**URBAN DESIGN/VISUAL RESOURCES**

According to the CEQR Technical Manual, an Urban Design and Visual Resources assessment is not necessary for many projects and only when a project would have substantially different bulk or setbacks than exist in an area or if substantial new, above-ground construction would occur in an area that has important views, natural resources, or landmark structures.

The proposed action does not alter the existing envelope of the 310 Lenox Avenue building and would therefore not result in any different bulk or setbacks than exist in an area and no new substantial above-ground construction would occur in an area that has important views, natural resources, or landmark structures. Therefore, no further analysis is required and no significant adverse impacts on urban design and visual resources conditions would occur.

**NEIGHBORHOOD CHARACTER**

As defined in the CEQR Technical Manual, neighborhood character is considered to be an amalgam of the various elements that give a neighborhood its distinct personality. These elements include land use, visual resources, urban design, historic resources, socioeconomics, noise and traffic. The proposed legalization of the cellar level promotes a restaurant/entertainment use that is consistent with the existing neighborhood and its character, which consists primarily of commercial buildings.

The proposed action would not result in any significant adverse impacts to land use, visual resources, urban design, cultural resources, or community facilities or open space, and therefore the proposed action would not result in any significant adverse impacts to the neighborhood character, and no further analysis is necessary.

**Attachment J:****Natural Resources**

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**NATURAL RESOURCES**

This project site is located within a fully developed area of Manhattan that contains no natural resources.

Therefore, no further analysis is required and no significant adverse impacts on natural resources conditions would occur.

**HAZARDOUS MATERIALS**

According to the *CEQR Technical Manual*, a Hazardous Materials assessment is not required if no elevated levels of hazardous materials exist on a site, the proposed action does not increase pathways to their exposure, either human or environmental, and the proposed action does not introduce new activities or processes using hazardous materials resulting in an increased risk of human or environmental exposure.

The proposed action meets this three part test. Therefore, no further analysis is required and no significant adverse impacts on hazardous materials conditions would occur.

**INFRASTRUCTURE**

The proposed action would result in a negligible increase in water demand. The project's minimal increase in water demand in addition to the 1.4 billion gallons of water consumed in all of New York City would not affect the City's ability to supply water reliably.

Sewage generated by the proposed action is negligible and would be treated at the Wards Island Water Pollution Control Plant which has a permitted capacity of 275 million gallons per day. The project's sewage generation would be a negligible increase in the amount of sewage currently generated and the project would not affect the City's ability to treat sewage.

Additionally, the proposed action would not result in any storm water-relative impacts because it would not increase the amount of impervious surface at the site, as the site is already fully built over.

No additional analysis is required, and, the proposed action would not result in any significant adverse impacts to infrastructure.

**Attachment M:****Waterfront Revitalization**

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**WATERFRONT REVITALIZATION**

The project block is not located within the boundaries of the city's Coastal Zone.

Therefore, an assessment of waterfront revitalization is not required and the proposed action would not result in any significant adverse impacts to waterfront revitalization.

**Attachment N: Solid Waste and Sanitation Services**

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**SOLID WASTE AND SANITATION SERVICES**

The proposed action would result in a negligible increase in the demand for solid waste and sanitation services.

In accordance with the *CEQR Technical Manual*, a detailed assessment of solid waste and sanitation services is not warranted and no impacts to solid waste or sanitation services are expected to result from the proposed action.



**Attachment O:****Energy**

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**ENERGY**

The proposed project would conform to the New York State Energy Conservation Code, which reflects state and City energy policies. The project would be served by available energy suppliers.

## TRAFFIC AND TRANSPORTATION

### A. INTRODUCTION

This section examines the potential for the proposed project to result in significant adverse impacts on study area transportation systems, through a comparison of conditions with the proposed project (the With Action condition) to conditions in the future without the proposed project (the No Action condition).

### B. SCREENING ANALYSIS

As discussed above, the proposed action will not result in an increase in additional floor area or an increase in the number of patrons coming to the Red Rooster Harlem Restaurant. The proposed action seeks to legalize the existing Use Group 12A Eating and Drinking Establishment located on the cellar level. The existing certificate of occupancy for the restaurant permits Use Group 6A Eating and Drinking Establishments. It is important to note that musical entertainment can and does occur at the restaurant on an as-of-right basis. The legalization of the cellar conditions permits set show times and cover charges for musical performances.

According to Table 16-1 of the *CEQR Technical Manual*, the minimum development density for uses in Zone 2 (Manhattan, 110th Street and south; Downtown Brooklyn) potentially requiring a transportation analysis is 200 dwelling units, 100,000 gross square feet of office, 20,000 gross square feet of regional retail, 15,000 gross square feet of local retail, 20,000 gross square feet of restaurant, 25,000 gross square feet of community facility use or off-street parking facilities with 85 new spaces.

The proposed action would result in the legalization of the 6,034 gsf cellar area. This amount of gross square footage is well under the 20,000 gross square foot threshold allotted for a restaurant in Zone 2 under Table 30-1 of the *CEQR Technical Manual*.

Therefore, the proposed action would not result in any significant adverse impacts to traffic or parking and no further assessment is required.

**TRANSIT & PEDESTRIANS**

The proposed action would not result in or 200 or more transit trips on a subway or bus line or 200 or more peak hour pedestrian trips at a single sidewalk element, the *CEQR Technical Manual* thresholds requiring quantified analyses.

Therefore, no further analysis is required, and the proposed action is not expected to result in any significant adverse impacts to pedestrians and transit.

**AIR QUALITY**

According to the *CEQR Technical Manual*, an Air Quality assessment should be conducted if an action may reasonably be expected to result in significant mobile source air quality impacts or stationary source air quality impacts by creating new stationary sources of pollutants, such as emission stacks.

The proposed action would not result in significant mobile source air quality impacts or stationary air quality impacts. Therefore, no further analysis is required and no significant adverse impacts on land use, zoning and public policy conditions would occur.

**NOISE**

According to the *CEQR Technical Manual*, in many instances, it is possible to determine that a proposed action would not have the potential for a significant noise impact simply from its proposed physical characteristics, and that it is not necessary to conduct any detailed noise analyses. If the basic analysis does not identify the potential for significant impacts, no further noise analysis would be necessary and it can be stated that the proposed action would not result in a significant noise impact.

The proposed action would not result in a significant noise impacts.

**Attachment T:****Construction**

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**CONSTRUCTION**

Construction activities associated with the proposed project are minimal at best and are not expected to result in disruption to the surrounding community. It is not expected that the proposed action would result in any type of disruption arising from noise, dust or sidewalk and curb lane closures.

No significant impacts are expected to occur as a result of the construction.

**PUBLIC HEALTH**

According to the *CEQR Technical Manual*, public health may be jeopardized by poor air quality resulting from traffic or stationary sources, hazardous materials in soil or groundwater used for drinking water, significant adverse impacts related to noise or odors, solid waste management practices that attract vermin and pest populations, and actions that exceed city, state, or federal standards.

As described previously, the proposed action would not result in significant adverse impacts to traffic, air quality, or noise, nor would any applicable city, state, or federal standards be exceeded. The project would not involve solid waste management practices that would attract vermin or pest populations. Therefore, the proposed action would not result in any significant adverse impacts to public health.

JEREMIAH H. CANDREVA  
Partner  
212.704.6292 telephone  
jed.candreva@troutmansanders.com

# TROUTMAN SANDERS

TROUTMAN SANDERS LLP  
Attorneys at Law  
875 Third Avenue  
New York, New York 10022  
troutmansanders.com

August 15, 2017

## VIA MESSENGER

Honorable Margery Perlmutter, Chairperson  
New York City Board of Standards and Appeals  
250 Broadway, 29<sup>th</sup> Floor  
New York, NY 10007

Re: Red Rooster Harlem LLC  
310 Lenox Avenue, Manhattan  
Block 1723, Lot 69

Dear Chair Perlmutter:

Enclosed please one (1) original, one (1) copy and a CD of an application for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York, to facilitate the legalization of the existing Use Group 12A Eating and Drinking Establishment on the cellar level of the Red Rooster Harlem Restaurant ("Application"). The special permit is required because the live entertainment located on the cellar level includes designated show times and cover charges and because the site is located within 100 feet of a residential district boundary.

Each copy of the Application includes the following documents:

1. BZ Checklist;
2. BZ Application Form;
3. Department of Buildings Objection;
4. Affidavit of Ownership
5. Statement of Facts;
6. Statement of Findings;
7. Certificate of Occupancy;
8. Zoning Map;
9. BSA Zoning and Sign Analyses Forms;
10. Tax Map;
11. Radius Diagram/Land Use Map;
12. Photographs;
13. Existing Conditions Plans;
14. Proposed Conditions Plans;
15. List of Affected Property Owners and Tenants;
16. CEQR Application; and



TROUTMAN  
SANDERS

Honorable Margery Perlmutter, Chairperson  
NYC Board of Standards and Appeals  
August 15, 2017  
Page 2

17. A check made payable to the NYC Board of Standards and Appeals in the amount of Three Thousand Four Hundred Twenty Dollars (\$3,420), which amount represents the aggregate BZ and CEQR filings fees in connection with the Application.

Very truly yours,

TROUTMAN SANDERS LLP

By   
Jeremiah H. Candreva  
*Partner*

cc: Loreal Monroe, Esq.

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022



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**Jeremiah H. Candreva**  
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F 212.704.5991  
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January 19, 2018

Ms. Gjela Prenga  
NYC Board of Standards and Appeals  
250 Broadway, 29th Floor  
New York, NY 10007

Re: Proof of Service Notice of Hearing  
Red Rooster Harlem Restaurant  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue (Block 1723, Lot 69), Manhattan

Dear Ms. Prenga:


I am writing to advise you of my compliance with the requirements for notification of the public hearing pursuant to Sections 1-05.6 & 1-10.7 of the Board of Standards and Appeals Rules of Practice and Procedure in connection with BSA Calendar No. 2017-240-BZ.

Enclosed please find (i) an affidavit of service, (ii) copies of the transmittal letters to the requisite parties and (iii) copies of the certified mail receipts.

Please feel free to contact me if you have any questions regarding this material.

Very truly yours,

TROUTMAN SANDERS LLP

By:   
Jeremiah H. Candreva  
Partner



250 Broadway, 29<sup>th</sup> Floor  
New York, NY 10007-2516  
Tel: (212) 312-0300  
Fax: (646) 500-6371  
www.nyc.gov/bsa

Margery Perlmutter  
Chair/Commissioner

**PROOF OF NOTIFICATION OF HEARING**

**STATE OF NEW YORK**

**BSA Calendar No: 2017-240-BZ**

**COUNTY OF NEW YORK**

**Date of Hearing: February 27, 2018**

Jeremiah H. Candreva, being duly sworn deposes and says that he maintains an office at c/o Troutman Sanders, 875 Third Avenue, New York, NY 10022.

That he is the representative of the Applicant in the above proceeding before the Board of Standards and Appeals, City of New York, which has the above Calendar Number and relates to premises.

That he gave the required Notice of Public Hearing of the above application to be held on February 27, 2018 to all the following as filed with the application:

- All persons/entities named on the list of affected property owners
- Tenants of the subject building/ premises
- Affected Community Board
- Affected Borough President
- Affected Councilmember
- City Planning Commission

That he/she notified the above entities on either January 17, 2018, January 18, 2018 or January 19, 2018, at least 20 days prior to the date of the Public Hearing, by personal service, or by certified mail or regular mail with a certificate of mailing to each of them; and that a copy of the sent Notice is attached to this affidavit.

Signature

Sworn to before me this 19<sup>th</sup> day  
Of January 2018

Elinora E. Velazquez, Notary



**BSA SUBMISSION**

**NOTICE**

Date: January 24, 2018

Examiner's Name: **Gjela Prenga**

BSA Calendar #: **2017-240-BZ**

Electronic Submission: Email

Subject Property/ **Red Rooster Restaurant**

Address: 310 Lenox Avenue, Manhattan

Applicant Name Troutman Sanders LLP

Submitted by (Full Name): Jeremiah H. Candreva

A) The material I am submitting is for a case currently **IN HEARING**, scheduled for 2-27-18.  
The reason I am submitting this material:

- Response to issues/questions raised by the Board at prior hearing
- Response to request made by Examiner
- Other: \_\_\_\_\_

Brief Description of submitted material: Photos of Waiting Areas.

List of items that are being voided/superseded: \_\_\_\_\_

B) The material I am submitting is for a **PENDING** case. The reason I am submitting this material:

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning Letter

Brief Description of submitted material: \_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_

**MASTER CASE FILE INSTRUCTIONS**

- **Bind one set of new materials in the master case file**
- **Keep master case file in reverse chronological order (all new materials on top)**
- **Be sure to VOID any superseded materials (no stapling!)**
- **Handwritten revisions to any material are unacceptable**

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022



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**Jeremiah H. Candreva**  
D 212.704.6292  
F 212.704.5991  
jed.candreva@troutmansanders.com

January 17, 2018

Ladies and Gentlemen:

In connection with the above referenced application, below please find a list of affected property owners within a four hundred (400) foot radius of 310 Lenox Avenue, New York, New York. Upon information and belief, this list is accurate as of the date hereof. The source of the information provided below is the New York City Department of Finance.

<u>Block, Lot</u>	<u>Owner's Name</u>	<u>Mailing Address</u>
<b><u>BLOCK 1722</u></b>		
1722, 0001	Sheba Realty II LLC	20 W. 38 <sup>th</sup> Street, Room 400 New York, NY 10018
1722, 0003	286 Lenox Avenue RealtyCP	c/o REEC 286 Lenox LLC 18 E. 48 <sup>th</sup> Street, PH New York, NY 10017
1722, 0005	Parks and Recreation (General)	c/o Arsenal West 16 West 61 <sup>st</sup> Street New York, NY 10023
1722, 0006	101 West LLC	c/o FATA Organization 290 Lenox Avenue, Floor 2 New York, NY 10027
1722, 0007	Bethany/Development Outreach Housing Development Fund Corp.	63 West 124 <sup>th</sup> Street New York, NY 10027
1722, 0013	Greater Calvary Bapt	43 West 124 <sup>th</sup> Street New York, NY 10027
1722, 0057	52 West 125 <sup>th</sup> Street Holding, LLC	c/o SAMRA Plaza LLC 6701 Bay Parkway, Suite 3 Brooklyn, NY 11204

<u>Block, Lot</u>	<u>Owner's Name</u>	<u>Mailing Address</u>
1722, 0058	ADEM 54-62 125 <sup>th</sup> LLC	245 Park Avenue, 42 <sup>nd</sup> Floor New York, NY 10167
1722, 0059	ADEM 54-62 125 <sup>th</sup> LLC	245 Park Avenue, 42 <sup>nd</sup> Floor New York, NY 10167
1722, 0060	ADEM 54-62 125 <sup>th</sup> LLC	245 Park Avenue, 42 <sup>nd</sup> Floor New York, NY 10167
1722, 0061	ADEM 54-62 125 <sup>th</sup> LLC	245 Park Avenue, 42 <sup>nd</sup> Floor New York, NY 10167
1722, 0062	ADEM 54-62 125 <sup>th</sup> LLC	245 Park Avenue, 42 <sup>nd</sup> Floor New York, NY 10167
1722, 0063	64 West LLC	290 Lenox Avenue, Floor 2 New York, NY 10027
1722, 0065	64 West LLC	290 Lenox Avenue, Floor 2 New York, NY 10027
1722, 0066	101 West KKC	c/o Henry Maldonado, Jr. 290 Lenox Avenue, Floor 2 New York, NY 10027
1722, 0067	FATA Equities	290 Lenox Avenue, Floor 2 New York, NY 10027
1722, 0069	ROJO Associates, Inc.	290 Lenox Avenue New York, NY 10027
<b><u>BLOCK 1723</u></b>		
1723, 0001	FATA Realty, LLC	290 Malcolm X Boulevard, Floor 2 New York, NY 10027
1723, 0004	SJC 308 Lenox Avenue Family Limited Partnership	SJC 308 Lenox Avenue FLP PO Box 620 New York, NY 10027
1723, 0005	Carver Federal Savings Bank	75 W. 125th Street New York, NY 10027

<u>Block, Lot</u>	<u>Owner's Name</u>	<u>Mailing Address</u>
1723, 0006	Two Five Ninety Five LLC	63 West 125th Street New York, NY 10027
1723, 0007	Living God Pillar ETAL	67 West 125th Street New York, NY 10027
1723, 0010	BVK 55 WEST 125th STREET LLC	55 West 125th Street New York, NY 10027
1723, 0017	35 West 125 <sup>th</sup> LLC	Irgang Group 121 Tweed Boulevard Nyack, NY 10960
1723, 0052	36 West 126 <sup>th</sup> Street Realty LLC	Daniel Kalegha 14608 Danville Road Woodbridge, VA 22193
1723, 0053	38 West 126 <sup>th</sup> Street Realty LLC	36 West 126 <sup>th</sup> Street New York, NY 10027
1723, 00153	West 126 Group LLC	40 West 126 <sup>th</sup> Street New York, NY 10027
1723, 0054	42 West 126 St. RLTYPORP.	Trust Management 199 Lee Avenue, Suite 315 Brooklyn, NY 11211
1723, 0055	Ecdo Houses Associates Limited Partnership	44 West 126 <sup>th</sup> Street New York, NY 10027
1723, 0056	Jeemi Song	P.O. Box 1266 Englewood Cliffs, NJ 07632
1723, 0057	Goodridge Anita	50 West 126 <sup>th</sup> Street New York, NY 10027
1723, 0157	Fifty 2 West 126 Corp.	14845 Hillside Avenue, Suite 200 Jamaica, NY 11435
1723, 0059	56 West 126 Holding, LLC	35 Journal Square, Suite 1103 Jersey City, NJ 07306

<u>Block, Lot</u>	<u>Owner's Name</u>	<u>Mailing Address</u>
1723, 0159	Marc Lindahl	58 West 126 <sup>th</sup> Street New York, NY 10027
1723, 0061	BVK 55 WEST 125th STREET LLC	PO Box 4900, Dept. 207 Scottsdale, AZ 85261
1723, 0161	BVK 55 WEST 125th STREET LLC	PO Box 4900, Dept. 207 Scottsdale, AZ 85261
1723, 0062	West SideSpecialHousing	c/o West Side Special HDFC, Inc. 2345 Broadway New York, NY 10024
1723, 0063	NY Affordable Housing Herkimer Association	c/o 68 West 126 Holding, LLC 35 Journal Square, Suite 1103 Jersey City, NJ 07306
1723, 0064	Evangelical Lutheran Church of the Transfiguration	70 W. 126th St. New York, NY 10027
1723, 0164	Evangelical Lutheran Church of the Transfiguration	74 W. 126th St. New York, NY 10027
1723, 0065	Evangelical Lutheran Church of the Transfiguration	74 W. 126th St. New York, NY 10027
1723, 0066	Evangelical Lutheran Church of the Transfiguration	74 W. 126th St. New York, NY 10027
1723, 0067	The House of Prayer of God in Christ	80 W. 126th St. New York, NY 10027
1723, 0069	RM 310 Lenox LLC 50% TIC 310 Lenox Avenue LLC 50% TIC	310 Lenox Avenue New York NY 10027

**BLOCK 1724**

1724, 0001	ATOC Incorporated	c/o Sovereign Bank NY 195 Montague Street, Brooklyn, NY 11201
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<u>Block, Lot</u>	<u>Owner's Name</u>	<u>Mailing Address</u>
1724, 0017	Felicia Brown	45 West 126 <sup>th</sup> Street New York, NY 10027
1724, 0117	The Hester Carter Revocable Trust	41 West 126 <sup>th</sup> Street, Apt. 1 New York, NY 10027
1724, 0018	The Hester Carter Revocable Trust	41 West 126 <sup>th</sup> Street, Apt. 1 New York, NY 10027
1724, 0019	ECDO Houses Associates Limited Partnership	39 W. 126 <sup>th</sup> Street New York, NY 10027
1724, 0020	Elisabeth H.W. Ames	37 W. 126 <sup>th</sup> Street, Apt 1, New York, NY 10027
1724, 021	Royal Orleans Hotel NY LLC	1 Hillel Pl., Ste. 2 Brooklyn, NY 11210
1724, 0053	172 E. Holding LLC	c/o Maja Equities LLC 315 Madison Ave. RM. 208 New York, NY 10017
1724, 0155	44 W. 127 <sup>th</sup> St. LLC	44 W. 127 <sup>th</sup> Street New York, NY 10027
1724, 0056	Rutledge Lesslee	46 W. 127 <sup>th</sup> Street, New York, NY 10027
1724, 0060	ABJ Milano, LLC	15 Cuttermill Road Great Neck, NY 10021
1724, 0061	58 West 127 LLC	1160 Fifth Avenue, Suite 112 New York, NY 10029
1724, 0062	Kevin P. Wardally	60 W. 127 <sup>th</sup> Street New York, NY 10027
1724, 0162	Davis Georgia	62 W. 127 <sup>th</sup> Street New York, NY 10027
1724, 0063	Bailis B. Stair	64 W. 127 <sup>th</sup> Street New York, NY 10027

<u>Block, Lot</u>	<u>Owner's Name</u>	<u>Mailing Address</u>
1724, 0064	Tracey K. Jackson	66 W. 127 <sup>th</sup> Street New York, NY 10027
1724, 0164	Fiona A. Schaeffer	68 W. 127 <sup>th</sup> Street New York, NY 10027
1724, 0065	Verna A. Hart	70 W. 127 <sup>th</sup> Street New York, NY 10027
1724, 0066	Harriet Carpenter	72 W. 127 <sup>th</sup> Street New York, NY 10027
1724, 0167	RER Group LLC	18211 Union Turnpike Flushing NY 11366
1724, 0068	Michael Benavides Sandra Benavides	78 W. 127 <sup>th</sup> Street New York, NY 10027
1724, 0069	Harlem Church of Christ	338 Lenox Avenue New York, NY 10027
1724, 0071	328 Lenox Avenue Realty Corp., Inc.	328 Lenox Avenue New York, NY 10027
1724, 0072	332 Lenox Ave. Inc.	332 Lenox Avenue New York, NY 10027
1724, 0103	328 Lenox Avenue Realty Corp., Inc.	328 Lenox Avenue New York, NY 10027
1724, 0105	West 126th Street Operating LLC	77 West 126th Street New York, NY 10027

**BLOCK 1725**

1725, 1	Scarlet 81 Realty LLC	909 Midland Avenue Yonkers, NY 10704
1725, 2	ABJ Milano, LLC	15 Cuttermill Road Great Neck, NY 11021

<u>Block, Lot</u>	<u>Owner's Name</u>	<u>Mailing Address</u>
1725, 5	79 W. 127 MLB LLC	1303 53 <sup>rd</sup> Street, Suite 308 Brooklyn, NY 11219
1725, 6	Harlem Grown, Inc.	127 W. 127 <sup>th</sup> Street New York, NY 10027
1725, 7	Harlem Grown, Inc.	127 W. 127 <sup>th</sup> Street New York, NY 10027
1725, 107	Harlem Grown Inc.	127 W. 127 <sup>th</sup> Street New York, NY 10027
1725, 8	Harlem Grown Inc.	127 W. 127 <sup>th</sup> Street New York, NY 10027
1725, 9	HP Genesis Y15 Housing Development Genesis Y15 Owners LLC	c/o Housing Partnership Development 242 W. 36 <sup>th</sup> Street, Frnt 3 New York, NY 10018
1725, 11	Orinthia Perkins	63 W. 127 <sup>th</sup> Street New York, NY 10027
1725, 12	Voyka Soto Assad M. Dahab	61 W. 127 <sup>th</sup> Street New York, NY 10027
1725, 112	Fifty Nine West LLC	59 W. 127 <sup>th</sup> Street New York, NY 10027
1725, 13	Harrest Capital S.R.L.	P.IVA: 10504201004 VIA, Eleonora Duse, 37 Roma, 00197 Italy
1725, 14	55 W. 127 St. CP	Lloyd B. Dunner 1229 Rosedale Avenue, Apt. 1, Bronx, NY 10472
1725, 114	53 W127 SIO LLC	c/o GF55 Partners 19 W. 21 <sup>st</sup> Street New York, NY 10010

<u>Block, Lot</u>	<u>Owner's Name</u>	<u>Mailing Address</u>
1725, 15	Kathleen Elizabeth Javens David Wade Schuman	51 W. 127 <sup>th</sup> Street New York, NY 10027
<b><u>BLOCK 1909</u></b>		
1909, Lot 33	125 <sup>th</sup> & Lenox Owner LLC	c/o Wharton Properties 500 Fifth Avenue, 54 <sup>th</sup> Floor New York, NY 10110
<b><u>BLOCK 1910</u></b>		
1910, 1001 (f/k/a 7501)	Harlem Center LLC	105 West 125th Street New York, NY 10027
1910, 1002 (f/k/a 7501)	Harlem Center Office LLC	105 West 125th Street New York, NY 10027
1910, Lot 1	NYC DSBS	CVS Brooklyn Store LLC 1 CVS Drive Woonsocket, RI 02895
<b><u>BLOCK 1911</u></b>		
1911, 0023	David LU	117 W. 126 <sup>th</sup> Street New York, NY 10027
1911, 0122	Evora Reaves	119 W. 126 <sup>th</sup> Street New York, NY 10027
1911, 0025	Violet Higginson	113 W. 126 <sup>th</sup> Street New York, NY 10027
1911, 0125	St. Nicholas W. 126 <sup>th</sup> St. L.P. West 126 <sup>th</sup> Street Cluster LLC	270 w. 123 <sup>rd</sup> Street New York, NY 10027
1911, 0026	Housing Preservation & Development	134 Broadway #77 Brooklyn, NY 11211
1911, 0029	DELSHAH 321 LENOX LLC	321 Lenox Avenue New York, NY 10027

<u>Block, Lot</u>	<u>Owner's Name</u>	<u>Mailing Address</u>
1911, 0031	HP Building – 351 St. Nicholas LLC	325 Lenox Avenue New York, NY 10027
1911, 0032	327 Lenox Avenue HDFC	327 Lenox Avenue New York, NY 10027
1911, 0033	Four Manhattan LLC	329 Lenox Avenue New York, NY 10027
1911, 0034	Jacquelinef Allmond	333 Lenox Avenue New York, NY 10027
1911, 0036	Collins J. Ogbolu	191 Cross Street Bronx, NY 10464
1911, 0136	Crossroads Baptist Church	Pastor Calvin Daney 104 W. 127 <sup>th</sup> Street New York, NY 10027
1911, f/k/a 38 – Condo 1001	Andrew Finkelstein	110 West 127 <sup>th</sup> Street 1 New York, NY 10027
1911, f/k/a 38 – Condo 1002	Kim Audan Nicolas Audan	110 West 127 <sup>th</sup> Street 2 New York, NY 10027
1911, 0139	Magdala Fabre	112 W. 127 <sup>th</sup> Street New York, NY 10027
<b><u>BLOCK 1912</u></b>		
1912, 0026	West 128 <sup>th</sup> Street L.P.	347 Lenox Avenue New York, NY 10027
1912, 0029	Lenox Avenue Developments LLC	101 W. 127 <sup>th</sup> Street New York, NY 10027
1912, 0030	Lenox Avenue Developments LLC	101 W. 127 <sup>th</sup> Street New York, NY 10027
1912, 0130	343 Lenox Avenue, LL	Gillian Walker 21 West 122 <sup>nd</sup> Street, Apt. 1

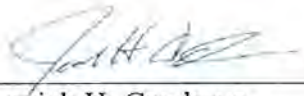
<u>Block, Lot</u>	<u>Owner's Name</u>	<u>Mailing Address</u>
		New York, NY 10027
1912, f/k/a 31 – Condo Lot 1101	Rosalie Harrison	345 Lenox Avenue, #C1 New York, NY 10027
1912, f/k/a 31 – Condo Lot 1102	John Benton	345 Lenox Avenue, Apt. 2 New York, NY 10027
1912, f/k/a 31 – Condo Lot 1103	Wilson Young Bonnie Tong	1677 Lexington Avenue, Apt 4A New York, NY 10029
1912, f/k/a 31 – Condo Lot 1104	Jessica Lyn Morton	2072 8 <sup>th</sup> Avenue, Apt. 3B New York, NY 10026
1912, f/k/a 31 – Condo Lot 1105	Jerome Basdevant Jodie Dinapoli-Algarra	345 Lenox Avenue, # R-4 New York, NY 10027
1912, 32	West 128 <sup>th</sup> Street L.P.	347 Lenox Avenue New York, NY 10027

Please feel free to contact me if you have any questions in connection with this matter.

Very truly yours,

TROUTMAN SANDERS LLP

By:

  
 \_\_\_\_\_  
 Jeremiah H. Candreva  
 Partner

7015 3010 0001 7304 7009

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<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

Sent To: 286 Lenox Avenue RealtyCP  
c/o REEC 286 Lenox LLC,  
18 E. 48th Street, PH  
New York, NY 10017

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<input type="checkbox"/> Certified Mail Restricted Delivery \$	
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Total Postage and Fees \$	

Sent To: 328 Lenox Avenue Realty Corp., Inc.  
328 Lenox Avenue  
New York, NY 10027

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<input type="checkbox"/> Return Receipt (electronic) \$	
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Postage \$	
Total Postage and Fees \$	

Sent To: Violet Higginson  
Street and Apt: 113 W. 126<sup>th</sup> Street  
City, State, ZIP: New York, New York 10027

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<input type="checkbox"/> Certified Mail Restricted Delivery \$	
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Sent To: HP Building - 351 St. Nicholas LLC  
325 Lenox Avenue  
New York, NY 10027

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<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

Sent To: Housing Preservation  
Development  
134 Broadway #77  
Brooklyn, NY 11211

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Sent To: Harlem Center LLC  
105 West 125th Street  
New York, NY 10027

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<input type="checkbox"/> Return Receipt (hardcopy) \$	
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Postage \$	
Total Postage and Fees \$	

Sent To: 125th  
Lenox Owner LLC  
c/o Wharton Properties  
500 Fifth Avenue 54th Floor

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<input type="checkbox"/> Certified Mail Restricted Delivery \$	
Postage \$	
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Sent To: NYC DSBS  
CVS Brooklyn Store LLC  
1 CVS Drive  
Woonsocket, RI 02895

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2015 3010 0001 7304 7238

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Kathleen Elizabeth Javens & David Wade Schuman  
51 W. 127th Street  
New York, NY 10027

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01/24/2018

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

55 W. 127 St. CP  
Lloyd B. Dunner  
1229 Rosedale Avenue, Apt. 1  
Bronx, NY 10472

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

53 W127 SIO LLC  
c/o GF55 Partners  
19 W. 21st Street  
New York, NY 10010

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

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Harrest Capital S.R.L.  
P.IVA: 10504201004 VIA. Eleonora Duse  
37, Roma, 00197 Italy

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Voyka Soto  
Assad M. Dahab  
61 W. 127th Street  
New York, NY 10027

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
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Sent To: ABJ Milano, LLC  
Street and Apt. No., or PO Box No.: 15 Cuttermill Road  
City, State, ZIP+4®: Great Neck, NY 11021

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
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Lenox Avenue Developments LLC  
101 W. 127th Street  
New York, NY 10027

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

West 128th Street L.P.  
347 Lenox Avenue  
New York, NY 10027

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7015 3010 0001 7304 6866

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<input type="checkbox"/> Return Receipt (hardcopy) \$		
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<input type="checkbox"/> Certified Mail Restricted Delivery \$		
<input type="checkbox"/> Adult Signature Required \$		
<input type="checkbox"/> Adult Signature Restricted Delivery \$		
Postage	\$	
Total Postage and Fees	\$	

West Side Special Housing  
c/o West Side Special HDfC, Inc.  
2345 Broadway  
New York, NY 10024

PS Form 3800, April 2015 PSN 7530-02-000-9047

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<input type="checkbox"/> Return Receipt (electronic) \$		
<input type="checkbox"/> Certified Mail Restricted Delivery \$		
<input type="checkbox"/> Adult Signature Required \$		
<input type="checkbox"/> Adult Signature Restricted Delivery \$		
Postage	\$	
Total Postage and Fees	\$	

NY Affordable Housing & Herkimer Association  
c/o 68 West 126 Holding, LLC  
35 Journal Square, Suite 1103  
Jersey City, NJ 07306

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<input type="checkbox"/> Certified Mail Restricted Delivery \$		
<input type="checkbox"/> Adult Signature Required \$		
<input type="checkbox"/> Adult Signature Restricted Delivery \$		
Postage	\$	
Total Postage and Fees	\$	

ROJO Associates, Inc.  
290 Lenox Avenue  
New York, NY 10027

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<input type="checkbox"/> Return Receipt (electronic) \$		
<input type="checkbox"/> Certified Mail Restricted Delivery \$		
<input type="checkbox"/> Adult Signature Required \$		
<input type="checkbox"/> Adult Signature Restricted Delivery \$		
Postage	\$	
Total Postage and Fees	\$	

Evangelical Lutheran Church of the Transfiguration  
70 W. 126th St.  
New York, NY 10027

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<input type="checkbox"/> Return Receipt (electronic) \$		
<input type="checkbox"/> Certified Mail Restricted Delivery \$		
<input type="checkbox"/> Adult Signature Required \$		
<input type="checkbox"/> Adult Signature Restricted Delivery \$		
Postage	\$	
Total Postage and Fees	\$	

FATA Realty, LLC  
290 Malcolm X Boulevard, Floor 2  
New York, NY 10027

7015 3010 0001 7304 7085

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<input type="checkbox"/> Return Receipt (electronic) \$		
<input type="checkbox"/> Certified Mail Restricted Delivery \$		
<input type="checkbox"/> Adult Signature Required \$		
<input type="checkbox"/> Adult Signature Restricted Delivery \$		
Postage	\$	
Total Postage and Fees	\$	

101 West KKC  
c/o Henry Maldonado, Jr.  
290 Lenox Avenue, Floor 2  
New York, NY 10027

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<input type="checkbox"/> Certified Mail Restricted Delivery \$		
<input type="checkbox"/> Adult Signature Required \$		
<input type="checkbox"/> Adult Signature Restricted Delivery \$		
Postage	\$	
Total Postage and Fees	\$	

FATA Equities  
290 Lenox Avenue, Floor 2  
New York, NY 10027

7015 3010 0001 7304 7016

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<input type="checkbox"/> Return Receipt (hardcopy) \$		
<input type="checkbox"/> Return Receipt (electronic) \$		
<input type="checkbox"/> Certified Mail Restricted Delivery \$		
<input type="checkbox"/> Adult Signature Required \$		
<input type="checkbox"/> Adult Signature Restricted Delivery \$		
Postage	\$	
Total Postage and Fees	\$	

Parks and Recreation (General)  
c/o Arsenal West  
16 West 61st Street  
New York, NY 10023

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent To: SJC 308 Lenox Avenue  
 Family Limited Partnership  
 Street and Apt. No., or PO Box No.: SJC 308 Lenox Avenue FLP  
 City, State, ZIP+4: PO Box 620  
 New York, NY 10027

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent To: Two Five Ninety Five LLC  
 63 West 125th Street  
 New York, NY 10027

7015 3010 0001 7304 6729

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent To: Living God Pillar ETAL  
 67 West 125th Street  
 New York, NY 10027

7015 3010 0001 7304 6736

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent To: BVK 55 WEST 125th STREET LLC  
 55 West 125th Street  
 New York, NY 10027

7015 3010 0001 7304 6743

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent To: 35 West 125th LLC  
 Irgang Group  
 121 Tweed Boulevard  
 Nyack, NY 10960

7015 3010 0001 7304 6989

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For delivery information, visit [www.usps.com](http://www.usps.com) Jed Candreva-251799.000001

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent To: James McCaskill #A  
 61 West 126th Street  
 New York, NY 10027

7015 3010 0001 7304 6972

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For delivery information, visit our website at [www.usps.com](http://www.usps.com).

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent To: New Hope Comm. Church  
 63 West 125th Street  
 New York, NY 10027

7015 3010 0001 7304 6910

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent To: RM 310 Lenox LLC 50% TIC  
 310 Lenox Avenue LLC 50% TIC  
 310 Lenox Avenue  
 New York NY 10027

PS Form 3800, April 2015

7015 3010 0001 7304 7047  
7015 3010 0001 0600 4706  
7015 1730 0001 0600 4683  
7015 3010 0001 7304 6934  
7015 3010 0001 7304 6903

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

Greater Calvary Bapt  
43 West 124th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

52 West 125th Street Holding, LLC  
c/o SAMRA Plaza LLC  
6701 Bay Parkway, Suite 3  
Brooklyn, NY 11204

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

58 West 127 LLC  
1160 Fifth Avenue, Suite 112  
New York, NY 10029

PS Form 3800, April 2015 PSN 7530-02-000-9047

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

Sent To  
ABJ Milano, LLC  
15 Cuttermill Road  
Great Neck, NY 10021

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

328 Lenox Avenue Rlty CP IC  
328 Lenox Avenue  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047

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For delivery information, visit [www.usps.com](http://www.usps.com) Jed Candreva-251799.000001

Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

ECDO Houses Associates Limited Partnership  
39 W. 126th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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For delivery information, visit [www.usps.com](http://www.usps.com) Jed Candreva-251799.000001

Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

The House of Prayer of God in Christ  
80 W. 126th St.  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

75 W. 126th Street Corp.  
c/o Advest Bank  
280 Trumbull Street  
Hartford, Ct. 06103

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 6675

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For delivery information, visit [usps.com](http://usps.com) Jed Candreva-251799.000001

Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	

Viewmont Holdings LLC  
17213 Hillside Avenue  
Jamaica, NY 11432

7015 3010 0001 7304 6682

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	

Lewis A. Robinson  
49 West 126th Street  
New York, NY 10027

7015 3010 0001 7304 6804

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	

Jeemi Song  
PO Box 1266  
Englewood Cliffs, NJ 07632

7015 3010 0001 7304 6811

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For delivery information, visit [usps.com](http://usps.com) Jed Candreva-251799.000001

Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	

Goodridge Anita  
50 West 126th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 6767

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	

38 West 126th Street Realty LLC  
36 West 126th Street  
New York, NY 10027

7015 3010 0001 7304 6774

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	

West 126 Group LLC  
40 West 126th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 6781

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	

42 West 126 St. RLTYCORP.  
Trust Management  
199 Lee Avenue, Suite 315  
Brooklyn, NY 11211

7015 3010 0001 7304 7023

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CERTIFIED MAIL® RECEIPT**  
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For delivery information, visit [usps.com](http://usps.com) Jed Candreva-251799.000001

Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To	

101 West LLC  
c/o FATA Organization,  
290 Lenox Avenue, Floor 2  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

2017-240-BZ

01/24/2018

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For delivery information, visit [usps.com](http://usps.com) Jed Candreva-251799.000001

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Sent To  
Marc Lindahl  
58 West 126th Street  
New York, NY 10027

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Domestic Mail Only

For delivery information, visit [usps.com](http://usps.com) Jed Candreva-251799.000001

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Sent To  
Lillie Ann Hamm  
59 West 126th Street  
New York, NY 10027

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Sent To  
Keith Faulkner  
57 West 126th Street  
New York, NY 10027

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Sent To  
Prime Homes LLC  
11 Grace avenue, Suite 108  
Great Neck, NY 11021

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Sent To  
Felicia Brown  
45 West 126th Street  
New York, NY 10027

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Sent To  
Royal Orleans Hotel NY LLC  
1 Hillel Pl., Ste. 2  
Brooklyn, NY 11210

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Sent To  
172 E. Holding LLC  
c/o Maja Equities LLC  
315 Madison Ave. RM. 208  
New York, NY 10017

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For delivery information, visit [usps.com](http://usps.com) Jed Candreva-251799.000001

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Sent To  
Lewis A. Roberson  
55 West 126<sup>th</sup> St.  
New York, NY 10027

2017-240-BZ

01/24/2018

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Evangelical Lutheran Church of the Transfiguration  
74 W. 126th St.  
New York, NY 10027

City, State, ZIP+4®  
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 7078

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

64 West LLC  
290 Lenox Avenue, Floor 2  
New York, NY 10027

City, State, ZIP+4®  
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 6897

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

BVK 55 WEST 125th STREET LLC  
PO Box 4900, Dept. 207  
Scottsdale, AZ 85261

City, State, ZIP+4®  
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 6859

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

The Hester Carter Revocable Trust  
41 West 126th Street, Apt. 1  
New York, NY 10027

City, State, ZIP+4®  
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0001 0600 4614

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Sheba Realty II LLC  
20 W. 38th Street, Room 400  
New York, NY 10018

City, State, ZIP+4®  
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 6996

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit [usps.com](http://usps.com) Jed Candreva-251799.000001

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Tara Johnson  
69 West 126th Street  
New York, NY 10027

City, State, ZIP+4®  
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 6965

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit [usps.com](http://usps.com) Jed Candreva-251799.000001

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Fifty 2 West 126 Corp.  
14845 Hillside Avenue, Suite 200  
Jamaica, NY 11435

City, State, ZIP+4®  
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 6828

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit [usps.com](http://usps.com) Jed Candreva-251799.000001

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

56 West 126 Holding, LLC  
35 Journal Square, Suite 1103,  
Jersey City, NJ 07306

City, State, ZIP+4®  
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 6835

7015 1730 0001 0600 4713

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Kevin P. Wardally  
60 W. 127th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0001 0600 4720

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Bailis B. Stair  
64 W. 127th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0001 0600 4690

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Davis Georgia  
62 W. 127th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0001 0600 4737

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Tracey K. Jackson  
66 W. 127th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0001 0600 4638

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Elisabeth H.W. Ames  
37 W. 126th Street, Apt 1,  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0001 0600 4669

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

44 W. 127th St, LLC  
44 W. 127th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0001 0600 4676

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Rutledge Lesslee  
46 W. 127th Street,  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 6705

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Carver Federal Savings Bank  
75 W. 125th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 6415  
7015 3010 0001 7304 6408  
7015 3010 0001 7304 6378  
7015 3010 0001 7304 6927

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Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To: J. Candreva  
NYC Department of City Planning  
120 Broadway, 31st Floor  
New York, NY 10007

Postmark Here

257 799 1

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To: Ms Edith Hsu-Chen, Director  
NYC Department of City Planning  
120 Broadway, 31st Floor  
New York, New York 10007

Postmark Here

257 799 1

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To: Gale A. Brewer  
Manhattan Borough President  
1 Centre Street, 19th Floor  
New York, New York 10007

Postmark Here

257 799 1

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To: ATOC Incorporated  
c/o Sovereign Bank NY  
195 Montague Street  
Brooklyn, NY 11201

Postmark Here

Jed Candreva-251799.000001

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Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To: Mr. Andrew Lassalle, District Manager  
Manhattan Community Board 10  
215 West 125th Street, 4th Floor  
New York, New York 10027

Postmark Here

257 799 1

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To: Honorable Bill Perkins  
NYC City Council, District Office  
Adam Clayton Powell Jr. State Office Bldg.  
163 West 125th Street, Room 729  
New York, New York 10027

Postmark Here

257 799 1

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Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To: ADEM 54-62 125th LLC  
245 Park Avenue, 42nd Floor  
New York, NY 10167

Postmark Here

Jed Candreva-251799.000001

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Sent To: Great Hills Equities, Inc.  
144 East 44th Street  
New York, NY 10017

Postmark Here

Jed Candreva-251799.000001

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



2017-240-BZ

01/24/2018

7015 3010 0001 7304 7412

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$



Andrew Finkelstein  
110 West 127th Street 1  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

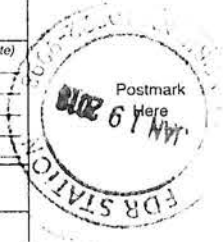
7015 3010 0001 7304 7382

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$



Jacquelinef Allmond  
333 Lenox Avenue  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 7375

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Four Manhattan LLC  
329 Lenox Avenue  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 7191

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Fifty Nine West LLC  
59 W. 127th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 7160

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

HP Genesis Y15 Housing Development & Genesis Y15 Owners LLC  
c/o Housing Partnership Development  
242 W. 36th Street, Fmt 3  
New York, NY 10018

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 7177

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Orinthia Perkins  
63 W. 127th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 7146

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

79 W. 127th Street  
1303 53rd Street, Suite 308  
Brooklyn, NY 11219

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7015 3010 0001 7304 7153

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Harlem Grown, Inc.  
127 W. 127th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Scarlet 81 Realty LLC  
909 Midland Avenue  
Yonkers, NY 10704

PS Form 3800, April 2015 PSN 7530-02-000-9047

2059 40E2 7302 1000 010E 5102

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

St. Nicholas W. 126<sup>th</sup> Street LP  
West 126<sup>th</sup> Street Cluster LLC  
270 W. 123<sup>rd</sup> Street  
New York, New York 10027

PS

Instructions

2059 40E2 7302 1000 010E 5102

Jed Candreva-251799.000001

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

343 Lenox Avenue, LL  
Gillian Walker  
21 West 122nd Street, Apt. 1  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0949 40E2 7302 1000 010E 5102

Jed Candreva-251799.000001

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Jessica Lyn Morton  
2072 8th Ave., Apt. 3B  
New York, NY 10026

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0949 40E2 7302 1000 010E 5102

Jed Candreva-251799.000001

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

David LU  
117 W. 126th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0949 40E2 7302 1000 010E 5102

Jed Candreva-251799.000001

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Jerome Basdevant  
Jodie Dinapoli-Algarra  
345 Lenox Ave. # R-4  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0949 40E2 7302 1000 010E 5102

Jed Candreva-251799.000001

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

John Benton  
345 Lenox Ave. Apt. 2  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0949 40E2 7302 1000 010E 5102

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Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com) Jed Candreva-251799.000001

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Evora Reaves  
119 W. 126th Street  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

0949 40E2 7302 1000 010E 5102

7015 3010 0001 7304 7122

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Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

West 126th Street Operating LLC  
 77 West 126th Street  
 New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0001 0600 4812

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

332 Lenox Ave. Inc.  
 332 Lenox Avenue  
 New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0001 0600 4799

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Harlem Church of Christ  
 338 Lenox Avenue  
 New York, NY 10027

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7015 1730 0001 0600 4775

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

RER Group LLC  
 18211 Union Turnpike  
 Flushing NY 11366

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0001 0600 4762

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Michael Benavides & Sandra Benavides  
 78 W. 127th Street  
 New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0001 0600 4768

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Harriet Carpenter  
 72 W. 127th Street  
 New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0001 0600 4744

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Fiona A. Schaeffer  
 68 W. 127th Street  
 New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1730 0001 0600 4751

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Verna A. Hart  
 70 W. 127th Street  
 New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

2017-349-67

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Jed Candreva-251799.000001

Rosalie Harrison  
345 Lenox Ave. #C1  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

01/24/2018

# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Jed Candreva-251799.000001

Wilson Young  
Bonnie Tong  
1677 Lexington Ave., Apt 4A  
New York, NY 10029

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# U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
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Kim Audan  
Nicolas Audan  
110 West 127th Street 2  
New York, NY 10027

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
Here

Magdala Fabre  
112 W. 127th Street  
New York, NY 10027

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
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Crossroads Baptist Church  
Pastor Calvin Daney  
104 W. 127th Street  
New York, NY 10027

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Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
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Collins J. Ogbolu  
191 Cross Street  
Bronx, NY 10464

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
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DELSHAH 321 LENOX LLC  
321 Lenox Avenue  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark  
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327 Lenox Avenue HDFC  
327 Lenox Avenue  
New York, NY 10027

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 3010 0001 7304 7030

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

Bethany/Development Outreach Housing Development Fund Corp.  
63 West 124th Street  
New York, NY 10027

PS Form 3800, April 2016 PSN 7530-02-000-9047 7015 3010 0001 7304 7030

7015 3010 0001 7304 6798

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$	
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<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

Edco Houses Associates Limited Partnership  
44 West 126th Street  
New York, NY 10027

7015 3010 0001 7304 6750

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Certified Mail Fee \$	Postmark Here
Extra Services & Fees (check box, add fee as appropriate)	
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<input type="checkbox"/> Return Receipt (electronic) \$	
<input type="checkbox"/> Certified Mail Restricted Delivery \$	
<input type="checkbox"/> Adult Signature Required \$	
<input type="checkbox"/> Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	

36 West 126th Street Realty LLC  
Daniel Kalegha  
14608 Danville Road  
Woodbridge, VA 22193

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022



troutman.com

**Jeremiah H. Candreva**

D 212.704.6292

F 212.704.5991

jed.candreva@troutmansanders.com

January 17, 2018

VIA CERTIFIED MAIL

Manhattan Borough President Gale A. Brewer  
1 Centre Street, 19th Floor  
New York, NY 10007

Re: Notice of Public Hearing  
Red Rooster Harlem Restaurant  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue (Block 1723, Lot 69), Manhattan

Dear Honorable Borough President Brewer:

Enclosed please find a copy of the Notice of Public Hearing for BSA Calendar No. 2017-240-BZ in connection with an application for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York. The special permit will facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant for a Use Group 12A Eating and Drinking Establishment.

The public hearing will be held at 1 pm on February 27, 2018 in Spector Hall, 22 Reade Street, Manhattan.

Please feel free to contact me at (212) 704-6292 if you have any questions regarding this Application.

Very truly yours,

TROUTMAN SANDERS LLP

By:

A handwritten signature in blue ink, appearing to read "Jeremiah H. Candreva", written over a horizontal line.

Jeremiah H. Candreva  
Partner

**NOTICE OF PUBLIC HEARING**

To:

Manhattan Borough President Gale A. Brewer  
1 Centre Street, 19th Floor  
New York, NY 10007

Address:

The NYC Board of Standards and Appeals has scheduled a public hearing on the following application:

**Special Permit (§73-244) to permit the legalization of the conversion of the cellar level of an existing eating and drinking establishment without restrictions and no limitation on entertainment and dancing (UG 12A) (Red Rooster Harlem Restaurant located on the cellar level . C4-4A (Special 125th Street District).**

Address: **310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.**


BSA Calendar Number: **2017-240-BZ**

Applicant: **Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.**

Community Board No.: **10M**

This application has been calendared for Public Hearing **\*Tuesday, February 27, 2018, 1:00 P.M. session, in Spector Hall, 22 Reade Street**, Borough of Manhattan. Interested persons or associations may appear at the hearing to present testimony regarding this application. The referenced application may be reviewed by appointment at the BSA's office, Monday through Friday, 9:00 am to 4:00 pm. To schedule an appointment or to obtain subsequent information regarding additional hearing dates, please call 212-386-0009 and reference BSA Calendar Number.

Dated: 1-17-18

  
\_\_\_\_\_, Applicant

*This notice is published by the applicant in accordance with the Rules of Procedure of the Board of Standards and Appeals.*

**\* Please confirm hearing location by visiting [www.nyc.gov/bsa](http://www.nyc.gov/bsa) or contact 212-386-0078.**

**The BZ calendar will immediately follow the SOC and A calendars. Please note that subsequent hearings for this application might be scheduled at 10:00AM.**

## NYC Board of Standards and Appeals Public Hearing Announcement

Dear: **Owner/Tenant**

Residing at:

Owner/Tenant of Block No. Lot No.

Community Board No.: **10M**

Manhattan Borough President Gale A. Brewer  
1 Centre Street, 19th Floor  
New York, NY 10007

This letter is to advise you that your neighbor, located at **310 Lenox Avenue**, has an application with the **Board of Standards and Appeals ("BSA")** and is scheduled for a Public Hearing **Tuesday, February 27, 2018, at the 1:00 P.M. session of the BSA, in \*Spector Hall, 22 Reade Street, Manhattan.** You are invited to attend the public hearing, where you will be given an opportunity to testify, if you wish.

The property is referenced by the following BSA Calendar number: **2017-240-BZ.**

The owner of **310 Lenox Avenue**, seeks the following modification(s) to the land use regulations:

**Special Permit (§73-244) to permit the legalization of the conversion of the cellar level of an existing eating and drinking establishment without restrictions and no limitation on entertainment and dancing (UG 12A) (Red Rooster Harlem Restaurant located on the cellar level . C4-4A (Special 125th Street District).**

You may complete the enclosed Form for Objection and Consent. It must be notarized and the consenter/objector must identify the address of his or her residence. Forms may be filed in person (by scheduling an appointment with BSA), emailed to [Submit@bsa.nyc.gov](mailto:Submit@bsa.nyc.gov), or mailed to the *New York City Board of Standards and Appeals, 250 Broadway, 29<sup>th</sup> Floor, New York, New York 10007*. The form should be received at the BSA office at least five (5) days prior to the public hearing.

The referenced application may be reviewed by appointment at the BSA's office, Monday through Friday, 9:00 am to 4:00 pm. To schedule an appointment or to obtain subsequent information regarding additional hearing dates, please call 212-386-0009 and reference BSA Calendar Number: **2017-240-BZ**. *A copy of the application is also available for review at your local Community Board office.*


If this notice is received by the business office of a cooperative or condominium, please notify all tenants of the cooperative or condominium in the office's customary manner and post the hearing notice in the common areas.

*This notice is published by the applicant in accordance with the BSA's Rules of Practice and Procedure.*

Applicant: **Troutman Sanders LLP**

Property Owner: **Red Rooster Harlem LLC**

Dated: 1-17-18

 Applicant

\* Please confirm hearing location by visiting [www.nyc.gov/bsa](http://www.nyc.gov/bsa) or contact 212-386-0078.

The BZ calendar will immediately follow the SOC and A calendars. Please note that subsequent hearings for this application might be scheduled at 10:00AM.





250 Broadway, 29<sup>th</sup> Floor  
New York, NY 10007-2516  
Tel. (212) 386-0009  
Fax (646) 500-6271  
Website at www.nyc.gov/bsa

Margery Perlmutter  
Chair/Commissioner

**FORM FOR OBJECTION OR CONSENT**

The NYC Board of Board of Standards and Appeals has scheduled a public hearing on the following application:

**Cal. No.: 2017-240-BZ**

**Address: 310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.**

**Applicant: Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.**

You may complete the Affidavit provided below and indicate whether you consent or object to the application.

Name: \_\_\_\_\_

I am the owner of or lessee at the following:

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- I support the application.
- I object to the application for the following reasons (attach additional paper if necessary).

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Sign Here

Sworn to before me this \_\_\_\_\_ day

Of \_\_\_\_\_ 2 \_\_\_\_\_

\_\_\_\_\_  
 Notary

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022



troutman.com

Jeremiah H. Candreva  
D 212.704.6292  
F 212.704.5991  
jed.candreva@troutmansanders.com

January 17, 2018

VIA CERTIFIED MAIL

Mr. Andrew Lassalle, District Manager  
Manhattan Community Board 10  
215 West 125th Street, 4th Floor  
New York, NY 10027

Re: Notice of Public Hearing  
Red Rooster Harlem Restaurant  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue (Block 1723, Lot 69), Manhattan

Dear Mr. LaSalle:

Enclosed please find a copy of the Notice of Public Hearing for BSA Calendar No. 2017-240-BZ in connection with an application for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York. The special permit will facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant for a Use Group 12A Eating and Drinking Establishment.


The public hearing will be held at 1 pm on February 27, 2018 in Spector Hall, 22 Reade Street, Manhattan.

Please feel free to contact me at (212) 704-6292 if you have any questions regarding this Application.

Very truly yours,

TROUTMAN SANDERS LLP

By:

  
Jeremiah H. Candreva  
Partner

<b>NOTICE OF PUBLIC HEARING</b>
---------------------------------

To:

Mr. Andrew Lassalle, District Manager  
Manhattan Community Board 10

Address: 215 West 125th Street, 4th Floor  
New York, NY 10027

The NYC Board of Standards and Appeals has scheduled a public hearing on the following application:

**Special Permit (§73-244) to permit the legalization of the conversion of the cellar level of an existing eating and drinking establishment without restrictions and no limitation on entertainment and dancing (UG 12A) (Red Rooster Harlem Restaurant located on the cellar level . C4-4A (Special 125th Street District).**

Address: 310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.


BSA Calendar Number: 2017-240-BZ

Applicant: Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.

Community Board No.: 10M

This application has been calendared for Public Hearing **\*Tuesday, February 27, 2018, 1:00 P.M. session, in Spector Hall, 22 Reade Street**, Borough of Manhattan. Interested persons or associations may appear at the hearing to present testimony regarding this application. The referenced application may be reviewed by appointment at the BSA's office, Monday through Friday, 9:00 am to 4:00 pm. To schedule an appointment or to obtain subsequent information regarding additional hearing dates, please call 212-386-0009 and reference BSA Calendar Number.

Dated: 1-17-18

  
\_\_\_\_\_, Applicant

*This notice is published by the applicant in accordance with the Rules of Procedure of the Board of Standards and Appeals.*

\* Please confirm hearing location by visiting [www.nyc.gov/bsa](http://www.nyc.gov/bsa) or contact 212-386-0078.  
The BZ calendar will immediately follow the SOC and A calendars. Please note that subsequent hearings for this application might be scheduled at 10:00AM.

## NYC Board of Standards and Appeals Public Hearing Announcement

Dear: **Owner/Tenant**

Residing at:

Owner/Tenant of Block No.    Lot No.

Community Board No.: **10M**

Mr. Andrew Lassalle, District Manager  
Manhattan Community Board 10  
215 West 125th Street, 4th Floor  
New York, NY 10027

This letter is to advise you that your neighbor, located at **310 Lenox Avenue**, has an application with the **Board of Standards and Appeals ("BSA")** and is scheduled for a Public Hearing **Tuesday, February 27, 2018, at the 1:00 P.M. session of the BSA, in \*Spector Hall, 22 Reade Street, Manhattan.** You are invited to attend the public hearing, where you will be given an opportunity to testify, if you wish.

The property is referenced by the following BSA Calendar number: **2017-240-BZ.**

The owner of **310 Lenox Avenue**, seeks the following modification(s) to the land use regulations:

**Special Permit (§73-244) to permit the legalization of the conversion of the cellar level of an existing eating and drinking establishment without restrictions and no limitation on entertainment and dancing (UG 12A) (Red Rooster Harlem Restaurant located on the cellar level . C4-4A (Special 125th Street District).**

You may complete the enclosed Form for Objection and Consent. It must be notarized and the consenter/objector must identify the address of his or her residence. Forms may be filed in person (by scheduling an appointment with BSA), emailed to [Submit@bsa.nyc.gov](mailto:Submit@bsa.nyc.gov), or mailed to the *New York City Board of Standards and Appeals, 250 Broadway, 29<sup>th</sup> Floor, New York, New York 10007.* The form should be received at the BSA office at least five (5) days prior to the public hearing.

The referenced application may be reviewed by appointment at the BSA's office, Monday through Friday, 9:00 am to 4:00 pm. To schedule an appointment or to obtain subsequent information regarding additional hearing dates, please call 212-386-0009 and reference BSA Calendar Number: **2017-240-BZ.** *A copy of the application is also available for review at your local Community Board office.*

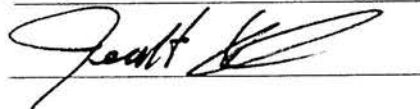
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*This notice is published by the applicant in accordance with the BSA's Rules of Practice and Procedure.*

Applicant:           **Troutman Sanders LLP**

Property Owner:   **Red Rooster Harlem LLC**

Dated: 1-17-18



\_\_\_\_\_, Applicant

\* Please confirm hearing location by visiting [www.nyc.gov/bsa](http://www.nyc.gov/bsa) or contact 212-386-0078.

The BZ calendar will immediately follow the SOC and A calendars. Please note that subsequent hearings for this application might be scheduled at 10:00AM.



250 Broadway, 29<sup>th</sup> Floor  
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Tel. (212) 386-0009  
Fax (646) 500-6271  
Website at www.nyc.gov/bsa

Margery Perlmutter  
Chair/Commissioner

**FORM FOR OBJECTION OR CONSENT**

The NYC Board of Board of Standards and Appeals has scheduled a public hearing on the following application:

**Cal. No.: 2017-240-BZ**

**Address: 310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.**

**Applicant: Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.**

You may complete the Affidavit provided below and indicate whether you consent or object to the application.

Name: \_\_\_\_\_

I am the owner of or lessee at the following:

Address: \_\_\_\_\_  
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- I support the application.
- I object to the application for the following reasons (attach additional paper if necessary).

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\_\_\_\_\_

\_\_\_\_\_  
Sign Here

Sworn to before me this \_\_\_\_ day

Of \_\_\_\_\_ 2 \_\_\_\_\_

\_\_\_\_\_  
Notary

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022



troutman.com

**Jeremiah H. Candreva**  
D 212.704.6292  
F 212.704.5991  
jed.candreva@troutmansanders.com

January 17, 2018

VIA CERTIFIED MAIL

Honorable Bill Perkins  
NYC City Council, District Office  
Adam Clayton Powell Jr. State Office Building,  
163 West 125th Street, Room 729  
New York, NY 10027

Re: Notice of Public Hearing  
Red Rooster Harlem Restaurant  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue (Block 1723, Lot 69), Manhattan

Dear Honorable Councilmember Perkins:

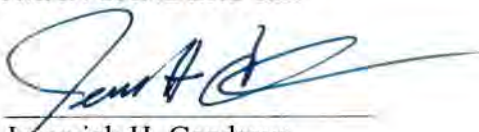
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The public hearing will be held at 1 pm on February 27, 2018 in Spector Hall, 22 Reade Street, Manhattan.

Please feel free to contact me at (212) 704-6292 if you have any questions regarding this Application.

Very truly yours,

TROUTMAN SANDERS LLP

By:   
Jeremiah H. Candreva  
Partner

<b>NOTICE OF PUBLIC HEARING</b>
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To:

Honorable Bill Perkins  
 NYC City Council, District Office  
 Adam Clayton Powell Jr. State Office Building,  
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**Special Permit (§73-244) to permit the legalization of the conversion of the cellar level of an existing eating and drinking establishment without restrictions and no limitation on entertainment and dancing (UG 12A) (Red Rooster Harlem Restaurant located on the cellar level . C4-4A (Special 125th Street District).**

Address: **310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.**


BSA Calendar Number: **2017-240-BZ**

Applicant: **Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.**

Community Board No.: **10M**

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Dated: 1-17-18

 Applicant

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## NYC Board of Standards and Appeals Public Hearing Announcement

Dear: **Owner/Tenant**

Residing at:

Owner/Tenant of Block No. Lot No.

Community Board No.: **10M**

Honorable Bill Perkins  
NYC City Council, District Office  
Adam Clayton Powell Jr. State Office Building,  
163 West 125th Street, Room 729  
New York, NY 10027

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The owner of **310 Lenox Avenue**, seeks the following modification(s) to the land use regulations:

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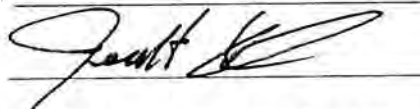
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Applicant: **Troutman Sanders LLP**

Property Owner: **Red Rooster Harlem LLC**

Dated: 1-17-18



Applicant

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Margery Perlmutter  
Chair/Commissioner

**FORM FOR OBJECTION OR CONSENT**

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Sworn to before me this \_\_\_\_ day

Of \_\_\_\_\_ 2 \_\_\_\_\_

\_\_\_\_\_  
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New York, New York 10022



troutman.com

**Jeremiah H. Candreva**

D 212.704.6292

F 212.704.5991

jed.candreva@troutmansanders.com

January 17, 2018

VIA CERTIFIED MAIL

Honorable Chairperson Marisa Lago  
NYC Department of City Planning  
120 Broadway, 31st Floor  
New York, NY 10007

Re: Notice of Public Hearing  
Red Rooster Harlem Restaurant  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue (Block 1723, Lot 69), Manhattan

Dear Chairperson Lago:

Enclosed please find a copy of the Notice of Public Hearing for BSA Calendar No. 2017-240-BZ in connection with an application for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York. The special permit will facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant for a Use Group 12A Eating and Drinking Establishment.

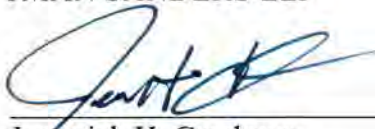
The public hearing will be held at 1 pm on February 27, 2018 in Spector Hall, 22 Reade Street, Manhattan.

Please feel free to contact me at (212) 704-6292 if you have any questions regarding this Application.

Very truly yours,

TROUTMAN SANDERS LLP

By:

  
Jeremiah H. Candreva  
Partner

<b>NOTICE OF PUBLIC HEARING</b>
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To:

Honorable Chairperson Marisa Lago  
NYC Department of City Planning

Address: 120 Broadway, 31st Floor  
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Community Board No.: 10M

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Dated: 1-17-18

  
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<p><b>NYC Board of Standards and Appeals</b>  <b>Public Hearing Announcement</b></p>
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Dear: **Owner/Tenant**

Residing at:

Owner/Tenant of Block No.    Lot No.

Community Board No.: **10M**

Honorable Chairperson Marisa Lago  
 NYC Department of City Planning  
 120 Broadway, 31st Floor  
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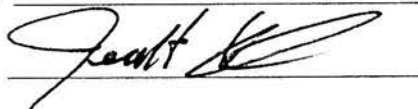
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troutman.com

**Jeremiah H. Candreva**  
D 212.704.6292  
F 212.704.5991  
jed.candreva@troutmansanders.com

January 17, 2018

VIA CERTIFIED MAIL

Ms. Edith Hsu-Chen, Director  
NYC Department of City Planning, Manhattan Office  
120 Broadway, 31st Floor  
New York, NY 10007

Re: Notice of Public Hearing  
Red Rooster Harlem Restaurant  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue (Block 1723, Lot 69), Manhattan

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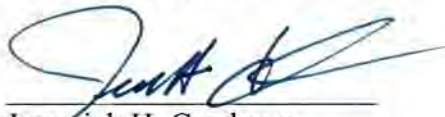
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By:

  
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Partner

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## NYC Board of Standards and Appeals Public Hearing Announcement

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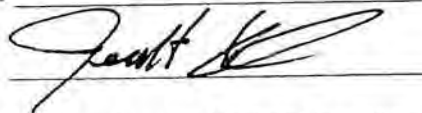
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Applicant: **Troutman Sanders LLP**

Property Owner: **Red Rooster Harlem LLC**

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Chair/Commissioner

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Sworn to before me this \_\_\_\_ day

Of \_\_\_\_\_ 2 \_\_\_\_\_

\_\_\_\_\_  
Notary



# FDNY

www.nyc.gov/fdny

March 21, 2018

Hon. Margery Perlmutter, Chair  
Board of Standards and Appeals  
250 Broadway, 29<sup>th</sup> Floor  
New York, New York 10007

Re: BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue  
New York, New York

Dear Chair Perlmutter and Members of the Board:

At the request of the Board, an inspection was performed by members of FDNY to review the proposed occupancy of entertainment for the existing eating and drinking establishment in the cellar. Members of FDNY included a Battalion Chief of BN12, LPPA Inspector and I.

We met with Mr. Jeremiah Candreva and Mr. Julian Velasco of Milrose Consultants, along with representatives of the restaurant during our inspection. Mr. Candreva clarified for us, that the total occupancy load of the cellar will not exceed 200 persons and that the holding areas were designed to comply with the requirements of the zoning resolution.

The operation of the proposed occupancy was further clarified, in that when customers entering to view an entertainment performance, they will be escorted to the holding room while a table is being prepared. Once a table becomes available the customers would be seated immediately. At no time will the occupancy load exceed 200 persons.

A walk through of the entire restaurant was performed on the first and cellar floors as well as the building lobby.

Below are our recommendations to the proposed occupancy:

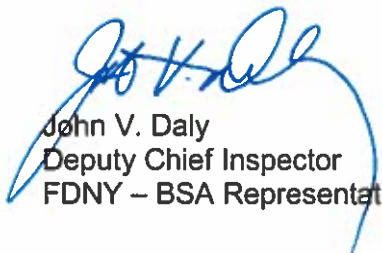
1. we request that a module be installed in the fire alarm panel that will turn off all power to any musical instruments in the event that the fire alarm system is activated on any floor.
2. No curtains or drapery, in all areas of the restaurant, be hung to obscure the view to an exit passageway.
3. In the cellar, an exit passageway that runs parallel to a corridor that contains walk-in refrigerators, part of the passageway is separated from the exit passageway, except at the end of such passageway. We request that a rated wall of one-hour be constructed to separate the corridor and exit passageway. If any doors are installed in the wall, the door must be of similar rating to the rated-wall.
4. We request that the total number of customers, staff and performers be listed on the plan.  
Note: total number of occupants is not to exceed 200 persons.

**Fire Department, City of New York**

5. Along the exit passageway corridors, that is outside of the restaurant space, all shelving and obstructions are to be removed and such corridor be maintained cleared at all times. Any storage cabinets installed along this corridor must be of a rated cabinet and accepted by the Department of Buildings. The minimum clear distance between the cabinets and corridor walls shall be determined by the building code for public assembly use.
6. We recommend additional exit signs be installed along all exit passageway's to better direct people to the means of egress.
7. In the large holding room, the door leading to the exit passageway protrudes its full width into the passageway. We request that this door be recessed into the large holding room, so in the event of an evacuation, the door will not reduce the width of the passageway.
8. All security personnel used by the restaurant, during performances shall hold an F-03 Certificate of Fitness "Indoor Place of Assembly Safety Personnel", issued by the Fire Department of the City of New York.

If our recommendations are acceptable to the applicant and revised plans submitted to the Board showing these recommendations, the Department has no objection to the approval of this application.

Respectfully,



John V. Daly  
Deputy Chief Inspector  
FDNY – BSA Representative



# FDNY

www.nyc.gov/fdny

March 26, 2018

Hon. Margery Perlmutter, Chair  
Board of Standards and Appeals  
250 Broadway, 29<sup>th</sup> Floor  
New York, New York 10007

Re: BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue  
New York, New York

Dear Chair Perlmutter and Members of the Board:

I am writing to address the Board's comments made at the Review Session on March 26, 2018 in reference to the above noted application.

As the Chair stated, she is concerned with the number of people who may exit from the office spaces on the 2<sup>nd</sup> and 3<sup>rd</sup> floor and people exiting from the Cellar space, and converging in the Lobby. Based on FDNY inspections, people can safely exit these premises. With the recommendation, to reduce the length of the knee wall to improve the egress path to the lobby front doors.

Another concern addressed at the Review Session by Comm. Ottley-Brown, was the location of storage lockers to be placed along the exit corridor in the Cellar. During our inspection, we observed shelving with paper products stored in the corridor. As I explained to Mr. Candreva, storage in an exit passageway is not permitted unless they are stored in cabinets that will protect these items from becoming flammable. One way to do that is to provide fireproof cabinets secured to the demise wall. The corridors are of sufficient width for people to exit the cellar that the cabinets will not impede egress.

As stated in my letter of March 21, 2018, the minimum clear distance between the cabinets and corridor walls shall be determined by the building code for public assembly use. If this clear distance cannot be accomplished, then the cabinets cannot be installed.

I have also reviewed the plan A-101.00 and A-103.00, with the revision date of March 23 and March 26, 2018, and find same to be acceptable.

Respectfully,

A handwritten signature in blue ink, appearing to read "John V. Daly".

John V. Daly  
Deputy Chief Inspector  
FDNY – BSA Representative

**Fire Department, City of New York**

9 MetroTech Center, Brooklyn, New York 11201-3857



# FIRE DEPARTMENT

BUREAU OF FIRE PREVENTION  
9 METROTECH CENTER 3RD FLOOR - BROOKLYN, N.Y. 11201-3857



MARCUS SAMUELSSON GROUP

770 LEXINGTON AVE  
NEW YORK, NY 10065

BLDGS DEPT APPL. NO: 122378989

ACCOUNT NUMBER: 35359801

DATE OF APPROVAL: 01/17/18

DATE OF INSPECTION: 12/11/15

INSPECTOR NAME: E. KUN

PLAN NUMBER:

FLOOR(S) INSPECTED: FLS: C,1

PREMISES	BOROUGH
310 LENOX AVE	NEW YORK

## LETTER OF APPROVAL

THIS LETTER OF APPROVAL COVERS THE SYSTEM INDICATED BELOW. IT IS SUBJECT TO ADMINISTRATIVE REVIEW AND AUDIT.

APPROVAL OF THE SYSTEMS(S) IS GRANTED IN ACCORDANCE WITH:

SELF CERTIFICATION     INSPECTION     PROFESSIONAL CERTIFICATION

GROUP A 2-5 (ASSEMBLY) FAS\*\*\*\*\*29 NYC Admin. Code § FC 104.2

SSC / SPR / COC\*\*\*\*\*

CCA, FOREST HILLS/NY\*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

Sincerely,

Chief of Fire Prevention  
City of New York

35359801 7      01/18/18      49154.3



# Certificate of Occupancy

**CO Number: 104522508T026**

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

<b>A.</b>	<b>Borough:</b> Manhattan	<b>Block Number:</b> 01723	<b>Certificate Type:</b> Temporary
	<b>Address:</b> 310 LENOX AVENUE	<b>Lot Number(s):</b> 69	<b>Effective Date:</b> 01/18/2018
	<b>Building Identification Number (BIN):</b> 1053528	<b>Building Type:</b> Altered	<b>Expiration Date:</b> 04/18/2018
<i>For zoning lot metes &amp; bounds, please see BISWeb.</i>			
<b>B.</b>	<b>Construction classification:</b> 5	(Prior to 1968 Code)	
	<b>Building Occupancy Group classification:</b> COM	(Prior to 1968 Code)	
	<b>Multiple Dwelling Law Classification:</b> None		
	<b>No. of stories:</b> 3	<b>Height in feet:</b> 35	<b>No. of dwelling units:</b> 0
<b>C.</b>	<b>Fire Protection Equipment:</b> Sprinkler system		
<b>D.</b>	<b>Type and number of open spaces:</b> None associated with this filing.		
<b>E.</b>	<b>This Certificate is issued with the following legal limitations:</b> None		
<b>Outstanding requirements for obtaining Final Certificate of Occupancy:</b>			
There are 13 outstanding requirements. Please refer to BISWeb for further detail.			
<b>Borough Comments:</b> None			

Borough Commissioner

Commissioner



# Certificate of Occupancy

CO Number: 104522508T026

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
CEL		OG	D-2		2	MECHANICAL ROOMS
CEL	200	OG	F-4		6	EATING AND DRINKING ESTABLISHMENT
CEL		OG	B-2		6	STORAGE
CEL	20	OG	F-3		6	LOUNGE, NON SIMULTANEOUS
001	144	120	C		6	RETAIL STORES
001	130	120	F-4		6	EATING AND DRINKING ESTABLISHMENT
002	72	75	E		6	OFFICES
002		75	D-2		6	MECHANICAL ROOMS
003	60	75	E		6	OFFICES, ACCESSORY LONGE, NON-SIMULTANEOUS
003		75	D-2		6	MECHANICAL ROOM
END OF SECTION						

Borough Commissioner

Commissioner

END OF DOCUMENT



250 Broadway, 29<sup>th</sup> Floor  
New York, NY 10007-2516  
Tel: (212) 386-0009  
Fax: (646) 500-6271  
Website: [www.nyc.gov/bsa](http://www.nyc.gov/bsa)

RECEIVED  
BD STANDARDS AND APPEALS

2018 MAR -5 P 5:38

Margery Perlmutter  
Chair/Commissioner

CAL. NO.

**FORM FOR OBJECTION OR CONSENT**

The NYC Board of Board of Standards and Appeals has scheduled a public hearing on the following application:

Cal. No.: 2017-240-BZ

Address: 310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.

Applicant: Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.

You may complete the Affidavit provided below and indicate whether you consent or object to the application.

Name: Vernahart

I am the owner of or lessee at the following:

Address: 70 W, 127<sup>th</sup> ST  
MC, NY 10027

- I support the application.
- I object to the application for the following reasons (attach additional paper if necessary).

Vernahart  
Sign Here

Sworn to before me this 2 day

Of Manh 2 018

[Signature] Notary









**Board of Standards  
and Appeals**

250 Broadway, 29<sup>th</sup> Floor  
New York, New York 10007  
Phone: (212) 386-0009  
Fax: (646) 500-6271  
[www.nyc.gov/bsa](http://www.nyc.gov/bsa)

**Margery Perlmutter**

Chairperson/Commissioner

October 30, 2017

Jeremiah H. Candreva  
310 Lenox Avenue  
New York, NY 10027

Re Cal No: **2017-240-BZ**  
Premises: 310 Lenox Avenue, Manhattan

Dear Mr. Candreva,

Attached is the Notice of Comments for the above referenced BZ application which raises issues that need to be addressed before these applications may be calendared by the Board for a hearing. Failure to respond in a timely manner could lead to the dismissal of the application for lack of prosecution.

Each of the following objections should be addressed point-by-point. For those objections which cannot be addressed until a later date, indicate approximately when the Board can expect a reply. A copy of all materials sent in response to these objections must also be submitted to the Community Board(s), the Borough Board (as applicable), the City Council member in whose district the site is located, the Borough Commissioner of the Department of Buildings and the City Planning Commission. Applicants are required to notify each of these entities each and every time a submission is made to the Board of Standards and Appeals. Proof of proper notification may be provided by return receipts, copies of transmittal letters, carbon copy (cc's) lists or other comparable proofs.

For further information regarding these requirements, or for information relating to the following objections, please contact me at (212) 386-0067 or via email at [gprenga@bsa.nyc.gov](mailto:gprenga@bsa.nyc.gov). For detailed instructions for completing BSA applications, please visit [www.nyc.gov/bsa](http://www.nyc.gov/bsa).

Sincerely,

Gjela Prenga,  
Project Manager

**New York City Board of Standards and Appeals**  
**Notice of Comments**  
**October 30, 2017**  
**2017-240-BZ**

**Premises:** 310 Lenox Avenue, Manhattan  
**Applicant:** Jeremiah H. Candreva

**Additional Requests**

1. Provide the plans submitted to DOB under job number 123326748.
2. Provide the manufacturer's spec sheet for the insulation and sound attenuation measures.
3. Provide proof of installation and testing of fire sprinklers and alarms.

**Statement**

4. It is unclear if the application is for the legalization of the cellar, ground floor or both. Please clarify, there are inconsistencies in the Statement. Is there entire business (both levels) applying for the Special permit to permit the eating & drinking establishment?
5. What makes the cellar qualify as a UG 12A use and not a UG 6C use? UG 6C permits up to 200 people. Is there dancing at the cellar level? The temporary CO indicates the cellar is being used for UG 6 eating and drinking. Clarify the UG for each level.
6. When describing the East Harlem Rezoning, indicate that although the subject property is within close proximity of the rezoning area, it is technically just outside of it.
7. Provide a description of the operations of the business:
  - a. Indicate the hours of operation for the ground floor and the cellar level. This includes all hours the business is open to the public.
  - b. Specify all hours of live entertainment on both levels, including the hours of the late night live entertainment on Friday and Saturday evenings.
  - c. Is there any dancing on either level of the restaurant?
  - d. Do the upper level and lower level operate as one business? Is there a cover charge to enter the cellar level?
  - e. Confirm the proposed total occupancy and the occupancy at each level. Is the proposed occupancy greater than what the CO permits?
  - f. Indicate the number of patrons that typically visit and the number of staff employed during each work interval.
  - g. Identify peak periods for the business.
8. Provide proof that the gaps around the doors were repaired. Provide photos and permit.
9. State the language of the ZR 73-03 Special Permit and address each finding.
10. Discuss compliance with fire safety regulations.
11. ZR 73-244(a)
  - a. The two waiting areas accommodate 219 people. The total occupancy permitted by the CO for the cellar is 200, and for the ground floor is 130. What is the proposed occupancy of the cellar? Do there need to be adequate waiting areas for the total occupancy or just the cellar?
  - b. Waiting area 2 has slightly less than 4 ft. waiting area per person, relabel to reflect correct calculation.

- c. Provide a narrative of operations describing how patrons will enter and how they will be situated to wait in designated waiting areas for seating.
12. ZR 73-244(b)
    - a. On a to-scale diagram, show the measurement for the distance between the entrances of the restaurant to the nearest Residential district boundary. Since there are music performances on the ground floor, the measurement should be from the ground floor entrances.
  13. ZR 73-244(c)
    - a. Please indicate that this project does not trigger a CEQR threshold for transportation impacts. Provide the narrative used in the CEQR assessment.
    - b. Provide data for number of patrons visiting the restaurant during peak period hours, and the estimated modal split for these visitors.
    - c. Provide a map showing the proximity of the subject site to the public transit stations.
  14. ZR 73-244(d) Provide a description of adjoining properties and properties in the immediate vicinity of the subject premises. Identify the residential and commercial uses and how the proposed is in harmony with its surroundings.
  15. ZR 73-244(f) Provide an affidavit signed jointly by both the owner and the operator of the premises.

#### **Noise Analysis Study-**

16. Did the study ensure compliance with §24-232 of the NYC Noise Code?
17. The NIC measurement setup diagram is not legible.
  - a. Is the receiver location 15 ft. into the public right away? Show this measurement.
18. Submit the backup data from the noise testing.
19. The first chart appears to show that the noise levels from a jazz gig are below ambient noise inside a residence, not ambient noise on the street. Please clarify the narrative preceding the chart.
20. Indicate the time of the noise testing. The NYC Noise Code has different criteria for day and night sound levels. Show results for both time periods (10pm-7am and 7am-10pm).

#### **Plans**

21. Provide a site plan.
22. Provide elevations. Show the signage on the elevations.
23. The crosshatching makes it difficult to see the floor plan layout. In addition to the cellar floor plan, please include an additional plan sheet without hatching for greater legibility.
24. Floor plans must be dimensioned with both exterior and interior dimensions, including egress pathways. Dimension the waiting areas.
25. Label the location of the live performances on each level.

#### **Photos**

26. Provide clearer photos. One photo per page. Highlight the subject site on the photo.
27. Provide additional photos showing the context of the property.
28. Provide a close up photo showing the storefront frontage of the Red Rooster restaurant.
29. Label the directional view of each photo.
30. Show adjoining property conditions on the photos.
31. Provide interior photos of both levels. Provide photos of FDNY fire safety compliance.

## Land Use Map

32. Radius diagram should show all land uses within 400 ft. of the property.

## EAS Comments

1. Part I, 4(a): Lead Agency contact person: Tracie Behnke, (212)386-0086, [tbehnke@bsa.nyc.gov](mailto:tbehnke@bsa.nyc.gov).
2. Part I Question 7 – Attach graphics as listed on form.
3. Noise –
  - a. Attached revised WSDG noise report to EAS.
  - b. Provide backup readings for the WSDG Noise Report.
  - c. Discuss findings in narrative and implemented measures. Include mechanical specifications.
4. Historic Resources - Is a Certificate of No Effect required from LPC for interior alterations to a building listed on the NY State and National Register of Historic Places? If so, please provide this certificate.

# NYC Board of Standards and Appeals Public Hearing Announcement

Dear: **Owner/Tenant**

Residing at:

Owner/Tenant of Block No.    Lot No.

Community Board No.: **10M**

This letter is to advise you that your neighbor, located at **310 Lenox Avenue**, has an application with the **Board of Standards and Appeals (“BSA”)** and is scheduled for a Public Hearing **Tuesday, February 27, 2018, at the 1:00 P.M. session of the BSA, in \*Spector Hall, 22 Reade Street, Manhattan**. You are invited to attend the public hearing, where you will be given an opportunity to testify, if you wish.

The property is referenced by the following BSA Calendar number: **2017-240-BZ**.

The owner of **310 Lenox Avenue**, seeks the following modification(s) to the land use regulations:

**Special Permit (§73-244) to permit the legalization of the conversion of the cellar level of an existing eating and drinking establishment without restrictions and no limitation on entertainment and dancing (UG 12A) (Red Rooster Harlem Restaurant located on the cellar level . C4-4A (Special 125th Street District).**

You may complete the enclosed Form for Objection and Consent. It must be notarized and the consenter/objector must identify the address of his or her residence. Forms may be filed in person (by scheduling an appointment with BSA), emailed to [Submit@bsa.nyc.gov](mailto:Submit@bsa.nyc.gov), or mailed to the **New York City Board of Standards and Appeals, 250 Broadway, 29<sup>th</sup> Floor, New York, New York 10007**. The form should be received at the BSA office at least five (5) days prior to the public hearing.

The referenced application may be reviewed by appointment at the BSA’s office, Monday through Friday, 9:00 am to 4:00 pm. To schedule an appointment or to obtain subsequent information regarding additional hearing dates, please call 212-386-0009 and reference BSA Calendar Number: **2017-240-BZ**. *A copy of the application is also available for review at your local Community Board office.*

If this notice is received by the business office of a cooperative or condominium, please notify all tenants of the cooperative or condominium in the office’s customary manner and post the hearing notice in the common areas.

*This notice is published by the applicant in accordance with the BSA’s Rules of Practice and Procedure.*

Applicant:                   **Troutman Sanders LLP**

Property Owner:       **Red Rooster Harlem LLC**

Dated: \_\_\_\_\_

\_\_\_\_\_, Applicant

\* **Please confirm hearing location by visiting [www.nyc.gov/bsa](http://www.nyc.gov/bsa) or contact 212-386-0078.**

**The BZ calendar will immediately follow the SOC and A calendars. Please note that subsequent hearings for this application might be scheduled at 10:00AM.**

# NOTICE OF PUBLIC HEARING

To:

Address:

The NYC Board of Standards and Appeals has scheduled a public hearing on the following application:

**Special Permit (§73-244) to permit the legalization of the conversion of the cellar level of an existing eating and drinking establishment without restrictions and no limitation on entertainment and dancing (UG 12A) (Red Rooster Harlem Restaurant located on the cellar level . C4-4A (Special 125th Street District).**

Address: **310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.**

BSA Calendar Number: **2017-240-BZ**

Applicant: **Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.**

Community Board No.: **10M**

This application has been calendared for Public Hearing **\*Tuesday, February 27, 2018, 1:00 P.M. session, in Spector Hall, 22 Reade Street**, Borough of Manhattan. Interested persons or associations may appear at the hearing to present testimony regarding this application. The referenced application may be reviewed by appointment at the BSA's office, Monday through Friday, 9:00 am to 4:00 pm. To schedule an appointment or to obtain subsequent information regarding additional hearing dates, please call 212-386-0009 and reference BSA Calendar Number.

Dated: \_\_\_\_\_

\_\_\_\_\_, Applicant

*This notice is published by the applicant in accordance with the Rules of Procedure of the Board of Standards and Appeals.*

**\* Please confirm hearing location by visiting [www.nyc.gov/bsa](http://www.nyc.gov/bsa) or contact 212-386-0078. The BZ calendar will immediately follow the SOC and A calendars. Please note that subsequent hearings for this application might be scheduled at 10:00AM.**



250 Broadway, 29<sup>th</sup> Floor  
New York, NY 10007-2516  
Tel. (212) 386-0009  
Fax (646) 500-6271  
Website @ [www.nyc.gov/bsa](http://www.nyc.gov/bsa)

Margery Perlmutter  
Chair/Commissioner

## NOTICE OF PUBLIC HEARING

January 16, 2018

Troutman Sanders LLP  
875 Third Avenue  
New York, N.Y. 10022

Re: Cal. No.: **2017-240-BZ**  
Premises: **310 Lenox Avenue, Manhattan**

Dear Applicant:

The public hearing on the above application will be held on **\*Tuesday, February 27, 2018, 1:00 P.M. session, in Spector Hall, 22 Reade Street**, Borough of Manhattan. You or an authorized representative must appear in person.

Enclosed are the Notice of Public Hearing and the Form for Objection and Consent. At least 20 days prior to the date of the public hearing, you must send these forms, pursuant to the Board's Rules of Procedure (Sec 1-05.6), to the following individuals and entities:

- Affected Borough President
- Chairperson of the affected Community Board
- Affected City Councilperson
- Chairperson of the City Planning Commission
- Tenants of the subject premises
- Affected property owners

Within ten (10) days of sending these forms, you are required to file, in this office, a complete Proof of Notification of Hearing, enclosed herein, attesting that you have sent a copy of the Form of Notice and the Form for Objection and Consent to each of the above by personal service, certified mail or regular mail.

The Board's Rules are available on its website [www.nyc.gov/bsa](http://www.nyc.gov/bsa)

Sincerely

A handwritten signature in black ink, appearing to read "Carlo Costanza", is written over a faint, rectangular stamp or watermark.

Carlo Costanza  
*Executive Director*

\* Please confirm hearing location by visiting [www.nyc.gov/bsa](http://www.nyc.gov/bsa) or contact 212-386-0078.

**The BZ calendar will immediately follow the SOC and A calendars. Please note that subsequent hearings for this application might be scheduled at 10:00AM.**





250 Broadway, 29<sup>th</sup> Floor  
New York, NY 10007-2516  
Tel. (212) 386-0009  
Fax (646) 500-6271  
Website @ www.nyc.gov/bsa

Margery Perlmutter  
Chair/Commissioner

**FORM FOR OBJECTION OR CONSENT**

The NYC Board of Board of Standards and Appeals has scheduled a public hearing on the following application:

**Cal. No.: 2017-240-BZ**

**Address: 310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.**

**Applicant: Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.**

You may complete the Affidavit provided below and indicate whether you consent or object to the application.

Name: \_\_\_\_\_

I am the owner of or lessee at the following:

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- I support the application.
- I object to the application for the following reasons (attach additional paper if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Sign Here

Sworn to before me this \_\_\_\_ day

Of \_\_\_\_\_ 2 \_\_\_\_\_

\_\_\_\_\_  
Notary



250 Broadway, 29<sup>th</sup> Floor  
New York, NY 10007-2516  
Tel. (212) 386-0009  
Fax (646) 500-6271  
Website @ www.nyc.gov/bsa

Margery Perlmutter  
Chair/Commissioner

## PROOF OF NOTIFICATION OF HEARING

**STATE OF NEW YORK**

**BSA Calendar No: 2017-240-BZ**

**COUNTY OF**

**Date of Hearing: February 27, 2018**

\_\_\_\_\_, being duly sworn deposes and says that he/she resides at \_\_\_\_\_,

that he/she is the Applicant in the above proceeding before the Board of Standards and Appeals, City of New York, which has the above Calendar Number and relates to premises

\_\_\_\_\_, that he/she gave the required Notice of Public Hearing of the above application to be held on \_\_\_\_\_ to all the following as filed with the application:

- All persons/entities named on the list of affected property owners
- Tenants of the subject building/ premises
- Affected Community Board
- Affected Borough President
- Affected Councilmember
- City Planning Commission

That he/she notified the above entities on \_\_\_\_\_, at least 20 days prior to the date of the Public Hearing, by personal service, or by certified mail or regular mail with a certificate of mailing to each of them; and that a copy of the sent Notice is attached to this affidavit.

Signature

Sworn to before me this \_\_\_\_ day  
Of \_\_\_\_\_20\_\_\_\_\_

\_\_\_\_\_  
Notary

January 11, 2018

STATEMENT IN SUPPORT OF AN APPLICATION FOR A SPECIAL PERMIT,  
PURSUANT TO SECTION 73-244 OF THE ZONING RESOLUTION,  
TO LEGALIZE ON THE CELLAR LEVEL A USE GROUP 12A  
EATING AND DRINKING ESTABLISHMENT  
AT THE RED ROOSTER HARLEM  
RESTAURANT.

Affected Premises:

310 Lenox Avenue  
(Block 1723, Lot 69)  
Manhattan, Community District 10.

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022  
Attention: Jeremiah H. Candreva, Esq.

## STATEMENT OF FACTS

### PART I

#### INTRODUCTION

This statement is made in support of the application by the Red Rooster Harlem LLC (the “Applicant”) for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York (“Zoning Resolution” or “ZR”), to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant, which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment (“Proposed Use”). The Applicant seeks a term of three (3) years for the special permit. The special permit is required because the site is located within 100 feet of a residential district boundary. Use Group 12A eating and drinking establishments are otherwise permitted as a matter of right in C4-4A zoning districts.

310 Lenox Avenue (the “Site”) is located on the southeast corner of West 126<sup>th</sup> Street and Lenox Avenue. The Site has approximately 100 feet of frontage on Lenox Avenue and 85 feet of frontage on West 126<sup>th</sup> Street, a total lot area of approximately 8,500 square feet. The zoning lot comprising the Site is mapped within a C4-4A (125) zoning district. The majority of the block in which the Site is located is mapped within either a C4-4A zoning district or a C4-7 zoning district, a portion of the 126<sup>th</sup> Street frontage is located in an R6A zoning district (approximately 100 x 545). The Site is also wholly located within the Special 125<sup>th</sup> Street District, the regulations of which either supplements and/or supersedes the underlying C4-4A district regulations.

#### EXISTING SITE CONDITIONS

##### The Site

The Site is today improved with a three-story commercial building that is generally utilized for bank, office and restaurant use. The third floor, which was previously utilized for office use, is currently vacant. The second floor is leased to YAI Seeing Beyond Disability and used for office use. The

second floor and the third floor (when it was tenanted) are/were as a general matter occupied from 9 am to 5 pm Monday through Friday. M&T Bank occupies a portion of the ground floor.

The applicant and world-renowned Chef Marcus Samuelsson operates the Red Rooster Harlem (a/k/a, the Red Rooster Restaurant) on the remaining portion of the ground floor (3,444 zfa) and the cellar level (6,034 gsf). The Red Rooster Restaurant's certificate of occupancy permits a Use Group 6 eating and drinking establishment with an occupancy of 130 persons on the ground floor (see copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The applicant proposes to maintain the existing Use Group 6 eating and drinking establishment on such ground floor. The existing hours of operation for the ground floor are as follows:

Monday – Thursday 11:30AM – 2 AM  
Friday – Saturday 10 AM – 3 AM  
Sunday 10AM – 2 AM

As discussed in more detail below, the Red Rooster's ground floor patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster's image and offerings to its patrons and to the entire Harlem Community. The ground floor restaurant provides musical entertainment as follows:

Monday – Thursday 7PM – 12AM  
Friday and Saturday 11AM – 3AM  
Sunday 7PM – 11PM

The existing restaurant has on a typical day 50-125 lunch patrons and 200-250 dinner patrons. Staff levels vary from 20 to 35 depending upon service demands.

The Red Rooster Restaurant's certificate of occupancy also permits a Use Group 6 eating and drinking establishment with an occupancy of 200 persons on the cellar floor (see copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The applicant proposes to amend its certificate of occupancy to legalize the existing Use Group 12 eating and drinking establishment that is located on the cellar level to permit dancing and live performances with designated show times and cover charges. The applicant does not propose to increase the cellar occupancy level above the current limitation of 200 persons.

### **The Red Rooster Restaurant**

Red Rooster Restaurant is today a landmark restaurant that meets the growing and diverse tastes of an evolving neighborhood. Red Rooster Restaurant serves an eclectic mix of locals, area businesses, hardcore foodies and tourists. Chef Samuelsson brings his passion for food and desire to make a change through active participation with community based organizations; youth work apprenticeship programs and local artists. Red Rooster Restaurant is a space where diners and guests can share great food in a chic and open atmosphere. Red Rooster Restaurant's interior combine elements of modern farm to table design with Harlem's speakeasy history and music relevance. The unique combination comes together in subtle design elements placed throughout the restaurant.

The Red Rooster Restaurant was recently reviewed by food critic and columnist Steve Cuzzo and featured in his October 8, 2016 Article "The 7 Restaurants that changed New York City." Mr Cuzzo described the Red Rooster Restaurant as follows:



(Photo: David Rosenzweig)

“This is Exhibit No. 1 of how a visionary chef with a smart business model can bring change far beyond the kitchen.

Chef Marcus Samuelsson’s rollicking bistro — a jolly blend of Ethiopian, southern-American and Swedish influences, served in a colorful dining room behind a retro, horseshoe-shaped bar — made the biggest splash in uptown food since the Harlem Renaissance of the 1920s. But its larger legacy is the renaissance it inspired in the historic African-American neighborhood around Lenox Avenue and West 125th Street.

Emboldened by Red Rooster’s success, a dozen new cafes — Italian, Indian, French, Japanese and “crafted American soul” — have opened on Lenox since 2011. Local residents who were long denied modern dining options suddenly had choices. Downtown customers finally discovered the area’s

charms. And a nearby lot that stood empty for decades sprouted a retail complex where Whole Foods will open in early 2017.”

### **The Cuisine**

At Red Rooster Restaurant, the mission is to provide uncomplicated, fresh food that is inherently soulful. The menu at Red Rooster Restaurant offers Chef Samuelsson’s contemporary interpretation of chicken and waffles, collard greens and catfish po’boys. Chef Samuelsson gives a nod to Harlem’s culinary traditions with selections featuring a modern slant with arugula and lemon vinaigrette, roasted whole sea bass with corn and browned lime butter and oven roasted chicken stuffed with apple and thyme, slow cooked in an exposed rotisserie. Red Rooster Restaurant distinguishes itself as a brunch destination, offering a distinctive twist on hearty omelets, salads and griddled creations.

### **Farm-To-Table**

Chef Samuelsson’s menu at the Red Rooster Restaurant represents the diversity found in American cuisine while drawing upon fresh local ingredients to create dishes that are creative, lively and full of flavor. The restaurant serves breakfast, lunch and dinner, with a menu featuring classic southern comfort dishes prepared with regionally raised meats, fruits and vegetables, fresh seafood from the Northeast, and a wide variety of flavorful vegetarian offerings, artisanal breads and cheeses.

### **The Café**

Red Rooster Restaurant serves three meals a day at the front-of-the-house café. In the morning, fresh baked muffins, pain au chocolate, bagels and breakfast sandwiches are available for commuters on their way to the office. At lunch and dinner, seasonal salads and gourmet sandwiches are served both takeout and delivery. Given the restaurant’s proximity to the bustling business district and transit hubs, clientele include destination shoppers, museum goers, neighborhood residents and local business people.

### **The Bar**

Red Rooster Restaurant serves as a popular meeting ground and lively after-work destination with a welcoming social scene. Experienced mixologists tend the well-stocked bar during weekday happy



hours and busy weekends. A variety of signature cocktails are offered alongside a diverse selection of tap beers, including premium craft ales, stouts and ciders.

### **Music – Ground Floor**

Red Rooster’s patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster’s image and offerings to its patrons and to the entire Harlem Community. Although, musicians and musical offerings vary from time to time, the following is a list of the musical offerings on the ground floor:

#### **MONDAY**

The “Rakiem Walker Project” (RWP) is a 7 piece band that consists of horns, drums, vocals, guitar, keyboards, and more. The band plays different genres and musical feels including Jazz, RnB, Neo-Soul, Live Hip Hop, Reggae, Gospel, Blues, and Latin.



**TUESDAY**

Johnny Mambo is a spicy quintet of vivacious horns and congos that light up the bar each week Red Rooster. Guests are invited to dance while enjoying the spirit of Latin grooves.

**WEDNESDAY**

DJ Hard Hittin Harry was born in Haiti in the late sixties. At the tender age of three, his family made a series of moves starting with Brooklyn New York, and Montreal, Canada. He spent the majority of his life in New Jersey and eventually returned to Brooklyn where he currently resides.



## THURSDAY

DJ Masai is the center of the storm. He has been spinning for over 23 years and has played in some of the biggest venues in the city and Tri-State area. DJ Masai just about always knew what elements were essential to rock a party.



## FRIDAY

Dj Stormin' Norman originally hails from East London, UK and is now a resident of Harlem, USA. In the 90's, he was part of a groundbreaking DJ collective who brought the Thunderstorm Mix on WBLS 107.5FM NYC, introducing live mixing to daytime radio previously reserved for weekend nights broadcasted from night-clubs, setting a new precedent in national radio. Dj Stormin' Norman is also the DJ resident of Marcus Samuelsson's Red Rooster in Harlem.



## SATURDAY BRUNCH

DJ NessDigital is a true Music Selector. Since 2005, he has been jamming at a wide range of events; some include fashion parties, clubs, lounges, gallery events, weddings and live radio. He is the essential crowd pleaser incorporating a wide variety of tracks that ranges from funk, rock, soul, r&b, house, world, jazz, hip-hop, old and new.



## SATURDAY NIGHT

A native New Yorker, DJ Lex NY's sound has been influenced by the diverse cultures that shape New York City. Since 2002, he has played all over the five boroughs, as well as in other cities. It's his ability to entertain with intricate sets of Afro Beat, Dancehall, Hip Hop, House, and Soca that has earned him a reputation as one of the best up and coming dj's in NYC.



## SUNDAY BRUNCH

Come to Red Rooster on Sunday mornings and you will hear the lovely vocals of Boncellia Lewis. Having performed with the who's who of the Harlem jazz underground, including Bill Saxton, Donald Smith, Kim Clarke, and Harry Whitaker, Boncellia embodies the spirit of music and Harlem in every grace-plucked note she sings.



## SUNDAY DINNER

Whether you're sipping cocktails in the bar or enjoying the comfort food standards on the menu, live jazz can help stave off the late-weekend blues. Every Sunday, the Nate Lucas Quartet sets up shop and begins jamming its way through classic jazz tunes and forgotten nuggets.



## PROPOSED CONDITIONS

### PART II

#### **Harlem's Historical Neighborhood Context**

During the 1920's in Harlem there were over 125 entertainment establishments clustered between 125<sup>th</sup> Street and 135<sup>th</sup> Street on 7<sup>th</sup> Avenue and Lenox Avenue that drew visitors from around the world. The impressive mix was made up of taverns, supper clubs, lounges, theatres, dance halls and hundreds of speakeasies. Included were the legendary big four: the Cotton Club, Connie's Inn, Small's Paradise and Barron Wilkins Club. Entertainers included Duke Ellington and his big band, Louis Armstrong, Cab Calloway, Fats Waller, Louis Jordan, Chick Webb and Fletcher Henderson. Canary singers included Ella Fitzgerald, Bessie Smith, Ethel Waters and Lena Horne. Bojangles Robinson danced with his gold pistol in his hand while six lovely chorus girls strutted at the Cotton Club. The most famous theatre (just two blocks from the Red Rooster Restaurant) was "The Hurtig and Seamon's Burlesque" which changed its name to the Apollo in 1934. There were restaurants of all kinds – Chinese, rib joints, clam houses, fried chicken parlors – from white tablecloths to weathered counter tops. There was the A train to Sugar Hill (145<sup>th</sup> to 155<sup>th</sup> Streets) and Stompin' at the Savoy Ballroom (596 Lenox Avenue).

#### **Harlem Today**

Harlem is undergoing an exciting change with new business investment opportunities, housing developments and brownstone renovations, all of which bring a renewed energy to this community. East Harlem will also see more exciting growth in the future with the recent adoption of City Planning's East Harlem Rezoning, which was approved by the City Planning Commission on October 2, 2017. Although in Harlem, the Red Rooster Restaurant is located outside of the East Harlem Rezoning area.

## **The Re-establishment of Harlem's Entertainment Uses**

The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. Red Rooster Restaurant's proposal steps into this void because it provides an innovative music program that features a variety of live music including Jazz, R&B, Soul and Salsa. The Red Rooster Restaurant regularly coordinates its performances with up-and-coming local artists, as well as premier musicians. The cellar space can also be utilized for special events such as wine tastings, food pairings and book signings by Chef Sameulsson and other notables. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.

### **Music – Cellar Floor**

#### **Ginny's Supper Club**

The proposed legalization of the 6,034 gsf cellar level to a Use Group 12A Eating and Drinking Establishment would permit a traditional supper club to operate where patrons eat dinner, have drinks and listen to a live performance (with designated show times and cover charges). While the operation of the proposed supper club may vary, it currently includes two shows on a regular basis Thursday through Saturday with the first set starting at 6:30 pm and the second set starting at 9:30 pm. Ginny's also offers post dinner late night live entertainment on Friday and Saturday evenings from 11pm until 3am. Sunday morning "Gospel Brunch" performances are featured on the programming schedule from 11am – 3pm.

Ginny's existing business operation includes the following hours on the cellar level:

Thursday, Friday & Saturday 6PM – 3.30AM  
Sunday 10AM – 12:30AM

Ginny's live entertainment is offered as follows:

Thursday – Saturday 6.30PM – 11PM (w/ dinner)  
Friday and Saturday 11PM – 3AM (post dinner service)  
Sunday 11AM – 3PM

Ginny's does not have a dance floor and there is no designated area for dancing activities. However, Ginny's does not prohibit its patrons from dancing either during dinner or its gospel performances.

### **GOSPEL BRUNCH**

Looking to spend an unforgettable Sunday morning in Harlem? Ginny's offers Gospel Brunch featuring Vi Higginsen's Gospel For Teens Choir and Red Rooster's famous soul food brunch.



Photo by Bobby Fisher



**Proposed Site Improvements – First Floor:**

The applicant has completed the following improvements on the ground floor:

1. The applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door within the existing lobby that provides direct access to the convenience stairway and new cellar waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas and (b) segregates patrons from tenant use of the lobby, all of which is code compliant;
3. The applicant has established a security guard station within the lobby to direct and control patron movements and supervise lobby conditions;
4. Walters-Storyk Design Group (WSDG LLC) conducted acoustical noise testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDG LLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code (See copy of June 22, 2017 WSDG LLC Noise Report attached hereto). WSDG LLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Consequently, the applicant repaired these doors consistent with the WSDG LLC's recommendations.
5. The Red Rooster Restaurant's existing walls and ceilings include at the first floor 12" Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8" Gypsum Board were installed at areas of existing walls and ceilings. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum

Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and “blown in” insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non-hardening acoustical sealant or equal.

### **Proposed Site Improvements – Cellar Floor Configuration:**

1. The applicant has undertaken and completed certain interior alterations of the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in the construction of two (2) new cellar waiting areas that provide the minimum required area of 4 sq. ft. per person (in fact these waiting areas provide 4.38 sq. ft. per person for the entire cellar occupancy).

2. The Red Rooster Restaurant’s walls and ceilings include at cellar level 12” Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8” Gypsum Board were installed at areas of existing walls and ceilings or one layer of 5/8” Gypsum Board with White Echo Eliminator 1” wall panels by acoustical surfaces adhesive applied. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and “blown in” insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non-hardening acoustical sealant or equal.

### **Fire Safety Measures**

The Red Rooster Restaurant is in compliance with NYC fire safety regulations, as it includes the following life, safety systems:

- The entire restaurant is sprinklered (both ground and cellar floors);

- The restaurant has an existing fire alarm system that is centrally monitored;
- All areas within the restaurant that have separate usages include rated separations including between the restaurant and the waiting areas;
- All rated doors are self-closing; and
- Emergency lighting and exit signs as required are located throughout the restaurant.

### **The Special Permit**

Although the Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, it is important to note that both Use Group 6A Eating and Drinking Establishments (i.e., including those that have music for which there is no cover charge and no specified show times) and Use Group 6C Eating and Drinking Establishments (i.e., including those that have musical entertainment but not dancing with a capacity of 200 persons or less) are permitted by the Zoning Resolution as a matter of right. We also note that but for the proximity of the Site to a residential district boundary (i.e., the Site is within 100 feet of a residence district boundary), the proposed Use Group 12A Eating and Drinking Establishment would be an as-of-right use pursuant to the Zoning Resolution.

### **PRIOR BOARD APPLICATIONS**

No previous actions by the Board with respect to the Site were sought by the applicant or its predecessor in title.

### **OPEN DEPARTMENT OF BUILDINGS VIOLATIONS**

There are no open DOB and ECB violations against the Site.

**STATEMENT OF FINDINGS  
PART III**

**(12/19/80)**

**73-03**

**General Findings Required for All Special Permit Uses and Modifications**

**The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit uses or modifications of uses, parking, or bulk regulations as specifically provided in this Chapter, provided in each case:**

**(a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit use or modification of use, parking or bulk regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit use or modification of use, parking or bulk regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit use or modification of use, parking or bulk regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.**

The legalization of the cellar level for the proposed Use Group 12A eating and drinking establishment presents no hazards or disadvantages to the community at large. The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.

In the event that the Board determines that hazards or disadvantages may come to exist, or that the approval of the special permit requested herein has an adverse effect on the privacy, quiet, light or air in the neighborhood, the Applicant will adhere to the appropriate mitigating conditions imposed by the Board.

**(b) In all cases the Board shall deny a special permit whenever such proposed special permit use or modification of use, parking or bulk regulations will interfere with any public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.**

To the best of the Applicant's knowledge, there are no public improvement projects (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which have been approved by or are pending before the City Council (as successor to the Board of Estimate with regard to certain ULURP items), Site Selection Board or the City Planning Commission within the Site's vicinity. Accordingly, this finding is not applicable.

**(c) When under the applicable findings the Board is required to determine whether the special permit use or modification of use, parking or bulk regulations is appropriately located in relation to the street system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit use or modification of use, parking or bulk regulations in relation to secondary or local streets and such classification of streets is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such street.**

The Board is not required to make a determination relevant to this finding.

**(d) For applications relating to Sections 73-243, 73-48 and 73-49, the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit use or modification of use, parking or bulk regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to**

**substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.**

This is not an application relating to ZR Sections 73-243, 73-48 or 73-49.

**(e) If a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit uses or modification of use parking or bulk regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit use or modification of use parking or bulk regulations.**

The Applicant seeks the requested special permit for a three (3) year term consistent with the provisions of Section 73-244 of the Zoning Resolution.

**(f) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.**

This Application does not seek the renewal of a previously adopted special permit. Accordingly, the Board is not required to make a determination relevant to this finding.

**(g) The Board may permit the enlargement or extension of any existing use, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for enlargement, or extension within the permitted districts, the Board shall make all of the required findings applicable to the special permit use, except that:**

**(1) in the case of colleges or universities in RI or R2 Districts, the Board may waive all such required findings set forth in Section 73-121 (Colleges or universities); and**

**(2) in the case of public utility use, the Board may waive all such required findings set forth in Sections 73 14 (Public Service Establishments) or 73 16 (Public Transit, Railroad or Electric Utility Substations).**

**No such enlargement or extension shall create a new non-compliance or increase the existing degree of non-compliance with the applicable bulk regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.**

This application does not seek the enlargement or extension of an existing use.

### **Special Permit Pursuant to ZR Section 73-244**

The Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, which states in part:

**12/15/61**

**73-00**

### **Special Permit Uses and Modifications**

3/20/13

**73-244**

**In C2, C3, C4<sup>1\*</sup>, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District. (Note: C6-4 \*\* end note n/a and omitted).**

In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the requisite findings are made:

The Proposed Use meets each of the required findings specified in Zoning Resolution Section 73-244 as follows:

- (a) That a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#.

The total occupancy of the cellar level is limited to 200 persons. The applicant is not proposing to increase the cellar occupancy. The applicant has undertaken and completed certain interior alterations of the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-

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<sup>1</sup> \* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary.

OT) that have resulted in the construction of two (2) new cellar waiting areas that provide 4.38 sq. ft. per person for the entire cellar occupancy (an amount that exceeds the requirement of 4.0 sq feet per person as set forth in the Zoning Resolution). The required waiting areas do not include space occupied by stairs, corridors or restrooms.

As noted on Plan A-101.00, the waiting areas include (i) a large waiting area that holds 180 people and provides 4.0 square feet of waiting area per person; and (ii) a smaller waiting area that is required to hold only 20 individuals but, has an area that permits it to hold up to 38 persons at 4.07 square feet per person of waiting area. The average waiting area per person when you combine both waiting areas is 4.38 sq feet per person.

The applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door within the existing lobby that provides direct access to the convenience stairway and new cellar waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas) and (b) segregates patrons from tenant use of the lobby, all of which is code compliant. Ginny's patrons arrive for their dinner reservations and will be directed to enter 310 Lenox Avenue at the designated lobby entrance and under the direction of the security guard and designated staff members proceed either directly to their tables or to the designated waiting areas (when the dining room is being cleaned and readied for service).



With these measures, the applicant has demonstrated that the operation of the proposed establishment will not result in the gathering of crowds or the formation of lines on the street. Consequently, the project complies with this finding of the Zoning Resolution.

- (b) That the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary.

The entrance to the cellar level is located 126 feet from the nearest residential district boundary. The Applicant has provided a scaled land-use map indicating the same.

- (c) That such #use# will not cause undue vehicular or pedestrian congestion in local #streets#.

The proposed legalization of the cellar restaurant supper club will not cause vehicle or pedestrian congestion on local streets. Most restaurant patrons take mass transit and/or walk to our location from the 125<sup>th</sup> Street transit corridor that provides access to a multitude of subway trains (the No. 2, No. 3, No.4, No. 5, No. 6, A, B, C & D), to the Metro-North railroad, as well as many NYC rapid transit buses. In fact, the restaurant's entrance is located within 64 feet of the MTA's entrance to the No.2 and No. 3 subway lines.

The project does not trigger a CEQR threshold for transportation impacts. According to Table 16-1 of the CEQR Technical Manual, the minimum development density for uses in Zone 2 (Manhattan north of 110th Street) potentially requiring a transportation analysis is 200 dwelling units, 100,000 gross square feet of office, 20,000 gross square feet of regional retail, 15,000 gross square feet of local retail, 20,000 gross square feet of restaurant (emphasis added), 25,000 gross square feet of community facility use or off-street parking facilities with 85 new spaces.

The Red Rooster Restaurant contains a total of 9,748 square feet (3,444 sq feet on the ground floor and 6,034 sq feet on the cellar level), an amount that is less than half of the minimum development density (20,000 square feet) that would trigger a traffic assessment in Zone 2 (if we were building a new restaurant). The Red Rooster is an existing restaurant and the applicant is not proposing to increase its size, as this proposal is limited to the legalization of the UG 12A use on the cellar level (6,034 sq. feet). Accordingly, a formal traffic assessment is not required, as the project screens out from such an assessment based upon the methodology set forth in the CEQR Technical Manual.

Restaurant patrons avoid the use of the local street system especially in the evenings and instead utilize the 125<sup>th</sup> Street corridor, which is an active, secure and well lit commercial corridor with a direct link to mass transit facilities. In addition, the proposed legalization of the cellar restaurant supper club will not cause pedestrian congestion at or directly in front of 310 Lenox Avenue, as this proposal has been designed to provide (i) a new segregated lobby entrance and (ii) two new cellar waiting areas specifically designed to foster the movement of patrons off street and within the restaurant. Consequently, the legalization of the proposed use will not cause undue vehicle or pedestrian congestion on local streets.

- (d) That such #use# will not impair the character or the future use or development of the surrounding #residential# or mixed-use neighborhoods.

As shown on the Land Use Map included within the Application, the immediate and surrounding community along 125<sup>th</sup> Street is overwhelmingly comprised of commercial uses. The entire Lenox Avenue street frontage on both the block in which the Red Rooster Restaurant is located and the block directly across the street from the restaurant

are entirely comprised of commercial uses. The nearest residential use is located on the south side of 126<sup>th</sup> Street, one block north of the restaurant.

The Red Rooster Restaurant is a use that is entirely consistent with not only with the existing neighborhood's character but, with the uses permitted in and fostered by the Zoning Resolution and the Special 125<sup>th</sup> Street District. In addition, the legalization of the proposed use is completely consistent with the historical character and musical uses that once flourished in Harlem. As such, the legalization of the proposed use will complement Harlem as a whole, as well as the immediate surrounding neighborhood.

- (e) That such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code.

The proposed use complies strictly with the New York City Noise Code. The Site is wholly located within a commercial zoning district and the Proposed Use is located within a completely enclosed building at the cellar level (which reduces the potential for noise transmission from the premises). To our knowledge, there are no joint living-work quarters for artists or loft dwellings in proximity of the Site.

Walters-Storyk Design Group (WSDG LLC) conducted acoustical testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDGLLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code. However, WSDGLLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Accordingly, the applicant has undertaken

and completed the repair of these doors consistent with the recommendations of the Walters-Storyk Design Group (WSDG LLC) Noise Report dated June 22, 2017.

- (f) That the application is made jointly by the owner of the #building# and the operators of such eating or drinking establishment.

This application has been filed jointly by the owner of the building and the operators of the proposed Use Group 12A Eating and Drinking Establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

#### **CONCLUSION PART IV**

Accordingly, we kindly request the BSA grant the proposed special permit for a term of three (3) years, pursuant to ZR Section 73-244, to permit the legalization of the proposed Use Group 12A Eating and Drinking Establishment on the cellar level.

March 23, 2018

STATEMENT IN SUPPORT OF AN APPLICATION FOR A SPECIAL PERMIT,  
PURSUANT TO SECTION 73-244 OF THE ZONING RESOLUTION,  
TO LEGALIZE ON THE CELLAR LEVEL A USE GROUP 12A  
EATING AND DRINKING ESTABLISHMENT  
AT THE RED ROOSTER HARLEM  
RESTAURANT.

Affected Premises:

310 Lenox Avenue  
(Block 1723, Lot 69)  
Manhattan, Community District 10.

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022  
Attention: Jeremiah H. Candreva, Esq.

## STATEMENT OF FACTS

### PART I

#### INTRODUCTION

This statement is made in support of the application by the Red Rooster Harlem LLC (the “Applicant”) for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York (“Zoning Resolution” or “ZR”), to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant, which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment (“Proposed Use”). The Applicant seeks a term of three (3) years for the special permit. The special permit is required because the site is located within 100 feet of a residential district boundary. Use Group 12A eating and drinking establishments are otherwise permitted as a matter of right in C4-4A zoning districts.

310 Lenox Avenue (the “Site”) is located on the southeast corner of West 126<sup>th</sup> Street and Lenox Avenue. The Site has approximately 100 feet of frontage on Lenox Avenue and 85 feet of frontage on West 126<sup>th</sup> Street, a total lot area of approximately 8,500 square feet. The zoning lot comprising the Site is mapped within a C4-4A (125) zoning district. The majority of the block in which the Site is located is mapped within either a C4-4A zoning district or a C4-7 zoning district, a portion of the 126<sup>th</sup> Street frontage is located in an R6A zoning district (approximately 100 x 545). The Site is also wholly located within the Special 125<sup>th</sup> Street District, the regulations of which either supplements and/or supersedes the underlying C4-4A district regulations.

#### EXISTING SITE CONDITIONS

##### The Site

The Site is today improved with a three-story commercial building that is generally utilized for bank, office and restaurant use. The third floor, which was previously utilized for office use, is currently vacant. The second floor is leased to YAI Seeing Beyond Disability and used for office use. The

second floor and the third floor (when it was tenanted) are/were as a general matter occupied from 9 am to 5 pm Monday through Friday. M&T Bank occupies a portion of the ground floor.

The applicant and world-renowned Chef Marcus Samuelsson operates the Red Rooster Harlem (a/k/a, the Red Rooster Restaurant) on the remaining portion of the ground floor (3,444 zfa) and the cellar level (6,034 gsf). The Red Rooster Restaurant's certificate of occupancy permits a Use Group 6 eating and drinking establishment with an occupancy of 130 persons on the ground floor (see copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The applicant proposes to maintain the existing Use Group 6 eating and drinking establishment on such ground floor.

As discussed in more detail below, the Red Rooster's ground floor patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster's image and offerings to its patrons and to the entire Harlem Community. The restaurant has on a typical day approximately 50-125 lunch patrons and approximately 200-250 dinner patrons. Staff levels vary from 20 to 35 depending upon service demands.

The Red Rooster Restaurant's certificate of occupancy also permits a Use Group 6 eating and drinking establishment with an occupancy of 200 persons on the cellar floor (see copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The applicant proposes to amend its certificate of occupancy to legalize the existing Use Group 12 eating and drinking establishment that is located on the cellar level to permit dancing and live performances with designated show times and cover charges. The applicant does not propose to increase the cellar occupancy level above the current limitation of 200 persons.

## The Red Rooster Restaurant

Red Rooster Restaurant is today a landmark restaurant that meets the growing and diverse tastes of an evolving neighborhood. Red Rooster Restaurant serves an eclectic mix of locals, area businesses, hardcore foodies and tourists. Chef Samuelsson brings his passion for food and desire to make a change through active participation with community based organizations; youth work apprenticeship programs and local artists. Red Rooster Restaurant is a space where diners and guests can share great food in a chic and open atmosphere. Red Rooster Restaurant's interior combine elements of modern farm to table design with Harlem's speakeasy history and music relevance. The unique combination comes together in subtle design elements placed throughout the restaurant.

The Red Rooster Restaurant was recently reviewed by food critic and columnist Steve Cuozzo and featured in his October 8, 2016 Article 'The 7 Restaurants that changed New York City.' Mr Cuozzo described the Red Rooster Restaurant as follows:





“This is Exhibit No. 1 of how a visionary chef with a smart business model can bring change far beyond the kitchen.

Chef Marcus Samuelsson’s rollicking bistro — a jolly blend of Ethiopian, southern-American and Swedish influences, served in a colorful dining room behind a retro, horseshoe-shaped bar — made the biggest splash in uptown food since the Harlem Renaissance of the 1920s. But its larger legacy is the renaissance it inspired in the historic African-American neighborhood around Lenox Avenue and West 125th Street.

Emboldened by Red Rooster’s success, a dozen new cafes — Italian, Indian, French, Japanese and “crafted American soul” — have opened on Lenox since 2011. Local residents who were long denied modern dining options suddenly had choices. Downtown customers finally discovered the area’s charms. And a nearby lot that stood empty for decades sprouted a retail complex where Whole Foods will open in early 2017.”

### **The Cuisine**

At Red Rooster Restaurant, the mission is to provide uncomplicated, fresh food that is inherently soulful. The menu at Red Rooster Restaurant offers Chef Samuelsson’s contemporary interpretation of chicken and waffles, collard greens and catfish po’boys. Chef Samuelsson gives a nod to Harlem’s culinary traditions with selections featuring a modern slant with arugula and lemon vinaigrette, roasted whole sea bass with corn and browned lime butter and oven roasted chicken stuffed with apple and thyme, slow cooked in an exposed rotisserie. Red Rooster Restaurant distinguishes itself as a brunch destination, offering a distinctive twist on hearty omelets, salads and griddled creations.

### **Farm-To-Table**

Chef Samuelsson’s menu at the Red Rooster Restaurant represents the diversity found in American cuisine while drawing upon fresh local ingredients to create dishes that are creative, lively and full of

flavor. The restaurant serves breakfast, lunch and dinner, with a menu featuring classic southern comfort dishes prepared with regionally raised meats, fruits and vegetables, fresh seafood from the Northeast, and a wide variety of flavorful vegetarian offerings, artisanal breads and cheeses.

### **The Café**

Red Rooster Restaurant serves three meals a day at the front-of-the-house café. In the morning, fresh baked muffins, pain au chocolate, bagels and breakfast sandwiches are available for commuters on their way to the office. At lunch and dinner, seasonal salads and gourmet sandwiches are served both takeout and delivery. Given the restaurant's proximity to the bustling business district and transit hubs, clientele include destination shoppers, museum goers, neighborhood residents and local business people.

### **The Bar**

Red Rooster Restaurant serves as a popular meeting ground and lively after-work destination with a welcoming social scene. Experienced mixologists tend the well-stocked bar during weekday happy hours and busy weekends. A variety of signature cocktails are offered alongside a diverse selection of tap beers, including premium craft ales, stouts and ciders.

### **Music – Ground Floor**

Red Rooster's patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster's image and offerings to its patrons and to the entire Harlem Community. Although, musicians and musical offerings vary from time to time, the following is a list of the musical offerings on the ground floor:

**MONDAY**

The “Rakiem Walker Project” (RWP) is a 7 piece band that consists of horns, drums, vocals, guitar, keyboards, and more. The band plays different genres and musical feels including Jazz, RnB, Neo-Soul, Live Hip Hop, Reggae, Gospel, Blues, and Latin.

**TUESDAY**

Johnny Mambo is a spicy quintet of vivacious horns and congos that light up the bar each week Red Rooster. Guests are invited to dance while enjoying the spirit of Latin grooves.



**WEDNESDAY**

DJ Hard Hittin Harry was born in Haiti in the late sixties. At the tender age of three, his family made a series of moves starting with Brooklyn New York, and Montreal, Canada. He spent the majority of his life in New Jersey and eventually returned to Brooklyn where he currently resides.

**THURSDAY**

DJ Masai is the center of the storm. He has been spinning for over 23 years and has played in some of the biggest venues in the city and Tri-State area. DJ Masai just about always knew what elements were essential to rock a party.



## FRIDAY

Dj Stormin' Norman originally hails from East London, UK and is now a resident of Harlem, USA. In the 90's, he was part of a groundbreaking DJ collective who brought the Thunderstorm Mix on WBLS 107.5FM NYC, introducing live mixing to daytime radio previously reserved for weekend nights broadcasted from night-clubs, setting a new precedent in national radio. Dj Stormin' Norman is also the DJ resident of Marcus Samuelsson's Red Rooster in Harlem.



## SATURDAY BRUNCH

DJ NessDigital is a true Music Selector. Since 2005, he has been jamming at a wide range of events; some include fashion parties, clubs, lounges, gallery events, weddings and live radio. He is the essential crowd pleaser incorporating a wide variety of tracks that ranges from funk, rock, soul, r&b, house, world, jazz, hip-hop, old and new.



## SATURDAY NIGHT

A native New Yorker, DJ Lex NY's sound has been influenced by the diverse cultures that shape New York City. Since 2002, he has played all over the five boroughs, as well as in other cities. It's his ability to entertain with intricate sets of Afro Beat, Dancehall, Hip Hop, House, and Soca that has earned him a reputation as one of the best up and coming dj's in NYC.



## SUNDAY BRUNCH

Come to Red Rooster on Sunday mornings and you will hear the lovely vocals of Boncellia Lewis. Having performed with the who's who of the Harlem jazz underground, including Bill Saxton, Donald Smith, Kim Clarke, and Harry Whitaker, Boncellia embodies the spirit of music and Harlem in every grace-plucked note she sings.



## SUNDAY DINNER

Whether you're sipping cocktails in the bar or enjoying the comfort food standards on the menu, live jazz can help stave off the late-weekend blues. Every Sunday, the Nate Lucas Quartet sets up shop and begins jamming its way through classic jazz tunes and forgotten nuggets.



## PROPOSED CONDITIONS

### PART II

#### **Harlem's Historical Neighborhood Context**

During the 1920's in Harlem there were over 125 entertainment establishments clustered between 125<sup>th</sup> Street and 135<sup>th</sup> Street on 7<sup>th</sup> Avenue and Lenox Avenue that drew visitors from around the world. The impressive mix was made up of taverns, supper clubs, lounges, theatres, dance halls and hundreds of speakeasies. Included were the legendary big four: the Cotton Club, Connie's Inn, Small's Paradise and Barron Wilkins Club. Entertainers included Duke Ellington and his big band, Louis Armstrong, Cab Calloway, Fats Waller, Louis Jordan, Chick Webb and Fletcher Henderson. Canary singers included Ella Fitzgerald, Bessie Smith, Ethel Waters and Lena Horne. Bojangles Robinson danced with his gold pistol in his hand while six lovely chorus girls strutted at the Cotton Club. The most famous theatre (just two blocks from the Red Rooster Restaurant) was "The Hurtig and Seamon's Burlesque" which changed its name to the Apollo in 1934. There were restaurants of all kinds – Chinese, rib joints, clam houses, fried chicken parlors – from white tablecloths to weathered counter tops. There was the A train to Sugar Hill (145<sup>th</sup> to 155<sup>th</sup> Streets) and Stompin' at the Savoy Ballroom (596 Lenox Avenue).

#### **Harlem Today**

Harlem is undergoing an exciting change with new business investment opportunities, housing developments and brownstone renovations, all of which bring a renewed energy to this community. East Harlem will also see more exciting growth in the future with the recent adoption of City Planning's East Harlem Rezoning, which was approved by the City Planning Commission on October 2, 2017. Although in Harlem, the Red Rooster Restaurant is located outside of the East Harlem Rezoning area.



## **The Re-establishment of Harlem's Entertainment Uses**

The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. Red Rooster Restaurant's proposal steps into this void because it provides an innovative music program that features a variety of live music including Jazz, R&B, Soul and Salsa. The Red Rooster Restaurant regularly coordinates its performances with up-and-coming local artists, as well as premier musicians. The cellar space can also be utilized for special events such as wine tastings, food pairings and book signings by Chef Sameulsson and other notables. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.

### **Music – Cellar Floor**

#### **Ginny's Supper Club**

The proposed legalization of the cellar level to a Use Group 12A Eating and Drinking Establishment would permit a traditional supper club to operate where patrons eat dinner, have drinks and listen to a live performance (with designated show times and cover charges). Ginny's typically offers two seated dinner and live entertainment shows each Thursday, Friday and Saturday. The doors open at 6pm. The first set begins at or about 7:30pm. The second set begins at or about 9:30 pm. Show times may vary depending upon the musicians/musical entertainment offered. However, the restaurant's website lists set show times to enable patrons to book a specific show in advance of a nightly performance.

Ginny's typically offers live entertainment post dinner service on Friday and Saturday evenings starting at or about 11:30pm until 4am. Ginny's does not have a dance floor and there is no designated area for dancing activities. However, Ginny's does not prohibit its patrons from dancing either during dinner or its gospel performances.

### **GOSPEL BRUNCH**

Ginny's offers Sunday Gospel Brunch. The doors open at 10am. The first set starts at or about 10:30 am and the second set starts at or about 12:30pm.

Gospel Brunch featuring Vi Higginsen's Gospel For Teens Choir and Red Rooster's famous soul food brunch.



Photo by Bobby Fisher

**Site Improvements – First Floor:**

The applicant has completed the following improvements on the ground floor:

1. The applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door within the existing lobby that provides direct access to the convenience stairway and new cellar waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas and (b) segregates patrons from tenant use of the lobby, all of which is code compliant;
3. The applicant has established a security guard station within the lobby to direct and control patron movements and supervise lobby conditions;
4. Walters-Storyk Design Group (WSDG LLC) conducted acoustical noise testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDG LLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code (See copy of June 22, 2017 WSDG LLC Noise Report attached hereto). WSDG LLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Consequently, the applicant repaired these doors consistent with the WSDG LLC's recommendations.
5. The Red Rooster Restaurant's existing walls and ceilings include at the first floor 12" Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8" Gypsum Board were installed at areas of existing walls and ceilings. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum

Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and “blown in” insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non-hardening acoustical sealant or equal.

#### **Site Improvements – Cellar Floor Configuration:**

1. The applicant has undertaken and completed certain interior alterations of the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in the construction of two (2) new cellar waiting areas that provide the minimum required area of 4 sq. ft. per person (in fact these waiting areas provide 4.38 sq. ft. per person for the entire cellar occupancy).
2. The Red Rooster Restaurant’s walls and ceilings include at cellar level 12” Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8” Gypsum Board were installed at areas of existing walls and ceilings or one layer of 5/8” Gypsum Board with White Echo Eliminator 1” wall panels by acoustical surfaces adhesive applied. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and “blown in” insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non-hardening acoustical sealant or equal.

#### **Completed Fire Safety Measures**

The Red Rooster Restaurant is in compliance with NYC fire safety regulations, as it includes the following life, safety systems:

- The entire restaurant is sprinklered (both ground and cellar floors);
- The restaurant has an existing fire alarm system that is centrally monitored;

- All areas within the restaurant that have separate usages include rated separations including between the restaurant and the waiting areas;
- All rated doors are self-closing; and
- Emergency lighting and exit signs as required are located throughout the restaurant.

### **Additional FDNY Safety Measures**

On March 21, 2018, a site inspection was performed by members of FDNY including a Battalion Chief of BN12, LPPA Inspector and John V. Daly, Deputy Chief Inspector. Set forth below are FDNY's recommendations for the proposed occupancy, all of which the applicant has agreed to undertake and complete:

- The applicant shall install a module in the fire alarm panel that will turn off all power to any musical instruments in the event that the fire alarm system is activated on any floor (a note has been added to the cellar floor plan A-101.00).
- The applicant agrees that there shall be no curtains or drapery in the restaurant that obscures the view to an exit passageway.
- The applicant shall install a rated wall of one-hour to separate the existing cellar corridor and exit passageway on the cellar level (all as noted on cellar floor plan A-101.00). The applicant shall be permitted to install doors within such rated wall provided all doors to be installed are of similar rating to the rated-wall (such a proposed door is noted on cellar floor plan A-101.00).
- The applicant shall list the total number of customers, staff and performers on the plan. A note has been added to the cellar floor plan with the requested information (See cellar floor plan A-101.00).
- The applicant shall remove all shelving and other obstructions within the exit passageway corridors on the cellar level, and such exit passageways shall be cleared at all times. The applicant shall be permitted to install storage cabinets within this exit passageway provided such cabinets are fire rated and accepted by the Department of Buildings. The minimum clear distance between the cabinets and corridor walls shall be determined by the building code for public assembly use.
- The applicant shall install additional exit signs along all exit passageway's to better direct people to the means of egress (all as noted on cellar floor plan A-101.00).

- The applicant shall recess the door to the large holding room located on the cellar level so that the door will not reduce the width of the exit passageway (all as noted on cellar floor plan A-101.00).
- The applicant agrees that all security personnel used by the restaurant during performances shall hold an F-03 Certificate of Fitness "Indoor Place of Assembly Safety Personnel" issued by the Fire Department of the City of New York.
- Ground Floor Lobby Plan A-103.00: The knee-wall located within the lobby has been shortened (at the request of and in consultation with FDNY) to improve lobby egress conditions (see revised ground floor plan A-103.00).
- Cellar Floor Plan A-101.00: The cellar floor plan has been amended to comply in all respects with the recommendations that FDNY set forth in its letter dated March 21, 2018.
- Area Calculations/Occupancy Load A-101.00: The total occupancy of the cellar level is limited to 200 persons as per the existing public assembly permit for the cellar level. The applicant is not proposing to increase the cellar occupancy. It should be noted that during live performances there is a total of 90 seats in the main dining room on the cellar level (which includes 18 seats at the bar). When one combines total number of seated dinner patrons with the total number of staff (10-15) and performers (5-10), the estimated operational occupancy of the main dining area (where dinner/shows take place) is 115. I note that there is a private dining room on the cellar level that holds an additional 28 seats, however patrons located within the private dining room cannot view the live performances. The private dining room is only utilized for special occasions, large dinner parties and certain VIP events. However, we have included the private dining area to provide a conservative analysis of the estimated functional capacity of the cellar level, the result of which is an aggregate of 143 occupants (which total includes 100 seated dinner patrons).

### **The Special Permit**

Although the Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, it is important to note that both Use Group 6A Eating and Drinking Establishments (i.e., including those that have music for which there is no cover charge and no specified show times) and Use Group 6C Eating and Drinking Establishments (i.e., including those that have musical entertainment but not dancing with a capacity of 200 persons or less) are permitted by the Zoning Resolution as a matter of right. We also note that but for the proximity of the Site to a residential district boundary (i.e., the Site is within 100 feet of a residence district boundary), the proposed Use Group 12A Eating and Drinking Establishment would be an as-of-right use pursuant to the Zoning Resolution.

**PRIOR BOARD APPLICATIONS**

No previous actions by the Board with respect to the Site were sought by the applicant or its predecessor in title.

**OPEN DEPARTMENT OF BUILDINGS VIOLATIONS**

There are no open DOB and ECB violations against the Site.

**STATEMENT OF FINDINGS  
PART III**

**(12/19/80)**

**73-03**

**General Findings Required for All Special Permit Uses and Modifications**

**The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit uses or modifications of uses, parking, or bulk regulations as specifically provided in this Chapter, provided in each case:**

**(a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit use or modification of use, parking or bulk regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit use or modification of use, parking or bulk regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit use or modification of use, parking or bulk regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.**

The legalization of the cellar level for the proposed Use Group 12A eating and drinking establishment presents no hazards or disadvantages to the community at large. The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.



In the event that the Board determines that hazards or disadvantages may come to exist, or that the approval of the special permit requested herein has an adverse effect on the privacy, quiet, light or air in the neighborhood, the Applicant will adhere to the appropriate mitigating conditions imposed by the Board.

**(b) In all cases the Board shall deny a special permit whenever such proposed special permit use or modification of use, parking or bulk regulations will interfere with any public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.**

To the best of the Applicant's knowledge, there are no public improvement projects (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which have been approved by or are pending before the City Council (as successor to the Board of Estimate with regard to certain ULURP items), Site Selection Board or the City Planning Commission within the Site's vicinity. Accordingly, this finding is not applicable.

**(c) When under the applicable findings the Board is required to determine whether the special permit use or modification of use, parking or bulk regulations is appropriately located in relation to the street system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit use or modification of use, parking or bulk regulations in relation to secondary or local streets and such classification of streets is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such street.**

The Board is not required to make a determination relevant to this finding.

**(d) For applications relating to Sections 73-243, 73-48 and 73-49, the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit use or modification of use, parking or bulk regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to**

**substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.**

This is not an application relating to ZR Sections 73-243, 73-48 or 73-49.

**(e) If a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit uses or modification of use parking or bulk regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit use or modification of use parking or bulk regulations.**

The Applicant seeks the requested special permit for a three (3) year term consistent with the provisions of Section 73-244 of the Zoning Resolution.

**(f) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.**

This Application does not seek the renewal of a previously adopted special permit. Accordingly, the Board is not required to make a determination relevant to this finding.

**(g) The Board may permit the enlargement or extension of any existing use, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for enlargement, or extension within the permitted districts, the Board shall make all of the required findings applicable to the special permit use, except that:**

**(1) in the case of colleges or universities in RI or R2 Districts, the Board may waive all such required findings set forth in Section 73-121 (Colleges or universities); and**

**(2) in the case of public utility use, the Board may waive all such required findings set forth in Sections 73 14 (Public Service Establishments) or 73 16 (Public Transit, Railroad or Electric Utility Substations).**

**No such enlargement or extension shall create a new non-compliance or increase the existing degree of non-compliance with the applicable bulk regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.**

This application does not seek the enlargement or extension of an existing use.

### **Special Permit Pursuant to ZR Section 73-244**

The Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, which states in part:

**12/15/61**

**73-00**

### **Special Permit Uses and Modifications**

3/20/13

**73-244**

**In C2, C3, C4<sup>1\*</sup>, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District. (Note: C6-4 \*\* end note n/a and omitted).**

In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the requisite findings are made:

The Proposed Use meets each of the required findings specified in Zoning Resolution Section 73-244 as follows:

- (a) That a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#.

The total occupancy of the cellar level is limited to 200 persons. The applicant is not proposing to increase the cellar occupancy. The applicant has undertaken and completed certain interior alterations of the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-

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<sup>1</sup> \* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary.

OT) that have resulted in the construction of two (2) new cellar waiting areas that provide 4.3 sq. ft. per person for the entire cellar occupancy (an amount that exceeds the requirement of 4.0 sq feet per person as set forth in the Zoning Resolution). The required waiting areas do not include space occupied by stairs, corridors or restrooms.

As noted on Plan A-101.00, the waiting areas include (i) a large waiting area that holds 175 people and provides in excess of 4.0 square feet of waiting area per person; and (ii) a smaller waiting area that is required to hold only 25 individuals but, has an area that permits it to hold up to 38 persons, in excess of 4.0 square feet per person of waiting area. The average waiting area per person when you combine both waiting areas is 4.3 square feet per person.

The applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door within the existing lobby that provides direct access to the convenience stairway and new cellar waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas) and (b) segregates patrons from tenant use of the lobby, all of which is code compliant. Ginny's patrons arrive for their dinner reservations and will be directed to enter 310 Lenox Avenue at the designated lobby entrance and under the direction of the security guard and designated staff members proceed either directly to their tables or to the designated waiting areas (when the dining room is being cleaned and readied for service).

With these measures, the applicant has demonstrated that the operation of the proposed establishment will not result in the gathering of crowds or the formation of lines on the street. Consequently, the project complies with this finding of the Zoning Resolution.

- (b) That the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary.

The entrance to the cellar level is located 126 feet from the nearest residential district boundary. The Applicant has provided a scaled land-use map indicating the same.

- (c) That such #use# will not cause undue vehicular or pedestrian congestion in local #streets#.

The proposed legalization of the cellar restaurant supper club will not cause vehicle or pedestrian congestion on local streets. Most restaurant patrons take mass transit and/or walk to our location from the 125<sup>th</sup> Street transit corridor that provides access to a multitude of subway trains (the No. 2, No. 3, No.4, No. 5, No. 6, A, B, C & D), to the Metro-North railroad, as well as many NYC rapid transit buses. In fact, the restaurant's entrance is located within 64 feet of the MTA's entrance to the No.2 and No. 3 subway lines.

The project does not trigger a CEQR threshold for transportation impacts. According to Table 16-1 of the CEQR Technical Manual, the minimum development density for uses in Zone 2 (Manhattan north of 110th Street) potentially requiring a transportation analysis is 200 dwelling units, 100,000 gross square feet of office, 20,000 gross square feet of regional retail, 15,000 gross square feet of local retail, 20,000 gross square feet of restaurant (emphasis added), 25,000 gross square feet of community facility use or off-street parking facilities with 85 new spaces.

The Red Rooster Restaurant contains a total of 9,748 square feet (3,444 sq feet on the ground floor and 6,034 sq feet on the cellar level), an amount that is less than half of the minimum development density (20,000 square feet) that would trigger a traffic assessment in Zone 2 (if we were building a new restaurant). The Red Rooster is an existing restaurant and the applicant is not proposing to increase its size, as this proposal is limited to the legalization of the UG 12A use on the cellar level (6,034 sq. feet). Accordingly, a formal traffic assessment is not required, as the project screens out from such an assessment based upon the methodology set forth in the CEQR Technical Manual.

Restaurant patrons avoid the use of the local street system especially in the evenings and instead utilize the 125<sup>th</sup> Street corridor, which is an active, secure and well lit commercial corridor with a direct link to mass transit facilities. In addition, the proposed legalization of the cellar restaurant supper club will not cause pedestrian congestion at or directly in front of 310 Lenox Avenue, as this proposal has been designed to provide (i) a new segregated lobby entrance and (ii) two new cellar waiting areas specifically designed to foster the movement of patrons off street and within the restaurant. Consequently, the legalization of the proposed use will not cause undue vehicle or pedestrian congestion on local streets.

- (d) That such #use# will not impair the character or the future use or development of the surrounding #residential# or mixed-use neighborhoods.

A shown on the Land Use Map included within the Application, the immediate and surrounding community along 125<sup>th</sup> Street is overwhelmingly comprised of commercial uses. The entire Lenox Avenue street frontage on both the block in which the Red Rooster Restaurant is located and the block directly across the street from the restaurant

are entirely comprised of commercial uses. The nearest residential use is located on the south side of 126<sup>th</sup> Street, one block north of the restaurant.

The Red Rooster Restaurant is a use that is entirely consistent with not only with the existing neighborhood's character but, with the uses permitted in and fostered by the Zoning Resolution and the Special 125<sup>th</sup> Street District. In addition, the legalization of the proposed use is completely consistent with the historical character and musical uses that once flourished in Harlem. As such, the legalization of the proposed use will complement Harlem as a whole, as well as the immediate surrounding neighborhood.

- (e) That such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code.

The proposed use complies strictly with the New York City Noise Code. The Site is wholly located within a commercial zoning district and the Proposed Use is located within a completely enclosed building at the cellar level (which reduces the potential for noise transmission from the premises). To our knowledge, there are no joint living-work quarters for artists or loft dwellings in proximity of the Site.

Walters-Storyk Design Group (WSDG LLC) conducted acoustical testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDGLLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code. However, WSDGLLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Accordingly, the applicant has undertaken

and completed the repair of these doors consistent with the recommendations of the Walters-Storyk Design Group (WSDG LLC) Noise Report dated June 22, 2017.

- (f) That the application is made jointly by the owner of the #building# and the operators of such eating or drinking establishment.

This application has been filed jointly by the owner of the building and the operators of the proposed Use Group 12A Eating and Drinking Establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

## CONCLUSION

### PART IV

Accordingly, we kindly request the BSA grant the proposed special permit for a term of three (3) years, pursuant to ZR Section 73-244, to permit the legalization of the proposed Use Group 12A Eating and Drinking Establishment on the cellar level.



March 23, 2018

STATEMENT IN SUPPORT OF AN APPLICATION FOR A SPECIAL PERMIT,  
PURSUANT TO SECTION 73-244 OF THE ZONING RESOLUTION,  
TO LEGALIZE ON THE CELLAR LEVEL A USE GROUP 12A  
EATING AND DRINKING ESTABLISHMENT  
AT THE RED ROOSTER HARLEM  
RESTAURANT.

Affected Premises:

310 Lenox Avenue  
(Block 1723, Lot 69)  
Manhattan, Community District 10.

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022  
Attention: Jeremiah H. Candreva, Esq.

## STATEMENT OF FACTS

### PART I

#### INTRODUCTION

This statement is made in support of the application by the Red Rooster Harlem LLC (the “Applicant”) for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York (“Zoning Resolution” or “ZR”), to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant, which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment (“Proposed Use”). The Applicant seeks a term of three (3) years for the special permit. The special permit is required because the site is located within 100 feet of a residential district boundary. Use Group 12A eating and drinking establishments are otherwise permitted as a matter of right in C4-4A zoning districts.

310 Lenox Avenue (the “Site”) is located on the southeast corner of West 126<sup>th</sup> Street and Lenox Avenue. The Site has approximately 100 feet of frontage on Lenox Avenue and 85 feet of frontage on West 126<sup>th</sup> Street, a total lot area of approximately 8,500 square feet. The zoning lot comprising the Site is mapped within a C4-4A (125) zoning district. The majority of the block in which the Site is located is mapped within either a C4-4A zoning district or a C4-7 zoning district, a portion of the 126<sup>th</sup> Street frontage is located in an R6A zoning district (approximately 100 x 545). The Site is also wholly located within the Special 125<sup>th</sup> Street District, the regulations of which either supplements and/or supersedes the underlying C4-4A district regulations.

#### EXISTING SITE CONDITIONS

##### The Site

The Site is today improved with a three-story commercial building that is generally utilized for bank, office and restaurant use. The third floor, which was previously utilized for office use, is currently vacant. The second floor is leased to YAI Seeing Beyond Disability and used for office use. The

second floor and the third floor (when it was tenanted) are/were as a general matter occupied from 9 am to 5 pm Monday through Friday. M&T Bank occupies a portion of the ground floor.

The applicant and world-renowned Chef Marcus Samuelsson operates the Red Rooster Harlem (a/k/a, the Red Rooster Restaurant) on the remaining portion of the ground floor (3,444 zfa) and the cellar level (6,034 gsf). The Red Rooster Restaurant's certificate of occupancy permits a Use Group 6 eating and drinking establishment with an occupancy of 130 persons on the ground floor (see copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The applicant proposes to maintain the existing Use Group 6 eating and drinking establishment on such ground floor.

As discussed in more detail below, the Red Rooster's ground floor patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster's image and offerings to its patrons and to the entire Harlem Community. The restaurant has on a typical day approximately 50-125 lunch patrons and approximately 200-250 dinner patrons. Staff levels vary from 20 to 35 depending upon service demands.

The Red Rooster Restaurant's certificate of occupancy also permits a Use Group 6 eating and drinking establishment with an occupancy of 200 persons on the cellar floor (see copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The applicant proposes to amend its certificate of occupancy to legalize the existing Use Group 12 eating and drinking establishment that is located on the cellar level to permit dancing and live performances with designated show times and cover charges. The applicant does not propose to increase the cellar occupancy level above the current limitation of 200 persons.

## The Red Rooster Restaurant

Red Rooster Restaurant is today a landmark restaurant that meets the growing and diverse tastes of an evolving neighborhood. Red Rooster Restaurant serves an eclectic mix of locals, area businesses, hardcore foodies and tourists. Chef Samuelsson brings his passion for food and desire to make a change through active participation with community based organizations; youth work apprenticeship programs and local artists. Red Rooster Restaurant is a space where diners and guests can share great food in a chic and open atmosphere. Red Rooster Restaurant's interior combine elements of modern farm to table design with Harlem's speakeasy history and music relevance. The unique combination comes together in subtle design elements placed throughout the restaurant.

The Red Rooster Restaurant was recently reviewed by food critic and columnist Steve Cuozzo and featured in his October 8, 2016 Article 'The 7 Restaurants that changed New York City.' Mr Cuozzo described the Red Rooster Restaurant as follows:



“This is Exhibit No. 1 of how a visionary chef with a smart business model can bring change far beyond the kitchen.

Chef Marcus Samuelsson’s rollicking bistro — a jolly blend of Ethiopian, southern-American and Swedish influences, served in a colorful dining room behind a retro, horseshoe-shaped bar — made the biggest splash in uptown food since the Harlem Renaissance of the 1920s. But its larger legacy is the renaissance it inspired in the historic African-American neighborhood around Lenox Avenue and West 125th Street.

Emboldened by Red Rooster’s success, a dozen new cafes — Italian, Indian, French, Japanese and “crafted American soul” — have opened on Lenox since 2011. Local residents who were long denied modern dining options suddenly had choices. Downtown customers finally discovered the area’s charms. And a nearby lot that stood empty for decades sprouted a retail complex where Whole Foods will open in early 2017.”

### **The Cuisine**

At Red Rooster Restaurant, the mission is to provide uncomplicated, fresh food that is inherently soulful. The menu at Red Rooster Restaurant offers Chef Samuelsson’s contemporary interpretation of chicken and waffles, collard greens and catfish po’boys. Chef Samuelsson gives a nod to Harlem’s culinary traditions with selections featuring a modern slant with arugula and lemon vinaigrette, roasted whole sea bass with corn and browned lime butter and oven roasted chicken stuffed with apple and thyme, slow cooked in an exposed rotisserie. Red Rooster Restaurant distinguishes itself as a brunch destination, offering a distinctive twist on hearty omelets, salads and griddled creations.

### **Farm-To-Table**

Chef Samuelsson’s menu at the Red Rooster Restaurant represents the diversity found in American cuisine while drawing upon fresh local ingredients to create dishes that are creative, lively and full of

flavor. The restaurant serves breakfast, lunch and dinner, with a menu featuring classic southern comfort dishes prepared with regionally raised meats, fruits and vegetables, fresh seafood from the Northeast, and a wide variety of flavorful vegetarian offerings, artisanal breads and cheeses.

### **The Café**

Red Rooster Restaurant serves three meals a day at the front-of-the-house café. In the morning, fresh baked muffins, pain au chocolate, bagels and breakfast sandwiches are available for commuters on their way to the office. At lunch and dinner, seasonal salads and gourmet sandwiches are served both takeout and delivery. Given the restaurant's proximity to the bustling business district and transit hubs, clientele include destination shoppers, museum goers, neighborhood residents and local business people.

### **The Bar**

Red Rooster Restaurant serves as a popular meeting ground and lively after-work destination with a welcoming social scene. Experienced mixologists tend the well-stocked bar during weekday happy hours and busy weekends. A variety of signature cocktails are offered alongside a diverse selection of tap beers, including premium craft ales, stouts and ciders.

### **Music – Ground Floor**

Red Rooster's patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster's image and offerings to its patrons and to the entire Harlem Community. Although, musicians and musical offerings vary from time to time, the following is a list of the musical offerings on the ground floor:

**MONDAY**

The “Rakiem Walker Project” (RWP) is a 7 piece band that consists of horns, drums, vocals, guitar, keyboards, and more. The band plays different genres and musical feels including Jazz, RnB, Neo-Soul, Live Hip Hop, Reggae, Gospel, Blues, and Latin.

**TUESDAY**

Johnny Mambo is a spicy quintet of vivacious horns and congos that light up the bar each week Red Rooster. Guests are invited to dance while enjoying the spirit of Latin grooves.



**WEDNESDAY**

DJ Hard Hittin Harry was born in Haiti in the late sixties. At the tender age of three, his family made a series of moves starting with Brooklyn New York, and Montreal, Canada. He spent the majority of his life in New Jersey and eventually returned to Brooklyn where he currently resides.

**THURSDAY**

DJ Masai is the center of the storm. He has been spinning for over 23 years and has played in some of the biggest venues in the city and Tri-State area. DJ Masai just about always knew what elements were essential to rock a party.





**FRIDAY**

Dj Stormin' Norman originally hails from East London, UK and is now a resident of Harlem, USA. In the 90's, he was part of a groundbreaking DJ collective who brought the Thunderstorm Mix on WBLS 107.5FM NYC, introducing live mixing to daytime radio previously reserved for weekend nights broadcasted from night-clubs, setting a new precedent in national radio. Dj Stormin' Norman is also the DJ resident of Marcus Samuelsson's Red Rooster in Harlem.

**SATURDAY BRUNCH**

DJ NessDigital is a true Music Selector. Since 2005, he has been jamming at a wide range of events; some include fashion parties, clubs, lounges, gallery events, weddings and live radio. He is the essential crowd pleaser incorporating a wide variety of tracks that ranges from funk, rock, soul, r&b, house, world, jazz, hip-hop, old and new.



## SATURDAY NIGHT

A native New Yorker, DJ Lex NY's sound has been influenced by the diverse cultures that shape New York City. Since 2002, he has played all over the five boroughs, as well as in other cities. It's his ability to entertain with intricate sets of Afro Beat, Dancehall, Hip Hop, House, and Soca that has earned him a reputation as one of the best up and coming dj's in NYC.



## SUNDAY BRUNCH

Come to Red Rooster on Sunday mornings and you will hear the lovely vocals of Boncellia Lewis. Having performed with the who's who of the Harlem jazz underground, including Bill Saxton, Donald Smith, Kim Clarke, and Harry Whitaker, Boncellia embodies the spirit of music and Harlem in every grace-plucked note she sings.



## SUNDAY DINNER

Whether you're sipping cocktails in the bar or enjoying the comfort food standards on the menu, live jazz can help stave off the late-weekend blues. Every Sunday, the Nate Lucas Quartet sets up shop and begins jamming its way through classic jazz tunes and forgotten nuggets.



## PROPOSED CONDITIONS

### PART II

#### **Harlem's Historical Neighborhood Context**

During the 1920's in Harlem there were over 125 entertainment establishments clustered between 125<sup>th</sup> Street and 135<sup>th</sup> Street on 7<sup>th</sup> Avenue and Lenox Avenue that drew visitors from around the world. The impressive mix was made up of taverns, supper clubs, lounges, theatres, dance halls and hundreds of speakeasies. Included were the legendary big four: the Cotton Club, Connie's Inn, Small's Paradise and Barron Wilkins Club. Entertainers included Duke Ellington and his big band, Louis Armstrong, Cab Calloway, Fats Waller, Louis Jordan, Chick Webb and Fletcher Henderson. Canary singers included Ella Fitzgerald, Bessie Smith, Ethel Waters and Lena Horne. Bojangles Robinson danced with his gold pistol in his hand while six lovely chorus girls strutted at the Cotton Club. The most famous theatre (just two blocks from the Red Rooster Restaurant) was "The Hurtig and Seamon's Burlesque" which changed its name to the Apollo in 1934. There were restaurants of all kinds – Chinese, rib joints, clam houses, fried chicken parlors – from white tablecloths to weathered counter tops. There was the A train to Sugar Hill (145<sup>th</sup> to 155<sup>th</sup> Streets) and Stompin' at the Savoy Ballroom (596 Lenox Avenue).

#### **Harlem Today**

Harlem is undergoing an exciting change with new business investment opportunities, housing developments and brownstone renovations, all of which bring a renewed energy to this community. East Harlem will also see more exciting growth in the future with the recent adoption of City Planning's East Harlem Rezoning, which was approved by the City Planning Commission on October 2, 2017. Although in Harlem, the Red Rooster Restaurant is located outside of the East Harlem Rezoning area.

## **The Re-establishment of Harlem's Entertainment Uses**

The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. Red Rooster Restaurant's proposal steps into this void because it provides an innovative music program that features a variety of live music including Jazz, R&B, Soul and Salsa. The Red Rooster Restaurant regularly coordinates its performances with up-and-coming local artists, as well as premier musicians. The cellar space can also be utilized for special events such as wine tastings, food pairings and book signings by Chef Sameulsson and other notables. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.

### **Music – Cellar Floor**

#### **Ginny's Supper Club**

The proposed legalization of the cellar level to a Use Group 12A Eating and Drinking Establishment would permit a traditional supper club to operate where patrons eat dinner, have drinks and listen to a live performance (with designated show times and cover charges). Ginny's typically offers two seated dinner and live entertainment shows each Thursday, Friday and Saturday. The doors open at 6pm. The first set begins at or about 7:30pm. The second set begins at or about 9:30 pm. Show times may vary depending upon the musicians/musical entertainment offered. However, the restaurant's website lists set show times to enable patrons to book a specific show in advance of a nightly performance.

Ginny's typically offers live entertainment post dinner service on Friday and Saturday evenings starting at or about 11:30pm until 4am. Ginny's does not have a dance floor and there is no designated area for dancing activities. However, Ginny's does not prohibit its patrons from dancing either during dinner or its gospel performances.

### **GOSPEL BRUNCH**

Ginny's offers Sunday Gospel Brunch. The doors open at 10am. The first set starts at or about 10:30 am and the second set starts at or about 12:30pm.

Gospel Brunch featuring Vi Higginsen's Gospel For Teens Choir and Red Rooster's famous soul food brunch.



Photo by Bobby Fisher

**Site Improvements – First Floor:**

The applicant has completed the following improvements on the ground floor:

1. The applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door within the existing lobby that provides direct access to the convenience stairway and new cellar waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas and (b) segregates patrons from tenant use of the lobby, all of which is code compliant;
3. The applicant has established a security guard station within the lobby to direct and control patron movements and supervise lobby conditions;
4. Walters-Storyk Design Group (WSDG LLC) conducted acoustical noise testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDG LLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code (See copy of June 22, 2017 WSDG LLC Noise Report attached hereto). WSDG LLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Consequently, the applicant repaired these doors consistent with the WSDG LLC's recommendations.
5. The Red Rooster Restaurant's existing walls and ceilings include at the first floor 12" Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8" Gypsum Board were installed at areas of existing walls and ceilings. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum

Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and “blown in” insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non-hardening acoustical sealant or equal.

#### **Site Improvements – Cellar Floor Configuration:**

1. The applicant has undertaken and completed certain interior alterations of the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in the construction of two (2) new cellar waiting areas that provide the minimum required area of 4 sq. ft. per person (in fact these waiting areas provide 4.38 sq. ft. per person for the entire cellar occupancy).
2. The Red Rooster Restaurant’s walls and ceilings include at cellar level 12” Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8” Gypsum Board were installed at areas of existing walls and ceilings or one layer of 5/8” Gypsum Board with White Echo Eliminator 1” wall panels by acoustical surfaces adhesive applied. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and “blown in” insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non-hardening acoustical sealant or equal.

#### **Completed Fire Safety Measures**

The Red Rooster Restaurant is in compliance with NYC fire safety regulations, as it includes the following life, safety systems:

- The entire restaurant is sprinklered (both ground and cellar floors);
- The restaurant has an existing fire alarm system that is centrally monitored;



- All areas within the restaurant that have separate usages include rated separations including between the restaurant and the waiting areas;
- All rated doors are self-closing; and
- Emergency lighting and exit signs as required are located throughout the restaurant.

### **Additional FDNY Safety Measures**

On March 21, 2018, a site inspection was performed by members of FDNY including a Battalion Chief of BN12, LPPA Inspector and John V. Daly, Deputy Chief Inspector. Set forth below are FDNY's recommendations for the proposed occupancy, all of which the applicant has agreed to undertake and complete:

- The applicant shall install a module in the fire alarm panel that will turn off all power to any musical instruments in the event that the fire alarm system is activated on any floor (a note has been added to the cellar floor plan A-101.00).
- The applicant agrees that there shall be no curtains or drapery in the restaurant that obscures the view to an exit passageway.
- The applicant shall install a rated wall of one-hour to separate the existing cellar corridor and exit passageway on the cellar level (all as noted on cellar floor plan A-101.00). The applicant shall be permitted to install doors within such rated wall provided all doors to be installed are of similar rating to the rated-wall (such a proposed door is noted on cellar floor plan A-101.00).
- The applicant shall list the total number of customers, staff and performers on the plan. A note has been added to the cellar floor plan with the requested information (See cellar floor plan A-101.00).
- The applicant shall remove all shelving and other obstructions within the exit passageway corridors on the cellar level, and such exit passageways shall be cleared at all times. The applicant shall be permitted to install storage cabinets within this exit passageway provided such cabinets are fire rated and accepted by the Department of Buildings. The minimum clear distance between the cabinets and corridor walls shall be determined by the building code for public assembly use.
- The applicant shall install additional exit signs along all exit passageway's to better direct people to the means of egress (all as noted on cellar floor plan A-101.00).

- The applicant shall recess the door to the large holding room located on the cellar level so that the door will not reduce the width of the exit passageway (all as noted on cellar floor plan A-101.00).
- The applicant agrees that all security personnel used by the restaurant during performances shall hold an F-03 Certificate of Fitness "Indoor Place of Assembly Safety Personnel" issued by the Fire Department of the City of New York.
- Cellar Floor Plan A-101.00: The cellar floor plan has been amended to comply in all respects with the recommendations that FDNY set forth in its letter dated March 21, 2018.
- Area Calculations/Occupancy Load A-101.00: The total occupancy of the cellar level is limited to 200 persons as per the existing public assembly permit for the cellar level. The applicant is not proposing to increase the cellar occupancy. It should be noted that during live performances there is a total of 90 seats in the main dining room on the cellar level (which includes 18 seats at the bar). When one combines total number of seated dinner patrons with the total number of staff (10-15) and performers (5-10), the estimated operational occupancy of the main dining area (where dinner/shows take place) is 115. I note that there is a private dining room on the cellar level that holds an additional 28 seats, however patrons located within the private dining room cannot view the live performances. The private dining room is only utilized for special occasions, large dinner parties and certain VIP events. However, we have included the private dining area to provide a conservative analysis of the estimated functional capacity of the cellar level, the result of which is an aggregate of 143 occupants (which total includes 100 seated dinner patrons).

### **The Special Permit**

Although the Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, it is important to note that both Use Group 6A Eating and Drinking Establishments (i.e., including those that have music for which there is no cover charge and no specified show times) and Use Group 6C Eating and Drinking Establishments (i.e., including those that have musical entertainment but not dancing with a capacity of 200 persons or less) are permitted by the Zoning Resolution as a matter of right. We also note that but for the proximity of the Site to a residential district boundary (i.e., the Site is within 100 feet of a residence district boundary), the proposed Use Group 12A Eating and Drinking Establishment would be an as-of-right use pursuant to the Zoning Resolution.

**PRIOR BOARD APPLICATIONS**

No previous actions by the Board with respect to the Site were sought by the applicant or its predecessor in title.

**OPEN DEPARTMENT OF BUILDINGS VIOLATIONS**

There are no open DOB and ECB violations against the Site.

**STATEMENT OF FINDINGS  
PART III**

**(12/19/80)**

**73-03**

**General Findings Required for All Special Permit Uses and Modifications**

**The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit uses or modifications of uses, parking, or bulk regulations as specifically provided in this Chapter, provided in each case:**

**(a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit use or modification of use, parking or bulk regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit use or modification of use, parking or bulk regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit use or modification of use, parking or bulk regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.**

The legalization of the cellar level for the proposed Use Group 12A eating and drinking establishment presents no hazards or disadvantages to the community at large. The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.

In the event that the Board determines that hazards or disadvantages may come to exist, or that the approval of the special permit requested herein has an adverse effect on the privacy, quiet, light or air in the neighborhood, the Applicant will adhere to the appropriate mitigating conditions imposed by the Board.

**(b) In all cases the Board shall deny a special permit whenever such proposed special permit use or modification of use, parking or bulk regulations will interfere with any public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.**

To the best of the Applicant's knowledge, there are no public improvement projects (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which have been approved by or are pending before the City Council (as successor to the Board of Estimate with regard to certain ULURP items), Site Selection Board or the City Planning Commission within the Site's vicinity. Accordingly, this finding is not applicable.

**(c) When under the applicable findings the Board is required to determine whether the special permit use or modification of use, parking or bulk regulations is appropriately located in relation to the street system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit use or modification of use, parking or bulk regulations in relation to secondary or local streets and such classification of streets is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such street.**

The Board is not required to make a determination relevant to this finding.

**(d) For applications relating to Sections 73-243, 73-48 and 73-49, the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit use or modification of use, parking or bulk regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to**

**substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.**

This is not an application relating to ZR Sections 73-243, 73-48 or 73-49.

**(e) If a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit uses or modification of use parking or bulk regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit use or modification of use parking or bulk regulations.**

The Applicant seeks the requested special permit for a three (3) year term consistent with the provisions of Section 73-244 of the Zoning Resolution.

**(f) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.**

This Application does not seek the renewal of a previously adopted special permit. Accordingly, the Board is not required to make a determination relevant to this finding.

**(g) The Board may permit the enlargement or extension of any existing use, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for enlargement, or extension within the permitted districts, the Board shall make all of the required findings applicable to the special permit use, except that:**

**(1) in the case of colleges or universities in RI or R2 Districts, the Board may waive all such required findings set forth in Section 73-121 (Colleges or universities); and**

**(2) in the case of public utility use, the Board may waive all such required findings set forth in Sections 73 14 (Public Service Establishments) or 73 16 (Public Transit, Railroad or Electric Utility Substations).**

**No such enlargement or extension shall create a new non-compliance or increase the existing degree of non-compliance with the applicable bulk regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.**

This application does not seek the enlargement or extension of an existing use.

### **Special Permit Pursuant to ZR Section 73-244**

The Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, which states in part:

**12/15/61**

**73-00**

### **Special Permit Uses and Modifications**

3/20/13

**73-244**

**In C2, C3, C4<sup>1\*</sup>, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District. (Note: C6-4 \*\* end note n/a and omitted).**

In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the requisite findings are made:

The Proposed Use meets each of the required findings specified in Zoning Resolution Section 73-244 as follows:

- (a) That a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#.

The total occupancy of the cellar level is limited to 200 persons. The applicant is not proposing to increase the cellar occupancy. The applicant has undertaken and completed certain interior alterations of the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-

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<sup>1</sup> \* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary.

OT) that have resulted in the construction of two (2) new cellar waiting areas that provide 4.3 sq. ft. per person for the entire cellar occupancy (an amount that exceeds the requirement of 4.0 sq feet per person as set forth in the Zoning Resolution). The required waiting areas do not include space occupied by stairs, corridors or restrooms.

As noted on Plan A-101.00, the waiting areas include (i) a large waiting area that holds 175 people and provides in excess of 4.0 square feet of waiting area per person; and (ii) a smaller waiting area that is required to hold only 25 individuals but, has an area that permits it to hold up to 38 persons, in excess of 4.0 square feet per person of waiting area. The average waiting area per person when you combine both waiting areas is 4.3 square feet per person.

The applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door within the existing lobby that provides direct access to the convenience stairway and new cellar waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas) and (b) segregates patrons from tenant use of the lobby, all of which is code compliant. Ginny's patrons arrive for their dinner reservations and will be directed to enter 310 Lenox Avenue at the designated lobby entrance and under the direction of the security guard and designated staff members proceed either directly to their tables or to the designated waiting areas (when the dining room is being cleaned and readied for service).



With these measures, the applicant has demonstrated that the operation of the proposed establishment will not result in the gathering of crowds or the formation of lines on the street. Consequently, the project complies with this finding of the Zoning Resolution.

- (b) That the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary.

The entrance to the cellar level is located 126 feet from the nearest residential district boundary. The Applicant has provided a scaled land-use map indicating the same.

- (c) That such #use# will not cause undue vehicular or pedestrian congestion in local #streets#.

The proposed legalization of the cellar restaurant supper club will not cause vehicle or pedestrian congestion on local streets. Most restaurant patrons take mass transit and/or walk to our location from the 125<sup>th</sup> Street transit corridor that provides access to a multitude of subway trains (the No. 2, No. 3, No.4, No. 5, No. 6, A, B, C & D), to the Metro-North railroad, as well as many NYC rapid transit buses. In fact, the restaurant's entrance is located within 64 feet of the MTA's entrance to the No.2 and No. 3 subway lines.

The project does not trigger a CEQR threshold for transportation impacts. According to Table 16-1 of the CEQR Technical Manual, the minimum development density for uses in Zone 2 (Manhattan north of 110th Street) potentially requiring a transportation analysis is 200 dwelling units, 100,000 gross square feet of office, 20,000 gross square feet of regional retail, 15,000 gross square feet of local retail, 20,000 gross square feet of restaurant (emphasis added), 25,000 gross square feet of community facility use or off-street parking facilities with 85 new spaces.

The Red Rooster Restaurant contains a total of 9,748 square feet (3,444 sq feet on the ground floor and 6,034 sq feet on the cellar level), an amount that is less than half of the minimum development density (20,000 square feet) that would trigger a traffic assessment in Zone 2 (if we were building a new restaurant). The Red Rooster is an existing restaurant and the applicant is not proposing to increase its size, as this proposal is limited to the legalization of the UG 12A use on the cellar level (6,034 sq. feet). Accordingly, a formal traffic assessment is not required, as the project screens out from such an assessment based upon the methodology set forth in the CEQR Technical Manual.

Restaurant patrons avoid the use of the local street system especially in the evenings and instead utilize the 125<sup>th</sup> Street corridor, which is an active, secure and well lit commercial corridor with a direct link to mass transit facilities. In addition, the proposed legalization of the cellar restaurant supper club will not cause pedestrian congestion at or directly in front of 310 Lenox Avenue, as this proposal has been designed to provide (i) a new segregated lobby entrance and (ii) two new cellar waiting areas specifically designed to foster the movement of patrons off street and within the restaurant. Consequently, the legalization of the proposed use will not cause undue vehicle or pedestrian congestion on local streets.

- (d) That such #use# will not impair the character or the future use or development of the surrounding #residential# or mixed-use neighborhoods.

A shown on the Land Use Map included within the Application, the immediate and surrounding community along 125<sup>th</sup> Street is overwhelmingly comprised of commercial uses. The entire Lenox Avenue street frontage on both the block in which the Red Rooster Restaurant is located and the block directly across the street from the restaurant

are entirely comprised of commercial uses. The nearest residential use is located on the south side of 126<sup>th</sup> Street, one block north of the restaurant.

The Red Rooster Restaurant is a use that is entirely consistent with not only with the existing neighborhood's character but, with the uses permitted in and fostered by the Zoning Resolution and the Special 125<sup>th</sup> Street District. In addition, the legalization of the proposed use is completely consistent with the historical character and musical uses that once flourished in Harlem. As such, the legalization of the proposed use will complement Harlem as a whole, as well as the immediate surrounding neighborhood.

- (e) That such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code.

The proposed use complies strictly with the New York City Noise Code. The Site is wholly located within a commercial zoning district and the Proposed Use is located within a completely enclosed building at the cellar level (which reduces the potential for noise transmission from the premises). To our knowledge, there are no joint living-work quarters for artists or loft dwellings in proximity of the Site.

Walters-Storyk Design Group (WSDG LLC) conducted acoustical testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDGLLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code. However, WSDGLLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Accordingly, the applicant has undertaken

and completed the repair of these doors consistent with the recommendations of the Walters-Storyk Design Group (WSDG LLC) Noise Report dated June 22, 2017.

- (f) That the application is made jointly by the owner of the #building# and the operators of such eating or drinking establishment.

This application has been filed jointly by the owner of the building and the operators of the proposed Use Group 12A Eating and Drinking Establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

## CONCLUSION

### PART IV

Accordingly, we kindly request the BSA grant the proposed special permit for a term of three (3) years, pursuant to ZR Section 73-244, to permit the legalization of the proposed Use Group 12A Eating and Drinking Establishment on the cellar level.

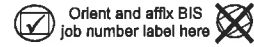
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### AI1: Additional Information

*Must be typewritten.*



Page number 1 of 1

BIS Document No. 01

**1 Location and Job Information** *Required for all applications.*

House No(s) 310 Street Name Lenox Avenue

Borough Manhattan Block 01723 Lot 00069 BIN 1053528 CB No. 110

**2 Revisions to Plans/Drawings** *Required whenever updating plans. All revisions for each page must be clearly described in section 3.*

Submission is part of a Post Approval Amendment (PAA)?  Yes *PW1 required*  No *Indicate all actions for this submission:*

Action	Original/New/Omit Page ID	Superseding Page ID	Action	Original/New/Omit Page ID	Superseding Page ID	Action	Original/New/Omit Page ID	Superseding Page ID	Action	Original/New/Omit Page ID	Superseding Page ID

For "Action" use "N" for new page, "S" for superseding page, "O" for omitting page. Is this section continued on additional AI1 forms?  Yes  No

**3 Additional Information** *Required for all applications.*

Address: 310 Lenox Avenue, Manhattan

Block 1723, Lot 69 on the Tax Map of the City and County of New York

"The proposed Use Group 12A Eating and Drinking Establishment is contrary to Zoning Resolution Section 32-21, as it is not permitted within a C4 zoning district where such use is within 100 feet of a Residence District boundary. The Board of Standards and Appeals may permit the establishment of a Use Group 12A Eating and Drinking Establishment with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the requisite findings of ZR Section 73-244 are met. Seek and obtain a special permit pursuant to ZR Section 73-244 from the Board of Standards and Appeals legalizing the proposed Use Group 12A Eating and Drinking Establishment on the cellar level of 310 Lenox Avenue."

**DENIED**  
**FOR APPEAL TO BOARD OF STANDARDS AND APPEALS**

DATE 3/12/2018

PER [Signature]  
Borough Commissioner

Chief Plan Examiner, Administration



Falsification of any statement is a misdemeanor and is punishable by a fine or imprisonment, or both. It is unlawful to give to a city employee, or for a city employee to accept, any benefit, monetary or otherwise, either as a gratuity for properly performing the job or in exchange for special consideration. Violation is punishable by imprisonment or fine or both. I understand that if I am found after hearing to have knowingly or negligently made a false statement or to have knowingly or negligently falsified or allowed to be falsified any certificate, form, signed statement, application, report or certification of the correction of a violation required under the provisions of this code or of a rule of any agency, I may be barred from filing further applications or documents with the Department.

Name (please print) John J. Meyer  
Signature [Signature] Date 3/5/18  
P.E. / R.A. Seal (apply seal, then sign and date over seal)

March 12, 2018

STATEMENT IN SUPPORT OF AN APPLICATION FOR A SPECIAL PERMIT,  
PURSUANT TO SECTION 73-244 OF THE ZONING RESOLUTION,  
TO LEGALIZE ON THE CELLAR LEVEL A USE GROUP 12A  
EATING AND DRINKING ESTABLISHMENT  
AT THE RED ROOSTER HARLEM  
RESTAURANT.

Affected Premises:

310 Lenox Avenue  
(Block 1723, Lot 69)  
Manhattan, Community District 10.

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022  
Attention: Jeremiah H. Candreva, Esq.

## STATEMENT OF FACTS

### PART I

#### INTRODUCTION

This statement is made in support of the application by the Red Rooster Harlem LLC (the “Applicant”) for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York (“Zoning Resolution” or “ZR”), to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant, which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment (“Proposed Use”). The Applicant seeks a term of three (3) years for the special permit. The special permit is required because the site is located within 100 feet of a residential district boundary. Use Group 12A eating and drinking establishments are otherwise permitted as a matter of right in C4-4A zoning districts.

310 Lenox Avenue (the “Site”) is located on the southeast corner of West 126<sup>th</sup> Street and Lenox Avenue. The Site has approximately 100 feet of frontage on Lenox Avenue and 85 feet of frontage on West 126<sup>th</sup> Street, a total lot area of approximately 8,500 square feet. The zoning lot comprising the Site is mapped within a C4-4A (125) zoning district. The majority of the block in which the Site is located is mapped within either a C4-4A zoning district or a C4-7 zoning district, a portion of the 126<sup>th</sup> Street frontage is located in an R6A zoning district (approximately 100 x 545). The Site is also wholly located within the Special 125<sup>th</sup> Street District, the regulations of which either supplements and/or supersedes the underlying C4-4A district regulations.

#### EXISTING SITE CONDITIONS

##### The Site

The Site is today improved with a three-story commercial building that is generally utilized for bank, office and restaurant use. The third floor, which was previously utilized for office use, is currently vacant. The second floor is leased to YAI Seeing Beyond Disability and used for office use. The

second floor and the third floor (when it was tenanted) are/were as a general matter occupied from 9 am to 5 pm Monday through Friday. M&T Bank occupies a portion of the ground floor.

The applicant and world-renowned Chef Marcus Samuelsson operates the Red Rooster Harlem (a/k/a, the Red Rooster Restaurant) on the remaining portion of the ground floor (3,444 zfa) and the cellar level (6,034 gsf). The Red Rooster Restaurant's certificate of occupancy permits a Use Group 6 eating and drinking establishment with an occupancy of 130 persons on the ground floor (see copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The applicant proposes to maintain the existing Use Group 6 eating and drinking establishment on such ground floor.

As discussed in more detail below, the Red Rooster's ground floor patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster's image and offerings to its patrons and to the entire Harlem Community. The restaurant has on a typical day approximately 50-125 lunch patrons and approximately 200-250 dinner patrons. Staff levels vary from 20 to 35 depending upon service demands.

The Red Rooster Restaurant's certificate of occupancy also permits a Use Group 6 eating and drinking establishment with an occupancy of 200 persons on the cellar floor (see copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The applicant proposes to amend its certificate of occupancy to legalize the existing Use Group 12 eating and drinking establishment that is located on the cellar level to permit dancing and live performances with designated show times and cover charges. The applicant does not propose to increase the cellar occupancy level above the current limitation of 200 persons.



## The Red Rooster Restaurant

Red Rooster Restaurant is today a landmark restaurant that meets the growing and diverse tastes of an evolving neighborhood. Red Rooster Restaurant serves an eclectic mix of locals, area businesses, hardcore foodies and tourists. Chef Samuelsson brings his passion for food and desire to make a change through active participation with community based organizations; youth work apprenticeship programs and local artists. Red Rooster Restaurant is a space where diners and guests can share great food in a chic and open atmosphere. Red Rooster Restaurant's interior combine elements of modern farm to table design with Harlem's speakeasy history and music relevance. The unique combination comes together in subtle design elements placed throughout the restaurant.

The Red Rooster Restaurant was recently reviewed by food critic and columnist Steve Cuozzo and featured in his October 8, 2016 Article 'The 7 Restaurants that changed New York City.' Mr Cuozzo described the Red Rooster Restaurant as follows:



“This is Exhibit No. 1 of how a visionary chef with a smart business model can bring change far beyond the kitchen.

Chef Marcus Samuelsson’s rollicking bistro — a jolly blend of Ethiopian, southern-American and Swedish influences, served in a colorful dining room behind a retro, horseshoe-shaped bar — made the biggest splash in uptown food since the Harlem Renaissance of the 1920s. But its larger legacy is the renaissance it inspired in the historic African-American neighborhood around Lenox Avenue and West 125th Street.

Emboldened by Red Rooster’s success, a dozen new cafes — Italian, Indian, French, Japanese and “crafted American soul” — have opened on Lenox since 2011. Local residents who were long denied modern dining options suddenly had choices. Downtown customers finally discovered the area’s charms. And a nearby lot that stood empty for decades sprouted a retail complex where Whole Foods will open in early 2017.”

### **The Cuisine**

At Red Rooster Restaurant, the mission is to provide uncomplicated, fresh food that is inherently soulful. The menu at Red Rooster Restaurant offers Chef Samuelsson’s contemporary interpretation of chicken and waffles, collard greens and catfish po’boys. Chef Samuelsson gives a nod to Harlem’s culinary traditions with selections featuring a modern slant with arugula and lemon vinaigrette, roasted whole sea bass with corn and browned lime butter and oven roasted chicken stuffed with apple and thyme, slow cooked in an exposed rotisserie. Red Rooster Restaurant distinguishes itself as a brunch destination, offering a distinctive twist on hearty omelets, salads and griddled creations.

### **Farm-To-Table**

Chef Samuelsson’s menu at the Red Rooster Restaurant represents the diversity found in American cuisine while drawing upon fresh local ingredients to create dishes that are creative, lively and full of

flavor. The restaurant serves breakfast, lunch and dinner, with a menu featuring classic southern comfort dishes prepared with regionally raised meats, fruits and vegetables, fresh seafood from the Northeast, and a wide variety of flavorful vegetarian offerings, artisanal breads and cheeses.

### **The Café**

Red Rooster Restaurant serves three meals a day at the front-of-the-house café. In the morning, fresh baked muffins, pain au chocolate, bagels and breakfast sandwiches are available for commuters on their way to the office. At lunch and dinner, seasonal salads and gourmet sandwiches are served both takeout and delivery. Given the restaurant's proximity to the bustling business district and transit hubs, clientele include destination shoppers, museum goers, neighborhood residents and local business people.

### **The Bar**

Red Rooster Restaurant serves as a popular meeting ground and lively after-work destination with a welcoming social scene. Experienced mixologists tend the well-stocked bar during weekday happy hours and busy weekends. A variety of signature cocktails are offered alongside a diverse selection of tap beers, including premium craft ales, stouts and ciders.

### **Music – Ground Floor**

Red Rooster's patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster's image and offerings to its patrons and to the entire Harlem Community. Although, musicians and musical offerings vary from time to time, the following is a list of the musical offerings on the ground floor:

**MONDAY**

The “Rakiem Walker Project” (RWP) is a 7 piece band that consists of horns, drums, vocals, guitar, keyboards, and more. The band plays different genres and musical feels including Jazz, RnB, Neo-Soul, Live Hip Hop, Reggae, Gospel, Blues, and Latin.

**TUESDAY**

Johnny Mambo is a spicy quintet of vivacious horns and congos that light up the bar each week Red Rooster. Guests are invited to dance while enjoying the spirit of Latin grooves.



**WEDNESDAY**

DJ Hard Hittin Harry was born in Haiti in the late sixties. At the tender age of three, his family made a series of moves starting with Brooklyn New York, and Montreal, Canada. He spent the majority of his life in New Jersey and eventually returned to Brooklyn where he currently resides.

**THURSDAY**

DJ Masai is the center of the storm. He has been spinning for over 23 years and has played in some of the biggest venues in the city and Tri-State area. DJ Masai just about always knew what elements were essential to rock a party.



**FRIDAY**

Dj Stormin' Norman originally hails from East London, UK and is now a resident of Harlem, USA. In the 90's, he was part of a groundbreaking DJ collective who brought the Thunderstorm Mix on WBLS 107.5FM NYC, introducing live mixing to daytime radio previously reserved for weekend nights broadcasted from night-clubs, setting a new precedent in national radio. Dj Stormin' Norman is also the DJ resident of Marcus Samuelsson's Red Rooster in Harlem.

**SATURDAY BRUNCH**

DJ NessDigital is a true Music Selector. Since 2005, he has been jamming at a wide range of events; some include fashion parties, clubs, lounges, gallery events, weddings and live radio. He is the essential crowd pleaser incorporating a wide variety of tracks that ranges from funk, rock, soul, r&b, house, world, jazz, hip-hop, old and new.



## SATURDAY NIGHT

A native New Yorker, DJ Lex NY's sound has been influenced by the diverse cultures that shape New York City. Since 2002, he has played all over the five boroughs, as well as in other cities. It's his ability to entertain with intricate sets of Afro Beat, Dancehall, Hip Hop, House, and Soca that has earned him a reputation as one of the best up and coming dj's in NYC.



## SUNDAY BRUNCH

Come to Red Rooster on Sunday mornings and you will hear the lovely vocals of Boncellia Lewis. Having performed with the who's who of the Harlem jazz underground, including Bill Saxton, Donald Smith, Kim Clarke, and Harry Whitaker, Boncellia embodies the spirit of music and Harlem in every grace-plucked note she sings.



## SUNDAY DINNER

Whether you're sipping cocktails in the bar or enjoying the comfort food standards on the menu, live jazz can help stave off the late-weekend blues. Every Sunday, the Nate Lucas Quartet sets up shop and begins jamming its way through classic jazz tunes and forgotten nuggets.





## PROPOSED CONDITIONS

### PART II

#### **Harlem's Historical Neighborhood Context**

During the 1920's in Harlem there were over 125 entertainment establishments clustered between 125<sup>th</sup> Street and 135<sup>th</sup> Street on 7<sup>th</sup> Avenue and Lenox Avenue that drew visitors from around the world. The impressive mix was made up of taverns, supper clubs, lounges, theatres, dance halls and hundreds of speakeasies. Included were the legendary big four: the Cotton Club, Connie's Inn, Small's Paradise and Barron Wilkins Club. Entertainers included Duke Ellington and his big band, Louis Armstrong, Cab Calloway, Fats Waller, Louis Jordan, Chick Webb and Fletcher Henderson. Canary singers included Ella Fitzgerald, Bessie Smith, Ethel Waters and Lena Horne. Bojangles Robinson danced with his gold pistol in his hand while six lovely chorus girls strutted at the Cotton Club. The most famous theatre (just two blocks from the Red Rooster Restaurant) was "The Hurtig and Seamon's Burlesque" which changed its name to the Apollo in 1934. There were restaurants of all kinds – Chinese, rib joints, clam houses, fried chicken parlors – from white tablecloths to weathered counter tops. There was the A train to Sugar Hill (145<sup>th</sup> to 155<sup>th</sup> Streets) and Stompin' at the Savoy Ballroom (596 Lenox Avenue).

#### **Harlem Today**

Harlem is undergoing an exciting change with new business investment opportunities, housing developments and brownstone renovations, all of which bring a renewed energy to this community. East Harlem will also see more exciting growth in the future with the recent adoption of City Planning's East Harlem Rezoning, which was approved by the City Planning Commission on October 2, 2017. Although in Harlem, the Red Rooster Restaurant is located outside of the East Harlem Rezoning area.

## **The Re-establishment of Harlem's Entertainment Uses**

The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. Red Rooster Restaurant's proposal steps into this void because it provides an innovative music program that features a variety of live music including Jazz, R&B, Soul and Salsa. The Red Rooster Restaurant regularly coordinates its performances with up-and-coming local artists, as well as premier musicians. The cellar space can also be utilized for special events such as wine tastings, food pairings and book signings by Chef Sameulsson and other notables. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.

### **Music – Cellar Floor**

#### **Ginny's Supper Club**

The proposed legalization of the cellar level to a Use Group 12A Eating and Drinking Establishment would permit a traditional supper club to operate where patrons eat dinner, have drinks and listen to a live performance (with designated show times and cover charges). Ginny's typically offers two seated dinner and live entertainment shows each Thursday, Friday and Saturday. The doors open at 6pm. The first set begins at or about 7:30pm. The second set begins at or about 9:30 pm. Show times may vary depending upon the musicians/musical entertainment offered. However, the restaurant's website lists set show times to enable patrons to book a specific show in advance of a nightly performance.

Ginny's typically offers live entertainment post dinner service on Friday and Saturday evenings starting at or about 11:30pm until 4am.

Ginny's does not have a dance floor and there is no designated area for dancing activities. However, Ginny's does not prohibit its patrons from dancing either during dinner or its gospel performances.

### **GOSPEL BRUNCH**

Ginny's offers Sunday Gospel Brunch. The doors open at 10am. The first set starts at or about 10:30 am and the second set starts at or about 12:30pm.

Gospel Brunch featuring Vi Higginsen's Gospel For Teens Choir and Red Rooster's famous soul food brunch.



Photo by Bobby Fisher

**Proposed Site Improvements – First Floor:**

The applicant has completed the following improvements on the ground floor:

1. The applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door within the existing lobby that provides direct access to the convenience stairway and new cellar waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas and (b) segregates patrons from tenant use of the lobby, all of which is code compliant;
3. The applicant has established a security guard station within the lobby to direct and control patron movements and supervise lobby conditions;
4. Walters-Storyk Design Group (WSDG LLC) conducted acoustical noise testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDG LLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code (See copy of June 22, 2017 WSDG LLC Noise Report attached hereto). WSDG LLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Consequently, the applicant repaired these doors consistent with the WSDG LLC's recommendations.
5. The Red Rooster Restaurant's existing walls and ceilings include at the first floor 12" Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8" Gypsum Board were installed at areas of existing walls and ceilings. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum

Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and “blown in” insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non-hardening acoustical sealant or equal.

### **Proposed Site Improvements – Cellar Floor Configuration:**

1. The applicant has undertaken and completed certain interior alterations of the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in the construction of two (2) new cellar waiting areas that provide the minimum required area of 4 sq. ft. per person (in fact these waiting areas provide 4.38 sq. ft. per person for the entire cellar occupancy).

2. The Red Rooster Restaurant’s walls and ceilings include at cellar level 12” Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8” Gypsum Board were installed at areas of existing walls and ceilings or one layer of 5/8” Gypsum Board with White Echo Eliminator 1” wall panels by acoustical surfaces adhesive applied. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and “blown in” insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non-hardening acoustical sealant or equal.

### **Fire Safety Measures**

The Red Rooster Restaurant is in compliance with NYC fire safety regulations, as it includes the following life, safety systems:

- The entire restaurant is sprinklered (both ground and cellar floors);

- The restaurant has an existing fire alarm system that is centrally monitored;
- All areas within the restaurant that have separate usages include rated separations including between the restaurant and the waiting areas;
- All rated doors are self-closing; and
- Emergency lighting and exit signs as required are located throughout the restaurant.

### **The Special Permit**

Although the Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, it is important to note that both Use Group 6A Eating and Drinking Establishments (i.e., including those that have music for which there is no cover charge and no specified show times) and Use Group 6C Eating and Drinking Establishments (i.e., including those that have musical entertainment but not dancing with a capacity of 200 persons or less) are permitted by the Zoning Resolution as a matter of right. We also note that but for the proximity of the Site to a residential district boundary (i.e., the Site is within 100 feet of a residence district boundary), the proposed Use Group 12A Eating and Drinking Establishment would be an as-of-right use pursuant to the Zoning Resolution.

### **PRIOR BOARD APPLICATIONS**

No previous actions by the Board with respect to the Site were sought by the applicant or its predecessor in title.

### **OPEN DEPARTMENT OF BUILDINGS VIOLATIONS**

There are no open DOB and ECB violations against the Site.

**STATEMENT OF FINDINGS  
PART III**

**(12/19/80)**

**73-03**

**General Findings Required for All Special Permit Uses and Modifications**

**The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit uses or modifications of uses, parking, or bulk regulations as specifically provided in this Chapter, provided in each case:**

**(a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit use or modification of use, parking or bulk regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit use or modification of use, parking or bulk regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit use or modification of use, parking or bulk regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.**

The legalization of the cellar level for the proposed Use Group 12A eating and drinking establishment presents no hazards or disadvantages to the community at large. The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.

In the event that the Board determines that hazards or disadvantages may come to exist, or that the approval of the special permit requested herein has an adverse effect on the privacy, quiet, light or air in the neighborhood, the Applicant will adhere to the appropriate mitigating conditions imposed by the Board.

**(b) In all cases the Board shall deny a special permit whenever such proposed special permit use or modification of use, parking or bulk regulations will interfere with any public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.**

To the best of the Applicant's knowledge, there are no public improvement projects (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which have been approved by or are pending before the City Council (as successor to the Board of Estimate with regard to certain ULURP items), Site Selection Board or the City Planning Commission within the Site's vicinity. Accordingly, this finding is not applicable.

**(c) When under the applicable findings the Board is required to determine whether the special permit use or modification of use, parking or bulk regulations is appropriately located in relation to the street system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit use or modification of use, parking or bulk regulations in relation to secondary or local streets and such classification of streets is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such street.**

The Board is not required to make a determination relevant to this finding.

**(d) For applications relating to Sections 73-243, 73-48 and 73-49, the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit use or modification of use, parking or bulk regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to**



**substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.**

This is not an application relating to ZR Sections 73-243, 73-48 or 73-49.

**(e) If a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit uses or modification of use parking or bulk regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit use or modification of use parking or bulk regulations.**

The Applicant seeks the requested special permit for a three (3) year term consistent with the provisions of Section 73-244 of the Zoning Resolution.

**(f) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.**

This Application does not seek the renewal of a previously adopted special permit. Accordingly, the Board is not required to make a determination relevant to this finding.

**(g) The Board may permit the enlargement or extension of any existing use, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for enlargement, or extension within the permitted districts, the Board shall make all of the required findings applicable to the special permit use, except that:**

**(1) in the case of colleges or universities in RI or R2 Districts, the Board may waive all such required findings set forth in Section 73-121 (Colleges or universities); and**

**(2) in the case of public utility use, the Board may waive all such required findings set forth in Sections 73 14 (Public Service Establishments) or 73 16 (Public Transit, Railroad or Electric Utility Substations).**

**No such enlargement or extension shall create a new non-compliance or increase the existing degree of non-compliance with the applicable bulk regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.**

This application does not seek the enlargement or extension of an existing use.

### **Special Permit Pursuant to ZR Section 73-244**

The Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, which states in part:

**12/15/61**

**73-00**

### **Special Permit Uses and Modifications**

3/20/13

**73-244**

**In C2, C3, C4<sup>1\*</sup>, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District. (Note: C6-4 \*\* end note n/a and omitted).**

In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the requisite findings are made:

The Proposed Use meets each of the required findings specified in Zoning Resolution Section 73-244 as follows:

- (a) That a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#.

The total occupancy of the cellar level is limited to 200 persons. The applicant is not proposing to increase the cellar occupancy. The applicant has undertaken and completed certain interior alterations of the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-

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<sup>1</sup> \* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary.

OT) that have resulted in the construction of two (2) new cellar waiting areas that provide 4.38 sq. ft. per person for the entire cellar occupancy (an amount that exceeds the requirement of 4.0 sq feet per person as set forth in the Zoning Resolution). The required waiting areas do not include space occupied by stairs, corridors or restrooms.

As noted on Plan A-101.00, the waiting areas include (i) a large waiting area that holds 180 people and provides 4.0 square feet of waiting area per person; and (ii) a smaller waiting area that is required to hold only 20 individuals but, has an area that permits it to hold up to 38 persons at 4.07 square feet per person of waiting area. The average waiting area per person when you combine both waiting areas is 4.38 sq feet per person.

The applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door within the existing lobby that provides direct access to the convenience stairway and new cellar waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas) and (b) segregates patrons from tenant use of the lobby, all of which is code compliant. Ginny's patrons arrive for their dinner reservations and will be directed to enter 310 Lenox Avenue at the designated lobby entrance and under the direction of the security guard and designated staff members proceed either directly to their tables or to the designated waiting areas (when the dining room is being cleaned and readied for service).

With these measures, the applicant has demonstrated that the operation of the proposed establishment will not result in the gathering of crowds or the formation of lines on the street. Consequently, the project complies with this finding of the Zoning Resolution.

- (b) That the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary.

The entrance to the cellar level is located 126 feet from the nearest residential district boundary. The Applicant has provided a scaled land-use map indicating the same.

- (c) That such #use# will not cause undue vehicular or pedestrian congestion in local #streets#.

The proposed legalization of the cellar restaurant supper club will not cause vehicle or pedestrian congestion on local streets. Most restaurant patrons take mass transit and/or walk to our location from the 125<sup>th</sup> Street transit corridor that provides access to a multitude of subway trains (the No. 2, No. 3, No.4, No. 5, No. 6, A, B, C & D), to the Metro-North railroad, as well as many NYC rapid transit buses. In fact, the restaurant's entrance is located within 64 feet of the MTA's entrance to the No.2 and No. 3 subway lines.

The project does not trigger a CEQR threshold for transportation impacts. According to Table 16-1 of the CEQR Technical Manual, the minimum development density for uses in Zone 2 (Manhattan north of 110th Street) potentially requiring a transportation analysis is 200 dwelling units, 100,000 gross square feet of office, 20,000 gross square feet of regional retail, 15,000 gross square feet of local retail, 20,000 gross square feet of restaurant (emphasis added), 25,000 gross square feet of community facility use or off-street parking facilities with 85 new spaces.

The Red Rooster Restaurant contains a total of 9,748 square feet (3,444 sq feet on the ground floor and 6,034 sq feet on the cellar level), an amount that is less than half of the minimum development density (20,000 square feet) that would trigger a traffic assessment in Zone 2 (if we were building a new restaurant). The Red Rooster is an existing restaurant and the applicant is not proposing to increase its size, as this proposal is limited to the legalization of the UG 12A use on the cellar level (6,034 sq. feet). Accordingly, a formal traffic assessment is not required, as the project screens out from such an assessment based upon the methodology set forth in the CEQR Technical Manual.

Restaurant patrons avoid the use of the local street system especially in the evenings and instead utilize the 125<sup>th</sup> Street corridor, which is an active, secure and well lit commercial corridor with a direct link to mass transit facilities. In addition, the proposed legalization of the cellar restaurant supper club will not cause pedestrian congestion at or directly in front of 310 Lenox Avenue, as this proposal has been designed to provide (i) a new segregated lobby entrance and (ii) two new cellar waiting areas specifically designed to foster the movement of patrons off street and within the restaurant. Consequently, the legalization of the proposed use will not cause undue vehicle or pedestrian congestion on local streets.

- (d) That such #use# will not impair the character or the future use or development of the surrounding #residential# or mixed-use neighborhoods.

A shown on the Land Use Map included within the Application, the immediate and surrounding community along 125<sup>th</sup> Street is overwhelmingly comprised of commercial uses. The entire Lenox Avenue street frontage on both the block in which the Red Rooster Restaurant is located and the block directly across the street from the restaurant

are entirely comprised of commercial uses. The nearest residential use is located on the south side of 126<sup>th</sup> Street, one block north of the restaurant.

The Red Rooster Restaurant is a use that is entirely consistent with not only with the existing neighborhood's character but, with the uses permitted in and fostered by the Zoning Resolution and the Special 125<sup>th</sup> Street District. In addition, the legalization of the proposed use is completely consistent with the historical character and musical uses that once flourished in Harlem. As such, the legalization of the proposed use will complement Harlem as a whole, as well as the immediate surrounding neighborhood.

- (e) That such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code.

The proposed use complies strictly with the New York City Noise Code. The Site is wholly located within a commercial zoning district and the Proposed Use is located within a completely enclosed building at the cellar level (which reduces the potential for noise transmission from the premises). To our knowledge, there are no joint living-work quarters for artists or loft dwellings in proximity of the Site.

Walters-Storyk Design Group (WSDG LLC) conducted acoustical testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDGLLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code. However, WSDGLLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Accordingly, the applicant has undertaken

and completed the repair of these doors consistent with the recommendations of the Walters-Storyk Design Group (WSDG LLC) Noise Report dated June 22, 2017.

- (f) That the application is made jointly by the owner of the #building# and the operators of such eating or drinking establishment.

This application has been filed jointly by the owner of the building and the operators of the proposed Use Group 12A Eating and Drinking Establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

#### **CONCLUSION PART IV**

Accordingly, we kindly request the BSA grant the proposed special permit for a term of three (3) years, pursuant to ZR Section 73-244, to permit the legalization of the proposed Use Group 12A Eating and Drinking Establishment on the cellar level.

March 12, 2018

STATEMENT IN SUPPORT OF AN APPLICATION FOR A SPECIAL PERMIT,  
PURSUANT TO SECTION 73-244 OF THE ZONING RESOLUTION,  
TO LEGALIZE ON THE CELLAR LEVEL A USE GROUP 12A  
EATING AND DRINKING ESTABLISHMENT  
AT THE RED ROOSTER HARLEM  
RESTAURANT.

Affected Premises:

310 Lenox Avenue  
(Block 1723, Lot 69)  
Manhattan, Community District 10.

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022  
Attention: Jeremiah H. Candreva, Esq.



## STATEMENT OF FACTS

### PART I

#### INTRODUCTION

This statement is made in support of the application by the Red Rooster Harlem LLC (the “Applicant”) for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York (“Zoning Resolution” or “ZR”), to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant, which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment (“Proposed Use”). The Applicant seeks a term of three (3) years for the special permit. The special permit is required because the site is located within 100 feet of a residential district boundary. Use Group 12A eating and drinking establishments are otherwise permitted as a matter of right in C4-4A zoning districts.

310 Lenox Avenue (the “Site”) is located on the southeast corner of West 126<sup>th</sup> Street and Lenox Avenue. The Site has approximately 100 feet of frontage on Lenox Avenue and 85 feet of frontage on West 126<sup>th</sup> Street, a total lot area of approximately 8,500 square feet. The zoning lot comprising the Site is mapped within a C4-4A (125) zoning district. The majority of the block in which the Site is located is mapped within either a C4-4A zoning district or a C4-7 zoning district, a portion of the 126<sup>th</sup> Street frontage is located in an R6A zoning district (approximately 100 x 545). The Site is also wholly located within the Special 125<sup>th</sup> Street District, the regulations of which either supplements and/or supersedes the underlying C4-4A district regulations.

#### EXISTING SITE CONDITIONS

##### The Site

The Site is today improved with a three-story commercial building that is generally utilized for bank, office and restaurant use. The third floor, which was previously utilized for office use, is currently vacant. The second floor is leased to YAI Seeing Beyond Disability and used for office use. The

second floor and the third floor (when it was tenanted) are/were as a general matter occupied from 9 am to 5 pm Monday through Friday. M&T Bank occupies a portion of the ground floor.

The applicant and world-renowned Chef Marcus Samuelsson operates the Red Rooster Harlem (a/k/a, the Red Rooster Restaurant) on the remaining portion of the ground floor (3,444 zfa) and the cellar level (6,034 gsf). The Red Rooster Restaurant's certificate of occupancy permits a Use Group 6 eating and drinking establishment with an occupancy of 130 persons on the ground floor (see copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The applicant proposes to maintain the existing Use Group 6 eating and drinking establishment on such ground floor.

As discussed in more detail below, the Red Rooster's ground floor patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster's image and offerings to its patrons and to the entire Harlem Community. The restaurant has on a typical day approximately 50-125 lunch patrons and approximately 200-250 dinner patrons. Staff levels vary from 20 to 35 depending upon service demands.

The Red Rooster Restaurant's certificate of occupancy also permits a Use Group 6 eating and drinking establishment with an occupancy of 200 persons on the cellar floor (see copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The applicant proposes to amend its certificate of occupancy to legalize the existing Use Group 12 eating and drinking establishment that is located on the cellar level to permit dancing and live performances with designated show times and cover charges. The applicant does not propose to increase the cellar occupancy level above the current limitation of 200 persons.

## The Red Rooster Restaurant

Red Rooster Restaurant is today a landmark restaurant that meets the growing and diverse tastes of an evolving neighborhood. Red Rooster Restaurant serves an eclectic mix of locals, area businesses, hardcore foodies and tourists. Chef Samuelsson brings his passion for food and desire to make a change through active participation with community based organizations; youth work apprenticeship programs and local artists. Red Rooster Restaurant is a space where diners and guests can share great food in a chic and open atmosphere. Red Rooster Restaurant's interior combine elements of modern farm to table design with Harlem's speakeasy history and music relevance. The unique combination comes together in subtle design elements placed throughout the restaurant.

The Red Rooster Restaurant was recently reviewed by food critic and columnist Steve Cuozzo and featured in his October 8, 2016 Article 'The 7 Restaurants that changed New York City.' Mr Cuozzo described the Red Rooster Restaurant as follows:



“This is Exhibit No. 1 of how a visionary chef with a smart business model can bring change far beyond the kitchen.

Chef Marcus Samuelsson’s rollicking bistro — a jolly blend of Ethiopian, southern-American and Swedish influences, served in a colorful dining room behind a retro, horseshoe-shaped bar — made the biggest splash in uptown food since the Harlem Renaissance of the 1920s. But its larger legacy is the renaissance it inspired in the historic African-American neighborhood around Lenox Avenue and West 125th Street.

Emboldened by Red Rooster’s success, a dozen new cafes — Italian, Indian, French, Japanese and “crafted American soul” — have opened on Lenox since 2011. Local residents who were long denied modern dining options suddenly had choices. Downtown customers finally discovered the area’s charms. And a nearby lot that stood empty for decades sprouted a retail complex where Whole Foods will open in early 2017.”

### **The Cuisine**

At Red Rooster Restaurant, the mission is to provide uncomplicated, fresh food that is inherently soulful. The menu at Red Rooster Restaurant offers Chef Samuelsson’s contemporary interpretation of chicken and waffles, collard greens and catfish po’boys. Chef Samuelsson gives a nod to Harlem’s culinary traditions with selections featuring a modern slant with arugula and lemon vinaigrette, roasted whole sea bass with corn and browned lime butter and oven roasted chicken stuffed with apple and thyme, slow cooked in an exposed rotisserie. Red Rooster Restaurant distinguishes itself as a brunch destination, offering a distinctive twist on hearty omelets, salads and griddled creations.

### **Farm-To-Table**

Chef Samuelsson’s menu at the Red Rooster Restaurant represents the diversity found in American cuisine while drawing upon fresh local ingredients to create dishes that are creative, lively and full of

flavor. The restaurant serves breakfast, lunch and dinner, with a menu featuring classic southern comfort dishes prepared with regionally raised meats, fruits and vegetables, fresh seafood from the Northeast, and a wide variety of flavorful vegetarian offerings, artisanal breads and cheeses.

### **The Café**

Red Rooster Restaurant serves three meals a day at the front-of-the-house café. In the morning, fresh baked muffins, pain au chocolate, bagels and breakfast sandwiches are available for commuters on their way to the office. At lunch and dinner, seasonal salads and gourmet sandwiches are served both takeout and delivery. Given the restaurant's proximity to the bustling business district and transit hubs, clientele include destination shoppers, museum goers, neighborhood residents and local business people.

### **The Bar**

Red Rooster Restaurant serves as a popular meeting ground and lively after-work destination with a welcoming social scene. Experienced mixologists tend the well-stocked bar during weekday happy hours and busy weekends. A variety of signature cocktails are offered alongside a diverse selection of tap beers, including premium craft ales, stouts and ciders.

### **Music – Ground Floor**

Red Rooster's patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster's image and offerings to its patrons and to the entire Harlem Community. Although, musicians and musical offerings vary from time to time, the following is a list of the musical offerings on the ground floor:

**MONDAY**

The “Rakiem Walker Project” (RWP) is a 7 piece band that consists of horns, drums, vocals, guitar, keyboards, and more. The band plays different genres and musical feels including Jazz, RnB, Neo-Soul, Live Hip Hop, Reggae, Gospel, Blues, and Latin.

**TUESDAY**

Johnny Mambo is a spicy quintet of vivacious horns and congos that light up the bar each week Red Rooster. Guests are invited to dance while enjoying the spirit of Latin grooves.



**WEDNESDAY**

DJ Hard Hittin Harry was born in Haiti in the late sixties. At the tender age of three, his family made a series of moves starting with Brooklyn New York, and Montreal, Canada. He spent the majority of his life in New Jersey and eventually returned to Brooklyn where he currently resides.

**THURSDAY**

DJ Masai is the center of the storm. He has been spinning for over 23 years and has played in some of the biggest venues in the city and Tri-State area. DJ Masai just about always knew what elements were essential to rock a party.



**FRIDAY**

Dj Stormin' Norman originally hails from East London, UK and is now a resident of Harlem, USA. In the 90's, he was part of a groundbreaking DJ collective who brought the Thunderstorm Mix on WBLS 107.5FM NYC, introducing live mixing to daytime radio previously reserved for weekend nights broadcasted from night-clubs, setting a new precedent in national radio. Dj Stormin' Norman is also the DJ resident of Marcus Samuelsson's Red Rooster in Harlem.

**SATURDAY BRUNCH**

DJ NessDigital is a true Music Selector. Since 2005, he has been jamming at a wide range of events; some include fashion parties, clubs, lounges, gallery events, weddings and live radio. He is the essential crowd pleaser incorporating a wide variety of tracks that ranges from funk, rock, soul, r&b, house, world, jazz, hip-hop, old and new.





## SATURDAY NIGHT

A native New Yorker, DJ Lex NY's sound has been influenced by the diverse cultures that shape New York City. Since 2002, he has played all over the five boroughs, as well as in other cities. It's his ability to entertain with intricate sets of Afro Beat, Dancehall, Hip Hop, House, and Soca that has earned him a reputation as one of the best up and coming dj's in NYC.



## SUNDAY BRUNCH

Come to Red Rooster on Sunday mornings and you will hear the lovely vocals of Boncellia Lewis. Having performed with the who's who of the Harlem jazz underground, including Bill Saxton, Donald Smith, Kim Clarke, and Harry Whitaker, Boncellia embodies the spirit of music and Harlem in every grace-plucked note she sings.



## SUNDAY DINNER

Whether you're sipping cocktails in the bar or enjoying the comfort food standards on the menu, live jazz can help stave off the late-weekend blues. Every Sunday, the Nate Lucas Quartet sets up shop and begins jamming its way through classic jazz tunes and forgotten nuggets.



## PROPOSED CONDITIONS

### PART II

#### **Harlem's Historical Neighborhood Context**

During the 1920's in Harlem there were over 125 entertainment establishments clustered between 125<sup>th</sup> Street and 135<sup>th</sup> Street on 7<sup>th</sup> Avenue and Lenox Avenue that drew visitors from around the world. The impressive mix was made up of taverns, supper clubs, lounges, theatres, dance halls and hundreds of speakeasies. Included were the legendary big four: the Cotton Club, Connie's Inn, Small's Paradise and Barron Wilkins Club. Entertainers included Duke Ellington and his big band, Louis Armstrong, Cab Calloway, Fats Waller, Louis Jordan, Chick Webb and Fletcher Henderson. Canary singers included Ella Fitzgerald, Bessie Smith, Ethel Waters and Lena Horne. Bojangles Robinson danced with his gold pistol in his hand while six lovely chorus girls strutted at the Cotton Club. The most famous theatre (just two blocks from the Red Rooster Restaurant) was "The Hurtig and Seamon's Burlesque" which changed its name to the Apollo in 1934. There were restaurants of all kinds – Chinese, rib joints, clam houses, fried chicken parlors – from white tablecloths to weathered counter tops. There was the A train to Sugar Hill (145<sup>th</sup> to 155<sup>th</sup> Streets) and Stompin' at the Savoy Ballroom (596 Lenox Avenue).

#### **Harlem Today**

Harlem is undergoing an exciting change with new business investment opportunities, housing developments and brownstone renovations, all of which bring a renewed energy to this community. East Harlem will also see more exciting growth in the future with the recent adoption of City Planning's East Harlem Rezoning, which was approved by the City Planning Commission on October 2, 2017. Although in Harlem, the Red Rooster Restaurant is located outside of the East Harlem Rezoning area.

## **The Re-establishment of Harlem's Entertainment Uses**

The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. Red Rooster Restaurant's proposal steps into this void because it provides an innovative music program that features a variety of live music including Jazz, R&B, Soul and Salsa. The Red Rooster Restaurant regularly coordinates its performances with up-and-coming local artists, as well as premier musicians. The cellar space can also be utilized for special events such as wine tastings, food pairings and book signings by Chef Sameulsson and other notables. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.

### **Music – Cellar Floor**

#### **Ginny's Supper Club**

The proposed legalization of the cellar level to a Use Group 12A Eating and Drinking Establishment would permit a traditional supper club to operate where patrons eat dinner, have drinks and listen to a live performance (with designated show times and cover charges). Ginny's typically offers two seated dinner and live entertainment shows each Thursday, Friday and Saturday. The doors open at 6pm. The first set begins at or about 7:30pm. The second set begins at or about 9:30 pm. Show times may vary depending upon the musicians/musical entertainment offered. However, the restaurant's website lists set show times to enable patrons to book a specific show in advance of a nightly performance.

Ginny's typically offers live entertainment post dinner service on Friday and Saturday evenings starting at or about 11:30pm until 4am.

Ginny's does not have a dance floor and there is no designated area for dancing activities. However, Ginny's does not prohibit its patrons from dancing either during dinner or its gospel performances.

### **GOSPEL BRUNCH**

Ginny's offers Sunday Gospel Brunch. The doors open at 10am. The first set starts at or about 10:30 am and the second set starts at or about 12:30pm.

Gospel Brunch featuring Vi Higginsen's Gospel For Teens Choir and Red Rooster's famous soul food brunch.



Photo by Bobby Fisher

**Proposed Site Improvements – First Floor:**

The applicant has completed the following improvements on the ground floor:

1. The applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door within the existing lobby that provides direct access to the convenience stairway and new cellar waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas and (b) segregates patrons from tenant use of the lobby, all of which is code compliant;
3. The applicant has established a security guard station within the lobby to direct and control patron movements and supervise lobby conditions;
4. Walters-Storyk Design Group (WSDG LLC) conducted acoustical noise testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDG LLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code (See copy of June 22, 2017 WSDG LLC Noise Report attached hereto). WSDG LLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Consequently, the applicant repaired these doors consistent with the WSDG LLC's recommendations.
5. The Red Rooster Restaurant's existing walls and ceilings include at the first floor 12" Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8" Gypsum Board were installed at areas of existing walls and ceilings. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum

Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and “blown in” insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non-hardening acoustical sealant or equal.

### **Proposed Site Improvements – Cellar Floor Configuration:**

1. The applicant has undertaken and completed certain interior alterations of the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in the construction of two (2) new cellar waiting areas that provide the minimum required area of 4 sq. ft. per person (in fact these waiting areas provide 4.38 sq. ft. per person for the entire cellar occupancy).

2. The Red Rooster Restaurant’s walls and ceilings include at cellar level 12” Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8” Gypsum Board were installed at areas of existing walls and ceilings or one layer of 5/8” Gypsum Board with White Echo Eliminator 1” wall panels by acoustical surfaces adhesive applied. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and “blown in” insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non-hardening acoustical sealant or equal.

### **Fire Safety Measures**

The Red Rooster Restaurant is in compliance with NYC fire safety regulations, as it includes the following life, safety systems:

- The entire restaurant is sprinklered (both ground and cellar floors);

- The restaurant has an existing fire alarm system that is centrally monitored;
- All areas within the restaurant that have separate usages include rated separations including between the restaurant and the waiting areas;
- All rated doors are self-closing; and
- Emergency lighting and exit signs as required are located throughout the restaurant.

### **The Special Permit**

Although the Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, it is important to note that both Use Group 6A Eating and Drinking Establishments (i.e., including those that have music for which there is no cover charge and no specified show times) and Use Group 6C Eating and Drinking Establishments (i.e., including those that have musical entertainment but not dancing with a capacity of 200 persons or less) are permitted by the Zoning Resolution as a matter of right. We also note that but for the proximity of the Site to a residential district boundary (i.e., the Site is within 100 feet of a residence district boundary), the proposed Use Group 12A Eating and Drinking Establishment would be an as-of-right use pursuant to the Zoning Resolution.

### **PRIOR BOARD APPLICATIONS**

No previous actions by the Board with respect to the Site were sought by the applicant or its predecessor in title.

### **OPEN DEPARTMENT OF BUILDINGS VIOLATIONS**

There are no open DOB and ECB violations against the Site.



**STATEMENT OF FINDINGS  
PART III**

**(12/19/80)**

**73-03**

**General Findings Required for All Special Permit Uses and Modifications**

**The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit uses or modifications of uses, parking, or bulk regulations as specifically provided in this Chapter, provided in each case:**

**(a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit use or modification of use, parking or bulk regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit use or modification of use, parking or bulk regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit use or modification of use, parking or bulk regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.**

The legalization of the cellar level for the proposed Use Group 12A eating and drinking establishment presents no hazards or disadvantages to the community at large. The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.

In the event that the Board determines that hazards or disadvantages may come to exist, or that the approval of the special permit requested herein has an adverse effect on the privacy, quiet, light or air in the neighborhood, the Applicant will adhere to the appropriate mitigating conditions imposed by the Board.

**(b) In all cases the Board shall deny a special permit whenever such proposed special permit use or modification of use, parking or bulk regulations will interfere with any public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.**

To the best of the Applicant's knowledge, there are no public improvement projects (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which have been approved by or are pending before the City Council (as successor to the Board of Estimate with regard to certain ULURP items), Site Selection Board or the City Planning Commission within the Site's vicinity. Accordingly, this finding is not applicable.

**(c) When under the applicable findings the Board is required to determine whether the special permit use or modification of use, parking or bulk regulations is appropriately located in relation to the street system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit use or modification of use, parking or bulk regulations in relation to secondary or local streets and such classification of streets is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such street.**

The Board is not required to make a determination relevant to this finding.

**(d) For applications relating to Sections 73-243, 73-48 and 73-49, the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit use or modification of use, parking or bulk regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to**

**substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.**

This is not an application relating to ZR Sections 73-243, 73-48 or 73-49.

**(e) If a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit uses or modification of use parking or bulk regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit use or modification of use parking or bulk regulations.**

The Applicant seeks the requested special permit for a three (3) year term consistent with the provisions of Section 73-244 of the Zoning Resolution.

**(f) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.**

This Application does not seek the renewal of a previously adopted special permit. Accordingly, the Board is not required to make a determination relevant to this finding.

**(g) The Board may permit the enlargement or extension of any existing use, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for enlargement, or extension within the permitted districts, the Board shall make all of the required findings applicable to the special permit use, except that:**

**(1) in the case of colleges or universities in R1 or R2 Districts, the Board may waive all such required findings set forth in Section 73-121 (Colleges or universities); and**

**(2) in the case of public utility use, the Board may waive all such required findings set forth in Sections 73 14 (Public Service Establishments) or 73 16 (Public Transit, Railroad or Electric Utility Substations).**

**No such enlargement or extension shall create a new non-compliance or increase the existing degree of non-compliance with the applicable bulk regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.**

This application does not seek the enlargement or extension of an existing use.

### **Special Permit Pursuant to ZR Section 73-244**

The Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, which states in part:

**12/15/61**

**73-00**

### **Special Permit Uses and Modifications**

3/20/13

**73-244**

**In C2, C3, C4<sup>1\*</sup>, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District. (Note: C6-4 \*\* end note n/a and omitted).**

In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the requisite findings are made:

The Proposed Use meets each of the required findings specified in Zoning Resolution Section 73-244 as follows:

- (a) That a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#.

The total occupancy of the cellar level is limited to 200 persons. The applicant is not proposing to increase the cellar occupancy. The applicant has undertaken and completed certain interior alterations of the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-

---

<sup>1</sup> \* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary.

OT) that have resulted in the construction of two (2) new cellar waiting areas that provide 4.38 sq. ft. per person for the entire cellar occupancy (an amount that exceeds the requirement of 4.0 sq feet per person as set forth in the Zoning Resolution). The required waiting areas do not include space occupied by stairs, corridors or restrooms.

As noted on Plan A-101.00, the waiting areas include (i) a large waiting area that holds 180 people and provides 4.0 square feet of waiting area per person; and (ii) a smaller waiting area that is required to hold only 20 individuals but, has an area that permits it to hold up to 38 persons at 4.07 square feet per person of waiting area. The average waiting area per person when you combine both waiting areas is 4.38 sq feet per person.

The applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door within the existing lobby that provides direct access to the convenience stairway and new cellar waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas) and (b) segregates patrons from tenant use of the lobby, all of which is code compliant. Ginny's patrons arrive for their dinner reservations and will be directed to enter 310 Lenox Avenue at the designated lobby entrance and under the direction of the security guard and designated staff members proceed either directly to their tables or to the designated waiting areas (when the dining room is being cleaned and readied for service).

With these measures, the applicant has demonstrated that the operation of the proposed establishment will not result in the gathering of crowds or the formation of lines on the street. Consequently, the project complies with this finding of the Zoning Resolution.

- (b) That the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary.

The entrance to the cellar level is located 126 feet from the nearest residential district boundary. The Applicant has provided a scaled land-use map indicating the same.

- (c) That such #use# will not cause undue vehicular or pedestrian congestion in local #streets#.

The proposed legalization of the cellar restaurant supper club will not cause vehicle or pedestrian congestion on local streets. Most restaurant patrons take mass transit and/or walk to our location from the 125<sup>th</sup> Street transit corridor that provides access to a multitude of subway trains (the No. 2, No. 3, No.4, No. 5, No. 6, A, B, C & D), to the Metro-North railroad, as well as many NYC rapid transit buses. In fact, the restaurant's entrance is located within 64 feet of the MTA's entrance to the No.2 and No. 3 subway lines.

The project does not trigger a CEQR threshold for transportation impacts. According to Table 16-1 of the CEQR Technical Manual, the minimum development density for uses in Zone 2 (Manhattan north of 110th Street) potentially requiring a transportation analysis is 200 dwelling units, 100,000 gross square feet of office, 20,000 gross square feet of regional retail, 15,000 gross square feet of local retail, 20,000 gross square feet of restaurant (emphasis added), 25,000 gross square feet of community facility use or off-street parking facilities with 85 new spaces.

The Red Rooster Restaurant contains a total of 9,748 square feet (3,444 sq feet on the ground floor and 6,034 sq feet on the cellar level), an amount that is less than half of the minimum development density (20,000 square feet) that would trigger a traffic assessment in Zone 2 (if we were building a new restaurant). The Red Rooster is an existing restaurant and the applicant is not proposing to increase its size, as this proposal is limited to the legalization of the UG 12A use on the cellar level (6,034 sq. feet). Accordingly, a formal traffic assessment is not required, as the project screens out from such an assessment based upon the methodology set forth in the CEQR Technical Manual.

Restaurant patrons avoid the use of the local street system especially in the evenings and instead utilize the 125<sup>th</sup> Street corridor, which is an active, secure and well lit commercial corridor with a direct link to mass transit facilities. In addition, the proposed legalization of the cellar restaurant supper club will not cause pedestrian congestion at or directly in front of 310 Lenox Avenue, as this proposal has been designed to provide (i) a new segregated lobby entrance and (ii) two new cellar waiting areas specifically designed to foster the movement of patrons off street and within the restaurant. Consequently, the legalization of the proposed use will not cause undue vehicle or pedestrian congestion on local streets.

- (d) That such #use# will not impair the character or the future use or development of the surrounding #residential# or mixed-use neighborhoods.

As shown on the Land Use Map included within the Application, the immediate and surrounding community along 125<sup>th</sup> Street is overwhelmingly comprised of commercial uses. The entire Lenox Avenue street frontage on both the block in which the Red Rooster Restaurant is located and the block directly across the street from the restaurant

are entirely comprised of commercial uses. The nearest residential use is located on the south side of 126<sup>th</sup> Street, one block north of the restaurant.

The Red Rooster Restaurant is a use that is entirely consistent with not only with the existing neighborhood's character but, with the uses permitted in and fostered by the Zoning Resolution and the Special 125<sup>th</sup> Street District. In addition, the legalization of the proposed use is completely consistent with the historical character and musical uses that once flourished in Harlem. As such, the legalization of the proposed use will complement Harlem as a whole, as well as the immediate surrounding neighborhood.

- (e) That such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code.

The proposed use complies strictly with the New York City Noise Code. The Site is wholly located within a commercial zoning district and the Proposed Use is located within a completely enclosed building at the cellar level (which reduces the potential for noise transmission from the premises). To our knowledge, there are no joint living-work quarters for artists or loft dwellings in proximity of the Site.

Walters-Storyk Design Group (WSDG LLC) conducted acoustical testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDGLLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code. However, WSDGLLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Accordingly, the applicant has undertaken



and completed the repair of these doors consistent with the recommendations of the Walters-Storyk Design Group (WSDG LLC) Noise Report dated June 22, 2017.

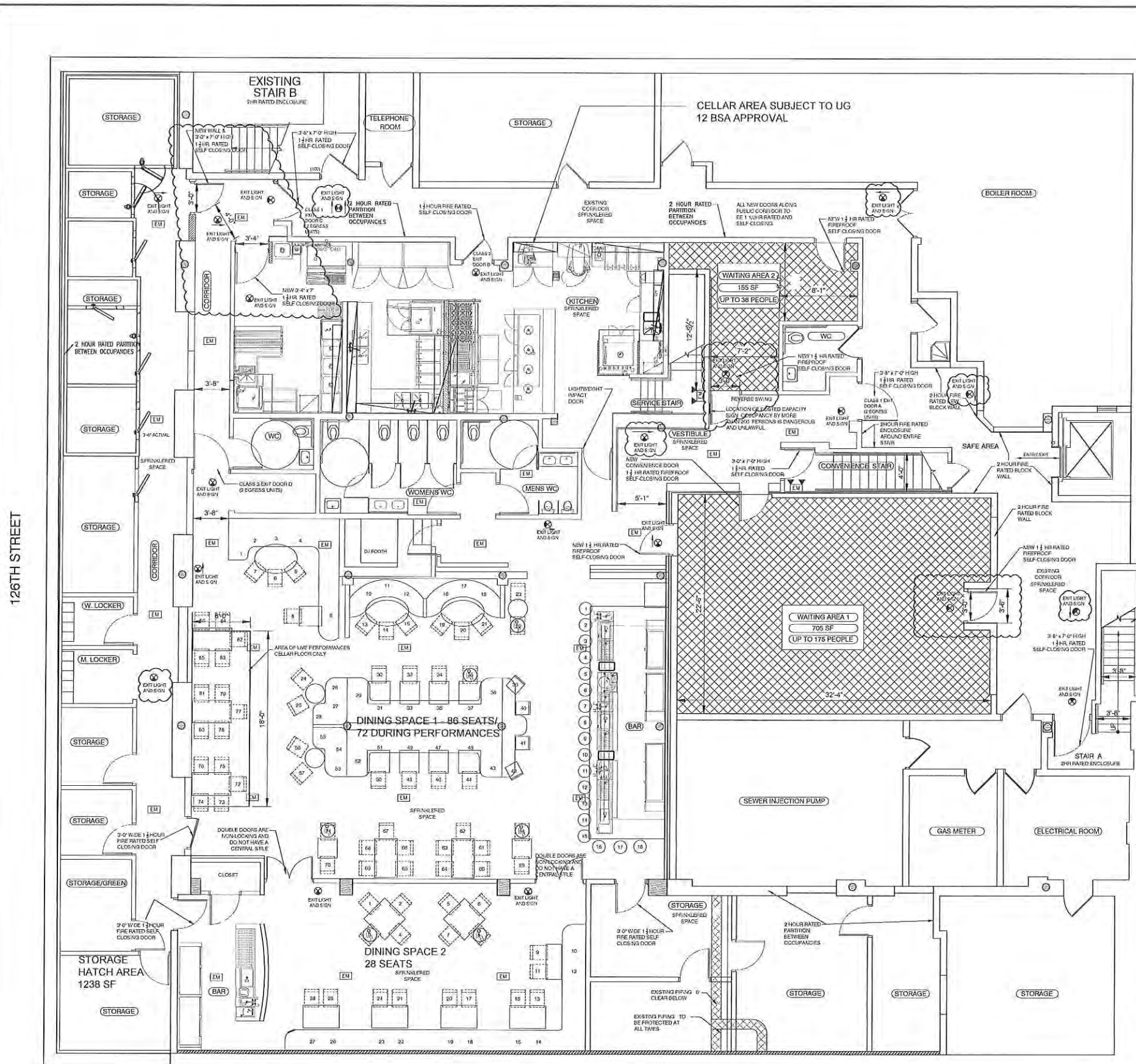
- (f) That the application is made jointly by the owner of the #building# and the operators of such eating or drinking establishment.

This application has been filed jointly by the owner of the building and the operators of the proposed Use Group 12A Eating and Drinking Establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

#### **CONCLUSION PART IV**

Accordingly, we kindly request the BSA grant the proposed special permit for a term of three (3) years, pursuant to ZR Section 73-244, to permit the legalization of the proposed Use Group 12A Eating and Drinking Establishment on the cellar level.



**EXISTING STAIR A**

ESTIMATED OPERATIONAL OCCUPANCY FOR BSA ANALYSIS

TOTAL DINNER SEATS	72 SEATS
PER PLAN 15 SEATS (3 TABLES) ARE REMOVED DURING PERFORMANCE BAR IN SPACE 1	18 SEATS
EMPLOYEES	10-15 (KITCHEN STAFF)
MUSICIANS	5-10
<b>TOTAL</b>	<b>115</b>

\*PRIVATE DINING 28 SEATS (DOES NOT HAVE VIEW OF PERFORMANCE)

NOTES:  
 1. ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DOB  
 2. FIRE ALARM PANEL TO HAVE AUTOMATIC KILL SWITCH MODULE TO TURN OFF POWER TO MUSICAL INSTRUMENTS IN THE EVENT OF THE FIRE ALARM ACTIVATION.

TOTAL OCCUPANCY AT CELLAR RESTAURANT NOT TO EXCEED 200 OCCUPANTS  
 4SF OF WAITING AREA REQUIRED PER OCCUPANT.  
 OVERALL WAITING AREA REQUIRED: 800 S.F.  
 ALL WAITING AREA AT CELLAR LEVEL  
 WAITING AREA 1: 705 SF  
 WAITING AREA 2: 155 SF  
 OVERALL WAITING AREA PROVIDED: 860 S.F. 7.5% GREATER THAN REQUIRED  
 860 SF / 200 PEOPLE = 4.3 SF/PERSON

ISSUE DATES

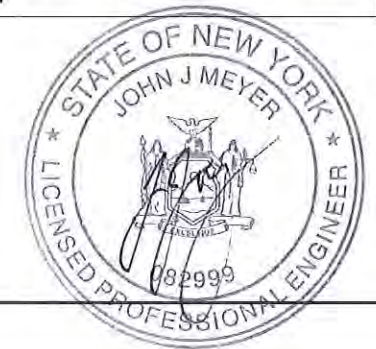
NO.	DATE	COMMENT
05	03-23-2018	FIRE DEPT. COMMENTS
04	11-09-2017	FOR BSA FILING
03	09-27-2017	FOR BSA FILING
02	09-22-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

**RED ROOSTER  
 HARLEM  
 RESTAURANT  
 BSA SPECIAL PERMIT**

310 LENOX AVENUE  
 NEW YORK, NY  
 BLOCK: 1723 LOT: 69

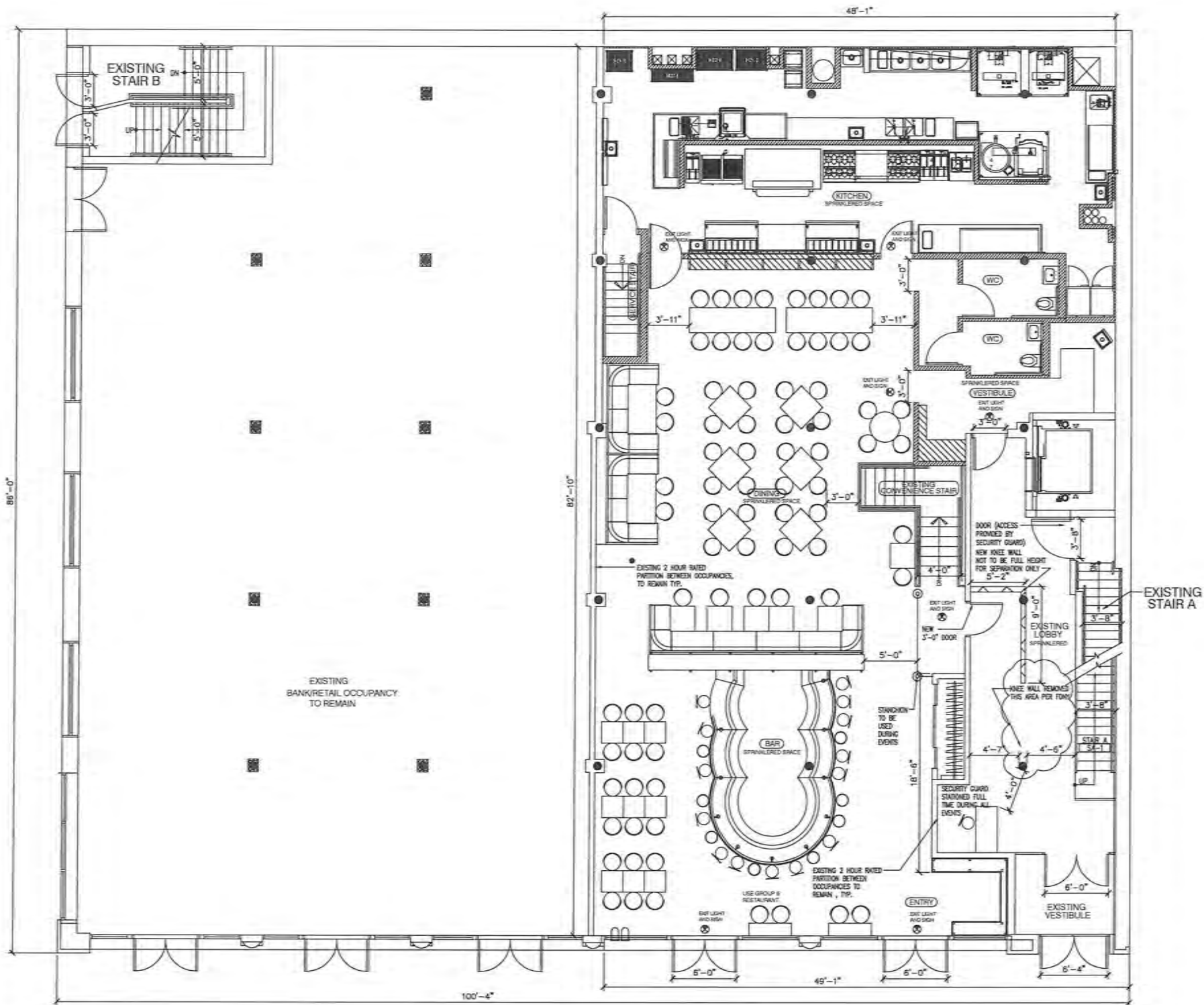
AREA CALCS  
 OCCUPANCY LOAD

PROJECT #: 100107  
 DRAWING BY: BK  
 DESIGNED BY: SB  
 CHECKED BY: JM  
 DRAWING #: A-101.00  
 AS NOTED 5 of 10



**EXISTING/PROPOSED CELLAR PLAN**

3/16" = 1'-0"



**EXISTING/PROPOSED GROUND FLOOR PLAN**  
3/16" = 1'-0"



NO.	DATE	COMMENT
05	03-26-2018	FOR BSA FILING
04	11-09-2017	FOR BSA FILING
03	09-27-2017	FOR BSA FILING
02	09-22-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

**ISSUE DATES**

**RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT**

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

**EXISTING/PROPOSED  
GROUND (1ST)  
FLOOR PLAN**

PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM

DRAWING No: **A-103.00**

AS NOTED 07 of 10



250 Broadway, 29th Floor New York, NY 10007 212-386-0009 - Phone 646-500-6271 - Fax [www.nyc.gov/bsa](http://www.nyc.gov/bsa)

2017-240-BZ

**AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION**

**Affidavit of Ownership**

Patrick Milner, being duly sworn, deposes and says that he has an office at c/o Chapman Consulting LLC, 770 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10065; That he is an authorized signatory of 310 Lenox Avenue LLC ; That the fee owners of the property located at the street address commonly known as 310 Lenox Avenue (Block 1723, Lot 69), New York, NY is as follows:

310 Lenox Avenue LLC , undivided 50% tenant in common interest; and  
RM 310 Lenox LLC, undivided 50% tenant in common interest.

Check one of the following conditions:

- Sole property owners of zoning lot
- Cooperative Building
- Condominium Building
- Zoning lot contains more than one tax lot and property owner

RECEIVED  
DC. STANDARDS AND APPEALS  
2017 AUG 15 P 1:28  
CAL. NO.

**OWNER'S AUTHORIZATION**

The Owners identified above hereby authorized Troutman Sanders LLC to make the annexed application on his behalf; and that the statements of facts contained in the annexed application are true.

Signature of Owner:

Print Name:

Patrick Milner

Print Title:

Authorized Signatory

Sworn before me this 7<sup>th</sup> day  
Of June, 2016.

Notary Public



250 Broadway, 29th  
Floor New York, NY  
10007 212-386-0009 -  
Phone 646-500-6271 -  
Fax [www.nyc.gov/bsa](http://www.nyc.gov/bsa)

### AFFIDAVIT OF OPERATOR AND AUTHORIZATION

#### Affidavit of Operator

Patrick Milner, being duly sworn, deposes and says that he has an office at c/o Chapman Consulting LLC, 770 Lexington Avenue, 11<sup>th</sup> Floor, New York, NY 10065; That he is an authorized signatory of Red Rooster Harlem LLC; That Red Rooster Harlem LLC operates the Red Rooster Restaurant located at the street address commonly known as 310 Lenox Avenue (Block 1723, Lot 69), New York, NY.

Check one of the following conditions:

- Is the operator of the Red Rooster Harlem Restaurant
- Cooperative Building
- Condominium Building
- Zoning lot contains more than one tax lot and property owner

#### OWNER'S AUTHORIZATION

The Operator identified above hereby authorized Troutman Sanders LLC to make the annexed application on its behalf; and that the statements of facts contained in the annexed application are true.

Signature of Owner:

Print Name:

Patrick Milner

Print Title:

Authorized Signatory

Sworn before me this 15 day  
of November, 2017.

Notary Public

PATRICIA HAMM  
Notary Public, State of New York  
No. 01HA6163858  
Qualified in New York County  
Commission Expires April 9, 2019



[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

**NYC Department of Buildings  
Property Profile Overview**

<b>310 LENOX AVENUE</b>		<b>MANHATTAN 10027</b>	<b>BIN# 1053528</b>
LENOX AVENUE	310 - 316	Health Area	: 1500
WEST 126 STREET	84 - 86	Census Tract	: 200
		Community Board	: 110
		Buildings on Lot	: 1
		Tax Block	: 1723
		Tax Lot	: 69
		Condo	: NO
		Vacant	: NO

[View DCP Addresses...](#) [Browse Block](#)

[View Zoning Documents](#) [View Challenge Results](#) [Pre - BIS PA](#) [View Certificates of Occupancy](#)

<b>Cross Street(s):</b>	WEST 125 STREET, WEST 126 STREET		
<b>DOB Special Place Name:</b>			
<b>DOB Building Remarks:</b>			
<b>Landmark Status:</b>		<b>Special Status:</b>	N/A
<b>Local Law:</b>	YES	<b>Loft Law:</b>	NO
<b>SRO Restricted:</b>	NO	<b>TA Restricted:</b>	NO
<b>UB Restricted:</b>	NO		
<b>Environmental Restrictions:</b>	N/A	<b>Grandfathered Sign:</b>	NO
<b>Legal Adult Use:</b>	NO	<b>City Owned:</b>	NO
<b>Additional BINs for Building:</b>	NONE		

**Special District:** 125 - 125TH STREET

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, Coastal Erosion Hazard Area, or Special Flood Hazard Area. [Click here for more information](#)

**Department of Finance Building Classification:** O5-OFFICE BUILDINGS

Please Note: The Department of Finance's building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, research the records of the Department of Buildings.

	Total	Open	<b>Elevator Records</b>
<b>Complaints</b>	8	0	<a href="#">Electrical Applications</a>
<b>Violations-DOB</b>	48	0	<a href="#">Permits In-Process / Issued</a>
<b>Violations-ECB (DOB)</b>	13	0	<a href="#">Illuminated Signs Annual Permits</a>
<b>Jobs/Filings</b>	84		<a href="#">Plumbing Inspections</a>
<b>ARA / LAA Jobs</b>	1		<a href="#">Open Plumbing Jobs / Work Types</a>
<b>Total Jobs</b>	85		<b>Facades</b>
<b>Actions</b>	146		<a href="#">Marquee Annual Permits</a>
<b>OR Enter Action Type:</b> <input type="text"/>			<b>Boiler Records</b>
<b>OR Select from List:</b> <input type="text" value="Select..."/>			<a href="#">DEP Boiler Information</a>
<b>AND</b> <input type="text" value="Show Actions"/>			<a href="#">Crane Information</a>
			<a href="#">After Hours Variance Permits</a>

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



**BSA SUBMISSION**

**NOTICE**

Date: January 10, 2018

Examiner's Name: **Gjela Prenga**

BSA Calendar #: **2017-240-BZ**

Electronic Submission: Email

Subject Property/ **Red Rooster Restaurant**  
Address: 310 Lenox Avenue, Manhattan

Applicant Name Troutman Sanders LLP

Submitted by (Full Name): Jeremiah H. Candreva

A) The material I am submitting is for a case currently **IN HEARING**, scheduled for 2-27-18.  
The reason I am submitting this material:

- Response to issues/questions raised by the Board at prior hearing
- Response to request made by Examiner
- Other: \_\_\_\_\_

Brief Description of submitted material: Revised statement in support.

List of items that are being voided/superseded: Prior statement in support

B) The material I am submitting is for a **PENDING** case. The reason I am submitting this material:

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning Letter

Brief Description of submitted material: \_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_

**MASTER CASE FILE INSTRUCTIONS**

- **Bind one set of new materials in the master case file**
- **Keep master case file in reverse chronological order (all new materials on top)**
- **Be sure to VOID any superseded materials (no stapling!)**
- **Handwritten revisions to any material are unacceptable**

**NOTICE**

Date: November 20, 2017

Examiner's Name: **Gjela Prenga**

BSA Calendar #: **2017-240-BZ**

Electronic Submission: Email

Subject Property/ **Red Rooster Restaurant**  
Address: 310 Lenox Avenue, Manhattan

Applicant Name **Troutman Sanders LLP**

Submitted by (Full Name): **Jeremiah H. Candreva**

A) The material I am submitting is for a case currently **IN HEARING**, scheduled for \_\_\_\_\_.

The reason I am submitting this material:

- Response to issues/questions raised by the Board at prior hearing
- Response to request made by Examiner
- Other: \_\_\_\_\_

Brief Description of submitted material: \_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_

B) The material I am submitting is for a **PENDING** case. The reason I am submitting this material:

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning Letter

Brief Description of submitted material: Response to NOC. Revised statement, Revised Plans, Revised EAS, Revised Noise Assessment, + misc information.

List of items that are being voided/superseded: \_\_\_\_\_

**MASTER CASE FILE INSTRUCTIONS**

- ***Bind one set of new materials in the master case file***
- ***Keep master case file in reverse chronological order (all new materials on top)***
- ***Be sure to VOID any superseded materials (no stapling!)***
- ***Handwritten revisions to any material are unacceptable***





**BSA SUBMISSION**

**NOTICE**

Date: September 29, 2017

Examiner's Name: **Jonathan Kirschenbaum**

BSA Calendar #: **2017-240-BZ**

Electronic Submission: Email

Subject Property/ **Red Rooster Restaurant**  
Address: **310 Lenox Avenue, Manhattan**

Applicant Name **Troutman Sanders LLP**

Submitted by (Full Name): **Jeremiah H. Candreva**

**A)** The material I am submitting is for a case currently **IN HOLDING**, scheduled for \_\_\_\_\_  
The reason I am submitting this material:

- Response to issues/questions raised by the Board at prior hearing
- Response to request made by Examiner
- Other: \_\_\_\_\_

Brief Description of submitted material: \_\_\_\_\_  
\_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_  
\_\_\_\_\_

**B)** The material I am submitting is for a **PENDING** case. The reason I am submitting this material:

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning

Brief Description of submitted material: Revised Statement of Facts, Revised Plans, Re-issued Temporary Certificate of Occupancy.

List of items that are being voided/superseded: Prior Statement of Facts, Prior Plans expired TCO.

**MASTER CASE FILE INSTRUCTIONS**

- **Bind one set of new materials in the master case file**
- **Keep master case file in reverse chronological order (all new materials on top)**
- **Be sure to VOID any superseded materials (no stapling!)**
- **Handwritten revisions to any material are unacceptable**



## Certificate of Occupancy

**CO Number: 104522508T025**

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

<b>A.</b>	<b>Borough:</b> Manhattan	<b>Block Number:</b> 01723	<b>Certificate Type:</b> Temporary
	<b>Address:</b> 310 LENOX AVENUE	<b>Lot Number(s):</b> 69	<b>Effective Date:</b> 10/26/2017
	<b>Building Identification Number (BIN):</b> 1053528		<b>Expiration Date:</b> 01/24/2018
	<b>Building Type:</b> Altered		
<i>For zoning lot metes &amp; bounds, please see BISWeb.</i>			
<b>B.</b>	<b>Construction classification:</b> 5	(Prior to 1968 Code)	
	<b>Building Occupancy Group classification:</b> COM	(Prior to 1968 Code)	
	<b>Multiple Dwelling Law Classification:</b> None		
	<b>No. of stories:</b> 3	<b>Height in feet:</b> 35	<b>No. of dwelling units:</b> 0
<b>C.</b>	<b>Fire Protection Equipment:</b> Sprinkler system		
<b>D.</b>	<b>Type and number of open spaces:</b> None associated with this filing.		
<b>E.</b>	<b>This Certificate is issued with the following legal limitations:</b> None		
<b>Outstanding requirements for obtaining Final Certificate of Occupancy:</b>			
There are 13 outstanding requirements. Please refer to BISWeb for further detail.			
<b>Borough Comments:</b> None			

Borough Commissioner

Commissioner



## Certificate of Occupancy

CO Number: **104522508T025**

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
CEL		OG	D-2		2	MECHANICAL ROOMS
CEL	200	OG	F-4		6	EATING AND DRINKING ESTABLISHMENT
CEL		OG	B-2		6	STORAGE
CEL	20	OG	F-3		6	LOUNGE, NON SIMULTANEOUS
001	144	120	C		6	RETAIL STORES
001	130	120	F-4		6	EATING AND DRINKING ESTABLISHMENT
002	72	75	E		6	OFFICES
002		75	D-2		6	MECHANICAL ROOMS
003	60	75	E		6	OFFICES, ACCESSORY LONGE, NON-SIMULTANEOUS
003		75	D-2		6	MECHANICAL ROOM
<b>END OF SECTION</b>						

Borough Commissioner

Commissioner

**END OF DOCUMENT**

JEREMIAH H. CANDREVA  
212 704 6292 telephone  
212 704 5991 facsimile  
jed.candreva@troutmansanders.com

# TROUTMAN SANDERS

TROUTMAN SANDERS LLP  
Attorneys at Law  
875 Third Avenue  
New York, New York 10022  
212 704 6000 telephone  
troutmansanders.com

August 15, 2017

Mr. Carlos Costanza  
NYC Board of Standards and Appeals  
250 Broadway, 29th Floor  
New York, NY 10007

**Re:** Compliance with Filing Requirements  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue, Manhattan

Dear Mr. Costanza:

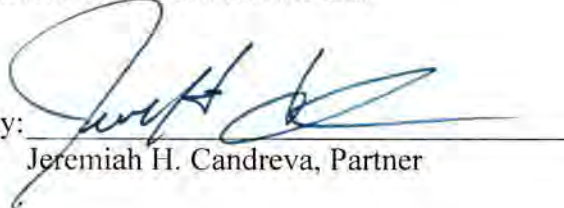
I am writing to advise you of my compliance with the requirements for filing the application pursuant to Sections 1-05.4 & 1-10.6 of the Board of Standards and Appeals Rules of Practice and Procedure.

Enclosed please find (i) an affidavit of service, (ii) copies of the transmittal letters to the requisite parties and (iii) copies of the certified mail receipts, all in accordance with the requirements of Section 1-10.7 of the Board of Standards and Appeals Rules of Practice and Procedure.

Please feel free to contact me at (212) 704-6292 if you have any questions or comments in connection with this Application.

Very truly yours,

TROUTMAN SANDERS LLP

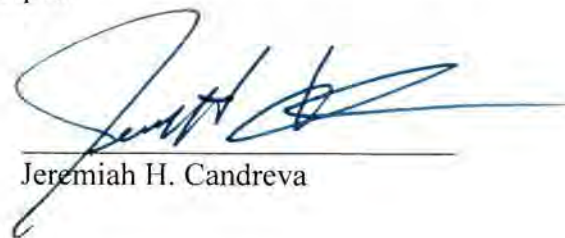
By:   
Jeremiah H. Candreva, Partner

**AFFIDAVIT OF DELIVERY**

State of New York            )  
  )    SS:  
County of New York         )

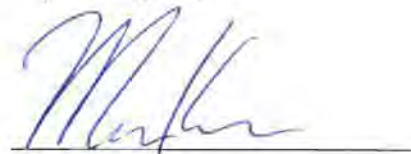
Jeremiah H. Candreva being duly sworn, deposes and says:

1. That I am over 18 years of age and I maintain an office at c/o Troutman Sanders LLP, 875 Third Avenue, New York, NY 10022.
2. That on August 15, 2017, agents of Troutman Sanders LLP delivered copies of the transmittal letters in connection with BSA Calendar No. 2017-240-BZ to the United States Post Office for distribution by certified mail.
3. That the following are true and accurate copies of the (i) cover letters delivered to the United States Post Office and (ii) certified mail receipts.



Jeremiah H. Candreva

Sworn to before me this 15<sup>th</sup>  
day of August, 2017



Notary Public

**MAXWELL KINDER**  
**Notary Public, State of New York**  
**No. 01K16354557**  
**Qualified in New York County**  
**Commission Expires Feb. 13, 20** 21

JEREMIAH H. CANDREVA  
212.704.6292 telephone  
212.704.5991 facsimile  
jed.candrea@troutmansanders.com

# TROUTMAN SANDERS

TROUTMAN SANDERS LLP  
Attorneys at Law  
875 Third Avenue  
New York, New York 10022  
212.704.6000 telephone  
troutmansanders.com

August 15, 2017

Ms. Edith Hsu-Chen, Director  
NYC Department of City Planning, Manhattan Office  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10007

Re: Notification of Filing  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue (Block 1723, Lot 69), Manhattan

Dear Ms. Hsu-Chen:

Enclosed please find a copy of the application for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York, to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment. The special permit is required because the live entertainment located on the cellar level includes designated show times and cover charges and because the site is located within 100 feet of a residential district boundary.

Please feel free to contact me at (212) 704-6292 if you have any questions or comments in connection with this Application.

Very truly yours,

TROUTMAN SANDERS LLP

By:   
Jeremiah H. Candrea, Partner

JEREMIAH H. CANDREVA  
212 704 6292 telephone  
212 704 5991 facsimile  
jed.candreva@troutmansanders.com

# TROUTMAN SANDERS

TROUTMAN SANDERS LLP  
Attorneys at Law  
875 Third Avenue  
New York, New York 10022  
212.704.6000 telephone  
troutmansanders.com

August 15, 2017

Bharat Gami, R.A.  
Chief Plan Examiner, Manhattan  
NYC Department of Buildings  
280 Broadway  
New York, NY 10007

Re: Notification of Filing  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue (Block 1723, Lot 69), Manhattan

Dear Chief Plan Examiner Gami:

Enclosed please find a copy of the application for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York, to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment. The special permit is required because the live entertainment located on the cellar level includes designated show times and cover charges and because the site is located within 100 feet of a residential district boundary.

Please feel free to contact me at (212) 704-6292 if you have any questions or comments in connection with this Application.

Very truly yours,

TROUTMAN SANDERS LLP

By:   
Jeremiah H. Candreva, Partner

JEREMIAH H. CANDREVA  
212 704 6292 telephone  
212 704 5991 facsimile  
jed.candreva@troutmansanders.com

# TROUTMAN SANDERS

TROUTMAN SANDERS LLP  
Attorneys at Law  
875 Third Avenue  
New York, New York 10022  
212.704.6000 telephone  
troutmansanders.com

August 15, 2017

Manhattan Borough President Gale A. Brewer  
1 Centre Street, 19th Floor  
New York, NY 10007

Re: Notification of Filing  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue (Block 1723, Lot 69), Manhattan

Dear Borough President Brewer:

Enclosed please find a copy of the application for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York, to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment. The special permit is required because the live entertainment located on the cellar level includes designated show times and cover charges and because the site is located within 100 feet of a residential district boundary.

Please feel free to contact me at (212) 704-6292 if you have any questions or comments in connection with this Application.

Very truly yours,

TROUTMAN SANDERS LLP

By: 

Jeremiah H. Candreva, Partner



JEREMIAH H. CANDREVA  
212.704.6292 telephone  
212.704.5991 facsimile  
jed.candreva@troutmansanders.com

# TROUTMAN SANDERS

TROUTMAN SANDERS LLP  
Attorneys at Law  
875 Third Avenue  
New York, New York 10022  
212.704.6000 telephone  
troutmansanders.com

August 15, 2017

Honorable Bill Perkins  
NYC City Council, District Office  
Adam Clayton Powell Jr. State Office Building,  
163 West 125th Street, Room 729  
New York, NY 10027

Re: Notification of Filing  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue (Block 1723, Lot 69), Manhattan

Dear Honorable Councilmember Perkins:

Enclosed please find a copy of the application for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York, to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment. The special permit is required because the live entertainment located on the cellar level includes designated show times and cover charges and because the site is located within 100 feet of a residential district boundary.

Please feel free to contact me at (212) 704-6292 if you have any questions or comments in connection with this Application.

Very truly yours,

TROUTMAN SANDERS LLP

By:   
Jeremiah H. Candreva, Partner

JEREMIAH H. CANDREVA  
212.704.6292 telephone  
212.704.5991 facsimile  
jed.candreva@troutmansanders.com

# TROUTMAN SANDERS

TROUTMAN SANDERS LLP  
Attorneys at Law  
875 Third Avenue  
New York, New York 10022  
212.704.6000 telephone  
troutmansanders.com

August 15, 2017

Mr. Andrew Lassalle, District Manager  
Manhattan Community Board 10  
215 West 125th Street, 4th Floor  
New York, NY 10027

Re: Notification of Filing  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue (Block 1723, Lot 69), Manhattan

Dear Mr. Lassalle:

Enclosed please find a copy of the application for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York, to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment. The special permit is required because the live entertainment located on the cellar level includes designated show times and cover charges and because the site is located within 100 feet of a residential district boundary.

Please feel free to contact me at (212) 704-6292 if you have any questions or comments in connection with this Application.

Very truly yours,

TROUTMAN SANDERS LLP

By:   
Jeremiah H. Candreva, Partner

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Manhattan Borough President  
Gale A. Brewer  
1 Centre Street, 19<sup>th</sup> Floor  
New York, New York 10007

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Honorable Bill Perkins  
NYC City Council, District Office  
Adam Clayton Powell Jr. State Office Buildi  
163 West 125<sup>th</sup> Street, Room 729  
New York, New York 10027

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Mr. Andrew Lassalle, District Manager  
Manhattan Community Board 10  
215 West 125<sup>th</sup> Street, 4<sup>th</sup> Floor  
New York, New York 10027

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Ms. Edith Hsu-Chen, Director  
NYC Department of City Planning,  
Manhattan Office  
120 Broadway, 31<sup>st</sup> Floor  
New York, New York 10007

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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5. Addressee's City, State, and ZIP+4®

Bharat Gami, R.A.  
Chief Plan Examiner, Manhattan  
NYC Department of Buildings  
280 Boradway,  
New York, New York 10007

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions



250 Broadway, 29<sup>th</sup> Floor  
New York, NY 10007-2516  
Tel: (212) 386-0009  
Fax: (646) 500-6271  
Website: [www.nyc.gov/bsa](http://www.nyc.gov/bsa)

Margery Perlmutter  
Chair/Commissioner

**FORM FOR OBJECTION OR CONSENT**

The NYC Board of Board of Standards and Appeals has scheduled a public hearing on the following application:

Cal. No.: 2017-240-BZ

Address: 310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.

Applicant: Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.

You may complete the Affidavit provided below and indicate whether you consent or object to the application.

Name: DAVID STAIR

I am the owner of or lessee at the following:

Address: 64 W 127TH ST #1  
NEW YORK, NY 10027

- I support the application.
- I object to the application for the following reasons (attach additional paper if necessary).

\_\_\_\_\_  
\_\_\_\_\_

David B. Stair  
Sign Here

Sworn to before me this \_\_\_\_ day  
Of \_\_\_\_\_ 2 \_\_\_\_\_

\_\_\_\_\_  
Notary

---

**Jeremiah H. Candreva**

D 212.704.6292

F 212.704.5991

jed.candreva@troutmansanders.com

November 17, 2017

Ms. Gjela Prenga  
NYC Board of Standards and Appeals  
250 Broadway, 29th Floor  
New York, NY 10007

Re: Supplemental Information  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue, Manhattan

Dear Ms. Prenga:

Thank you for meeting with on Monday, November 6, 2017 to review the Notice of Comments dated October 30, 2017 in respect of BSA Calendar No. 2017-240-BZ (NOC). I write to respond to the issues raised in the NOC and to supplement the case file related thereto by providing the following additional information. Each comment contained within the NOC is reproduced below and followed by the corresponding enumerated response set forth below.

**ADDITIONAL REQUESTS**

**Comment 1.** Provide the plans submitted to DOB under job number 123326748.

**Response No. 1:** Copies of the plans submitted to the DOB under Job number 123326748 are attached hereto.

**Comment 2.** Provide the manufacturer's spec sheet for the insulation and sound attenuation measures.

**Response No. 2:** The manufacturer's spec sheet for the insulation and sound attenuation measures are attached hereto.

**Comment 3.** Provide proof of installation and testing of fire sprinklers and alarms.

**Response No. 3:** Proof of installation and testing of fire sprinklers and alarms is attached hereto.

---

## **STATEMENT OF FACTS AND FINDINGS**

**Comment 4.** It is unclear if the application is for the legalization of the cellar, ground floor or both. Please clarify, there are inconsistencies in the Statement. Is there entire business (both levels) applying for the Special permit to permit the eating & drinking establishment?

**Response No. 4:** The application is limited to the legalization of the cellar level, which is currently a UG 12A eating and drinking establishment.

**Comment 5. (A)** What makes the cellar qualify as a UG 12A use and not a U G 6C use? U G 6C permits up to 200 people. Is there dancing at the cellar level? **(B)** The temporary CO indicates the cellar is being used for UG 6 eating and drinking. Clarify the UG for each level.

**Response No. 5 (A):** The applicant offers live entertainment with set show times and cover charges on the cellar level (i.e., a UG 12A use). Dancing by restaurant patrons is permitted on the cellar level and is classified as a UG 12A use. Although entertainment and musical entertainment is a UG 6 use, the combination of dancing and live entertainment with set show times and cover charges alters the category of use from a UG 6A use to a UG 12A use.

**Response No. 5 (B):** Correct, the temporary CO indicates lists UG 6A eating and drinking establishment on each of the ground and cellar levels. The applicant is in the process of finalizing the issuance of the final certificate of occupancy with the DOB. Assuming that this application is approved by the Commission then, in such event, the applicant will provide the DOB with a copy of such approval to obtain the final certificate of occupancy on the cellar level for the UG 12A eating and drinking establishment.

**Comment 6.** When describing the East Harlem Rezoning, indicate that although the subject property is within close proximity of the rezoning area, it is technically just outside of it.

**Response No. 6:** The Statement of Facts and Findings has been amended to indicate that although the site is within close proximity of the East Harlem Rezoning area, it is outside of the boundaries of such rezoning.

**Comment 7.** Provide a description of the operations of the business:

- a. Indicate the hours of operation for the ground floor and the cellar level. This includes all hours the business is open to the public.
- b. Specify all hours of live entertainment on both levels, including the hours of the late night live entertainment on Friday and Saturday evenings.
- c. Is there any dancing on either level of the restaurant?
- d. Do the upper level and lower level operate as one business? Is there a cover charge to enter the cellar level?

- e. Confirm the proposed total occupancy and the occupancy at each level. Is the proposed occupancy greater than what the CO permits?
- f. Indicate the number of patrons that typically visit and the number of staff employed during each work interval.
- g. Identify peak periods for the business.

**Response No. 7:**

- a. The hours of operation for the ground floor and the cellar level are as follows:

Red Rooster Harlem / Ground floor

Monday – Thursday 11:30AM – 2 AM

Friday – Saturday 10 AM – 3 AM

Sunday 10AM – 2 AM

Ginny's Supper Club / Cellar level

Thursday, Friday & Saturday 6PM – 3.30AM

Sunday 10AM – 12:30AM

- b. The hours of live entertainment on both levels are as follows:

Red Rooster Harlem / Ground floor

Monday – Thursday 7PM – 12AM

Friday and Saturday 11AM – 3AM

Sunday 7PM – 11PM

Ginny's Supper Club /Cellar level

Thursday – Saturday 6.30PM – 11PM (w/ dinner)

Friday and Saturday 11PM – 3AM (post dinner service)

Sunday 11AM – 3PM

- c. The restaurant does not have a dance floor and there is no designated area for collective dancing activities. Ginny's does not prohibit its patrons from dancing either during dinner or gospel performances.
- d. Yes, the upper and lower level operate as one business. Is there a cover charge to enter the cellar level? Yes, there is a cover charge to enter the cellar level for Ginny's live performances.

- e. The occupancy level of the ground floor is 130 and the cellar floor is 200. The applicant is not proposing to increase the permitted occupancy of the restaurant including, the cellar level (i.e., the proposed occupancy is the same as what the CO permits).
- f. Set forth below are the number of patrons and staff employed during each work interval.

Lunch 50-125 (patrons);  
 Lunch 20 (staff);  
 Dinner 200- 250 (patrons); and  
 Dinner 35 (staff).

- g. Peak periods for the business are as follows:

Peak Hours: Lunch 12.30- 2.30pm; and  
 Dinner 7.30 – 9.30pm

**Comment 8.** Provide proof that the gaps around the doors were repaired. Provide photos and permit.

**Response No. 8:** Attached are photos of that illustrate that the former gaps have been removed and that the doors have been repaired.

**Comment 9.** State the language of the ZR 73-03 Special Permit and address each finding.

**Response No. 9:** The Statement of Facts and Findings has been revised as requested.

**Comment 10.** Discuss compliance with fire safety regulations.

**Response No. 10:** As requested, compliance with Fire Safety Regulations has been included.

**Comment 11.** ZR 73-244(a)

- a. The two waiting areas accommodate 219 people. The total occupancy permitted by the CO for the cellar is 200, and for the ground floor is 130. What is the proposed occupancy of the cellar? Do there need to be adequate waiting areas for the total occupancy or just the cellar?
- b. Waiting area 2 has slightly less than 4 ft. waiting area per person, relabel to reflect correct calculation.
- c. Provide a narrative of operations describing how patrons will enter and how they will be situated to wait in designated waiting areas for seating.



**Response No. 11:**

- a. The total occupancy of the cellar level is limited to 200 persons. The applicant is not proposing to increase the cellar occupancy. The applicant has provided waiting areas that exceed the requirements for such waiting areas as mandated by the Zoning Resolution and waiting areas are only required for the cellar level.
- b. The applicant is providing two separate waiting areas on the cellar level that provide a total of 4.38 square feet of waiting area per person. As noted on Plan A-101.00 the larger of the two waiting areas holds 180 persons and provides 4.0 square feet of waiting area per person. The smaller waiting area is required to hold only 20 individuals but has an area that permits it to hold up to 38 persons at 4.07 square feet per person of waiting area.
- c. The Statement of Facts and Findings has been amended to include a more detailed discussion of the information requested above. Ginny's patrons arrive for their dinner reservations and will be directed to enter 310 Lenox Avenue at the designated lobby entrance and under the direction of the security guard and designated staff members proceed either directly to their tables or to the designated waiting areas (when the dining room is being cleaned and readied for service).

**Comment 12. ZR 73-244(b)**

- a. On a to-scale diagram, show the measurement for the distance between the entrances of the restaurant to the nearest Residential district boundary. Since there are music performances on the ground floor, the measurement should be from the ground floor entrances.

**Response No. 12:**

- a. As shown on the attached Land Use Map, the distance from the entrance (on the ground floor) to the nearest residential district boundary is 126 feet.

**Comment 13. ZR 73-244(c)**

- a. Please indicate that this project does not trigger a CEQR threshold for transportation impacts. Provide the narrative used in the CEQR assessment.
- b. Provide data for number of patrons visiting the restaurant during peak period hours, and the estimated modal split for these visitors.
- c. Provide a map showing the proximity of the subject site to the public transit stations.

**Response No. 13:**

- a. The project does not trigger a CEQR threshold for transportation impacts. According to Table 16-1 of the CEQR Technical Manual, the minimum development density for uses in Zone 2 (Manhattan north of 110th Street) potentially requiring a transportation analysis is 200 dwelling units, 100,000 gross square feet of office, 20,000 gross square feet of regional retail, 15,000 gross square feet of local retail, 20,000 gross square feet of restaurant, 25,000 gross square feet of community facility use or off-street parking facilities with 85 new spaces.

The Red Rooster Restaurant contains a total of 9,748 square feet (3,444 sq feet on the ground floor and 6,034 sq feet on the cellar level), an amount that is less than half of the minimum development density (20,000 square feet) that would trigger a traffic assessment in Zone 2 (if we were building a new restaurant). The Red Rooster is an existing restaurant and the applicant is not proposing to increase its size, as this proposal is limited to the legalization of the UG 12A use on the cellar level (6,034 sq. feet).

- b. A formal traffic assessment is not required, as the project screens out from such an assessment based upon the methodology set forth in the CEQR Technical Manual. The vast majority of restaurant patrons walk and/or use mass transit, as the restaurant is located within 64 feet of the MTA entrance for the No. 2 and No. 3 subway lines and is in close proximity to bus service on 125<sup>th</sup> Street.
- c. As shown on the Land Use map, which has been revised to indicate the proximity of the subject site to the public transit stations, the Red Rooster Restaurant is within 64 feet of the MTA entrance for the No. 2 and No. 3 subway lines.

**Comment 14.** ZR 73-244(d) Provide a description of adjoining properties and properties in the immediate vicinity of the subject premises. Identify the residential and commercial uses and how the proposed is in harmony with its surroundings.

**Response No. 14:** A description of the adjoining properties and the properties in the immediate vicinity of the subject premises is included in the Statement of Facts and Findings including, a discussion of the existing residential and commercial uses and how the project is in harmony with these surrounding uses.

**Comment 15.** ZR 73-244(f) Provide an affidavit signed jointly by both the owner and the operator of the premises.

**Response No. 15:** The affidavit of both the owner and the operator of the premises is included within the application.

---

## **NOISE ANALYSIS STUDY**

**Comment 16.** Did the study ensure compliance with §24-232 of the NYC Noise Code?

**Response No. 16:** Yes, the noise assessment confirmed that the proposed use is in compliance with the §24-232 of the NYC Noise Code.

**Comment 17.** The NIC measurement setup diagram is not legible.

**Response 17.** We have included a more legible response.

**Comment 17. a.** Is the receiver location 15 ft. into the public right away? Show this measurement.

**Response No. 17:(a)** The receiver location is on the sidewalk immediately outside of the restaurant (see photo on page 3 of 10 and graphic on page 4 of 10 of the attached noise assessment).

**Comment 18.** Submit the backup data from the noise testing.

**Response No. 18:** The requested back-up information is provided.

**Comment 19.** The first chart appears to show that the noise levels from a jazz gig are below ambient noise inside a residence, not ambient noise on the street. Please clarify the narrative preceding the chart.

**Response No. 19:** The noise assessment was performed by locating the noise source at ground level (instead of on the cellar level) to produce greater noise levels at the receptor location, thereby providing a more conservative noise assessment. The noise consultant estimates that moving the noise source to the cellar level will reduce noise levels at the receptor location by approximately 10dB. Noise levels in closer proximity to the noise source are in compliance with the NYC Noise Code. Moving the noise source to a location that is farther away from the receptor will simply provide lower noise readings and will produce a less conservative assessment.

**Comment 20.** Indicate the time of the noise testing. The NYC Noise Code has different criteria for day and night sound levels. Show results for both time periods (10pm-7am and 7am-10pm).

**Response No. 20:** Noise measurements were conducted on June 5, 2017 during the 7am-10pm period. The provisions of NYC Noise Code Section 24-231 for commercial music is the relevant section for assessing noise at the residential receptor location. The provisions in this section of the code are in force for 24 hours. WSDG (the applicant's noise consultant) interprets Section 24-218 of the NYC Noise Code (which contains different requirements depending on the time of

day) to be applicable for assessing noise at the street only. Accordingly, the methodology utilized for the assessment of noise at the nearest residential receptor is correct.

## PLANS

**Comment 21.** Provide a site plan.

**Response No. 21:** A site plan is included within the response to the NOC.

**Comment 22.** Provide elevations. Show the signage on the elevations.

**Response No. 22:** Elevations are provided within this response to the NOC. A sign analysis form is also provided within the application materials. The applicant is not proposing new signage and all existing accessory business signs comply with the applicable requirements of the Zoning Resolution.

**Comment 23.** The crosshatching makes it difficult to see the floor plan layout. In addition to the cellar floor plan, please include an additional plan sheet without hatching for greater legibility.

**Response No. 23:** A revised set of plans is included within this response to the NOC.

**Comment 24.** Floor plans must be dimensioned with both exterior and interior dimensions, including egress pathways. Dimension the waiting areas.

**Response No. 24:** A revised set of fully dimensioned plans is included within this response to the NOC.

**Comment 25.** Label the location of the live performances on each level.

**Response No. 25:** The cellar floor plans have been labeled as requested.

## PHOTOS

**Comment 26.** Provide clearer photos. One photo per page. Highlight the subject site on the photo.

**Response No. 26:** The requested photos are included within the response to this NOC.

**Comment 27.** Provide additional photos showing the context of the property.

**Response No. 27:** Additional photos are attached to the response to this NOC.

**Comment 28.** Provide a close-up photo showing the storefront frontage of the Red Rooster restaurant.

**Response No. 28:** The requested photo is included within the response to this NOC.

**Comment 29.** Label the directional view of each photo.

**Response No. 29:** The directional view is included on each photo submitted in response to this NOC.

**Comment 30.** Show adjoining property conditions on the photos.

**Response No. 30:** The adjoining property is shown in the response to this NOC.

**Comment 31.** Provide interior photos of both levels. Provide photos of FDNY fire safety compliance.

**Response No. 31:** The requested photos are included within the response to this NOC.

### **LAND USE MAP**

**Comment 32.** Radius diagram should show all land uses within 400 ft. of the property.

**Response No. 32:** The requested radius diagram is included within the response to this NOC.

### **EAS COMMENTS**

**Comment 1.** Part I, 4(a): Lead Agency contact person: Tracie Behnke, (212)386-0086, tbehnke@bsa.nyc.gov.

**Response No. 1:** The EAS has been modified as requested.

**Comment 2.** Part I Question 7 – Attach graphics as listed on form.

**Response No. 2:** The requested graphics are included.

**Comment 3.** Noise –

- a. Attached revised WSDG noise report to EAS.
- b. Provide backup readings for the WSDG Noise Report.

- c. Discuss findings in narrative and implemented measures. Include mechanical specifications.

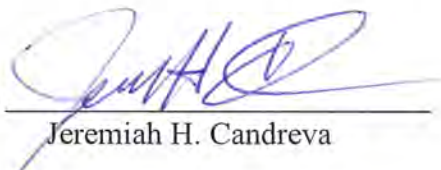
**Response No. 3:** The requested information is included within this response to the NOC.

**Comment 4.** Historic Resources - Is a Certificate of No Effect required from LPC for interior alterations to a building listed on the NY State and National Register of Historic Places? If so, please provide this certificate.

**Response No. 4:** The proposed legalization of the cellar level including, the interior alterations that were completed in connection with this application, do not require the review or approval of the NY State and National Register of Historic Places.

Very truly yours,

TROUTMAN SANDERS LLP

By:   
Jeremiah H. Candreva

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022



troutman.com

**Jeremiah H. Candreva**  
212.704.6292  
jed.candreva@troutman.com

September 29, 2017

**VIA MESSENGER**

Honorable Margery Perlmutter, Chairperson  
New York City Board of Standards and Appeals  
250 Broadway, 29<sup>th</sup> Floor  
New York, NY 10007

Re: 2017-240-BZ - Red Rooster Harlem Restaurant  
310 Lenox Avenue (Block 1723, Lot 69), Manhattan

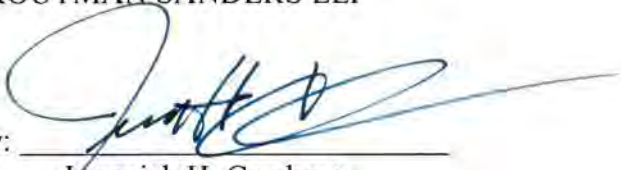
Dear Chair Perlmutter:

Enclosed please one (1) original and one (1) copy of the following supplemental information in connection with the pending application submitted on behalf of Red Rooster Harlem LLC for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York, to legalize the existing Use Group 2A Eating and Drinking establishment on the cellar level of the Red Rooster Harlem Restaurant:

1. Revised Statement of Facts and Findings;
2. Revised Plans – Existing Conditions (Ground and Cellar Floor); and
3. Re-Issued Certificate of Occupancy.

Very truly yours,

TROUTMAN SANDERS LLP

By:   
Jeremiah H. Candreva

cc: Loreal Monroe, Esq.  
Jonathan Kirschenbaum

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022



troutman.com

**Jeremiah H. Candreva**

D 212.704.6292

F 212.704.5991

jed.candreva@troutmansanders.com

March 12, 2018

Ms. Gjela Prenga  
NYC Board of Standards and Appeals  
250 Broadway, 29th Floor  
New York, NY 10007

Re: Supplemental Information  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue, Manhattan

Dear Ms. Prenga:

Attached please find the following information in respect of the application prepared on behalf of the Red Rooster Harlem (BSA Calendar No. 2017-240-BZ).

- Statement in Support: The Statement in Support has been modified to include the following information regarding live entertainment offerings at Ginny's Supper Club:
  - Ginny's typically offers two seated dinner and live entertainment shows each Thursday, Friday and Saturday. The doors open at 6pm. The first set begins at or about 7:30pm. The second set begins at or about 9:30 pm. I note that show times may vary depending upon the musicians/musical entertainment offered. I also note that the restaurant's website lists set show times to enable patrons to book a specific show in advance of a nightly performance.
  - Ginny's typically offers live entertainment post dinner service on Friday and Saturday evenings starting at or about 11:30pm until 4am.
  - Ginny's offers Sunday Gospel Brunch. The doors open at 10am. The first set starts at or about 10:30 am and the second set starts at or about 12:30pm.



- Fire Alarm: Attached please find a copy of the FDNY Approval Letter dated January 17, 2018, which evidences the FDNY's approval of the existing fire alarm.
- Public Assembly Permits and FDNY Re-inspection: The Department of Buildings issued separate public assembly permits for each of the ground floor and the cellar floor (see attached PA Permits). On February 28, 2018, FDNY inspected the restaurant and approved the re-issuance of these public assembly permits (see attached e mail from John V. Daly, FDNY Deputy Chief Inspector).
- Tenant Letter: The attached letter from YAI, the second-floor tenant, indicates that they "have not made any noise complains with regard to the Red Rooster Harlem operation, nor is there any noise emanating from the restaurant which is noticeable or bothersome to our operation."

Very truly yours,

TROUTMAN SANDERS LLP

By: 

Jeremiah H. Candreva



December 22, 2017

Ms. Gjela Prenga  
Project Manager  
New York City Board of Standards and Appeals  
250 Broadway, 29th Floor  
New York, New York 10007

**Vincent Sapienza**  
*Commissioner*

**Angela Licata**  
*Deputy Commissioner of Sustainability*

59-17 Junction Blvd.  
Flushing, NY 11373

Tel. (718) 595-4398  
Fax (718) 595-4422  
alicata@dep.nyc.gov  
alicata@dep.nyc.gov

**Re: 210 Lenox Avenue  
New York, NY 10027  
Block 1723, Lot 69  
CEQR # 18BSA016M**

Dear Ms. Prenga:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the Environmental Assessment Statement (EAS) Noise chapter dated November 16, 2017 prepared by AKRF, supported documentation and backup materials prepared by WSDC Architectural Acoustics (consultants) dated November 17, 2017. The Red Rooster Harlem LLC (an applicant) is seeking for special permit pursuant to Section 73-244 of the Zoning Resolution of the City of New York to legalize the use of the cellar level to permit live entertainment with designated the live show times and cover charges. The site located in a C4-4A/C4-7 zoning district within the Special 125<sup>th</sup> Street District regulations.

Per BSA request (18BSA016M-13-01122017111233) we have reviewed mentioned above materials and have the following conclusion:

**Noise:**

Based on the results of Noise analysis performed as per the City Environmental Quality Review Technical Manual, it was determined that the proposed project would not result in any potential for significant adverse impacts in regards to Noise.

If you have any questions, you may contact Mr. Alex Popov at (718) 595-4031.

Sincerely,

A handwritten signature in blue ink that reads "Chung Chan".

Chung Chan,  
Director

Air Quality and Noise Review and Planning



**Buildings**

**PLACE OF ASSEMBLY  
CERTIFICATE OF OPERATION**

**Certificate Number:** 120347393

**Borough:** MANHATTAN

**Premises Address:** 310 LENOX AVENUE

**Block/Lot:** 1723 / 69

**Issued On:** 02/24/2016

**BIN:** 1053528

**Related NB/A1 Job No:** 104522508

**Name of Establishment:** RED ROOSTER

**Floors:** 001

**Occupancy Classification and Description:**

**Number of Persons**

A-2 EATING OR DRINKING ESTABLISHMENT Not a cabaret

130

This certificate authorizes occupancy of the premises as a place of assembly for one year after its issuance, and thereafter, only for periods of time during which there is in effect a New York City Fire Department place of assembly permit, unless suspended, revoked, or superseded. This certificate is subject to the strict observance of the laws, rules and regulations enacted for the protection of the public in such places of assembly. Approved seating plans must be kept on premises at all times.

**Borough Commissioner:**

**Commissioner:**

**MUST BE POSTED CONSPICUOUSLY AT ALL TIMES**



**Buildings**

**PLACE OF ASSEMBLY  
CERTIFICATE OF OPERATION**

**Certificate Number:** 120346508

**Borough:** MANHATTAN

**Premises Address:** 310 LENOX AVENUE

**Block/Lot:** 1723 / 69

**Issued On:** 03/01/2016

**BIN:** 1053528

**Related NB/A1 Job No:** 104522508

**Name of Establishment:** RED ROOSTER

**Floors:** CEL

**Occupancy Classification and Description:**

**Number of Persons**

A-2 EATING OR DRINKING ESTABLISHMENT Not a cabaret 200

This certificate authorizes occupancy of the premises as a place of assembly for one year after its issuance, and thereafter, only for periods of time during which there is in effect a New York City Fire Department place of assembly permit, unless suspended, revoked, or superseded. This certificate is subject to the strict observance of the laws, rules and regulations enacted for the protection of the public in such places of assembly. Approved seating plans must be kept on premises at all times.

**Borough Commissioner:**

**Commissioner:**

**MUST BE POSTED CONSPICUOUSLY AT ALL TIMES**

**1. Provide the plans submitted to DOB under job number 123326748.**



NYC Department of Buildings  
280 Broadway, New York, NY 10007

Rick D. Chandler, P.E., Commissioner

## Letter of Completion

JOHN J MEYER  
152 MADISON AVENUE  
NEW YORK, NY 10016

Re: 310 LENOX AVENUE, MANHATTAN  
Job #: 123326748  
Block: 1723 Lot: 69

Dear JOHN J MEYER:

Please be advised that the work related to the above application is completed and was signed off in the Building Information System (BIS) on 10/13/2017.

Because this job was professionally certified, the owner retained a registered professional engineer or registered architect, who certified that the contents of the application comply with the applicable laws, rules and regulations of the Department of Buildings.

Because this job was filed as Directive 14 of 1975, the owner retained a registered professional engineer or registered architect, who certified that he/she inspected the work approved on this application and that it complies with the applicable laws, rules and regulations of the Department of Buildings.

Based on the nature of the work filed on this application a new certificate of occupancy is not required.

Very truly yours,

A handwritten signature in black ink, appearing to be "RDC", written over a white background.

Borough Commissioner  
MANHATTAN







# PARTITION REMOVAL AND ADDITION AT 310 LENOX AVENUE NEW YORK, NY

### ZONING INFORMATION

ADDRESS: 310 LENOX AVENUE  
BLOCK: 1723  
LOT: 69  
C4-4A  
ZONING MAP: 6A  
NUMBER OF STORES: 3  
CB: 110  
BN: 1053528

### NO CHANGE IN EGRESS OR OCCUPANCY

THIS PLAN IS APPROVED ONLY FOR WORK INDICATED ON THE APPLICATION SHEET. ALL OTHER MATTERS SHOWN ARE NOT TO BE RELIED UPON, OR TO BE CONSIDERED AS EITHER BEING APPROVED OR IN ACCORDANCE WITH APPLICABLE CODES.

### SCOPE OF WORK

- MINOR DEMOLITION
- NEW FINISHES

### DRAWINGS LIST

- A-001.00 GENERAL NOTES & PLOT PLAN
- A-101.00 EXISTING AND PROPOSED CELLAR PLANS
- A-102.00 EXISTING AND PROPOSED FIRST FLOOR PLANS

### TENANT SAFETY AND PROTECTION NOTES

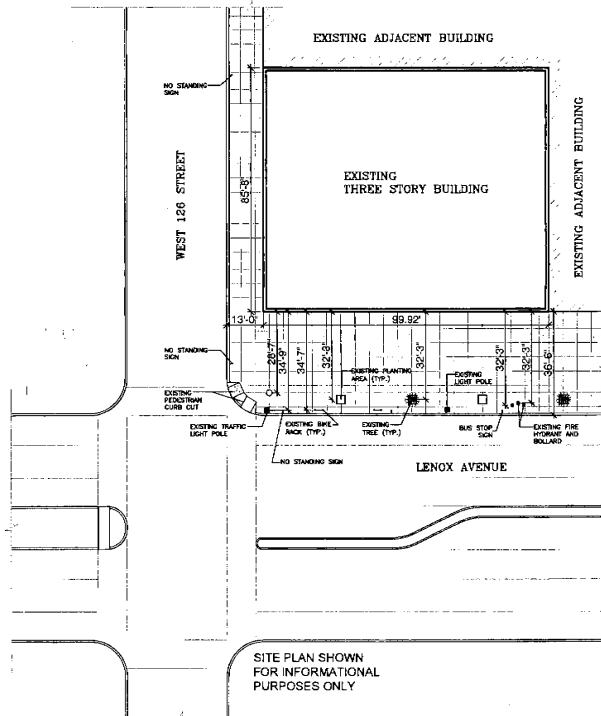
- SITE & STRUCTURAL SAFETY: CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS DURING CONSTRUCTION ACTIVITY TO SAFEGUARD THE PROPERTY OF THE BUILDING AND OTHER TENANTS AND THE OWNER. NO STRUCTURAL WORK SHALL BE DONE THAT MAY ENDANGER THE OCCUPANTS.
- EGRESS: CONTRACTOR SHALL KEEP ALL EXITS OF BUILDING FREE OF OBSTRUCTIONS AT ALL TIMES DURING CONSTRUCTION AND TENANT PROTECTION PLAN SHALL IDENTIFY THE EGRESS THAT WILL BE PROVIDED.
- DELIVERIES: CONTRACTOR SHALL ARRANGE WITH OWNER TWICE FOR DELIVERY OF MATERIAL AND THE REMOVAL OF DEBRIS IN ORDER TO AVOID DISTURBANCES TO BUILDING TENANTS.
- BUILDING SERVICES: CONSTRUCTION OPERATIONS WILL NOT INVOLVE INTERRUPTION OF HEATING, WATER OR ELECTRICAL SERVICES TO BUILDING TENANTS.
- NOISE CONTROL: CONSTRUCTION OPERATIONS WILL BE CONFINED TO NORMAL WORKING HOURS: 8AM TO 5PM MONDAY THROUGH FRIDAY, EXCEPT LEGAL HOLIDAYS IN ACCORDANCE WITH NEW YORK CITY NOISE CONTROL CODE.
- AREA OF WORK: CONSTRUCTION WORK WILL BE CONFINED TO AREA OF WORK DESCRIBED ON DRAWING AND WILL NOT CREATE DUST, VIBR OR OTHER SUCH INCONVENIENCES TO BUILDING TENANTS.
- FIRE SAFETY: ALL NECESSARY LAWS AND CONTROLS, INCLUDING THOSE WITH RESPECT TO OCCUPIED DWELLINGS, AS WELL AS ADDITIONAL SAFETY MEASURES NECESSITATED BY THE CONSTRUCTION SHALL BE STRICTLY OBSERVED.
- HEALTH REQUIREMENTS: SPECIFICATION OF METHODS TO BE USED FOR CONTROL OF DUST, DISPOSAL OF CONSTRUCTION DEBRIS, PEST CONTROL, AND MAINTENANCE OF SANITARY FACILITIES, AND LIMITATION OF NOISE TO ACCEPTABLE LEVELS SHALL BE INCLUDED.
- COMPLIANCE WITH HOUSING STANDARDS: THE REQUIREMENTS OF THE NEW YORK CITY HOUSING MAINTENANCE CODE, AND, WHERE APPLICABLE, THE NEW YORK STATE MULTIPLE DWELLING LAW SHALL BE STRICTLY OBSERVED.

### CONTROLLED INSPECTIONS

INSPECTION	TABLE REFERENCE
FIRE-RESISTANT PENETRATIONS AND JOINTS	BC 1704.27
FINAL	BC 110.5

### GENERAL NOTES

- ALL WORK TO BE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF ALL APPLICABLE CODES, INCLUDING THE BUILDING CODE OF THE CITY OF NEW YORK.
- CONTRACTOR MUST INSPECT THOROUGHLY BEFORE STARTING WORK. CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR ALL EXISTING CONDITIONS AS THEY AFFECT HIS WORK.
- ALL DIMENSIONS SHOWN ARE APPROXIMATE. CONTRACTOR IS RESPONSIBLE FOR MAKING HIS OWN MEASUREMENTS IN THE FIELD, SHOP DRAWINGS, AND FINAL FITTING OF ALL WORK.
- CONTRACTOR SHALL COORDINATE HIS WORK WITH THE TENANT AND THE BUILDING MANAGER/OWNER. CONTRACTOR SHALL REMOVE ALL RUBBISH LEAVING PREMISES BROOM CLEAN AFTER EACH DAY'S WORK.
- ALL WORK IS SUBJECT TO INSPECTION AND ACCEPTANCE BY THE ENGINEER.
- CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS INCLUDING BUILDING PERMIT FROM DEPARTMENT OF BUILDINGS.
- CONTRACTOR SHALL SUBMIT CERTIFICATES OF A LICENSED HUSBAND, WITH COVERSAGES APPROVED BY OWNER BEFORE COMMENCING WORK.
- ALL PLUMBING WORK TO BE PERFORMED BY A LICENSED HUSBAND.
- ALL ELECTRICAL WORK TO BE FILED FOR UNDER SEPARATE APPLICATION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY REMOVAL AND RELOCATION NECESSARY TO COMPLETE THE WORK.
- RECREATION ROOM: ACCESSORY USE ONLY. NO LIVING, SLEEPING OR COOKING PERMITTED.
- ALL EXISTING DOORING WALL AND CEILING ASSEMBLIES TO BE INSPECTED, OPENINGS PATCHED AND FIRE-STOPPED TO MAINTAIN REQUIRED RATING.
- PENETRATIONS THRU FLOOR AND WALL ASSEMBLIES REQUIRE FIRE/SMOKE DAMPERS IN ACCORDANCE WITH NYC BUILDING CODE.



### SITE PLAN

N.T.S.

### EXISTING CONDITIONS

ADDRESS: 310 LENOX, NEW YORK, NY 10027  
BLOCK / LOT: 1723/69  
YEAR BUILT: 1940  
LANDMARK: NO  
HISTORIC DISTRICT: NO  
ZONING DISTRICT: C4-4A  
ZONING MAP: RA  
BIN: 1053528  
CB: 110  
CONSTRUCTION CLASS: 05  
\* ZONING FLOOR NOT CHANGING - FOOTPRINT TO REMAIN THE SAME

### ADA COMPLIANCE NOTES

THIS PROJECT SHALL COMPLY WITH ALL FEDERAL AMERICANS DISABILITY ACT REGULATIONS AND ALL LOCAL ACCESSIBILITY REGULATIONS. HOLDS SHALL BE NO HIGHER THAN 3" ABOVE THE FLOOR EDGE TO BE REVEALED WITH A SLOPE NO GREATER THAN 1 IN 2". DOOR HANDWARE SHALL BE OF THE LEVER OR PUSH TYPE MOUNTED 33" TO 44" ABOVE THE FINISH FLOOR AND BE OPERABLE WITH A MINIMUM EFFORT OF 5 LBS. FOR INTERIOR DOORS.

ACCESSIBLE DOORS MUST BE MINIMUM 3'-0" (W) x 8'-0" (H). MODIFY IF REQUIRED. PROVIDE 18" CLEAR SPACE AT SWING/PULL SIDE ON THE INTERIOR DOORS, AND 12" CLEAR AT SWING/PUSH SIDE OF DOORS W/ CLOSERS. FLOOR SHALL BE LEVEL THROUGHOUT. HOT WATER AND DRAIN PIPES UNDER LAVATORIES SHALL BE INSULATED. PROVIDE CLOTHING HOOK AT 44" ABOVE FLOOR IN HANDICAP TOILET.

### ENERGY ANALYSIS

TENANT ALTERATIONS TO COMMERCIAL INTERIOR.  
NO ALTERATIONS TO EXISTING BASE BUILDING ENVELOPE,  
HVAC/MECHANICAL OR LIGHTING SYSTEMS.

SITE ADDRESS: 310 Lenox Avenue, New York, NY  
ANSI/ASHRAE/IESNA STANDARD 90.1-2010  
CLIMATE ZONE 4A

2014 NEW YORK CITY ENERGY CONSERVATION CONSTRUCTION CODE (NYCECC)

ITEM DESCRIPTION	CODE REQUIRED VALUE AND CITATION	DESIGN
BUILDING ENVELOPE	"N/A" [Existing building system to remain - no effect.]	"N/A" [Existing building system to remain - no effect.]
HVAC / MECHANICAL SYSTEMS	"N/A" [Existing building system to remain - no effect.]	"N/A" [Existing building system to remain - no effect.]
INTERIOR LIGHTING POWER	"N/A" [Existing building system to remain - no effect.]	"N/A" [Existing building system to remain - no effect.]

TO THE BEST OF MY KNOWLEDGE, BELIEF AND PROFESSIONAL JUDGMENT, THESE PLANS AND SPECIFICATIONS ARE IN COMPLIANCE WITH THE 2014 NEW YORK CITY ENERGY CONSERVATION CODE.

Accepted for owner #104  
Professional Seal/Expiring  
DATE: JUL-14-2017

01 06-27-2017 FOR CONSTRUCTION

NO. DATE COMMENT

### ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
WAITING AREA

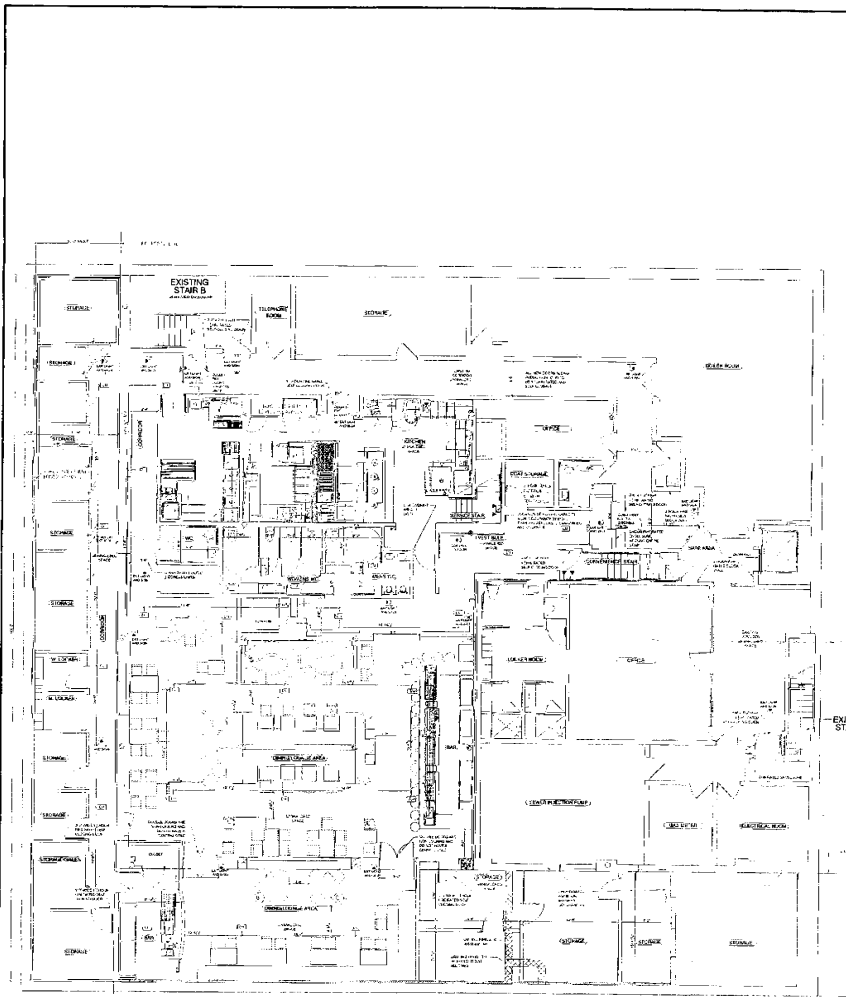
310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

### SITE PLAN

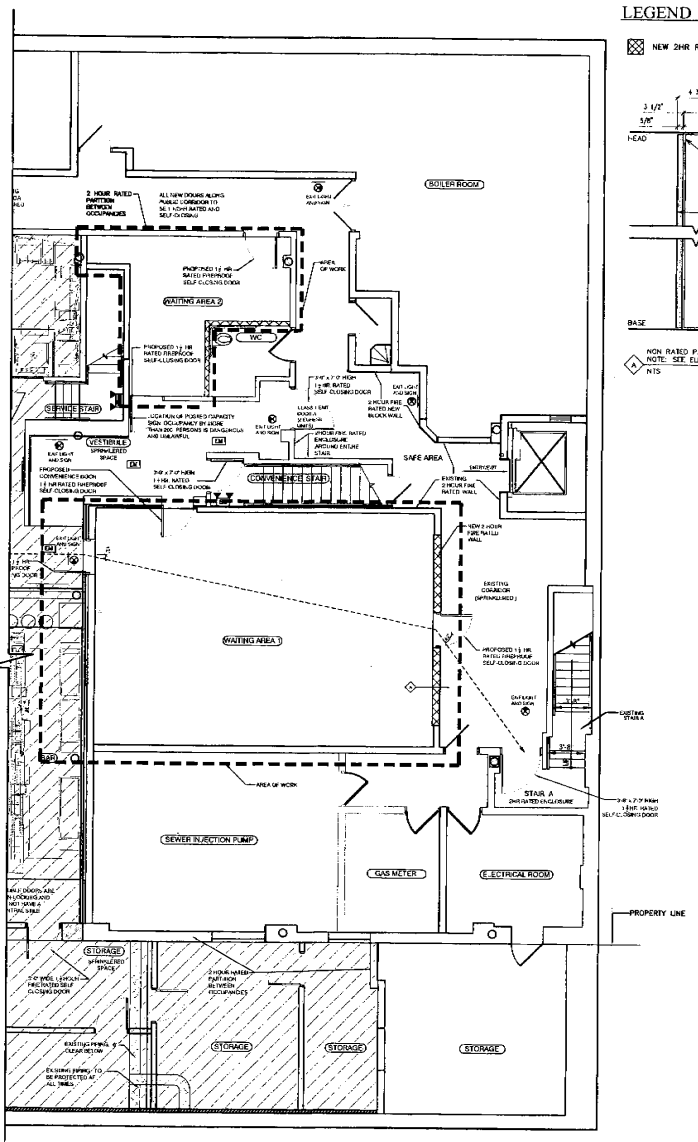


PROJECT NO: 100107  
DRAWN BY: BK  
CHECKED BY: SB  
DESIGNED BY: JM

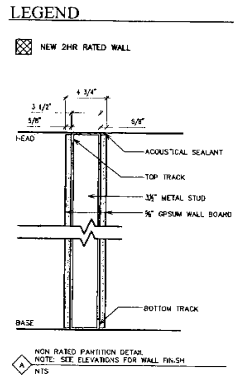
A-001.00  
ASNOTED 1 of 5



**EXISTING CELLAR PLAN**  
 1/8" = 1'-0"



**PROPOSED PARTIAL CELLAR PLAN**  
 3/16" = 1'-0"



01 06-27-2017 FOR CONSTRUCTION  
 REV. DATE COMMENT  
**ISSUE DATES**

**RED ROOSTER  
 HARLEM  
 RESTAURANT  
 WAITING AREA**

310 LENOX AVENUE  
 NEW YORK, NY  
 BLOCK: 1723 LOT: 69

**EXISTING AND  
 PROPOSED CELLAR  
 FLOOR PLAN**



PROJECT No: 100107  
 DRAWING BY: BK  
 DESIGNED BY: GB  
 CHECKED BY: JM  
 DRAWING No: **A-101.00**  
 AS NOTED 2 of 3

APPROVED FOR CONSTRUCTION  
 JUL 9 2017

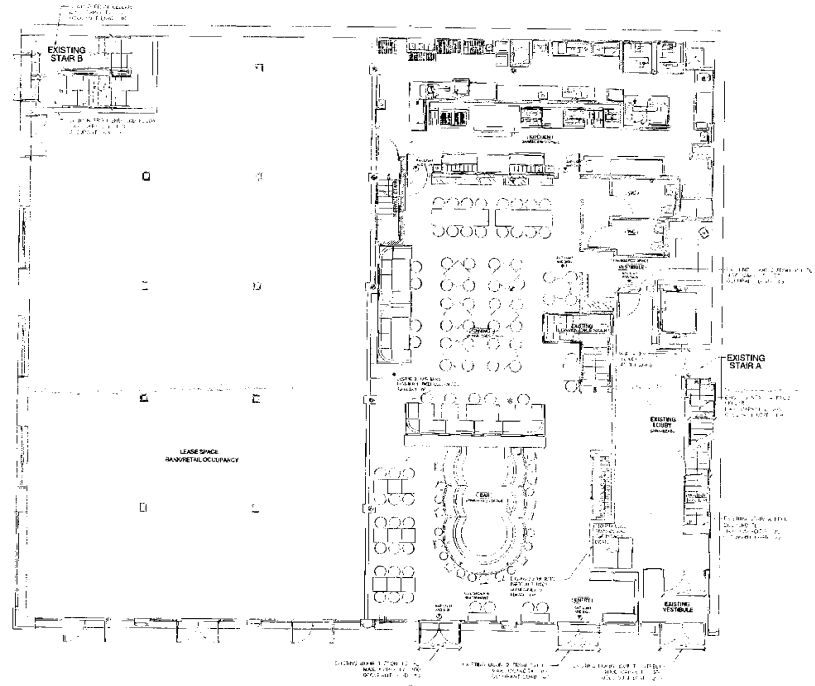
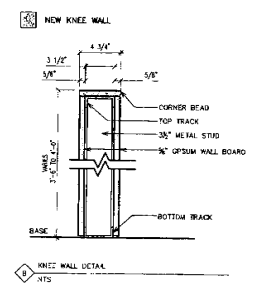


LENS COPY CONTROLLED BY THE CITY OF NEW YORK  
 17202017

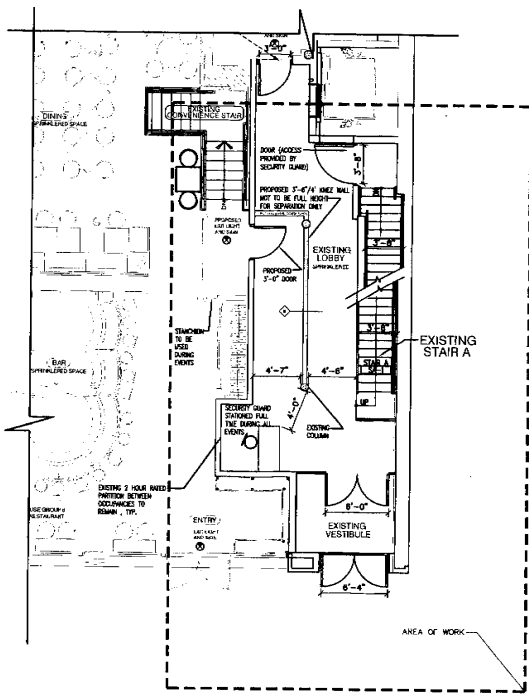
2017-240-BZ

**edg** DESIGN+RESTORE  
www.edgny.com  
152 Madison Ave. 16th Fl.  
New York, NY 10016  
T. 212.883.5680

**LEGEND**



**EXISTING FIRST FLOOR PLAN**  
1/8" = 1'-0"



**PROPOSED PARTIAL FIRST FLOOR PLAN**  
3/16" = 1'-0"

01 06-27-2017 FOR CONSTRUCTION  
NO. DATE COMMENT  
**ISSUE DATES**

**RED ROOSTER HARLEM RESTAURANT WAITING AREA**

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

**EXISTING AND PROPOSED GROUND (1ST) FLOOR PLAN**



PROJECT NO: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING NO: **A-102.00**  
AS NOTED 3 of 3

APPROVED FOR PERMIT  
SUBMITTAL  
JUL 4 @ 2017

**edg**





September 20, 2017

Board of Standard and Appeals  
NYC Dept. of Buildings.  
280 Broadway, 7th floor  
New York, NY 10007

RE: Location: 310 Lenox Avenue  
Block: 1723 Lot: 69

To Whom It May Concern:

Please be advised that work has been completed on this project filed under DOB job #123326748 approved July 10<sup>th</sup> 2017, permitted August 10<sup>th</sup> 2017. Sign-off application is in progress for this project.

Please feel to call with any questions you may have.

Very truly yours,



John J Meyer, P.E.  
EDG





FIRE DEPARTMENT



MARCUS SAMUELSSON GROUP  
770 LEXINGTON AVE  
NEW YORK, NY 10065

BLDG(S) DEPT APPL NO. 122378989  
ACCOUNT NUMBER 35359801  
DATE OF APPROVAL 01/17/18  
DATE OF INSPECTION 12/11/15  
INSPECTOR NAME E. KUN  
PLAN NUMBER  
FLOOR(S) INSPECTED FLS: C,1

PREMISES	BOROUGH
310 LENOX AVE	NEW YORK

**LETTER OF APPROVAL**

THIS LETTER OF APPROVAL COVERS THE SYSTEM INDICATED BELOW. IT IS SUBJECT TO ADMINISTRATIVE REVIEW AND AUDIT.

APPROVAL OF THE SYSTEMS(S) IS GRANTED IN ACCORDANCE WITH:

SELF CERTIFICATION  INSPECTION  PROFESSIONAL CERTIFICATION

GROUP A 2=5 (ASSEMBLY) FAS.....29 NYC Admin. Code § FC 104.2  
SSC / SPR / COC.....  
CCA, FOREST HILLS/NY.....

Sincerely,

Chief of Fire Prevention  
City of New York

35359801 7 01/18/18 49154.3

**From:** Daly, John V. (FDNY) [mailto:JohnV.Daly@fdny.nyc.gov]  
**Sent:** Wednesday, February 28, 2018 3:58 PM  
**To:** Candreva, Jeremiah H. <Jed.Candreva@troutmansanders.com>  
**Cc:** Gjela Prenga (BSA) <gprenga@dcas.nyc.gov>; Loreal Monroe (BSA) <lmonroe4@dcas.nyc.gov>  
**Subject:** Re: Red Rooster Inspection

I spoke with the inspectors Deputy Chief and he confirmed that the inspection has passed.

Sent from my iPhone

On Feb 28, 2018, at 3:37 PM, Candreva, Jeremiah H. <[Jed.Candreva@troutmansanders.com](mailto:Jed.Candreva@troutmansanders.com)> wrote:

I am told by the building representative that FDNY inspected the site today for re-issuance of the Public Assembly Permit for the Ground Floor and Cellar Floor and that the inspection passed. I have not yet received anything in writing from FDNY but, will forward it to you as soon as it is received.

**Jeremiah ("Jed") H. Candreva**

**troutman sanders**

Direct: 212.704.6292

[jed.candreva@troutman.com](mailto:jed.candreva@troutman.com)

## Gjela Prenga (BSA)

---

**From:** Candreva, Jeremiah H. <Jed.Candreva@troutmansanders.com>  
**Sent:** Thursday, March 15, 2018 8:12 AM  
**To:** Gjela Prenga (BSA)  
**Cc:** Loreal Monroe (BSA)  
**Subject:** FW: Red Rooster

**Importance:** High

This is an FYI e-mail. As you all know, the FDNY inspection of the Red Rooster was conducted yesterday. We have not yet received written comments from FDNY but, I do expect them this week.

Set forth below are a compilation of notes taken during the meeting of the changes that we expect FDNY to require at the restaurant.

1. FDNY requested that we install a kill switch that turns off all music in the event that the fire alarm for the 2nd and 3rd floor is activated.
2. There are a set of curtains within the restaurant area leading to an egress hallway, FDNY requested that we remove these curtains.
3. FDNY requested that we install a wall and fire rated door near the walk-in area to remove the use of that walk-in hallway for fire egress purposes.
4. FDNY wants us to install a fire rated door into the kitchen.
5. FDNY wants us to show on the cellar plans the breakdown of staff, diners/patrons and musicians for occupancy purposes.
6. FDNY wants us to remove all shelving/obstructions in fire rated egress hallways. FDNY agrees that the solution is to install storage closets for the shelves and CO2 in the hallway while maintaining the requisite 3 1/2 foot clearance requirement.
7. FDNY want us to install additional EXIT signs and change certain other signs.
8. FDNY wants us to install a recess door in the large holding room so that the door (when open) does not obstruct the fire exit passageway by more than 18 inches.
9. FDNY may want us to remove part of the knee wall located in the lobby to provide unobstructed egress. FDNY is discuss this internally and will let us know.

FDNY did indicate that they would recommend approval of the project with the requisite changes. Once we receive FDNY's comments, we will modify the plans and submit those modified plans to the board.

Loreal:

I would appreciate an opportunity to discuss with you at your convenience.

Jeremiah ("Jed") H. Candreva  
TROUTMAN SANDERS  
Direct: 212.704.6292  
jed.candreva@troutman.com

□ ..... □

This e-mail message (and any attachments) from Troutman Sanders LLP may contain legally privileged and confidential information solely for the use of the intended recipient. If you received this message in error, please delete the message and notify the sender. Any unauthorized reading, distribution, copying, or other use of this message (and attachments) is strictly prohibited..





# FDNY

www.nyc.gov/fdny

March 23, 2018

Hon. Margery Perlmutter, Chair  
Board of Standards and Appeals  
250 Broadway, 29<sup>th</sup> Floor  
New York, New York 10007

Re: BSA Calendar No. 169-98-BZ  
3141 Bailey Avenue  
Bronx, New York

Dear Chair Perlmutter and Members of the Board:

I have reviewed the above noted application and below are my findings.

According to department records, the premise has two permits issued by the Fire Department of the City of New York that are current. An annual permit was issued to operate a motor vehicle repair shop, storage of tires and tire byproducts, air compressor and storage combustible mixture/liquid. This permit will expire on October 14, 2018. The second annual permit was issued for storage of one 275 gallon fuel oil tank and expires on October 2, 2018.

Based on the above noted information this premise is operating in compliance with the department rules and therefore the department has no objection to the extension of term variance.

Respectfully,

A handwritten signature in blue ink, appearing to read "John V. Daly".

John V. Daly  
Deputy Chief Inspector  
FDNY – BSA Representative

**Fire Department, City of New York**

9 MetroTech Center, Brooklyn New York 11201-3857



N 2013 FEMA FLOOD MAP

N 2007 FEMA FLOOD MAP

NO.	DATE	COMMENT
00	01-25-2018	FOR BSA FILING

**ISSUE DATES**

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

FEMA FLOOD MAPS



PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No: A-300.00  
AS NOTED 1 of 1



250 Broadway, 29<sup>th</sup> Floor  
New York, NY 10007-2516  
Tel (212) 386-0009  
Fax (646) 500-6271  
Website at www.nyc.gov/bsa

RECEIVED  
BD STANDARDS AND APPEALS

2018 FEB -1 P 1:58

Margery Perlmutter  
Chair/Commissioner

CAL. NO.

FORM FOR OBJECTION OR CONSENT

The NYC Board of Board of Standards and Appeals has scheduled a public hearing on the following application:

Cal. No.: 2017-240-BZ

Address: 310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.

Applicant: Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.

You may complete the Affidavit provided below and indicate whether you consent or object to the application.

Name: Kiwesa King

I am the owner of or lessee at the following:

Address: 59 West 127<sup>th</sup> St  
New York, NY 10027

- I support the application.
- I object to the application for the following reasons (attach additional paper if necessary).

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Sign Here

Sworn to before me this 29<sup>th</sup> day  
of January 2018  
Priscilla P. Cheeks Notary

PRISCILLA P. CHEEKS  
Notary Public, State of New York  
Reg. No. 01CH6210487  
Qualified in Queens County  
Commission Expires August 24, 2021



250 Broadway, 29<sup>th</sup> Floor  
New York, NY 10007-2516  
Phone: (212) 386-0009  
[www.nyc.gov/bsa](http://www.nyc.gov/bsa)

## Lead Agency Designation

September 6, 2017

Hilary Semel, Director  
Mayor's Office of Environmental Coordination  
253 Broadway, 14<sup>th</sup> Floor  
New York, NY 10007

CEQR Number: **18BSA016M**

Dear Ms. Semel,

In accordance with Executive Order No. 91, City Environmental Quality Review (CEQR), as amended by the Rules of Procedures for CEQR (effective October 31, 1991), and Article 8 of the New York State Environmental Conservation Law (SEQRA) and regulations promulgated there under in 6 NYCRR Part 617, the Board of Standards and Appeals will be the designated lead agency for the following environmental review:

Project Address: **310 Lenox Avenue, Manhattan**  
Community Board: Manhattan Community Board 10  
Date Filed: 8/15/2017  
BSA Calendar: **2017-240-BZ**  
Project Description: Special Permit (§73-244) to permit the legalization of the conversion of the cellar level of an existing eating and drinking establishment without restrictions and no limitation on entertainment and dancing (UG 12A) (Red Rooster Harlem Restaurant located on the first floor . C4-4A (Special 125th Street District).

This designation is consistent with the underlying mandate of CEQR and SEQRA, as well as the criteria listed for the selection of lead agency in Section 5-03(h) of the CEQR Rules of Procedure.

If you have any questions, please direct them to Ms. Tracie Behnke, Project Manager, Board of Standards and Appeals, 250 Broadway, 29th Floor, New York, NY 10007, (212) 386-0086.

Sincerely

A handwritten signature in black ink, appearing to read "Carlo Costanza".

Carlo Costanza  
Acting Executive Director

# NYC Board of Standards and Appeals Public Hearing Announcement

Dear: **125th & Lenox Owner LLC**

Residing at: c/o Wharton Properties, 500 Fifth Avenue 54th Floor, New York, NY 10110

Owner/Tenant of Block No. 1909 Lot No. Lot 33

Community Board No.: **10M**

This letter is to advise you that your neighbor, located at **310 Lenox Avenue**, has an application with the **Board of Standards and Appeals ("BSA")** and is scheduled for a Public Hearing **Tuesday, February 27, 2018, at the 1:00 P.M. session of the BSA, in \*Spector Hall, 22 Reade Street, Manhattan**. You are invited to attend the public hearing, where you will be given an opportunity to testify, if you wish.

The property is referenced by the following BSA Calendar number: **2017-240-BZ**.

The owner of **310 Lenox Avenue**, seeks the following modification(s) to the land use regulations:

**Special Permit (§73-244) to permit the legalization of the conversion of the cellar level of an existing eating and drinking establishment without restrictions and no limitation on entertainment and dancing (UG 12A) (Red Rooster Harlem Restaurant located on the cellar level . C4-4A (Special 125th Street District).**

You may complete the enclosed Form for Objection and Consent. It must be notarized and the consenter/objector must identify the address of his or her residence. Forms may be filed in person (by scheduling an appointment with BSA), emailed to [Submit@bsa.nyc.gov](mailto:Submit@bsa.nyc.gov), or mailed to the *New York City Board of Standards and Appeals, 250 Broadway, 29<sup>th</sup> Floor, New York, New York 10007*. The form should be received at the BSA office at least five (5) days prior to the public hearing.

The referenced application may be reviewed by appointment at the BSA's office, Monday through Friday, 9:00 am to 4:00 pm. To schedule an appointment or to obtain subsequent information regarding additional hearing dates, please call 212-386-0009 and reference BSA Calendar Number: **2017-240-BZ**. *A copy of the application is also available for review at your local Community Board office.*

If this notice is received by the business office of a cooperative or condominium, please notify all tenants of the cooperative or condominium in the office's customary manner and post the hearing notice in the common areas.

*This notice is published by the applicant in accordance with the BSA's Rules of Practice and Procedure.*

Applicant: **Troutman Sanders LLP**

Property Owner: **Red Rooster Harlem LLC**

Dated: January 18, 2018

  
\_\_\_\_\_, Applicant

\* Please confirm hearing location by visiting [www.nyc.gov/bsa](http://www.nyc.gov/bsa) or contact 212-386-0078.

The BZ calendar will immediately follow the SOC and A calendars. Please note that subsequent hearings for this application might be scheduled at 10:00AM.

# NOTICE OF PUBLIC HEARING

To: **125th & Lenox Owner LLC**

Address: **c/o Wharton Properties, 500 Fifth Avenue 54th Floor, New York, NY 10110**

The NYC Board of Standards and Appeals has scheduled a public hearing on the following application:

**Special Permit (§73-244) to permit the legalization of the conversion of the cellar level of an existing eating and drinking establishment without restrictions and no limitation on entertainment and dancing (UG 12A) (Red Rooster Harlem Restaurant located on the cellar level . C4-4A (Special 125th Street District).**

Address: **310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.**

BSA Calendar Number: **2017-240-BZ**

Applicant: **Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.**

Community Board No.: **10M**

This application has been calendared for Public Hearing **\*Tuesday, February 27, 2018, 1:00 P.M. session, in Spector Hall, 22 Reade Street**, Borough of Manhattan. Interested persons or associations may appear at the hearing to present testimony regarding this application. The referenced application may be reviewed by appointment at the BSA's office, Monday through Friday, 9:00 am to 4:00 pm. To schedule an appointment or to obtain subsequent information regarding additional hearing dates, please call 212-386-0009 and reference BSA Calendar Number.

Dated: January 18, 2018

  
\_\_\_\_\_, Applicant

*This notice is published by the applicant in accordance with the Rules of Procedure of the Board of Standards and Appeals.*

\* Please confirm hearing location by visiting [www.nyc.gov/bsa](http://www.nyc.gov/bsa) or contact 212-386-0078.

The BZ calendar will immediately follow the SOC and A calendars. Please note that subsequent hearings for this application might be scheduled at 10:00AM.



250 Broadway, 29<sup>th</sup> Floor  
 New York, NY 10007-2516  
 Tel (212) 386-0009  
 Fax (646) 500-6271  
 Website at www.nyc.gov/bsa

Margery Perlmutter  
 Chair/Commissioner

**FORM FOR OBJECTION OR CONSENT**

The NYC Board of Board of Standards and Appeals has scheduled a public hearing on the following application:

Cal. No.: 2017-240-BZ

Address: 310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.

Applicant: Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.

You may complete the Affidavit provided below and indicate whether you consent or object to the application.

Name: ANDREW LESTER - SVP CONSTRUCTION - WHARTON PROPERTIES

I am the owner of or lessee at the following:

Address: 100 WEST 125TH ST

- I support the application.
- I object to the application for the following reasons (attach additional paper if necessary).

Andrew Lester  
 Sign Here

Sworn to before me this 23<sup>rd</sup> day

Of January 2018

Amel Bivic Notary





Board of Standard and Appeals  
NYC Dept. of Buildings.  
280 Broadway, 7th floor  
New York, NY 10007

February 26, 2018

Att: Honorable Margery Perlmutter  
NYC Board of Standards and Appeals

RE: Egress/Ingress for Upper Floor Tenants  
BSA Approval:  
Red Rooster Restaurant  
Block:1723 Lot: 69  
Manhattan NY , 10027

To Whom It May Concern:

As shown on the attached submitted plans dated "11-09-2017 For BSA Filing" the new knee wall for separation only does not influence the existing stairs to the upper level or the path from the stairs to the existing front exit doors. The knee wall will work in conjunction with the security guard with visitors being sent directly to the cellar waiting area. This area will not be a waiting area. In addition, there will be minimal simultaneous occupancy as the show times are after business hours.

The egress as shown complies with NYC Building Code, and will be reviewed and approved under the Alt 1 application by the NYC Dept. of Buildings once this application is approved.

Very truly yours,

John J. Meyer

A handwritten signature in black ink, appearing to read "John J. Meyer". The signature is fluid and cursive, written over the printed name.



NEW BUILDINGS, RENOVATIONS & RESTORATION PROJECTS  
152 Madison Ave 16<sup>th</sup> Fl New York NY 10016 T.212.683.5680  
[www.edgnyc.com](http://www.edgnyc.com)





yai.org

460 West 34<sup>th</sup> Street  
New York, NY 10001  
Tel 212.273.6100  
Fax 212.268.1083

Date: 2/27/2018  
Ref.: 310 Lenox

To whom it may concern,

YAI occupies the second floor at 310 Lenox Avenue. We have not made any noise complaints with regards to the Red Rooster Harlem operation, nor is there any noise emanating from the restaurant which is noticeable or bothersome to our operation.

If you have any questions or concerns, please feel free to contact me at 212-645-1616 x3650

Sincerely,

A handwritten signature in black ink, appearing to read 'Erica Suskin', with a long, sweeping horizontal line extending to the right.

*Erica Suskin, LMSW  
YAI Program Supervisor*

Date: 2/27/2018

Ref.: 310 Lenox

To whom it may concern,

YAI occupies the second floor at [310 Lenox](#) Avenue. We have not made any noise complaints with regards to the Red Rooster Harlem operation, nor is there any noise emanating from the restaurant which is noticeable or bothersome to our operation.

If you have any questions or concerns, please feel free to contact me at 212-645-1616 x3650

Sincerely,

*Erica Suskin, LMSW  
YAI Program Supervisor*



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

**CICELY HARRIS**  
Chairperson

**ANDREW LASSALLE**  
District Manager

October 5, 2017

Hon. Margery Perlmutter  
Chairperson  
Board of Standards and Appeals  
40 Rector Street, 9<sup>th</sup> Floor  
New York, NY 10006

Dear Chair Perlmutter:

**RE:** 2017-240-BZ at 310 Lenox Avenue

On Thursday, September 21, 2017, Manhattan Community Board 10's Land Use Committee Meeting heard the development plans for BSA application 2017-240-BZ at 310 Lenox Avenue (Red Rooster Harlem Restaurant). The applicant is seeking a Special Permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York, to legalize the prior conversion of the cellar level from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment to permit live entertainment (that includes set show times and cover charges) and because the site is located within 100 feet of a residential district boundary.

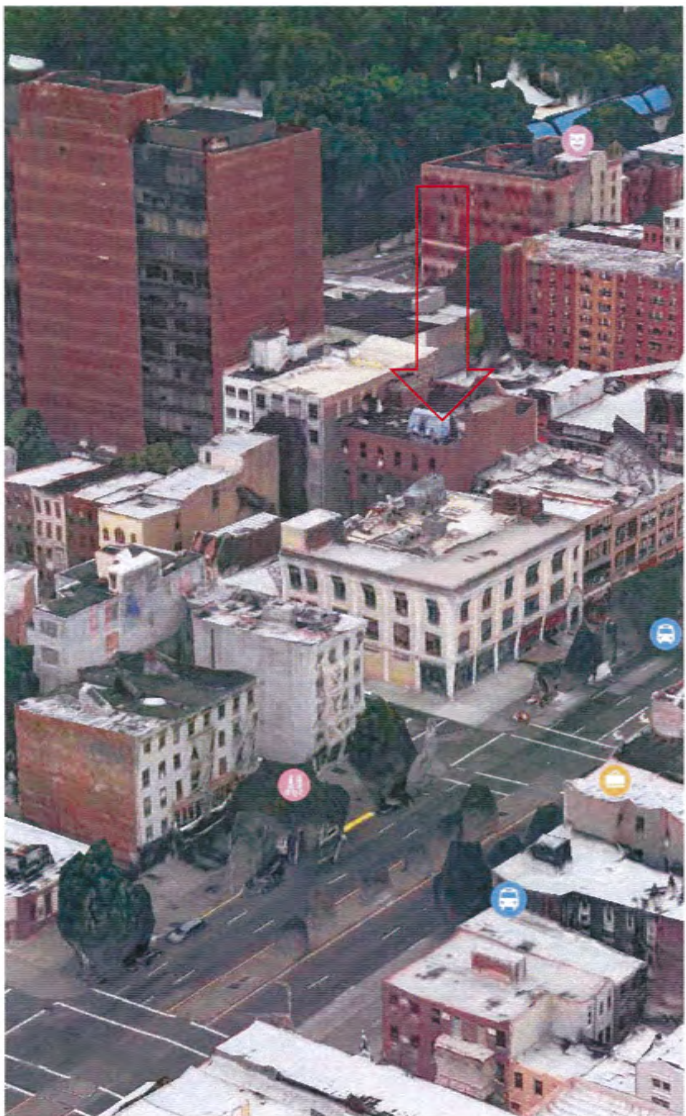
The Land Use Committee voted unanimously in support of the application with the condition that accessibility sign be posted on entrances to Red Rooster and Ginny's Place.

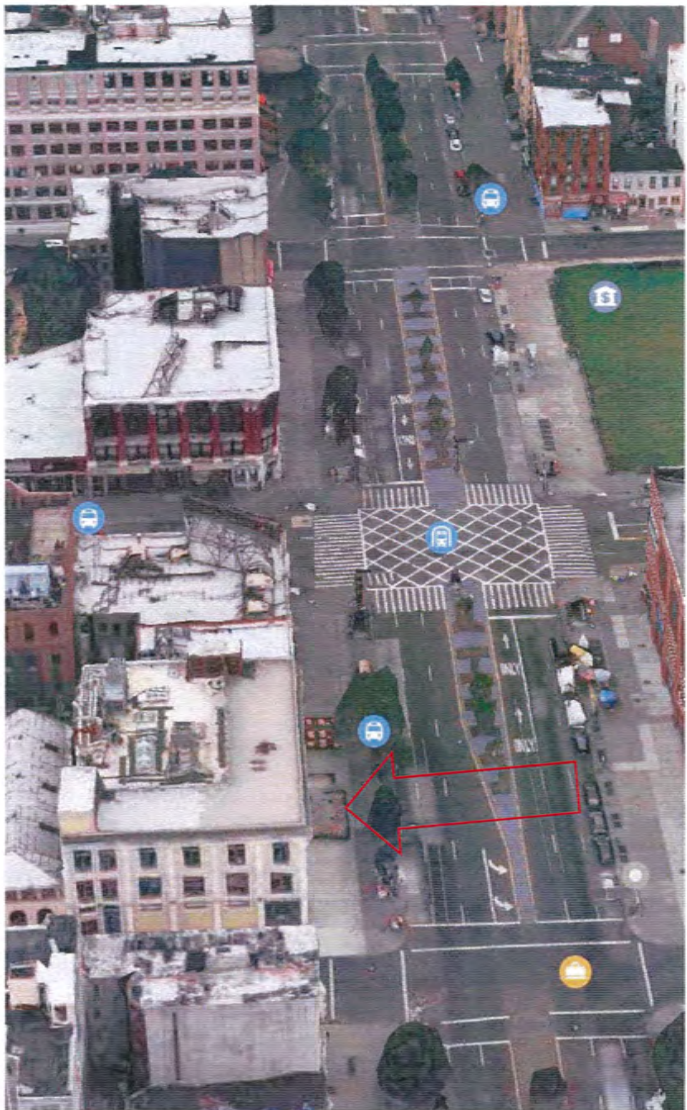
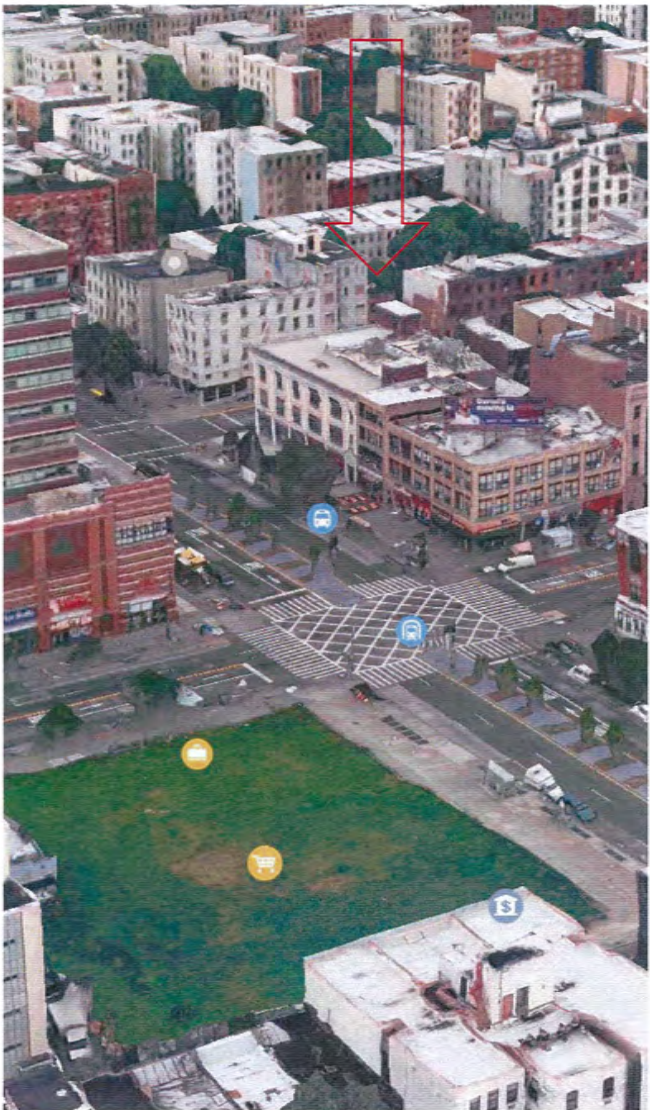
At the Wednesday, October 4, 2017 General Board meeting the full board voted in support of the application with a vote of 32 yes, 4 no and 0 abstentions.

If you have any questions please feel free to reach out to District Manager Andrew Lassalle at 212.749.3105 or at [alassalle@cb.nyc.gov](mailto:alassalle@cb.nyc.gov).

Sincerely,

Cicely Harris  
Board Chairperson  
Manhattan Community Board 10







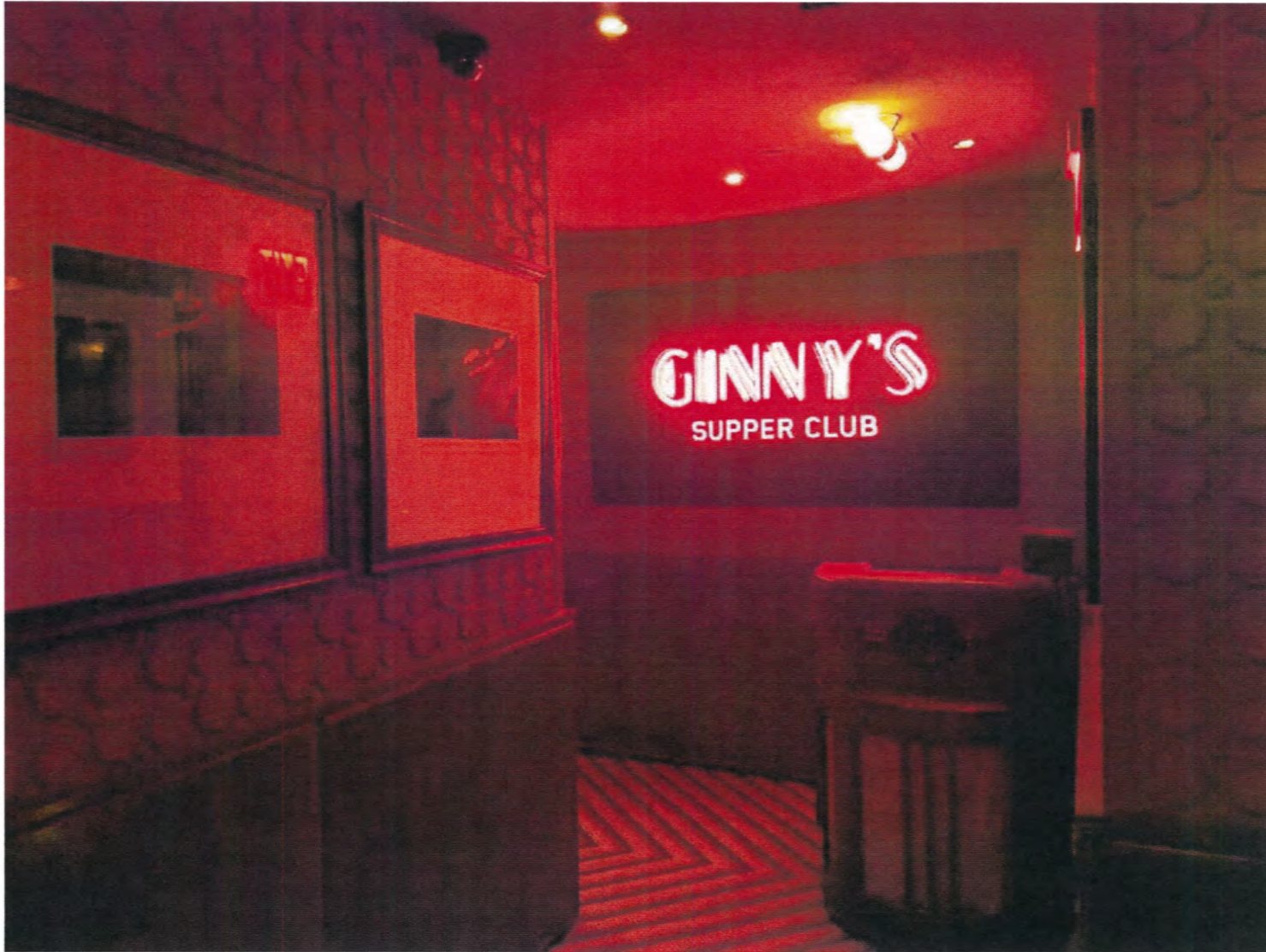


Ground Floor



Ground Floor





Cellar



Cellar



Cellar



Cellar



Cellar



Private Dining Room



**Buildings**

# PLACE OF ASSEMBLY CERTIFICATE OF OPERATION

**Certificate Number:** 120347393

**Borough:** MANHATTAN

**Premises Address:** 310 LENOX AVENUE

**Block/Lot:** 1723 / 69

**Issued On:** 02/24/2016

**BIN:** 1053528

**Related NB/A1 Job No:** 104522508

**Name of Establishment:** RED ROOSTER

**Floors:** 001

**Occupancy Classification and Description:**

**Number of Persons**

A-2 EATING OR DRINKING ESTABLISHMENT Not a cabaret

130

This certificate authorizes occupancy of the premises as a place of assembly for one year after its issuance, and thereafter, only for periods of time during which there is in effect a New York City Fire Department place of assembly permit, unless suspended, revoked, or superseded. This certificate is subject to the strict observance of the laws, rules and regulations enacted for the protection of the public in such places of assembly. Approved seating plans must be kept on premises at all times.

**Borough Commissioner:**

**Commissioner:**

**MUST BE POSTED CONSPICUOUSLY AT ALL TIMES**

**NYC**<sup>TM</sup>**Buildings****PLACE OF ASSEMBLY  
CERTIFICATE OF OPERATION**

Certificate Number: 120346508

Borough: MANHATTAN

Premises Address: 310 LENOX AVENUE

Block/Lot: 1723 / 69

Issued On: 03/01/2016

BIN: 1053528

Related NB/A1 Job No: 104522508

Name of Establishment: RED ROOSTER

Floors: CEL

Occupancy Classification and Description:

Number of Persons

A-2 EATING OR DRINKING ESTABLISHMENT Not a cabaret

200

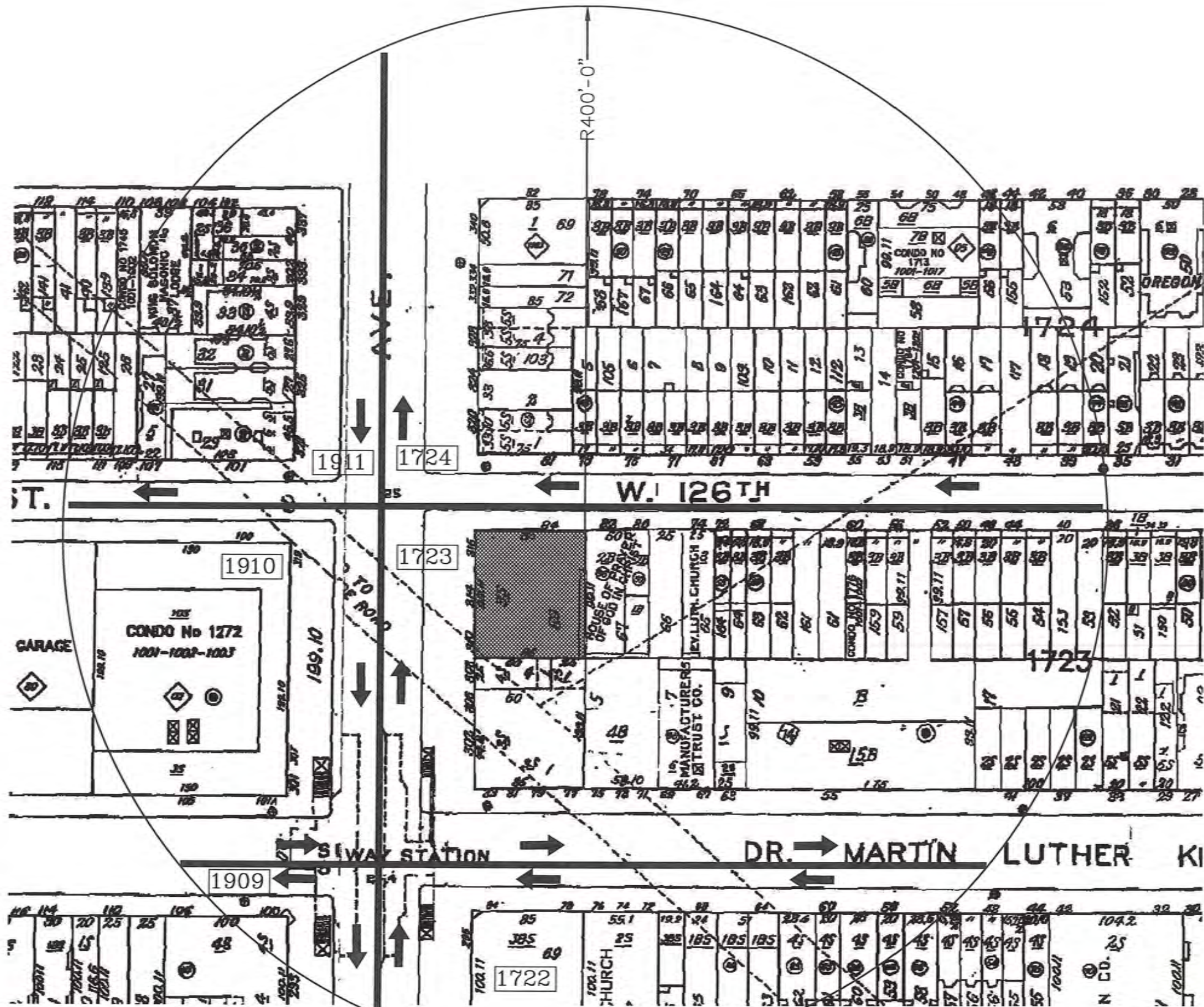
This certificate authorizes occupancy of the premises as a place of assembly for one year after its issuance, and thereafter, only for periods of time during which there is in effect a New York City Fire Department place of assembly permit, unless suspended, revoked, or superseded. This certificate is subject to the strict observance of the laws, rules and regulations enacted for the protection of the public in such places of assembly. Approved seating plans must be kept on premises at all times.

Borough Commissioner:

Commissioner:

**MUST BE POSTED CONSPICUOUSLY AT ALL TIMES**





N  
RADIUS DIAGRAM

RADIUS DIAGRAM SHOWN FOR INFORMATIONAL PURPOSES ONLY



NO.	DATE	COMMENT
02	11-09-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

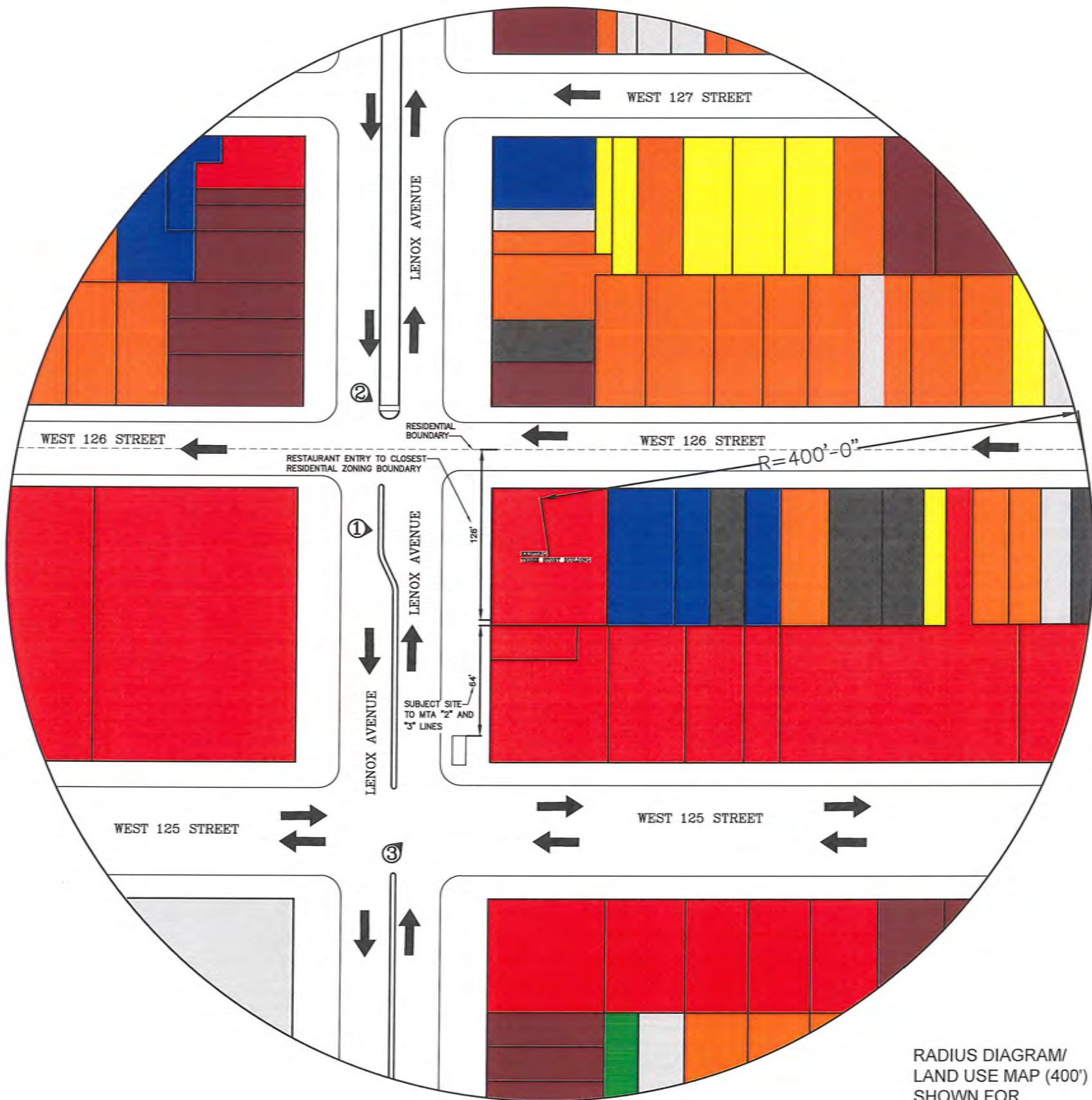
RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

RADIUS DIAGRAM

PROJECT No: 100107  
DRAWN BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No:  
A- 001.00  
AS NOTED 1 of 10

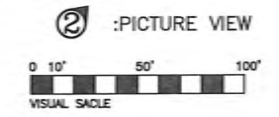




RADIUS DIAGRAM/  
LAND USE MAP (400')  
SHOWN FOR  
INFORMATIONAL  
PURPOSES ONLY

**LEGEND**

	ONE AND TWO FAMILY HOMES
	MULTIPLE DWELLING
	COMMERCIAL
	MIXED RESIDENTIAL/COMMERCIAL
	MANUFACTURING
	OPEN SPACE/PARK LAND
	INSTITUTIONAL/COMMUNITY FACILITY
	PARKING
	VACANT OPEN LOT



NO.	DATE	COMMENT
02	11-09-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

LAND USE MAP

PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No:  
**A- 003.00**  
AS NOTED 3 of 10



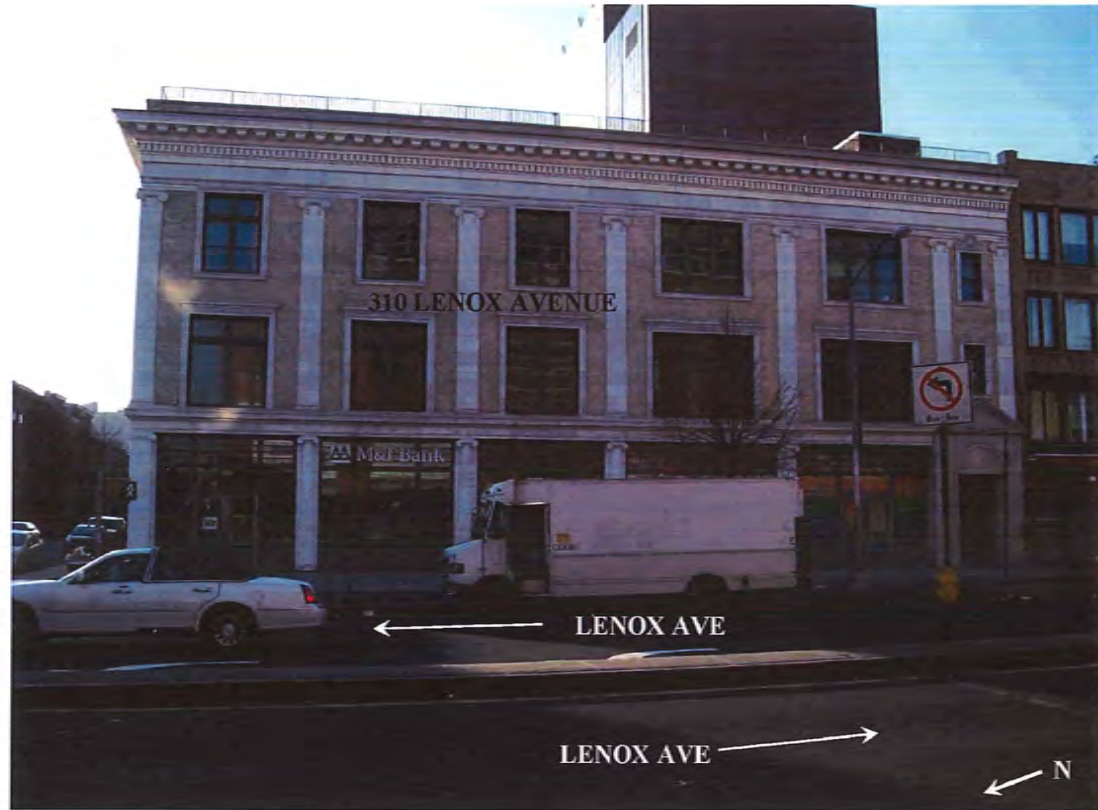


PHOTO #1: LENOX AVENUE – BUILDING WEST VIEW



PHOTO #2: CORNER OF LENOX AVENUE & 126<sup>TH</sup> STREET VIEW

NO.	DATE	COMMENT
02	11-09-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69




CONTEXT PHOTOS



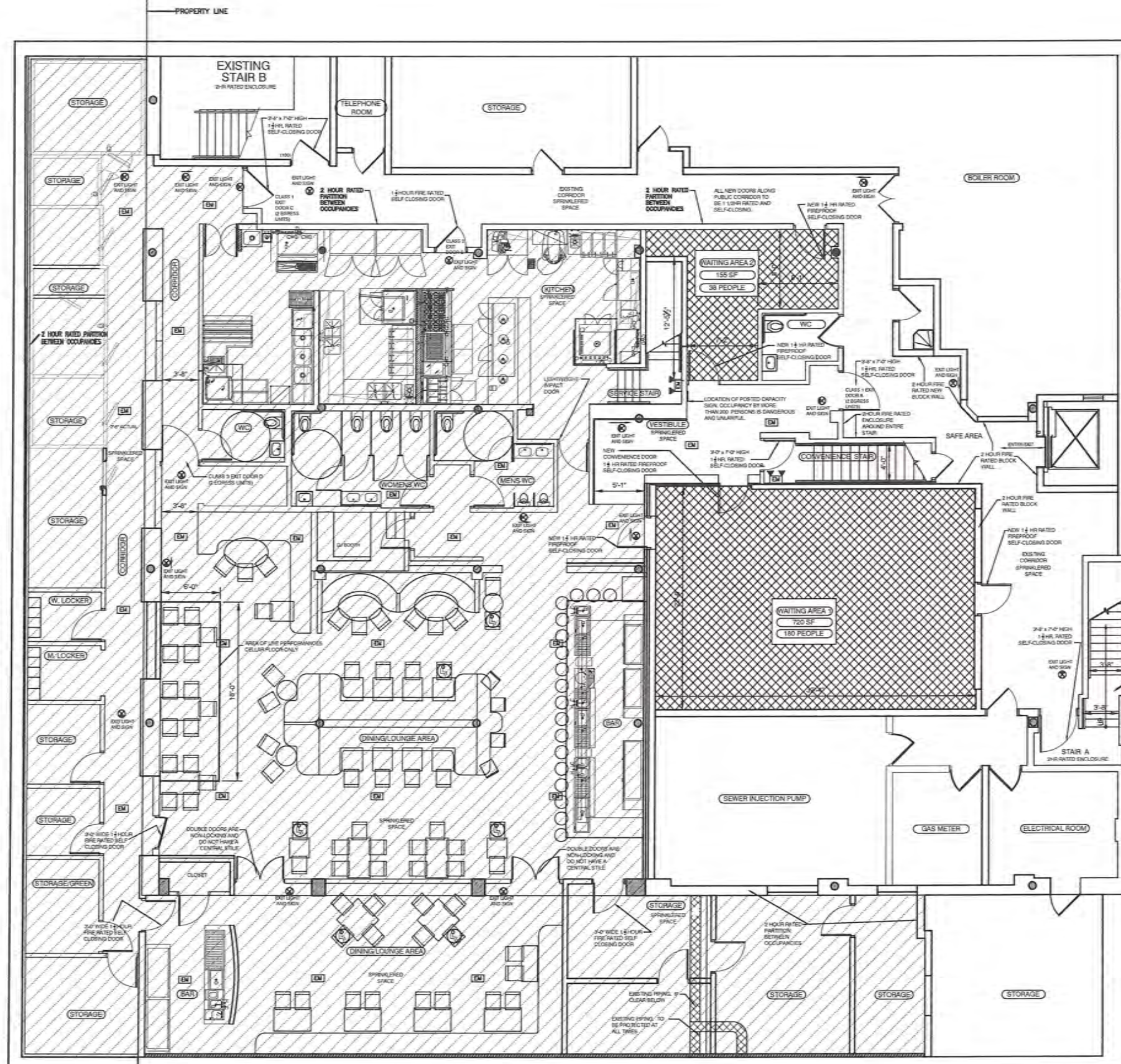
PHOTO #3: CORNER OF LENOX AVENUE & 125<sup>TH</sup> STREET VIEW



PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No: A- 004.00  
AS NOTED 4 of 10

-  CELLAR AREA SUBJECT TO UG 12 BSA APPROVAL
-  WAITING AREA
-  FOR INFORMATIONAL PURPOSES ONLY

126TH STREET



NOTE: ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DOB

TOTAL OCCUPANCY AT CELLAR RESTAURANT NOT TO EXCEED 200 OCCUPANTS  
4SF OF WAITING AREA REQUIRED PER OCCUPANT.  
OVERALL WAITING AREA REQUIRED: 800 S.F.  
ALL WAITING AREA AT CELLAR LEVEL  
WAITING AREA 1: 720 SF  
WAITING AREA 2: 155 SF  
OVERALL WAITING AREA PROVIDED: 875 S.F. 10% GREATER THAN REQUIRED  
875 SF / 200 PEOPLE = 4.38 SF/PERSON



NO.	DATE	COMMENT
04	11-09-2017	FOR BSA FILING
03	09-27-2017	FOR BSA FILING
02	09-22-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

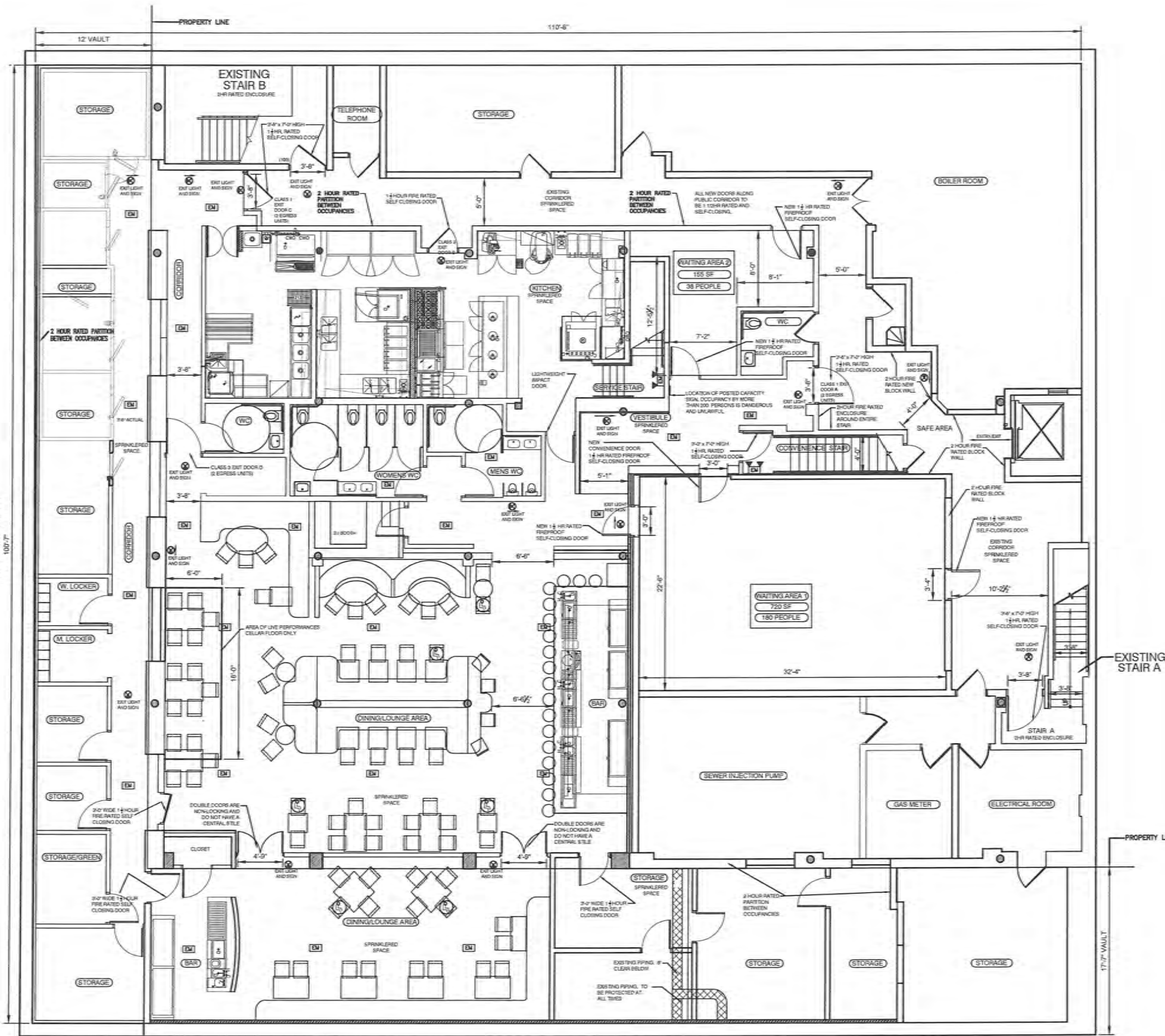
RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

EXISTING/PROPOSED  
CELLAR FLOOR PLAN

PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No: A-101.00  
AS NOTED 5 of 10

126TH STREET  
100'-7"



NO.	DATE	COMMENT
02	11-09-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

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RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

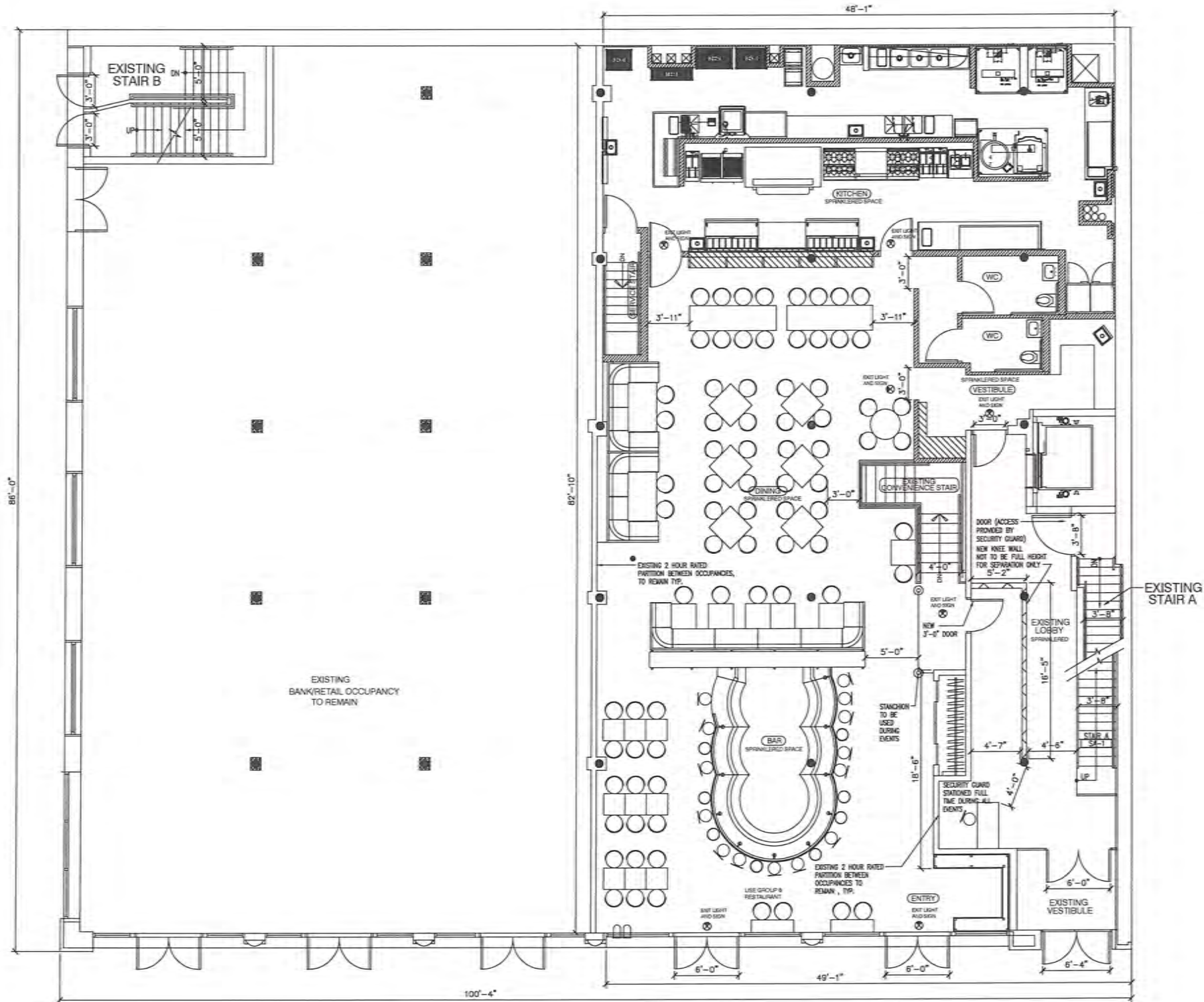
310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

EXISTING/PROPOSED  
CELLAR FLOOR PLAN  
(NO HATCH)

PROJECT NO: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING NO:  
**A- 102.00**  
AS NOTED 6 of 10



LENOX AVENUE  
**EXISTING/PROPOSED CELLAR PLAN**  
3/16" = 1'-0"



**EXISTING/PROPOSED GROUND FLOOR PLAN**  
3/16" = 1'-0"

NO.	DATE	COMMENT
04	11-09-2017	FOR BSA FILING
03	09-27-2017	FOR BSA FILING
02	09-22-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

**ISSUE DATES**

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**RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT**

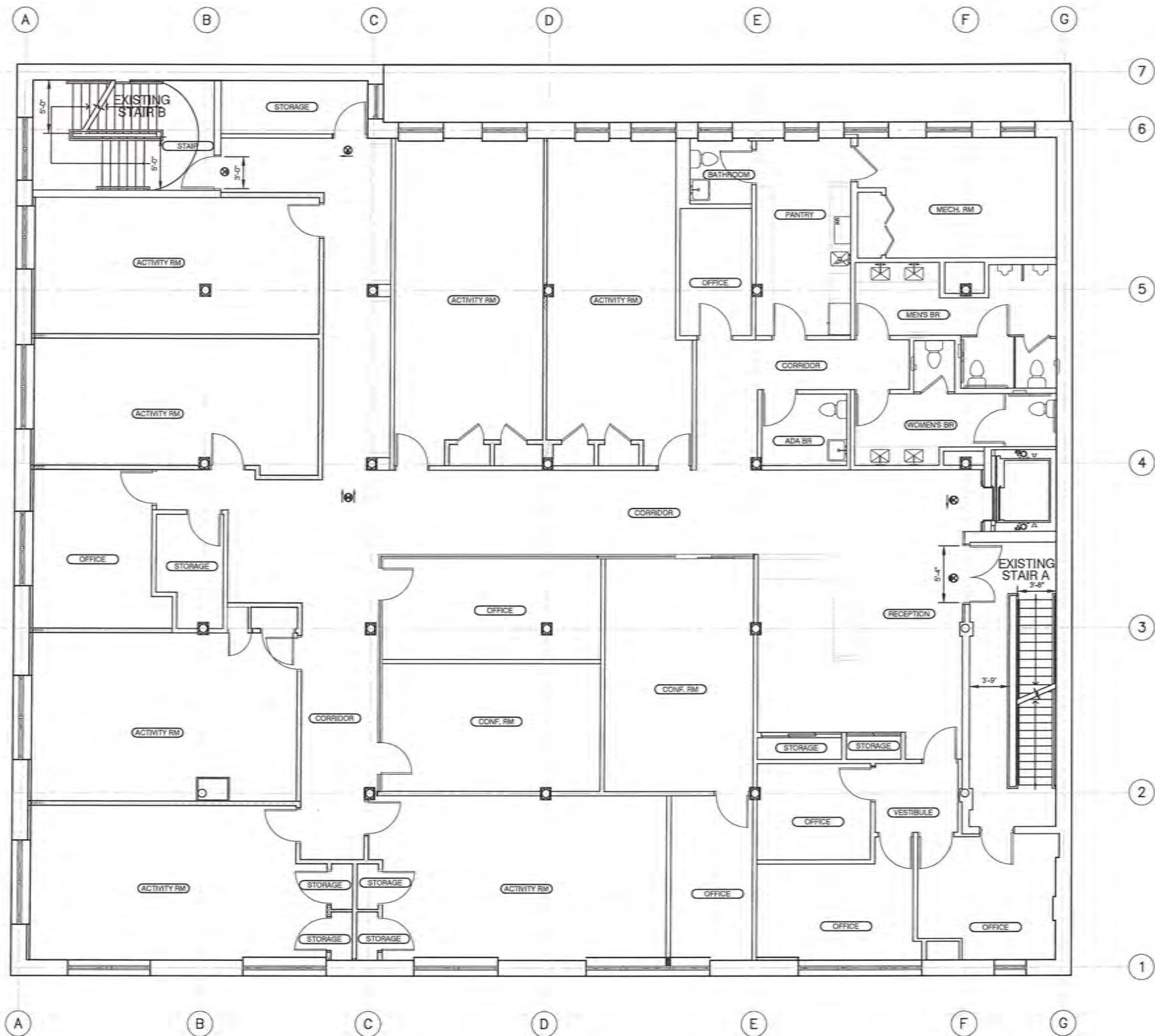
310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

**EXISTING/PROPOSED  
GROUND (1ST)  
FLOOR PLAN**



PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No:  
**A- 103.00**  
AS NOTED 07 of 10





NO.	DATE	COMMENT
02	11-09-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

EXISTING 2ND  
FLOOR PLAN

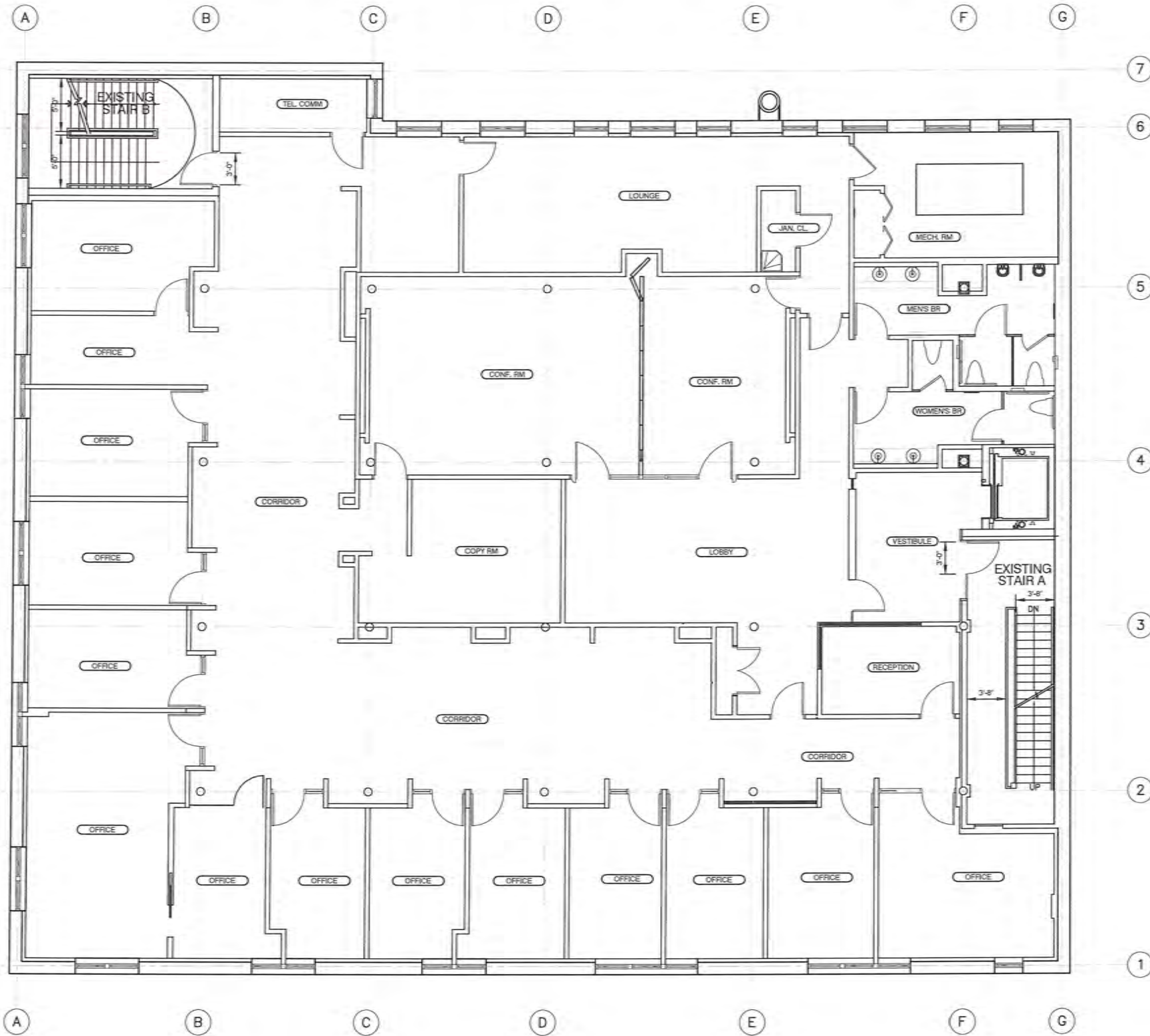
PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No: A-104.00  
AS NOTED 08 of 10



**EXISTING 2ND FLOOR PLAN**

3/16" = 1'-0"





NO.	DATE	COMMENT
02	11-09-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-08-2017	FOR BSA FILING

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

EXISTING 3RD  
FLOOR PLAN

PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No:  
**A- 105.00**  
AS NOTED 09 of 10



 **EXISTING 3RD FLOOR PLAN**

3/16" = 1'-0"



**EXISTING/PROPOSED WEST ELEVATION (LENOX AVE)**

3/16" = 1'-0"



**EXISTING/PROPOSED NORTH ELEVATION (W. 126 ST)**

3/16" = 1'-0"

NO.	DATE	COMMENT
02	11-09-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

EXISTING/PROPOSED  
ELEVATIONS

PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No: A-200.00  
AS NOTED 10 of 10



**8. Provide proof that the gaps around the doors were repaired. Provide photos and permit.**



2017-240-BZ

11/20/2017



**3. Provide proof of installation and testing of fire sprinklers and alarms.**

# Form for Inspection, Testing and Maintenance of Wet Pipe Fire Sprinkler Systems

# Wet



This form covers the minimum requirements of NFPA 25-2011 for wet pipe fire sprinkler systems connected to water supplies without tanks or fire pumps. Separate forms are available for fire pumps, tanks, hose connections, and other fire protection systems. More frequent inspection, testing and maintenance may be necessary depending on the conditions of the occupancy and the water supply. The work covered on this form is (fill-in one):  Monthly  Quarterly  Annual  Third Year  Fifth Year

Owner: 310 Property Management LLC Owner's Phone Number: \_\_\_\_\_

Owner's Address: \_\_\_\_\_

Property Being Evaluated: 310 Lenox Ave New York, NY

Property Address: \_\_\_\_\_

Date of Work: 5/1/17 All responses refer to the current work (inspection, testing and maintenance) performed on this date.

Notes: 1) All questions are to be answered Yes, No, or Not Applicable. All "No" answers are to be explained in Part III of this form. 2) Inspection, Testing and Maintenance are to be performed with water supplies (including fire pumps) in service, unless the impairment procedures of Chapter 15 of NFPA 25 are followed.

### Part I - Owner's Section

- A. Is the building occupied?  Yes  No
- B. Has the occupancy and hazard of contents remained the same since the last inspection?  Yes  No
- C. Are all fire protection systems in service?  Yes  No
- D. Has the system remained in service without modification since the last inspection?  Yes  No
- E. Was the system free of actuation of devices or alarms since the last inspection?  Yes  No

Thomas Smith [Signature]  
Owner or Representative (print name) Signature and Date

### Part II - Inspector's Section

5/1/17

#### A. Inspections

##### 1. Weekly Items

- a. Control valves (including backflow preventer isolation valves) supervised with seals passed inspection as described in II.A.2.a below?  Yes  No  N/A
- b. Relief port on RPZ not discharging?  Yes  No  N/A

##### 2. Monthly Inspection Items (in addition to above items)

- a. Control valves and valves on backflow preventers with locks or electrical supervision:
  - 1. In correct (open or closed) position?  Yes  No  N/A
  - 2. Lock or supervision in place?  Yes  No  N/A
  - 3. Accessible and free from external leaks?  Yes  No  N/A
  - 4. Provided with appropriate wrenches?  Yes  No  N/A
  - 5. Provided with appropriate identification?  Yes  No  N/A
- b. Gauges on system in good condition and showing normal water supply pressure?  Yes  No  N/A
- c. Alarm valve free from physical damage, trim in correct (open or closed) position and no leakage from retarding chamber or drains?  Yes  No  N/A

##### 3. Quarterly Inspection Items (in addition to above items)

- a. Fire department connections visible, accessible, couplings and swivels not damaged, gaskets in place and in good condition, plugs and caps are okay, identification sign(s) in place, check valve is not leaking, clapper in place and operating properly and automatic drain valve in place and operating properly?  Yes  No  N/A  
*(If plugs or caps are not in place, inspect interior for obstructions)*
- b. Hydraulic nameplate (calculated systems) securely attached to riser and legible?  Yes  No  N/A
- c. Alarm & supervisory devices not damaged?  Yes  No  N/A
- d. Pressure reducing valves in open position, not leaking, with downstream pressure per design criteria, and in good condition with handwheels not broken?  Yes  No  N/A

##### 4. Annual Inspection Items (in addition to above items)

- a. Proper number and type of spare sprinklers?  Yes  No  N/A
- b. Visible sprinklers:
  - 1. Proper position: upright, pendent, sidewall?  Yes  No  N/A
  - 2. Free of leaks, corrosion and damage?  Yes  No  N/A
  - 3. Proper clearance below sprinklers?  Yes  No  N/A
  - 4. Free of foreign materials including paint?  Yes  No  N/A
  - 5. Liquid in all glass bulb sprinklers?  Yes  No  N/A
- c. Visible pipe:
  - 1. In good condition/no external corrosion?  Yes  No  N/A
  - 2. No mechanical damage or leaks?  Yes  No  N/A
  - 3. No external loads?  Yes  No  N/A
- d. Visible pipe hangers and seismic braces not damaged or loose?  Yes  No  N/A
- e. Sprinkler wrench with spare sprinklers?  Yes  No  N/A
- f. Information sign is attached and legible?  Yes  No  N/A
- g. Internal inspection of the pipe performed in the last 5 years (remove a flushing connection and one sprinkler near the end of a branch line)?  Yes  No  N/A  
*(If "No", conduct internal inspection)*

##### 5. Fifth Year Inspection Items (in addition to above items)

- a. Alarm valves and associated strainers, filters and restricted orifices passed internal inspection?  Yes  No  N/A
- b. Check valves internally inspected, all parts operate properly and are in good condition?  Yes  No  N/A
- c. Internal pipe inspection performed per 4.g?  Yes  No  N/A

#### B. Testing - Report any failures on Part III of this form.

##### 1. Quarterly Tests

- a. Mechanical waterflow alarm devices passed tests (alarms actuated and flow observed)?  Yes  No  N/A
- b. Main drain test for system downstream of backflow device or pressure reducing valve:
  - 1. Record static pressure 80 psi, residual pressure 2 psi
  - 2. Was flow observed?  Yes  No  N/A
  - 3. Are results comparable to previous tests?  Yes  No  N/A

##### 2. Semiannual Tests (in addition to previous items)

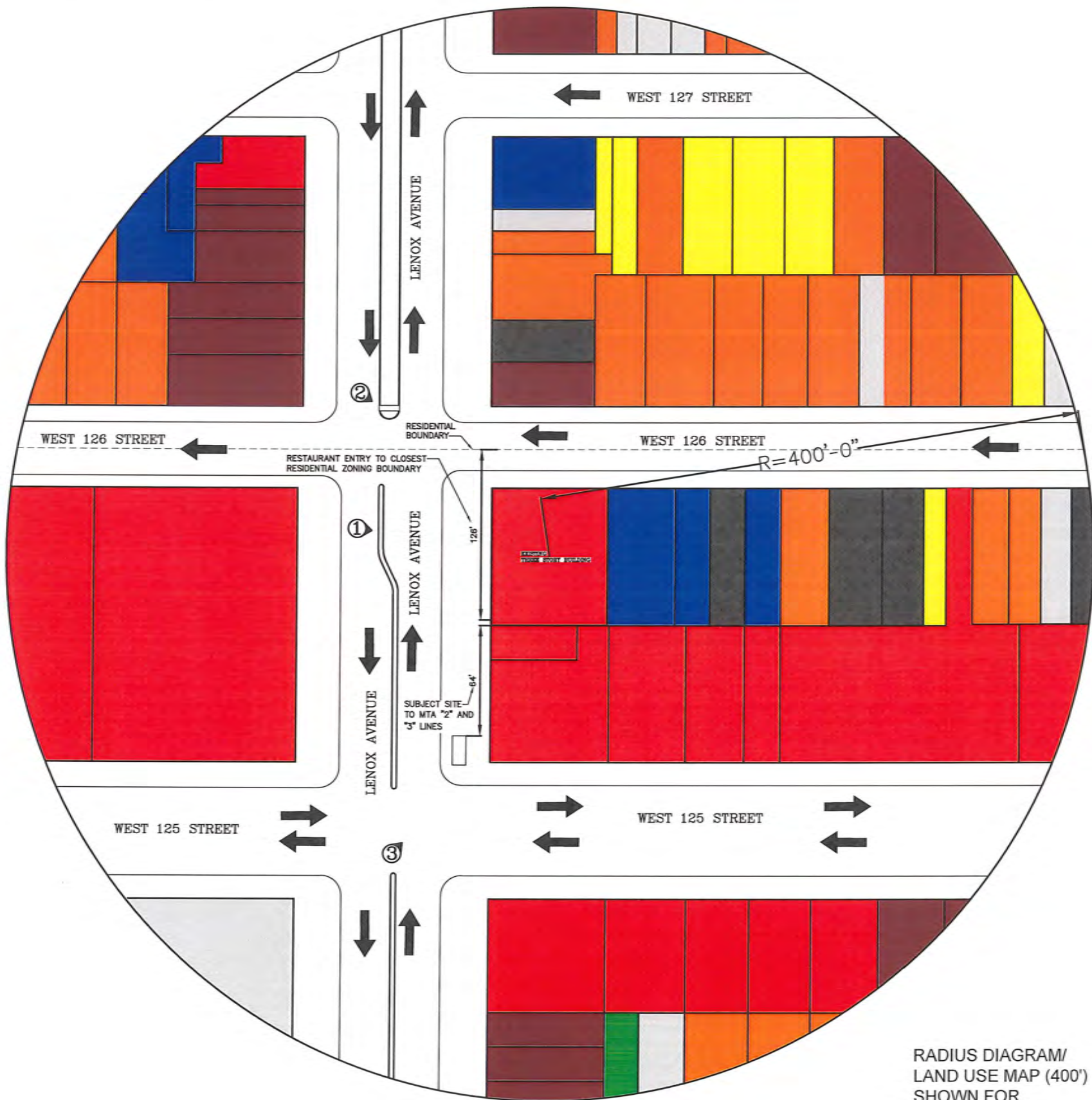
- a. Valve supervisory switches indicate movement?  Yes  No  N/A
- b. Electrical waterflow alarm devices passed tests (alarms actuated and flow observed)?  Yes  No  N/A

##### 3. Annual Tests (in addition to previous items)

- a. Main drain test for systems not tested quarterly:
  - 1. Record Static 2 psi and Residual Pressure 1 psi
  - 2. Was flow observed?  Yes  No  N/A
  - 3. Are results comparable to previous tests?  Yes  No  N/A



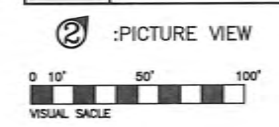




RADIUS DIAGRAM/  
LAND USE MAP (400')  
SHOWN FOR  
INFORMATIONAL  
PURPOSES ONLY

**LEGEND**

	ONE AND TWO FAMILY HOMES
	MULTIPLE DWELLING
	COMMERCIAL
	MIXED RESIDENTIAL/COMMERCIAL
	MANUFACTURING
	OPEN SPACE/PARK LAND
	INSTITUTIONAL/COMMUNITY FACILITY
	PARKING
	VACANT OPEN LOT



NO.	DATE	COMMENT
02	11-09-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

LAND USE MAP

PROJECT No: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING No:  
**A- 003.00**  
AS NOTED 3 of 10



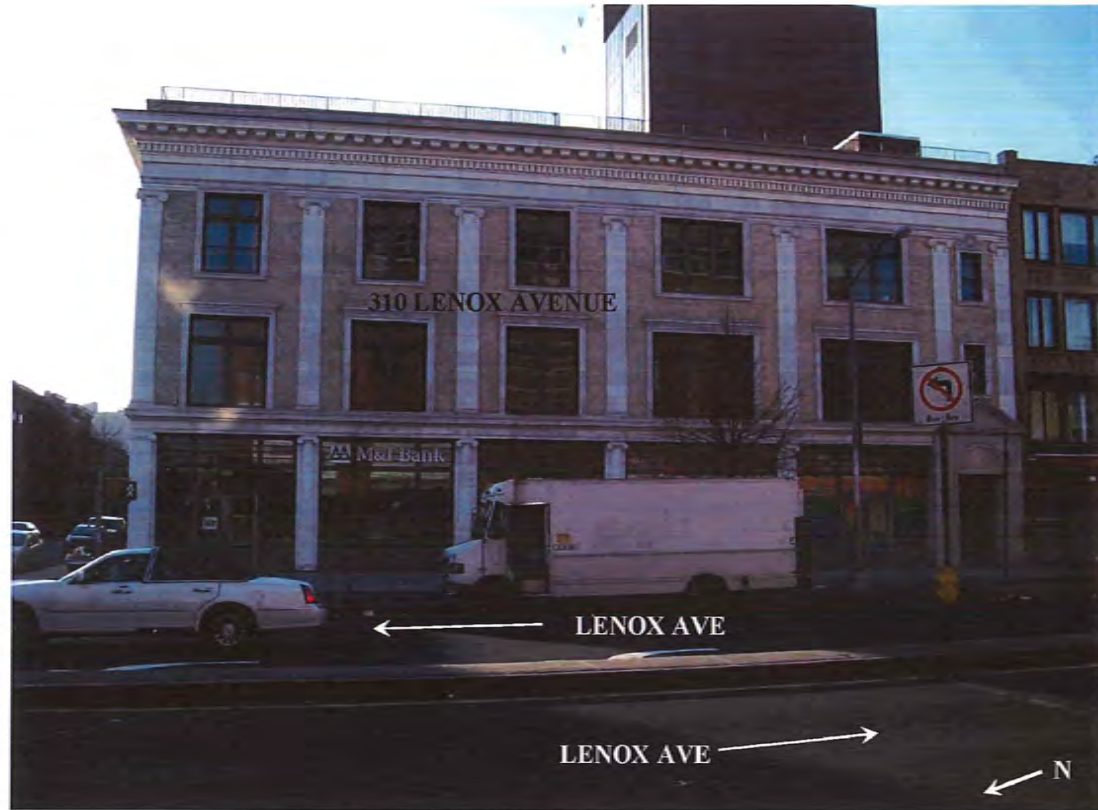


PHOTO #1: LENOX AVENUE – BUILDING WEST VIEW



PHOTO #2: CORNER OF LENOX AVENUE & 126<sup>TH</sup> STREET VIEW



PHOTO #3: CORNER OF LENOX AVENUE & 125<sup>TH</sup> STREET VIEW

**edg** DESIGN+RESTORE  
 www.edgryc.com  
 152 Madison Ave. 16th Fl.  
 New York, NY 10016  
 T. 212.683.5680

NO.	DATE	COMMENT
02	11-09-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

RED ROOSTER  
 HARLEM  
 RESTAURANT  
 BSA SPECIAL PERMIT

310 LENOX AVENUE  
 NEW YORK, NY  
 BLOCK: 1723 LOT: 69

CONTEXT PHOTOS



PROJECT No: 100107  
 DRAWING BY: BK  
 DESIGNED BY: SB  
 CHECKED BY: JM  
 DRAWING No: A- 004.00  
 AS NOTED 4 of 10



## Gjela Prenga (BSA)

---

**From:** Daly, John V. (FDNY)  
**Sent:** Wednesday, February 28, 2018 3:58 PM  
**To:** Candreva, Jeremiah H.  
**Cc:** Gjela Prenga (BSA); Loreal Monroe (BSA)  
**Subject:** Re: Red Rooster Inspection

I spoke with the inspectors Deputy Chief and he confirmed that the inspection has passed.

Sent from my iPhone

On Feb 28, 2018, at 3:37 PM, Candreva, Jeremiah H. <[Jed.Candreva@troutmansanders.com](mailto:Jed.Candreva@troutmansanders.com)> wrote:

I am told by the building representative that FDNY inspected the site today for re-issuance of the Public Assembly Permit for the Ground Floor and Cellar Floor and that the inspection passed. I have not yet received anything in writing from FDNY but, will forward it to you as soon as it is received.

**Jeremiah ("Jed") H. Candreva**

**troutman sanders**

Direct: 212.704.6292

[jed.candreva@troutman.com](mailto:jed.candreva@troutman.com)

---

**From:** Daly, John V. (FDNY) [<mailto:JohnV.Daly@fdny.nyc.gov>]  
**Sent:** Wednesday, February 28, 2018 9:56 AM  
**To:** Candreva, Jeremiah H. <[Jed.Candreva@troutmansanders.com](mailto:Jed.Candreva@troutmansanders.com)>  
**Subject:** RE: Red Rooster Inspection

Good Morning,us

I am currently arranging to have a Battalion Chief also meet us in order to get Operations(Firefighters) opinion of the proposed use. Once I receive this information I will contact you.

John V. Daly, Deputy Chief Inspector  
BSA Representative  
Code Development Unit

9 Metro Tech Center, 3rd Floor  
Brooklyn, N.Y. 11201  
Office: (718) 999-0977

Cell: (646) 761-7515

Fax: (718) 999-

Email: [JohnV.Daly@FDNY.nyc.gov](mailto:JohnV.Daly@FDNY.nyc.gov)

*Bureau of Fire Prevention  
Protect, Prevent & Enforce*

---

**From:** Candreva, Jeremiah H. [[Jed.Candreva@troutmansanders.com](mailto:Jed.Candreva@troutmansanders.com)]

**Sent:** Wednesday, February 28, 2018 9:15 AM

**To:** Daly, John V. (FDNY)

**Cc:** Candreva, Jeremiah H.

**Subject:** Red Rooster Inspection

Mr. Daly:

Please contact me this morning so that I may accompany you on the Red Rooster's site inspection and so that I may give you a copy of the BSA proposed plans. Thank you. Jed

**Jeremiah ("Jed") H. Candreva**

Direct: 212.704.6292

[jed.candreva@troutman.com](mailto:jed.candreva@troutman.com)

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**troutman sanders**

875 Third Avenue

New York, NY 10022

[troutman.com](http://troutman.com)

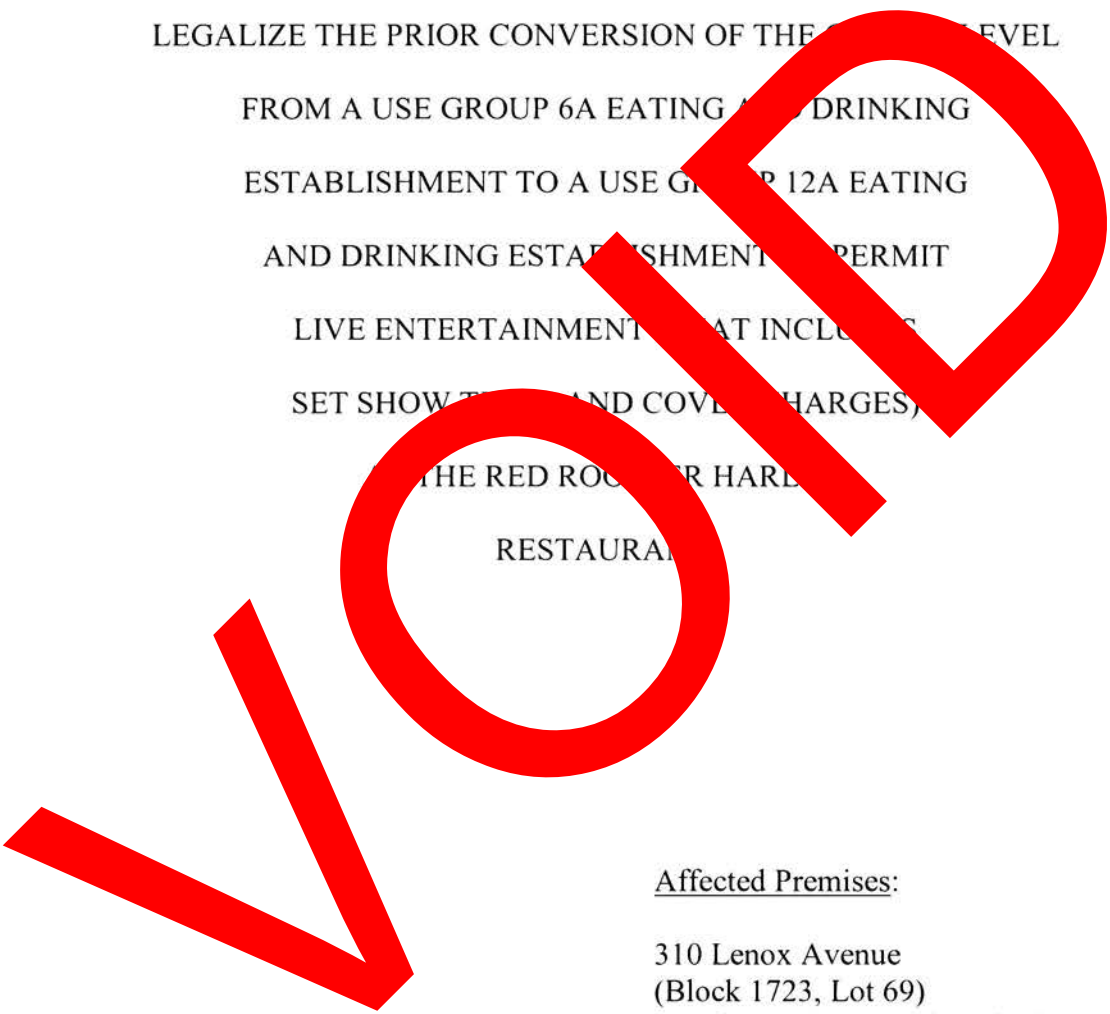
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STATEMENT IN SUPPORT OF AN APPLICATION FOR A SPECIAL PERMIT,  
 PURSUANT TO SECTION 73-244 OF THE ZONING RESOLUTION, TO  
 LEGALIZE THE PRIOR CONVERSION OF THE [REDACTED] LEVEL  
 FROM A USE GROUP 6A EATING AND DRINKING  
 ESTABLISHMENT TO A USE GROUP 12A EATING  
 AND DRINKING ESTABLISHMENT PERMIT  
 LIVE ENTERTAINMENT (THAT INCLUDES  
 SET SHOWS AND COVER CHARGES)  
 THE RED ROCK COUNTRY HARL  
 RESTAURANT



Affected Premises:

310 Lenox Avenue  
 (Block 1723, Lot 69)  
 Manhattan, Community District 10.

Troutman Sanders LLP  
 875 Third Avenue  
 New York, New York 10022  
 Attention: Jeremiah H. Candreva, Esq.

## STATEMENT OF FACTS

### PART I

#### INTRODUCTION

This statement is made in support of the application by the Red Rooster Harlem LLC (the "Applicant") for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York ("Zoning Resolution" or "ZR"), to facilitate the legalization of the live entertainment on the cellar level of the Red Rooster Restaurant, which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment ("Proposed Use"). The special permit is required because the live entertainment that is located on the cellar level includes designated show times and cover charges and because the site is located within 100 feet of a residential district boundary. Use Group 12A eating and drinking establishments are otherwise not permitted as a matter of right in the existing C4-4A zoning district.

The Site is located at 310 Lenox Avenue (the "Site") located on the southeast corner of West 126<sup>th</sup> Street and Lenox Avenue. The Site has approximately 100 feet of frontage on Lenox Avenue and 85 feet of frontage on West 126<sup>th</sup> Street, a total area of approximately 8,500 square feet. The zoning lot comprising the Site is located within a C4-4A (125) zoning district. The majority of the block in which the Site is located is mapped as either a C4-4A zoning district or a C4-7 zoning district, a portion of the 126<sup>th</sup> Street frontage is located in an M2-2B zoning district (approximately 100 x 545). The Site is also wholly located within the Special 125<sup>th</sup> Street District, the regulations of which either supplements and/or supersedes the underlying C4-4A district regulations.

## EXISTING SITE CONDITIONS

### The Site

The Site is today improved with a three-story commercial building that is generally utilized for bank, office and restaurant use. The third floor, which was previously utilized for office use, is currently vacant. The second floor is leased to YAI Seeing Beyond Disability and is used for office use. The second floor and the third floor (when it was tenanted) are/were a general matter occupied from 9 am to 5 pm Monday through Friday. M&T Bank occupies a portion of the ground floor. The applicant and world renowned Chef Marcus Samuelsson operate the Red Rooster Harlem (a/k/a, Red Rooster Restaurant) on the remaining portion of the ground floor (3,444 sqft) and the cellar level (6,034 sqft). The Red Rooster Restaurant's existing certificate of occupancy limits occupancy of the ground floor to 130 persons and the cellar floor to 100 persons (See copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The proposed utilization of the cellar level to permit live performances (with designated show times and cover charges) will not increase the cellar occupancy.

### The Red Rooster Restaurant

Red Rooster Restaurant is a landmark restaurant that meets the growing and diverse tastes of an evolving neighborhood. Red Rooster Restaurant serves an eclectic mix of locals, area businesses, hardcore foodies and tourists from Manhattan to New York and beyond. Chef Samuelsson brings his passion for food and desire to make a change through active participation with community based organizations; youth work apprenticeship programs and local artists. Red Rooster Restaurant is a space where diners and guests can share great food in a chic and open atmosphere. Red Rooster Restaurant's interior combine elements of modern farm to table design with Harlem's speakeasy history and music relevance. The unique combination comes together in subtle design elements placed throughout the restaurant.

The Red Rooster Restaurant was recently reviewed by food critic and columnist Steve Cuozzo and featured in his October 8, 2016 Article ‘The 7 Restaurants that changed New York City.’ Mr Cuozzo described the Red Rooster Restaurant as follows:



(Photo by David Rosenzweig)

“This is Exhibit A of how a visionary chef with a smart business model can bring change far beyond the kitchen.

Chef Marcus Samuelsson’s rollicking bistro — a jolly blend of Ethiopian, southern-American and Swedish influences, served in a colorful dining room behind a retro, horseshoe-shaped bar — made the biggest splash in uptown food since the Harlem Renaissance of the 1920s. But its larger legacy is the renaissance it inspired in the historic African-American neighborhood around Lenox Avenue and West 125th Street.



Emboldened by Red Rooster's success, a dozen new cafes — Italian, Indian, French, Japanese and “crafted American soul” — have opened on Lenox since 2011. Local residents who were long denied modern dining options suddenly had choices. Downtown customers finally discovered the area's charms. And a nearby lot that stood empty for decades sprouted a retail complex where Whole Foods will open in early 2017.”

### **The Cuisine**

At Red Rooster Restaurant, the mission is to provide uncomplicated, fresh food that is inherently soulful. The menu at Red Rooster Restaurant offers Chef Samuelsson's contemporary interpretation of chicken and waffles, collard greens and catfish po'boys. Chef Samuelsson gives a nod to Harlem's culinary traditions with selections featuring a modern twist with arugula and lemon vinaigrette, roasted whole sea bass with corn and browned lime butter and a roasted chicken stuffed with apple and thyme, slow cooked in an exposed cast-iron pot. Red Rooster Restaurant distinguishes itself as a brunch destination, offering a distinctive twist on hearty omelets, salads and griddled creations.

### **Farm-To-Table**

Chef Samuelsson's menu at the Red Rooster Restaurant represents the diversity found in American cuisine while drawing upon fresh local ingredients to create dishes that are creative, lively and full of flavor. The restaurant serves breakfast, lunch and dinner, with a menu featuring classic southern comfort food prepared with regionally raised meats, fruits and vegetables, fresh seafood from the Northeast, and a wide variety of flavorful vegetarian offerings, artisanal breads and cheeses.

### **The Café**

Red Rooster Restaurant serves three meals a day at the front-of-the-house café. In the morning, fresh baked muffins, pain au chocolate, bagels and breakfast sandwiches are available for commuters on their way to the office. At lunch and dinner, seasonal salads and gourmet sandwiches are served both takeout and delivery. Given the restaurant's proximity to the bustling business district and transit hubs, clientele include destination shoppers, museum goers, neighborhood residents and local business people.

**The Bar**

Red Rooster Restaurant serves as a popular meeting ground and lively after-work destination with a welcoming social scene. Experienced mixologists tend the well-stocked bar during weekday happy hours and busy weekends. A variety of signature cocktails are offered alongside a diverse selection of tap beers, including premium craft ales, stouts and ciders.

**Music – Ground Floor**

Red Rooster’s patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show fees and no tickets necessary. The provision of music is an important component to the Red Rooster’s image and offerings to its patrons and to the entire Harlem Community. Although, musical and musical offerings vary from time to time, the following is a list of the musical offerings on the ground floor.

**MONDAY**

The “Rakiem Walker Project” (RWP) is a 7 piece band that consists of horns, drums, vocals, guitar, keyboards, and more. The band plays different genres of musical styles including Jazz, RnB, Neo-Soul, Live Hip Hop, Reggae, Gospel, Blues, and Latin.



**TUESDAY**

Johnny Mambo is a spicy quintet of vivacious horns and congos that light up the bar each week Red Rooster. Guests are invited to dance while enjoying the spirit of Latin grooves.



**WEDNESDAY**

DJ Hard Hittin Harry was born in Haiti in the late sixties. At the tender age of three, his family made a series of moves starting with Brooklyn New York, and Montreal, Canada. He spent the majority of his life in New Jersey and eventually returned to Brooklyn where he currently resides.



VOID

**THURSDAY**

DJ Masai is the center of the storm. He has been spinning for over 23 years and has played in some of the biggest venues in the city and Tri-State area. DJ Masai just about always knew what elements were essential to rock a party.



**FRIDAY**

Dj Stormin' Norman originally hails from East London, UK and is now a resident of Harlem, USA. In the 90's, he was part of a groundbreaking DJ collective who brought the Thunderstorm Mix on WBLS 107.5FM NYC introducing live mixing to daytime radio previously reserved for weekend nights broadcasted from night-clubs setting a new precedent in national radio. Dj Stormin' Norman is also the DJ resident of Marcus Samuelsson's Red Rooster in Harlem.



### SATURDAY BRUNCH

DJ NessDigital is a true Music Selector. Since 2005, he has been jamming at a wide range of events; some include fashion parties, clubs, lounges, gallery events, weddings and live radio. He is the essential crowd pleaser incorporating a wide variety of tracks that ranges from funk, rock, soul, r&b, house, world, jazz, hip-hop, old and new.



### SATURDAY NIGHT

A native New Yorker, DJ Lex N...ound has been influenced by the diverse cultures that shape New York City. Since 2009, he has performed all over the five boroughs, as well as in other cities. It's his ability to entertain with intricate selections of Funk, Dancehall, Hip Hop, House, and Soca that has earned him a reputation as one of the best up and coming dj's in NYC.



### SUNDAY BRUNCH

Come to Red Rooster on Sunday mornings and you will hear the lovely vocals of Boncellia Lewis. Having performed with the who's who of the Harlem jazz underground, including Bill Saxton, Donald Smith, Kim Clarke, and Harry Whitaker, Boncellia embodies the spirit of music and Harlem in every grace-plucked note she sings.



### SUNDAY DINNER

Whether you're sipping cocktails at the bar or enjoying the comfort food standards on the menu, live jazz can help stave off the late-afternoon blues. Every Sunday, the Nate Lucas Quartet sets up shop and begins jamming away through the tunes and forgotten nuggets.



## PROPOSED CONDITIONS

### PART II

#### Harlem's Historical Neighborhood Context

During the 1920's in Harlem there were over 125 entertainment establishments clustered between 125<sup>th</sup> Street and 135<sup>th</sup> Street on 7<sup>th</sup> Avenue and Lenox Avenue that drew visitors from around the world. The impressive mix was made up of taverns, supper clubs, lounge theatres, dance halls and hundreds of speakeasies. Included were the legendary big four: the Cotton Club, Connie's Inn, Snuggles Paradise and Barron Wilkins Club. Entertainers included Duke Ellington and his big band, Louis Armstrong, Cab Calloway, Fats Waller, Louis Jordan, Chick Webb and Fletcher Henderson. Cab singers included Ella Fitzgerald, Bessie Smith, Ethel Waters and Lena Horne. Triangles Revere danced with his gold pistol in his hand while six lovely chorus girls strutted at the Cotton Club. The most famous theatre (just two blocks from the Red Rooster restaurant) was "The Follies and Seamon's Burlesque" which changed its name to the Apollo in 1934. There were restaurants of all kinds – Chinese, rib joints, clam houses, fried chicken parlors – with white tablecloths to weathered counter tops. There was the A train to Sugar Hill (145<sup>th</sup> to 155<sup>th</sup> Streets) and Stompin' at the Cotton Club Ballroom (596 Lenox Avenue).

#### Harlem Today

Harlem is undergoing an exciting change with new business investment opportunities, housing developments and brownstone renovations, all of which bring a renewed energy to this community. East Harlem will also see more exciting growth in the near future with the potential adoption of the proposed East Harlem Rezoning, which was recently certified by the City Planning Commission in April, 2017. The proposed East Harlem Rezoning will most certainly stimulate economic development and provide new affordable housing opportunities throughout a large segment of East Harlem.

**The Re-establishment of Harlem’s Entertainment Uses**

The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem’s history and culture through its “supper club” experience. Red Rooster’s proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. Red Rooster Restaurant’s proposal steps into the void because it provides an innovative music program that features a variety of live music including Jazz, Soul and Salsa. The Red Rooster Restaurant regularly coordinates its performances with up-and-coming local artists, as well as premier musicians. The cellar space can also be utilized for special events such as wine tastings, food pairings and book signings by Chef Sameulsson and others nearby. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent and in furtherance of society’s collective memory of Harlem’s days long past.

**Music – Cellar Floor**

**Ginny’s Supper Club**

The proposed legalization of the 6,034 g... level to a Use Group 12A Eating and Drinking Establishment would permit an additional supper club to operate where patrons eat dinner, have drinks and listen to a live performance (with designated show times and cover charges). While the operation of the proposed supper club may... it currently includes two shows on a regular basis Thursday through Saturday with the first set playing from 6:30 pm to 8:45 pm and the second set playing from 9:30 pm to 10:30 pm. Ginny’s also offers late night live entertainment on Friday and Saturday evenings. Sunday morning “Gospel Brunch” performances are featured on the programming schedule.



## GOSPEL BRUNCH

Looking to spend an unforgettable Sunday morning in Harlem? Join us downstairs at Ginny's Supper Club for a spirited Gospel Brunch featuring Vi Higginsen's Gospel For Teens Choir and Red Rooster's famous soul food brunch.

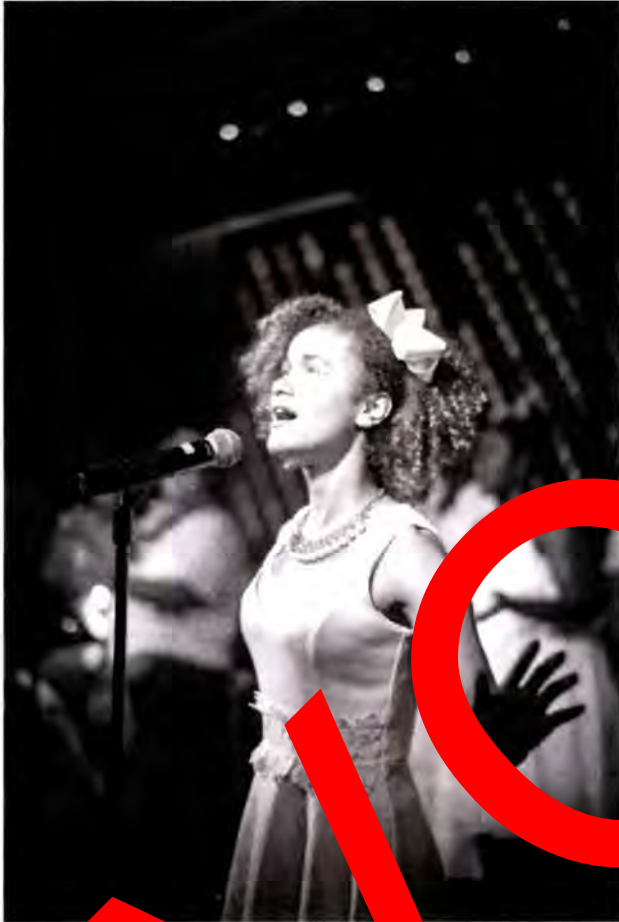


Photo by Bob [unclear]

VOID

**Proposed Site Improvements – First Floor:**

The applicant has undertaken the following measures in connection with the proposed legalization of the ground floor:

1. The applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door into the existing lobby that provides direct access to the convenience stairway and new cell waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas and (b) segregates patrons from the rest of the lobby, all of which is code compliant;
3. The applicant has established a security guard station within the lobby to direct and control patron movements and supervise lobby conditions;
4. Walters-Storyk Design Group (WSDG LLC) conducted acoustical noise testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDG LLC concluded based upon its acoustical testing that no additional action was necessary to comply with the New York City Noise Code (See copy of June 22, 2017 WSDG LLC Noise Report attached). However, WSDG LLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Gaps were visible around the doors and these gaps were identified as the main path by which sound could escape the restaurant space. Consequently, the applicant has undertaken and completed the repair of these doors consistent with the recommendations of the WSDG LLC Noise Report dated June 22, 2017.

5. The Red Rooster Restaurant's existing walls and ceilings include at the first floor 12" Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8" Gypsum Board were installed at areas of existing walls and ceilings. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and "blown in" insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non hardening acoustical sealant or equal.

#### **Proposed Site Improvements – Cellar Floor Configuration:**

1. The applicant has undertaken and completed certain interior operations at the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in the construction of two (2) new cellar waiting areas that provide the minimum required area of 4 sq. ft. per person (in fact these waiting areas provide 4.38 sq. ft. per person for the entire cellar occupancy).

2. The Red Rooster Restaurant's existing walls and ceilings include at cellar level 12" Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8" Gypsum Board were installed at areas of existing walls and ceilings or one layer of 5/8" Gypsum Board with White Echo Eliminator wall panels by acoustical surfaces adhesive applied. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and "blown in" insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non hardening acoustical sealant or equal.

**The Special Permit**

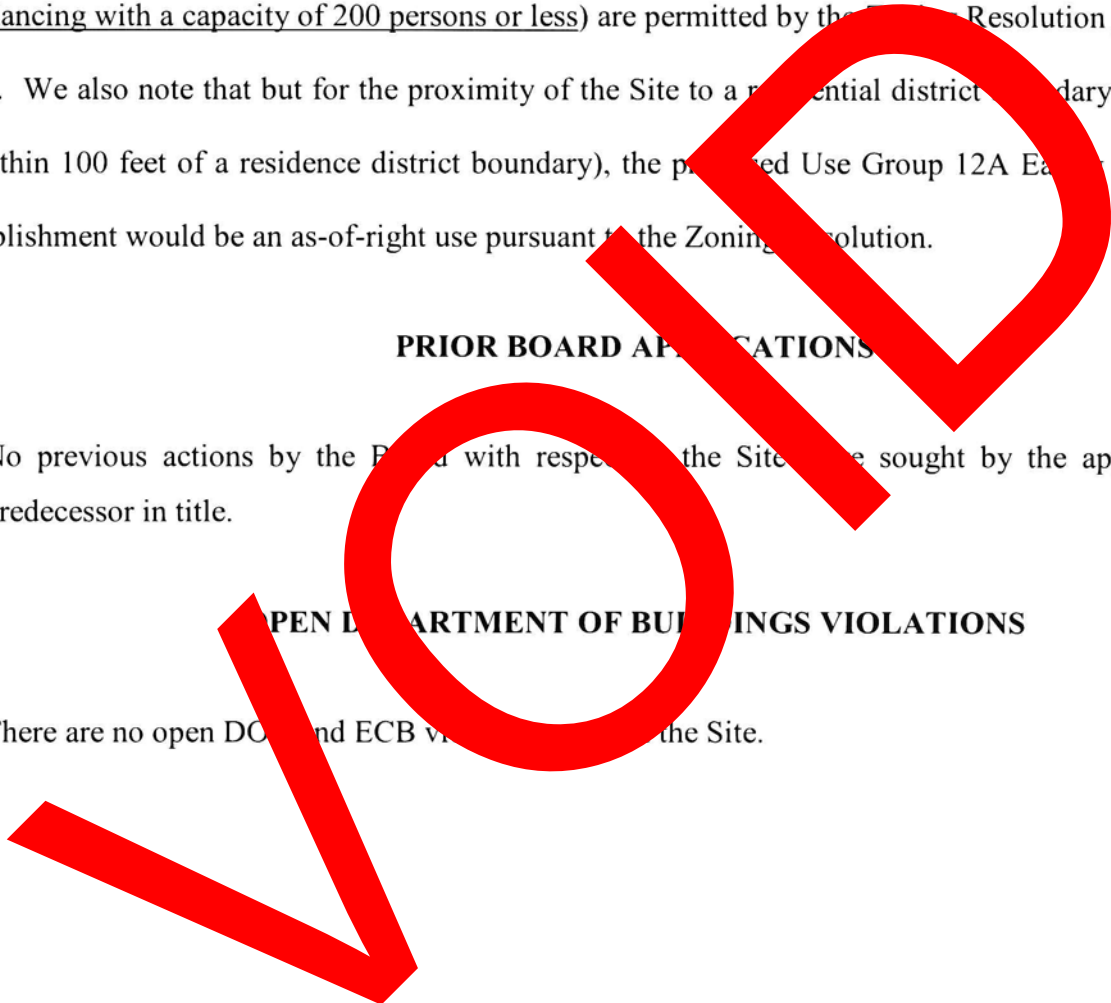
Although the Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, it is important to note that both Use Group 6A Eating and Drinking Establishments (i.e., including those that have music for which there is no cover charge and no specified show times) and Use Group 6C Eating and Drinking Establishments (i.e., including those that have musical entertainment but not dancing with a capacity of 200 persons or less) are permitted by the Zoning Resolution as a matter of right. We also note that but for the proximity of the Site to a residential district boundary (i.e., the Site is within 100 feet of a residence district boundary), the proposed Use Group 12A Eating and Drinking Establishment would be an as-of-right use pursuant to the Zoning Resolution.

**PRIOR BOARD APPLICATIONS**

No previous actions by the Board with respect to the Site have been sought by the applicant or its predecessor in title.

**OPEN DEPARTMENT OF BUILDINGS VIOLATIONS**

There are no open DC and ECB violations at the Site.



STATEMENT OF FINDINGS  
PART III

Special Permit Pursuant to ZR Section 73-244

The Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, which states in part:

12/15/61

73-00

Special Permit Uses and Modifications

3/20/13

73-244

In C2, C3, C4<sup>1\*</sup>, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District (Note: C6-4\*\* and note n/a and omitted).

In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the requisite findings are met:

The Proposed Use meets each of the required findings specified in Zoning Resolution Section 73-244 as follows:

- (1) That a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to show that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#.

The applicant has undertaken and completed certain interior alterations of the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in the construction of two (2) new cellar waiting areas that provide the minimum required area of 4 sq. ft. per

<sup>1\*</sup> In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary.

person (in fact these waiting areas provide 4.38 sq. ft. per person for the entire cellar occupancy). The required waiting area does not include space occupied by stairs, corridors or restrooms. In addition, the applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door within the existing lobby that provides direct access to the convenience stairway and new cellar waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas) and (b) segregates patrons from tenant use of the lobby, all of which is in compliance with these measures, the applicant has demonstrated that the operation of the proposed establishment will not result in the gathering of crowds or the formation of lines on the street. Consequently, the project complies with this finding of the Planning Resolution.

- (b) That the distance to the nearest #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary.

The entrance to the cellar level is greater than 100 feet from the nearest Residence District boundary.

- (c) That such #use# will not cause undue vehicular or pedestrian congestion in local #streets#.

The proposed legalization of the cellar restaurant supper club will not cause vehicle or pedestrian congestion on local streets. Most restaurant patrons take mass transit and/or walk to our location from the 125<sup>th</sup> Street transit corridor that provides access to a multitude of subway trains (the No. 2, No. 3, No.4, No. 5, No. 6, A, B, C & D), to the Metro-North railroad, as well as many NYC rapid transit buses. Accordingly, restaurant

patrons avoid the use of the local street system especially in the evenings and instead utilize the 125<sup>th</sup> Street corridor, which is an active, secure and well lit commercial corridor with a direct link to mass transit facilities.

In addition, the proposed legalization of the cellar restaurant supper club will not cause pedestrian congestion at or directly in front of 310 Lenox Avenue, as this proposal has been designed to provide two new cellar waiting areas specifically to foster the movement of patrons off street and within the restaurant. Consequently, the legalization of the proposed use will not cause undue vehicle or pedestrian congestion on local streets.

- (d) That such #use# will not impair the character or the future use or development of the surrounding #residential# or mixed use neighborhoods.

The Red Rooster Restaurant is a use that is entirely consistent with not only with the existing neighborhood's character but, with the use permitted in and fostered by the Zoning Resolution and the Special 125<sup>th</sup> Street District. In addition, the legalization of the proposed use is completely consistent with the historical use of Harlem and its unique built form. As such, the legalization of the proposed use will complement Harlem as a whole as well as the immediate surrounding neighborhood.

- (e) That such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code.

The proposed use complies strictly with the New York City Noise Code. The Site is wholly located within a commercial zoning district and the Proposed Use is located within a completely enclosed building at the cellar level (which reduces the potential for noise transmission from the premises). To our knowledge, there are no joint living-work quarters for artists or loft dwellings in proximity of the Site.

Walters-Storyk Design Group (WSDG LLC) conducted acoustical testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDG LLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code. However, WSDG LLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the transmission of noise from the Red Rooster Restaurant to the street. Accordingly, the applicant has undertaken and completed the repair of these doors consistent with the recommendations of the Walters-Storyk Design Group (WSDG LLC) Noise Report dated June 22, 2017.

- (f) That the application is made jointly by the owner of the # [redacted] and the operators of such eating or drinking establishment.
- This application has been filed jointly by the owner of the building and the operators of the proposed Use Group 12A Eating and Drinking Establishment.

The Board shall prescribe appropriate controls to minimize the adverse effects on the character of the surrounding area, including but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of mechanical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

**CONCLUSION  
PART IV**

Accordingly, we kindly request the BSA grant the proposed special permit for a term of three (3) years, pursuant to ZR Section 73-244, to permit the legalization of the proposed Use Group 12A Eating and Drinking Establishment on the cellar level.



# NYC



## Buildings

### PLACE OF ASSEMBLY CERTIFICATE OF OPERATION

Certificate Number: 120347393

Premises Address: 310 LENOX AVENUE

Issued On: 02/24/2016

Borough: MANHATTAN

Block/Lot: 23 / 69

Zip: 1053528

Relationship: NB/A1 Job No: 104522508

Name of Establishment: RED ROOSTER

Floors: 001

Occupancy Classification and Description:

Number of Persons

A EATING OR DRINKING ESTABLISHMENT Not a cabaret

130

This certificate authorizes occupancy of the premises as a place of assembly for one year after its issuance, and thereafter, only for periods of time during which there is in effect a New York City Fire Department place of assembly permit, unless suspended, revoked, or superseded. This certificate is subject to the strict observance of the laws, rules and regulations enacted for the protection of the public in such places of assembly. Approved seating plans must be kept on premises at all times.

Borough Commissioner:

Commissioner:

**MUST BE POSTED CONSPICUOUSLY AT ALL TIMES**



**Buildings**

**PLACE OF ASSEMBLY  
CERTIFICATE OF OPERATION**

Certificate Number: 120346508  
Premises Address: 310 LENOX AVENUE  
Issued On: 03/01/2016

Borough: MANHATTAN  
Block/Lot: 13 / 69  
BBL: 1053528  
Related B/A1 Job No: 104522508

Name of Establishment: RED ROOSTER

Floors: CEL

Occupancy Classification and Description:

Number of Persons

A-2 EATING OR DRINKING ESTABLISHMENT Not a cabaret 200

This certificate authorizes occupancy of the premises as a place of assembly for one year after its issuance, and thereafter, only for periods of time during which there is in effect a New York City Fire Department place of assembly permit, unless suspended, revoked, or superseded. This certificate is subject to the strict observance of the laws, rules and regulations enacted for the protection of the public in such places of assembly. Approved seating plans must be kept on premises at all times.

Borough Commissioner: *[Signature]*

Commissioner: *[Signature]*

**MUST BE POSTED CONSPICUOUSLY AT ALL TIMES**



[CLICK HERE TO SIGN UP FOR BUILDINGS NEWS](#)

### NYC Department of Buildings Property Profile Overview

<b>310 LENOX AVENUE</b>		<b>MANHATTAN 10027</b>	<b>BIN# 1053528</b>
LENOX AVENUE	310 - 316	Health Area	: 1500
WEST 126 STREET	84 - 86	Census Tract	: 200
		Community Board	: 110
		Buildings on Lot	: 1
		Tax Block	: 1723
		Tax Lot	: 69
			: NO
			: NO

[View DCP Addresses...](#)   [Browse Block](#)

[View Zoning Documents](#)   [View Challenge Results](#)   [Pre - BIS PA](#)   [View Certificate of Occupancy](#)

Cross Street(s):	WEST 125 STREET, WEST 126 STREET		
DOB Special Place Name:			
DOB Building Remarks:			
Landmark Status:		Special Use	
Local Law:	YES	Loft Law:	NO
SRO Restricted:	NO	TA Restricted:	NO
UB Restricted:	NO		
Environmental Restrictions:	N/A	Registered Sign:	NO
Legal Adult Use:	NO	City Code	NO
Additional BINs for Building:	NONE		
Special District:	125 - 125 STREET		

This property is not located in an area that may be affected by Tidal Wetlands, Freshwater Wetlands, Coastal Erosion Hazard Area, or Special Flood Hazard Area. [Click here for more information](#)

Department of Finance Building Classification: 05-OFFICE BUILDINGS

Please Note: The Department of Finance building classification information shows a building's tax status, which may not be the same as the legal use of the structure. To determine the legal use of a structure, review the records of the Department of Buildings.

	Total	Open	
<b>Complaints</b>	8		<b>Elevator Records</b>
<b>Violations-DOB</b>	48	0	<b>Electrical Applications</b>
<b>Violations-ECP (DOB)</b>	13	0	<b>Permits In-Process / Issued</b>
<b>Jobs/Filings</b>	34		<b>Illuminated Signs Annual Permits</b>
<b>ARA / LAA Jobs</b>			<b>Plumbing Inspections</b>
<b>Total Jobs</b>			<b>Open Plumbing Jobs / Work Types</b>
<b>Actions</b>			<b>Facades</b>
OR Enter Action Type: <input type="text"/>			<b>Marquee Annual Permits</b>
OR Select from List: <input type="text" value="Select..."/>			<b>Boiler Records</b>
AND <input type="button" value="Show Actions"/>			<b>DEP Boiler Information</b>
			<b>Crane Information</b>
			<b>After Hours Variance Permits</b>

If you have any questions please review these [Frequently Asked Questions](#), the [Glossary](#), or call the 311 Citizen Service Center by dialing 311 or (212) NEW YORK outside of New York City.



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+1 973-747-4765  
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date 22 June 2017  
to Raul Adorno, Red Rooster Harlem  
cc Patrick Milner, Garage Management Company  
John Storyk, Founding Partner, WSDG  
Nancy Flannery, CFO, WSDG  
Andy Swerdlow, Acoustic Engineer, WSDG  
Ian Bromilow, Director of Acoustics, WSDG

from Frank Reder

client Red Rooster Harlem  
project Red Rooster Restaurant  
subject Acoustic Measurement Summary

seq# A003 (Rev. 2)

Raul

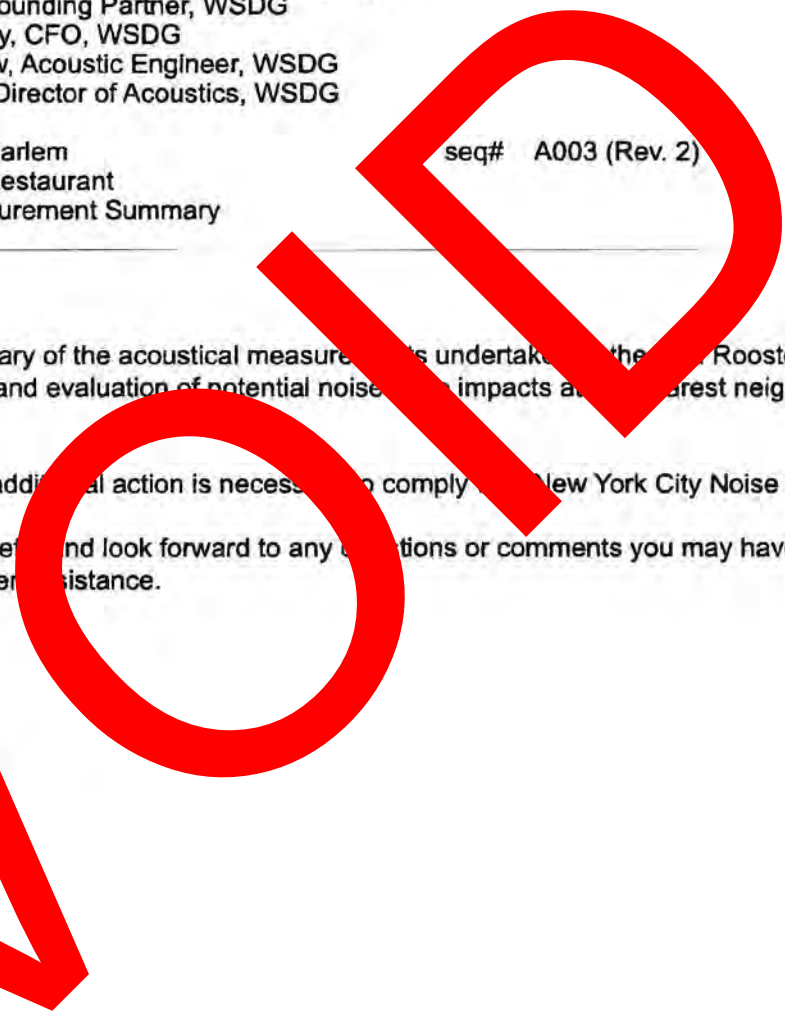
Please find enclosed a summary of the acoustical measurements undertaken at the Red Rooster Restaurant on 05 June 2017 and evaluation of potential noise impacts on the nearest neighboring residence.

Based on our evaluation, no additional action is necessary to comply with the New York City Noise Code.

We trust this information is useful and look forward to any questions or comments you may have. Please let us know if we may be of further assistance.

Kind regards

Frank Reder  
Senior Associate





## INTRODUCTION

We understand the Red Rooster Restaurant is seeking the approval of the NYC BSA to legalize live music (including set showtimes and cover charges) typically small jazz ensembles in the basement. Walters-Storyk Design Group (WSDG LLC) was contacted to conduct acoustical testing to evaluate potential noise code impacts.

Our evaluation included acoustical testing of the acoustical isolation of the existing storefront, and calculations to determine the expected noise levels at the nearest residential unit, which we understand to be 90 W 126th st, approximately 150 feet from the restaurant.

In terms of this music, there are two applicable sections of the New York City Noise Code (Local Law 113).

- **Section 24-231 Commercial Music:** in brief, this section states that music shall not exceed 42 dBA overall nor 45 dB in any single one-third octave band, as measured in an affected dwelling unit.
- **Section 24-218 General Prohibitions:** this section states that sound shall not exceed 7 dBA over the ambient sound levels at night (10 PM - 7AM), nor 5 dBA during the day (7 AM - 10 PM), as measured in an affected dwelling unit. Further, sound may not exceed 15 dBA over the ambient as measured 15 feet onto a public right of way.



Screenshot from Google maps showing Red Rooster in relation to nearest residential unit



METHODOLOGY

In order to benchmark the acoustic isolation of the boundary constructions, WSDG performed sound isolation testing. The metric commonly used to describe sound isolation is Sound Transmission Class (STC), but in situ, Noise Isolation Class (NIC) is used.

The procedure involves generating high level broadband noise ('pink noise') in one room, and measuring the resulting noise levels in the 'source' room and any 'receiver' rooms or areas of concern.

The difference in level from source to receiver room is measured in dB. An algorithm used to calculate the single number NIC rating. It is important to understand that this is a single number NIC rating only covers part of the audible frequency range. This rating is useful when discussing comparative isolation between different types of constructions for speech but does not describe the isolation of low frequency sound, such as is associated with music and in particular the 'thumping' of bass and drums. To accommodate this, WSDG tested for both NIC and low frequency performance of the store front separating the ground floor of restaurant from the street.

We performed a conservative noise assesment by measuring noise at ground level. Music coming from the basement will be at a lower level than those presented here; we estimate at least 10dB lower.

With these results in hand, we then calculated the sound propagation from inside restaurant to the nearest residence, assuming a standard audible noise level of about 88 dBA, with appropriate spectrum.

These calculated noise levels were then compared to the limits of the NYC Noise Code summarized in the Introduction section.

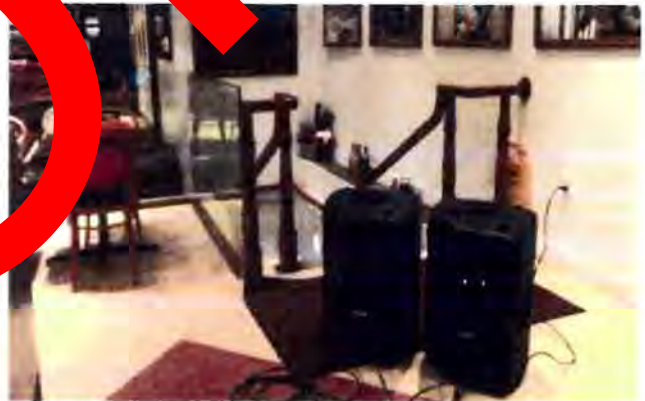


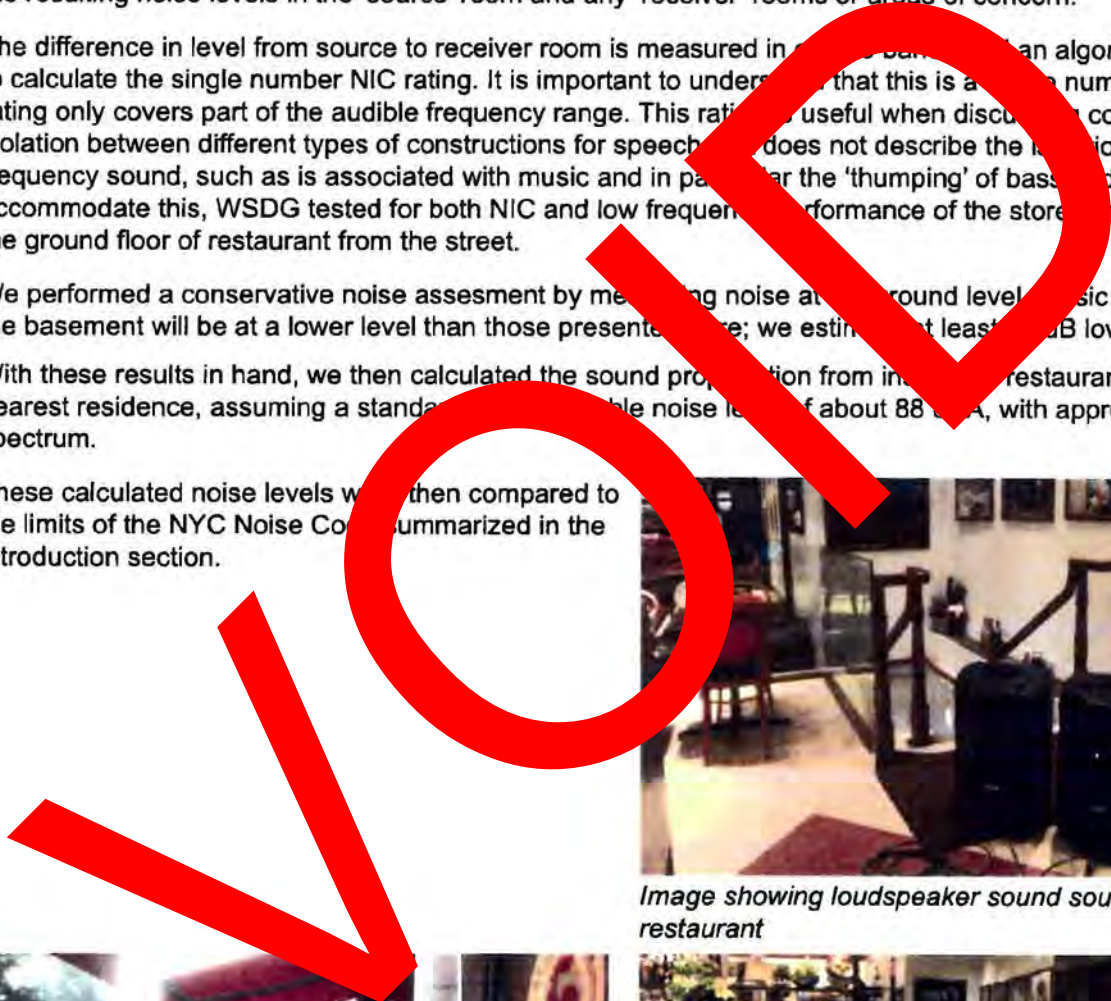
Image showing loudspeaker sound source in restaurant



Image showing sound level measurement on street 'receiver space'

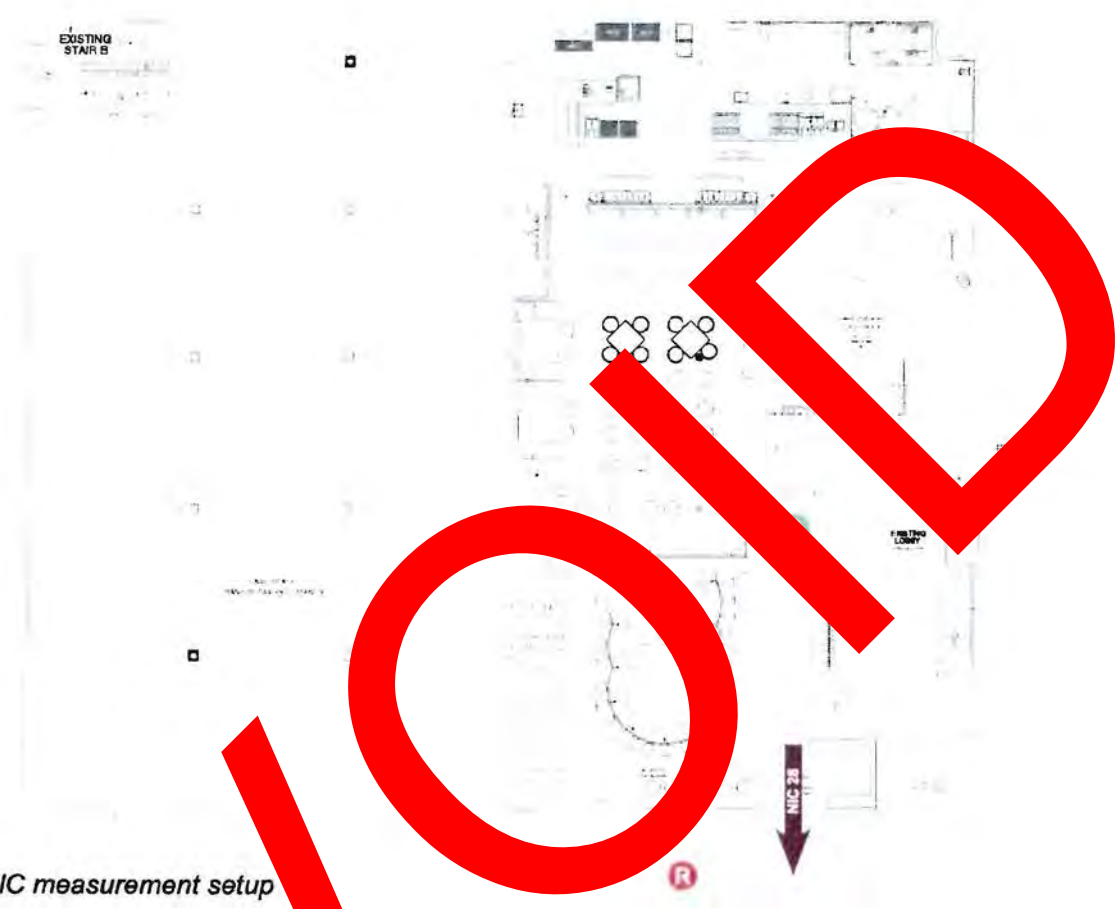


Image showing sound level measurement in restaurant 'source room'

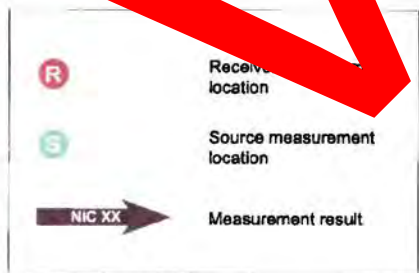




The markup below shows the measurement setup and results visually.



*NIC measurement setup*



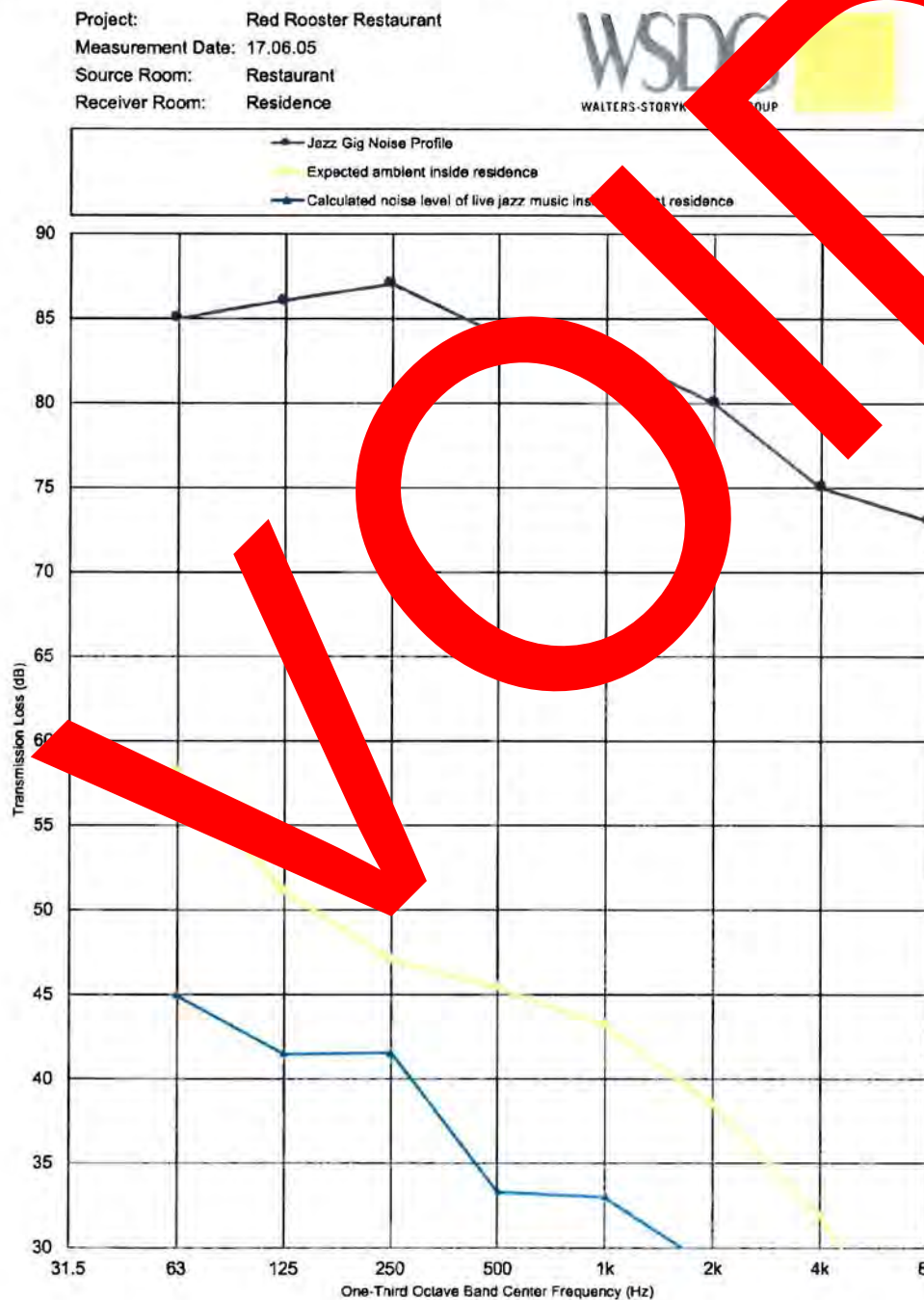


### RESULTS

#### Nearest Residence

The graph below shows the calculated noise levels at the nearest receiving property based on the results of our testing and calculations. As shown in the graph, noise levels from a jazz gig are below the ambient street levels - meaning there would be no noise code violation.

Results from the NIC test are given in Appendix for information.







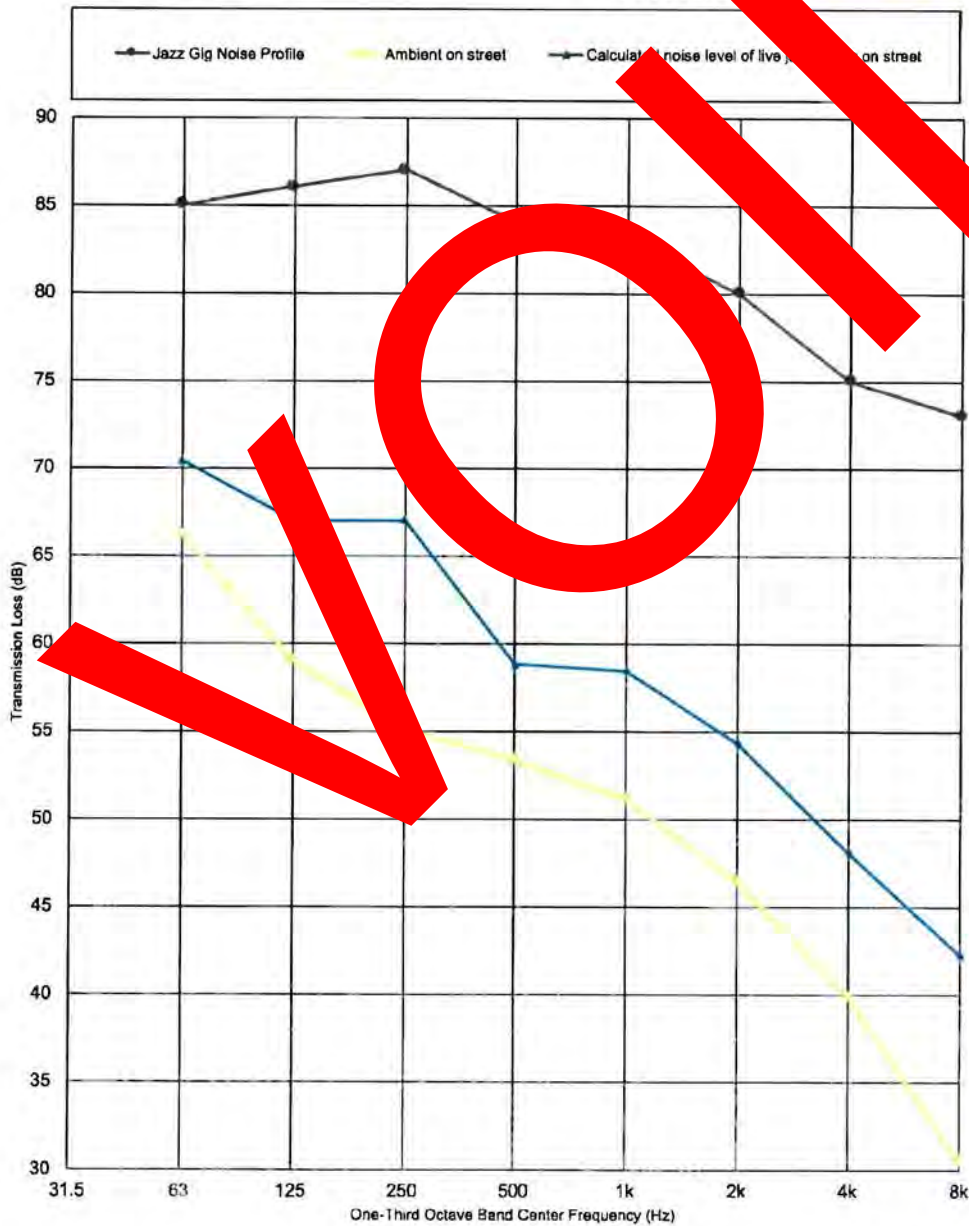
### RESULTS

#### Street

The graph below shows the calculated noise levels on the street based on the results of our testing and calculations. As shown in the graph, noise levels from a jazz gig are less than 15 dBA above the ambient street levels - meaning there would be no noise code violation.

Results from the NIC test are given in Appendix for information.

Project: Red Rooster Restaurant  
Measurement Date: 17.06.05  
Source Room: Restaurant  
Receiver Room: Street





ASSESSMENT

Nearest Residence

As noted on the previous page, no noise code violation is expected at the nearest residence based on the tested sound isolation of the storefront and typical sound levels of a jazz ensemble. Further, it is our understanding from conversations on site that there have not been any complaints of excessive noise transfer out of the restaurant during its operation.

Finally, we note that because our assessment was carried out on the ground floor (which is conservative considering that live music is programmed for the cellar space), and the sound levels at the nearest residence will be lower than the levels presented here and are likely to be inaudible.

Street

There is no specific NYC Noise Code provision for commercial noise as heard on a street. We assume the general prohibitions would apply. As noted on the previous page, no noise code violation is expected on the street based on this assumption.

Further, Malcom X Blvd is a busy street so noise levels are typically high. This means sound bleeding out from the restaurant is less likely to be considered problematic as it is 'masked' by traffic noise.

General Comments

Additional gypsum board is being added in new walls (and floor-ceiling as noted in the BSA application), however this will have minimal additional effect on noise transfer from the restaurant to the neighborhood. This is because the cellar is open to the ground floor via a common stair, and the ground floor is separated from the neighborhood by the storefront. Additional drywall construction does not improve this sound transmission path.

The doors limit the sound isolation to the street (and therefore neighborhood). The surrounding construction is insulated glass, but because the doors are the 'weak link' in the construction, it controls the overall performance. If these were sealed properly, the isolation would be improved, but would eventually be limited by the relatively lightweight surrounding construction.

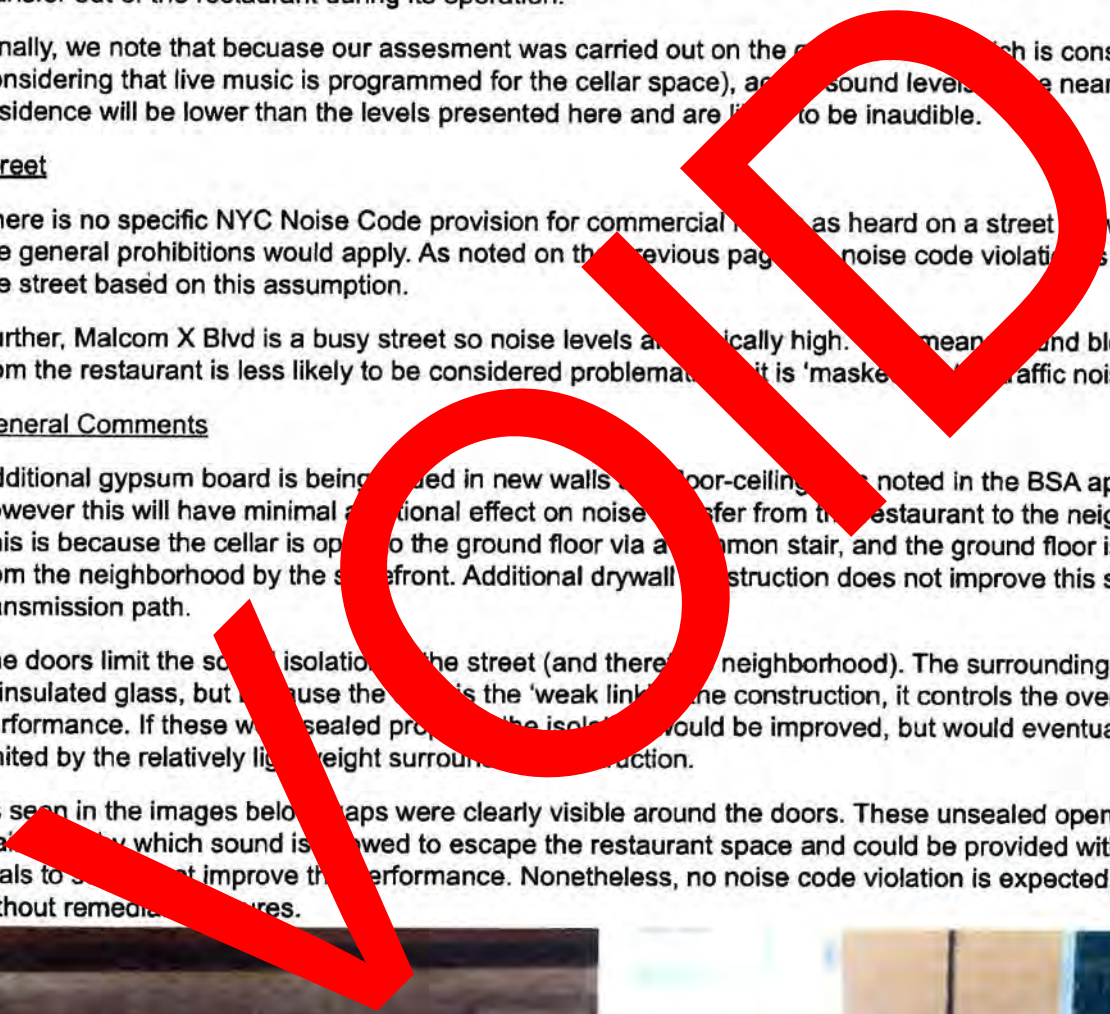
As seen in the images below, gaps were clearly visible around the doors. These unsealed openings are the main way which sound is allowed to escape the restaurant space and could be provided with acoustical seals to significantly improve the performance. Nonetheless, no noise code violation is expected, even without remedial measures.



Image showing gap where double doors meet at top



Image showing gap where double doors meet at bottom



**RECOMMENDATIONS / CONCLUSIONS**

As no noise code violations are expected, no action is needed at this time. If the amount of sound separation is desired to be increased, WSDG is available to provide recommendations.

At the current moment, no corrective action appears necessary with respect to achieving New York City Noise Code.

**VOID**



## APPENDIX: EQUIPMENT LIST

EQUIPMENT	MAKE / MODEL	SERIAL NO.
Pink Noise Generator	NTI Audio Minirator MR2	0730 01 14
Sound Level Meter	Bruel & Kjaer 2250	2690259
Measurement Microphone	Bruel & Kjaer 4189	2680657
Microphone Preamplifier	Bruel & Kjaer ZC-0032	
Acoustical Calibrator	Cirrus CRL 511E	125516
Self-powered Loudspeaker	Real Acoustics Custom P	-

**VOID**

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022



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jed.candreva@troutmansanders.com

March 25, 2018

Ms. Gjela Prenga  
NYC Board of Standards and Appeals  
250 Broadway, 29th Floor  
New York, NY 10007

Re: Supplemental Information  
BSA Calendar No. 2017-240-BZ  
310 Lenox Avenue, Manhattan

Dear Ms. Prenga:

Attached please find the following information in respect of the application prepared on behalf of the Red Rooster Harlem (BSA Calendar No. 2017-240-BZ).

- Statement in Support: The Statement in Support has been modified to include the applicant's commitment to comply in all respects with the recommendations that FDNY set forth in its letter dated March 21, 2018 (attached hereto). The Applicant has agreed to the following additional measures:
  1. The applicant shall install a module in the fire alarm panel that will turn off all power to any musical instruments in the event that the fire alarm system is activated on any floor (a note has been added to the cellar floor plan A-101.00).
  2. The applicant agrees that there shall be no curtains or drapery in the restaurant that obscures the view to an exit passageway.
  3. The applicant shall install a rated wall of one-hour to separate the existing cellar corridor and exit passageway on the cellar level (all as noted on cellar floor plan A-101.00). The applicant shall be permitted to install doors within such rated wall provided all doors to be installed are of similar rating to the rated-wall (such a proposed door is noted on cellar floor plan A-101.00).
  4. The applicant shall list the total number of customers, staff and performers on the plan. A note has been added to the cellar floor plan with the requested information (See cellar floor plan A-101.00).

5. The applicant shall remove all shelving and other obstructions within the exit passageway corridors on the cellar level, and such exit passageways shall be cleared at all times. The applicant shall be permitted to install storage cabinets within this exit passageway provided such cabinets are fire rated and accepted by the Department of Buildings. The minimum clear distance between the cabinets and corridor walls shall be determined by the building code for public assembly use.
  6. The applicant shall install additional exit signs along all exit passageway's to better direct people to the means of egress (all as noted on cellar floor plan A-101.00).
  7. The applicant shall recess the door to the large holding room located on the cellar level so that the door will not reduce the width of the exit passageway (all as noted on cellar floor plan A-101.00).
  8. The applicant agrees that all security personnel used by the restaurant during performances shall hold an F-03 Certificate of Fitness "Indoor Place of Assembly Safety Personnel" issued by the Fire Department of the City of New York.
- Cellar Floor Plan A-101.00: The cellar floor plan has been amended to comply in all respects with the recommendations that FDNY set forth in its letter dated March 21, 2018.
  - Area Calculations/Occupancy Load A-101.00: The total occupancy of the cellar level is limited to 200 persons as per the existing public assembly permit for the cellar level. The applicant is not proposing to increase the cellar occupancy. It should be noted that during live performances there is a total of 90 seats in the main dining room on the cellar level (which includes 18 seats at the bar). When one combines total number of seated dinner patrons with the total number of staff (10-15) and performers (5-10), the estimated operational occupancy of the main dining area (where dinner/shows take place) is 115. I note that there is a private dining room on the cellar level that holds an additional 28 seats, however patrons located within the private dining room cannot view the live performances. The private dining room is only utilized for special occasions, large dinner parties and certain VIP events. However, we have included the private dining area to provide a conservative analysis of the estimated functional capacity of the cellar level, the result of which is an aggregate of 143 occupants (which total includes 100 seated dinner patrons).

As indicated above, the applicant has agreed to each and every recommendation of FDNY as set forth in their March 21, 2018 letter.



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I respectfully request that the Board approve the proposed special permit on condition that the applicant undertake and complete each and every recommendation of FDNY as set forth in their March 21, 2018 letter.

Very truly yours,

TROUTMAN SANDERS LLP

By: */s/ Jeremiah H. Candreva*

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Jeremiah H. Candreva



**City Environmental Quality Review**  
**ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM**  
 Please fill out and submit to the appropriate agency (see instructions)

**Part I: GENERAL INFORMATION**

**PROJECT NAME** Red Rooster Harlem

**1. Reference Numbers**

CEQR REFERENCE NUMBER (to be assigned by lead agency) 18-BSA-016M	BSA REFERENCE NUMBER (if applicable) 2017-240-BZ
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA)

**2a. Lead Agency Information**

NAME OF LEAD AGENCY  
New York City Board of Standards and Appeals

NAME OF LEAD AGENCY CONTACT PERSON  
Ms. Tracie Behnke

**2b. Applicant Information**

NAME OF APPLICANT  
Red Rooster Harlem LLC

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON  
Jeremiah H. Candreva

ADDRESS 250 Broadway, 29<sup>th</sup> Floor

ADDRESS 875 Third Avenue, 16<sup>th</sup> Floor

CITY New York	STATE NY	ZIP 10007	CITY New York	STATE NY	ZIP 10022
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TELEPHONE 212-386-0086	EMAIL tbehnke@bsa.nyc.gov	TELEPHONE 212-704-6292	EMAIL jed.candreva@troutman.com
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**3. Action Classification and Type**

**SEQRA Classification**

UNLISTED  TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 617.4(b)(9)

**Action Type** (refer to Chapter 2, "Establishing the Analysis Framework" for guidance)

LOCALIZED ACTION, SITE SPECIFIC  LOCALIZED ACTION, SMALL AREA  GENERIC ACTION

**4. Project Description**

Red Rooster Harlem LLC seeks to legalize the use of the cellar level that was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment. The special permit is required because the live entertainment located on the cellar level includes designated show times and cover charges and because the Site is located within 100 feet of a residential district boundary. But for the proximity of the site to such residential district boundary, the proposed Use Group 12A Eating and Drinking Establishment would be an as-of-right use pursuant to the Zoning Resolution.

**Project Location**

BOROUGH Manhattan COMMUNITY DISTRICT(S) 10 STREET ADDRESS 310 Lenox Avenue

TAX BLOCK(S) AND LOT(S) Block 1723, Lot 69 ZIP CODE 10027

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Site is located on the southeast corner of Lenox Avenue and West 126<sup>th</sup> Street.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C4-4A ZONING SECTIONAL MAP NUMBER 6a (125)

**5. Required Actions or Approvals** (check all that apply)

**City Planning Commission:**  YES  NO  UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

<input type="checkbox"/> CITY MAP AMENDMENT	<input type="checkbox"/> ZONING CERTIFICATION	<input type="checkbox"/> CONCESSION
<input type="checkbox"/> ZONING MAP AMENDMENT	<input type="checkbox"/> ZONING AUTHORIZATION	<input type="checkbox"/> UDAAP
<input type="checkbox"/> ZONING TEXT AMENDMENT	<input type="checkbox"/> ACQUISITION—REAL PROPERTY	<input type="checkbox"/> REVOCABLE CONSENT
<input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY	<input type="checkbox"/> DISPOSITION—REAL PROPERTY	<input type="checkbox"/> FRANCHISE
<input type="checkbox"/> HOUSING PLAN & PROJECT	<input type="checkbox"/> OTHER, explain:	
<input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE:		

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

**Board of Standards and Appeals:**  YES  NO

VARIANCE (use)  
 VARIANCE (bulk)  
 SPECIAL PERMIT (if appropriate, specify type:  modification;  renewal;  other); EXPIRATION DATE:



SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION 73-244

**Department of Environmental Protection:**  YES  NO If "yes," specify:

**Other City Approvals Subject to CEQR** (check all that apply)

<input type="checkbox"/> LEGISLATION	<input type="checkbox"/> FUNDING OF CONSTRUCTION, specify:
<input type="checkbox"/> RULEMAKING	<input type="checkbox"/> POLICY OR PLAN, specify:
<input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES	<input type="checkbox"/> FUNDING OF PROGRAMS, specify:
<input type="checkbox"/> 384(b)(4) APPROVAL	<input type="checkbox"/> PERMITS, specify:
<input type="checkbox"/> OTHER, explain:	

**Other City Approvals Not Subject to CEQR** (check all that apply)

<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)	<input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL
	<input checked="" type="checkbox"/> OTHER, explain: NYC Department of Buildings

**State or Federal Actions/Approvals/Funding:**  YES  NO If "yes," specify:

**6. Site Description:** *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

**Graphics:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

<input checked="" type="checkbox"/> SITE LOCATION MAP	<input checked="" type="checkbox"/> ZONING MAP	<input checked="" type="checkbox"/> SANBORN OR OTHER LAND USE MAP
<input checked="" type="checkbox"/> TAX MAP	<input type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)	
<input checked="" type="checkbox"/> PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP		

**Physical Setting** (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 6,043 gsf area Waterbody area (sq. ft.) and type: 0  
 Roads, buildings, and other paved surfaces (sq. ft.): 0 Other, describe (sq. ft.): 0

**7. Physical Dimensions and Scale of Project** (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): legalization of 6,034 gsf cellar area  
 NUMBER OF BUILDINGS: 1 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): n/a  
 HEIGHT OF EACH BUILDING (ft.): n/a NUMBER OF STORIES OF EACH BUILDING: n/a

Does the proposed project involve changes in zoning on one or more sites?  YES  NO  
 If "yes," specify: The total square feet owned or controlled by the applicant: n/a  
 The total square feet not owned or controlled by the applicant: n/a

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading?  YES  NO  
 If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):  
 AREA OF TEMPORARY DISTURBANCE: 0 sq. ft. (width x length) VOLUME OF DISTURBANCE: 0 cubic ft. (width x length x depth)  
 AREA OF PERMANENT DISTURBANCE: 0 sq. ft. (width x length)

**8. Analysis Year** CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2018  
 ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 0

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE?  YES  NO IF MULTIPLE PHASES, HOW MANY?  
 BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

**9. Predominant Land Use in the Vicinity of the Project** (check all that apply)

<input type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> MANUFACTURING	<input checked="" type="checkbox"/> COMMERCIAL	<input type="checkbox"/> PARK/FOREST/OPEN SPACE	<input type="checkbox"/> OTHER, specify:
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**DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS**

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
<b>LAND USE</b>				
<b>Residential</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures	n/a	n/a	n/a	n/a
No. of dwelling units	n/a	n/a	n/a	n/a
No. of low- to moderate-income units	n/a	n/a	n/a	n/a
Gross floor area (sq. ft.)	n/a	n/a	n/a	n/a
<b>Commercial</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)	U.G. 12A Eating and Drinking Establishment "supper club"	U.G. 12A Eating and Drinking Establishment "supper club"	U.G. 12A Eating and Drinking Establishment "supper club"	No increase in occupancy or square footage of cellar level
Gross floor area (sq. ft.)	6,034	6,034	6,034	0
<b>Manufacturing/Industrial</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type of use	n/a	n/a	n/a	n/a
Gross floor area (sq. ft.)	n/a	n/a	n/a	n/a
Open storage area (sq. ft.)	n/a	n/a	n/a	n/a
If any unenclosed activities, specify:	n/a	n/a	n/a	n/a
<b>Community Facility</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type	n/a	n/a	n/a	n/a
Gross floor area (sq. ft.)	n/a	n/a	n/a	n/a
<b>Vacant Land</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:	n/a/n/a	n/a		n/a
<b>Publicly Accessible Open Space</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):	n/a	n/a	n/a	n/a
<b>Other Land Uses</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:	n/a	n/a	n/a	n/a
<b>PARKING</b>				
<b>Garages</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces	n/a	n/a	n/a	n/a
No. of accessory spaces	n/a	n/a	n/a	n/a
Operating hours	n/a	n/a	n/a	n/a
Attended or non-attended	n/a	n/a	n/a	n/a
<b>Lots</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces	n/a	n/a	n/a	n/a
No. of accessory spaces	n/a	n/a	n/a	n/a
Operating hours	n/a	n/a	n/a	n/a
<b>Other</b> (includes street parking)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:	n/a	n/a	n/a	n/a
<b>POPULATION</b>				
<b>Residents</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify number:	n/a	n/a	n/a	n/a

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Briefly explain how the number of residents was calculated:	n/a			
<b>Businesses</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. and type				
No. and type of workers by business	n/a	n/a	n/a	n/a
No. and type of non-residents who are not workers	n/a	n/a	n/a	n/a
Briefly explain how the number of businesses was calculated:	n/a			
<b>Other</b> (students, visitors, concert-goers, etc.)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If any, specify type and number:	n/a	n/a	n/a	n/a
Briefly explain how the number was calculated:	n/a			
<b>ZONING</b>				
Zoning classification	C4-4A (125)	C4-4A (125)	C4-4A (125)	n/a
Maximum amount of floor area that can be developed	4.0	4.0	4.0	0
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	commercial	commercial	commercial	0
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

**Part II: TECHNICAL ANALYSIS**

**INSTRUCTIONS:** For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
<b>1. LAND USE, ZONING, AND PUBLIC POLICY:</b> <a href="#">CEQR Technical Manual Chapter 4</a>		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the <a href="#">Consistency Assessment Form</a> .		
<b>2. SOCIOECONOMIC CONDITIONS:</b> <a href="#">CEQR Technical Manual Chapter 5</a>		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If "yes," answer both questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
<b>i. Direct Residential Displacement</b>		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>ii. Indirect Residential Displacement</b>		
o Would expected average incomes of the new population exceed the average incomes of study area populations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes:"		
▪ Would the population of the primary study area increase by more than 10 percent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iii. Direct Business Displacement</b>		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
enhance, or otherwise protect it?		
<b>iv. Indirect Business Displacement</b>		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>v. Effects on Industry</b>		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6</b>		
<b>(a) Direct Effects</b>		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(b) Indirect Effects</b>		
<b>i. Child Care Centers</b>		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>ii. Libraries</b>		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iii. Public Schools</b>		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>iv. Health Care Facilities</b>		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>v. Fire and Police Protection</b>		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4. OPEN SPACE: CEQR Technical Manual Chapter 7</b>		
<b>(a)</b> Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(b)</b> Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(c)</b> If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(d)</b> Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(e)</b> If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(f)</b> If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(g)</b> If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
percent?		
<ul style="list-style-type: none"> <li>o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>5. SHADOWS:</b> <u>CEQR Technical Manual Chapter 8</u>		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year.		
<b>6. HISTORIC AND CULTURAL RESOURCES:</b> <u>CEQR Technical Manual Chapter 9</u>		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the <u>GIS System for Archaeology and National Register</u> to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. 310 Lenox Avenue (f/k/a the "Park & Tilford Building") is listed on the NY State and National Register of Historic Places (Nat Reg # 08NR05937/USN 06101.015786). 310 Lenox Avenue is not a NYC Landmark building.		
<b>7. URBAN DESIGN AND VISUAL RESOURCES:</b> <u>CEQR Technical Manual Chapter 10</u>		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in <u>Chapter 10</u> .		
<b>8. NATURAL RESOURCES:</b> <u>CEQR Technical Manual Chapter 11</u>		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of <u>Chapter 11</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the <u>Jamaica Bay Watershed</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the <u>Jamaica Bay Watershed Form</u> and submit according to its <u>instructions</u> .		
<b>9. HAZARDOUS MATERIALS:</b> <u>CEQR Technical Manual Chapter 12</u>		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in <u>Appendix 1</u> (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10. WATER AND SEWER INFRASTRUCTURE:</b> <u>CEQR Technical Manual Chapter 13</u>		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?		
(c) If the proposed project located in a <u>separately sewered area</u> , would it result in the same or greater development than that listed in Table 13-1 in <u>Chapter 13</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the <u>Jamaica Bay Watershed</u> or in certain <u>specific drainage areas</u> , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
<b>11. SOLID WASTE AND SANITATION SERVICES:</b> <u>CEQR Technical Manual Chapter 14</u>		
(a) Using Table 14-1 in <u>Chapter 14</u> , the project's projected operational solid waste generation is estimated to be (pounds per week):		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>12. ENERGY:</b> <u>CEQR Technical Manual Chapter 15</u>		
(a) Using energy modeling or Table 15-1 in <u>Chapter 15</u> , the project's projected energy use is estimated to be (annual BTUs):		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. TRANSPORTATION:</b> <u>CEQR Technical Manual Chapter 16</u>		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in <u>Chapter 16</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? **It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of <u>Chapter 16</u> for more information.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>14. AIR QUALITY:</b> <u>CEQR Technical Manual Chapter 17</u>		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in <u>Chapter 17</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in <u>Chapter 17</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in <u>Chapter 17</u> ? (Attach graph as needed)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
<b>15. GREENHOUSE GAS EMISSIONS:</b> <u>CEQR Technical Manual Chapter 18</u>		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**16. NOISE:** CEQR Technical Manual Chapter 19

(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		

**17. PUBLIC HEALTH:** CEQR Technical Manual Chapter 20

(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		

**18. NEIGHBORHOOD CHARACTER:** CEQR Technical Manual Chapter 21

(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		

**19. CONSTRUCTION:** CEQR Technical Manual Chapter 22

(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

**20. APPLICANT'S CERTIFICATION**

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME <i>Juanita Cruz</i>	SIGNATURE <i>Juanita Cruz</i>	DATE 11-16-17
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**PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.**



**Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)**

**INSTRUCTIONS:** In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

**Potentially Significant Adverse Impact**

IMPACT CATEGORY	YES	NO
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input type="checkbox"/>
Open Space	<input type="checkbox"/>	<input type="checkbox"/>
Shadows	<input type="checkbox"/>	<input type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input type="checkbox"/>
Energy	<input type="checkbox"/>	<input type="checkbox"/>
Transportation	<input type="checkbox"/>	<input type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input type="checkbox"/>
Noise	<input type="checkbox"/>	<input type="checkbox"/>
Public Health	<input type="checkbox"/>	<input type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input type="checkbox"/>
Construction	<input type="checkbox"/>	<input type="checkbox"/>

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?

YES  NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

- Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).
- Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.
- Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

**4. LEAD AGENCY'S CERTIFICATION**

TITLE	LEAD AGENCY
NAME	DATE
SIGNATURE	

**NEGATIVE DECLARATION (Use of this form is optional)****Statement of No Significant Effect**

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

**Reasons Supporting this Determination**

The above determination is based on information contained in this EAS, which that finds the proposed project:

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

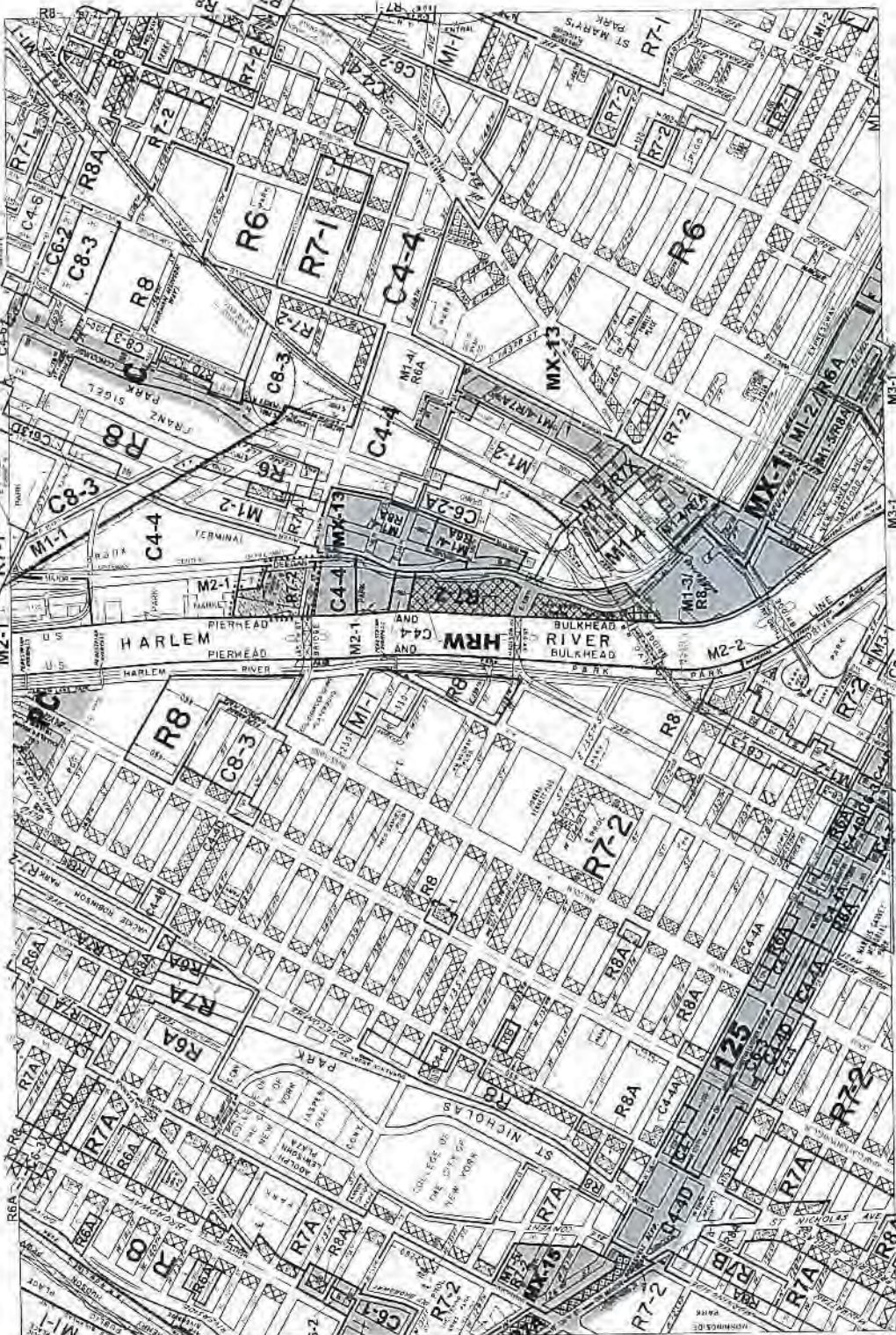
TITLE	LEAD AGENCY
NAME	DATE
SIGNATURE	



DISCLAIMER FEE!



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

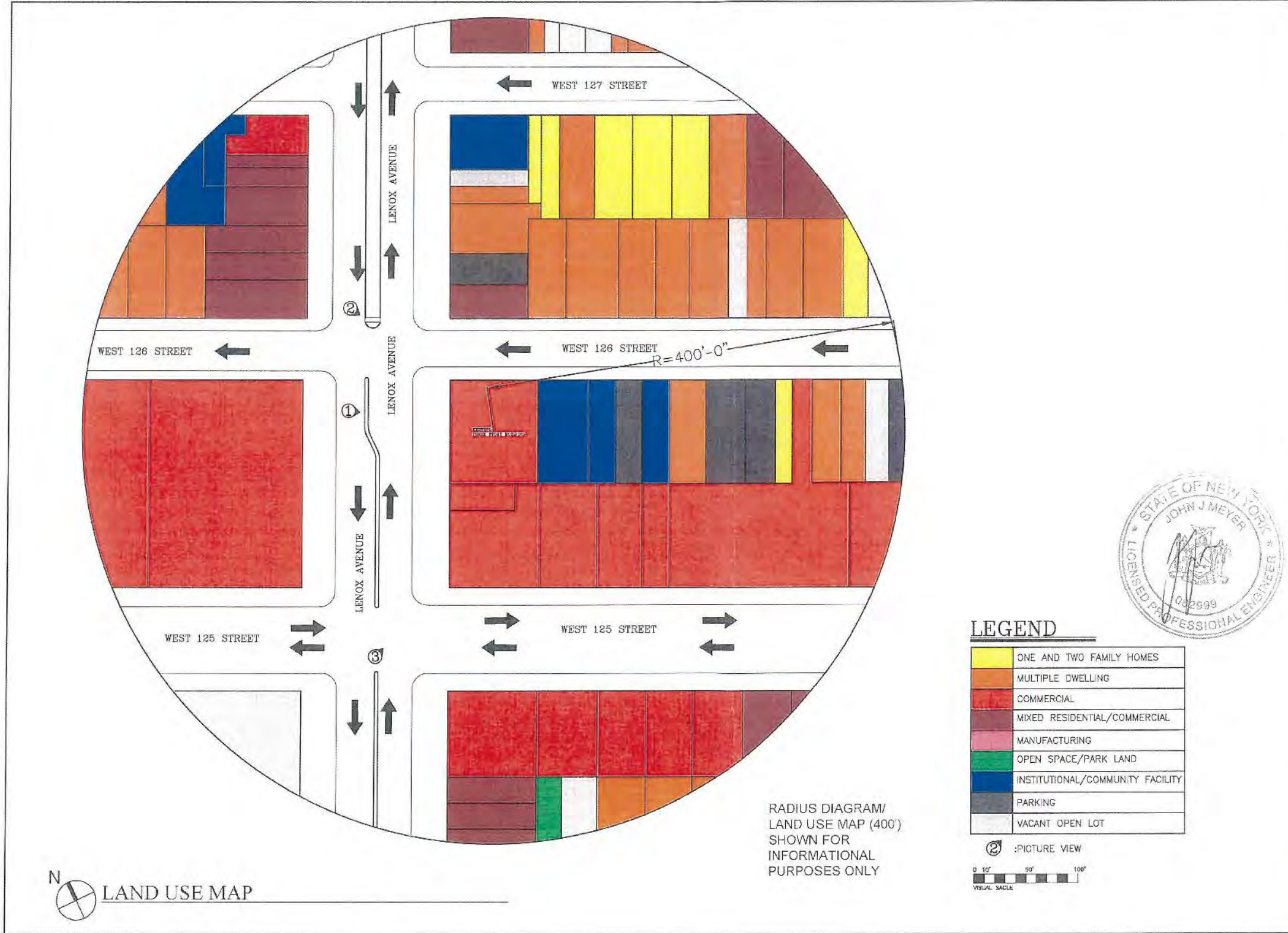


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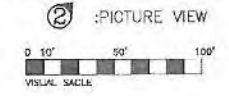




RADIUS DIAGRAM/  
LAND USE MAP (400')  
SHOWN FOR  
INFORMATIONAL  
PURPOSES ONLY

**LEGEND**

	ONE AND TWO FAMILY HOMES
	MULTIPLE DWELLING
	COMMERCIAL
	MIXED RESIDENTIAL/COMMERCIAL
	MANUFACTURING
	OPEN SPACE/PARK LAND
	INSTITUTIONAL/COMMUNITY FACILITY
	PARKING
	VACANT OPEN LOT



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NO.	DATE	COMMENT
D2	11-09-2017	FOR BSA FILING
D1	08-14-2017	FOR BSA FILING
D0	08-09-2017	FOR BSA FILING

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

LAND USE MAP

PROJECT NO: 100107  
 DRAWN BY: BK  
 DESIGNED BY: SB  
 CHECKED BY: JM  
 DRAWING NO: A-004.00  
 REVISION: 4 of 13

**edg**

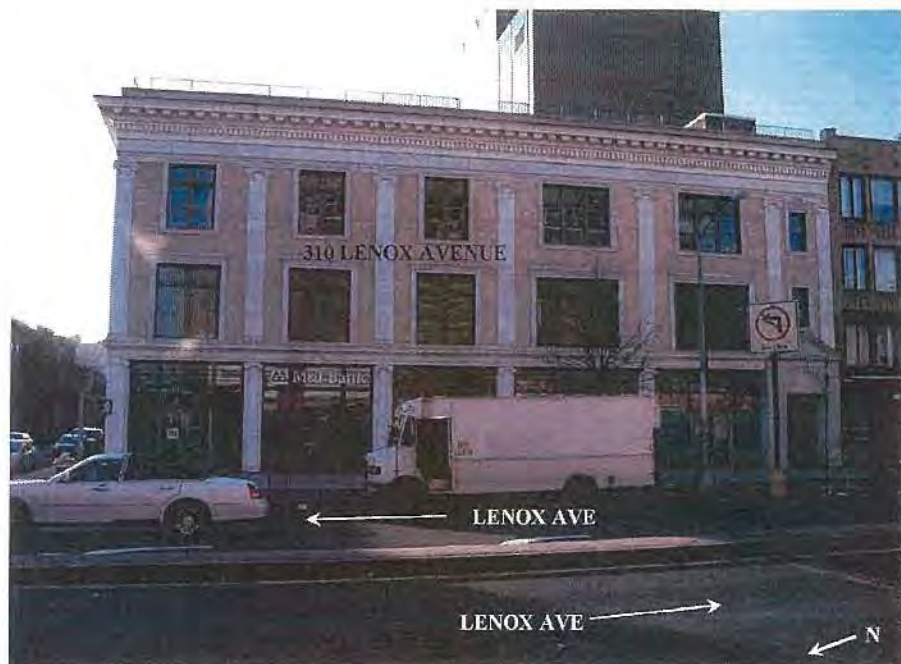


PHOTO #1: LENOX AVENUE - BUILDING WEST VIEW



PHOTO #2: CORNER OF LENOX AVENUE & 126TH STREET VIEW



PHOTO #3: CORNER OF LENOX AVENUE & 125TH STREET VIEW

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02	11-09-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING
NO.	DATE	COMMENT

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

CONTEXT PHOTOS



PROJECT NO. 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING NO.  
A- 005.00  
REVISIONS 5 of 13



## A. INTRODUCTION

Red Rooster Harlem LLC (the “Applicant”) seeks a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York (“Zoning Resolution” or “ZR”), to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant, which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment (“Proposed Use”). The special permit is required because the live entertainment that is located on the cellar level includes designated show times and cover charges and because the site is located within 100 feet of a residential district boundary. Use Group 12A eating and drinking establishments are otherwise permitted as a matter of right in the existing C4-4A zoning district.

310 Lenox Avenue (the “Site”) is located on the southeast corner of West 126th Street and Lenox Avenue. The Site has approximately 100 feet of frontage on Lenox Avenue and 85 feet of frontage on West 126th Street, a total lot area of approximately 8,500 square feet. The zoning lot comprising the Site is mapped within a C4-4A (125) zoning district. The majority of the block in which the Site is located is mapped within either a C4-4A zoning district or a C4-7 zoning district, a portion of the 126th Street frontage is located in an R6A zoning district (approximately 100 x 545). The Site is also wholly located within the Special 125th Street District, the regulations of which either supplements and/or supersedes the underlying C4-4A district regulations.

### The Site

The Site is today improved with a three-story commercial building that is generally utilized for bank, office and restaurant use. The third floor, which was previously utilized for office use, is currently vacant. The second floor is leased to YAI Seeing Beyond Disability and used for office use. The second floor and the third floor (when it was tenanted) are/were as a general matter occupied from 9 am to 5 pm Monday through Friday. M&T Bank occupies a portion of the ground floor.

The applicant and world renowned Chef Marcus Samuelsson operates the Red Rooster Harlem (a/k/a, the Red Rooster Restaurant) on the remaining portion of the ground floor (3,444 zfa) and the cellar level (6,034 gsf). The Red Rooster Restaurant’s existing certificate of occupancy limits occupancy of the ground floor to 130 persons and the cellar floor to 200 persons (See copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The proposed legalization of the cellar level to permit dancing and live performances with designated show times and cover charges does not increase the occupancy of the cellar level, which is limited to 200 persons.



### The Red Rooster Restaurant

Red Rooster Restaurant is today a landmark restaurant that meets the growing and diverse tastes of an evolving neighborhood. Chef Samuelsson brings his passion for food and desire to make a change through active participation with community based organizations; youth work apprenticeship programs and local artists. Red Rooster Restaurant is a space where diners and guests can share great food in a chic and open atmosphere. Red Rooster Restaurant's interior combine elements of modern farm to table design with Harlem's speakeasy history and music relevance. The unique combination comes together in subtle design elements placed throughout the restaurant.



(Photo: David Rosenzweig)

The Red Rooster Restaurant was recently reviewed by food critic and columnist Steve Cuozzo and featured in his October 8, 2016 Article 'The 7 Restaurants that changed New York City.' Mr Cuozzo described the Red Rooster Restaurant as follows: "This is Exhibit No. 1 of how a visionary chef with a smart business model can bring change far beyond the kitchen.

**Attachment A:****Project Description**

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Chef Marcus Samuelsson’s rollicking bistro — a jolly blend of Ethiopian, southern-American and Swedish influences, served in a colorful dining room behind a retro, horseshoe-shaped bar — made the biggest splash in uptown food since the Harlem Renaissance of the 1920s. But its larger legacy is the renaissance it inspired in the historic African-American neighborhood around Lenox Avenue and West 125th Street.

Emboldened by Red Rooster’s success, a dozen new cafes — Italian, Indian, French, Japanese and “crafted American soul” — have opened on Lenox since 2011. Local residents who were long denied modern dining options suddenly had choices. Downtown customers finally discovered the area’s charms. And a nearby lot that stood empty for decades sprouted a retail complex where Whole Foods will open in early 2017.”

**B. PROPOSED ACTIONS**

Red Rooster Harlem LLC seeks a special permit, pursuant to Section 73-244 of the Zoning Resolution to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant, which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment. The special permit is required because the cellar level includes dancing, live entertainment with designated show times and cover charges and because the site is located within 100 feet of a residential district boundary.

**C. FRAMEWORK FOR ANALYSIS**

This document has been prepared in accordance with the guidelines presented in the *City Environmental Quality Review (CEQR) Technical Manual*. For each Environmental Assessment Statement (EAS) technical assessment, the analysis includes descriptions of existing conditions, conditions in the future without the proposed project (the “No Action” condition), and conditions in the future with the proposed project (the “With Action” condition). For each relevant technical area, the incremental difference between the No Action and With Action condition is analyzed to determine the potential environmental effects of the proposed project.

**NO ACTION SCENARIO**

The Red Rooster Restaurant serves an eclectic mix of locals, area businesses, hard-core foodies and tourists, from Manhattan to New York and beyond. Chef Samuelsson brings his passion for food and desire to make a change through active participation with community based organizations; youth work apprenticeship programs and local artists. Red Rooster Restaurant is a space where diners and guests can share great food and lively music in a chic and open

**Attachment A:****Project Description**

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atmosphere. Red Rooster Restaurant's interior combine elements of modern farm to table design with Harlem's speakeasy history and music relevance.

**MUSIC – GROUND FLOOR**

Red Rooster's patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster's image and offerings to its patrons and to the entire Harlem Community. Although, musicians and musical offerings vary from time to time, the following is a list of the musical offerings on the ground floor:

**Monday**

The "Rakiem Walker Project" (RWP) is a 7 piece band that consists of horns, drums, vocals, guitar, keyboards, and more. The band plays different genres and musical feels including Jazz, RnB, Neo-Soul, Live Hip Hop, Reggae, Gospel, Blues, and Latin.

**Tuesday**

Johnny Mambo is a spicy quintet of vivacious horns and congos that light up the bar each week Red Rooster. Guests are invited to dance while enjoying the spirit of Latin grooves.

**Wednesday**

DJ Hard Hittin Harry was born in Haiti in the late sixties. At the tender age of three, his family made a series of moves starting with Brooklyn New York, and Montreal, Canada. He spent the majority of his life in New Jersey and eventually returned to Brooklyn where he currently resides.

**Thursday**

DJ Masai is the center of the storm. He has been spinning for over 23 years and has played in some of the biggest venues in the city and Tri-State area. DJ Masai just about always knew what elements were essential to rock a party.

**Friday**

Dj Stormin' Norman originally hails from East London, UK and is now a resident of Harlem, USA. In the 90's, he was part of a groundbreaking DJ collective who brought the Thunderstorm Mix on WBLS 107.5FM NYC, introducing live mixing to daytime radio previously reserved for weekend nights broadcasted from night-clubs, setting a new precedent in national radio.

**Attachment A:****Project Description**

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Dj Stormin' Norman is also the DJ resident of Marcus Samuelsson's Red Rooster in Harlem.

**Saturday Brunch**

DJ NessDigital is a true Music Selector. Since 2005, he has been jamming at a wide range of events; some include fashion parties, clubs, lounges, gallery events, weddings and live radio. He is the essential crowd pleaser incorporating a wide variety of tracks that ranges from funk, rock, soul, r&b, house, world, jazz, hip-hop, old and new.

**Saturday Night**

A native New Yorker, DJ Lex NY's sound has been influenced by the diverse cultures that shape New York City. Since 2002, he has played all over the five boroughs, as well as in other cities. It's his ability to entertain with intricate sets of Afro Beat, Dancehall, Hip Hop, House, and Soca that has earned him a reputation as one of the best up and coming dj's in NYC.

**Sunday Brunch**

Come to Red Rooster on Sunday mornings and you will hear the lovely vocals of Boncellia Lewis. Having performed with the who's who of the Harlem jazz underground, including Bill Saxton, Donald Smith, Kim Clarke, and Harry Whitaker, Boncellia embodies the spirit of music and Harlem in every grace-plucked note she sings.

**Sunday Dinner**

Whether you're sipping cocktails in the bar or enjoying the comfort food standards on the menu, live jazz can help stave off the late-weekend blues. Every Sunday, the Nate Lucas Quartet sets up shop and begins jamming its way through classic jazz tunes and forgotten nuggets.

**MUSIC – CELLAR LEVEL****Ginny's Supper Club**

The 6,034 gsf cellar level operates as a Use Group 12A Eating and Drinking Establishment, the legalization of which would permit a traditional supper club to operate where patrons eat dinner, have drinks and listen to a live performance (with designated show times and cover charges). While the operation of the proposed supper club may vary, it is currently envisioned to include two shows on a regular basis Thursday through Saturday with the first

**Attachment A:**

**Project Description**

set starting at 6:30 pm and the second set starting at 9:30 pm. Ginny’s also offers post dinner late night live entertainment on Friday and Saturday evenings from 11pm until 3am. Sunday morning “Gospel Brunch” performances are also within the programming schedule.

**GOSPEL BRUNCH**

Looking to spend an unforgettable Sunday morning in Harlem? Join us downstairs at Ginny's Supper Club for a spirited Gospel Brunch featuring Vi Higginsen's Gospel For Teens Choir and Red Rooster’s famous soul food brunch.

**WITH ACTION SCENARIO**

The applicant seeks a special permit from the NYC Board of Standards and Appeals, pursuant to Section 73-244 of the Zoning Resolution, to facilitate the legalization of the existing Use Group 12A Eating and Drinking Establishment on the cellar level.

The Reasonable Worst Case Development Scenario for the proposed project is summarized below in Table A-1.

**Table A-1  
RWCDS for the  
Proposed 27 East 4<sup>th</sup> Street Site Project**

	<b>Existing Cellar Conditions</b>	<b>No-Action Cellar Condition</b>	<b>With-Action Cellar Condition</b>	<b>Increment for Analysis</b>
Built Floor Area	6,034 gsf	6,034 gsf	6,034 gsf	0 sf
Uses	U.G. 12A Eating and Drinking Establishment "supper club"	U.G. 12A Eating and Drinking Establishment "supper club"	U.G. 12A Eating and Drinking Establishment "supper club"	No increase in occupancy or square footage of cellar level

**LAND USE, ZONING AND PUBLIC POLICY**

According to the CEQR Technical Manual, a Land Use, Zoning and Public Policy assessment should be conducted if the action would result in a significant change in land use or would substantially affect regulation or policies governing land use, or if analyses requiring land use information are being performed in any other technical area.

The Red Rooster Harlem LLC seeks a special permit, pursuant to Section 73-244 of the Zoning Resolution, to facilitate the legalization of the Use Group 12A Eating and Drinking Establishment on the cellar level. The special permit is required because the cellar level includes dancing, live entertainment with designated show times and cover charges and because the site is located within 100 feet of a residential district boundary.

**Music – Ground Floor**

Red Rooster's patrons are treated on the ground floor to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster's image and offerings to its patrons and to the entire Harlem Community.

**Music – Cellar Floor**

The proposed legalization of the 6,034 gsf cellar level to a Use Group 12A Eating and Drinking Establishment would permit a traditional supper club to operate where patrons eat dinner, have drinks and listen to a live performance (with designated show times and cover charges). While the operation of the proposed supper club may vary, it is currently envisioned to include two shows on a regular basis Thursday through Saturday with the first set starting at 6:30 pm and the second set starting at 9:30 pm. It is also envisioned that Ginny's would offer late night live entertainment on Friday and Saturday evenings from 11pm to 3am. Sunday morning "Gospel Brunch" performances are also within the programming schedule.

The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. Red Rooster Restaurant's proposal will step into this void because it provides an innovative music program that features a variety

**Attachment B:****Land Use, Zoning and Public Policy**

---

of live music including Jazz, R&B, Soul and Salsa. The Red Rooster Restaurant regularly coordinates its performances with up-and-coming local artists, as well as premier musicians. The cellar space can also be utilized for special events such as wine tastings, food pairings and book signings by Chef Sameulsson and others notables. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.

The proposed action is consistent with land use, zoning and public policy and accordingly would have no significant adverse impacts on land use, zoning or public policy conditions. Therefore, no further analysis is required.

**SOCIOECONOMIC CONDITIONS**

According to the CEQR Technical Manual, a socioeconomic assessment should be conducted if an action may reasonably be expected to create substantial socioeconomic changes in an area. This can occur if an action would directly displace a residential population, substantial numbers of businesses or employees, or a business or institution that is unusually important to the community. It can also occur if an action would bring substantial new development that is markedly different from existing uses and activities in the neighborhood and therefore would have the potential to lead to indirect displacement of businesses or residents from the area. According to the CEQR Technical Manual, residential development of 200 units or less or commercial development of 200,000 square feet or less would not be considered “substantial” new development and typically do not result in significant socioeconomic impacts.

The area around the project site includes long standing commercial businesses, and the proposed action will not affect conditions in the real estate market or produce displacement pressures that did not exist previously. Therefore, no further analysis is required and no significant adverse impacts to socioeconomic conditions would occur.



**COMMUNITY FACILITIES AND SERVICES**

According to the *CEQR Technical Manual*, a Community Facilities and Services assessment should be conducted if an action may reasonably be expected to add population or 100 or more residential units to an area, or have a direct effect on a community facility.

The proposed action would not add population or 100 or more residential units to the project area. The proposed action would also not have a direct effect on a community facility use and would not result in any new school aged children. Consequently, no further assessment of public school seats or day care facilities is warranted. Further, the proposed action would not increase the ratio of residential units to libraries in the borough. Therefore, no further analysis is required, and the proposed action would not result in any significant adverse impacts to community facilities.

**OPEN SPACE**

According to the CEQR Technical Manual, an Open Space assessment should be conducted if an action may reasonably be expected to have either a direct impact resulting from elimination or alteration of open space or an indirect impact resulting from overtaxing available open space.

The proposed action does not involve any existing or planned public open space. Therefore, no further analysis is required and no significant adverse impacts on publically accessible open space conditions would occur.

**Attachment F:****Historic and Cultural Resources**

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**A. INTRODUCTION**

According to the *CEQR Technical Manual*, a historic resources assessment is required if there is the potential to affect either archaeological or architectural resources. Actions that could affect archaeological resources and that typically require an assessment are those that involve in-ground disturbance or excavation. Actions that trigger an architectural resources assessment include new construction, demolition, or significant alteration to any building, structure, or object; a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; construction, including but not limited to, excavation, vibration, subsidence, dewatering, and the possibility of falling objects; additions to or significant removal, grading, or replanting of significant historic landscape features; screening or elimination of publicly accessible views; and the introduction of significant new shadows or significant lengthening of the duration of existing shadows over a historic landscape or on a historic structure with sunlight-dependent features.

**B. SCREENING ANALYSIS**

According to the *CEQR Technical Manual*, a Historic Resources archaeological assessment should be conducted if an action may reasonably be expected to result in an in-ground disturbance, which is defined as any disturbance to an area not previously excavated, or new construction, demolition, or physical alteration to any building.

Archaeology

The proposed action would not result in an in-ground disturbance including, without limitation, any excavation and foundation work. Accordingly, the proposed action would not have any significant adverse impacts on archaeological resources, and no further analysis is required.

Architecture

The proposed action does not include the demolition of the existing building or the construction of a new building. Further, the proposed action does not include the alteration of the exterior of the 310 Lenox Avenue building. The proposed action is strictly limited to legalization of the existing live entertainment use on the cellar level.

Although the existing building located at 310 Lenox Avenue (f/k/a the "Park & Tilford Building") is listed on the NY State and National Register of Historic Places (Nat Reg # 08NR05937/USN 06101.015786), this proposal does not include any alteration to the exterior of the building. No aspect of the proposed action requires approval from NYC Landmarks Preservation Commission, the NYS State Office of Parks Recreation and Historic Preservation or the National Register of Historic Places.

**CONCLUSION**

In summary, the proposed project would not have any significant adverse impacts on architectural resources, and no further analysis is required.

**SHADOWS**

According to the *CEQR Technical Manual*, a Shadows assessment should be conducted if an action may reasonably be expected to result in new shadows that are of a length that are capable of reaching a publicly accessible open space.

The proposed action does not alter the existing envelope of the 310 Lenox Avenue building and would therefore not result in any new shadows. Therefore, no further analysis is required and no significant adverse impacts on shadow conditions would occur.

**URBAN DESIGN/VISUAL RESOURCES**

According to the CEQR Technical Manual, an Urban Design and Visual Resources assessment is not necessary for many projects and only when a project would have substantially different bulk or setbacks than exist in an area or if substantial new, above-ground construction would occur in an area that has important views, natural resources, or landmark structures.

The proposed action does not alter the existing envelope of the 310 Lenox Avenue building and would therefore not result in any different bulk or setbacks than exist in an area and no new substantial above-ground construction would occur in an area that has important views, natural resources, or landmark structures. Therefore, no further analysis is required and no significant adverse impacts on urban design and visual resources conditions would occur.

**NEIGHBORHOOD CHARACTER**

As defined in the CEQR Technical Manual, neighborhood character is considered to be an amalgam of the various elements that give a neighborhood its distinct personality. These elements include land use, visual resources, urban design, historic resources, socioeconomics, noise and traffic. The proposed legalization of the cellar level promotes a restaurant/entertainment use that is consistent with the existing neighborhood and its character, which consists primarily of commercial buildings.

The proposed action would not result in any significant adverse impacts to land use, visual resources, urban design, cultural resources, or community facilities or open space, and therefore the proposed action would not result in any significant adverse impacts to the neighborhood character, and no further analysis is necessary.

**NATURAL RESOURCES**

This project site is located within a fully developed area of Manhattan that contains no natural resources.

Therefore, no further analysis is required and no significant adverse impacts on natural resources conditions would occur.



**HAZARDOUS MATERIALS**

According to the *CEQR Technical Manual*, a Hazardous Materials assessment is not required if no elevated levels of hazardous materials exist on a site, the proposed action does not increase pathways to their exposure, either human or environmental, and the proposed action does not introduce new activities or processes using hazardous materials resulting in an increased risk of human or environmental exposure.

The proposed action meets this three part test. Therefore, no further analysis is required and no significant adverse impacts on hazardous materials conditions would occur.

**INFRASTRUCTURE**

The proposed action would result in a negligible increase in water demand. The project's minimal increase in water demand in addition to the 1.4 billion gallons of water consumed in all of New York City would not affect the City's ability to supply water reliably.

Sewage generated by the proposed action is negligible and would be treated at the Wards Island Water Pollution Control Plant which has a permitted capacity of 275 million gallons per day. The project's sewage generation would be a negligible increase in the amount of sewage currently generated and the project would not affect the City's ability to treat sewage.

Additionally, the proposed action would not result in any storm water-relative impacts because it would not increase the amount of impervious surface at the site, as the site is already fully built over.

No additional analysis is required, and, the proposed action would not result in any significant adverse impacts to infrastructure.

**WATERFRONT REVITALIZATION**

The project block is not located within the boundaries of the city's Coastal Zone.

Therefore, an assessment of waterfront revitalization is not required and the proposed action would not result in any significant adverse impacts to waterfront revitalization.

**Attachment N:****Solid Waste and Sanitation Services**

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**SOLID WASTE AND SANITATION SERVICES**

The proposed action would result in a negligible increase in the demand for solid waste and sanitation services.

In accordance with the *CEQR Technical Manual*, a detailed assessment of solid waste and sanitation services is not warranted and no impacts to solid waste or sanitation services are expected to result from the proposed action.

**Attachment O:****Energy**

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**ENERGY**

The proposed project would conform to the New York State Energy Conservation Code, which reflects state and City energy policies. The project would be served by available energy suppliers.

## TRAFFIC AND TRANSPORTATION

### A. INTRODUCTION

This section examines the potential for the proposed project to result in significant adverse impacts on study area transportation systems, through a comparison of conditions with the proposed project (the With Action condition) to conditions in the future without the proposed project (the No Action condition).

### B. SCREENING ANALYSIS

As discussed above, the proposed action will not result in an increase in additional floor area or an increase in the number of patrons coming to the Red Rooster Harlem Restaurant. The proposed action seeks to legalize the existing Use Group 12A Eating and Drinking Establishment located on the cellar level. The existing certificate of occupancy for the restaurant permits Use Group 6A Eating and Drinking Establishments. It is important to note that musical entertainment can and does occur at the restaurant on an as-of-right basis. The legalization of the cellar conditions permits set show times and cover charges for musical performances.

According to Table 16-1 of the *CEQR Technical Manual*, the minimum development density for uses in Zone 2 (Manhattan north of 110th Street) potentially requiring a transportation analysis is 200 dwelling units, 100,000 gross square feet of office, 20,000 gross square feet of regional retail, 15,000 gross square feet of local retail, 20,000 gross square feet of restaurant (emphasis added), 25,000 gross square feet of community facility use or off-street parking facilities with 85 new spaces.

The Red Rooster Restaurant contains a total of 9,748 square feet (3,444 sq feet on the ground floor and 6,034 sq feet on the cellar level), an amount that is less than half of the minimum development density (20,000 square feet) that would trigger a traffic assessment in Zone 2 (if we were building a new restaurant). The Red Rooster is an existing restaurant and the applicant is not proposing to increase its size, as this proposal is limited to the legalization of the UG 12A use on the cellar level (6,034 sq. feet).

**Attachment P:****Traffic and Transportation**

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A formal traffic assessment is not required, as the project screens out from such an assessment based upon the methodology set forth in the CEQR Technical Manual. The vast majority of restaurant patrons walk and/or use mass transit, as the restaurant is located within 64 feet of the MTA entrance for the No. 2 and No. 3 subway lines and is in close proximity to bus service on 125th Street.

Therefore, the proposed action would not result in any significant adverse impacts to traffic or parking and no further assessment is required.

**TRANSIT & PEDESTRIANS**

The legalization of the cellar level would not result in or 200 or more transit trips on a subway or bus line or 200 or more peak hour pedestrian trips at a single sidewalk element, the *CEQR Technical Manual* thresholds requiring quantified analyses.

Therefore, no further analysis is required, and the proposed action is not expected to result in any significant adverse impacts to pedestrians and transit.



**AIR QUALITY**

According to the *CEQR Technical Manual*, an Air Quality assessment should be conducted if an action may reasonably be expected to result in significant mobile source air quality impacts or stationary source air quality impacts by creating new stationary sources of pollutants, such as emission stacks.

The proposed action would not result in significant mobile source air quality impacts or stationary air quality impacts. Therefore, no further analysis is required and no significant adverse impacts on land use, zoning and public policy conditions would occur.

**NOISE**

According to the *CEQR Technical Manual*, in many instances, it is possible to determine that a proposed action would not have the potential for a significant noise impact simply from its proposed physical characteristics, and that it is not necessary to conduct any detailed noise analyses. If the basic analysis does not identify the potential for significant impacts, no further noise analysis would be necessary and it can be stated that the proposed action would not result in a significant noise impact.

Walters-Storyk Design Group (WSDG LLC) conducted acoustical noise testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDG LLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code (See copy of June 22, 2017 WSDG LLC Noise Report attached hereto). WSDG LLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Consequently, the applicant repaired these doors consistent with the WSDG LLC's recommendations.

Accordingly, the proposed action would not result in a significant noise impacts.

**CONSTRUCTION**

Construction activities associated with the proposed project are minimal at best and are not expected to result in disruption to the surrounding community. It is not expected that the proposed action would result in any type of disruption arising from noise, dust or sidewalk and curb lane closures.

No significant impacts are expected to occur as a result of the construction.

**PUBLIC HEALTH**

According to the *CEQR Technical Manual*, public health may be jeopardized by poor air quality resulting from traffic or stationary sources, hazardous materials in soil or groundwater used for drinking water, significant adverse impacts related to noise or odors, solid waste management practices that attract vermin and pest populations, and actions that exceed city, state, or federal standards.

As described previously, the proposed action would not result in significant adverse impacts to traffic, air quality, or noise, nor would any applicable city, state, or federal standards be exceeded. The project would not involve solid waste management practices that would attract vermin or pest populations. Therefore, the proposed action would not result in any significant adverse impacts to public health.



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date 17 November 2017  
to Raul Adorno, Red Rooster Harlem  
cc Patrick Milner, Garage Management Company  
John Storyk, Founding Partner, WSDG  
Nancy Flannery, CFO, WSDG  
Andy Swerdlow, Acoustic Engineer, WSDG  
Ian Bromilow, Director of Acoustics, WSDG

from Frank Reder

client Red Rooster Harlem  
project Red Rooster Restaurant  
subject Acoustic Measurement Summary

seq# A005 (Rev. 3)

Raul

Please find enclosed a summary of the acoustical measurements undertaken at the Red Rooster Restaurant on 05 June 2017 and evaluation of potential noise code impacts at the nearest neighboring residence.

Based on our evaluation, no additional action is necessary to comply with New York City Noise Code.

We trust this information is useful and look forward to any questions or comments you may have. Please let us know if we may be of further assistance.

Kind regards

Frank Reder  
Senior Associate



## INTRODUCTION

We understand the Red Rooster Restaurant is seeking the approval of the NYC BSA to legalize live music (including set showtimes and cover charges) typically small jazz ensembles in the basement. Walters-Storyk Design Group (WSDG LLC) was contacted to conduct acoustical testing to evaluate potential noise code impacts.

Our evaluation included acoustical testing of the acoustical isolation of the existing storefront, and calculations to determine the expected noise levels at the nearest residential unit, which we understand to be 90 W 126th st, approximately 150 feet from the restaurant.

In terms of this music, there are two applicable sections of the New York City Noise Code (Local Law 113).

- Section 24-231 Commercial Music: in brief, this section states that music shall not exceed 42 dBA overall nor 45 dB in any single one-third octave band, as measured in an affected dwelling unit.
- Section 24-218 General Prohibitions: this section states that sound shall not exceed 7 dBA over the ambient sound levels at night (10 PM - 7AM), nor 10 dBA during the day (7 AM - 10 PM), as measured in an affected dwelling unit. Further, sound may not exceed 15 dBA over the ambient as measured 15 feet onto a public right of way.



Screenshot from Google maps showing Red Rooster in relation to nearest residential unit

## METHODOLOGY

In order to benchmark the acoustic isolation of the boundary constructions, WSDG performed sound isolation testing. The metric commonly used to describe sound isolation is Sound Transmission Class (STC), but in situ, Noise Isolation Class (NIC) is used.

The procedure involves generating high level broadband noise ('pink noise') in one room, and measuring the resulting noise levels in the 'source' room and any 'receiver' rooms or areas of concern.

The difference in level from source to receiver room is measured in octave bands and an algorithm used to calculate the single number NIC rating. It is important to understand that this is a single number NIC rating only covers part of the audible frequency range. This rating is useful when discussing comparative isolation between different types of constructions for speech, but does not describe the isolation of low frequency sound, such as is associated with music and in particular the 'thumping' of bass and drums. To accommodate this, WSDG tested for both NIC and low frequency performance of the storefront separating the ground floor of restaurant from the street.

We performed a conservative noise assesment by measuring noise at the ground level. Music coming from the basement will be at a lower level than those presented here; we estimate at least 10 dB lower.

With these results in hand, we then calculated the sound propagation from inside the restaurant to the nearest residence, assuming a standard jazz ensemble noise level of about 88 dBA, with appropriate spectrum.

These calculated noise levels were then compared to the limits of the NYC Noise Code summarized in the Introduction section.



*Image showing loudspeaker sound source in restaurant*

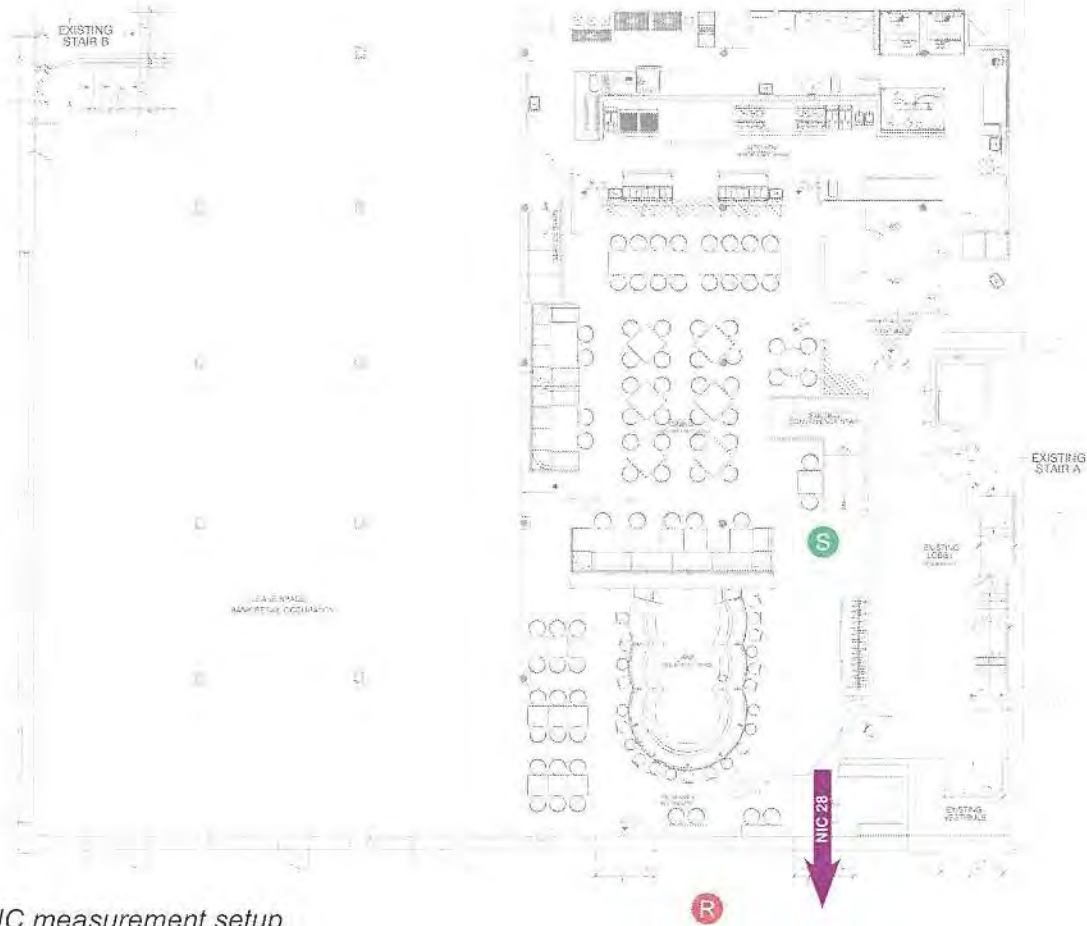


*Image showing sound level measurement on street 'receiver space'*

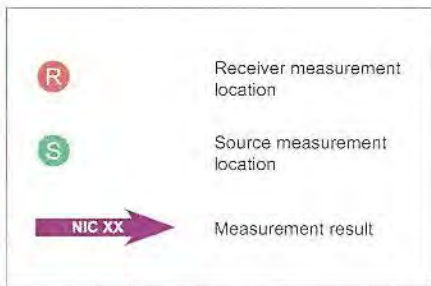


*Image showing sound level measurement in restaurant 'source room'*

The markup below shows the measurement setup and results visually.



*NIC measurement setup*





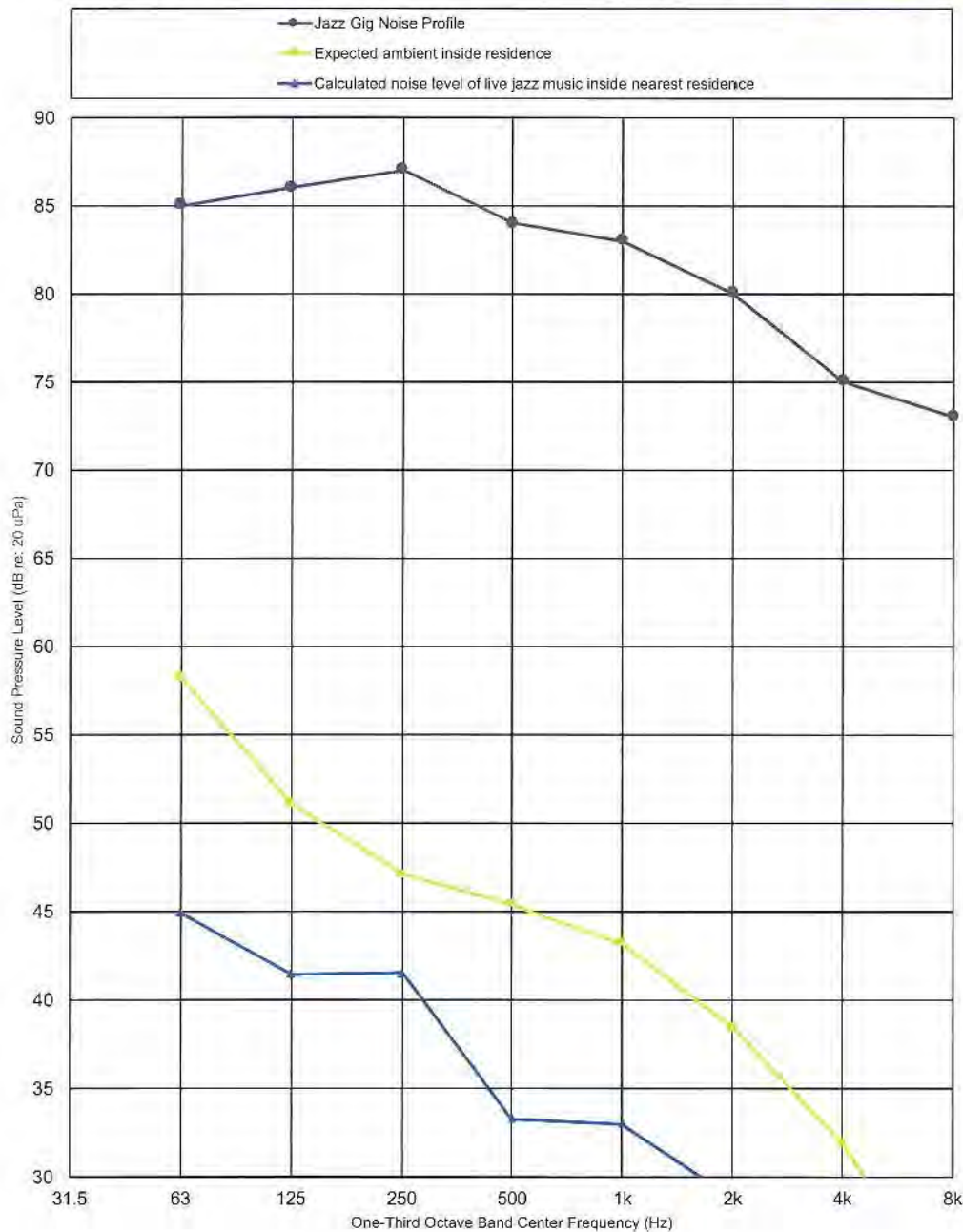


## RESULTS

### Nearest Residence

The graph below shows the calculated noise levels at the nearest receiving property based on the results of our testing and calculations. As shown in the graph, noise levels from a jazz gig are below the 42 dBA and 45 dB in all octave bands, which meets the requirements of NYC Noise Code for Commercial Music. Further, the noise levels from the gig are also below expected ambient noise levels inside the residence. Results from the NIC test are given in Appendix for information.

Project: Red Rooster Restaurant  
Measurement Date: 17.06.05  
Source Room: Restaurant  
Receiver Room: Residence





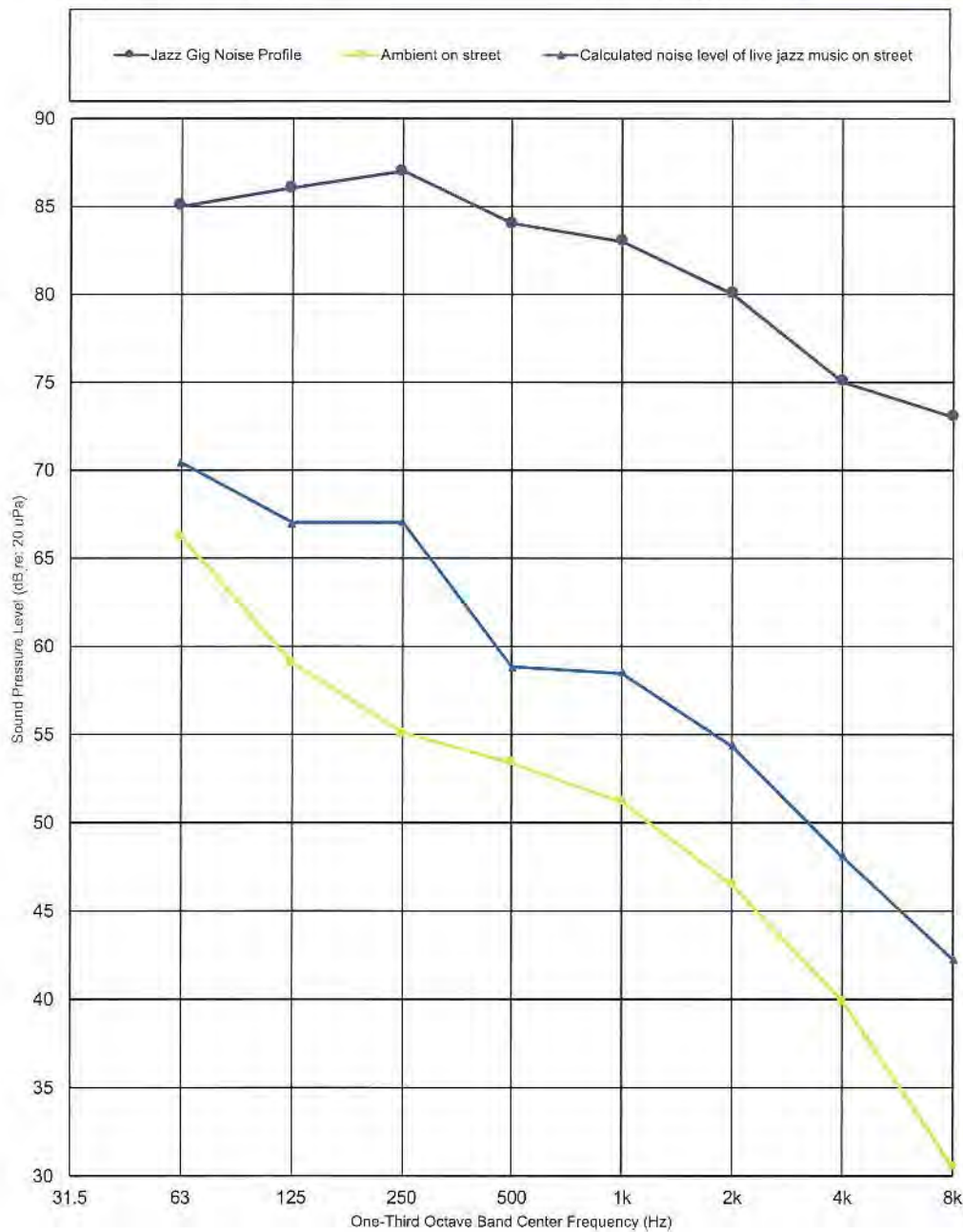
## RESULTS

### Street

The graph below shows the calculated noise levels on the street based on the results of our testing and calculations. As shown in the graph, noise levels from a jazz gig are less than 15 dBA above the ambient street levels - meaning there would be no noise code violation.

Results from the NIC test are given in Appendix for information.

Project: Red Rooster Restaurant  
Measurement Date: 17.06.05  
Source Room: Restaurant  
Receiver Room: Street





## ASSESSMENT

### Nearest Residence

As noted on the previous page, no noise code violation is expected at the nearest residence based on the tested sound isolation of the storefront and typical sound levels of a jazz ensemble. Further, it is our understanding from conversations on site that there have not been any complaints of excessive noise transfer out of the restaurant during its operation.

Finally, we note that because our assessment was carried out on the ground floor (which is conservative considering that live music is programmed for the cellar space), actual sound levels at the nearest residence will be lower than the levels presented here and are likely to be inaudible.

### Street

There is no specific NYC Noise Code provision for commercial music as heard on a street so we assume the general prohibitions would apply. As noted on the previous page, no noise code violation is expected on the street based on this assumption.

Further, Malcom X Blvd is a busy street so noise levels are typically high. This means sound bleeding out from the restaurant is less likely to be considered problematic as it is 'masked' by the traffic noise.

### General Comments

Additional gypsum board is being added in new walls and floor-ceilings (as noted in the BSA application), however this will have minimal additional effect on noise transfer from the restaurant to the neighborhood. This is because the cellar is open to the ground floor via a common stair, and the ground floor is separated from the neighborhood by the storefront. Additional drywall construction does not improve this sound transmission path.

The doors limit the sound isolation to the street (and therefore neighborhood). The surrounding construction is insulated glass, but because the door is the 'weak link' in the construction, it controls the overall performance. If these were sealed properly, the isolation would be improved, but would eventually be limited by the relatively lightweight surrounding construction.

As seen in the images below, gaps were clearly visible around the doors. These unsealed openings are the main path by which sound is allowed to escape the restaurant space and could be provided with acoustical seals to somewhat improve the performance. Nonetheless, no noise code violation is expected, even without remedial measures.



*Image showing gap where double doors meet at top*



*Image showing gap where double doors meet at bottom*



#### RECOMMENDATIONS / CONCLUSIONS

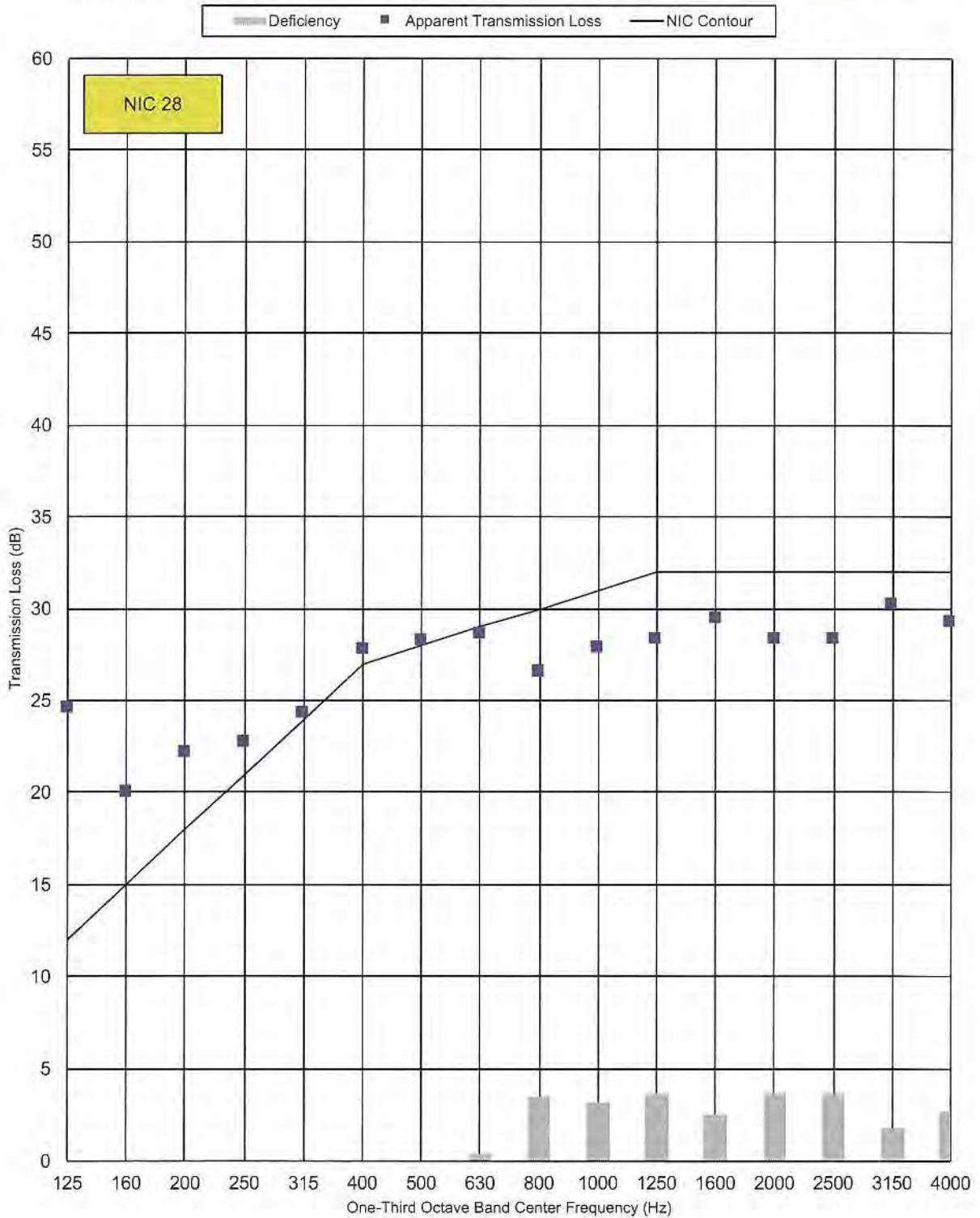
As no noise code violations are expected, no action is needed at this time. If the amount of sound separation is desired to be increased, WSDG is available to provide recommendations.

At the current moment, no corrective action appears necessary with respect to achieving New York City Noise Code.



APPENDIX: FULL NIC PLOT

Project: Red Rooster Restaurant  
Measurement Date: 17.06.05  
Source Room: Restaurant  
Receiver Room: Street





## APPENDIX: EQUIPMENT LIST

EQUIPMENT	MAKE / MODEL	SERIAL NO.
Pink Noise Generator	NTi Audio Minirator MR2	0730 01 14
Sound Level Meter	Bruel & Kjaer 2250	2690259
Measurement Microphone	Bruel & Kjaer 4189	2680657
Microphone Preamplifier	Bruel & Kjaer ZC-0032	12295
Acoustical Calibrator	Cirrus CRL 511E	125516
Self-powered Loudspeaker	Real Acoustics Custom Build	-

NIC 28

Project:	Red Rooster Restaurant
Measurement Date:	17.06.05
Source Room:	Restaurant
Receiver Room:	Street

Frequency	Source SPL in Restaurant	Receiver SPL in Street	Ambient SPL in Street	Adjusted Receiver SPL	Apparent Transmission Loss	NIC Adjustment	NIC Contour	Deficiency
25	57.46	70.93	73.06	69	-11			
31.5	65.64	67.65	69.88	66	0			
40	77.45	69.82	68.55	68	10			
50	87.16	73.31	75.47	71	16			
63	91.74	75.23	70.41	73	19			
80	93.57	75.42	68.41	74	19			
100	98.02	75.26	60.96	75	23			
125	93.8	69.81	60.64	69	25	-16	12	0
160	93.54	73.53	63.02	74	20	-13	15	0
200	92.13	70.03	59.98	70	22	-10	18	0
250	94.11	71.37	55.42	71	23	-7	21	0
315	90.88	66.57	56.44	67	24	-4	24	0
400	88.56	62.76	60.08	61	28	-1	27	0
500	88.99	62.79	59.34	61	28	0	28	0
630	88.99	62.35	58.92	60	29	1	29	0
800	85.16	60.62	58.27	59	27	2	30	3
1000	83.87	58.03	56.29	56	28	3	31	3
1250	81.32	54.98	55.21	53	28	4	32	4
1600	82.8	55.38	53.95	53	29	4	32	3
2000	78.77	52.41	51.62	50	28	4	32	4
2500	76.79	50.44	50.38	48	28	4	32	4
3150	80.09	51.85	48.45	50	30	4	32	2
4000	81.67	53.29	46.07	52	29	4	32	3
5000	81.27	51.92	44.81	51	30			
6300	80.65	49.96	42.8	49	32			
8000	79.81	46.6	39.45	46	34			
10000	77.36	42.06	37.09	40	37			

25

**Noise Analysis Study-**

- 16. Did the study ensure compliance with §24-232 of the NYC Noise Code?**
- 17. The NIC measurement setup diagram is not legible.**
  - a. Is the receiver location 15 ft. into the public right away? Show this measurement.**
- 18. Submit the backup data from the noise testing.**
- 19. The first chart appears to show that the noise levels from a jazz gig are below ambient noise inside a residence, not ambient noise on the street. Please clarify the narrative preceding the chart.**
- 20. Indicate the time of the noise testing. The NYC Noise Code has different criteria for day and night sound levels. Show results for both time periods (10pm-7am and 7am-10pm).**





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date 17 November 2017  
to Raul Adorno, Red Rooster Harlem  
cc Patrick Milner, Garage Management Company  
John Storyk, Founding Partner, WSDG  
Nancy Flannery, CFO, WSDG  
Andy Swerdlow, Acoustic Engineer, WSDG  
Ian Bromilow, Director of Acoustics, WSDG

from Frank Reder

client Red Rooster Harlem  
project Red Rooster Restaurant  
subject Acoustic Measurement Summary

seq# A005 (Rev. 3)

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Raul

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We trust this information is useful and look forward to any questions or comments you may have. Please let us know if we may be of further assistance.

Kind regards

Frank Reder  
Senior Associate

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Screenshot from Google maps showing Red Rooster in relation to nearest residential unit

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The procedure involves generating high level broadband noise ('pink noise') in one room, and measuring the resulting noise levels in the 'source' room and any 'receiver' rooms or areas of concern.

The difference in level from source to receiver room is measured in octave bands and an algorithm used to calculate the single number NIC rating. It is important to understand that this is a single number NIC rating only covers part of the audible frequency range. This rating is useful when discussing comparative isolation between different types of constructions for speech, but does not describe the isolation of low frequency sound, such as is associated with music and in particular the 'thumping' of bass and drums. To accommodate this, WSDG tested for both NIC and low frequency performance of the storefront separating the ground floor of restaurant from the street.

We performed a conservative noise assessment by measuring noise at the ground level. Music coming from the basement will be at a lower level than those presented here; we estimate at least 10 dB lower.

With these results in hand, we then calculated the sound propagation from inside the restaurant to the nearest residence, assuming a standard jazz ensemble noise level of about 88 dBA, with appropriate spectrum.

These calculated noise levels were then compared to the limits of the NYC Noise Code summarized in the Introduction section.



*Image showing loudspeaker sound source in restaurant*

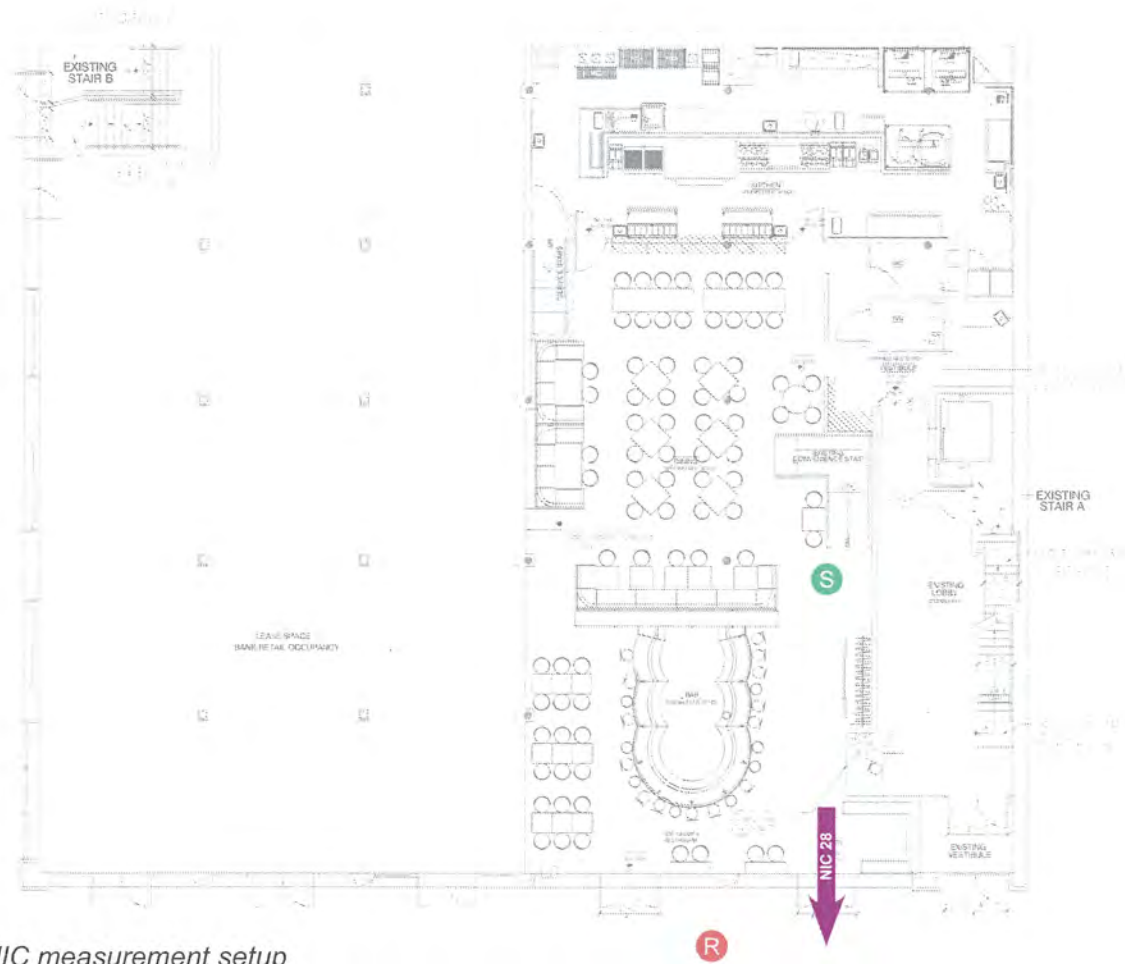


*Image showing sound level measurement on street 'receiver space'*

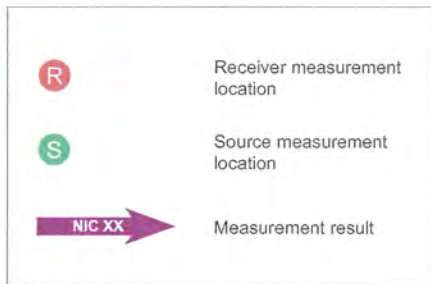


*Image showing sound level measurement in restaurant 'source room'*

The markup below shows the measurement setup and results visually.



NIC measurement setup



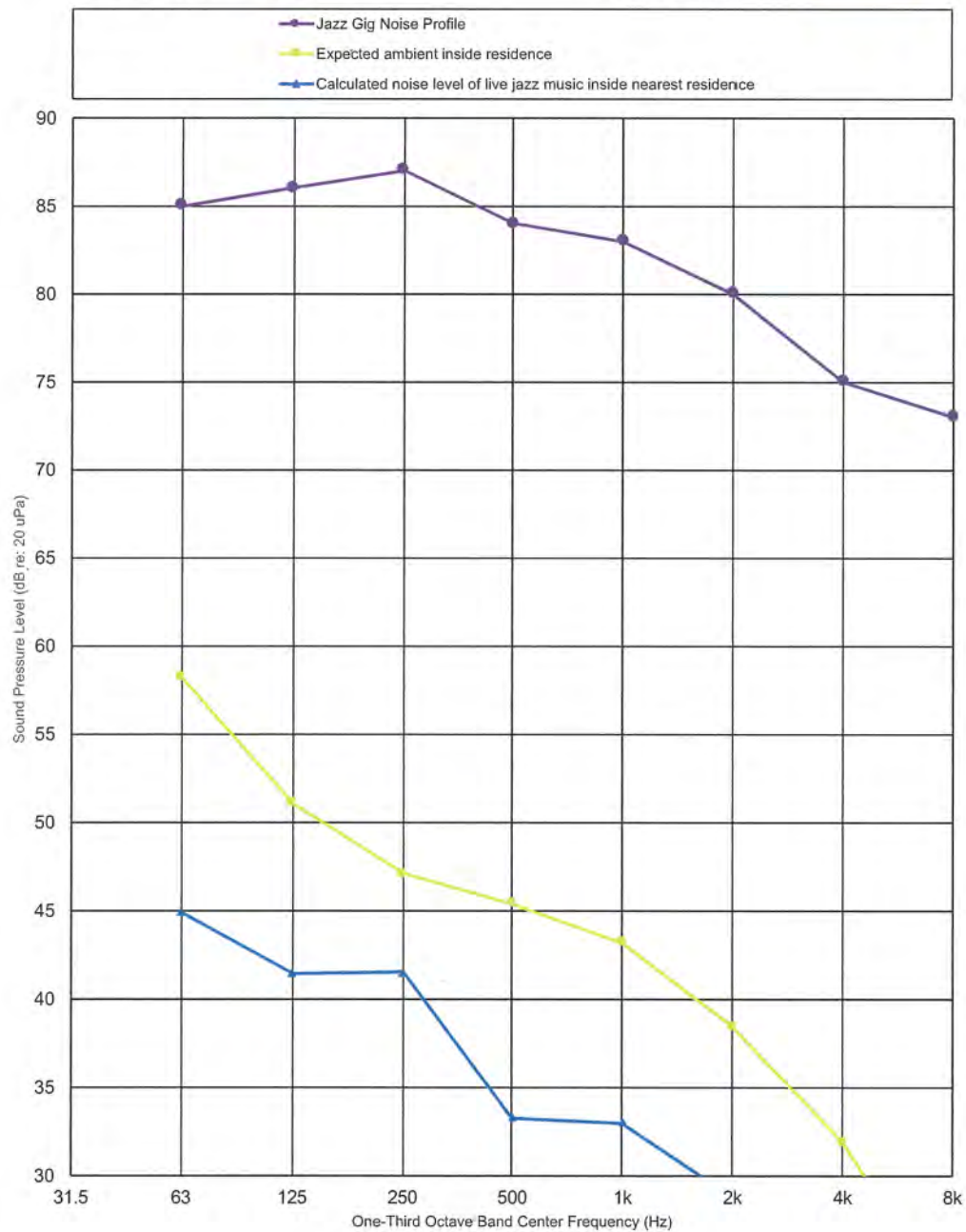


## RESULTS

### Nearest Residence

The graph below shows the calculated noise levels at the nearest receiving property based on the results of our testing and calculations. As shown in the graph, noise levels from a jazz gig are below the 42 dBA and 45 dB in all octave bands, which meets the requirements of NYC Noise Code for Commercial Music. Further, the noise levels from the gig are also below expected ambient noise levels inside the residence. Results from the NIC test are given in Appendix for information.

Project: Red Rooster Restaurant  
Measurement Date: 17.06.05  
Source Room: Restaurant  
Receiver Room: Residence





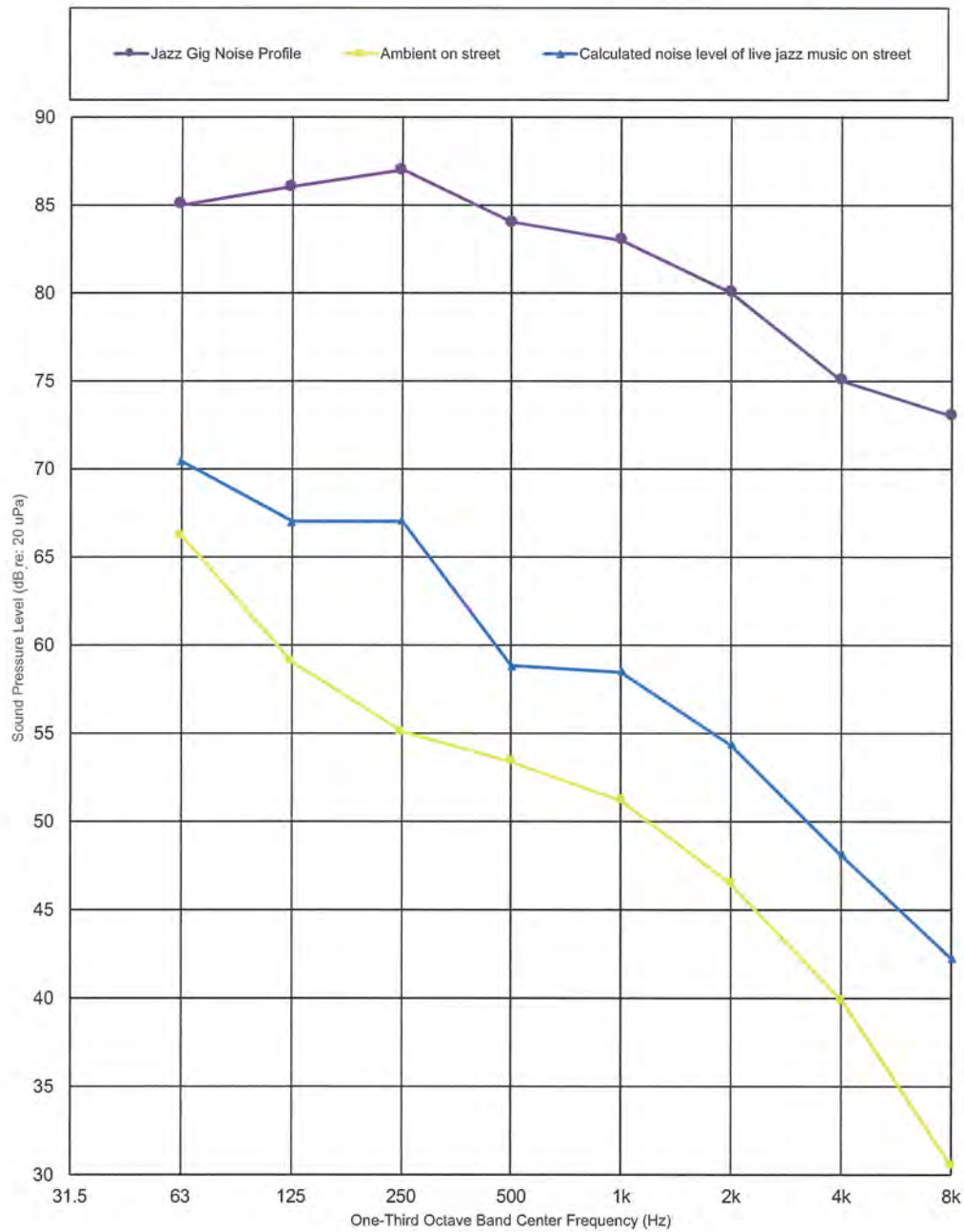
## RESULTS

### Street

The graph below shows the calculated noise levels on the street based on the results of our testing and calculations. As shown in the graph, noise levels from a jazz gig are less than 15 dBA above the ambient street levels - meaning there would be no noise code violation.

Results from the NIC test are given in Appendix for information.

Project: Red Rooster Restaurant  
Measurement Date: 17.06.05  
Source Room: Restaurant  
Receiver Room: Street



## ASSESSMENT

### Nearest Residence

As noted on the previous page, no noise code violation is expected at the nearest residence based on the tested sound isolation of the storefront and typical sound levels of a jazz ensemble. Further, it is our understanding from conversations on site that there have not been any complaints of excessive noise transfer out of the restaurant during its operation.

Finally, we note that because our assessment was carried out on the ground floor (which is conservative considering that live music is programmed for the cellar space), actual sound levels at the nearest residence will be lower than the levels presented here and are likely to be inaudible.

### Street

There is no specific NYC Noise Code provision for commercial music as heard on a street so we assume the general prohibitions would apply. As noted on the previous page, no noise code violation is expected on the street based on this assumption.

Further, Malcom X Blvd is a busy street so noise levels are typically high. This means sound bleeding out from the restaurant is less likely to be considered problematic as it is 'masked' by the traffic noise.

### General Comments

Additional gypsum board is being added in new walls and floor-ceilings (as noted in the BSA application), however this will have minimal additional effect on noise transfer from the restaurant to the neighborhood. This is because the cellar is open to the ground floor via a common stair, and the ground floor is separated from the neighborhood by the storefront. Additional drywall construction does not improve this sound transmission path.

The doors limit the sound isolation to the street (and therefore neighborhood). The surrounding construction is insulated glass, but because the door is the 'weak link' in the construction, it controls the overall performance. If these were sealed properly, the isolation would be improved, but would eventually be limited by the relatively lightweight surrounding construction.

As seen in the images below, gaps were clearly visible around the doors. These unsealed openings are the main path by which sound is allowed to escape the restaurant space and could be provided with acoustical seals to somewhat improve the performance. Nonetheless, no noise code violation is expected, even without remedial measures.



*Image showing gap where double doors meet at top*



*Image showing gap where double doors meet at bottom*



## RECOMMENDATIONS / CONCLUSIONS

As no noise code violations are expected, no action is needed at this time. If the amount of sound separation is desired to be increased, WSDG is available to provide recommendations.

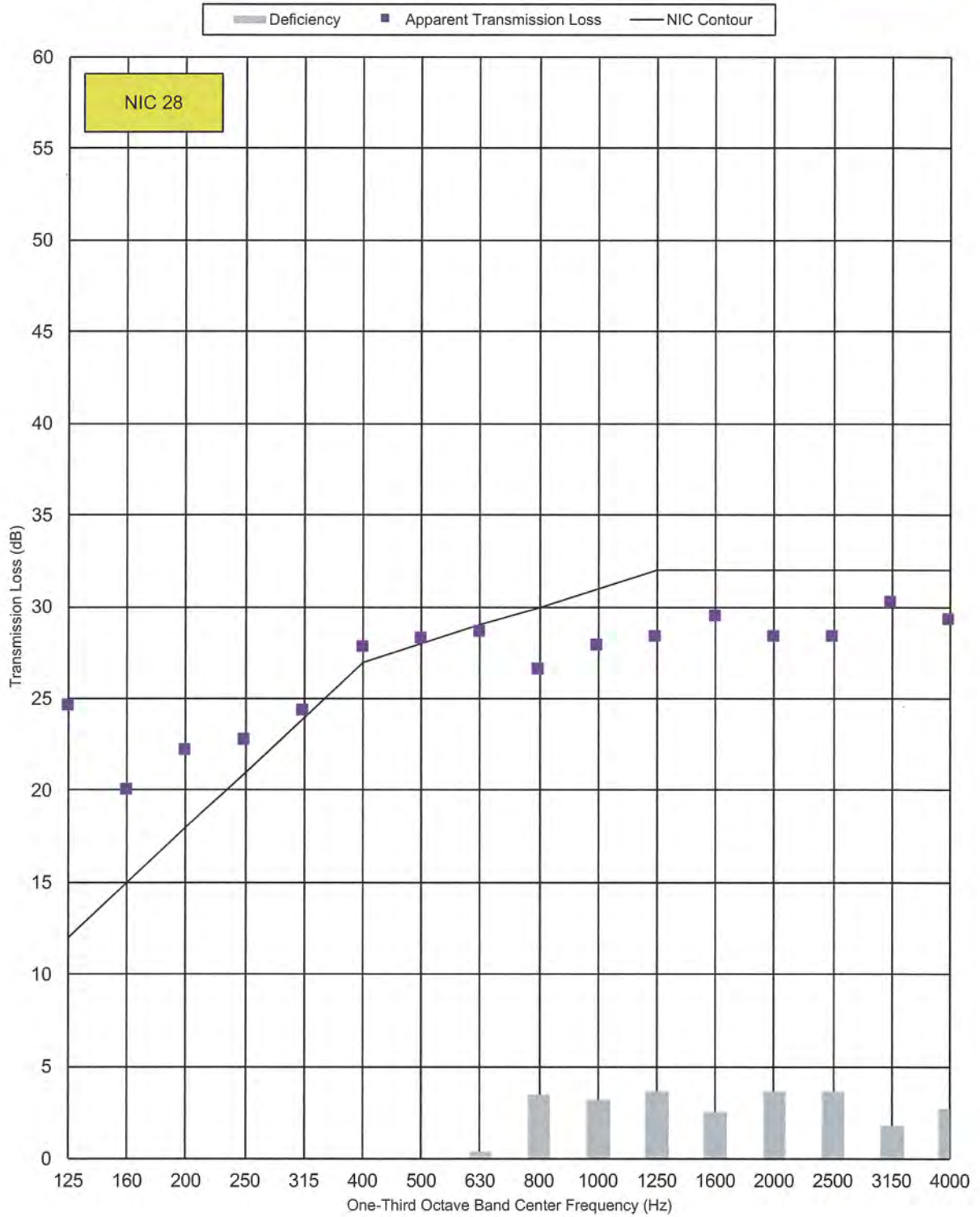
At the current moment, no corrective action appears necessary with respect to achieving New York City Noise Code.





### APPENDIX: FULL NIC PLOT

Project: Red Rooster Restaurant  
Measurement Date: 17.06.05  
Source Room: Restaurant  
Receiver Room: Street





## APPENDIX: EQUIPMENT LIST




EQUIPMENT	MAKE / MODEL	SERIAL NO.
Pink Noise Generator	NTi Audio Minirator MR2	0730 01 14
Sound Level Meter	Bruel & Kjaer 2250	2690259
Measurement Microphone	Bruel & Kjaer 4189	2680657
Microphone Preamplifier	Bruel & Kjaer ZC-0032	12295
Acoustical Calibrator	Cirrus CRL 511E	125516
Self-powered Loudspeaker	Real Acoustics Custom Build	-

NIC 28

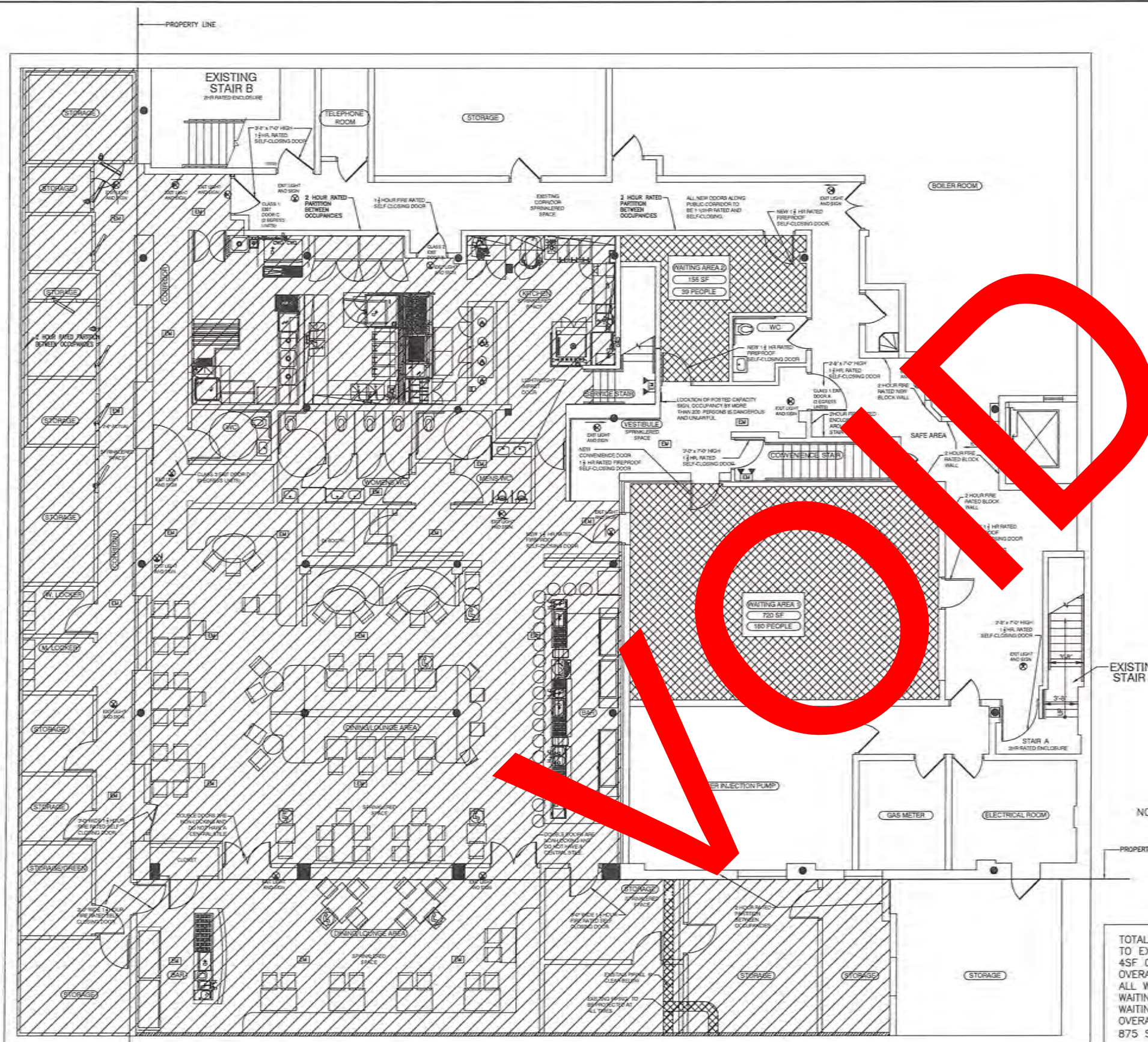
Project:	Red Rooster Restaurant
Measurement Date:	17.06.05
Source Room:	Restaurant
Receiver Room:	Street

Frequency	Source SPL in Restaurant	Receiver SPL in Street	Ambient SPL in Street	Adjusted Receiver SPL	Apparent Transmission Loss	NIC Adjustment	NIC Contour	Deficiency
25	57.46	70.93	73.06	69	-11			
31.5	65.64	67.65	69.88	66	0			
40	77.45	69.82	68.55	68	10			
50	87.16	73.31	75.47	71	16			
63	91.74	75.23	70.41	73	19			
80	93.57	75.42	68.41	74	19			
100	98.02	75.26	60.96	75	23			
125	93.8	69.81	60.64	69	25	-16	12	0
160	93.54	73.53	63.02	74	20	-13	15	0
200	92.13	70.03	59.98	70	22	-10	18	0
250	94.11	71.37	55.42	71	23	-7	21	0
315	90.88	66.57	56.44	67	24	-4	24	0
400	88.56	62.76	60.08	61	28	-1	27	0
500	88.99	62.79	59.34	61	28	0	28	0
630	88.99	62.35	58.92	60	29	1	29	0
800	85.16	60.62	58.27	59	27	2	30	3
1000	83.87	58.03	56.29	56	28	3	31	3
1250	81.32	54.98	55.21	53	28	4	32	4
1600	82.8	55.38	53.95	53	29	4	32	3
2000	78.77	52.41	51.62	50	28	4	32	4
2500	76.79	50.44	50.38	48	28	4	32	4
3150	80.09	51.85	48.45	50	30	4	32	2
4000	81.67	53.29	46.07	52	29	4	32	3
5000	81.27	51.92	44.81	51	30			
6300	80.65	49.96	42.8	49	32			
8000	79.81	46.6	39.45	46	34			
10000	77.36	42.06	37.09	40	37			

25

-  CELLAR AREA SUBJECT TO UG 12 BSA APPROVAL
-  WAITING AREA
-  FOR INFORMATIONAL PURPOSES ONLY

126TH STREET



LENOX AVENUE



NOTE: ALL PARTITIONS AND EXITS SHALL BE AS APPROVED BY DOB

TOTAL OCCUPANCY AT CELLAR RESTAURANT NOT TO EXCEED 200 OCCUPANTS  
 4SF OF WAITING AREA REQUIRED PER OCCUPANT.  
 OVERALL WAITING AREA REQUIRED: 800 S.F.  
 ALL WAITING AREA AT CELLAR LEVEL  
 WAITING AREA 1: 720 SF  
 WAITING AREA 2: 155 SF  
 OVERALL WAITING AREA PROVIDED: 875 S.F. 10% GREATER THAN REQUIRED  
 875 SF / 200 PEOPLE = 4.38 SF/PERSON

NO.	DATE	COMMENT
03	09-27-2017	FOR BSA FILING
02	08-22-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

EXISTING/PROPOSED  
CELLAR FLOOR PLAN

PROJECT No. 100107  
 DRAWING BY: BK  
 DESIGNED BY: SB  
 CHECKED BY: JM  
 DRAWING No.

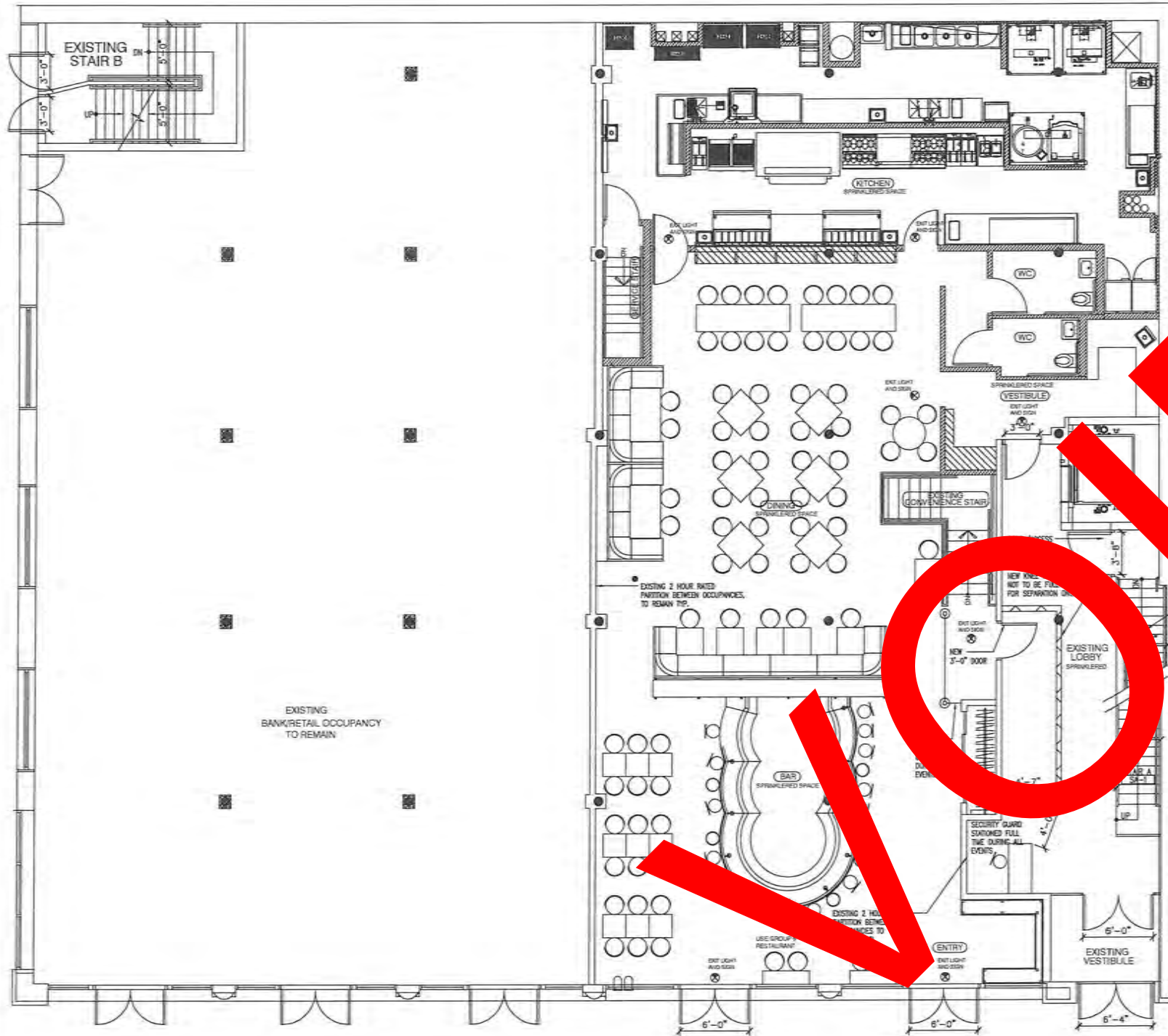
A-101.00

AS NOTED 6 of 11



EXISTING/PROPOSED CELLAR PLAN

3/16" = 1'-0"



NO.	DATE	COMMENT
03	09-27-2017	FOR BSA FILING
02	08-22-2017	FOR BSA FILING
01	08-14-2017	FOR BSA FILING
00	05-09-2017	FOR BSA FILING

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT  
BSA SPECIAL PERMIT.

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

EXISTING/PROPOSED  
GROUND (1ST)  
FLOOR PLAN

EXISTING/PROPOSED GROUND FLOOR PLAN  
3/16" = 1'-0"



PROJECT NO: 100107  
DRAWING BY: BK  
DESIGNED BY: SB  
CHECKED BY: JM  
DRAWING NO:

A-104.00

AS NOTED 8 of 11

# NYC Board of Standards and Appeals Public Hearing Announcement

Dear: **Sheba Realty II LLC**

Residing at: 20 W. 38th Street, Room 400, New York, NY 10018

Owner/Tenant of Block No. 1722 Lot No. 0001

Community Board No.: 10M

This letter is to advise you that your neighbor, located at **310 Lenox Avenue**, has an application with the Board of Standards and Appeals ("BSA") and is scheduled for a Public Hearing Tuesday, February 27, 2018, at the 1:00 P.M. session of the BSA, in **\*Spector Hall, 22 Reade Street, Manhattan\***. You are invited to attend the public hearing, where you will be given an opportunity to testify, if you wish.

The property is referenced by the following BSA Calendar number: **2017-240-BZ**.

The owner of **310 Lenox Avenue**, seeks the following modification(s) to the land use regulations:

**Special Permit (§73-244) to permit the legalization of the conversion of the cellar level of an existing eating and drinking establishment without restrictions and no limitation on entertainment and dancing (UG 12A) (Red Rooster Harlem Restaurant located on the cellar level . C4-4A (Special 125th Street District).**

You may complete the enclosed Form for Objection and Consent. It must be notarized and the consenter/objector must identify the address of his or her residence. Forms may be filed in person (by scheduling an appointment with BSA), emailed to [Submit@bsa.nyc.gov](mailto:Submit@bsa.nyc.gov), or mailed to the *New York City Board of Standards and Appeals, 250 Broadway, 29<sup>th</sup> Floor, New York, New York 10007*. The form should be received at the BSA office at least five (5) days prior to the public hearing.

The referenced application may be reviewed by appointment at the BSA's office, Monday through Friday, 9:00 am to 4:00 pm. To schedule an appointment or to obtain subsequent information regarding additional hearing dates, please call 212-386-0009 and reference BSA Calendar Number: **2017-240-BZ**. *A copy of the application is also available for review at your local Community Board office.*

If this notice is received by the business office of a cooperative or condominium, please notify all tenants of the cooperative or condominium in the office's customary manner and post the hearing notice in the common areas.

*This notice is published by the applicant in accordance with the BSA's Rules of Practice and Procedure.*

Applicant: **Troutman Sanders LLP**

Property Owner: **Red Rooster Harlem LLC**

Dated: January 18, 2018

  
\_\_\_\_\_, Applicant

\* Please confirm hearing location by visiting [www.nyc.gov/bsa](http://www.nyc.gov/bsa) or contact 212-386-0078.

The BZ calendar will immediately follow the SOC and A calendars. Please note that subsequent hearings for this application might be scheduled at 10:00AM.

RECEIVED  
BD STANDARDS AND APPEALS  
2018 FEB 23 11:52 AM

# NOTICE OF PUBLIC HEARING

To: **Sheba Realty II LLC**

Address: **20 W. 38th Street, Room 400, New York, NY 10018**

RECEIVED  
BD STANDARDS AND APPEALS  
2018 FEB -5 AM 11:33  
CAL. NO.

The NYC Board of Standards and Appeals has scheduled a public hearing on the following application:

**Special Permit (§73-244) to permit the legalization of the conversion of the cellar level of an existing eating and drinking establishment without restrictions and no limitation on entertainment and dancing (UG 12A) (Red Rooster Harlem Restaurant located on the cellar level . C4-4A (Special 125th Street District).**

Address: **310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.**

BSA Calendar Number: **2017-240-BZ**

Applicant: **Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.**

Community Board No.: **10M**

This application has been calendared for Public Hearing **\*Tuesday, February 27, 2018, 1:00 P.M. session, in Spector Hall, 22 Reade Street**, Borough of Manhattan. Interested persons or associations may appear at the hearing to present testimony regarding this application. The referenced application may be reviewed by appointment at the BSA's office, Monday through Friday, 9:00 am to 4:00 pm. To schedule an appointment or to obtain subsequent information regarding additional hearing dates, please call 212-386-0009 and reference BSA Calendar Number.

Dated: January 18, 2018



\_\_\_\_\_, Applicant

*This notice is published by the applicant in accordance with the Rules of Procedure of the Board of Standards and Appeals.*

\* Please confirm hearing location by visiting [www.nyc.gov/bsa](http://www.nyc.gov/bsa) or contact 212-386-0078.

The BZ calendar will immediately follow the SOC and A calendars. Please note that subsequent hearings for this application might be scheduled at 10:00AM.



250 Broadway, 29<sup>th</sup> Floor  
New York, NY 10007-2516  
Tel: (212) 386-0009  
Fax: (646) 500-6271  
Website: [www.nyc.gov/bsa](http://www.nyc.gov/bsa)

Margery Perlmutter  
Chair/Commissioner

RECEIVED  
BD STANDARDS AND APPEALS  
2018 FEB - 5 A 11: 59  
CAL. NO.

**FORM FOR OBJECTION OR CONSENT**

The NYC Board of Board of Standards and Appeals has scheduled a public hearing on the following application:

Cal. No.: 2017-240-BZ

Address: 310 Lenox Avenue, Block 1723, Lot 69, Borough of Manhattan.

Applicant: Troutman Sanders LLP, for Red Rooster Harlem LLC, owner.

You may complete the Affidavit provided below and indicate whether you consent or object to the application.

Name: Shelva Realty II LLC

I am the owner of or lessee at the following:

Address: 282-284 Lenox Ave  
New York, NY 10027

I support the application.

I object to the application for the following reasons (attach additional paper if necessary).

\_\_\_\_\_  
\_\_\_\_\_

Bolt  
\_\_\_\_\_  
Sign Here

Sworn to before me this 26 day

Of January 2018

[Signature] Notary

BOZENNA TOMERA  
Notary Public, State of New York  
Reg. No. 01TO6292958  
Qualified in Kings County  
Commission Expires Nov. 12, 2021



**2. Provide the manufacturer's spec sheet for the insulation and sound attenuation measures.**



## Formaldehyde-Free™ Fiberglass Insulation

UNFACED | KRAFT FACED | FOIL FACED

### COMPANY

Johns Manville, a Berkshire Hathaway company, was founded in 1858. Our ownership by Berkshire Hathaway, one of the most admired companies in the world and one of the most financially secure, allows JM to invest for the future. This enables JM to continue delivering the broadest range of insulation products in the industry and offering innovative solutions that meet your needs.

### DESCRIPTION

JM Formaldehyde-free™ thermal and acoustical insulation is made of long, resilient glass fibers bonded with a thermosetting resin. A wide range of thermal resistance R-values is available to provide thermal control for both vertical and horizontal applications. JM insulation is available unfaced or with a variety of facings, including kraft or foil vapor retarder.

### USE

JM Formaldehyde-free™ thermal and acoustical insulation can be used in a wide variety of wood frame, engineered wood and steel frame construction applications, including:

**New Construction:** residential homes and commercial buildings interior and exterior walls, floors and ceilings for thermal and sound control, as well as basement wall insulation.

**Retrofit:** adding insulation to attics, crawl spaces and above suspended ceilings.

### INSTALLATION

JM insulation cuts easily with an ordinary utility knife, and unfaced or tabless versions install easily by simply pressing in place between studs or joists in standard framing. Standard facings have stapling tabs for attachment to framing if additional securement is required.

### PACKAGING

JM insulation is compression-packaged for savings in storage and freight costs.

### DESIGN CONSIDERATIONS

Kraft and standard foil facings on this product will burn and must not be left exposed. It must be covered with gypsum board or another approved interior finish. Where an exposed application is required, use FSK-25 flame-resistant faced insulation.

In colder climate areas, vapor retarders (whether attached to the insulation or applied separately) are often placed toward the heated or conditioned side of the wall. This is done to reduce water vapor penetration into the wall from the building interior. Check your local building codes for vapor retarder requirements.

Refer to JM guide specifications for further design considerations and required installation instructions.

### LIMITATIONS OF USE

Check applicable building codes.



Actual color of product may be lighter than image.  
Product image typical of material produced in the USA

### PERFORMANCE ADVANTAGES

**Formaldehyde-free:** will not off-gas formaldehyde in the indoor environment.

**Thermally Efficient:** provides effective resistance to heat transfer with R-values up to R-49 (RSI-8.6).

**Sound Control:** reduces transmission of sound through exterior and interior walls and floor or ceiling assemblies.

**Fire Resistant and Noncombustible:** see Physical Properties.

**Durable Inorganic Glass:** will not rot, mildew or deteriorate and is noncorrosive to pipes, wiring and metal studs.

**Superior Performance:** bonded glass fibers are dimensionally stable and will not slump within the wall cavity, settle or break down during normal applications.

### ENERGY AND ENVIRONMENT



\*GREENGUARD certification is not intended for residential environments. Instead, the certification is intended only for buildings meeting ASHRAE 62.1-2007 commercial building ventilation rates. This certification is proof that the product meets the GREENGUARD Environmental Institute's indoor air quality standards and product emission standards for VOCs.



# Formaldehyde-Free™ Fiberglass Insulation

UNFACED | KRAFT FACED | FOIL FACED

## APPLICABLE STANDARDS & BUILDING CODE CLASSIFICATION

JM UNFACED INSULATION	JM KRAFT FACED INSULATION	JM FOIL FACED INSULATION
ASTM C665, Type I; ASTM E136	ASTM C665, Type II Class C, Category 1	ASTM C665, Type III, Class B, Category 1
IBC, ALL TYPES	IBC TYPES III, IV, V	IBC TYPES III, IV, V

## STANDARD SIZES\*

R-VALUE (hr·ft <sup>2</sup> ·°F/Btu)	RSI VALUE (m <sup>2</sup> ·°C/Watts)	THICKNESS** in (mm)	WIDTH†	
			WOOD FRAMING in (mm)	METAL FRAMING in (mm)
"	"	2¾ (70)	—	16 (406) 24 (610)
11	1.9	3½ (89) 3¾ (92)	15 (381) 19 (483)	16 (406) 24 (610)
13	2.3	3½ (89) 3¾ (92)	15 (381)	16 (406) 24 (610)
15	2.6	3½ (89)	15 (381)	—
19	3.3	6½ (165)	15 (381) 19 (483)	16 (406) 24 (610)
20	3.5	5½ (140)	15 (381)	—
21	3.7	5½ (140)	15 (381)	16 (406)
22	3.9	7½ (191)	15 (381)	—
30	5.3	10¼ (260)	16 (406) 19 (483)	16 (406) 24 (610)
30‡	5.3	8¼ (210)	15½ (394)	23¾ (600) —
38	6.7	13 (330)	16 (406)	16 (406) 24 (610)
38‡	6.7	10¼ (260)	15½ (394)	23¾ (600) —
49	8.6	13½ (343)	16 (406)	16 (406) 24 (610)

\* Consult your local JM sales representative or product availability chart for available sizes and R-values (RSI-values) including wide-roll products.

\*\* Thickness may vary by producing location.

† Special widths and lengths may be available. Check with your local JM sales representative. Standard product lengths include 48", 93" and 96" (1219 mm, 2362 mm and 2438 mm) batts.

‡ For sound control applications in interior walls.

‡ Cathedral ceiling application.

## PHYSICAL PROPERTIES\*\*

PRODUCTION	FLAME SPREAD	SMOKE DEVELOPED	VAPOR RETARDER (PERMS)	WATER VAPOR SORPTION
Unfaced*	<25	<50	N/A	<5%
Foil Faced	<75	<150	0.05	N/A
Kraft Faced	N/R	N/R	1	N/A

‡‡ Products are tested in accordance: R-value ASTM C518 | Surface Burning Characteristics ASTM E84 | Perm Rating ASTM E96 | Water Vapor Sorption ASTM C1104

Kraft and standard foil facing will burn. Do not leave exposed. Facing must be installed in substantial contact with an approved ceiling, floor or wall material. Keep open flame and other heat sources away from facing. Do not place insulation within 3" of light fixtures or similar electrical devices unless device is labeled for contact with insulation. Use only unfaced insulation between wood framing and masonry chimneys. Do not use insulation in spaces around metal chimneys, fireplaces, or flues. JM Unfaced insulation is considered non-combustible by model building codes. Flame Spread 25 products are flame spread rated and can be left exposed where codes allow. See package for warnings, fire hazard and installation instructions, or call 800-654-3103.

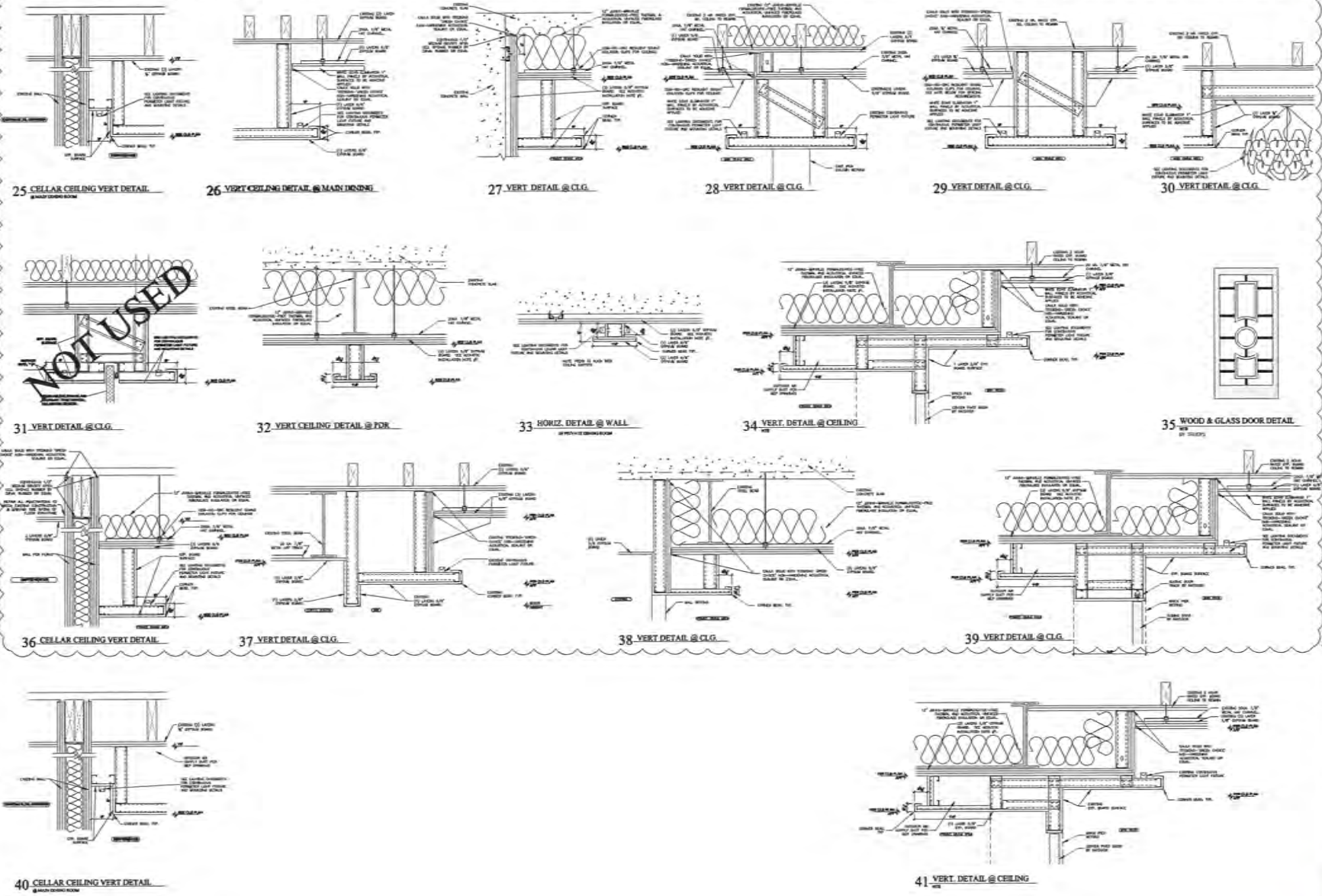
Due to potential skin irritation, unfaced insulation should not be used for exposed applications where it will be subject to human contact.

\* Unfaced fiberglass insulation is considered noncombustible according to ASTM E136.



Visit our website at [www.JM.com](http://www.JM.com) or call 800-654-3103 | Building Insulation Division P.O. Box 5108 | Denver, CO 80217-5108

Technical specifications as shown in this literature are intended to be used as general guidelines only. The physical and chemical properties of thermal and acoustical fiberglass insulation listed herein represent typical, average values obtained in accordance with accepted test methods and are subject to normal manufacturing variations. They are supplied as a technical service and are subject to change without notice. Any references to numerical flame spread or smoke developed ratings are not intended to reflect hazards presented by these or any other materials under actual fire conditions. Check with the sales office nearest you for current information. All Johns Manville products are sold subject to Johns Manville's Limited Warranty and Limitation of Remedy. For a copy of the Johns Manville Limited Warranty and Limitation of Remedy or for information on other Johns Manville thermal and acoustical insulation and systems, visit the website or call the 800 number above. 717 17th Street Denver CO, 80202



NO.	DATE	COMMENT
▲	07-08-2011	BO-SET
▲	08-10-2011	OWNER REVIEW
▲	03-21-2011	REVISED FOR PRICING
▲	03-14-2011	REVISED FOR PRICING
▲	01-13-2011	ISSUED TO TEAM

ISSUE DATES

RED ROOSTER  
HARLEM  
RESTAURANT

310 LENOX AVENUE  
NEW YORK, NY  
BLOCK: 1723 LOT: 69

PARTITION TYPES &  
DETAILS - PHASE 2

PROJECT NO: 100107  
 DRAWING BY: BK  
 DESIGNED BY: SB  
 CHECKED BY: JM  
 DRAWING NO:  
**A-402.00**  
 14 NOTE: 16 of 18



STATEMENT IN SUPPORT OF AN APPLICATION FOR A SPECIAL PERMIT,  
PURSUANT TO SECTION 73-244 OF THE ZONING RESOLUTION,  
TO LEGALIZE ON THE CELLAR LEVEL A USE GROUP 12A  
EATING AND DRINKING ESTABLISHMENT  
AT THE RED ROOSTER HARLEM  
RESTAURANT.

Affected Premises:

310 Lenox Avenue  
(Block 1723, Lot 69)  
Manhattan, Community District 10.

Troutman Sanders LLP  
875 Third Avenue  
New York, New York 10022  
Attention: Jeremiah H. Candreva, Esq.

## STATEMENT OF FACTS

### PART I

#### INTRODUCTION

This statement is made in support of the application by the Red Rooster Harlem LLC (the “Applicant”) for a special permit, pursuant to Section 73-244 of the Zoning Resolution of the City of New York (“Zoning Resolution” or “ZR”), to facilitate the legalization of the use of the cellar level of the Red Rooster Restaurant, which was previously converted from a Use Group 6A Eating and Drinking Establishment to a Use Group 12A Eating and Drinking Establishment (“Proposed Use”). The Applicant seeks a term of three (3) years for the special permit. The special permit is required because the site is located within 100 feet of a residential district boundary. Use Group 12A eating and drinking establishments are otherwise permitted as a matter of right in C4-4A zoning districts.

310 Lenox Avenue (the “Site”) is located on the southeast corner of West 126<sup>th</sup> Street and Lenox Avenue. The Site has approximately 100 feet of frontage on Lenox Avenue and 85 feet of frontage on West 126<sup>th</sup> Street, a total lot area of approximately 8,500 square feet. The zoning lot comprising the Site is mapped within a C4-4A (125) zoning district. The majority of the block in which the Site is located is mapped within either a C4-4A zoning district or a C4-7 zoning district, a portion of the 126<sup>th</sup> Street frontage is located in an R6A zoning district (approximately 100 x 545). The Site is also wholly located within the Special 125<sup>th</sup> Street District, the regulations of which either supplements and/or supersedes the underlying C4-4A district regulations.

## **EXISTING SITE CONDITIONS**

### **The Site**

The Site is today improved with a three-story commercial building that is generally utilized for bank, office and restaurant use. The third floor, which was previously utilized for office use, is currently vacant. The second floor is leased to YAI Seeing Beyond Disability and used for office use. The second floor and the third floor (when it was tenanted) are/were as a general matter occupied from 9 am to 5 pm Monday through Friday. M&T Bank occupies a portion of the ground floor. The applicant and world renowned Chef Marcus Samuelsson operates the Red Rooster Harlem (a/k/a, the Red Rooster Restaurant) on the remaining portion of the ground floor (3,444 zfa) and the cellar level (6,034 gsf). The Red Rooster Restaurant's existing certificate of occupancy limits occupancy of the ground floor to 130 persons and the cellar floor to 200 persons (See copies of attached Place Assembly Permits issued on 2-24-16 and 3-1-16, respectively). The proposed legalization of the cellar level to permit dancing and live performances with designated show times and cover charges does not increase the occupancy of the cellar level, which is limited to 200 persons.

### **The Red Rooster Restaurant**

Red Rooster Restaurant is today a landmark restaurant that meets the growing and diverse tastes of an evolving neighborhood. Red Rooster Restaurant serves an eclectic mix of locals, area businesses, hard-core foodies and tourists. Chef Samuelsson brings his passion for food and desire to make a change through active participation with community based organizations; youth work apprenticeship programs and local artists. Red Rooster Restaurant is a space where diners and guests can share great food in a chic and open atmosphere. Red Rooster Restaurant's interior combine elements of modern farm to table design with Harlem's speakeasy history and music relevance. The unique combination comes together in subtle design elements placed throughout the restaurant.



The Red Rooster Restaurant was recently reviewed by food critic and columnist Steve Cuozzo and featured in his October 8, 2016 Article ‘The 7 Restaurants that changed New York City.’ Mr Cuozzo described the Red Rooster Restaurant as follows:



(Photo: David Rosenzweig)

“This is Exhibit No. 1 of how a visionary chef with a smart business model can bring change far beyond the kitchen.

Chef Marcus Samuelsson’s rollicking bistro — a jolly blend of Ethiopian, southern-American and Swedish influences, served in a colorful dining room behind a retro, horseshoe-shaped bar — made the biggest splash in uptown food since the Harlem Renaissance of the 1920s. But its larger legacy is the renaissance it inspired in the historic African-American neighborhood around Lenox Avenue and West 125th Street.

Emboldened by Red Rooster's success, a dozen new cafes — Italian, Indian, French, Japanese and “crafted American soul” — have opened on Lenox since 2011. Local residents who were long denied modern dining options suddenly had choices. Downtown customers finally discovered the area's charms. And a nearby lot that stood empty for decades sprouted a retail complex where Whole Foods will open in early 2017.”

### **The Cuisine**

At Red Rooster Restaurant, the mission is to provide uncomplicated, fresh food that is inherently soulful. The menu at Red Rooster Restaurant offers Chef Samuelsson's contemporary interpretation of chicken and waffles, collard greens and catfish po'boys. Chef Samuelsson gives a nod to Harlem's culinary traditions with selections featuring a modern slant with arugula and lemon vinaigrette, roasted whole sea bass with corn and browned lime butter and oven roasted chicken stuffed with apple and thyme, slow cooked in an exposed rotisserie. Red Rooster Restaurant distinguishes itself as a brunch destination, offering a distinctive twist on hearty omelets, salads and griddled creations.

### **Farm-To-Table**

Chef Samuelsson's menu at the Red Rooster Restaurant represents the diversity found in American cuisine while drawing upon fresh local ingredients to create dishes that are creative, lively and full of flavor. The restaurant serves breakfast, lunch and dinner, with a menu featuring classic southern comfort dishes prepared with regionally raised meats, fruits and vegetables, fresh seafood from the Northeast, and a wide variety of flavorful vegetarian offerings, artisanal breads and cheeses.

### **The Café**

Red Rooster Restaurant serves three meals a day at the front-of-the-house café. In the morning, fresh baked muffins, pain au chocolate, bagels and breakfast sandwiches are available for commuters on their way to the office. At lunch and dinner, seasonal salads and gourmet sandwiches are served both takeout and delivery. Given the restaurant's proximity to the bustling business district and transit hubs, clientele include destination shoppers, museum goers, neighborhood residents and local business people.

## **The Bar**

Red Rooster Restaurant serves as a popular meeting ground and lively after-work destination with a welcoming social scene. Experienced mixologists tend the well-stocked bar during weekday happy hours and busy weekends. A variety of signature cocktails are offered alongside a diverse selection of tap beers, including premium craft ales, stouts and ciders.

## **Music – Ground Floor**

Red Rooster’s patrons are treated to live musicians and DJs every day of the week. This music is provided free to all patrons with no cover charges, no show times and no tickets necessary. The provision of music is an important component to the Red Rooster’s image and offerings to its patrons and to the entire Harlem Community. Although, musicians and musical offerings vary from time to time, the following is a list of the musical offerings on the ground floor:

## **MONDAY**

The “Rakiem Walker Project” (RWP) is a 7 piece band that consists of horns, drums, vocals, guitar, keyboards, and more. The band plays different genres and musical feels including Jazz, RnB, Neo-Soul, Live Hip Hop, Reggae, Gospel, Blues, and Latin.



## TUESDAY

Johnny Mambo is a spicy quintet of vivacious horns and congos that light up the bar each week Red Rooster. Guests are invited to dance while enjoying the spirit of Latin grooves.



## WEDNESDAY

DJ Hard Hittin Harry was born in Haiti in the late sixties. At the tender age of three, his family made a series of moves starting with Brooklyn New York, and Montreal, Canada. He spent the majority of his life in New Jersey and eventually returned to Brooklyn where he currently resides.



## THURSDAY

DJ Masai is the center of the storm. He has been spinning for over 23 years and has played in some of the biggest venues in the city and Tri-State area. DJ Masai just about always knew what elements were essential to rock a party.



## FRIDAY

Dj Stormin' Norman originally hails from East London, UK and is now a resident of Harlem, USA. In the 90's, he was part of a groundbreaking DJ collective who brought the Thunderstorm Mix on WBLS 107.5FM NYC, introducing live mixing to daytime radio previously reserved for weekend nights broadcasted from night-clubs, setting a new precedent in national radio. Dj Stormin' Norman is also the DJ resident of Marcus Samuelsson's Red Rooster in Harlem.



## SATURDAY BRUNCH

DJ NessDigital is a true Music Selector. Since 2005, he has been jamming at a wide range of events; some include fashion parties, clubs, lounges, gallery events, weddings and live radio. He is the essential crowd pleaser incorporating a wide variety of tracks that ranges from funk, rock, soul, r&b, house, world, jazz, hip-hop, old and new.



## SATURDAY NIGHT

A native New Yorker, DJ Lex NY's sound has been influenced by the diverse cultures that shape New York City. Since 2002, he has played all over the five boroughs, as well as in other cities. It's his ability to entertain with intricate sets of Afro Beat, Dancehall, Hip Hop, House, and Soca that has earned him a reputation as one of the best up and coming dj's in NYC.



## SUNDAY BRUNCH

Come to Red Rooster on Sunday mornings and you will hear the lovely vocals of Boncellia Lewis. Having performed with the who's who of the Harlem jazz underground, including Bill Saxton, Donald Smith, Kim Clarke, and Harry Whitaker, Boncellia embodies the spirit of music and Harlem in every grace-plucked note she sings.



## SUNDAY DINNER

Whether you're sipping cocktails in the bar or enjoying the comfort food standards on the menu, live jazz can help stave off the late-weekend blues. Every Sunday, the Nate Lucas Quartet sets up shop and begins jamming its way through classic jazz tunes and forgotten nuggets.



## PROPOSED CONDITIONS

### PART II

#### **Harlem's Historical Neighborhood Context**

During the 1920's in Harlem there were over 125 entertainment establishments clustered between 125<sup>th</sup> Street and 135<sup>th</sup> Street on 7<sup>th</sup> Avenue and Lenox Avenue that drew visitors from around the world. The impressive mix was made up of taverns, supper clubs, lounges, theatres, dance halls and hundreds of speakeasies. Included were the legendary big four: the Cotton Club, Connie's Inn, Small's Paradise and Barron Wilkins Club. Entertainers included Duke Ellington and his big band, Louis Armstrong, Cab Calloway, Fats Waller, Louis Jordan, Chick Webb and Fletcher Henderson. Canary singers included Ella Fitzgerald, Bessie Smith, Ethel Waters and Lena Horne. Bojangles Robinson danced with his gold pistol in his hand while six lovely chorus girls strutted at the Cotton Club. The most famous theatre (just two blocks from the Red Rooster Restaurant) was "The Hurtig and Seamon's Burlesque" which changed its name to the Apollo in 1934. There were restaurants of all kinds – Chinese, rib joints, clam houses, fried chicken parlors – from white tablecloths to weathered counter tops. There was the A train to Sugar Hill (145<sup>th</sup> to 155<sup>th</sup> Streets) and Stompin' at the Savoy Ballroom (596 Lenox Avenue).

#### **Harlem Today**

Harlem is undergoing an exciting change with new business investment opportunities, housing developments and brownstone renovations, all of which bring a renewed energy to this community. East Harlem will also see more exciting growth in the future with the recent adoption of City Planning's East Harlem Rezoning, which was approved by the City Planning Commission on October 2, 2017. Although in Harlem, the Red Rooster Restaurant is located outside of the East Harlem Rezoning area.



## **The Re-establishment of Harlem's Entertainment Uses**

The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. Red Rooster Restaurant's proposal steps into this void because it provides an innovative music program that features a variety of live music including Jazz, R&B, Soul and Salsa. The Red Rooster Restaurant regularly coordinates its performances with up-and-coming local artists, as well as premier musicians. The cellar space can also be utilized for special events such as wine tastings, food pairings and book signings by Chef Sameulsson and others notables. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.

### **Music – Cellar Floor**

#### **Ginny's Supper Club**

The proposed legalization of the 6,034 gsf cellar level to a Use Group 12A Eating and Drinking Establishment would permit a traditional supper club to operate where patrons eat dinner, have drinks and listen to a live performance (with designated show times and cover charges). While the operation of the proposed supper club may vary, it currently includes two shows on a regular basis Thursday through Saturday with the first set starting at 6:30 pm and the second set starting at 9:30 pm. Ginny's also offers post dinner late night live entertainment on Friday and Saturday evenings from 11pm until 3am. Sunday morning "Gospel Brunch" performances are featured on the programming schedule from 11am – 3pm.

## GOSPEL BRUNCH

Looking to spend an unforgettable Sunday morning in Harlem? Join us downstairs at Ginny's Supper Club for a spirited Gospel Brunch featuring Vi Higginsen's Gospel For Teens Choir and Red Rooster's famous soul food brunch.



Photo by Bobby Fisher

**Proposed Site Improvements – First Floor:**

The applicant has completed the following improvements on the ground floor:

1. The applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door within the existing lobby that provides direct access to the convenience stairway and new cellar waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas and (b) segregates patrons from tenant use of the lobby, all of which is code compliant;
3. The applicant has established a security guard station within the lobby to direct and control patron movements and supervise lobby conditions;
4. Walters-Storyk Design Group (WSDG LLC) conducted acoustical noise testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDGLLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code (See copy of June 22, 2017 WSDGLLC Noise Report attached hereto). WSDGLLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Consequently, the applicant repaired these doors consistent with the WSDGLLC's recommendations.
5. The Red Rooster Restaurant's existing walls and ceilings include at the first floor 12" Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8" Gypsum Board were installed at areas of existing walls and ceilings. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum

Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and “blown in” insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non hardening acoustical sealant or equal.

### **Proposed Site Improvements – Cellar Floor Configuration:**

1. The applicant has undertaken and completed certain interior alterations of the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in the construction of two (2) new cellar waiting areas that provide the minimum required area of 4 sq. ft. per person (in fact these waiting areas provide 4.38 sq. ft. per person for the entire cellar occupancy).

2. The Red Rooster Restaurant’s walls and ceilings include at cellar level 12” Johns-Manville Formaldehyde-Free thermal and acoustical un-faced fiberglass insulation or equal. Two layers of 5/8” Gypsum Board were installed at areas of existing walls and ceilings or one layer of 5/8” Gypsum Board with White Echo Eliminator 1” wall panels by acoustical surfaces adhesive applied. All areas with two layers of Gypsum Board have staggered and caulked seams and a tape and spackle finished layer of Gypsum Board. In addition, a resilient clip system was applied to the Gypsum Board. Openings were cut in existing walls and ceilings and “blown in” insulation was installed to seal these areas. All seams were caulked solid with Titebond-green choice non hardening acoustical sealant or equal.

### **Fire Safety Measures**

The Red Rooster Restaurant is in compliance with NYC fire safety regulations, as it includes the following life, safety systems:

- The entire restaurant is sprinklered (both ground and cellar floors);

- The restaurant has an existing fire alarm system that is centrally monitored;
- All areas within the restaurant that have separate usages include rated separations including between the restaurant and the waiting areas;
- All rated doors are self-closing; and
- Emergency lighting and exit signs as required are located throughout the restaurant.

### **The Special Permit**

Although the Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, it is important to note that both Use Group 6A Eating and Drinking Establishments (i.e., including those that have music for which there is no cover charge and no specified show times) and Use Group 6C Eating and Drinking Establishments (i.e., including those that have musical entertainment but not dancing with a capacity of 200 persons or less) are permitted by the Zoning Resolution as a matter of right. We also note that but for the proximity of the Site to a residential district boundary (i.e., the Site is within 100 feet of a residence district boundary), the proposed Use Group 12A Eating and Drinking Establishment would be an as-of-right use pursuant to the Zoning Resolution.

### **PRIOR BOARD APPLICATIONS**

No previous actions by the Board with respect to the Site were sought by the applicant or its predecessor in title.

### **OPEN DEPARTMENT OF BUILDINGS VIOLATIONS**

There are no open DOB and ECB violations against the Site.

**STATEMENT OF FINDINGS  
PART III**

(12/19/80)

73-03

**General Findings Required for All Special Permit Uses and Modifications**

**The Board of Standards and Appeals shall have the power, as authorized by Section 73-01, paragraph (a) or (b), and subject to such appropriate conditions and safeguards as the Board shall prescribe, to grant special permit uses or modifications of uses, parking, or bulk regulations as specifically provided in this Chapter, provided in each case:**

**(a) The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit use or modification of use, parking or bulk regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit use or modification of use, parking or bulk regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit use or modification of use, parking or bulk regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.**

The legalization of the cellar level for the proposed Use Group 12A eating and drinking establishment presents no hazards or disadvantages to the community at large. The Red Rooster Restaurant seeks to re-establish and re-capture part of Harlem's history and culture through its "supper club" experience. Red Rooster's proposal builds upon a central ideal that flourished during the Harlem Renaissance: the view of neighborhood eateries as extended dining rooms for social interaction and artistic enjoyment. Few existing venues provide this type of entertainment that Harlem was once known for. The incorporation of the typical supper club experience at the Red Rooster Restaurant is consistent with and in furtherance of society's collective memory of Harlem's days long past.

In the event that the Board determines that hazards or disadvantages may come to exist, or that the approval of the special permit requested herein has an adverse effect on the privacy, quiet, light or air in the neighborhood, the Applicant will adhere to the appropriate mitigating conditions imposed by the Board.

**(b) In all cases the Board shall deny a special permit whenever such proposed special permit use or modification of use, parking or bulk regulations will interfere with any public improvement project (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which is approved by or pending before the Board of Estimate, Site Selection Board or the City Planning Commission as determined from the calendars of each such agency issued prior to the date of the public hearings before the Board of Standards and Appeals.**

To the best of the Applicant's knowledge, there are no public improvement projects (including housing, highways, public buildings or facilities, redevelopment or renewal projects, or right-of-way for sewers, transit or other public facilities) which have been approved by or are pending before the City Council (as successor to the Board of Estimate with regard to certain ULURP items), Site Selection Board or the City Planning Commission within the Site's vicinity. Accordingly, this finding is not applicable.

**(c) When under the applicable findings the Board is required to determine whether the special permit use or modification of use, parking or bulk regulations is appropriately located in relation to the street system, the Board shall in its discretion make such determination on the basis of the Master Plan of Arterial Highways and Major Streets on the official City Map. Whenever the Board is required to make a finding on the location of a proposed special permit use or modification of use, parking or bulk regulations in relation to secondary or local streets and such classification of streets is not shown on the Master Plan, the Board in its discretion shall request the City Planning Commission to establish a report on the appropriate classification of such street.**

The Board is not required to make a determination relevant to this finding.

**(d) For applications relating to Sections 73-243, 73-48 and 73-49, the Board in its discretion shall request from the Department of Transportation a report with respect to the anticipated traffic congestion resulting from such special permit use or modification of use, parking or bulk regulations in the proposed location. If such a report is requested, the Board shall in its decision or determination give due consideration to such report and further shall have the power to**

**substantiate the appropriate finding solely on the basis of the report of the Department of Transportation with respect to the issue referred.**

This is not an application relating to ZR Sections 73-243, 73-48 or 73-49.

**(e) If a term of years is specified in the applicable section, the Board shall establish a term of years not to exceed such maximum. For those special permit uses or modification of use parking or bulk regulations for which a maximum term has not been specified, the Board may fix an appropriate term for any such special permit use or modification of use parking or bulk regulations.**

The Applicant seeks the requested special permit for a three (3) year term consistent with the provisions of Section 73-244 of the Zoning Resolution.

**(f) On application for renewal of any such special permit authorized in this Chapter, the Board shall determine whether the circumstances warranting the original grant still obtain. In addition, the Board shall ascertain whether the applicant has complied with the conditions and safeguards theretofore described by the Board during the prior term. In the event that the Board shall find the applicant has been in substantial violation thereof, it shall deny the application for renewal.**

This Application does not seek the renewal of a previously adopted special permit. Accordingly, the Board is not required to make a determination relevant to this finding.

**(g) The Board may permit the enlargement or extension of any existing use, which, if new, would be permitted by special permit in the specified districts under the provisions of Section 73-01 and other applicable provisions of this Chapter, provided that before granting any such permit for enlargement, or extension within the permitted districts, the Board shall make all of the required findings applicable to the special permit use, except that:**

**(1) in the case of colleges or universities in R1 or R2 Districts, the Board may waive all such required findings set forth in Section 73-121 (Colleges or universities); and**

**(2) in the case of public utility use, the Board may waive all such required findings set forth in Sections 73 14 (Public Service Establishments) or 73 16 (Public Transit, Railroad or Electric Utility Substations).**

**No such enlargement or extension shall create a new non-compliance or increase the existing degree of non-compliance with the applicable bulk regulations, except as may be permitted in accordance with the provisions of Sections 73-62 to 73-68, inclusive, relating to Modification of Bulk Regulations.**



This application does not seek the enlargement or extension of an existing use.

### **Special Permit Pursuant to ZR Section 73-244**

The Proposed Use requires a special permit in accordance with Section 73-244 of the Zoning Resolution, which states in part:

**12/15/61**

**73-00**

### **Special Permit Uses and Modifications**

3/20/13

**73-244**

**In C2, C3, C4<sup>1\*</sup>, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District. (Note: C6-4 \*\* end note n/a and omitted).**

In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the #Special Tribeca Mixed Use District#, the Board of Standards and Appeals may permit eating or drinking establishments with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing, for a term not to exceed three years, provided that the requisite findings are made:

The Proposed Use meets each of the required findings specified in Zoning Resolution Section 73-244 as follows:

- (a) That a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms. A plan shall be provided to ensure that the operation of the establishment will not result in the gathering of crowds or the formation of lines on the #street#.

The total occupancy of the cellar level is limited to 200 persons. The applicant is not proposing to increase the cellar occupancy. The applicant has undertaken and completed certain interior alterations of the cellar floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-

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<sup>1</sup> \* In C4 Districts where such #use# is within 100 feet from a #Residence District# boundary.

OT) that have resulted in the construction of two (2) new cellar waiting areas that provide 4.38 sq. ft. per person for the entire cellar occupancy (an amount that exceeds the requirement of 4.0 sq feet per person as set forth in the Zoning Resolution). The required waiting areas do not include space occupied by stairs, corridors or restrooms.

As noted on Plan A-101.00, the waiting areas include (i) a large waiting area that holds 180 people and provides 4.0 square feet of waiting area per person; and (ii) a smaller waiting area that is required to hold only 20 individuals but, has an area that permits it to hold up to 38 persons at 4.07 square feet per person of waiting area. The average waiting area per person when you combine both waiting areas is 4.38 sq feet per person.

The applicant has undertaken and completed certain interior alterations of the ground floor pursuant to the Alteration Type 2 permit issued by the NYC Department of Buildings (DOB Work Permit # 123326748-01-EW-OT) that have resulted in (i) a new entry door within the existing lobby that provides direct access to the convenience stairway and new cellar waiting areas that were constructed on the cellar level; and (ii) a new knee wall partition within the existing lobby that (a) directs and controls patron movements along a new circulation path, through the new entry door, down the convenience stairway and to the new waiting areas) and (b) segregates patrons from tenant use of the lobby, all of which is code compliant. Ginny's patrons arrive for their dinner reservations and will be directed to enter 310 Lenox Avenue at the designated lobby entrance and under the direction of the security guard and designated staff members proceed either directly to their tables or to the designated waiting areas (when the dining room is being cleaned and readied for service).

With these measures, the applicant has demonstrated that the operation of the proposed establishment will not result in the gathering of crowds or the formation of lines on the street. Consequently, the project complies with this finding of the Zoning Resolution.

- (b) That the entrance to such #use# shall be a minimum of 100 feet from the nearest #Residence District# boundary.

The entrance to the cellar level is located 126 feet from the nearest residential district boundary. The Applicant has provided a scaled land-use map indicating the same.

- (c) That such #use# will not cause undue vehicular or pedestrian congestion in local #streets#.

The proposed legalization of the cellar restaurant supper club will not cause vehicle or pedestrian congestion on local streets. Most restaurant patrons take mass transit and/or walk to our location from the 125<sup>th</sup> Street transit corridor that provides access to a multitude of subway trains (the No. 2, No. 3, No.4, No. 5, No. 6, A, B, C & D), to the Metro-North railroad, as well as many NYC rapid transit buses. In fact, the restaurant's entrance is located within 64 feet of the MTA's entrance to the No.2 and No. 3 subway lines.

The project does not trigger a CEQR threshold for transportation impacts. According to Table 16-1 of the CEQR Technical Manual, the minimum development density for uses in Zone 2 (Manhattan north of 110th Street) potentially requiring a transportation analysis is 200 dwelling units, 100,000 gross square feet of office, 20,000 gross square feet of regional retail, 15,000 gross square feet of local retail, 20,000 gross square feet of restaurant (emphasis added), 25,000 gross square feet of community facility use or off-street parking facilities with 85 new spaces.

The Red Rooster Restaurant contains a total of 9,748 square feet (3,444 sq feet on the ground floor and 6,034 sq feet on the cellar level), an amount that is less than half of the minimum development density (20,000 square feet) that would trigger a traffic assessment in Zone 2 (if we were building a new restaurant). The Red Rooster is an existing restaurant and the applicant is not proposing to increase its size, as this proposal is limited to the legalization of the UG 12A use on the cellar level (6,034 sq. feet). Accordingly, a formal traffic assessment is not required, as the project screens out from such an assessment based upon the methodology set forth in the CEQR Technical Manual.

Restaurant patrons avoid the use of the local street system especially in the evenings and instead utilize the 125<sup>th</sup> Street corridor, which is an active, secure and well lit commercial corridor with a direct link to mass transit facilities. In addition, the proposed legalization of the cellar restaurant supper club will not cause pedestrian congestion at or directly in front of 310 Lenox Avenue, as this proposal has been designed to provide (i) a new segregated lobby entrance and (ii) two new cellar waiting areas specifically designed to foster the movement of patrons off street and within the restaurant. Consequently, the legalization of the proposed use will not cause undue vehicle or pedestrian congestion on local streets.

- (d) That such #use# will not impair the character or the future use or development of the surrounding #residential# or mixed-use neighborhoods.

A shown on the Land Use Map included within the Application, the immediate and surrounding community along 125<sup>th</sup> Street is overwhelmingly comprised of commercial uses. The entire Lenox Avenue street frontage on both the block in which the Red Rooster Restaurant is located and the block directly across the street from the restaurant

are entirely comprised of commercial uses. The nearest residential use is located on the south side of 126<sup>th</sup> Street, one block north of the restaurant.

The Red Rooster Restaurant is a use that is entirely consistent with not only with the existing neighborhood's character but, with the uses permitted in and fostered by the Zoning Resolution and the Special 125<sup>th</sup> Street District. In addition, the legalization of the proposed use is completely consistent with the historical character and musical uses that once flourished in Harlem. As such, the legalization of the proposed use will complement Harlem as a whole, as well as the immediate surrounding neighborhood.

- (e) That such #use# will not cause the sound level in any affected conforming #residential use#, #joint living-work quarters for artists# or #loft dwelling# to exceed the limits set forth in any applicable provision of the New York City Noise Control Code.

The proposed use complies strictly with the New York City Noise Code. The Site is wholly located within a commercial zoning district and the Proposed Use is located within a completely enclosed building at the cellar level (which reduces the potential for noise transmission from the premises). To our knowledge, there are no joint living-work quarters for artists or loft dwellings in proximity of the Site.

Walters-Storyk Design Group (WSDG LLC) conducted acoustical testing at the Red Rooster Restaurant on June 5, 2017 to evaluate compliance with the New York City Noise Code and the potential for noise code impacts. WSDGLLC concluded based upon its acoustical testing that no additional action was necessary to comply with New York City Noise Code. However, WSDGLLC did recommend that the applicant properly seal the existing entry doors to 310 Lenox Avenue to reduce the potential transmission of noise from the Red Rooster Restaurant to the street. Accordingly, the applicant has undertaken

and completed the repair of these doors consistent with the recommendations of the Walters-Storyk Design Group (WSDG LLC) Noise Report dated June 22, 2017.

- (f) That the application is made jointly by the owner of the #building# and the operators of such eating or drinking establishment.

This application has been filed jointly by the owner of the building and the operators of the proposed Use Group 12A Eating and Drinking Establishment.

The Board shall prescribe appropriate controls to minimize adverse effects on the character of the surrounding area, including, but not limited to, location of entrances and operable windows, provision of sound-lock vestibules, specification of acoustical insulation, maximum size of establishment, kinds of amplification of musical instruments or voices, shielding of flood lights, adequate screening, curb cuts or parking.

#### **CONCLUSION PART IV**

Accordingly, we kindly request the BSA grant the proposed special permit for a term of three (3) years, pursuant to ZR Section 73-244, to permit the legalization of the proposed Use Group 12A Eating and Drinking Establishment on the cellar level.



**BSA SUBMISSION**

**NOTICE**

Date: January 23, 2018

Examiner's Name: **Gjela Prenga**

BSA Calendar #: **2017-240-BZ**

Electronic Submission: Email

Subject Property/ **Red Rooster Restaurant**  
Address: 310 Lenox Avenue, Manhattan

Applicant Name **Troutman Sanders LLP**

Submitted by (Full Name): **Jeremiah H. Candreva**

A) The material I am submitting is for a case currently **IN HEARING**, scheduled for 2-27-18.

The reason I am submitting this material:

- Response to issues/questions raised by the Board at prior hearing
- Response to request made by Examiner
- Other: Notice of Public Hearing

Brief Description of submitted material: Compliance letter, Affidavit of mailing, 400' foot affected property list, letters to elected + appointed officials & certified mail receipts.

List of items that are being voided/superseded: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B) The material I am submitting is for a **PENDING** case. The reason I am submitting this material:

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning Letter

Brief Description of submitted material: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MASTER CASE FILE INSTRUCTIONS**

- Bind one set of new materials in the master case file
- Keep master case file in reverse chronological order (all new materials on top)
- Be sure to VOID any superseded materials (no stapling!)
- Handwritten revisions to any material are unacceptable



**BSA SUBMISSION**

**NOTICE**

Date: March 12, 2018

Examiner's Name: **Gjela Prenga**

BSA Calendar #: **2017-240-BZ**

Electronic Submission: Email

Subject Property/ **Red Rooster Restaurant**  
Address: 310 Lenox Avenue, Manhattan

Applicant Name Troutman Sanders LLP

Submitted by (Full Name): Jeremiah H. Candreva

**A)** The material I am submitting is for a case currently **IN HEARING**, scheduled for 3-27-18.  
The reason I am submitting this material:

- Response to issues/questions raised by the Board at prior hearing
- Response to request made by Examiner
- Other: \_\_\_\_\_

Brief Description of submitted material: Statement in support, FDNY letter 1-17-18, FDNY email 2-28-18, DA permits, YAS letter 2-27-18, cover letter.

List of items that are being voided/superseded: \_\_\_\_\_

**B)** The material I am submitting is for a **PENDING** case. The reason I am submitting this material:

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning Letter

Brief Description of submitted material: \_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_

**MASTER CASE FILE INSTRUCTIONS**

- **Bind one set of new materials in the master case file**
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**BSA SUBMISSION**

**NOTICE**

Date: March 26, 2018

Examiner's Name: **Gjela Prenga**

BSA Calendar #: **2017-240-BZ**

Electronic Submission: Email

Subject Property/ **Red Rooster Restaurant**  
Address: **310 Lenox Avenue, Manhattan**

Applicant Name **Troutman Sanders LLP**

Submitted by (Full Name): **Jeremiah H. Candreva**

A) The material I am submitting is for a case currently **IN HEARING**, scheduled for **3-27-18**.  
The reason I am submitting this material:

- Response to issues/questions raised by the Board at prior hearing
- Response to request made by Examiner
- Other: \_\_\_\_\_

Brief Description of submitted material: \_\_\_\_\_  
\_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_  
\_\_\_\_\_

B) The material I am submitting is for a **PENDING** case. The reason I am submitting this material:

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning Letter

Brief Description of submitted material: \_\_\_\_\_  
\_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_  
\_\_\_\_\_

**MASTER CASE FILE INSTRUCTIONS**

- ***Bind one set of new materials in the master case file***
- ***Keep master case file in reverse chronological order (all new materials on top)***
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**BSA SUBMISSION**

**NOTICE**

Date: **January 30, 2018**

Examiner's Name: **Gjela Prenga**

BSA Calendar #: **2017-240-BZ**

Electronic Submission: Email

Subject Property/ **Red Rooster Restaurant**  
Address: **310 Lenox Avenue, Manhattan**

Applicant Name **Troutman Sanders LLP**

Submitted by (Full Name): **Jeremiah H. Candreva**

A) The material I am submitting is for a case currently **IN HEARING**, scheduled for 2-22-18.  
The reason I am submitting this material:

- Response to issues/questions raised by the Board at prior hearing
- Response to request made by Examiner
- Other: \_\_\_\_\_

Brief Description of submitted material: Flood Note 95 per New Building Requirements

List of items that are being voided/superseded: \_\_\_\_\_

B) The material I am submitting is for a **PENDING** case. The reason I am submitting this material:

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning Letter

Brief Description of submitted material: \_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_

**MASTER CASE FILE INSTRUCTIONS**

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- ***Keep master case file in reverse chronological order (all new materials on top)***
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**BSA SUBMISSION**

**NOTICE**

Date: March 23, 2018

Examiner's Name: **Gjela Prenga**

BSA Calendar #: **2017-240-BZ**

Electronic Submission: Email

Subject Property/ **Red Rooster Restaurant**  
Address: 310 Lenox Avenue, Manhattan

Applicant Name Troutman Sanders LLP

Submitted by (Full Name): Jeremiah H. Candreva

**A) The material I am submitting is for a case currently IN HEARING, scheduled for 3-27-18.**  
The reason I am submitting this material:

- Response to issues/questions raised by the Board at prior hearing
- Response to request made by Examiner
- Other: Response to FDNY letter dated 3-21-18

Brief Description of submitted material: Revised Statement in Support, Revised Cellar Floor Plan

List of items that are being voided/superseded: Prior Statement in Support, Prior Cellar Floor Plans

**B) The material I am submitting is for a PENDING case. The reason I am submitting this material:**

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning Letter

Brief Description of submitted material: \_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_

**MASTER CASE FILE INSTRUCTIONS**

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Board of Standards and Appeals

**BSA SUBMISSION**

**NOTICE**

Date: August 15, 2017

Examiner's Name: Not Assigned Yet

BSA Calendar #: 2017-240-BZ

Electronic Submission: Email

Subject Property/ Red Rooster Restaurant

Address: 310 Lenox Avenue, Manhattan

Applicant Name Troutman Sanders LLP

Submitted by (Full Name): Jeremiah H. Candreva

A) The material I am submitting is for a case currently **IN HEARING**, scheduled for \_\_\_\_\_.  
The reason I am submitting this material:

- Response to issues/questions raised by the Board at prior hearing
- Response to request made by Examiner
- Other: \_\_\_\_\_

Brief Description of submitted material: \_\_\_\_\_  
\_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_  
\_\_\_\_\_

B) The material I am submitting is for a **PENDING** case. The reason I am submitting this material:

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning Letter

Brief Description of submitted material: Compliance of Application filing requirements pursuant to BSA Rules of procedure.  
\_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_  
\_\_\_\_\_

**MASTER CASE FILE INSTRUCTIONS**

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Board of Standards and Appeals

BSA SUBMISSION

NOTICE

Date: September 20, 2017

Examiner's Name: **Jonathan Kirshchenbaum**

BSA Calendar #: **2017-240-BZ**

Electronic Submission: Email

Subject Property/ **Red Rooster Restaurant**  
Address: **310 Lenox Avenue, Manhattan**

Applicant Name **Troutman Sanders LLP**

Submitted by (Full Name): **Jeremiah H. Candreva**

A) The material I am submitting is for a case currently **IN HEARING**, scheduled for \_\_\_\_\_.  
The reason I am submitting this material:

- Response to issues/questions raised by the Board at prior hearing
- Response to request made by Examiner
- Other: \_\_\_\_\_

Brief Description of submitted material: \_\_\_\_\_  
\_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_  
\_\_\_\_\_

B) The material I am submitting is for a **PENDING** case. The reason I am submitting this material:

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning Letter

Brief Description of submitted material: Supplemental information from architect regarding completion of proposed ground floor + cellar renovation work.  
\_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_  
\_\_\_\_\_

**MASTER CASE FILE INSTRUCTIONS**

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**BSA SUBMISSION**

**NOTICE**

Date: February 26, 2018

Examiner's Name: **Gjela Prenga**

BSA Calendar #: **2017-240-BZ**

Electronic Submission: Email

Subject Property/ **Red Rooster Restaurant**  
Address: 310 Lenox Avenue, Manhattan

Applicant Name Troutman Sanders LLP

Submitted by (Full Name): Jeremiah H. Candreva

A) The material I am submitting is for a case currently **IN HEARING**, scheduled for 2-27-18  
The reason I am submitting this material:

- Response to issues/questions raised by the Board at prior hearing
- Response to request made by Examiner
- Other: \_\_\_\_\_

Brief Description of submitted material: FANY APPROVAL LETTER AND NEW TCO.

List of items that are being voided/superseded: NONE, prior TCO Superseded.

B) The material I am submitting is for a **PENDING** case. The reason I am submitting this material:

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning Letter

Brief Description of submitted material: \_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_

**MASTER CASE FILE INSTRUCTIONS**

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- **Keep master case file in reverse chronological order (all new materials on top)**
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**BSA SUBMISSION**

**NOTICE**

Date: March 13, 2018

Examiner's Name: **Gjela Prenga**

BSA Calendar #: **2017-240-BZ**

Electronic Submission: Email

Subject Property/ **Red Rooster Restaurant**  
Address: 310 Lenox Avenue, Manhattan

Applicant Name Troutman Sanders LLP

Submitted by (Full Name): Jeremiah H. Candreva

A) The material I am submitting is for a case currently **IN HEARING**, scheduled for 3-27-18.  
The reason I am submitting this material:

- Response to issues/questions raised by the Board at prior hearing
- Response to request made by Examiner
- Other: \_\_\_\_\_

Brief Description of submitted material: Reused DOB objection.

List of items that are being voided/superseded: \_\_\_\_\_

B) The material I am submitting is for a **PENDING** case. The reason I am submitting this material:

- Response to BSA Notice of Comments
- Response to request made by Examiner
- Dismissal Warning Letter

Brief Description of submitted material: \_\_\_\_\_

List of items that are being voided/superseded: \_\_\_\_\_

**MASTER CASE FILE INSTRUCTIONS**

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# Certificate of Occupancy

**CO Number: 104522508T024**

This certifies that the premises described herein conforms substantially to the approved plans and specifications and to the requirements of all applicable laws, rules and regulations for the uses and occupancies specified. No change of use or occupancy shall be made unless a new Certificate of Occupancy is issued. *This document or a copy shall be available for inspection at the building at all reasonable times.*

<b>A.</b>	<b>Borough:</b> Manhattan	<b>Block Number:</b> 01723	<b>Certificate Type:</b> Temporary
	<b>Address:</b> 310 LENOX AVENUE	<b>Lot Number(s):</b> 69	<b>Effective Date:</b> 09/29/2017
	<b>Building Identification Number (BIN):</b> 1053528		<b>Expiration Date:</b> 10/29/2017
	<b>Building Type:</b> Altered		
<i>For zoning lot metes &amp; bounds, please see BISWeb.</i>			
<b>B.</b>	<b>Construction classification:</b> 5	(Prior to 1968 Code)	
	<b>Building Occupancy Group classification:</b> COM	(Prior to 1968 Code)	
	<b>Multiple Dwelling Law Classification:</b> None		
	<b>No. of stories:</b> 3	<b>Height:</b> 35	<b>Number of Dwelling units:</b> 0
<b>C.</b>	<b>Fire Protection Equipment:</b> Sprinkler system		
<b>D.</b>	<b>Type and number of open spaces:</b> None associated with this filing.		
<b>E.</b>	<b>This Certificate is issued with the following legal limitations:</b> None		
<b>Outstanding requirements for obtaining Final Certificate of Occupancy:</b>			
There are 13 outstanding requirements. Please refer to BISWeb for further detail.			
<b>Borough Comments:</b>			

Borough Commissioner

Commissioner





# Certificate of Occupancy

CO Number: 104522508T024

Permissible Use and Occupancy						
All Building Code occupancy group designations are 1968 designations, except RES, COM, or PUB which are 1938 Building Code occupancy group designations.						
Floor From To	Maximum persons permitted	Live load lbs per sq. ft.	Building Code occupancy group	Dwelling or Rooming Units	Zoning use group	Description of use
CEL		OG	D-2		2	MECHANICAL ROOMS
CEL	200	OG	F-4		6	EATING AND DRINKING ESTABLISHMENT
CEL		OG	B-2		6	STORAGE
CEL	20	OG	F-3		6	LOUNGE, NON-SIMULTANEOUS
001	144	120	C			RETAIL STORES
001	130	120	F-4		6	EATING AND DRINKING ESTABLISHMENT
002	72	75	E		6	OFFICES
002		75	D-2		6	MECHANICAL ROOMS
003	60	75	E		6	OFFICES, ACCESSORY LONGE, NON-SIMULTANEOUS
003			D-2		6	MECHANICAL ROOM
<b>END OF SECTION</b>						

Borough Commissioner

Commissioner

END OF DOCUMENT



460 West 34<sup>th</sup> Street  
New York, NY 10001  
Tel: 212 273 6100  
Fax 212 268 1083

Date: 2/27/2018  
Ref.: 310 Lenox

To whom it may concern,

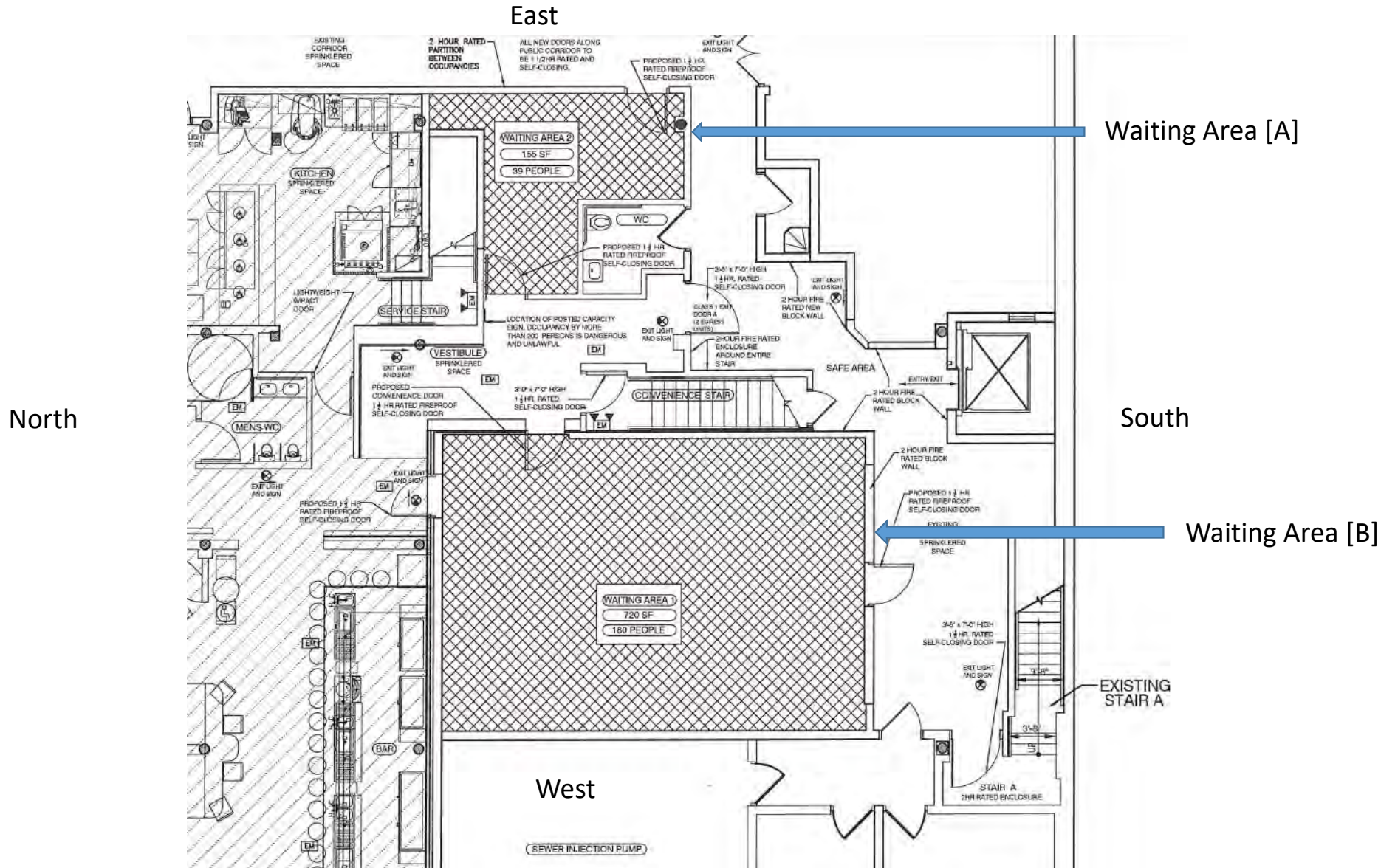
YAI occupies the second floor at 310 Lenox Avenue. We have not made any noise complaints with regards to the Red Rooster Harlem operation, nor is there any noise emanating from the restaurant which is noticeable or bothersome to our operation.

If you have any questions or concerns, please feel free to contact me at 212-645-1616 x3650

Sincerely,

A handwritten signature in black ink, appearing to read "Erica Suskin", is written over a horizontal line.

*Erica Suskin, LMSW  
YAI Program Supervisor*





Waiting area [A] facing North



Waiting area [A] facing  
West



Waiting area [A] facing South



Waiting area [B] facing  
Northeast



Waiting area [B] facing  
North





# Work Permit Department of Buildings

Permit Number: 123326748-01-EW-OT

Issued: 08/10/2017

Expires: 06/01/2018

Address: MANHATTAN 310 LENOX AVENUE

Issued by: MIOTTO

Business: THOMAS M. FINANCE INC

Contractor No: GC-611

**Description of Work:**

ALTERATION TYPE 2 - GEN. CONSTR. INTERIOR RENOVATION OF EXISTING COMMERCIAL SPACE INCLUDING INSTALLATION OF INTERIOR NON LOAD BEARING PARTITIONS. CHANGE IN EGRESS, USE OR OCCUPANCY.



Review is requested under Building Code: 1968

SITE SPECIFIC: APPLICABLE

To see a Zoning Diagram (ZD1) or to challenge a zoning violation as part of a New Building application, or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department website at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

Borough Commissioner: *AA*

Commissioner of Buildings: *Paul Chandler*

Tampering with or knowingly issuing a false permit in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

01 08/10/2017



# Work Permit Department of Buildings

Permit Number: 123326748-01-EW-OT

Issued: 08/10/2017

Expires: 06/01/2018

Address: MANHATTAN 310 LENOX AVENUE

Issued to: THOMAS PALMIOTTO

Business: THOMAS MAINTENANCE INC

Contractor No: GC-611118

**Description of Work:**

ALTERATION TYPE 2 - GEN. CONSTR. INTERIOR RENOVATION OF EXISTING COMMERCIAL SPACE INCLUDING INSTALLATION OF INTERIOR NON LOAD BEARING PARTITIONS. NO CHANGE IN EGRESS, USE, OR OCCUPANCY.



Review is requested under Building Code: 1968

SITE FILL: NOT APPLICABLE

To see a Zoning Diagram (ZD1) or to challenge a zoning approval filed as part of a New Building application or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department web site at [www.nyc.gov/buildings](http://www.nyc.gov/buildings).

Emergency Telephone Day or Night: 311

Borough Commissioner:

A handwritten signature in black ink, appearing to be "AA".

Commissioner of Buildings:

A handwritten signature in black ink, appearing to be "John Chanler".

Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

01 08/10/2017