



Legislation Text

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**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 898**

Resolution approving the decision of the City Planning Commission on ULURP No. C 150447 ZSR (L.U. No. 288), for the grant of a special permit pursuant to Section 128-61 of the Zoning Resolution to allow for the development of an Observation Wheel, accessory terminal building, 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, Lots 22, 9018, 18 and p/o Lot 20), within the Special St. George District, Community District 1, Borough of Staten Island.

By Council Members Greenfield and Richards

WHEREAS, the City Planning Commission filed with the Council on October 9, 2015 its decision dated October 7, 2015 (the "Decision"), on the application submitted by the New York City 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 for the development plan of an Observation Wheel, accessory terminal building, 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, Lots 22, 9018, 18 and p/o Lot 20), within the Special St. George District, (ULURP No. C 150447 ZSR), Community District 1, Borough of Staten Island (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 128-61 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 20, 2015;

WHEREAS, the Council has considered the land use and environmental implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Final Environmental Impact Statement ("FEIS"), for which a Notice of Completion was issued on August 29, 2013 (CEQR No. 13SBS001R), the CEQR Technical Memoranda (001) and (002) dated July 7, 2014 and July 10, 2015 respectively, (the "CEQR Technical Memoranda");

RESOLVED:

Having considered the FEIS and the CEQR Technical Memoranda with respect to the Decision and

Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) 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
- (3) The adverse environmental impacts disclosed in the FEIS and Technical Memorandums 001 and 002 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; and
- (4) The Decision, together with the FEIS and the CEQR Technical Memoranda, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, C 150447 ZSR, incorporated by reference herein, the Council approves the Decision subject to the following conditions:

1. The property that is the subject of the Application (C 150447 ZSR) 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, filed with the Application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
	Zoning Lots Site Plan	06.24.15
Z0.0	Cover Sheet	06.24.15
Z1.0	Site Plan	09.28.15
Z2.0	Sections	06.24.15
Z3.1	Sub Cellar/Bank Street Level Plan	09.28.15
Z3.2	Cellar Level Plan	09.28.15
Z3.3	Ground/Richmond Terrace Level Plan	09.28.15
Z3.4	Second Level Plan	09.28.15
Z4.0	Elevations	06.24.15
Z5.1	Sub Cellar/Bank Street Level Garage Plan	09.28.15
Z5.2	Cellar Level Garage Plan	09.28.15

Z5.3	Ground/Richmond Terrace Level Garage Plan	09.28.15
Z5.4	Second Level Garage Plan	09.28.15
Z6.1	Temporary Parking Phase 1	06.24.15
Z6.2	Temporary Parking Phase 2	06.24.15
Z7.0	Signage and Transparency Elevations	06.24.15
Z8.0	Wheel Lighting Elevation	06.24.15

And the following landscape plans prepared by MPFP llc/M. Paull Friedberg & Partners, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
ZL-01	Landscape Cover Sheet	09.28.15
ZL-100	Public Space/Key Plan	09.28.15
ZL-101	Enlarged Plan	09.28.15
ZL-102	Enlarged Plan	09.28.15
ZL-103	Richmond Terrace Playground Plan	09.28.15
ZL-200	Grading Plan	09.28.15
ZL-201	Grading Plan	09.28.15
ZL-202	Slope Diagram	09.28.15
ZL-300	Tree Plan	09.28.15
ZL-301	Planting Plan	09.28.15
ZL-400	Material Plan	09.28.15
ZL-401	Amenities Plan	09.28.15
ZL-500	Sections	09.28.15
ZL-501	Sections	09.28.15
ZL-502	Sections	09.28.15
ZL-503	Sections	09.28.15
ZL-600	Landscape Details	06.24.15
ZL-601	Planting Details	06.24.15
ZL-602	Fence Details	06.24.15
ZL-603	Precast Bench Details	06.24.15
ZL-700	Material Details	06.24.15
ZL-701	Wood Bench Details	06.24.15

ZL-702	Playground Equipment Details	06.24.15
ZL-800	Exterior Signage Location Plan And Messaging	06.24.15
ZL-900	Photometric Plan	06.24.15
ZL-901	Photometric Plan	06.24.15
ZL-1000	Esplanade Improvement Plan	06.24.15
ZL-1001	Esplanade Improvement Plan	06.24.15
ZL-1002	Esplanade Improvement Plan	06.24.15
ZL-1003	Esplanade Improvement Plan	06.24.15
ZL-1004	Esplanade Improvement Plan	06.24.15
ZL-1005	Esplanade Improvement Details	06.24.15

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 the 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 first modification to the restrictive declaration, attached as Exhibit A to the City Planning Commission Decision C 150447 ZSR, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded by the New York Wheel LLC in the Office of the Richmond County Clerk. Such first modification to the 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, sublessee 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 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.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the

provisions of this special permit.

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on October 29, 2015, on file in this office.

City Clerk, Clerk of The Council