



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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COREY JOHNSON
Chair

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District Manager

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,



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