



CITY PLANNING COMMISSION

August 11, 2008/Calendar No. 29

C 080380 ZSR

IN THE MATTER OF an application submitted by the Mayor's Office of the Criminal Justice Coordinator and the Department of Transportation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 591 spaces including 160 accessory spaces and to allow some of such spaces to be located on the roof of such public parking garage in connection with the development of a courthouse facility on property located at 2 Central Avenue (Block 6, Lot 21), in a C4-2 District, Community District 1, Borough of Staten Island.

This application (C080380 ZSR) was filed on April 10, 2008, by the Mayor's Office of the Criminal Justice Coordinator (MOCJC) and the Department of Transportation in order to facilitate the construction of the Staten Island Supreme Courthouse Project.

RELATED ACTIONS

In addition to the Special Permit, which is the subject of this report, implementation of the proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

1. C 080378 PCR Site selection and acquisition of private property for the proposed use of a surface lot for use as a public parking lot;
2. C 080379 PSR Site Selection of property for a courthouse and a public parking garage.

BACKGROUND

A full description of the background appears in the report on the related Site Selection application (C 080379 PSR).

ENVIRONMENTAL REVIEW

This application (C 080380 ZSR), in conjunction with the applications for the related actions (C 080378 PCR) and (C 080379 PSR), 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 agency is the Dormitory Authority of the State of New York.

A summary of the environmental review and the Final Environmental Impact Statement (FEIS) appears in the report on the related Site Selection application (C 080379 PSR).

UNIFORM LAND USE REVIEW

This application (C 080380 ZSR), in conjunction with the applications for the related actions (C 080378 PCR) and (C 080379 PSR), was certified as complete by the Department of City Planning on April 21, 2008, and was 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).

Community Board Public Hearing

Community Board 1 held a public hearing on this application (C 080380 ZSR) on May 5, 2008, in conjunction with the applications for the related actions, and on May 13, 2008, by a vote of 33 to 0, with zero abstentions, adopted a resolution recommending approval of this application.

Borough President Recommendation

This application (C 080380 ZSR) was considered by the Borough President of Staten Island, in conjunction with the applications for the related actions, who issued a recommendation approving the applications with no conditions on May 14, 2008.

City Planning Commission Public Hearing

On June 4, 2008 (Calendar No.8), the City Planning Commission scheduled June 18, 2008 for a

public hearing on this application (C 080380 ZSR). The hearing was duly held on June 18, 2008 (Calendar No. 13), in conjunction with the public hearings on the applications for the related actions (C 080378 PCR) and (C 080379 PSR).

There were seven speakers, as described in the report on the related Site Selection (C 080379 PSR) and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the grant of this special permit and the related actions are appropriate.

A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related site selection application (C 080379 PCR).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-512 (Courthouse) of the Zoning Resolution:

- (a) that the principal vehicular access for such use is located on an arterial highway, a major street or a secondary street within one-quarter mile of an arterial highway or a major street, except in C5 or C6 Districts such access may be located on a local street;
- (b) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby areas;
- (c) that such use has adequate reservoir space at the vehicular entrances to accommodate either ten automobiles or five percent of the total parking spaces provided by the use , whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles;
- (d) that the streets providing access to such use will be adequate to handle the traffic generated thereby;

- (e) that, where roof parking is permitted such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and
- (f) Not applicable

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 1, 2008, with respect to this application, the City Planning Commission finds that the requirements of Part 617, State Environmental Quality Review, have been met and that, consistent with social, economic and other essential considerations:

1. 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 revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, 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, by the City Planning Commission, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by the Mayor's Office of the Criminal Justice Coordinator and the Department of Transportation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a public parking garage with a maximum capacity of 591 spaces including 160 accessory spaces and to allow some such spaces to be located on the roof of such parking garage in connection with the development of a courthouse facility on property located at 2 Central Avenue (Block 6, Lot 21), in a C4-2 District, in Community District 1, Borough

of Staten Island, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 080380 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 Polshek Partnership Architects L.L.P., filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-101	Grade Level Floor Plan	March 10, 2008
A-101.5	Partial First Level Floor Plan	March 10, 2008
A-102	Second Level Floor Plan	March 10, 2008
A-103	Third Level Floor Plan	March 10, 2008
A-104	Fourth Level Floor Plan	March 10, 2008
A-105	Roof Level Floor Plan	March 10, 2008
A-201	East and North Elevations	March 10, 2008
A-211	Building Sections	March 10, 2008
A-212	Building Sections	March 10, 2008

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. The development shall include those mitigative measures listed in the Final Environmental Impact Statement issued on August 1, 2008 (and identified as practicable), unless: (a) DOT or other agency of relevant jurisdiction has allowed further study to determine whether such mitigation is necessary or determines at a later date, based upon further study or investigations that a mitigation is not warranted either in whole or in part; and (b) the Commission is advised in writing of such determination.
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 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.
8. The above resolution (C 080380 ZSR), duly adopted by the City Planning Commission on

August 11, 2008 (Calendar No. 29), 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

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA,

ALFRED C. CERULLO, III, MARIA M. DEL TORO, RICHARD W. EADDY,

NATHAN LEVENTHAL, SHIRLEY A. MCRAE, KAREN A. PHILIPS, Commissioners