



CITY PLANNING COMMISSION

May 25, 2005/Calendar No. 25

C 050098 MMM

IN THE MATTER OF an application, submitted by Lincoln Center Development Project, Inc., 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 West 65th Street between Amsterdam Avenue and Broadway;
- the elimination, discontinuance and closing of Public Place within North Plaza;
- the elimination of a Pedestrian Overpass;
- the extinguishment of an easement;
- the adjustment of grades necessitated thereby;
- and any acquisition or disposition of real property related thereto,

Community District 7, Borough of Manhattan, in accordance with Map No. 30215 dated December 10, 2004 and signed by the Borough President.

The application (C 050098 MMM) for an amendment to the City Map was filed by Lincoln Center Development Project, Inc. on behalf of Lincoln Center for the Performing Arts (LCPA) 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 September 15, 2004. The application would facilitate Lincoln Center's West 65th Street Plan.

RELATED ACTIONS

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

N 050169 ZRM Zoning Text amendment to Section 82-24 to allow 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 66th and West 65th streets. In addition the proposed text would allow signs fronting North Plaza and facing east or south, up to a height of 40 feet from the plaza level. The size and number of permitted signs would continue to be governed by Section 32-642.

C 050170 GFM A revocable consent to allow the installation of information signage on a public sidewalk.

C 050219 PQM 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 65th Street.

M860382 (E) ZSM 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.

BACKGROUND

Lincoln Center Development Project (LCDP) on behalf of Lincoln Center for the Performing Arts (LCPA) is proposing several improvements to the open spaces and buildings along West 65th Street between Amsterdam Avenue and Broadway. These proposed changes, also known as the West 65th Street Plan, would facilitate a number of goals: transform the West 65th Street corridor into a lively, pedestrian-oriented thoroughfare; identify and provide greater visibility to the various Lincoln Center constituents that are housed along this street; create a welcoming informal entrance to the Lincoln Center complex; better integrate the campus into the existing fabric of the surrounding area; and provide a higher level of amenity to patrons, visitors and employees.

The campus of Lincoln Center for the Performing Arts is approximately 16 acres, consisting of two blocks bounded by Broadway and Columbus Avenue, Amsterdam Avenue, West 62nd Street, and West 66th Street. The two blocks are located in a C4-7 zoning district and within the Special Lincoln Square District (LS). The C4-7 allows a total FAR of 10.0, bonusable to 12.0 FAR

through the provision of public amenities such as a public plaza. The Special Lincoln Square District was created in 1994 to preserve, protect and promote the character of the area as the location of a unique cultural and architectural complex in order to achieve preeminent status as a center for the performing arts. The Lincoln Center campus was assembled and developed in the 1950's and 1960's pursuant to the Lincoln Square Urban Renewal Plan, which expired in 1997.

The immediate surrounding area is characterized by large community facilities and residential developments. Community facilities include Fordham University, located south of West 62nd Street, and the Martin Luther King and Fiorello LaGuardia high schools, located west of Amsterdam Avenue. Also to the west of Amsterdam Avenue are the Amsterdam Houses, a New York City Housing Authority complex. To the east and north of the Lincoln Center campus, the area is primarily developed with high-density residential buildings with active ground floor commercial use.

The south block of the Lincoln Center's campus, located between West 62nd and West 65th streets, is occupied by Avery Fisher Hall and the Lincoln Center Theater, both of which abut West 65th Street, as well as the New York State Theater and the Metropolitan Opera House. These buildings were constructed in the early 1960's. The south block also contains the New York City Public Library for the Performing Arts and Lincoln Center offices. A pedestrian and vehicular concourse, several small service facilities, loading areas and an accessory parking garage with a capacity of 787 spaces are located below grade. The garage and loading areas are accessed from several entrances located along West 62nd and West 65th streets and Amsterdam Avenue. The City either owns these below grade facilities or holds a permanent easement over the spaces that they occupy. In addition, the south block includes three distinct public open spaces located above street level: Josie Robertson Plaza, city owned and designated as a Public Place on the City Map; Damrosch Park, city owned and mapped as a park; and North Plaza, owned by LCPA with a permanent easement to the city for public use and designated on the City Map as a Public Place. LCPA maintains these open spaces, along with the below grade garage and concourse, pursuant to a license agreement with the New York City Department of Parks and Recreation (DPR), which has jurisdiction over these spaces.

The north block of the campus, located between West 65th and West 66th streets, is occupied by

the Juilliard Building, which houses the Juilliard School and Alice Tully Hall; a firehouse; and the Samuel B. and David Rose Building, a 47-story multi-purpose structure containing apartments, dormitories, administrative offices, rehearsal and performance space, the Walter Reade movie theater and a New York Public Library branch. The Juilliard Building was constructed in the late 1960's. The Rose Building, completed in 1990, received several City Planning Commission (CPC) special permit approvals, including bulk modifications to the Special Lincoln Square District requirements and a 375-space public parking facility(C 860382 ZSM, 1986).The Rose Building and the Juilliard Building are located on a single zoning lot. With the exception of the City firehouse, also located on the same zoning lot, and the Rose Building apartments, which are under separate condominium ownership, LCPA owns each of these facilities.

West 65th Street between Amsterdam Avenue and Broadway divides the north and the south blocks. It is 80 feet wide consisting of a 50-foot wide roadbed and two 15-foot wide sidewalks and is approximately 700 feet in length. It is an eastbound street with three un-striped travel lanes, and a bus lane. A portion of West 65th Street is covered by a pedestrian bridge with a width of 211 feet, connecting the north and south blocks of Lincoln Center above grade. The pedestrian bridge is owned by the City and is maintained by Lincoln Center pursuant to the aforementioned License Agreement. The City also holds a surface and subsurface easement over a portion of Lincoln Center's property to accommodate the supports for the northern end of the bridge.

PROPOSED PROJECT

LCDP is proposing a West 65th Street Plan that would transform West 65th Street to a lively, pedestrian-oriented street by providing greater access and visibility to the various constituents located along the street front and by improving the streetscape. The plan consists of several elements.

I. Street Frontage Improvements

Currently, the streetscape of West 65th Street is dominated by vehicular entrances. The street frontage on the south side contains two entrances to the parking garage, as well as a loading berth for the Lincoln Center Theater Stage and another loading entrance without a curb cut for Avery Fisher Hall. A stairway of approximately 32 feet in width provides access from the street to the plaza level. The remaining street frontage on the south side consists of a solid travertine wall interspersed with a few narrow windows overlooking the street. The northern street frontage consists primarily of a solid travertine wall of the Juilliard Building interspersed with small windows. To the west of the Juilliard building, the Rose building fronts West 65th street with a set of stairs and escalators, leading to the Walter Reade movie theater on the upper level, a garage entrance and a loading area. The eastern portion of the Juilliard Building contains Alice Tully Hall, which is accessed from Broadway. A staircase and escalators, located along this frontage serve primarily to provide access to the Juilliard School. There is an open area in front of Alice Tully Hall, which consists of information kiosks, minimal seating, and planted area. In addition, a 211 feet wide pedestrian bridge traverses West 65th Street, connecting the upper level of the Juilliard Building and the North Plaza.

LCDP is proposing to eliminate all garage entrances on the south side and remove and relocate the pedestrian bridge. This would allow for a widening of the existing stairway to improve access from the street to the plaza. This 'Grand Stair' would be approximately 55 feet wide. The space adjacent to the Grand Stair would be renovated to create a new Film Center for the Film Society of Lincoln Center. The Film Center would contain two new screening facilities, a pre-theater lecture area and function space. A box office and entrance, visible from both Broadway and Amsterdam Avenue, would be located at street level. A restaurant would be created above this space on North Plaza, accessible from the plaza level as well as the street level. In addition, a new street-level entrance and lobby for the Lincoln Center Theater would be constructed to the west of the Film Center. The southern corner of Amsterdam Avenue and West 65th Street is proposed to be activated with a retail use.

Improvements to the north side of the street would include the relocation of the Juilliard lobby from the School's upper level to the street level. The applicant is also proposing an expansion of the Juilliard Building, which would extend towards the currently open area fronting Broadway. This would accommodate an enlargement of the lobby for Alice Tully Hall, a bookstore, and a

central ticketing facility. The proposed expansion would also provide additional classrooms and rehearsal spaces for the Juilliard School above. The facades of these facilities as well as of the proposed restaurant would be predominantly of transparent material and would contain information signage to announce Lincoln Center's venues, events and activities.

II. West 65th Street Streetscape

To enhance the streetscape and provide more pedestrian circulation space at street level, LCDP is proposing to reduce the width of the roadbed of West 65th Street between Broadway and Amsterdam Avenue from 50 feet to 38 feet, and to increase the width of the sidewalk from 15 feet to 25 feet on the south side and from 15 feet to 16 feet -7 inches on the north side of the street.

Together with the above described improvements to adjoining buildings, the applicant is proposing a series of signage and streetscape elements to create a pedestrian friendly environment along West 65th Street, and improve identification of individual venues and programs. LCDP has developed a consistent design vocabulary for the building façade graphics, which would identify buildings, institutions and venues, describe programming, and provide information about other Lincoln Center events.

The centerpiece of the improved streetscape would be a series of networked electronic information video screens, (the Blades) located on the southern sidewalk. Up to 15 Blades would be installed and would display streaming video content and information related to Lincoln Center institutions, programs and activities. The Blades would consist of eastward facing LED panels (visible to pedestrians but not motorists) and back-lit posters facing west. Several of the screens would contain small touch-screen monitors to provide way-finding and program information on demand. Each Blade would be nine feet -three inches tall, three feet-seven inches wide, and one foot deep. They would be placed on the southern sidewalk approximately 6 feet from the curb to allow pedestrian movement on both sides. LCPA would install and fund the operation and maintenance of the Blades. They would be operated during hours in which Lincoln Center venues are in operation and would remain illuminated at a reduced level when turned off.

In addition to the Blades, several benches would be provided on the southern sidewalk. To unify

the streetscape, Lincoln Center would also install paving of a uniform palette that would extend from all lobby areas to public spaces and sidewalks.

III. Removal and Replacement of the Pedestrian Bridge

Another element of the 65th Street Plan is the demolition and replacement of the pedestrian bridge that connect the north and south block of Lincoln Center's campus. The 211 feet wide bridge span is located approximately in the middle of the street (303 feet from the curb at Amsterdam Avenue) and renders much of West 65th Street dark and uninviting to pedestrians. Lincoln Center is proposing to demolish the bridge and replace it with a smaller and less obtrusive pedestrian crossing. Although the precise dimensions and exact location of the new structure have not yet been determined, it would be located to the west of the current bridge, with its northern landing located at the lobby level of the Rose Building and its southern landing located at the plaza level near the Lincoln Center Theater.

IV. Consolidated Garage Entrance

As part of the effort to convert West 65th Street into a pedestrian-oriented thoroughfare, the vehicular entrances to the Lincoln Center garage would be eliminated. For vehicles traveling eastward on West 65th Street, access to the Lincoln Center garage would be provided through the existing entrance to the Rose Building public parking garage, located on the north side of the street. The Rose Building garage would be connected to the Lincoln Center garage via a proposed tunnel under West 65th Street. The tunnel would be owned by the City and maintained by LCPA. The above described route would be for entrance only. Vehicles would exit the Lincoln Center garage through existing ramps on 62nd and 63rd streets.

V. North Plaza

The 65th Street Plan also includes a number of improvements to the North Plaza, which are intended to make the plaza more accessible and welcoming for Lincoln Center patrons and visitors before and after performances. Among the proposed improvements is the previously described Grand Stair leading from 65th Street to the plaza. The new stairway would afford greater visibility to the plaza from the street and serve as a major entrance to the Lincoln Center

campus. Additional improvements of the North Plaza include an enlarged and refurbished reflecting pool and a new Bosque of trees, which would provide visitors with a protective canopy and a quiet sitting area. On the northern end of the plaza, a restaurant would be constructed, providing a significant new amenity for Lincoln Center patrons and the general public. The roof of this restaurant would form the base of an elevated sloping lawn, open to the public, which would overlook the southern portion of the plaza. The elevated lawn, which would be framed by a secure glass railing, would provide a green space for relaxation and a gathering place for seminars, performances and film screenings.

REQUESTED ACTIONS

The following actions are requested to facilitate the West 65th Street Plan

1. Changes to the City Map (C 050098 MMM)

The applicant is proposing to de-map the southernmost 12 feet and the northernmost 5 inches of West 65th Street between Broadway and Amsterdam Avenue for conveyance to LCPA. The 12-foot strip of de-mapped property on the south side would serve as circulation space in addition to the remaining 13-foot wide public sidewalk. The de-mapping of the northernmost 5 inches serves to reflect the actual and current location of the Juilliard building. This would reduce the overall width of the city-owned street from its present 80 feet to 67 feet, 7 inches, consisting of a 38-foot roadbed, a 16-foot, 7-inch sidewalk along the north side of the street and a 13-foot sidewalk along the south side of the street.

Conveying ownership of the de-mapped portions of the street would provide Lincoln Center with the legal control and responsibility over the property necessary to ensure the proper installation and long-term maintenance of any public amenities there. It would also permit the applicant to extend two elements of the proposed project into the de-mapped portion of the sidewalk. The roof of the proposed new restaurant at the northern end of North Plaza would project into the volume of the de-mapped portion of West 65th Street by approximately 11 feet. In addition a box office for the Film Society designed to be visible from both directions along West 65th Street, would occupy approximately 43 square feet of the de-mapped portion of the sidewalk.

The applicant is also proposing to eliminate a portion of the Public Place designation of North

Plaza. The plaza is owned by LCPA, but the City holds a permanent easement for public use over North Plaza and it is designated on the City Map as a public place. The proposed restaurant would be located on the northern end of the plaza, and this action would provide both Lincoln Center and any operator of the restaurant that it selects with a degree of control over the restaurant necessary for financing and improvements. The roof of this restaurant would form the base of an elevated sloping lawn, open to the public, which would overlook the southern portion of the Plaza. The mapping agreement would ensure public access to the elevated lawn and design controls annexed to and made a condition of the mapping agreement would limit the use of the building to purposes consistent with the character of Lincoln Center as a performing arts venue.

The applicant is further requesting as part of the removal of the pedestrian bridge, that all references to the existing pedestrian bridge traversing West 65th Street, including existing easements for the support of the bridge, be deleted from the City Map. The precise design and location of the replacement bridge would be determined at a later design phase. The new bridge will not be shown on the City Map.

In order to assure the development of the West 65th Street Plan as it has been proposed by Lincoln Center, the above described improvements would be governed by design controls annexed to and made a condition of the mapping agreement concerning the permitted uses of the de-mapped property, as well as adjacent areas. The design controls would address among other things materials, bulk controls (for buildings adjacent to West 65th street), signage, lighting, seating, and special features such as the pedestrian bridge and the Grand Stair.

An interagency mapping conference was held on October 7, 2004. No city agency had any objection to this proposal.

2. Acquisition of Easements (C 050219 PQM)

The City, acting through the Department of Parks and Recreation and the Department of Citywide Administrative Services, proposes to acquire easements on Lincoln Center's property to facilitate the proposed pedestrian bridge and tunnel, both of which would themselves be owned by the City.

The new pedestrian bridge would be owned by the City and maintained by Lincoln Center pursuant to a license agreement. The bridge's southern end would land on North Plaza between the proposed restaurant and Lincoln Center Theater. The northern end would land on the Rose building's plaza level. For both landings, the City would acquire an easement on Lincoln Center's property in order to retain ownership of the entire space occupied by the pedestrian bridge. The northern easement volume would be 24 feet-1 inch in width, 17 feet-6 inches in depth and would have a height of 41 feet-9 inches above grade. The southern easement volume would have a width of 28 feet, a depth of 16 feet and a height of 35 feet above grade.

The City would also acquire several easements related to the proposed reconfiguration of the entrance into the Lincoln Center garage. The newly built tunnel, which would pass underneath West 65th Street, would be owned by the City and would be maintained and operated by Lincoln Center, under a License Agreement with Department of Parks and Recreation. This tunnel would require emergency egresses on both sides of West 65th Street. In order to accommodate such means of egress, the City would acquire a small volume below and above grade on the southern side of the tunnel. It would have a width of 16 feet, 8 inches, a depth of 12 feet, 2 1/8 inches and a height of 41 feet, 1 inch, starting at an elevation of 38 feet and 2 inches. A similar means of egress would be provided on the north side of the tunnel. This would coincide with the easement described earlier for the northern support of the bridge. In addition, the City would acquire access to the tunnel through the existing ramp to the cellar level of the Rose Building garage. Hence, the entire access ramp entering from West 66th and from West 65th streets leading down to an elevation of approximately 47 feet would be subject to an easement for the City on Lincoln Center property.

3. A text amendment of Zoning Resolution Section 82-24 (N 050169 ZRM)

In order to better identify and provide easier access to its institutions, the applicant is proposing to install new and enhanced signage within the project area, and in particular on the facades of venues along West 65th Street, the Broadway façade of Alice Tully Hall, the southeast corner of Amsterdam Avenue and West 65th Street, and the North Plaza. Pursuant to Zoning Resolution Section 32-655, permitted signs located in C4-7 districts are generally limited to a height of 40 feet above curb level and Section 82-24 of the Special Lincoln Square District further restricts

the location of permitted signs to a height of 20 feet above curb level.

Although the precise location of the signage is not yet determined, some of the new signs would exceed the current height limit in order to provide clear visibility and improved identification of venues or programs. Lincoln Center is proposing to amend Section 82-24 to allow permitted signs along West 65th Street up to a height of 40 feet from street level and up to a height of 60 feet along the Broadway frontage between West 66th and West 65th streets. In addition the proposed text would allow signs on North Plaza, facing east and south, up to a height of 40 feet from the plaza level. The size and amount of permitted signs would continue to be governed by Section 32-642.

4. Revocable Consent (C 050170 GFM)

Lincoln Center's signage program includes the installation of informational signage along the southern sidewalk of West 65th Street between Amsterdam Avenue and Broadway. As noted above, this component of the signage program would consist of a series of up to 13 networked electronic video screens utilizing LED technology, i.e. the Blades. The Blades would be located on the City-owned portion of the sidewalk and would require a revocable consent from the Department of Transportation at the time of their installation. Under the terms of the Mapping Agreement, LCPA would be required to commit to the maintenance and operation of the Blades.

5. Modification of previously approved Special Permit (M 860382 (E) ZSM)

As noted above, the Juilliard School and Alice Tully Hall are located on the same zoning lot as the Rose Building, which received a special permit and a zoning authorization from the City Planning Commission in 1986 (C 860382 ZSM). These approvals consisted of: A special permit pursuant to Zoning Resolution Section 82-08 to modify the applicable requirements related to height and setback along West 65th Street; a special permit pursuant to Zoning Resolution Section 74-52 (former Section 82-122 and 13-462) to permit the construction of a 375-space public parking garage; a special permit pursuant to Zoning Resolution Section 82-07 to permit the inclusion of a loading berth along West 65th Street; and an authorization pursuant to Zoning Resolution Section 13-453 allowing the construction of a curb cut on a wide street. The proposed

improvements to the Juilliard School and Alice Tully Hall require modifications to the drawings annexed to the previously approved special permits. The total floor area including the proposed expansion would result in approximately 1,182,970 square feet of development, less than the maximum permitted on the zoning lot of approximately 1,193,120 square feet.

To minimize vehicular traffic and the number of curb cuts along West 65th Street, Lincoln Center is proposing to consolidate the parking garage entrances of the Rose Building and Lincoln Center. The two garages would be connected via a tunnel approximately 350 feet in length under the roadbed of West 65th Street.

ENVIRONMENTAL REVIEW

This application (C 050098 MMM), in conjunction with the applications for the related actions (N 050169 ZRM, C 050170 GFM, C 050219 PQM and M860382 (E) ZSM) 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 05DCP019M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 20, 2004.

UNIFORM LAND USE REVIEW

This application (C 050098 MMM), in conjunction with the applications for related actions (050170 GFM and 050219 PQM) was certified as complete by the Department of City Planning on December 20, 2004, and was duly referred to Community Board 7 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules along with the applications for the related non-ULURP modification of a special permit (M860382 (E) ZSM) and amendment to the Zoning Resolution (N050169 ZRM) which were referred for information and review.

Community Board Public Hearing

Community Board 7 held a public hearing on January 20, 2005 on this and the related applications, and on February, 1, 2005, and adopted a resolution recommending approval of the applications by a vote of 32 in favor, 0 opposed, and 0 abstaining with the following conditions:

Changes in the City Map (C 050098 MMM)

A) CB7 approves the proposed change in the City map to convey two sections of West 65th Street between Broadway and Amsterdam Avenue to Lincoln Center, specifically: a 12-foot wide de-mapping on the south side of West 65th Street to permit a widened sidewalk; and a five-inch de-mapping on the north side of West 65th Street to correspond to the actual on-site dimensions. CB7's approval is conditioned on Lincoln Center's commitment in its letter of February 18, 2005* not to use any more than 50 square feet of the increase in allowable floor area ratio (84,000 sf) generated by the de-mapping either at Lincoln Center or by way of conveyance of air rights to third parties.

B) CB7 approves a proposed modification which would remove the public place designation covering Lincoln Center's North Plaza; provided, however, that CB7's approval is conditioned on:

(1) Lincoln Center Lincoln Center's commitment in its letter of February 18, 2005 that the roof lawn proposed to be erected over a new restaurant at the north end of the North Plaza be guaranteed to be accessible to the public in perpetuity to the same extent as if it were a public place; and

(2) Lincoln Center demonstrating prior to the vote by the City Planning Commission, by either a mock-up or other suitable means, that the slope of the proposed lawn be accessible to all members of the public and that it be suitable for seating, lounging and reclining; and

(3) Lincoln Center's commitment in its letter of February 18, 2005 to create or to dedicate an endowment sufficient to cover the cost of maintenance of the North Plaza,

* All references to the letter of February 18, 2005 include the addendum letter of February 25, 2005

and particularly of the roof lawn; and

(4) Lincoln Center redesigning the Bosque proposed for the North Plaza to adhere to the general outlines of the current Bosque, so that the existing L-shape configuration is retained as much as possible and feasible;

C) CB7 approves deletion of references on the City map to a pedestrian overpass across West 65th Street between Broadway and Amsterdam Avenue; such deletion to take effect when the Milstein Plaza bridge is removed.

Text amendment to Zoning Resolution Section 82-24 (N 050169 ZRM)

Community Board 7 recommended approval of the proposed text amendment regarding signage “provided however, that CB7’s approval is conditioned on Lincoln Center’s commitment in its letter of February 18, 2005 that these signs will be restricted in height to no more than 24 inches, and will not be flashing or accompanied by advertising material other than an identification of the buildings.”

Revocable Consent (C 050170 GFM)

The Community Board recommended approval of a revocable consent allowing the installation of informational signage on the sidewalk “provided, however, that CB 7’s consent is conditioned on Lincoln Center’s commitment in its letter of February 18, 2005:

- (1) to install only 13 rather than 15 informational signs; and
- (2) to create or dedicate an endowment for the purpose of physical maintenance of the signs and street furniture; and
- (3) to create or dedicate an endowment for the purpose of system (including software and data) maintenance of the signs; and
- (4) Not to allow the signs to be used for advertising messages on behalf of third parties.

Acquisition of Easements (C 050219 PQM)

The Community Board recommended approval of the request for acquisition of easements by the City, conditioning its approval on design limitations regarding the width, transparency and lightness of the new pedestrian bridge, and “providing further that the cost of maintenance and

construction of the bridge be borne by Lincoln Center and not the City of New York.”

Modification of previously approved Special Permit (M 860382 (E) ZSM)

While approving the Lincoln Center’s related non-ULURP application for a minor modification to the Special Permit, the Community Board opposed the proposed tunnel beneath West 65th Street and the related relocation of reservoir spaces in the garage underneath the Rose building. The Community Board in its resolution expressed its concern with the disruption and expense which the construction of a tunnel would generate.

The Community also conditioned its approval of this modification on Lincoln Center’s commitment stated in a letter to the Community Board on February 18, 2005 to create or dedicate an endowment sufficient to cover the costs of maintenance of the proposed improvements to Juilliard and Alice Tully Hall, to coat the underside of the cantilevered structure in such a way as to minimize stains and facilitate cleaning; and to provide CB 7 with a maintenance plan for the proposed additions.

Borough President Recommendation

The application was considered by the Borough President, who issued a recommendation approving the application on March, 24, 2005 with the following conditions:

In letters written to the Community Board and Landmark West! commitments were made which the Borough president recommends be incorporated into the applications and have been aforementioned. These include:

C 050098 MMM

- (1) Lincoln Center’s commitment in its letter of February 18, 2005 that the roof lawn proposed to be erected over a new restaurant at the north end of the North Plaza be guaranteed to be accessible to the public in perpetuity to the same extent as if it were a Public Place; and
- (2) Lincoln Center demonstrating prior to the vote by the City Planning Commission, by either a mock-up or other suitable means, that the slope of the proposed lawn be accessible to all members of the public and that it be suitable for seating, lounging and reclining; and
- (3) Lincoln Center’s commitment in its letter of February 18, 2005 to create or to dedicate an

endowment sufficient to cover the cost of maintenance of the North Plaza, and particularly of the roof lawn; and

- (4) Lincoln Center redesigning the Bosque proposed for the North Plaza to adhere to the general outlines of the current Bosque, so that the existing L-shape configuration is retained as much as possible and feasible.

M 860382 ZSM

- (1) To create or dedicate an endowment sufficient to cover the added costs of maintenance of the underside of the proposed cantilevered addition to Juilliard, the glass façade on the cantilevered addition and the Alice Tully Hall lobby, and the interiors of Alice Tully Hall and the Juilliard School (to the extent visible through the glass façade); and
- (2) To coat the underside of the cantilevered structure in such a way as to minimize stains and facilitate cleaning; and
- (3) To provide to CB 7 on or before September 30, 2005 a maintenance plan for the proposed additions to Juilliard and Alice Tully Hall.

C 059170 GFM

- (1) To install only 13 rather than 15 informational signs; and
- (2) To create or dedicate an endowment for the purpose of system (including software and data) maintenance of the signs; and
- (3) Not to allow the signs to be used for advertising messages on behalf of third parties.

C 050219 PQM

- (1) Will be limited in outside width to 10 feet
- (2) Will be unenclosed above a height of five feet; and
- (3) Will have sides which shall be at least 75% transparent glass;

And providing further that the cost of maintenance and construction of the bridge be borne by Lincoln Center and not the City of New York.

In addition the Borough President recommends that Lincoln Center during its construction phase make a concerted effort to hire MWBEs.

In recognizing the Community Board rejecting the proposed tunnel traversing underneath West 65th Street the Borough President's approval is also conditioned by recommending that LCPA submit to the Borough President's office a timeframe for the construction of the tunnel and more importantly its rationale for it.

City Planning Commission Public Hearing

On March 30, 2005, (Calendar No. 7), the City Planning Commission scheduled April 13, 2005, for a public hearing on this application (C 050098 MMM). The hearing was duly held on April 13, 2005 (Calendar No. 27), in conjunction with the hearings on the related applications (N050169 ZRM, C 050170 GFM, and C 050219 PQM. There were 27 speakers in favor and 2 speakers in opposition. Written testimony was also received both in favor and in opposition.

Those speaking in favor of the application included representatives of Lincoln Center and its constituent organizations, a representative of Community Board 7, and representatives of several civic groups and other institutions such as a representative of Docomomo (an international organization for the “Documentation and Conservation of buildings, sites and neighborhoods of the Modern Movement”), the director of the American Bible Society, the Dean of the Graduate School of Architecture, Planning and Preservation at Columbia University, a representative of the Fine Arts Federation, one resident of Amsterdam Houses, a representative of the Lincoln Square Neighborhood Center in Amsterdam Houses and representatives of Landmark West!.

The director of Lincoln Center Development Project, Inc. emphasized the role of Lincoln Center as the largest performing arts center in the world and its role in the New York economy. The director also described the existing conditions of 65th Street and the goals of this project as they were identified by a working group that Lincoln Center formed prior to 1999. The director discussed the lack of identity, the unpleasant pedestrian environment and the desire to “turn Lincoln Center inside out”, with the proposed improvements, and to provide a more welcoming entrance into its venues. The project’s consultant architect elaborated on the design aspects of the proposal and described details such as the lawn above the new restaurant, the video Blades and the expansion of Juilliard and Alice Tully Hall, noting that the project tries to break down the disciplinary divisions between planning, urban design, architecture and media design.

Speakers representing Lincoln Center constituent arts organizations, including the executive directors of the Chambermusic Center, the Film Society, Lincoln Center Theater and the School of American Ballet, the president of the Juilliard School, and a representative of the New York

Public Library for the Performing Arts, emphasized the need for a renovation of their existing spaces, better signage and a greater presence on the street, and how this project would achieve this goal.

Several speakers, including the vice-chair of Community Board 7, and a representative of the American Bible Society, commended Lincoln Center on its outreach to the community and its sensitivity in opening the center to the western edge. A resident of the Amsterdam Houses and a representative of the Lincoln Square Neighborhood Center in Amsterdam Houses spoke in favor, underlining the increased opportunity for residents of Amsterdam Houses to be informed about programs and events at Lincoln Center.

The Dean of the Graduate School of Architecture, Planning and Preservation at Columbia University and a representative of the New York Chapter of the AIA both applauded the design and elaborated on the merits of the design, particularly of the North Plaza. They both stated that the proposed design would, while altering the proportions, preserve the original vision for the North Plaza which was the creation of a modern, geometric and tranquil space.

The Vice-Chairperson of Community Board 7 expressed concern regarding the potential use of public funding for the construction of the tunnel connecting the two garages and the disruption to traffic that the construction could cause. Other speakers expressed concern with the design of North Plaza noting that the proposed design would alter the design as it was originally conceived, that North Plaza is one of few examples of modern landscape architecture in New York City and that means of preserving it should be considered. The executive director of Landmark West! urged Lincoln Center to continue to work on a solution with regard to the proportions of the reflecting pool and the position of the restaurant.

The two speakers in opposition, both of them practicing landscape architects in New York City, highlighted the importance of Dan Kiley, the architect of the original design for North Plaza, and North Plaza's significance as one of very few examples of modern landscape architecture in New York City. They expressed concern regarding the proposed alteration of the proportions of the reflecting pool and urged Lincoln Center to search for a creative solution that would preserve the basic geometry of the plaza. One of the speakers in opposition urged the Commission to

withhold its approval until an agreement between Lincoln Center and Landmark West! on this subject is reached.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the requested changes to the City Map (C 050098 MMM) in conjunction with the related applications for a zoning text amendment (N050169 ZRM), a revocable consent (C 050170 GFM), the acquisition of easements (C 050219 PQM) and the Minor modification to a previously approved Special Permit (M 860382 (E) ZSM) are appropriate.

Lincoln Center is widely considered to be one of the world's leading performing arts centers and the premier arts destination in New York City. It is also a major job creator and contributor to New York City's economy. The Commission supports the Center's effort to integrate its facilities into the surrounding neighborhood, and to provide a more welcoming entrance and improve the pedestrian experience along 65th Street. The Commission believes that the proposed improvements would greatly facilitate Lincoln Center's vision of a new and improved lively pedestrian street.

The Commission believes that Lincoln Center has developed a design that would respect the modern architecture of Lincoln Center's buildings and open spaces while enhancing them through the use of new technologies and materials. In addition to meeting the Center's programmatic needs, the proposed design would make Lincoln Center and its activities more transparent, and enhance the pedestrian experience along 65th Street. The Commission is especially pleased with Lincoln Center's efforts to increase accessibility and visibility of the Center's activities to the residential community to the west.

The Commission recognizes that the detailed design of West 65th Street Plan that has been presented to the community and to the Commission is not the subject of this approval. However, conditions to the mapping agreement between the Lincoln Center for the Performing Arts and the City will include requirements and controls that will address the community's concerns regarding public access, maintenance of the improvements through the creation of an endowment

or similar funding mechanism and the use of new floor area generated by the de-mapped streets. In addition, design controls annexed and made condition of the mapping agreement will include provisions regarding among other things materials, bulk controls of adjacent buildings, signage, lighting, seating and special features such as the pedestrian bridge and the Grand Stair.

Changes to the City Map (C 050098 MMM)

The Commission believes that the proposed changes to the City Map, in conjunction with the related actions are appropriate. The roadbed of West 65th Street between Broadway and Amsterdam Avenue is significantly wider than to the east and west of the project. The narrowing of the roadbed to 38 feet would better align it to the 36 feet to the west of Amsterdam Avenue and 34 feet to east of Broadway, while maintaining the 3 traveling lanes currently available on West 65th Street. The Commission notes that widening the pedestrian circulation space up to 25 feet on the southern sidewalk from its current 15 feet would facilitate the expected pedestrian activity on West 65th Street.

The de-mapping of 12 feet of the southern sidewalk would also facilitate two important elements of the proposed project. The roof of the proposed new restaurant at the northern end of North Plaza would project into the volume of the de-mapped portion of West 65th Street and would thereby provide a protective canopy for the extension of the lobby of the Film Society. In addition a box office for the Film Society, designed to be visible from both directions along West 65th Street, would occupy approximately 43 square feet of the de-mapped portion of the sidewalk. The Commission recognizes that requirements to maintain the de-mapped 12 feet of the sidewalk open to the public at all times for pedestrian circulation and that no building elements other than the ones noted above would project into the sidewalk will be written into the mapping agreement. The applicant has also committed in a letter to the Community Board, dated February 25, 2005, to not utilize any additional floor area that would be generated by this de-mapping.

The Commission believes that the proposed elimination to the public place designation of a portion of North Plaza, in order to facilitate the creation of a new restaurant on North Plaza, is appropriate. In its letter to the Community Board, Lincoln Center has committed that the roof of

the new restaurant would be open to the public in perpetuity as if it were a public place. This commitment would be included in the mapping agreement. The Commission believes that the new restaurant and its roof would serve as a unique urban amenity and public space.

During the public hearing, the Commission heard testimony that the new design of North Plaza significantly alters the original design as it was conceived by landscape architect Dan Kiley and that measures should be taken to preserve the original design. The Commission also heard testimony that Lincoln Center is working collaboratively with Landmark West! on the design of North Plaza in order to best meet Lincoln Center's programmatic requirements, as well as preserving in so far as possible the original design intent of the plaza as it was originally envisioned.

North Plaza, as it exists today has been significantly modified since the original design. While the proposed design would retain the main features of the original design (specifically the Bosque and the reflecting pool), some dimensions of the plaza elements would be altered. During the public hearing, the applicant's consultant architect stated that the proposed design would preserve the original vision for the space, as a geometrical, tranquil urban plaza.

The applicant has further stated in a letter to the Commission that it will continue the dialogue with Landmark West! and their designers and will investigate the proposed changes to the design, and that it will continue to inform the Commission about the results of this process. In particular, the Commission recognizes the applicant's statement to follow the Community Board's recommendation to explore the possibility of "redesigning the Bosque proposed for North Plaza to adhere to the general outlines of the current Bosque, so that the existing L-shape configuration is retained as much as possible and feasible."

The Commission welcomes the removal of the 211 feet wide pedestrian bridge traversing West 65th Street and its replacement with a smaller structure no wider than 15 feet, and believes that this will positively affect the pedestrian experience at street level. The removal of the reference to the existing Milstein Bridge from the City Map is appropriate in view of this change. Since the design and precise location of the new replacement bridge will not be finalized until a later date, the Commission believes that it is appropriate that the replacement bridge not be similarly referenced on the City Map. The Commission has been advised in this regard that there is no

requirement that pedestrian bridges be included on the City Map.

Zoning Text Amendment (N 050169 ZRM)

The Commission believes that the proposed zoning text amendment, in conjunction with the related actions, is appropriate. Pursuant to Section 32-655, permitted signs located in C4-7 districts are generally limited to a height of 40 feet above curb level and Section 82-24 of the Special Lincoln Square District further restricts the height of permitted signs to a height of 20 feet. Some of Lincoln Center’s venues are located significantly above street level, and are significantly constrained by this regulation. The proposed text amendment would facilitate the placement of signage for these facilities at locations that will enhance the visibility of Lincoln Center constituents in an appropriate fashion. The Commission notes that the applicability of the proposed text amendment would be limited to West 65th Street between Broadway and Amsterdam Avenue and the western side of Broadway between 65th and 66th Street and would not affect other areas within the Special Lincoln Square District.

In its resolution, the Community Board recommended that the lettering of signs allowed under this text amendment be no higher than 24 inches, and that no flashing signs and signs containing advertising be permitted. The Commission notes in this regard that the C4-7 regulations do not permit advertising signs. Flashing signs are permitted in C4-7 districts. However, the applicant has stated in a letter to the Community Board, dated February 25, 2005, that it is Lincoln Center’s intention to design the lettering of these signs to be no larger than 24 inches and that “the building signage higher than twenty feet being sought as part of our application will not be flashing or contain advertising other than identification of buildings.”

Revocable Consent (C 050170 GFM)

The Commission believes that the requested revocable consent, as revised, in conjunction with the related actions, is appropriate. The Commission notes that, with the widening of the sidewalk along the southern side of West 65th street, the placement of information signage on a portion of the southern sidewalk would not unduly impede pedestrian flow and would be consistent with the overall character of 65th Street as a theater street. The proposed information signs, or “Blades” would be on the public portion of the sidewalk and would require approval by the Department of Transportation and the Art Commission prior to their installation. The

Community Board in its resolution recommended that Lincoln Center reduced the number of Blades to be installed from 15 to 13 as illustrated in their presentation drawings. Lincoln Center therefore, amended its application on March 26, 2005 to reflect this change.

The Community Board also requested that Lincoln Center provide an endowment to secure the maintenance and operation of these video Blades. The applicant stated in a letter to the Commissioner of Cultural Affairs and the Director of the Department of City Planning, dated November 16, 2004, that funding will be provided to “creatively program and maintain at a high level of quality their hardware and software.” The Commission notes that the creation of such an endowment or similar funding mechanism will be a condition to the execution of the mapping agreement.

Acquisition of Easements by the City (C 050219 PQM)

The Commission believes that the approval of the application for the proposed acquisition of easements by the City to accommodate the landings of the new city-owned pedestrian bridge, as well as a vehicular tunnel connecting the two public parking garages traversing West 65th Street, in conjunction with the related applications, is appropriate.

Both the bridge and the tunnel would be owned by the City and maintained by Lincoln Center through a License Agreement with the Department of Parks and Recreation. As noted above, the Commission supports Lincoln Center’s plans to eliminate the existing bridge and replace it with a lighter structure. The Commission believes that the new structure will allow for more light and air to the pedestrian environment at street level. The Community Board in its resolution recommended certain design requirements for the new bridge intended to guarantee a structure as light and transparent as possible and feasible. The Commission supports this recommendation, and understands that the design for the bridge has not been finalized. Therefore, the Commission recognizes that the Community Board’s recommendations for a limitation in width, a requirement for the bridge to be unenclosed, and transparency requirements for its sides will be incorporated into the design controls. However the specific dimensions for these requirements may vary from those that the Community Board recommended.

During the public hearing, concerns were raised regarding the rationale for the tunnel connecting

the two garages underneath West 65th Street as well as the potential disruption of traffic during its construction.

The applicant has stated in a letter to the Commission dated May 6, 2005 that the tunnel would be necessary in order to eliminate the curb cuts on the south side of the street, while at the same time preserving access to the garage from West 65th Street. Currently, many patrons attempting to enter the Lincoln Center garage find the garage fully occupied, especially during pre-theater peak hours, while the garage underneath the Rose building, which is also a public parking garage, has available capacity. The new configuration of ingress, including the connecting tunnel, would facilitate better management and utilization of the two garages at peak hours.

The Commission understands that the tunnel is part of a larger re-organization of garage entrances that intends to minimize curb-cuts, enhance pedestrian safety and eliminate vehicular congestion at peak hours on West 65th Street. While the creation of additional entrances into the garage would alleviate congestion on West 65th Street, a significant amount of patrons would still be served by the entrance on the north side of West 65th Street and the connecting tunnel. The Commission was informed by the applicant in a letter to the Commission dated May 6, 2005 that West 65th Street would remain open during construction of the tunnel and that it is not known at this date whether City funds would be used for this portion of the project.

5. Modification of previously approved Special Permit (M860382 (E) ZSM)

The Commission believes that the proposed modification of a previously approved special permit (M860382 (E) ZSM), in conjunction with the related applications is appropriate.

The Commission recognizes that the proposed changes to the Rose Building garage will not affect the essential elements of this facility. It will continue to be a 375-space attended parking garage with entrances and exits on 65th Street and 66th Street. It will also continue to provide the required 19 reservoir parking spaces. Furthermore, as shown below, none of the findings, (a) through g, which CPC was required to make pursuant to Zoning Resolution Section 74-52 in order to grant the special permit, are affected by the proposed changes in the design and operation of the Rose Garage.

(a) That such use will not be incompatible with, or adversely affect the growth and development of, uses comprising vital and essential functions in the general area within which such use is to be located.

The Commission notes that the Rose Building garage, the location of which will not be affected by the proposed changes, will continue to provide parking for residents and occupants of the Rose Building, Lincoln Center visitors and employees and other persons who live or work in the surrounding neighborhood. It will therefore continue to be compatible with the use of the area.

(b) That such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

The changes in the Rose Building garage will facilitate a reconfiguration of the vehicular access to the Lincoln Center garage. The entrances to the Lincoln Center parking facility now located on the south side of 65th Street will be closed. Vehicles traveling on 65th Street will be able to reach the Lincoln Center garage by entering the Rose Building garage on the north side of the street and driving through a new tunnel under 65th street. According to the EAS, vehicular traffic on West 65th Street between Amsterdam Avenue and Broadway is likely to be reduced as a result of improved access at other entrances into the Lincoln Center garage as well.

With respect to pedestrian movement, the closing of the entrances to the Lincoln Center garage on the south side of West 65th Street will facilitate and encourage pedestrian activity on this side of the street. On the north side of 65th Street, vehicles traveling through the new tunnel leading to the Lincoln Center garage will use the existing curb cut and entrance to the Rose Building garage. The 19 reservoir parking spaces originally required for the Rose garage will continue to be provided in the modified facility. Therefore, the proposed modifications to the Rose Building garage should not produce any vehicular congestion at the entrance to that facility and should not interfere with pedestrian movement on the north side of West 65th Street.

(c) That such use is so located as to draw a minimum of vehicular traffic to

and through local streets in nearby residential areas.

The reconfiguration of access to the Lincoln Center garage resulting from the alterations to the Rose Building garage and construction of the tunnel beneath West 65th Street, along with new or improved entrances to the Lincoln Center garage along Amsterdam Avenue, will not have a detrimental impact on vehicular traffic conditions in the surrounding area, including local residential streets. According to the EAS, these changes will not cause Level of Service (LOS) decreases or congested conditions at any of the signalized intersections surrounding the Lincoln Center complex.

With regard to West 66th Street between Amsterdam Avenue and Broadway, where several apartment buildings are located along the north side of the street, the EAS (Tables F-11, F-12 and F-13) indicates that these changes, including the provision of access to the Lincoln Center Garage by way of the Rose Building garage, will produce only small incremental increases in the number of vehicles entering the Rose parking facility through its West 66th Street entrance. Therefore, the Commission believes that proposed changes will not draw excessive amounts of vehicular traffic through the residential streets adjacent to the Lincoln Center complex.

(d) That such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 automobiles.

The 19 reservoir parking spaces originally required for the Rose Building garage will continue to be provided in the modified facility. As discussed above, these reservoir spaces will be moved from their present locations in order to avoid any conflict between vehicles parking in the Rose Building garage and those entering this facility to gain access to the Lincoln Center garage.

(e) That the streets providing access to such use will be adequate to handle the traffic generated thereby.

Although, as part of the 65th Street Plan, the roadbed of West 65th Street between Amsterdam Avenue and Broadway will be narrowed from 50 feet to 38 feet, the Commission believes that this roadway will continue to be adequate to handle the traffic generated by the Rose Building garage. As discussed in the EAS, the narrowing of this segment of West 65th Street will not have a significant impact on vehicular travel on that street or in the surrounding area. While this portion of West 65th Street is currently 80 feet wide, most of the east-west streets in the area, including the adjacent segment of West 65th Street, between Broadway and Central Park West, are only 60 feet wide. The Commission believes that the narrowing of this segment of West 65th street will restore the street to a scale that is commensurate with surrounding east-west streets.

Furthermore, because the three travel lanes that now operate on this portion of West 65th street are quite wide (approximately 13 feet), a narrowing of the roadbed by 12 feet will not cause a reduction in the number of lanes.

(f) That, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas.

The Commission notes that roof parking is not proposed as part of this application.

(g) That, where any floor area is exempted from the definition of floor area, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The Commission notes that the Rose Building garage does not contain any floor area that is exempted from the definition of floor area.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendments to the City Map and any related acquisition or disposition of properties 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, 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 050098 MMM) for the amendment to the City Map involving: the elimination, discontinuance and closing of portions of West 65th Street between Amsterdam Avenue and Broadway; the elimination, discontinuance and closing of public place within North Plaza; the elimination of a Pedestrian Overpass; the extinguishment of an easement; the adjustment of grades necessitated thereby; and any acquisition or disposition of real property related thereto, in Community District 7, Borough of Manhattan, in accordance with Map No. 30215 dated December 10, 2004 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 30215 dated December 10, 2004 providing for the discontinuance and closing of portions of West 65th Street between Amsterdam Avenue and Broadway and public place within North Plaza, more particularly described as follows:

a) The discontinuance and closing of the northerly 5 inches of West 65th Street between Amsterdam Avenue and Broadway, Borough of Manhattan, in accordance with Borough

President Map No. 30215:

Starting at a **point of beginning** located on the easterly line of Amsterdam Avenue, said point lying 200.83 feet southerly of the southeast corner of the intersection of Amsterdam Avenue and West 66th Street, as those streets were heretofore laid out on the City Map, thence;

- 1) Running 689.83 feet in an easterly direction along the northerly line of 65th Street (to be discontinued and closed) to a point, thence;
- 2) Running 0.46 feet in a southerly direction along the westerly line of Broadway, said course forming an internal angle with the previous course of 120 degrees, 10 minutes and 42 seconds, thence;
- 3) Running 690.10 feet in a westerly direction, said course forming an internal angle with the previous course of 59 degrees, 49 minutes and 18 seconds, thence;
- 4) Running 0.40 feet in a northerly 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**.

b) The discontinuance and closing of the southerly 12 feet of West 65th Street between Amsterdam Avenue and Broadway, Borough of Manhattan, in accordance with Borough President Map No. 30215:

Starting at a **point of beginning** located on the easterly line of Amsterdam Avenue, said point lying 692.50 feet northerly of the northeast corner of the intersection of Amsterdam Avenue and West 62nd Street, as those streets were heretofore laid out on the City Map, thence;

- 1) Running 736.39 feet in an easterly direction along the southerly line of 65th Street (to be discontinued and closed) to a point, thence;
- 2) Running 13.88 feet in a northerly direction, said course forming a deflection angle to the left with the previous course of 120 degrees, 10 minutes and 42 seconds, thence;

- 3) Running 729.41 feet in a westerly direction, said course forming a deflection angle to the left with the previous course of 59 degrees, 49 minutes and 18 seconds, thence;
- 4) Running 12.00 feet in a southerly direction, said course forming a deflection angle to the left with the previous course of 90 degrees, 00 minutes and 00 seconds to the **point or place of beginning**.

c) The discontinuance and closing of a portion of public place on West 65th Street, within North Plaza, between Amsterdam Avenue and Broadway, Borough of Manhattan, in accordance with Borough President Map No. 30215:

Starting at a **point of beginning** located on the southerly line of West 65th Street (to be discontinued and closed), said point lying 308.85 feet easterly of the southeast corner of the intersection of Amsterdam Avenue and West 65th Street, 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 previous course 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 angle to the left with the previous course of 90 degrees, 00 minutes and 00 seconds, thence;
- 5) Running 148.00 feet 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, 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. 30215 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 an 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;
- c. Such Mapping Agreement shall contain provisions, in a form acceptable to the Chair of the City Planning Commission, providing as follows:
 - i. For the permanent restriction upon the use by Lincoln Center for the Performing Arts of any floor area generated as a result of elimination, discontinuance, closing and conveyance of portions of West 65th Street between Amsterdam Avenue and Broadway;
 - ii. For permanent public access to the roof lawn proposed under the West 65th Street Plan to be constructed over a restaurant on the northern end of North Plaza;
 - iii. For the establishment by Lincoln Center for the Performing Arts of an endowment or similar mechanism for funding of the annual costs of operation and

maintenance of the Blades and other improvements under the West 65th Street Plan;

- iv. For the establishment by Lincoln Center for the Performing Arts of a maintenance plan for the Blades and other defined improvements under the West 65th Street Plan, with clear and definable maintenance standards and enforcement mechanisms. Such maintenance plan shall be included in the Mapping Agreement upon a demonstration to the Chair of the City Planning Commission that sources of funding adequate to carry out the plan have been identified; and
- v. For Design Controls to effectuate the design intent of the West 65th Street Plan, including, but not limited to, provisions with respect to:
 - aa. Access/Permitted Obstructions
 - bb. Materials
 - cc. Bulk Controls for Adjacent Buildings
 - dd. Signage (including restrictions on :advertising or flashing signs)
 - ee. Lighting
 - ff. Seating
 - gg. Special Features (including the Grand Stair and Pedestrian Bridge)
- d. 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, duly adopted by the City Planning Commission on May 25, 2005 (Calendar No. 25), 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 M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ, CHRISTOPHER

KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners