THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 29

Resolution approving the decision of the City Planning Commission on Application No. N 230345 ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 4).

By Council Members Salamanca and Riley

WHEREAS, REEC Third Ave., LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text 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, 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. N 230345 ZRM), (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 C 230346 ZSM (L.U. No. 5), a 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;

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

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 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, N 230345 ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;
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).

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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

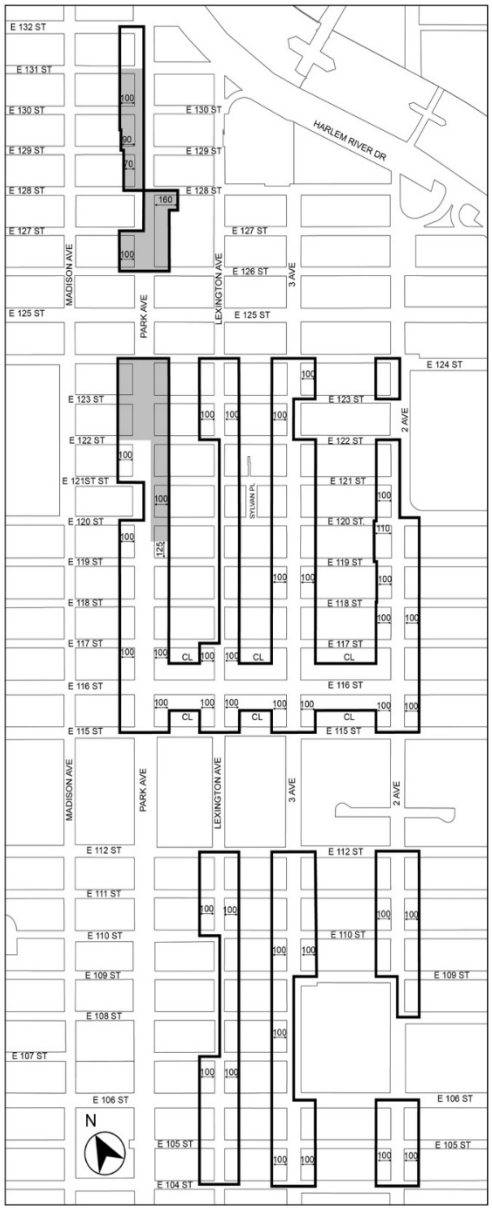
(b) an efficient goods receiving system will be implemented within the #commercial# establishment to expedite the movement of goods from the curb to areas within the establishment.

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]



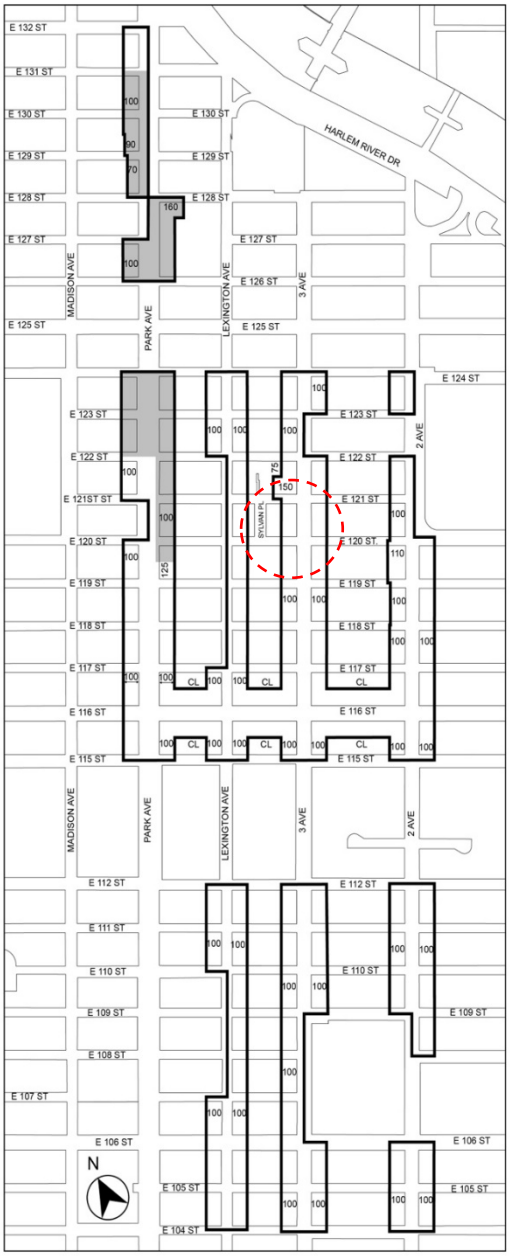
EAST HARLEM DISTRICT PLAN

SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT

Special East Harlem Corridors District

Park Avenue Subdistrict

[PROPOSED MAP]



EAST HARLEM DISTRICT PLAN

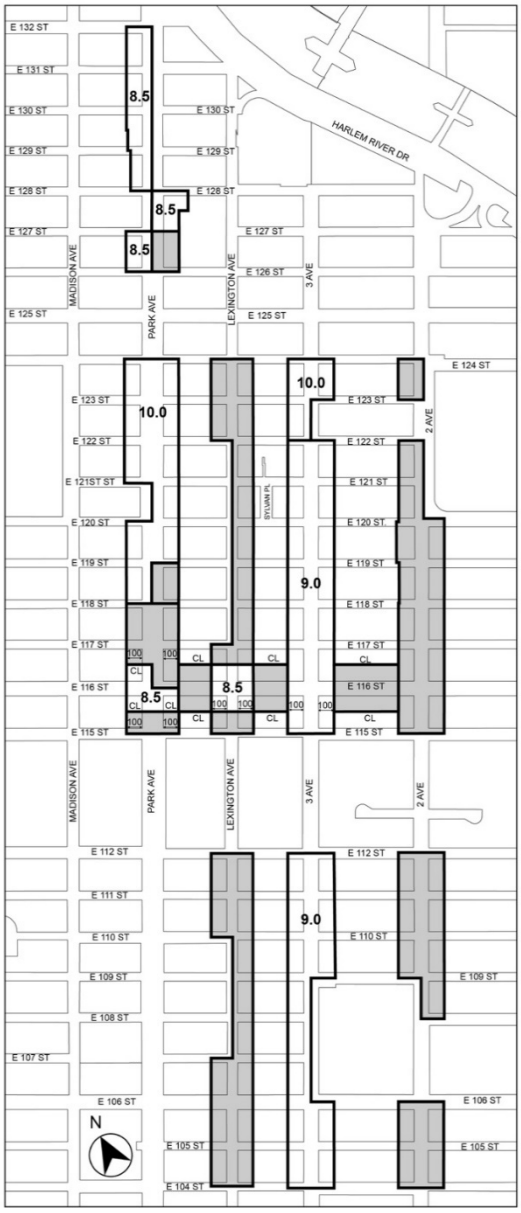
SPECIAL EAST HARLEM CORRIDOR DISTRICT AND SUBDISTRICT

Special East Harlem Corridors District

Park Avenue Subdistrict

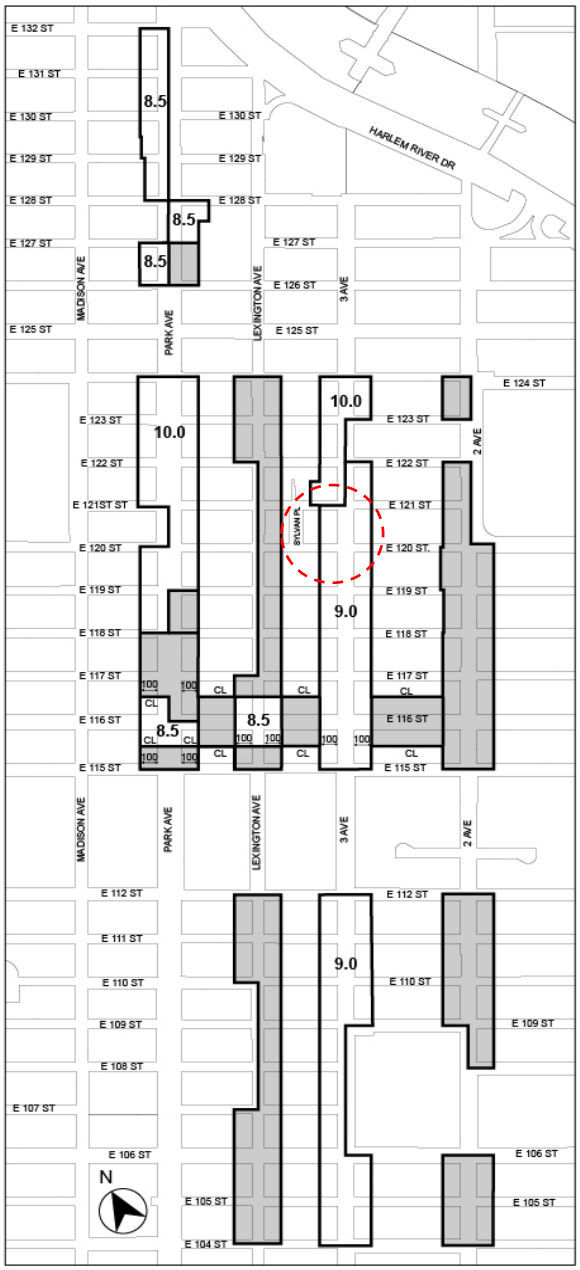
Map 2: Maximum Residential Floor Area Ratio

[EXISTING MAP]



EAST HARLEM DISTRICT PLAN
MAP 2. MAXIMUM RESIDENTIAL FAR
Underlying FAR Applies

[PROPOSED MAP]



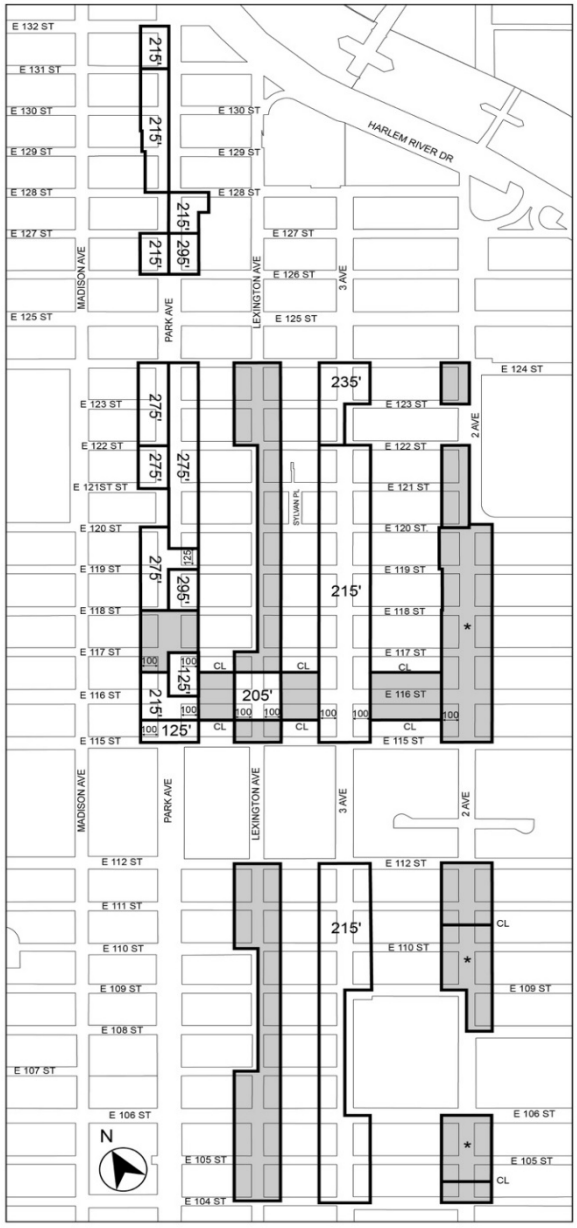
EAST HARLEM DISTRICT PLAN

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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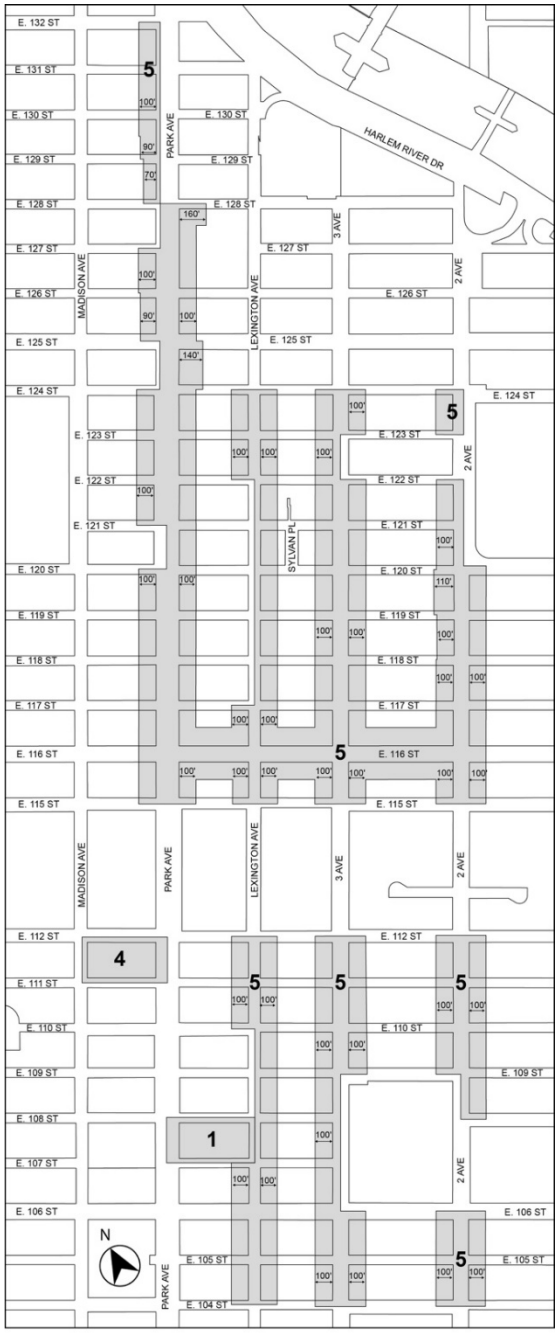
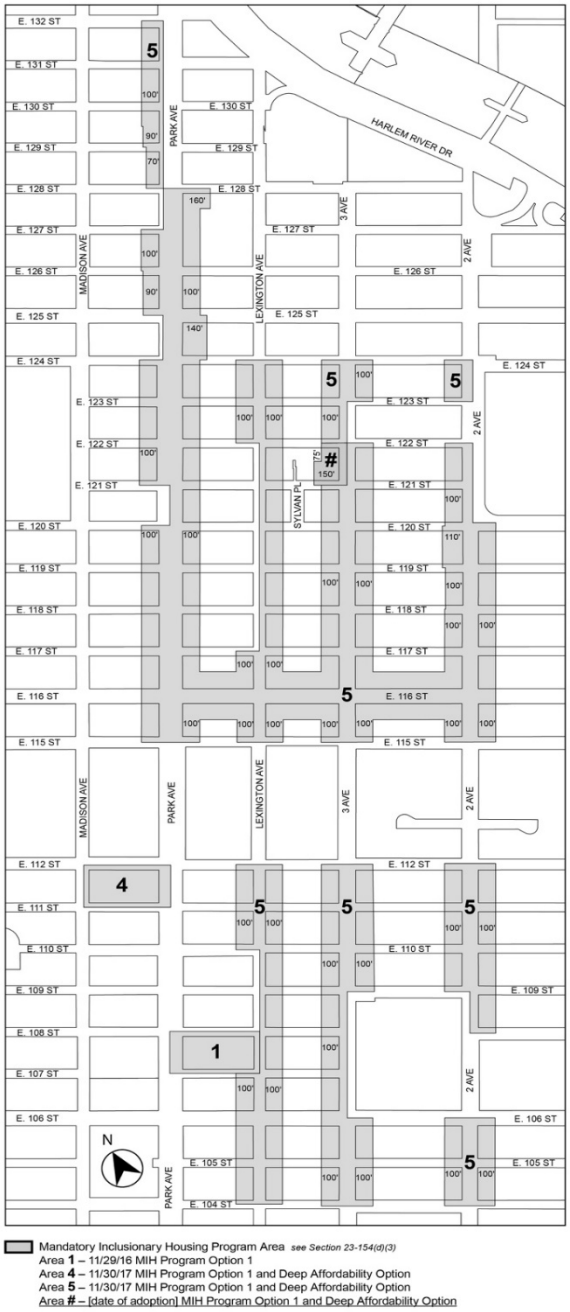
Map 5 – [date of adoption]

[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]



Portion of Community District 11, Manhattan

* * *

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