



## Legislation Text

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**File #:** Res 1365-2008, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1365

Resolution approving the decision of the City Planning Commission on ULURP No. C 070289 ZMM, a Zoning Map change (L.U. No. 698).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on March 10, 2008 its decision dated March 10, 2008 (the "Decision"), on the application submitted by Real Estate Industrials, Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment to the Zoning Map (ULURP No. C 070289 ZMM) (the "Application");

WHEREAS, the Application is related to Applications Numbers N 070539 ZRM (L.U. No. 718), an amendment to the Zoning Resolution to create Section 96-31 (Special regulations in R8 districts) in the Special Clinton District; and C 070290 ZSM (L.U. No. 721), a special permit pursuant to Sections 13-562 and 74-52 of the Zoning Resolution to permit a public parking garage with a maximum of 88 spaces;

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 April 15, 2008;

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 March 10, 2008 (CEQR No. 07DCP043M),

#### RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment subject to the following condition:

The applicant agrees via restrictive declarations to prepare hazardous materials sampling protocols, including health and safety plans, 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 protocols and, if any such impact is found, submit hazardous material remediation plans including health and safety plans to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans; and

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 by changing the Zoning Map Section 8c:

1. changing from an M1-5 District to an R8 District property bounded by West 49th Street, the easterly boundary line of the Amtrak right-of way, a line midway between West 48th Street and West 49th Street, a line 450 feet westerly of Tenth Avenue, West 48th Street, and a line 175 feet easterly of Eleventh Avenue; and
2. establishing within the proposed R8 District a C2-5 District bounded by West 49th Street, the easterly boundary line of the Central Rail Road right-of-way, a line midway between West 48th Street and West 49th Street, a line 450 feet westerly of Tenth Avenue, West 48th Street, and a line 175 feet easterly of Eleventh Avenue;

as shown on a diagram (for illustrative purposes only) dated October 15, 2007, and which includes CEQR Designation E-203, Community District 4, 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 April 16, 2008, on file in this office.

City Clerk, Clerk of The Council