



## Legislation Details (With Text)

**File #:** Res 2325-2009      **Version:** \*      **Name:** LU 1262 - Zoning, 806 Ninth Avenue, Manhattan (C090423HAM)  
**Type:** Resolution      **Status:** Adopted  
**In control:** Committee on Land Use

**On agenda:** 12/21/2009

**Enactment date:**      **Enactment #:**

**Title:** Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, ULURP No. C 090423 HAM, approving the designation of the property located at 806 Ninth Avenue (Block 1044, part of Lot 3), Borough of Manhattan, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the Department of Housing Preservation and Development (L.U. No. 1262; C 090423 HAM).

**Sponsors:** Melinda R. Katz

**Indexes:**

**Attachments:** 1. Committee Report, 2. Hearing Transcript - Stated Meeting 12/21/09

Date	Ver.	Action By	Action	Result
12/14/2009	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
12/21/2009	*	City Council	Approved, by Council	Pass

### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 2325

Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, ULURP No. C 090423 HAM, approving the designation of the property located at 806 Ninth Avenue (Block 1044, part of Lot 3), Borough of Manhattan, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the Department of Housing Preservation and Development (L.U. No. 1262; C 090423 HAM).

By Council Member Avella

WHEREAS, the City Planning Commission filed with the Council on October 23, 2009 its decision dated October 19, 2009 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 806 Ninth Avenue (Block 1044, part of Lot 3), as an Urban Development Action Area (the "Area");
- b) an Urban Development Action Area Project for such area (the "Project"); and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the Department of Housing Preservation and Development to facilitate development of a mixed-use building, tentatively known as The Westside Rail Yard/MTA Site, with residential and commercial space (the "Disposition"), Community District 4, Borough of Manhattan (ULURP No. C 090423 HAM) (the "Application");

WHEREAS, the Application is related to Applications Numbers C 090408 MMM (L.U. No. 1260), an amendment to the City Map involving a change in grade to West 33<sup>rd</sup> Street, between Eleventh Avenue and Twelfth Avenue; C 090422 HAM (L.U. No. 1261), an urban development action area project designation, project approval and disposition of City-owned property; N 090429 ZRM (L.U. No. 1263), a Zoning Text Amendment concerning Article IX, Chapter 6 (Special Clinton District); C 090430 ZMM (L.U. No. 1264), a Zoning Map Amendment establishing a C1-5 district within an existing R8 District; C 090433 ZMM (L.U. No. 1265), a 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 (L.U. No. 1266), a Zoning Text Amendment concerning Article IX, Chapter 3 (Special Hudson Yards District) relating to the addition of Western Rail Yard Subdistrict F and the expansion of the Special Hudson Yards District; C 090435 ZSM (L. U. No. 1267), a special permit pursuant to Sections 93-052 as amended and 13-561 for an attended accessory parking garage; and C 090436 ZSM (L.U. No. 1268), a special permit pursuant to Sections 93-052 as amended and 13-561 for an attended accessory parking garage;

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

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State;

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its recommendations regarding the Application on September 14, 2009;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on November 23, 2009;

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

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on October 9, 2009 and the Technical Memorandum dated October 19, 2009 (CEQR No. 09DCP007M); and

RESOLVED:

Having considered the FEIS and the Technical Memorandum dated October 19, 2009, 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) 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 of the City Planning Commission’s Report (C 090433 ZMM) in accordance with the provisions of Section 93-06 of the Zoning Resolution.

(2) The Decision and the FEIS and the Technical Memorandum dated October 19, 2009 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 Section 197-d, the Council approves the decision of the City Planning Commission (C 090423 HAM).

The Council finds that the present status of the Project Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Project Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law.

The Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

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 December 21, 2009, on file in this office.

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City Clerk, Clerk of The Council