



CITY PLANNING COMMISSION

November 30, 2011 / Calendar No. 3

N 120037 ZRM

IN THE MATTER OF an application submitted by the New York City Department of Parks and Recreation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Section 12-10 (DEFINITIONS), relating to the defined term “wide street”, Borough of Manhattan, Community District 7.

This application for a zoning text amendment was filed by the Department of Parks and Recreation on August 10, 2011 to confirm that Broadway between West 94th and West 97th Streets in Manhattan Community District 7 is a “wide street” as such term is defined in the Zoning Resolution.

RELATED ACTIONS

In addition to the zoning text amendment which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 100122 MMM City Map amendment involving the elimination, discontinuance, and closing of portions of Broadway between West 94th and 97th Streets and the establishment of parkland on the eliminated portions of Broadway

BACKGROUND

A full background discussion and description of this application appears in the related report for an amendment to the City Map (C 100122 MMM).

ENVIRONMENTAL REVIEW

This application (N 120037 ZRM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New

York Code of Rules and Regulations, Section 617.00 et seq., and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 11DPR015M. The lead agency is the Department of Parks and Recreation. After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 9, 2011.

A summary of the environmental review appears in the related report for a City Map amendment (C 100122 MMM).

PUBLIC REVIEW

On August 22, 2011, this application (N 120037 ZRM) was referred to Manhattan Community Board 7 and to the Manhattan Borough President for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Public Hearing

Manhattan Community Board 7 held a public hearing on this application on October 4, 2011 and on that date, by a vote of 35 to zero with one abstention, adopted a resolution recommending approval of the application.

A summary of the recommendations of Community Board 7 appears in the related report for a City Map amendment (C 100122 MMM).

Borough President Recommendation

This application (N 120037 ZRM), in conjunction with the related application (C 100122 MMM), was considered by the Borough President of Manhattan, who issued a recommendation approving the applications on October 6, 2011.

City Planning Commission Public Hearing

On October 19, 2011 (Calendar No. 1), the Commission scheduled November 2, 2011 for a public hearing on this application (N 120037 ZRM). The hearing was duly held on November 2,

2011 (Calendar No. 6), in conjunction with the hearing on the related application (C 100122 MMM).

There were two speakers, as described in the report on the related application for a City Map amendment (C 100122 MMM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for amendment of the Zoning Resolution is appropriate. A full consideration and analysis of the issues and reasons for approving this application appears in the related report for a City Map amendment (C 100122 MMM).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and subsequently amended, is further amended as follows:

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

12-10 DEFINITIONS

* * *

Street, wide (10/17/07)

A "wide street" is any #street# 75 feet or more in width. [ADD PROPOSED SPACE BETWEEN LINES HERE]

In C5-3, C6-4 or C6-6 Districts, when a #front lot line# of a #zoning lot# adjoins a portion of a #street# whose average width is 75 feet or more and whose minimum width is 65 feet, such portion of a #street# may be considered a #wide street#; or when a #front lot line# adjoins a portion of a #street# 70 feet or more in width, which is between two portions of a #street# 75 feet or more in width, and which portion is less than 700 feet in length, such portion may be considered a #wide street#, and in that case, for the purposes of the height and setback regulations and the measurement of any #publicly accessible open area# or #arcade#, the #street line# shall be considered to be a continuous line connecting the respective #street lines# of the nearest portions of the #street# which are 75 feet or more in width.

In Community District 7 in the Borough of Manhattan, the roadways of Broadway between West 94th and West 97th Streets which are separated by mapped #public park# shall each be considered a #wide street#.

* * *

The above resolution (N 120037 ZRM), duly adopted by the City Planning Commission on November 30, 2011 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
RICHARD W. EADDY, Vice Chairman
RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
NATHAN LEVENTHAL, Anna Hayes Levin,
SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners

RESOLUTION

Date: October 4, 2011

Committees of Origin: Land Use Joint with Transportation

Re: Broadway Malls Text Amendment (West 94th -97th Streets.)

Full Board Vote: 35 In Favor 0 Against 1 Abstention 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #N-120037ZRM to the Department of City Planning by the Department of Parks & Recreation to modify the definition of a “wide street” in the Zoning Resolution in order to maintain the present bulk regulations for the blocks fronting on Broadway between West 94th and 97th Streets.

Committee: 7-0-0-0. Board Members: 3-0-0-0.

Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application #: C 100122 MMM

Docket Description:

C 100122 MMM - IN THE MATTER OF an application by the Department of Parks and Recreation and the Department of Transportation, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, for an amendment to the City Map involving:

- The elimination, discontinuance and closing of portions of Broadway between West 94th and 97th streets;
- The establishment of parks within Broadway between West 94th and 97th streets;
- The establishment of block dimensions and street widths; and
- The adjustment of grades necessitated thereby,

Including authorization for any acquisition or disposition or real property related thereto, in Community District 7, Borough of Manhattan, in accordance with Map No. 30240, dated October 29, 2010 and signed by the Borough President.

COMMUNITY BOARD NO: 7

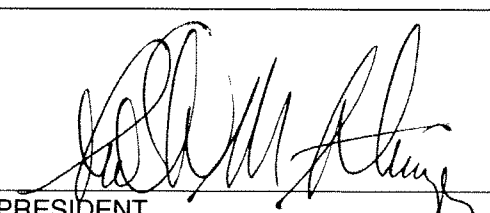
BOROUGH: Manhattan

RECOMMENDATION

- ☒ APPROVE
- ☐ APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- ☐ DISAPPROVE
- ☐ DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached


BOROUGH PRESIDENT

10/6/11
DATE



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT STRINGER
BOROUGH PRESIDENT

October 6, 2011

Recommendation on
ULURP Application No. C 100122 MMM – Broadway Mall Park/West 96 Street
by New York City Department of Parks and Recreation and the Department of
Transportation

PROPOSED ACTION

The New York City Department of Parks and Recreation (“DPR”) and the Department of Transportation (“DOT”) propose a **change to the City Map** in order to establish parkland, on Broadway between West 94th and 97th streets, in Manhattan’s Community District 7. The map change includes: the elimination and discontinuation of portions of Broadway between West 94th and 97th streets to establish parkland in their place, the establishment of new block dimensions and street widths, and the adjustment of grades as necessary.

PROJECT DESCRIPTION

DPR and DOT seek approval for a City Map amendment to codify changes made to portions of Broadway between West 94th and 97th streets. The site subject to the application consists of three landscaped medians (“Broadway Center Malls”) that divide a 150-foot-wide portion of Broadway. Prior to alteration of the street system, on each side of the medians were three 10-foot-wide travel lanes, one 10-foot-wide parking lane and a 24-foot-wide sidewalk. The project site is located within a mixed-use district characterized by multi-story apartment buildings with retail and commercial uses on the ground floor.

The proposed action will codify New York City Map changes already made to the Broadway Center Malls in order to accommodate the 96th Street Subway Station House (“Station House”). The 96th Street Subway Station is a transportation hub that serves both the local 1 and express 2/3 subway lines. In 2007, the Metropolitan Transportation Agency (“MTA”) began construction on a modern Station House that opened in April 2010. The new Station House was built on portions of the Broadway Center Malls between West 95th and 96th streets. The Broadway Center Malls are in the jurisdiction of DPR and as such considered parkland.

In New York State, parkland may not be alienated by a municipality unless approval is received by the legislature. As such, the MTA, DOT and DPR proposed to widen portions of three planted medians between West 94th St and 97th Street to replace the portion of a median alienated for the new Station House and subway entrance. New York State approved the parkland

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alienation and replacement in 2006. The proposed mapping action reflects the State's decision and establishes approximately 18,977 SF of Broadway as parkland, which amounts to a net increase of 4,111 SF from the condition prior to the construction of the Station House.

In addition to physical alterations to the medians, the map amendment also reflects the current traffic plan which includes vehicle traffic turning lanes, bulb outs to assist pedestrian crossing and reducing sidewalk widths on both sides along Broadway to 15 feet each to maintain the number of vehicle travel lanes. Additional landscape treatments and improvements to the medians were also made including an open-air park plaza with a seating area in front of the main entrance to the Station House.

Since certification of the proposed map amendment, DPR has submitted a related zoning text amendment application (N 120037 ZRM) to continue to classify Broadway between West 94th and 97th streets as a wide street. Broadway is currently mapped at a width of 150 feet which classifies it as a "wide street" under the zoning resolution definitions. The map amendment has the unintended result of delineating this section of Broadway into two separate streets with widths less than 75 feet which then defines them as "narrow streets." Narrow and wide streets have different treatments in several sections of the zoning resolution including regulations related to height, setbacks and curb cuts. The proposed zoning text amendment is, therefore, necessary to prevent the mapping action from having the unintended consequence of changing how the zoning resolution treats Broadway between West 94th and 97th streets.

COMMUNITY BOARD'S RECOMMENDATION

At a full board meeting on September 6, 2011, Manhattan Community Board 7 approved the application with a vote of 30 in favor, 2 against and 6 abstentions.

Manhattan Community Board 7's Land Use Committee approved the related zoning text amendment on September 21, 2011.

BOROUGH PRESIDENT'S COMMENTS

The new 96th Street Station House was built to improve accessibility and pedestrian circulation in and around one of the major transit hub and shopping corridors in the Upper West Side. All approvals necessary for the Station House construction were received prior to its commencement in 2007, and the structure is now substantially complete. Although the map amendment is being taken up after the construction of the Station House, community outreach began in 2005 prior to New York State legislature approval for parkland alienation.

The intent of the proposed mapping amendment is to reflect the parkland alienation and replacement agreement approved by the State in the New York City Map. The proposed map, therefore, mirrors the current condition of the Broadway Center Malls and their adjoining streets and sidewalks between West 94th and 97th streets.

While the newly constructed medians are protected as parkland according to State Law related to the alienation, the map amendment will prevent any jurisdictional ambiguity. The Broadway Center Malls on most of Broadway are of a uniform shape and therefore authority between DOT and DPR is easier to determine. However, the Broadway Center Malls between West 94th and

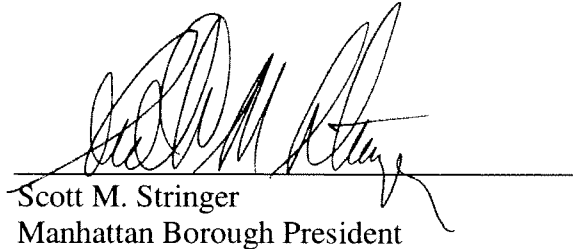
97th Streets have become non-standard shapes. As such, mapping actions such as this one are beneficial as they clearly delineate which parts of the area are DPR or DOT controlled. This clarity is beneficial to preventing delays in repairs, in park maintenance or in any future capital improvements. The proposed map amendment is, therefore, appropriate.

Further, the proposed text amendment to classify Broadway between West 94th and 97th streets as a wide street is appropriate. Mapping the median as parkland does not change the wide street character of Broadway and should not require developments that are more suitable for a narrow street.

BOROUGH PRESIDENT'S RECOMMENDATION

The application reflects changes at the project site and restores and increases the amount of parkland.

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 100122 MMM.



Scott M. Stringer
Manhattan Borough President