STATE OF NEW YORK

6565

2019-2020 Regular Sessions

IN SENATE

June 16, 2019

Introduced by Sens. KAVANAGH, HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the Hudson river park act, in relation to development or redevelopment of Pier 40 in the Hudson river park

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (b) of subdivision 9 of section 7 of chapter 592 of the laws of 1998, constituting the Hudson river park act, is amended to read as follows:

(b) No less than the equivalent of fifty percent of the footprint of Pier 40 shall be passive and active public open space**, except in such event that the Pier 40 building is developed or redeveloped with new or substantially rehabilitated structures for business, professional or governmental office use, then the equivalent of sixty-five percent of the footprint of Pier 40 shall be passive and active public open space effective at the time that a certificate of occupancy is issued for the redevelopment**; provided that up to one hundred percent of this pier may be limited to park use by the general project plan. Notwithstanding any other provision of this act to the contrary, Pier 40 may be used for parking for passenger vehicles with a seating capacity of 10 passengers or less, provided however such use shall be predominantly for long-term parking **not accessory to business, professional or governmental office use at the pier. No business, professional, or governmental office space shall exceed seven hundred thousand square feet, provided the trust may utilize up to an additional fifty thousand square feet of office space and fifty thousand square feet for operations space, notwithstanding the existing legal park-based commercial uses, park space, open space, parking, or any other component that will contribute to total zoning square footage, and provided further that no building or structure, including mechanical structures on top of a building or between floors, shall exceed a maximum height of eighty-eight feet. Any proposal for develop-**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13395-01-9

ment or redevelopment shall give equal preference to adaptive re-use of the existing structure located on the pier as of the effective date of the chapter of the laws of 2019 that amended this paragraph and construction of a new structure. Any development or redevelopment shall include the preservation of the mural displayed in such structure as of the effective date of the chapter of the laws of 2019 that amended this paragraph created by Frank Nix entitled The Shipping Mural. Any development or redevelopment shall maintain a public open perimeter waterside walkway surrounding the entirety of the pier or so much of the pier as is feasible and provide space for a boathouse for small-scale boating and water access on the south side of the pier no less than currently exists on the pier as of the effective date of the chapter of the laws of 2019 that amended this paragraph. Any development or redevelopment shall provide for playing fields no less than three hundred and twenty thousand square feet, provided that every effort is made to place as much playing field space at ground level as is feasible. Any request for proposal for development or redevelopment shall only be issued upon a majority vote of the board. The trust shall form a Pier 40 Task Force. The task force shall consist of no fewer than six and no more than eight members from Manhattan Community Board 2, one member from Manhattan Community Board 1, one member from Manhattan Community Board 4, and the local, state, and federal elected officials whose districts abut the Hudson River Park. The chairs of Manhattan Community Boards 1, 2, and 4 shall appoint task force members representing their respective Community Boards. The task force members representing Manhattan Community Boards 1, 2, and 4 shall review and comment upon the request for proposal development program no less than ninety days before such request for proposal is released, but shall not be involved in the selection of contractors or other vendors. The local, state, and federal elected officials on the task force may review and comment upon the request for proposal development program no less than ninety days before such request for proposal is released, but shall not be involved in the selection of contractors or other vendors. Development or redevelopment shall comply with all zoning and other land use laws and regulations of the city of New York, and any passive and active public open space that may be developed or redeveloped pursuant to any overall pier development or redevelopment proposal shall be available to the general public without professional or commercial activity. Development or redevelopment shall be subject to and shall comply with the provisions of New York city's uniform land use review procedure. Pursuant to requirements set forth in this chapter, the trust shall comply with all requirements related to a proposed significant action, including but not limited to holding a public hearing on not less than thirty days' advance public notice.

§ 2. Subdivision 11 of section 7 of chapter 592 of the laws of 1998, constituting the Hudson river park act, as amended by chapter 515 of the laws of 2018, is amended to read as follows:

11. Except as otherwise provided in this subdivision, in paragraph (j) of subdivision 1 of this section, in paragraph (b) of subdivision 3 of this section or in chapter 288 of the laws of 2005, the trust may not enter into a lease, concession agreement, license or other agreement relating to any part of the park for periods in excess of thirty years in total; except that such duration restriction shall not apply to (i) the Hudson river rail tunnel, which use shall be permitted, where the trust may enter into a lease for a term coterminous with its lease with the state of New York provided for in paragraph (b) of subdivision 3 of

this section, which lease shall be subject to automatic renewal with any extensions of the term of the underlying state lease that is authorized under this act and which lease shall provide for the project sponsor to restore for public open space use, at its cost and in accordance with plans provided by the trust, the surface portions of the park affected by or used temporarily in connection with construction and staging of the Hudson river rail tunnel, and (ii) piers 57, 59, 60, 61, 76, 81, 83 and 98 where the trust may enter into a lease, concession agreement, license or other agreement for a term or terms that may be up to forty-nine years and except that such duration restriction shall not apply to such piers where the trust may enter into a lease, concession agreement, license or other agreement for a term or terms that may be up to ninety-nine years, provided, however, such lease, concession agreement, license or other agreement shall only occur upon the condition that such agreements are identified and authorized in a memorandum of understanding between the governor, the mayor of the city of New York, the temporary president of the senate and the speaker of the assembly after consultation with the members of the assembly and senate representing the area where the pier that is the subject of the agreement is located**; except pier 40, where the trust may enter into a lease, concession agreement, license or other agreement for a term or terms that may be up to 49 years with the option of one twenty-five year renewal and a second renewal for up to twenty-four years, provided, however, such lease, concession agreement, license or other agreement on pier 40 shall only occur upon a majority vote of the board**; and provided further that any such agreement for a period in excess of ten years shall be for the purpose of assuring a lessee, licensee, concessionaire or other party to an agreement with adequate protection against loss of investments in developing, renovating, improving, furnishing, and equipping properties within the park. Any proposed lease, concession agreement, license or other agreement by the trust for a period in excess of ten years shall constitute a proposed significant action subject to the requirements of subdivision six of this section. The trust shall promulgate rules and regulations governing leases, concession agreements, licenses or other agreements. Such rules and regulations shall require the trust to issue a bid prospectus for any leases, concession agreements, licenses and other agreements which would provide for a total capital investment in the park of no less than one million dollars over the proposed term of the agreement, except that the trust shall not be required to issue a bid prospectus for a compatible governmental use. The bid prospectus submitted to prospective bidders shall contain specific information concerning the nature of the capital improvements or equipment to be provided by the successful bidder and shall be provided to community boards one, two and four within the borough of Manhattan.

§ 3. Paragraph (vi) of subdivision (g) of section 3 of chapter 592 of the laws of 1998, constituting the Hudson river park act, as amended by chapter 517 of the laws of 2013, is amended to read as follows:

(vi) solely at **pier 40 pursuant to the restrictions in paragraph (b) of subdivision 9 of section 7 and** pier 57, business, professional or governmental offices;

§ 4. This act shall take effect immediately.