



CITY PLANNING COMMISSION

October 19, 2009/Calendar No. 11

C 090423 HAM

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

1) pursuant to Article 16 of the General Municipal Law of New York State for:

- a) the designation of property located at 806 Ninth Avenue (Block 1044, part of Lot 3), as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area; and

2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a mixed-use building, tentatively known as the Westside Rail Yard/MTA Site, with residential and commercial space, Community District 4, Borough of Manhattan.

Approval of three separate matters is required:

- 1. the designation of property located at 806 Ninth Avenue (Block 1044, part of Lot 3), as an Urban Development Action Area; and
- 2. an Urban Development Action Area Project for such area; and
- 3. the disposition of such property to a developer selected by HPD.

The application (C 090423 HAM) for an Urban Development Action Area designation and project approval and disposition of city-owned property was submitted by the Department of Housing Preservation and Development (HPD) on May 7, 2009.

Approval of this application, in conjunction with the related applications, would facilitate the development of a mixed-use building, tentatively known as The Westside Rail Yard/MTA Site as part of the Western Rail Yard Project in Manhattan's Community District 4.

The Department of Housing Preservation and Development states in its application that:

The project area consists of underutilized property which tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The project area is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

RELATED ACTIONS

In addition to the approval of the UDAAP designation and project approval and disposition of city-owned property which is the subject of this report (C 090423 HAM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 090408 MMM	Amendment to the City Map involving a change in grade to West 33 rd Street, between Eleventh and Twelfth avenues
C 090422 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 project description appears in the report on the related zoning map amendment application (C 090433 ZMM).

ENVIRONMENTAL REVIEW

The application (C 090423 HAM), in conjunction with the application for the related actions (C 090408 MMM, C 090422 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 New York 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 appears in the report on the related application for a zoning map amendment (C 090433 ZMM).

UNIFORM LAND USE REVIEW

This application (C 090423 HAM), in conjunction with the applications for the related actions (C 090408 MMM, C 090422 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 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 23 in favor to 10 opposed and 1 present but not eligible to vote, adopted a resolution recommending disapproval 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 with conditions 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. 11), the City Planning Commission scheduled September 9, 2009 for a public hearing on this application (C 090423 HAM). The hearing was duly held on September 9, 2009 (Calendar No. 32), 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 090423 HAM), in conjunction with the related applications (C 090408 MMM, C 090422 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 Resource 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 Commission believes that the application (C 090423 HAM) for UDAAP designation, project approval and disposition of city-owned property is appropriate.

A full consideration of the issues and reasons for approving this application appears in the report on the related zoning map amendment application (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, 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

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of property located at 806 Ninth Avenue (Block 1044, part of Lot 3) as an Urban Development Action Area; and

WHEREAS, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

THEREFORE, be it further RESOLVED, that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act:

- a) the designation of property located at 806 Ninth Avenue (Block 1044, part of Lot 3), as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area;

and the City Planning Commission recommends that the New York City Council find that:

- a) The present status of the area tends to impair or arrest sound development of the municipality;
- b) The financial aid in the form of tax incentives to be provided by the municipality pursuant to Section 696 of Article 16 of the General Municipal Law, is necessary to enable the project to be undertaken; and
- c) The project is consistent with the policy and purposes stated in the Section 691 of Article 16 of the General Municipal Law, and

BE IT FURTHER RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development, for the disposition of city-owned property located at 806 Ninth Avenue (Block 1044, part of Lot 3) in Community District 4, Borough of Manhattan, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 090423 HAM).

The above resolution (C 090423 HAM), duly adopted by the City Planning Commission on October 19, 2009 (Calendar No. 11), 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

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