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Title: Resolution approving the decision of the City Planning Commission on Application No. N 090262 ZRM, for an amendment to the Zoning Resolution of the City of New York, relating to Section 74-62 (Railroad Passenger Stations) in Community Districts 4 and 5, Borough of Manhattan (L.U. No. 1150).

Sponsors:

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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. 2115

Resolution approving the decision of the City Planning Commission on Application No. N 090262 ZRM, for an amendment to the Zoning Resolution of the City of New York, relating to Section 74-62 (Railroad Passenger Stations) in Community Districts 4 and 5, Borough of Manhattan (L.U. No. 1150).

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"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the Port Authority of New York and New Jersey for an amendment to the Zoning Resolution of the City of New York, relating to Section 74-62 (Railroad Passenger Stations) in Community Districts 4 and 5 in the Borough of Manhattan, Application No. N 090262 ZRM, (the "Application");

WHEREAS, the Application is related to ULURP Application Number C 090263 (A) ZSM (L.U. No. 1151), a special permit pursuant to Sections 74-62(b) of the Zoning Resolution to facilitate construction of a railroad passenger station and associated facilities;

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 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, the Council approves the Decision.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

Article VII

Chapter 4

Special Permits by the City Planning Commission

* * *

74-60

PUBLIC SERVICE OR TRANSPORTATION FACILITIES

* * *

74-62

Railroad Passenger Stations

(a) Except as provided in paragraph (b), the City Planning Commission may permit the construction of railroad passenger stations in all districts, provided that the following findings are made:

- (a1) that the principal access for such #use# is not located on a local #street#;
- (b2) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas; and
- (e3) that vehicular entrances and exits for such #use# are provided separately and are located not less than 50 feet apart.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights or surfacing of access roads or driveways.

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use#, and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, not less than 20 spaces for the temporary parking of automobiles, and three spaces for buses.

(b) In Community Districts 4 and 5 in the Borough of Manhattan, the City Planning Commission may permit the construction of railroad passenger stations 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 may permit waivers of applicable #bulk# regulations, other than the #floor area ratio#, in connection with such ventilation facilities, or other facilities or services, provided that the following findings are made:

- (1) that the principal access for such railroad passenger station is not located on a local #street#;

- (2) that such railroad passenger station is so located as to draw a minimum of vehicular traffic to and through local #streets# in #residential# areas;
- (3) that any vehicular entrances and exits for such railroad passenger station are provided separately and are located not less than 50 feet apart;
- (4) that the locations of at-grade entrances to such railroad passenger station are well situated in relation to existing at-grade pedestrian circulation patterns;
- (5) that any below-grade pedestrian circulation elements provided in connection with the railroad passenger station are well integrated with any existing or planned below-grade pedestrian circulation networks providing connections to and from other transportation facilities; and
- (6) for ventilation facilities or other facilities or services used or required in connection with a railroad passenger station or in connection with an underground railroad right-of-way that provides access to a railroad passenger station, that:
 - (i) any #bulk# modifications are the minimum necessary for the proper operation of the facility; and
 - (ii) that the design of the facility will blend harmoniously with the surrounding area or that a process has been created with the purpose of ensuring that the future design of the facility takes into account existing conditions and anticipated development in the surrounding area.

Railroad passenger station entrances provided pursuant to paragraph (b)(4) of this Section and railroad passenger station emergency access stairs, located within #publicly accessible open areas# of #zoning lots# subject to the provisions of Section 81-542 (Retention of floor area bonus for plazas or other public spaces), shall be permitted obstructions within such #publicly accessible open areas#, provided that the Commission finds that any encroachment within such #publicly accessible open areas# by such entrances or emergency access stairs will facilitate improved pedestrian circulation to, from and within the proposed railroad passenger station.

The special permit shall provide that such #publicly accessible open area# shall be designed and improved in connection with the installation of entrances or railroad passenger station emergency access stairs pursuant to a site plan accepted by the Chairperson of the City Planning Commission. The proposed site plan shall be referred to the affected Community Board, City Council Member and Borough President. Included with the site plan shall be a report to the Chairperson demonstrating that any comments and recommendations of the affected Community Board, City Council Member and Borough President have been considered, as set forth in a written response to such comments or recommendations. Where design modifications have been made in response to such comments and recommendations, the report shall identify how the design has been modified. The Chairperson shall not accept such site plan prior to sixty days after such referral. A #publicly accessible open area# improved pursuant to an accepted site plan shall be deemed to be certified pursuant to Section 37-625 (Design changes) and the standards set forth therein. Subsequent modifications of the site plan for such #publicly accessible open area#, including modifications involving the co-location of transportation facility entrances, shall be subject to this paragraph. An application to modify the site plan to facilitate the co-location of railroad passenger station entrances may be filed by the transportation agency seeking

to co-locate a transportation facility entrance in the #publicly accessible open area# or by the property owner. Such application shall include evidence of consultation with any transportation agency with existing or planned facilities located in the #publicly accessible open area#. The modified site plan shall also be referred to such transportation agency by the Chairperson for comment.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize pedestrian and vehicular congestion and to minimize adverse effects on the character of the surrounding area, including requirements for shielding of floodlights, surfacing of access roads or driveways, mitigation of pedestrian impacts, signage requirements, or screening or placement of the facilities or services permitted pursuant to paragraph (b) this Section.

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.

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City Clerk, Clerk of The Council