



Legislation Text

File #: Res 1823-2009, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1823

Resolution approving the decision of the City Planning Commission on ULURP No. C 070137 ZMM, a Zoning Map amendment (Preconsidered L.U. No. 977).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on January 13, 2009 its decision dated January 7, 2009 (the "Decision"), on the application submitted by Phipps Houses, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 070137 ZMM) (the "Application");

WHEREAS, the Application is related to Application Number N 090105 ZRM (Preconsidered L.U. No. 978), an amendment to the text of the Zoning Resolution of the City of New York allowing modification of court and side yard requirements;

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 February 9, 2009;

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 and the Conditional Negative Declaration, issued on November 25, 2008 (CEQR No. 07DCP015M);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment once it is modified as follows:

1. The applicant agrees via a restrictive declaration to conduct a Phase II Environmental Site Assessment (Phase II) in accordance with the sampling protocol approved by the New York City Department of Environmental Protection (DEP) on July 19, 2007. The phase II requires the characterization of surface and subsurface soils by collecting and analyzing soil borings from the proposed development site and use of ground penetrating radar survey to locate underground storage tanks with the affected lot (Block 931, Lot 1).

2. The applicant further agrees to perform any necessary remediation of the subject property if hazardous materials are found as the result of the Phase II. The applicant would prepare a Remedial Action plan, including a sample protocol and a health and safety plan, for DEP for approval. Remediation measures would be undertaken pursuant to the approved remediation plan;

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 this report, C 070137 ZMM, incorporated by reference herein, 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 8d:

1. changing from an R8 District to a C1-9 District property bounded by East 26th Street, a line 125 feet easterly of Second Avenue, a line midway between East 23rd Street and East 24th Street, and a line 100 feet easterly of Second Avenue; and
2. changing from a C1-8 District to a C1-9 District property bounded East 26th Street, a line 100 feet easterly of Second Avenue, a line midway between East 23rd Street and East 24th Street, and Second Avenue;

as shown on a diagram (for illustrative purposes only) dated August 11, 2008, Community District 6, Borough of 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 February 11, 2009, on file in this office.

City Clerk, Clerk of The Council