



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;

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 November 23, 2009;

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 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).

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 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:

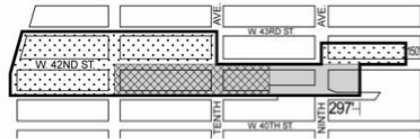
Appendix A

Special Clinton District Map



- Special Clinton District Boundary
- Area Boundary
- A** Preservation Area
- B** Perimeter Area
  - Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (See map below)
  - Portion of Perimeter Area B also subject to Article VIII, Chapter 1 (Special Midtown District)
- C** Other Area
- Excluded Area

**42nd Street Perimeter Area**



- Subarea 1 of 42nd St. Perimeter Area
- Subarea 2 of 42nd St. Perimeter Area
- Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies

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 December 21, 2009, on file in this office.

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City Clerk, Clerk of The Council