



## **CITY PLANNING COMMISSION**

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November 30, 2011 / Calendar No. 2

C 100122 MMM

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**IN THE MATTER OF** an application submitted by the Department of Parks and Recreation and the Department of Transportation, 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 Broadway between West 94<sup>th</sup> Street and West 97<sup>th</sup> Street;
- the establishment of parks within Broadway between West 94<sup>th</sup> Street and West 97<sup>th</sup> Street;
- the establishment of block dimensions and street widths; and
- the adjustment of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 7, Borough of Manhattan, in accordance with Map No. 30240, dated October 29, 2010 and signed by the Borough President.

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The application (C 100122 MMM) for an amendment to the City Map was filed by the Department of Parks and Recreation and the Department of Transportation on October 19, 2009 to facilitate the reconstruction of the West 96<sup>th</sup> Street subway station.

### **RELATED ACTION**

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

**N 120037 ZRM**      Zoning text amendment to Section 12-10 (DEFINITIONS) to confirm that Broadway between West 94<sup>th</sup> and West 97<sup>th</sup> Streets in Manhattan Community District 7 is a wide street.

### **BACKGROUND**

The Department of Parks and Recreation (DPR) and the Department of Transportation (DOT) are requesting changes to the City Map involving the elimination, discontinuance, and closing of

portions of the center median of Broadway between West 94<sup>th</sup> Street and West 97<sup>th</sup> Street and the establishment of parkland on these eliminated portions of Broadway. The purpose of the application is to facilitate the reconstruction by the New York City Transit Authority (NYCT) of the West 96<sup>th</sup> Street Subway Station, which serves the numbers 1, 2 and 3 subway lines and is located in Manhattan's Upper West Side neighborhood in Community District 7.

The subject portion of Broadway is City-owned, 150 feet wide, and improved and open to two-way traffic. Existing landscaped medians divide the north and south bound travel lanes of Broadway from West 59<sup>th</sup> Street at Columbus Circle to West 122<sup>nd</sup> Street where the subway tracks emerge from underground and are then elevated above Broadway. These medians, known as the Broadway Malls, are under the care of DPR, although they are located within the bed of the mapped street and have not been previously mapped as parkland on the City Map.

As part of the renovations of the West 96<sup>th</sup> Street Subway Station, in Spring 2010 New York City Transit (NYCT) completed the construction of a new above-ground, one-story station house on a portion of the median just north of West 95<sup>th</sup> Street. The purpose of the above-ground station house is to help relieve the congestion that was encountered in the former all-underground station configuration. The station house also allows for improved, ADA-compliant elevators leading directly to the subway platforms.

To accommodate the new station house building, which is wider than the original median, the widths of the three subject medians or portions thereof have been increased from 22 feet to approximately 54 feet at their widest sections. The result is a loss of approximately 16 feet of street-width on each side of the widest median, where the median is improved with the new station house. In order to maintain the same number of traffic lanes despite the reduction in street width, the exterior sidewalks along Broadway have been narrowed from 24 feet to not less than 15 feet, and the travel lanes along the affected blocks have been realigned accordingly. The roadway reconfiguration required a minor reduction of some of the parking lanes on Broadway. The changes also included the creation of dedicated left-turn lanes in both directions at the West 96<sup>th</sup> Street intersection and one dedicated right-turn lane at the West 95<sup>th</sup> Street intersection for

north-bound traffic only.

The portion of median immediately north of the new station house has been improved as an open-air plaza and sitting area, and also serves as an ADA-compliant entryway to the station house. The other two expanded medians are almost entirely landscaped with limited bench seating at each end near the pedestrian cross-walks. DPR's existing small Community Center building, located in the median just north of West 96<sup>th</sup> Street, was not affected by the construction of the new station house and has remained in its current location.

In order to compensate for the loss of DPR's land, which was approved for alienation in 2006 for use as the site of the new station house, this application proposes to officially map as parkland the medians between West 94<sup>th</sup> and 97<sup>th</sup> Streets except for the portion of street on which the station house rests. This area will not be established as parkland; rather, it will remain as mapped street even though it will neither be improved as or open for such use. The land is used by NYCT pursuant to the City's master lease.

The affected portion of Broadway is mapped with a C4-6A zoning district (R10A residential equivalent) that extends from West 97<sup>th</sup> Street south to West 68<sup>th</sup> Street. C4-6A is a contextual district that allows a maximum of 10.0 FAR for residential uses (this may be increased up to 12.0 under the Inclusionary Housing Program), 10.0 for community facility uses, and 3.4 FAR for commercial uses, with a maximum total FAR of 10.0 for all uses. Land uses along this portion of Broadway consist primarily of low-, mid-, and high-rise buildings with residential uses above and retail uses on the ground and second floors. The Symphony Space performing arts center is located at the southwest corner of Broadway at West 95<sup>th</sup> Street.

At an inter-agency mapping conference held on December 1, 2009, no agency or utility expressed any objections to the proposed map amendment.

### **Zoning Text Amendment (N 120037 ZRM)**

As a consequence of the proposed City Map changes, the segment of Broadway between West

94<sup>th</sup> Street and West 97<sup>th</sup> Street, except for the portion of the West 95<sup>th</sup> Street median in which the station house is located, would change from a mapped width of 150 feet to a mapped width of less than 75 feet. The Zoning Resolution defines two types of streets: “narrow streets” and “wide streets.” A narrow street is defined as any street less than 75 feet in width, while a wide street is defined as any street 75 or more feet in width. Broadway between West 94<sup>th</sup> Street and West 97<sup>th</sup> Street currently has a mapped width of 150 feet and is therefore considered a wide street for zoning purposes. Once the medians are mapped as parkland, they will define new street lines, thereby dividing these portions of Broadway into two narrow streets, one northbound and one southbound, each less than 75 feet wide.

A number of zoning regulations differ depending on whether a zoning lot fronts upon a wide or narrow street. For example, maximum building height in the C4-6A district mapped along this portion of Broadway is 210 feet on wide streets and 185 feet on narrow streets. If the zoning status of Broadway were changed to a narrow street, the maximum height permitted for developments or enlargements on the blockfronts between West 94<sup>th</sup> and 97<sup>th</sup> Streets (excepting those across from the station house) would be subject to the lower height limits intended for blocks fronting on narrow streets.

Changing the zoning status of Broadway from a wide to a narrow street is not an intended consequence of the mapping action. Therefore, DPR is proposing a text amendment to maintain the current zoning regulations for portions of the blocks fronting on Broadway that would otherwise be affected as a result of DPR’s proposal to map public parks on portions of the Broadway Malls. The proposed text amendment would change the definition of a “wide street” in Section 12-10 (DEFINITIONS) to provide that in Community District 7 in Manhattan, the roadways of Broadway between West 94<sup>th</sup> and West 97<sup>th</sup> Streets which would be separated by mapped public park shall each be considered a wide street. The result of the proposed text amendment would be that the current zoning regulations applying to the blocks fronting on Broadway between West 94<sup>th</sup> and 97<sup>th</sup> Streets would not change.

## **ENVIRONMENTAL REVIEW**

This application (C 100122 MMM) 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 10DPR001M. The lead agency is the Department of Parks and Recreation. After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on May 24, 2011.

The related application for a zoning text amendment (N 120037 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 number is 11DPR015M. The lead agency is the Department of Parks and Recreation. After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on August 9, 2011.

## **UNIFORM LAND USE REVIEW PROCEDURE (ULURP)**

This application (C 100122 MMM) was certified as complete by the Department of City Planning on July 11, 2011, and was duly referred to Manhattan Community Board 7 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

On August 22, 2011, the related application for a zoning text amendment (N 120037 ZRM) was referred to Manhattan Community Board 7 and to the Manhattan Borough President for information and review in accordance with the procedure for referring non-ULURP matters.

### **Community Board Public Hearing**

Manhattan Community Board 7 held a public hearing on this application (C 100122 MMM) on September 6, 2011 and on that date, by a vote of 30 to two with six abstentions, adopted a

resolution recommending approval of the application.

On October 4, 2011, Community Board 7 held a public hearing on the related application (N 120037 ZRM) and on that date, by a vote of 35 to zero with one abstention, adopted a resolution recommending approval of the related application.

#### **Borough President Recommendation**

This application (C 100122 MMM), in conjunction with the related application (N 120037 ZRM), was considered by the Borough President of Manhattan, who issued a recommendation approving the applications on October 6, 2011.

#### **City Planning Commission Public Hearing**

On October 19, 2011 (Calendar No. 1), the Commission scheduled November 2, 2011 for a public hearing on this application (C 100122 MMM). The hearing was duly held on November 2, 2011 (Calendar No. 6), in conjunction with the hearing on the related application subject to a public hearing requirement under the City Charter (N 120037 ZRM).

There were two speakers in favor of the applications and none opposed. A representative of the applicants described the applications, and a representative of the Borough President spoke in support of the applications. There were no other speakers and the hearing was closed.

#### **CONSIDERATION**

The City Planning Commission believes that this amendment to the City Map is appropriate. The Commission notes that the proposed park mapping reaffirms the Department of Parks and Recreation's efforts over many decades of maintaining the Broadway Malls and recognizes the new plaza adjacent to the subway station house as a welcome addition of public space on the Upper West Side of Manhattan. The road realignment and improvements made by the Department of Transportation have helped to facilitate the much-needed renovations and reconfiguration of an important subway station.

The Commission acknowledges that changing the wide street status of this portion of Broadway is not the intent of the mapping application. Therefore, the Commission believes that the proposed zoning text amendment to clarify and confirm the wide street status of Broadway is appropriate.

## **RESOLUTION**

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition of real property 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 100122 MMM) for an amendment to the City Map involving:

- the elimination, discontinuance and closing of portions of Broadway between West 94<sup>th</sup> Street and West 97<sup>th</sup> Street;
- the establishment of parks within Broadway between West 94<sup>th</sup> Street and West 97<sup>th</sup> Street;
- the establishment of block dimensions and street widths; and
- the adjustment of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 7, Borough of Manhattan, in accordance with Map No. 30240, dated October 29, 2010 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. 30240, dated October 29, 2010, providing for the discontinuance and closing of portions of Broadway between West 94<sup>th</sup> Street and West 97<sup>th</sup> Street, more particularly described as follows:

**Parcel A: Between West 94<sup>th</sup> Street and West 95<sup>th</sup> Street**

Starting at the Point of Beginning in the right of way intersection of Broadway and West 95<sup>th</sup> Street, said point being located by traversing the following two courses from the southwesterly corner of the intersection of Broadway and West 95th Street, to wit: running 13.31 feet northeasterly, along the extended westerly line of Broadway, to a point; thence, southeasterly 59.38 feet, along a line parallel with the southerly line of West 95th Street, which forms an interior angle of 90 degrees 00 minutes and 00 seconds to the left with the last mentioned course, to the Point of Beginning, as said streets are shown on Map No. 30240, dated October 29, 2010;

1 – Thence, running southeasterly 31.05 feet, along a line, which line forms an angle of 179 degrees 51 minutes and 46 seconds to the right with the last mentioned course, to a point of curvature;

2 – Thence, running 13.06 feet, on a curve to the right, with a radius of 8.00 feet and a central angle of 93 degrees 31 minutes and 46 seconds, to a point of tangency;

3 – Thence, running southwesterly 201.98 feet, along a line tangent with the last mentioned course to the start of a non-tangent curve;

4 – Thence, running 6.55 feet southwesterly, on a curve to the left, with a radius of 127.80 feet and a central angle of 2 degrees 56 minutes and 07 seconds, whose tangent forms an interior angle of 179 degrees 58 minutes and 31 seconds with the last mentioned course, to the start of a non-tangent curve;



5 – Thence, running 34.10 feet, on a curve to the right, with a radius of 11.10 feet and a central angle of 176 degrees 01 minutes and 09 seconds, whose tangent forms an interior angle of 179 degrees 58 minutes and 31 seconds with the tangent of the last mentioned course, to a point of tangency;

6 – Thence, running northeasterly 209.04 feet, along a line tangent with the last mentioned course to a point of curvature;

7 – Thence, running 13.03 feet, on a curve to the right, with a radius of 8.00 feet and a central angle of 93 degrees 20 minutes and 13 seconds, to a point of curvature and to the point or place of beginning.

Said lands have an area of 7,751 square feet or 0.1779 acres.

#### **Parcel B: North of West 95<sup>th</sup> Street**

Starting at the Point of Beginning in the right of way of intersection of Broadway and West 95<sup>th</sup> Street, said point being located by traversing the following two courses from the northwesterly corner of the intersection of Broadway and West 95<sup>th</sup> Street, *to wit*: running 15.00 feet southwesterly, along the extended westerly line of Broadway, to a point; thence, southeasterly 59.88 feet, along a line parallel with the northerly line of West 95<sup>th</sup> Street, which forms an interior angle of 90 degrees 00 minutes and 00 seconds to the right with the last mentioned course, to the Point of Beginning, as said streets are shown on Map No. 30240, dated October 29, 2010;

1 – Thence, running 15.61 feet northwesterly, on a curve to the right, with a radius of 12.00 feet and a central angle of 74 degrees 30 minutes and 50 seconds, whose tangent is coincident with and in reverse direction of the last mentioned course, to a point;

2 – Thence, running 53.10 feet along a line, which forms an interior angle of 74 degrees 24 minutes and 00 seconds with the tangent of the last mentioned course, to a point;

3 – Thence, running 15.50 feet, on a curve to the right, with a radius of 12.00 feet and a central angle of 73 degrees 59 minutes and 23 seconds, whose tangent forms an interior angle of 74 degrees, 06 minutes and 13 seconds with the last mentioned course, to a point of tangency;

4 – Thence, running 30.00 feet along a line tangent to the last mentioned course, to a point of curvature and the point or place of beginning.

Said lands have an area of 411 square feet or 0.0094 acres.

**Parcel C: South of West 96<sup>th</sup> Street**

Starting at the Point of Beginning in the right of way intersection of Broadway and West 96<sup>th</sup> Street, said point being located by traversing the following two courses from the southwesterly corner of the intersection of Broadway and West 96<sup>th</sup> Street, *to wit*: running 20.32 feet northeasterly, along the extended westerly line of Broadway, to a point; thence, southeasterly 59.44 feet, along a line parallel with the southerly line of West 96<sup>th</sup> Street, which forms an interior angle of 90 degrees 00 minutes and 00 seconds to the left with the last mentioned course, to the Point of Beginning, as said streets are shown on Map No. 30240, dated October 29, 2010;

1 – Thence, running southeasterly 19.00 feet, along a line which forms an angle of 180 degrees, 6 minutes, and 51 seconds to the right with the last mentioned course, to a point of curvature;

2 – Thence, running 18.80 feet, on a curve to the right, with a radius of 12.00 feet and a central angle of 89 degrees 45 minutes and 47 seconds, to a point of tangency;

3 – Thence, running southwesterly 97.30 feet, along a line tangent to the last mentioned course, to a point;

4 – Thence, running northwesterly 43.00 feet, along a line which forms an interior angle of 89 degrees 45 minutes and 47 seconds with the last mentioned course, to a point;

5 – Thence, running northeasterly 97.20 feet, along a line which forms an interior angle of 90 degrees 14 minutes and 12 seconds with the last mentioned course, to a point of curvature;

6 – Thence, running 18.90 feet, on a curve to the right, with a radius of 12.00 feet and a central angle of 90 degrees 14 minutes and 12 seconds, to a point of curvature and to the point or place of beginning.

Said lands have an area of 4,636 square feet or 0.1064 acres.

**Parcel D: Between West 96<sup>th</sup> Street and West 97<sup>th</sup> Street**

Starting at the Point of Beginning the right of way intersection of Broadway and West 96<sup>th</sup> Street, said point being located by traversing the following two courses from the northeasterly corner of the intersection of Broadway and West 96<sup>th</sup> Street, *to wit*: running 20.00 feet southwesterly, along the extended easterly line of Broadway, to a point; thence, northwesterly 66.52 feet, along a line parallel with the northerly line of West 96<sup>th</sup> Street, which forms an interior angle of 90 degrees 00 minutes and 00 seconds to the left with the last mentioned course, to the Point of Beginning, as said streets are shown on Map No. 30240, dated October 29, 2010;

- 1 – Thence, running northwesterly 6.02 feet, along a line being the extension of the last mentioned course, to a point of curvature;
- 2 – Thence, running 10.49 feet, on a curve to the right, with a radius of 8.00 feet and a central angle of 75 degrees 08 minutes and 20 seconds, to a point of tangency;
- 3 – Thence, running northeasterly 7.71 feet, along a line tangent to the last mentioned course, to a point of curvature;
- 4 – Thence, running 55.44 feet, on a curve to the right, with a radius of 200.00 feet and a central angle of 15 degrees 52 minutes and 06 seconds, to a point of tangency;
- 5 – Thence, running northeasterly 153.76 feet, along a line tangent with the last mentioned course, to a point of curvature;
- 6 – Thence, running 34.64 feet, on a curve to the right, with a radius of 11.09 feet and a central angle of 178 degrees 58 minutes and 44 seconds, to a point of tangency;
- 7 – Thence, running southwesterly 30.01 feet, along a line tangent to the last mentioned course, to the start of a non-tangent curve;
- 8 – Thence, running 20.61 feet, on a curve to the left, with a radius of 506.00 feet and a central angle of 2 degrees 20 minutes and 03 seconds, whose tangent forms an interior angle of 181 degrees 13 minutes and 27 seconds with the last mentioned course, to a point of tangency;
- 9 – Thence, running southwesterly 117.02 feet, along a line tangent with the last mentioned course, to a point of curvature;

10 – Thence, running 48.01 feet, on a curve to the right, with a radius of 200.00 feet and a central angle of 13 degrees 45 minutes and 11 seconds, to a point of compound curvature;

11 – Thence, running 11.14 feet, on a curve to the right, with a radius of 8.00 feet and a central angle of 79 degrees 48 minutes and 19 seconds, to a point of tangency and to the point or place of beginning.

Said lands have an area of 6,199 square feet or 0.1423 acres.

All such approvals being subject to the following conditions:

1. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 30240 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter.
2. The subject amendment to the City Map shall not become effective and be filed with the appropriate agencies in accordance with condition “1” above unless and until the related application (N 120037 ZRM) for a zoning text amendment has been approved by the City Planning Commission and the City Council. In the event that the related application (N 120037 ZRM) is not so approved, then Map No. 30240, as approved, shall become null and void.
3. 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 100122 MMM), duly adopted by the City Planning Commission on November 30, 2011 (Calendar No. 2 ), 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**  
**RICHARD W. EADDY, Vice Chairman**  
**RAYANN BESSER, IRWIN G. CANTOR, *P.E.*,**  
**ALFRED C. CERULLO, *III*, BETTY Y. CHEN, MARIA M. DEL TORO,**  
**NATHAN LEVENTHAL, ANNA HAYES LEVIN,**  
**SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners**

**RESOLUTION**

**Date: September 6, 2011**

**Committees of Origin: Transportation and Parks & Preservation**

**Re: 96th Street IRT Subway Station.**

**Full Board Vote: 30 In favor 2 Against 6 Abstentions 0 Present**

The following facts and concerns were taken into account in arriving at our conclusion:

The reconstruction of the West 96<sup>th</sup> Street IRT station and the construction of the new headhouse between West 95<sup>th</sup> & 96<sup>th</sup> Streets necessitated the enlargement of the Broadway Mall in that block and this enlargement of the mall necessitated the narrowing of the sidewalks on both sides of Broadway between West 95<sup>th</sup> & 96<sup>th</sup> Streets.

The enlargement of parkland and concomitant narrowing of the street area required a mapping change, subject to ULURP.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan **approves** ULURP 100122 MMM application to the Department of City Planning by the Department of Parks & Recreation and the Department of Transportation for changes to the City map involving:

- the elimination, discontinuance and closing (narrowing) of portions of Broadway between West 94<sup>th</sup> Street and West 97<sup>th</sup> Street;
- the establishment of parkland within Broadway between West 94<sup>th</sup> Street and West 97<sup>th</sup> Street;
- the establishment of various block dimensions and street widths;
- the adjustment of grades necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, to facilitate the construction of a subway Station House and other improvements at the West 96<sup>th</sup> Street Subway Station.

*Joint Committees: 5-1-0-0. Board Members: 3-0-0-0.*

# Borough President Recommendation

**City Planning Commission**  
22 Reade Street, New York, NY 10007  
Fax # (212) 720-3356

## INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application #: C 100122 MMM

### Docket Description:

**C 100122 MMM - IN THE MATTER OF** an application by the Department of Parks and Recreation and the Department of Transportation, 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 Broadway between West 94<sup>th</sup> and 97<sup>th</sup> streets;
- The establishment of parks within Broadway between West 94<sup>th</sup> and 97<sup>th</sup> streets;
- The establishment of block dimensions and street widths; and
- The adjustment of grades necessitated thereby,

Including authorization for any acquisition or disposition or real property related thereto, in Community District 7, Borough of Manhattan, in accordance with Map No. 30240, dated October 29, 2010 and signed by the Borough President.

COMMUNITY BOARD NO: 7

BOROUGH: Manhattan

## RECOMMENDATION

- ☒ APPROVE
- ☐ APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- ☐ DISAPPROVE
- ☐ DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

  
BOROUGH PRESIDENT

10/6/11  
DATE



THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT**  
BOROUGH OF MANHATTAN

**SCOTT STRINGER**  
BOROUGH PRESIDENT

October 6, 2011

**Recommendation on**  
**ULURP Application No. C 100122 MMM – Broadway Mall Park/West 96 Street**  
**by New York City Department of Parks and Recreation and the Department of**  
**Transportation**

**PROPOSED ACTION**

The New York City Department of Parks and Recreation (“DPR”) and the Department of Transportation (“DOT”) propose a **change to the City Map** in order to establish parkland, on Broadway between West 94<sup>th</sup> and 97<sup>th</sup> streets, in Manhattan’s Community District 7. The map change includes: the elimination and discontinuation of portions of Broadway between West 94<sup>th</sup> and 97<sup>th</sup> streets to establish parkland in their place, the establishment of new block dimensions and street widths, and the adjustment of grades as necessary.

**PROJECT DESCRIPTION**

DPR and DOT seek approval for a City Map amendment to codify changes made to portions of Broadway between West 94<sup>th</sup> and 97<sup>th</sup> streets. The site subject to the application consists of three landscaped medians (“Broadway Center Malls”) that divide a 150-foot-wide portion of Broadway. Prior to alteration of the street system, on each side of the medians were three 10-foot-wide travel lanes, one 10-foot-wide parking lane and a 24-foot-wide sidewalk. The project site is located within a mixed-use district characterized by multi-story apartment buildings with retail and commercial uses on the ground floor.

The proposed action will codify New York City Map changes already made to the Broadway Center Malls in order to accommodate the 96<sup>th</sup> Street Subway Station House (“Station House”). The 96<sup>th</sup> Street Subway Station is a transportation hub that serves both the local 1 and express 2/3 subway lines. In 2007, the Metropolitan Transportation Agency (“MTA”) began construction on a modern Station House that opened in April 2010. The new Station House was built on portions of the Broadway Center Malls between West 95<sup>th</sup> and 96<sup>th</sup> streets. The Broadway Center Malls are in the jurisdiction of DPR and as such considered parkland.

In New York State, parkland may not be alienated by a municipality unless approval is received by the legislature. As such, the MTA, DOT and DPR proposed to widen portions of three planted medians between West 94<sup>th</sup> St and 97<sup>th</sup> Street to replace the portion of a median alienated for the new Station House and subway entrance. New York State approved the parkland

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alienation and replacement in 2006. The proposed mapping action reflects the State's decision and establishes approximately 18,977 SF of Broadway as parkland, which amounts to a net increase of 4,111 SF from the condition prior to the construction of the Station House.

In addition to physical alterations to the medians, the map amendment also reflects the current traffic plan which includes vehicle traffic turning lanes, bulb outs to assist pedestrian crossing and reducing sidewalk widths on both sides along Broadway to 15 feet each to maintain the number of vehicle travel lanes. Additional landscape treatments and improvements to the medians were also made including an open-air park plaza with a seating area in front of the main entrance to the Station House.

Since certification of the proposed map amendment, DPR has submitted a related zoning text amendment application (N 120037 ZRM) to continue to classify Broadway between West 94<sup>th</sup> and 97<sup>th</sup> streets as a wide street. Broadway is currently mapped at a width of 150 feet which classifies it as a "wide street" under the zoning resolution definitions. The map amendment has the unintended result of delineating this section of Broadway into two separate streets with widths less than 75 feet which then defines them as "narrow streets." Narrow and wide streets have different treatments in several sections of the zoning resolution including regulations related to height, setbacks and curb cuts. The proposed zoning text amendment is, therefore, necessary to prevent the mapping action from having the unintended consequence of changing how the zoning resolution treats Broadway between West 94<sup>th</sup> and 97<sup>th</sup> streets.

### **COMMUNITY BOARD'S RECOMMENDATION**

At a full board meeting on September 6, 2011, Manhattan Community Board 7 approved the application with a vote of 30 in favor, 2 against and 6 abstentions.

Manhattan Community Board 7's Land Use Committee approved the related zoning text amendment on September 21, 2011.

### **BOROUGH PRESIDENT'S COMMENTS**

The new 96<sup>th</sup> Street Station House was built to improve accessibility and pedestrian circulation in and around one of the major transit hub and shopping corridors in the Upper West Side. All approvals necessary for the Station House construction were received prior to its commencement in 2007, and the structure is now substantially complete. Although the map amendment is being taken up after the construction of the Station House, community outreach began in 2005 prior to New York State legislature approval for parkland alienation.

The intent of the proposed mapping amendment is to reflect the parkland alienation and replacement agreement approved by the State in the New York City Map. The proposed map, therefore, mirrors the current condition of the Broadway Center Malls and their adjoining streets and sidewalks between West 94<sup>th</sup> and 97<sup>th</sup> streets.

While the newly constructed medians are protected as parkland according to State Law related to the alienation, the map amendment will prevent any jurisdictional ambiguity. The Broadway Center Malls on most of Broadway are of a uniform shape and therefore authority between DOT and DPR is easier to determine. However, the Broadway Center Malls between West 94<sup>th</sup> and

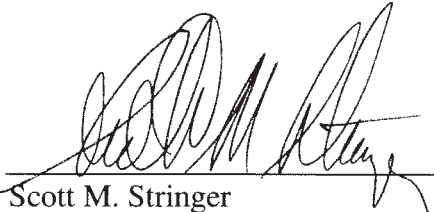
97<sup>th</sup> Streets have become non-standard shapes. As such, mapping actions such as this one are beneficial as they clearly delineate which parts of the area are DPR or DOT controlled. This clarity is beneficial to preventing delays in repairs, in park maintenance or in any future capital improvements. The proposed map amendment is, therefore, appropriate.

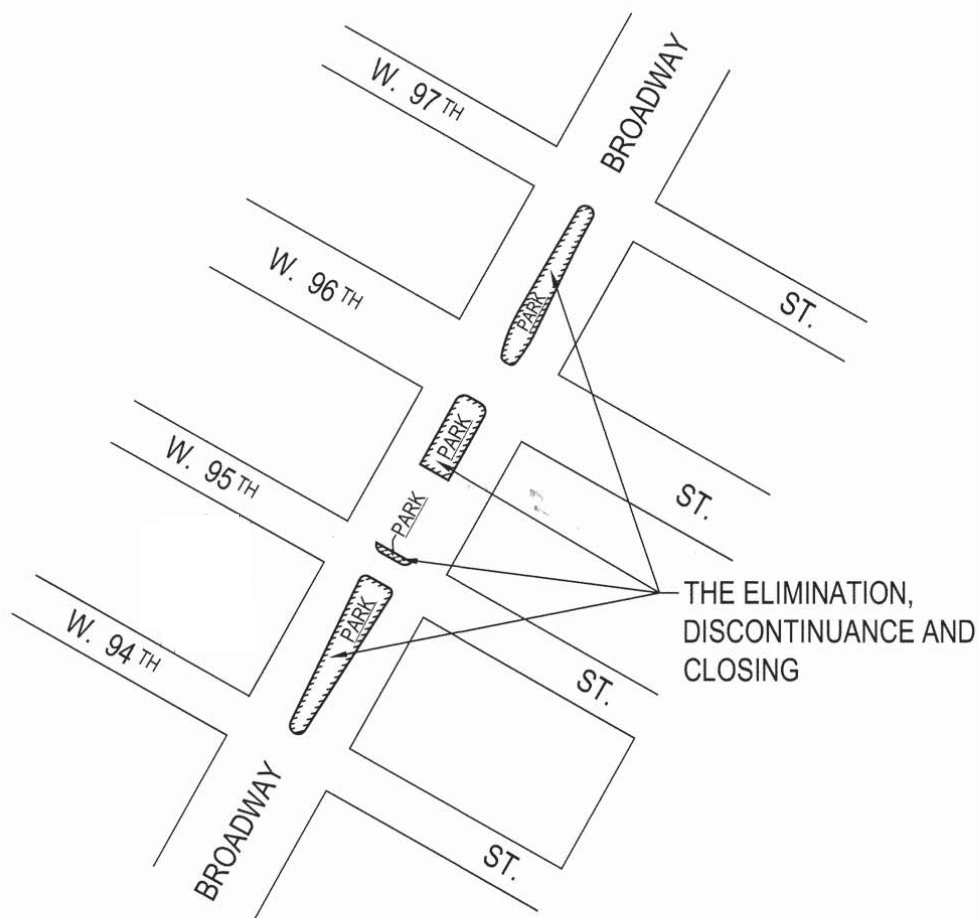
Further, the proposed text amendment to classify Broadway between West 94<sup>th</sup> and 97<sup>th</sup> streets as a wide street is appropriate. Mapping the median as parkland does not change the wide street character of Broadway and should not require developments that are more suitable for a narrow street.

#### **BOROUGH PRESIDENT'S RECOMMENDATION**

The application reflects changes at the project site and restores and increases the amount of parkland.

**Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 100122 MMM.**

  
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Scott M. Stringer  
Manhattan Borough President



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED  
**MAP CHANGE**  
ON SECTIONAL MAP

**5d**

BOROUGH OF  
**MANHATTAN**

New York, Certification Date  
JULY 11, 2011

*I. Sadko, P.E.*

I. Sadko, P.E.  
Chief Engineer



NOTE:

- Indicates line of street legally adopted.
- Indicates line of street proposed to be established.
- ▨ Indicates Park line hereby established.  
(Discontinuing and Closing is shown on Alt. Map No. 30240).