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**IN THE MATTER OF** an application, submitted by the New York City Department of Parks and Recreation (DPR) and the United States National Park Service (NPS) pursuant to Sections 197-c and 199 of the New York City Charter, for an amendment to the City Map involving:

- the delineation of two permanent easements within Riverside Park located between Henry Hudson Parkway and Riverside Drive East, north of West 122<sup>nd</sup> Street; and
- any acquisition or disposition of real property related thereto,

in Community District 9, Borough of Manhattan, in accordance with Map No. 30213 dated January 27, 2004 and signed by the Borough President.

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The application (C 030331 MEM) for an amendment to the City Map was filed by the Department of Parks and Recreation (DPR) and the United States National Park Service (NPS), on February 2, 2003 pursuant to Sections 197-c and 199 of the New York City Charter involving the delineation of two permanent easements within Riverside Park, between Henry Hudson Parkway and Riverside Drive East, north of West 122<sup>nd</sup> Street, and any acquisition or disposition of property related thereto.

### **BACKGROUND**

The applicants, the Department of Parks and Recreation (DPR) and the United States National Park Service (NPS), are requesting the delineation of two permanent easements on 41,210 square feet of Riverside Park in the Morningside Heights neighborhood of the Borough of Manhattan. The delineation of these easements will facilitate their conveyance to the National Park Service from DPR for the purpose of making improvements to the parkland adjacent to the General Grant National Memorial. The NPS can not make the proposed improvements unless it has permanent easements over the site. The areas to be delineated as easements are the plaza in front of General Grant's tomb, located at Riverside Drive and West 122<sup>nd</sup> Street, and an open air pavilion west of the tomb, located on Block 1897 Lot 1.

The NPS owns and operates the General Grant National Memorial, which contains the remains of President Ulysses S. Grant and his wife. The National Park Service proposes to improve the granite plaza, the pavilion and the steps around the monument. These improvements will make the General Grant National Memorial more accessible and inviting for both tourists and local residents.

The subject site is located in Riverside Park, adjacent to an R8 zoning district to the east. The Henry Hudson Parkway (Route 9A) and the Hudson River are to the west. Sakura Park and Riverside Church are located east of the proposed easement. Columbia University campus lies to the southeast of the General Grant National Memorial.

City Agencies were polled on April 10, 2003. No City Agency objected to this proposal.

### **ENVIRONMENTAL REVIEW**

This application (C 030331 MEM), 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 03DPR004M. The lead agency is the Department of Parks and Recreation.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on January 14, 2004.

### **UNIFORM LAND USE REVIEW**

This application (C 030331 MEM), was certified as complete by the Department of City Planning on March 8, 2004 and was duly referred to Community Board 9 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 9 held a public hearing on this application (C 030331 MEM) on April 13, 2004, and on April 15, 2004, by a vote of 26 to 0 with 0 abstentions, adopted a resolution recommending approval of the application with the following condition:

... The overlook pavilion structure scheduled for rehabilitation remain open and unenclosed at street level and that its original intention to serve as an open air viewing platform be sustained.

### **Borough President's Recommendation**

This application (C 030331 MEM) was considered by the Borough President of Manhattan, who issued a recommendation approving the application on May 12, 2004, subject to the following

condition: "... The pavilion at street level remain unenclosed."

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

On May 10, 2004 (Calendar No. 20), the City Planning Commission scheduled May 26, 2004 for a hearing on this application (C 030331 MEM). The hearing was duly held on May 26, 2004 (Calendar No. 18). There were 2 speakers in favor and 3 in opposition to the application.

Representatives of the applicant described the project and spoke in favor of the application. The Chief of Parkland of the New York City Department of Parks and Recreation described the project and intent of the establishment of the permanent easements.

The Superintendent of Manhattan Sites of the National Park Service described why the NPS needs the easements for the rehabilitation of the pavilion and granite plaza. He also described the funds available for the project and said that his office will submit site plans for the rehabilitation of the pavilion.

A representative of Community Board 9 spoke in opposition to the application, stating that the transfer of easements are permanent and that the City Planning Commission should include the conditions forwarded by Community Board 9. The representative also stated that the EAS prepared by the lead agency did not emphasize the land mark status of the pavilion.

An architect opposed this application, stating that the applicants are uncertain about the design of the pavilion . He pointed out that the "pavilion is intact" and it must be preserved for the future generations. He also stated that there are other means to reach the restrooms at the basement of the pavilion.

A consultant of Landmark West, a preservation organization, spoke in opposition, stating that this is a " deeply flawed proposal". The consultant stated that the EAS did not include proper traffic and historic integrity impacts, there would be no city oversight for jurisdiction once the easements are transferred to the National Park Service and the role of State Historic Preservation Office is purely advisory. He further stated that he and his organization are working to secure private funding through Columbia University and other sources to rehabilitate the pavilion.

### **CONSIDERATION**

The City Planning Commission believes that this amendment to the City Map is appropriate.

The NPS proposes to improve the granite plaza, the pavilion and the steps around the monument which are in a state of disrepair. In order to stop further deterioration, the pavilion needs

to be rehabilitated as soon as possible. NPS will not be able to perform these improvements without these proposed easements. These improvements will make the General Grant National Memorial more accessible and inviting for both tourists and local residents.

The Commission received a letter from the NPS dated June 3, 2004, responding to the questions and issues raised by the City Planning Commission during the public hearing on May 26, 2004. NPS stated that:

- In order to expend federal funds for improvements, the NPS is required to obtain a real estate interest in property that it does not own or control.
- The plans which have been submitted to the Commission, show that the pavilion at street level will be restored as an open-air structure consistent with its original design. The only exterior change to the pavilion will be a small glass elevator.
- The NPS budgeted \$1.3 million for the pavilion restoration. If this project does not proceed on schedule, the funds will likely be reprogrammed for other projects.
- The design work will require the written authorization of the New York City Department of Parks and Recreation and the concurrence of the New York State Historic Preservation Office (SHPO).
- The NPS will maintain jurisdiction over the pavilion and will be fully responsible for its upkeep, security and staffing.
- The restrooms in Riverside Park are located approximately 250 yards away, are not visible from the Memorial, are not staffed, and are only open seasonally. The NPS has no jurisdiction over their maintenance, security, hours of operation, etc. The newly restored restroom at the pavilion will be managed and controlled by the NPS.
- NPS would like to work with the city to install a button-activated pedestrian crossing light in the near future.
- NPS does not plan to include a food concession at the pavilion.
- A minimum of two National Park Service Rangers will staff the building at all times when open to the public. An additional seasonal employee will also be assigned to the pavilion. Security cameras will be placed so as to monitor public areas in and around the pavilion. Monitors will be located at the Ranger Desk as well as the security station at the Memorial. NPS security staff are on duty at the Memorial twenty-four hours a day.
- This project will not have transportation related impacts. The great majority of visitors to the Memorial and pavilion will continue to arrive by mass transit.

The Commission notes that the Department of Parks and Recreation and the National Park Service will include a clause in the easement transfer agreement stating that the Community Board will be afforded an opportunity to review plans for any future development at this location.

## **RESOLUTION**

Therefore, the City Planning Commission, deeming the proposed amendment to the City

map and any related acquisition or disposition to be appropriate, adopts the following resolution:

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 199 of the New York City Charter that based on the environmental determination and the consideration described in this report, the application (C 030331 MEM) for an amendment to the City Map involving the delineation of two permanent easements within Riverside Park located between Henry Hudson Parkway and Riverside Drive East, north of West 122<sup>nd</sup> Street; and any acquisition or disposition of real property related thereto, in Community District 9, Borough of Manhattan, in accordance with Map No. 30213 dated January 27, 2004 and signed by the Borough President, is approved,

all such approvals being subject to the following condition:

The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map Acc. No.30213 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter;

The above resolution, duly adopted by the City Planning Commission on June 23, 2004 (Calendar No. 17), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP, Chair**  
**KENNETH J. KNUCKLES, Esq. Vice Chair**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.**  
**RICHARD W. EADDY, ALEXANDER GARVIN**  
**JANE D. GOL, CHRISTOPHER KUI**  
**JOHN MEROLO, KAREN A. PHILLIPS and**  
**DOLLY WILLIAMS, Commissioners**