



CITY PLANNING COMMISSION

January 7, 2009/Calendar No. 13

N 090105 ZRM

IN THE MATTER OF an application submitted by Phipps Houses, pursuant to Section 201 of the New York City Charter for an amendment of 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, Community District 6.

The application for the zoning text amendment (N 090105 ZRM) was filed by Phipps Houses on September 18, 2008 to create a new Section 23-844 to allow modification of court and side yard requirements in the former Bellevue South Urban Renewal Area, Borough of Manhattan, Community District 6. The proposed text amendment, along with the related action would facilitate the construction of two residential buildings along the north side of East 25th Street.

RELATED ACTION

In addition to the zoning text amendment which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which is being considered concurrently with this application:

C 070137 ZMM Zoning Map Amendment from a C1-8 district and a portion of an R8 district to a C1-9 district.

BACKGROUND

A full background discussion and description of this application appears in the related report for a zoning map amendment (C 070137 ZMM).

ENVIRONMENTAL REVIEW

This application (N 090105 ZRM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07DCP015M. The lead is the City Planning Commission.

A summary of the environmental review and a revised Conditional Negative Declaration appears in the report on the related application for a zoning map amendment (C 070137 ZMM).

PUBLIC REVIEW

This application N 090105 ZRM was referred to Community Board 6 and the Borough President, on October 28, 2008 for information and review, in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 6 held a public hearing on this application, and related action on November 12, 2008, and on that date, adopted a resolution to approve the application by a vote of 33 in favor, 0 in opposition and 1 abstention.

A summary of the recommendations of Community Board 6 appears on the related application for a zoning map amendment (C 070137 ZMM).

Borough President Recommendation

This application (N 090105 ZRM), in conjunction with the related actions was considered by the Borough President, who issued a resolution recommending approval of the application on November 19, 2008.

A summary of the recommendations of the Borough President appears on the related application for a zoning map amendment (C 070137 ZMM).

City Planning Commission Public Hearing

On November 19, 2008 (Calendar No. 3), the City Planning Commission scheduled December 3, 2008, for a public hearing on this application (N 090105 ZRM). The hearing was duly held on December 3, 2008 (Calendar No. 12) in conjunction with the public hearing on the application for the related zoning map amendment (C 070137 ZMM).

There were a number of appearances, as described in the report on the related application for a zoning map amendment (C 070137 ZMM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for amendment of the Zoning Resolution N 090105 ZRM is appropriate. A full consideration and analysis of the issues, and reason for approving this application appear in the related report for a zoning map amendment (C 070137 ZMM).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will

have no significant impact on the environment once 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; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and subsequently amended, is further amended as follow:

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#.

The above resolution (N 090105 ZRM), duly adopted by the City Planning Commission on January 7, 2009 (Calendar No. 13), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA, BETTY Y. CHEN,
MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,
SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners