



## **CITY PLANNING COMMISSION**

May 5, 2008/Calendar No. 1

N 050098(A) MMM

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**IN THE MATTER OF** a resolution concerning the decision of the City Planning Commission with respect to application No. C 050098 MMM, approved by the Commission on May 25, 2005, Calendar No. 25, providing inter alia, for the elimination, discontinuance and closing of portions of West 65<sup>th</sup> Street between Amsterdam Avenue and Broadway; and the elimination, discontinuance and closing of a portion of Public Place, within North Plaza, between Amsterdam Avenue and Broadway, Community District 7, Borough of Manhattan, in accordance with Map No. 30215, dated December 10, 2004, and signed by the Borough President, and revised on January 24, 2008.

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**WHEREAS**, at its meeting held on May 25, 2005, in order to facilitate Lincoln Center for the Performing Arts' (LCPA) West 65<sup>th</sup> Street Plan, the City Planning Commission (the "Commission") adopted resolutions which approved actions consisting of : (1) An amendment to the City Map, shown on Map No. 30215, dated December 10, 2004, providing inter alia, for the elimination, discontinuance and closing of portions of West 65<sup>th</sup> Street between Amsterdam Avenue and Broadway; and the elimination, discontinuance and closing of a portion of Public Place, within North Plaza, between Amsterdam Avenue and Broadway, Community District 7, Borough of Manhattan (C 050098 MMM, Cal. No. 25) (hereinafter, the "Map Resolution"); (2) An amendment to Section 82-24 of the Zoning Resolution to allow inter alia, permitted signage up to a height of 40 feet above street level and up to a height of 60 feet along the Broadway frontage between West 66<sup>th</sup> and West 65<sup>th</sup> Streets (N 050169 ZRM, Cal. No.27); (3) A revocable consent to allow the installation of information signage on a public sidewalk (C 050170 GFM Cal. No. 24); (4) Acquisition of several easements by the City to accommodate the landings of a new city-owned pedestrian bridge as well as a vehicular tunnel traversing West 65<sup>th</sup> Street (C 050219 PQM. Cal. No. 26) ; and (5) a Non-ULURP Modification to a previously approved Special Permit for a public parking garage and the replacement of attached drawings to reflect proposed as-of-right changes (M860382(E) ZSM); and

**WHEREAS**, subsequent to May 25, 2005, it was determined that the elimination, discontinuance and closing of the south side of West 65<sup>th</sup> Street as shown on Map No. 30215 is necessary to effectuate LCPA's West 65<sup>th</sup> Street Plan only to the extent of an area and volume to be occupied by a new entrance to the Lincoln Center Film Society; and

**WHEREAS**, subsequent to May 25, 2005, it was also determined that the elimination, discontinuance and closing of the north side of West 65<sup>th</sup> Street as shown on Map No. 30215 is not necessary to effectuate LCPA's West 65<sup>th</sup> Street Plan ; and

**WHEREAS**, the President of the Borough of Manhattan has reviewed and submitted to the Commission for consideration, revised Map No. 30215 dated December 10, 2004, and revised January 24, 2008 (the "Revised Map"), which provides for the elimination, discontinuance and closing of West 65<sup>th</sup> Street between Amsterdam Avenue and Broadway only to the extent of the area and volume to be occupied by the new entrance to the Lincoln Center Film Society, and excludes from elimination areas of West 65<sup>th</sup> Street no longer necessary to effectuate LCPA's West 65<sup>th</sup> Street Plan as discussed above,

while continuing to provide for all other elements of Map No. 30215, including the elimination, discontinuance and closing of a portion of Public Place on North Plaza ; and

**WHEREAS**, the Map Resolution provided that Map No. 30215 shall not be filed until LCPA shall have executed an agreement protecting the City's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the Commission ( the "Mapping Agreement") and that such Mapping Agreement shall contain provisions, in a form acceptable to the Chair of the Commission, providing for certain matters in the City's interest, as specified therein; and

**WHEREAS**, by letter dated May 1, 2008, the New York City Law Department advised the Commission that it may accept the Mapping Agreement executed by LCPA, and dated April 30, 2008; and

**WHEREAS**, the Chair of the Commission has determined that the Mapping Agreement contains all provisions, in an acceptable form, which are subject to review and approval by the Chair under the conditions of the Map Resolution; and

**WHEREAS**, the Commission has concurrently herewith accepted the Mapping Agreement in accordance with the recommendation of the New York City Law Department; and

**WHEREAS**, the Revised Map may be adopted without review pursuant to ULURP , and the Revised Map will have no new or different effects on the environment beyond those considered in CEQR 05DCP019M.

**NOW THEREFORE**, the Commission adopts the following resolution:

**RESOLVED**, by the City Planning Commission, that, for purposes of the aforesaid Mapping Agreement required pursuant to Application No. C 050098 MMM, the Applicant shall in all respects be Lincoln Center for the Performing Arts, Inc.; and be it further

**RESOLVED**, that, based on the considerations described in this report, the Revised Map is approved; and be it further

**RESOLVED**, that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that "such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City"; and be it further

**RESOLVED**, that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts three (3) counterparts of the Revised Map, providing for the discontinuance and closing of a portion of West 65<sup>th</sup> Street between Amsterdam Avenue and Broadway, and a portion of Public Place , within North Plaza, more particularly described as follows:.

**a) The discontinuance and closing of West 65<sup>th</sup> Street between Amsterdam Avenue and Broadway:**

Starting at a **point of beginning**, said point located 358.48 feet from the intersection of the easterly line of Amsterdam Avenue and the southerly line of West 65<sup>th</sup> Street, as those streets were heretofore laid out on the City Map, thence;

- 1) Running 12.15 feet in a northeasterly direction, said course forming a deflection angle to the left with the southerly line of West 65<sup>th</sup> Street of 29 degrees, 17 minutes and 37 seconds to a point, thence;
- 2) Running 33.78 feet in a southeasterly direction, said course forming a deflection angle to the right with the previous course of 39 degrees, 25 minutes and 53 seconds, thence;
- 3) Running 43.86 feet in a westerly direction, said course forming an interior angle with the previous course of 10 degrees, 08 minutes and 16 seconds, to the **point or place of beginning**.

**b) The discontinuance and closing of a portion of public place above elevation 77.50 feet on the south side of West 65<sup>th</sup> Street, within North Plaza, between Amsterdam Avenue and Broadway:**

Starting at a **point of beginning** located on the southerly line of West 65<sup>th</sup> Street, said point lying 308.85 feet easterly of the southeast corner of the intersection of Amsterdam Avenue and West 65<sup>th</sup> Street and at elevation 77.50 feet, as those streets were heretofore laid out on the City Map, thence;

- 1) Running 55.00 feet in a southerly direction, said course forming a deflection angle to the right with the southerly line of West 65<sup>th</sup> Street of 90 degrees, 00 minutes and 00 seconds, thence;
- 2) Running 22.36 feet in a southeasterly direction, said course forming an internal angle with the previous course of 116 degrees, 33 minutes and 54 seconds, thence;

- 3) Running 128.00 feet in an easterly direction, said course forming an internal angle with the previous course of 153 degrees, 26 minutes and 06 seconds, thence;
- 4) Running 65.00 feet in a northerly direction, said course forming an internal with the previous course of 90 degrees, 00 minutes and 00 seconds, thence;
- 5) Running 148.00 feet along the southerly line of West 65<sup>th</sup> Street, in a westerly direction, said course forming an internal angle with the previous course of 90 degrees, 00 minutes and 00 seconds to the **point or place of beginning;**

and be it further

**RESOLVED**, that all such approvals being subject to the following conditions:

The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of the Revised Map are filed with the appropriate agencies in accordance with Section 198 subsection e of the New York City Charter and Section 5-435 of the New York City Administrative Code.

**AMANDA M. BURDEN, AICP, Chair**

**KENNETH J. KNUCKLES, Esq., Vice Chairman**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R.**

**CAVALUZZI, R.A., ALFRED C. CERRULLO, III, BETTY Y. CHEN, MARIA M.**

**DEL TORO, RICHARD W. EADDY, SHIRLEY A. MCRAE,**

**JOHN MEROLO, Commissioners**

**NATHAN LEVENTHAL, Commissioner, RECUSED**