



## **CITY PLANNING COMMISSION**

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December 3, 2003/Calendar No. 11

C 040011 ZSM

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**IN THE MATTER OF** an application submitted by UnConvention Center, Inc. and the Economic Development Corporation pursuant to Section 197-c and 201 of the New York City Charter, for **the grant of a special permit** pursuant to Section 74-41 of the Zoning Resolution **to allow a trade exposition with a rated capacity in excess of 2,500 persons within an existing building on a zoning lot located at Pier 94, between West 53<sup>rd</sup> and West 54<sup>th</sup> streets** (Block 1109, Lot 5, and p/o Marginal Street, Wharf or Place), in an M2-3 District, Borough of Manhattan, Community District 4.

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The application for a special permit was filed by the Unconvention Center, Inc. and the Economic Development Corporation on July 10, 2003 to allow a trade exposition with a rated capacity in excess of 2,500 persons within an existing building.

### **RELATED ACTIONS**

In addition to the special permit that is the subject of this report (C 040011 ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following applications that are being considered concurrently with this application:

**C 040014 PPM:** Disposition of property pursuant to zoning;

**N 040012 ZAM:** Authorization for the modification of waterfront public access requirements pursuant to Sections 62-722(a); and

**N 040013 ZCM:** Chair's certification of waterfront public access and view corridors pursuant to Section 62-711.

### **BACKGROUND**

Pier 94 (Block 1109, Lot 5) is located on a 426,205 square-foot city-owned lot located on Twelfth Avenue between West 53<sup>rd</sup> and West 54<sup>th</sup> streets in Manhattan, Community District 4 Manhattan. The site is currently occupied by a building on the pier (the finger building) and a headhouse located on land immediately to the east and attached to the finger building. The site is in an M2-3 (2 FAR) zoning district, and is currently used by the UnConvention Center as a venue for trade shows under an event by event certificate of occupancy.

The project site totals 426,205 square feet. The UnConvention Center plans to renovate the pier in order to improve the design of the exterior and make needed repairs to the mechanical and structural systems. After its renovation, the site would contain approximately 190,000 square feet of exhibition space in the finger building; 18,000 square feet of public access area connecting the pier walkway to Clinton Cove Park to the north, and containing seating and viewing areas along the northern and western edges of the pier; 39,000 square feet of loading and drop-off area to the east of the headhouse; and 13,000 square feet of pier apron area for mechanical equipment and fire egress. Renovation would take approximately 14-18 months and the anticipated completion date is Fall of 2005.

The main public improvements associated with the project would include a connection to Clinton Cove Park to the north through a continuous walkway for a short arcaded portion along the headhouse, adjacent seating; a 12-foot-wide walkway the length of the northern façade of the pier, also with seating; and a 28-foot-wide seating and viewing area at the western edge of the

pier.

## **REQUIRED ACTIONS**

In order to facilitate the proposed renovation of the pier, the following actions are necessary:

### **Special Permit (C 040011 ZSM)**

Because the new facility would be a trade exposition with a capacity in excess of 2,500 persons, the applicants are requesting a special permit pursuant to Section 74-41. In order to grant the permit, the Commission must make findings generally related to traffic, vehicular access, and the proximity of bus and rapid transit facilities.

### **Disposition (C 040014 PPM)**

The Department of Small Business Services (DSBS) applied for the disposition to the UnConvention Center of city-owned property, consisting of a lot currently occupied by an existing pier structure and headhouse. DSBS intends to lease the property for seven years, with renewals of up to an additional five years.

### **Modification of Public Access (N 040012 ZAM)**

Because access on all sides of the pier is infeasible due to the necessity of having mechanical equipment along the southern façade, the proposed project is unable to meet the requirements of Section 62-41 for waterfront public access. An authorization pursuant to Section 62-722(a) is

therefore necessary to modify these requirements.

### **Certification of Waterfront Public Access and View Corridors (N 040013 ZCM)**

As a waterfront lot, the proposed project requires a Chair's certification that no visual corridor is required because it is occupied by an existing structure, and that a site plan has been submitted demonstrating compliance with Sections 62-40 and 62-60.

### **ENVIRONMENTAL REVIEW**

This application (C 040011 ZSM), in conjunction with the applications for the related actions (C 0040014 PPM, N 040012 ZAM, and N 040013 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 designated CEQR number is 03DBS009M. The lead agency is the Department of Small Business Services.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on July 18, 2003.

### **UNIFORM LAND USE REVIEW**

This application (C 040011 ZSM), along with the related disposition application (C 040014 PPM) was certified as complete by the Department of City Planning on July 21, 2003, and was duly referred to Community Board 4 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules in conjunction with the non-ULURP authorization application (N 040012 ZAM), which was referred for review and comment.

### **Community Board Public Hearing**

Community Board 4 held a public hearing on this application (C 040011 ZSM) on September 3, 2003, and on that date, by a vote of 36 in favor, 0 opposed and 1 present but not eligible to vote and 0 abstentions, adopted a resolution recommending approval of the application with the following conditions:

1. There shall be no signage on the northern or western faces of the structure.
2. There shall be no electronic signage anywhere.
3. The east side signage shall be temporary and related to the current event in the pier with the exception of identifying business signage for UCI.
4. There shall be no permanent signage on the pier, save the signage for UCI's business.
5. Pier 94 shall not be used for special events outside of the business of the Unconvention Center, except in accordance with EDC lease term provisions and the environmental assessment statement.
6. UCI shall construct and engage a concessionaire to operate a café with indoor seating and bathroom facilities in the northern wing of the headhouse. The café's seating and bathroom must be open to the public during all business hours not limited to trade show days. The bathroom and seating must also be open to all, not merely customers of the concession. We are supportive of the initial plans to place the café immediately west of the mechanical room in the northeast corner of the headhouse. We also expect to have further discussions with the architects regarding the café's design as well as with the concessionaire, and facilitate discussions with the designers of the Hudson River Park, so the café will be integrated into the design of the park.
7. UCI will accommodate the landing of a bridge across 9A in front of the pier's northeast corner. A written response from Elyse Kroll indicated that she supported the concept of the bridge, and an option developed in the brainstorming session with the

architect, which showed the bridge landing in a corner of the UCI parking lot, would be acceptable to her.

The board would also like to see access to the bulkhead promenade within the Passenger Ship Terminals reopened. Also, the walkway in front of Pier 94 that passes under the automobile up ramp has not always been accessible to the public. While we understand this is beyond the purview of UCI or this lease agreement, we ask that EDC make some arrangements for the board to discuss this matter further in order to find some possible solutions.

### **Borough President Recommendation**

This application (C 040011 ZSM) was considered by the Borough President, who issued a recommendation approving the application on October 3, 2003, with the following conditions:

1. There be no signage on the northern or western faces; no electronic signage, signage on the east side be temporary or related to the current event, and no permanent signage other than that of UCI business.
2. Pier 94 not be used for special events except in accordance with the lease provisions and environmental assessment statement.
3. Regarding the café; it will [be] sited in the northern wing of the headhouse, indoor seating and bathroom facilities to be open to the public, further discussions with Community Board Four, architect and concessionaire so that café is integrated appropriately into the park.
4. Provision of a landing bridge across Route 9A.

### **City Planning Commission Public Hearing**

On October 22, 2003 (Calendar No. 4), the City Planning Commission scheduled November 5, 2003, for a public hearing on this application (C 040011 ZSM). The hearing was duly held on November 5, 2003 (Calendar No. 6) in conjunction with the public hearing on the related disposition application (C 040014 PPM). There were 10 speakers in favor of the application, and 6 speakers in opposition.

The speakers in favor of the application included a senior vice president of the New York City Economic Development Corporation, the CEO of a fashion design firm that uses the show venue, representatives from management and exhibition firms, a representative from a large hotel chain, the architect, the developer, an attorney representing the project, the project's environmental consultant, and the applicant.

Those in favor spoke about the jobs and tax revenues that the proposed project would generate, the importance to the city of retaining mid-sized trade show venues to offset the comparative lack of convention space here, and the creation of public access along the pier, which is currently inaccessible to the public.

The speakers in opposition included representatives from the Friends of the Hudson River Park Trust, Friends of Clinton Cove Park, an environmental attorney, and a representative from the office of the state Assembly Member from Manhattan, District.

Those in opposition spoke about the inappropriateness of trade-show use for the waterfront, their desire to see the pier developed as part of Clinton Cove Park to the north, and the original plans for the pier, which included alternative designs for the headhouse and public access.

There were no other speakers and the hearing was closed.

## **Waterfront Revitalization Program Consistency Review**

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law 910 *et seq.*). The designated WRP number is 03-039.

The action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

## **CONSIDERATION**

The Commission believes that the grant of this special permit (C 0040011 ZSM) is appropriate. The permit would facilitate redevelopment of the pier into a venue for mid-sized trade shows.

The Commission has considered the findings necessary for the grant of the special permit pursuant to Section 74-41. The vehicular entrance is located next to a major street, and it is located more than 200 feet away from residence districts. Because of its waterfront location, and the intervening highway, there is no direct access to the site through the local street network and thus the project is located so as to draw a minimum of vehicular traffic through local streets in the nearby neighborhood. There is adequate reservoir space at the entrance to Pier 94, which is off a service road and thus buffered from the flow of highway traffic so that no back-up queues



will form to block traffic. The site also contains an area in front of the headhouse that can hold up to 130 cars for parking or unloading. The vehicular entrances and exits are separate and are approximately 260 feet apart so as not to create any potential conflicts between traffic entering and leaving the site. Finally, consideration has been given to the proximity of bus and rapid transit to the pier. The surrounding area is served by several bus routes, and one subway line, all having stops within four blocks of the site.

The Commission recognizes that in order to improve public access along the pier and from Clinton Cove Park, modifications need to be made to the requirements of the waterfront zoning. Because of the programmatic requirement that mechanical equipment be located along the southern edge of the pier, strict adherence to the provisions of Section 62-20 is not possible. The Commission believes that the plan, as proposed, would provide a significant new public space amenity to the city and to the community by providing additional access to the waterfront, including new seating and viewing areas, and the creation of this space would result in a design that is functionally equivalent to the design that would have resulted if the provisions of Section 62-20 had been followed.

The proposed project is exempt from the requirements for public access and visual corridors pursuant to Section 62-711 because the site contains an existing structure in what would have been the visual corridor.

Since the design is such a critical part of the enjoyment of this amenity, the Commission suggested changes to the design proposed at certification in order to increase the linear footage of seating and to modify the signage and façade treatments. The applicant has complied with these requests by submitting revised plans showing a reorganization of the eastern façade to emphasize the location of the entrance to the facility and to break up the long linear element of the signage band above the headhouse. The design has also been modified to add a significant amount of new seating along the walkway and to reorient the seating at the head of the pier along the western edge.

Both the Community Board and the Borough President stressed the importance of insuring that the signage and uses at the pier be appropriate to the trade show uses being proposed. The Commission was assured by EDC at the public hearing that there will be conditions included in the sale documents that bind the applicant to a design that is consistent with the plans being improved as part of the special permit.

Many speakers at the public hearing raised the issue of the length of the lease being offered to the applicant by the city. The business terms of the sale documents—of which the lease is one—is not within the purview of the Commission’s consideration and approval.

The creation of public access along the pier where none now exists is an important feature of this application, as is the economic development aspect of retaining mid-sized trade show uses in the city along with the jobs, tax revenues, and secondary economic benefits they bring, like

increased hotel occupancy and increased patronage of area restaurants and entertainment.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-41 (Areas, Auditoriums, Stadiums or Trade Expositions):

- (a) that the principal vehicular access for such use is not located on a local street but is located on an arterial highway, a major street or a secondary street within one-quarter mile of an arterial highway or major street;
- (b) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
- (c) that such use is not located within 200 feet of a Residence District;
- (d) that adequate reservoir space at the vehicular entrance, and sufficient vehicular entrances and exists, are provided to prevent traffic congestion;
- (e) that vehicular entrances and exits for such use are provided separately and are located not less than 100 feet apart; and
- (f) that due consideration has been given to the proximity of bus and rapid transit facilities to serve such use.

## **RESOLUTION**

**RESOLVED**, by the City Planning Commission finds that the action described herein will have no significant effect 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, pursuant to Section 197-c and 200 of the New York City Charter, that the application of the UnConvention Center, Inc., and the Economic Development Corporation for the grant of a special permit pursuant to Section 74-41 of the Zoning Resolution to allow a trade exposition with a rated capacity in excess of 2,500 persons within an existing building on a zoning lot located at Pier 94 between West 53<sup>rd</sup> and West 55<sup>th</sup> streets, Borough of Manhattan, Community District 4, proposed in an application by the Unconvention Center, Inc. and the Economic Development Corporation, dated July 9, 2003, is approved subject to the following conditions:

1. The properties that are the subject of this application shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by the architecture firm of Gary Edward Handel Architects, and filed with this application and incorporated in this resolution:

<b>Drawing No.</b>	<b>Title</b>	<b>Date</b>
Z100	Area Map	12/01/03
Z101	Waterfront Public Access Area and Pedestrian Circulation	12/01/03
Z 102	Waterfront Details	12/01/03

2. Such development shall conform to all applicable provisions of the Zoning Resolution,

except to the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with the 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, sublessee 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 special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or 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 special permit 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 special permit.

The above resolution (C 040011 ZSM), duly adopted by the City Planning Commission on December 3, 2003, Calendar No. 11, is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP, Chair**

**KENNETH J. KNUCKLES, ESQ, Vice Chairman**

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY, ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**