



CITY PLANNING COMMISSION

December 3, 2003/Calendar No. 13

N 040012 ZAM

IN THE MATTER OF an application submitted by UnConvention Center, Inc. and the Economic Development Corporation for **the grant of 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) to facilitate a change of use to a trade exposition within an existing building on a zoning lot located at Pier 94 between West 53rd and West 55th Streets** (Block 1109, Lot 5 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 040012 ZAM) dated July 18, 2003, from UnConvention Center, Inc. and the Economic Development Corporation (EDC) 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) to facilitate a change of use to a trade exposition within an existing building on a zoning lot located at Pier 94 between West 53rd and West 55th streets (Block 1109, Lot 5 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 040011 ZSM), chair's certification of waterfront public access and view corridors pursuant to Section 62-711 (N 040013 ZCM) and disposition of city-owned property (C 040014 PPM); and

WHEREAS, detailed descriptions of this and the related actions are provided in the Commission report for the related special permit application (C 040011 ZSM); and

WHEREAS, this application (N 040012 ZAM), in conjunction with the applications for the related actions (C 0040014 PPM, N 040011 ZSM, 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 ; and

WHEREAS, this application (N 040012 ZAM) was referred to Community Board 4 and the Borough President, in conjunction with the applications for related actions (C 040011 ZSM) and (C 040014 PPM), which were certified as complete by the Department of City Planning on July 21, 2003, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules; 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 (C 040011 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), adopted by the Board of Estimate on September 30, 1982 (Cal. No. 17), 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 03-039; and

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

for a commercial or community facility development, it would be impractical to satisfy the development's programmatic requirements while adhering to the regulations; 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 040012 ZAM) of UnConvention Center, Inc. and the Economic Development Corporation (EDC) 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) to facilitate a change of use to a trade exposition within an existing building on a zoning lot located at Pier 94 between West 53rd and West 55th streets (Block 1109, Lot 5 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 properties that are the subject of this application (N 040012 ZAM) 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:

Drawing No.	Title	Date
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 for the modifications specifically granted in this resolution and shown on the plan

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 and maintenance.

4. 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 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 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 to disapprove any application for modification, cancellation or amendment of the authorization.

5. 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 December 3, 2003 (Calendar No. 13) is filed with the Office of the Speaker, City Council in accordance with Section 62-722(a) of the Zoning Resolution.

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