IN THE MATTER OF an 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 above lower-limiting planes; and
- the adjustment of legal grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 2, Borough of Manhattan, in accordance with Map Nos. 30230 through 30235, dated December 22, 2011 and signed by the Borough President.

The application (C 120077 MMM) for an amendment to the City Map was filed by New York University on September 26, 2011 to facilitate, together with related actions, the expansion of New York University's campus in the Washington Square area.

RELATED ACTIONS

In addition to the application for an amendment to the City Map, which is the subject of this report (C 120077 MMM), implementation of the proposed project also requires action by the City Planning Commission on the following applications which are considered concurrently with this application:

C 120124 ZSM 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.

[1]Dimensions corrected for geometric closure on pages 6-8.

N 120123 ZRM 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).

C 120122 ZSM Zoning Map Amendment to change existing R7-2 District to a C1-7 District and to establish within an existing R7-2 District a C1-5 District.

BACKGROUND

A full background discussion and description of this application appears in the report for a special permit application (C 120124 ZSM).

ENVIRONMENTAL REVIEW

The application (C 120077 MMM), in conjunction with the applications (N 120123 ZRM, C 120124 ZSM, C 120122 ZSM) for the related actions, 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 11DCP121M. The lead is the City Planning Commission.

A summary of the environmental review appears in the report on the related application for a special permit (C 120124 ZSM).

UNIFORM LAND USE REVIEW

This application (C 120077 MMM), in conjunction with the applications (C 120124 ZSM, C 120122 ZSM) for the related actions was certified as complete by the Department of City Planning on January 3, 2012, and was duly referred to Manhattan Community Board 2 and the Manhattan Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b), along with the related text amendment (N 120123 ZRM) which was referred pursuant to the procedure for non-ULURP applications.

Community Board Review

Community Board 2 held a public hearing on this application (C 120077 MMM) on February 23, 2012, and on that date, by a unanimous vote of 40 to 0, adopted a resolution recommending disapproval of the application.

A summary of the recommendations of Community Board 2 appears on the related application for a special permit (C 120124 ZSM).

Borough President Recommendation

This application (C 120077 MMM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan, who recommended approval of the application, with conditions, on April 11, 2012.

A summary of the recommendations of the Borough President appears on the related application for a special permit (C 120124 ZSM).

City Planning Commission Public Hearing

On April 11, 2012 (Calendar No. 2), the City Planning Commission scheduled April 25, 2012, for a public hearing on this application (C 120077 MMM). The hearing was duly held on April 25, 2012 (Calendar No. 14) in conjunction with the public hearing on the applications for related actions.

There were a number of appearances as described in the related application for a special permit (C 120124 ZSM) and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment to the City Map (C 120077 MMM), as modified, in conjunction with the related applications for a text amendment (N 120123 ZRM), special

permit (C 120124 ZSM) and zoning map amendment (C 120122 ZSM), as modified, is appropriate.

A full consideration and analysis of the issues and the reasons for approving this application appear in the related report for a special permit application (C 120124 ZSM).

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map, as modified, and any related acquisition or disposition, to be appropriate, adopts the following resolution:

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a notice of completion was issued on May 25, 2012 with respect to this application (CEQR No. 11DCP121M), and the CEQR Technical Memorandum dated June 4, 2012, (Technical Memorandum), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations, have been met and that, consistent with social, economic and other essential considerations:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action as modified with the modifications adopted herein and as analyzed in Chapter 26, "Potential Modifications under Consideration by the CPC," of the FEIS and in the Technical Memorandum (Modified Proposed Action) are ones that avoid or minimize adverse environmental impacts to the maximum extent practicable; and

2. The adverse environmental impacts of the Modified Proposed Action will be minimized or avoided to the maximum extent by incorporating as conditions to this approval, pursuant to the Restrictive Declaration, dated June 6, 2012, those project components related to the environment and mitigating measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS and Technical Memorandum, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.9(11)(d) of the SEQRA regulations; 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 120077 MMM), 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, 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 Maps No. 30231 through No. 30233, dated December 22, 2011, and Map No. 30238, dated December 22, 2011, corrected June 6, 2012, providing for the discontinuance and closing of LaGuardia Place between Bleecker Street and West 3rd Street, portions of Mercer Street between West Houston Street and West 4th street, and a subsurface volume of Mercer Street, West 3rd Street and West 4th Street, 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, 708 square feet (0.338 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);

<u>Subsurface volume (below elevation 30.0) of Mercer Street, West 3rd Street and West 4th Street</u>
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 07 minutes 19 seconds with the last mentioned course, to the point;
5. Thence easterly 44.51 feet, forming an interior angle of 89 degrees 52 minutes 41 seconds with the last mentioned course, to a point;
6. Thence southerly 220.86 feet, forming an interior angle of 90 degrees 07 minutes 19 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 or place of beginning.

The area described above contains 2,930 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;

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 605.88 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;

1. Running thence easterly 39.00 feet along the northerly line of Bleecker Street, to a point;
2. Thence northerly 476.86 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);

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 Maps No. 30231 through No. 30235 and Map No. 30238 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. 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.

The above resolution (C 120077 MMM), duly adopted by the City Planning Commission on June 6, 2012 (Calendar No. 8), is filed with the Office of the Speaker, City Council, and Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, ANNA HAYES LEVIN,
ORLANDO MARIN, SHIRLEY A. MCRAE, Commissioners

MICHELLE DE LA UZ, Commissioner, Voted No