

CITY PLANNING COMMISSION

April 21, 2008 / Calendar No. 1

C 070212 PCM

IN THE MATTER OF an application submitted by the Department of Environmental Protection and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter for site selection and acquisition of property located at 257 South Street (Block 246, p/o Lot 1), Borough of Manhattan, Community District 3, for use as a maintenance and construction staging area for City Water Tunnel No. 1.

This application (C 070212 PCM) was filed on November 17, 2006, by the Department of Environmental Protection (DEP) and the Department of Citywide Administrative Services (DCAS) for acquisition of privately owned property located at 257 South Street, Community District 3, Borough of Manhattan, for use as a maintenance and construction staging area during tunnel operations at Shaft 21 of City Water Tunnel No. 1.

BACKGROUND

The Department of Environmental Protection (DEP) proposes to use privately owned property located at 257 South Street (Block 246, part of Lot 1) as a maintenance and construction staging area during tunnel operations at Shaft 21 of City Water Tunnel No. 1. Both the proposed acquisition area and the site of Shaft 21 on the adjacent Lot 13 are on a block bounded by Cherry, South, Rutgers and Clinton streets, in the Lower East Side near the East River, in Manhattan Community District 3.

The 19,792-square-foot portion of the lot proposed for acquisition is located in a C6-4 zoning district in the Lower East Side section of Manhattan, Community District 3, and is the site of a former playground for an adjacent residential development, which has been closed since 1997.

The proposed acquisition area is irregularly shaped and has street frontages on South and Cherry streets, located just west of the FDR Drive viaduct. The former playground area was closed by the site's owner due to disrepair and is closed off with chain-link fencing.

The City of New York currently receives water through two primary routes: City Water Tunnel (CWT) No. 1, completed in 1917 and which supplies parts of the Bronx, downtown Brooklyn, and Manhattan; and City Water Tunnel No. 2, which began operating in 1936, supplying the rest of the Bronx and Brooklyn, Queens, and Staten Island. To avert problems caused by the potential failure of one or both existing water tunnels (neither of which has ever been closed for repairs), and to ensure that the City's future water needs are met, the Board of Water Supply in 1966 proposed a new water-supply system consisting of four stages, collectively referred to as City Water Tunnel No. 3. Each stage consists of the planning, approval process and construction of a designated number of shaft sites.

Stage 1 is completed, Stage 2 is under construction, and Stages 3 and 4 are being planned. After the completion of CWT No. 3, in approximately ten years, DEP will take CWT No. 1 off-line for inspection and rehabilitation. DEP would then do the same with CWT No. 2 and then alternate inspections and repairs among the three tunnels at ten-year intervals.

The proposed acquisition site is critical to the future maintenance operations on CWT No. 1, since it is located directly adjacent to Lot 13 (Shaft No. 21 reaches CWT No. 1's deepest point).

The acquisition site would be enclosed by fencing and would serve primarily as a maintenance and construction staging area for personnel and equipment; no tunnel-related construction or excavation is planned. Additionally, such maintenance would not occur until CWT No. 3 is fully

operational, in approximately ten years. The actual operations would include the removal/drainage of water from the tunnel (to the East River via existing underground distribution systems) and would facilitate the eventual inspection, maintenance and reconstruction as needed, of CWT No.1.

The proposed acquisition site is an approximately 20,000-square-foot portion of Lot 1, which is an approximately 71,000-square-foot lot generally located at the corner of South Street and Clinton Street. Lot 1 is currently improved with a 19-story residential building, a surface parking lot for approximately 35 cars, trees and landscaping and the inactive playground area. Lot 1 is coterminous with zoning Lot 13, an approximately 2,000-square-foot corner lot located at the intersection of Cherry and Clinton streets. Lot 13 is occupied by a one-story building, housing mechanical equipment and the entry point for Shaft 21 of CWT No. 1. The acquisition area would generally be limited to the inactive playground area immediately adjacent and surrounding Lot 13.

In the interim period before CWT No. 3 becomes fully operational and work on CWT No.1 begins (in approximately ten years), DEP proposes to restore the playground area with new equipment and landscaping for use by the community. During work on CWT No. 1, the playground equipment and landscaping would be removed. Upon completion of shaft-related work the playground space and equipment would be restored, but DEP would retain control of the site.

The remainder of the subject block includes a mix of low- and high-rise residential buildings making up the Lands End Housing complex as well as additional surface parking and open

space uses. On the blocks to the north of the subject block are two public housing development sites occupying three large blocks, the La Guardia Houses and Vladeck Houses. On the block directly across Clinton Street to the east are a high-rise residential building, P.S. 137 and two student playgrounds. Further east along the FDR Drive and past Pier 36 is the East River Park, which extends north to East 15th Street. South Street and the elevated portion of the FDR Drive are immediately to the south (waterside) of the site.

ENVIRONMENTAL REVIEW

This application (C 070212 PCM) 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 05DEP044M. The lead agency is the Department of Environmental Protection.

After a study of the potential environmental impacts of the proposed action, a negative declaration was issued on August 15, 2006.

UNIFORM LAND USE REVIEW

This application (C 070212 PCM) was certified as complete by the Department of City Planning on November 13, 2007, and was duly referred to Community Board 3 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 3 held a public hearing on this application on December 11, 2007, and on December 18, 2007, by a vote of 32 to 3 with one abstention, adopted a resolution recommending approval of this application subject to the following conditions:

- the proposed open space and play area is maintained as such for all periods over the course of the project that construction is not taking place, and
- DEP commit to funding the playground in perpetuity.

Borough President Recommendation

The application was considered by the Borough President, who issued a recommendation on February 19, 2008, approving the application

City Planning Commission Hearing

On February 13, 2008 (Calendar No. 14), the Commission scheduled February 27, 2008 for a public hearing on this application (C 070212 PCM). The hearing was duly held on February 27, 2008 (Calendar No. 33). There were three speakers in favor of the application.

Two Project Managers for DEP spoke in favor of the application while also addressing the concerns raised at the Community Board public hearing. They stated that DEP would continue to explore options for creating a maintenance plan for the proposed playground area.

The Deputy Director of Land Use for the Manhattan Borough President re-iterated his office's recommendation for approval of the project and restated the request by the Community Board that a maintenance plan be instituted for the proposed playground area.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the application for acquisition of privately owned property located at 257 South Street (Block 246, part of Lot 1), for use as a maintenance and construction staging area during tunnel operations at Shaft 21 of City Water Tunnel No. 1 is appropriate.

The completion and eventual operation of CWT No. 3 will meet the 1966 goals of the Board of Water Supply and help ensure that the city's future water demands are met. It is one of the City's largest and most critically important infrastructure projects. In bringing a level of redundancy to the existing water supply system, the new tunnel will allow DEP to perform inspection, maintenance and repairs as required on CWT No. 1 and CWT No. 2, which have operated without interruption since 1917 and 1936, respectively.

The proposed site is adjacent to the access point to Shaft 21 of CWT No. 1; because Shaft 21 marks the tunnel's lowest point, future operations involving the removal of water from Tunnel No. 1 are centered there. The proposed acquisition area would be used as a staging and access area only, and only during the periods of scheduled work on the tunnel.

The proposed acquisition area is a part of a larger zoning lot which is partially occupied by a residential building, a surface parking lot adjacent to the residential building and a closed playground area. The proposed acquisition area is limited to the area generally occupied by the closed playground area, which has not been open for use since 1997. As part of the DEP's use of the site, DEP proposes to install new safety surfaces, playground equipment and landscaping in order to create a usable public open space, which would be available before and after the conclusion of tunnel operations, anticipated to begin in approximately 2017.

In response to concerns about the maintenance of the proposed playground, the Commissioner of DEP, in a letter dated April 7, 2008, stated that "DEP will be responsible for maintaining the site until responsibility is transferred to another agency or appropriate entity."

The Commission notes that this community has a critical need for usable, well maintained, high quality open space and, therefore, strongly urges that DEP, or any subsequent city agency or other entity responsible for the playground, assures maximum public access and maintains it at a high standard.

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 Section 197-c of New York City Charter, that based on the environmental determination and consideration described in this report, the application (C 070212 PCM) of the Department of Environmental Protection and

the Department of Citywide Administrative Services for site selection and acquisition of property located at 257 South Street (Block 246, part of Lot 1), for use as a maintenance and construction staging area for City Water Tunnel 1, Community District 3, Borough of Manhattan, is approved.

The above resolution, duly adopted by the City Planning Commission on April 21, 2008 (Calendar No. 1), is filed with the office of the Speaker, City Council, and the Borough President of Manhattan 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 Chairman
IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. McRAE,
JOHN MEROLO, Commissioners