



## Legislation Text

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**File #:** Res 0496-2010, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 496

Resolution approving the decision of the City Planning Commission on ULURP No. C 080129 ZMX, a Zoning Map amendment (L.U. No. 219)

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on September 17, 2010 its decision dated September 15, 2010 (the "Decision"), on the application submitted by 3500 Park Avenue, LLC Associates, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map to change from an M1-1 District to an R7-1 District and to establish a new C2-4 District with the existing and proposed R7-1 districts, to facilitate the construction of a new eight-story mixed-use building, Community District 3, Borough of the Bronx (ULURP No. C 080129 ZMX (the "Application");

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 October 5, 2010;

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 September 13, 2010, which included an (E) designation on Block 23289, Lot 20 to avoid the potential of noise impacts (CEQR No. 08DCP022X);

**RESOLVED:**

The Council finds that the action described herein will have no significant effect on the environment provided that it is modified pursuant to the following conditions set forth in the City Planning Commission Report C 080129 ZMX:

That the applicant, 3500 Park Avenue, LLC, agrees via a restrictive declaration to prepare a Phase II Environmental Assessment Statement (EAS), hazardous material 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 measure would be undertaken pursuant to the

remediation plans.

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 080129 ZMX, 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 No. 3d, from an M1-1 District to an R7-1/C2-4 District, property bounded by East 168<sup>th</sup> Street, a line midway between Park Avenue and Washington Avenue, a line 100 feet southwesterly of East 168<sup>th</sup> Street and Park Avenue, as shown on a diagram (for illustrative purposes only) dated June 7, 2010 and which includes CEQR Designation E-259, Community District 3, Borough of the Bronx.

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 October 13, 2010, on file in this office.

City Clerk, Clerk of The Council