Legislation Details (With Text)

File #:	Res 1466-2012	**Version:**	*	**Name:**	LU 632 - Zoning, New York University Core Project (C 120077 MMM)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Land Use
On agenda:	7/25/2012				
Enactment date:				**Enactment #:**	

Title: Resolution approving the decision of the City Planning Commission on ULURP No. C 120077 MMM, an amendment to the City Map (L.U. No. 632).

Sponsors:

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 7-25-12

Date	Ver.	Action By	Action	Result
7/17/2012	*	Committee on Land Use	Approved by Committee with Modifications and Referred to CPC	
7/25/2012	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1466

Resolution approving the decision of the City Planning Commission on ULURP No. C 120077 MMM, an amendment to the City Map (L.U. No. 632).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on June 7, 2012 its decision dated June 6, 2012 (the "Decision"), on the application submitted by New York University, 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 narrowing, by elimination, discontinuance and closing, of Mercer Street between West Houston Street and West 4th Street, and of LaGuardia Place between Bleecker Street and West 3rd Street;

  - the elimination, discontinuance and closing of portions of Mercer Street, West 3rd Street and West 4th Street below an upper limiting plane;

  - the establishment of parks west of Mercer Street and east of LaGuardia Place between Bleecker Street and West 3rd Street; and

- the adjustment of legal grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Maps No. 30231 through No. 30233, dated December 22, 2011, Maps No. 30234 and No. 30235, dated

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December 22, 2011, revised June 6, 2012, and Map No. 30238, dated December 22, 2011, corrected June 6, 2012 (correction to map number), and signed by the Borough President (ULURP No. C 120077 MMM), Community District 2, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 120122 ZMM (L.U. No. 633), a Zoning Map Amendment to change existing R7-2 District to a C1-7 District; N 120123 ZRM (L.U. No. 634), a Zoning Text Amendment relating to special permit regulations for large scale general developments relating to Section 74-742 (Ownership) and Section 74-743 (Special Provisions for bulk modifications); and C 120124 ZSM (L.U. No. 635), a Special Permit pursuant to Section 74-743 to allow the distribution of open space, to modify height and setback and rear yard requirements, and to modify minimum distances between buildings within a Large-Scale General Development;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on June 29, 2012;

WHEREAS, the City of New York and New York University (the "Applicant") have agreed to the material terms of the construction, access, and utility maintenance easement, the City of New York will grant to Applicant, and to which the proposed parkland areas bordering the eastern and western edges of the block bounded by Mercer Street on the east, LaGuardia Place on the west, West 3rd Street on the north and Bleecker Street on the south (the "North Block") will be subject, in order to facilitate the construction and use and enjoyment of the improvements on the North Block described in the Restrictive Declaration of Large Scale General Development dated July 24, 2012;

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on May 25, 2012, and the CEQR Technical Memoranda dated June 4, 2012 and July 20, 2012 (the "CEQR Technical Memoranda") (CEQR No. 11DCP121M);

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application;

RESOLVED:

Having considered the FEIS and the CEQR Technical Memoranda, with respect to the Decision and Application, the Council finds that:

(1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) Consistent with social, economic and other essential considerations from among the reasonable alternatives thereto, the Proposed Action, as modified in the Decision and as further modified by the City Council, such modifications having been analyzed in Chapter 26, "Potential Modifications under Consideration by the CPC," of the FEIS and in the CEQR Technical Memoranda, is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

(3) The adverse environmental impacts of the Modified Proposed Action will be minimized

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or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the Restrictive Declaration, dated July 24, 2012, those project components related to the environment and mitigation measures that were identified as practicable;

(4) The Decision together with the FEIS and the CEQR Technical Memoranda constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 199 of the New York City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 120077 MMM, incorporated by reference herein, the Council approves the Decision as modified, for the amendment to the City Map involving:

- the narrowing, by elimination, discontinuance and closing, of Mercer Street between West Houston Street and West 4th Street, and of LaGuardia Place between Bleecker Street and West 3rd Street;
- the elimination, discontinuance and closing of portions of Mercer Street, West 3rd Street and West 4th Street below an upper limiting plane;
- the establishment of parks west of Mercer Street and east of LaGuardia Place between Bleecker Street and West 3rd Street; and
- the adjustment of legal grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in accordance with Maps No. 30231 through No. 30233, dated December 22, 2011, Maps No. 30234 and No. 30235, dated December 22, 2011, revised June 6, 2012, and Map No. 30238, dated December 22, 2011, corrected June 6, 2012 (correction to map number), and signed by the Borough President, more particularly described as follows:

Mercer Street between West Houston Street and Bleecker Street

Beginning at a point on the northerly line of West Houston Street, said point being distant 605.95 feet from the corner formed by the intersection of the northerly line of West Houston Street and the easterly line of LaGuardia Place, as said streets are shown on Map No. 30238;

1. Running thence easterly 39.00 feet along the northerly line of West Houston Street, to a point;

2. Thence northerly 377.10 feet, forming an interior angle of 89 degrees 47 minutes 08 seconds with the last mentioned course, to a point;

3. Thence westerly 39.00 feet, forming an interior angle of 90 degrees 20 minutes 07 seconds with the last mentioned course, to a point;

4. Thence southerly 377.17 feet, forming an interior angle of 89 degrees 39 minutes 53 seconds with the last mentioned course, to the point or place of beginning.

The area described above contains 14,655 square feet (0.336 acres);

Mercer Street between West 3rd Street and West 4th Street

Beginning at a point on the northerly line of West 3rd Street, said point being distant 665.85 feet from the corner formed by the intersection of the northerly line of West 3rd Street and the easterly line of LaGuardia Place, as said streets are shown on Map No. 30231;

1. Running thence easterly 21.00 feet along the northerly line of West Third Street, to a point;

2. Thence northerly 209.20 feet, forming an interior angle of 89 degrees 53 minutes 37 seconds with the last mentioned course, to a point;

3. Thence westerly 21.00 feet, forming an interior angle of 90 degrees 07 minutes 19 seconds with the last mentioned course, to a point;

4. Thence southerly 209.20 feet, forming an interior angle of 89 degrees 52 minutes 41 seconds with the last mentioned course, to the point or place of beginning.

The area described above contains 4,393 square feet (0.101 acres);

Subsurface volume (below elevation 30.0) of Mercer Street, West 3rd Street and West 4th Street

Beginning at a point on the northerly line of West 3rd Street, said point being distant 656.44 feet from the corner formed by the intersection of the northerly line of West 3rd Street and the easterly line of LaGuardia Place, as said streets are shown on Map No. 30231;

1. Running thence easterly 30.41 feet along the northerly line of West Third Street, to a point;

2. Thence northerly 209.20 feet, forming an interior angle of 270 degrees 06 minutes 23 seconds with the last mentioned course, to a point;

3. Thence westerly 32.92 feet, forming an interior angle of 269 degrees 52 minutes 41 seconds with the last mentioned course, to a point;

4. Thence northerly 6.02 feet, forming an interior angle of 90 degrees 06 minutes 23 seconds with the last mentioned course, to the point;

5. Thence easterly 44.51 feet, forming an interior angle of 89 degrees 46 minutes 40 seconds with the last mentioned course, to a point;
6. Thence southerly 220.86 feet, forming an interior angle of 90 degrees 13 minutes 20 seconds with the last mentioned course, to a point;

7. Thence westerly 42.00 feet, forming an interior angle of 89 degrees 53 minutes 37 seconds with the last mentioned course, to a point;

8. Thence northerly 5.64 feet, forming an interior angle of 90 degrees 06 minutes 23 seconds with the last

mentioned course, to the point;

9. Thence easterly 44.51 feet, forming an interior angle of 89 degrees 46 minutes 40 seconds with the last mentioned course, to the point or place of beginning.

The area described above contains 2,928 square feet (0.067 acres);

LaGuardia Place between Bleecker Street and West 3rd Street

Beginning at a point on the northerly line of Bleecker Street, said point being distant 605.88 feet from the corner formed by the intersection of the northerly line of Bleecker Street and the westerly line of Mercer Street, as said streets are shown on Map No. 30232, and as the former area of said street is shown as parkland on Map No. 30238;

1. Running thence northerly 474.28 feet along the former easterly line of LaGuardia Place, to a point;

2. Thence westerly 50.00 feet, forming an interior angle of 90 degrees 05 minutes 51 seconds with the last mentioned course, to a point;

3. Thence southerly 474.08 feet, forming an interior angle of 89 degrees 54 minutes 09 seconds with the last mentioned course, to a point;

4. Thence easterly 50.00 feet along the northerly line of Bleecker Street, forming an interior angle of 90 degrees 19 minutes 35 seconds with the last mentioned course, to the point or place of beginning.

The area described above contains 23,709 square feet (0.544 acres);

Mercer Street between Bleecker Street and West 3rd Street

Beginning at a point on the northerly line of Bleecker Street, said point being distant 655.88 feet from the corner formed by the intersection of the northerly line of Bleecker Street and the easterly line of LaGuardia Place, as said streets are shown on Map No. 30233 and as the former area of said street is shown as parkland on Map No. 30238;

1. Running thence easterly 39.00 feet along the northerly line of Bleecker Street, to a point;

2. Thence northerly 476.70 feet, forming an interior angle of 89 degrees 39 minutes 53 seconds with the last mentioned course, to a point;

3. Thence westerly 39.00 feet, forming an interior angle of 90 degrees 06 minutes 23 seconds with the last mentioned course, to a point;

4. Thence southerly 476.70 feet, forming an interior angle of 89 degrees 53 minutes 37 seconds with the last mentioned course, to the point or place of beginning.

The area described above contains 18,594 square feet (0.427 acres);

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All such approvals being subject to the following conditions:

a. The subject amendments to the City Map to (i) eliminate, discontinue and close, and (ii) to establish parkland, shall take effect on the day following the day on which (a) certified counterparts of Maps No. 30231 through No. 30235 are filed and, (b) subsequent to the filing of Maps Nos. 30232 and 30233, certified counterparts of Map No. 30238 are filed, respectively, 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. Maps No. 30231 and No. 30238 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;

c. In the Mapping Agreement the following provisions shall be made:

1. There shall be no zoning development rights included with the dispositions of street- lands to the applicant;

2. The lands at and above grade in Mercer Street (discontinued and closed) between West 4th Street and West 3rd Street being disposed to the applicant shall be used as permanent landscaped open space for use by the public;

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.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on July 25, 2012, on file in this office.

….....
City Clerk, Clerk of The Council

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