



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

1. changing from an R7B District to a C4-6 District property bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street, and a line 150 feet westerly of Third Avenue;
2. establishing a Special East Harlem Corridors District (EHC) bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street and a line 150 feet westerly of Third Avenue;

Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated July 10, 2023, and subject to the conditions of CEQR Declaration E-713.

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This application for a zoning map amendment, in conjunction with the related actions (C 230346 ZSM and N 230345 ZRM) was filed by REEC Third Avenue LLC on May 16, 2023, to facilitate the construction of a ten-story predominantly life sciences building at 2226 Third Avenue in the East Harlem neighborhood of Manhattan, Community District 11.

## **RELATED ACTIONS**

In addition to the zoning map amendment (C 230344 ZMM), that is the subject of this report, the proposed project also requires action by the City Planning Commission (CPC) on the following applications which are being considered concurrently with this application:

**N 230345 ZRM**      Zoning text amendment to modify the regulations for floor area and loading in Article XIII, Chapter 8 (Special East Harlem Corridors District) and to modify APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing (MIH) area.

**C 230346 ZSM**      Zoning Special Permit pursuant to Section 138-42 of the Zoning Resolution to allow a reduction in the number of required loading berths. for Accessory Off Street Commercial Loading Spaces.

**BACKGROUND**

The applicant, REEC Third Ave LLC, requests a zoning map amendment to rezone a portion of Manhattan Block 1770, Lot 36 (Rezoning Area) from the existing zoning R7B to a C4-6 zoning district to facilitate the construction of a new 10-story primarily life sciences development with approximately 133,000 square feet of floor area (7.06 FAR) located at 2226 Third Avenue (Block 1770, Lot 36) in the East Harlem neighborhood of Manhattan, Community District 11.

Recent land use actions and developments in the surrounding area include City-sponsored and private land use applications focused on increasing affordable housing development and encouraging a vibrant street character along major thoroughfares and transit hubs. Most notable has been the creation of the Special 125<sup>th</sup> Street District in 2008 ([N 080100\(A\) ZRM](#)), which was intended to spur economic revitalization of the 125<sup>th</sup> Street corridor and to foster new opportunities for dense mixed-use development along a significant cultural and commercial hub of Harlem. This rezoning included the creation of a C4-7 zoning district along major intersections on 125<sup>th</sup> Street, allowing up to 12.0 FAR for residential uses that include affordable housing, with mixed-use towers permitted in some locations with no maximum building heights. The special district also created incentives related to performing arts and entertainment to recognize Harlem's historic cultural legacy.

In East Harlem, in 2017, the City Planning Commission (CPC) approved the new Special East Harlem Corridors District (EHC) along Park and Second avenues just below 125<sup>th</sup> Street, mapping C4-6 and R10 districts in an effort to facilitate affordable housing and promote the vitality of commercial corridors ([C 170358 ZMM](#)). An approximately 92-block area of East Harlem, including Block 1770, Lots p/o 36, 38, 39, and 40, was rezoned as part of the East Harlem Neighborhood Rezoning; the special district's boundaries extend to a depth of 100 feet along the Third Avenue and as such the eastern portion of Lot 36 remained untouched as an R7B residential zoning district and is not located within the EHC or a Mandatory Inclusionary

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Housing designated area. The rezoning also modified the boundaries of the Special Transit Land Use District (TA) to facilitate the inclusion of necessary transportation-related facilities in new developments along 125<sup>th</sup> Street.

In 2016, the New York City Economic Development Corporation (NYC EDC), the New York City Department of City Planning, and the New York City Department of Buildings jointly issued a memorandum regarding the zoning implications of life sciences research, testing, and development establishments (Life sciences classified as Use Group 9) in commercial zoning districts. The agencies in agreement resolved that these establishments are allowed to perform integral activities devoted to research and testing in C2, C4, C5, C6, C8, M1, M2, and M3 districts. Further investments in the life and science field have been made since the approval of the memorandum to promote life and science related jobs and establish New York City as the global leader in this field. In January 2018, the then Mayor, Bill de Blasio, announced LifeSci NYC, a ten-year plan \$500 million investment led by NYC EDC, aimed to develop talent, companies, and new space for life science uses. According to NYC EDC's January, 2021, vision plan, the heart of the City's life and sciences ecosystem is "LifeSci Avenue," an established corridor along the East Side of Manhattan stretching from Kips Bay in the south through East Harlem and the rezoning area in the north. As such, the applicant seeks to rezone the entirety of Lot 36 to a C4-6 commercial zoning district to allow the operation of a life and science establishment.

The surrounding area is predominately residential in character, typified by five to ten-story multiple dwellings and high-rise residential towers along the avenues. Land uses include commercial and retail, multi-family and one- to two-family residential buildings, public facilities and institutions, and open space. Ground-floor commercial and retail uses are concentrated along the major thoroughfares, including Third Avenue and Second Avenue. Several prominent examples of high-density, high-rise residential buildings in the surrounding area include many fronting on wide streets. Located at East 122<sup>nd</sup> and East 123<sup>rd</sup> streets between Third and Second avenues, Taino Towers comprises four 35-story residential buildings with 656 units on a four-story commercial base. Portions of the Robert Wagner Houses, a NYCHA development, are

located on a superblock along Second Avenue between East 120th and East 124th streets, with buildings ranging in height between 14 and 19 stories.

The zoning in the area features three Special Districts that modify the underlying zoning district regulations. The Special Transit Land Use District is mapped in an area roughly bounded by Fifth Avenue, East 126<sup>th</sup> Street, Third Avenue, and East 124<sup>th</sup> Street. The Special 125<sup>th</sup> Street District extends from East 124<sup>th</sup> to East 126<sup>th</sup> streets to the northwest and northeast of the project area. Immediately adjacent to the project area, the Special East Harlem Corridors District is mapped along major corridors in East Harlem. Additionally, the surrounding area includes Inclusionary Housing Designated and Mandatory Inclusionary Housing areas, which provide floor area incentives to create or preserve affordable housing, and located within the FRESH zone, providing zoning and discretionary tax incentives to promote the creation of health-oriented food stores, and the Transit zone, where lower accessory residential parking requirements apply for certain types of affordable housing.

Primary zoning districts mapped within the surrounding area include C4-6, R7-2, R7A, R7B, and R7D. Commercial districts are predominantly mapped along the major north-south thoroughfares, including C1-4, C1-5, C2-4, and C2-5 overlays along portions of Park Avenue and Third Avenue. A C1-5 overlay is mapped mid-block along East 121<sup>st</sup> Street between Third Avenue and Second Avenue.

Notable public facilities and institutional uses in the surrounding area include Henry J. Carter Specialty Hospital and the New York College of Podiatric Medicine. The surrounding area also has several churches, schools, and community facilities. Open spaces in the surrounding area include Marcus Garvey Park, Harlem Art Park, and McNair Playground. Central Park is approximately 0.6 miles to the southwest, and Randall's Island Park is about 0.6 miles to the east.

The surrounding area is located immediately south of 125<sup>th</sup> Street station, a major public transportation hub serviced by Metro-North Railroad's Hudson, Harlem, and New Haven lines, the 4, 5, and 6 subway lines. Several local and express bus lines service the area, including the

M98, M101, and M103 along Third and Lexington avenues and the M15 Select Bus Service along Second Avenue.

The project area measures 26,479 square feet of lot area, comprised of four contiguous Lots 36, 38, 39, and 40 on the western side of Block 1770. It fronts Third Avenue (a wide street) and is bounded by East 121<sup>st</sup> Street to the south and East 122<sup>nd</sup> Street to the north (both narrow streets) and Lexington Avenue to the west (a wide street).

The rezoning area which is coterminous with the development site is limited to Lot 36 and comprises of approximately 19,000 square feet of lot area and is currently being developed with a 10-story, as-of-right building. Lot 38 measures about 2,500 square feet and is currently occupied by a three-story mixed-use commercial/residential building. Lot 39 measures approximately 2,500 square feet and is currently occupied by a three-story church. Lot 40 measures about 2,500 square feet and is currently occupied by a four-story, mixed-use commercial/residential building. Except for the western portion of Lot 36, the project area is located within the EHC and within a C4-6 zoning district.

Although the project area is located within the Harlem-East Harlem Urban Renewal Area, none of the properties subject to this application were identified as acquisition parcels in the Urban Renewal Plan and thus none of the properties are subject to the controls of the Urban Renewal Plan.

In August 2021, the New York City Department of Buildings (DOB) approved plans for the redevelopment of the development site with an as-of-right 10-story, 145 feet tall, approximately 133,000 square foot (7.06 FAR) mixed-use building with 95,669 square feet of medical office (Use Group 4), 37,757 square feet of commercial (Use Group 9A) uses, and one loading berth (Job No. 121209156). The site was previously occupied by an approximately 33,000 square feet, two-story commercial building (1.8 FAR).

The proposed development would allow the development of of a 10-story (145 feet, plus rooftop mechanical equipment 40 feet in height) as-of-right building for primarily life sciences uses

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(Use Group 9A) and one loading berth. The portion of the proposed development located beyond 100 feet from Third Avenue would be located at the street line and rise to a height of approximately 58 feet (4 stories) before setting back 15 feet from East 121st Street and rising to a total height of about 72.5 feet (5 stories). The portion of the proposed development located within 100 feet of Third Avenue will be located at the street line and rise to a height of approximately 101.5 feet (7 stories) before setting back 10 feet from Third Avenue and 15 feet from East 121st Street, and rising in a stepped pattern to a total height of approximately 145 feet (10 stories).

The entrance to the proposed development would be located on East 121st Street, and a new curb cut on Third Avenue would provide access to the loading berth on the ground floor. Accessory parking is not required within C4-6 zoning districts, and none would be provided.

Approval of the actions would not modify the DOB approved plans; however, the proposed development program would be changed from a mix of medical office and commercial uses to primarily life science (Use Group 9A) uses. Site preparation work, including demolition of the former commercial building, began in 2021, and construction activity at the development site is expected to be completed by late 2023.

To facilitate the proposed development, the applicant seeks a zoning map amendment, a zoning text amendment, and a CPC Special Permit.

#### Zoning Map Amendment (C 230344 ZMM)

The applicant seeks a zoning map amendment to rezone approximately 6,000 square feet at the western portion of the development site from an R7B zoning district to a C4-6 zoning district and simultaneously extend the boundaries of the Special East Harlem Corridors District to include this area. The area has about 50 feet of frontage on East 121st Street and about 126 feet of depth parallel to Third Avenue.

The existing R7B zoning district is a medium-density contextual residential district that typically produces high lot coverage apartment buildings ranging from six to seven stories in height.

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Residential (Use Groups 1 and 2) uses and community facility (Use Groups 3 and 4) uses are allowed and must be constructed pursuant to Quality Housing regulations, which allow a maximum residential FAR of 3.0, a maximum base height before setback of 65 feet, and a maximum permitted building height of 75 feet. Accessory parking is required for 50 percent of dwelling units.

C4-6 commercial zoning districts are typically mapped in densely built areas of Manhattan and generally allow residential (Use Groups 1 and 2), community facility (Use Groups 3 and 4), and commercial (Use Groups 5, 6, 8, 9, 10, and 12) uses. C4-6 has an R10 residential district equivalent, allowing a maximum FAR of 10 for residential, 3.4 for commercial, and 10 for community facility uses. Developments in C4-6 districts can be constructed pursuant to height factor or Quality Housing regulations. The maximum height is 210 feet (21 stories) for Quality Housing buildings with a qualifying ground floor, while height factor buildings are governed by a sky exposure plane above 85 feet in height factor buildings. In C4-6 districts, 40 percent of Quality Housing dwelling units require off-street accessory parking.

Within the EHC, the basic C4-6 bulk regulations for residential uses are modified to allow a maximum FAR of 9.0. Pursuant to the special bulk provisions of the EHC, a development has contextual Quality Housing and Quality Housing tower bulk options. The EHC street wall location and minimum base height provisions apply, with special provisions for Park Avenue. For the contextual Quality Housing option, the maximum base height is 155 feet, and the maximum building height is 235 feet after a required setback above the base height. Under the Quality Housing tower option, the maximum base height is 85 feet, and the maximum residential tower lot coverage is between 40 and 50 percent, depending on the zoning lot size. The special ground-floor design and parking provisions of the EHC apply.

The proposed zoning map amendment from R7B to C4-6/EHC would allow commercial uses on the R7B portion of the development site and permit an increase in commercial density from 3.4 FAR to 7.2 FAR for the entire project area.

Zoning Text Amendment (N 230345 ZRM)

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1. Text amendment to Article XIII (Special Purpose Districts) Chapter 8, Special East Harlem Corridors District and extend the existing EHC's boundaries on the district plan maps to include the portion of the development site currently zoned R7B. The text amendment will also increase the project area's commercial density from 3.4 to 7.2 by modifying ZR Section 138-211 (Special floor area regulations). This density increase only applies to C4-6 districts located on the west side of Third Avenue between East 121st Street and East 122nd Street, a.k.a. the project area.
2. Text amendment to Appendix F and establish the development site as a new Mandatory Inclusionary Housing (MIH) area. The MIH program will ensure that a minimum of 25 percent of the residential floor area in any future development that includes residential use is permanently income-restricted.
3. Text amendment to establish Zoning Resolution (ZR) Section 138-42 (Special Permit for Accessory Off-street Commercial Loading Spaces), and allow the reduction in the number of required loading berths via a CPC special permit, provided that certain conditions related to pedestrian safety, traffic congestion, and the built environment are satisfied. Pursuant to ZR Section 36-62 loading berth requirements, the proposed development would require three loading berths; the applicant seeks to amend the EHC regulations to allow modification of this requirement, effectively reducing the number of required loading berths from three to one. The proposed loading berth would be located on Third Avenue (a wide street with five northbound traffic lanes).

CPC Special Permit for Loading Berth Reduction Pursuant to ZR 138-42 (C 230346 ZSM)

The CPC special permit, pursuant to the newly established ZR Section 138-42, is requested to reduce the required number of loading berths from three to one. The special permit requires that conditions related to pedestrian safety, traffic congestion, and the built environment be satisfied. The application package includes a Statement of Findings, where the applicant believes one loading berth is sufficient to accommodate all projected demand from delivery vehicles and commits to implementing an efficient delivery system to maximize the usage of the proposed loading berth and further minimize the potential for curbside deliveries. The implementation plan

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includes a dedicated dock master to coordinate all incoming and outgoing deliveries and audio and visual warnings to alert pedestrians of entering and exiting vehicles.

### **ENVIRONMENTAL REVIEW**

This application (C 230344 ZMM), in conjunction with the related actions (C 230346 ZSM and N 230345 ZRM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 23DCP070M.

After a study of the potential impact of the proposed actions, a Negative Declaration was issued on July 10, 2023. To ensure that the proposed actions would not result in significant adverse impacts related to air quality, an (E) designation (E-713) was established as part of the approval of the application. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

### **UNIFORM LAND USE REVIEW**

This application (C 230344 ZMM), and the related application for a special permit (C 230346 ZSM) was certified as complete by the Department of City Planning on July 10, 2023, and was duly referred to Manhattan Community Board 11 and the Manhattan Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 230345 ZRM), which was referred for information in accordance with the procedures for non-ULURP actions.

### **Community Board Public Hearing**

On September 13, 2023, Manhattan Community Board 11 held a public hearing on this application (C 230344 ZMM) in conjunction with the related actions (C 230346 ZSM and N 230345 ZRM) and on September 26, 2023, by a vote of 30 in favor, two opposed, and four abstaining, adopted a motion to approve the application with the following conditions:

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1. The developer commits to local hiring for both construction and post-construction employment opportunities
2. The proposed C4-6/EHC district to modify underlying C4-6 regulations to allow buildings with a maximum commercial FAR of 7.2 and a maximum height of 235 feet would not apply to Block 1770, Lots 38, 39, and 40
3. Any proposed actions sought by this application not apply to Lots 38, 39, and 40. ”

### **Borough President Recommendation**

This application (C 230344 ZMM), in conjunction with the related actions (C 230346 ZSM and N 230345 ZRM) was considered by the Manhattan Borough President, who issued a recommendation to approve the application on October 6, 2023.

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

On October 18, 2023 (Calendar No. 1), the City Planning Commission scheduled November 1, 2023, for a public hearing on this application (C 230344 ZMM). The hearing was duly held on November 1, 2023 (Calendar No. 9), in conjunction with the related actions (N 230345 ZRM and C 230346 ZSM). One speaker testified in favor of the application, and one in opposition.

The applicant’s representative spoke in favor of the application, providing an overview of the proposed development, the surrounding context, and a breakdown of the building configuration. The speaker also described previous interactions with Manhattan Community Board 11, and further details on the proposed development program's design and other elements.

The speaker highlighted the significance of Third Avenue as an important thoroughfare and mixed use corridor, supporting the rationale that commercial zoning district and life science development was appropriate at this location. The applicant's attorney further argued that the proposed action was appropriate in light of life sciences developments emerging as the City's economy pandemic-stricken commercial market recovery.

The project is intended to contribute to the City's growing life sciences sector, strengthening the existing LifeSci Avenue corridor along the East Side of Manhattan and positioning East Harlem

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to lead the way in life sciences innovation. A representative of Laborers Local 79, a construction and general building union which serves the five boroughs of New York City, spoke in opposition, noting his desire to have the project include union labor and local hiring to create prevailing-wage jobs, ensure workers safety and create opportunities for community benefits.

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

## **CONSIDERATION**

The Commission believes that this application for the zoning map amendment, in conjunction with the related actions, is appropriate. The requested actions will facilitate the construction of a new 10-story primarily life sciences development with approximately 133,000 square feet of floor area (7.06 FAR) located at 2226 Third Avenue (Block 1770, Lot 36) in the East Harlem neighborhood of Manhattan, Community District 11.

The Commission believes that these applications further the goals put forth by the City to expand the life sciences industry and strengthen the existing LifeSci Avenue corridor along the East Side of Manhattan.

The proposed C4-6/EHC zoning district is appropriate given the surrounding context and land use conditions. The project area is a suitable location to accommodate the added commercial density, located south of the 125th Street station, a major public transportation hub serviced by Metro-North Railroad's Hudson, Harlem, and New Haven lines, the 4, 5, and 6 subway lines, and along several major bus routes, which provide access to major regional job centers such as Midtown, Downtown Manhattan and Long Island City.

Regarding the proposed zoning district boundary, the Commission believes that expanding the existing C4-6 district and EHC boundaries to include the residential portion of Lot 36 and replacing the R7B district is appropriate and represents a strong land use rationale and a well-considered plan. Extending the C4-6 and EHC boundaries eastward would contribute to a contiguous building frontage along Third Avenue, characterized by mixed residential and commercial uses for nearly a mile to the east and west.

The Commission believes that the zoning text amendment (N 230345 ZRM) to Appendix F to create a new MIH area coterminous with the project is appropriate. Although the proposed development is contemplated for a life science use, the MIH designation will ensure that, in the event that a portion of the building be used for residential use in the future, development would be required to provide permanently income-restricted housing, pursuant to either MIH option 1 or the Deep affordability option. This policy is aligned with citywide objectives outlined in Housing New York and Where We Live, New York City’s HUD-mandated report that outlines goals and strategies to affirmatively further fair housing.

The Commission believes the zoning text amendment to establish ZR 138-42 (Special Permit for Accessory Off-street Commercial Loading Spaces) is appropriate. The new provision will allow the reduction in the number of required loading berths via a CPC special permit.

Approval of the special permit (C 230346 ZSM), pursuant to the zoning text amendment, will allow the reduction in the number of required loading berths via a CPC special permit, provided that the findings related to pedestrian safety, traffic congestion, and the built environment are satisfied. Pursuant to ZR 36-62 (Required Accessory Off-street Loading Berths), the proposed development would require three loading berths; the special permit will allow the modification of this requirement, effectively reducing the number of required loading berths from three to one. The Commission believes one loading berth is sufficient to accommodate all projected demand from delivery vehicles; the proposed loading berth would be located on Third Avenue, a wide street with five northbound traffic lanes, able to accommodate all projected demand from delivery vehicles associated with the proposed development.

LifeSci Ave—New York City’s established life sciences corridor along the East Side of Manhattan—stretches from Kips Bay in the south through East Harlem in the north, encompassing some of the country’s premier institutions in biomedical research, clinical care, and commercial biotech. The City is committed to investing in early-stage discoveries, furthering development of life sciences spaces, and creating more equitable health outcomes for communities. Within the next decade, the City will activate more than three million square feet of additional life sciences

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innovation space. Life science buildings typically require high ceilings for extensive ductwork and electrical systems, as well as structurally robust floor slabs that dampen vibration; the 2017 East Harlem rezoning allows for taller, denser construction, as well as fostering a commercial activity along certain corridors, including Third Avenue perfectly positioning East Harlem to expand the existing LifeSci-Avenue cluster and become a significant center of life sciences innovation.

Moreover, the proposed development will contribute to the economic diversity of the neighborhood. Accordingly, the Commission believes that the requested rezoning action, in conjunction with the related actions, is appropriate.

## **RESOLUTION**

**RESOLVED**, that having considered the Environmental Assessment Statement (EAS) for which a Negative Declaration was issued on July 10, 2023, with respect to this application (CEQR No. 23DCP070M), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 197-c and 201 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City Of New York effective as of December 15, 1961, and subsequently amended, is further amended by changing the Zoning Map, Section No. 6:

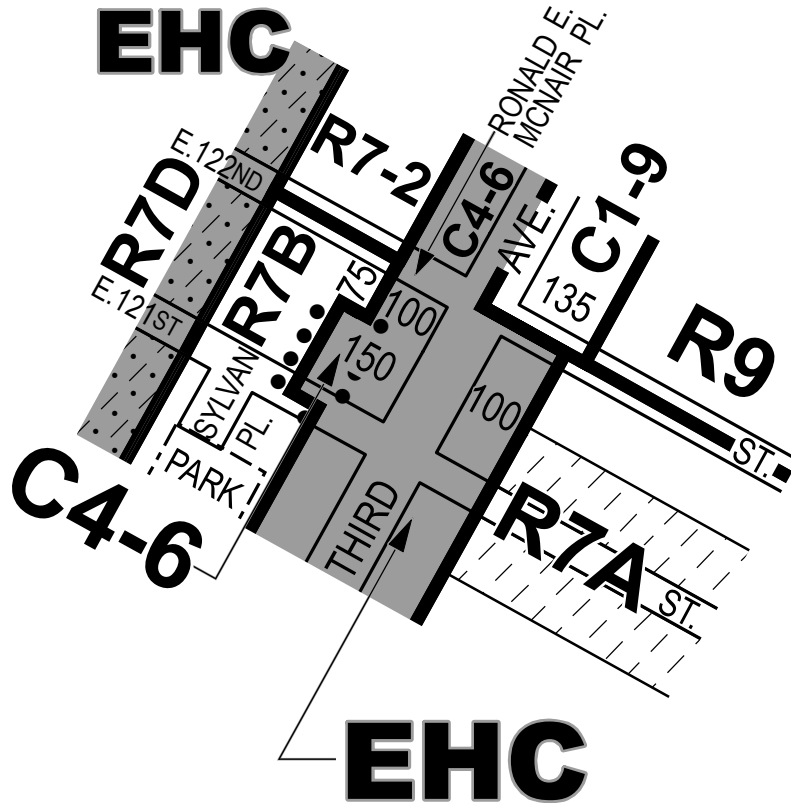
1. changing from an R7B District to a C4-6 District property bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street, and a line 150 feet westerly of Third Avenue;
2. establishing a Special East Harlem Corridors District (EHC) bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street and a line 150 feet westerly of Third Avenue;

Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated July 10, 2023, and subject to the conditions of CEQR Declaration E-713.

The above resolution (C 230344 ZMM), duly adopted by the City Planning Commission on November 29, 2023 (Calendar No.14), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

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

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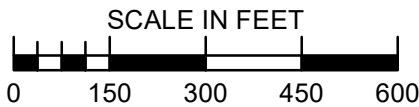
CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP

**6b**  
 BOROUGH OF  
**MANHATTAN**



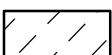
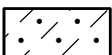

*S. Lenard*  
 S. Lenard, Director  
 Technical Review Division



New York, Certification Date:  
 July 10, 2023



**NOTE:**

-  Indicates Zoning District Boundary
-  The area enclosed by the dotted line is proposed to be rezoned by changing an existing R7B District to a C4-6 District and establishing a Special East Harlem Corridors District (EHC).
-  Indicates a C1-5 District
-  Indicates a C2-5 District
-  Indicates a Special East Harlem Corridors District



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 2226 Third Avenue	
<b>Applicant:</b> Richard Bass	<b>Applicant's Primary Contact:</b> Richard Bass
<b>Application #</b> 230346ZSM	<b>Borough:</b>
<b>CEQR Number:</b> 23DCP070M	<b>Validated Community Districts:</b> M11

**Docket Description:**  
 IN THE MATTER OF an application submitted by REEC Third Ave LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 138-42\* of the Zoning Resolution to allow a reduction in the number of required loading berths from three to one loading berth, in connection with a proposed commercial building on property located at 2226 Third Avenue (Block 1770, Lot 36), in a C4-6\*\* District, within the Special East Harlem Corridors District (EHC)\*\*, Borough of Manhattan, Community District 11.

\* Note: a zoning text amendment is proposed to create a new special permit (Special Permit for Accessory Off-street Commercial Loading Spaces) under a concurrent related application (N 230345 ZRM).

\*\* Note: a portion of this site is proposed to be rezoned by changing an R7B District to a C4-6 District and establishing a Special East Harlem Corridors District (EHC) under a concurrent related application for a Zoning Map change (C 230344 ZMM).

Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2021M0192> or at 120 Broadway, 31st Floor, New York, NY 10271-0001.

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

<b>RECOMMENDATION: Conditional Favorable</b>			
<b># In Favor:</b> 30	<b># Against:</b> 2	<b># Abstaining:</b> 4	<b>Total members appointed to the board:</b> 48
<b>Date of Vote:</b> 9/26/2023 12:00 AM		<b>Vote Location:</b> DREAM Charter School, 1991 Second Avenue, New York, NY 10029	

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

<b>Date of Public Hearing:</b> 9/26/2023 6:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	DREAM Charter School, 1991 Second Avenue, New York, NY 10029

<b>CONSIDERATION:</b> Approve with following conditions:	
<ol style="list-style-type: none"> <li>1. the developer commits to local hiring for both construction and post-construction employment opportunities</li> <li>2. the proposed C4-6/EHC district to modify underlying C4-6 regulations to allow buildings with a maximum commercial FAR of 7.2 and a maximum height of 235 feet would not apply to Block 1770, Lots 38, 39, and 40</li> <li>3. any proposed actions sought by this application not apply to Lots 38, 39, and 40</li> </ol>	
Recommendation submitted by	MN CB11
Date: 9/28/2023 10:19 AM	





# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 2226 Third Avenue	
<b>Applicant:</b> Richard Bass	<b>Applicant's Primary Contact:</b> Richard Bass
<b>Application #</b> 230344ZMM	<b>Borough:</b>
<b>CEQR Number:</b> 23DCP070M	<b>Validated Community Districts:</b> M11

**Docket Description:**  
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1. changing from an R7B District to a C4-6 District property bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street, and a line 150 feet westerly of Third Avenue;  
2. establishing a Special East Harlem Corridors District (EHC) bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street and a line 150 feet westerly of Third Avenue;  
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*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Favorable</b>			
<b># In Favor:</b> 30	<b># Against:</b> 2	<b># Abstaining:</b> 4	<b>Total members appointed to the board:</b> 48
<b>Date of Vote:</b> 9/26/2023 12:00 AM		<b>Vote Location:</b> DREAM Charter School, 1991 Second Avenue, New York, NY 10029	

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

<b>Date of Public Hearing:</b> 9/26/2023 6:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	DREAM Charter School, 1991 Second Avenue, New York, NY 10029

<b>CONSIDERATION:</b> Approve with following conditions:  1. the developer commits to local hiring for both construction and post-construction employment opportunities 2. the proposed C4-6/EHC district to modify underlying C4-6 regulations to allow buildings with a maximum commercial FAR of 7.2 and a maximum height of 235 feet would not apply to Block 1770, Lots 38, 39, and 40 3. any proposed actions sought by this application not apply to Lots 38, 39, and 40		
Recommendation submitted by	MN CB11	Date: 9/28/2023 10:19 AM



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> 2226 Third Avenue	
<b>Applicant:</b> Richard Bass	<b>Applicant's Primary Contact:</b> Richard Bass
<b>Application #</b> 230345ZRM	<b>Borough:</b>
<b>CEQR Number:</b> 23DCP070M	<b>Validated Community Districts:</b> M11

**Docket Description:**

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

<b>RECOMMENDATION: Conditional Favorable</b>			
<b># In Favor:</b> 30	<b># Against:</b> 2	<b># Abstaining:</b> 4	<b>Total members appointed to the board:</b> 48
<b>Date of Vote:</b> 9/26/2023 12:00 AM		<b>Vote Location:</b> DREAM Charter School, 1991 Second Avenue, New York, NY 10029	

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

<b>Date of Public Hearing:</b> 9/26/2023 6:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	DREAM Charter School, 1991 Second Avenue, New York, NY 10029

<b>CONSIDERATION:</b> Approve with following conditions:		
1. the developer commits to local hiring for both construction and post-construction employment opportunities		
2. the proposed C4-6/EHC district to modify underlying C4-6 regulations to allow buildings with a maximum commercial FAR of 7.2 and a maximum height of 235 feet would not apply to Block 1770, Lots 38, 39, and 40		
3. any proposed actions sought by this application not apply to Lots 38, 39, and 40		
Recommendation submitted by	MN CB11	Date: 9/28/2023 10:19 AM



# CB11M

## EAST HARLEM

Xavier A. Santiago  
Chair

Angel D. Mescaín  
District Manager

September 26, 2023

Dan Garodnick  
Director  
New York City Department of City Planning  
120 Broadway, 31st Floor  
New York, NY 10271

**Re: Recommendation on Land Use Applications C230344 ZMM, C230346 ZSM - 2226 Third Avenue**

Dear Director Garodnick,

Community Board 11 (CB11) appreciates the opportunity to review and comment on the Land Use Application for the 2226 Third Avenue development project.

REEC Third Ave LLC, the owner of 2226 Third Avenue, Block 1770, Lot 36, requests approval of several actions:

1. Zoning map amendment to rezone a portion of Manhattan Block 1770, Lot 36 from R7B to a C4-6 zoning district and extend the boundaries of the Special East Harlem Corridors District ("EHC") to include this area;
2. Zoning text amendment to the Appendix of Zoning Resolution ("ZR") Article XIII Chapter 8, "Special East Harlem Corridors District" to extend the EHC boundaries to include the entirety of the Development Site;
3. Zoning text amendment to establish ZR 138-42 to enable the City Planning Commission ("CPC") to reduce the number of required loading berths for zoning lots located within a C4-6/EHC zoning district;
4. CPC special permit pursuant to the proposed ZR 138-42 to reduce the number of required loading berths at the Development Site; and 5. Zoning text amendment to Appendix F of the ZR to extend an existing Mandatory Inclusionary Housing ("MIH") area to include the entirety of the Development Site.

The Proposed Actions will permit life sciences uses (Use Group 9A) on the entirety of the Development Site and facilitate the construction of a new 10-story primarily life sciences development with approximately 133,426 square feet of floor area (7.06 FAR) and one loading berth.

### Project Description

The Proposed Development is a 10-story (145 foot-tall) building with approximately 133,426 square feet (7.06 FAR) of primarily life sciences uses (Use Group 9A) and 1 loading berth. The portion of the Proposed Development located beyond 100 feet from Third Avenue will be located at the street line and rise to a height of approximately 58 feet (4 stories) before setting back 15 feet from East 121st Street and rising to a total height of approximately 72.5 feet (5 stories). The portion of the Proposed Development located within 100 feet of Third Avenue will be located at the street line and rise to a height of approximately 101.5 (7 stories) before setting back 10 feet from Third Avenue and 15 feet from East 121st Street and rising in a stepped pattern to a total height of approximately 145 feet (10 stories). The entrance to the Proposed Development will be located on East 121st Street. A new curb cut on Third Avenue will provide access to the loading berth on the ground floor. Accessory parking is not required within C4-6 zoning districts and none will be provided.

Community Board Recommendation

Community Board 11 met on September 26, 2023 and voted to recommend that this application be approved with the following conditions:

1. the developer commits to local hiring for both construction and post-construction employment opportunities
2. the proposed C4-6/EHC district to modify underlying C4-6 regulations to allow buildings with a maximum commercial FAR of 7.2 and a maximum height of 235 feet would not apply to Block 1770, Lots 38, 39, and 40
3. any proposed actions sought by this application not apply to Lots 38, 39, and 40

*Full Board Vote: In Favor: 34; Opposed: 2; Abstentions: 4*

If you have any questions regarding our recommendation, please contact Angel Mescaín, District Manager, at 212-831-8929 or amescain@cb11m.org.

Sincerely,



Xavier A. Santiago  
Chair

cc: Richard Bass, Akerman LLP  
Hon. Diana Ayala, Deputy Speaker, New York City Council  
Hon. Mark Levine, Manhattan Borough President  
Hon. Jose Serrano, New York State Senate  
Hon. Eddie Gibbs, New York State Assembly  
Trevor Lovitz, NYC Department of City Planning  
Jason Villanueva, Manhattan Community Board 11

Michelle Wiltshire-Clement, Manhattan Community Board 11



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> 2226 Third Avenue	
<b>Applicant:</b> Richard Bass	<b>Applicant's Administrator:</b> Richard Bass
<b>Application #</b> 230346ZSM	<b>Borough:</b> Manhattan
<b>CEQR Number:</b> 23DCP070M	<b>Validated Community Districts:</b> M11

**Docket Description:**  
 IN THE MATTER OF an application submitted by REEC Third Ave LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 138-42\* of the Zoning Resolution to allow a reduction in the number of required loading berths from three to one loading berth, in connection with a proposed commercial building on property located at 2226 Third Avenue (Block 1770, Lot 36), in a C4-6\*\* District, within the Special East Harlem Corridors District (EHC)\*\*, Borough of Manhattan, Community District 11.

\* Note: a zoning text amendment is proposed to create a new special permit (Special Permit for Accessory Off-street Commercial Loading Spaces) under a concurrent related application (N 230345 ZRM).

\*\* Note: a portion of this site is proposed to be rezoned by changing an R7B District to a C4-6 District and establishing a Special East Harlem Corridors District (EHC) under a concurrent related application for a Zoning Map change (C 230344 ZMM).

Plans for this proposal are on file with the City Planning Commission and may be seen on the Zoning Application Portal at <https://zap.planning.nyc.gov/projects/2021M0192> or at 120 Broadway, 31st Floor, New York, NY 10271-0001.

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

**RECOMMENDATION:** Favorable

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

**CONSIDERATION:**

Recommendation submitted by	MN BP	Date: 10/6/2023 4:42 PM
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# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> 2226 Third Avenue	
<b>Applicant:</b> Richard Bass	<b>Applicant's Administrator:</b> Richard Bass
<b>Application #</b> 230345ZRM	<b>Borough:</b> Manhattan
<b>CEQR Number:</b> 23DCP070M	<b>Validated Community Districts:</b> M11

**Docket Description:**

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

**RECOMMENDATION:** Favorable

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

**CONSIDERATION:**

Recommendation submitted by	MN BP	Date: 10/6/2023 4:42 PM
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# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> 2226 Third Avenue	
<b>Applicant:</b> Richard Bass	<b>Applicant's Administrator:</b> Richard Bass
<b>Application #</b> 230344ZMM	<b>Borough:</b> Manhattan
<b>CEQR Number:</b> 23DCP070M	<b>Validated Community Districts:</b> M11

**Docket Description:**  
 IN THE MATTER OF an application submitted by REEC Third Ave LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b:  
 1. changing from an R7B District to a C4-6 District property bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street, and a line 150 feet westerly of Third Avenue;  
 2. establishing a Special East Harlem Corridors District (EHC) bounded by a line 75 feet southerly of East 122nd Street, a line 100 feet westerly of Third Avenue, East 121st Street and a line 150 feet westerly of Third Avenue;  
 Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated July 10, 2023, and subject to the conditions of CEQR Declaration E-713.

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

**RECOMMENDATION:** Favorable

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

**CONSIDERATION:**

Recommendation submitted by	MN BP	Date: 10/6/2023 4:42 PM
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OFFICE OF THE

# MANHATTAN BOROUGH PRESIDENT

1 Centre Street, 19th Floor, New York, NY 10007  
(212) 669-8300 p (212) 669-4306 f  
431 West 125th Street, New York, NY 10027  
(212) 531-1609 p (212) 531-4615 f  
[www.manhattanbp.nyc.gov](http://www.manhattanbp.nyc.gov)  
**Mark Levine, Borough President**

**October 6, 2023**

**Recommendation on ULURP Application No. C230344ZMM and C230346ZSM – 2226  
Third Avenue  
By REEC Third Ave LLC**

## **PROPOSED ACTIONS**

REEC Third Ave LLC (“The Applicant”) is seeking the following actions for the residential portion of Block 1770, Lot 36 (the “Development Site”):

1. Zoning map amendment to rezone a portion of Manhattan Block 1770, Lot 36 (the "Rezoning Area") from R7B to a C4-6 zoning district and extend the boundaries of the Special East Harlem Corridors District ("EHC") to include this area;
2. Zoning text amendment to the Appendix of Zoning Resolution ("ZR") Article XIII Chapter 8, "Special East Harlem Corridors District" to extend the EHC boundaries to include the entirety of the Development Site;
3. Zoning text amendment to establish ZR 138-42 to enable the City Planning Commission ("CPC") to reduce the number of required loading berths for zoning lots located within a C4-6/EHC zoning district;
4. CPC special permit pursuant to the proposed ZR 138-42 to reduce the number of required loading berths at the Development Site; and
5. Zoning text amendment to Appendix F of the ZR to extend an existing Mandatory Inclusionary Housing ("MIH") area to include the entirety of the Development Site.

The proposal will facilitate the development of an as-of-right 133,426 square foot (7.06 FAR), 10-story (145 feet) life sciences building at 2226 Third Avenue in East Harlem, Community District 11 in Manhattan.

## **BACKGROUND**

### **Proposed Development**

The proposed building would be a 133,426 square foot (7.06 FAR), 10-story (145 feet) life sciences building at 2226 Third Avenue. The building filing was approved by the Department of Buildings (“DOB”) in 2021. That filing included 95,669 square feet of medical office space, 37,757 square feet of commercial uses, and one loading berth (DOB Job No. 121209156). Construction of the proposed project is nearing completion, and the proposed actions would not alter the bulk or massing of the building. The actions would, however, facilitate the use of the building as the first life-sciences only building in East Harlem. The Applicant has represented that they have not yet identified any tenants for the building.

A small portion of the development site is located in a R7B district, which does not permit Group 9A, which includes life science uses. The proposal to rezone the R7B portion to C4-6 and extend the boundaries of the EHC to cover the entire lot would permit commercial uses on the site with a maximum commercial FAR of 7.1 and height of 235 feet, with special ground-floor design and parking provisions. However, due to the fact that this building has already been constructed, the rezoning of this portion of the block would not impact the FAR, height, or bulk of the proposed building. Although the proposed building would not include any residential uses, an MIH mapping is required because the proposed rezoning would increase the residential capacity of the Development Site.

The proposed building would also require a zoning text amendment to ZR138-42 to establish a waiver that would allow a reduction in the number of loading berths for developments within C4-6 districts in the EHC. The proposed building would be required to provide three berths, but currently only has one.

The proposed rezoning would, in addition to the Development Site, also apply to the following properties on Block 1770: 38, 39, 40

- A 3 story mixed use building at 2236 Third Avenue
- A 3 story church at 2238 Third Avenue
- A 4 story mixed use building at 2240 Third Avenue

### **Area Context**

The Development Site is located in Community Board 11, in the neighborhood of East Harlem. Surrounding zoning districts include C4-6, C4-4D, C1-9, R7B, R7-2, and R7A, with some manufacturing districts in the area. Common building uses include commercial and retail, with mixed use buildings that include first-floor retail and residential uses above. Much of the surrounding area is also within the Special East Harlem Corridors District (EHC), which was established to foster a mixed-use neighborhood, as well as affordable housing and high-density commercial and manufacturing uses that are easily accessible to public transit.

The Development Site is well serviced by public transportation, including the 4, 5, and 6 Subway trains at East 125<sup>th</sup> Street and Lexington Avenue, M101 and M103 bus stations located on Lexington Avenue between East 121<sup>st</sup> and East 122<sup>nd</sup> Streets, and M15 bus station located on 2<sup>nd</sup> Avenue between East 121<sup>st</sup> and East 122<sup>nd</sup> Streets, BxM6, MxM7, BxM8, BxM9, and BxM10 bus station at Third Avenue between East 120<sup>th</sup> and East 121<sup>st</sup> Streets.

### **COMMUNITY BOARD RESOLUTION**

On September 26<sup>th</sup>, 2023, Manhattan Community Board 11 voted to recommend approval for the application with conditions, including that the developer utilize local hiring for the remainder of the construction as well as for future building operations, and exclude three privately owned adjacent lots from the proposed rezoning area and any other action sought by the Applicant.

### **BOROUGH PRESIDENT'S COMMENTS**

The proposed actions at 2226 Third Avenue would establish the first life sciences building in East Harlem, a neighborhood well served by public transit, that would benefit from more robust employment opportunities. These proposed actions further the goals put forth by City agencies to expand opportunities for the life sciences sector in the east side of Manhattan. Following Community Board 11's request, the Applicant expressed no objections to modifying the proposed rezoning so that it applies exclusively to the Development Site, and not the 3 adjacent properties.

### **BOROUGH PRESIDENT'S RECOMMENDATION**

I therefore recommend **approval** of ULURP applications No. C230344ZMM and C230346ZSM, and Zoning Special Permit C230346ZSM.

A handwritten signature in black ink, appearing to read "Mark Levine". The signature is fluid and cursive, with the first name "Mark" and last name "Levine" clearly distinguishable.

Mark Levine  
Manhattan Borough President