



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).

This application for a zoning special permit, in conjunction with the related actions (C 230344 ZMM and N 230345 ZRM) was filed by REEC Third Avenue LLC on May 16, 2023. The requested action, along with the related actions, would 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 proposed zoning special permit (C 230346 ZSM), which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission 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 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)

BACKGROUND

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

ENVIRONMENTAL REVIEW

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

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).

UNIFORM LAND USE REVIEW

This application (C 230346 ZSM) and the related application for a zoning map amendment (C 230344 ZMM), 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

Manhattan Community Board 11 held a public hearing on this application (C 230346 ZSM) in conjunction with the related actions (C 230344 ZMM and N 230345 ZRM) 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 (C 230346 ZSM), in conjunction with the related actions (C 230344 ZMM and N 230345 ZRM) 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. 3), the City Planning Commission scheduled November 1, 2023, for a public hearing on this application (C 230246 ZSM). The hearing was duly held on November 1, 2023 (Calendar No. 11), in conjunction with the related actions (C 230344 ZMM and N 230345 ZRM). 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 special permit (C 230346ZSM), to allow the reduction in the number of required loading berths in conjunction with the related actions in with (C 230344 ZMM and N 230345 ZRM) 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 action (C 230344 ZMM).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 138-42 (Special Permit for Accessory Off-street Commercial Loading Spaces) of the Zoning Resolution:

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

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 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 berth 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 is approved, subject to the following terms and conditions:

- 1. The property that is the subject of this application (C 230346 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by DXA studio Architecture PLLC, filed with this application and incorporated in this Resolution:

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z – 101	Site Plan (Ground Floor Plan)	5/30/2023
Z – 102	Cellar, 2 nd -7 th Floor Plans	5/30/2023
Z – 103	8 th – 10 th Floor Plans	5/30/2023

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 230346 ZSM), duly adopted by the City Planning Commission on November 29, 2023 (Calendar No. 16), 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*