



CITY PLANNING COMMISSION

October 19, 2009, Calendar No. 9

C 090408 MMM

IN THE MATTER OF an application, submitted by the Department of City Planning pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving a change in grade on West 33rd Street, between Eleventh and Twelfth avenues, in accordance with Map No. C.P.C. 090408 MMM (Acc. No. 30230), dated May 18, 2009, and signed by the Director of the Department of City Planning, Community District 4, Borough of Manhattan.

The application (C090408 MMM) for an amendment to the City Map was filed by the Department of City Planning on May 4, 2009. The change to the legal grade of West 33rd Street between Eleventh and Twelfth avenues, along with the related actions, would facilitate the development of the Western Rail Yard Project in Manhattan's Community District 4.

RELATED ACTIONS

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

C 090422 HAM UDAAP designation, project approval and disposition of City-owned property

C 090423 HAM UDAAP designation, project approval and disposition of City-owned property

N 090429 ZRM Zoning Text Amendment concerning Article IX, Chapter 6 (Special Clinton District)

C 090430 ZMM Zoning Map Amendment establishing a C1-5 district within an existing

R8 District

- C 090433 ZMM Zoning Map Amendment from an M2-3 zoning district to a C6-4 district and the establishment of a Special Hudson Yards District
- N 090434 ZRM Zoning Text Amendment concerning Article IX, Chapter 3 (Special Hudson Yards District) relating to the addition of a Western Rail Yard Subdistrict F and the expansion of the Special Hudson Yards District
- C 090435 ZSM Special Permit pursuant to Sections 93-052 as amended and 13-561 for an attended accessory parking garage
- C 090436 ZSM Special Permit pursuant to Sections 93-052 as amended and 13-561 for an attended accessory parking garage

BACKGROUND

A full background discussion and overall project description appears in the report on the related application for a Zoning Map Amendment (C 090433 ZMM).

ENVIRONMENTAL REVIEW

This application (C 090408 MMM), in conjunction with the applications for the related actions (C 090422 HAM, C 090423 HAM, N 090429 ZRM, C 090430 ZMM, C 090433 ZMM, N 090434 ZRM, C 090435 ZSM and C 090436 ZSM), 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 09DCP007M. The co-lead agencies are the City Planning Commission

and the Metropolitan Transportation Authority.

It was determined that the proposed actions may have a significant effect on the environment. A summary of the environmental review and the Final Environmental Impact Statement (FEIS) appears in the report on the related application for a Zoning Map Amendment (C 090433 ZMM).

UNIFORM LAND USE REVIEW

This application (C 090408 MMM), in conjunction with the applications for the related actions (C 090422 HAM, C 090423 HAM, C 090430 ZMM, C 090433 ZMM, C 090435 ZSM and C 090436 ZSM), was certified as complete by the Department of City Planning on May 18, 2009, and was duly referred to Manhattan Community Board 4 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related actions (N 090429 ZRM and N 090434 ZRM) which were referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 4 held a public hearing on this application and related actions on July 22, 2009, and on that date, by a vote of 34 in favor to 0 opposed and 1 present but not eligible to vote, adopted a resolution recommending approval of the application with conditions.

A summary of the recommendations of Community Board 4 appears in the report on the related zoning map amendment application (C 090433 ZMM).

Borough President Recommendation

This application, in conjunction with the related actions, was considered by the Borough President, who issued a recommendation approving the application on August 26, 2009.

A summary of the recommendations of the Borough President appears in the report on the related zoning map amendment application (C 090433 ZMM).

City Planning Commission Public Hearing

On August 19, 2009 (Calendar No. 9), the City Planning Commission scheduled September 9, 2009 for a public hearing on this application (C 090408 MMM). The hearing was duly held on September 9, 2009 (Calendar No. 30), in conjunction with the public hearing on the applications for the related actions.

There were a number of speakers, as described in the report on the related zoning map amendment application (C 090433 ZMM), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 090408 MMM), in conjunction with the applications for the related actions (C 090422 HAM, C 090423 HAM, N 090429 ZRM, C 090430 ZMM, C 090433 ZMM, N 090434 ZRM, C 090435 ZSM and C 090436 ZSM), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State

Department of State on May 22, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 08-094.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate.

A full consideration of the issues and reasons for approving this application appears in the report on the related application for the zoning map amendment (C 090433 ZMM).

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on October 9, 2009, with respect to this application (CEQR No. 09DCP007M), and the Technical Memorandum, dated October 19, 2009, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic and other essential considerations from among the reasonable alternatives available , the action , as modified herein, is one which avoids or

minimizes adverse environmental impacts to the maximum extent practicable; and

2. Adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable, by means of, inter alia, the filing and recordation of restrictive declarations substantially in the forms set forth in Exhibit B and C attached to the report on the related zoning map amendment application (C 090433 ZMM) in accordance with the provisions of Section 93-06 of the Zoning Resolution.

The report of the City Planning Commission, together with the FEIS, constitutes 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; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application (C 090408 MMM) for the amendment to the City Map involving a change in grade on West 33rd Street, between Eleventh and Twelfth avenues, in accordance with Map No. C.P.C. 090408 MMM (Acc. No. 30230), dated May 18, 2009, corrected June 17, 2009, and signed by the Director of the Department of City Planning, Community District 4, Borough of Manhattan, is

approved;

All such approvals being subject to the following condition:

The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. C.P.C. 090408 MMM (Acc. No. 30230) are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter ;

The above resolution (C 090408 MMM), duly adopted by the City Planning Commission on October 19, 2009 (Calendar No. 9), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BASSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
SHIRLEY A. MCRAE, KAREN A. PHILIPS, Commissioners