

CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

424 West 33rd Street, Suite 580 New York, NY 10001

tel: 212-736-4536
www.mcb4.nyc

JESSICA CHAIT
Chair

JESSE R. BODINE
District Manager

March 13, 2024

Hon. Brad Hoylman-Sigal
New York State Senator
322 Eighth Avenue, Suite 1700
New York, NY 10001

Hon. Linda Rosenthal
New York State Assembly Member
230 W. 72nd Street, Suite 2F
New York, NY 10023

Hon. Tony Simone
New York State Assembly Member
214 W. 29th Street, Suite 1401
New York, NY 10001

Re: Hudson River Park Act / Pier 76

Dear Representatives:

With Senator Hoylman-Sigal's significant assistance, Manhattan Community Board 4 ("MCB4") was able to lead the charge to remove the NYPD Tow Pound from Pier 76. Pier 76 is now part of Hudson River Park (the "Park"), but is a vast, under-utilized space. We must take the next step to make full use of this site. This will likely require an amendment to the Hudson River Park Act (the "Act").

Looking ahead, the Hudson River Park Trust (the "Trust") formed a task force to consider the broad parameters of what uses of Pier 76 would both best serve the community and fulfill the Trust's financial needs. The results of the task force's efforts were presented to the Waterfront, Parks and Environment Committee ("WPE") of MCB4 at WPE's January 2024 meeting by Noreen Doyle, President and CEO of the Trust and Robert Atterbury, the Trust's Executive Vice President of Park Relationships & Programs. Ms. Doyle and Mr. Atterbury returned to WPE for

its February 2024 meeting, to further discuss the future of Pier 76 and to answer questions posed by the members of WPE.¹

MCB4 recognizes this is a unique opportunity to add something special and distinctive to our district that both residents and visitors can enjoy. Following a review of the task force's work², the above-referenced presentations to WPE and lengthy discussions at committee, MCB4, by a vote of 28 in favor, 5 opposed, 2 abstaining, and 1 present but not eligible to vote, endorses the task force's work and adopts following positions.³

1. MCB4 insists that no changes be made to the Act that would decrease the amount of park space on the pier (per the Act as it now stands, at least fifty percent of the footprint of the pier must be public park uses, limited to passive and active open space).
2. The following prohibited uses of the park/commercial space of the pier, already enshrined in the Act, should be maintained:
 - a. Residential uses;
 - b. Casino and riverboat gambling, and the docking of any vessels used substantially for gambling;
 - c. Other uses determined by the Trust to be incompatible with the purposes of the Act.
3. The following prohibited use of the park/commercial space of the pier should not be permitted at Pier 76 and should be added as specific exclusions under the Act:
 - a. Stand alone parking garages (public or private).
4. It should be made clear in the Act or elsewhere that revenue generated by park/commercial uses at Pier 76 and elsewhere in Community District 4 should not be relied upon to provide the vast majority of funding for the Trust's operations. Historically, approximately sixty (60%) percent of the Trust's budget has been funded by revenue generated through park/commercial uses in Community District 4. While MCB4 does not wish to tie the Trust's hands by insisting that this percentage never increase, MCB4 expects that its neighborhoods will not be responsible for financing more than their fair share of the Trust's budget.

¹ Although we believe you are already aware of the outstanding work being done by the Trust, we want to take this opportunity to commend Ms. Doyle and Mr. Atterbury for their on-going cooperation with MCB4.

² The *Summary of Need* (<https://hudsonriverpark.org/app/uploads/2012/03/2023.12.8-Pier-76-TF-Summary-of-Need.pdf>) and the *Statement of Principles for Future Planning at Pier 76* (<https://hudsonriverpark.org/app/uploads/2012/03/2023.12.8-Pier-76-TF-Principles.pdf>) are available at the links provided to the Trust's website.

³ These recommendations focus primarily on potential commercial uses of Pier 76, necessary to rehabilitate Pier 76 and to generate revenue for the Trust to perform on-going capital maintenance of the Park. MCB4 is not addressing potential park uses of Pier 76 at this time, which is deferred to future discussions with the Trust and the public.

5. Currently, the Act prohibits commercial office uses or a hotel on the pier. MCB4 would support altering this prohibition specifically as it applies to Pier 76, provided that the following concerns are incorporated into any new provision allowing for commercial office and/or hotel use/construction on Pier 76.

MCB4 wants to be clear that it is NOT at this time consenting to any specific development at Pier 76, including any of the possibilities discussed below, including commercial office space or a hotel. Any future project proposed by the Trust must follow the design processes previously used by the Trust for development elsewhere in the Park, including consultation with MCB4 regarding any proposal for Pier 76. By suggesting proposed changes to the Act, it is not the intention of MCB4 to give the Trust carte blanche in pursuing development. We are simply agreeing that such changes should be made to the Act to allow the Trust to investigate the feasibility of such possibilities, to promote future discussions.

- a. Any commercial office usage must maximize revenue for the Trust in the smallest possible footprint, preserving as much open space as is feasible for park uses (but not to fall below the mandated minimum of 50% of park uses discussed above);
- b. Any commercial office building erected on or adjacent to Pier 76 must not rise higher than the height of the Javits Center directly across Route 9A;
- c. Any construction and the uses of park/commercial space on Pier 76 should be in compliance with the Trust's role as a steward for the Hudson River Estuary and follow all environmental laws, rules and regulations relating thereto. Environmental concerns, including potential impacts on existing wildlife or the Estuary, must be given great weight in evaluating any proposal for Pier 76 but shall not by themselves be determinative.
- d. The unique waterfront location and the Trust's environmental stewardship mission should be central to any design proposed for Pier 76. In accordance with the foregoing, it is the view of MCB4 that any park/commercial uses of Pier 76 should prioritize special/unique uses that would not be found elsewhere in the Borough of Manhattan and which are compatible with and do not overwhelm the required public open space/park uses. While this provision is not meant to limit what uses the Trust may explore for Pier 76, MCB4 will look more favorably in the future on proposed uses that take this provision into account.
- e. BY WAY OF EXAMPLE ONLY, and without regard to the order listed, MCB4 would be willing to consider and allow the economic exploration of the following types of park/commercial uses at Pier 76:
 1. In water uses to support transportation (as part of a so-called "Blue Highway");
 2. Special tourist attraction;

3. Office space;
4. In water uses such as a floating restaurant or small boat marina;
5. Food uses ancillary to any of the foregoing.

While the following uses should be seen as not as appealing for Pier 76, MCB4 is still willing to have the Trust explore the following uses:

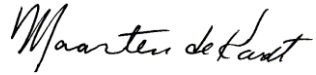
1. Time limited Festival/concert uses;
 2. Hotel (in or out of the water)
- f. Further, to the extent that the Trust seeks to build a commercial office building on Pier 76, MCB4 would prioritize those proposals that emphasize environmentally sensitive uses, including the use of renewable energy, capture and reuse of stormwater including the possibility of separating stormwater and sewage coming from the Javits Center, the use of bird-safe glass, etc.
 - g. To the extent that the Trust wants to consider manufacturing uses (currently prohibited by the Act), MCB4 would agree to the removal of the restriction in the Act provided that any such manufacturing uses are limited to environmentally friendly manufacturing that emphasizes sustainability and zero carbon emissions and/or using carbon capture and storage technology.
 - h. MCB4 would support a reconfiguration of a portion of Pier 76 and the bulkhead in connection with the rehabilitation of the piles supporting the pier, provided that the foregoing (particularly subparagraphs c and d, above) are taken into account and any such reconfiguration either (i) increases the area available for park uses; or (ii) maintains the same amount of area available for park uses but makes such use more efficient.
 - i. MCB4 would support removing the complete prohibition of commercial development east of the bulkhead at Pier 76, if such commercial development would be contextually appropriate and would increase and/or enhance the potential open space/park uses of Pier 76.
 - j. In reviewing potential commercial developments, MCB4 urges that the impact on traffic, not only on 12th Avenue but on the Greenway, and including pedestrian traffic, be taken into consideration as well.

The foregoing provisions are all adopted by MCB4 with the goal of being a good partner to the Trust and to allow the Trust to investigate varied proposals for the use of Pier 76. However, MCB4 sees Pier 76 as being a special place with great potential for our neighborhoods and encourages the Trust to be as creative as possible in envisioning future uses of Pier 76. We ask that you, as our elected officials, revise the Act to allow for this type of creativity, while promoting and increasing the local community's ability to influence the future development of this unique asset to our community.

Sincerely,



Jessica Chait
Chair, Manhattan Community Board 4



Maarten deKadt
Co-chair
Waterfront, Parks & Environment Committee



Leslie Boghosian Murphy
Co-chair
Waterfront, Parks & Environment Committee

Cc: Noreen Doyle, President and CEO, Hudson River Park Trust