



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK PRECONSIDERED RESOLUTION NO. 362

Resolution respecting City Council Resolutions No. 962 of 2005 (L.U. 424), No. 963 of 2005 (L.U. 425), No. 964 of 2005 (L.U.426), No. 965 of 2005 (L.U. 427), No. 966 of 2005 (L.U. 428) and No. 967 of 2005 (L.U. 429); the Greenpoint-Williamsburg Rezoning.

By Council Members Katz, Avella, Comrie and Felder

WHEREAS, the City Planning Commission filed with the Council on March 14, 2005 its decisions dated March 14, 2005 (the "Decisions"), on the applications submitted by the New York City Department of City Planning pursuant to Sections 197, 198, 199 and 201 of the New York City Charter and Section 5-430 *et. seq.* of the New York City Administrative Code, and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure, for various amendments to the Zoning Map and the text of the Zoning Resolution, as well as changes to the City Map (the "Applications") (collectively the "Greenpoint-Williamsburg Rezoning");

WHEREAS, the Applications were No. N 050110 (A) ZRK (L.U. No. 424), an amendment to the text of the Zoning Resolution Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts) and Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area); Article XII, Chapter 3 (Special Mixed Use District) specifying a Special Mixed Use District (MX-8) in Greenpoint-Williamsburg, Community District 1, Brooklyn; and the elimination of Article IX, Chapter 7 (Special Northside Mixed Use District) and Article X, Chapter 8 (Special Franklin Street Mixed Use District); ULURP No. C 050111 (A) ZMK (L.U. No. 425), an amendment of the Zoning Map, Section Nos. 8d, 9b, 12c, 12d, 13a and 13b to rezone approximately 183 blocks to R6, C2-4/R6, C1-4/R6, R6B, C2-4/R6B, C1-4/R6B, R6A, C2-4/R6A, C1-4/R6A, R8, C2-4/R8, M1-2, M1-2/R6B, M1-2/R6A, M1-2/R6, M1-2/R7A, and MX-8; ULURP No. C 040415 MMK (L.U. 426) for a change in the City Map involving: the elimination, discontinuance and closing of a portion of North 12th Street between Kent Avenue and the United States Pierhead Line; the establishment of Inlet Park; the delineation of sewer corridors; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto, in accordance with Map Nos. Y-2673 and V-2674 dated September 28, 2004 and signed by the Borough President; ULURP No. C 040416 MMK (L.U. No. 427), an amendment to the City Map involving the elimination of a portion of Quay Street between West Street and the U.S. Bulkhead Line, the establishment of Inlet Park, and the delineation of a sewer corridor; ULURP No. C 040417 MMK (L.U. No. 428), an amendment to the City Map involving the elimination, discontinuance and closing of a portion of North 11th Street between Kent Avenue and the U.S. Pierhead Line, the establishment of Inlet Park, and the delineation of a sewer corridor; and ULURP No. C 040418 MMK (L.U. No. 429), an amendment to the City Map involving the elimination, discontinuance and closing of portions of North 9th Street and North 10th Street between Kent Avenue and the U.S. Pierhead Line, and the establishment of Inlet Park;

WHEREAS, the Decision No. N 050110(A) ZRK included the City Planning Commission's Statement of the Environmental Findings for the Greenpoint-Williamsburg Rezoning, made pursuant to the State

Environmental Quality Review Act (“SEQRA”) and the Rules of Procedure for the City Environmental Quality Review (“CEQR”);

WHEREAS, the Decisions were subject to review and action by the Council pursuant to Section 197-d (b)(3) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decisions and Applications on April 4, 2005;

WHEREAS, on May 11, 2005, the Council passed Resolutions No. 962, 963, 964, 965, 966 and 967 (the “Resolutions”);

WHEREAS, the Resolutions stated that the Council considered the land use implications and other policy issues relating to the Decisions and Applications;

WHEREAS, the Resolutions stated that the Council considered the relevant environmental issues;

WHEREAS, each of the Resolutions recited the history of the environmental review process undertaken by the Department of City Planning and the City Planning Commission pursuant to SEQRA/CEQR, including the development of the Final Environmental Impact Statement (the “FEIS”);

WHEREAS, Resolution No. 962 (L.U. 424), approving Decision No. N 050110(A) ZRK stated the approval was made “on the basis of the Decision and Application”;

WHEREAS, the Resolutions were subsequently challenged in the matter of *TransGas Energy Systems LLC, et. al. v. City Council, et. al.*, Index No. 112360/05 (Sup. Ct. N.Y. County) and in the matter of *Nash Metalware et. al. v. City Council, et. al.*, Index No. 400331/06 (Sup. Ct. N.Y. County), on the grounds that the Resolutions failed to include a Findings Statement made pursuant to SEQRA/CEQR;

WHEREAS, the Council believes that the Resolutions are procedurally and substantively sufficient to meet the requirements of SEQRA/CEQR;

WHEREAS, the Council received, reviewed and considered the FEIS, with respect to the Applications, along with the Technical Memorandum dated March 2005, with respect to the proposed modification, and the Technical Memorandum dated May 2005 and approved the City Planning Decisions;

WHEREAS, the Council thereby adopted and incorporated the City Planning Commission’s Findings Statement in Decision No. N 050110(A) ZRK;

WHEREAS, the Council wishes to eliminate any perceived ambiguity in the Resolutions;

RESOLVED:

Having already considered the Final Environmental Impact Statement (FEIS), together with the Technical Memorandum, dated March 2005, and the Technical Memorandum dated May 2005, the Council restates and affirms that:

1. The FEIS met the requirements of 6 N.Y. C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations, including the provision of affordable housing, from among the reasonable alternatives thereto, the Revised AHBI Alternative set forth in the FEIS and the Technical Memorandum dated March 2005 and the Technical Memorandum dated May 2005, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable;

3. Adverse environmental impacts disclosed in the FEIS with respect to the Revised AHBI Alternative will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable; and
4. The report of the City Planning Commission, together with the FEIS, the Technical Memorandum dated March 2005 and the Technical Memorandum dated May 2005, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations.

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 _____, 2006, on file in this office.

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City Clerk, Clerk of The Council