



CITY PLANNING COMMISSION

October 1, 2007/Calendar No. 1

C 070351 MMM

IN THE MATTER OF an application, submitted by West Street Development LLC and the Department of Citywide Administrative Services (DCAS), 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 an 8 inch strip of Manhattan Approach to the Brooklyn Battery Tunnel between West Street and Washington Street;
- the elimination, discontinuance and closing of a portion of Manhattan Approach to the Brooklyn Battery Tunnel within an area bounded by Morris Street, West Street, Joseph P. Ward Street and the southerly extension of Washington Street;
- the elimination, discontinuance and closing of volumes of Joseph P. Ward Street and a portion of Manhattan Approach to the Brooklyn Battery Tunnel between West Street and the southerly extension of Washington Street above a lower limiting plane;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 1, Borough of Manhattan, in accordance with Map No. 30222 dated April 25, 2007 and signed by the Borough President.

The application (C 070351 MMM) for an amendment to the City Map was filed by West Street Development LLC and the Department of Citywide Administrative Services (DCAS), 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 on February 16, 2007. It involves: the elimination, discontinuance and closing of an 8 inch strip of Manhattan Approach to the Brooklyn Battery Tunnel between West Street and Washington Street; the elimination, discontinuance and closing of a portion of Manhattan Approach to the Brooklyn Battery Tunnel within an area bounded by Morris Street, West Street, Joseph P. Ward Street and the southerly extension of Washington Street; the elimination, discontinuance and closing of volumes of Joseph P. Ward Street and a portion of Manhattan Approach to the Brooklyn Battery Tunnel between West Street and the southerly extension of Washington Street above a lower limiting plane; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto.

RELATED ACTIONS

In addition to the amendment to the City Map which is the subject of this report, implementation of the applicants proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

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| N 070412 ZRM | Amendment to Zoning Resolution Sections 91-231, 91-31, 91-73, and Appendix A, Map 2 (Special Lower Manhattan District provisions) to allow for development adjacent to the Brooklyn Battery Tunnel Approach, to create a Type 2B street type, and to allow for bonusable urban plazas along properties that front Type 2B street. |
| C 070413 ZSM | Special permit pursuant to the amended 91-73, to allow the unmapped air space above the approaches to the Brooklyn Battery Tunnel to be considered a single zoning lot and to allow the use of demapped air rights on an at-grade portion of such zoning lot. |
| C 070414 ZSM | Special permit pursuant to 91-35 to modify the setback requirements of Section 91-32. |
| C 070415 ZSM | Special permit pursuant to 74-91 to modify the requirements of urban plazas pursuant to Section 37-04. |
| N 070416 ZCM | Chairperson Certification for a bonusable urban plaza pursuant to Section 37-04. |

BACKGROUND

A full background discussion and project description appears in the report on the related application for the special permit (C 070414 ZSM).

ENVIRONMENTAL REVIEW

This application (C 070351 MMM), in conjunction with the applications for the related actions (N 070412 ZRM, C 070413 ZSM, C 070414 ZSM, C 070415 ZSM and N 070416 ZCM) 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 No. is 07DME015M. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on April 18, 2007.

UNIFORM LAND USE REVIEW

This application (C 070351 MMM), in conjunction with the applications for the related actions (C 070413 ZSM, C 070414 ZSM and C 070415 ZSM), was certified as complete by the Department of City Planning on April 23, 2007 and was duly referred to Community Board 1 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the non-ULURP application (N 070412 ZRM and N 070416 ZCM) which was referred for information and review.

COMMUNITY BOARD PUBLIC HEARING

Community Board 1 held a public hearing on this application (C 070351 MMM), in conjunction with the applications for the related actions (N 070412 ZRM, C 070413 ZSM, C 070414 ZSM, C 070415 ZSM, N 070416 ZCM), on June 19, 2007, and on June 28, 2007, by a vote of 35 to 5 with 3 abstentions, adopted a resolution recommending approval of the application with conditions.

A summary of the Community Board's recommendation appears in the report on the related application for the special permit (C 070414 ZSM).

BOROUGH PRESIDENT RECOMMENDATION

This application (C 070351 MMM), together with the related actions (N 070412 ZRM, C 070413 ZSM, C 070414 ZSM and C 070415 ZSM), was considered by the Borough President of Manhattan who issued a recommendation disapproving the application with conditions on August 1, 2007.

A summary of the Borough President's recommendation appears in the report on the related application for the special permit (C 070414 ZSM).

CITY PLANNING COMMISSION PUBLIC HEARING

On July 25, 2007 (Calendar No. 4), the City Planning Commission scheduled August 8, 2007 for a public hearing on this application (C 070351 MMM). The hearing was duly held on August 8, 2007 (Calendar No. 31) and continued to August 22, 2007 (Calendar No. 11), in conjunction with the hearing on the related actions (N 070412 ZRM, C 070413 ZSM, C 070414 ZSM and C 070415 ZSM).

There were a number of appearances, as described in the report on the related application for the special permit (C 070414 ZSM) and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application (C 070351 MMM), in conjunction with the related actions (N 070412 ZRM, C 070413 ZSM, C 070414 ZSM, C 070415 ZSM and N 070416 ZCM), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The

designated WRP number is 07-030.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The City Planning Commission believes that this amendment to the City Map is appropriate.

A full consideration of the issues and the reasons for approving this application appears in the report on the related application for the special permit (C 070414 ZSM).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition to be appropriate, adopts the following 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, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, 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, that based on the environmental determination and the consideration described in this report, the application (C 070351 MMM) for an amendment to the City Map involving:

- the elimination, discontinuance and closing of an 8 inch strip of Manhattan Approach

- to the Brooklyn Battery Tunnel between West Street and Washington Street;
- the elimination, discontinuance and closing of a portion of Manhattan Approach to the Brooklyn Battery Tunnel within an area bounded by Morris Street, West Street, Joseph P. Ward Street and the southerly extension of Washington Street;
 - the elimination, discontinuance and closing of volumes of Joseph P. Ward Street and a portion of Manhattan Approach to the Brooklyn Battery Tunnel between West Street and the southerly extension of Washington Street above a lower limiting plane;
 - the adjustment of grades necessitated thereby; and
 - any acquisition or disposition of real property related thereto,

Community District 1, Borough of Manhattan, in accordance with Map No. 30222 dated April 25, 2007 and signed by the Borough President, 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 Map No. 30222, dated April 25, 2007 providing for the discontinuance and closing of an 8 inch strip of Manhattan Approach to the Brooklyn Battery Tunnel between West Street and Washington Street; the discontinuance and closing of a portion of Manhattan Approach to the Brooklyn Battery Tunnel within an area bounded by Morris Street, West Street, Joseph P. Ward Street and the southerly extension of Washington Street; and the discontinuance and closing of volumes of Joseph P. Ward Street and a portion of Manhattan Approach to the Brooklyn Battery Tunnel between West Street and the southerly extension of Washington Street above a lower limiting plane, more particularly described as follows:

DISCONTINUANCE AND CLOSING OF VOLUME OF JOSEPH P. WARD STREET ABOVE A LOWER LIMITING PLANE OF ELEVATION 37.2 FEET BETWEEN WEST STREET AND WASHINGTON STREET

Starting at a Point of Beginning located at the intersection of the westerly street line of Washington Street and the northerly street line of Joseph P. Ward Street, as those streets were hereinbefore laid out in the City Map;

1. Running thence westerly, along the northerly street line of Joseph P. Ward Street, discontinued and closed, a distance of 89.88 feet to a point;
2. Running thence westerly, along the northerly street line of Joseph P. Ward Street, discontinued and closed, a distance of 90.60 feet to a point on the easterly street line of West Street, said line forming an interior angle of 180 degrees 42 minutes 40 seconds with the last-mentioned course;
3. Running thence southerly, along the easterly street line of West Street, a distance of 50.65 feet to a point, said line forming an interior angle of 81 degrees 14 minutes 47 seconds with the last-mentioned course;
4. Running thence easterly, along the southerly street line of Joseph P. Ward Street, discontinued and closed, a distance of 109.37 feet to a point of curvature, said line forming an interior angle of 98 degrees 21 minutes 59 seconds with the last-mentioned course;
5. Running thence southeasterly along the southerly street line of Joseph P. Ward Street, discontinued and closed, along a curve bearing to the right and having a radius of 190 feet, a central angle of 22 degrees 43 minutes 50 seconds, and an arc distance of 75.38 feet to a point;
6. Running thence northerly, a distance of 65.48 feet to the place or point of beginning. The tangent of the previous course forms a deflection angle to the right of 58 degrees 46 minutes 16 seconds.

**THE DISCONTINUANCE AND CLOSING OF AN 8 INCH STRIP OF
MANHATTAN APPROACH TO THE BROOKLYN BATTERY TUNNEL
BETWEEN WEST STREET AND WASHINGTON STREET**

Starting at a point of beginning located at the intersection of the westerly street line of Washington Street and the northerly street of Joseph P. Ward Street, as those streets were hereinbefore laid out in the City Map;

1. Running thence northerly, along the westerly street line of Washington Street, a distance of 0.67 feet to a point;
2. Running thence westerly, along the northerly street line of Manhattan Approach to Brooklyn Battery Tunnel, discontinued and closed, a distance of 89.88 feet to a point, said line forming an interior angle of 98 degrees 21 minutes 00 seconds with the last-mentioned course;
3. Running thence westerly, along the northerly street line of Manhattan Approach to Brooklyn Battery Tunnel, discontinued and closed, a distance of 90.60 feet to a point on the easterly side of West Street, said line forming an interior angle of 180 degrees 42 minutes 40 seconds with the last-mentioned course;
4. Running thence southerly, along the easterly street line of West Street, a distance of 0.67 feet to a point on the northerly street line of Joseph P. Ward Street, said line forming an interior angle of 81 degrees 05 minutes 10 seconds with the last-mentioned course;
5. Running thence easterly, along the northerly street line of Joseph P. Ward Street, a distance of 90.60 feet to a point, said line forming an interior angle of 98 degrees 54 minutes 50 seconds with the last-mentioned course;
6. Running thence easterly, along the northerly street line of Joseph P. Ward Street, a distance of 89.88 feet to the place and point of beginning, said line forming an interior angle of 179 degrees 17 minutes 20 seconds with the last-mentioned course.

**DISCONTINUANCE AND CLOSING OF VOLUME OF A PORTION OF
MANHATTAN APPROACH TO THE BROOKLYN BATTERY TUNNEL
BETWEEN WEST STREET AND THE SOUTHERLY EXTENSION OF
WASHINGTON STREET ABOVE A LOWER LIMITING PLANE AT
ELEVATION 37.2 FEET**

Starting at a point of beginning located at the intersection of the easterly street line of West Street and the northerly street line of Morris Street, as those streets were hereinbefore laid out in the City Map;

1. Running thence northerly, along the easterly street line of West Street, a distance of 337.57 feet, to a point on the southerly street line of Joseph P. Ward Street;
2. Running thence easterly, along the southerly street line of Joseph P. Ward Street, a distance of 109.37 feet to a point of curvature, said line forming an interior angle of 81 degrees 37 minutes 24 seconds with the last-mentioned course;
3. Running thence south-easterly along the southerly street line of Joseph P. Ward Street and along a curve bearing to the right and having a radius of 190 feet a central angle of 22 degrees 43 minutes 50 seconds, and an arc distance of 75.38 feet to a point;
4. Running thence southerly, a distance of 299.62 feet to a point on the northerly street line of Morris Street, said line forming an interior angle of 31 degrees 13 minutes 45 seconds on its westerly side with the radial line of the last-mentioned course;
5. Running thence westerly along the northerly street line of Morris Street, a distance of 179.35 feet to the place or point of beginning, said line forming an interior angle of 88 degrees 49 minutes 50 seconds with the last-mentioned course.

**DISCONTINUANCE AND CLOSING OF VOLUME OF A PORTION OF
MANHATTAN APPROACH TO THE BROOKLYN BATTERY TUNNEL
BETWEEN WEST STREET AND THE SOUTHERLY EXTENSION OF**

**WASHINGTON STREET BELOW A LOWER LIMITING PLANE AT
ELEVATION 37.2 FEET**

Starting at a point of beginning located at the intersection of the easterly street line of West Street and the northerly street line of Morris Street, as those streets were hereinbefore laid out in the City Map;

1. Running thence northerly, along the easterly street line of West Street, a distance of 115.40 feet, to a point;
2. Running thence north-easterly along a curve bearing to the right and having a radius of 99.05 feet, a central angle of 59 degrees 18 minutes 08 seconds, and an arc distance of 102.52 feet to a point of intersection;
3. Running thence south-easterly along a curve bearing to the right and having a radius of 210.97 feet, a central angle of 30 degrees 48 minutes 16 seconds, and an arc distance of 113.43 feet to a point, the radial line of said curve forming an interior angle of 06 degrees 34 minutes 33 seconds on its westerly side with the radial line of the last-mentioned course;
4. Running thence southerly, a distance of 57.96 feet to a point on the northerly side of Morris Street, said line forming an interior angle of 58 degrees 12 minutes 08 seconds on its westerly side with the radial line of the last-mentioned course;
5. Running thence westerly, along the northerly street line of Morris Street, a distance of 179.35 feet to the place or point of beginning, said line forming an interior angle of 88 degrees 49 minutes 50 seconds with the last-mentioned course.

and be it further

RESOLVED that, pursuant to subdivision 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or

portions of such subsurface, and the requirements of other facilities located therein; and be it further

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

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 30222 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code; and
- b. The subject streets to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

The above resolution (C 070351 MMM), duly adopted by the City Planning Commission on October 1, 2007 (Calendar No. 1), 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, AICP, Chair

KENNETH J. KNUCKLES, Esq. Vice Chair

ANGELA BATAGLIA, IRWIN G. CANTOR, P.E.

BETTY CHEN, LISA A. GOMEZ

NATHAN LEVENTHAL, DOLLY WILLIAMS, Commissioners

ANGELA R. CAVALUZZI, R.A, KAREN A. PHILLIPS, Commissioners, Voting No.