



## CITY PLANNING COMMISSION

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September 11, 2013/Calendar No. 26

N130316ZRR

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**IN THE MATTER OF** an application submitted by the New York City Economic Development Corporation, New York Wheel LLC and St. George Outlet Development LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 8, and related sections, concerning the expansion of the Special St. George District, Community District 1, Borough of Staten Island.

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This application (N130316ZRR) for an amendment of the Zoning Resolution relating to Article XII, Chapter 8 (Special St. George District) and Article VI, Chapter 2 (Special Regulations in the Waterfront Area) was filed by New York Wheel LLC, St. George Outlet Development LLC, and the New York City Economic Development Corporation on May 14, 2013. The zoning text amendment, along with the related actions, would facilitate the redevelopment of the two city-owned commuter parking lots at the St. George Ferry Terminal for a 625-ft. tall, 1,440-passenger observation wheel with an accessory terminal building including approximately 18,500 square feet (sq. ft.) of accessory retail; a 950-space, 170,000 sq ft. covered public parking facility; and a 340,000 sq. ft. a retail outlet mall with a 130,000sq. ft (approximately 200-room hotel); and 20,000 sq. ft. catering facility. A deck will be built over the existing railroad right of way that abuts Richmond Terrace to permit pedestrian and vehicular connections between Richmond Terrace and the site. The proposal is known as the St. George Waterfront Redevelopment Project.

## RELATED ACTIONS

In addition to the application for amendments to the Zoning Resolution that is the subject of this report (N130316ZRR), implementation of the proposed development also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- C130315ZMR Zoning Map Amendment to extend the boundaries of the existing Special St. George District to include all of the project area.
- C130319PPR Disposition of Parcel 1 (Block 2, part of Lot 20), a City-owned property (via application of the NYC Dept. of Small Business Services)
- C130320PPR Disposition of Parcel 2 (Block 2, parts of Lots 1, 5, 10 and 20), a City-owned property (via application of the NYC Dept. of Small Business Services)
- C130317ZSR Special permit pursuant to Section 128-61 to permit the development of an observation wheel and accessory terminal building; the development of a public parking garage for 950 cars and 12 buses; the decking over of a railroad right-of-way; and establishing in lieu of base plane an appropriate level or levels as the reference plane.
- C130318ZSR Special permit pursuant to Section 128-61 to permit the development of a retail outlet mall with approximately 100 stores, hotel, and catering facility; the development of a 1,250-space public parking garage; offsite interim public parking lots with more than 150 spaces; the decking over of a railroad right-of-way; and establishing in lieu of base plane an appropriate level or levels as the reference plane.

## **BACKGROUND**

The New York City Economic Development Corporation, New York Wheel LLC, the New York City Department of Small Business Services and St. George Outlet Development LLC propose several land use actions to facilitate the development of the two waterfront surface public parking lots located adjacent to the ferry and bus terminals in St. George in Staten Island and the Richmond

County Bank Ballpark. The St. George Waterfront Redevelopment Project proposes to transform the currently underutilized St. George Waterfront into a dynamic, mixed-use destination with the construction of the tallest observation wheel in the Western Hemisphere on Parcel 1 (Block 2, part of Lot 20) and a high-end outlet retail complex and hotel on Parcel 2 (Block 2, parts of Lots 1, 5, 10 and 20).

The area subject to the zoning text amendment and related zoning map amendment occupies a 97-acre area of city-owned, waterfront land generally bounded by St. Peter's Street, Richmond Terrace, the waterfront and the southern edge of the St. George Ferry Terminal at Borough Place, on the north shore of Staten Island. The North Shore Railroad Right-of-Way (RROW), a city-owned railroad easement leased to the MTA, extends along the entire western boundary of the project area, abutting Richmond Terrace. There is a severe grade change from Richmond Terrace to the site. Richmond Terrace is about 25 to 30 feet above the project area and is supported by a retaining wall that runs along the edge of the RROW.

The project area contains the St. George Ferry Terminal, the Richmond County Bank Ballpark two surface public parking lots with a capacity of 1,606 cars serving the ferry terminal and ballpark, the Staten Island Postcards 9/11 Memorial and the North Shore Promenade, a landscaped waterfront public access area that runs along the shoreline from the baseball stadium to St. Peter's Place. Access to the project is served by Bank Street, a 24-foot wide, unmapped street under EDC jurisdiction, and the prolongation of Wall Street, a DOT service ramp, providing access to the public facilities located

along the waterfront from Jersey Street and Richmond Terrace respectively. Richmond Terrace, Victory Boulevard and Bay Street serve as the primary vehicular access routes to the project area from other locations on the Island, New Jersey and Brooklyn.

The two development sites (Parcels 1 and 2) are located steps from the Staten Island Ferry in St. George, and are currently used as parking lots for the Richmond County Bank Ballpark and the St. George Ferry Terminal. An estimated 70,000 passengers ride the ferry on a typical weekday between St. George and the Whitehall Terminal in Lower Manhattan and an estimated 22 million passengers make the trip every year. The St. George Terminal is served by the Staten Island Railroad and 22 different MTA bus routes. The Ballpark, home to the Staten Island Yankees, hosts approximately 38 annual home games and has a capacity of 6,500 seats. Both development sites are located at the waterfront level of the project area, approximately 25 to 30 feet below the level of Richmond Terrace.

The Richmond County Bank Ballpark lies between Parcels 1 and 2. Directly south of Parcel 1 is the New York City Department of Transportation (DOT) Staten Island Ferry Terminal and MTA Bus Terminal. Further south is the DOT Ferry Maintenance Facility, as well as a former U.S. Coast Guard site. West and Southwest of the development sites is the St. George Civic Center which includes Borough Hall, court facilities, the St. George branch of the New York City Public Library and other public offices as well as commercial, retail and institutional uses. Also to the West of the site is the upland residential neighborhood of St. George, characterized by its unique hillside

topography and mix of high-density and detached homes. Parcel 1 is adjacent to the Special Hillside Preservation District which guides development in steep slope areas of the Serpentine Ridge in order to reduce hillside erosion, stormwater runoff and landslides by preserving natural features of the unique topography, and also includes the St. Marks Historic District. The 120th Police Precinct Station House and the Staten Island Family Court, as well as a number of retail, service, and commercial uses, are located along Richmond Terrace, directly across from the development sites.

Parcel 1, the northernmost parcel, is an 8-acre site that includes an 820-space surface public parking lot operated by EDC serving the ferry terminal and baseball stadium and a 50-foot wide railroad right-of-way used by the Staten Island Railroad (SIR) for service purposes. Parcel 2 is a 6-acre site currently occupied by a 786-space surface public parking lot operated by DOT and EDC, which serves the ferry terminal and baseball stadium. The railroad right-of-way also extends onto parcel 2, extending to the ferry terminal. The right-of-way contains tracks used by the SIR for maintenance purposes, as well as a 2-story service building containing an SIR control center and electric substation.

The entirety of the project area is located within an M1-1 district, which allows 1.0 FAR and a mix of commercial and light industrial uses. It is within a waterfront area and therefore subject to special zoning regulations. It is also adjacent to the Special St. George District which was established in 2008 to encourage new residential and commercial development that would, among other goals, improve waterfront connections; establish a pedestrian-oriented civic center; bring people to existing

waterfront amenities and provide new waterfront uses; and help to provide the civic hub of the St. George area and Staten Island with an enhanced sense of place.

Past planning efforts, including the recent Vision 2020: New York City Comprehensive Waterfront Plan and the North Shore 2030 report, have called for improved use of and investment in the North Shore's waterfront. The North Shore 2030 report identifies strategies to build upon the North Shore's unique assets to help create jobs, increase waterfront access, improve mobility and strengthen neighborhoods. It was the result of a two-year effort involving City and State agencies, elected officials, local stakeholders and over two hundred residents and business owners to craft a 20-year vision for a diverse, thriving and connected waterfront community. The report recommended that the feasibility of developing these two parking lots should be explored to bolster economic growth and to facilitate connections to nearby attractions as part of an overall goal to reimagine St. George as a 24/7 downtown connected to the Harbor.

In August 2011, the New York City Economic Development Corporation issued a Request for Expressions of Interest for disposition and redevelopment of either or both parcels currently occupied by the aforementioned surface public parking lots. The RFEI stipulated that proposed projects be compatible with ferry terminal operations; comply with NYPD counterterrorism policies; optimize the use of existing public transit ; and that the existing number of commuter parking spaces must be accommodated in addition to any new parking required for any proposed developments. New York Wheel and St. George Outlet Development were selected to develop the sites.

PARCEL 1 (New York Wheel Development Site)

On Parcel 1 (Block 2, part of Lot 20), New York Wheel proposes to construct a 625-foot tall, 1,440-passenger observation wheel, accessory terminal building and a covered public parking facility. A deck will be built over the RROW to permit pedestrian and vehicular connections between Richmond Terrace and the Site.

The observation wheel is comprised of the following main elements: legs, rim, spokes, hub, and capsules. Each of the wheel's four legs will be about 13 feet in diameter. One leg will house a service elevator and the others will contain stairways inside. The observation wheel's capsules will be firmly attached to the rim and will remain level relative to the ground, allowing visitors to remain upright and feel virtually no vibration while on the wheel. The spokes are rods radiating from the center of the wheel, which is also called the hub. The 36 fully enclosed passenger capsules will carry up to 40 passengers each, for a maximum capacity of 1,440 passengers per ride. Based on an estimated average capacity of 80 percent and 1.61 rotations per hour, the theoretical hourly capacity is estimated at 1,855 passengers. Annual visitation for the wheel is conservatively estimated at 3.0 million visitors per year. The observation wheel will remain in constant motion, moving about 10 inches per second, allowing visitors to safely board and depart the wheel in full compliance with ADA requirements (the wheel can be stopped when required). Visitors will board the wheel from the pre-flight passenger deck and exit onto the post-flight platform, both located on the second floor of the wheel terminal building. The rim, capsules and spokes of the observation wheel will be

illuminated with programmable LED lighting, which would be limited to abstract displays of color and light.

The 68 feet tall (as measured from the waterfront) terminal building will provide access to the observation wheel and will also house amenities, including 43,910 sq. ft. of wheel-related commercial space (including uses such as ticketing, office space, coat check, and circulation), 18,437 sq. ft. of retail space (including kiosks, and eating and drinking establishments), a 7,517 sq. ft. restaurant, 5,887 sq. ft. of exhibition space and 4,117 sq. ft. of theater space, for a total of 79,868 sq. ft. In addition, the project includes 11,539 sq. ft. of mechanical space specific to the wheel and its related commercial operations. The 169,797 sq. ft., three-level covered parking facility will provide parking for 950 cars and 12 buses. This will include 820 parking spaces to maintain the existing commuter parking capacity on the site and serve the Richmond County Bank Ballpark; an additional 130 spaces will be added to meet the needs of the proposed development. The existing 820 commuter parking spaces will be maintained on-site during all phases of construction.

The applicant will provide a free shuttle service operating between the site and the ferry terminal during construction as well as after the permanent facility opens. A shuttle stop will be located on Bank Street adjacent to the waterfront plaza, within close proximity to the pedestrian entrance to the parking garage. The shuttle turnaround will be located on the project site at the west end of the parking garage.

The parking facility and terminal building will be a multi-story structure capped by a landscaped publicly accessible roof described below in further detail. The public parking facility and Wheel terminal building will rise above Richmond Terrace to various heights ranging from 23 feet to 46 feet. The proposed deck over the railroad right of way will provide direct access from Richmond Terrace and the surrounding neighborhoods to the wheel terminal building, as well as to the open space located on top of the parking facility and terminal building. Buses and cars will be able to access the site by Bank Street via Jersey Street. In addition, a new 24-foot curb cut is proposed at the intersection of Richmond Terrace with the extended Nicholas Street that will provide access to the parking facility.

Publicly accessible open space will be provided on the roof of the public parking facility and wheel terminal building as well as at entrances along Bank Street and Richmond Terrace. In total, the Wheel Development Site will include approximately 7.88 acres of open space, 7.32 acres of which will be publicly accessible active and passive open space. The publicly accessible open space will include areas for passive recreation, including landscaped green spaces, walkways with benches, and scenic vantage points. A 0.65 acre plaza is planned adjacent to the Stadium connecting Richmond Terrace to the main entrance of the terminal building. A second 1.53 acre plaza and landscaped area is proposed outside of the Bank Street entrance to the terminal building. The plaza will contain a shallow reflecting pool, which will be located underneath the Wheel. At the southwest corner of the site, a promenade will lead from Richmond Terrace to a 0.36 acre playground that will be surrounded by trees and a pathway. An approximately 0.56-acre area located on the southwest corner of the

development site will be physically inaccessible and contain sustainable energy elements, such as cylindrical wind turbines and arrays of solar panels. There will be another 2.41 acres of passive open space with pathways and landscaping on all sides of the sustainable features. The two plazas serving the Terminal building will be open 24 hours per day, 7 days a week. The remaining 5.14 acres of rooftop open space will have limited access.

The applicant proposes to widen Bank Street from the 9/11 Memorial to Jersey Street by six feet – from 24 ft. to 30 ft. – to allow for emergency vehicle access. The additional width of the street will accommodate a new 6-ft. wide bike lane, which will be created on the shoreline side of the widened street. Additionally, the applicant will replace or relocate all trees, lampposts and catch basins affected by the street widening and will replenish the affected portions of the improved waterfront esplanade with replaced landscaping, new benches, trash receptacles and bike racks.

PARCEL 2 (Empire Outlets Development Site)

On Parcel 2 (Block 2, parts of Lots 1, 5, 10, 20), the applicant proposes to construct a 340,000 sq. ft. retail outlet mall with approximately 100 stores, a 130,000 sq. ft. hotel with approximately 200 rooms, a 20,000 sq. ft. catering establishment and 1,250-space public parking garage. The covered parking facility, located below the retail outlet mall, will occupy approximately 532,500 sq. ft. and will provide shared parking for the development, ferry commuters and the Richmond County Bank Ballpark. The existing 786 commuter parking spaces located on the site will be replaced within the new garage. During construction, the applicant will provide the same number of spaces available to

commuters at four offsite locations, pursuant to an interim parking plan, a component of the proposed development plan (described within the subsequent Zoning Text Amendment section below).

Proposed publicly accessible open space will be provided within a central plaza, within a 50-foot-wide visual corridor extending from Richmond Terrace to the waterfront, and at a waterfront plaza between the development and the base of the ferry terminal's outdoor staircase leading to the North Shore Promenade. These spaces will be designed with trees, ground plane planting, benches, tables and moveable seating, water features and other public amenities. A deck will be built over the RROW to permit pedestrian and vehicular connections between Richmond Terrace and the Site.

The development will be built on various levels atop the parking garage that descend down from Richmond Terrace to Bank Street, consisting of alternating bands of building elements and walkways open to the sky. The tallest portion of the development is the hotel, which will rise to approximately 135' above Richmond Terrace. The retail building and walkways will be lower than the hotel, with the maximum height of the retail portion of the development at 35' above Richmond Terrace. The building segments that front Bank Street would reach a maximum height of about 50' above Bank Street after a 15' setback above 14' from the street level.

Pedestrian access will be provided through numerous entrances on three sides of the developments – from many points along the waterfront plaza, at a smaller plaza located at the bus terminal on the

eastern side of the development and from entrances along Richmond Terrace. Vehicular entrances and loading will be accessed from the Wall Street ramp on the western side of the building. Five loading docks are located on the first level of the garage. Access to the existing SIRTOA service building and maintenance tracks will be provided through the garage. Additionally, 37 parking spaces will be provided in the development to serve the SIRTOA operations on the site.

The section of Bank Street located between the Wall Street ramp and the ferry terminal is currently used by DOT ferry operations to access loading and service areas adjacent to the proposed development and underneath the ferry terminal. This section of the street between the Wall Street ramp and the ferry terminal will be relocated closer to the water's edge to provide a private service drive for DOT ferry operations which will eliminate conflicts between pedestrians and vehicles, and will allow for a more generous waterfront plaza. The ferry terminal staircase that descends down from the terminal to the esplanade at this location will also be rebuilt as part of the retail mall's waterfront plaza.

## PROPOSED ACTIONS

### **Zoning Map Amendment (C130315ZMR)**

The applicants propose to extend the existing Special St. George District to include the entirety of the project area to facilitate the proposed developments. The entire area to be incorporated in the Special District is city-owned property. The underlying M1-1 zoning would be retained. The applicants also

propose a zoning text amendment (described below) that would establish a new special permit that would permit the proposed developments pursuant to a development plan.

### **Zoning Text Amendment (N130316ZRR)**

The applicants propose an amendment to the existing Special St. George District (Article XII, Chapter 8) that would create a new North Waterfront Subdistrict; and would establish a new special permit (Section 128-61) that sets forth guidelines and conditions pertaining to use, signage, bulk and parking for two major development sites within the Subdistrict; and would permit development pursuant to a development plan for those sites, as well as improvements to, and enlargements of, an existing Waterfront Esplanade within the Subdistrict. The special permit requires the submission of a site plan, interim parking plan, signage plan, open space plan, waterfront esplanade, identified in the zoning text as “publicly accessible waterfront open space”, an improvement plan and lighting plan through which appropriate requirements for bulk, open space, signage, use, lighting and parking would be established. In addition to permitting the proposed uses, the special permit: authorizes the decking over of a railroad right-of-way and the establishment of a reference plane, in lieu of base plane, for the entire zoning lot for applicable regulations pertaining to height, setback, floor area and yards; permits signage pursuant to a signage plan; allows the Commission to establish requirements for the height and setback, yards, off-street parking and loading and temporary off site off-street parking; permits floor area to be distributed within the Subdistrict without regard for zoning lot lines; and also authorizes the modification of the following, prior special permits: C000012ZSR, C000013ZSR, C000014ZCR, and C000016(A)ZSR.

The special permit requires that the proposed plans demonstrate how the developments would meet findings related to the appropriateness of the proposed uses; the distribution of floor area; public access to light, air and waterfront vistas; the design of publicly accessible open space; public access to the waterfront; the adequacy of parking and loading for the proposed uses and for commuters during all phases of construction; the compatibility of proposed signage and lighting with scenic and historic character of the harbor; the design and potential impacts of public parking garages with more than 150 parking spaces; sufficient emergency vehicle access; the restoration of areas affected by related offsite improvements; and the effects on the future use of the affected railroad right of way.

#### **Special Permit for the Development of Parcel 1 Pursuant to 128-61 (C130317ZSR)**

The applicant, New York Wheel LLC, seeks a special permit, pursuant to the newly created Section 128-61, to permit the proposed development of Parcel 1 pursuant to a development plan. In addition to establishing requirements for the height and setback of buildings, parking, permitted uses, permitted yard obstructions and public open space designs as described above and shown in the attached site plans, the special permit would also permit the following:

##### *Modification of existing special permits*

The proposed special permit allows the modification of existing special permits affected by the proposed development. The proposed New York Wheel development would change the boundaries of the zoning lot for the Richmond County Bank Ballpark, relocate the required surface parking for

the baseball stadium into a public parking garage to be located on a separate zoning lot, and would modify the existing site plan for the stadium site by adding a 6' wide bike lane to the existing esplanade to accommodate the widening of Bank Street. Under the proposed text, these existing special permits – C000012ZSR, C000013ZSR, C000014ZSR and C000016(A) ZSR would be “deemed modified” pursuant to the proposed special permit for Parcel 1.

*Include the portion of the railroad right-of-way which will be completely covered by a permanent platform to be included in the calculations of lot area for the development – 128-61 (b)(1)*

The applicants propose to deck over the existing MTA-leased railroad right-of-way that abuts the Richmond Terrace edge of the site. This area will be included in the zoning lot and included in the calculations of lot area.

*Establish in lieu of base plane an appropriate level or levels as reference plane for the entire zoning lot – 128-61 (b)(2)*

The base plane is a plane from which the height of a building or other structure is measured. Within 100 feet of a street line, the level of the base plane is any level between the curb level and street wall line level. Beyond 100 feet of a street line, the level of the base plane is the average elevation of the final grade adjoining the building. As discussed above, the development parcel abuts only one mapped street and is located on the site of a former rail yard. As part of the approval to deck over the right-of-way, the special permit allows the Commission to establish a level as the reference plane for applicable regulations pertaining to height, setback, floor area and yards. A level for the reference

plane would be established for Parcel 1 that would allow for a better site plan and allow for the minimum amount of floor area needed to achieve the proposed development.

*Signs pursuant to a signage plan – 128-61 (c)*

The applicant proposes to include signage throughout the development as shown in their signage plan. On the building frontage facing Bank Street and the waterfront, the applicant proposes two internally illuminated accessory signs – one of up to 60 sq. ft. to be located near the Bank Street entrance to the building and one larger sign comprised of channel letters that would be placed on the terminal building and would measure approximately 1,100 sq. ft. A 360 sq. ft. sign would be placed above the building's entrance on Richmond Terrace and three illuminated signs of 100 to 150 sq. ft. each would indicate the entrances to the development's parking garage.

The special permit for Parcel 1 requires the submission of a site plan, interim parking plan, signage plan, open space plan, esplanade, identified in the zoning text as publicly accessible waterfront open space, improvement plan and lighting plan through which appropriate requirements for bulk, open space, signage, use, lighting and parking would be established. In addition, the special permit requires that the City Planning Commission determines that these proposed plans demonstrate the development would meet findings related to the appropriateness of the proposed uses considering the unique location of the site; the distribution of floor area; public access to light, air and waterfront vistas; the design of publicly accessible open space; emergency vehicle access; the restoration of planted areas, trees and lighting on the Waterfront Esplanade; public access to the waterfront; the adequacy of parking and loading for the proposed uses and for commuters during all phases of construction; the compatibility of proposed signage and lighting with scenic and historic character of

the harbor; the design and potential impacts of public parking garages with more than 150 parking spaces; and the effects on the future use of a the affected railroad right of way.

### **Special Permit for the Development of Parcel 2 Pursuant to 128-61 (C130318ZSR)**

The applicant, St. George Outlet Development, seeks a special permit, pursuant to 128-61, to permit the proposed developments pursuant to a development plan. In addition to establishing the heights, parking levels, permitted uses, permitted yard obstructions and public open space thresholds as described above and shown in the attached site plans, the special permit would also permit the following:

#### *Modification of existing special permits*

The proposed special permit allows the modification of existing special permits affected by the proposed development. The proposed St. George Outlet development would change the boundaries of the zoning lot for the Richmond County Bank Ballpark, relocate the required surface parking for the baseball stadium into a public parking garage to be located on a separate zoning lot, and would modify the existing site plan for the stadium site by relocating the ferry terminal service road to the waterfront and reconstructing the ferry terminal staircase to create a minimum 40-foot waterfront pedestrian esplanade. Under the proposed text, these existing special permits – C000012ZSR, C000013ZSR, C000014ZSR and C000016(A)ZSR would be “deemed modified” pursuant to the proposed special permit for Parcel 2.

*Temporary, off-site public parking lots with more than 150 spaces - 128-61 (a)(4)*

The applicant must provide access to 786 parking spaces during construction of the project to replace the existing surface commuter parking. As described in the interim parking plan, two of four interim parking lots identified to replace the displaced parking exceed 150 spaces. These lots, located at 22 Academy Place – Block 491, Lot 11 – (248 spaces, approximately ¼-mile from the project site) and 475 Bay Street – Block 488, Lot 9 – (325 spaces, approximately 1 miles from the site), must meet findings related to the vehicular access, traffic and reservoir space. The permit to operate these lots would expire 30 days after completion of the garage, defined as when the Department of Buildings issues a certificate of occupancy for all permanent public parking facilities on the site. The construction of the development and garage is expected to take three years.

*Include the portion of the railroad right-of-way which will be completely covered by a permanent platform to be included in the calculations of lot area for the development – 128-61 (b)(1)*

The applicants proposes to deck over the existing MTA-leased railroad right-of-way that abuts the Richmond Terrace edge of the site. This area will be included in the zoning lot.

*Establish in lieu of base plane an appropriate level or levels as reference plane for the entire zoning lot – 128-61 (b)(2)*

The base plane is a plane from which the height of a building or other structure is measured. Within 100 feet of a street line, the level of the base plane is any level between the curb level and street wall line level. Beyond 100 feet of a street line, the level of the base plane is the average elevation of the final grade adjoining the building. As discussed above, the development parcel abuts only one mapped street and is located on the site of a former rail yard. As part of the approval to deck over the

right-of-way, the special permit allows the Commission to establish a level as the reference plane for applicable regulations pertaining to height, setback, floor area and yards. A reference plane would be established for Parcel 2 and demonstrated in the attached site plans to allow for a better site plan and to set a level that relates to the building frontages on Richmond Terrace and Bank Street.

*Signs pursuant to a signage plan – 128-61 (c)*

The applicant proposes to include signage throughout the development as shown in their signage plan. Pedestrian pathways within the Parcel that are 20 feet wide and adjacent to the development would be treated as streets for the purposes of identifying signage requirements. Signage in these locations would be limited to five times the linear footage of the store frontage and must be non-flashing. Signage on the perimeter of the development could be as large as 1,000 sq. ft., but would be limited to indirectly illuminated signage within specific locations. On the building elements that front Bank Street and the shoreline, ground floor signage would be limited to a maximum aggregate surface area of 250 sq. ft. of illuminated signage. Above the first story, a maximum of aggregate surface area of 500 sq. ft. of indirectly illuminated signage is proposed. One illuminated sign of up to 500 sq. ft. in area would be permitted on the hotel, located just below the first story, but not at a height higher than 65 feet, as measured from the reference plane.

*Distribution of floor area without regard for zoning lot lines – 128-61 (f) (2)*

The special permit allows the distribution of floor area without regard to zoning lot lines. Approximately 301,193 sq. ft. of floor area would be distributed to the site from the adjacent, city-owned zoning lot, which is occupied by the stadium and waterfront esplanade, to achieve the 2.03 FAR needed for the development plan. The maximum FAR in an M1-1 district is 1 FAR.

The special permit for Parcel 2 requires the submission of a site plan, interim parking plan, signage plan, open space plan and lighting plan through which appropriate requirements for bulk, open space, signage, use, lighting and parking would be established. In addition, the special permit requires that the City Planning Commission determine that these proposed plans demonstrate the development would meet findings related to the appropriateness of the proposed uses considering the unique location of the site; the distribution of floor area; public access to light, air and waterfront vistas; the design of publicly accessible open space; emergency vehicle access; the restoration of planted areas, trees and lighting on the existing Waterfront Esplanade and the improvement of publicly accessible waterfront open space; public access to the waterfront; the adequacy of parking and loading for the proposed uses and for commuters during all phases of construction; the compatibility of proposed signage and lighting with scenic and historic character of the harbor; the design and potential impacts of public parking garages with more than 150 parking spaces; and the effects on the future use of a the affected railroad right of way.

When providing temporary, off-site public parking lots with more than 150 spaces, 128-61(a)(4) states that the applicable findings of Section 74-51 must also be met:

*That the principal vehicular access for such #use# is located on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#, except that in C5 or C6 Districts such access may be located on a local #street# -- 74-512(a)*

Two temporary parking lots are proposed. A temporary parking lot at 475 Bay St. will provide 325 parking spaces. Principal vehicular access for this parking lot is from a 30 foot wide curb cut on Bay Street, which is a 60-foot wide, major two-way street.

The 22 Academy Place interim parking lot is proposed to accommodate 248 parking spaces. Academy Place, Wall St., St. Marks Place and Hamilton Avenue bound the parking lot. The entrance to the lot will be located on Academy Place. Both Academy Place and St. Marks Place are two-way streets while Wall St. and Hamilton Ave. are one-way. Academy Place is only one block long, and is a secondary street within less than a quarter mile of a major street, Richmond Terrace.

*That such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas – 74-512(b)*

The proposed 475 Bay Street location is situated so that a minimum of vehicular traffic will be drawn through local streets in nearby residential areas; it is situated on existing vehicular commuter routes to the retail development site and the public parking areas at that site. Traffic approaching or leaving the parking lot can only do so on Bay St., a major thoroughfare. Therefore, vehicles now being parked at this lot will continue to use the same routes to access this temporary lot without additional traffic being drawn through local streets in nearby residential areas.

The proposed interim parking location at 22 Academy Place will temporarily replace displaced public parking on the retail development site during construction of the retail development. 22 Academy Place is located within two to three blocks of Richmond Terrace, a major street now used to access

the North Waterfront site parking and within a quarter mile of the displaced parking it will temporarily replace. The entrance to the lot will be located on Academy Place. Most cars approaching the lot would turn from Richmond Terrace onto Hamilton Avenue and then Academy Place, since that would lead from the most major street in this area of Staten Island, Richmond Terrace, which turns into Bay St less than a few blocks away. Similarly cars leaving the lot would use Wall St. to access Richmond Terrace/Bay St, both major thoroughfares.

*that such #use# has adequate reservoir space at the vehicular entrances to accommodate either 10 automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles – 74-512(c)*

The proposed 475 Bay Street has a design parking capacity of 325 attended parking spaces with reservoir space capacity at its entrance of 18 spaces, at least 5% of its design capacity, and the proposed location has adequate reservoir space at its vehicular entrance. 22 Academy Place has a design capacity of 248 attended parking spaces with reservoir space capacity at its entrance of 14 spaces, which is 5% of its design capacity.

### **Dispositions of City-Owned Property (C130319PPR & C130320PPR)**

The project sites are currently owned by the City of New York. To facilitate the redevelopment of the St. George waterfront, the properties would be conveyed by the Department of Small Business Services to the New York City Economic Development Corporation for disposition via long-term

leases to St. George Outlet Development (for Parcel 2) and New York Wheel (for Parcel 1). The dispositions would be restricted to the development authorized by the special permit granted under Section 128-61.

## **ENVIRONMENTAL REVIEW**

The application (N1030316ZRR), in conjunction with the applications for the related actions (C130315ZMR, C130317ZSR, C130318ZSR, C130319PPR, and C130320PPR) 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 13SBS001R. The lead agency is the Department of Small Business Services.

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on October 11, 2012, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on October 12, 2012. A public scoping meeting was held on the Draft Scope of Work on November 13, 2012. A Final Scope of Work, reflecting the comments made during the scoping, was issued on May 7, 2013.

The applicant prepared a DEIS and a Notice of Completion for the DEIS was issued May 15, 2013.

On July 24, 2013, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion for the FEIS was issued on August 29, 2013. The FEIS identified significant adverse impacts and proposed mitigation measures that are summarized in the Executive Summary of the FEIS attached as Exhibit A hereto.

## **PUBLIC REVIEW**

On May 20, 2013, this application (N130316ZRR) was duly referred to Community Board 1 and the Borough President for information and review in accordance with the procedures for non-ULURP matters along with the related (C130315ZMR, C130317ZSR, C130318ZSR, C130319PPR, and C130320PPR), which were certified as complete by the Department of City Planning on May 20, 2013, and were duly referred to Community Board 1 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

## **Community Board Review**

Community Board 1 held a public hearing on this and related actions on June 11, 2013, and on that date, by a vote of 25 in favor, 1 opposed and 3 ineligible, adopted a resolution recommending approval of this application subject to the following conditions:

- A) All plantings are low growing to allow view corridors.
- B) Both operators provide off-site parking (beyond interim construction) with shuttle service to meet demands for all users during peak utilization.
- C) All parking rates be at existing market rate or lower and any future increase be subject to review and approval by Community Board #1

- D) Priority should be given to members of the NYC Building Trades, Staten Island businesses, organized, unorganized, woman and minority workforce for all aspects of construction and, include a project labor agreement with NYC Building Trades by **BOTH** developers.

and that 100% of the monies collected for rent by both projects by the New York City Economic Development Corporation be used to fund and maintain the following improvements:

1. Smart Lights throughout the corridor from Bay Street Landing/Richmond Terrace Corridor and its feeder roads; Victory Blvd., Jersey Street, Nicholas Avenue, Bank Street, Hill Street, Wall Street etc.
2. Widen and reconfigure Richmond Terrace including a bike lane.
3. Both Developers widen Bank Street from Richmond Terrace including a bike lane (Per FDNY)
4. 24 hour 7-day a week ½ hour Ferry Service
5. Create and secure a continuous coastal restoration and protection along the north and east shore from Ft. Wadsworth to the Goethals Bridge.
6. The North Shore Greenway Trail – Fully funded and completed from Ft. Wadsworth to the Goethals Bridge, to include safe and secure waterfront access, pathways, lighting benches, signage etc.
7. Fixing the promenade at Bay Street Landing – Removal of all the pilings from Hurricane Sandy, restoration and protection.
8. An HOV lane that would accommodate a north shore rubber wheel trolley along Richmond Terrace to the Bayonne Bridge
9. Improve the St George Ferry Terminal circulation by having all riders disembark through the north side of the terminal during the hours of 10am and 4pm daily so that the separation of tourists from commuters can occur easily with tourists being drawn to the north through the glass doors leading to the Empire Outlets/Wheel/Promenade and commuters being drawn south toward public transportation options.
10. Improve the St. George Ferry Kiss and Ride St. George Ferry Terminal by removing the fence, security booths and ferry worker parking and placing a sidewalk with security bollards and planting within a 15 foot buffer surrounding the ferry maintenance facility and also build a sidewalk connecting the existing sidewalk that is cut off by the current security fence that encompasses a private parking lot and the Ferry Maintenance Facility. That sidewalk should continue through the property and into the former Coast Guard/Triangle Equities Site to connect with the Bay Street Landing Promenade. This sidewalk should have lighting, seating, planting and security bollards (especially as it passes the Ferry Maintenance Facility) in order to provide a double layer of protection. What was once private parking for Ferry Maintenance Facility should then be used as public parking space. All security booths

should remain within the 15 foot buffer for the Ferry Maintenance Facility. Signage should be installed encouraging visitors to see the public plaza and fishing pier and other attractions that will come with the development of the former Coast Guard/Triangle Equities site.

11. Deck over the remaining parking lot and train tracks adjacent to the bus ramps to create more public access and space and,
12. Provide a (Kiosk) for Department of Cultural Affairs to encourage use of and access to Staten Island Cultural and recreational institutions (Snug Harbor Cultural Center Staten Island Institute of Arts and Sciences, SI Zoo, Etc.)

### **Borough President Review**

This application (N130316ZRR), was considered by the Staten Island Borough President, who issued a recommendation approving the application on July 8, 2013, with the following recommendations:

1. Developers to promote the establishment of a non-profit St. George community association among new and existing landowners and businesses that will provide service, advocacy, and information to enhance the quality of life for the St. George community and its visitors, with the understanding that other applicants seeking future waterfront approvals in St. George would also be required to participate and provide funding in support of supplemental security and sanitation, visitor information services, landscaping and streetscape beautification and maintenance and upkeep of the public areas adjacent to the development sites, which generally should include the sidewalks on both sides of the Richmond Terrace / Bay Street Corridor from St. Peter's Place to the Hyatt Street /Bay Street Triangle. A preliminary draft of intended structure can be included in the ULURP application prior to DCP approval.
2. Developers to provide S.I. commuters with "Priority Resident Parking" that will offer first-come, first-served parking locations most convenient to the ferry terminal during pre-determined rush hours. The number of spaces should be consistent with demand outlined in the EIS. Subject to the ability to complete any further environmental reviews required by CEQR within the current ULURP, these parking locations and restrictions should be identified and included in the ULURP application prior to DCP approval.
3. Developers should evaluate project site to determine if the number of vehicle spaces to be retained during construction, in proximity to the Ferry, can be increased. Under parcels adjacent to either Richmond Terrace or Bank Street, with a priority on paved and storm-damaged City-owned parcels, should be considered for additional temporary parking. Existing City parcels between Bank Street and the North Shore Esplanade (B2, L601-see attached photos) could be temporarily converted to additional commuter parking areas

accessed from Bank Street and managed by the developers. If these or other suitable sites are acceptable, an agreement can be made with the developers to properly design and screen temporary parking areas during construction and to provide an exit strategy to rebuild these areas as public open spaces with pedestrian amenities upon completion of the structured parking. Subject to the ability to complete any further environmental reviews required by CEQR within the current ULURP, a phased design proposal can be included in the ULURP application prior to DCP approval.

4. Developers to establish a free Wi-Fi network across the entire development site for community access. The network should operate 24/7 for the life of the proposed uses and be incorporated into the ULURP application prior to DCP approval subject to the condition that the Developers can receive all necessary licenses and permissions for such network.
5. Developers to evaluate waterfront esplanade adjacent to Bank Street to determine if restoration and additional improvements can be made to existing public open spaces (see attached photos). Acceptable improvements can be incorporated into the ULURP application prior to DCP approval.
6. Developers to provide a looped shuttle service from all temporary off-site parking locations during construction. Shuttles should be restricted to arterial streets only. Subject to the ability to complete any further environmental reviews required by CEQR within the current ULURP, a permanent on-site shuttle service between the development parcels and the S.I. Ferry Terminal should be included in the ULURP application prior to DCP approval.

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

On July 10, 2013 (Calendar No. 17), the City Planning Commission scheduled July 24, 2013 for a public hearing on this application (N130316ZRR). The hearing was duly held on July 24, 2013 (Calendar No. 38), in conjunction with the public hearing on the applications for the related actions. There were 17 speakers in favor of the application and none opposed.

Those speaking in favor of the applications included the Staten Island Borough President; representatives of the New York Wheel and St. George Outlets Development, the New York City Economic Development Corporation, the Office of the Deputy Mayor of Economic Development and

Rebuilding, the Staten Island Economic Development Corporation and the Staten Island Chamber of Commerce; and the owner of a local real estate brokerage firm.

The Borough President of Staten Island spoke in favor of both projects, saying that they would result in half of a billion dollars in investment in the North Shore of Staten Island, bringing new economic activity, new jobs and revitalization to the waterfront. He also stated that there are still issues to be worked out with regard to traffic and said that while these problems need to be addressed by the City, he said he believes that they will be resolved over time. The Borough President stated that the developers had agreed to all of the conditions stated in his favorable recommendation on the projects, which included prioritized parking for commuters within the permanent parking garages; shuttle service to offsite parking locations; examination of additional offsite parking locations during construction; free, public wireless internet access on the sites; and examination of repairs to the waterfront esplanade.

Representatives from the Mayor's Office and the New York City Economic Development Corporation (EDC) spoke in favor of the plan, saying it was one of a number of initiatives to bring visitors and investment into the North Shore of Staten Island. In response to questions from the Commission about improving connections along the North Shore, the EDC representative said the projects would connect St. George to the waterfront by decking over the existing railroad easement located along Richmond Terrace and creating new publicly accessible connections through the projects to the waterfront. He also said that the City was considering improvements to waterfront

connections as part of other planned waterfront redevelopments and by advancing projects that leverage existing capacity on the Staten Island Railway.

The CEO of New York Wheel described the project's expected economic and revitalization benefits, saying that the observation wheel and its accessory retail and dining uses would be a \$320 million project attracting an anticipated 3 million visitors per year, creating 350 union construction jobs and 600 permanent jobs. The project would include state of the art sustainability features, including a green roof with over 6 acres of publicly accessible open space, solar panels, wind turbines, and storm water retention. The wheel, terminal building and 950-space garage are designed to be fully storm and surge resilient to protect against storm events. In addition to attracting visitors, he said the wheel and its surrounding grounds would be lit and used to celebrate holidays and special events in a tasteful and engaging manner. Additionally, he stated that the project would result in the widening of Bank Street and the refurbishment of portions of the waterfront esplanade.

The principal of St. George Outlets Development described the projects as transformative of the surrounding area through the improvements to waterfront connections and the new economic activity that would be generated by the projects. He described the two developments as complementary uses and explained that the planned retail outlet mall would be built in only one phase and would not expand due to future demand. Future demand for spending power, he projected, would be absorbed by local merchants in the surrounding community. Additionally, he committed to analyzing the feasibility of including designated spaces within the parking garage for use by a car share service. He

said plans called for a self-park configuration of the garage, but that an additional 300 cars could be accommodated in a valet configuration if there was the demand for additional spaces.

Several representatives of the developers of each Project explained the design intent of the buildings, the designs of the publicly accessible open spaces, the amenities within the buildings, and planned sustainability and storm resiliency measures.

Others testifying in favor of the Project – including a planner from the Staten Island Economic Development Corporation, a representative from the Staten Island Chamber of Commerce, and a local real estate broker – focused on the economic benefits to the local community. The representative for the Staten Island Chamber of Commerce reiterated earlier comments about the need for City investment in improving connections on the North Shore and addressing traffic problems.

There were no other speakers and the hearing was closed.

#### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (N130316ZRR), along with the related applications (C130315ZMR, C130317ZSR, C130318ZSR, C130319PPR, and C130320PPR), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State

Department of State on May 22, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resource Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 12-138.

The City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the actions will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies.

### **CONSIDERATION**

The Commission believes that the zoning text amendment application (N130316ZRR), in conjunction with the applications for the related actions (C130315ZMR, C130317ZSR, C130318ZSR, C1030319 PPR and C130320PPR) is appropriate.

The Commission believes that the applicants, New York Wheel LLC, St George Outlet Development LLC, the New York City Department of Small Business Services and the New York City Economic Development Corporation, have proposed a unique redevelopment plan that is consistent with the goals of the Special St. George District and the community's visions for the area as outlined within recent planning reports, including *Vision 2020: New York City Comprehensive Waterfront Plan* and the *North Shore 2030* report. These developments include a mix of vibrant, active uses on prime waterfront surface parking lots that will create world-class destinations for the City and its many visitors as well as new retail, dining and entertainment opportunities for Staten Islanders; the development of over eight acres of publicly accessible open space; an iconic addition to the City and

harbor skyline; an active and pedestrian-friendly streetscape; and new connections between St. George and the waterfront.

### **Zoning Map Amendment**

The Commission believes that this application (C 130315 ZRR) for an amendment of the Zoning Map is appropriate.

The St. George Special District was adopted on October 23, 2008. This newest special district in Staten Island expressed the community's desire to build upon St. George's existing strengths as a civic center, neighborhood and transit hub by providing rules that will bolster a thriving, pedestrian-friendly, business and residential district. The new rules established zoning regulations that facilitate continuous ground floor retail and the critical mass needed to attract a broader mix of uses; required a tall, slender, building form that reflects the neighborhood's unique hillside topography and maintains waterfront vistas; encouraged the reinvestment and reuse of vacant office buildings; and accommodated an appropriate level of off-street parking while reducing its visual impact.

The two publicly-owned waterfront parking lots were not included in the special district boundaries at that time in order to review the feasibility of development on these sites that would both support local goals for waterfront access, retail and services, but also support city-wide goals of job creation, storm resiliency and creating a waterfront destination attractive to Islanders and the large number of ferry visitors and tourists from around the world. In August 2011, the New York City Economic Development Corporation issued a Request for Expressions of Interest for disposition and

redevelopment of either or both parcels currently occupied by the aforementioned surface public parking lots. The RFEI stipulated that proposed projects be compatible with ferry terminal operations; comply with NYPD counterterrorism policies; optimize the use of existing public transit; and that the existing amount of commuter parking spaces must be accommodated, in addition to any new parking required for any proposed developments. New York Wheel and St. George Outlet Development were selected to develop the sites.

The proposed new uses are well located in relation to the intermodal transit center at the ferry terminal, the Richmond County Bank Ballpark, the waterfront esplanade, the Postcards 9/11 Memorial, and the upland civic and residential communities within the Special St. George District. As both local and regional attractions, the City Planning Commission believes that the uses will leverage their proximity to the ferry terminal to maximize transit use. The retail and dining services in both developments will attract new visitors to area businesses as well as provide new options for local residents and employees. The Commission also believes that both projects will create significant new physical connections from the upland community and will attract numerous new visitors to the waterfront and the existing recreational and memorial uses located there. The Commission believes that the extension of the existing Special St. George District to incorporate these unique, city-owned waterfront sites and the accompanying text amendment to provide new rules for their development is the appropriate means to achieve the community's goals for a 24/7 St. George civic and residential neighborhood.

## **Zoning Text Amendment**

The Commission believes that the application for the zoning text amendment (N 130316 ZRR) is appropriate.

This action would facilitate the establishment of a North Waterfront Subdistrict within the Special St. George District and create a new special permit that would allow for the disposition of and redevelopment of two City-owned waterfront parcels pursuant to a set of specified plans. The proposed text amendment allows the Commission to review an application for a proposed development and evaluate it against community-defined concerns related to the future development of St. George. The special permit requires the submission of a site plan, interim parking plan, signage plan, open space plan, waterfront esplanade improvement plan, publicly accessible waterfront open space plan and a lighting plan. Similar to a Large Scale General Development Plan, the Commission would be approving a set of plans for the proposed designs. However, unlike a general large scale plan, the Commission is not approving a set of waivers for those buildings, but rather, through the special permit, establishing appropriate requirements for the height and setback, yards, off-street parking and loading and temporary off site off-street parking and to permit floor area to be distributed within the Subdistrict without regard for zoning lot lines. The Commission believes the proposed text changes provides an appropriate means to direct new development in correspondence with long-term planning goals and provides a forum for the Commission to address community concerns.

## **Special Permit (C130317ZSR) - Parcel 1**

The Commission believes that the grant of this special permit is appropriate.

Approval of the special permit application (C130317ZSR) would facilitate the development of Parcel 1 by New York Wheel, LLC which will feature a 600-foot tall observation wheel with a capacity for 1,440 passengers, providing panoramic views of the New York Harbor, Manhattan, Staten Island and New Jersey. The Wheel will be serviced by an approximately 80,000 sq. ft. terminal building developed with accessory retail, theater space and dining. The development will also include 950 parking spaces for autos and 12 spaces for buses with adequate reservoir space, of which 820 spaces are designated for commuters and visitors to the Richmond County Bank Ballpark.

The project will create new pedestrian connections from St. George to the waterfront by building a deck over the railroad-right-of-way and creating a new streetscape along Richmond Terrace. The Commission believes that the deck over the railroad right-of-way complements the link between Richmond Terrace and the landscaped roof of the new parking structure proposed in conjunction with the Wheel. The Commission agrees that the proposed deck will not interfere with any existing track operations or future operations, and that there will be no structures requiring support within this railroad right-of-way. The landscaped roof of the terminal building and parking garage will include over seven acres of publicly accessible open space that will include a 14,000 sq. ft. playground, wood deck paths, an accessible lawn with panoramic views of the Wheel and the harbor, bench seating, and a sustainability exhibit of wind turbines and solar panels that will provide enough energy to rotate the Wheel. The height of the parking garage has been designed to maintain the existing waterfront vista from Richmond Terrace through the proposed playground.

The Commission believes that the proposed massing of the public parking garage minimizes the bulk and maximizes waterfront views through the site and provides a well-designed relationship between buildings and open areas on the zoning lot and between the site and adjacent streets. The proposal has been revised by the applicant since certification to reduce the massing of the proposed parking structure and reduce the originally proposed overall height by 11.5 ft, thus allowing for the top of the garage, complete with a landscaped, green roof, to be at level with the site's adjacent street, Richmond Terrace, thus maximizing waterfront views. The pedestrian experience along Richmond Terrace facade is further enhanced through a mix of transparency, berms, bench seating and walkways that access the landscaped roof. In addition, the use of attended parking and stackers within the parking structure allow for more parking spaces to be accommodated in a smaller garage than would a proposal without attended parking and stackers.

The Commission believes that the site plan provides a well-designed relationship between the site and adjacent off-site open areas and shorelines, and will improve public access to the waterfront and publicly accessible waterfront open space. The six-foot widening of Bank Street, along the waterfront, from the Postcards 9/11 Memorial to Jersey Street will allow for sufficient emergency vehicle access to the development site as well as add improved recreational opportunities through the addition of a bike lane within the widened roadbed. Additionally, the applicant will replace or relocate all trees, lampposts and catch basins affected by the street widening and will replenish the affected portions of the improved waterfront esplanade with replaced landscaping, new benches,

trash receptacles and bike racks. The New York Wheel development will include two publicly accessible plazas on Richmond Terrace and Bank Street that will include bench seating, and moveable tables and chairs. Plazas at the proposed site will provide lighted and furnished pedestrian pathways to the shoreline via Bank Street, the Postcards 9/11 Memorial, and the Ferry Terminal. The easternmost area of the waterfront plaza is specifically designed to be compatible with the adjacent Postcards 9/11 Memorial, located on the water side of Bank Street, in order to be respectful of this important community landmark.

In addition to creating new pedestrian connections to the waterfront, the development also provides new vehicular access to commuter parking through a curb cut and garage entrance on Richmond Terrace at Nicholas Street. The Commission believes that the interests of commuters will continue to be served through the replacement of all 820 existing surface public parking places within a new structured garage, which will contain a total of 950 parking spaces comprised of attended parking, attended parking in stackers, and self parking, including adequate reservoir space at vehicular entrances. A shuttle will provide access to the new parking garage from the ferry terminal at or exceeding the level of current shuttle service to existing commuter parking.

The City Planning Commission recognizes that, except for a handful of historic signs, the City's harbor and its skyline are free of advertising and sponsorship signage and that any signage and lighting provided on site are compatible with the scenic and historic character of the harbor. The defining features of the harbor are the Statue of Liberty, the City's illuminated bridges, the skyline

and the water itself. The Commission believes that the Wheel should become a part of this recognizable and unique shoreline location, but without commercial imagery. With a diameter of 600 feet and rising as tall as many buildings on the harbor skyline, and with lighting directed out into the harbor, the Wheel will become a highly visible new landmark on the harbor and for Staten Island's skyline.. The Commission strongly believes that allowing advertising or sponsorship imagery on the Wheel's lighting display would have the potential to negatively affect the character of the area and the public's enjoyment of the harbor. The Commission therefore believes that the illumination of the Wheel rim, capsules and spokes with programmable LED lighting tubes should be limited to abstract displays of color, with display of recognizable images not allowed. With careful consideration of lighting and advertising restrictions, the Commission believes that the Wheel will enhance vistas from nearby streets and properties on nearby blocks.

The Commission agrees that a significant majority of shoppers and visitors to the project site will arrive by public transportation. St. George is the hub for the borough's public transportation, including the Staten Island Ferry, which has a ridership of over 20 million a year. The ferry terminal also includes the St. George Station of the the Staten Island Rail Road, which provides access to the entire east and south shores of Staten Island. In addition, connected to the ferry terminal is a major Bus Terminal, providing access to over 20 bus lines serving the Borough. Finally, the Commission notes that some of the project's core urban design principles are specifically intended to encourage walking and the use of public transportation, with an emphasis on active street frontages and an enhanced pedestrian realm.

The Commission believes that the streets providing access to the proposed project will be adequate to handle traffic resulting from the project. The Commission believes that the existing street network has sufficient overall capacity for existing and future traffic, while acknowledging that there is now and will continue to be heavy competition for this capacity between vehicular and pedestrian traffic in St. George's Civic Center. The Commission notes that the proposed development is primarily served by two streets, Richmond Terrace and Bay Street which are built out to serve as the area's main boulevards with two lanes of traffic, on-street parking and traffic medians.

The Richmond Terrace/Bay Street corridor is characterized by heavy vehicle volumes approaching and exiting the Staten Island Ferry Terminal, the drop-off/pick-up area, and the existing commuter parking lots, as is typical of transit centers throughout the City. The St. George Civic Center, which includes the Ferry Terminal, is also served by Victory Boulevard providing access across the north shore and mid-Island as well as to a number of local streets to the surrounding neighborhoods. Other key local streets include Nicholas Street, Hamilton Avenue, Stuyvesant Place, Wall Street, Schulyer Street, St. Paul's Avenue and Van Duzer Street, which are one-way streets with one lane of traffic; and Hyatt Street, Jersey Street, Westervelt Avenue and Lafayette Avenue, which are two-way streets with one lane of traffic in each direction. The Commission notes that this traffic would be distributed amongst many different and geographically dispersed arrival and departure routes throughout the project area, minimizing concentrations of new traffic on any one intersection or street.

The Commission acknowledges that the FEIS analyzed potential traffic impacts that could be generated from both the proposed retail/hotel and wheel developments proposed within the expanded Special St. George District. In analyzing the proposed project's impact, the FEIS studied 28 intersections across the Borough's North Shore including intersections and main corridors leading from the surrounding neighborhoods, the Verrazano Narrows Bridge and the Staten Island Expressway. The Commission notes that this traffic analysis identified significant adverse traffic impacts during one or more peak hours at 16 locations. Proposed mitigation measures include standard traffic capacity improvement measures, such as lane restriping, prohibiting turning movements, revised signal timing, and modified traffic signals. Additionally proposed mitigation measures include modifying and restriping the Wall Street Ramp, which NYC DOT has approved in concept and the developer will submit detailed construction drawings, installation of a new traffic signal at Richmond Terrace and Schulyer Street, reversing the street direction of Wall Street and Schuyler Street between Richmond Terrace and Stuyvesant Place and Traffic Enforcement Agents during Staten Island Yankee evening home games at Richmond Terrace and Hamilton Avenue.

After implementation of these mitigation measures the significant adverse impacts were eliminated at all but 2 intersections as related in the EIS. Significant and unavoidable traffic impacts were identified on Richmond Terrace at the Staten Island Ferry Viaduct ramps (entry for cars and buses and exit for cars) and at the Staten Island Ferry Viaduct bus exit ramps.

The Commission notes that two of the 28 analyzed intersections are projected to have impacts that could not be fully mitigated during all four peak hours. The intersection of Richmond Terrace and the SI Ferry Viaduct (entry for cars and buses and exit for cars) could not be mitigated during all four peak hours. The intersection of Richmond Terrace and the SI Ferry Viaduct bus exit ramp could not be mitigated during all four peak hours. These two intersections are located immediately adjacent to each other and provide access to the Staten Island Ferry Terminal for buses and the commuter drop-off/pick-up area and operate on the same traffic signal controller. The main commuter parking areas for the ferry terminal are located at the proposed development sites and would not have direct access at these intersections.

Impacts at these locations would not be completely mitigated in the With Action condition. NYCDOT has proposed signal timing modifications to provide pedestrian safety enhancements, including a new all-pedestrian crossing phase. The proposed addition of this new signal phase in the No-Action condition would improve pedestrian circulation at the expense of vehicular traffic. It is not possible to reallocate any signal timing at these locations to fully mitigate the potential significant impacts, but the Richmond Terrace / Staten Island Ferry Viaduct (cars) intersection would be partially mitigated during all four peak hours with the implementation of minor signal timing reallocation.

In addition to the proposed mitigation measures, the applicants would conduct a monitoring plan when the proposed development is fully built and occupied. Before commencing the monitoring plan,

the applicant would submit a detailed scope of work for NYCDOT review and approval. The developers will be responsible for costs associated with the design and implementation of recommended improvements identified by the study and approved by NYCDOT in consultation with the developers and NYCEDC. Improvements, if warranted, would be limited to signal timing and/or signal head modifications to accommodate phasing changes, restriping, new or modified signage and parking regulation changes. NYCEDC will be responsible for other costs associated with the design and/or implementation of recommended improvements identified by the study and approved by NYCDOT in consultation with the developers and NYCEDC. The improvements would be limited to one traffic signal in addition to the signal already committed to as part of the proposed mitigation, and, if warranted, up to 3 Traffic Enforcement Agents on weekday evenings and weekends during peak tourist/shopping periods of the year.

The Commission notes that projected congestion stems in part from the fact that the roadways serving the project also serve as access routes to the Staten Island Ferry Terminal, which is a critical component of the city's transportation infrastructure and does not solely result from any one development, including the proposed project. The Commission finally notes that impacts within the local neighborhood street network would be minimized, with the majority of intersections either having no significant impact or impacts that can be fully mitigated through standard mitigation measures. With the exception of two intersections (Richmond Terrace at the Staten Island Viaduct car and bus intersections), the majority of identified impacts can be fully mitigated pursuant to standard mitigation measures as identified in the EIS. As a result, the local street network is

considered to provide site access adequate to handle the traffic generated by the proposed development on Wheel Development Site.

The Commission believes that, the special permit would result in a site plan that provides new uses, public open spaces, increased public waterfront access, new pedestrian connections between the Staten Island Ferry Terminal and St. George's Civic Center and surrounding neighborhoods which would benefit the millions of ferry riders and commuters as well as the neighborhood and the City as a whole.

The Commission is in receipt of a letter from the Metropolitan Transit Authority (MTA), dated August 30, 2013 stating that the "MTA has concluded that the proposed deck will not interfere with operation of the railroad right of way. In addition, MTA has no plans to use the air space where the development will be located."

### **Special Permit (C130318 ZSR) – Parcel 2**

The Commission believes that the grant of this special permit is appropriate.

This special permit application (C 130318 ZSR) would facilitate the development of a 340,000 sq. ft. retail outlet mall, 20,000 sq. ft. catering facility and a 200-room hotel on Parcel 2. The development will also include a 1,250 space parking garage; 786 of the parking spaces will be reserved for commuters and visitors to the Richmond County Bank Ballpark. Significant public open spaces are

also being provided that will improve public access to the waterfront, enhance movement throughout the development site, and create a superior relationship to neighborhood destinations, such as the ferry terminal, the baseball stadium, St. George Civic Center and the larger NYC harbor waterfront.

The Commission believes that the proposed development will provide useful and attractive publicly accessible open space, with sufficient public amenities that result in a superior relationship with the surrounding neighborhood destinations. The public open spaces include a central plaza, a visual corridor between Richmond Terrace and the waterfront, and a waterfront esplanade. They would be connected from the neighborhood of St. George to the waterfront by a new deck over the railroad-right-of-way which would create a new streetscape along Richmond Terrace. This would complete a vital new network of publicly accessible pedestrian corridors between the St. George Civic Center, the waterfront and the intermodal transit center at the ferry terminal. The Commission believes that these new open spaces would create important new destinations and neighborhood resources, with new waterfront connections for local residents, tourists, and commuters alike.

#### Central Plaza:

The 6,000 square-foot central plaza will sit at the heart of the retail development, connecting St. George's civic center with its waterfront through the provision of an attractively designed, dynamic, year-round destination that would cater to a wide variety of users and activities. The Commission believes that the central plaza would become a primary public open-air gathering space for the St. George community and will serve as a critical orientating space within the larger pedestrian

circulation network. The central plaza has been designed to have 20% of its area planted, including nine trees, as well as a water feature and a variety of seating types, including movable tables and chairs and benches, half of which will have backs. The plaza's open space provides for appropriate pedestrian flows with clear circulation paths around and through the plaza. Precast paving finish, careful lighting design, and the surrounding retail entrances on the ground floor of the buildings that line the central plaza will ensure this central public open space is active, safe and enjoyable at all times.

### Upland Visual Corridor

The Commission believes that the 50-foot wide upland visual corridor will improve public access to the waterfront and ensure that the new public open spaces will be seamlessly connected and accessible at all times. Lined with active retail edges, this corridor will provide the primary circulation spine connecting Richmond Terrace and the St. George Civic Center with the NYC Harbor waterfront and the Staten Island Ferry Terminal. This wide open-air circulation path will be the main retail corridor for the development. It will include various types of seating, often in conjunction with or as part of planters. The landscaping plan for the corridor includes fourteen trees, most likely multi-stem honey locust trees, to provide a disperse tree canopy allowing waterfront views, and various types of grasses. The corridor transcends two distinct levels that are connected by two grand staircases as it steps down toward the waterfront. The central planting strip is crossed transversely at multiple points with smaller pedestrian paths that provide moments for sitting and

resting. At the base of the visual corridor is the third primary public open space, the waterfront esplanade.

Waterfront Esplanade:

The Commission believes that the new waterfront esplanade will align with the city's goals and efforts to create more accessible, enjoyable, attractive and connected waterfront edges by expanding and improving upon the existing waterfront esplanade conditions. The relocation of the ferry terminal service road provided the opportunity for a minimum 40-foot wide waterfront esplanade and a separation of service vehicles, emergency vehicles, and pedestrians. The buildings facing the waterfront will have regular entrances along the water front so that the space feels active and inviting. A newly designed staircase to the Staten Ferry Terminal is intended to open up views and coupled with a new elevator, will dramatically improve pedestrian connections to the retail complex, to the larger waterfront esplanade, and all of the other major pedestrian destinations. A continuous clear path will enhance movement along the waterfront, and a series of smaller pockets of space separated by landscaping and trees will provide a variety of areas to stop and pause along the path. The landscaping plan for this new waterfront esplanade will provide movable chairs and tables, fixed waterfront view "bar stools", fixed benches and lounge chairs.

The Commission believes that all signage and lighting will be compatible with the scenic and historic character of the harbor and will not adversely affect the character of the surrounding neighborhood.

The applicant proposes to include signage throughout the development. Pedestrian pathways within the Parcel that are 20 feet wide and adjacent to the development would be treated as streets for the

purposes of identifying signage requirements. Signage in these locations would be limited to five times the linear footage of the store frontage and must be non-flashing. Signage on the perimeter of the development could be as large as 1,000 sq. ft., but would be limited to indirectly illuminated signage within specific locations. On the building elements that front Bank Street and the shoreline, ground floor signage would be limited to a maximum aggregate surface area of 250 sq. ft. of illuminated signage. Above the first story, a maximum of aggregate surface area of 500 sq. ft. of indirectly illuminated signage is proposed. One illuminated sign of up to 500 sq. ft. in area would be permitted on the hotel, located just below the first story, but not at a height higher than 65 feet, as measured from the reference plane.

Currently, Parcel 2 is developed with a commuter parking lot of 786 parking spaces. The Commission believes that those commuter parking spaces should continue to be provided in the proposed development and throughout the construction process, and that the parking provided will be adequate to meet the demand for all users during peak utilization.

Prior to construction, the developer shall provide a management plan, subject to approval by the Department of Transportation and the Department of City Planning, that will outline a strategy for efficient operation and utilization of the interim parking lots to ensure that the needs of commuters are met and traffic is minimized. The occupancy of the lots will be closely monitored to verify sufficiency of the management plan. The Commission agrees that the principal vehicular access of the interim parking will be located on or within one quarter mile of a major street; that the parking is

located so as to draw a minimum of traffic to local streets; and that adequate reservoir spaces at the vehicular entrances will be provided.

The Commission believes that the massing of the proposed development minimizes the bulk of the buildings in order to maximize waterfront views through the creation of several unobstructed pedestrian corridors; a series of terraces stepping down from Richmond Terrace to Bank Street and a waterfront allowing for a multi-level retail development; and locating the parking garage below the retail and hotel uses. The hotel is oriented to be perpendicular to the waterfront, consistent with Special St. George District tower rules, maximizing views to the waterfront from Richmond Terrace. On the waterfront side, the building segments that front Bank Street would reach a maximum height of about 50' above Bank Street after a 15' setback above 14' from the street level, maximizing light and air and improving the pedestrian experience within the adjacent waterfront plaza.

The project will include a number of offsite improvements to create a new waterfront open space to adjoin the existing esplanade and will reduce pedestrian/traffic conflicts at this heavily used location, enhance accessibility and improve DOT service access to the ferry terminal. These offsite improvements include relocating the ferry terminal service road, reconfiguration of the stairwell between the ferry terminal and esplanade, and the installation of an accessible elevator.

The Commission agrees that a significant majority of shoppers and visitors to the project site will arrive by public transportation. St. George is the hub for the borough's public transportation, including the Staten Island Ferry, which has a ridership of over 20 million a year. The ferry terminal

also includes the St. George Station of the the Staten Island Rail Road, which provides access to the entire east and south shores of Staten Island. In addition, connected to the ferry terminal is a major Bus Terminal, providing access to over 20 bus lines serving the Borough. Finally, the Commission notes that some of the project's core urban design principles are specifically intended to encourage walking and the use of public transportation, with an emphasis on active street frontages and an enhanced pedestrian realm.

The Commission believes that the streets providing access to the proposed project will be adequate to handle traffic resulting from the project. The Commission notes that the existing street network has sufficient overall capacity for existing and future traffic, while acknowledging that there is now and will continue to be heavy competition for this capacity between vehicular and pedestrian traffic in St. George's Civic Center. The Commission notes that the proposed development is primarily served by two streets, Richmond Terrace and Bay Street which are built out to serve as the area's main boulevards with two lanes of traffic, on-street parking and traffic medians.

The Richmond Terrace/Bay Street corridor is characterized by heavy vehicle volumes approaching and exiting the Staten Island Ferry Terminal, the drop-off/pick-up area, and the existing commuter parking lots, as is typical of transit centers throughout the City. The St. George Civic Center, which includes the Ferry Terminal, is also served by Victory Boulevard providing access across the north shore and mid-Island as well as to a number of local streets to the surrounding neighborhoods. Other key local streets include Nicholas Street, Hamilton Avenue, Stuyvesant Place, Wall Street, Schulyer

Street, St. Paul's Avenue and Van Duzer Street, which are one-way streets with one lane of traffic; and Hyatt Street, Jersey Street, Westervelt Avenue and Lafayette Avenue, which are two-way streets with one lane of traffic in each direction. The Commission notes that this traffic would be distributed amongst many different and geographically dispersed arrival and departure routes throughout the project area, minimizing concentrations of new traffic on any one intersection or street.

The Commission acknowledges that the FEIS analyzed potential traffic impacts that could be generated from both the proposed retail/hotel and wheel developments proposed within the expanded Special St. George District. In analyzing the proposed project's impact, the FEIS studied 28 intersections across the Borough's North Shore including intersections and main corridors leading from the surrounding neighborhoods, the Verrazano Narrows Bridge and the Staten Island Expressway. The Commission notes that this traffic analysis identified significant adverse traffic impacts during one or more peak hours at 16 locations. Proposed mitigation measures include standard traffic capacity improvement measures, such as lane restriping, prohibiting turning movements, revised signal timing, and modified traffic signals. Additionally proposed mitigation measures include modifying and restriping the Wall Street Ramp, which NYC DOT has approved in concept and the developer will submit detailed construction drawings, installation of a new traffic signal at Richmond Terrace and Schulyer Street, reversing the street direction of Wall Street and Schuyler Street between Richmond Terrace and Stuyvesant Place and Traffic Enforcement Agents during Staten Island Yankee evening home games at Richmond Terrace and Hamilton Avenue.

After implementation of these mitigation measures the significant adverse impacts were eliminated at all but 2 intersections as related in the EIS. Significant and unavoidable traffic impacts were identified on Richmond Terrace at the Staten Island Ferry Viaduct ramps (entry for cars and buses and exit for cars) and at the Staten Island Ferry Viaduct bus exit ramps.

The Commission notes that two of the 28 analyzed intersections are projected to have impacts that could not be fully mitigated during all four peak hours. The intersection of Richmond Terrace and the SI Ferry Viaduct (entry for cars and buses and exit for cars) could not be mitigated during all four peak hours. The intersection of Richmond Terrace and the SI Ferry Viaduct bus exit ramp could not be mitigated during all four peak hours. These two intersections are located immediately adjacent to each other and provide access to the Staten Island Ferry Terminal for buses and the commuter drop-off/pick-up area and operate on the same traffic signal controller. The main commuter parking areas for the ferry terminal are located at the proposed development sites and would not have direct access at these intersections.

Impacts at these locations would not be completely mitigated in the With Action condition.

NYCDOT has proposed signal timing modifications to provide pedestrian safety enhancements, including a new all-pedestrian crossing phase. The proposed addition of this new signal phase in the No-Action condition would improve pedestrian circulation at the expense of vehicular traffic. It is not possible to reallocate any signal timing at these locations to fully mitigate the potential significant impacts, but the Richmond Terrace / Staten Island Ferry Viaduct (cars) intersection would be

partially mitigated during all four peak hours with the implementation of minor signal timing reallocation.

In addition to the proposed mitigation measures, the applicants would conduct a monitoring plan when the proposed development is fully built and occupied. Before commencing the monitoring plan, the applicant would submit a detailed scope of work for NYCDOT review and approval. The developers will be responsible for costs associated with the design and implementation of recommended improvements identified by the study and approved by NYCDOT in consultation with the developers and NYCEDC. Improvements, if warranted, would be limited to signal timing and/or signal head modifications to accommodate phasing changes, restriping, new or modified signage and parking regulation changes. NYCEDC will be responsible for other costs associated with the design and/or implementation of recommended improvements identified by the study and approved by NYCDOT in consultation with the developers and NYCEDC. The improvements would be limited to one traffic signal in addition to the signal already committed to as part of the proposed mitigation, and if warranted, up to 3 Traffic Enforcement Agents on weekday evenings and weekends during peak tourist/shopping periods of the year.

The Commission notes that projected congestion stems in part from the fact that the roadways serving the project also serve as access routes to the Staten Island Ferry Terminal, which is a critical component of the city's transportation infrastructure and does not solely result from any one development, including the proposed project. The Commission finally notes that impacts within the

local neighborhood street network would be minimized, with the majority of intersections either having no significant impact or impacts that can be fully mitigated through standard mitigation measures. With the exception of two intersections (Richmond Terrace at the Staten Island Viaduct car and bus intersections), the majority of identified impacts can be fully mitigated pursuant to standard mitigation measures as identified in the EIS. As a result, the local street network is considered to provide site access adequate to handle the traffic generated by the proposed development on the Retail Development Site.

The Commission believes that on the whole and taken together, the special permit would result in a site plan that provides new uses, public open spaces, increased public waterfront access, new pedestrian connections between the Staten Island Ferry Terminal and St. George's Civic Center and surrounding neighborhoods which would benefit the millions of ferry riders and commuters as well as the neighborhood and the City as a whole.

The Commission is in receipt of a letter from the Metropolitan Transit Authority (MTA), dated August 30, 2013 stating that the "MTA has concluded that the proposed deck will not interfere with operation of the railroad right of way. In addition, MTA has no plans to use the air space where the development will be located."

**Disposition (C 130319PPR) & (C 130320PPR)**

The Commission believes the application submitted by the Department of Small Business Services to convey these properties to the New York City Economic Development Corporation for their

disposition through long-term leases with the New York Wheel, LLC (Parcel 1) and St. George Outlet Development (Parcel 2) for the limited purpose of developing these sites as authorized by the special permit granted under Section 128-61 is appropriate. This disposition and resulting development corresponds to the community's recommendations for the long-term planning of Staten Island's North Shore as documented in the DCP/EDC report titled "North Shore 2030: Improving and Reconnecting the North Shore's Unique and Historic Assets". These recommendations outlined a vision for St. George of a Living Downtown Connected to the Harbor and recommended activating these public sites. The report specifically identified the opportunities that these two current waterfront parking lots provided to bolster economic growth and facilitate connections to nearby attractions. The proposed developments to construct an observation wheel, neighborhood playground, and a retail/hotel complex will provide public waterfront connections between St. George and the NYC Harbor and provide retail, dining and entertainment options to residents, commuters and visitors alike providing opportunities to activate both the waterfront and the surrounding neighborhoods.

## **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FSEIS), for which a Notice of Completion was issued on August 29, 2013, with respect to this application (CEQR No. 13SBS001R), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with the environmental commitment letter, dated September 11, 2013, from the New York City Economic Development Corporation, the St. George Outlet Development LLC, and the New York Wheel LLC, 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 FEIS, constitute 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**, the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this

report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added.  
Matter in ~~strikeout~~ is to be deleted.  
Matter with # # is defined in Section 12-10.  
\* \* \* indicates where unchanged text appears in the Zoning Resolution.

## **Article VI – Special Regulations Applicable to Certain Areas**

### **Chapter 2 Special Regulations Applying in the Waterfront Area**

\* \* \*

#### **62-13 Applicability of District Regulations**

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#  
#Special Governors Island District#  
#Special Southern Roosevelt Island District#  
#Special Stapleton Waterfront District#.

The regulation of this Chapter shall not apply in the #Special Sheepshead Bay District# ~~shall be applicable~~, except that Section 94-061 (Uses permitted by right) shall be modified to permit all WD

#uses# listed in Section 62-211 from Use Groups 6, 7, 9 and 14 in accordance with the underlying district regulations.

The regulations of this Chapter shall apply in the #Special St. George District#, except as specifically modified within the North Waterfront Subdistrict.

\* \* \*

## **Article XII - Special Purpose Districts**

### **Chapter 8 Special St. George District**

\* \* \*

#### **128-02 General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George District#, the regulations of this Chapter shall apply within the #Special St. George District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

However, the regulations of this Chapter shall not apply to any property that is the subject of a site selection for a court house and #public parking garage# pursuant to application C080379 PSR. Such property shall be governed by the underlying regulations of this Resolution.

Furthermore, any property that is the subject of a site selection and acquisition for the use of a lot for open parking pursuant to application C080378 PCR may be governed by the regulations of this Chapter or the underlying regulations of this Resolution for a period of two years after October 23, 2008. After October 23, 2010, such property shall be subject to the regulations of this Chapter.

In the North Waterfront Subdistrict, “publicly accessible waterfront open space” shall include on-site and off-site areas, as applicable, as set forth in the approved Proposed Plans pursuant to Section 128-61 (Special Permit for North Waterfront Sites).

#### **128-03 District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special St. George District# Plan.

The District Plan includes the following ~~four~~ five maps:

- Map 1 Special St. George District and Subdistricts
- Map 2 Commercial Streets
- Map 3 Minimum and Maximum Base Heights
- Map 4 Tower Restriction Areas
- Map 5 Visual Corridors

The maps are located in the Appendix to this Chapter and are hereby incorporated and made a part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in this Chapter apply.

**128-04  
Subdistricts**

In order to carry out the purposes and provisions of this Chapter, the #Special St. George District# shall include ~~two~~ three subdistricts: the Upland Subdistrict, the North Waterfront Subdistrict and the South Waterfront Subdistrict, as shown on Map 1 (Special St. George District and Subdistricts) in the Appendix to this Chapter.

**128-05  
Applicability of District Regulations**

\* \* \*

**128-054  
Applicability of Article VI, Chapter 2**

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area), shall apply in the North Waterfront Subdistrict of the #Special St. George District#, as modified in this Chapter. In such Subdistrict, such provisions shall not apply to improvements to the publicly accessible waterfront open space, or to #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section 128-61 (Special Permit for North Waterfront Sites). However, the regulations of Section 62-31 (Bulk Computations on Waterfront Zoning Lots) shall

apply to such #developments#, #enlargements#, alterations and changes of #use#, as modified pursuant to such special permit. In addition, the special requirements for #visual corridors# set forth in Section 128-43 (Visual Corridors in the North Waterfront Subdistrict) shall apply.

**128-055**

**Applicability of Article VII, Chapter 4**

Within the North Waterfront Subdistrict of the #Special St. George District#, the following special permits shall not apply:

- Section 74-512 (In other districts)
- Section 74-68 (Development Within or Over a Right-of-way or Yards)
- Section 74-922 (Certain Large Retail Establishments).

In addition, the provisions of the following special permits, as applicable, shall be deemed to be modified when an application pursuant to Section 128-61 (Special Permit for North Waterfront Sites) for Parcel 1 or Parcel 2, as shown on Map 1 in the Appendix to this Chapter, under application numbers C 130317 ZSR or C 130318 ZSR, as applicable, has been approved :

- C 000012 ZSR
- C 000013 ZSR
- C 000014 ZSR
- C 000016(A) ZSR

**128-10  
USE REGULATIONS**

\* \* \*

**128-12  
Transparency Requirements**

Any #street wall# of a #building developed# or #enlarged# after October 23, 2008, where the ground-floor level of such #development# or #enlarged# portion of the #building# contains #commercial# or #community facility uses#, excluding #schools#, shall be glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area.

For the purposes of this Section, Bank Street shall be considered a #street#. However, this Section shall not apply to a stadium #use# within the North Waterfront Subdistrict.

\* \* \*

**128-30**  
**HEIGHT AND SETBACK REGULATIONS**

The provisions of this Section, inclusive, shall apply to all #buildings or other structures# within the Upland Subdistrict.

In C1-2 Districts mapped within R3-2 Districts, all #buildings or other structures# shall comply with the height and setback regulations of R4 Districts, except that the maximum perimeter wall height shall be 26 feet, and the #street wall# location provisions of Section 128-32 (Street Wall Location) shall apply.

The underlying height and setback regulations of C4-2 Districts within the Upland Subdistrict shall not apply. In lieu thereof, the height and setback regulations of this Section, inclusive, shall apply.

In the South and North Waterfront Subdistricts, the underlying height and setback regulations of Section 62-34 (Height and Setback Regulations on Waterfront Blocks) shall apply, except that:

- (a) in the South Waterfront Subdistrict, roof top regulations are as modified in Section 128-31 (Rooftop Regulations); and
- (b) in the North Waterfront Subdistrict, #developments#, #enlargements#, alterations and changes of #use# permitted pursuant to Section 128-61 (Special Permit for North Waterfront Sites) shall instead be subject to the Proposed Plans, as set forth in Section 128-61, as approved pursuant to such special permit.

All heights shall be measured from the #base plane#, except that wherever a minimum or maximum base height is specified for #zoning lots# with multiple #street frontages#, such heights shall be determined separately for each #street# frontage, with each height measured from the final grade of the sidewalk fronting such #street wall#.

\* \* \*

**128-43**  
**Visual Corridors in the North Waterfront Subdistrict**

The designated locations for #visual corridors#, as defined in Article VI, Chapter 2, are shown on Map 5 in the Appendix to this Chapter. Such #visual corridors# shall be provided in accordance with the standards of Sections 62-512 (Dimensions of visual corridors) and 62-513 (Permitted obstructions in visual corridors), except that:

- (a) lighting fixtures in #visual corridors# shall be considered permitted obstructions; and
- (b) within the #visual corridor# provided through Parcel 2 to the pierhead line within the flexible location zone indicated on Map 5, a portion of a #building# shall be a permitted obstruction provided that such obstruction is located no more than 14 feet above the reference plane of the #visual corridor#, and that such obstruction occupies no more than 185,000 cubic feet in total above the reference plane of the #visual corridor#.

\* \* \*

## **128-60** **SPECIAL APPROVALS**

The special permit for North Waterfront sites set forth in Section 128-61 is established in order to guide and encourage appropriate #use# and #development# in a unique location within the #Special St. George District# that serves as a gateway between Staten Island and Manhattan for both visitors and daily commuters. Redevelopment of the North Waterfront sites pursuant to this special permit provides an appropriate means to address the special characteristics of these sites, while accommodating their continuing transportation function, as part of their transformation into a regional destination that will contribute to the revitalization of the #Special St. George District# and surrounding area.

## **128-61** **Special Permit for North Waterfront Sites**

In the North Waterfront Subdistrict, for Parcels 1 and 2, and for improvements to the publicly accessible waterfront open space, provided in connection with the #development# of such parcels, as applicable, the City Planning Commission may approve, by special permit, a development plan for each such parcel and an improvement plan for the publicly accessible waterfront open space. For any application for such special permit, the applicant shall provide plans to the Commission, including but not limited to a site plan, interim parking plan, signage plan, lighting plan and an improvement plan for the publicly accessible waterfront open space (the "Proposed Plans"). Such Proposed Plans shall be subject to the conditions set forth in paragraph (a) through (e) and the findings set forth in paragraph (f) of this Section.

Pursuant to such Proposed Plans, the Commission may:

- (a) permit the following #uses#:
  - (1) #commercial uses# as set forth in Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B,

7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16) with no limitation on #floor area# per establishment;

- (2) #uses# specified in Section 32-24 (Use Group 15);
- (3) #public parking garages# with more than 150 spaces;
- (4) temporary #public parking lots# or #public parking garages# with more than 150 spaces, supplied in connection with an interim parking plan, provided that the applicable findings of Section 74-51 (Public Parking Garages or Public Parking Lots outside High Density Central Areas) are met by each such temporary public parking facility. In addition:

- (i) such temporary #public parking lots# or #public parking garages# with more than 150 spaces, may be located off-site or beyond the boundaries of the #Special St. George District# as set forth in the interim parking plan. Any change in the location of such temporary #public parking# facility with more than 150 spaces, or any increase in the number of spaces in a temporary #public parking# facility to more than 150 spaces, or any addition of a #public parking# facility with more than 150 spaces provided in connection with such interim parking plan, shall be subject to further approval by the City Planning Commission and referred to the applicable Community Board(s) for review; and
- (ii) the permit to operate such #public parking lots# or #public parking garages# shall expire 30 days after the Department of Buildings issues a certificate of occupancy for all permanent public parking facilities on Parcel 2;

(b) where such #development# is located partially or entirely within a railroad or transit right-of-way or yard or in #railroad or transit air space#:

- (1) permit that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform to be included in the calculations of #lot area# for such #development#; and
- (2) establish, in lieu of #base plane#, an appropriate level or levels as the reference plane for the entire #zoning lot# for the applicable regulations pertaining to, but not limited to, height and setback, #floor area#, and #yards#;

(c) permit #signs# pursuant to a signage plan, subject to the following conditions:

- (1) the #sign# regulations of a C4 District, as set forth in Section 32-60, shall apply except as specifically modified by the conditions set forth in paragraphs (c) (2) through (c)( 7), inclusive, of this Section;
- (2) #flashing signs# shall not be permitted;
- (3) the height of #signs# shall be measured from the #base plane#;
- (4) flags, banners or pennants, other than those that are #advertising signs#, are permitted without limitation;
- (5) on Parcel 1:
  - (i) the total #surface area# of a #sign# affixed to a #building# frontage facing the #shoreline# or affixed to the base of a structure facing the #shoreline# shall not exceed 1,120 square feet, provided that for a #sign# with a #surface area# larger than 500 square feet, all writing, pictorial representations, emblems, flags, symbols or any other figure or character comprising the design of such #sign#, shall be separate elements, individually cut and separately affixed to the structure. No perimeter or background surfaces shall be applied or affixed to the structure in addition to such separate elements. No portion of such separate elements shall extend beyond the maximum dimensions allowed for the structure; and
  - (ii) #signs# shall be permitted to be located on the deck of the railroad right-of-way, provided that the #surface area# of such #signs# shall be included in the calculations of total #surface area# of #signs#;
- (6) on Parcel 2:
  - (i) open pedestrian pathways of at least 20 feet in width shall be considered #streets# for the purposes of #sign# regulations;
  - (ii) #signs# shall not extend to a height greater than 60 feet above the #base plane#; and
  - (iii) the total #surface area# of #signs# on the #building# frontage facing Richmond Terrace, the prolongation of Wall Street, or on the #building# frontage or other structure facing the access route into the Ferry Terminal for buses, may exceed the limitations for total #surface area# for #signs# permitted in a C4 District pursuant to an approved signage plan; and

(7) the total #surface area# of all #signs# on Parcel 2 facing the #shoreline#, or that are within 15 degrees of being parallel to the #shoreline#, shall not exceed:

(i) 500 square feet for #signs# located above the level of the first #story# ceiling of #buildings#; or

(ii) 250 square feet for #signs# located below the level of the first #story# ceiling of #buildings#;

(d) through approval of the Proposed Plans, establish appropriate requirements in lieu of the following #Special St. George District# regulations:

(1) Section 128-12 (Transparency Requirements);

(2) Section 128-42 (Planting Areas);

(3) Section 128-54 (Location of Accessory Off-Street Parking Spaces) to the extent necessary to accommodate demand for parking within the North Waterfront Subdistrict; and

(4) Section 128-55 (Special Requirements for Roofs of Parking Facilities); and

(e) through approval of the Proposed Plans:

(1) establish appropriate requirements for the height and setback of #buildings or other structures#, permitted obstructions in #yards#, off-street parking and loading; and

(2) permit #floor area# to be distributed within the North Waterfront Subdistrict without regard for #zoning lot lines#, provided that if distribution is made to a #zoning lot#, subject to a special permit granted under this Section, from a #zoning lot# not subject to such special permit, Notices of Restriction in a form acceptable to the Department of City Planning shall be filed against such #zoning lots# setting forth the increase and decrease in the #floor area# on such #zoning lots#, respectively.

(f) The Commission shall find that the Proposed Plans:

(1) include #uses# that are appropriate, considering the unique location of the site in relation to the Staten Island Ferry Terminal, the Staten Island Rail Road, and the land #uses# in and around the #Special St. George District#;

(2) provide a distribution of #floor area#, locations and heights of #buildings or other

structures#, primary business entrances and open areas that will result in a superior site plan, providing a well-designed relationship between #buildings and other structures# and open areas on the #zoning lot#; and shall also provide a well-designed relationship between the site and adjacent #streets#, surrounding #buildings#, adjacent off-site open areas and #shorelines# and will thus benefit the users of the site, the neighborhood and the City as a whole;

- (3) provide a distribution of #floor area# and locations and heights of #buildings or other structures# that will not unduly increase the #bulk# of #buildings or other structures# in the North Waterfront Subdistrict or unduly obstruct access of light and air to the detriment of the users of the site or nearby #blocks# or of people using the public #streets#, and that will provide waterfront vistas from nearby #streets# and properties on nearby #blocks#;
- (4) provide useful and attractive publicly accessible open space, with sufficient public amenities, including but not limited to seating, landscaping and lighting, that results in a superior relationship with surrounding neighborhood destinations, #streets#, #buildings#, open areas, public facilities and the waterfront;
- (5) improve public access to the waterfront;
- (6) improve, as applicable, the publicly accessible waterfront open space sufficiently to ensure that emergency vehicles will have adequate access to the waterfront and adjacent #developments#;
- (7) in connection with the improvement of the applicable portions of the publicly accessible waterfront open space, restore planted areas, trees and lighting in a way that is attractive and compatible with the design of the Waterfront Esplanade existing on (date of adoption);
- (8) provide adequate parking and loading to meet the demand for all users during peak utilization;
- (9) provide adequate parking for commuters at locations convenient and accessible to the Staten Island Ferry Terminal at all times and during all phases of construction;
- (10) provide signage and lighting that are compatible with the scenic and historic character of the harbor and that will not adversely affect the character of the surrounding neighborhood;
- (11) for a #public parking garage# with more than 150 parking spaces, will ensure that:
  - (i) entrances are proposed in locations and with design features that minimize

traffic congestion and conflicts with pedestrians;

- (ii) adequate reservoir space has been provided at the vehicular entrances; and
  - (iii) the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby; and
- (12) for a #development# located partially or entirely within a railroad or transit right-of-way or yard and/or in #railroad or transit air space#, that:
- (i) the distribution of #floor area# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development#, including any portion of the #development# located beyond the boundaries of such railroad or transit right-of-way or yard; and
  - (ii) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to, the right-of-way for such transportation #use#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. In addition, for a #development# located partially or entirely within a railroad or transit right of-way or yard, or in #railroad or transit air space#, the Commission may require that the structural design of such #development# makes due allowance for changes within the layout of tracks or other structures within any #railroad or transit air space# or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

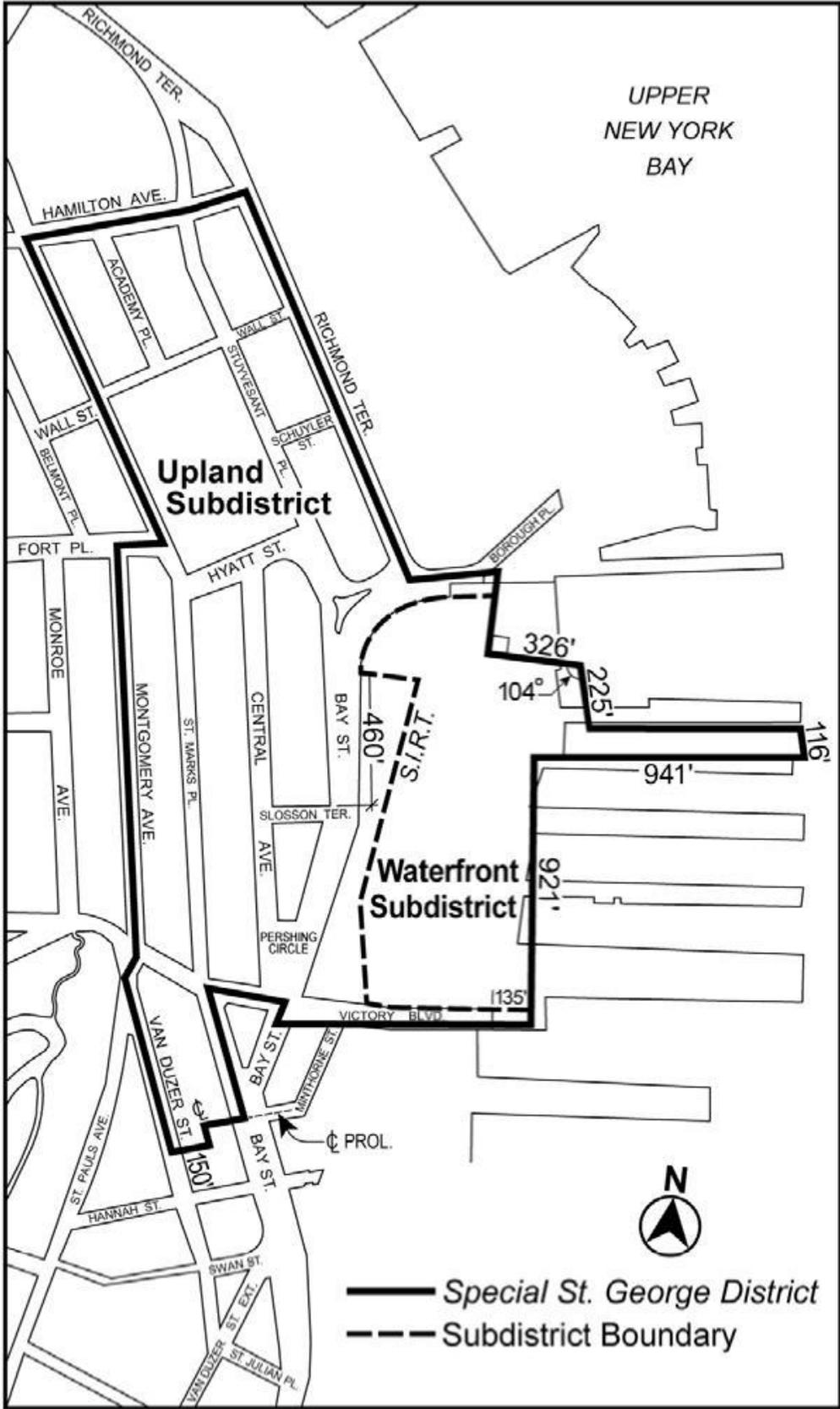
Prior to granting a special permit, the City Planning Commission shall request the Metropolitan Transportation Authority to indicate whether said agency has any plan to use that portion of any #railroad or transit air space# or railroad or transit right-of-way or yard where the railroad or transit #use# has been discontinued.

The execution and recordation of a restrictive declaration acceptable to the Commission, binding the owners, successors and assigns to maintain such #developments#, #enlargements#, alterations, changes of #use#, and any temporary parking facilities, in accordance with the approved Proposed Plans, and in a manner consistent with any additional conditions and safeguards prescribed by the Commission, shall be a condition to exercise of the special permit. Such restrictive declaration shall be recorded in the Office of the County Clerk. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a #development#, #enlargement# or change of #use#.

**Appendix**  
**Special St. George District Plan**

Map 1 - Special St. George District and Subdistricts Map

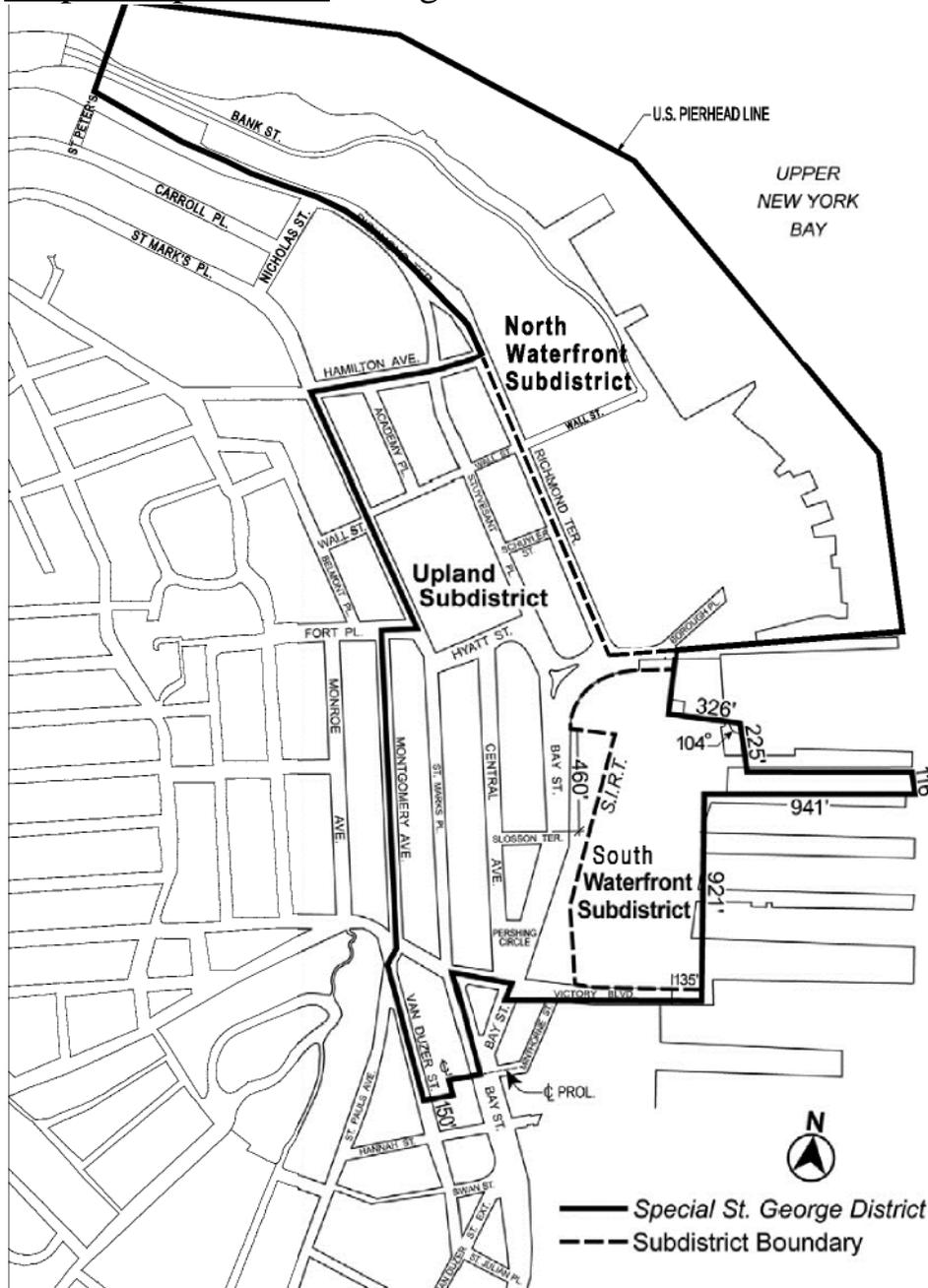
(Existing map to be deleted)



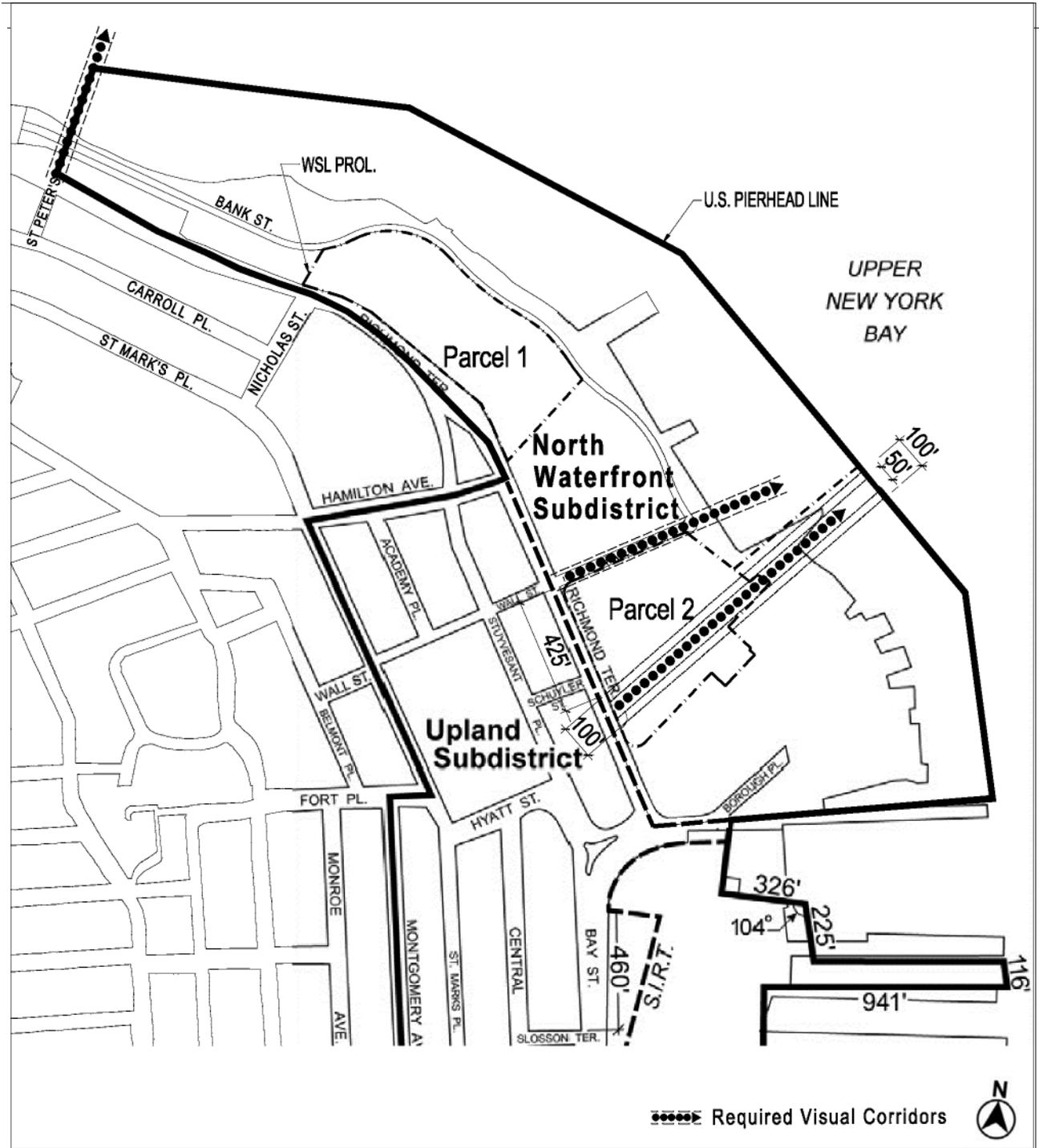
C130316ZRR

New Map to Replace Map 1:

Map 1 - Special St. George District and Subdistricts



Parcels - Information to be added to Map 1  
Map 5 - Visual Corridors (New to be added)



The above resolution (N130316ZRR) duly adopted by the City Planning Commission on September 11, 2013 (Calendar No. 26) 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, *FAICP, Chair***

**KENNETH J. KNUCKLES, *Esq., Vice-Chairman***

**RAYANN BESSER, IRWIN G. CANTOR, P.E.,**

**ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,**

**RICHARD W. EADDY, MARIA M. DEL TORO, JOSEPH I. DOUEK,**

**ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners**