



CITY PLANNING COMMISSION

August 11, 2008 / Calendar No. 28

C 080379 PSR

IN THE MATTER OF an application submitted by the Mayor's Office of the Criminal Justice Coordinator, the Department of Transportation, and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the site selection of property located at 2 Central Avenue (Block 6, Lot 21), for use as a courthouse and accessory parking garage, Community District 1, Borough of Staten Island.

This application (C 080379 PSR) was filed on April 10, 2008, by the Mayor's Office of the Criminal Justice Coordinator, the Department of Citywide Administrative Services and the Department of Transportation in order to facilitate the construction of the Staten Island Supreme Courthouse Project.

RELATED ACTIONS

In addition to the site selection which is the subject of this report, implementation of the proposed development 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 080380 ZSR Special permit pursuant to Section 74-512 of the Zoning Resolution to allow for construction of a public parking garage with more than 150 spaces with rooftop parking.

BACKGROUND

This application from the Mayor's Office of the Criminal Justice Coordinator (MOCJC), the Department of Citywide Administrative Services (DCAS) and the Department of Transportation (DOT) is to select city-owned land located at 2 Central Avenue (Block 6, Lot 21) in Staten Island for the site of a new Staten Island Supreme Courthouse project. The proposed project includes a public parking garage, a memorial green and a public plaza. The site to be selected has a lot area of 150,964 square feet and occupies Block 6, Lot 21 bounded by Central Avenue, Hyatt Street, St.

Mark's Place and Tax Lot 20. The proposed project is part of a construction program outlined in the New York City Courts Capital Program Master Plan of 1999. The program addresses the statewide need to increase court and court-related space, and to increase the efficiency of the Staten Island borough courts and related agencies. The purpose of the proposed project is to replace outdated facilities and to consolidate the existing Supreme Criminal, Supreme Civil and Lower Criminal Courts and court-related spaces located at 18 Richmond Terrace, the Homeport at the Stapleton Waterfront, Borough Hall, 130 Stuyvesant Place, 126 Stuyvesant Place and 67 Targee Street.

EXISTING CONDITIONS

The project site is located on a parcel bounded by Central Avenue to the east, Hyatt Street to the north, St. Mark's Place to the west and Tax Block 6, Lot 20 to the south. The project site is 150,964 square feet with 788.85 feet of frontage on Central Avenue, 212.29 feet of frontage on Hyatt Street and 718.52 feet of frontage on St. Mark's Place. The site is a 3.47- acre portion of the existing 4.04-acre NYC Department of Transportation's 578-space surface parking lot known as the St. George Municipal Parking Field. The St. George Municipal Parking Field is comprised of two separate tax lots: Block 6, Lot 21 and Block 6, Lot 20. The proposed project site is limited to Block 6, Lot 21 and would temporarily displace 501 parking spaces of the existing 578-space surface parking lot. The site contains a 300 sq. ft., one story, maintenance building related to the parking lot located on the northwest corner of the project site. The other tax lot (Block 6, Lot 20) will remain a surface parking lot containing approximately 77-spaces, operated by the Department of Transportation.

The site is located in C4-2 zoning district, which allows for general commercial uses, including the proposed use of the site. The surrounding area is characterized by a mix of uses. The area to the north across Hyatt Street is zoned C4-2. This area consists of commercial office buildings, street level retail and the St. George Theater. Local retail uses can be found along Hyatt Street and Stuyvesant Place. The area to the west across St. Marks Place is zoned C4-2. This area is a mix of residential and commercial. There are office uses within 3-story frame buildings which have been converted from residences, 2 ½ story residences, and community facilities such as the New Brighton Reform Church, Project Hospitality and the Forever Young senior center. The area

to the east across Central Avenue is zoned C4-2. The uses include low-rise office buildings, 3 to 6-story apartment buildings, a parking structure and community facilities such as the St. George NYC Public Library, a homeless drop-in center and an apartment hotel. Local retail uses to the west can be found along Bay Street. Borough Hall and the existing Richmond County Courthouse are one block away to the west on Richmond Terrace. The area to the south is zoned C4-2. This area is a mix of low-rise commercial buildings with residential above, 2 ½ story residences and 5 to 6-story apartment buildings. Local retail uses can be found along Victory Boulevard.

The site is located in St. George which is Staten Island's civic center and transit hub. The Staten Island Ferry Terminal is 2 blocks away to the west. The site is accessible by public transportation. Train and bus service is provided to and from the ferry terminal with 23 bus lines providing service to St. George and the rest of Staten Island.

The project site was once used as a portion of an immigrant quarantine hospital complex beginning in 1799 until it was destroyed by fire in 1858. The hospital grounds and associated facilities were used primarily to treat ill immigrants looking to gain entry into the United States. Beginning in 1845, a burial ground was located in the northern portion of the project site extending into what are currently Hyatt Street and Central Avenue. In 1868, the area comprising the project site was sold for private development. While 18 homes were built on the site by 1912, they were demolished by 1957 to make way for the existing surface parking lot. A memorial green is proposed where archeologically sensitive resources were found on the northwest corner of the site.

Interim construction-period parking is proposed on an existing surface lot located across Hyatt Street to the north of the proposed courthouse project site and adjacent to the St. George Theater. This is the subject of a related action (C 080378 PCR). The .92 acre lot is comprised of three separate tax lots, Block 8, lots 1, 11 and 14. This privately owned vacant lot is paved and the

perimeter is fenced along St. Marks Place and Hyatt Street. There are no existing buildings on the site, and there is one curb cut on St. Mark's Place.

Project Description

The proposed project is the development of a new 5-story courthouse facility for the Staten Island Supreme Civil Court, Criminal Court and the Lower Criminal Court. The proposed courthouse facility would comprise 183,300 square feet of floor area for court and court-related space fronting on Central Avenue. The proposed project would also include a 4 story public parking garage with roof top parking. The proposed garage would be 223,600 gross square feet and contain 660 parking spaces. The proposed courthouse will be centrally located on the site with the proposed public parking garage to the south and the proposed memorial green and plaza to the north. The courthouse itself is an as-of-right development. The public parking garage is the subject of the related Special Permit (C 080380 ZSR). Of the 660 spaces, approximately 591 spaces would be subject to the special permit for the purposes of the ULURP. The remaining 69 parking spaces (comprised of 52 parking spaces designated for judicial staff parking and 17 spaces for attendant parking) are considered accessory and would not be subject to the special permit. Access to the garage will be via a 30-foot wide two-way curb cut on Central Avenue and a 30-foot wide two-way curb cut on St. Mark's Place.

During the construction period additional interim public parking would be provided in a surface lot adjacent to the St. George Theater on Hyatt Street. The use of this surface parking lot is the subject of the related site selection and acquisition (C 080378 PCR). The use of the surface lot as a public parking facility would aid in replacing public parking at the St. George Municipal parking field that would be displaced during the construction period of the new Staten Island Supreme Courthouse and parking garage. Construction of the courthouse project is anticipated to begin in autumn 2008 and end in early 2012. The parking garage would be completed in late 2009, at which point the garage would be operational.

ENVIRONMENTAL REVIEW

This application (C 080379 PSR), in conjunction with the applications for the related actions (C 080378 PCR) and (C 080380 ZSR), 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.

It was determined that the proposed action may have a significant effect on the environment, and that an environmental impact statement would be required for the following reasons:

- The project as proposed may result in significant adverse traffic and parking impacts.
- The project as proposed may result in significant adverse noise impacts.
- The project as proposed may result in significant adverse impacts on historic, cultural and archeological resources.
- The project as proposed may impact visual character and have a potential for shadowing impacts.

A Positive Declaration was issued on February 12, 2007 and distributed, published and filed, and the applicant was asked to prepare a Draft Environmental Impact Statement (DEIS). Along with the issuance of a Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on April 27, 2007. A public scoping meeting was held on the DEIS on May 16, 2007. The project which was the subject of the public scoping meeting was proposed to cover 4 acres, provide 183,000 square feet of courthouse facility and a 660-car public parking garage. A final scope of work, reflecting the comments made during the scoping meeting and the modified development proposal, was issued on June 22, 2007.

The lead agency prepared a DEIS and a Notice of Completion was issued on April 16th, 2008. Pursuant to the SEQRA regulations and the CEQR procedures, a joint public hearing was held on the DEIS on June 18, 2008, in conjunction with the public hearings on the Uniform Land Use Review

Procedure (ULURP) items (C 080378 PSR), (C 080379 ZSR) and (C 080380 PCR). The DEIS evaluated the proposed project for potential environmental impacts, including: land use, zoning, public policy, community facilities, neighborhood character, open space and recreational resources, socioeconomic conditions, archaeological and historical resources, urban design and visual resources, natural resources, infrastructure, utilities and energy, traffic and transportation, parking, air quality, noise, hazardous materials, construction impacts and alternatives to the proposed project.

The Final Environmental Impact Statement (FEIS) was completed, and the Notice of Completion of the FEIS was issued on August 1, 2008. The Notice of Completion for the FEIS identified the following significant impacts and proposed the following mitigation measures:

IMPACTS:

Archeological Resources:

A Phase 1A Cultural Resources Investigation classified the entire Project Site as highly sensitive with prehistoric and historic archeological resources. Subsequently, a *Topic Intensive Research: Supplementary Historical Resources Investigation and Core Sample Analysis* was completed which determined that a portion of the site contained the Quarantine Grounds cemetery as well as eighteen dwellings. Cultural material was recovered from three of the four tests performed as part of the *Core Sample Analysis*. Pursuant to *Section 14.09* of the *State Historic Preservation Act* regulations, DASNY submitted the documentary studies and findings of the soil boring samples to OPRHP for review. Phase II investigations were conducted initially, followed by Phase III, or Data Recovery, investigations. The objective of the Phase II testing, as per the State Historic Preservation Office-approved protocol, was to (1) ascertain the extent and integrity of potential resources related to the Quarantine Grounds in the southern section of the Project Site; and, (2) define the “safe zone” for the building envelope in order to avoid impact on possible in site burials at the second cemetery in the northern section of the Project Site. In addition, pursuant to the *SEQR* process, DASNY held a public scoping meeting in the community at which comments were received on the archaeological investigations, and prepared and distributed the *DEIS* which features a detailed description of the data recovery activities conducted at the site. The results of the data recovery activities discussed in more detail under “Mitigation,” below.

Traffic:

The Proposed Project is anticipated to generate approximately 642 employee vehicle trips per day consisting of 321 vehicles arriving in the morning and 321 departing vehicles in the early evening based on the projected staffing of approximately 350 employees. However, due to the location of existing court employees, not all trips are considered new to the study area. In addition to employee vehicles, the courthouse is expected to generate a small amount of police vehicle activity and bus/van prisoner transport trips.

The only predicted significant adverse impact is for vehicular traffic at two signalized intersections during the AM peak hour:

1. Bay Street and Slosson Terrace
2. Victory Boulevard and Bay Street

These signalized intersections would experience project-induced traffic impacts as a result of the Proposed Project. Mitigation measures for each location are described in more detail under “Mitigation”.

MITIGATION:

Archeological Resources:

Archaeological testing found no physical evidence of the Quarantine Grounds and/or human burials across a significant portion of the Project Site. Further testing and data recovery revealed the presence of human remains on-site and defined the approximate limits of an abandoned cemetery thought to be associated with the Quarantine Grounds complex which operated in this vicinity from 1799 through 1858. The approximate limits of the second cemetery are surrounded by a 20-foot buffer strip. The proposed courthouse and parking structure would be developed in the area cleared by the archaeological testing and data recovery activities.

The Dormitory Authority and the City, in consultation with OPRHP and NYCLPC, have considered options for the final treatment of the remains. The final resolution of any cultural resources aspects of the Proposed Project is subject to *Section 14.09* of the *State Historic Preservation Act of 1980* (“SHPA”) and its implementing regulations. The OPRHP has made the preliminary determination that the Proposed Project represents an adverse impact on cultural resources eligible for the National Register of Historic Places, due to the disturbance of the intact portions of the former burial ground during the archaeological fieldwork completed to date. OPRHP’s initial recommendation is to reinter the recovered remains within the abandoned cemetery on the Project Site. In addition, the NYCLPC has no objection to the on-site reinterment option since it is consistent with city practice. The onsite reinterment option has been the preferred reinterment option by both DASNY and the City. A LOR among the City, DASNY and OPRHP, specifying the choice of the on-site option and the roles of the various parties in the final treatment of the recovered remains, is being prepared.

Traffic:

All significant adverse traffic impacts expected to result from the Proposed Project could be mitigated using standard traffic mitigation measures, as described below.

The northbound left-turn movement at the Bay Street and Slosson Terrace intersection is projected to operate at level of service (“LOS”) F during the a.m. peak hour of the Build Condition. A shift of 13.0 seconds of green time from the side street phase (7.0 seconds) and the northbound-southbound phase (6.0 seconds) to the leading northbound phase during the a.m. peak hour would be required.

The eastbound left-turn movement at Victory Boulevard and Bay Street would operate at LOS D during the a.m. peak hour. This impact can be mitigated to acceptable levels by shifting 3.0 seconds of green time from the northbound-southbound phase to the eastbound-westbound phase during the a.m. peak hour.

These are the only project-induced traffic impacts that are identified with the planned court complex. The mitigation described above is expected to eliminate significant adverse impacts to the intersections of Bay Street with Slosson Terrace and Victory Boulevard under the Build Condition.

UNIFORM LAND USE REVIEW

This application (C 080379 PSR), in conjunction with the applications for the related actions (C 080378 PCR) and (C 080380 ZSR), 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 080379 PSR) on May 5, 2008, in conjunction with the public hearing on the applications for the related actions (C 080378 PCR) and (C 080380 ZSR), 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 080379 PSR) was considered by the Borough President of Staten Island, in conjunction with the applications for the related actions, who issued a recommendation to approve the applications with no conditions on May 14, 2008.

City Planning Commission Public Hearing

On June 4, 2008 (Calendar No.7), the City Planning Commission scheduled June 18, 2008 for a public hearing on this application (C 080379 PSR). The hearing was duly held on June 18, 2008 (Calendar No. 12), in conjunction with the public hearings on the applications for the related actions (C 080378 PCR) and (C 080380 ZSR).

There were five speakers in favor of the application and two speakers in opposition. The five speakers in favor included a representative from the Dormitory Authority State of New York, a representative from the Mayor's Office of the Criminal Justice Coordinator, the architect and

landscape architect for the project, and a member of the community. The two speakers in opposition were a representative from the Friends of Abandoned Cemeteries of Staten Island and a member of the community.

The applicant and their consultants, who spoke in favor, presented the project and answered questions from the Commission. A representative from the Dormitory Authority State of New York described its efforts to respond to the community's concerns regarding the proposed memorial green and protecting the archeological resources found on the site.

A representative of the Mayor's Office of the Criminal Justice Coordinator stated that community participation has been an important part of the planning of the overall project through a number of public hearing and meetings. He also stated that an advisory committee (possibly a public /private partnership) will be created to determine the final resting place of the exhumed remains within the proposed memorial green area.

A member of the community, who spoke in favor of the overall project, expressed concern about the modern architectural style of the proposed courthouse. She felt it was important that the new courthouse reflect the beaux-arts style of the existing Richmond County Courthouse, Borough Hall and the NYC Public Library, all designed by Carrere & Hastings in the early 1900's. She also made a suggestion that the exhumed remains be re-interred at Staten Island Cemetery, located along Richmond Terrace, which has been a burial ground since 1802.

The executive director of the Friends of Abandoned Cemeteries, who spoke in opposition, expressed concern about the proper re-interment of the human remains that were removed from the site and suggested that an advisory committee be created to oversee the re-interment within the proposed memorial green. A neighborhood resident, who spoke in opposition, stated that the size of the proposed public parking garage was too big and would possibly create pollution.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the application of the Mayor's Office of the Criminal Justice Coordinator, the Department of Citywide Administrative Services and the Department of Transportation, pursuant to Section 197-c of the New York City Charter, for site selection of property, in Community District 1, Borough of Staten Island, to facilitate the construction of a courthouse and public parking garage, is appropriate.

The Master Plan for New York City Court Facilities, which was created in 1999 in response to Chapter 825 of the State Laws of 1987 New York, City Courts Capital Program Master Plan, indicates a statewide need to increase court and court-related space. The proposed project responds to that need to increase the efficiency of the Staten Island courts and related agencies.

The proposed site is located in St. George, which is Staten Island's civic center and transit hub. The site is within 2 blocks of the existing Staten Island Criminal Courthouse, Borough Hall and Staten Island's District Attorney's Office. The site is already owned by the City, and the entire site consists of undeveloped area currently used as a parking lot. This site is of adequate size to accommodate the 183,000 square feet of space for a courthouse, the 223,000 square feet of space for a public parking garage, a memorial green and public plaza. The site is served well by public transportation and is located 2 blocks away from the Staten Island Ferry Terminal.

The Commission notes that a new Richmond County Courthouse was listed in the Citywide Statement of Needs for FY 2007-2008; the courthouse was initially reported in the Citywide Statement of Needs for FY 2000-2001.

In addition to the site selection application, the project requires a special permit for the construction of a public parking garage:

C 080380 ZSR

In C2-1, C2-2, C2-3, C2-4, C4-1, C4-2, C4-3, C4-4, C4-5D, C7, C8-1, C8-2, C8-3, M1-1, M1-2,

M1-3, M2-1, M2-2, or M3-1 districts, the City Planning Commission may permit public parking garages or public parking lots with more than 150 spaces with some such spaces to be located on the roof of such public parking garage, pursuant to 74-512 of the Zoning Resolution.

The Commission notes that all vehicular access for the proposed garage would be located on two secondary roadways, Central Avenue and St. Mark's Place, which are within one-quarter mile of major streets including Richmond Terrace, Bay Street and Victory Boulevard.

The Commission also notes that the project is located so as to draw a minimum of vehicular traffic to and through local streets in nearby areas. Due to the densely developed, mixed use nature of the area of St. George, the proposed project would not aggravate traffic conditions near the project site.

The Commission believes that adequate queuing space would be provided off the St. Mark's Place and Central Avenue access points totaling the required five percent of the total parking spaces subject to the special permit which equals to approximately 30 reservoir spaces. The driveway from Central Avenue would provide a total of three, 10-foot lanes providing for two entrance lanes and one exit lane. This driveway from Central Avenue would have 18 of the 30 reservoir spaces. The driveway from St. Marks Place would contain a total of three, 10-foot lanes with two entrance lanes and one exit lane. The remaining 12 reservoir spaces would be located off of the St. Marks Place driveway.

The Commission has considered that the streets providing access to the proposed project site will be adequate to handle the traffic generated by the proposed parking garage. The project site has over 800 feet of frontage on Central Avenue and over 900 feet of frontage on St. Marks Place. The traffic generated would be similar to the current traffic conditions associated with the existing municipal parking lot since existing lot users and employees working in St. George's civic core who utilize the lot would also use the proposed parking facility. The majority of employees associated with the proposed project are already located within St. George and traffic would not worsen in this area of St. George because of new parking garage users. The proposed parking garage would add additional

parking spaces to the available parking within St. George. Upon completion of the project there will be approximately a total of 737 parking spaces available as compared to the 578 currently available in the municipal lot. The proposed facility would have a positive impact on the community as well as commuters and civic center employees.

The Commission notes that Hyatt Street is an 80-foot, two-way street to the north of the project site that generally provides east-west access and metered parking. Central Avenue to the east is a 60-foot, one-way, southbound street that carries traffic between Hyatt Street and Bay Streets. This road provides for a single travel lane in each direction and metered parking throughout. St. Marks Place is a 60-foot, one-way, southbound street located to the west. There is adequate width on St. Marks Place for moving traffic to pass around vehicles turning left to enter the proposed parking garage. Slosson Terrace located to the east of the project site is a two-way street that provides east-west access between Bay Street and Central Avenue. Metered parking is available on both sides of this street. These streets generally experience little traffic congestion and would be adequate to handle traffic that would be generated by the proposed garage.

The Commission finds that the proposed rooftop parking will not impair the essential character of the adjacent area and uses. Land use immediately adjacent to the proposed site is dense and diverse encompassing a blend of residential, commercial and community facility uses. The proposed parking garage would feature several design elements that would minimize the visual impacts of the parking structure to the surrounding community. These features include roof cutouts, a parapet wall and landscaping which would provide screening to partially obscure vehicles parked on the rooftop and within the garage. The parapet walls will block the potential glare from car headlights. A perforated copper screen above the entrance to the garage and an alternating “greenscreen” trellis system along the garage façade planted with vines would serve to break down the scale of the façade of the garage. The proposed project has been designed and constructed to achieve a LEED Silver certification. A “Light Pollution Reduction” credit is a component of this certification. All lighting specified within the structure and on the roof will not create any light trespass to the neighboring uses.

In addition to the site selection application and the special permit, the project requires the acquisition of privately owned properties located across Hyatt Street. Block 8, Lots 1, 11 and 14 are being designated for interim parking during the construction of the Staten Island Supreme Courthouse. These three adjacent tax lots under single ownership are to be acquired for use as surface parking lot for approximately 96 spaces. The applicant's intent is to lease the properties. The site is a vacant site and no displacement will occur. The Commission believes that the grant of a site selection and acquisition for this use is appropriate.

The Commission believes that the new development would provide a modern state-of-the-art facility with additional court parts and supportive spaces to meet the current and future demands of the Borough and facilitate an efficient and responsive court operation.

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, pursuant to Sections 197-c of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of the Mayor's Office of the Criminal Justice Coordinator, the Department of Citywide Administrative Services and the Department of Transportation, for the grant of a site selection pursuant to Sections 197-c of the New York City Charter, for Site Selection of property located on Central Avenue (Block 6, Lot 21) between Hyatt Street and Slosson Terrace, Community District 1, Borough of Staten Island, for use as a courthouse and accessory parking garage, is approved.

The above resolution (C 080379 PSR), duly adopted by the City Planning Commission on August 11, 2008 (Calendar No. 28), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair

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