



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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April 6, 2009

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

Re: Piers 92 and 94 – ULURP Applications number 090221 ZSM, 090222 ZSM, 090220 PPM, N 090223 ZAM and N 090224 ZCM for Piers 92 and 94 located at Route 9A (Twelfth Ave) between West 52nd and West 55th Streets

Dear Chair Burden:

At the recommendation of its Waterfront and Parks Committee, Manhattan Community Board No. 4, having held a duly noticed public hearing on ULURP applications number 090221 ZSM, 090222 ZSM, 090220 PPM, N 090223 ZAM and N 090224 ZCM, unanimously adopted the following resolutions by roll call vote at its meeting on 1 April 2009.

This is an application by MMPI Piers, LLC, an affiliate of Vornado Realty, LP (the “developer”), the New York City Department of Small Business Services and the New York City Economic Development Corporation (collectively, the “City”) to facilitate the renovation and enlargement of Piers 92 and 94 and their associated upland areas as a venue for trade shows and exhibitions, as well as the development of new public open space and public amenity space on the project site.

Manhattan Community Board No 4 (CB4) recommends denial of these 5 ULURP applications unless certain conditions, outlined at the conclusion of this letter, are agreed to by the developer. Of the 13 conditions so listed, the developer has agreed to 11, but has not agreed to 2 others considered to be very important to this board. Thus we are unable to recommend approval at this time.

History

The development of Hudson River Park (hereafter “the Park”) in the vicinity of Piers 92 and 94 and the upland areas east and north up to and including Pier 97, have long been of great interest to CB4 given its growing residential population and its comparative lack of public open space and waterfront access. The general area, from south to north, includes

the passenger ship terminals at Piers 88 and 90; Pier 92, formerly a passenger ship terminal and proposed for convention use; Pier 94 proposed for convention use; a small park area called “Clinton Cove Park”; Pier 97, still in use by NYC Dept of Sanitation for garbage trucks and salt storage but intended to become a park pier in time; Pier 98, a fuel oil transfer pier; and Pier 99, a large marine garbage transfer station. Pier 88 thru 94 are among the few piers on the west side of Manhattan from Battery Park City to 59th Street that are not part of Hudson River Park, which continues south from Pier 88 to its southern end and north from Pier 94 to 59th Street. Public access to the waterfront in the area has long been restricted for many years, and the accessibility of the passenger ship piers (Piers 88, 90, and 92) has been severely reduced even further for security reasons since 9/11.

In July 1997, the Design Guidelines Master Plan for Hudson River Park, released by the Hudson River Park Conservancy, showed a vision for Clinton Cove Park that included the possibility of the removal of the northern portion of the Pier 94 head house to increase the size of the planned Clinton Cove Park. (See attachment A).

As plans progressed, however, the likelihood of the removal of the northern end of the head house diminished. Over time the concept of using Pier 94, and later Piers 92 and 94 together, as a trade show facility was developed by the City – a use that was not endorsed by CB4. As a compromise, Friends of Hudson River Park (“FoHRP”) first introduced the idea of a public, or at least a semi-public, “winter garden” at the northern end of the Pier 94 head house several years ago, which was endorsed by CB4.

Subsequently, after several discussions with CB4, the City released an RFP which, among other things, incorporated a public “winter garden” as a desirable option, which was eventually conditionally awarded to the current developer, MMPI Piers LLC, a wholly owned subsidiary of Voronado Realty.

The Proposed Project

The project, as proposed by the developer, consists of the development of both piers primarily as a combined trade show or exposition facility, keeping the existing pier shed and head house of Pier 92, and the pier shed on Pier 94, but rebuilding the head house of Pier 94 largely within the same envelope, but now with a 2nd internal floor (currently a mezzanine) that connects to the 2nd floor of Pier 92, and a new semi public glass “winter garden” at the northern end of the head house. (Note – the developer has chosen to call this space a “pavilion”, a term that will be used hereafter in this letter). The plan includes the retention of the use of Pier 92 for passenger and other large ship operations on a shared basis. The plan includes the retention of the passenger ship parking lot on the roof of Pier 92, significant changes to the traffic flow in front of the two piers and public open space on the esplanade just west of the pavilion as well as along the north side of the pier connecting to a large public area at the end of the pier. The plan also includes a new gantry-like structure along the eastern face of the Pier 92 head house for the purpose of signage.

The ULURP Applications

The ULURP actions requested are:

1. 090221 ZSM – Special permit for trade exposition excess of 2,500 persons
2. 090222 ZSM – Special permit to modify maximum height and length of building
3. 090220 PPM – Disposition of City-owned property
4. N 090223 ZAM – Authorization to modify certain provisions of zoning with regard to waterfront public access, waterfront yards, and design standards for waterfront area.
5. N 090224 ZCM – Certification of compliance, as applicable, with waterfront zoning and visual corridor requirements

Community Concerns

Convention Center Use. ULURP Application Number 090221 ZSM is for a special permit for trade exposition excess of 2,500 persons and 090220 PPM permits the disposition of City-owned property. CB4 has never endorsed the idea of a non-water dependent use for these piers, and does not support the use of the piers as a convention center. However the City has made clear to us that a mid size convention center needed to be sited somewhere in mid-Manhattan and that this was the only site that could be found. Thus we reluctantly accept this conclusion, and this proposed use, provided that the development mitigates this not-park compatible and non-water dependant use in several ways, many of which have been proposed by the developer, which are discussed below.

Traffic and Transit. The primary concern with this use is the increase in traffic due to the increase in size of the convention center from the previous use, which also included a much smaller convention center. This use will increase significantly both the truck traffic required to service the trade shows as well taxi and car traffic for trade show visitors. To make matters worse, the area in front of Pier 92 is also the entry point for trucks serving the passenger ship piers further south as well as cars parking on the roof of Piers 88 – 92, a use that is also growing as cruise ships become larger and larger at a facility that is nearly maxed out.

CB 4 recognizes that the developer has proposed or agreed to several traffic mitigation measures including (a) a much improved traffic flow plan in front of Pier 94, (b) a plan to allow trucks inside the body of Pier 92 for loading and unloading, (c) an empty-crate storage capability inside Pier 92 that will reduce truck round trips required during all but the largest of shows, and (d) has agreed to several suggestions from CB4 regarding pedestrian crossing safety measures, the use of shuttle busses and the possibility for certain MTA busses to load and unload in front of the facility. CB4 applauds these steps but we remain concerned about increased traffic impacts in the neighborhood as a result of this use. These measures must be implemented if the application is approved.

Pedestrian Bridge. The developer has also agreed to provide a landing for a future pedestrian bridge, long supported by the community, including an elevator, should

funding be identified for such a project. This commitment must also be implemented if the application is approved.

Docking for Ships. Finally CB 4 has long believed that any development at Pier 94 must preserve the capability of the pier to serve as a docking location for ships, including passenger ship overflow as well as special events such as Fleet Week, OpSail and other tall ship events and the like. We are pleased that the RFP issued by EDC insisted on this condition and that it is reflected in the application.

Pier 94 Roof Extension. ULURP Application Number 090222 ZSM is a special permit to modify maximum height and length of building. The extension of the roof of the head house west will provide shade for the public area at the end of the pier, a design feature which we believe will be desirable and useful. This we have no issues with this special permit itself.

Signage Gantry. But related to the height of the head house is the proposed convention signage gantry system along the front of the head house, which is a matter of great concern to the community. The gantry does, indeed, extend higher than the head house roof, with the intention that large temporary fabric signs will be hung apropos to the shows in attendance. CB4 is concerned both with the total square footage of signage that this system would support if fully utilized, as well as the potential height of the signs which could block views of the river for DeWitt Clinton Park just to the east. In order for CB4 to recommend approval of this ULURP action, we will insist that the developer agree to certain signage limitations, regarding both the maximum total square footage of signage as well as the height, and these conditions are set forth at the end of this letter. This is one of the two conditions to which the developer has not agreed.

Waterfront Access. The final pair of ULURP applications (N 090223 ZAM and N 090224 ZCM) are related to waterfront zoning. A number of modifications are requested with certain provisions of zoning with regard to waterfront public access, waterfront yards, and design standards for waterfront area. Certification of compliance, as applicable, with waterfront zoning and visual corridor requirements is also requested.

The developer has cited certain reasons why these modifications are needed, including physical as well as use-related. We will not quarrel with these arguments. But our recommendation of approval for these specific actions, as well as the entire package of ULURP actions requested, is strongly contingent on a number of significant amenities to mitigate this generally non-water dependant and non-park compatible use. These include:

1. The scheduled shared public use of the pavilion up to 30 days a year, during periods when it is not being used for trade show or other commercial activities
2. A small public amenity consisting of public restrooms plus space for public park activities as well as un-programmed park use such as seating for relaxation, to be managed by the Hudson River Park Trust (hereafter “the Trust”). The amenity is within the envelope of, and can connect to, the above mentioned pavilion.
3. Public open space on an enlarged esplanade just west of the pavilion with seating and some shade.

4. Public open space along the north side of the pier connecting to a large public area at the end of the pier, also with seating and some shade, including a projection of the roof over the end of the pier for shade purposes.

The Pavilion. The shared public use of the pavilion (or, as it was originally called, the “winter garden”) was a key feature of the RFP that was issued by EDC and one that CB4 and the community approved of strongly. However, the plan as presented by the developer, offered much less shared public use than was anticipated by the community, who assumed that the space would largely be public (akin to the Winter Garden at the World Financial Center, which inspired the name and idea, or the pavilion at the IBM building at Madison Ave.) with certain dates that it would be used for trade show activities. Instead the developer has offered up to 30 days a year when the pavilion would be offered free to community groups, to be selected for a pool of dates during periods when it is not planned to be used for trade show or other commercial activities. Needless to say, the community and CB4 were disappointed with the reality vs. the expectation regarding this space. However, CB4 recognizes that the 30 days of free use offered will have value to the community, and will work to establish a process to make this feature known and available to appropriate community groups.

Furnishings. At the request of CB4, recognizing that potential community users of the pavilion will often have limited resources, the developer has agreed to provide a reasonable quantity of chairs, tables, dividers and the like from its existing stock if requested by the user, as well as use of a room-wide sound system and general lighting.

The “Amenity” Further, and most importantly, the developer has offered the exclusive public use of a smaller space, within the envelope of the larger pavilion in the north-east corner, which includes public restrooms (a feature not currently available in the adjacent Clinton Cove Park) and a seating area roughly equivalent to a small classroom, and this amenity has become an important component of the package of amenities offered by the developer. The developer has agreed that this space will be built and set up in consultation with the Trust, which will take over the management of the space, including cleaning and security, as part of Clinton Cove Park – an arrangement which CB4 approves.

Unfortunately, CB4 believe this space as currently designed is too small and narrow to be completely useful and has requested that the developer add about 20% to the overall square footage of the space by extending the southern wall further south by about 10 feet. This addition would also permit the construction of a storage closet which is needed for park related paraphernalia (microscopes, fishing rods, pop tents, educational materials, etc) as well as counter and sink to support food service. The developer has not agreed to this request.

Other Open Space. In addition to the public features described above, the developer is providing public open space on an enlarged esplanade just west of the pavilion with seating and some shade, as well as public open space along the north side of the pier connecting to a large public area at the end of the pier, also with seating and some shade,

including a projection of the roof over the end of the pier for shade purposes. These are all welcome features but are also features that are largely required by Waterfront Zoning. On a design note, the developer has agreed to create these spaces using the design palette created by the Trust in the adjacent Clinton Cove Park, including pavers, railings and furniture so as to provide a nearly seamless interface.

Once again, these public features mentioned above are codified below as part of our conditions for recommending approval of this ULURP application.

Conclusion

NOW, THEREFORE, BE IT RESOLVED that Manhattan Community Board No. 4 recommends denial of ULURP applications number 090221 ZSM, 090222 ZSM, 090220 PPM, N 090223 ZAM and N 090224 ZCM unless the following conditions are met, and are incorporated into a lease between the developer and the City of New York or an MOU between the City of New York, the developer and CB4. The developer has agreed to the majority of these conditions except for two so indicated below.

1. The traffic flow plan as presented will be implemented, including the reduced number of vehicle / pedestrian / bikeway conflicts and a new exit at the south end of Pier 94.
2. The proposed plan to load and unload trucks inside the body of Pier 92 will be maintained.
3. An empty-crate storage capability inside Pier 92 will be provided that will reduce truck round trips required during all but the largest of shows.
4. Pedestrian crossing safety measures will be installed as recommended by CB4 including stop signs and other signage and control signals.
5. The use of shuttle busses will be encouraged and supported by the developer, with the understanding that the shuttle busses will actually be provided by the show tenants, not the developer, and that very small shows may not support the use of shuttle busses.
6. The developer will agree to provide space for one or more MTA busses to load and unload in front of the facility, and will support CB4's efforts to seek the requested route changes from the MTA.
7. A landing for a future pedestrian bridge, including an elevator, will be provided.
8. The capability Pier 92 to serve as a docking location for ships, including passenger ship overflow as well as special events such as Fleet Week, OpSail and other tall ship events and the like, will be retained.

9. The developer will agree to certain signage limitations, regarding both the maximum total square footage of signage as well as the height, as follows:
 - a. Maximum total square footage of signs will be limited to 3,500 square feet.
 - b. Signs will not be hung higher than the height of the current roof sightline as seen from DeWitt Clinton Park.

The developer has not agreed to this condition.

10. The pavilion will be provided for a minimum of 30 days a year free for community groups, to be selected for a pool of dates during periods when it is not planned to be used for trade show or other commercial activities. The open dates from which the 30 days may be selected will be provided to CB4 at least one year in advance. CB4 will oversee the selection of qualified users, which will be drawn from local groups, including schools, block associations and not-for-profits, city wide groups of a similar nature, the Hudson River Park Trust and the Friends of Hudson River Park.
11. The developer will provide a reasonable quantity of chairs and tables from its existing stock if requested by the user at no charge, as well as use of a room-wide sound system and general lighting.
12. The developer will provide public open space on an enlarged esplanade just west of the pavilion with seating and some shade, as well as public open space along the north side of the pier connecting to a large public area at the end of the pier, also with seating and some shade, including a projection of the roof over the end of the pier for shade purposes. Further, the developer agrees to create these spaces using the design palette created by the Trust in the adjacent Clinton Cove Park, including pavers, railings and furniture so as to provide a nearly seamless interface.
13. The developer will provide for exclusive public use of a smaller public space amenity, within the envelope of the larger pavilion, in the north-east corner, which will include public restrooms and a seating area roughly equivalent to a small classroom. Such space will be no less than XXX square feet, including a storage closet for park related paraphernalia. The space will include wide doors to both the outside as well as to the pavilion inside. The developer will build and set up this space in consultation with the Trust, which will take over the management of the space, including cleaning and security, as part of Clinton Cove Park. The developer has agreed to provide this space but has not agreed to the size requested by CB4.

In conclusion, CB4 wishes to thank the developer for its willingness to engage in a dialog with the community regarding ways in which this operation can better exist within the larger Hudson River Park as a responsible neighbor and as a provider of significant park amenities. We also appreciate the efforts and creativity by the developer to mitigate

traffic issues, although we continue to have concerns about the traffic impacts of this use on the bike/walkway as well as the residential neighborhood to the east.



Jean-Daniel Noland, Chair Manhattan Community Board 4



Capt. John Doswell, Co-Chair
Waterfronts & Parks Committee



John D. Lamb, Co-Chair
Waterfront & Parks Committee

cc

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Senator Thomas Duane
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Attachment A
 From Design Guidelines Master Plan for Hudson River Park
 Hudson River Park Conservancy - 1997

