



CITY PLANNING COMMISSION

June 17, 2009/Calendar No. 20

N 090223 ZAM

IN THE MATTER OF an application submitted the New York City Economic Development Corporation and MMPI Piers LLC for the grant of authorizations pursuant to the following sections of the Zoning Resolution:

- a. Section 62-722(a) to modify the requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and, in conjunction therewith, Section 62-332 (Rear yards and waterfront yards); and
- b. Section 62-722(b) to modify the requirements of Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA);

in connection with a proposed trade exposition facility on property located at Piers 92 and 94, westerly of Route 9A (Miller Highway) between West 51st Street and West 55th Streets (Block 1109, Lots 5 and 30, and p/o Marginal Street Wharf or Place), in an M2-3 District, Community District 4, Borough of Manhattan.

WHEREAS, the City Planning Commission has received an application (N 090223 ZAM) dated November 25, 2008, from MMPI Piers, LLC, the Economic Development Corporation (EDC), and the Department of Small Business Services (SBS) requesting an authorization pursuant to Section 62-722(a) of the Zoning Resolution to modify the waterfront public access requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and Section 62-722(b) of the Zoning Resolution to modify the requirements of Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) 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 on a zoning lot located at Piers 92 and 94, westerly of route 9A (Miller Highway) between West 51st and 55th streets (Block 1109, Lots 5 and 30) and p/o Marginal Street, Wharf or Place), in an M2-3 District, Community District 4, Borough of Manhattan; and

WHEREAS, implementation of the project also requires related applications for a special permit pursuant to Section 74-41 to allow a trade exposition with a related capacity in excess of

2500 persons (C 090221 ZSM), disposition of city-owned property (C 090220 PPM), a special permit to modify the maximum length and maximum height of buildings or other structures pursuant to Section 62-342 (C 090222 ZSM), and a chairperson's certification of waterfront public access and view corridors pursuant to Section 62-711 (N 090224 ZCM); and

WHEREAS, detailed descriptions of this and the related actions are provided in the Commission report for the related special permit application (C 090221 ZSM); and

WHEREAS, This application (N 090223 ZAM), in conjunction with the applications for the related actions (C 090220 PPM, C 090221 ZSM, C 090222 ZSM and N 090224 ZCM), 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 lead agency is the Department of Small Business Services. The designated CEQR number is 09SBS002M.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on February 11, 2009; and

WHEREAS, this application (N 090223 ZAM) was referred to Community Board 4 and the Borough President, in conjunction with the Chairperson's Certification application (N 090224 ZCM) and also in conjunction with the related applications (C 090220 PPM, C 090221 ZSM, and C 090222 ZSM), which were certified as complete by the Department of City Planning on February 17, 2009, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); and

WHEREAS, a summary of the recommendations of the Community Board and the Borough President may be found in the report on the related special permit action (C 090221 ZSM); and

WHEREAS, this application 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 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq) and determined that it was consistent with the policies of the WRP. The designated WRP number is 09-009; and

WHEREAS, the City Planning Commission hereby makes the following finding pursuant to Section 62-722(a) of the Zoning Resolution:

the regulations would result in unfeasible development due to the presence of existing buildings or other structures or unique shoreline conditions such as wetland; and

WHEREAS, the City Planning Commission hereby makes the following finding pursuant to Section 62-722(b) of the Zoning Resolution:

such modifications would result in a design of the public access areas that is functionally equivalent or superior to the design prescribed by strict adherence to the provisions of Section 62-60; and

WHEREAS, the Commission has determined that the application warrants approval and therefore adopts the following resolution:

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that 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, that based on the environmental determination described in this report, the application (N 090223 ZAM) of MMPI Piers, LLC, the Economic Development Corporation (EDC), and the Department of Small Business Services (SBS) requesting an authorization pursuant to Section 62-722(a) of the Zoning Resolution to modify the waterfront public access requirements of Section 62-40 (REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AND VISUAL CORRIDORS) and Section 62-722(b) of the Zoning Resolution to modify the requirements of Section 62-60 (DESIGN STANDARDS FOR THE WATERFRONT AREA) 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 on a zoning lot located at Piers 92 and 94, westerly of route 9A (Miller Highway) between West 51st and 55th streets (Block 1109, Lots 5 and 30) and p/o Marginal Street, Wharf or Place), in an M2-3 District, Community District 4, Borough of Manhattan, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 090221 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Dattner Architects, filed with this application and incorporated in this resolution:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-101	Site Plan	November 5, 2008
Z-101A	Zoning Calculations	November 5, 2008
Z-102	Pier 92/94 Floor Plans	April 6, 2009
Z-103	Waterfront Bulk Requirements	April 6, 2009
Z-105	Waterfront Public Access	April 6, 2009
Z-106	Waterfront Details	November 5, 2008
Z-107	Site Details	April 6, 2009

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 authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. 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, cancellation or amendment of the authorization 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 authorization.

The above resolution, duly adopted by the City Planning Commission on June 17, 2009 (Calendar No. 20) is filed with the Office of the Speaker, City Council in accordance with Section 62-722(a) of the Zoning Resolution.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL, SHIRLEY A. McRAE,
KAREN A. PHILLIPS, Commissioners

RAYANN BESSER, Commissioner, Abstained