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Title: Resolution approving the decision of the City Planning Commission on ULURP No. C 020518 ZMK, a Zoning Map change (L.U. No. 162).

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Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 6/13/06

Date	Ver.	Action By	Action	Result
6/5/2006	*	Committee on Land Use	Approved by Committee	
6/13/2006	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 383

Resolution approving the decision of the City Planning Commission on ULURP No. C 020518 ZMK, a Zoning Map change (L.U. No. 162).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on May 9, 2006 its decision dated May 8, 2006 (the "Decision"), on the application submitted by the Rector Hylan Corporation, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 020518 ZMK) (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 020517 ZSK (L.U. No. 161), grant of a special permit pursuant to Section 62-736 for bulk modifications on a waterfront block;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 1, 2006;

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 (CEQR No. 02DCP045K);

WHEREAS, after a study of the potential environmental impact of the proposed action, the lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. The applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan. With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.
2. The applicant agrees via a restrictive declaration to fund the installation of a traffic signal at the intersection of Kent Avenue and Division Avenue, if determined to be warranted by the NYC Department of Transportation (DOT), upon completion of construction of the project. With the implementation of this condition, no significant adverse traffic impacts would result from the proposed project.

WHEREAS, the applicant signed a Conditional Negative Declaration (CND) on December 2, 2005. Subsequently, the EAS was revised to include an analysis of the project with an affordable housing component and the applicant signed a revised CND on March 17, 2006, which superseded the CND signed on December 2, 2005. The revised CND was published in the New York State Environmental Notice Bulletin on March 29, 2006. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received and the revised CND was issued on May 8, 2006.

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

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following conditions:

1. The applicant agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.
2. The applicant agrees via a restrictive declaration to fund the installation of a traffic signal at the intersection of Kent Avenue and Division Avenue, if determined to be warranted by the NYC Department of Transportation (DOT), upon completion of construction of the project.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12d:

- a. changing from an M3-1 District to an R7-3 District property bounded by the westerly centerline prolongation of South 8th Street, Kent Avenue, a line 290 feet southerly of the westerly centerline prolongation of South 8th Street, and the U.S. Pierhead Line;
- b. changing from a C4-3 District to an R7-3 District property bounded by a line 117 feet southerly of the westerly centerline prolongation of Broadway, Kent Avenue, the westerly centerline prolongation of South 8th Street, and the U.S. Pierhead Line; and
- c. establishing within the proposed R7-3 District a C2-4 District bounded by a line 117 feet southerly of the westerly centerline prolongation of Broadway, Kent Avenue, a line 290 feet southerly of the westerly centerline prolongation of South 8th Street, and a line 100 feet westerly of Kent Avenue;

as shown on a diagram (for illustrative purposes only) dated December 5, 2005, which includes CEQR Designation E-161, Community District 1, Borough of Brooklyn.

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 June 13, 2006, on file in this office.

City Clerk, Clerk of The Council