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**IN THE MATTER OF** an application submitted by REEC Third Ave LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying regulations for floor area and loading in Article XIII, Chapter 8 (Special East Harlem Corridors District) and modifying APPENDIX F (Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas) for the purpose of establishing a Mandatory Inclusionary Housing area.

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This application for a zoning text amendment (N230345ZRM), in conjunction with the related special permit (C 230346 ZSM) and the zoning map amendment (C 230344 ZMM) was filed by REEC Third Ave LLC on May 16, 2023. to facilitate the construction of a ten-story predominantly life sciences building at 2226 Third Avenue in East Harlem, Community District 11, Manhattan.

### **RELATED ACTIONS**

In addition to the zoning text amendment (N 230345 ZRM) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- C 230344 ZMM**      Zoning map amendment to change an R7B zoning district to a C4-6 zoning district and establish a Special East Harlem Corridors District (EHC)
  
- 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**

A full background discussion and description of this application appears in the report for the related zoning map amendment action (C 230344 ZMM).

### **ENVIRONMENTAL REVIEW**

This application (N 230345 ZRM), in conjunction with the actions (C 230344 ZMM and C 230346 ZSM), 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. A full description of the environmental review is included in the report for the related zoning map amendment action (C 230344 ZMM).

### **PUBLIC REVIEW**

This application (N 230345 ZRM) was referred for information and review in accordance with the procedures for non-ULURP matters in conjunction with the related actions for a zoning map amendment (C 230344 ZMM) and a special permit (C 230346 ZSM) which were 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).

### **Community Board Public Hearing**

Manhattan Community Board 11 held a public hearing on this application (N 230345 ZRM) in conjunction with the related actions for a special permit (C 230346 ZSM) and a zoning map amendment (C 230344 ZMM) and on September 26, 2023, by a vote of 30 in favor, two opposed, and four abstaining, adopted a resolution recommending approval of the application with conditions. A summary of the Community Board's recommendation appears in the report for the related zoning map amendment action (C 230344 ZMM).

### **Borough President Recommendation**

This application (N 230345 ZRM), in conjunction with the related actions for a zoning map amendment (C 230344 ZMM) and a special permit (C 230346 ZSM), was considered by the

Manhattan Borough President, who, on October 6, 2023, issued a recommendation to approve the application.

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

On October, 18 2023 (Calendar No. 2), the City Planning Commission scheduled November 1, 2023, for a public hearing on this application (N 230345 ZRM). The hearing was duly held on November 1, 2023 (Calendar No. 10), in conjunction with the related actions for a zoning map amendment (C 230344 ZMM) and a special permit (C 230346 ZSM). One speaker testified in support of the application and one in opposition, as described in the report for the related zoning map amendment action (C 230344 ZMM), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a zoning text amendment (N 230345 ZRM), in conjunction with the related actions for a zoning map amendment (C 230344 ZMM) and a special permit (C 230346 ZSM) is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related zoning map amendment (C 230344 ZMM).

### **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 201 of the New York City Charter, that based on the environmental determination and the consideration described in the report for the zoning map amendment (C 230344ZMM), the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

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Matter struck out is to be deleted;  
Matter within ## is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution.

\* \* \*

## ARTICLE XIII SPECIAL PURPOSE DISTRICTS

### Chapter 8 Special East Harlem Corridors District

\* \* \*

#### 138-20 SPECIAL BULK REGULATIONS

\* \* \*

#### 138-211 Special floor area regulations

- (a) In certain #Commercial Districts# and in #Manufacturing Districts# paired with a #Residence District#, as shown on Map 2 of the Appendix to this Chapter, for any #zoning lot# containing #residential# #floor area#, the maximum #residential# #floor area ratio# shall be modified as follows:
- (1) for #zoning lots# complying with the applicable provisions of paragraph (d)(3) of Section 23-154 (Inclusionary Housing) or, for #affordable independent residences for seniors#, the maximum #residential# #floor area ratio# set forth on Map 2 shall apply;
  - (2) for #zoning lots# utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential# #floor area ratio# shall apply as modified in the table below:

Maximum #residential# #floor area ratio# shown on Map 2	Modified maximum #residential# #floor area ratio#
8.5	7.52
9.0	7.52
10.0	9.0

- (3) except in C2 Districts subject to the provisions of paragraph (b) of this Section, the maximum #floor area ratio# for any combination of #uses# shall be the

maximum #floor area ratio# specified in paragraphs (a)(1) or (a)(2) of this Section, whichever is applicable; and

- (4) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.
- (b) In C2 Districts mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #community facility# #floor area ratio# shall be 6.5, except that the applicable provisions of paragraph (d) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations) shall apply to #zoning lots# containing philanthropic or non-profit institutions with sleeping accommodations or #long-term care facilities#.
- (c) In the C4-6 District that is located on the west side of Third Avenue between East 121st Street and East 122nd Street, the maximum #commercial# #floor area ratio# shall be 7.2.
- (d) For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

#### 138-40

#### OFF-STREET PARKING AND LOADING REGULATIONS

\* \* \*

#### 138-41

#### Accessory Off-street Parking Spaces for Residences

\* \* \*

#### 138-42

#### Special Permit for Accessory Off-street Commercial Loading Spaces

Within C4-6 Districts, the City Planning Commission may, by special permit, allow a reduction or waiver in the number of required loading berths, provided that:

- (a) curbside deliveries will not create or contribute to serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not interfere with the efficient functioning of nearby #uses#; and

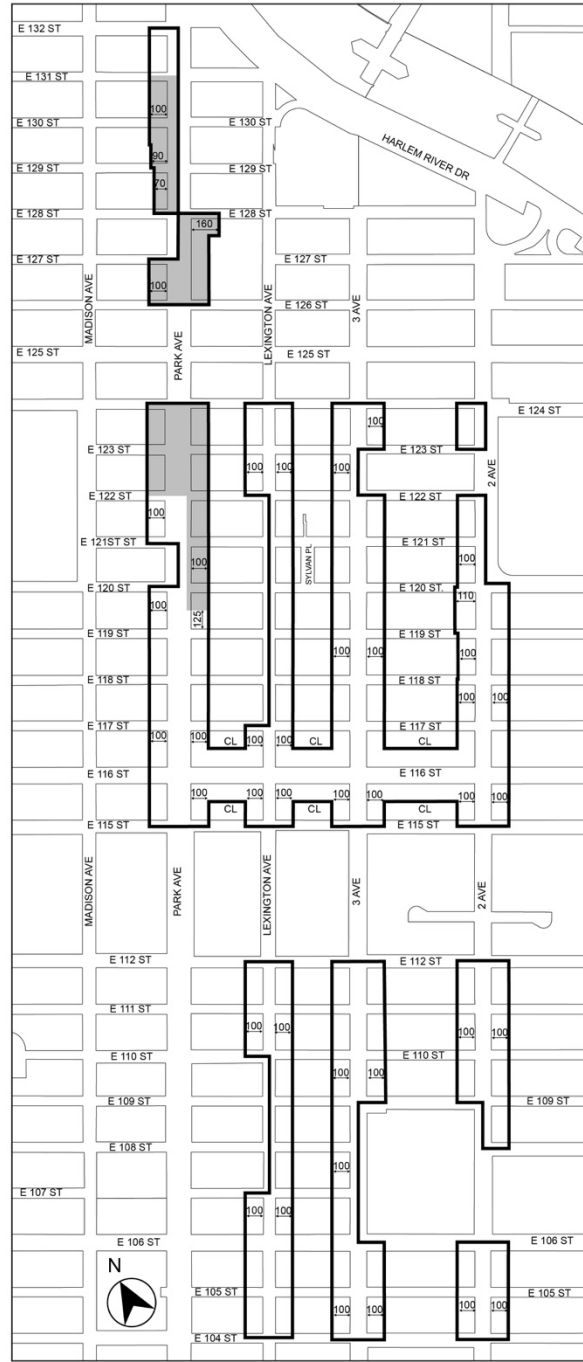
- (b) an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment.

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



**Appendix**  
**SPECIAL EAST HARLEM CORRIDORS DISTRICT PLAN**

Map 1: Special East Harlem Corridors District and Subdistrict

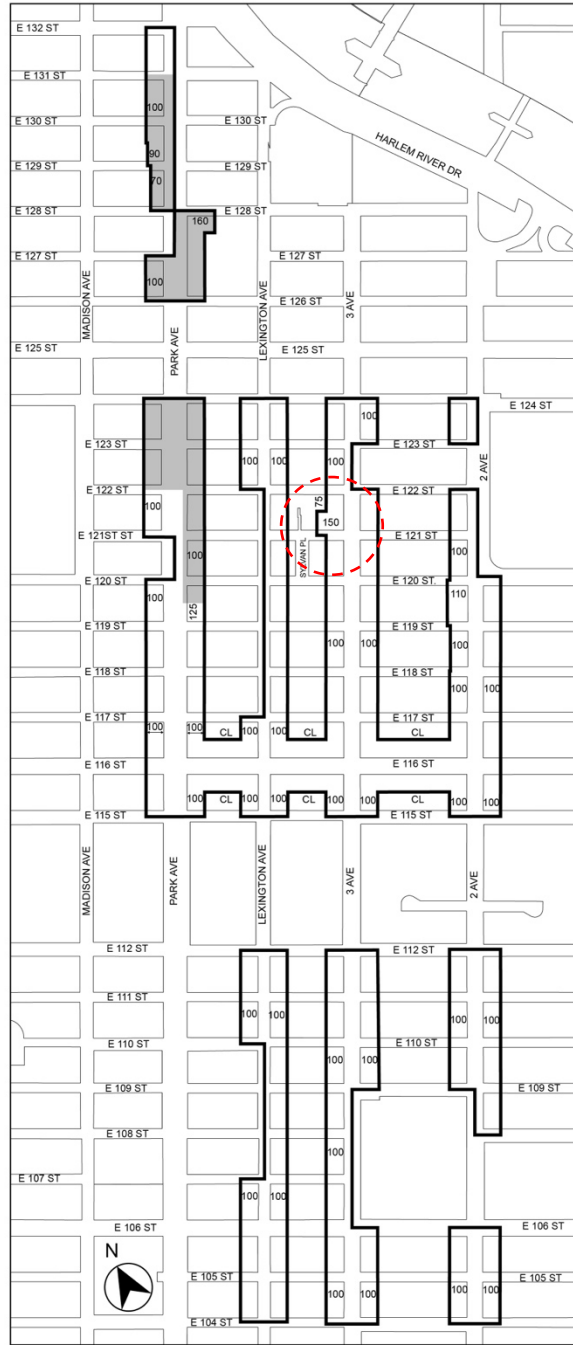
[EXISTING MAP]





EAST HARLEM DISTRICT PLAN  
SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT

-  Special East Harlem Corridors District
-  Park Avenue Subdistrict

[PROPOSED MAP]



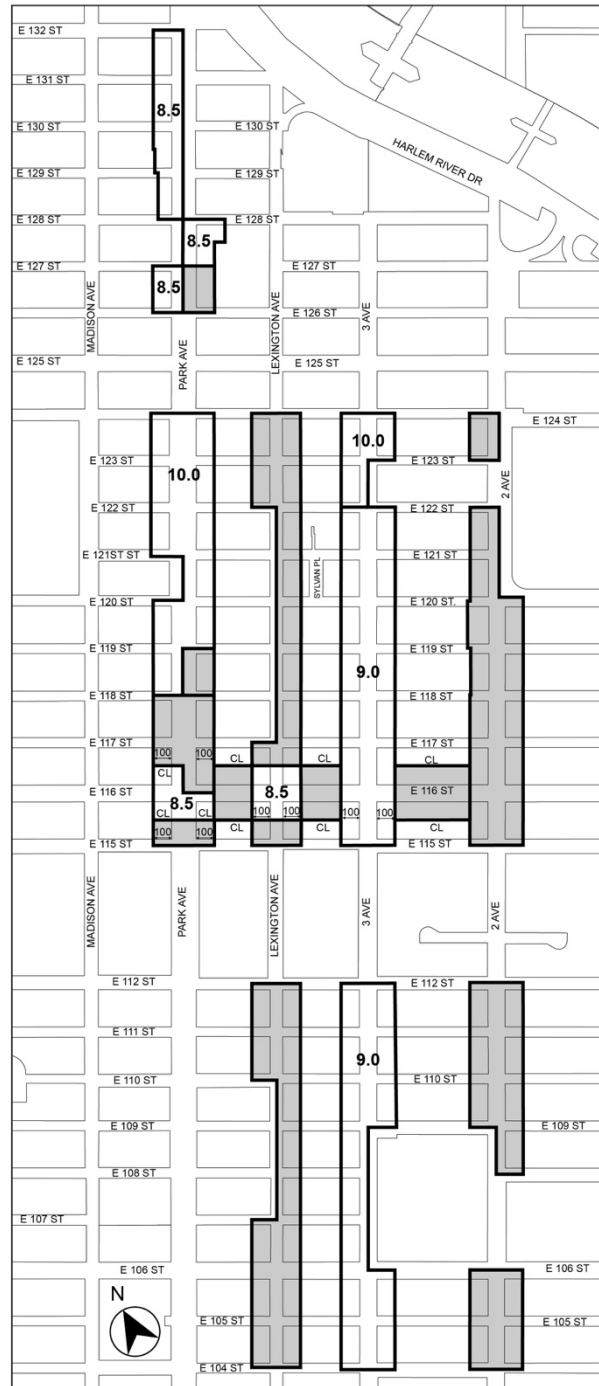
EAST HARLEM DISTRICT PLAN  
SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT

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# Map 2: Maximum Residential Floor Area Ratio

[EXISTING MAP]

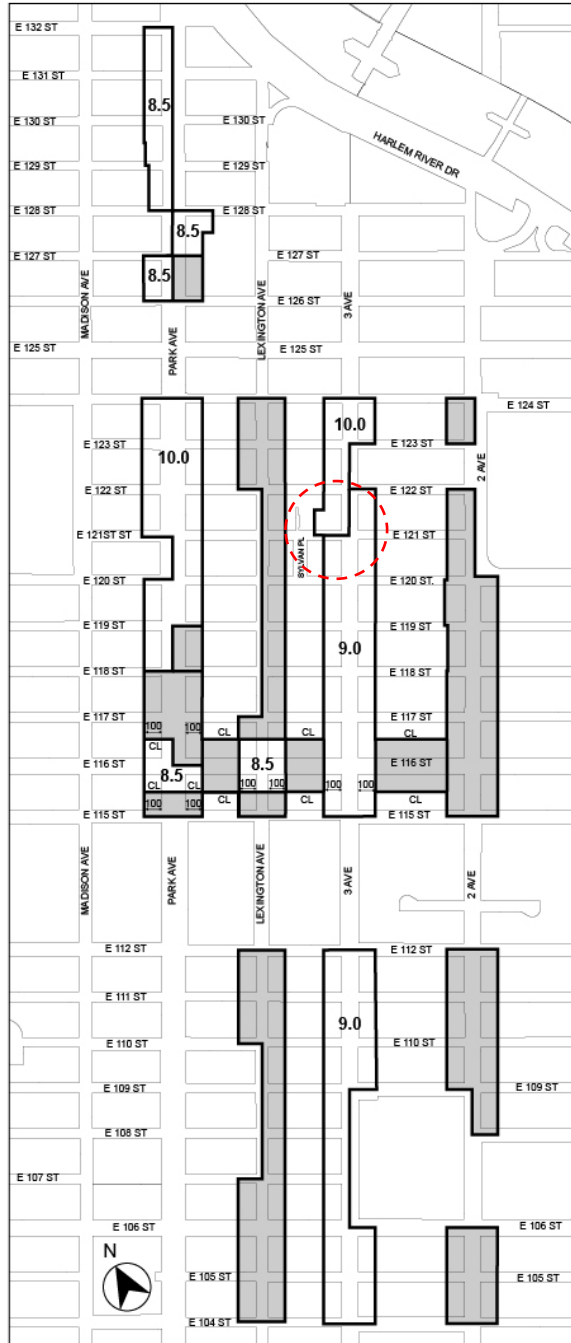


## EAST HARLEM DISTRICT PLAN

### MAP 2. MAXIMUM RESIDENTIAL FAR

 Underlying FAR Applies

[PROPOSED MAP]



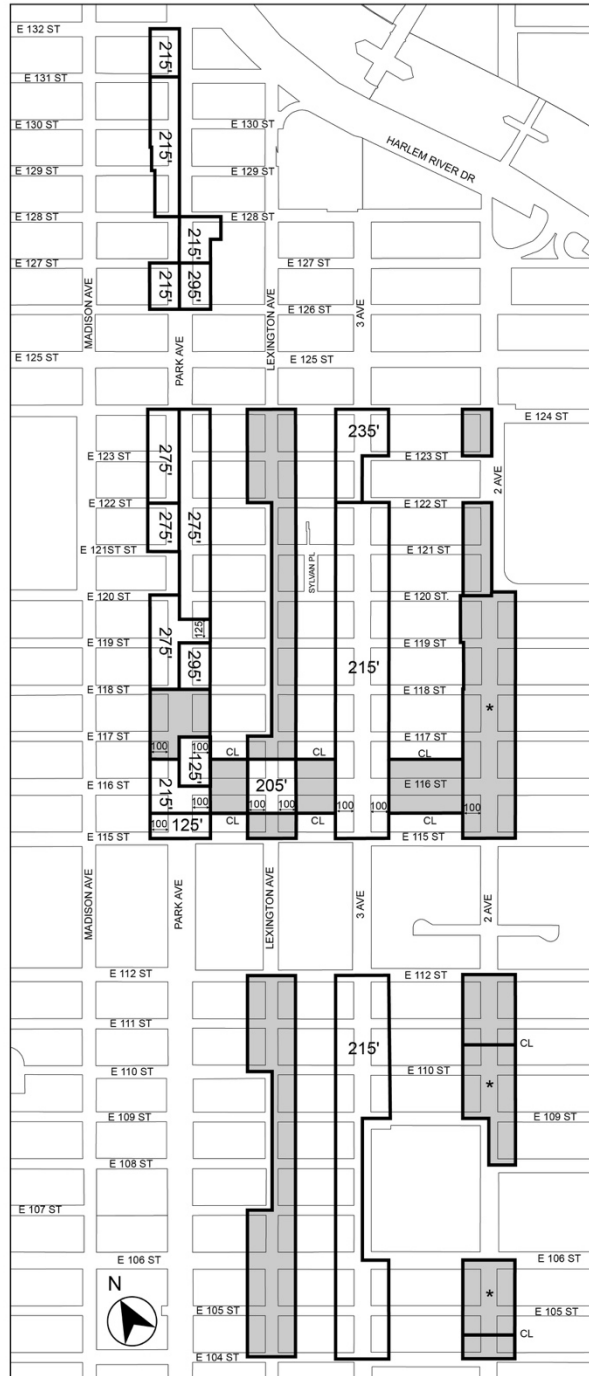
EAST HARLEM DISTRICT PLAN

MAP 2. MAXIMUM RESIDENTIAL FAR

Underlying FAR Applies

Map 3: Maximum Height

[EXISTING MAP]



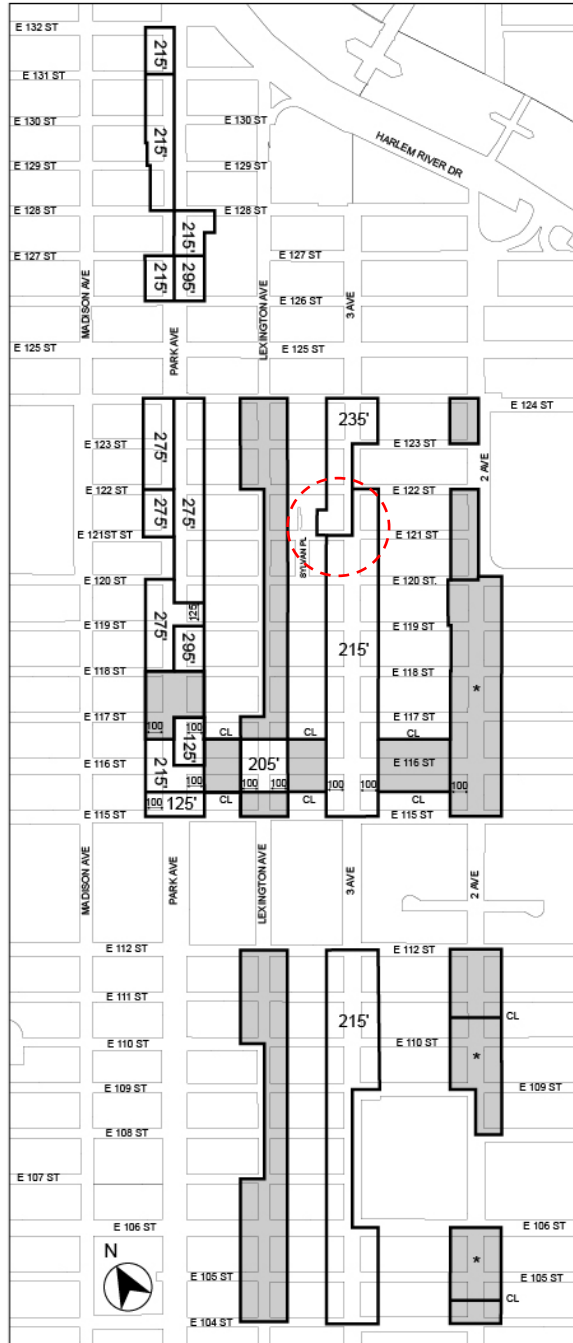
EAST HARLEM DISTRICT PLAN

MAP 3. MAXIMUM HEIGHT

\* Subject to Section 138-23(b)(3)(ii)

Underlying Maximum Height Applies

[PROPOSED MAP]



**EAST HARLEM DISTRICT PLAN**

**MAP 3. MAXIMUM HEIGHT**

\* Subject to Section 138-23(b)(3)(ii)

Underlying Maximum Height Applies

\* \* \*

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

\* \* \*

**MANHATTAN**

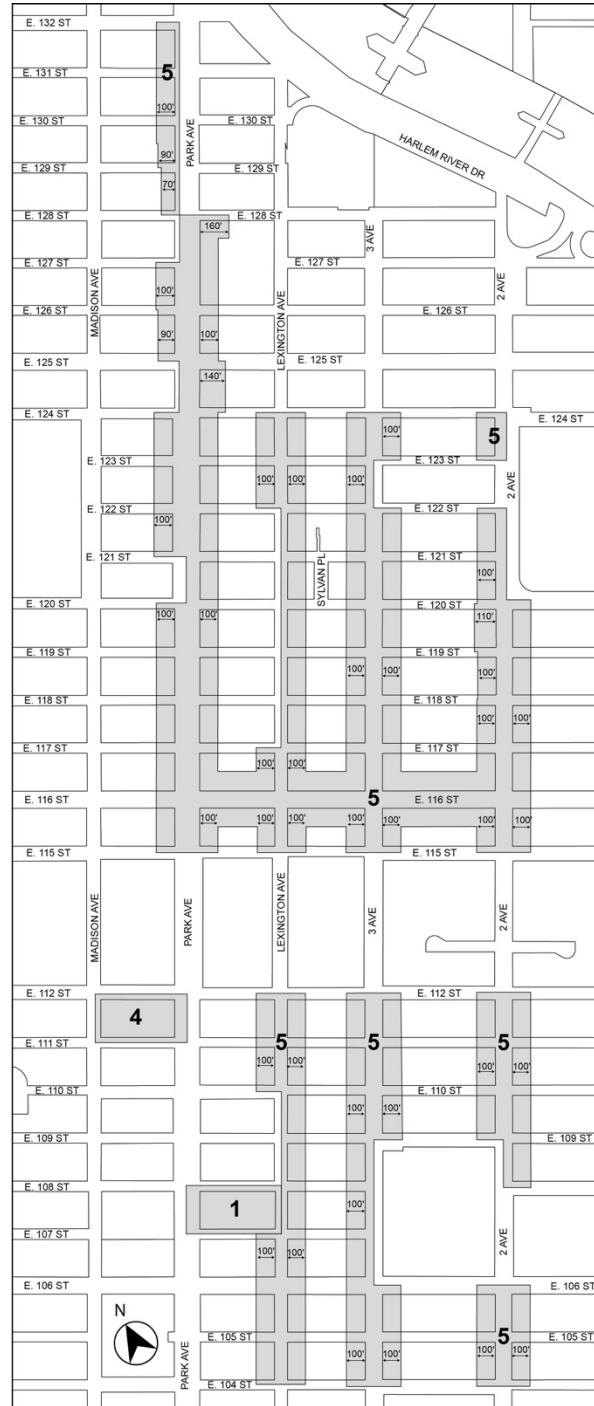
\* \* \*

**Manhattan Community District 11**

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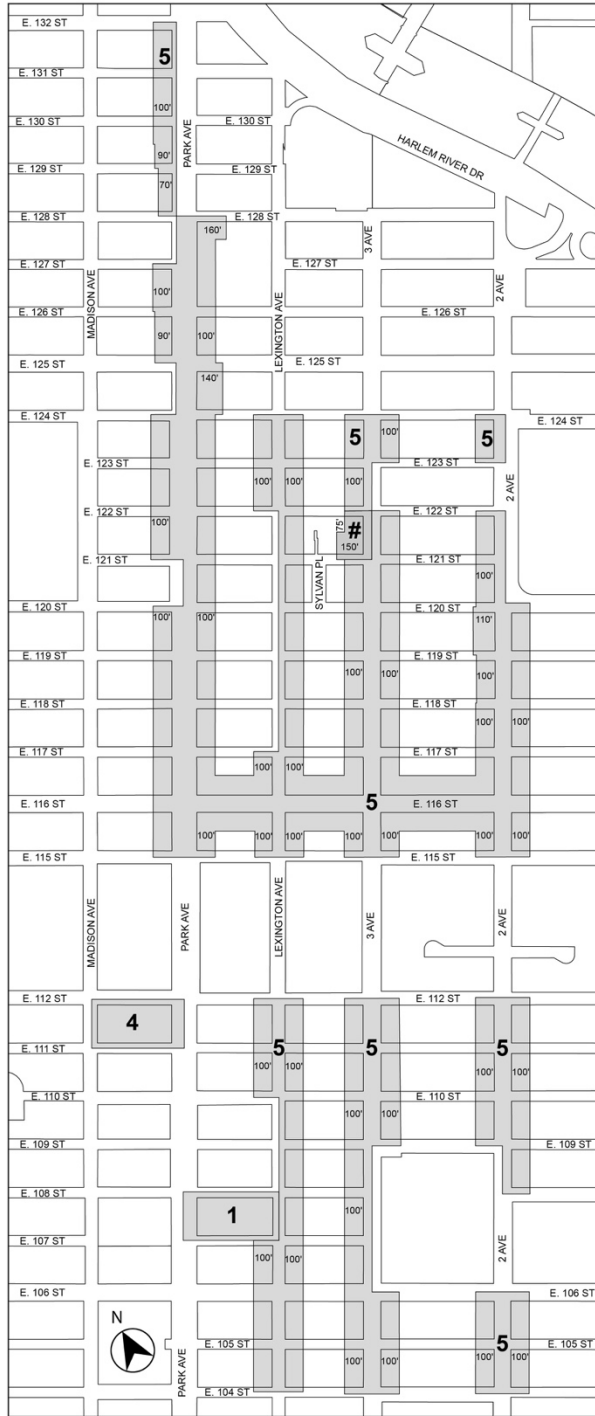
Map 5 – [date of adoption]

[EXISTING MAP]



- Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
- Area 1 – 11/29/16 MIH Program Option 1
- Area 4 – 11/30/17 MIH Program Option 1 and Deep Affordability Option
- Area 5 – 11/30/17 MIH Program Option 1 and Deep Affordability Option

[PROPOSED MAP]



- Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
- Area 1 – 11/29/16 MIH Program Option 1
- Area 4 – 11/30/17 MIH Program Option 1 and Deep Affordability Option
- Area 5 – 11/30/17 MIH Program Option 1 and Deep Affordability Option
- Area # – [date of adoption] MIH Program Option 1 and Deep Affordability Option

Portion of Community District 11, Manhattan

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The above resolution (N 230345 ZRM), duly adopted by the City Planning Commission on November 29, 2023 (Calendar No. 15), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

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

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