



Legislation Details (With Text)

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Title: Resolution approving the decision of the City Planning Commission on Application No. N 090105 ZRM, for an amendment of the Zoning Resolution of the City of New York relating to Section 23-84 (Outer Court Regulations), creating a new Section 23-844 (Modification of court and side yard regulations in the former Bellevue South Urban Renewal Area), Borough of Manhattan (Preconsidered L.U. No. 978).

Sponsors:

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 2/11/09

Date	Ver.	Action By	Action	Result
2/10/2009	*	Committee on Land Use	Approved by Committee	
2/11/2009	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1824

Resolution approving the decision of the City Planning Commission on Application No. N 090105 ZRM, for an amendment of the Zoning Resolution of the City of New York relating to Section 23-84 (Outer Court Regulations), creating a new Section 23-844 (Modification of court and side yard regulations in the former Bellevue South Urban Renewal Area), Borough of Manhattan (Preconsidered L.U. No. 978).

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"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by Phipps Houses for an amendment of the Zoning Resolution of the City of New York relating to Section 23-84 (Outer Court Regulations), creating a new Section 23-844 (Modification of court and side yard regulations in the former Bellevue South Urban Renewal Area), Application No. N 090105 ZRM, Community District 6, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application Number C 070137 ZMM (Preconsidered L.U. No. 977), an amendment to the Zoning Map changing from a C1-8 district and a portion of an R8 district to a C1-9 district;

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 Revised 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 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 as follows:

Matter Underlined is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

Matter within ## is defined in Section 12-10;

* * * indicate where unchanged text appears in the Zoning Resolution

23-84

Outer Court Regulations

* * *

23-844

Modification of court and side yard regulations in the former Bellevue South Urban Renewal Area in the Borough of Manhattan

In the Borough of Manhattan, in the area designated by the former Bellevue South Urban Renewal Plan, for a

#development# or #enlargement# on a #zoning lot# that adjoins a #zoning lot# including a #residential building# with #non-complying courts# along the common #side lot line#, the #court# regulations of Section 23-80 and the open area requirements of paragraph (c) of Section 23-462 (Side yards for all other residential buildings) may be modified to allow an open area at least eight feet wide to extend along a portion of the #side lot line#.

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