



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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JEFFREY LEFRANCOIS
Chair

JESSE R. BODINE
District Manager

June 1, 2022

Dan Garodnick, Chair & Director
City Planning Commission & Department of City Planning
120 Broadway
New York, NY 10271

Signe Nielsen, President
Public Design Commission of the City of New York
City Hall, Third Floor
New York, NY 10007

Re: C 090221 ZSM, C 090222 ZSM , N 090223 ZAM – Renewal of Special Permit and Authorization for Pier 92 & 94 (West 52-54 Street)

Dear Chair Garodnick president Nielsen:

Reference is made to the application pending before you from Vornado Realty Trust (“Vornado”) for a third renewal of its special permit for use of the City-owned property at Piers 92 and 94 (the “Permit”). On May 23, 2022, the Executive Committee of Manhattan Community Board 4 (“MCB4” or the “Board”) voted [unanimously] to deny renewal of the Permit, unless the conditions set forth in the attached letter of even date herewith (the “2022 Letter”) addressed to Vornado and the Economic Development Corporation (“EDC”) are incorporated into the Permit. This vote is subject to ratification by MCB4 at its full Board meeting on June 1, 2022.

In connection with Vornado’s initial Permit application in 2009, again in 2017 as part of Vornado’s first renewal application, MCB4 provided Vornado with a list of requirements the community had in order to support Vornado’s applications. Although Vornado did not specifically agree to each of those asks, it did acknowledge MCB4’s requests and agreed to implement those requests that it could accommodate. *Vornado never implemented any of those requests.*

Despite this, MCB4 acceded to Vornado’s request to renew the Permit a second time in early 2020, demanding by letter dated December 13, 2019 (copy attached) that EDC and Vornado look into alternate uses at Piers 92 and 94, because, *by Vornado’s own admission*, the mini-convention facility at the piers was not successful. MCB4 clearly

stated that unless Vornado met the conditions set forth by the Board in 2009 and again in 2017 were met by the end of the Permit term, MCB4 would “vigorously oppose any further extension to Vornado.”

Yet again, Vornado failed to meet its obligations to MCB4 and the community. The Board concedes that this was partially because the pilings supporting Pier 92 were found to have eroded, making use of that pier unsafe. But this condition has existed for some time and Vornado has only proposed its latest plan, for a TV and film studio at Pier 94, on the eve of the expiration of the Permit. Further, it is the Board’s understanding that Vornado plans to abandon Pier 92 entirely, even though Vornado has held the lease to that pier since 2009 and has failed to meet any of its commitments to MCB4.

Vornado has lost the trust of MCB4 and the community with regard to Piers 92 and 94. Consistent with MCB4’s position dating back to 2009, Vornado must meet the conditions set forth in the 2022 Letter and MCB4 asks City Planning to make compliance with those conditions part of the renewal of the Permit.

Sincerely,



Jeffrey LeFrancois
Chair, Manhattan Community Board 4

ENCLOSURE

- cc: Hon. Eric Adams, New York City Mayor
- Hon. Mark Levine, Manhattan Borough President
- Hon. Eric Bottcher, City Council
- Hon Robert Jackson, New York State Senate
- Hon. Brad Hoylman, New York State Senate
- Hon. Linda Rosenthal, New York State Assembly
- Hon. Richard Gottfried, New York State Assembly
- Hon. Brad Lander, New York City Comptroller



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June 1, 2022

Barry S. Langer
Executive Vice President
Development and Co-Head of Real Estate
Vornado Realty Trust
888 Seventh Avenue
New York, NY 10019

Andrew Kimball
President and CEO
Economic Development Corporation
One Liberty Plaza, New York NY, 10006

Pier 92 & 94 Special Permit Renewal

Dear Mr. Langer and Mr. Kimball:

Manhattan Community Board 4 (“MCB4” or the “Board”) thanks Vornado Realty Trust (“Vornado”) for its presentations to both the Waterfront, Parks and Environment committee (“WPE”) and the Transportation Planning committee (“Transportation”) of the Board regarding Vornado’s plans to convert Pier 94 into movie studios and finally, after at least 12 years of delays and postponements, fulfill its commitments to the community. On May 23, 2022, the Executive committee of MCB4 voted to deny the requested third renewal of the special permit (“Permit”) and to oppose any renegotiated lease, unless all of the conditions set forth below are fulfilled. This letter is subject to ratification by the full Board on June 1, 2022.

Vornado has held the Permit from the City of New York and an associated lease to Piers 92 and 94 for over a decade. As part of MCB4’s support of the initial issuance of the Permit and the lease, Vornado committed to MCB4 provide certain benefits to the community. These commitments have never been fulfilled. When the Permit was renewed, first in 2017 and then again in 2020, Vornado reaffirmed its commitments to MCB4. Again, the commitments went unfulfilled.

At a meeting with Board leadership in December 2019, Vornado indicated that it had not been successful in operating a mini convention space on the piers. In our January

2020 letter supporting the renewal of the Permit (subject to Vornado's commitments finally being fulfilled), MCB4 urged Vornado and EDC to look into alternate uses of the piers.

While the Board is pleased that Vornado has developed an alternative plan for the use of Pier 94, MCB4 cannot support this plan, due to Vornado's past failures to uphold its commitments regarding the piers, unless all of the conditions set forth herein are met. Specifically, in order to support the renewal of the Permit and a lease to Pier 94, Vornado must: (1) fulfill all of its prior commitments made to MCB4; (2) agree to fulfill all of the requests made in this letter regarding needed modifications to the plans for Pier 94; and (3) Vornado and EDC must undertake to develop and implement a plan for Pier 92. Each of these points is discussed more fully below.

A. Prior commitments made to MCB4

In connection with the original issuance of the Permit and the lease, and each of the two renewal applications that followed, Vornado made certain promises to the Board and the community. Each of these commitments (some as modified as necessary by Vornado's current plans) must be agreed to as part of the renewal application of the Permit and any new lease entered into by Vornado and EDC.

1. The public amenity and public restrooms on the north side of Pier 94 must be included in the final plans. We are pleased to understand that Vornado is presently working with the Hudson River Park Trust to incorporate these facilities and making them fit into the overall structure of Hudson River Park, including consistent signage and design elements.
2. The exterior walkways of Pier 94 must be public open space and shall include seating and shade structures, as documented as part of the existing City Planning Commission approvals. The walkway should safely connect to the pedestrian path of the Greenway at both the north and south ends.
3. The revised traffic flow plan for trucks and vehicles from north to south, exiting at the traffic light controlled intersection at 52nd Street, must be part of the revised plan.
4. The following signage limitations, regarding both the maximum total square footage of signage on the building as well as the height, must be maintained:
 - Maximum total square footage of signs will be limited to 3,500 square feet.
 - Signs will not be hung higher than the height of the current roof sightline as seen from DeWitt Clinton Park.

Additional prior commitments from Vornado are incorporated into the sections below.

B. Modifications to the plans for Pier 94

Both WPE and the Transportation committees had a number of recommendations based on the presentations made at the meetings of those committees earlier this month. Each of these recommendations must be incorporated into the new lease for Pier 94.

More than anything, our recommendations prioritize the safe movement of pedestrians and cyclists over trucks, cars for hire, and private vehicles. Only if the most vulnerable among us can get from point A to point B safely, will we have created the safest environment possible for the community.

1. Greenway improvements

The Hudson River Greenway is the busiest bike route in North America. As it is, the Greenway cannot accommodate the amount of use it gets. Any improvements to Pier 94 must increase the capacity of the Greenway.

Vornado had committed in the past to relocate the bike path, subject to NYS DOT approval, to improve safety. Further, Vornado has committed to installing a speed table at West 54th Street for safety. These improvements are worthwhile, and we request that NYS DOT be brought into the planning process now. Additionally, the Board requests the following measures:

- A reduction of the width of the pedestrian path by 25% of the Greenway is unacceptable, especially since the cruise ship terminal road seems to offer more width than required by the typical traffic lane. The Greenway (including both the bike path and the pedestrian path) must be maintained at a width of 26' (buffer to buffer) from the Pier 94 entrance to the West 52nd Street exit, including a slim separation between pedestrian and cyclists. We understand that EDC may need to allocate some underused space from the cruise ship terminal to facilitate this effort, which is a small undertaking in the context of an 88-year lease.
- This section of the Greenway must have adequate lighting, which extends to the proposed bikeshare station on the eastern side of the cruise ship terminal ramp.
- The turn from the southbound service road at W 54th Street onto the property crosses the Greenway. It is currently not signalized. It should be made safer with a blinking red or yellow turning arrow signal.
- The exit at West 52nd Street is very wide and poorly outlined and signalized. We request that traffic lanes on the service road be delineated, that a stop bar be installed and that a speed table be installed for the Greenway and marked with green and white stripes (for bicycles and pedestrians).
- The pedestrian path from the highway at West 54th Street onto the Greenway is also treacherous, as it crosses the ramp to the cruise ship terminal and the service road. We must provide a safe connection on to

the Greenway. This crossing should incorporate a raised pedestrian crossing, with stop signs and blinking signals.

- Ladders and life rings/rafts should be located at intervals along the pedestrian path, near the water and around the perimeter of the property.
- Earlier commitments included studying a future pedestrian bridge, including an elevator, from the Dewitt Clinton Park over the West Side Highway to the Greenway. We understand that there is space on state property for such a landing. We request that a full design/engineering and cost study be performed and paid for by Vornado.

2. Property entrance

The plan to have a manned gate at an entrance to the property adjacent to the Greenway is quite problematic. Will the gate be constantly open? What is the role of the attendant? In our experience, drivers of trucks, Ubers and taxis will be confused and stop there anyway, blocking the Greenway and creating an unsafe environment. We request the following measures to be taken:

- The width of the vehicular entrance at the property line should be significantly reduced, from 25 feet to 12 feet, to encourage slow movement and facilitate the crossing for pedestrians and cyclists.
- The gate and the booth should be located further inside the property so that more than one vehicle/long truck can completely clear the Greenway when stopped. The large plaza in front of the headhouse can be used for this purpose. For example, a planted roundabout could be installed to organize this queuing for large trucks and small vehicles alike. In any case, trucks cannot be allowed to back up into the Greenway or obstruct local roadways while waiting to enter the facility. All trucks must be kept on the property.

3. Entrance to the live shows

One of the studios will have a 100-seat capacity for tapings before a live audience. We expect this capacity limit to be enshrined in the lease. Further, the current plan puts the entrance to this studio in the public right of way, close to the community facility, which is troubling. Audience members will likely use the small public seating area and any overflow will spill into Clinton Cove. The studio should be accessed from inside property instead. Even with a large vestibule, audience members will still use the public space to ingress and egress the studio. We require the following:

- Vornado or its studio tenant(s) must employ a security guard dedicated to managing audiences at that entrance.
- Alternative access methods must be devised so that the primary entrance for public audience members comes from inside the property and only a portion of shows use the outside entrance.
- If there are regular complaints that use and/or access to the community space is impeded by audience members, the alternate access method referenced above must become the only method to enter the shows.

- The public restroom was intended to be available to users of Hudson River Park. If studio audiences are going to use those restrooms as well, the size of the restrooms must be increased.

4. Parking Garage

The current ancillary parking allowed at Piers 92 and 94 is a total of 100 spaces. Vornado has stated that it intends to utilize all 100 parking spaces at its facility at Pier 94. This not only eliminates any future parking at a redeveloped Pier 92, it will create a heavy flow of traffic in and out of the facility. Thus, MCB4 requires the following:

- Only 50 spaces be permitted for parking of individual vehicles at Pier 94, and that the majority of them shall be equipped with electric chargers. These parking spaces should NOT be available for use by the general public, including audience members attending tapings at the studio.
- The space presently allocated for parking shall be reserved for green activities, such as bike parking, cargo bike deliveries and trash management.
- A bike share station is proposed on State-owned property. We recommend that a second station be installed closer to the gate to the facility, as the studio usage will attract more tourists with high demand for bike share.

5. Clean Energy

Vornado has committed to achieving a LEED Gold standard for the facility at Pier 94. We expect this to be incorporated into the lease. Additionally, the following must also be required:

- No truck providing services at the facility may operate under its own power. Any vehicles providing services (e.g, craft services trucks, production trucks) must connect to power lines to be built and maintained by Vornado. To the extent any of these trucks are to be parked outside the facility (as opposed to in the parking garage), power lines must be underground.
- Solar panels should be installed on the roof of Pier 94 to provide much of this required power.

6. Community Participation

As is typical for all projects such as this in our community district, MCB4 requests the following:

- Use of the studio space should be made available to community groups free of charge.

- Any employment searches for positions at the facility should be shared with MCB4 for distribution to community members and local residents should be prioritized for hiring.
- EDC must investigate the addition of a ferry stop at Pier 94 and report back on the feasibility of such a stop to MCB4.

C. Pier 92 – Pier 94 maintenance

Vornado has held the rights to Piers 92 and 94 for over a decade. But now, given the uninhabitability of Pier 92, Vornado is seeking to relinquish its rights to that pier. This will leave the City (and consequently, taxpayers) with an unusable pier that can only be restored at significant expense. As a condition to the lease for Pier 94, Vornado must take responsibility for restoring Pier 92 to a functional state. Given the age of the pier, no doubt pier replacement and jacketing will be required. The Board views this as an appropriate remedy for the years when Vornado did not fulfill its commitments to the community. The costs of this renovation can be capitalized as part of the renovation of Pier 94 and the costs associated with this rehabilitation will likely be less if the two piers are renovated at the same time. Given the proposed 88-year term of the lease for Pier 94, Vornado is best suited to assume these costs.

Further, under the new lease, Vornado must assume responsibility for on-going maintenance of the bulkhead and for maintenance of the to-be restored piles upon which Pier 94 sits, and for other pier infrastructure, all of which was with EDC under the prior lease. MCB4 has experience with this issue, given that a large number of Hudson River Park Trust piers within our district have tenants who are responsible for pier infrastructure, maintenance and upgrades, including pile repair and maintenance, including the Intrepid Museum at Pier 86, the Chelsea Piers complex and Pier 57.

Once restoration of the Pier is accomplished, MCB4 urges EDC to work with the Board to find a proper use for Pier 92.

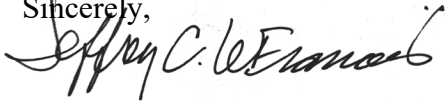
D. Conclusion

Vornado has disappointed the west side community by not fulfilling its commitments regarding Piers 92 and 94 for years. Now, Vornado is seeking a third renewal of its Permit. However, it only wants to renew its lease for Pier 94, abandoning the uninhabitable Pier 92 and dumping that problem back on the taxpaying residents of New York City.

MCB4 told Vornado and EDC in early 2020 that it would “vigorously oppose” any extension or renewal of the Permit and the lease to the piers if Vornado did not fulfill its decades-old commitments. Although Vornado has failed the community again, MCB4 is willing to support the current proposal to both aid the City’s economy and to eliminate the blight of decaying piers in our neighborhood.

However, MCB4 can only support the current proposal if the Board's requirements as set forth in this letter are incorporated into the Permit and/or the lease, as appropriate, to ensure that the City will have legal recourse should Vornado fail to meet its obligations.

Sincerely,



Jeffrey LeFrancois
Chair, Manhattan Community Board 4

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