



CITY PLANNING COMMISSION

August 11, 2008, Calendar No. 22

C 060440 MMM

IN THE MATTER OF an application submitted by the Hospital for Special Surgery, 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 Volumes of the FDR Drive between East 71st and East 72nd Streets;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community Districts 8, Borough of Manhattan, in accordance with Map No. 30223 dated March 25, 2008 and signed by the Borough President.

The application (C 060440 MMM) for an amendment to the City Map was filed by the Hospital for Special Surgery (“HSS”) on April 21, 2006, to facilitate the construction of a new 12-story hospital facility (the “River Building”) to be located on a platform in demapped air space above the Franklin D. Roosevelt Drive (FDR Drive).

RELATED ACTIONS

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

C 060333 ZSM: A special permit, pursuant to Section 74-682 of the Zoning Resolution, to allow for the construction of the River Building to be located on a platform in demapped air space above the Franklin D. Roosevelt Drive (FDR Drive), and to modify off-street loading requirements.

C 070171 ZSM: A special permit pursuant to Section 74-682 (Development over streets) for the enlargement of HSS’s existing East Wing Building.

N 070145 ZRM: A zoning text amendment to Section 74-682 to allow for the modification of off-street loading requirements.

The following related actions represent required non-ULURP approvals for construction by HSS pursuant to the amended 1973 agreement between HSS, New York Presbyterian Hospital, and Rockefeller University:

N 070146 CMM: A City Planning Commission certification pursuant to Article 15 of the 1973 agreement for the enlargement of the East Wing Building, to be located in demapped air space over the FDR Drive.

N 070169 CMM: A City Planning Commission certification pursuant to articles 15 and 12A of the 1973 agreement for the construction of the River Building and its structural support columns, to be located in demapped air space above the FDR Drive and East River Esplanade (the “Esplanade”).

N 070168 CMM: A City Planning Director certification pursuant to Article 12B of the 1973 agreement in order to demonstrate conformance to the standards and provisions of the agreement with respect to the East Wing Building.

N 070170 CMM: A City Planning Director certification pursuant to Article 12B of the 1973 agreement in order to demonstrate conformance to the standards and provisions of the Agreement with respect to the River Building.

BACKGROUND

The applicant, HSS, is requesting a change in the City Map involving the elimination, discontinuance and closing of volumes of the FDR Drive to facilitate the construction of the “River Building” of the Hospital for Special Surgery. The change in the City Map would facilitate the construction of 9 columns needed for the new River Building, four columns to be

placed in the Esplanade on the eastern side of the FDR Drive, the other five columns to be placed on the sidewalk immediately abutting the service road on the west side of the FDR Drive.

The volumes of the FDR Drive on the Esplanade will be eliminated, discontinued and closed from elevation 5-feet to elevation 25-feet for the support columns, and below elevation 5-feet for the column foundation. Volumes of the FDR Drive on the western side will be eliminated, discontinued and closed from elevation 6.33-feet up to elevation 25-feet for the support columns, and below elevation 6.33-feet for the column foundation. The volume above elevation 25-feet at this location was eliminated, discontinued and closed previously pursuant to application No. CP 22062.

An interagency conference concerning this application was held on May 26, 2006, prior to the certification of the application.

A full background discussion and overall project description appears in the report on the related Special Permit application (C 060333 ZSM).

ENVIRONMENTAL REVIEW

This application (C 060440 MMM), in conjunction with the applications for the related actions (C 060333 ZSM, C 070171 ZSM, and N 070145 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 No. is 05DCP061M. The lead agency is the City Planning Commission.

A summary of the environmental review and the Final Environmental Impact Statement (FEIS) appears in the report on the related Special Permit application (C 060333 ZSM).

UNIFORM LAND USE REVIEW

This application (C 060440 MMM), in conjunction with the applications for related actions (C 060333 ZSM and C 070171 ZSM), was certified as complete by the Department of City Planning on April 7, 2008 and was duly referred to Community Board 8 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b). The application for the related non-ULURP actions (N 070145 ZRM, N 070146 CMM, N 070168 CMM, N 070169 CMM, and N 070170 CMM), was also referred to Manhattan Community Board 8 and the Manhattan Borough President for information and comment.

COMMUNITY BOARD PUBLIC HEARING

Community Board 8 held a public hearing on this application (C 060440 MMM) together with the related applications (C 060333 ZSM, C 070171 ZSM, N 070145 ZRM, N 070146 CMM, N 070168 CMM, N 070169 CMM, and N 070170 CMM) on May 14, 2008, and on that day, by a vote of 31 in favor, 3 opposed, and 2 abstentions, adopted a resolution recommending approval of the application.

BOROUGH PRESIDENT RECOMMENDATION

This application (C 060440 MMM)) together with the related applications (C 060333 ZSM, C 070171 ZSM, N 070145 ZRM, N 070146 CMM, N 070168 CMM, N 070169 CMM, and N 070170 CMM) was considered by the Borough President of Manhattan, who issued a recommendation of approval subject to conditions on June 19, 2008. A full discussion of this recommendation and the conditions appears in the report on the related Special Permit application (C 060333 ZSM).

CITY PLANNING COMMISSION PUBLIC HEARING

On June 18, 2008 (Calendar No. 2), the City Planning Commission scheduled July 2, 2008, for a public hearing on this application (C 060440 MMM). The hearing was duly held on July 2, 2008 (Calendar No. 34), in conjunction with the public hearings on the related applications (C 060333 ZSM, C 070171 ZSM, and N 070145 ZRM).

There were a number of speakers present, as described in the report on the related Special Permit application (C 060333 ZSM), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 060440 MMM), in conjunction with related concurrent applications (C 060333 ZSM and C 070171 ZSM), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), 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 WRP 06-029.

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

A full discussion of WRP consistency appears in the report on the related Special Permit application (C 060333 ZSM).

CONSIDERATION

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

A full consideration of the issues and reasons for approving this application appears in the report on the related Special Permit application (C 060333 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 having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 8, 2008 with respect to this application (CEQR No. 05DCP061M), the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. From among the reasonable alternatives thereto, the actions to be approved are ones which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; 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 060440 MMM) for the amendment to the City Map involving:

- elimination, discontinuance and closing of Volumes of FDR Drive between East 71st and East 72nd streets;
- the adjustment of grades necessitated thereby; and
- any acquisition or disposition of real property related thereto,

Community District 8, Borough of Manhattan, in accordance with Map No. 30223 dated March 25, 2008 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 the legally required number of counterparts of Map No. 30223 dated March 25, 2008, providing for the discontinuance and closing of a Volumes of FDR Drive between East 71st and East 72nd streets, more particularly described as follows:

Parcel I

BEGINNING at a point, said point being distant 0.34 feet northerly along the westerly line of the Franklin Delano Roosevelt (FDR) Drive from its intersection with the northerly line of East 71st Street, and distant 0.96 feet easterly from said westerly line of the FDR Drive, as shown on the Manhattan Borough President’s Map, ACC No. 30223, dated March 25, 2008:

- 1) running thence northerly, along a line forming an angle of 84° 54' 23" on its westerly side with a line which is perpendicular to the westerly line of the FDR Drive, 3.50 feet;
- 2) thence easterly, at a right angle to the preceding course, 3.00 feet;
- 3) thence southerly, at a right angle to the preceding course, 3.50 feet;

4) thence westerly, at a right angle to the preceding course, and along a line which is perpendicular on its northerly side with the first course hereinabove described, 3.00 feet to the point or place of BEGINNING.

The above described parcel lies between a lower horizontal plane at elevation 6.33 feet Manhattan Datum and an upper horizontal plane at elevation 25.00 feet Manhattan Datum (said Manhattan Datum refers to the datum of the Borough of Manhattan, which is 2.75 feet above the United States Coast and Geodetic Mean Sea Level Survey Datum at Sandy Hook, New Jersey), and is located in the Borough of Manhattan, County, City and State of New York, and measures approximately 10.5 square feet of area as shown on said Map ACC No. 30223.

Parcel II

BEGINNING at a point, said point being distant 23.84 feet northerly along the westerly line of the FDR Drive from its intersection with the northerly line of East 71st Street, and distant 0.88 feet easterly from said westerly line of the FDR Drive, as shown on the Manhattan Borough President's Map, ACC No. 30223, dated March 25, 2008:

- 1) running thence northerly, along a line forming an angle of 84° 54' 23" on its westerly side with a line which is perpendicular to the westerly line of the FDR Drive, 5.50 feet;
- 2) thence easterly, at a right angle to the preceding course, 3.00 feet;
- 3) thence southerly, at a right angle to the preceding course, 5.50 feet,
- 4) thence westerly, at a right angle to the preceding course, and along a line which is perpendicular on its northerly side with the first course hereinabove described, 3.00 feet to the point or place of BEGINNING.

The above described parcel lies between a lower horizontal plane at elevation 6.33 feet Manhattan Datum and an upper horizontal plane at elevation 25.00 feet Manhattan Datum (said Manhattan Datum refers to the datum of the Borough of Manhattan, which is 2.75 feet above the United States Coast and Geodetic Mean Sea Level Survey Datum at Sandy Hook, New Jersey), and is located in the Borough of Manhattan, County, City and State of New York, and measures approximately 16.5 square feet of area as shown on said Map ACC No. 30223.

Parcel III

BEGINNING at a point, said point being distant 48.29 feet northerly along the westerly line of the FDR Drive from its intersection with the northerly line of East 71st Street, and distant 0.71 feet easterly from said westerly line of the FDR Drive, as shown on the Manhattan Borough President's Map, ACC No. 30223, dated March 25, 2008:

- 1) running thence northerly, along a line forming an angle of 84° 54' 23" on its westerly side

with a line which is perpendicular to the westerly line of the FDR Drive, 2.38 feet to a point;

2) thence continuing northerly, along a line forming an angle of $174^{\circ} 54' 23''$ on its easterly side with the preceding course, 3.13 feet to a point, which is distant 1.00 inch easterly from and perpendicular to said westerly line of the FDR Drive;

3) thence easterly, along a line forming an angle of $95^{\circ} 05' 37''$ on its southerly side with the preceding course, 2.22 feet;

4) thence southerly, at a right angle to the preceding course, 5.50 feet;

5) thence westerly, at a right angle to the preceding course, and along a line which is perpendicular on its northerly side with the first course hereinabove described, 2.50 feet to the point or place of BEGINNING.

The above described parcel lies between a lower horizontal plane at elevation 6.33 feet Manhattan Datum and an upper horizontal plane at elevation 25.00 feet Manhattan Datum (said Manhattan Datum refers to the datum of the Borough of Manhattan, which is 2.75 feet above the United States Coast and Geodetic Mean Sea Level Survey Datum at Sandy Hook, New Jersey), and is located in the Borough of Manhattan, County, City and State of New York, and measures approximately 13.32 square feet of area as shown on said Map ACC No. 30223.

Parcel IV

BEGINNING at a point, said point being distant 72.81 feet northerly along the westerly line of the FDR Drive from its intersection with the northerly line of East 71st Street, and distant 0.70 feet easterly from said westerly line of the FDR Drive, as shown on the Manhattan Borough President's Map, ACC No. 30223, dated March 25, 2008:

1) running thence northerly, along a line forming an angle of $84^{\circ} 54' 23''$ on its westerly side with a line which is perpendicular to the westerly line of the FDR Drive, 2.28 feet to a point;

2) thence continuing northerly, along a line forming an angle of $174^{\circ} 54' 23''$ on its easterly side with the preceding course, 3.23 feet to a point, which is distant 1.00 inch easterly from and perpendicular to said westerly line of the FDR Drive;

3) thence easterly, along a line forming an angle of $95^{\circ} 05' 37''$ on its southerly side with the preceding course, 2.21 feet;

4) thence southerly, at a right angle to the preceding course, 5.50 feet;

5) thence westerly, at a right angle to the preceding course, and along a line which is perpendicular on its northerly side with the first course hereinabove described, 2.50 feet to the point

or place of BEGINNING.

The above described parcel lies between a lower horizontal plane at elevation 6.33 feet Manhattan Datum and an upper horizontal plane at elevation 25.00 feet Manhattan Datum (said Manhattan Datum refers to the datum of the Borough of Manhattan, which is 2.75 feet above the United States Coast and Geodetic Mean Sea Level Survey Datum at Sandy Hook, New Jersey), and is located in the Borough of Manhattan, County, City and State of New York, and measures approximately 13.29 square feet of area as shown on said Map ACC No. 30223.

Parcel V

BEGINNING at a point, said point being distant 98.30 feet northerly along the westerly line of the FDR Drive from its intersection with the northerly line of East 71st Street, and distant 1.00 inch easterly from said westerly line of the FDR Drive, as shown on the Manhattan Borough President's Map, ACC No. 30223, dated March 25, 2008:

1) running thence northerly, parallel with the westerly line of the FDR Drive and at a right angle to a line which is perpendicular to the westerly line of the FDR Drive, 3.56 feet to a point, which is distant 1.00 inch easterly from and perpendicular to said westerly line of the FDR Drive;

2) thence easterly, along a line forming an angle of 95° 05' 37" on its southerly side with the preceding course, 2.62 feet;

3) thence southerly, at a right angle to the preceding course, 3.51 feet;

4) thence westerly, at a right angle to the preceding course, and along a line which forms an angle of 84° 54' 23" on its northerly side with the first course hereinabove described, 2.94 feet to the point or place of BEGINNING.

The above described parcel lies between a lower horizontal plane at elevation 6.33 feet Manhattan Datum and an upper horizontal plane at elevation 25.00 feet Manhattan Datum (said Manhattan Datum refers to the datum of the Borough of Manhattan, which is 2.75 feet above the United States Coast and Geodetic Mean Sea Level Survey Datum at Sandy Hook, New Jersey), and is located in the Borough of Manhattan, County, City and State of New York, and measures approximately 9.76 square feet of area as shown on said Map ACC No. 30223.

Parcel VI

BEGINNING at a point, said point being distant 19.92 feet northerly along the westerly line of the FDR Drive from its intersection with the northerly line of East 71st Street, and distant 100.77 feet easterly from said westerly line of the FDR Drive, as shown on the Manhattan Borough President's Map, ACC No. 30223, dated March 25, 2008:

- 1) running thence northerly, along a line forming an angle of $90^{\circ} 23' 53''$ on its westerly side with a line which is perpendicular to the westerly line of the FDR Drive, 13.01 feet;
- 2) thence easterly, at a right angle to the preceding course, 3.58 feet;
- 3) thence southerly, at a right angle to the preceding course, 13.01 feet;
- 4) thence westerly, at a right angle to the preceding course, and along a line which is perpendicular on its northerly side with the first course hereinabove described, 3.58 feet to the point or place of BEGINNING.

The above described rectangular parcel lies between a lower horizontal plane at elevation 5.00 feet Manhattan Datum and an upper horizontal plane at elevation 25.00 feet Manhattan Datum (said Manhattan Datum refers to the datum of the Borough of Manhattan, which is 2.75 feet above the United States Coast and Geodetic Mean Sea Level Survey Datum at Sandy Hook, New Jersey), and is located in the Borough of Manhattan, County, City and State of New York, and measures approximately 46.63 square feet of area as shown on said Map ACC No. 30223.

Parcel VII

BEGINNING at a point, said point being distant 38.43 feet northerly along the westerly line of the FDR Drive from its intersection with the northerly line of East 71st Street, and distant 100.90 feet easterly from said westerly line of the FDR Drive, as shown on the Manhattan Borough President's Map, ACC No. 30223, dated March 25, 2008:

- 1) running thence northerly, along a line forming an angle of $90^{\circ} 23' 53''$ on its westerly side with a line which is perpendicular to the westerly line of the FDR Drive, 15.93 feet;
- 2) thence easterly, at a right angle to the preceding course, 3.58 feet;
- 3) thence southerly, at a right angle to the preceding course, 15.93 feet;
- 4) thence westerly, at a right angle to the preceding course, and along a line which is perpendicular on its northerly side with the first course hereinabove described, 3.58 feet to the point or place of BEGINNING.

The above described rectangular parcel lies between a lower horizontal plane at elevation 5.00 feet Manhattan Datum and an upper horizontal plane at elevation 25.00 feet Manhattan Datum (said Manhattan Datum refers to the datum of the Borough of Manhattan, which is 2.75 feet above the United States Coast and Geodetic Mean Sea Level Survey Datum at Sandy Hook, New Jersey), and is located in the Borough of Manhattan, County, City and State of New York, and measures approximately 57.10 square feet of area as shown on said Map ACC No. 30223.

Parcel VIII

BEGINNING at a point, said point being distant 61.61 feet northerly along the westerly line of the FDR Drive from its intersection with the northerly line of East 71st Street, and distant 101.06 feet easterly from said westerly line of the FDR Drive, as shown on the Manhattan Borough President’s Map. ACC No. 30223, dated March 25, 2008:

- 1) running thence northerly, along a line forming an angle of 90° 23' 53" on its westerly side with a line which is perpendicular to the westerly line of the FDR Drive, 20.38 feet;
- 2) thence easterly, at a right angle to the preceding course, 3.58 feet;
- 3) thence southerly, at a right angle to the preceding course, 20.38 feet;
- 4) thence westerly, at a right angle to the preceding course, and along a line which is perpendicular on its northerly side with the first course hereinabove described, 3.58 feet to the point or place of BEGINNING.

The above described rectangular parcel lies between a lower horizontal plane at elevation 5.00 feet Manhattan Datum and an upper horizontal plane at elevation 25.00 feet Manhattan Datum (said Manhattan Datum refers to the datum of the Borough of Manhattan, which is 2.75 feet above the United States Coast and Geodetic Mean Sea Level Survey Datum at Sandy Hook, New Jersey), and is located in the Borough of Manhattan, County, City and State of New York, and measures approximately 73.03 square feet of area as shown on said Map ACC No. 30223.

Parcel IX

BEGINNING at a point, said point being distant 87.49 feet northerly along the westerly line of the FDR Drive from its intersection with the southerly line of East 71st Street, and distant 101.25 feet easterly from said westerly line of the FDR Drive, as shown on the Manhattan Borough President’s Map, ACC No. 30223, dated March 25, 2008:

- 1) running thence northerly, along a line forming an angle of 90° 23' 53" on its westerly side with a line which is perpendicular to the westerly line of the FDR Drive, 13.01 feet;
- 2) thence easterly, at a right angle to the preceding course, 3.58 feet;
- 3) thence southerly, at a right angle to the preceding course, 13.01 feet;
- 4) thence westerly, at a right angle to the preceding course, and along a line which is perpendicular on its northerly side with the first course hereinabove described, 3.58 feet to the point or place of BEGINNING.

The above described rectangular parcel lies between a lower horizontal plane at elevation

5.00 feet Manhattan Datum and an upper horizontal plane at elevation 25.00 feet Manhattan Datum (said Manhattan Datum refers to the datum of the Borough of Manhattan, which is 2.75 feet above the United States Coast and Geodetic Mean Sea Level Survey Datum at Sandy Hook, New Jersey), and is located in the Borough of Manhattan, County, City and State of New York, and measures approximately 46.63 square feet of area as shown on said Map ACC No. 30223.

Parcel X

BEGINNING at a point, said point being distant 2.51 feet southerly along the line which is parallel with and an extension of the westerly line of the FDR Drive from its intersection with the northerly line of East 71st Street, and distant 1.00 inch easterly from said extension of the westerly line of the FDR Drive, as shown on the Manhattan Borough President's Map, ACC No. 30223, dated March 25, 2008:

- 1) running thence northerly, along a line which is parallel with and distant 1.00 inch easterly from and perpendicular to the westerly line of the FDR Drive, 105.08 feet;
- 2) thence easterly, at a right angle to the preceding course, 3.07 feet;
- 3) thence southerly, along a line forming an angle of 95° 05' 37" on its westerly side with the preceding course, 5.98 feet;
- 4) thence westerly, at a right angle to the preceding course, 1.80 feet;
- 5) thence southerly, along a line forming an angle of 264° 09' 17" on its westerly side with the preceding course, 16.00 feet;
- 6) thence easterly, along a line forming an angle of 275° 50' 43" on its southerly side with the preceding course, 0.94 feet;
- 7) thence southerly, at a right angle to the preceding course, 9.50 feet;
- 8) thence westerly, at a right angle to the preceding course, 1.84 feet;
- 9) thence southerly, along a line forming an angle of 264° 55' 45" on its westerly side with the preceding course, 14.97 feet;
- 10) thence easterly, along a line forming an angle of 275° 04' 15" on its southerly side with the preceding course, 0.99 feet;
- 11) thence southerly, at a right angle to the preceding course, 9.50 feet;
- 12) thence westerly, at a right angle to the preceding course, 1.63 feet;

13) thence southerly, along a line forming an angle of $267^{\circ} 38' 24''$ on its westerly side with the preceding course, 15.93 feet;

14) thence easterly, along a line forming an angle of $272^{\circ} 21' 36''$ on its southerly side with the preceding course, 1.79 feet;

15) thence southerly, at a right angle to the preceding course, 7.50 feet;

16) thence westerly, at a right angle to the preceding course, 2.25 feet;

17) thence southerly, along a line forming an angle of $265^{\circ} 18' 09''$ on its westerly side with the preceding course, 16.22 feet;

18) thence easterly, along a line forming an angle of $274^{\circ} 41' 51''$ on its southerly side with the preceding course, 1.04 feet;

19) thence southerly, at a right angle to the preceding course, 9.00 feet;

20) thence westerly, at a right angle to the preceding course, and along a line which forms an angle of $84^{\circ} 54' 23''$ on its northerly side with the first course hereinabove described, 4.71 feet to the point or place of BEGINNING.

The above described parcel lies below a horizontal plane at elevation 6.33 feet Manhattan Datum (said Manhattan Datum refers to the datum of the Borough of Manhattan, which is 2.75 feet above the United States Coast and Geodetic Mean Sea Level Survey Datum at Sandy Hook, New Jersey), and is located in the Borough of Manhattan, County, City and State of New York, and measures approximately 280.76 square feet of area as shown on said Map ACC No. 30223.

Parcel XI

BEGINNING at a point, said point being distant 19.92 feet northerly along the westerly line of the FDR Drive from its intersection with the northerly line of East 71st Street, and distant 100.77 feet easterly from said westerly line of the FDR Drive, as shown on the Manhattan Borough President's Map, ACC No. 30223, dated March 25, 2008:

1) running thence northerly, along a line forming an angle of $90^{\circ} 23' 53''$ on its westerly side with a line which is perpendicular to the westerly line of the FDR Drive, 13.01 feet;

2) thence easterly, at a right angle to the preceding course, 3.58 feet;

3) thence northerly, at a right angle to the preceding course, 5.50 feet;

4) thence westerly, at a right angle to the preceding course, 3.58 feet;

- 5) thence northerly, at a right angle to the preceding course, 15.93 feet;
- 6) thence easterly, at a right angle to the preceding course, 3.58 feet;
- 7) thence northerly, at a right angle to the preceding course, 7.25 feet;
- 8) thence westerly, at a right angle to the preceding course, 3.58 feet;
- 9) thence northerly, at a right angle to the preceding course, 20.38 feet;
- 10) thence easterly, at a right angle to the preceding course, 3.58 feet;
- 11) thence northerly, at a right angle to the preceding course, 5.50 feet;
- 12) thence westerly, at a right angle to the preceding course, 3.58 feet;
- 13) thence northerly, at a right angle to the preceding course, 13.01 feet;
- 14) thence easterly, at a right angle to the preceding course, 6.88 feet;
- 15) thence southerly, at a right angle to the preceding course, 80.58 feet;

16) thence westerly, at a right angle to the preceding course, and along a line which is perpendicular on its northerly side with the first course hereinabove described, 6.88 feet, to the point or place of BEGINNING.

The above described parcel lies below a horizontal plane at elevation 5.00 feet Manhattan Datum (said Manhattan Datum refers to the datum of the Borough of Manhattan, which is 2.75 feet above the United States Coast and Geodetic Mean Sea Level Survey Datum at Sandy Hook, New Jersey), and is located in the Borough of Manhattan, County, City and State of New York, and measures approximately 488.65 square feet of area as shown on said Map ACC No. 30223; 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;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 30223 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;
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission; and
- c. The Mapping Agreement shall contain provisions, in a form acceptable to the Chair of the City Planning Commission, providing as follows:
 - (i) For compliance with any New York City Department of Transportation requirements in connection with construction over and in the FDR Drive, including performance and maintenance requirements for the platform over the FDR Drive;
 - (ii) For compliance with any New York City Department of Environmental Protection requirements in connection with construction in the FDR Drive, including protection of any existing water mains;
 - (iii) For retention, post-construction, of the width of the clear path on the Esplanade existing at the time of this approval, established by the East 71st Street pedestrian bridge columns;

- (iv) For mitigation of open space-related construction impacts by HSS in the event of any extended closure of the Esplanade during construction, as identified in Chapter 22 of the FEIS (“Mitigation”);
 - (v) For the implementation of improvements to deliveries and loading operations on East 71st Street, consistent with the letter from HSS dated August 8, 2008.
- d. The subject street 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 060440 MMM), duly adopted by the City Planning Commission on August 11, 2008 (Calendar No. 22), 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
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ANGELA R. CAVALUZZI, AIA
ALFRED C. CERULLO, III
MARIA DEL TORO
RICHARD W. EADDY
NATHAN LEVENTHAL
SHIRLEY A. McRAE, Commissioners

Voting no:
IRWIN G. CANTOR, P.E.
KAREN A. PHILLIPS, Commissioners