



## Legislation Text

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**File #:** Res 2002-2013, **Version:** \*

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### THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 2002

Resolution approving the decision of the City Planning Commission on ULURP No. C 130217 ZSR (L.U. No. 925), 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, in Community District 1, Borough of Staten Island.

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"), on 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 (ULURP No. C 130317 ZSR), Community District 1, Borough of Staten Island (the "Application");

WHEREAS, the Application is related to applications N 130316 ZRR (L.U. No. 923), a 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; 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 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)(3) of the City Charter;

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 128-61 (f) 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 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, C 130317 ZSR, incorporated by reference herein, the Council approves the Decision, 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 <<http://www.mpfp.com/>>, 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.
- Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
- Development pursuant to this resolution shall be allowed only after the restrictive declaration, attached as Exhibit A to the City Planning Commission Decision (C130317 ZSR), 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.
- 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.
- 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.
- 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.

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