



Legislation Text

File #: Res 2000-2013, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 2000

Resolution approving the decision of the City Planning Commission on Application No. N 130316 ZRR, 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 (L.U. No. 923).

By Council Members Comrie and Weprin

WHEREAS, the City Planning Commission filed with the Council on September 16, 2013 its decision dated September 11, 2013 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Economic Development Corporation, New York Wheel LLC and St. George Outlet Development LLC, to 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 130,000 sq. ft. (approximately 200-room) hotel; and 20,000 sq. ft. catering facility and a deck that 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, (Application No. N 130316 ZRR), Community District 1, Borough of Staten Island (the "Application");

WHEREAS, the Application is related to applications C 130315 ZMR (L.U. No. 924), a zoning map amendment to extend the boundaries of the existing Special St. George District to include all of the project area; C 130317 ZSR (L.U. No. 925), a 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; C 130318 ZSR (L.U. No. 926), a 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; C 130319 PPR (L.U. No. 927), disposition of Parcel 1 (Block 2, part of Lot 20), a City-owned property (via application of the NYC Dept. of Small Business Services); and C 130320 PPR (L.U. No. 928), 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);

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 2, 2013;

WHEREAS, the Council has considered the land use 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);

RESOLVED:

Having considered the FEIS 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 will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with an 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 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 200 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, N 130316 ZRR, incorporated by reference herein, the Council approves the Decision.

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 istrict#
- #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:

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

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
 - (i) 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) w here 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) t hrough 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.

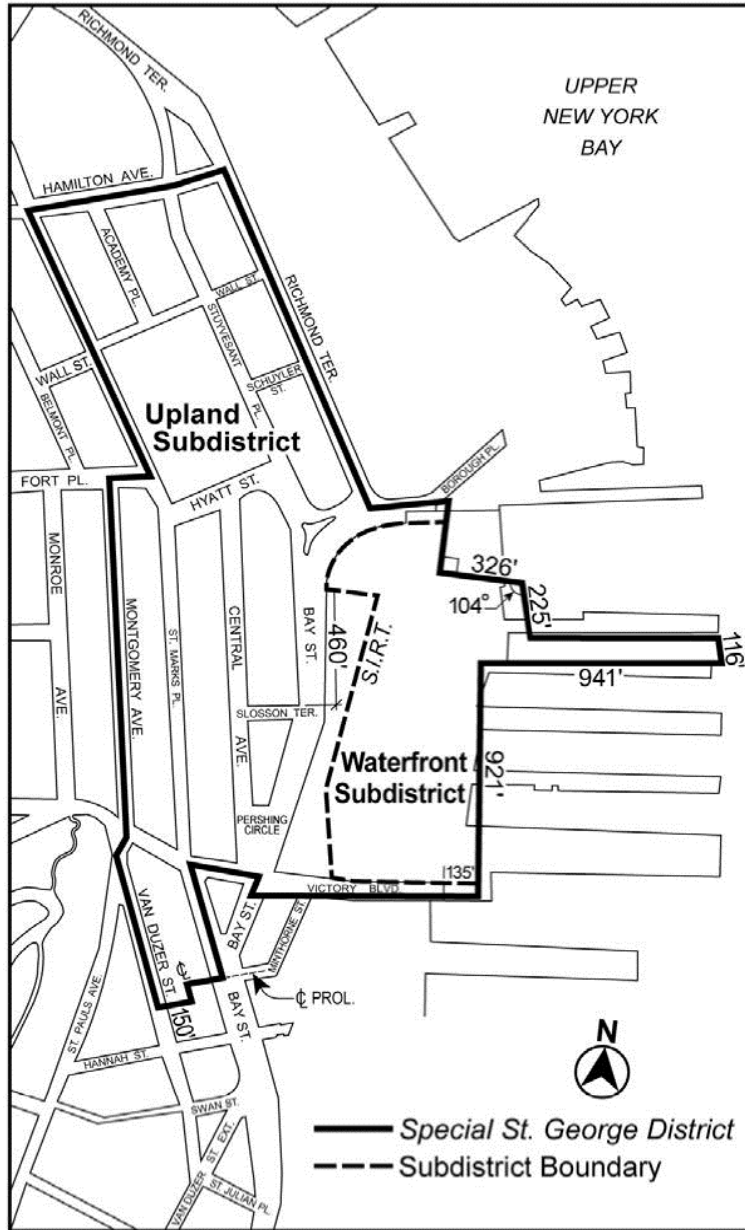
The execution and recordation of a restrictive declaration acceptable to the Commission, binding the owners, successors and assigns to maintain such #developments#, #enlargements#, alterations, changes of #use#, and any temporary parking facilities, in accordance with the approved Proposed Plans, and 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

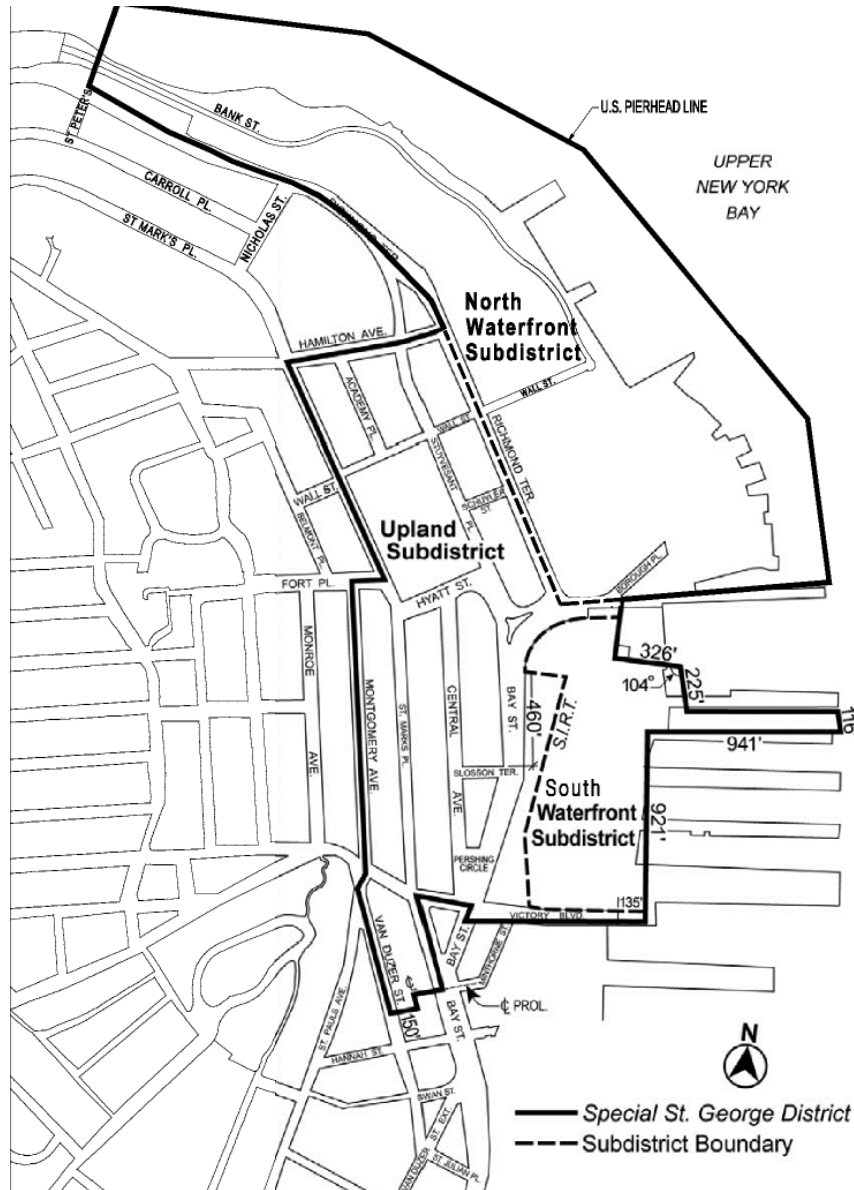
Special St. George District Plan

Map 1 - Special St. George District and Subdistricts Map

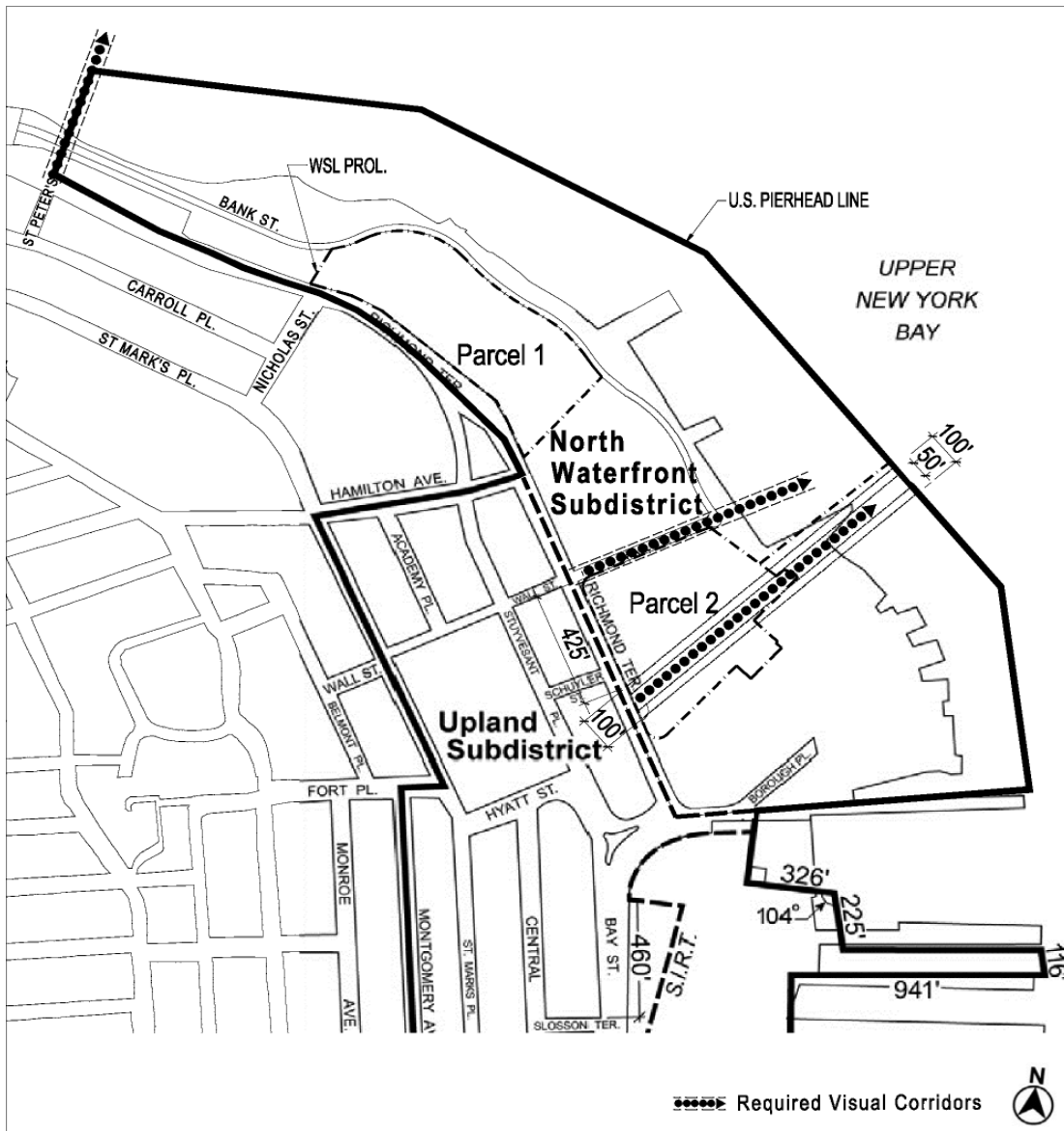
(Existing map to be deleted)



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)



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 30, 2013, on file in this office.

City Clerk, Clerk of The Council