

CITY PLANNING COMMISSION

March 6, 2013 / Calendar No. 8

C 130102 ZSM

IN THE MATTER OF an application submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area, in connection with a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue between West 14th Street and West 16th Street (Block 662, Lot 3, and p/o Marginal Street, Wharf or Place), in an M1-5 District, Borough of Manhattan, Community District 4.

This application for a for a special permit pursuant to Section 74-922 (Certain large retail establishments) to permit retail establishments with no limitation on floor area was filed by Hudson River Park Trust (“HRPT”) and Hudson Eagle LLC (a subsidiary of Young Woo & Associates) on October 23, 2012; a revised application was received on November 7, 2012 to clarify the location of and access to loading facilities. The special permit, along with its related actions, would facilitate redevelopment of Pier 57, an existing structure located in the Hudson River between West 15th Street and West 16th Street at 25 Eleventh Avenue (Block 662, Lot 3 part of Marginal Street Wharf or Place) in the Borough of Manhattan, Community District 4.

RELATED ACTIONS

In addition to the proposed special permit (C 130102 ZSM), which is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

C 130100 ZMM: An amendment of the Zoning Map changing from an M2-3 District to an M1-5 District.

C 130101 ZSM: Special Permit pursuant to Section 62-834 to modify the use regulations of Section 62-241 (Uses on existing piers and platforms), the waterfront yard requirements of Section 62-332 (Rear yards and waterfront yards), the height and setback requirements of Section 62-342 (Developments on

piers), the waterfront public access requirements of Section 62-57 (Requirements for Supplemental Public Access Areas), and the visual corridor requirements of Section 62-513 (Permitted obstructions in visual corridors).

C 130103 ZSM: Special permit pursuant to Section 13-561 to allow an enclosed attended accessory parking garage with a maximum capacity of 74 spaces.

N 130104 ZCM: Certification by the Chairperson of the City Planning Commission, pursuant to Section 62-811 for compliance with waterfront public access and visual corridor requirements.

BACKGROUND

A full background discussion and description of this application appears in the report of the related action for a special permit application (C 130101 ZSM).

ENVIRONMENTAL REVIEW

This application (C 130102 ZSM), in conjunction with the application for the related actions, 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 11HRP001M. The lead agency is the Hudson River Park Trust.

A summary of the environmental review and the Final Environmental Impact Statement appears in the report of the related action for a special permit (C 130101 ZSM).

UNIFORM LAND USE REVIEW

This application (C 130102 ZSM), in conjunction with the applications for the related actions (C 130100 ZMM, C 130101 ZSM and C 130103 ZSM), was certified as complete by the Department of City Planning on November 5, 2012, and was duly referred to Manhattan Community Board 4 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) along with the related non-ULURP applications

(N 130104 ZCM), which were referred for review and comment.

Community Board Public Hearing

Community Board 4 held a public hearing on this application (C 130102 ZSM), on December 5, 2012 and by a vote of 36 in favor to 0 opposed, adopted a resolution recommending approval of the application with conditions.

A summary of the Community Board's conditions and recommendations appears in the report on the related application for a special permit (C 130101 ZSM).

Borough President Recommendation

This application (C 130102 ZSM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan who issued a recommendation approving this and related applications on January 16, 2013.

City Planning Commission Public Hearing

On January 9, 2013 (Calendar No. 5), the City Planning Commission scheduled January 23, 2013, for a public hearing on this application (C 130102 ZSM). The hearing was duly held on January 23, 2013 (Calendar No. 15) in conjunction with the public hearing on the applications for related actions. There were sixteen speakers in favor of the application and six speakers in opposition as described in the report on the related application for a special permit (C 130101 ZSM), and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

A discussion of the WRP Consistency Review appears in the report on the related application for a special permit (C 130101 ZSM).

CONSIDERATION

The Commission believes that this application for a special permit (C 130102 ZSM), in

conjunction with the application for related actions, is appropriate. A full consideration and analysis of the issues, and the reasons for approving this application appear in the report on the related application for a special permit (C 130101 ZSM).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-922 of the Zoning Resolution:

- (a) That the principal vehicular access for such use is not located on a local narrow street;
- (b) That such use is located to draw a minimum of vehicular traffic to and through local streets;
- (c) That adequate reservoir space at the vehicular entrance and sufficient vehicular entrances and exits are provided to prevent congestion;
- (d) That vehicular entrances and exits are provided for such uses and are located not less than 100 feet apart;
- (e) That in selecting the site due consideration has been given to the proximity and adequacy of bus and rapid transit facilities;
- (f) That such use is so located as not to impair the essential character or the future use of or development of the surrounding areas;
- (g) That such use will not produce any adverse effects which interfere with the appropriate use of land in the district or in any adjacent district;
- (h) Not applicable;
- (i) Not applicable.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on February 22, 2013, with respect to this application (CEQR No. 11HRP001M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, have been met and that:

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein 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, those project components related to the environment and mitigation measures that were identified as practicable.

This report of the City Planning Commission, together with the FEIS, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, 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 and findings described in this report, the application submitted by Hudson River Park Trust and Hudson Eagle LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-922 of the Zoning Resolution to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area, in connection with a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue between West 14th Street and West 16th Street (Block 662, Lot 3, and p/o Marginal Street, Wharf or Place), in an M1-5 District, Borough of Manhattan, Community District 4, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 130102 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans prepared by Handel Architects LLP, filed with this application and incorporated in this resolution:

<u>Dwg Nos.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-004	Site Plan	10/22/2012
Z-005	Zoning Chart – Bulk Regulations	10/22/2012
Z-007	Bulk Requirement Plan	10/22/2012
Z-007A	Bulk Requirement Section - 1	10/22/2012
Z-007B	Bulk Requirement Section - 2	10/22/2012

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. 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.
5. 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, renewal or extension of the special permit hereby granted.

6. 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 130102 ZSM), duly adopted by the City Planning Commission March 6, 2013 (Calendar No. 8), 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, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,
MARIA M. DEL TORO, JOSEPH I. DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners