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Title: Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 040499 (A) ZMM, a Zoning Map change (L.U. No. 323).

Sponsors: Melinda R. Katz, Tony Avella

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Attachments: 1. Committee Report

Date	Ver.	Action By	Action	Result
1/10/2005	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
1/19/2005	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 782

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 040499 (A) ZMM, a Zoning Map change (L.U. No. 323).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on November 22, 2004 its decision dated November 22, 2004 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for an amendment of the Zoning Map (ULURP No. C 040499 (A) ZMM) (the "Application");

WHEREAS, the Application is related to Applications Numbers N 040500 (A) ZRM (L.U. No. 324), an amendment to the text of the Zoning Resolution; C 040501 PCM (L.U. No. 325), site selection and acquisition of property for use as a sanitation garage and tow pound facility; C 040502 PCM (L.U. No. 326), site selection and acquisition of property for use as a public parking garage; C 040503 PQM (L.U. No. 327), acquisition of aerial easements for a pedestrian bridge; C 040504 PQM (L.U. No. 334), acquisition of property and easements for construction of a subway extension; C 040505 PQM (L.U. No. 335), an acquisition of property; C040506 PPM (L.U. No.328), disposition of thirty-six city-owned properties; C 040507 MMM (L.U. No. 329), an amendment to the City Map involving the establishment and the elimination, discontinuance and closing of streets; C 040508 MMM (L.U. No. 336), amendment to the City Map establishing a park; and 20055114 TAM (L.U. No. 357), proposed transfer of real property for construction of a subway extension;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 13, 2004;

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

WHEREAS, the Council has considered the relevant environmental issues; and

WHEREAS, 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 this application (N 040500 (A) ZRM) and related items (C 040499 (A) ZMM, N 040500 ZRM, C 040501 PCM, C 040502 PCM, C 040503 PQM, C 040504 PQM, C 040505 PQM, C 040506 PPM, C 040507 MMM, C 040508 MMM); and

WHEREAS, 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.

WHEREAS, the FGEIS identified significant adverse impacts and proposed mitigation measures that are summarized in the Co-Lead Agency Findings Statement set forth in Exhibit A to the Reports of the City Planning Commission approving said application and such summary is incorporated by reference herein; and

WHEREAS, modifications of the applications adopted by the City Planning Commission in the form of changes to ULURP Applications Nos. N 040500 (A) ZRM and C 040507 MMM were considered in a Technical Memorandum of the Co-Lead Agencies, dated November 17, 2004; and

WHEREAS, modifications of ULURP Applications Nos. C 040499 (A) ZMM and N 040500 (A) ZRM adopted by the City Council are considered in a Technical Memorandum of the Co-Lead Agencies, dated January 14, 2005;

Now, therefore be it

RESOLVED:

Having considered the FGEIS, with respect to the Application, the Council finds that:

- (1) The FGEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with the social, economic and other essential considerations, from among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
- (2) The adverse environmental impacts revealed in the FGEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable;
- (2) The Decision and the FGEIS and the Technical Memoranda described above 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, the Council approves the Decision with modifications.

Matter in **bold double underline** is new, to be added by City Council;
Matter in [brackets] to be deleted by City Council.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, **Section Nos. 8b, 8c and 8d:**

1. **eliminating a Special Jacob K. Javits Convention Center District (CC) bounded by** West 39th Street, the easterly boundary line of a railroad Right-Of-Way, a line 450 feet easterly of Eleventh Avenue, West Thirty-Fourth Street, and Eleventh Avenue;
2. **eliminating a Special Garment Center District (GC) bounded by** West 40th Street, Eighth Avenue, West 39th Street, and a line 100 feet easterly of Ninth Avenue;
3. **changing from a C6-2M District to an [R9A] R8A District property bounded by** West 35th Street, a line 200 feet westerly of Ninth Avenue, a line midway between West Thirty-Fourth Street and West 35th Street, and a line 100 feet easterly of Tenth Avenue;
4. **changing from an M1-5 District to an [R9A] R8A District property bounded by** West 40th Street, a line 200 feet westerly of Ninth Avenue, West 35th Street, and a line 100 feet easterly of Tenth Avenue;
5. **changing from a C6-2A District to a C1-7A District property bounded by** West 37th Street, Ninth Avenue, West 35th Street, and a line 200 feet westerly of Ninth Avenue;
6. **changing from a C6-3 District to a C1-7A District property bounded by** West 41st Street and its easterly centerline prolongation at Dyer Avenue, Ninth Avenue, a line midway between West 40th Street and West 41st Street, and a line 200 feet westerly of Ninth Avenue;
7. **changing from a C6-3 District to a C2-8 District property bounded by** West 41st Street, a line 150 feet easterly of Tenth Avenue, a line midway between West 40th Street and West 41st Street, the northerly centerline prolongation of Hudson Boulevard East**, and the centerline of a Railroad Right-Of-Way;
8. **changing from a C6-3 District to a C6-4 District property bounded by** the northerly centerline prolongation of Hudson Boulevard East**, a line midway between West 40th Street and West 41st Street, and the centerline of a railroad Right-Of-Way,
9. **changing from an M1-5 District to a C2-8 District property bounded by** a line midway between West 40th Street and West 41st Street, a line 150 feet easterly of Tenth Avenue, West 40th Street, a line 100 feet easterly of Tenth Avenue, West 35th Street, Tenth Avenue, West 36th Street, Hudson Boulevard East**, West 38th Street, the easterly boundary line of a Park and its northerly and southerly prolongation, West 39th Street, and the northerly centerline prolongation of Hudson Boulevard East**;
10. **changing from an M1-5 District to a C6-3 District property bounded by** a line midway between West 40th Street and West 41st Street, a line 200 feet westerly of Ninth Avenue, West 40th Street, and a line 150 feet easterly of Tenth Avenue;
11. **changing from a C6-2 District to a C6-3X District property bounded by** West 31st Street, a line 100 feet westerly of Eighth Avenue, a line midway between West 30th Street and West 31st Street, and Ninth Avenue;
12. **changing from a C6-2 District to a C6-4 District property bounded by:**
 - a. West 38th Street, Hudson Boulevard West**, and a line 300 feet easterly of Eleventh Avenue;
 - b. West 36th Street, a line 250 feet easterly of Eleventh Avenue, West 35th Street, and Eleventh Avenue; and
 - c. West 33rd Street, a line 250 feet westerly of Seventh Avenue (7th Avenue-Fashion Avenue), West 31st Street, and Ninth Avenue;
13. **changing from a C6-2M District to a C6-4 District property bounded by** West 35th Street, a line 100 feet easterly of Tenth Avenue, a line midway between West Thirty-Fourth Street and West 35th Street, a line 200 feet westerly of Ninth Avenue, West 35th Street, a line 100 feet easterly of Ninth Avenue,

West 33rd Street, and Tenth Avenue;

14. changing from an M1-5 District to a C6-4 District property bounded by:

- a. West 41st Street, the centerline of a railroad Right-Of-Way, a line midway between West 40th Street and West 41st Street, the northerly centerline prolongation of Hudson Boulevard East**, West 39th Street, the westerly boundary line of a Park and its northerly and southerly prolongations, West 38th Street, a line 300 feet easterly of Eleventh Avenue, West 37th Street, and Eleventh Avenue;
- b. West 40th Street, a line 150 feet westerly of Eighth Avenue, West 39th Street, and a line 100 feet easterly of Ninth Avenue;
- c. West 36th Street, Hudson Boulevard West**, West 35th Street, and a line 250 feet easterly of Eleventh Avenue; and
- d. West 36th Street, Tenth Avenue, West 31st Street, Ninth Avenue, West 30th Street, Eleventh Avenue, West Thirty-Fourth Street, the westerly boundary line of a Park and its northerly and southerly prolongations, West 33rd Street, and Hudson Boulevard East**;

15. changing from an M1-6 District to a C6-4 District property bounded by:

- a. West 40th Street, Eighth Avenue, West 39th Street, and a line 150 feet westerly of Eighth Avenue; and
- b. West 33rd Street, Ninth Avenue, West 31st Street, and Tenth Avenue;

16. changing from an M2-3 District to a C6-4 District property bounded by West 43rd Street, Eleventh Avenue, a line midway between West Forty-Second Street and West 43rd Street, and a line 450 feet westerly of Eleventh Avenue;

17. changing from an M1-5 District to a C6-4M District property bounded by West 39th Street, a line 150 feet westerly of Eighth Avenue, West 35th Street, and a line 100 feet easterly of Ninth Avenue;

18. changing from an M1-6 District to a C6-4M District property bounded by West 39th Street, a line 100 feet westerly of Eighth Avenue, West 35th Street, and a line 150 feet westerly of Eighth Avenue;

19. changing from a C6-2 District to a C6-6 District property bounded by West 33rd Street, a line 100 feet westerly of Seventh Avenue (7th Avenue-Fashion Avenue), West 31st Street, and a line 250 feet westerly of Seventh Avenue (7th Avenue-Fashion Avenue);

20. changing from a C6-4 District to a C6-6 District property bounded by West 33rd Street, Seventh Avenue (7th Avenue-Fashion Avenue), West 31st Street, and a line 100 feet westerly of Seventh Avenue (7th Avenue-Fashion Avenue);

21. establishing a C2-5 District within a proposed [R9A] R8A District bounded by West 40th Street, a line 200 feet westerly of Ninth Avenue, a line midway between West Thirty-Fourth Street and West 35th Street, and a line 100 feet easterly of Tenth Avenue;

22. establishing a Special Midtown District (MiD) bounded by West 33rd Street, a line 100 feet westerly of Seventh Avenue (7th Avenue-Fashion Avenue), West 31st Street, and a line 250 feet westerly of Seventh Avenue (7th Avenue-Fashion Avenue); and

23. establishing a Special Hudson Yards District (HY) bounded by West 41st Street and its easterly centerline prolongation at Dyer Avenue, Ninth Avenue, West 40th Street, Eighth Avenue, West 39th Street, a line 100 feet easterly of Ninth Avenue, West 35th Street, Eighth Avenue, West 33rd Street, a line 250 feet westerly of Seventh Avenue (7th Avenue-Fashion Avenue), West 31st Street, Ninth Avenue, West 30th Street, and Eleventh Avenue;

partially within the Special Midtown District (MiD), partially within the Special Garment Center District (GC), partially within the Special Clinton District (CL), Community Districts 4 and 5, Borough of Manhattan, as shown on a diagram (for illustrative purposes only) dated August 30, 2004, and subject to the conditions of CEQR Declaration E-137.

** Note: Hudson Boulevard East and Hudson Boulevard West are proposed to be mapped under a related application (C 040507 MMM) for a change in the City Map.

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 January 19, 2005, on file in this office.

City Clerk, Clerk of The Council