



Legislation Details (With Text)

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**On agenda:** 7/29/2009

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**Title:** Resolution approving the decision of the City Planning Commission on ULURP No. C 090263 (A) ZSM (L.U. No. 1151), for the grant of a special permit pursuant to Section 74-62(b) of the Zoning Resolution in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35th Street, Broadway, Avenue of the Americas, West 33rd Street and Ninth Avenue, West 34th Street, Ninth Avenue, West 33rd Street and Tenth Avenue, and West 29th Street, Eleventh Avenue, West 28th Street and Twelfth Avenue, in C5-2, C6-4, C64-5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts, Borough of Manhattan.

**Sponsors:** Melinda R. Katz, Tony Avella

**Indexes:**

**Attachments:** 1. Press Release, 2. Committee Report, 3. Hearing Transcript - Stated Meeting 7/29/09

Date	Ver.	Action By	Action	Result
7/28/2009	*	Committee on Land Use	Approved by Committee	
7/29/2009	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 2116

Resolution approving the decision of the City Planning Commission on ULURP No. C 090263 (A) ZSM (L.U. No. 1151), for the grant of a special permit pursuant to Section 74-62(b) of the Zoning Resolution in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35<sup>th</sup> Street, Broadway, Avenue of the Americas, West 33<sup>rd</sup> Street and Ninth Avenue, West 34<sup>th</sup> Street, Ninth Avenue, West 33<sup>rd</sup> Street and Tenth Avenue, and West 29<sup>th</sup> Street, Eleventh Avenue, West 28<sup>th</sup> Street and Twelfth Avenue, in C5-2, C6-4, C64-5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts, Borough of Manhattan.

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on June 29, 2009 its decision dated June 29, 2009 (the "Decision"), on the application submitted by the Port Authority of New York and New Jersey, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 74-62(b) of the Zoning Resolution of the City of New York:

1. to allow the construction of a railroad passenger station and ventilation facilities or other facilities or services used or required in connection with such railroad passenger station or in connection with an underground railroad right-of-way that provides access to such railroad passenger station; and

2. to modify the height and setback requirements of Section 43-43 for two proposed ventilation facilities on property located on Block 674, Lot 1 and Block 784, Lot 54, in M1-6 and M2-3 Districts;

in connection with a proposed railroad passenger station and ventilation facilities or other facilities or services used or required, within the area generally bounded by West 35<sup>th</sup> Street, Broadway, Avenue of the Americas, West 33<sup>rd</sup> Street and Ninth Avenue, West 34<sup>th</sup> Street, Ninth Avenue, West 33<sup>rd</sup> Street and Tenth Avenue, and West 29<sup>th</sup> Street, Eleventh Avenue, West 28<sup>th</sup> Street and Twelfth Avenue, in C5-2, C6-4, C64-5, C6-4M, C6-6, M1-6 and M2-3 Districts, partially within the Special Hudson Yards, Special Midtown and Special Garment Center Districts (ULURP No. C 090263 (A) ZSM), Community Districts 4 and 5, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Application Number N 090262 ZRM (L.U. No. 1150), an amendment to the text of the Zoning Resolution Zoning Section 74-62 (Railroad Passenger Stations);

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-62(b) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on July 27, 2009;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application;

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement (FEIS) which was published on November 7, 2009 and for which a Record of Decision was issued on January 14, 2009;

WHEREAS, on January 20, 2009, the FEIS was accepted by the City Planning Commission, pursuant to 6 NYCRR 617.15(a), as sufficient to make SEQRA findings;

WHEREAS, subsequent to the publication of the FEIS, four technical memoranda (CEQR No. 09DCP45M), dated January 15, 2009, June 4, 2009, June 2009 and June 2009, were prepared;

WHEREAS, the Technical Memoranda assessed whether the proposed changes in the project and potential changes to its background context would have the potential to cause any significant adverse environmental impacts not previously identified in the FEIS and were accepted by the City Planning Commission pursuant to 6 NYCRR 617.15(a) for purposes of making SEQRA findings in conjunction with the project's FEIS;

WHEREAS, the Technical Memoranda conclude that the proposed changes in the project and potential changes to its background context would not result in any new significant adverse impacts not identified in the FEIS;

RESOLVED:

Having considered the FEIS and the Technical Memoranda, with respect to the Application, the Council finds

that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (2) The adverse environmental impacts revealed in the FEIS with respect to the proposed passenger station and related facilities in New York City will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable;
- (2) The Decision, the FEIS and the related Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 090263 (A) ZSM, incorporated by reference herein, the Council approves the Decision.

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on July 29, 2009, on file in this office.

City Clerk, Clerk of The Council