



CITY PLANNING COMMISSION

November 22, 2004/Calendar No. 11

C 040507 MMM

IN THE MATTER OF an application, submitted by the Department of City Planning and the Department of Parks and Recreation, pursuant to Sections 197-c and 199 of the New York City Charter and section 5-430 *et. seq.* of the New York City Administrative Code, for amendments to the City Map involving:

- the establishment of Hudson Boulevard from West 33rd Street to West 38th Street between Tenth and Eleventh Avenues;
- the establishment of Parks within an area bounded by West 33rd Street, Tenth Avenue, West 42nd Street and Eleventh Avenue;
- the elimination, discontinuance and closing of a volume of West 35th Street and the elimination of West 32nd Street between Tenth and Eleventh Avenues;
- the establishment of grades on West 33rd Street through West 38th Street between Tenth and Eleventh Avenues; and
- any acquisition or disposition of real property related thereto, .

Community District 4, Borough of Manhattan, in accordance with Map No. C 040507 MMM dated June 18, 2004 and signed by the Director of the Department of City Planning.

The application for amendments to the City Map was filed by the Department of City Planning and the Department of Parks and Recreation on June 18, 2004, pursuant to Sections 197-c and 199 of the New York City Charter and section 5-430 *et. seq.* of the New York City Administrative Code, for amendments to the City Map involving: the establishment of Hudson Boulevard from West 33rd Street to West 38th Street between Tenth and Eleventh Avenues; the establishment of Parks within an area bounded by West 33rd Street, Tenth Avenue, West 42nd Street and Eleventh Avenue; the elimination, discontinuance and closing of a volume of West 35th Street and the elimination of West 32nd Street between Tenth and Eleventh Avenues; the establishment of grades on West 33rd Street through West 38th Street between Tenth and Eleventh Avenues; and any acquisition or disposition of real property related thereto.

RELATED ACTIONS

In addition to the amendment to the City Map which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following

applications which are being considered concurrently with this application.

1. C 040499(A) ZMM Zoning Map amendment to an area generally bounded by West 30th and West 41st streets and Seventh and Eighth avenues to Eleventh avenues including creation of the Special Hudson Yards District, modification of the Special Garment Center District and the Special Midtown District, and elimination of the Special Jacob K. Javits Convention Center District.
2. N 040500(A) ZRM Zoning Text amendment to create the Special Hudson Yards District and regulations, modify the Special Garment Center District and the Special Clinton District, and elimination of the Special Jacob K. Javits Convention Center District.
3. C 040501 PCM Site selection and acquisition of property bounded by West 29th and West 30th streets and Eleventh and Twelfth avenues for use as a sanitation garage and tow pound facility.
4. C 040502 PCM Site selection and acquisition of property generally bounded by West 34th and West 36th streets and Tenth and Eleventh avenues and acquisition of an easement for use as a public parking garage.
5. C 040503 PQM Acquisition of aerial easements located midblock between Tenth and Eleventh avenues from West 39th to West 41st streets for a pedestrian bridge.
6. C 040504 PQM Acquisition of property generally bounded by Eighth and Eleventh avenues, West 25th and West 42nd streets to facilitate the construction of a subway extension; and the acquisition of easements for construction of a subway extension.
7. C 040505 PQM Acquisition of property bounded by West 30th and West 33rd streets, and Tenth and Eleventh avenues.
8. C 040506 PPM Disposition of thirty-six (36) city-owned lots in the area generally bounded by West 25th to West 41st streets and Ninth to Eleventh avenues pursuant to zoning.
9. C 040508 MMM Amendment to the City Map involving the establishment of a park above a lower limiting plane bounded by West 29th Street, Eleventh Avenue, West 30th Street and Twelfth Avenue.

BACKGROUND

A full background discussion and description of this project appears in the report on the related zoning text change application (N 040500(A) ZRM).

ENVIRONMENTAL REVIEW

This application (C 040507 MMM), in conjunction with the related applications 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 03DCP031M. The City Planning Commission and the Metropolitan Transit Authority are co-lead agencies.

A positive declaration was issued on April 21, 2003 and distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft Generic Environmental Impact Statement ("DGEIS"). A public meeting for the Draft Scope of Work for the DGEIS was held on June 6, 2003 and the Final Scope of Work for the DGEIS was issued on May 28, 2004.

The co-lead agencies prepared a DGEIS and a Notice of Completion for the DGEIS was issued on June 21, 2004. Pursuant to the SEQRA regulations and CEQR procedures, a joint public hearing was held on the DGEIS on September 23, 2004 in conjunction with the public hearing on the this application (C 040507 MMM) and related ULURP items.

A Final Generic Environmental Impact Statement ("FGEIS") was completed and Notices of Completion for the FGEIS were issued by the co-lead agencies on November 8, 2004. The FGEIS identified significant adverse impacts and proposed mitigation measures that are summarized in the Co-Lead Agency Findings Statement set forth as Exhibit A attached to report N 040500(A) ZRM.

UNIFORM LAND USE REVIEW

This application (C 040507 MMM), in conjunction with the related applications, was certified as complete by the Department of City Planning on June 21, 2004 and was duly referred to Community Board 4 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 4 held a public hearing on this application (C 040507 MMM) on August 3, 2004. A full discussion of the recommendation of Community Board 4 appears in the report on the related zoning text change application (N 040500(A) ZRM).

Borough President's Recommendation

This application (C 040507 MMM) was considered by the Borough President of Manhattan. A full discussion of the recommendation of the Borough President of Manhattan appears in the report on the related zoning text change application (N 040500(A) ZRM).

City Planning Commission Public Hearing

On September 8, 2004 (Calendar No. 18), the City Planning Commission scheduled September 23, 2004 for a public hearing on this application (C 040507 MMM). The public hearing was duly held on September 23, 2004, (Calendar No. 11), in conjunction with the public hearings on the related applications.

There were a number of appearances as described in the report on the related zoning text change application (N 040500(A) ZRM), and the hearing was closed.

CONSIDERATION

The Commission believes that the amendments to the City Map, as modified herein, are appropriate. A full discussion of the consideration of the issues and the commission's modification appears in the report on the related zoning text change application (N 040500(A) ZRM).

RESOLUTION

RESOLVED, that the City Planning Commission adopts and incorporates by reference herein the Co-Lead Agencies Findings Statement for the Final Generic Environmental Impact Statement for the No. 7 Subway Extension Hudson Yards Rezoning & Development Program, attached as Exhibit A to report N 040500(A) ZRM; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application for the amendments to the City Map involving: the establishment of Hudson Boulevard from West 33rd Street to West 38th Street between Tenth and Eleventh Avenues; the establishment of Parks within an area bounded by West 33rd Street, Tenth Avenue, West 39th Street and Eleventh Avenue; the elimination, discontinuance and closing of a volume of West 35th Street and the elimination of West 32nd Street between Tenth and Eleventh Avenues; the establishment of grades on West 33rd Street through West 38th Street between Tenth and Eleventh Avenues; and any acquisition or disposition of real property related thereto, in Community District 4, Borough of Manhattan, in accordance with Map No. C 040507 MMM dated June 18, 2004, modified on November 22, 2004 and signed by the Director of

the Department of City Planning, is approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts three (3) counterparts of Map No. C 040507 MMM dated June 18, 2004 and modified on November 22, 2004, providing for the discontinuance and closing of a volume of West 35th Street between 10th Avenue and 11th Avenue, more particularly described as follows:

In the matter of discontinuing and closing a volume of West 35th Street between Tenth Avenue and Eleventh Avenue below an upper limiting plane defined at the bottom of the supporting structure of the street, Borough of Manhattan, in accordance with Map C.P.C. No. 040507 MMM, dated June 18, 2004 and modified on November 22, 2004:

Starting at a **point of beginning** located on the northerly line of West 35th Street, said point lying 331.39 feet westerly of the northwest corner of the intersection of West 35th Street and Tenth Avenue, as those streets are heretofore laid out on the City Map, thence;

1. Running 214.60 feet in a westerly direction along the northerly line of West 35th Street to a point, thence;
2. Running 60.38 feet in a southerly direction to a point on the southerly line of West 35th

Street, said course forming an internal angle with the previous course of 96 degrees 25 minutes and 35 seconds, thence;

3. Running 217.53 feet in an easterly direction along the southerly line of West 35th Street, said course forming an internal angle with the previous course of 83 degrees 34 minutes 25 seconds, thence;
4. Running 60.12 feet in an northerly direction, said course forming an internal angle with the previous course of 93 degrees 39 minutes 09 seconds, to the point or place of **beginning**.

and be it further

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. C 040507 MMM as modified are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code; and
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution, duly adopted by the City Planning Commission on November 22, 2004 (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, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice-Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III, JANE D. GOL,
CHRISTOPHER KUI, JOHN MEROLO, DOLLY WILLIAMS, Commissioners

KAREN A. PHILLIPS, Commissioner, Voting No