THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 30

Resolution approving the decision of the City Planning Commission on ULURP No. C 230346 ZSM, for the grant of a special permit (L.U. No. 5).

By Council Members Salamanca and Riley

WHEREAS, REEC Third Ave., LLC, filed an application 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), which in conjunction 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 (ULURP No. C 230346 ZSM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on December 29, 2023, its decision dated November 29, 2023 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 230344 ZMM (L.U. No. 3), a zoning map amendment to change an R7B zoning district to a C4-6 zoning district and establish a Special East Harlem Corridors District (EHC); and N 230345 ZRM (L.U. No. 4), a 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;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 138-42 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on January 23, 2024;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 10th, 2023 (CEQR No. 23DCP070M), which includes an (E) designation to avoid the potential for significant adverse impacts related to air (E-713) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-713) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230346 ZSM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

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:

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

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on _____, 2024, on file in this office.

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City Clerk, Clerk of The Council