



# COMMUNITY DEVELOPMENT PROJECT

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October 17, 2018

**COMMENTS TO THE CITY PLANNING COMMISSION  
ON PROPOSAL TO ADD FOUR MEGATOWERS TO THE SITE PLAN OF THE TWO BRIDGES  
LARGE SCALE RESIDENTIAL DEVELOPMENT (LSRD) AS MODIFICATION OF PRIOR  
APPROVED LSRD SITE PLANS  
M180506(B) ZSM, M180507(C) ZSM, M180505(A) ZSM  
AND ON PROPOSED CERTIFICATION TO MODIFY GROUND-FLOOR COMMERCIAL USE  
REQUIREMENT, N180498 ZCM**

My name is Paula Z. Segal. I am a senior staff attorney at the Community Development Project (CDP), a non-profit legal services organization that works with grassroots and community-based groups in New York City to dismantle racial, economic and social oppression. My practice, Equitable Neighborhoods, works with directly impacted communities to respond to City planning processes and private developers, helping to make sure that people of color, immigrants, and other low-income residents who have built our city are not pushed out in the name of “progress.”

I am submitting these comments today in my capacity as counsel to Good Old Lower East Side - GOLES, CAAAV: Organizing Asian Communities, Tenants United Fighting for the Lower East Side (TUFF-LES) and the Lands End One Tenants Association (LEOTA).

We urge you to use the power at your disposal to turn down the out of scale proposals in order to simultaneously protect the existing low income neighborhood and to shield the City from litigation that will surely result if the Commission approves these towers via a process that has never been properly promulgated.

I will use my time here today to comment on the obfuscated and illegal process through which these applications reach you today. You will hear from my clients and their members about the devastation to the community that the proposed megatowers would bring if approved.

The Two Bridges LSRD site plan has been under the control of this Commission since the creation of the LSRD in 1972, when construction plans for buildings in the LSRD that would otherwise not be permitted by the Zoning Resolution were approved by the Commission in the newly cleared Two Bridges Urban Renewal Area, conditioned on the plans for the entire area submitted by the public agencies leading the development of the area.<sup>1</sup> It is significant that the LSRD was created after the 1961 Zoning Resolution of the City of New York (herein “ZR”) initially assigned C6-4 zoning to the lots in the LSRD. The LSRD is more restrictive than the underlying zoning. The zoning resolution is clear that where there are two sets of regulations applicable to a particular lot, the more restrictive terms control.<sup>2</sup>

The LSRD is more restrictive and more recent than the underlying zoning, thus all development must comply with it. The ZR permits development in the LSRD area only as described in the original LSRD application and subsequent amendments.<sup>3</sup> Each amendment that has been made has included a site plan as part of the condition on which approval rest. The enormous buildings the applicants seek to build now were not part of the original LSRD plan as adopted in 1972, nor part of the amendments made for construction in later Authorized and Permitted Phases. We have gathered the plans that were part of conditions to the prior approvals and would be happy to share them with the Commission after the hearing if you cannot get access to them directly from the Department using the citations we have provided.

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<sup>1</sup> CP21885 (May 15, 1972 CPC approval includes this condition: “The premises shall be developed in size and arrangement as stated in the application and as indicated on the plans filed with this application”).

<sup>2</sup> Zoning Resolution of the City of New York §§ 11-22 (“Whenever any provision of this Resolution and any other provisions of law, whether set forth in this Resolution or in any other law, ordinance or resolution of any kind, impose overlapping or contradictory regulations over the use of land... **that provision which is more restrictive or imposes higher standards or requirements shall govern.**”)

<sup>3</sup> CPC21885 (June 15, 1973; CPC approval is subject to the same conditions enumerated in the May 15, 1972 approval); C760143ZLM (February 9, 1977 CPC approval includes this condition: “The premises shall be developed in size and arrangement substantially as proposed and as indicated on plans filed with the application”); N830316ZAM (December 8, 1982 CPC approval includes this condition: “The premises shall be developed in size and arrangement substantially as proposed and as indicated on the plans filed with the application”); N850737ZAM (August 28, 1985 CPC approval includes this condition: “The premises shall be developed in size and arrangement substantially as proposed and as indicated on the plans filed with the application”); N860727ZAM (March 17, 1986 CPC approval includes this condition: “The premises shall be developed in size and arrangement substantially as proposed and as indicated on the plans filed with the application”); C950078ZSM (January 18, 1995 CPC approval includes this condition: “The property that is the subject of this application (C950078ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by The Edelman Partnership/Architect, filed with this application and incorporated in this resolution: Drawing No. A-4, Zoning Data 9/20/94 and Drawing No. A-6, Site Plan, Site Sections 8/31/94”).

All amendments to the LSRD must be Authorized by this Commission or granted a Special Permit by it after specific findings are made.<sup>4</sup> Private applicants are before you now asking for approval to drastically alter the previous site plans without seeking either a Special Permit or an Authorization. Although they have been engaging our clients, their elected advocates and their neighbors in a series of meetings over the last two years, the required findings were only published two days ago as part of the briefing materials for this hearing. These all contain rote recitals that “no new modifications are required” and “the previously granted [waivers or modifications] would not change,” as the conclusion to each required finding for all three applications before you. The identical recital reveals that no true analysis has been done; more starkly, the statement that that previously granted approval would not change is a direct contradiction to the prior Commission approvals, each of which was conditioned on a site plan<sup>5</sup> which will change considerably should these megatowers be built.

The Department of City Planning has made an error here that does not bind the Commission when it arbitrarily and unlawfully classified these requested approvals to add four new towers as “minor modifications.”

<sup>6</sup> In fact the ZR does not allow for *any* modification of previously granted Authorizations and Special Permits in the Two Bridges LSRD.<sup>7</sup>

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<sup>4</sup> See ZR §§ 78-311, 78-312, 78-313. Special Permit applications must go through the Uniform Land Use Review Procedure (ULURP); City Council may “take up” Special Permit applications for an up or down vote. ULURP Rules, New York City Charter §§ 197-d(b)(2) - (3) & 197-c(a)(4). In the August 2016 letter, Department of City Planning’s former Director referred to Section 2-06(g)(5)(ii) of the ULURP Rules in his letter outlining the Enhanced EIS process for approving a “minor modification” to an existing LSRD. The Rule the Director attempted to rely on does not belong in the approval process for changes to an LSRD. The Rule he cited has only been adopted for application in a specific context: when a Land Use application is altered in the midst of ULURP review after the CPC has voted on a prior version; the rule provides the standard for determining whether a new CPC vote is needed during the period for City Council review. The text of the Rule itself is clear: “The Commission shall receive from the City Council *during its fifty (50) day period for review* copies of the text of any proposed modification to the Commission's prior approval of an action. Upon receipt the Commission shall have fifteen (15) days to review and to determine... whether the modification requires the initiation of a new application.” See *Windsor Owners Corp. v. City Council of City of New York*, 23 Misc.3d 490 (Sup. Ct., N.Y. Cty. 2009). Any other use of this rule is *ultra vires*: it is outside the scope of authority delegated to your Department pursuant to the requirements of the City Administrative Procedure Act. Any determination based on such a misuse of a rule is null and void. The applications filed by JDS Development Group, Two Bridges Associates, LP, and Starrett Development are not, at this time, going through ULURP; there has been no CPC hearing or vote. The rule former Director Weisbrod cited is irrelevant and its application here is unlawful. It cannot be used to circumvent the approval procedures mandated in the ZR.

<sup>5</sup> See citations in footnotes 1 and 2.

<sup>6</sup> Letter from DCP Director Carl Weisbrod to elected advocates, August 11, 2016, enclosed Exhibit A.

<sup>7</sup> Modification of previously granted LSRD Authorizations and Special Permits may only be sought and approved for three specifically identified LSRD parcels in the entire City: (1) vacant parcels in the West Side Urban Renewal Area, id. § 78-06(b)(2), (2) vacant parcels in Queens Community District 7, id. § 78-06(b)(4),

Where a “minor modification” has previously been granted and implemented on this LSRD, despite the prohibition, the change was truly minor and would not impact the character of the neighborhood: a change proposed by the original applicant (the public Housing and Development Administration, a precursor to the Department of Housing Preservation and Development) that slightly altered the number of units and stories in a building that had been previously approved due to a change in modular system to be used for construction;<sup>8</sup> Even then, before the change was allowed, the Commission had to determine that it would not be “a substantial modification of the plans previously approved.”<sup>9</sup> No such determination has been made here, nor could it be given the drastic nature of the proposed changes and the new, private, applicants seeking them.

A further irregularity in the process here is the sudden appearance of the second Starrett application. On page 362 of the briefing materials, we also learned that in addition to the "modification" of the previously approved plans for the LSRD, Starrett is also seeking a discretionary "Certification to Modify Ground-Floor Commercial Use Requirement" because 259 Clinton falls into a "high density Commercial District." There are separate findings listed for this Certification, as separately required by the ZR. This separate Certification was not presented at earlier phases of the ad hoc approval process being used here; our clients and the Community Board have had no opportunity to comment on it.

Finally, the site where Starrett seeks to add a 700-foot building with 765 units on Clinton Street was mandated to be a permanent playground and open space when the Commission approved its use for staging for the Department of Environmental Protection’s adjacent water tunnel project a mere ten years ago.<sup>10</sup>

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and (3) parcels used as open space for the term of the URA Plan in the Ruppert Brewery URA, id. § 78-06(b)(7). Two Bridges is not an LSRD plan that can be modified.

<sup>8</sup> See Letter from Roger Starr, Administrator, Housing and Development Administration, to John E. Zuccotti, Chairman, City Planning Commission, February 3, 1975, enclosed, Exhibit B; Letter from Peter D. Joseph, Deputy Commissioner, Housing and Development Administration, to City Planning Commission, January 29, 1975, enclosed Exhibit C.

<sup>9</sup> Letter from John E. Zuccotti, Chairman, City Planning Commission, to John Overback, Borough Superintendent, Department of Buildings, February 5, 1975, re: CP 21885 Amendment, enclosed Exhibit D.

<sup>10</sup> April 21, 2008 / Calendar No. 1 C 070212 PCM CPC report available at <https://www1.nyc.gov/assets/planning/download/pdf/about/cpc/070212.pdf> (the Two Bridges area “has a critical need for usable, well-maintained, high-quality open space, and therefore, strongly urges that D.E.P., or any subsequent city agency or other entity responsible for the playground, assures maximum public access and maintains it at a high standard”) and enclosed Exhibit E. See *Two Bridges tower site was slated to be public playground*, August 10, 2018, The Village, available at <http://thevillager.com/2018/08/10/two-bridges-tower-site-was-slated-to-be-public-playground/>

Thank you very much for your time and attention to the process by which neighborhood change is being allowed to occur in the Two Bridges neighborhood. Clear and understandable, transparent processes are the prerequisite for public participation in our city's democracy.

## **EXHIBITS**

A: Letter from DCP Director Carl Weisbrod to elected advocates, August 11, 2016.

B: Letter from Roger Starr, Administrator, Housing and Development Administration, to John E. Zuccotti, Chairman, City Planning Commission, February 3, 1975.

C: Letter from Peter D. Joseph, Deputy Commissioner, Housing and Development Administration, to City Planning Commission, January 29, 1975.

D: Letter from John E. Zuccotti, Chairman, City Planning Commission, to John Overback, Borough Superintendent, Department of Buildings, February 5, 1975, re; CP 21885 Amendment.

E: April 21, 2008 / Calendar No. 1 C 070212 PCM CPC report available at <https://www1.nyc.gov/assets/planning/download/pdf/about/cpc/070212.pdf>.

# **Exhibit A**



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

OFFICE OF THE DIRECTOR

August 11, 2016

Hon. Margaret Chin  
Council Member, District 1  
250 Broadway, Suite 1882  
New York, NY 10007

Hon. Rosie Mendez  
Council Member, District 2  
250 Broadway, Suite 1734  
New York, NY 10007

Hon. Gale Brewer  
Manhattan Borough President  
1 Centre Street, 19<sup>th</sup> Floor  
New York, NY 10007

Hon. Daniel Squadron  
NYS State Senator, District 26  
250 Broadway, Suite 2011  
New York, NY 10007

Hon. Alice Cancel  
NYS Assembly Member, District 65  
250 Broadway, Room 2212  
New York, NY 10007

Hon. Nydia Velazquez  
U.S. Congresswoman, District 7  
500 Pearl Street, Suite 973  
New York, NY 10007

**RE: Pre-Application Statements (PAS) for Two Bridges  
Manhattan Blocks 246, 247 and 248**

Dear Council Member Chin, Council Member Mendez, Borough President Brewer, Senator Squadron, Assembly Member Cancel, and Congresswoman Velazquez:

I appreciate your concerns regarding the proposed changes to the existing Two Bridges Large Scale Residential Development (Two Bridges LSRD) within the former Two Bridges Urban Renewal Area, as expressed in your letter to me dated June 22, 2016. I agree that the development contemplated here is significant when each proposed development is considered individually, and that the potential impacts to the surrounding neighborhood require unique consideration when the three proposed projects are assessed cumulatively.

As you are aware, the City Planning Commission created the Two Bridges LSRD in 1972 to support the Two Bridges Urban Renewal Area approved by the Commission in 1967. Through the LSRD regulations, the Commission granted waivers for distribution of permitted rooms without regard for zoning lots or district boundaries; for yard, height, and setback regulations wholly within the development; and for height and setback regulations on the periphery of the development. In 1995, the Commission granted additional waivers for height and setback regulations wholly within the development and for minimum distance between buildings.

August 11, 2016

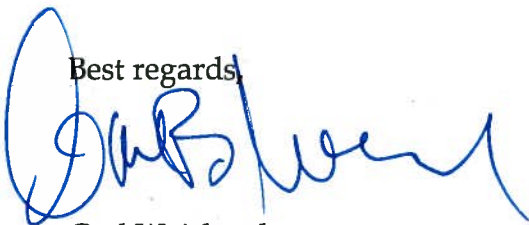
The determination of whether a modification to a prior special permit is "major" or "minor" is based on whether the proposed modification would require new waivers or zoning actions or increase the extent of any previously granted waivers. The criteria governing this determination are those codified in Section 2-(6)(g)(5)(ii) of the ULURP Rules (attached). Here, because the proposed modifications will not require any new waivers or zoning actions or increase the extent of previously granted waivers, the modifications will be treated as "minor".

However, although these proposals will not be reviewed as major modifications, the Department of City Planning is committed to working with you closely as we review the applications for these developments. We are requiring the completion of an Environmental Impact Statement (EIS) in conjunction with these applications, and are pleased that the applicants have agreed to a coordinated review of the proposals, to ensure that both any cumulative and project-specific potential impacts are identified and addressed through the public process mandated by CEQR,

We are committed to ensuring that the proposed projects are reviewed in accordance with urban design principles that result in, among other things, an improved streetscape and pedestrian condition along both South Street and Cherry Street and attention to the relationship between existing and new buildings on the project sites. We will also closely examine the affect the proposed buildings will have on light and air in the surrounding area, as well as the neighborhood consequences related to increased density (such as the need for schools), among many other factors.

I know that the development of this area is of significant consequence to you and the neighborhood. We appreciate your engagement with these important land use matters and look forward to working closely with you as we review these proposals. Please feel free to reach out to us with any questions at any time.

Best regards,



Carl Weisbrod

Encl: *Section 2-06 City Planning Commission Actions*

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## Section 2-06 - City Planning Commission Actions

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### (5) Review of Council Modifications

The Commission shall receive from the City Council during its fifty (50) day period for review copies of the text of any proposed modification to the Commission's prior approval of an action. Upon receipt the Commission shall have fifteen (15) days to review and to determine:

(i) in consultation with the Office of Environmental Coordination and lead agency as necessary, whether the modification may result in any significant adverse environmental effects which were not previously addressed; and

(ii) whether the modification requires the initiation of a new application. In making this determination, the Commission shall consider whether the proposed modification:

(A) increases the height, bulk, envelope or floor area of any building or buildings, decreases open space, or alters conditions or major elements of a site plan in actions (such as a zoning special permit) which require the approval or limitation of these elements;

(B) increases the lot size or geographic area to be covered by the action;

(C) makes necessary additional waivers, permits, approvals, authorizations or certifications under sections of the Zoning Resolution, or other laws or regulations not previously acted upon in the application; or

(D) adds new regulations or deletes or reduces existing regulations or zoning restrictions that were not part of the subject matter of the earlier hearings at the community board or Commission.

If the Commission has determined that no additional review is necessary and that, either, no significant impacts will result, or that possible environmental impacts can be addressed in the time remaining for Council review, it shall so report to the Council. The Commission may also transmit any comment or recommendation with respect to the substance of the modification, and any proposed further amendment to the modification which it deems as necessary or appropriate.

If the Commission has determined that the proposed modification will require a supplementary environmental review or the initiation of a new application, it shall so advise the Council in a written statement which includes the reasons for its determination.

# **Exhibit B**



HOUSING AND DEVELOPMENT ADMINISTRATION  
100 GOLD STREET, NEW YORK N. Y. 10033

ROGER STARR, Administrator

21885-AMDT #2

February 3, 1975

CP 21885

Hon. John E. Zuccotti, Chairman  
City Planning Commission  
2 Lafayette Street  
New York, New York 10007

Re: Land's End Housing Co. Inc. (HO 73-16)  
Amended "Plan and Project"

Dear Mr. Zuccotti:

In connection with your calendaring this development's Large-Scale Plan amendment for today's Executive Session, we wish to also bring to your attention the following changes which have taken place subsequent to your earlier approval (CP-22359, June 15, 1973), which in turn updates our November 21, 1974 correspondence with your agency.

1. The modular construction method employed initially was the Shelley System; owing to excessive construction costs associated with such system, we and the Sponsor/Developer have jointly agreed to substitute the less-costly CAMCI System. This latter system has been approved by HUD as an acceptable "Operation Breakthrough" alternative.

2. The apartment distribution for the 252 units (originally 251) is as follows:

0-BR: 14%  
1-BR: 36%  
2-BR: 29%  
3-BR: 21%

Even with the elimination of the 4-BR unit (originally 5%), we have managed to maintain nearly a 4.5 rooms/ apartment ratio:

3. Balconies on most apartments have been added as integral to the CAMCI System.

4. The number of stories of the single-slab structure has been raised to 19 floors from its original 16.

We trust you are now in possession of sufficient data to permit you to approve such development's Large-Scale Plan.

Sincerely,

  
PETER D. JOSEPH  
Deputy Commissioner

FACT SHEET

LARGE SCALE RESIDENTIAL DEVELOPMENT PLAN  
Two Bridges Urban Renewal Area - Site 6A

	SHELLEY (Submitted 6/11/73 & approved)	PROPOSED CAMCI	ZONING CAPACITY Zone C6-4 (R-10)
Lot Area	69,048	71,359	71,359
F.A. Total	276,000	263,000	713,590
Residential	276,000	263,000	713,590
F.A.R.	4.00	3.69	10 (without Bonuses)
Lot Coverage	17,200	14,000	---
% Lot Coverage	24.1%	19.6%	---
Height Factor	16	19	19 (Assumed)
Open Space	51,848	57,359	---
Open Space Ratio	18.8	21.8	---
Zoning Rooms	1,125	1,065	2,378 (Without Bonuses)
Dwelling Units	260	252	---
Parking Spaces	59	35	---

No Additional Waivers Required

1/22/75

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# **Exhibit C**



HOUSING AND DEVELOPMENT ADMINISTRATION  
100 GOLD STREET, NEW YORK, N. Y. 10038

ROGER STARR, Administrator,  
Commissioner of Development

January 29, 1975

City Planning Commission  
2 Lafayette Street  
New York, New York 10007

Re: Large Scale Residential  
Development Plan  
Two Bridges Urban Renewal-Parcel-6A

Gentlemen:

Submitted herewith for your approval is a proposed minor change to the Subject Plan which was approved by the Commission May 17, 1972 CP-21885 Cal. No. 43 and by the Board of Estimate May 25, 1972 Cal. No. 208.

This change consists of a minor adjustment in the project statistics and the site plan resulting from the conversion of the project to be built on Parcel 6A from a Shelley system to a CAMCI system. Attached are revised pages 1, 2, 3, 4, 6 and 7 of the Large Scale Plan which incorporate the necessary modifications. Also attached is a fact sheet indicating the comparative statistics of the Shelley vs. CAMCI projects.

No new zoning authorizations are necessary. Please note that coverage, floor area, and zoning rooms have decreased and that open space has increased. The height of the buildings has increased from 16 to 19 floors. The slight increase in site area is merely due to a statistical error in the previous submission.

A minor change to the Mitchell-Lama brochure is being submitted under separate cover.

Your earliest consideration will be appreciated.

Sincerely,

*Meyer Karlo*  
*Rep. Admin.*  
for  
Roger Starr  
Administrator

FACT SHEET

LARGE SCALE RESIDENTIAL DEVELOPMENT PLAN  
Two Bridges Urban Renewal Area - Site 6A

	SHELLEY (Submitted 6/11/73 & approved)	PROPOSED CAMCI	ZONING CAPACITY Zone C6-4 (R-10)
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No Additional Waivers Required

1/22/75

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THE CITY OF NEW YORK  
HOUSING AND DEVELOPMENT ADMINISTRATION

TWO BRIDGES URBAN RENEWAL PROJECT

FEBRUARY, 1972  
Revised: June, 1973; January 1975

APPLICATION FOR LARGE SCALE RESIDENTIAL DEVELOPMENT

LARGE SCALE RESIDENTIAL DEVELOPMENT

Total

Lot Area	8.3 Acres
Zoning Rooms	7,000
Dwelling Units Stage I	1,400

Parcel 7

Lot Area	0.73 Acres
Zoning Rooms	1,280
Dwelling Units Stage II	256

Parcel 6A

Lot Area	1.64 Acres
Zoning Rooms	1,065
Dwelling Units	252



TWO BRIDGES URBAN RENEWAL AREA

APPLICATION FOR LARGE SCALE RESIDENTIAL DEVELOPMENT

The attached tables and site plans constitute the large scale residential development plan for the redevelopment area of the Two Bridges project. This plan conforms with the Two Bridges Renewal Plan and proposed controls now before the City Planning Commission.

The intention of the Large Scale Plan is to provide the best possible housing environment in terms of the analysis of the actual site and future development plans of the city. The proposed development of the site, which emerged after discussions with community groups and potential sponsors, remove all the existing substandard and blighting structures replacing them with a comprehensive and coordinated project of needed residential and community facilities, as well as related uses. The proposed redevelopment is consistent with and complimentary to other developments within the neighborhood.

The Large Scale Residential Development has been divided into 6 parcels: Parcel 8 is to be developed as a Public Park, Parcels 4 and 7 with Low-income housing, and Parcels 5, 6A and 6B with moderate income housing.

AUTHORIZATION REQUESTED UNDER ARTICLE VII

CHAPTER 8 OF THE ZONING RESOLUTION

Table 1 describes the proposed development in terms of building bulk, density and off-street parking requirements under the Urban Renewal Controls and as related to the capacity permitted by the Zoning Resolution. As shown in the table, the proposed overall development is within the limits established by the Zoning Resolution.

The zoning capacity and the proposed bulk and zoning rooms for each parcel requiring waivers is shown on Table 2.

Table 3 summarizes the authorizations requested with respect to the distribution of bulk, zoning rooms, parking, height and setback, and minimum spacing between buildings requirements as shown on the site plan which is attached.

The proposed development requires a transfer of bulk zoning rooms within the four housing parcels. The total development proposed in terms of building bulk, zoning rooms parking and commercial and community facilities floor area is as permitted by zoning.

Authorizations have previously been granted to permit sky exposure plane penetration on the exterior and interior streets. The parcels have been planned as a unit to derive the maximum benefit from the available open space and views with a minimum adverse effect on surrounding property.

THE AUTHORIZATIONS PREVIOUSLY REQUESTED FOR STAGE I ARE:

1. Section 78-311 (a) to permit the distribution of zoning rooms without regard for zoning lot lines and district boundary lines as required by Section 23-223.
2. Section 78-311 (d) to permit the location of buildings without regard for yard regulations as required by Section 23-47 and 23-53.
3. Section 78-311 (e) to permit the location of buildings without regard for height and set back regulations on the interior of the project as required by Sections 23-632 and 23-64.

The special permit authorization previously requested for Stage I is:

4. Section 78-312 (d) to permit the location of buildings without regard for height and set back regulations, on the periphery of the project as required by Section 23-632 and 23-64.

The authorization previously requested for Stage II Parcel 6A was:

5. Section 78-311 (d) to permit the location of buildings without regard for yard regulations as required by Sections 23-47 and 23-53.

TWO BRIDGES URBAN RENEWAL AREA

LARGE SCALE RESIDENTIAL DEVELOPMENT PLAN

TABLE I

Proposed Maximum Development Versus Zoning Capacity

Zoning District	L.S. Plan C6-4(R10)	and R72	Capacity
Lot Area	362,963		362,963
Floor Area (S.F.) Total	1,626,700		3,629,630
Residential	1,545,500		
Community Facilities	44,500		
Commercial	43,300		
Lot Coverage (S.F.) Total	132,505		
Residential			
Community Facilities			
Commercial			
Height Factor	12		12
Floor Area Ratio	4.48		10.0
Open Space	230,458		-
Open Space Ratio	14.2		-
<u>Residential</u>			
Lot Area (S.F.)	354,205		354,205
Height Factor	12		12
Floor Area Ratio	4.08		10.0
Open Space	221,700		-
Open Space Ratio	14.3		-
Zoning Rooms	7,000		11,807
Dwelling Units	1,400		-
Parking Spaces (as required by zoning)	286		286

TWO BRIDGES URBAN RENEWAL AREA  
LARGE SCALE RESIDENTIAL DEVELOPMENT PLAN

TABLE 2

PROPOSED MAXIMUM DEVELOPMENT VERSUS ZONING CAPACITY

	<u>PARCEL 6A</u>		<u>PARCEL 7</u>	
	<u>L.S. PLAN</u>	<u>CAPACITY</u>	<u>L.S. PLAN</u>	<u>CAPACITY</u>
Zoning District	C6-4 (R10)	C6-4 (R10)	C6-4 (R10) &	R7-2
Lot Area	71,359	71,359	31,735	31,735
Floor Area (S.F.) Total	263,000	690,480	300,000	317,350
Residential	263,000	690,480	296,500	
Community Facilities	-	-	3,500	
Commercial	-	-	-	
Lot Coverage (S.F.) Total	14,000	-	11,400	
Residential	14,000	-	11,400	
Floor Area Ratio	3.69	10.0	9.45	10.0
<u>Residential</u>				
Lot Area (S.F.)	71,359	71,359	31,385	31,385
Height Factor	19	19 (ASSUMED)	26	26
Floor Area Ratio	3.69	10.0	9.44	10.0
Open Space	57,359	-	19,985	-
Open Space Ratio	21.8	-	6.7	-
Zoning Rooms	1,065	2,378	1,280	1,046
Dwelling Units	252	-	256	-
Parking Spaces	35 (BSA Application Required)	59	30	30

TWO BRIDGES UNASSISTED URBAN RENEWAL AREA  
LARGE SCALE RESIDENTIAL DEVELOPMENT PLAN

TABLE 3

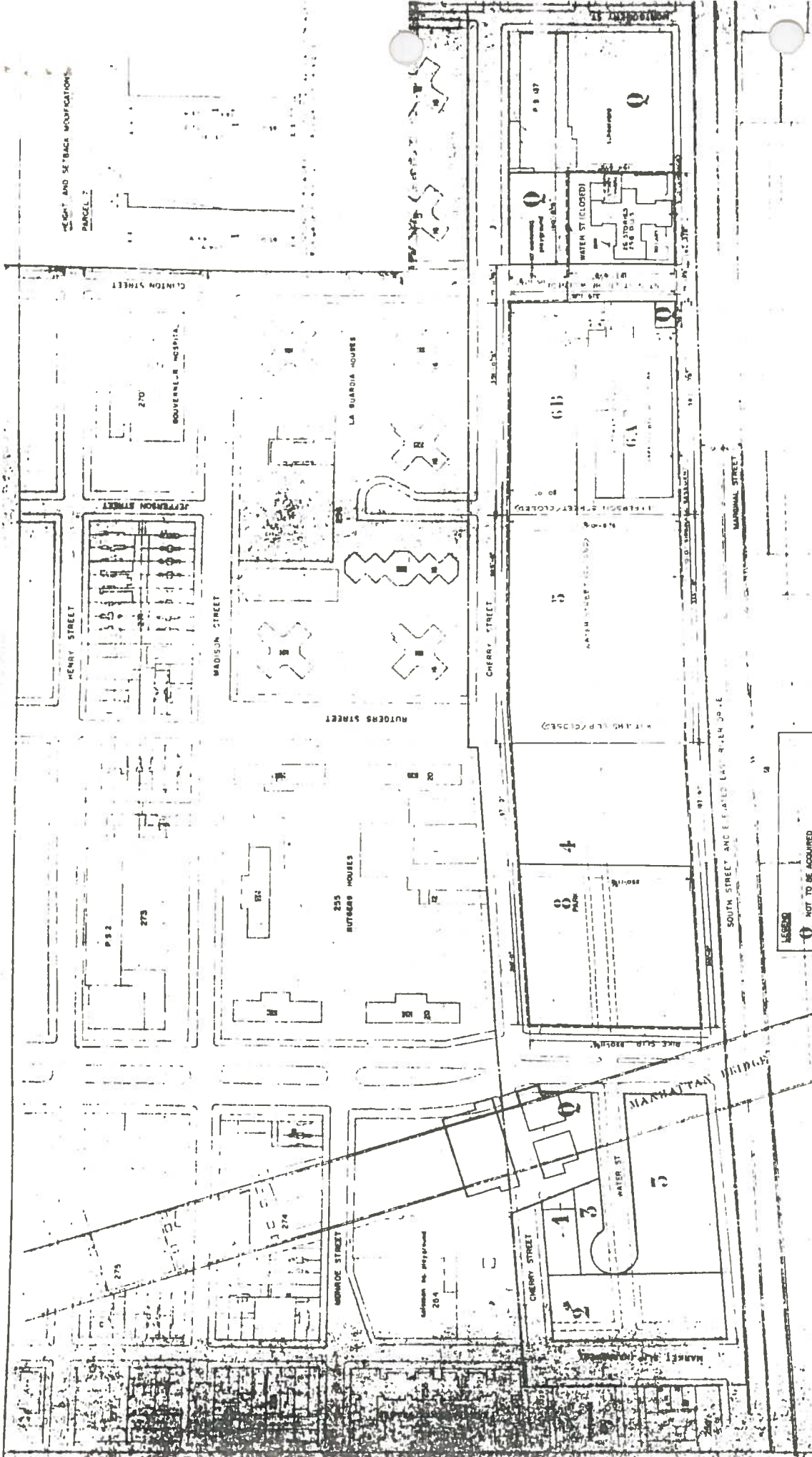
Authorizations Requested Under Large Scale Development Provisions

A. Distribution of Bulk, and Zoning Rooms

	<u>Parcel 6A</u> C6-4(R10)	<u>Parcel 7</u> C6-4(R10) & R7-2
Lot Area (S.F.)	71,359	31,735
Lot Coverage Total (S.F.)	14,000	11,400
Lot Coverage Residential	14,000	11,400
Floor Area (S.F.) Total	263,000	300,000
Residential	263,000	296,500
Commercial	-	-
Community Facilities	-	3,500
Zoning Rooms	1,065	1,280

B. Height and Setback Requirements

<u>Buildings</u>	<u>Minimum Front Setback (Feet)</u>	<u>Location of Front Wall</u>	<u>Sky Exposure Plane Penetration Proposed</u>
Parcel 7	None	Clinton St.	155 ft.
	None	South St.	157 ft.



SCHEMATIC AND SETBACK MODIFICATIONS  
PARCEL 2

CLINTON STREET

HENRY STREET

JEFFERSON STREET

MADISON STREET

RUUTERS STREET

255  
RUTGERS HOUSES

ORANGE STREET

204  
CLINTON ST. REFRIGERATOR

CHERRY STREET

CHERRY STREET

125.00'

WATER ST (CLOSED)

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**LEGEND**

○ NOT TO BE ACQUIRED

7 PARCEL NUMBER

— URBAN RENEWAL BOUNDARY

- - - LARGE SCALE BOUNDARY

ZONING MODIFICATIONS NOW REQUESTED:  
FOR SITE 64  
SECTION 78-31(1)  
FOR SITE 65  
SECTIONS 78-31(1) AND 78-32(1)

SITE AREAS OF SITES DESIGNATED FOR RESIDENTIAL PURPOSES  
SITE NO. AREA IN SQ FT  
7 20, 058 136

THE CITY OF NEW YORK  
HOUSING AND DEVELOPMENT ADMINISTRATION  
GENERAL SITE PLAN  
LARGE SCALE RESIDENTIAL DEVELOPMENT

# TWO BRIDGES URBAN RENEWAL AREA



12d

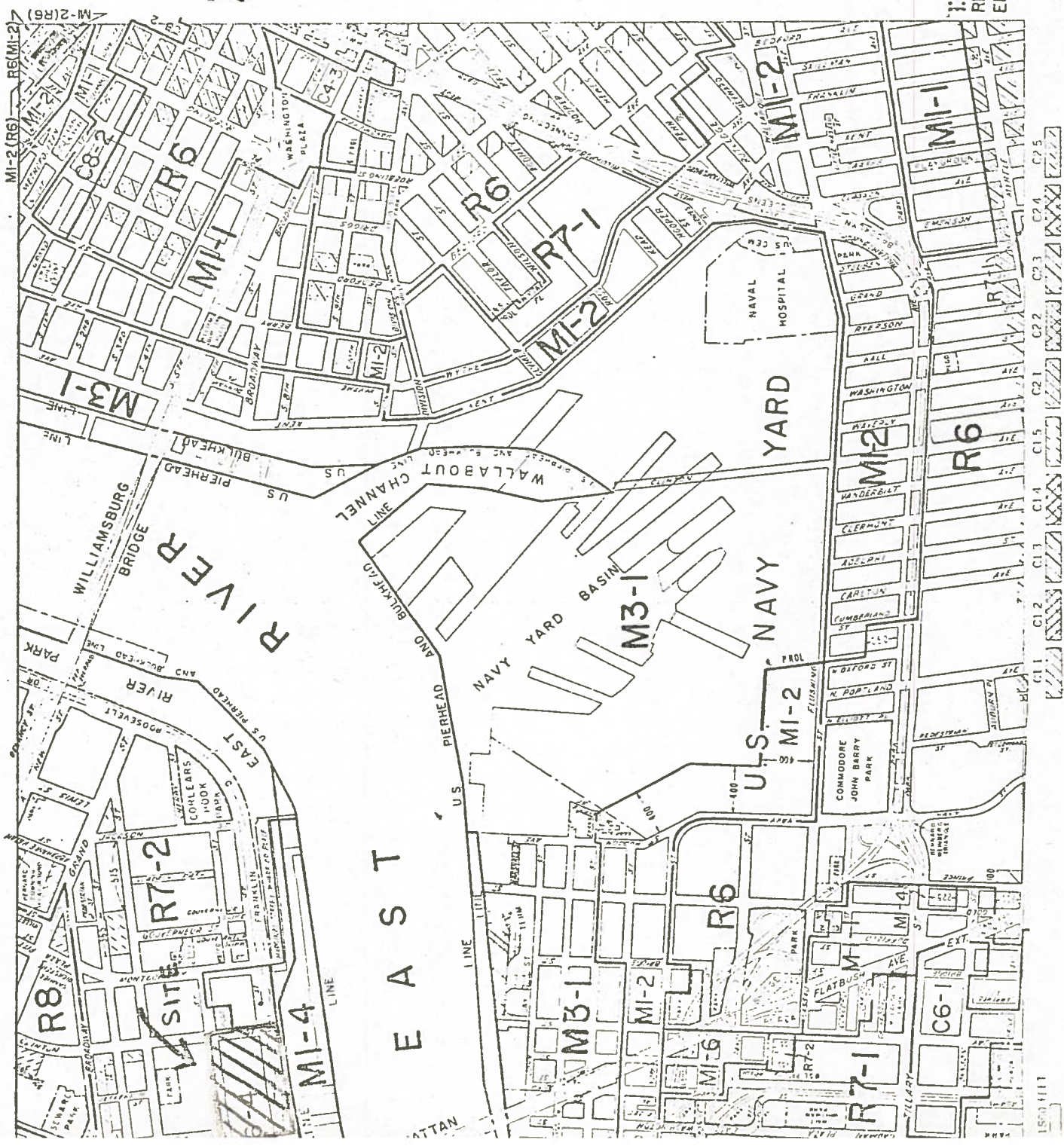
# ZONING MAP

CITY PLANNING COMMISSION  
THE CITY OF NEW YORK



12a	12c	13a
12b	12d	13b
16a	16c	17a

..... INDICATES PROPERTY  
REZONED BY AMENDMENT  
EFFECTIVE DECEMBER 28, 1973  
A-1147





LAND USE PLAN

- RESIDENTIAL
- MANUFACTURING/COMMERCIAL
- PUBLIC (PARK)
- ACCESS EASEMENT
- UTILITY EASEMENT (NOT TO SCALE)
- SIDEWALK EASEMENT (NOT TO SCALE)
- RESERVED FOR BRIDGE REINFORCEMENT
- HOT TO BE ACQUIRED

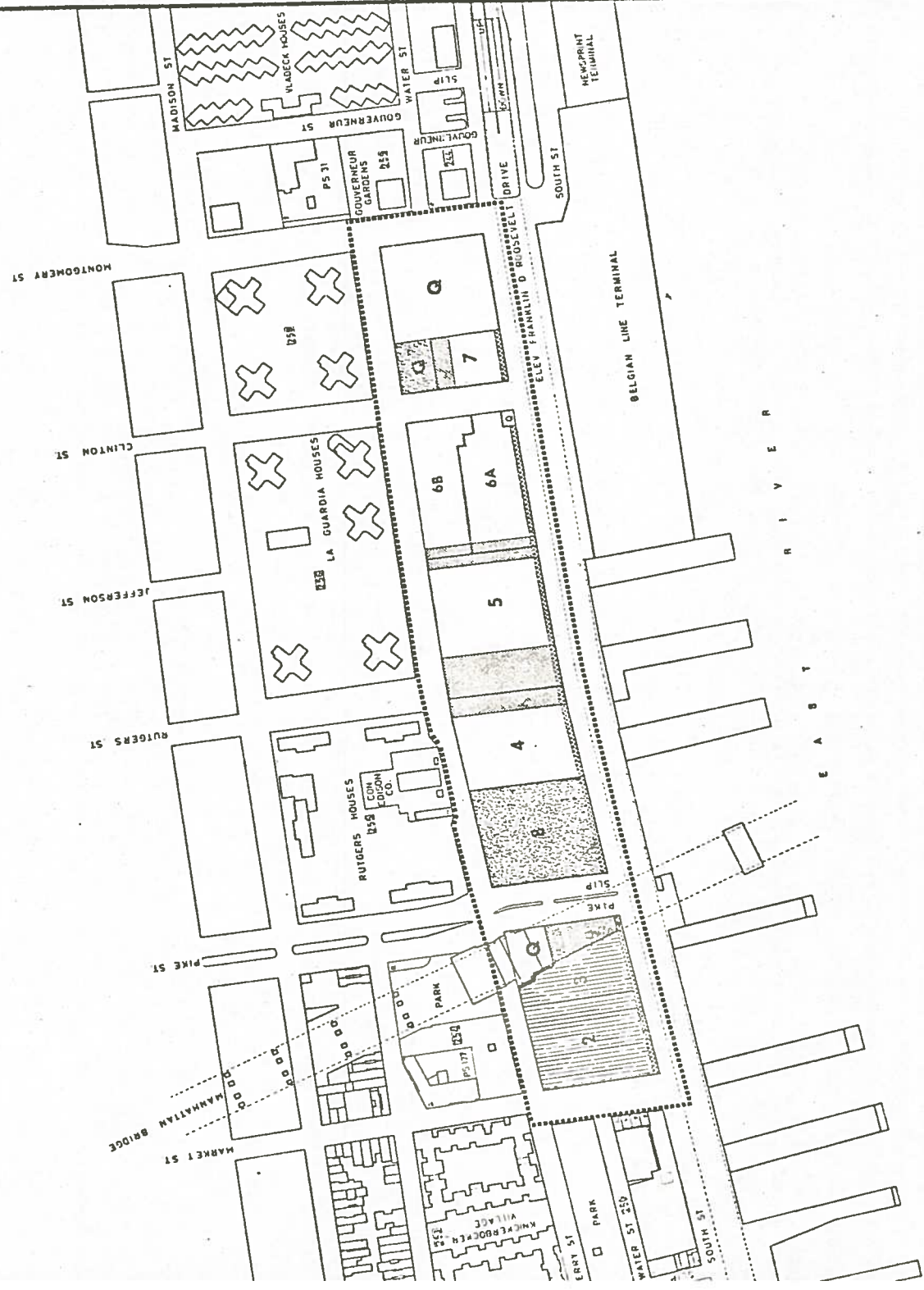
- PROJECT BOUNDARY
- 5 PARCEL NUMBERS

SCALE: 1" = 100'

CITY	NEW YORK
PLAT	PLAT 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

**TWO BRIDGES**  
 URBAN REDEVELOPMENT AREA  
 FINAL PROJECT REPORT (URBAN REDEVELOPMENT PLAN)  
 THE CITY OF NEW YORK  
 HOUSING AND REDEVELOPMENT BOARD

VICTOR OREN ASSOCIATES  
 ARCHITECTURE-ENGINEERING-PLANNING  
 PROJECT NO. NY 1-1117  
 DATE: MAY 27, 1955 CODE NO. R 2  
 REVISION: SEPT 23, 1955 SHEET 12 OF 12 SHEETS



POTENTIAL HOUSING IMPACT ON PUBLIC SCHOOLS

3

SCHOOL DISTRICT: 1

NAME OF PROJECT: Lands End II (HO 7S-3)

LOCATION: Two Bridges URA—Clinton St., Cherry St., South St., and Rutgers St.

SPONSOR: National Kinney Corp. and Two Bridges Settlement Housing Corp.

FINANCING: City Mitchell Lama/236

DWELLING UNITS: TOTAL 704 0-BED 34 1-BED 128 2-BED 270 3-BED 27

STUDENTS GENERATED FROM PROPOSED HOUSING PROJECT  
100% 4.8% 18.2% 38.4% 38.

K-4: 99 5-8: 63 9-12: 63

BASIS FOR CALCULATIONS: Ratios K-4: 14 5-8: 9 9-12: 9

Excluding 0 & 1 BED DU'S (if over 30% of total) -

STUDENTS GENERATED FROM NEARBY PIPELINE HOUSING PROJECTS

Name	Exp. Date Occupancy	K-4	5 - 8	K-8	9-12		
Seward Park Extension Area (Sites 3A, 3B, 3C)	1974	214	140	354	140		
Mariana Bracotti Plaza							
Two Bridges SURROUNDING SCHOOLS (Site 5, 6 Phase 1) site 7	1975-6	178	120	298	120		
<u>School</u>	<u>Grades</u>	<u>Distance</u>	<u>Built</u>	<u>Enrollment</u>	<u>Capacity</u>	<u>Under</u>	<u>Enr Tre</u>
PS-137	PK-6	1/2 mile	1966	566	1076	-510	down
PS-2(S.D. 2)	K-6	1 mile	1959	946	1304	-358	down sl
PS-134	PK-6	1 1/4 mile	1960	581	1003	-427	down sl
IS-56	7-9	3/4 mile	1968	1312	1662	-350	down sl
IS-65(S.D.2)	8-9	1 3/4 mile	1906	1073	1423	-350	down sl
HS: Seward Park (students can attend other Man. H.S.)		2 miles	1929	3211	2506	+705	up slight
<u>New Schools</u>		<u>Distance</u>	<u>Exp. Completion</u>		<u>Cap.</u>		
P.S. 124 ECF (S.D. 2)		2 miles	1-76		1205		
P.S. 142		2 miles	7-75		1272		
I.S. 25		2 3/4 miles	7-76		1800		

SUMMARY AND OUTSTANDING ISSUES

Total students generated by this project and neighboring pipeline housing projects

	K-4	5-8	K-8	9-12
	491	323	814	323

There is adequate space in the surrounding schools to accommodate the students generated by this new project as well as the students generated by nearby pipeline housing projects.

# **Exhibit D**

(CP-21885)

February 5, 1973

Borough Superintendent  
Department of Buildings  
Municipal Building  
New York, N. Y. 10007

Re: N.S. 29/1973

ATTENTION: Mr. John Overbeck

Dear Sir:

On July 26, 1972, in connection with N.S. 57 and 58/1971, you were advised that the application of the Housing and Development Administration pursuant to Sections 78-311(a), 78-311(d), 78-311(e) and 78-312(d) of the Zoning Resolution for the grant of a special permit and special permit authorizations, involving a large-scale residential development within the Two Bridges Urban Renewal Area, on property bounded generally by Pike Slip, Cherry Street, Montgomery Street, and South Street, Borough of Manhattan, was approved by the City Planning Commission and subsequently approved by the Board of Estimate on May 25, 1972 (Cal. No. 208) on which date said resolution of approval became effective.

THESE SPECIAL PERMITS AND AUTHORIZATIONS WERE APPROVED SOLELY PURSUANT TO SECTIONS 78-311(a), 78-311(d), 78-311(e) AND 78-312(d) OF THE ZONING RESOLUTION AND WERE SUBJECT TO VERIFICATION BY THE DEPARTMENT OF BUILDINGS FOR COMPLIANCE WITH ALL OTHER APPLICABLE PROVISIONS OF THE ZONING RESOLUTION.

A copy of the application (CP-21885) together with a site plan referred to in the application and a copy of the Board of Estimate resolution of approval were enclosed for your information.

On June 15, 1973 (Cal. #6), the City Planning Commission adopted a resolution, approving the application of the Housing and Development Administration for the grant of an additional authorization, pursuant to Section 78-311(d) of the Zoning Resolution involving Parcel 6A of the above large-scale residential development.

February 5, 1975

The Housing and Development Administration has submitted a revised application, dated January 29, 1975, reflecting changes in the design of the project to be built on Parcel 6A. A copy of the revised application is enclosed for your information.

The Commission has determined that the enclosed revisions do not constitute a substantial modification of the plans previously approved, and are consistent with the original approval pursuant to Sections 78-311(a), 78-311(d), 78-311(e) and 78-312(d) of the Zoning Resolution.

It is noted that the number of accessory off-street parking spaces on Parcel 6A has been reduced to less than the minimum amount now required by Section 36-352 of the Zoning Resolution. The Commission nevertheless approves the enclosed revisions with the understanding that the parking deficiency can be resolved in one of two ways:

1. An amendment of the Zoning Resolution, which would reduce the off-street parking required in residential buildings south of 110th Street in Manhattan, is now under consideration. If enacted, it might enable the project, as now proposed, to conform with regard to parking.

2. If the above amendment of the Zoning Resolution is not enacted, the Housing and Development Administration may apply to the Board of Standards and Appeals for a variance to reduce the amount of parking required.

Sincerely,

John E. Zuccotti  
Chairman

Enc.

RR:b1

cc: Mr. Robert Reach Office of Design, Room 9240 Housing & Development Administration  
100 Gold St. N.Y. 10038  
Arleen Hauptman Room 1408  
Mr. Harold Edelman Edelman & Salzman 434 Sixth Ave. N.Y. 10011  
Mr. Geoffrey Fulton Schuman & Lichtenstein 200 E. 42nd St. N.Y. 10017

# **Exhibit E**



## **CITY PLANNING COMMISSION**

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April 21, 2008 / Calendar No. 1

C 070212 PCM

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**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/draining 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 15<sup>th</sup> 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**