

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