



CITY PLANNING COMMISSION

October 19, 2009/Calendar No. 12

N 090429 ZRM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article IX, Chapter 6 (Special Clinton District), Borough of Manhattan, Community District 4.

This application (N 090429 ZRM) for an amendment of the Zoning Resolution relating to Article IX, Chapter 6 (Special Clinton District) was filed by the Department of City Planning on May 11, 2009. The zoning text amendment, 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 application for amendments to the Zoning Resolution which is the subject of this report (N 090429 ZRM), 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:

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

- 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 (N 090429 ZRM), in conjunction with applications for the related actions (C 090408 MMM, C 090422 HAM, C 090423 HAM, 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).

PUBLIC REVIEW

On May 18, 2009, this application (N 090429 ZRM), along with the related application (N 090434 ZRM), was duly referred to Community Board 4 and the Borough President for information and review in accordance with the procedures for non-ULURP matters along with the related applications (C 090408 MMM, C 090422 HAM, C 090423 HAM, C 090430 ZMM, C 090433 ZMM, C090435 ZSM and C 090436 ZSM) which were certified as complete by the Department of City Planning on May 18, 2009, and were duly referred to Community Board 4 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Review

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. 12), the City Planning Commission scheduled September 9, 2009 for a public hearing on this application (N 090429 ZRM). The hearing was duly held on September 9, 2009 (Calendar No. 33), 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 (N 090429 ZRM), in conjunction with the related applications (C 090408 MMM, C 090422 HAM, C 090423 HAM, 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 zoning text amendment (N 090429 ZRM), as modified herein, is appropriate.

A full consideration and analysis of the issues, and reasons for approving this application with modifications, 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.

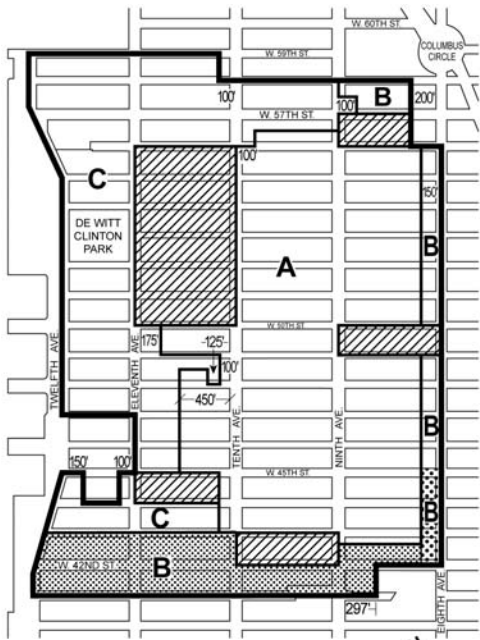
The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

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

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 as subsequently amended, is further amended as follows:

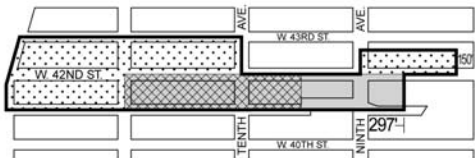
Appendix A

Special Clinton District Map



- Special Clinton District Boundary
- Area Boundary
- A** Preservation Area
- B** Perimeter Area
 - Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (See map below)
 - Portion of Perimeter Area B also subject to Article VIII, Chapter I (Special Midtown District)
- C** Other Area
- Excluded Area

42nd Street Perimeter Area



- Subarea 1 of 42nd St. Perimeter Area
- Subarea 2 of 42nd St. Perimeter Area
 - Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies

The above resolution (N 090429 ZRM), duly adopted by the City Planning Commission on October 19, 2009 (Calendar No. 12), 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 BESSER, 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. PHILLIPS, Commissioners