



CITY PLANNING COMMISSION

August 22, 2012 / Calendar No. 17

C 120156 MMM
CORRECTED

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development, 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 establishment of Broome Street between Norfolk Street and Clinton Street;
- the establishment of Suffolk Street between Grand Street and Delancey Street;
- the narrowing, by elimination, discontinuance and closing, of Clinton Street between Grand Street and Delancey Street;
- the narrowing, by elimination, discontinuance and closing, of Delancey Street between Norfolk Street and Clinton Street;
- the establishment of the name Delancey Street for the Unnamed Street between Clinton Street and Franklin D. Roosevelt Drive;
- and the adjustment of grades necessitated thereby,

including authorization for any disposition or acquisition of real property related thereto, in Community District 2, Borough of Manhattan, in accordance with Map No. 30236, dated March 14, 2012 and signed by the Borough President.

This application for an amendment to the City Map was filed by the applicant on January 3, 2012. The proposed City Map amendment, along with its related actions, would facilitate the development of a proposed, mixed-use development of approximately 1.65 million square feet on nine City-owned sites, generally centered on the intersection of Delancey Street and Essex Street, in the Lower East Side neighborhood of Manhattan Community District 3. The program for the proposed development is expected to include a variety of mixed-income residential, commercial such as retail and office space, and community or cultural uses. The project would also allow for a number of neighborhood amenities, including parking, a 10,000-square-foot, publicly-accessible open space, and a new and expanded public Essex Street Market facility.

RELATED ACTIONS

In addition to the amendment to the City Map (C 120156 MMM) which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which is being considered concurrently with this application:

- C 120226 ZMM A proposed amendment to the Zoning Map, Section No. 12c, establishing a C2-5 District within an existing R8 District.
- N 120227 ZRM A proposed amendment to the Zoning Resolution, modifying Sections 74-743 (Special Provisions for Bulk Modifications) and 74-744 (Modification of Use Regulations) concerning special permit regulations for large-scale general developments, relating to the former Seward Park Extension Urban Renewal Area.
- C 120228 ZSM Special Permit, to modify the bulk regulations within a Large-Scale General Development.
- C 120229 ZSM Special Permit, to modify the use regulations within a Large-Scale General Development.
- N 120230 ZAM A request for the grant of an Authorization by the Commission, pursuant to Section 74-744, to modify signage regulations to allow signs accessory to non-residential uses above the level of the finished floor of the third story.
- C 120231 ZSM Special Permit, pursuant to Sections 13-562 and 74-52 of the Zoning Resolution, to allow a public parking garage on property bounded by Delancey Street, Norfolk Street, Broome Street and Essex Street (Site 2, Block 352, p/o Lot 1 and Lot 28), in a C6-1 District.
- C 120233 ZSM Special Permit, pursuant to Sections 13-562 and 74-52 of the Zoning Resolution, to allow a public parking garage on property bounded by Delancey Street, Suffolk Street, Broome Street and Norfolk Street (Site 3, Block 346, p/o Lot 40), in an R8/C2-5 District.
- C 120234 ZSM Special Permit, pursuant to Sections 13-562 and 74-52 of the Zoning Resolution, to allow a public parking on property bounded by Delancey Street, Clinton Street, Broome Street and Suffolk Street (Site 4, Block 346, p/o Lot 40), in an R8/C2-5 District.
- C 120235 ZSM Special Permit, pursuant to Sections 13-562 and 74-52 of the Zoning Resolution, to allow a public parking garage on property bounded by

Broome Street, Clinton Street Grand Street and Suffolk Street (Site 5, Block 346, p/o Lot 40), in an R8/C2-5 District.

N 120236 HAM Urban Development Action Area Project (UDAAP) designation and project approval, for properties located on Essex, Delancey, Norfolk, Grand, Stanton and Broome streets (Block 346, part of Lot 40; Block 347, Lot 71; Block 352, Lots 1, 28; Block 353¹, Lot 44; Block 354, Lots 1, 12; and Block 409, Lot 56), as an Urban Development Action Area, to facilitate the development of residential, community facility and commercial uses, including the redevelopment of the Essex Street Market.

C 120237 PQM Acquisition of property bounded by Essex, Delancey, Norfolk, and Broome Streets (Block 352², p/o Lots 1 and 28), by the New York City Department of Citywide Administrative Services.

C 120245 PPM Disposition of city-owned property (Block 346, p/o of Lot 40; Block 347, Lot 71; Block 352, Lots 1 and 28; Block 353, Lot 44; Block 354, Lots 1 and 12; and Block 409, Lot 56), by the New York City Department of Housing Preservation and Development to a future developer, or by the New York City Department of Citywide Administrative Services to the New York City Economic Development Corporation (NYCEDC) or a successor local development corporation.

BACKGROUND

A full background discussion and description of this application appears in the related report for a special permit application (C 120228 ZSM).

ENVIRONMENTAL REVIEW

This application (C 120156 MMM), in conjunction with the application 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

¹ Correction 8/30/12: Due to administrative error, the block number had been previously identified as Block 352; it is Block 353.

² Correction 8/30/12: Due to administrative error, the block number had been previously identified as Block 353; it is Block 352.

of 1991 and Executive Order No. 91 of 1977. The lead agency is the Office of the Deputy Mayor for Economic Development (ODMED). The designated CEQR number is 11DME012M.

A summary of the environmental review and the Final Environmental Impact Statement appears in the related report for a special permit application (C 120228 ZSM).

UNIFORM LAND USE REVIEW

This application (C 120156 MMM), in conjunction with the application for the related actions (C 120226 ZMM, N 120227 ZRM, C 120228 ZSM, C 120229 ZSM, N 120230 ZAM, C 120231 ZSM, C 120233 ZSM, C 120234 ZSM, C 120235 ZSM, N 120236 HAM, C 120237 PQM, C 120245 PPM), was certified as complete by the Department of City Planning on March 26, 2012, and was duly referred to Community Board 3 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related non-ULURP applications, which were referred for review and comment.

Community Board Public Hearing

Community Board 3 held a public hearing on this and related actions on May 22, 2012, and on that date, by a vote of 44 in favor, 0 opposed and 1 present not voting, adopted a resolution recommending conditional approval of the application.

A summary of the recommendations of Community Board 3 appears in the related report for a special permit application (C 120228 ZSM).

Borough President Recommendation

This application (C 120156 MMM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan, who issued a recommendation on July 5, 2012, for conditional approval of the application.

A summary of the recommendations of the Borough President appears in the related report for a special permit application (C 120228 ZSM).

City Planning Commission Public Hearing

On June 20, 2012 (Calendar No. 17), the City Planning Commission scheduled July 11, 2012, for a public hearing on this application (C 120256 MMM). The hearing was duly held on July 11, 2012 (Calendar No. 27), in conjunction with the public hearing on the related actions.

There were a number of appearances, as described in the related report for a special permit application (C 120228 ZSM), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a City Map amendment (C 120156 MMM), in conjunction with the related applications (C120226 ZMM, N 120227 ZRM, C 120228 ZSM, C 120229 ZSM, N 120230 ZAM, C 120231 ZSM, C 120233 ZSM, C 120234 ZSM, C 120235 ZSM, C 120237 PQM, N 120236 HAM, C 120245 PPM) 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 120228 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 Generic Environmental Impact Statement (FGEIS), for which a Notice of Completion was issued on August 10, 2012, with respect to this application (CEQR No. 11DME012M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FGEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with environmental commitment letters, dated August 15, 2012, from HPD and August 15, 2012, from NYCEDC, those project components related to the environment and mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the FGEIS, constitutes the written

statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, 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 120126 MMM), for an amendment to the City Map involving:

- the establishment of Broome Street between Norfolk Street and Clinton Street;
- the establishment of Suffolk Street between Grand Street and Delancey Street;
- the narrowing, by elimination, discontinuance and closing, of Clinton Street between Grand Street and Delancey Street;
- the narrowing, by elimination, discontinuance and closing, of Delancey Street between Norfolk Street and Clinton Street;
- the establishment of the name Delancey Street for the Unnamed Street between Clinton Street and Franklin D. Roosevelt Drive;
- and the adjustment of grades necessitated thereby,

including authorization for any disposition or acquisition of real property related thereto, in accordance with Map No. 30236, dated March 14, 2012 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. 30236, dated March 14, 2012, providing for the discontinuance and closing of Clinton Street between Grand Street and Delancey Street, and Delancey Street between Norfolk Street and Clinton Street, more particularly described as follows:

Clinton Street Discontinuance and Closing Description

Starting at a **Point of Beginning** located at the corner formed by the intersection of the westerly line of Clinton Street and the northerly line of Grand Street, as said streets are shown on Alteration Map No. 30236, dated March 14, 2012;

Thence running westerly along the northerly line of Grand Street, a distance 30.00 feet to a point;

Thence running northerly along the former westerly line of Clinton Street, forming an interior angle of 90 degrees 14 minutes 44 seconds with the last mentioned course, a distance 301.82 feet to a point;

Thence running easterly along the southerly line of Broome Street, forming an interior angle of 89 degrees 50 minutes 11 seconds with the last mentioned course, a distance 30.00 feet to a point;

Thence running southerly along the westerly line of Clinton Street, forming an interior angle of 90 degrees 9 minutes 49 seconds with the last mentioned course, a distance 301.87 feet to the place or **Point of Beginning**.

Said area consists of 9,055 square feet (0.21 acres), more or less.

Clinton and Delancey Street Discontinuance and Closing Description

Starting at a **Point of Beginning** located at the corner formed by the intersection of the westerly line of Clinton Street and the northerly line of Broome Street, as said streets are shown on Alteration Map No. 30236, dated March 14, 2012;

Thence running westerly along the northerly line of Broome Street, a distance 30.00 feet to a point;

Thence running northerly along the former westerly line of Clinton Street, forming an interior angle of 90 degrees 6 minutes 5 seconds with the last mentioned course, a distance 182.00 feet to a point;

Thence running westerly along the former southerly line of Delancey Street, forming an interior angle of 265 degrees 21 minutes 4 seconds with the last mentioned course, a distance 171.58 feet to a point;

Thence running northerly along the easterly line of Suffolk Street, forming an interior angle of 94 degrees 43 minutes 13 seconds with the last mentioned course, a distance 6.98 feet to a point;

Thence running easterly along the southerly line of Delancey Street, forming an interior angle of 89 degrees 39 minutes 28 seconds with the last mentioned course, a distance 200.96 feet to a point;

Thence running southerly along the westerly line of Clinton Street, forming an interior angle of 90 degrees 19 minutes 12 seconds with the last mentioned course, a distance 201.91 feet to the place or **Point of Beginning**.

Said area consists of 8,378 square feet (0.19 acres), more or less.

Clinton Street and Delancey Street Corner Discontinuance and Closing Description

Starting at the **Point of Beginning** located at the corner formed by the intersection of the easterly line of Clinton Street and the southerly line of Delancey Street, as said streets are shown on Alteration Map No. 30236, dated March 14, 2012;

Thence running easterly along the southerly line of Delancey Street, a distance 20.08 feet to a point of curvature;

Thence running southerly along the former easterly line of Clinton Street, along an arc curving to the west, having a radius of 20.00 feet and forming an included angle of 90 degrees 13 minutes and 56 seconds, a distance 31.50 feet to a point of tangency;

Thence running northerly along the easterly line of Clinton Street, a distance 20.08 feet to the place or **Point of Beginning**.

Said area consists of 86 square feet (0.002 acres), more or less.

Delancey Street Discontinuance and Closing Description

Starting at a **Point of Beginning** located at the corner formed by the intersection of the westerly line of Suffolk Street and the southerly line of Delancey Street, as said streets are shown on Alteration Map No. 30236, dated March 14, 2012;

Thence running southerly along the westerly line of Suffolk Street, a distance 3.14 feet to a point;

Thence running easterly along the former southerly line of Delancey Street, forming an interior angle of 85 degrees 13 minutes 14 seconds with the last mentioned course, a distance 41.05 feet to a point;

Thence running easterly along the southerly line of Delancey Street, forming an interior angle of 4 degrees 23 minutes 11 seconds with the last mentioned course, a distance 40.91 feet to the place or **Point of Beginning**.

Said area consists of 64 square feet (0.001 acres), more or less.

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. 30236, dated March 14, 2012, are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City

Charter and Section 5-435 of the New York City Administrative Code;

- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission;
- c. 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 120156 MMM), duly adopted by the City Planning Commission on August 22, 2012 (Calendar No. 17), is filed with the Office of the Speaker, City Council, and the 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
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
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