CITY PLANNING COMMISSION

September 1, 2021/ Calendar No. 21 C 210291 ZSR

CORRECTED[1]

IN THE MATTER OF an application submitted by Richmond SI Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 128-62 of the Zoning Resolution as follows:

1. to modify the rear yard requirements of Section 23-47 (Minimum Required rear yard);
2. to modify the permitted obstruction requirements of Section 128-31 (Rooftop Regulations) and Section 33-42 (Permitted Obstructions);
3. to modify the height and setback requirements of Section 128-33* (Maximum Base Height) and Section 128-34* (Maximum Building Height); and
4. to modify the planting requirements of Section 128-42 (Planting Areas);

in connection with a proposed mixed-use development, on property located at 24 Stuyvesant Place (Block 13, Lots 82, 92, 100 and p/o Lot 8), in an R7-3/C2-4 District, within the Special St. George District (SG), Borough of Staten Island, Community District 1.

This application for a special permit (C 210291 ZSR) was filed by Richmond SI Owner, LLC on February 12, 2021. This application, in conjunction with the related actions for a zoning map amendment (C 210289 ZMR), and zoning text amendment (N 210290 ZRR), would facilitate the development of a 592,014-square-foot mixed-use development with three mixed-use buildings, comprised of approximately 750 housing units, including 225 permanently affordable units, and 18,800 square feet of non-residential uses located on the ground floor and cellar in the St. George neighborhood of Staten Island, Community District 1.

[1] This report (C 210291 ZSR) has been administratively corrected on October 20, 2021 to reflect the correct list of drawings and associated dates within the "RESOLUTION" section.

RELATED ACTIONS

In addition to the special permit (C 210291 ZSR) that is the subject of this report, implementation of the land use actions associated with the proposed development also require actions by the City Planning Commission (CPC) on the following applications, which are being considered concurrently with this application:

C 210289 ZMR Zoning map amendment to (a) rezoning a R6 zoning district with a C2-2 overlay at a depth 100 feet within the SHPD to an R7-3 zoning district with a C2-4 commercial overlay at a depth of 185 feet and to be located within the SSGD; and (b) rezoning a R6 zoning district with a C2-2 overlay to a R6 zoning district with a C2-4 overlay and to be located within the SSGD.

N 210290 ZRR Zoning text amendment to the Special St. George District (SSGD) to establish bulk regulations for R7 zoning districts, a new special permit to modify bulk and other requirements, and establish a Mandatory Inclusionary Housing Area.

BACKGROUND

A full background discussion and description of this project appears in the report for the related zoning map amendment (C 210289 ZMR).

ENVIRONMENTAL REVIEW

The application (C 210291 ZSR), in conjunction with the applications for the related actions (C 210289 ZMR and N 210290 ZRR), were 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 is the City Planning Commission. The designated CEQR number is 20DCP140R.

A summary of the environmental review, including the Final Environmental Impact Statement (FEIS) dated August 20, 2021, appears in the report on the related application for a zoning map amendment (C 210289 ZMR).

UNIFORM LAND USE REVIEW

This application (C 210291 ZSR), and the related application for a zoning map amendment (C 210289 ZMR), were certified as complete by the Department of City Planning on May 3, 2021, and duly referred to Staten Island 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), along with the related application for a zoning text amendment (N 210290 ZRR), which was referred for the information and review in accordance with the procedure for non-ULURP matters.

Community Board Public Hearing

Staten Island Community Board 1 held a public hearing on this application (C 210291 ZSR), in conjunction with the applications for the related actions (C 210289 ZMR and N 210290 ZRR) on June 2, 2021 and on June 9, 2021, by a vote of 28 in favor, one opposed, and none abstaining, recommended disapproval.

Borough President Review

The Staten Island Borough President issued a recommendation on July 12, 2021 to disapprove the application (C 210291 ZSR), in conjunction with the applications for the related actions (C 210289 ZMR and N 210290 ZRR).

City Planning Commission Public Hearing

On June 23, 2021 (Supplemental Calendar No. 2), the CPC scheduled July 14, 2021 for a public hearing on this application (C 210291 ZSR) and applications for the related actions (C 210289 ZMR and N 210290 ZRR). The hearing was duly held on July 14, 2021 (Calendar No. 49), in conjunction with the public hearing on the applications for the related actions.

There were eight speakers in favor and three in opposition, as described in the report on the related zoning map amendment (C 210289 ZMR), and the hearing was closed.

CONSIDERATION

The CPC believes that the application for a special permit (C 210291 ZSR), in conjunction with the related applications for a zoning map amendment (C 210289 ZMR) and zoning text amendment (N 210290 ZRR), is appropriate. A full consideration and analysis of the issues and the reasons for approving the application appear in the report for the related zoning map amendment (C 210289 ZMR).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 128-62 of the zoning resolution:

(a) will aid in achieving the general purposes and intent of the Special District;

(b) will enhance the distribution of #bulk# on the #zoning lot#;

(c) will not unduly obstruct access to light and air from surrounding #streets# and properties; and

(d) will result in a better site plan and urban design relationship with adjacent #streets#, open areas, and the surrounding neighborhood.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on August 20, 2021, with respect to this application (CEQR No. 20DCP140R), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulation, have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. 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, pursuant to the restrictive declaration attached hereto as Exhibit A, those project components related to environment and mitigation 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 an application submitted by Richmond SI Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 128-62 of the Zoning Resolution as follows:

1. to modify the rear yard requirements of Section 23-47 (Minimum Required rear yard);

2. to modify the permitted obstruction requirements of Section 128-31 (Rooftop Regulations) and Section 33-42 (Permitted Obstructions);

3. to modify the height and setback requirements of Section 128-33* (Maximum Base Height) and Section 128-34* (Maximum Building Height); and

4. to modify the planting requirements of Section 128-42 (Planting Areas);

in connection with a proposed mixed-use development, on property located at 24 Stuyvesant Place (Block 13, Lots 82, 92, 100 and p/o Lot 8), in an R7-3/C2-4 District, within the Special St. George District (SG), is approved, subject to the following conditions:

1. The property that is the subject of this application (C 210291 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 FXCollaborative Architects LLP, filed with this application and incorporated in this resolution:

Dwg. No.	**Title**	**Last Date Revised**
Z-002	ZONING ANALYSIS	04/01/2021
Z-003	ZONING ANALYSIS	04/01/2021
Z-004	ZONING SITE PLAN	08/27/2021
Z-110	WAIVER PLAN	08/27/2021
Z-200	WAIVER SECTIONS	08/27/2021
Z-201	WAIVER SECTIONS	04/01/2021
Z-202	WAIVER SECTIONS	04/01/2021
Z-203	WAIVER SECTIONS	04/01/2021

Z-500	PUBLIC OPEN SPACE PLAN	04/01/2021
Z-501	MATERIAL PLAN, SEATING AND LIGHTING	04/01/2021
Z-502	PLANTING AND GRADING PLAN	04/01/2021
Z-503	PLAZA DETAILS	08/27/2021[2]
Z-504	PUBLIC OPEN SPACE SECTIONS	04/01/2021
Z-505	PUBLIC OPEN SPACE SECTIONS	04/01/2021
Z-506	PUBLIC OPEN SPACE SECTIONS	04/01/2021
Z-507[3]	ACTIVE PUBLIC OPEN SPACE PLAN	08/27/2021
Z-508	ACTIVE PUBLIC OPEN SPACE MATERIAL, SEATING AND LIGHTING PLAN	08/27/2021
Z-509	ACTIVE PUBLIC OPEN SPACE PLANTING AND GRADING PLAN	08/27/2021
Z-510	ACTIVE PUBLIC OPEN SPACE DETAILS	08/27/2021
Z-511	ACTIVE PUBLIC OPEN SPACE SECTIONS	08/27/2021

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.

2. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

3. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register, Richmond County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

[2] Drawing Z-503 has been updated to reflect the correct date of revision.
[3] Drawings Z-507, Z-508, Z-509, Z-510 and Z-511 have been updated to reflect the correct titles.

4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

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, sublessee 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 and the attached 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 or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.

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.

The above resolution (C 210291 ZSR), in conjunction with the related actions for a zoning map amendment (C 210289 ZMR) and zoning text amendment (N 210290 ZRR), duly adopted by the City planning Commission September 1, 2021 (Calendar No. 21), 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.

MARISA LAGO, *Chair*

KENNETH J. KNUCKES, ESQ., *Vice Chairman*

DAVID J. BURNEY, JOSEPH DOUEK, RICHARD W. EADDY, HOPE KNIGHT, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

ALFRED C. CERULLO, III, ORLANDO MARIN, *Commissioners, VOTING NO*

ANNA HAYES LEVIN, C*ommissioner, ABSTAINING*