



CITY PLANNING COMMISSION

September 11, 2013/Calendar No. 27

C130317ZSR

IN THE MATTER OF an application submitted by the NYC Economic Development Corporation and New York Wheel LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant Section 128-61 of the Zoning Resolution to allow a development plan for an Observation Wheel and accessory terminal building, and a public parking garage with a maximum of 950 spaces, and an improvement plan for a Waterfront Esplanade, on property located on Parcel 1 in the North Waterfront Subdistrict (Block 2, p/o Lot 20) and on the Waterfront Esplanade, in an M1-1 District, within the Special St. George District, Borough of Staten Island, Community District 1.

This application (C130317ZSR) for a special permit pursuant to Section 128-61 “Special Permit for North Waterfront Sites” was filed by the NYC Economic Development Corporation and New York Wheel LLC on May 14, 2013. The special permit, 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 600-ft. tall observation wheel with accessory retail and public parking and 340,000 sq. ft. a retail outlet mall with a 200-room hotel and 20,000 sq. ft. catering facility.

RELATED ACTIONS

In addition to the special permit which is the subject of this report (C130317ZSR), 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:

- C 130315ZMR Zoning Map Amendment to extend the boundaries of the existing Special St. George District to include all of the project area.

- N130316ZRR Zoning Text Amendment to establish the North Waterfront Subdistrict within the existing Special St. George District and a new special permit in Section

128-61 to permit development on designated parcels pursuant to a development plan.

- 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.
- 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)

BACKGROUND

A full background discussion and description of this application appears in the related report for a zoning text amendment (N130316ZRR).

ENVIRONMENTAL REVIEW

The application (C130317ZSR), in conjunction with the applications for the related actions (C130315ZMR, N130316ZRR, C130318ZSR, C1030319PPR 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.

A summary of the environmental review and the Final Environmental Impact Statement appears in the related report for a zoning text amendment (N130316ZRR).

UNIFORM LAND USE REVIEW

The application (C130317ZSR), in conjunction with the related applications (C130315ZMR, C130318ZSR, C1030319 PPR and C130320PPR), 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), along with the related application (N130316ZRR), which as duly referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

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 with conditions.

A summary of the recommendations of Community Board 1 appears in the report for a related application for a for a zoning text amendment (N130316ZRR).

Borough President Recommendation

This application was considered by the Staten Island Borough President, who issued a recommendation approving the application with conditions on July 8, 2013.

A summary of the recommendations of Staten Island Borough President appears in the report for a related application for a for a zoning text amendment (N130316ZRR).

City Planning Commission Public Hearing

On July 10, 2013 (Calendar No. 18), the City Planning Commission scheduled July 24, 2013 for a public hearing on this application (C130317ZSR), in conjunction with the applications for the related actions. The hearing was duly held on July 24, 2013 (Calendar No. 39). There were 17 speakers in favor of the application and none opposed. There were a number of appearances as described in the related application for a zoning text amendment (N130316ZRR), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C130317ZSR), in conjunction with those for the related actions, 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 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 12-138.

Based on the information submitted, the Waterfront Open Space Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby finds the project consistent with the WRP policies.

CONSIDERATION

The Commission believes that this application for a special permit application (C130317ZSR), in conjunction with the applications for the related actions (C130315ZMR, N130316ZRR, C130318ZSR, C1030319 PPR and C130320PPR) is appropriate.

A full consideration and analysis of issues and the reasons for approving this application appear in the related report for the zoning text amendment (C130316ZRR).

FINDINGS

The Commission hereby makes the following findings pursuant to Section 128-61(f) 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#.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), 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 Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by the NYC Economic Development Corporation and New York Wheel LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 128-61 of the Zoning Resolution to allow a development plan for an Observation Wheel and accessory terminal building, and a public parking garage with a maximum of 950 spaces, and an improvement plan for a Waterfront Esplanade, on property located on Parcel 1 in the North Waterfront Subdistrict (Block 2, p/o Lot 20) and on the Waterfront Esplanade, in an M1-1 District within the Special St. George District, Borough of Staten Island, Community District 1, is approved, subject to the following conditions:

1. The property that is the subject of this application (C130317ZSR) shall be developed in size and arrangement in accordance with the dimensions, specifications and zoning

computations indicated on the following plans, prepared by Perkins Eastman Architects and M. Paul Friedberg and Partners, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
-	Zoning Lots Site Plan	09/09/2013
Z-0.0	Cover Sheet	09/09/2013
Z-1.0	Site Plan	09/09/2013
Z-2.0	Sections	09/09/2013
Z-3.1	Sub Cellar/Bank Street Level Plan	09/09/2013
Z-3.2	Cellar Level Plan	09/09/2013
Z-3.3	Ground/Richmond Terrace Level Plan	09/09/2013
Z-3.4	Second Level Plan	09/09/2013
Z-4.0	Elevations	09/09/2013
Z-5.1	Sub Cellar/Bank Street Level Garage Plan	09/09/2013
Z-5.2	Cellar Level Garage Plan	09/09/2013
Z-5.3	Ground/Richmond Terrace Level Garage Plan	09/09/2013
Z-6.1	Temporary Parking Phase 1	09/09/2013
Z-6.2	Temporary Parking Phase 2	09/09/2013
Z-6.2	Temporary Parking Phase 3	09/09/2013
Z-6.4	Temporary Parking Phase 4	09/09/2013
Z-7.0	Signage and Transparency Elevations	09/09/2013
Z-8.0	Wheel Lighting Elevation	09/09/2013
ZL-01	Landscape Cover Sheet	09/09/2013
ZL-100	Public Space/Key Plan	09/09/2013
ZL-101	Enlarged Plan	09/09/2013
ZL-102	Enlarged Plan	09/09/2013
ZL-103	Richmond Terrace Playground Plan	09/09/2013
ZL-200	Grading Plan	09/09/2013
ZL-201	Grading Plan	09/09/2013

ZL-202	Slope Diagram	09/09/2013
ZL-300	Tree Plan	09/09/2013
ZL-301	Planting Plan	09/09/2013
ZL-400	Material Plan	09/09/2013
ZL-401	Amenities Plan	09/09/2013
ZL-500	Sections	09/09/2013
ZL-501	Sections	09/09/2013
ZL-502	Sections	09/09/2013
ZL-600	Landscape Details	09/09/2013
ZL-601	Planting Details	09/09/2013
ZL-602	Landscape Details	09/09/2013
ZL-603	Fence Details	09/09/2013
ZL-604	Bench Details	09/09/2013
ZL-700	Material Details	09/09/2013
ZL-701	Deck Details	09/09/2013
ZL-702	Guardrail Details	09/09/2013
ZL-703	Bench Details	09/09/2013
ZL-800	Site Way-Finding Signage Key Plan	09/09/2013
ZL-900	Photometric Plan	09/09/2013
ZL-901	Photometric Plan	09/09/2013
ZL-1000	Esplanade Improvement Plan	09/09/2013
ZL-1001	Esplanade Improvement Plan	09/09/2013
ZL-1002	Esplanade Improvement Plan	09/09/2013
ZL-1003	Esplanade Improvement Plan	09/09/2013
ZL-1004	Esplanade Improvement Plan	09/09/2013
ZL-1005	Esplanade Improvement Details	09/09/2013

- Such development shall conform to all applicable provisions of the Zoning Resolution,

except for as shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration, attached hereto as Exhibit A, with such administrative and technical changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded by New York Wheel LLC in the Office of the Richmond County Clerk . Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning

Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

The above resolution (C130317ZSR), duly adopted by the City Planning Commission on September 11, 2013 (Calendar No. 27), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
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,
MARIA M. DEL TORO, JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners

Exhibit A
Restrictive Declaration