

IN THE MATTER OF an application submitted by GGP Staten Island Mall, LLC, Macy's Retail Holdings, Inc., and J.C. Penney Corporation, Inc for the grant of an authorization pursuant to Section 36-023 of the Zoning Resolution to allow modification of the landscaping provisions of Section 37-90 in connection with a group parking facility accessory to an approximately 418,071 square-foot enlargement of an existing commercial development located at 2655 Richmond Avenue (Block 2400, Lots 7, 118, 180, 210, 220 and 500) in an C4-1 District, within the Borough of Staten Island, Community District 2.

WHEREAS, the City Planning Commission received an application (N 150273 ZAR) from GGP Staten Island Mall, LLC, Macy's Retail Holdings, Inc., and J.C. Penney Corporation, Inc requesting an authorization pursuant to Section 36-023 of the Zoning Resolution to allow modification of the landscaping provisions of Section 37-90 in connection with a group parking facility accessory to an approximately 418,071 square-foot enlargement of an existing commercial development located at 2655 Richmond Avenue (Block 2400, Lots 7, 118, 180, 210, 220 and 500) in an C4-1 District, within the Borough of Staten Island, Community District 2; and

WHEREAS, in addition, the following applications are being considered concurrently with this application:

N 150271 ZAR An authorization pursuant to Section 36-023 for a group parking facility in a C4- 1 District which is accessory to a commercial development on a zoning lot in excess of 4 acres.

N 150272 ZAR An authorization pursuant to Section 36-023 to allow a reduction of the parking requirements of Section 36-21 (General Provisions) by 48 percent from 10,438 spaces to 5,477 spaces; and

WHEREAS, detailed descriptions of this project and the related actions are provided in the Commission report for the related authorization (N 150271 ZAR); and

WHEREAS, in addition to the authorizations, the City Planning Commission also received applications (N 150274 ZCR, 150275 ZCR) from the applicants for Chairman Certifications for cross-access connections pursuant to Section 36-592 and that no cross access connection is required pursuant to Section 36-596 (a); and

WHEREAS, this application (N 150273 ZAR), along with related applications (N 150271 ZAR, N 150272 ZAR, N 150274 ZCR, 150275 ZCR) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 14DCP136R; and

WHEREAS, it was determined that the proposed actions may have a significant effect on the environment, and that an environmental impact statement would be required. A Positive Declaration was issued on June 16, 2014, and distributed, published and filed, and the applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). Together with the Positive Declaration, a Draft Scope of Work for the DEIS was issued on June 16, 2014. A public scoping meeting was held on July 24, 2014, and comments were accepted by the lead agency through August 4, 2014. A Final Scope of Work was issued on December 18, 2014; and

WHEREAS, a DEIS was prepared and a Notice of Completion for the DEIS was issued on March 13, 2014. On May 6, 2015 (Calendar No. 17), a public hearing was held on the DEIS pursuant to SEQRA and the CEQR procedures. No public comments were received on the DEIS. A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion for the FEIS was issued on June 19, 2015; and

WHEREAS, a summary of the Commission's public hearing for the DEIS held on May 6, 2015 are provided in the Commission report for the related authorization (N 150271 ZAR); and

WHEREAS, detailed descriptions of the FEIS analysis are provided in the report for the related authorization (N 150271 ZAR); and

WHEREAS, this application (N 150273 ZAR) was referred to Community Board 2 by the Department of City Planning on March 16, 2015 in accordance with the procedures for non-ULURP matters; and

WHEREAS, Community Board 2 held a public hearing on this application (N 150273 ZAR) in conjunction with the applications for the related actions (N 150271 ZAR, N 150272 ZAR) ; and

WHEREAS, a summary of the vote of the Community Board may be found in the report on the related authorization (N 150271 ZAR); and

WHEREAS, the application (N 150271 ZAR), in conjunction with 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 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 Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 13-097. 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; and

WHEREAS, the applicant's request for the grant of a City Planning Commission authorization pursuant to Section 36-023 of the Zoning Resolution to allow modification of landscaping requirements of 37-90 is subject to findings that maneuverability and curb cut regulations have been complied with to the maximum extent practicable, the amount of perimeter landscaped areas have been provided to the maximum extent practicable, the amount of interior planting

islands and their distribution throughout the parking lot have been provided to the maximum extent practicable, and perimeter landscaped areas and interior planting islands have been engineered to absorb storm water runoff to the maximum extent practicable; and

WHEREAS, the commission recognizes that the proposed parking area is compliant with all applicable maneuverability and curb cut regulations. Zoning rules for perimeter trees would require 143 perimeter trees. The existing site contains 74 perimeter trees, the majority of which are mature trees with large, fully-developed canopies. Other than 4 proposed new trees along the perimeters, additional trees would not survive under the canopy of the existing mature trees or meet the spacing rules with each other and required street trees. However, all open parking areas that front upon a street will be screened at the street line by a perimeter landscape area of at least seven feet in width, as required by zoning, including an existing 84 foot wide planting area along Marsh Avenue across the street from residences. Regarding required interior planting, new interior islands are proposed predominantly near proposed building additions and not throughout the development site as required by zoning. However, 849 total interior trees are proposed versus 508 trees required, exceeding the total zoning requirement by 67 percent. The existing site topography, site drainage system, and location of existing buildings to remain prevents the perimeter landscaping and the interior planting islands from receiving storm water runoff, and as such it is impracticable to engineer any of the new landscaping on the site to absorb storm water runoff from the parking areas, according to the applicant. A total of 927 trees are proposed, versus a zoning requirement of only 651 total trees. Furthermore, the total proposed landscaping area of 12.8 acres exceeds the 11.1 acres of landscaping area required by zoning. Thus, the proposed site plan provides approximately 74,000 square feet (15 percent) more landscaped area and 276 more trees than would a site plan that fully complies with the landscaping zoning regulations; and

WHEREAS, the Commission believes that, based upon the foregoing, the application (N 150273 ZAR) should be approved insofar as the findings of ZR Section 36-023 are met; and therefore be it

RESOLVED, the City Planning Commission, pursuant to Section 36-023 of the Zoning Resolution for a group parking facility in a C4- 1 District which is accessory to a commercial development, hereby determines that

- (a) maneuverability and curb cut regulations have been complied with to the maximum extent practicable;
- (b) the amount of perimeter landscaped areas have been provided to the maximum extent practicable;
- (c) the amount of interior planting islands and their distribution throughout the parking lot have been provided to the maximum extent practicable; and
- (d) perimeter landscaped areas and interior planting islands have been engineered to absorb storm water runoff to the maximum extent practicable; and

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on June 19, 2015, with respect to this application (CEQR No. 14DCP136R), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met as described in the report for the related authorization (N 150271 ZAR); and

RESOLVED, the report of the City Planning Commission, together with the FEIS and the Technical Memorandum, constitutes 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 Coastal Commission, having reviewed the waterfront aspects of this action and finds that the action will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines that this 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 (N 150273 ZAR) submitted by the applicants for the grant of an authorization pursuant to Section 36-023 of the Zoning Resolution to allow modification of the landscaping provisions of Section 37-90 in connection with a group parking facility accessory to an approximately 418,071 square-foot enlargement of an existing commercial development located at 2655 Richmond Avenue (Block 2400, Lots 7, 118, 180, 210, 220 and 500) in an C4-1 District, within the Borough of Staten Island, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (N 150273 ZAR) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Perkins Eastman Architects, PC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Received Date</u>
Z3.1	Zoning Analysis For Landscaping – Full Build Site Plan	2015-02-11
Z4.0	Site Plan	2015-02-11
Z9.0	Landscape Site Plan	2015-02-11
Z9.1	Landscape Site Plan Northeast	2015-02-11
Z9.2	Landscape Site Plan Northwest	2015-02-11
Z9.3	Landscape Site Plan Southeast	2015-02-11
Z9.4	Landscape Site Plan Southwest	2015-02-11
Z10.1	Circulation Plan Northeast	2015-02-11
Z10.2	Circulation Plan Northwest	2015-02-11
Z10.3	Circulation Plan Southeast	2015-02-11
Z10.4	Circulation Plan Southwest	2015-02-11

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and 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, executed by GGP Staten Island Mall, LLC, shall have been recorded in the Office of the Richmond County Clerk, Staten Island. Such Restrictive Declaration shall be deemed incorporated herein as a condition of this resolution.

The above resolution, duly adopted by the City Planning Commission on July 1, 2015 (Calendar No. 22) in accordance with Section 36-023 of the Zoning Resolution.

CARL WEISBROD, Chairman

KENNETH J. KNUCKLES, ESQ., Vice-Chairman

RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,

JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON,

ANNA HAYES LEVIN, BOMEI JUNG, ORLANDO MARIN,

LARISA ORTIZ, Commissioners