

## CITY PLANNING COMMISSION

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May 10<sup>th</sup>, 2017 / Calendar No. 28

C 150402 ZMR

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**IN THE MATTER OF** an application submitted by Pier 21 Development, LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 21d:

1. changing from an M2-1 District to an R6 District property bounded by a line 515 feet southeasterly of the northeasterly prolongation of the southerly street line of Greenfield Avenue, the U.S. Pierhead Line, a line 1,240 feet southeasterly of the northeasterly prolongation of the southerly street line of Greenfield Avenue, Edgewater Street, a line 1,040 feet southeasterly of the northeasterly prolongation of the southerly street line of Greenfield Avenue, and a line 210 feet northeasterly of Edgewater Street;
2. establishing within the proposed R6 District a C2-2 District bounded by a line 1,040 feet southeasterly of the northeasterly prolongation of the southerly street line of Greenfield Avenue, a line 210 feet northeasterly of Edgewater Street, a line 1,240 feet southeasterly of the northeasterly prolongation of the southerly street line of Greenfield Avenue, and Edgewater Street; and
3. establishing a Special Stapleton Waterfront District (SW) bounded by the northeasterly prolongation of the southerly street line of Greenfield Avenue, the U.S. Pierhead Line, a line 1,240 feet southeasterly of the northeasterly prolongation of the southerly street line of Greenfield Avenue and Edgewater Street;

as shown on a diagram (for illustrative purposes only) dated December 12, 2016, and subject to the conditions of the CEQR Declaration E-401.

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This application for a zoning map amendment (C 150402 ZMR) was filed by Pier 21 Development, LLC on June 3, 2015 to facilitate a mixed-use project that would create approximately 371 residential units within three buildings. The proposed 375,628-square-foot development would include 24,173 square feet of commercial and retail as well as a visual corridor/upland connection and a shore public walkway (SPW) on a waterfront block in the Rosebank neighborhood within an expansion of the existing Special Stapleton Waterfront District of Staten Island, Community District 1.

**RELATED ACTIONS**

In addition to the zoning map amendment which is the subject of this report (C 150402 ZMR), implementation of the proposed development also requires action by the City Planning Commission on the following applications that are being considered concurrently with this application:

N 150401 ZRR            Zoning text amendment to establish regulations for new subareas (Special Stapleton Waterfront District), to amend Appendix Maps 1-5 in Appendix A of Article XI, Chapter 6, and to designate a Mandatory Inclusionary Housing (MIH) area.

N 150403 ZAR            Zoning authorization for phased development of a public access areas.

The proposed actions also include a zoning certification from the Chair of the City Planning Commission pursuant to Section 62-811(b) (N 150404 ZCR). This is a ministerial action not subject to environmental review.

**BACKGROUND**

The applicant seeks approval of amendments to the zoning map and zoning text, an authorization, and a certification by the Chair of the City Planning Commission (CPC) to facilitate construction of a new three-building mixed-use development providing approximately 371 dwelling units on property located at 125 Edgewater Street (Block 2820, Lot 90) in the Rosebank neighborhood of Community District 1, Staten Island.

The applicant is proposing to rezone the area generally bound by Front Street, Edgewater Street, the New York Harbor, and an area approximately 175 feet south of the prolongation of Lynhurst Street (the “project area”), which includes the “development site” (Block 2820, Lot 90) as well as three other properties or portions thereof (Block 2820, Lot 95, and parts of Lots 105, 110).

The surrounding area to the south and west is currently zoned M2-1 and M3-1 and contains manufacturing and maritime land uses. A New York Power Authority gas generating facility is located across the street from the site. Low density residential uses (R3A, R3-2, R3X, R4 and R4-A zoning districts) are located throughout the Rosebank and Clifton neighborhoods, generally permitting one- and two-family homes. There are commercial uses located along Bay Street, where a C1-2 commercial overlay is mapped. The Clifton Staten Island Rail Road (SIRR) station is immediately north of the project area. The Special Stapleton Waterfront District is located north of the project area and is currently being developed with mixed residential and retail uses and a waterfront esplanade in a C4-2A zoning district on the site of the former United States Navy Homeport facility.

Within the project area, existing uses consist of a seven-story office building and associated surface parking lot known as Pouch Terminal, located at 1 Edgewater Street (Lot 95). Tenants include the NYPD, the Richmond County Board of Elections, and Community Board 1. The development site (Lot 90) is largely vacant and contains two existing buildings that are primarily used for storage.

The entire project area is currently zoned M2-1, which permits a variety of retail, commercial and manufacturing uses. The applicant is proposing to extend the Special Stapleton Waterfront District across the project area and to change the M2-1 district on the development site to an R6 district to accommodate residential development and affordable housing. A C2-2 commercial overlay is also proposed to be mapped along Edgewater Street within the proposed R6 district to facilitate the development of retail uses on the site. The M2-1 district would remain on the balance of the project area including Pouch Terminal.

The existing M2-1 zoning district is common along much of the City's older industrial waterfront and allows a commercial and manufacturing FAR of up to 2.0. Permitted uses

include Use Groups 6-14 and 16-17, which include most commercial uses and light/medium manufacturing uses. Residential uses are not permitted.

The proposed R6 zoning district is a medium density residential district that permits Use Groups 1-4, inclusive of residential and community facility uses. R6 districts typically have a maximum FAR of 2.42 for residential uses and 4.8 for community facility uses. Parking is required for 70 percent of market-rate dwelling units and 50 percent of affordable dwelling units. There is a maximum street wall height of 60 feet and the maximum overall height is governed by a sky exposure plane ratio of 2.7:1 on narrow streets and 5.6:1 on wide streets.

The proposed C2-2 commercial overlay permits Use Groups 1-9, allowing a mix of residential, community facility, and retail and service commercial uses with a maximum commercial FAR of 2.0 within R6 zoning districts.

The development site is located within two different flood zones on the New York City Preliminary Flood Insurance Rate Maps (FIRM). Portions of the site, from the water to approximately 30 feet inland, are located within zone VE with a Base Flood Elevation (BFE) of 17 feet. The remainder of the development site is in the AE zone with a BFE of 13 feet throughout the majority of the zone. These VE and AE designations both denote an area of high flood risk subject to inundation by the 1 percent annual-chance flood event. The VE zone is also subject to additional hazards due to storm-induced velocity wave action. The BFE is the required elevation for the flood proofing of buildings within the AE or VE zones.

Because of the development's location in both VE and AE flood zones, the buildings have been designed to meet the requirements of the NYC Building Code to minimize the effect of flooding. The bottom of the structure of the first habitable floor must be one foot above the designated BFE and below this elevation only crawlways, parking, storage and

building access are allowed. As a result of these regulations, the ground floor of the buildings will be used for required parking and for building lobbies and entrances.

Given the irregular “L” shape of the development site, with its long narrow dimension extending along the harbor, and its location on the waterfront, the applicant proposes to extend the Special Stapleton Waterfront District to encompass the entire project area and make the properties subject to the Special District regulations. The accompanying text amendment would establish, among other things, site-specific use and bulk regulations for the development site and provisions requiring a waterfront public access area (WPAA). It would also ensure that future development meets floodplain requirements.

The rezoning would facilitate the construction of two completely new buildings (Buildings ‘A’ and ‘B’) and the substantial enlargement of a third existing building (Building ‘C’) to create a mixed residential/commercial development with accessory parking.

Building ‘A,’ located at the southern end of the site, is proposed to be 13 stories (130 feet) tall with 157,130 square feet of zoning floor area, of which 12,650 square feet would be commercial retail and 144,480 square feet would be residential. The applicant proposes that 87 parking spaces be located on the lowest floor and below the base plane as this area cannot contain residential dwellings due to the flood hazard. The second floor would contain 64 parking spaces and the retail/restaurant uses. The building would accommodate approximately 163 dwelling units, including between 41 and 49 units of permanently affordable housing, and would provide 151 parking spaces.

Building ‘B’ is located in the middle of the site, extending along the SPW and parallel to the shoreline. The proposed building would be 12 stories (119 feet 8 inches) tall with a total of 187,688.2 square feet: 175,169.4 square feet of residential use and 5,073.30 square feet of commercial/physical culture establishment (gym) use. The first and second floors would contain parking spaces and the commercial/gym use. Residential uses would

be located above, comprising 184 dwelling units, including between 46 and 56 units of permanently affordable housing. 140 parking spaces would be provided.

Building 'C' is located at the northern end of the site and would be an enlargement of an existing two-story building. The proposed building would be six stories (61 feet 8 inches) tall and would comprise 30,810 square feet, including 6,450 square feet of commercial and retail use. A total of 24 dwelling units are proposed, including between six and eight units of permanently affordable housing, and 38 parking spaces. The current building does not comply with waterfront requirements, as the Zoning Resolution requires a minimum SPW of 40 feet between the shore and the building and currently only 13 feet is provided. The proposed expansion above the second story would set back 40 feet in order to ensure that the new construction complies with the zoning resolution.

Proposed site improvements consist of a visual corridor, an upland connection, an SPW and an additional public access area. In total, 36,611 square feet of qualifying WPAA would be provided, including a 23,837-square-foot SPW up to 40 feet wide, and a 12,774-square-foot Visual Corridor, which would be 60 feet wide and traverse the site from Edgewater Street out to and past the shoreline. The additional public access area would be approximately 91 feet wide and is located between Buildings B and C at the termination of an existing vehicular and pedestrian easement that traverses the adjacent site (Pouch Terminal). It would also serve as an FDNY turnaround in case of emergency.

In addition to the zoning map amendment, the applicant is requesting a zoning text amendment (N 150402 ZRR) to:

- Designate a Mandatory Inclusionary Housing (MIH) area;
- Establish Subareas D and E in Section 116-00 (Special Stapleton Waterfront District);
  - Subarea D would include Lot 90 (Pouch Terminal) and Subarea E would include Lot 95 (the development site);

- Modify the use regulations, bulk regulations, and design requirements for Waterfront Public Access Areas for proposed Subarea E within the Special Stapleton Waterfront District.

The zoning text amendment would designate the proposed rezoning area as an MIH area in Appendix F of the zoning resolution. The applicant has requested to incorporate three options: Option 1, requiring 25 percent of the residential floor area to be provided as housing affordable to households with incomes averaging 60 percent of area median income (AMI); Option 2, requiring 30 percent of the residential floor area to be provided as housing affordable to households with incomes averaging 80 percent of AMI; and the Workforce Option, which requires 30 percent of the residential floor area to be provided as housing affordable to households with incomes averaging 115 percent of AMI (with 5 percent each at 70 percent of AMI and 90 percent AMI). The Workforce Option will only be available for 10 years from the date of adoption.

Use regulations will be established for Subarea E within the Special Stapleton Waterfront District (Section 116-61) to allow ground floor parking within 30 feet of a street wall in response to the high base elevation due to the existing floodplain requirements, allow Waterfront Enhancing Uses to locate within an enlarged building (Building C), and permit the proposed gym as-of-right rather than requiring a special permit from the Board of Standards and Appeals.

Special bulk regulations for Subarea E (Section 116-62) would be established to reduce the waterfront yard and public access area requirements by five feet along Building B in response to the narrow lot width, and to reduce the SPW requirement adjacent to Building C to eight feet to accommodate the existing building. In addition, the text amendment proposes changes to height and setback regulations including measurement of height (establishing the base plane), minimum/maximum base height, maximum height of buildings and floor plate sizes at varying elevations, street wall articulation facing the SPW, and special requirements for garage walls screening them from the street and

WPAAAs. These changes are proposed to respond to the irregular lot conditions on the site and floodplain-related building code requirements. They would also enable the applicant to provide an R6-scale development while also meeting the intent of WPAA requirements.

The text amendment also includes changes to the Design Requirements for Waterfront Public Access for Subarea E (Section 116-632), to specify the location, dimensions, and orientation of the visual corridor and the amount of WPAA required, including recognizing the waterfront yard and shore public access width reductions adjacent to Buildings B and C.

The applicant has also requested a zoning authorization pursuant to Section 62-822(c) (Authorization for phased development of waterfront public access areas). This action is requested to allow the applicant to develop the WPAA in three phases, in accordance with the development of each building.

In total, the proposed actions would facilitate a mixed-use development comprising 375,268 square feet, including approximately 371 residential units and 24,173 square feet of commercial/retail uses, and 36,611 square feet of W PAA. 346 parking spaces and 188 bicycle spaces would be provided, and between 93 and 112 units of permanently affordable housing would be facilitated. The built FAR of the proposed project would be 1.022.

### **ENVIRONMENTAL REVIEW**

This application (C 150402 ZMR), in conjunction with the related actions (N 150401 ZRR; N 150403 ZAR; N 150404 ZCR) 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 designated CEQR number is 17DCP069R. The lead is the City Planning Commission.



After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement (EAS), a Conditional Negative Declaration (CND), signed by the Applicant, was issued on December 9, 2016. The Conditional Negative Declaration was published in the City Record on December 16, 2016 and in the New York State Environmental Notice Bulletin on December 21, 2016. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No Comments were received.

On May 5, 2017, a Revised EAS and CND were issued. The revised EAS and CND reflect revisions to the air quality analysis completed after the issuance of the CND on December 9, 2016 and incorporates additional restrictions into the E-designation for air quality, which would prohibit any air intake or operable window above 128 feet measured from the grade of Building A. The Applicant signed the Revised Conditional Negative Declaration on May 5, 2017.

In connection with the Proposed Actions, an (E) designation (E-401) would be assigned to sites within the Development site (Block 2820, Lot 90) to avoid potential significant adverse impacts related to air quality and noise.

The (E) designation text related to air quality is as follows:

**Building A (Block 2820, Lot 90): Any new residential and/or commercial development on the above referenced property must ensure that no operable windows or air intakes are located above a height of 128 feet above grade and that the HVAC stack is located at least 133 feet above grade to avoid any potential significant adverse air quality impacts.**

**Building B (Block 2820, Lot 90): Any new residential and/or commercial development on the above referenced properties must exclusively use natural gas as the type of fuel for heating, ventilating and air condition (HVAC)**

**systems, and ensure that the HVAC stack(s) is located at least 200 feet from northwestern lot line of Lot 110.**

**Building C (Block 2820, Lot 90): Any new residential and/or commercial development on the above referenced properties must ensure that the HVAC stack is located at least 582 feet from the northwestern lot line of Lot 110.**

The (E) designation text related to noise is as follows:

**In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum window/wall sound attenuation of 31 dB(A) for all facades of the proposed buildings to maintain interior noise levels of 45 dB(A) or less for residential uses and 50 dB(A) or less for commercial uses. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.**

In addition, an (E) designation related to hazardous materials would apply to the following properties:

**Block 2820, Lot 90**

**Block 2820, Lot 95**

**Block 2820, Part of Lot 105**

**Block 2820, Part of Lot 110**

The (E) designation text related to hazardous materials is as follows:

**Task 1**

**The applicant submits to OER, for review and approval, a Phase I ESA of the Site along with a soil and groundwater testing protocol (a.k.a. Remedial**

**Investigation Work Plan (RIWP)) along with a site-specific Health and Safety Plan (HASP), including a description of methods and a project site map with all sampling locations clearly and precisely represented.**

**If site sampling is required, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.**

#### **Task 2**

**A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.**

**If remediation is indicated from the test results, a proposed RAP must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER in accordance with the approved RAWP. The applicant should then provide proper documentation that remedial action has been satisfactorily completed.**

**An OER-approved CHASP would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil**

**and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.**

**All demolition or rehabilitation would be conducted in accordance with applicable requirement for disturbance, handling and disposal of suspect lead-paint and asbestos containing materials.**

With the assignment of the above-referenced (E) designation (E-401) for air quality, noise, and hazardous materials, the Proposed Actions would not result in significant adverse impacts.

In addition, the following actions incorporated into the proposed project to avoid traffic impacts:

1. The following project improvements shall be incorporated into the proposed project and implemented by DOT prior to the project build year:
  - a. Bay Street and Edgewater Street/Front Street: Modify the signal timing by shifting 2 seconds of green time from the westbound phase to the northbound/southbound phase during the weekday midday peak hour. Coordinate the signal offset with the adjacent intersection of Bay Street and Willow Avenue during the weekday PM peak hour.
  - b. Bay Street and Willow Avenue: Modify the signal timing by shifting 1 second of green time from the northbound/southbound phase to the eastbound/westbound during the weekday AM and PM peak hours, and shifting 2 seconds of green time from the eastbound/westbound phase to the northbound/southbound during the weekday midday peak hour. Shift the signal offset from 22 seconds to 8 seconds to coordinate with the adjacent intersection of Bay Street and Edgewater Street/Front Street during the weekday PM peak hour.
  - c. Bay Street and Hylan Boulevard: Modify the signal timing by shifting 2 seconds of green time from the eastbound lead/southbound right turn lag

phase to the eastbound/westbound phase and 2 seconds of green time from the northbound/southbound phase during the weekday AM peak hour; modify signal timing by shifting 1 second of green time from the eastbound lead/southbound right turn lag phase to the eastbound/westbound phase and 1 second of green time from the northbound/southbound phase during the weekday midday peak hour; and shifting 2 seconds of green time from the eastbound lead/southbound right turn lag phase to the eastbound/westbound phase and 1 second of green time from the northbound/southbound phase during the weekday PM peak hour.

- d. Edgewater Street and Lynhurst Avenue. Install an all-way stop control at this intersection to allow for pedestrian crosswalks to be implemented across Edgewater Street which would facilitate pedestrian flow to and from the project site.
2. The Applicant shall conduct an all-way stop control warrant study at the intersection of Edgewater Street and Lynhurst Avenue/Project Driveway during the Build year and submit it to the New York City Department of Transportation (DOT)'s Signals Division for review and final approval.
  3. The Applicant shall inform the New York City Department of Transportation six (6) months prior to the completion and occupation of the proposed project. Upon the full build-out condition, all expenses related to the design, installation of the all-way stop control, proposed geometric modifications, traffic signs and pavement markings, etc. shall be funded by the Applicant.
  4. The applicant agrees to incorporate the above referenced improvements into the proposed project via the Restrictive Declaration to be recorded in conjunction with a zoning certification from the Chairperson of the City Planning Commission pursuant to ZR Section 62-811(b) (Waterfront public access and visual corridors). By the terms of ZR Section 62- 811 (b ), no excavation or building permit can be issued for development on the site prior to the issuance of the certification, and no

certification can be issued except on the condition that the Restrictive Declaration is executed and recorded pursuant to ZR Section 62-74 (Requirements for Recordation).

The City Planning Commission has determined that, subject to the above, the proposed action will have no significant effect on the environment.

### **UNIFORM LAND USE REVIEW**

This application (C 150402 ZMR) was certified as complete by the Department of City Planning on December 12, 2016, and was duly referred to Staten Island Community Board 1 and the Staten Island Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related applications for a zoning text amendment (N 150401 ZRR) and zoning authorization (N 150403 ZAR), which were referred for information and review in accordance with the procedures for non-ULURP matters.

### **Community Board Public Hearing**

Staten Island Community Board 1 held a public hearing on this application (C 150402 ZMR) and the applications for the related actions (N 150401 ZRR and N 150403 ZAR) on February 6, 2017 and, on February 15, 2017, by a vote of 23 in favor, 11 opposed and with two abstentions, adopted a resolution recommending approval of the application with the following modifications:

1. The building height be restricted to 8 stories;
2. 1 parking space be required for each residential unit developed;
3. Every effort to use union workers for all construction aspects and the maintenance of the buildings once they are completed; and
4. The entire esplanade be completed with the construction of Phase 1.

### **Borough President Recommendation**

This application (C 150402 ZMR) and the applications for the related actions (N 150401 ZRR and N 150403 ZAR) were considered by the Staten Island Borough President, who issued a recommendation approving the application on February 21, 2017.

### **City Planning Commission Public Hearing**

On March 8, 2017 (Calendar No. 9), the City Planning Commission scheduled March 22, 2017 for a public hearing on this application (C 150402 ZMR). The hearing was duly held on March 22, 2017 (Calendar No. 20), in conjunction with the applications for the related actions. There was one speaker in favor and one opposed.

The applicant team spoke in support of the project. They summarized the proposal and commented on the Community Board 1 recommendations. They described their involvement and consultations with the Community Board, Borough President's Office, and community stakeholders, including union labor representatives, particularly on parking and use of union labor. The applicant team said that the additional height being requested was necessary to accommodate the high base elevation and ensure compliance with resilient building requirements, provide a scale of development consistent with the R6 zoning on an irregular lot, and ensure a viable project that builds out a publicly accessible waterfront area. They anticipate that visual impacts on the upland community will be minimal due to topography, existing development on adjacent property, and the view corridor and upland connection. They also indicated that phased development of the WPAA is required to provide construction access for future Phases 2 and 3. They said that most (70 percent) of the WPAA will be constructed in accordance with Phase 1 (Building A) of the project, with the balance being constructed during the construction of future phases of development.

The applicant team also clarified that operational arrangements related to parking have not been finalized. In addition to the 346 parking spaces being provided within Buildings A, B, and C, 17 publicly accessible parking spaces would be provided along the upland connection. Whether required commercial parking is publicly accessible will be

determined as the project proceeds and the team holds discussions with tenants. The applicant team also indicated that they would work with the owners of the Pouch Terminal site to address operational concerns related to access/wayfinding on the site for the parking within Building C.

The applicant team indicated that they envision that most of the commercial and retail uses on the second level will support local residents and people coming to use the waterfront space. Signage will be provided to direct people to the second levels. The applicant team indicated that they would keep the Commission updated on these discussions as they progress.

Regarding the configuration of the intersection of the Bay Street, Front Street, and Edgewater Street, the applicant team indicated that the environmental review did not identify any adverse impacts or required improvements related to the proposed development.

One person spoke in opposition to the project on behalf of a local union, stating that the Commission should not vote in favor of the proposal until such time that the applicant commits to the use of union labor.

There were no other speakers on the application and the hearing was closed.

#### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application (C 150402 ZMR), in conjunction with the related applications for a zoning text Amendment (N 150401 ZRR), zoning authorization (N 150403 ZAR), and a Chairperson certification (N 150404 ZCR), was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of



1981, (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 12-110.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

### **CONSIDERATION**

The Commission believes that this application (C 150402 ZMR) for a zoning map amendment, in conjunction with the related applications for a zoning text amendment (N 150313 ZRR) and zoning authorization (N 150403 ZAR), is appropriate.

The proposed project will create approximately 371 residences, 25 to 30 percent of which would be permanently affordable and represent Staten Island's first application of MIH policy. These units will help address the need for more housing in the North Shore of Staten Island and the City as a whole.

The proposed rezoning will facilitate the construction of a mixed use development close to transit along Bay Street and at the Clifton SIRR Station, bringing additional housing choices to the North Shore and providing opportunities for new commercial uses and additional job creation.

The Commission also believes that the proposed zoning and associated development are consistent with the intent of the Special Stapleton Waterfront District, the goals of which are to maintain and reestablish physical and visual public access to and along the waterfront, encourage the creation of a lively and attractive environment, take maximum advantage of the beauty of the New York Harbor, and promote the most desirable use of land.

The proposed project will include a SPW up to 40 feet wide that will provide approximately 24,000 square feet of landscaped and publicly accessible waterfront space. The SPW will be accessible via a visual corridor and upland connection extending from

Edgewater Street, for a total of over 36,000 square feet of new waterfront space that will improve the waterfront, provide future connections throughout the North Shore, and will be publicly accessible to residents of the proposed development as well as the surrounding Rosebank, Clifton, and Stapleton neighborhoods.

The Commission believes the proposed rezoning will encourage a complementary mix of uses to serve the growing neighborhood. The proposed development will include retail and restaurant spaces to serve not just residents of the proposed development, but the surrounding neighborhoods and visitors to the waterfront, providing additional commercial opportunity and bringing new jobs and visitors to the area.

The City's need for affordable housing provides an impetus to create new capacity for residential development through rezonings where such development is deemed appropriate. The project area is readily accessible by mass transit, and the St. George Ferry Terminal is within a short commute, providing easy access to Lower Manhattan.

The Commission acknowledges the concerns outlined in Community Board 1's conditional support for the proposed actions related to parking, building height, and the phased development of the WPAA. The Commission also recognizes the significant investment being made by the private developer to provide quality waterfront public access area and the need to balance that investment with a viable and feasible development.

The Commission is pleased that, at the public hearing, the applicant's representative committed to considering the provision of additional parking in Building 'A' in response to the community's concerns about parking and to the ongoing monitoring of parking demand as the project develops.

The Commission also acknowledges the need for authorization to allow for the phased implementation of the WPAA in order to reduce construction conflicts and ensure that

public access is coincident with the completion of construction activities that may provide unsafe conditions or hinder public use.

### **RESOLUTION**

**RESOLVED**, that having considered the Revised Environmental Assessment Statement (EAS) for which the Revised Conditional Negative Declaration (CND) was issued on May 5, 2017 with respect to this application (CEQR No. 17DCP069R), the City Planning Commission finds that the action described herein will have no significant impact on the environment as described above, and be it further

**RESOLVED** that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 21d:

1. changing from an M2-1 District to an R6 District property bounded by a line 515 feet southeasterly of the northeasterly prolongation of the southerly street line of Greenfield Avenue, the U.S. Pierhead Line, a line 1,240 feet southeasterly of the northeasterly prolongation of the southerly street line of Greenfield Avenue, Edgewater Street, a line 1,040 feet southeasterly of the northeasterly prolongation of the southerly street line of Greenfield Avenue, and a line 210 feet northeasterly of Edgewater Street;
2. establishing within the proposed R6 District a C2-2 District bounded by a line 1,040 feet southeasterly of the northeasterly prolongation of the southerly street line of Greenfield Avenue, a line 210 feet northeasterly of Edgewater Street, a line 1,240 feet southeasterly of the northeasterly prolongation of the southerly street line of Greenfield Avenue, and Edgewater Street; and
3. establishing a Special Stapleton Waterfront District (SW) bounded by the northeasterly prolongation of the southerly street line of Greenfield Avenue, the

U.S. Pierhead Line, a line 1,240 feet southeasterly of the northeasterly prolongation of the southerly street line of Greenfield Avenue and Edgewater Street;

as shown on a diagram (for illustrative purposes only) dated December 12, 2016, and subject to the conditions of the CEQR Declaration E-401.

The above resolution (C 150402 ZMR), duly adopted, by the City Planning Commission on May 10<sup>th</sup>, 2017 (Calendar No. 28), is filed with the Office of the Speaker, City Council, and Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

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**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES**, *Esq.*, *Vice Chairman*

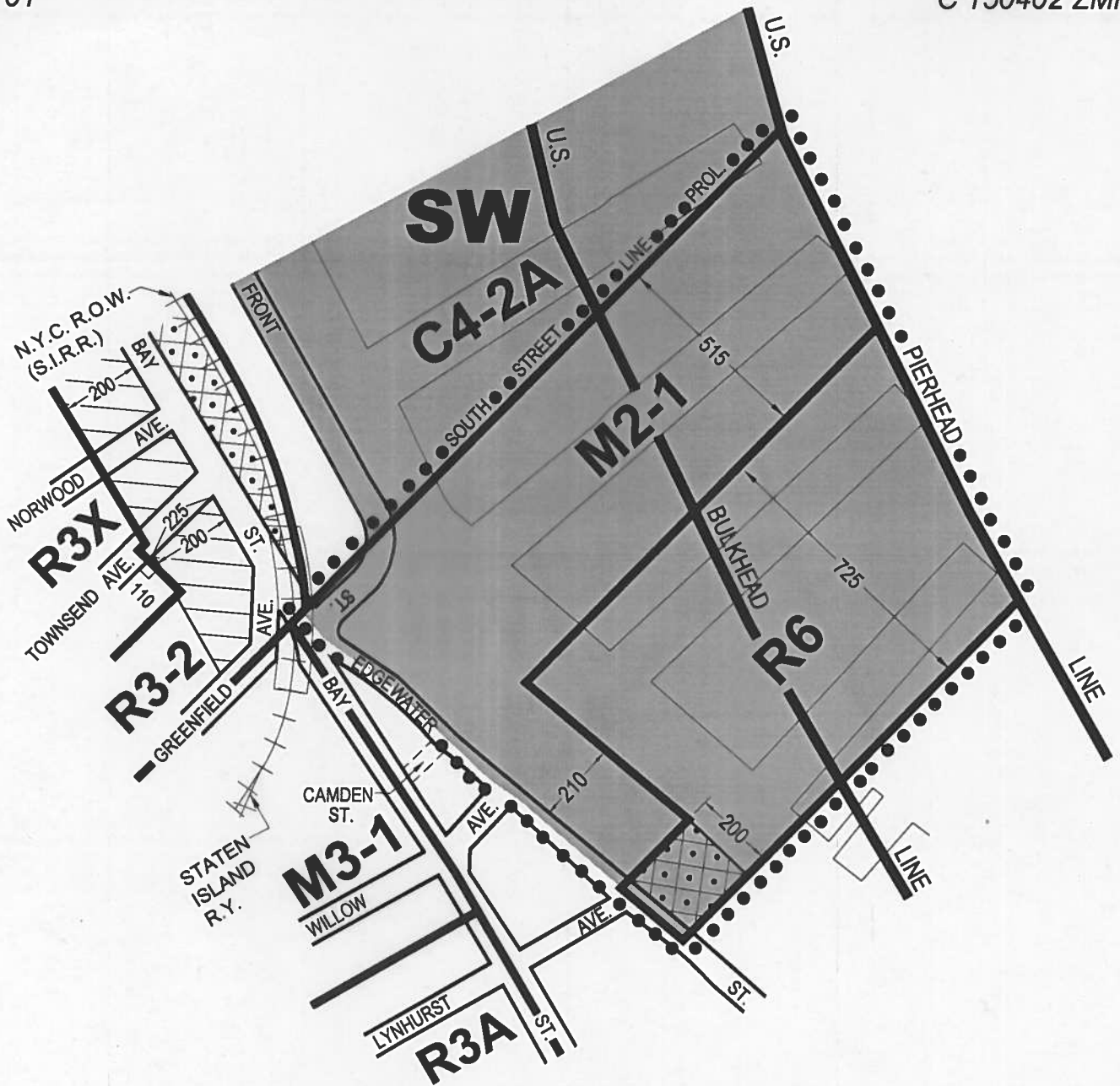
**RAYANN BESSER, ALFRED C. CERULLO, III, IRWIN G. CANTOR, P.E.,**

**MICHELLE DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY,**

**CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,**

**ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*

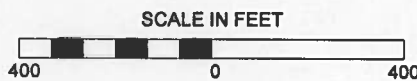
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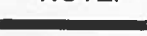




CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**21d**  
 BOROUGH OF  
**STATEN ISLAND**

*S. Lenard*  
 S. Lenard, Director  
 Technical Review Division

New York, Certification Date  
 DECEMBER 12, 2016



**NOTE:**

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by changing an M1-2 District to an R6 District, establishing a C2-2 District within a proposed R6 District and establishing the Stapleton Waterfront Special District in an M2-1 District and a proposed R6 District.
-  Indicates a C1-1 District.
-  Indicates a C2-2 District.
-  Indicates a Special Stapleton Waterfront District.

Application #: N 150402 ZMR  
CEQR #: 17 DCP 069R

Project Name: 125 EDGEWATER STREET

Borough(s): STATEN ISLAND

Community District Number(s): 1

Please use the above application number on all correspondence concerning this application

*Docket Description:*

IN THE MATTER OF an application submitted by Pier 21 Development, LLC pursuant to Section 197-c and 201 of the New York City Charter for amendment of the Zoning Map, Section No. 21d:

1. changing from an M2-1 District to an R6 District property bounded by Edgewater Street, a line 1,040 feet southeasterly of the South Street line prolongation, a line 210 feet northeasterly of the northeasterly street line of Edgewater Street, a line 515 feet southeasterly of the South Street line prolongation, the US Pierhead Line, and a line 1,240 feet southeasterly of the South Street line prolongation;
2. establishing within a proposed R6 District a C2-2 District bounded by Edgewater Street, a line 1,040 feet southeasterly of the South Street line prolongation, a line 210 feet northeasterly of the northeasterly street line of Edgewater Street, and a line 1,240 feet southeasterly of the South Street line prolongation; and
3. establishing a Special Stapleton Waterfront District (SW) within an M2-1 District and within a proposed R6 District bounded by Edgewater Street, the South Street line prolongation, the US Pierhead Line, and a line 1,240 feet southeasterly of the South Street line prolongation;

Borough of Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated 12/12/2016, and subject to the conditions of the CEQR Declaration E-401.

**Recommendation:**



Approve



Approve With Modifications/Conditions



Disapprove



Disapprove With Modifications/Conditions

*Explanation of Recommendation, Conditions or Modification:*

Related Applications: N 150401ZRR, N 150403 ZAR, N 150404 ZCR

**Contact:**

Address questions about this recommendation to:

**OFFICE OF THE STATEN ISLAND BOROUGH PRESIDENT**  
**ATTN: LAND USE DIRECTOR**

Address: 10 Richmond Terrace, Staten Island, NY 10301 (Room G-12)  
Phone: 718.816.2112  
Fax: 718.816.2060



James S. Oddo  
President of the Borough of Staten Island

21 February 2017

DATE

Application #: **150402 ZMR**

Project Name: **125 Edgewater**

CEQR Number: 17DCP069R

Borough(s): **Staten Island**

Community District Number(s): **01**

Please use the above application number on all correspondence concerning this application

**SUBMISSION INSTRUCTIONS**

1. Complete this form and return to the Department of City Planning by one of the following options:
  - **EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - **MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271
  - **FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

*Docket Description:*

**IN THE MATTER OF** an application submitted by Pier 21 Development, LLC pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 21d:

1. changing from an M2-1 District to an R6 District property bounded by Edgewater Street, a line 1,040 feet southeasterly of the South Street line prolongation, a line 210 feet northeasterly of the northeasterly street line of Edgewater Street, a line 515 feet southeasterly of the South Street line prolongation, the U.S. Pierhead Line, and a line 1,240 feet southeasterly of the South Street line prolongation;
2. establishing within a proposed R6 District a C2-2 District bounded by Edgewater Street, a line 1,040 feet southeasterly of the South Street line prolongation, a line 210 feet northeasterly of the northeasterly street line of Edgewater Street, and a line 1,240 feet southeasterly of the South Street line prolongation; and
3. establishing a Special Stapleton Waterfront District (SW) within an M2-1 District and within a proposed R6 District bounded by Edgewater Street, the South Street line prolongation, the U.S. Pierhead Line, and a line 1,240 feet southeasterly of the South Street line prolongation;

Borough of the Staten Island, Community District 1, as shown on a diagram (for illustrative purposes only) dated December 12, 2016, and subject to the conditions of the CEQR Declaration E-401.

<b>Applicant(s):</b> Pier 21 Development, LLC 93 Pearl Street, 2nd Floor New York, NY 10004		<b>Applicant's Representative:</b> Caroline G Harris Goldman Harris LLC 475 Park Avenue South, Suite 2803 New York, NY 10016
<b>Recommendation submitted by:</b> Staten Island      Community Board 1		
<b>Date of public hearing:</b>		<b>Location:</b>
<b>Was a quorum present?</b> YES <input type="checkbox"/> NO <input type="checkbox"/>		
<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>		
<b>Date of Vote:</b>		<b>Location:</b>
<b>RECOMMENDATION</b>		
<input type="checkbox"/> Approve <span style="margin-left: 200px;"><input checked="" type="checkbox"/> Approve With Modifications/Conditions</span>		
<input type="checkbox"/> Disapprove <span style="margin-left: 200px;"><input type="checkbox"/> Disapprove With Modifications/Conditions</span>		
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>		
<b>Voting</b> # In Favor: <b>23</b> # Against: <b>11</b> # Abstaining: <b>2</b> Total members appointed to the board: <b>48</b>		
<b>Name of CB/BB officer completing this form</b> <i>Nicholas Dilai</i>	<b>Title</b> <i>Chairman</i>	<b>Date</b> <i>2/17/2017</i>

Motion 125 Edgewater Street

Whereas, the existing Special Stapleton Waterfront District provides for design controls, including street wall provisions and a low building height to frame the public park, respect the character and scale of the upland portion of the neighborhood and;

Whereas, these conditions were imposed upon the adjacent Stapleton Waterfront District including URB development , and;

Whereas, any higher development would be above the stack of the New York Power Authority power plant and could have potential adverse impacts from emissions, and;

Whereas this area is underserved by mass transit

Be it hereby resolved that Community Board #1 approves this application with the following conditions:

1. The building heights be restricted to 8 stories
2. 1 parking space be required for each residential unit developed
3. Every effort to use union workers for all construction aspects and the maintenance of the buildings once they are completed.
4. The entire esplanade be completed with the construction of phase 1