

CITY PLANNING COMMISSION

March 6, 2013 / Calendar No. 7

C 130101 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 62-834 of the Zoning Resolution 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), in connection with a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue side 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 special permit pursuant to Section 62-834 to modify the use regulations, the waterfront yard requirements, the height and setback requirements, the waterfront public access requirements, and the visual corridor requirements 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 special permit (C 130101 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 130102 ZSM:** Special permit pursuant to Section 74-922 to allow large retail establishments (Use Group 6 and 10A uses) with no limitation on floor area.
- 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

Pier 57 is located on the west side of New York State Route 9A, between West 15th Street and West 16th Street. The project site consists of a single zoning lot, which includes a headhouse and a 722-foot-long “finger” building, or pier shed, supported by three underwater caissons that form the pier’s substructure, as well as walkways on zoning lots to the north and south of the headhouse, and the portions of the apron and roadway that front Pier 57. The pier building contains approximately 242,000 square feet of floor area. It was completed as an ocean liner pier in 1954 and used as a Metropolitan Transportation Authority bus depot until 2004; it has since been vacant. The existing building is a legal, non-complying structure. It does not meet yard requirements, is above the maximum height permitted for structures on piers, does not meet requirements for spacing between buildings on piers and obstructs a visual corridor. The pier structure is listed on both the State and National Registers of Historic Places. Hudson River Park Trust released a Request for Proposals in 2009 to solicit interest in adaptive reuse of the site.

Immediately to the east of the pier headhouse is a paved apron area and the Hudson River Park walkway/bikeway, which connects to the rest of the Hudson River Park to the north and south, and parallels Route 9A, Manhattan’s West Side Highway. Directly to the north of the project site are Piers 59, 60 and 61, which are part of the Chelsea Piers Sports and Entertainment Complex. The Chelsea Piers Complex is a 28-acre sports facility and event center that includes a private recreation center, golf club, skating rink, field house, spa, event center, bowling, banquet facilities, and a marina.

Across Route 9A from the project site is the 14th Street Park, which is part of the Hudson River Park and includes passive recreational amenities. To the north of the park, between Tenth Avenue and Route 9A, are two full-block buildings containing office uses and some ground floor retail. Further to the north and east is the quickly-developing area of West Chelsea surrounding the High Line. A mix of new residential, commercial office, hotel, retail and other uses have recently been constructed in the area, amidst existing art galleries and other commercial uses. Much of the new development was facilitated by the adoption of the Special West Chelsea District in 2005 and the conversion of the former elevated freight line into a public park in 2009. Ground-level access points for the High Line park are located at Washington and Gansevoort streets and just west of Tenth Avenue at West 14th, 16th, 18th and 20th streets.

Chelsea Market is located directly east of the project site between West 15th and West 16th streets, and between Ninth and Tenth avenues. To the south and east of the project site, West 14th Street separates the Chelsea neighborhood to the north from the West Village neighborhood to the south. This boundary also separates the large, rectangular street grid in Chelsea from the smaller, irregular blocks of the West Village, and Community District 4 from Community District 2.

A portion of the West Village just south of West 14th Street is known as the Meatpacking District, which has been transformed from primarily industrial uses to high-end residential and commercial uses, including luxury hotels, fashion retail, restaurants, and clubs. The Whitney Museum is currently under construction near the southern terminus of the High Line at Gansevoort Street.

The Gansevoort Peninsula is south of Pier 57 and extends from Gansevoort Street to Little West 12th Street. This area is an approximately six-acre site that is currently occupied by the Department of Sanitation (DSNY) and the New York City Fire Department (FDNY). DSNY uses the majority of the site for truck parking and salt storage, and FDNY uses Pier 53 (located at the

northwest corner of the peninsula) as a marine firehouse and docking facility. The Peninsula is zoned M3-2, a heavy manufacturing district that allows 2.0 FAR for commercial and manufacturing uses.

The project site is located within an M2-3 zoning district, as is much of Hudson River Park. M2-3 districts are found mainly in the City's older industrial areas along the waterfront, and allow for activities that fall between light and heavy industry. However, public park uses are allowed in M2-3 districts in Manhattan Community District 1, 2, and 4 pursuant to a text amendment adopted by the City Planning Commission (CPC) in 1998, intended to facilitate the development of Hudson River Park. The maximum floor area ratio in M2-3 districts is 2.0 for commercial or manufacturing uses.

While the project site and much of Hudson River Park is zoned for manufacturing uses, the Hudson River Park Act, adopted in 1998, further regulates non-park land uses within Hudson River Park and prohibits residential, commercial office, hotel, manufacturing, warehousing, casino gambling, and certain municipal uses throughout the Park. The Hudson River Park Act allows commercial development on Pier 57.

Outside the boundaries of Hudson River Park, a relatively large area to the east of the project site, both to the north and south of West 14th Street, is zoned M1-5, which allows 5.0 FAR for commercial and manufacturing uses, and 6.5 FAR for a limited number of community facility uses.

To the north and east of Pier 57 is the Special West Chelsea District, adopted in 2005. The district encompasses approximately 13 whole blocks and two partial blocks between West 16th and West 30th streets and Tenth and Eleventh avenues. The general goals of this district include encouraging the mixed use character of West Chelsea through residential and arts-related development. This district also supports the restoration of the High Line elevated railway as an accessible, public open space through special regulations and bonuses, while ensuring that new

development enhances neighborhood character and the High Line park. The Special West Chelsea District includes medium and high density commercial districts including C6-4, C6-3, C6-2, C6-3A and C6-2A, and an M1-5 manufacturing district. To the south of Pier 57, in the West Village, are low and medium density commercial districts (C1-6A, C6-2A, and C4-4A), and low density residential districts (R6).

Hudson River Park Trust (HRPT) released a Request for Proposals in 2009 for adaptive reuse of the Pier 57 site, with the goal of establishing complementary uses to the Park and to support its overall maintenance and operational responsibilities.

The proposed project would rehabilitate and redevelop the Pier 57 site with a major new rooftop open space and a perimeter walkway, and provide new retail, restaurant and other commercial uses, as well as educational, cultural, boating, public open space uses, and accessory parking. The primary retail use would be designed as a public marketplace, consisting of separate “work/sell” stores and showrooms intended for independent designers and food vendors. The food retail would be complemented by restaurant space, a test kitchen, and educational space in the form of a cooking school. The Tribeca Film Festival would add a prominent cultural use to the project, utilizing the rooftop space for public programming. The proposed development program is expected to include 260,000 SF of retail and restaurant space; 73,000 SF rooftop space (for open space use and programmed events); 40,000 SF of art gallery/exhibit space (at the caisson level); 11,000 SF cultural use (i.e., 300-seat theatre); 33,000 SF technical arts school; 141-slip marina; accessory parking for a maximum of 74 vehicles; and a water taxi landing.

The public marketplace would be modeled on several existing year-round markets located in London, England. At Pier 57, this public marketplace concept draws specific inspiration from existing businesses in West Chelsea and the Meatpacking District in the realms of fashion, design, art, and food. Repurposed shipping containers would be stacked to create four market levels (first floor, first-floor mezzanine, second floor, and second-floor mezzanine).

In combination with some traditional walled enclosures, these containers would create multiple “work/sell” retail stores and showrooms expected to range in size between approximately 160 and 640 square feet. These retail uses would be oriented primarily toward a collection of independent designers and food purveyors. The work/sell marketplace would be an incubator for new retail businesses, designers, and food-related businesses as well as a community gathering place. Towards the western end of the pier shed, the design would open to a large double-height space with views of the water to the north and south. This end of the pier shed would include open, public “piazza” spaces to be used for occasional entertainment or small-format displays, and would be designed to accommodate rotating food markets and “bazaars,” with the idea of providing lively surroundings for resident and visiting chefs and food purveyors to exhibit and promote their food products.

The proposed project would also include a technical arts school or cooking school, as well as restaurants and rotating food exhibition and sales spaces. Restaurants are expected to include both full-service restaurants and limited-service restaurants and would complement the food purveyors and prepared foods in other retail spaces on the pier. There would also be other retail tenants in the larger spaces alongside the work/sell marketplace in the pier shed.

The Pier 57 project would add approximately 2.5 acres of open space in three main areas—waterfront public access areas, public access areas, and rooftop open space:

- Waterfront Public Access Areas (Perimeter walkway): The existing perimeter walkway extending around most of the pier would be repaired and extended to connect with the Hudson River Park waterfront esplanade to the east of the pier, consistent with existing permits previously received by HRPT. The walkway would be at least 15 feet wide and include a minimum ten foot clear path at all times and would include slightly raised viewing decks in locations where the walkway is wider. Double-sided backed seating would be located parallel to the walkway and would mitigate the slight change in

elevation between the viewing decks and concrete walkways. In total, approximately 800 linear feet of seating would be provided along the perimeter walkway.

- **Public Access Areas (New perimeter walkway):** New public walkways parallel to the existing bulkhead, previously approved and permitted, would extend to the north and south of the headhouse on neighboring zoning lots to extend the currently limited public circulation space along the bulkhead. Treatments would be compatible with existing designs for areas bordering the river within Hudson River Park.
- **Rooftop open space:** On the pier's finger building, approximately 1.8 acres of open space would be created. The roof would be divided into open areas on the eastern and western portions of the rooftop with a pavilion in the center. The open areas on the eastern and western portions of the rooftop would mostly provide flexible space for seating, relaxation, and views of the river. These areas would include wooden decking, hardscape, paving, and small lawn areas. The center of the rooftop would contain a new approximately 8,500 sf pavilion with a public observation deck on the roof and wide stairs on the east that would function as seating areas during events. HRPT and Hudson Eagle LLC, the applicants, have engaged the Tribeca Film Festival as a programming partner. It is also expected that portions of the headhouse rooftop would be publicly accessible. The outdoor rooftop open space would function primarily as open space, with a capacity of 2,500 persons.

As part of the redevelopment work, the headhouse building would also be enlarged in some locations in order to allow for additional retail uses and mechanical equipment. Upon completion, the project site will contain a total of approximately 380,000 square feet of commercial, cultural and educational space (approximate FAR of 2.23), a maximum of 74 accessory parking spaces, and approximately 105,000 square feet of accessible open space. The completed structure would measure approximately 373 feet wide at the headhouse building (120 feet wide for the pier building), 872 feet long and 89 feet tall at its highest point.

Vehicular access to the project site would occur from locations north or south of Pier 57 from certain limited locations along Route 9A. Vehicles approaching the site from the north would access the site at the intersection of Route 9A and West 16th Street via a southbound right turn. Vehicles approaching the site from the east and south would access the site at the intersection of Route 9A and West 17th Street intersection via West 17th Street. Vehicles would egress the site at the intersection of Route 9A and West 14th Street and be able to turn right onto southbound Route 9A, left onto northbound Route 9A, or continue eastbound straight across Route 9A to West 14th Street. Taxis would load/unload along a frontage road separated from Route 9A by the bikeway or at a designated taxi stand located on northbound Route 9A between West 14th and West 15th Streets. Trucks would load/unload along the frontage road. During overnight hours when the facility is closed, a truck-only entry off Route 9A at West 15th Street would be used for larger truck deliveries. Deliveries that require access to the truck-only entry would be scheduled in advance. The frontage road would operate with two travel lanes. A third eight-foot-wide drop-off lane adjacent to the project frontage would be paved with a special pavement treatments such that it would operate as a pedestrian space during peak periods and would be available as a loading and unloading lane for trucks during off-peak periods when a greater number of truck deliveries are expected. There would also be a proposed accessory parking garage with 74 spaces.

Pedestrians would access the site from the Hudson River Park esplanade to the north or south, from the Route 9A walkway, or via crosswalks at West 17th Street, West 16th Street, West 15th Street, and West 14th Street. Given its location adjacent to the Hudson River Park bike path, there would be excellent access for bicyclists. The project would contain a minimum of 44 bicycle parking spaces pursuant to zoning regulations.

In addition to the special permit, which is the subject of this report, implementation of the proposed project also requires a number of other actions, as described below.

Zoning Map Amendment from M2-3 to M1-5 (C 130100 ZMM)

The applicant proposes to rezone the project site from an M2-3 district to an M1-5 district. M2-3 districts allow for activities that occupy the middle ground between light and heavy industry, which permit uses that are more intense and have greater impacts than that permitted in M1 districts, and therefore are subject to less stringent performance standards regarding smoke, noise, and vibration than M2 districts. The maximum FAR in M2-3 district is 2.0 for commercial or manufacturing uses and the maximum base height permitted is 60 feet.

M1-5 districts on the other hand are appropriate for lighter industrial uses, serve as buffers between other heavier industrial districts and commercial or residential districts. The M1-5 district permits a maximum commercial FAR of 5.0 and a maximum base height of 85 feet.

According to the applicant, the proposed zoning map amendment would facilitate the proposed redevelopment of Pier 57 as it would allow the project site to be developed at an FAR of approximately 2.23, in excess of the amount currently permitted at the project site under the M2-3 zoning. In addition, M1-5 districts are found to the east of the project site and the proposed uses would be consistent with the variety of uses found in the M1-5 districts to the east.

Special Permit pursuant to Section 62-834 (b) and (c) (C 130101 ZSM)

The applicant is seeking a special permit pursuant to Section 62-834(b) of the Zoning Resolution regarding permitted uses on existing piers under Section 62-241(a), (b) and (c), floor area limitation of 20,000 sf per establishment for retail uses under Section 62-241(d), and height and setback, and building length and spacing requirements on piers under Sections 62-332 and 62-342 of the Zoning Resolution. The requested waivers are necessary as the existing building is a legal non-complying structure and its rehabilitation and renovation cannot be accomplished without such waivers.

The applicant also seeks a Special Permit pursuant to Section 62-834(c) of the Zoning Resolution to modify the waterfront public access area 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). The requested waivers are necessary as the existing building is a legal non-complying structure and the enlargement, rehabilitation and renovation thereof cannot be accomplished without such waivers. The building currently does not meet yard requirements, is above the maximum height permitted for structures on piers, does not meet requirements for spacing between buildings on piers and obstructs the designated visual corridor.

The following modifications are requested:

- Section 62-241(a), (b) and (c) of the Zoning Resolution states that the use of an existing pier may be continued, changed, enlarged or extended if the use is a water dependent use, or the building within which the use located existed on October 25, 1993 or the building within which the use is located complies with the height and setback regulations of Section 62-342. Most of the uses proposed under the proposed redevelopment are not water dependent uses, and the pier building and the use therein are proposed to be enlarged. The enlarged portions of the pier building therefore require modifications of Section 62-342.
- Section 62-241(d) of the Zoning Resolution states that for uses on existing piers, all uses in use groups 6A and 6C, 9A or 10 with parking categories B or B1 are to be limited to 20,000 SF of floor area per establishment. The proposed urban public marketplace facility and other retail stores are proposed to occupy as much as 100,000 SF, and would therefore exceed this floor area limitation and therefore not be permitted as-of-right at the project site.
- Section 62-332 of the Zoning Resolution requires that a 40-foot waterfront yard be provided for the platform. The existing building and structures are already non-complying with no yard where one is required; proposed enlargement would further encroach in the required waterfront yard.

- Pursuant to Section 62-342 of the Zoning Resolution, the maximum height permitted for developments on piers is 30 feet or 40 feet with a setback of 15 feet. The existing pier building is currently non-complying with respect to building heights, but the proposed redevelopment would further increase the degree of noncompliance through new additions on certain rooftop portions of the existing building that would be approximately 24 feet 11 inches and 57 feet 3 inches above the maximum permitted height of 30 feet. The existing condition of no setbacks would remain. Additionally, buildings on piers cannot exceed 200 feet in length with spacing between buildings not greater than 100 feet. The total length of the existing pier building, which runs almost the entire length of the existing pier, approximately 722 feet, would remain unchanged. However, certain additions to the existing building are proposed, which would increase the degree of the existing building length noncompliance. Therefore, waivers of the building height and length requirements are requested for those portions of the new addition to the existing building that would increase the degree of such noncompliance.
- Visual corridors are required for zoning lots developed within waterfront blocks in accordance with Section 62-51 of the Zoning Resolution. As the project site is already developed, but is being enlarged, portions of the enlargement that encroach into the visual corridor are not permitted under Section 62-513. Therefore, a waiver of such encroachments is requested to allow the enlargements above the existing structures to be a permitted obstruction in the existing, previously designated visual corridor, as noted above.
- Section 62-57 requires that the minimum area of 20% of the lot area be provided as waterfront public access area. The lot area is 170,069 square feet. This would require a minimum of 34,014 square feet of waterfront public access area. Due to the existing structures and constraints on the site, 30,034 square feet of waterfront public access area is proposed, and therefore a waiver of this reduced amount is being requested

Special Permit pursuant to 74-922 for Large Retail Establishments (C 130102 ZSM)

Section 74-922 of the Zoning Resolution provides for a special permit for certain commercial uses in excess of 10,000 square feet. The applicant is seeking this special permit to allow an approximately 100,000 SF urban public marketplace facility consisting of individual operators that will each operate individual retail shops through license arrangements within the area leased by Urban Space Management or similar operator and other larger retail establishments.

Special Permit pursuant to Section 13-561 for a 74-space accessory parking garage (C 130103 ZSM)

The applicant proposes an accessory garage with a maximum capacity of 74 parking spaces. The enlarged portions of the pier building would contain approximately 138,000 SF. Therefore, under Section 13-133, approximately 35 parking spaces are permitted as-of-right in the proposed accessory parking garage. The applicant is seeking a special permit to allow an accessory parking garage that would contain 74 spaces, 39 spaces more than the number of parking spaces permitted as-of-right. The spaces will be used exclusively by the occupants, visitors, customers or employees of Pier 57. Given the scarcity of on-street parking spaces on surrounding streets and the high utilization rates of nearby garages, according to the applicant, the proposed spaces will alleviate the demand for parking that would be accessory to the proposed uses.

Certification by Chairperson of the City Planning Commission pursuant to 62-811 (N 130104 ZCM)

As the project site is within the waterfront area, pursuant to Section 62-811 of the Zoning Resolution, a certification from the Chairperson of the City Planning Commission for waterfront public access areas is required. The project site, including Pier 57, is listed on the State and National Registers of Historic Places and therefore, under Section 62-52(b) of the Zoning Resolution, is subject to the minimum waterfront public access area requirements under Sections 62-57 and 62-58. The proposed project complies with the applicable waterfront public access and visual corridor requirements, as modified by the requested approvals.

ENVIRONMENTAL REVIEW

This application (C 130101 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.

It was determined that the proposed action may have a significant effect on the environment. A Positive Declaration was issued on June 14, 2011, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on June 14, 2011. A public scoping meeting was held on July 14, 2011. A Final Scope of Work was issued on October 10, 2012. A Final Scope of Work, reflecting comments made during the scoping meeting, was issued on October 10, 2012.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on October 25, 2012. On January 23, 2013, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. A Final Environmental Impact Statement (FEIS) reflecting the comments made during the public hearing on the DEIS was completed and a Notice of Completion for the FEIS was issued on February 22, 2013. The FEIS identified the potential for significant adverse impacts with respect to transportation (traffic and pedestrians) and noise. Measures to minimize or eliminate the anticipated impacts to the fullest extent practicable follow.

Transportation

A number of transportation elements in the study area would experience significant adverse traffic and pedestrian impacts as a result of the proposed project. The discussion below outlines readily implementable mitigation measures (e.g., revised signal timings, lane restriping, etc.) that would fully mitigate the identified impacts. The implementation of these measures would be conducted in coordination with NYCDOT, NYSDOT, and New York Police Department

(NYPD) as development proceeds.

Traffic Operations

Based on the results of the traffic analysis, five locations in the study area are forecast to experience significant adverse traffic impacts attributable to the proposed project during one or more of the analyzed peak periods:

- Route 9A and West 17th Street: This intersection would experience a significant impact in the westbound direction for the Weekday Evening Pre-Event peak hour. To mitigate the potential impact, one second of green time would be reallocated from the northbound/southbound phase to the westbound phase.
- Route 9A and West 15th Street: Due to increases in pedestrian volumes on the north crosswalk, this intersection would experience a significant impact for the westbound right-turn movement during the Weekday PM, Weekday Evening Pre-Event, and Saturday Midday peak hours. To mitigate the potential impacts, green time could be reallocated from the northbound/southbound phase to the westbound phase as follows: three seconds during the Weekday PM peak, five seconds during the Weekday Evening Pre-Event peak, and two seconds during the Saturday Midday peak. However, during the Weekday Evening Pre-Event peak, pedestrian impacts that are projected for the north side crosswalk at this intersection would warrant the presence of police control at this location; as described below; provision of police control would eliminate the need to reallocate signal timing during this peak hour. There is the potential that the walkway in the Route 9A median would not be constructed as part of the proposed project and that the crosswalk at Route 9A at West 16th Street would be eliminated from the project design. Under this potential scenario, this intersection would experience significant adverse impacts during the same three peak hours as described above and would require similar mitigation measures. To mitigate the potential impacts, green time could be reallocated from the northbound/southbound phase to the westbound phase as follows: four seconds during the Weekday PM peak, five seconds during the Weekday Evening Pre-Event peak, and three seconds during the Saturday Midday peak. However, as

described below, during the Weekday Evening Pre-Event peak, pedestrian impacts that are projected for the north side crosswalk at this intersection would warrant the presence of police control at this location; provision of police control would mitigate the significant adverse traffic impact and eliminate the need to reallocate signal timing during the Weekday Evening Pre-Event peak hour.

- Tenth Avenue and West 14th Street: Increases in traffic would result in significant impacts to the westbound approach during the Weekday PM, Weekday Evening Pre-Event, and Saturday Midday peaks and to the eastbound right turn during the Weekday Evening Pre-Event peak. To mitigate the potential impacts, green time would be reallocated from the eastbound left-turn phase to the eastbound/westbound phase as follows: three seconds during the Weekday PM and Weekday Evening Pre-Event peaks and four seconds during the Saturday Midday peak.
- Eighth Avenue and West 17th Street: This intersection would experience a significant impact in the westbound direction during the Saturday Evening Pre-Event peak hour. To mitigate the potential impact, one second of green time would be reallocated from the northbound through phase to the westbound phase.
- Eighth Avenue and West 14th Street: This intersection would experience a significant impact in the westbound direction during the Saturday Evening Pre-Event peak hour. To mitigate the potential impact, green time would be reallocated from the northbound through/right phase to the eastbound/westbound phase as follows: one second during the Weekday Evening Pre-Event peak and three seconds during the Saturday Midday and Saturday Evening Pre-Event peaks.

Pedestrian Operations

Based on the results of the pedestrian analysis, three pedestrian crosswalks in the study area are forecast to experience significant adverse impacts attributable to the proposed project during one or more of the analyzed peak periods. All of the significant adverse impacts could be fully mitigated as outlined below.

- North Crosswalk at Route 9A and West 15th Street: To mitigate the impacts for the Weekday Evening Pre-Event peak hour, the north crosswalk at this intersection would have to be widened to 41.8 feet, which is beyond what is geometrically feasible. Therefore, the recommended strategy to mitigate this impact, which is only projected for the intermittent condition of the Weekday Evening Pre-Event peak as events would not occur on a regular basis, would be to implement police control by deploying traffic enforcement agents (TEAs) before weekday evening events at Pier 57. To facilitate safe and efficient traffic and pedestrian flows, TEAs would override traffic signal operations when necessary and would direct traffic and control vehicular and pedestrian movements. As such, the use of TEAs would eliminate the conflict between pedestrians crossing Route 9A and vehicles turning from West 15th Street that results in this significant adverse impact at this location, and would make it unlikely that the physical widening of the existing crosswalk would be necessary. The applicant would work with the Hudson River Park Trust, NYCDOT, NYSDOT, and NYPD to determine the hours and TEA staffing level and locations needed for a given event.
- North Crosswalk at Ninth Avenue and West 15th Street: Due to increased pedestrian traffic, the north crosswalk at this intersection would be significantly impacted during all five peak hours. To mitigate the potential impacts for all analysis periods, the crosswalk would need to be widened by 3.3 feet, which would increase the width of the crosswalk from 9.9 feet to 13.2 feet.
- North Crosswalk (West Side of Median) at Ninth Avenue and West 14th Street: Due to increased pedestrian traffic, the north crosswalk at this intersection would be impacted during the Saturday Midday peak hour. This north crosswalk is bisected by a median plaza, and only the segment of the crosswalk west of this median would experience the impact. To mitigate the potential impact, this segment of the crosswalk would need to be widened by 0.4 feet (5 inches), which would increase the width of the crosswalk from 15.4 feet to 15.8 feet.

Noise

The potential impacts related to noise in the proposed project's open space areas could not be mitigated with practicable measures.

Noise levels at the proposed project's open space, both during event and non-event conditions, would exceed the 55 dBA $L_{10(1)}$ noise level guideline for outdoor areas requiring serenity and quiet provided in the CEQR Technical Manual noise exposure guidelines. Noise levels would exceed the guideline level due to a combination of high existing noise levels generated by traffic on Route 9A, amplified sound from events at the proposed project, and operation of the proposed project's marina and water taxi landing, and would therefore constitute a significant adverse impact.

To reduce the noise levels below the 55 dBA $L_{10(1)}$ guideline within the proposed project's open space areas, typical noise abatement measures, such as the use of noise barriers along Route 9A, would not be practicable, since the barriers would isolate the new public walkways along the bulkhead behind a wall, making them unappealing and potentially unsafe. Therefore, there are no practical and feasible mitigation measures that could be implemented to reduce noise levels to below the 55 dBA $L_{10(1)}$ guideline within the open space areas. Therefore, the noise levels in the park would be considered an unavoidable significant adverse impact. However, noise levels within the open space would be comparable to the existing noise levels in Hudson River Park, and noise levels in a number of open space areas that are also located adjacent to heavily trafficked roadways, including Brooklyn Bridge Park, Riverside Park, Bryant Park, Fort Greene Park, and other urban open space areas.

UNIFORM LAND USE REVIEW

This application (C 130101 ZSM), in conjunction with the applications for the related actions (C 130100 ZMM, C 130102 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).

Community Board Review

Community Board 4 held a public hearing on this application (C 130101 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 the following conditions:

1. that a deed restriction or similar device be placed on Pier 57 to limit the FAR to the 2.23 the applicant is requesting for the proposed development;
2. that a deed restriction or similar device be placed on Pier 57 to preclude hotel uses;
3. that a deed restriction or similar device be placed on Pier 57 to preclude "big box" retailers or discounters;
4. that the ultimate lease with the developer specifically prohibit transient parking, uses the term "accessory parking" as it is used in the Zoning Resolution and mandates that any operator of the parking facility be required to apply for a variance to post a sign stating, "No transient parking permitted, accessory use only";
5. and that the west bound turning movements from Tenth Avenue onto West 15th Street be equipped with a split phase signal.

Borough President Recommendation

This application (C 130101 ZSM), in conjunction with the related actions, was considered by the President of the Borough of Manhattan. On January 16, 2013, the Borough President issued a recommendation approving this, and the related applications. Additionally, the Borough President cited an agreement by the applicant to install a sign at the proposed accessory garage entrance indicating that parking is reserved for the owners, occupants, employees, customers or visitors of the pier.

City Planning Commission Public Hearing

On January 9, 2013 (Calendar No. 4), the City Planning Commission scheduled January 23,

2013, for a public hearing on this application (C 130101 ZSM). The hearing was duly held on January 23, 2013 (Calendar No. 14) 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.

Five members of the applicant team spoke in favor of the proposal. The Executive Vice President of HRPT described the project's history and development. She addressed the conditions in the Community Board's recommendation. Hotels are not a permissible use under the Hudson River Park Act and this stipulation could be incorporated into the lease. "Big box" uses are precluded in the Memorandum of Understanding between HRPT and Young Woo & Associates. With regard to bulk and density, the pier is on the State and National Registers of Historic Places and is also seeking historic tax credits, which entails strict review of design and development plans.

A partner with Young Woo & Associates described the objectives of the project and the channels through which tenants would be selected for the commercial spaces. A project manager at Young Woo & Associates discussed plans for commercial, educational and entertainment facilities, as well as the types of boats expected to occupy the marina. Two project architects described restoration measures, interior space alterations, open space and circulation plans.

The project traffic engineer spoke in favor of the application. He described the site access plan and the current and future operations of all of the intersections along the project site. He explained that traffic analysis completed for the Environmental Impact Statement have been reviewed by City and State Departments of Transportation. A taxi drop-off lane has been accommodated on the east side of Route 9A between West 14th and 15th streets. A northbound taxi is compelled to use this drop-off to avoid additional traffic lights to reach the frontage road. An alternative traffic plan with the bicycle lane on the west side of the access road was rejected as it would result in a greater number of pedestrians and deliveries crossing the bicycle lane irregularly, rather than at designated, signalized crossings. The right turn lane at West 16th Street

is expected to adequately handle vehicle queues during peak volumes.

The land use counsel for the applicant spoke in favor, clarifying that the applicant team has not been negotiating a lease with Spirit Cruises, as asserted by speakers on behalf of Chelsea Piers. He stated that the applicant has been in conversation with Chelsea Piers and reviewed the requested actions.

A representative of the Manhattan Borough President reaffirmed the Borough President's favorable written recommendation. The Executive Director of the Friends of Hudson River Park, the Director of Corporate Development at Tribeca Enterprises and the President of Urban Space Management USA also spoke in favor of the project. A representative of the State Senator for the 27th District stated support for the proposed project, but echoed concerns expressed in Community Board 4's recommendation.

The transportation consultant who prepared the Transportation chapter in the Draft Environmental Impact Statement spoke in favor and explained the analysis and figures generated in the traffic study. The speaker further explained expected queue lengths in the right turn lane at Route 9A and West 16th Street. Trips generated by water taxis are expected to offset other mass transit travel modes, such as buses and subways. Marina trip generation was calculated using average usage for similar marina facilities. A representative of the environmental firm that prepared the Draft Environmental Impact Statement also spoke in favor and clarified several points: the reasonable worst case program reflects the maximum amount of development permitted under the application; the marina is not expected to include charter or dinner cruises, the water depth doesn't support such uses; the traffic figures were reviewed by City and State Departments of Transportation; trips generated by the proposed marina are based on comparable marina facilities included in other Environmental Impact Statements. The General Counsel for Hudson River Park Trust clarified that the MOU and lease between Hudson River Park and developer does not allow special events such as banquets.

The Deputy Director of Transportation Alternatives cited two fatalities of cyclists who were struck by cars crossing the bike path along Route 9A. Although he did not oppose the overall plan, he spoke against the addition of new vehicular crossings and the parking garage.

An attorney representing Chelsea Piers spoke in opposition to the application, citing perceived shortcomings of the DEIS, including a lack of information about the types of vessels that will use the marina. Additionally, the speaker described anticipated traffic problems at the intersection of Route 9A and West 17th Street where Chelsea Piers' egress is located and one of Pier 57's vehicular entrances is planned.

The Senior Vice President and Director of Site Operations of Chelsea Piers also spoke in opposition. He described vehicular volumes at Chelsea Piers and expressed concern regarding the impact of Pier 57's traffic plan. He clarified that Chelsea Piers receives the highest number of visitors during evening events and described the role of the traffic agent at Chelsea Piers' West 23rd Street entrance. A traffic consultant retained by Chelsea Piers described the potential traffic problems resulting from the Pier 57 traffic plan, including congestion at West 17th Street on Route 9A, blocked vehicles exiting Chelsea Piers at West 17th Street and traffic spilling north from the proposed Pier 57 frontage road. Two staff members representing Chelsea Piers' tenants spoke in opposition, citing traffic concerns associates with the businesses' operations.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application (C 130101 ZSM), in conjunction with those for the related actions, was reviewed by the Department of City Planning 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 13, 1999 and by the New York State Department of State on May 22, 2002, pursuant to the New York State Waterfront Revitalization and Costal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 12-103.

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 for a special permit (C 130101 ZSM), in conjunction with the related applications for zoning map amendment (C 130100 ZMM) and special permits (C 130102 ZSM, C 130103 ZSM), is appropriate.

The Commission recognizes the role that the redevelopment of Pier 57 has in the continued evolution of Hudson River Park. The 550-acre park was established following the approval of the Park Act and Park Plan in 1998, as well as the adoption of a text amendment permitting park uses in certain manufacturing zones. One function of the Act is to regulate land use; it prohibits residential, commercial, office, hotel, manufacturing, warehousing, casino gambling and certain municipal uses in the Park. The Commission acknowledges that the proposed actions will facilitate the realization of many of the goals that stem from the Park Act and Plan. Following several years of community consultation and a 2009 RFP for adaptive reuse of the pier, Young Woo & Associates, a residential and commercial developer, was selected to develop the site.

Pier 57 has been unused and unoccupied since 2004 and the Commission believes that the activation of this site would greatly contribute to the vitality of Hudson River Park and neighboring streets. The Commission also believes that the infusion of commercial and cultural spaces at this location harmonizes with recent growth patterns in West Chelsea and the Meatpacking District, which are characterized by a blend of residential properties, boutique retail, restaurants, art galleries, and increasingly, creative technology and new media offices. Much of this evolution can be attributed to the opening of the High Line elevated park in 2009. Pier 57 proposes to include a combination of uses that reflect this context, including a 100,000-SF public marketplace, 100,000 SF of retail stores, 60,000 SF of restaurant space, as well as a 300-seat theater, a culinary school and an art gallery. The public marketplace introduces a novel

reuse of shipping containers by stacking them to create modular stores and showrooms for small-scale designers and food purveyors. The Commission believes that such creative repurposing of industrial containers for small retail spaces not only mirrors the conversion of neighboring industrial buildings occupied by cutting-edge industries, but provides small commercial units for local businesses to start up.

The Commission believes that the proposed redevelopment of Pier 57 significantly enhances the quality and availability of open space at this segment of Hudson River Park. The perimeter of the pier will be refurbished and widened in areas to provide 34,560 SF of public walkway with 794 linear feet of bench seating. An additional 37,000 SF of landscaped rooftop space will be available for public use and programmed events. A previously-permitted public walkway parallel to the bulkhead will extend to the north and south of the pier to meet the esplanade and improve pedestrian access.

One goal of the Park Act and Plan is financial self-sufficiency of the Hudson River Park; the costs of operating and maintaining the park are covered by revenues generated within it to the extent that is feasible. The Park Plan has designated Pier 57 for revenue-generating uses.

The Commission believes the M1-5 zoning district designation to be appropriate to achieve the proposed development and allow the planned uses. Blocks immediately to the east and south of the project site are zoned M1-5, a light industrial manufacturing district that allows a mix of commercial uses appropriate for this area, including those proposed on the project site. The planned interior floor configuration and additions to the roof raise the FAR to 2.23. The existing M2-3 district only permits 2.0 FAR, while M1-5 permits an FAR of 5.0 for commercial uses. The Commission acknowledges concerns by the Community Board that M1-5 zoning districts permit hotel uses as-of-right and notes that the Hudson River Park Act does not permit hotel uses in the Park, nor does the applicant have any intention to amend the Act so as to permit hotel uses at Pier 57. The Commission is also aware of the Community Board's request to limit floor area to 2.23 FAR, below that which would be permitted in the M1-5 zoning district. In a letter to the

Commission dated January 31, 2013, the applicant confirmed that the building's historic status inherently limits height and bulk on the site. Further, any major modifications to the proposal would require review by the Commission.

The Commission believes that an economically feasible rehabilitation and reactivation of the pier structure requires the allowance of certain uses that were not contemplated as part of the pier's historic function. Waivers to introduce new uses and allow some commercial uses to exceed 20,000 SF will permit the blend of retail, cultural and educational spaces that have been proliferating in adjacent areas. The Commission also believes that the special permits to modify bulk requirements in waterfront areas are necessitated, in large part, by existing non-compliances of the pier. The redevelopment entails the relatively small enlargement of the existing structure which will increase the degree of non-compliance only incrementally. Additions to the building include a 7,500-SF and 11,400-SF enclosure on the headhouse roof for additional retail and mechanical space, as well as the rooftop pavilion that will house food retail, public restrooms, circulation and mechanical space. The enlargements to the existing pier building will enhance the rooftop as an open space amenity and waterfront attraction and will be modest in scale - not higher than the height of the existing bulkheads. These additions must meet the requirements of the New York State Office of Parks, Recreation and Historic Preservation as well as the Secretary of the Interior's Standards for Rehabilitation of Historic Properties given the property's listing on the State and National Registers of Historic Places. The Commission believes that these extensions of the existing building are generally modest in size and would not result in any undue obstruction of light and air or waterfront views of neighboring properties. The applicant has, in general, given careful consideration to the preservation of the pier and its building.

The Commission understands that the proposed redevelopment is also subject to a minimum waterfront public access area requirement of 20% of lot area, or 34,014 SF. The existing pier configuration limits the availability of waterfront public access area. Instead, the applicant proposes to provide 30,022 SF of such area on the lot and an additional 4,538 SF of improved public open space on adjacent lots to, in total, exceed the required amount. The Commission

believes that the public walkway around the perimeter of the pier and improvements to the adjacent promenade will create public open space on a structure that has been inaccessible to the public for decades. These developments will further strengthen the pedestrian network along the edge of the Route 9A and augment public open space in Hudson River Park.

The Commission believes that a distinctive component among the retail offerings in the proposed pier redevelopment is the public marketplace. It will comprise approximately 100,000 SF of repurposed shipping containers arranged on the building's double-height floors to create dynamic, modular studios and sale spaces for low-scale designer and food vendors. Existing zoning regulations require a special permit for retail stores in excess of 10,000 SF. The Commission believes that the public market place, as well as certain retail stores in excess of 10,000 square feet, are appropriate uses in the proposed facility. The Commission acknowledges concern by the Community Board that granting such a special permit could allow tenancy by a "big box" retailer. While the Commission understands that the Zoning Resolution does not prohibit such tenants on the Pier, the Commission is assured by the applicant that the existing Memorandum of Understanding between HRPT and Young Woo & Associates, and eventual lease, prohibits "retail establishments with 'big box' retailing characteristics," as the applicant outlined in a letter to the Commission dated January 31, 2013.

The Commission finds that circulation around the Pier has been designed to separate pedestrians, bicyclists and vehicles where possible. The extension of the esplanade, signalized intersections, improved crossings and a taxi drop-off area across Route 9A are proposed to minimize traffic conflicts. Vehicles entering the parking garage and loading facility from the service lanes will not cross public access areas, which are located around the perimeter of the pier to the west. The project site is designed to draw a minimum amount of vehicular traffic through local streets. Vehicles approach the pier from Route 9A, West 17th Street, West 14th Street or Tenth Avenue, all of which are lined with commercial uses and are not local streets. The Commission recognizes the proximity and availability of public transit facilities within walking distance of

Pier 57, including three bus routes adjacent to the project site, and the A/C/E/L subway stations at West 14th Street and Eighth Avenue and the 1/2/3 subway lines along Seventh Avenue.

The Commission agrees to the granting of a special permit to allow a garage in the caisson level with 74 accessory parking spaces, including 10 reservoir spaces, as required. The Commission recognizes the limited availability of on-street parking on neighboring streets and the high utilization rates of nearby public garages, with demand expected to grow. Area garages have shown to be occupied at and above 81 percent during peak hours; this rate is expected to increase to 86 percent even without the proposed redevelopment. The location of the entrance to the garage along the south of the pier, exit to the garage along the north of the pier, curb cuts, traffic lights and access road will prevent traffic congestion. The entrance and exit are separated by 330 feet. The Commission further notes that, as described in the recommendation by the Borough President, the applicant has agreed to install a sign at the garage's entrance indicating that parking is reserved for the owners, occupants, employees, customers and visitors of the pier.

The Commission heard testimony at the public hearing with respect to traffic impacts of the Pier 57 traffic plan on vehicle, pedestrian and bicycle movement through surrounding streets, particularly the effect the development could have on Chelsea Piers to the north. In addition to testimony presented at the hearing, the Commission is in receipt of correspondence from representatives of the Chelsea Piers Management Company describing the source of concern and the degree to which Chelsea Piers believes traffic impacts have been addressed in the Draft Environmental Impact Statement. Hudson River Park Trust addressed these issues in two letters to the Commission. In a letter to the Commission dated February 14, 2013, the applicant explained how the Final Environmental Impact Statement would address comments related to traffic impacts, and described participation by New York City and State Departments of Transportation, and the New York City Office of Environmental Coordination, in the environmental review process. The Commission is satisfied that the applicant has adequately addressed concerns raised through the public review process.

FINDINGS

Based upon the above consideration, the Commission hereby makes the following findings pursuant to Section 62-834(b) of the Zoning Resolution:

- (1) the facility is so designed as to significantly enhance public use and enjoyment of the waterfront;
- (2) accessory parking or loading facilities provided in conjunction with such uses are arranged and designed so as to not adversely impact public access areas anywhere on the zoning lot;
- (3) the proposed development does not violate the bulk provisions of Section 62-341 (Developments on land and platforms);
- (4) within the seaward lot, the ratio of floor area on the pier to water coverage of the pier does not exceed the maximum floor area ratio for the use as set forth in the district regulations;
- (5) such bulk modifications would not unduly obstruct the light and air or waterfront views of neighboring properties; and
- (6) such modifications will not adversely affect the essential character, use of future growth of the waterfront and the surrounding area.

Based upon the above consideration, the Commission hereby makes the following findings pursuant to Section 62-834(c) of the Zoning Resolution:

- (1) the proposed development would result in better achievement of the goals set forth in Section 62-00 than would otherwise be possible by strict adherence to the regulations of Sections 62-50 and 62-60, inclusive; and
- (2) an alternative waterfront public access area and visual corridors on the zoning lot, or off-site on a public property adjacent to the zoning lot, are provided that are substantially equal in area to that required and, by virtue of their location and design, provide

equivalent public use and enjoyment of the waterfront and views to the water from upland streets and other public areas.

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 62-834 of the Zoning Resolution 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), in connection with a proposed commercial development on property located at Pier 57, on the westerly side of 11th Avenue side 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 130101 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:

Dwg Nos.	Title	Last Revised Date
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
Z-008	Zoning Chart – Public Access Regulations	10/22/2012

Dwg Nos.	Title	Last Revised Date
Z-009	Waterfront Public Access Analysis	10/22/2012
Z-010	Plan – Promenade	10/24/2012
Z-010A	Plan Detail Promenade at Headhouse	02/17/2012
Z-010B	Plan Detail Promenade at Pier Building	02/17/2012
Z-010C	Plan Detail South Bulkhead Extension	02/17/2012
Z-010D	Plan Detail North Bulkhead Extension	02/17/2012
Z-010G	Plan Details - Promenade Walkway & 'Wave' Decks	02/17/2012
Z-011	Sections Promenade Walkway	02/17/2012
Z-011A	Details HRPT Existing Railing	02/17/2012
Z-011B	Details Lighting, Site Furniture, Signage	02/17/2012
Z-011D	Details Guard Railing Types	02/17/2012
Z-011E	Details Promenade Benches	02/17/2012

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 130101 ZSM), duly adopted by the City Planning Commission March 6, 2013 (Calendar No. 7), 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



COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

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December 18, 2012

Amanda M. Burden, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

**Re: ULURP Applications Nos. 130100ZMM, 130101ZSM, 130102ZSM, N130103ZSM
and 130104ZCM - Pier 57**

Dear Chair Burden:

At its regularly scheduled Full Board Meeting on December 5, 2012, Manhattan Community Board 4, on the recommendation of its Chelsea Land Use, Waterfront, Parks and Environment and Transportation Planning Committees, and following a duly noticed public hearing, voted by roll call 36 for, 0 against, 0 abstaining and 2 present not eligible to recommend approval of the Applications if the conditions presented below are fulfilled.

Background

Pier 57 is located west of Route 9A at the ends of 16th and 17th Streets, within Hudson River Park. To the north are Piers 59 through 62, the Chelsea Piers complex, and to the south is Pier 54, planned to be developed as an open public park pier, and Gansevoort Peninsula, planned to be developed as public park land. Among the Hudson River piers, Pier 57 is unique in that it was built on three giant concrete caissons that were constructed up-river and floated into position. The pier is listed on the State and National Registers of Historic Places and is currently vacant.

Proposed Development

The current proposal is the result of an RFP issued by the Hudson River Park Trust (HRPT) four years ago. It was selected from three respondents following review by HRPT as well as The HRPT Advisory Council, which includes members from Community Boards 1, 2 and 4. The proposed redevelopment, renovation, reuse and enlargement of Pier 57 would be consistent with and further the goals of the Hudson River Park Act in that it involves the reuse of the historic pier for uses beneficial to the public.

The proposed project would rehabilitate and redevelop the vacant Pier 57 site with a major new public open space and a perimeter walkway, and provide new retail, restaurant and other

commercial uses, as well as educational, cultural, boating and rooftop open space uses, and accessory parking. The proposed development program is expected to include the following major land uses:

- 260,000 SF of retail and restaurant space;
- 11,000 SF of cultural use (i.e., 300-seat theatre);
- 33,000 SF technical arts school;
- 40,000 SF of art gallery/exhibit space (at the caisson level);
- 73,000 SF rooftop space (for open space use and programmed events);
- 141-slip marina;
- Accessory parking for a maximum of 74 vehicles; and
- Water taxi landing.

The primary retail use proposed for the project site would be designed as a planned public marketplace modeled on several existing year-round markets located in London, England and on one recently implemented on a temporary basis as the DeKalb Market in Brooklyn. At Pier 57, this public marketplace concept draws specific inspiration from existing businesses in West Chelsea and the Meatpacking District in the realms of fashion, design, art, and food.

Repurposed shipping containers would be stacked to create four market levels (first floor, first-floor mezzanine, second floor, and second-floor mezzanine). In combination with some traditional walled enclosures, these containers would create multiple “work/sell” retail stores and showrooms expected to range in size between approximately 160 and 640 SF. These retail uses would be oriented primarily toward a collection of independent designers and food purveyors. The work/sell marketplace would be an incubator for new retail businesses, designers, and food-related businesses as well as a community gathering place. Towards the western end of the pier shed, the design would open to a large double-height space with views of the water to the north and south. This end of the pier shed would include open, public “piazza” spaces to be used for occasional entertainment or small-format displays, and would be designed to accommodate rotating food markets and “bazaars,” with the idea of providing lively surroundings for resident and visiting chefs and food purveyors to exhibit and promote their food products.

In addition, the proposed project would add the following new public open space elements:

- **Waterfront Public Access Areas** - The existing perimeter walkway extending around most of the pier would be repaired and extended to connect with the Hudson River Park waterfront esplanade to the east of the pier, consistent with existing permits previously received by HRPT. The walkway would include approximately 800 linear feet of seating. In addition, new public walkways parallel to the existing bulkhead, previously approved and permitted, would extend to the north and south, extending the currently limited public circulation space along the headhouse. Treatments would be compatible with existing designs for areas bordering the river within Hudson River Park.
- **Rooftop open space** - Approximately 1.6 acres of open space would be created on the pier’s finger building. The roof would be divided into open areas on the eastern and western portions of the rooftop with a pavilion in the center. The open areas on the eastern and western

portions of the rooftop would mostly provide flexible space for seating, relaxation, and views of the river, with a capacity for approximately 2,500 persons. These areas could include wooden decking, hardscape, paving, and small lawn areas. The center of the rooftop would contain a pavilion with a public observation deck on the roof and wide stairs on the east that would function as seating areas during events. It is also expected that portions of the headhouse rooftop would be accessible to the public and function primarily as open space, but may be programmed for events, e.g., the Tribeca Film Festival.

Requested Actions

Hudson River Park Trust and Hudson Eagle, LLC, an affiliate of Youngwoo & Associates, LLC, the developer, are co-applicants for the requested actions.

- i. **130100ZMM** - Application for a Zoning Map Change to rezone Pier 57 to M1-5 from M2-3. The applicants seek this amendment in order to:
 - Develop Pier 57 to an FAR of approximately 2.23; the maximum permitted FAR is 2.0 under M2-3 and 5.0 under M1-5;
 - Permit certain uses prohibited under M2-3, including those in Use Group 6C (e.g., eating or drinking establishment with entertainment, but not dancing, with a capacity of 200 persons or less, sporting stores, gift shops);
 - Make the project site eligible for a Special Permit under ZR 74-922 to allow large retail stores; and
 - Make the project site eligible for a Special Permit under ZR 74-921 relating to certain community facility uses in Use Groups 3A and 4A.
- ii. **130101ZSM** - Application for two Special Permits under ZR Sections 62-834(b) and 62-834(c).
 - The applicants seek a Special Permit under ZR 62-834(b) in order to:
 - Modify ZR 62-342 to allow a building that exceeds the maximum permitted height of 30 feet by approximately 25 feet and 57 feet, and to allow a building that exceeds the maximum permitted length of 200 feet, and thus comply with ZR 62-241(c) permitting the change, enlargement and extension of uses on the existing pier.
 - Modify ZR 62-332 to allow further vertical encroachment into the required waterfront yard.
 - The applicants seek a Special Permit under ZR 62-834(c) in order to:
 - Modify ZR 62-57 to allow 30,022 sq. ft. of waterfront public access area instead of the required 34,014 sq. ft.

- Modify ZR 62-513 to waive required visual corridors that would be encroached by the proposed development.
- iii. **130102ZSM** - Application for a Special Permit under ZR 74-922 seeking the modification of the use regulations of ZR 42-10 to allow large retail establishments.
- The applicants seek a Special Permit under ZR 74-922 to modify the use regulations of ZR 42-10 to allow an urban public marketplace of approximately 100,000 sq. ft. and other larger retail establishments.
- iv. **130103ZSM** - Application for a Special Permit under ZR 13-561 seeking the modification of the parking regulations of ZR 13-133.
- The applicants seeks a Special Permit under ZR 13-562 to modify the requirements of ZR 13-133 to permit an accessory garage with a maximum capacity of 74 parking spaces.
- v. **130104ZCM** - Application for Certification by the Chairperson of the City Planning Commission under ZR 62-811 that the proposed project complies with minimum waterfront public access area requirements under ZR 62-57 and ZR 62-58 as modified by the requested approvals.
- The applicants seek a Certification that the proposed plan, as modified by the requested approvals, complies with the minimum waterfront public access area requirements under ZR 62-52(b), ZR 62-57 and ZR 62-58.

Community Board 4 Recommendations

The Board strongly supports the redevelopment of Pier 57 and believes that the proposed project would be an excellent addition to Hudson River Park and to the community. We believe, however, that there are elements of the proposal that should be reconsidered in order to protect the interests of the community.

- **130100ZMM** - Zoning Map Change. While we understand the applicants' desire for the proposed M1-5 zoning designation, the change potentially opens the door to future as-of-right bulk, height and uses that CB4 believes are undesirable. We normally would request a restrictive declaration of the applicant, but since Pier 57 is owned by the New York State Office of Parks, Recreation & Historic Preservation we suspect that another mechanism will be required. We have asked Senator Tom Duane and Assemblyman Richard Gottfried for help in devising appropriate means to fulfill the conditions listed below and request that the Department of City Planning also help in whatever way they can.
- CB4 recommends that the application for a Zoning Map Change be approved only if a deed restriction or similar device be placed on Pier 57 to limit the FAR to the 2.23 the applicants are requesting for the proposed development. The applicants have indicated that they would support such a restriction.

- CB4 recommends that the application for a Zoning Map Change be approved only if a deed restriction or similar device be placed on Pier 57 to preclude hotel uses. We understand that the current proposal does not include a hotel and that the Hudson River Park Act currently does not permit hotels, but since the proposed M1-5 zoning permits hotels as-of-right we would greatly prefer one more safeguard against this use that the community strongly opposes on piers in Hudson River Park. The applicants have indicated that they would support such a restriction.

- CB4 recommends that the application for a Zoning Map Change be approved only if a deed restriction or similar device be placed on Pier 57 to preclude "big box" retailers or discounters. The applicants have indicated that they would support such a restriction. (See discussion under **130102ZSM** - Special Permit under ZR 74-922, below.)

- **130101ZSM** - Special Permits under ZR Sections 62-834(b) and 62-834(c).

- CB4 recommends that the application for these special permits be approved. CB4 notes that the existing structure is non-compliant and that the proposed redevelopment would increase this non-compliance. We believe, however, that the proposed increase in height and length of the development will not detract from the waterfront experience, including the required visual corridors. We also note that including the waterfront public access area that will be provided immediately adjacent to Pier 57 will result in more than the required 30,022 sq. ft.

- **130102ZSM** - Special Permit under ZR 74-922.

- CB4 recommends that this special permit be approved. The proposed development provides for an urban public market space consisting of multiple small retailers, along with larger retail establishments, totaling approximately 100,000 sq. ft. In the aggregate this retail space requires a special permit allowing large retail establishments, but HRPT has shared with the Board excerpts of its Memorandum of Understanding with the developer in which the developer agrees that "big box" retailers or discounters will be prohibited on Pier 57. HRPT has told the Board that the ultimate lease with the developer will be based on this MOU.

- **130103ZSM** - Special Permit under ZR 13-561. CB4 recommends that this special permit for 74 accessory parking spaces be approved with one condition. HRPT has told the Board that the HRP Act precludes public parking, but the MOU discussed above uses the terms "ancillary parking" and "ancillary public parking."

- CB4 recommends that approval be contingent on HRPT agreeing that the ultimate lease with the developer specifically prohibit transient parking, uses the term "accessory parking" as it is used in the Zoning Resolution and mandates that any operator of the parking facility be required to apply for a variance to post a sign stating, "No transient parking permitted, accessory use only" (as provided in Administrative Code, Title 6, Subchapter Q, paragraph 2-161).

- **Traffic and Pedestrian Safety.** The traffic issues associated with the redevelopment of Pier 57 have been among the most difficult to resolve and led to community opposition to earlier proposals. CB4 believes that the current proposal successfully addresses the community's

concerns and is grateful for the applicants' diligent attention to these issues. Our one remaining concern is the intersection of Tenth Avenue and West 15th Street, a dangerous intersection that exposes pedestrians crossing West 15th Street on the west side of Tenth Avenue to cars arriving at high speed from the West Side Highway.

- CB4 recommends that approval be contingent on the equipping of the west bound turning movements from Tenth Avenue onto West 15th Street with a split phase signal.

- **130104ZCM** - Certification by the Chairperson of the City Planning Commission under ZR 62-811.

- CB4 recommends that the Chairperson issue the requested Certification if the conditions listed above are met.

In addition to agreeing to the conditions listed above, Hudson Eagle, LLC has agreed to work with CB4 to make Pier 57 and its tenants an integral part of the community. Specifically, Hudson Eagle, LLC has agreed to:

- Support the CB4 Community Jobs Project for Pier 57 and to work with CB4 in its implementation. Hudson Eagle, LLC has agreed to post Pier 57 job openings on the CB4 website as they become available; to hold periodic job fairs in coordination with CB4; and to work with its current and future tenants, on a best efforts basis, to identify and hire employees from within Community Board 4.

- Provide the opportunity for contacts and collaboration between arts-related uses and tenants on Pier 57 and Chelsea schools, including PS 11, PS 33 and the Museum School.

- Consider the opportunity to provide discounted tuitions to community residents for food-related programs.

The redevelopment of Pier 57 is a crucial element in the ongoing revitalization of Hudson River Park. We believe that the proposed project is an appropriate use of the waterfront and would be an excellent addition to the park.

Subject to the conditions set forth for the individual requested actions, Community Board strongly supports the applications and recommends their approval.

Sincerely,

A handwritten signature in blue ink, appearing to be 'CJ', is written above the printed name.

Corey Johnson, Chair
Manhattan Community Board 4



J. Lee Compton, Co-Chair
Chelsea Preservation & Planning



Brett Firfer, Co-Chair
Chelsea Preservation and Planning



John Doswell, Co-Chair
Waterfront, Parks and Environment Committee
Committee

[signed 12/18/12]

Maarten de Kadt, Co-Chair
Waterfront, Parks and Environment



Christine Berthet, Co-chair
Transportation Planning Committee



Jay Marcus, Co-chair
Transportation Planning Committee

cc : Madelyn Wils, Noreen Doyle, Laurie Silberfeld – Hudson River Park Trust
Ross F. Moskowitz, Esq. – Stroock & Stroock & Lavan LLP
Edith Hsu-Chen, Karolina Grebowiec-Hall – Department of City Planning
Melanie LaRocca, Michaela Miller - NYC Council Speaker Christine Quinn's Office
Brian Cook, Lin Zeng – Manhattan Borough President's Office
NYS Assemblyman Richard Gottfried
NYS Senator Thomas Duane
U.S. Congressman – Jerrold Nadler
A.J. Pietrantone – Friends of Hudson River Park



COREY JOHNSON
Chair

ROBERT J. BENFATTO, JR., ESQ.
District Manager

CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

330 West 42nd Street, 26th floor New York, NY 10036
tel: 212-736-4536 fax: 212-947-9512
www.nyc.gov/mcb4

December 18, 2012

Director Amanda M. Burden
Department of City Planning
22 Reade Street
New York, New York 10007

**Re: ULURP Applications Nos. 130100ZMM, 130101ZSM, 130102ZSM, N130103ZSM
and 130104ZCM - Pier 57**

Dear Chair Burden:

Manhattan Community Board 4 is pleased to provide the following comments on the Draft Environmental Impact Statement for preparation of a Final Environmental Impact Statement for the project commonly known as Pier 57.

PROJECT OVERVIEW

Pier 57 is located west of Route 9A at the ends of 16th and 17th Streets, within Hudson River Park. To the north are Piers 59 through 62, the Chelsea Piers complex, and to the south is Pier 54, planned to be developed as an open public park pier, and Gansevoort Peninsula, planned to be developed as public park land. Among the Hudson River piers, Pier 57 is unique in that it was built on three giant concrete caissons that were constructed up-river and floated into position. The pier is listed on the State and National Registers of Historic Places and is currently vacant.

The current proposal is the result of an RFP issued by the Hudson River Park Trust (HRPT) four years ago. It was selected from three respondents following review by HRPT as well as The HRPT Advisory Council, which includes members from Community Boards 1, 2 and 4. The proposed redevelopment, renovation, reuse and enlargement of Pier 57 would be consistent with and further the goals of the Hudson River Park Act in that it involves the reuse of the historic pier for uses beneficial to the public.

The proposed project would rehabilitate and redevelop the vacant Pier 57 site with a major new public open space and a perimeter walkway, and provide new retail, restaurant and other commercial uses, as well as educational, cultural, boating and rooftop open space uses, and accessory parking. The proposed development program is expected to include the following major land uses:

- 260,000 SF of retail and restaurant space;
- 11,000 SF of cultural use (i.e., 300-seat theatre);
- 33,000 SF technical arts school;
- 40,000 SF of art gallery/exhibit space (at the caisson level);
- 73,000 SF rooftop space (for open space use and programmed events);
- 141-slip marina;
- Accessory parking for a maximum of 74 vehicles; and
- Water taxi landing.

The primary retail use proposed for the project site would be designed as a planned public marketplace modeled on several existing year-round markets located in London, England and on one recently implemented on a temporary basis as the DeKalb Market in Brooklyn. At Pier 57, this public marketplace concept draws specific inspiration from existing businesses in West Chelsea and the Meatpacking District in the realms of fashion, design, art, and food.

Repurposed shipping containers would be stacked to create four market levels (first floor, first-floor mezzanine, second floor, and second-floor mezzanine). In combination with some traditional walled enclosures, these containers would create multiple “work/sell” retail stores and showrooms expected to range in size between approximately 160 and 640 SF. These retail uses would be oriented primarily toward a collection of independent designers and food purveyors. The work/sell marketplace would be an incubator for new retail businesses, designers, and food-related businesses as well as a community gathering place. Towards the western end of the pier shed, the design would open to a large double-height space with views of the water to the north and south. This end of the pier shed would include open, public “piazza” spaces to be used for occasional entertainment or small-format displays, and would be designed to accommodate rotating food markets and “bazaars,” with the idea of providing lively surroundings for resident and visiting chefs and food purveyors to exhibit and promote their food products.

In addition, the proposed project would add the following new public open space elements:

- **Waterfront Public Access Areas** - The existing perimeter walkway extending around most of the pier would be repaired and extended to connect with the Hudson River Park waterfront esplanade to the east of the pier, consistent with existing permits previously received by HRPT. The walkway would include approximately 800 linear feet of seating. In addition, new public walkways parallel to the existing bulkhead, previously approved and permitted, would extend to the north and south, extending the currently limited public circulation space along the headhouse. Treatments would be compatible with existing designs for areas bordering the river within Hudson River Park.
- **Rooftop open space** - Approximately 1.6 acres of open space would be created on the pier’s finger building. The roof would be divided into open areas on the eastern and western portions of the rooftop with a pavilion in the center. The open areas on the eastern and western portions of the rooftop would mostly provide flexible space for seating, relaxation, and views of the river, with a capacity for approximately 2,500 persons. These areas could include wooden decking, hardscape, paving, and small lawn areas. The center of the rooftop would contain a pavilion with a public observation deck on the roof and wide stairs on the east that would

function as seating areas during events. It is also expected that portions of the headhouse rooftop would be accessible to the public and function primarily as open space, but may be programmed for events, e.g., the Tribeca Film Festival.

THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

The following are specific comments on several of the individual sections discussed in the DEIS.

Land Use, Zoning, and Public Policy

The Board strongly supports the redevelopment of Pier 57 and believes that the proposed project would be an excellent addition to Hudson River Park and to the community. We believe, however, that there are elements of the proposal that should be reconsidered in order to protect the interests of the community.

While we understand the applicants' desire for the proposed M1-5 zoning designation, the change potentially opens the door to future as-of-right bulk, height and uses that CB4 believes are undesirable.

- a. CB4 recommends that the application for a Zoning Map Change be approved only if a deed restriction or similar device be placed on Pier 57 to limit the FAR to the 2.23 the applicants are requesting for the proposed development. The applicants have indicated that they would support such a restriction.
- b. CB4 recommends that the application for a Zoning Map Change be approved only if a deed restriction or similar device be placed on Pier 57 to preclude hotel uses. We understand that the current proposal does not include a hotel and that the Hudson River Park Act currently does not permit hotels, but since the proposed M1-5 zoning permits hotels as-of-right we would greatly prefer one more safeguard against this use that the community strongly opposes on piers in Hudson River Park. The applicants have indicated that they would support such a restriction.
- c. CB4 recommends that the application for a Zoning Map Change be approved only if a deed restriction or similar device be placed on Pier 57 to preclude "big box" retailers or discounters. The applicants have indicated that they would support such a restriction.

Socioeconomic Conditions

Business

The proposed project would not result in significant adverse impacts due to direct business displacement. Pier 57 would join neighboring Western Beef and Chelsea Market (also slated for an expansion by 2017) along with the areas distinct concentrations of shoppers' goods stores, including concentrations of art galleries in Chelsea and high-end boutiques in the Meatpacking District. In the end, it will have limited impact on any market displacement and rent increases.

However, it does provide an opportunity for local residents with a place to look for when job hunting. We asked that the applicant agree to support a Jobs Program for Chelsea Market and to work with CB4 in its implementation. They agreed to place a link to job openings on the CB4 website, to hold periodic job fairs in coordination with CB4 and to work with its future tenants on a best efforts basis to identify and hire employees from within Community District 4.

Residents

The proposed project would not result in significant adverse impacts due to direct or indirect residential displacement. The proposed project would redevelop a vacant building, and therefore would not directly displace any residents.

Community Facilities and Services

No comments.

Open Space

No comments.

Shadows

No comments.

Historic Resources and Urban Design and Visual Resources

We recognize that the proposed changes to the physical structure and visual resources of Pier 57 will have significant impacts on the historic character of the pier and the visual resources it represents, but believes they should be accepted as a whole as forming the most feasible proposal for both the reuse of the structure as an active feature of the Hudson River Park and as a necessary source of income for the park under the original scheme for supporting the park.

The proposals for the pier include provisions for restoration and reuse of the greater part of the exterior of the pier and of many of the interior elements. The extensive rooftop changes elsewhere on the pier shed will make possible an elaborate park program at this location. The interior changes just below at both head house and pier shed will enable an elaborate retail proposal that will contribute major funding to the park in accordance with the function of this pier in the park master plan. In mitigation, maritime and other park-related uses will occupy much of the original lower levels to the south and west of the retail and in the adjoining water.

This proposal largely maintains the historic levels on the interior. Besides maintaining this important feature of the original structure and use, this feature enables retention of the largely intact features of the route taken inside the pier by passengers and light luggage departing by steamer, a now rare relic of the historic port that the applicant has recently announced his intention to restore. The Board regards this laudable action as significant partial mitigation for the alterations elsewhere and accepts the changes above and on the outside of the pier shed and

within the portion of the head house directly in front of the shed and behind the restored front as regrettable necessities in accordance with the basic provisions for park funding.

We are concerned, however, that the head house roof is to be raised over the north wing and that the existing light structure there, clearly visible from highway and the park walkway to the north, is to be replaced by a banal modern one. We believe this is an unnecessary loss. The roof location would only provide a minor contribution to the extensive retail level below. The light structure is significant in that it is the only remaining feature that recalls that the pier did not stand alone but was part of a group of major passenger and freight piers, especially the present Chelsea Piers to the north. Indeed its purpose was to provide a connection with the rooftop of the now demolished pier just to the north. Its partial glass enclosure within a light metal framework is also attractive in itself, and would also reflect the constant changes constantly taking place on this active waterfront, even on this most monumental group of piers. It could provide a sheltered location for users of the rooftop to enjoy shade and views to the city to the east, and perhaps even be a spot for refreshments for visitors to this portion of the roof.

Natural Resources

No comments.

Hazardous Material

No comments.

Water and Sewer Infrastructure

This DEIS tells us the project's effect on the city's water and sewer infrastructure, solid waste management services, and energy use "would be minimal and would not significantly impact existing infrastructure."¹

Nowhere is there any indication that the project will use state-of-the-art management techniques in these areas. If not, the project misses an opportunity to educate the public about the importance of managing these areas.

We are pleased to note that the project will send storm water directly to the Hudson River. Other projects in our area should manage uncontaminated water in the same way. However, nowhere is there an indication that some amount of the storm water would be captured for use in HVAC equipment, gardening and for cleaning. We believe that some amount of storm water capture retention should occur in this project as that would diminish the project's 132,603 gallons per day reliance on the city's drinking water supply.

¹DEIS, Chapter 11-1

Solid Waste

The DEIS states that “it is expected that all solid waste generated by the proposed project would be handled by private carters.”² Nowhere does it say anything about recycling within the project or specific areas in which collected recyclable materials could be stored before picked up. Nor is there mention of composting surely for garden materials and possibly for food. We believe that missing here is an opportunity to reduce the amount of solid waste and to educate the public visiting the site about municipal solid waste issues.

Energy

The DEIS states that “the proposed project would generate an incremental increase in energy demand that would be negligible when compared to the overall demand within Con Edison’s New York City and Westchester County service area.”³ Further, the DEIS indicates Energy Star and other efficient electrical equipment will be used.

The Board is pleased with those statements but would also like to see the project study the possibility of installing solar voltaic collection devices on the roof possibly instead of the wisteria clad trellises currently in the design shown to the Waterfront and Parks Committee and thus reduce the projected demand for 93,004 million BTUs of energy needed per year. This would both be an energy producer and a public educational opportunity.

Transportation

The traffic issues associated with the redevelopment of Pier 57 have been among the most difficult to resolve and led to community opposition to earlier proposals. CB4 believes that the current proposal successfully addresses the community’s concerns and is grateful for the applicants’ diligent attention to these issues. Our one remaining concern is the intersection of Tenth Avenue and West 15th Street, a dangerous intersection that exposes pedestrians crossing West 15th Street on the west side of Tenth Avenue to cars arriving at high speed from the West Side Highway.

We recommend that the intersection of Tenth Avenue and W. 15th Street, a dangerous intersection that exposes pedestrians crossing W. 15th Street on the west side of Tenth Avenue to cars arriving at high speed from the West Side Highway, be addressed by the equipping of the west bound turning movements from Tenth Avenue onto W. 15th Street with a split phase signal.

Air Quality

No comments.

² DEIS, Chapter 12-2

³ DEIS, Chapter 13-1

Greenhouse Gas Emissions and Climate Change

Given the advent of Hurricane Sandy in October 2012 and damage done to the Hudson River Park area, we hope that the applicant and the HRPT will continue giving sufficient consideration of the impact of rising sea levels on this project.

Noise

No comments.

Neighborhood Character

Please see our comments in the “Land Use, Zoning, and Public Policy” section.

Construction Impact

The sheer scope of the project will have an unavoidable impact on local residents, businesses as well as students and visitors to the Hudson River Park. In addition the project is being constructed on a major traffic artery affecting traffic and congestion in the area.

Many of the impacts were found to be within acceptable CEQR guidelines vis-à-vis the permitted development. However, in that the developer is benefitting from the zoning change, there should be some benefit to the community during the extended construction period, perhaps mitigation and enhancement of pathways around the site, and limiting of construction take-over of lanes on major traffic artery.

Public Health

No comments.

Alternatives

No comments.

Mitigation

Land Use, Zoning, and Public Policy

CB4 recommends that the application for a Zoning Map Change be approved only if a deed restriction or similar device be placed on Pier 57 to limit the FAR to the 2.23 the applicants are requesting for the proposed development.

CB4 recommends that the application for a Zoning Map Change be approved only if a deed restriction or similar device be placed on Pier 57 to preclude hotel uses. We understand that the current proposal does not include a hotel and that the Hudson River Park Act currently does not permit hotels, but since the proposed M1-5 zoning permits hotels as-of-right we would greatly

prefer one more safeguard against this use that the community strongly opposes on piers in Hudson River Park.

CB4 recommends that the application for a Zoning Map Change be approved only if a deed restriction or similar device be placed on Pier 57 to preclude "big box" retailers or discounters. The applicants have indicated that they would support such a restriction.

Transportation

We recommend that the intersection of Tenth Avenue and W. 15th Street, a dangerous intersection that exposes pedestrians crossing W. 15th Street on the west side of Tenth Avenue to cars arriving at high speed from the West Side Highway, be addressed by the equipping of the west bound turning movements from Tenth Avenue onto W. 15th Street with a split phase signal.

Construction.

We recommend that a construction task force be established, with representatives of all stakeholders, which will meet at least monthly throughout the constructions phase of the project and must be in place prior to the commencement of demolition.

Unavoidable Adverse Impacts

No comments.

Growth-Inducing Aspects of the Proposed Actions

No comments.

Irreversible and Irretrievable Commitment of Resources

No comments.

Thank you for considering these comments.

Sincerely,



Corey Johnson, Chair
Manhattan Community Board 4



J. Lee Compton, Co-Chair
Chelsea Preservation & Planning



Brett Firfer, Co-Chair
Chelsea Preservation and Planning



John Doswell, Co-Chair
Waterfront, Parks and Environment Committee
Committee

[signed 12/18/12]

Maarten de Kadt, Co-Chair
Waterfront, Parks and Environment



Christine Berthet, Co-chair
Transportation Planning Committee



Jay Marcus, Co-chair
Transportation Planning Committee

cc : Madelyn Wils, Noreen Doyle, Laurie Silberfeld – Hudson River Park Trust
Ross F. Moskowitz, Esq. – Stroock & Stroock & Lavan LLP
Celeste Evans, Edith Hsu-Chen, Karolina Grebowiec-Hall – Department of City Planning
Melanie LaRocca, Michaela Miller - NYC Council Speaker Christine Quinn's Office
Brian Cook, Lin Zeng – Manhattan Borough President's Office
NYS Assemblyman Richard Gottfried
NYS Senator Thomas Duane
U.S. Congressman – Jerrold Nadler
A.J. Pietrantone – Friends of Hudson River Park

Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application: C 130100 ZMM, C 130101 ZSM, C 130102 ZSM, C 130103 ZSM, and N 130104 ZCM

Docket Description:

C 130100 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 amendment of the Zoning Map, Section No. 8b, changing from an M2-3 District to an M1-5 District property bounded by:

1. a line perpendicular to the U.S. Bulkhead Line and passing through a point along such line at a distance of 80 feet southerly (as measured along the U.S. Bulkhead Line) from the point of intersection of the westerly prolongation of the southerly street line of West 16th Street and the U.S. Bulkhead Line;
2. a line midway between 11th Avenue and the US Bulkhead Line;
3. a line 375 feet southerly of Course No. 1; and
4. the U.S. Pierhead Line.

C130101 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 62-834 of the Zoning Resolution 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), in connection with a proposed commercial development on property located at Pier 57, on the west side of 11th Avenue side 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 in Community District 4.

(continued on next page)

COMMUNITY BOARD NO: 4

BOROUGH: Manhattan

RECOMMENDATION

- ☒ APPROVE
- ☐ APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- ☐ DISAPPROVE
- ☐ DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached


BOROUGH PRESIDENT

1/16/13
DATE

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 west 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.

C 130103 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 13-561 of the Zoning Resolution to allow an enclosed attended accessory parking garage with a maximum capacity of 74 spaces on portions of the ground floor and caisson level of a proposed commercial development on property located at Pier 57, on the west 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.



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

January 16, 2013

Recommendation on
ULURP Application Nos. C 130100 ZMM, C 130101 ZSM, C 130102 ZSM,
C 130103 ZSM, and N 130104 ZCM
by Hudson River Park Trust and Hudson Eagle LLC

PROPOSED ACTIONS

The Hudson River Park Trust and Hudson Eagle LLC¹ (collectively, “the applicants”) propose a number of land use actions to facilitate the redevelopment and rehabilitation of Pier 57 (Block 662, Lot 3, and part of Marginal Street Wharf or Place). The project site is located west of Route 9A between West 14th and 16th streets within the Hudson River Park in Manhattan Community District 4. The proposed actions allow certain commercial and community facility uses, and waive height and bulk requirements for an existing legal non-complying building on Pier 57. Specifically, the applicants seek:

1. A **Zoning Map Amendment (C 130100 ZMM)** to rezone the project site’s M2-3 to an M1-5 zoning district. The existing M2-3 zoning district allows a maximum allowable 2.0 FAR. Approval of the amendment would permit enlargements to the existing pier building to the proposed 2.23 FAR. The rezoning would also permit the development of some community facility uses (Use Group 4) that currently are not allowed.
2. A **Special Permit (C 130101 ZSM) pursuant to § 62-834** (Developments on piers or platforms) of the Zoning Resolution (“ZR”) to modify use regulations (§ 62-241), waterfront yard regulations (§ 62-332), height and setback requirements (§ 62-342), waterfront public access requirements (§ 62-57), and visual corridor requirements (§62-513).

Approval of this special permit would allow the development of non-water dependent uses, and allow Use Groups 6A, 6C, 9A and 10 uses to occupy more than 20,000 SF of floor area. The

¹ Hudson Eagle, LLC is a primarily represented by Young Woo and Associates.



existing building on the Pier is a legal non-complying structure, and many of the height and bulk waivers are necessary to bring the building into compliance with zoning regulations as it would be rehabilitated, reused, and enlarged in the proposed development program. The proposed additions on portions of the rooftop require a maximum height waiver of up to 57 feet 3 inches.² Additionally, a waiver of approximately 522 feet is required for the existing length of the building.³

The proposed project also seeks a waiver for planned enlargements that would encroach on the required visual corridor along the waterfront. The applicants seek this special permit to waive the minimum 20 percent of lot area⁴ required for a waterfront public access area. The proposal would add approximately 30,022 SF (17.7 percent of lot area) of public access area on the site.

In granting these modifications, the City Planning Commission (“CPC”) must find that the (1) facility is designed to significantly enhance public use and enjoyment of the waterfront; (2) accessory parking or loading facilities provided are arranged and designed to not adversely impact public access areas; (3) the proposed development does not violate bulk provisions of § 62-341 (Developments on land and platforms); (4) the ratio of floor area on the pier to water coverage of the pier does not exceed the maximum floor area ratio for the use as set forth in the district regulations; (5) such bulk modifications would not obstruct the light and air or waterfront views of neighboring properties; and (6) such modifications would not adversely affect the essential character, use or future growth of the waterfront and the surrounding area.

In granting modifications of the waterfront public access area and visual corridor, CPC must find that the (1) proposed development would result in better achievement of the goals set forth in § 62-00 than would otherwise be possible by strict adherence to the regulations of § 62-50 (General requirements for visual corridors and waterfront public access areas) and § 62-60 (Design requirements for waterfront public access areas); and (2) alternative waterfront public access area and visual corridors on the zoning lot, or off-site on a public property adjacent to the zoning lot, are provided and that are substantially equal in area to that required and by their location and design, provide equivalent public use and enjoyment of the waterfront and views to the water from upland streets and other public areas.

3. A Special Permit (C 130102 ZSM) pursuant to § 74-922 (Certain large retail establishments) to modify regulations to allow retail establishments (Use Groups 6 and 10A uses) greater than 10,000 SF. Approval of this special permit approval would allow the development of a 100,000 SF urban public market on Pier 57. The market would include large retail establishments and a range of small stores.

In granting a special permit for such large retail establishment, CPC must find that (a) the principal vehicular access for such use is not located on a local narrow street; (b) that such use is so located to draw minimum 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, consideration has been

² Maximum height permitted on piers is 30 feet for developments without any setback.

³ Buildings on piers cannot be greater than 200 feet in length.

⁴ The existing lot area is 170,069 SF. 20 percent is approximately 34,014 SF).

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 area; and (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.

4. A Special Permit (C 130103 ZSM) pursuant to § 13-561 (Accessory off-street parking spaces) to allow an enclosed accessory parking garage in the cellar level with 74 spaces. Current parking regulations apply only to new community facility, commercial or manufacturing developments (ZR § 13-133), and therefore would only apply to approximately 138,000 SF of the enlarged portions of the building. Approximately 35 parking spaces are permitted on the site, but the proposed project would require a waiver to allow an additional 39 accessory parking spaces.

In granting the special permit for accessory off-street parking spaces, CPC must find that (a) such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the use to which they are accessory; (b) within the vicinity of the site, there are insufficient parking spaces available; (c) the facility will not create or contribute to serious traffic congestion nor will inhibit vehicular and pedestrian movement; (d) the facility is so located as to draw minimum vehicular traffic to and through local residential streets; and (e) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent to 20 percent of the total number of parking spaces, up to 50 parking spaces.

5. A Certification (N 130104 ZCM) from the Chairperson of CPC indicating that the submitted site plan, with approvals to the requested waivers and modifications, is in compliance with the Department of Buildings or Department of Small Businesses.

The approval of the proposed actions would facilitate the development of Pier 57 as a commercial, cultural and recreational destination to complement the active and passive recreational activities along Hudson River Park.

PROJECT DESCRIPTION

The applicants seek a number of actions to facilitate the redevelopment and rehabilitation of Pier 57 (“the Pier”) and the Pier’s existing building, located within the Hudson River Park (“the Park”) on the west side of Manhattan. The Pier is roughly situated between West 14th and 16th streets, just west of Route 9A and a protected bicycle path. The site, approximately 170,069 SF, consists of a vacant headhouse and “finger” building that contain approximately 242,230 SF of floor area. The applicant proposes to repurpose the Pier’s existing structure for commercial and retail uses, cultural and educational programs, and new public open space. The proposed redevelopment is intended to better incorporate and activate the Pier with the rest of Hudson River Park.

The Pier is located in and around three west side neighborhoods: Chelsea in Community District 4, and the Meatpacking and West Village neighborhoods in Community District 2. These areas contain a mix of warehouses and low- to medium-density residential buildings. The development of the elevated High Line Park, located roughly one block east of the Pier, has coincided with the growth of creative industries and new residential developments in recent years. A mix of restaurants, high-end retail shops, art galleries and offices also characterize the immediate area east of the Pier.

Similar to other waterfront piers, Pier 57 is zoned M2-3 reflecting its uses prior to the establishment of the Hudson River Park. M2-3 zoning districts allow for heavier industrial uses than M1 zoning districts, and have lower performance standards on smoke, noise and vibration. An M2-3 zoning district has a maximum allowable FAR of 2.0, and permit only commercial and manufacturing uses. Community facility uses are not permitted as of right. With the approval of a text amendment in 1998, park uses were allowed on M2 and M3 zoning districts that are located within the Park.

History and Policy

The existing Pier was built between 1950 and 1954 as an ocean liner pier for Grace Line Cruises. The buoyancy from three hollow caissons supports much of the Pier's weight, and its significance in engineering history has placed the Pier on the list of State and National Registers of Historic Places. Following Grace Line Cruises, the Pier was used as a garage and maintenance facility for buses until 2007, and has remained vacant since.

Similar to much of New York City's waterfront, Manhattan's Lower West Side, at one time, was an active manufacturing and commercial site. With its access to the water, and the freight railway, the area transported production of goods and food imports to other parts of the city. Subsequently, New York's general decline in manufacturing, shipping and freight industries changed the Pier's surrounding uses and character. Industries began to leave the city, and the factories and warehouses were vacated for an extended period until art studios and galleries started to move into the old manufacturing buildings. Over time, the immediate area around the Pier appealed to other commercial, residential and retail tenants.

The Hudson River Park Act ("the Act") was a response to the shifting needs along the waterfront, and established the 550-acre Hudson River Park in 1998. The waterfront park spans along the west side from Battery Place at the tip of Lower Manhattan to West 59th Street. It was created, in part, to re-activate an underutilized waterfront, and to better serve existing and projected residential growth along its stretch. Additionally, the Act created the Hudson River Park Trust ("the Trust") as the entity to design, build and operate the Park, and to integrate the underutilized piers to the rest of the Park.

Proposed Development Program

The proposed redevelopment of Pier 57 is part of the Trust's continued efforts to improve and expand recreational activities along the Hudson River Park. The applicants seek a number of proposed actions to facilitate the development of a public market within an existing pier structure. The approved project would also include the development of educational and cultural uses, new and improved public open space, and accessory parking that would help reactivate the vacant pier.

Commercial and Cultural Uses

A mix of retail and commercial uses, containing approximately 260,000 SF, are proposed for the interior of the Pier building. The interior of the Pier building would be divided by stacked shipping containers. The building's interior would consist of four levels: the first floor, first

floor mezzanine, second floor, and the second floor mezzanine. The stacked containers would also create customizable food-related “work/sell” spaces and stores that range between 160 and 640 SF in floor area. Rotating food markets would be part of the retail program to promote foods from visiting chefs and food purveyors. Additionally, the current plan lists at least one sit-down eating establishment to be located on the Pier’s western edge. Retail tenants are also expected to fill the headhouse of the building. While large retail establishments are permitted under the proposed M1-5 zoning district, the Trust would prohibit big-box developments on this site. These restrictions are defined in the Pier’s lease with the developer.

In addition to the proposed retail uses within the building, public community spaces would also be available. Approval of this application would permit cultural uses including a technical arts school (approximately 33,000 SF) and theater (11,000 SF).

Public Open Space and Marina

The Pier’s redevelopment program includes improvements and expansions to the public open space areas on and surrounding the Pier, adding approximately 2.5 acres of open space to the Park. The perimeter walkway would be repaired and extended to connect with the Park’s esplanade, and to provide additional public seating and viewing areas. Additionally, approximately 73,000 SF⁵ of rooftop open space would also be created. The rooftop space is designed with shaded seating areas, space for art installations, as well as a pavilion for seasonal performances and events.

A marina with up to 141 slips would be located on the north and south sides of the Pier. Several slips would be reserved for historic shipping vessels, as well as non-motorized boats. Additionally, a water-taxi landing may be located on the Pier’s northeast corner.

Pier Access and Circulation

The proposed project includes a plan for vehicular flow into and around the project site. A circulation road, fronting the Pier building, would separate the Pier from the protected bicycle path. In the future, vehicles would access the Pier through a dedicated right turn lane along Route 9A at the West 16th Street intersection⁶, and the West 17th Street intersection for vehicles coming from the south.

The proposed 74-space accessory parking garage would be located on the caisson level. Vehicles would access and enter the garage on the Pier’s southeast corner, and exit on its northeast corner.

The project would install a taxi stand directly across from the Pier located on the east side of Route 9A, and south of West 15th Street. The designated taxi stand will include space for loading and unloading of passengers, and will not interfere with the accessory vehicles entering and exiting the Pier.

⁵ The rooftop open space would accommodate approximately 2,500 people. The number of people attending special events on the roof, however, would not exceed 1,500.

⁶ A new traffic light would be installed at that intersection to regulate vehicles coming into the Pier at West 16th Street.

The applicants propose multiple pedestrian access points along the side of the Pier building that fronts the Hudson River Park esplanade. The redevelopment plan includes a public walkway surrounding the Pier's southern, western and northern sides. Additionally, the sidewalk along the Pier's frontage would be widened to prevent potential pedestrian spillover onto the bicycle path. The upper floors and rooftop would be accessed through an existing ramp from the eastern entrance. Finally, the Pier would be accessed by the upland through several pedestrian crosswalks across the West Side Highway.⁷

Anticipated Development under the Reasonable Worst Case Scenario Development

The Draft Environmental Impact Study ("DEIS") indicates that the proposed actions would lead to a number of transportation- and noise-related impacts under the *With-Action Scenario*. Other than the unavoidable noise impacts on the surrounding areas in the Park, the transportation impacts will be mitigated.

The *DEIS* found five locations to experience significant impacts during one or more analyzed peak periods.⁸ Additionally, three pedestrian crosswalks would experience significant adverse impacts from the proposed project. In consultation with the New York City Department of Transportation, mitigations of impacts include changing signalizations and the widening of crosswalks.

COMMUNITY BOARD RECOMMENDATION

At a Full Board meeting on December 5, 2012, Community Board 4 ("CB4") approved the proposed project with conditions by a vote of 36 in favor and 0 in opposition.

While generally satisfied with the plans to redevelop Pier 57, CB4 made recommendations to ensure the project remains within the scope of the Pier's long-term development. CB4 voted to limit the Pier's FAR to 2.23, as currently proposed, which is below the maximum allowable 6.5 FAR under an M1- 5 zoning district. The community board also recommended further restrictions to exclude hotel uses and big-box retailers on the Pier. CB4 also requested that the proposed accessory parking garage prohibit transient parking as to reduce pedestrian and vehicular conflicts. Lastly, to better improve pedestrian safety, CB4 recommended a split phase signal at the intersection of Tenth Avenue and West 15th Street.

BOROUGH PRESIDENT'S COMMENTS

The development of Hudson River Park has transformed the west side waterfront into a regional New York City attraction. Located in communities where quality open space is often difficult to find, the Park has become an enormous public amenity providing much-needed green space to its surrounding communities. Redevelopment of Pier 57 is part of a larger plan to complete the Hudson River Park as it will add open space, and re-connect the vacant pier to the rest of the

⁷ There are five nearby crosswalks across Route 9A: the south side of West 17th Street, south side of West 16th Street, north and south sides of West 15th Street and the south side of West 14th Street.

⁸ The five locations are: Route 9A and West 17th Street, Route 9A and West 15th Street, Tenth Avenue and West 14th Street, Eighth Avenue and West 17th Street, and Eighth Avenue and West 14th Street.

greenway. Further, the Pier will be reactivated with retail uses and revenue-generating opportunities that are beneficial to the Park's maintenance and continued success.

The proposed project supports sound city policies, incorporates community input and promotes goals defined in the Hudson River Park Trust Act. It will expand recreational opportunities, and increase public access to the waterfront, which are important citywide goals. The project also employs sustainable principles as it will reclaim and restore an existing historic structure, and use repurposed shipping containers to partition spaces within the building. Further, the proposed project is the culmination of a community engagement process that informed the final project design and development program. The proposed actions are necessary to meet these notable project objectives.

Bulk and Uses

The applicants seek a new zoning district to permit certain commercial and community facility uses, and greater density that are currently not allowed under an M2-3 zoning district. The proposed 2.23 FAR slightly exceeds the 2.0 FAR currently permitted on the site. The additional FAR will accommodate the four levels of proposed development program which includes commercial, retail, cultural and educational uses.

Without the rezoning, proposed eating establishments and a potential technical school are not permitted on the project site. In addition, without an M1-5 zoning designation, the site does not qualify for a special permit that allows retail establishments exceeding 10,000 SF. This special permit is necessary to develop the proposed public marketplace of approximately 100,000 SF, which will be divided into smaller individual stalls.

The current plan for a public marketplace is a highly appropriate use in the repurposed building. There are also clear benefits to housing small retail and food tenants on the Pier. First, small food retail stores and eateries will be complementary to the Park's passive recreational uses, as the Pier will be one of the few areas along the Park with food and shopping options. Second, businesses will benefit from lower overhead costs in the shared space and resources, which also incubates growth and discourages high turnover. Third, the collective industry experience and knowledge across related food and design specialties fosters innovative ideas. Lastly, the public marketplace model enables greater flexibility in accommodating needs of various retail spaces.

The other proposed uses on the site are also highly appropriate and carry significant public benefits. The addition and improvement of park space around the perimeter and on the roof of the Pier create accessible community spaces for public events and performances, as well as passive recreation and enjoyment of scenic views of the waterfront.

The proposed uses are fitting, reflect the uses nearby, and do not overwhelm the passive recreational activities along the Park. The proposed marketplace will be a unique public space that will contribute to the growth of small businesses and to the Park's overall attraction. The M1-5 rezoning, therefore, is appropriate as it supports the efforts in transforming the vacant pier into a vibrant and unique public amenity.

The proposed bulk waivers will legalize the building's existing non-complying height and bulk. These waivers are necessary to preserve and repurpose the historic structure, and to enlarge

portions of the building that would enhance the overall project. The project seeks to waive a waterfront yard requirement, intended to provide recreational space, and light and air along the waterfront. However, the proposed plan will add nearly 109,000 SF of open space on the roof and along the Pier's perimeter which fully satisfies the regulation's intent.

The existing building also needs to waive obstructions of the waterfront visual corridor, and a slight encroachment on the public access area. These waivers would also permit minor enlargements to portions of the building, while bringing the majority of the building into compliance with zoning.

These waivers and special permits will facilitate the development of the project's thoughtful design of the rooftop open space, and improvements to the public access areas.

Density and Use Restrictions

While the Community Board was generally pleased with the project's design and the "work/sell" store concept, members expressed some concerns regarding the allowable density and uses in the proposed zoning district. The proposed M1-5 zoning district will increase the project site's maximum allowable density from a 2.0 to a 6.5 FAR, which equates to a potential 765,311 SF of floor area that could be developed on the site. The new zoning designation and special permit approvals would also allow Use Group 5 hotel uses, and Use Group 10A big-box retail uses greater than 20,000 SF that are currently not allowed under the site's M2-3 zoning.

If realized, those uses at such a significant density would greatly detract from the waterfront park's open space and recreation purposes, and should be discouraged. However, the redevelopment of Pier 57 will be governed by regulatory safeguards, which will prevent the Pier from being developed other than what is currently proposed.

While zoning generally dictates the uses on a site, allowable uses on the Pier are also governed by the Hudson River Park Trust Act. Among one of the prohibited uses listed in the Act is hotel use.⁹ The Trust will further include restrictions on big-box retailers, trade show and ballroom operators, and nightclubs and cabarets in its lease with the developer.¹⁰

The Pier is listed in the State and National Registers of Historic Places, and requires oversight and evaluation from the State Historic Preservation Office on any changes to the Pier's physical form. Further, any alteration to the current design or the proposed program would also be reviewed by the Trust, which has a set of its own regulatory processes that include public hearings on the Park's developments.

Accessory Parking

The proposed 74-space accessory parking facility, with 10 reservoir spaces at the garage's entrance, will be located on the Pier's caisson level to accommodate the occupants, visitors, customers and employees at the project site. A special permit is required to increase the number of as-of-right parking spaces at this location. Applicants of this special permit are generally

⁹ Other prohibited uses are residential, manufacturing, warehousing, incompatible government uses and casinos.

¹⁰ Prohibitive uses found in a draft lease provided by the applicants.

entitled to a favorable consideration if they meet the findings.

Currently, approximately 35 parking spaces are allowed on the project site.¹¹ The DEIS finds no significant adverse impact, even with the additional 39 spaces requested by the applicants, suggesting there will be no resulting traffic congestion as defined under the City's Environmental Quality Review. Currently, there is a lack of available parking within the project site's vicinity. As studied in the DEIS, on-street parking within a quarter mile of the Pier is generally near 100 percent utilization rate. In addition, there are eight parking facilities, with a combined capacity of 2,046 spaces, located in the area with an average 81 percent utilization rate. According to the DEIS, the proposed project is expected to generate additional parking demand in the area, bringing in 187 additional vehicles during the weekday midday peak hour, and 293 during the weekend midday peak hour.¹² The results from the study imply that the surrounding facilities would be close to full capacity when accommodating an increased parking demand from the project, and the proposed additional spaces at the project site will help ease congestion in the surrounding area.

The proposed 74-space facility will increase available spaces in the area to accommodate the additional demand. The addition of this garage will also prevent vehicles from circling the neighborhood in search of parking, curbing the amount of driving on local residential streets.

CB4 expressed concerns about potential transient parking that may take place in the proposed garage. In preventing non-accessory parking at the project site, the applicants have agreed to install a sign that will be prominently displayed at the garage's entrance to discourage public parking. The sign will indicate parking is reserved only for the owners, occupants, employees, customers, or visitors of the Pier.

Traffic and Vehicular Flow

The proposed vehicular access plan will improve flow of traffic and increase safety in and around the Pier. Proposed speed tables, lights and a new pedestrian walkway will increase efficiency and help reduce potential conflicts between vehicles, pedestrians and cyclists. Locating the taxi stand in a separate area than the Pier's frontage further adds to the circulation efficiency and safety around the project site.

The community expressed concerns about traffic conditions at the intersection of 10th Avenue and West 15th Street. In its resolution, CB4 identified the intersection to be dangerous, especially for pedestrians crossing West 15th Street on the west side of 10th Avenue. The DEIS studied this intersection and identified no significant adverse impacts as a result of the proposed project. The applicants, however, have reached out to and continue to work with the Department of Transportation in identifying ways to mitigate the community's concerns with this intersection.

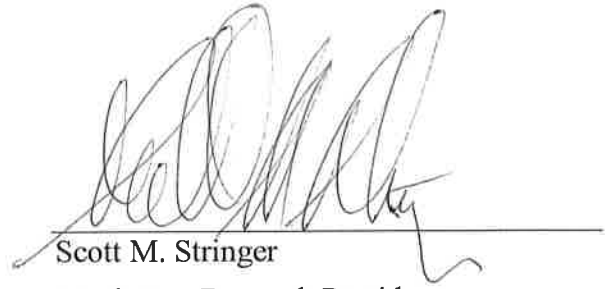
¹¹ Enlarged portions of the Pier equal to approximately 138,000 SF. Under § 13-1333 of the Zoning Resolution, the maximum number of accessory off-street parking spaces permitted for each enlargement should not exceed one space per 4,000 SF of floor area, or 100 spaces, whichever is less.

¹² Tables 14-26 and 14-27 in the *DEIS*.

BOROUGH PRESIDENT'S RECOMMENDATION

The rezoning will facilitate the rehabilitation of a historic pier in Hudson River Park, and will allow the appropriate commercial and community facility uses. This project meets city policies and the findings for waterfront zoning and purposes, enhances waterfront access, and adds to a great public benefit.

Therefore, the Manhattan Borough President recommends approval of ULURP Application Nos. C 1300100 ZMM, C 130101 ZSM, C 130102 ZSM, C 130103 ZSM, and N 130104 ZCM.



Scott M. Stringer
Manhattan Borough President