



March 17, 2021 / Calendar No. 17

C 210127 ZMM

IN THE MATTER OF an application submitted by Governors Island Corporation d/b/a The Trust for Governors Island and NYC Small Business Services pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a:

1. changing from an R3-2 District to a C4-1 District property bounded by a line at angle 92.2 degrees and 2,691 feet northeasterly from the southwesterly point of Governors Island as measured along to said line and bisecting the angle formed by the southwesterly boundary lines of Governors Island, and the southeasterly, southwesterly, westerly, and northwesterly boundary lines of Governors Island; and

2. establishing a Special Governors Island District bounded by a line 2,675 feet northeasterly from the southwesterly point of Governors Island as measured along a line perpendicular to said line and bisecting the angle formed by the southwesterly boundary lines of Governors Island, and the southeasterly, southwesterly, westerly, and northwesterly boundary lines of Governors Island, and including the areas of existing Piers;

as shown on a diagram (for illustrative purposes only) dated October 19, 2020.

This application for a zoning map amendment was filed by Governors Island Corporation d/b/a The Trust for Governors Island on October 13, 2020. This application, in conjunction with an application for a zoning text amendment (N 210126 ZRM), would facilitate up to 4,275,000 square feet of commercial, educational and community facility development across 34 acres on Governors Island, Manhattan, Community District 1.

RELATED ACTION

In addition to the zoning map amendment (C 210127 ZMM) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 210126 ZRM Zoning text amendment to modify Zoning Resolution (ZR) Article XIII, Chapter 4, the Special Governors Island District.

BACKGROUND

Governors Island has evolved significantly throughout its long and remarkable history. The island, originally called Paggank by the native Lenape, received its current name in the 18th century under British colonial rule after being designated for exclusive use for New York’s royal governors. The portion north of Division Road, now known as the “North Island,” contains the original island, comprised of approximately half of the area it contains today. The island was expanded southward between 1902 and 1912 with excavations from the Interboro Rapid Transit Lexington Avenue subway to create the portion south of Division Road, known today as the “South Island.” The island is now approximately 172 acres.

In 1996, after nearly 200 years of American military use that began during the American Revolution, and then 30 years as a U.S. Coast Guard base, the Coast Guard ceased operations on the island and all personnel were relocated. The Landmarks Preservation Commission (LPC) designated the northern portion of the island the Governors Island Historic District (N 960676 HKM). In 2001, 20 acres, including two military forts (Fort Jay and Castle Williams), were established as the Governors Island National Monument and in 2003, the National Monument was expanded to include an additional two acres.

In 2002, the Governors Island Preservation and Education Corporation (GIPEC) was established as a subsidiary of the New York State Empire State Development Corporation (ESDC) to have

jurisdiction over the island. In 2003, the federal government deeded 150 acres of the island to GIPEC. The deed was put in place to preserve the island as a public space and reserve land for educational, cultural and recreational uses. As such, the deed permits a variety of uses, including entertainment facilities, hospitality uses, commercial office space, health facilities, and cultural facilities. The deed also prohibits certain uses, including permanent residential use, industrial or manufacturing uses, gaming, and off-island electrical power generation, until 2060. GIPEC's mission was to redevelop Governors Island with a mix of open space, public amenities and other uses to transform the island into a regional destination for recreation, education, arts and culture. In July 2010, primary responsibility for the long-term ownership, development, funding, operation and governance of Governors Island was transferred to the City of New York and is now under the jurisdiction of the Trust for Governors Island (Trust), the successor organization to GIPEC. The deed was maintained as part of the transfer of ownership. Shortly after the Trust took ownership in 2010, they developed a *Park and Public Space Master Plan* (2010 Master Plan), which identified open space improvements within a large park running along the spine of the South Island. The plan identified two areas for future mixed-use development in identified development zones, flanking either side of the open space to the east and west.

In 2013, the City Planning Commission (CPC) approved a zoning map amendment (C 130190 ZMM) and zoning text amendment (N 130189A ZRM) for the portion of Governors Island north of Division Road, which established the Special Governors Island District (SGID) on the North Island. The zoning actions were studied in the 2011 Final Generic Environmental Impact Statement (FGEIS) and 2013 Final Supplemental Generic Environmental Impact Statement (FSGEIS). The SGID was adopted to allow a wide range of commercial uses and to facilitate the adaptive reuse of the North Island's historic structures, as envisioned in the 2010 Master Plan.

Over the last 10 years, Governors Island has become a destination for over a million visitors for recreation, open space, arts and culture with gallery and exhibition and performance space and continues to attract thousands of user and visitors each year.

Description of the Project Area

The project area is comprised of the entirety of Governors Island (Block 1, Lot 10), which is approximately 172 acres in size. The entire island is mapped with an R3-2 zoning district, which generally permits small attached, semi-detached and detached buildings, and allows for a maximum floor area ratio (FAR) of 0.5 for residential use and 1.0 for community facility use.

Governors Island is located in the New York Bay surrounded by Manhattan, Brooklyn, Staten Island and New Jersey. Aside from Governors Island, the Bay contains Ellis Island, Liberty Island, and Robbins Reef. One-half mile to the north of Governors Island is Manhattan's Financial District neighborhood. One-quarter mile east of Governors Island, across Buttermilk Channel, are the Brooklyn neighborhoods of Red Hook and Cobble Hill. Governors Island is accessible only via ferry, the primary terminal for which is located within the Battery Maritime Building in the Financial District. Additional ferry service is provided by the New York City Economic Development Corporation (EDC) owned NYC Ferry from Pier 11 in Manhattan and by private ferries from Pier 6 in Brooklyn Bridge Park. Governors Island contains no mapped streets but does have a network of paved pathways for pedestrians, as well as vehicles owned and operated by the Trust. A waterfront esplanade wraps the entirety of the island shoreline.

Governors Island is divided into the North Island and the South Island, bisected by Division Road. The North Island has an area of approximately 92 acres and contains over 50 two-to-three story wood and brick historic buildings constructed between the nineteenth and mid-twentieth centuries, as well as the National Monument. The entirety of the North Island is Governors Island Historic District. There are five individual landmarks within the historic district: Fort Columbus, Castle Williams, the Commanding Officer's Quarters, Post Hospital, and the Governor's House. There are two existing piers on the North Island: Soissons Landing, used for ferry docking, and the Kayak Launch. The North Island contains several vacant buildings and a few buildings occupied by long-term active uses, including the Urban Assembly New York Harbor School (a New York City public high school) and the Lower Manhattan Cultural Council.

The South Island is approximately 80 acres in size. The majority of the South Island contains

South Island Park, a publicly accessible park with a variety of landscaping, plantings, and public amenities including lawns, ball fields, playgrounds, hammocks and picnic tables. Thirty-four acres of the South Island is largely unimproved and inaccessible to the public and is the proposed development site. There are three existing piers on the South Island. Yankee Pier, at the eastern end of Division Road, is used for ferry dockings and overnight berthing; Tango Pier, which is not operational; and Lima Pier, which is used for construction and freight deliveries.

Most of the South Island, as well as the waterfront areas of the North Island, are located within the one percent annual chance flood plain (100-year floodplain). Portions of the island are located within the 0.2 percent annual chance annual flood plain (500-year floodplain). The central portion of the North Island is not within a flood hazard area and a majority of the South Island open spaces have been elevated above the 100-year floodplain.

Proposed Actions

The Trust proposes a zoning map amendment and zoning text amendment in order to expand the SGID beyond the North Island and encompass the entirety of Governors Island. The enlarged special district would be split into two subdistricts: the Northern Subdistrict and the Southern Subdistrict. The Northern Subdistrict boundaries would be coterminous with the existing SGID boundary, which is the same as the Governors Island Historic District boundary. The zoning provisions that currently govern the SGID would remain unchanged in the new Northern Subdistrict. The zoning within the Southern Subdistrict would be changed to a C4-1 district and the zoning district regulations would be modified with the special district text amendment (N 210126 ZRM). The Southern Subdistrict would be considered a single zoning lot within the text.

The Southern Subdistrict would be further subdivided into three subareas. The Western Subarea (approximately six acres), the Eastern Subarea (approximately 27 acres), and the Open Space Subarea (approximately 46 acres). The Western Subarea currently hosts a seasonal hospitality service offering camping accommodations. The Eastern Subarea contains an urban farm and several vacant buildings, including former barracks and other military and Coast Guard facilities. The Open Space Subarea contains South Island Park, an approximately 43 acre publicly

accessible park owned and maintained by the Trust. Extensive improvements to South Island Park, as envisioned in the 2010 Master Plan, were completed by 2016. The remainder of the public and open space improvements as envisioned by the 2010 Master Plan is expected to be completed by 2030. The Open Space Subarea also includes the waterfront esplanade, a pathway that borders the entirety of the Southern Subdistrict and connects at either end to Division Road. The western half of the waterfront esplanade is the Western Esplanade, and the eastern half of the esplanade is the Eastern Esplanade

The development site would be comprised of the Western Subarea and the Eastern Subarea, encompassing a total area of approximately 34 acres. The Western Subarea is approximately six acres, extending approximately 1,000 feet along the western edge of the island between the Western Esplanade and the South Island Park. The Eastern Subarea is approximately 27 acres, extending approximately 2,500 feet along the eastern edge of the island between the Eastern Esplanade and the South Island Park. Floor area is only generated by the lot area within the 34-acre development site and all proposed development would be contained within the development site.

The Western Subarea and Eastern Subareas are collectively comprised of five parcels (W-1, E-1, E-2, E-3 and E-4) where development would be permitted. A maximum of 4,275,000 square feet of floor area would be allowed on these parcels, with a maximum FAR of 2.98 for commercial and community facility uses and 0.5 for residential uses.

Future development within a parcel would require a certification by the Chair of the CPC that the location of any connection or open space required within or adjacent to the parcel had been deemed appropriate. As a provision of this certification, the Chair could require the phased development of connections or open spaces within each parcel.

The proposed text amendment would provide for additional public space within the Western Subarea and Eastern Subarea. The Western Subarea and Eastern Subarea would contain public circulation networks, which would connect the waterfront esplanade to the South Island Park

through the development site. The pedestrian circulation network would consist of primary and secondary connections. The primary connections would border parcels and would be a minimum of 60 feet wide and open to the sky. Secondary connections would be a minimum of 30 feet wide and could be covered or enclosed at a minimum height of 30 feet. Open space on a parcel located between a parcel boundary and a building footprint, up to 50 feet away from the parcel boundary, would be considered publicly accessible open space. Future development would also facilitate the creation of Yankee Pier Plaza, a new 25,000-square-foot plaza across from Yankee Pier that would serve as one of the primary public entry points to the island at the transition between the North Island historic area and the South Island development area. All public spaces within the Western Subarea and Eastern Subarea would be open to the public for the same hours that the South Island Subdistrict is open to the public. In total, approximately six acres of publicly accessible open space would be expected to be within the development site, expanding on the total amount of public open space already provided on the South Island.

Permitted uses in the Western Subarea and Eastern Subarea would include the uses allowed in the existing SGID, as well as additional complementary uses, such as research laboratories, academic campuses, and hospitality uses. The use regulations governing the Open Space Subarea would allow for the creation and preservation of publicly accessible open space by limiting the permitted uses to private park and supporting uses, including eating and drinking establishments, theaters, and open recreational and amusement uses. In addition, specified use regulations would apply on piers accessible from the Open Space Subarea. Modifications to use requirements would be permitted by a CPC authorization.

The proposed text amendment would establish bulk controls for lot coverage; height and setback controls; distance between buildings; building lengths; and building placement, width and orientation. The proposed bulk controls were developed in partnership by the Trust and the Department of City Planning (DCP), with years of careful consideration of the appropriate density and regulations to encourage a variety of possible uses and a diversity in built form.

A maximum lot coverage of 80 percent would be permitted up to a height of 75 feet, decreasing

as height increases. A lot coverage of 50 percent would be permitted for buildings with a height between 75 feet and 125 feet, and 30 percent above a building height of 125 feet.

Height and setback controls would be designed to provide light and air to open spaces, create a transition from the Northern Subdistrict, establish a street wall context adjacent to public spaces and maintain overall flexibility for a variety of uses. Permitted base heights would vary between 50 feet and 90 feet, depending on parcel and location. Above the maximum base height, any building located within 15 feet of the perimeter of a building parcel would provide a minimum setback of 15 feet above the building base to encourage the shifting of tower bulk away from public open space.

Overall permitted building height would vary between 200 and 300 feet. The tallest buildings would be permitted on parcels closest to ferry access, but special provisions would ensure an appropriate transition in heights between the lower buildings of the Governors Island Historic District and the taller buildings within the development site. Bulkheads and screened mechanicals would be allowed to exceed the maximum building height up to an additional 60 feet depending on floorplate coverage.

Above a height of 125 feet, the footprint area of any story would be limited in size, orientation and location. In the Western Subarea, upper portions of buildings would be limited to 27,000 square feet and limited in location to preserve views from the public open spaces of Governors Island toward Lower Manhattan. In the Eastern Subarea, building floorplates located above 125 feet in height would be limited to 30,000 square feet. The upper portions of buildings located adjacent to Yankee Pier Plaza in E-2 would be permitted to be oriented parallel to Division Road, or aligned in an east-west orientation, or oriented anywhere between these two lines. These provisions limit the possible locations for upper portions of buildings, ensuring that a building could not overwhelm the public realm at a critical location. Similarly, within the Eastern Subarea, as the upper portions of buildings facing the waterfront come closer to the eastern esplanade, the permitted width of the upper portion would be reduced, maximizing the sense of openness along the public waterfront.

A minimum distance of 60 feet between buildings or portions of buildings located above a height of 75 feet and a minimum distance of 90 feet between buildings or portions of buildings located above a height of 125 feet would be required across the development site. The text amendment regulations would require a minimum distance of 30 feet between buildings in the Eastern Subarea. Buildings would be limited to a maximum length of 400 feet to encourage porosity throughout the development site. Relief from bulk requirements would be permitted by a CPC authorization.

No parking or loading would be required as part of the proposed development, but parking and loading would be permitted in conjunction with any permitted use up to a maximum of 300 spaces. Entrances accessing parking and loading berths would be limited along the Open Space Subarea. Restrictions on the placement of parking and loading entrances and screening requirements would help ensure that parking would not inhibit the use of public space. A proposed CPC certification would allow for additional parking.

Fences would be permitted in public open space within individual parcels, provided that they comply with specified height and transparency requirements and would not interfere with required circulation pathways. Fences would support possible programming, such as playgrounds, dog runs, or other parcel tenant amenities. Relief from fence location restrictions due to safety and operational concerns would be permitted by a CPC authorization.

In addition to bulk and use controls, the proposed text amendment would impose several design controls. Transparency requirements would be imposed along the frontage of Yankee Pier Plaza and at the point of entry to a secondary connection. Building frontage articulation requirements would stipulate that buildings more than 200 feet in length must vary the depth of the building frontage for 20 percent of the frontage in excess of 200 feet. Building recesses would have to be a minimum of 10 feet deep and wide. The sign regulations of a C4 district would apply, though flashing signs would not be permitted on the island. In addition, on piers, no signs would be permitted, except for informational or wayfinding signs and “Governors Island” signage.

As the development site would be located in the portion of Governors Island that is within the floodplain, resiliency is a key consideration to future development. DCP is undertaking an initiative to codify temporary flood text passed after Hurricane Sandy to ensure long-term resiliency in its Zoning for Coastal Flood Resiliency (ZCFR) text amendment, which is currently being considered by the CPC. The provisions of ZCFR would apply to all of Governors Island and the proposed actions that are the subject of this report are in line with ZCFR.

Climate solutions, arts and culture, and open space and recreation form the three key pillars of the Trust's growth strategy and proposed text amendment. The proposed text amendment would enable the Trust to develop their envisioned Center for Climate Solutions. In 2020, the Office of the Mayor announced that the Center for Climate Solutions would play a key role in the Mayor's economic recovery agenda, *StrongerNYC*. The Center for Climate Solutions is projected to create 8,000 direct new jobs and \$1 billion in economic impact for New York City. The envisioned Center for Climate Solutions would bring together a cross-disciplinary community to create and implement solutions to the climate crisis that New York City and the rest of the world is currently facing. Leveraging the island's unique waterfront and natural setting in New York's Harbor, the Center for Climate Solutions at Governors Island would serve as an inspiring example of sustainable and resilient development and would make New York City a global leader in climate science innovation. The Center for Climate Solutions could include an academic or research anchor institution, a living laboratory, and commercial innovation and cultural uses. Dormitories, faculty housing, and public gathering spaces could further support these primary uses. The creation of the Center for Climate Solutions would advance the mission of the Trust to make the island an extraordinary public place, support expanded and year-round public access, and create a path towards financial self-sufficiency. On October 5, 2020 the Trust made a special presentation to the CPC where they presented the Center for Climate Solutions vision to the CPC.

The Trust has engaged the Governors Island Community Advisory Council (Community Advisory Council), on the design, zoning framework and vision, including plans for a Center for

Climate Solutions, and on the guiding principles that led to the development of the urban design framework for the proposed rezoning. The Community Advisory group consists of a group of stakeholders including elected officials at the federal, state and local level representing both Lower Manhattan and adjacent Brooklyn communities, representatives of Manhattan CB1, Brooklyn CBs 2 & 6, the National Park Service, the Friends of Governors Island tenants, seasonal cultural partners, environmental organizations, and advocacy organizations.

The Trust intends to embark on Request for Expressions of Interest (RFEI) or Requests for Proposals (RFP) processes to identify and secure proposals and possible tenants for the South Island development site in line with the vision of the Center for Climate Solutions. All RFPs and RFEIs would reference Design Guidelines that would further shape the design of future development on the island.

ENVIRONMENTAL REVIEW

The certified application (C 210127 ZMM), in conjunction with the related application for a zoning text amendment (N 210126 ZRM), 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 11DME007M. The lead agency is the Office of the Deputy Mayor of Housing and Economic Development (DME).

It was determined that this application, in conjunction with the related application, may have a significant effect on the environment, and that a Second Supplemental Generic Environmental Impact Statement (SSGEIS) would be required. After a study of the potential environmental impact of the proposed actions, a Positive Declaration was issued on August 23, 2018, and subsequently distributed, published, and filed. Together with the Positive Declaration, a Draft Scope of Work was issued on August 23, 2018. A public scoping meeting was held on September 26, 2018, and the Final Scope of Work was issued on October 15, 2020.

A Draft SSGEIS (DSSGEIS) was prepared and a Notice of Completion of the DSSGEIS was issued on October 15, 2020. Pursuant to SEQRA regulations and CEQR procedures, a joint public hearing on the DSSGEIS was held on February 3, 2021, in conjunction with the public hearing on the related Uniform Land Use Procedure (ULURP) items (C 210127 ZMM and N 210126 ZRM). A Final SSGEIS (FSSGEIS), reflecting the comments made during the public review process was completed, and a Notice of Completion for the FSSGEIS was issued on March 5, 2020.

The proposed project as analyzed in the FSSGEIS identified significant adverse impacts with respect to transportation (traffic, transit, and pedestrians).

The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 20 “Mitigation”. To ensure the completion of the mitigation measures identified in the FSSGEIS, the mitigation measures are included in Commitment Letters between the Trust and DME and New York City Transit (NYCT).

UNIFORM LAND USE REVIEW

This application (C 210127 ZMM) was certified as complete by the DCP on October 19, 2020, and duly referred to Manhattan Community Board 1 and the Manhattan Borough President in accordance with Title 62 of the rules of the City of New York, Section 2- 02(b), along with the related application for a zoning text amendment (N 210126 ZRM), which was referred for information and review in accordance with the procedures for non-ULURP matters. Brooklyn Community Board 2 and Brooklyn Community Board 6 also received courtesy referrals of the application.

Community Board Review

Manhattan Community Board 1 held a public hearing on this application (C 210127 ZMM) and the related application for a zoning text amendment (N 210126 ZRM) on November 9, 2020. On December 22, 2020 by a vote of 26 in favor, three opposed, seven abstaining, and two recused

voted to disapprove the application with the following conditions:

“Use and Open Space Regulations

- The zoning must redefine “Open Space Areas” and “Open Space Subareas” as “public parkland,” including “open spaces” in the North Island to assure consistency with the Deed’s “Parkland Restriction Terms”.
- The zoning must allow for adequate additional open space for the development of new fields, passive and active recreation spaces and waterfront touch down areas, and those areas that exist should be preserved and prioritized for community use with continued programming for child/youth recreation leagues.
- CB1 must be assured that access to the water, water related recreational uses and maritime opportunities be prioritized and the plans must include detailed information on where and how the waterfront will be accessed.
- CB1 must be assured that all development will employ all regulations and recommendations as set forth in the city’s Waterfront Revitalization Program and the Waterfront Alliance Maritime Activation Plan.
- The zoning must establish a Pierhead and Bulkhead line to define the endpoints of the piers and other important controls.
- The zoning text must be amended so that the “streets”/” connections” are not closed to the public outside of hours of operation. “Reasonable hours of operation” should be written into the zoning, or hours of operation could reference NYC park hours.
- The permitted uses in the zoning text must align with the Governors Island 2003 Deed requirements and the scope of the environmental reviews.
- A Supplemental Environmental Review must be provided to capture and study the expanded uses which has not yet been provided. This must include the potential development of the Open Space Subarea, including “permitted obstructions” under 35 feet. For example, the impact of an amusement park in the open space or a boatel on an open pier would need to be reviewed as concerns the potential environmental impacts.
- Use Groups 12, 15 and 18 must be amended or removed, including but not limited to amusement uses, permanent residential, non-maritime industrial uses, sewage removal,

marine transfer stations, and private beaches. It is critical that more engagement needs to be conducted with the community to better determine which uses are or are not appropriate for the Island.

- The zoning must indicate that 0.5 FAR for housing should be used only as staff housing and not for any other type of permanent housing.
- The zoning and/or Deed must be amended to prohibit permanent, long-term housing uses in perpetuity.
- CB1 requests that the Trust review and study the East Esplanade to evaluate competitive uses and implement a plan to ensure safety during simultaneous use of multiple modes of movement (i.e., vehicular, cyclist, pedestrian) on the Esplanade. This evaluation should include consideration of how resiliency measures (i.e., berms, split level promenade) would impact use of the Esplanade.

Environment and Sustainability

- CB1 urges that the project seek to achieve self-powered, off-grid or near off-grid environmental self-sustainability, or near self-sustainability within three years of inception.
- CB1 urges the Trust provide clear and precise plans and as to how the laudable mission to become a true model of environmental sustainability will be realized and CB1 requests that the Trust review and respond to the community as to how the zoning might better assure the public that any development will adhere to the most innovative and stringent global resiliency and sustainability practices. CB1 urges for further engagement with the Trust to address the public's concern that large-scale development of this scope and scale is neither climate friendly nor resilient.
- The EIS must take into consideration how Governors Island will be affected by the city's current proposal to build an offshore extension in the FIDI Seaport area in Lower Manhattan which will include many potential impacts including the modification of the Battery Maritime ferry terminal.

Density, Floor Area Ratio (FAR), Height, Bulk, Parking Regulations

- The zoning must be amended to reduce the density, height and bulk for the development on the Island to respond to the community's many concerns including but not limited to: context of the Historic District, views from on and off the island, shadows on the Harbor School, etc.
- In order to be more consistent with earlier plans and the existing scale of the buildings on the Island (i.e., Liggett Hall), the zoning should be amended to cap heights at 125'.
- The "Transition Zone" along Division Road must be made wider and more consistent with the Governors Island Historic District Design & Development Guidelines.
- The zoning text must clearly define limits to the Base Plane. Given the unique conditions on the Island and in the absence of streets and curbs, a maximum Base Plane must be provided with specific height parameters so that maximum height is consistent with the community's understanding.
- Urban design and architectural guidelines for development on the Island must be provided.
- The Trust must prioritize phasing development to allow for leasing the existing millions of square feet already existing on the Island prior to the construction of new buildings.
- The zoning must reduce the parking allowance on the two development zones as per the conditions set forth in the Deed which indicates parking as a Prohibited Use.
- CB1 requests assurance that buildings are not built out to the southern edge of parcel E-4 so that it is left open for public use and does not encroach on Picnic Point.

Financial Considerations

- CB1 demands that the detailed pro forma financial modeling for the alternative development scenario provided in the DSSGEIS showing plans for development at a reduced scale, as well as the 2013 FGSEIS be provided to CB1 for review. The public understands the current development program was based on the earlier less dense models and does not accept the dramatic increase in density.
- Additionally, CB1 reiterates the request that the Trust provides detailed pro forma financial modeling for the currently proposed scale of development and the minimum scale of development that would be needed to achieve financial sustainability (including assumptions for taxes, inflation, etc.).

- CB1 asks that the Trust identify and consider what the State and Federal government each provide currently to the Island and how this might be increased under the new administration to provide additional support to the Island.

Public Engagement & Oversight

- CB1 urges the Trust to work with all existing tenants on the Island to assure their tenancy and to assist with their needs going forward (including but not limited to, Billion Oyster Project, Earth Matters, Harbor School).
- The zoning must be amended to allow for a 45-day CB1 comment period for CPC Authorizations, Certifications, waivers, allowances or any additional changes to the zoning. The comment period should be established to allow for CB1 comment, and those comments should be taken under due consideration by the CPC.
- The zoning text must be amended to preserve the wording in the North Island zoning provision which requires Community Board notice and review of commercial uses over 7,500 square feet prior to “establishment”
- CB1 urges that a similar provision be incorporated into the South Island zoning text which allows for CB1 to have oversight on certain new uses and their respective scale on the South Island. More engagement must be conducted with CB1 to further define this provision.
- As part of RFP engagement, the Trust must include the draft scope, draft RFP and project proposals for each building.
- CB1 urges the Trust to assure that further engagement on the zoning proposal and any subsequent Request for Proposals (RFP) allow for robust regional and citywide outreach to all elected officials, civic not-for-profits whose mission is to promote sound environmental and urban design and all neighboring community boards (in both Manhattan and Brooklyn).”

Borough President Recommendation

The Manhattan Borough President held a public hearing on this application (C 210127 ZMM) and the related action for a zoning text amendment (N 210126 ZRM) and on January 27, 2020, issued a recommendation to disapprove the application with conditions:

“1. At a minimum in addition to removing Use Group 15, require all uses in Use Group

13 to be unenclosed, and replace Use Group 12 with Use Group 6, as well as limit height of structures from 35 feet to 25 feet, except for structures associated with open theaters in the Open Space Subarea, in accordance with changes made to address concerns made by Community Board 1, and work toward redefining “Open Space Areas” and “Open Space Subareas” as “public parkland” in the zoning.

2. Limit the height of buildings within the Development Site to 125 feet.

Expand direct waterfront access and incorporate natural shorelines along with plans for esplanades and elevation.

3. Commit to working with the Department of City Planning to adjust all planned development in compliance with Zoning for Coastal Flood Resiliency requirements.

4. Commit to an RFEI process for an anchor tenant in advance of the RFP in order to gain a better understanding of tenants expressing interest.

5. Amend the proposed zoning to allow for a Community Board 1 comment period to be incorporated in all CPC Authorizations, Certifications, waivers, allowances, or any additional changes to the zoning.

6. Make the accommodations needed to allow for the construction of a pool and the acquisition of additional building(s) for classrooms, a gym, and an auditorium on the North Island for the New York Harbor School;

7. Amend Use Group 18 to explicitly allow for composting in order to enable Earth Matter NY Inc. to continue their operations in perpetuity; and

8. Upgrade existing athletic fields with lighting and artificial turf, and expand field space on Governors Island.”

City Planning Commission Public Hearing

On January 20, 2021 (Calendar No. 9), the CPC scheduled a public hearing on this application (C 210127 ZMM), in conjunction with the related application for an amendment to the zoning map (N 210126 ZRM). The hearing was duly held on February 3, 2021 (Calendar No. 21).

Twenty-eight speakers testified in favor of the application and 14 in opposition. Following the public hearing, the CPC also received several letters of written testimony.

The applicant team, consisting of three speakers from the Trust, testified in support of the application. The Trust provided a history of the island to date, gave an overview of deed restricted uses on the island, outlined the Center for Climate Solutions vision, and described the RFP process that would take place to find an appropriate tenant on the island. The Trust described the collaborative efforts undertaken over the past several years, both with DCP and the Trust's Community Advisory Council, in forming the urban design principles that subsequently shaped the controls found in the text amendment. The Trust noted that the proposed use and bulk regulations of the SGID permit a diverse range of commercial and community facility uses, which would help to attract an educational or research anchor institution and foster a vibrant 24-hour community. The Trust described the size and scale of the island, which allows a great deal of variety, and not just a sense of place, but places, within the development site. In their presentation, the Trust explained that the existing R3-2 zoning mapped across the island does not permit the type of uses and density necessary for the Trust to meet their goals of creating a Center for Climate Solutions. They stated that the proposed C4-1 zoning district proposed for the South Island, with modifications pursuant to the proposed text amendment, would better suit the unique conditions of the South Island and would help to promote the goals of the redevelopment. The Trust highlighted the increase of public space that would be provided as part of the proposed development; South Island Park would grow from 46 to 49 acres and the development site would provide a minimum of an additional six acres. Taller and denser buildings would be located in close proximity to ferry docks. This shift in density would allow other areas of the development site to be less dense and could provide even more open space within the South Island. The Trust highlighted that the proposed density and height would encourage variety and diversity in building form and underlined their desire to avoid a flat, monolithic environment. In response to questions raised on the appropriateness of the proposed density, the Trust expanded on their stated goals of open space, arts and culture, and climate solutions on the island, noting that the proposed density would provide for a flexible envelope to incentivize the creation of Center of Climate Solutions. Trust also explained that the island today is already a local hub for arts and cultural programming and that the many arts, culture, and educational tenants already on the island would be further supported by the proposed development vision. The Trust also detailed their financial analysis, reviewed by the New York City Office of Management and Budget, in

identifying an appropriate density that would allow for future financial self-sufficiency.

The Trust provided further details on the Draft Environmental Impact Statement, and the transportation impacts that it identified. The Trust has committed to mitigation efforts to address these traffic impacts.

In response to questions raised by the CPC, the Trust clarified that they have the capacity to move 4,000 passengers an hour with the current fleet, and that they plan to scale up ferry service in accordance with demand.

The Trust described their 18-month research process for identifying an appropriate anchor tenant, expressing confidence that they would receive numerous respondents to an RFEI or RFP. The Trust provided clarity on the RFEI and RFP strategy, which would start with a single solicitation to identify anchor tenants with an eye towards achieving the Trust's mission. Based on responses to that initial solicitation, the Trust would provide future RFEIs and RFPs for specific parcels or uses as necessary.

In addition to the applicant team, 25 people spoke in favor of the application at the public hearing. Those who spoke in favor, or provided a favorable letter of written testimony, included the Chair of the Trust for Governors Island, New York Building Congress, Center for an Urban Future, Regional Plan Association, Friends of Governors Island, Association for a Better New York (ABNY), Trust for Public Land, New Yorkers for Parks, Waterfront Alliance, existing tenants of the island such as representatives from the Billion Oyster Projects and the Urban Assembly New York Harbor School, and community groups and non-profits that regularly visit the island and take advantage of its many public amenities.

The Chair of the Trust for Governors Island spoke in favor of the proposed development and voiced support for the Center for Climate Solutions as a bold vision and necessary disruption to our planet's present course. She stated that the envisioned climate campus and living laboratory would reaffirm the City's commitment to solving the climate crisis by providing a space where

cross-disciplinary innovation and change could happen. She underscored that this proposal comes with the added benefits of financially stabilizing the island, and creating much needed jobs and economic activity, a necessary step in New York City's economic recovery from the devastating effects of the pandemic. The New York Building Congress noted that, at a time of unprecedented economic crisis for the city, the proposed creation of approximately 8,000 jobs and the projected \$1 billion in economic activity as part of the proposed development are of critical importance. The Center for an Urban Future noted that the creation of more jobs is crucial to the city right now, since as of December 2020 there were 560,000 fewer jobs than in December 2019. Others in support noted that the Trust has integrated educational and workforce development opportunities and partnerships into the proposed development.

A representative of the Regional Plan Association spoke in favor of the flexible building envelopes in the proposed rezoning that would allow for a diverse mix of tenants. They stated that the existing R3-2 zoning applicable to the South Island limits uses to residential or community facilities and does not allow for density that would support the Trust's vision of securing an anchor institution focused on climate research. They stated that an overly prescriptive set of rules might have the unintended consequence of impeding the type of tenants that could be housed on the island.

The Friends of Governors Island commended the Trust for their work as stewards of not only the public spaces on Governors Island, but also the maintenance of the public transportation network, utilities system, public marine infrastructure, and public facilities. Many who testified, including ABNY, the Trust for Public Land, and New Yorkers for Parks, voiced support for the preservation of the existing park and the proposed overall increase in public open space and green space on the South Island with the provision of additional public space within the development areas. These testimonies emphasized the important role that Governors Island plays in the provision of important green open space in New York City and supported the Trust's intention to provide 24-hour access to the island. A representative of the Waterfront Alliance voiced support of the vision of development, noting that the current pandemic has underscored the need for accessible public open space. They noted that Governors Island has much untapped

potential to provide open space to New Yorkers by drastically increasing hours of operation and ferry service. Further, the Waterfront Alliance encouraged direct public access to the water as part of the proposed public space enhancement and expansion.

A representative of the Billion Oyster Project, an existing tenant on the island, stated that the island is already a tremendous public destination, but has untapped potential to become a more accessible public destination with expanded ferry service.

Several representatives and parents of students of the Urban Assembly New York Harbor School spoke in favor of the Center for Climate Solutions, noting Harbor School's aligned mission. They also noted the need for an aquatic training facility for their students, which they called an essential facility for a maritime school.

Representatives from athletic and youth sport groups, such as the Greenwich Village Little League, Gotham Girls FC and Champions, provided written testimony expressing their strong support of any proposal that would enhance and expand athletic fields to better serve the city's youth athletic community. NYC Audubon stated their opposition to the inclusion of artificial turfs or artificial lighting that could disrupt wildlife habitats. They also provided additional conditions for improving future development to protect and enhance wildlife habitats.

Those who spoke or wrote in opposition to the application included: the Manhattan Borough President, members of Community Board 1, representatives of the Municipal Art Society of New York, members and affiliates of the Metro Area Governors Island Coalition (MAGIC), the National Trust for Historic Preservation, members of the general public who identified as frequent park visitors, the City Club of New York, and Earth Matter, a community farming organization and existing South Island tenant.

The Manhattan Borough President's testimony elaborated on her letter of conditional disapproval and stressed the importance of maintaining the unique landscapes on Governors Island. Members of Manhattan Community Board 1 leadership shared their concerns about the preservation of

open space. They questioned the large amount of development for a center dedicated to climate science, calling it an inherently unsustainable proposition. Other members of the public who spoke and provided written testimony also proposed development schemes with less density or no new development, expressing the desire that Governors Island continue to function as a public park that is financed by tax dollars, subsidies, or federal grants.

Many in opposition voiced the sentiment that Governors Island is a unique public space and a treasured escape from the city, and that the proposed scale and height of the proposed development would overwhelm the island's setting of low-scale structures and open parkland. Many in opposition voiced concerns about heights and suggested a height cap of 125 feet or a lower height consistent with the historic building heights found on the North Island today.

The Municipal Art Society and the National Trust for Historic Preservation both stated concerns about the level of density and suggested alternative development scenarios with reduced density and height. They proposed that North Island's historic buildings first be adapted for the proposed Center for Climate Solutions, before pursuing additional development in the South Island. The New York Landmark Conservancy noted concerns about the proposed density and heights, particularly emphasizing the proposed development of buildings just south of the Governors Island Historic District.

A representative of Manhattan Community Board 1 raised concerns about the environmental review, suggesting that the proposed development and impacts in the Open Space Subarea should be further analyzed.

Earth Matter voiced concerns that the non-profit organization would not be allowed to continue operations if the proposed zoning text amendment were passed. It was later clarified by the Trust that Earth Matter was considered a Use Group 4, which is permitted under the existing R3-2 zoning and is proposed to be permitted under the proposed C4-1 zoning.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application (C 210127 ZMM), in conjunction with the related application (N 210126 ZRM), was reviewed by the City Coastal Commission 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 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910, et seq.). The designated WRP number is 8-106. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 210127 ZMM), in conjunction with the related application for a zoning text amendment (N 210126 ZRM), as modified herein, is appropriate.

The Commission supports the goals outlined in the 2010 Master Plan that envisioned a substantial public open area on the South Island flanked by two development areas. New York City is full of examples of successful and exciting interplays between the urban and natural environments, development and recreation areas, and active and passive activities. One need only look as far as Central Park, where thrilling skyline views are part and parcel of the pastoral experience, or the High Line, where a verdant park literally threads its way under and between buildings. The Commission notes that Governors Island today contains this very juxtaposition on the North Island, where public green spaces are threaded around historic structures, creating the very character that so many find special about the island. The actions sought by the Trust will continue this pattern, replacing abandoned Coast Guard buildings and fenced off open lots with new developments that will be enlivened by researchers, educators, and students, side by side with major open spaces, public plazas, and intimate circulation pathways. Together, the proposed actions will allow the Trust to find parties interested in developing a significant new series of institutional, educational, and commercial buildings that will further its vision of creating a

global center for climate and resiliency research, study, and education. This concept of a Center for Climate Solutions will center New York City in the global effort to address the causes and effects of climate change, perhaps the greatest crisis and challenge of our time and for generations to come. Further, the zoning actions sought by the Trust, after working in collaboration with DCP staff over several years, contain thoughtful zoning and urban design controls that will ensure that new buildings within the development areas of the South Island will complement the existing public open spaces and Governors Island Historic District, while creating exciting new areas of the island that will bring year-round life and activity to areas that are now underutilized and largely closed off to public access.

Zoning Map Amendment

The Commission believes that the proposed zoning map amendment to change the zoning of the South Island and extend the SGID to incorporate the South Island is appropriate. While the North Island will continue to be zoned R3-2, the South Island, where new development is planned, will be rezoned from an R3-2 to a C4-1 district. The Commission believes that this commercial zoning district appropriately reflects the proposed density and mix of uses that will encourage a thriving ecosystem of academic, commercial, and community facility uses that will fulfil the Trust's vision for the South Island. The various bulk and urban design controls contained within the text amendment, detailed below, will ensure that the density provided by the C4-1 zoning is appropriately shaped and sited so as to sensitively respond to and complement the unique setting of the development areas, which is located amongst the open spaces and adjacent to the Historic District and waterfront. The Commission notes that the previously existing SGID will be expanded to encompass the entirety of Governors Island and contain two new subareas: the South Island Subdistrict and the North Island Subdistrict, the boundaries of the latter being coterminous with the LPC established Governors Island Historic District. When the SGID was created in 2013, the Commission believed that it was appropriate to establish the special district only on the North Island, and that potential zoning map amendments that would affect the South Island should not be considered at that time. The Commission recognizes that, with the vision for development outlined by the Trust in concert with stakeholders and City agencies, it is appropriate to create the two distinct subdistricts to account for the unique conditions in each

area.

Zoning Text Amendment

The Commission appreciates the comprehensive zoning and urban design controls proposed within the zoning text, which will ensure that the significant new development on the South Island will achieve the Trust's admirable objectives. The Commission recognizes that DCP played a significant and collaborative role in shaping the proposed urban design regulations and believes that DCP's ongoing participation with the Trust will ensure a favorable and appropriate development outcome on the South Island.

The Commission appreciates the attention given to the public's future use of the South Island through people-centered urban design; requirements for regular and generous public access between and within future development parcels; the careful consideration of density and use mix needed to support the Trust's laudable development goals; the successful mediation of proposed development with the existing adjacent historic fabric, public open areas and waterways; the thoughtful consideration of the unique location in New York Harbor and the resiliency implications as a result of this location; the Trust's commitment to existing uses on the island and harmonious introduction of new uses; the Trust's commitment to close collaboration with DCP in the RFP and RFEI process; the attention to design details of the public realm; and the Trust's commitment to future presentations to the Commission to obtain the Commission's input.

The Commission notes that that the Trust has been highly responsive to public comments throughout the ULURP process, including submitting to the Commission a letter dated February 12, 2021, addressing many concerns raised by the public and filing a revised land use application on February 26, 2021, the contents of which are described in more detail below.

The Commission supports and commends the Trust's efforts to maximize public accessibility throughout the South Island development sites and to complement and preserve the superior public open landscapes that define the island's character. The Commission welcomes the expansion of public space with the creation of the approximately 25,000 square foot Yankee Pier

Plaza, the intended grand entrance for future visitors to the island. The Commission notes the special nature of the North Island, a strong interconnection of public space and private buildings, and the desire to emulate this experience on the South Island. Public circulation pathways and additional open space throughout the development site will support a campus-like development on the South Island, ideal for the Center for Climate Solutions, as envisioned by the Trust. The Commission notes that Governors Island is an inherently public space and that several provisions of the text protect and expand upon the provisions of public space and the public's ongoing access to and enjoyment of the island's resources. As envisioned, the two development areas are likely to be subdivided into parcels that approximate blocks found elsewhere in the city, albeit at a somewhat larger scale. The large size of these development parcels will allow for appropriate flexibility in siting buildings that serve a variety of programs. The potential size of these parcels, however, also requires careful attention to public access through the parcel and the provision of additional open space on the parcels themselves, something that the zoning text addresses. The three required primary connections and three required secondary connections provide a robust public circulation network between and within development parcels that connect Yankee Pier Plaza, the Esplanade, and the Open Space Subarea. In addition to these critically important public ways, the Commission also supports the requirement for additional public space between building and parcel boundaries as a further reflection of the inherently public nature of the development parcels.

The Commission compliments the Trust for providing excellent public open space at South Island Park and for the thoughtful consideration of how new developments will relate to and complement this great public amenity. The Commission recognizes that South Island Park will continue to be enhanced, preserved, maintained, and programmed as expansions and improvements of the park are planned with further landscaping and public amenities. The Commission believes that enhanced public waterfront access, including waterfront recreation and other opportunities to touch and engage with the island's unique waterfront, is essential. The Commission is pleased to learn that the Trust is planning for future waterfront enhancements and that the Trust has partnered with the Waterfront Alliance to complete a maritime activation plan, which will outline recommendations related to the island's waterfront and maritime resources.

The Commission recognizes that the proposed zoning envelope and density for the South Island were developed to achieve the admirable vision of a vibrant, mixed-use, 24-hour district anchored by a Center for Climate Solutions and to create financial sustainability for the island that will support the public programs and large public open spaces on the island. The Commission agrees that the 150-acre island in the middle of New York Harbor is an appropriate location to study, teach and address the climate crises, rising sea levels, expanding flood plains and the need for coastal resiliency. The Commission believes that the density and uses for the South Island are appropriate and will support and strengthen the entire island.

The Commission believes that the text amendment allows appropriate additional uses in the Open Space Subarea that will support and complement park functioning and programming. The Commission is encouraged by the Trust's responsiveness to Community Board 1's concerns regarding certain uses in the Open Space Subarea. In the revised application, the Trust eliminated certain uses such as Use Group 13 (amusements) and limited certain uses, such as Use Group 15 (theaters), which will only be allowed if open to sky, and Use Group 12 (entertainment facilities) which will only allow smaller establishments with less capacity. Together, these revisions will ensure the public and open nature of South Island Park is preserved.

The Commission heard testimony and received comments expressing concerns about the maximum building height of 300 feet and recommending a reduction to a maximum building height of 125 feet. While the Commission acknowledges concerns about the scale of new buildings in the South Island Subdistrict, it believes that a reduction to 125 feet would have a deleterious effect on the ability to distribute floor area among the various development parcels in a manner that allows for a varied and flexible condition, with the potential concentration of density close to ferry service and more open conditions toward the southern end of the island. The Commission is concerned that an overly restrictive height limit would lead to higher lot coverage buildings of monotonous scale that fill a larger portion of the development parcels, lacking the visual interest and dynamic rhythm of higher buildings, lower buildings and open areas. Additionally, limiting building heights to 125 feet would impede the provision of generous

public circulation paths across the development areas and the provision of additional public open space within the development areas. The Commission notes that the Trust has responded to concerns regarding the scale of the tallest permitted buildings by revising the proposed maximum building height from 300 to 250 feet, which the Commission believes appropriately recognizes the concerns while not negatively impacting the public interest or the Trust's vision.

The Commission believes that the bulk regulations allow for appropriate mediation between the development envisioned on the South Island and the surrounding context of South Island Park, the Historic Governors Island District, and the waterfront. The Commission acknowledges that the Trust further revised their application, reducing the permitted heights of any building or portion of building within 150 feet of the Governors Island Historic District from a maximum of 90 feet, as originally proposed, to 60 feet. Similarly, the minimum required base height of buildings adjacent to public open space was reduced from 75 and 90 feet to 60 feet. The Commission believes that the newly proposed heights will maintain an appropriate scale given the development areas' relation to open space, the waterfront, and the Governors Island Historic District.

The Commission notes that the Trust also revised the special district text to provide greater clarity and consistency surrounding how building heights are measured. Pursuant to this revision, building height will be measured from a fixed datum associated with the elevation of a portion of the Open Space Subarea adjacent to the Eastern Development Subarea (approximately 14 feet above the North American Vertical Datum of 1988), instead of measuring height from the average finished grade surrounding an individual building or structure. The Commission believes that this change will reduce unpredictability and ensure that the public has a clear understanding regarding the ultimate height of permitted buildings. The Commission notes that DCP's ZCFR citywide text amendment (N 210095 ZRY) to promote long-term resiliency and support post-disaster recovery, if adopted will apply to developments within applicable areas on Governors Island. The Commission believes that adherence to ZCFR is essential, given the island's location in the harbor and the flood plain.

The Commission notes that Governors Island is only accessible by ferry, and that transportation to and from the island is critical for successful development of the South Island. The Commission understands that the Trust is responsible for all transportation to and from the island, and currently owns and operates two ferries with a combined passenger capacity of approximately 1,600 passengers. With this existing fleet, along with supplementary chartered service to Brooklyn, the Trust has the capacity to transport over 4,000 people per hour to the island. As Governors Island continues its growth and transformation into a year-round destination, the Trust has indicated that it will bring new ferries online and increase ferry service to meet demand. The Commission understands that the Trust has emergency action plans for both its public season, overnight, and year-round tenants, and will continue to work closely with the Fire Department of New York and the New York Police Department to coordinate all emergency response efforts. The Commission strongly encourages the Trust to ensure that its emergency response systems and preparedness continue to grow and adapt as development on the island advances.

The Commission is pleased that the Trust is committed to continuing its longstanding relationships with existing tenants on the island, and to ensuring that organizations like Earth Matter, Billion Oyster Project, GrowNYC, and the dozens of seasonal arts and culture organizations on the island can continue their work, even as the South Island is developed. The Trust has also committed to supporting the expansion needs of the Urban Assembly New York Harbor School, located within the North Island Historic District. The Commission agrees that the vision for a Center for Climate Solutions will present further opportunities that will benefit existing tenants, many of whom already have missions that are closely aligned with the climate center vision. Earth Matter provided comment in the public hearing citing concerns that it would not be permitted to maintain operations in the proposed rezoning scenario. The Commission notes, however, that Earth Matter's current operations fall under Use Group 4, a permitted use in the proposed South Island C4-1 zoning. The Commission notes the many letters and verbal testimony received from representatives of the Urban Assembly New York Harbor School highlighting the need for an aquatic training facility to support the school's maritime curriculum. While the Commission applauds the active engagement of the school community, it also

acknowledges that such requests are outside of the scope of the actions being considered at this time.

The Commission understands that following the successful conclusion of the ULURP process, the Trust will embark on an RFEI or RFP process to identify and secure proposals and possible tenants for the development areas on the South Island. The Commission understands that it is possible there will be multiple RFEIs and RFPs, beginning with the solicitation of an anchor tenant, and subsequently the solicitation of secondary and supportive uses. The Commission notes that the Trust will remain engaged throughout the RFEI and RFP processes to ensure the harmonious relationship among all selected respondents and a cohesively designed South Island. The Commission recognizes that the Trust's Community Advisory Council is engaged in establishing goals for a future anchor institution solicitation, with members weighing in on the development of goals surrounding public engagement, equitable workforce and educational pipelines, and design of new facilities. The Commission is supportive of the proposed creation of Design Guidelines for the RFP and RFEI, which will expand upon the design and dimensional requirements imposed by this rezoning. Provisions within the rezoning text amendment will act as minimum requirements, with future design guidelines, to be developed by the Trust and DCP, providing further elaboration and direction for future RFP respondents on matters such as building articulation, open space design, and public access. In a letter from the Trust to the Commission dated February 12, 2021, the Trust commits to the continued participation of DCP and the CPC in all future RFP processes for the Western and Eastern Subareas. The Commission agrees that it is appropriate for DCP to serve as a key advisor throughout the RFP drafting and selection process, and notes that the RFP process laid out in the Trust's commitment letter calls for regular briefings to the Commission, at the Chair's request.

The Commission appreciates the thoughtful attention that the zoning text amendment provides for small design details, such as signage, fences, transparency and building articulation. These details have been incorporated into the text in an effort to ensure that the public feels welcome and comfortable in the public spaces provided within the development sites, and that the inherently public nature of the island remains apparent to visitors. The proposed zoning text

amendment follows the underlying C4 district text regarding signage requirements, except that it precludes flashing signage. Due to the island's presence in the harbor, with waterfront areas facing residential communities in Brooklyn, Manhattan, and Staten Island, the Commission believes that the prohibition of flashing signs is an appropriate alteration to the underlying zoning regulations. In addition to these regulations, signage on piers is limited to informational and wayfinding signage, which the Commission believes is appropriate.

Within the development site, the Commission understands that fences within parcel open space is allowed for the enclosure of certain uses that require fences for programmatic or private tenant purposes, such as playgrounds or gardens, and should not detract from the public accessibility of open space provided within the parcels. The Commission believes that fences are required to be low in height and visually porous so as to maintain sight lines and visual connectivity. The Commission notes that enclosure of public access ways with physical fencing is prohibited to ensure that public access ways are designed to appear open and inviting during their hours of operation. The Commission believes, however, that it is appropriate that nighttime enclosure of public access ways be permitted by Commission authorization, if circumstances warrant at a future date.

The zoning text amendment provides for several ministerial and discretionary actions to facilitate future development on the island. The Commission recognizes that any future development within a parcel requires a certification by the Chair of the Commission to ensure that the location of any connection or open space required within or adjacent to the building parcel has been deemed appropriate. The Commission believes that such oversight in defining the location and configuration of parcels is critical to ensure that future development and the provision of additional public space is in keeping with the provisions and intent of the zoning.

The application for a zoning text amendment, as originally referred, provides for Commission authorizations for relief of certain provisions in relation to bulk, use, and gate closures. At the time of referral, the proposed zoning text amendment did not detail a formal referral period to Manhattan Community Board 1. The description of referral periods for authorizations varies

throughout the ZR, though all authorizations are as a matter of practice referred to affected community boards. The Commission acknowledges the Community Board's desire for clarity on this topic and believes that the opportunity for the Community Board to review these discretionary actions is appropriate. The Commission concurs with the Trust's revisions made to the zoning text amendment to provide for a 45-day referral period to the Community Board.

The Commission understands that, in addition to both the existing and proposed zoning regulations for Governors Island, land use on the island is further regulated by a set of required, permitted, and restricted uses memorialized in the deed, negotiated and executed as part of the transfer of the island from the federal government to local control on January 31, 2003. Within the deed, the term of restriction for 'prohibited uses' extends until 2060, 50 years from the adoption of the 2010 Master Plan. Although permanent residential uses (e.g., rental buildings, co-ops and condominiums) are strictly prohibited until 2060, the deed explicitly permits other overnight accommodations, such as faculty housing, caretaker housing, and short-term and extended-stay accommodations. The Commission believes that these permitted overnight accommodations are appropriate for Governors Island, and are consistent with and supportive of the Trust's mission and the nature of development envisioned for the South Island. The Commission acknowledges the Trust's commitment to Community Board 1 that, after the expiration of the deed's use prohibitions in 2060, any future proposal for new residential uses other than those currently permitted by the deed will be subject to robust public review and comment by Community Board 1. This commitment balances the deed-permitted and mission-aligned overnight accommodations that the Trust needs to pursue the Center for Climate Solutions, while making clear to the Commission and community that permanent residential use is not the intended outcome of the provision of residential FAR within the zoning text amendment.

The Commission appreciates the Trust's response to questions about its financial projections, in light of the Trust's goal of financial self-sufficiency. The Trust provided an overview of the detailed financial model, developed using industry standard methodologies of long-term revenues that could be generated on the island. The Trust noted that the projections had been

reviewed by OMB and EDC, and demonstrate that over a 30-year horizon, the proposed zoning envelope, along with the redevelopment of the existing North Island historic buildings, create a reasonable pathway to financial self-sufficiency, where revenues and property taxes generated on the island meet both operating and capital expenditure needs. The Commission notes, however, that it evaluates the proposal on its land use merits, separate and apart from any financial considerations. The Commission recognizes and appreciates that DCP, in working with the trust to craft the zoning text amendment, focused on the appropriate bulk, open space and urban design controls, rather than the Trust's financial analysis. The Commission understands that a significant density, such as that permitted under the zoning text amendment, will allow the Trust to pursue world-class tenants for the development areas. At the same time, the Commission believes that the zoning and urban design controls and requirements that form the foundation of the zoning text amendment will ensure that the permitted density will be appropriately shaped and scaled to respect and enhance the public's use and enjoyment of the island's open spaces and development areas.

The Commission has identified three areas of required clarity and correction, and hereby modifies the proposed zoning text amendment application (C 210127 ZMM).

In the proposed text, in instances where two base heights intersect, the higher base height is permitted to be applied 125 feet from that intersection. The Commission notes that the flexibility provided by this requirement is no longer needed in the Trust's amended application, in which most of the distinct base heights have been reduced to a uniform height of 60 feet, and believes that it is necessary to eliminate this rule to preserve lower base heights where they exist. The Commission believes that this modification is appropriate considering the special base height considerations on the southern portion of the Western Subarea. In all locations in the development site the base height will be limited to 60 feet with the exception of the southernmost portion of parcel W-1, which is limited to 50 feet. The Commission believes that this modification is appropriate to ensure that parcel W-1 appropriately relates to the surrounding context of South Island Park and the waterfront, and to the planned enhancements to South Island Park immediately south of parcel W-1. The Commission accordingly modifies the

regulations controlling base height location.

During the public review process, concerns were raised that the Eastern Esplanade was too narrow. Subsequently, the Trust revised the zoning text amendment to provide for an additional public space adjacent to the Eastern Esplanade within the Eastern Subarea. This revision increased the effective Eastern Esplanade open space and circulation area from 55 feet to 70 feet, matching the width of the Western Esplanade. In evaluating the modification made by the Trust, the Commission determined that bulk controls along the Eastern Esplanade required further adjustment for clarity. As many of the bulk provisions reference the parcel-esplanade boundary line, adjustments are required to ensure that no development is permitted in the expanded esplanade area. Consequently, the Commission clarifies that this additional public space shall be considered part of the “esplanade” for the purposes of applying the relevant bulk controls, but that this additional public space will remain part of the development parcel and will not diminish the parcel’s lot area or permitted floor area.

Throughout the public review process, the Commission expressed concerns about the proposed provision of 300 vehicle parking spaces on the South Island. The Commission appreciates that the Trust is committed to prioritizing pedestrian and bicycle use, and that the Trust currently practices careful management of its 50-vehicle fleet to limit pedestrian and vehicle interactions. The Trust anticipates that large academic, institutional, cultural and other users will require their own vehicles for premises that could span multiple acres, as well as space for utility vehicles that will service their facilities. The Commission acknowledges that approximately 50 percent of the Trust’s current vehicle fleet is electric and that the Trust wishes to deploy more electric vehicles and infrastructure to support its operations and any on-Island transportation. With these admirable sustainability goals in mind, the Commission believes that 300 parking spaces for vehicles is excessive for an island that rightly prioritizes pedestrian and bicycle circulation, and does not have any direct vehicle access. Accordingly, the Commission modifies the zoning text amendment to allow a maximum of 200 parking spaces in the Southern Subdistrict.

Overall, the Commission believes that the proposed actions will serve as an important step

towards the completion of the vision for Governors Island as a unique combination of open spaces and buildings that will serve New Yorkers and establish the island as global center for climate research and innovation. The expanded SGID seeks to balance the built character of the historic North Island while introducing academic, institutional, cultural tenants and other supportive uses to the South Island that will support and encourage public use of the island. The actions will give momentum to fulfilling the vision of a self-sufficient, vibrant, publicly accessible, 24-hour community with a diverse mix of uses.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on March 5, 2020 with respect to this application (CEQR No. 11DME007M) the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and regulations have been met and that:

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, adopted herein is one which minimizes or avoids environmental impacts to the maximum extent practicable;
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the greatest extent practicable, memorialized in Commitment Letters between The Trust and DME, and The Trust and NYCT, attached to this report.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic, and other factors and standards, that form the basis of the decision, pursuant to section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Coastal Commission finds that the action will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New

York City Charter that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map.

The above resolution (C 210127 ZMM), duly adopted by the City Planning Commission on March 17, 2021 (Calendar No. 17), is filed with the Office of the Speaker, the City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

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

**DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., JOSEPH DOUEK,
RICHARD W. EADDY, HOPE KNIGHT, LARISA ORTIZ**, *Commissioners*

ORLANDO MARÍN, *Commissioner, VOTING NO*

ALFRED C. CERULLO, III, ANNA HAYES LEVIN,

RAJ RAMPERSHAD, *Commissioners, ABSTAINING*

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	6 In Favor	2 Opposed	2 Abstained	2 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	26 In Favor	3 Opposed	7 Abstained	2 Recused

RE: Governors Island Rezoning, zoning map and zoning text amendments (ULURP applications 210126 ZRM and 210127 ZMM)

ULURP Action and Proposed Development Description

WHEREAS: A Uniform Land Use Review Procedure (ULURP) application has been submitted to the Department of City Planning (DCP) by the Trust for Governors Island (the “Trust”) and the New York City Department of Small Business Services for land use actions to support and allow for the redevelopment of the southern section of Governors Island; and

WHEREAS: The applicant requests the following actions:

1. Zoning map amendment to extend the Special Governors Island District to the southern section of Governors Island (the South Island) and to rezone the R3-2 district within the South Island to a C4-1 district.
2. Zoning text amendment to modify Article XIII, Chapter 4 to establish the existing Special Governors Island District as the North Island Subdistrict of the Special Governors Island District, to establish a new South Island Subdistrict of the Special Governors Island District, comprised of an Eastern Subarea, Western Subarea, and Open Space Subarea, and to provide new provisions applicable to the South Island Subdistrict.

WHEREAS: According to the Trust presentations to Manhattan Community Board 1 (CB1), the intention of the proposed development is to activate Governors Island into a year-round resource by creating a new academic, research, culture and/or mixed-use facility that will draw a critical mass of visitors and users to the Island; and

WHEREAS: The Trust asserts that the proposed level of development is required in order to make the Island financially self-sustaining. However, there is no mandate in the Deed that notes the Trust must become financially self-sustaining; and

WHEREAS: The proposed actions will facilitate the redevelopment of the Western Subarea and Eastern Subarea with a combined 4,275,000 zoning square feet of commercial and community facility uses. The anticipated land uses include academic, dormitory, office, research, hotel, restaurant, retail, nonprofit, cultural and other uses. The Trust envisions the creation of a cross-disciplinary center for climate adaptation that would provide a physical hub and convening space for climate and urban adaptation study as well as physical demonstration projects accessible to the public; and

WHEREAS: The proposed zoning text amendment seeks to designate the area covered by the existing Special Governors Island District (SGID) as the Northern Subdistrict and establish a new Southern Subdistrict. The existing provisions of the SGID would become the provisions applicable to the Southern Subdistrict. The Zoning Text Amendment would establish three Subareas within the Southern Subdistrict: the Western Subarea, the Eastern Subarea, and the Open Space Subarea. The two Subareas are split into five building parcels: Parcels E-1, E-2, E-3, and E-4 in the Eastern Subarea and Parcel W-1 in the Western Subarea; and

Background and Project Area Description

WHEREAS: In 2003, the U.S. Federal Government deeded the Island to the Governors Island Preservation and Education Corporation (GIPEC), the predecessor to the Trust for Governors Island. The National Park Service owns 22 acres of the Island, and the Trust is the owner of the remaining 150; and

WHEREAS: In 2010, the Trust developed a Master Plan including a park, and two development areas on the South part of the island and, in 2011, the Final Generic Environmental Impact Statement (FGEIS) for the park construction; and

WHEREAS: In 2013, the City completed a supplemental GEIS and enacted a zoning text amendment and zoning map change establishing the SGID on the North Island, allowing for a wide range of commercial uses to facilitate more flexibility in the planning for the Island; and

WHEREAS: The Project Area is comprised of the entirety of Governors Island, which is approximately 172 acres currently mapped as a R3-2 zoning district. There are two areas, referred to as the North Island and South Island along Division Road; and

WHEREAS: The “Development Sites” are comprised of the Western Subarea of approximately 6.1 acres and the Eastern Subarea of approximately 26.8 acres; and

WHEREAS: The North Island measures approximately 93 acres and is a designated Historic District with over 50 two and three story wood and brick 19th and early 20th century buildings, and five individual landmarks, including Fort Jay and Castle Williams. Current land use on the North Island includes institutions and cultural uses, artists studios, administrative offices for the Trust, the NY Harbor School, and a day spa currently under construction; and

WHEREAS: The South island measures approximately 79 acres and includes former military and Coast Guard residences and facilities, all currently vacant, The 2010 Master Plan for the South Island establishes three Subareas, the Western Subarea, Eastern Subarea and Open Space Subarea; and

WHEREAS: The entire shoreline of Governors Island is classified as FEMA Zone A (100-year floodplain) and the western and southern shorelines are classified as FEMA Zone V (100-year floodplain with velocity (wave action)); and

Proposed Use and Open Space Regulations

WHEREAS: The Governors Island Deed identifies four Restriction Terms with regards to allowable uses on the Island: Parkland Restriction Term, Education Restriction Term, Addition Permitted Uses Restriction Terms and Prohibited Uses Restrictions Terms; and

WHEREAS: The Governors Island Deed indicates Parkland as a Public Benefit Use and Open Space as an additional Public Benefit Use stating “ Open Space, in addition to a large public park, including a publicly accessible esplanade around the perimeter of Governors Island and publicly accessible active and passive land and water based recreation facilities;” and

WHEREAS: The community has expressed concern over the vast permitted uses in the proposed zoning. CB1 was not sufficiently engaged on allowed Use Groups and what the community did or did not want to see on the Island (i.e. amusement park uses, permanent housing); and

WHEREAS: The proposed zoning text governing the Governors Island Southern Subdistrict would allow for additional uses in addition to those currently allowed in the GISD

and include but are not limited to manufacture of medical instruments and appliances (Use Group 11A); eating and drinking establishments with a capacity of more than 200 persons, and trade exposition uses (Use Group 12A); carpentry, custom woodworking, custom furniture making and warehouses (Use Group 16); laboratories, research, experimental or testing (Use Group 17B); and the following manufacturing establishments: furniture (Use Group 17B); food products (Use Group 17B); and the manufacture of alcoholic beverages, breweries, marine transfer stations, and sewage disposal plants (Use Group 18); and

WHEREAS: In the Open Space Subarea, the proposed zoning also allows all uses in Use Group 15, the most restricted use group in the New York City Zoning Resolution. Currently, Use Group 15 is only allowed as-of-right in C7 districts because they have been defined as appropriate “only in a few areas designated for open amusement parks.” These uses include, but are not limited to:

- Amusement arcades
- Amusement parks
- Animal exhibits
- Ferris wheels
- Roller coasters
- Freak shows
- Wax museums
- Dodgem scooters
- Open booths with games of skill or chance (including shooting galleries), etc.

WHEREAS: If adopted as proposed, Governors Island would become the largest district in NYC to allow Use Group 15, slightly larger than Coney Island’s amusement area; and

WHEREAS: A range of uses are also allowed on the piers in the Open Space. These uses include, but are not limited to:

- Private beach or boat clubs
- Boatels
- Docks for boat launching and rental
- Boat repair and storage
- Sewage disposal plants and marine transfer stations

WHEREAS: The zoning would also allow any use accessory to those such as parking and loading areas, maintenance buildings, etc.; and

WHEREAS: CB1 is concerned that these Use Groups could potentially allow for exploitative development in the Open Space Subarea, transforming what the public considers parkland into a possible theme park, night club or theater district, among other uses. CB1 has received significant public comment identifying this as a major concern; and

WHEREAS: The Trust describes the Open Space Subarea as Public Open Space in contradiction to the Deed which labels this as Public Parkland. The Open Space Subarea would not have park protections that would typically be found in a park under the jurisdiction of the New York City Department of Parks and Recreation (DPR). Zoning does not apply to Public Parks under the jurisdiction of DPR, but zoning does apply to the Open Space Subarea on Governors Island. The community is understandably very concerned as to what can and cannot be built in the open areas; and

WHEREAS: The Open Space Subarea is comprised of approximately 1,719,000 square feet. The potential for development in this area is immense and there are no protections in place to prevent the over-development of the Open Space Subarea. If the proposed zoning were exploited to 80% coverage of the Open Space Subarea, theoretically up to 5,500,800 square feet of gross floor area could be generated in the Open Space Subarea. This development scenario within the Open Space Subarea has the potential to cause extreme impact, yet was not studied as part of the environmental review; and

WHEREAS: While the Open Space Subarea does not generate any zoning floor area, zoning still allows uses and structures not typically found in parks. Considered as “permitted obstructions” and exempt from any floor area or coverage restrictions, buildings and other structures up to 35 feet are allowed when they house permitted uses. These buildings or structures could include uses such as but not limited to, large restaurants and bars with entertainment and dancing, transit facilities, recreational facilities including temporary circuses, golf driving ranges, and others; and

WHEREAS: The Trust is proposing the addition of approximately six acres of new publicly accessible open space in the proposal consisting of 1) the widening of the existing island esplanades, 2) the addition of “connections” (streets) between and around

the East and West development zones and 3) the enlarging of Yankee Pier Plaza to become a 25,000 sf primary entrance to the Island adjacent to Yankee Pier. The community strongly believes this proposed additional open space (of an enlarged plaza and roadways for circulation) is woefully inadequate and does not address the city's critical need for open space; and

Density, Floor Area Ratio (FAR), Height, Bulk, Parking Regulations

WHEREAS: Currently, Governors Island has a village-type, modest urban density. In terms of mass and height, the proposed development is substantially larger than the existing development on the Island. A majority of public comments indicate that it is the existing density and scale that gives Governors Island its identity as an island refuge in its highly urbanized context within the city; and

WHEREAS: The Governors Island Historic District Design & Development Guidelines state that, "development in the transition zone should be neither diminutive nor overwhelming in scale, should recognize the appropriate setbacks and pedestrian qualities of Division Road, and should maintain the character of the historic buildings to the north;" and

WHEREAS: Governors Island is one zoning lot. The maximum Floor Area Ratio (FAR) of the total development sites is 2.98 and floor area can be moved freely between the development sites. This is an immense amount of floor area which is nearly three times larger than what was considered as part of the 2013 FSGEIS, which was 1.625 million square feet of development on the South Island as opposed to the approximately 4,500,000 gross square feet currently proposed; and

WHEREAS: Earlier iterations of the plan for South Island development (i.e. 2010 Master Plan and 2013 FGSEIS) have been defined by the Trust as merely conceptual. As noted in the 2013 FSGEIS, "Similar to the 2011 FGEIS, this SGEIS considers the impacts of the South Island Development Zones based on a generic development program since there are no specific development plans or proposals for those areas." However, the public's understanding for the development program was based on those earlier models and the drastic increase in scale of development is unacceptable; and

WHEREAS: The Trust presented in September 14, 2020 at the Land Use, Zoning & Economic Development Committee meeting to CB1 that the maximum heights of the development parcels range from 200 to 300 feet to preserve skyline and waterfront views with the benchmark that no buildings are taller than the Statue of

Liberty at 305 ft. Both the Eastern and Western parcels will allow buildings to exceed that limit with permitted obstructions for rooftop mechanicals that are also allowed up to 60 feet on top of the eastern side and 40 feet on the western side. The pending Zoning for Coastal Flood Resiliency (ZCFR) city-wide zoning text amendment further provides for alternative methods for measuring and increasing allowable building height; and

WHEREAS: If ZCFR is adopted as proposed, height may be measured from 10 feet above the base plane. Typically, building heights are measured from a base plane (a level plane where the building meets the ground) which acts as zero when measuring building height. The changes proposed in ZCFR would mean that “zero” could be 10 feet above the base plane; and

WHEREAS: Base plane is normally measured using curb and street levels; however, per City Planning confirmation on December 3, 2020 there are no mapped streets on all of Governors Island as defined in the zoning to control where the Base Plane is measured from. This means that where the base plane is drawn, and where building heights will be measured from, is left largely up to the applicant and the developers. Developers would be able to fill in development sites so that the buildings would be measured starting from a higher elevation; and

WHEREAS: The tallest buildings on and in closest proximity to Governors Island are currently Liggett Hall and the Battery Maritime Tunnel Vent which are approximately 125’ tall. The buildings in the Historic District are 2 and 3 story structures. The proposed building heights in the development parcels are approximately 10 times the height of those in the Historic District and 3 times the height of the highest existing structures on or near the Island; and

WHEREAS: The zoning established a maximum building length of 400’ in the Eastern Subarea which is the approximate distance between Park and Lexington Avenues; and

WHEREAS: The new proposed zoning and development plan is inconsistent with previous plans. While the location and shape of the South Island development zones are consistent with those described in the 2010 Master Plan, there is a substantial difference in the scale of development and proposed uses. Though the 2010 Master Plan primarily addressed open space, it referred to a development program of approximately 2.8 to 4 million square feet or more for the entire Island (which included 1.4 million square feet already existing on the North Island). Though it was noted as a placeholder and that it was anticipated that South Island development scenarios should be studied in later phases, the 2013

FSGEIS also studied only 1.6 million square feet of new development on the South Island; and

WHEREAS: The Deed restriction identifies parking as a prohibited use except “for vehicles used in connection with the maintenance and operation of Governors Island of facilities thereat and the transportation of visitors to various locations throughout Governors Island.” Yet the current zoning proposal allows for “parking and loading permitted in conjunction with any permitted use up to a maximum of 150 spaces within each the Eastern Subarea and Western Subarea”, totaling a generous allotment of 300 spaces on the Island; and

WHEREAS: This parking is optional, but would not be counted against the limitation of coverage or floor area. The proposal also allows the option of a CPC Certification to add more parking and loading areas. However, more troublesome is that the proposed zoning would also allow for accessory parking within the open space; and

WHEREAS: While it is reasonable to assume that institutional and/or commercial facilities will require a limited amount of vehicle storage to satisfy logistical needs, there is no rational basis to justify an as-of-right on-site parking capacity of up to 150 vehicles on each development parcel in an otherwise vehicle-free island. This generous allowance is contrary to Deed’s requirement and could create incentives to establish more ways for vehicular access to the island for non-essential purposes, create conflicts with park users and disrupt the unique car-free nature of the park as currently enjoyed. CB1 is also concerned that this parking provision will allow for many delivery trucks and/or distribution centers on the Island; and

WHEREAS: Of the 2.98 FAR proposed, up to 0.5 FAR can be residential uses. The Deed currently only allows housing for caretakers, dormitory, faculty, managers of Governors Island and police/fire personnel and facilities, and short-term or extended-stay accommodations. 0.5 FAR of housing in the South Island developments sides would produce 718,465 square feet of zoning floor area (about 800 units of housing). This is a substantial amount of potential housing; and

WHEREAS: The current proposal offers additional flexibility through CPC Authorizations and Certifications. These Authorizations and Certifications allow applicants to waive requirements including: commercial uses, location of

residential uses, bulk requirements, building orientation, fences, and off-street parking and loading; and

WHEREAS: The Governors Island proposed rezoning and ZCFR city-wide zoning text amendment are going through the land use approvals process at the same time. Both applications were certified on October 19, 2020. Since all of Governors Island is one zoning lot, and part of the zoning lot is in the 100-year flood plain, ZCFR would be applicable for the entire Island. Since the Trust's proposal does not incorporate changes that would be required if ZCFR is adopted, it has been tremendously difficult for CB1 to fully understand the implications of these changes, though ZCFR would impact the entirety of Governors Island; and

WHEREAS: The new citywide ZCFR text states: "In some areas where flood risk is exceptional including where sea level rise will lead to future daily tidal flooding, there is a need to limit future density to decrease the exposure to damage and disruption." Logically, it seems that at least parts of the proposed development parcels on Governors Island should be defined as being located in an area of exceptional flood risk; and

Financial Considerations

WHEREAS: The applicant has stated that this vast scale of development is required in order for the Island to achieve financial sustainability. The Trust presented financial projections to the CB1 Land Use, Zoning & Economic Development Committee on November 9, 2020. CB1 requested detailed financial modeling after the meeting in order to evaluate the assumptions and to test the models' sensitivity to changes in those assumptions. However, the applicant has refused this request, which makes it impossible for CB1 to fully understand or justify this scale of development; and

WHEREAS: Additionally, the Trust has noted that they could achieve financial sustainability with a 500,000 square foot reduction to the overall development program on the South Island, but that such a reduction would eliminate any contingency. CB1 has requested the detailed financial modeling showing alternatives to the current proposal, including the minimum level of development that would be required to achieve financial sustainability, but this too has not been provided by the applicant; and

WHEREAS: Financial and other modeling done in connection with this proposed project were conducted using assumptions on pre-pandemic conditions. In this very

unpredictable time, the community does not have confidence that this proposal will develop as expected. Many have expressed fear over an undesirable result, such as more privatization on Island; and

Public Engagement & Oversight

WHEREAS: The existing North Island zoning text requires CB1 review prior to the “establishment” of any 7,500 square foot commercial use. The proposed zoning still requires CB1 review for commercial uses at or over 7,500 square feet, but it eliminates the wording “prior to establishment” and requires that it be brought to CB1 for review strictly prior to the “issuance of a building permit”. This change is slight but meaningful and would likely reduce the number of applicants that would be required to come before CB1 for review; and

WHEREAS: While Governors Island falls within CD1, it is an extraordinary resource for our city, state and nation. Public engagement and outreach on decisions concerning the zoning for potential development on the island at the local level with neighboring Community Boards in Brooklyn and Manhattan has not been done with robust public outreach or frequency. Brooklyn CB2 noted by email on October 22, 2020 that given the amount of time-sensitive discretionary actions pending review by their Board at the time of certification, they regretfully would not have the time or capacity to review and opine in any formal way during the Community Board portion of the ULURP process. Brooklyn CB6 received the presentation on the Trust’s South Island development proposal on December 21, 2020 and has not yet submitted comment. Governors Island is a singular public asset and the public has not been adequately involved in the development of this plan; and

WHEREAS: The de Blasio Administration did not conduct any public engagement, visioning, or feedback that was commensurate to the scale of the the Governors Island Rezoning as compared to other neighborhood or large site rezonings such as Inwood Neighborhood Rezoning or the Sendero Verde Redevelopment respectively; and

WHEREAS: Outreach to the Governors Island mailing list and listing of the dates about the scheduled Zoning meetings with CB1 were not done until October

2020. The public was not presented information that Deed restrictions were not permanent until October 2020; and

WHEREAS: The community has great concern over the fact that the Deed's Prohibited Use Restriction terms sunset after 50 years from the Master Plan effective date in 2010, allowing for dramatic changes in the uses groups in 2060. These restricted uses include: long term permanent residential use, industrial or manufacturing, casino or gaming, parking, and electric power generating stations; and

WHEREAS: In July 1997, CB1 testified at a Congressional hearing on Governors Island: Options for Reuse After Federal Government Departure and stated that CB1 wished that Governors Island be kept as a park land with active, open recreational space. Further, that "one thing that Community Board 1 does not want to see happen is for Governors Island to be converted into some kind of private or semi private area that would prohibit residents and workers and tourists from coming onto the Island. That would include residential communities or campuses;" and

WHEREAS: In a CB1 resolution in 2007 referencing a Governors Island design competition, CB1 provided a clear vision of what the community wanted to see on the island stating: "CB1 has specific design and use requirements that we want to see in any final plan for the southern portion of the Island, ...These requirements include: 1. Maximal use of the island's existing landscape and inherent natural qualities (its view of the harbor, its proximity to the water, its location between Brooklyn and Manhattan, its open spaces)... 2. Athletic fields. 3. Lawns, public walkways, bike and pedestrian pathways. 4. Full options for the public to enjoy water-related activities such as boating, historic ship docking, kayaking, floating swimming pools, environmental programming and research, waterborne transportation, etc., since the potential for water-access on Governor's Island is immense and unavailable in most other public park venues, and any plan selected should enhance the Governor's Island protected historic area to the north, ensuring that there is real integration between the new design scheme, the development plan, and the historic area;" and

WHEREAS: Dozens of individuals spoke during the CB1 public hearing on November 9, 2020 and CB1 collected approximately 160 additional written comments. Most of these comments have been in opposition to the proposed scale of density and development, and in-favor of preserving parkland, open space and recreation on the Island; and

WHEREAS: Specifically, many from the Harbor School community have advocated for the expansion of the school, including a new pool. In December 2020, the CB1 Youth & Education Committee adopted a resolution asking the Trust to allow Building 515 or another existing building to be added to the School's campus and for the pool facility; and

WHEREAS: In September 2018, CB1 adopted a resolution on the Governors Island Draft Scope of Work (DSOW) for a Draft Environmental Impact Statement, which states that "CB1 is very troubled by the scope and magnitude of development being assessed for the Southern island and believes that it is excessive. CB1 does not endorse many aspects of the DSOW and we look forward to working with the Trust to modify the final scope;" and

WHEREAS: NYC does not have a comprehensive plan. The NYC Zoning Resolution serves to function as NYC's comprehensive plan and it is relied upon to make development predictable. While the Trust's proposal provides maximum accessibility for development through the zoning, these wide parameters are problematic, make future development unpredictable, and provide numerous opportunities for potential exploitative development, especially considering that both use and bulk regulations can be further altered through CPC Authorizations; and

WHEREAS: On December 22, 2020, CB1 received a letter from the Trust (see attached) outlining specific proposed changes to the plan in response to concerns raised by the Board including: open space protections, Base Plane, RFP engagement, pre-RFP goal setting engagement, and the anchor institution RFP. The letter also states that the Trust will continue to work with CB1 to address other conditions and concerns outlined by CB1 including, but not limited to, open space programming and operations, the amount of permitted parking, resiliency and sustainability goals for the RFP, the expansion of waterfront access, the accommodation of existing tenants, expanded and enhanced field space, and expansion of Harbor School Facilities; and

WHEREAS: CB1 has long supported the Trust and recognizes the need for public/private investment to move the Trust's vision forward. CB1 supports the Trust and wants to continue to work together to preserve the legacy of the Island as a beloved public resource and to make the Island resilient and sustainable. CB1 thanks the Trust for their letter and efforts in responding to the concerns raised. We look forward to continuing to work together to ensure that the concerns captured in the letter and those outlined below are resolved; now

THEREFORE
BE IT
RESOLVED

THAT: For the reasons set forth above and below, pursuant to Section 197-c(e) of the New York City Charter and Section 2-03(f) of the ULURP Rules promulgated by the NYC CPC, ***CB1 recommends the CPC disapprove the Applications unless and until the following modifications and conditions are satisfied:***

- CB1 strongly believes that the proposed development on Governors Island must meet the restrictions, conditions and covenants as contained in the Deed from 2003 and that the following mitigations and conditions are needed to: ***“ensure the protection and preservation of the natural, cultural and historic qualities of Governors Island, guarantee public access to this magnificent island, promote the quality of public education, and enhance the ability of the public to enjoy Governors Island and the surrounding waterways, thereby increasing the quality of life in the surrounding community, the City, the State and the United States.”***

Use and Open Space Regulations

- The zoning must redefine “Open Space Areas” and “Open Space Subareas” as “public parkland,” including “open spaces” in the North Island to assure consistency with the Deed’s “Parkland Restriction Terms”.
- The zoning must allow for adequate additional open space for the development of new fields, passive and active recreation spaces and waterfront touch down areas, and those areas that exist should be preserved and prioritized for community use with continued programming for child/youth recreation leagues.
- CB1 must be assured that access to the water, water related recreational uses and maritime opportunities be prioritized and the plans must include detailed information on where and how the waterfront will be accessed.
- CB1 must be assured that all development will employ all regulations and recommendations as set forth in the city’s Waterfront Revitalization Program and the Waterfront Alliance Maritime Activation Plan.
- The zoning must establish a Pierhead and Bulkhead line to define the end-points of the piers and other important controls.
- The zoning text must be amended so that the “streets”/”connections” are not closed to the public outside of hours of operation. “Reasonable hours of operation” should be written into the zoning, or hours of operation could reference NYC park hours.
- The permitted uses in the zoning text must align with the Governors Island 2003 Deed requirements and the scope of the environmental reviews.

- A Supplemental Environmental Review must be provided to capture and study the expanded uses which has not yet been provided. This must include the potential development of the Open Space Subarea, including “permitted obstructions” under 35 feet. For example, the impact of an amusement park in the open space or a boatel on an open pier would need to be reviewed as concerns the potential environmental impacts.
- Use Groups 12, 15 and 18 must be amended or removed, including but not limited to amusement uses, permanent residential, non-maritime industrial uses, sewage removal, marine transfer stations, and private beaches. It is critical that more engagement needs to be conducted with the community to better determine which uses are or are not appropriate for the Island.
- The zoning must indicate that 0.5 FAR for housing should be used only as staff housing and not for any other type of permanent housing.
- The zoning and/or Deed must be amended to prohibit permanent, long-term housing uses in perpetuity.
- CB1 requests that the Trust review and study the East Esplanade to evaluate competitive uses and implement a plan to ensure safety during simultaneous use of multiple modes of movement (i.e. vehicular, cyclist, pedestrian) on the Esplanade. This evaluation should include consideration of how resiliency measures (i.e. berms, split level promenade) would impact use of the Esplanade.

Environment and Sustainability

- CB1 urges that the project seek to achieve self-powered, off-grid or near off-grid environmental self-sustainability, or near self-sustainability within 3 years of inception.
- CB1 urges the Trust provide clear and precise plans and as to how the laudable mission to become a true model of environmental sustainability will be realized and CB1 requests that the Trust review and respond to the community as to how the zoning might better assure the public that any development will adhere to the most innovative and stringent global resiliency and sustainability practices.
- CB1 urges for further engagement with the Trust to address the public’s concern that large-scale development of this scope and scale is neither climate friendly nor resilient.
- The EIS must take into consideration how Governors Island will be affected by the city’s current proposal to build an offshore extension in the FIDI Seaport area in Lower Manhattan which will include many potential impacts including the modification of the Battery Maritime ferry terminal.

Density, Floor Area Ratio (FAR), Height, Bulk, Parking Regulations

- The zoning must be amended to reduce the density, height and bulk for the development on the Island to respond to the community’s many concerns including but not limited to:

context of the Historic District, views from on and off the island, shadows on the Harbor School, etc..

- In order to be more consistent with earlier plans and the existing scale of the buildings on the Island (i.e. Liggett Hall), the zoning should be amended to cap heights at 125’.
- The “Transition Zone” along Division Road must be made wider and more consistent with the Governors Island Historic District Design & Development Guidelines.
- The zoning text must clearly define limits to the Base Plane. Given the unique conditions on the Island and in the absence of streets and curbs, a maximum Base Plane must be provided with specific height parameters so that maximum height is consistent with the community’s understanding.
- Urban design and architectural guidelines for development on the Island must be provided.
- The Trust must prioritize phasing development to allow for leasing the existing millions of square feet already existing on the Island prior to the construction of new buildings.
- The zoning must reduce the parking allowance on the two development zones as per the conditions set forth in the Deed which indicates parking as a Prohibited Use.
- CB1 requests assurance that buildings are not built out to the southern edge of parcel E-4 so that it is left open for public use and does not encroach on Picnic Point.

Financial Considerations

- CB1 demands that the detailed pro forma financial modeling for the alternative development scenario provided in the DSSGEIS showing plans for development at a reduced scale, as well as the 2013 FGSEIS be provided to CB1 for review. The public understands the current development program was based on the earlier less dense models and does not accept the dramatic increase in density.
- Additionally, CB1 reiterates the request that the Trust provides detailed pro forma financial modeling for the currently proposed scale of development and the minimum scale of development that would be needed to achieve financial sustainability (including assumptions for taxes, inflation, etc).
- CB1 asks that the Trust identify and consider what the State and Federal government each provide currently to the Island and how this might be increased under the new administration to provide additional support to the Island.

Public Engagement & Oversight

- CB1 urges the Trust to work with all existing tenants on the Island to assure their tenancy and to assist with their needs going forward (including but not limited to, Billion Oyster Project, Earth Matters, Harbor School).
- The zoning must be amended to allow for a 45- day CB1 comment period for CPC Authorizations, Certifications, waivers, allowances or any additional changes to the zoning. The comment period should be established to allow for CB1 comment, and those comments should be taken under due consideration by the CPC.

- The zoning text must be amended to preserve the wording in the North Island zoning provision which requires Community Board notice and review of commercial uses over 7,500 square feet prior to “establishment”
- CB1 urges that a similar provision be incorporated into the South Island zoning text which allows for CB1 to have oversight on certain new uses and their respective scale on the South Island. More engagement must be conducted with CB1 to further define this provision.
- As part of RFP engagement, the Trust must include the draft scope, draft RFP and project proposals for each building.
- CB1 urges the Trust to assure that further engagement on the zoning proposal and any subsequent Request For Proposals (RFP) allow for robust regional and citywide outreach to all elected officials, civic not-for-profits whose mission is to promote sound environmental and urban design and all neighboring community boards (in both Manhattan and Brooklyn).



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Gale A. Brewer, Borough President

January 27, 2020

**Recommendation on the ULURP Applications No. 210126ZRM and 210127ZMM
Governors Island Rezoning - South Island
by Trust for Governors Island and NYC Small Business Services (SBS)**

PROPOSED ACTIONS

The Trust for Governors Island (the “Trust” or the “Applicant”) and NYC Small Business Services (“SBS” or the “Applicant”) are seeking a zoning map amendment and a zoning text amendment to allow for development on the southern section of Governors Island.

The Applicants propose the following actions:

- a) Zoning map amendment to extend the Special Governors Island District to the southern section of Governors Island (the South Island) and to rezone the R3-2 district within the South Island to a C4-1 district; and
- b) Zoning text amendment to modify Article XIII, Chapter 4 to establish the existing Special Governors Island District as the North Island Subdistrict of the Special Governors Island District, to establish a new South Island Subdistrict of the Special Governors Island District, comprised of an Eastern Subarea, Western Subarea, and Open Space Subarea, and to establish new provisions applicable to the South Island Subdistrict.

These proposed actions are intended to facilitate development in the Eastern and Western Subareas while reserving the remaining area of the South Island for open space, recreational, water-dependent and other related uses. The Trust has also expressed an intention to attract a climate research center as an anchor tenant for the new development. Taken together, these plans are part of the Trust’s goal to make Governors Island both a City resource that is open year-round, and to also become financially sustainable.

BACKGROUND

From the early years of the Republic and until 1996, Governors Island operated as a U.S. military asset in various capacities. The island was decommissioned as an Army base in 1965 and was then used as a Coast Guard base until 1996 when the facilities were closed by the Federal government as a cost saving measure. At the announcement of its closure in 1996, the New York City Landmarks Preservation Commission designated the area north of Division Road as the Governors Island Historic District, which had already been designated as a National Historic District in 1985. In 2001, President Bill Clinton designated 22 acres of Governor’s

Island, an area which included Fort Jay and Castle Williams, as Governors Island National Monument, transferring ownership and stewardship of that portion of the island to the National Park Service. In 2003, the Federal Government sold the remaining portion of Governors Island—including South Island, which is the site of this proposed rezoning—to the State of New York. This action led to the founding of the Governors Island Preservation and Education Corporation (GIPEC), which would eventually become the Trust for Governors Island. The goal of the Trust is to maintain its use as a public asset and guide its future development.

The deed that was transferred to the GIPEC includes restrictions on the future use of Governors Island and requires that the majority of the island would be reserved for open space and public benefit uses. The island must have at least 40 acres of public open space, at least 20 acres reserved for educational uses, and at least 30 acres reserved for a variety of additional public benefit uses, which in addition to further open space could include museums and historic sites, surface and water transportation uses, or nonprofit cultural facilities. The deed also outlines potential development under several categories, including entertainment facilities, hospitality uses, commercial office space, health facilities, and cultural facilities. In addition, the deed prohibits a number of different uses, including permanent residential, manufacturing or industrial uses, gambling, and off-island electrical power generation. These restrictions are in place for fifty years, beginning either on the date of adoption of a Governors Island master plan for development, or December 31, 2012, whichever came first. Since the Governors Island Park and Public Space Master Plan was adopted in 2010, residential restrictions, among other restrictions in the deed, would expire as early as 2060.

The first phase of redevelopment began in 2010, with the release of the Governors Island Park and Public Space Master Plan, the transfer of the island to the City of New York, and the founding of the Trust. The Park and Public Space Master Plan was intended to guide the open space improvements that would transform the island into vibrant parkland and improve the resiliency of the island with topographic changes that would raise much of the park out of the 100-year flood zone. Development areas on the South Island were intentionally omitted from this plan to allow for development during subsequent phases.

The Office of the Deputy Mayor for Economic Development issued a Final Generic Environmental Impact Statement for the Phased Redevelopment of Governors Island in 2011 that analyzed the first phase of improvements included in the Park and Public Space Master Plan, and additional, later phases which included further planned open space improvements, the adaptive reuse of existing historic structures on the North Island, and the eventual planned development on the South Island, designated in the Park and Public Space Master Plan.

In 2013, the North Island was rezoned with the creation of the Special Governors Island District¹. The Special Governors Island District, which was intended to protect the historic characteristics of the North Island, while introducing commercial uses, was mapped over the R3-2 zoning district that encompassed all of the island at the time.

¹ [New York City Zoning Code, Article XIII, Chapter 4](#)

PROPOSED DEVELOPMENT

Area Context

Governors Island is a 172-acre island located in New York Harbor. While it is considered part of the borough of Manhattan and Manhattan Community District 1, it is geographically located between the boroughs of Manhattan and Brooklyn. The eastern coast of the island is near Brooklyn Community District 6. There are several other islands nearby in the harbor, including Ellis Island, Liberty Island, and Robbins Reef.

Access to Governors Island is provided by ferry service during the months of park operations, which run from May 1 through October 31. During the 2020 season, COVID-adjusted service was provided from Battery Maritime Building at 10 South Street in Manhattan and from Red Hook/Atlantic Basin in Brooklyn. Typically, access to the ferry in Brooklyn is provided from Atlantic Avenue Brooklyn Bridge Park – Pier 6 and in Manhattan from Battery Maritime Building at 10 South Street. Tickets from both locations are \$3 for adults but are free for visitors ages 12 and younger, seniors age 65 and older, IDNYC holders, current and former military service members, New York City Housing Authority (NYCHA) residents, and Governors Island members.

Site Description

Governors Island is comprised of one zoning lot (Block 1, Lot 10) and is divided into a North Island and a South Island, the border of which is considered to be Division Road. Currently, the entire island is mapped as an R3-2 zoning district, which is a low-density residential district. The existing zoning allows a maximum FAR of 0.5 for residential use, and a FAR of 1.0 for community facility use.

The North Island, comprised of approximately 93-acres north of Division Road, includes the Governors Island Historic District and is the home to five individual landmarks: Fort Columbus (Fort Jay), Castle Williams, the Commanding Officer's Quarters, Post Hospital, and Governor's House. Governors Island National Monument is also located within the North Island. Current uses and tenants in buildings within the North Island include the New York Harbor School, the Lower Manhattan Cultural Council (LMCC), offices for the Trust, artist studios, other cultural uses, and commercial uses including various food vendors. There is a day spa currently under construction and the Trust has indicated that additional commercial and new cultural uses will be introduced in currently vacant buildings.

The North Island is zoned R3-2 and is governed by the Special Governors Island District. The special district zoning text modified the R3-2 zoning district to allow for some commercial uses up to an FAR of 1.0. Development is also overseen by LPC since this portion of the island falls under the Governors Island Historic District.

The South Island, the site of the proposed rezoning, is the approximately 79-acre area south of Division Road. In addition to a number of vacant buildings that will be demolished as a part of the redevelopment plan, the South Island has a significant amount of public open space. The

South Island is zoned R3-2 but is not part of the Special Governor's Island District. As such, some of the uses that are permitted on the North Island are not allowed on the South Island. The "Development Site" located within the South Island is comprised of the Western Subarea and the Eastern Subarea, located on the western and eastern shores of Governors Island. The Western Subarea is approximately 6.1 acres and the Eastern Subarea is approximately 26.8 acres. The remainder of the South Island is the Open Space Subarea, which is not included in the Development Site.

Governors Island includes Pier 101, Pier 102, Yankee Pier, and Lima Pier. Soissons Dock and Soissons Landing are located on the north shore of the island. Tango Pier is not currently operational.

The majority of the Development Site on the South Island is located within the 1 percent annual chance flood plain, as is the waterfront on the North Island. A small portion of each Subarea is also located within the 0.2 percent annual chance flood plain. The raised portion of the parkland completed in accordance with the Public Space Master Plan on the South Island is above the floodplain.

Project Description

The intention of the proposed rezoning is to enable Governors Island to produce enough revenue to offset operational costs and maintain the island as a year-round resource, including the maintenance of open space and the historic buildings. At present, the island operates May through October.

The proposed rezoning would allow up to 4,275,000 square feet of commercial and community facility uses within the Western Subarea and the Eastern Subarea. These subareas are further divided into parcels E-1, E-2, E-3, and E-4 in the Eastern Subarea and Parcel W-1 in the Western Subarea. The allowed uses within the Development Site include those uses currently allowed under the Governors Island Special District, as well as a few other use groups. Additionally, the Trust has also proposed that an education or research institution dedicated to climate and sustainability study would serve as an anchor institution. In support of that institution, the Trust has proposed that the zoning must also be amended to allow for dormitories and faculty housing, space for convening and hospitality, commercial uses, and cultural uses.

The remainder of the South Island, including South Island Park, would be restricted to amenity uses allowed within open space, further restricting what is allowed in open space now. This includes use groups 4, 6, 13, and 15, and a 25 foot height restriction for all amenity uses and a 35 foot height restriction for open air theaters.

The zoning changes proposed are specifically a Zoning Text & Map Amendment to extend the Special Governors Island District and rezone the South Island from R3-2 to C4-1 and to add additional allowed uses on the island within the Development Site.

Additional open space is proposed within the Development Site. The esplanades between the Western Subarea and the water and the Eastern Subarea and the water are proposed to be

widened. Additionally, within the Eastern Esplanade, further open space will be created between parcels in pedestrian paths and at the proposed Yankee Pier Plaza. In total, the proposed zoning would create an additional 6 acres of public open space.

The proposed development of the South Island is also intended to allow for increased ferry access. The proposed Yankee Pier Plaza would be required by the proposed zoning text to be at least 25,000 square feet. That plaza is intended to be a reactivation of the Yankee Pier as the primary ferry terminal on Governors Island. The Trust also plans to increase ferry service to year-round service and accommodate increased capacity through improvements at Yankee Pier. The Trust has stated that ferry service from Manhattan to the current terminal on the north shore will not be reduced or terminated.

In 2020, the City Planning Commission certified the Zoning for Coastal Flood Resiliency text amendment application. That application is part of a citywide, multi-agency effort to improve climate resilience in New York City. The Trust has indicated that it will work with the New York City Department of City Planning in order to study how this would affect development prior to the start of any construction.

The Trust has committed to Community Board involvement in the RFP planning process and review for the proposed climate center. Additionally, the Trust has indicated that design guidelines for the development of the project will be created with input from a public engagement process.

The Trust projects that by 2050, it will begin to break even, and its total revenue will be projected to increase from the 2020 amount of \$5 million to \$126 million by 2050.

COMMUNITY BOARD RECOMMENDATIONS

Governors Island is located within the jurisdiction of Manhattan Community Board 1, but the Trust also made presentations to Brooklyn Community Board 2 and Brooklyn Community Board 6 during their outreach for these ULURP applications. The Trust presented to Manhattan Community Board 1 in February 2018 and September 2018, to the Land Use Committee in September 2020, October 2020, November 2020, and December 2020, and to the Environmental Protection Committee in January 2021. The Applicant also presented to Brooklyn Community Board 2 in March 2018, Brooklyn Community Board 6 in September 2018, and to the Brooklyn Community Board 6 Waterfronts Committee in December 2020.

Manhattan Community Board 1 held a public hearing on November 9, 2020.

During their December 22, 2020 meeting, Manhattan Community Board 1 voted to disapprove ULURP applications No. 210126ZRM and 210127ZMM by a vote of 26 in favor, 3 opposed, 7 abstentions, and 2 recusals unless certain conditions are met, which are summarized below:

Use and Open Space Regulations

The zoning must further limit the allowable uses within the Open Space areas and Open Space Subareas including the removal or amendment of Use Groups 12, 15 and 18, including but not limited to amusement uses, permanent residential, non-maritime industrial uses, sewage removal, marine transfer stations, and private beaches. Also, the zoning and/or Deed must be amended to prohibit permanent, long-term housing uses in perpetuity. Regulations set or recommended in the city's Waterfront Revitalization Program and the Waterfront Alliance Maritime Activation Plan should be followed.

Environment and Sustainability

The Trust must further commit to a self-powered, off-grid or near off-grid environmental self-sustainability, or near self-sustainability within 3 years of inception and climate impacts of large-scale development must be further studied.

Density, Floor Area Ratio (FAR), Height, Bulk, Parking Regulations

The zoning must be amended to reduce the density, height and bulk for the development on Governors Island. Specifically, the height of buildings should be limited to 125 feet and urban design and architectural guidelines for development on the island must be provided.

Financial Considerations

Community Board 1 has requested that detailed pro forma financial modeling for the development as well as alternative development scenario be shared with the public.

Public Engagement & Oversight

The Trust should incorporate a Community Board comment period for all CPC authorizations for zoning changes and should receive notices for any commercial uses over 7,500 square feet. Additionally, the RFP process for future tenants, should include involvement from the Community Board.

BOROUGH PRESIDENT'S COMMENTS

Governors Island is an important resource for all of New York City, and especially the borough of Manhattan. The Trust deserves our gratitude for reimagining the island as a place of respite, recreation, and discovery that millions of people have come to love. During its current months of operation, New Yorkers greatly benefit from the open space and cultural assets, which is why it is so important to make sure any future development enhances those existing assets while preserving the island as a place for everyone.

I recognize that the Trust faces significant long-term financial challenges that must be addressed in order to preserve the island as a beloved public amenity. I am committed to agreement on a

plan that includes a center for climate research and addresses the financial challenge, but does not place too much emphasis on commercial development or alter the pastoral character of the island.

I appreciated the thorough comments and conditions included in the recommendation provided by Manhattan Community Board 1. Additionally, I was happy to hear that the Trust committed to changes in their proposal in response to some of those concerns.

These changes included modifications to the permitted uses in the Open Space Subarea in which the following changes were made:

- All uses in Use Group 15 will be removed;
- All uses in Use Group 13 will be required to be open to the sky; and
- Use Group 12 “eating or drinking establishments with entertainment and allowing for a capacity of more than 200 persons, or establishments of any capacity with dancing” will be removed and replaced with Use Group 6 “eating or drinking establishments with entertainment, but not dancing, with a capacity of 200 persons or fewer”.

The following changes were made to the proposed permitted obstructions:

- The height limit for any structures in the Open Space Subarea will be reduced from 35 feet to 25 feet, except for structures associated with open theaters.

The Community Board also expressed concerns about ambiguity in how the “base plane” is defined that might allow for additional height in a development. The Trust has committed to fixing this issue with DCP by clarifying the zoning text.

The Trust has also committed to ensuring CB1’s participation in the RFP process for the anchor climate institution that they hope to attract. The Trust has agreed that after issuing the RFP in 2021, they will brief CB1 on the finalists and solicit their feedback before selecting a winning respondent.

However, my primary concern is how the potential height of future development would affect the island. The proposed allowable height, which ranges from 200 feet to 300 feet, is too significant. Buildings of that height would cast shadows on the remaining open space on the island, and irrevocably change its character. I believe the proposed building within the Eastern Subarea could be reduced significantly in height and remain economically viable, especially when there has been recent evidence that shorter buildings have not had trouble attracting tenants.² To protect what makes Governors Island attractive in the first place, the height of any future structure must be reduced.

All New Yorkers are grateful for the Trust’s success in making to the island as accessible as possible. Transitioning Governors Island to a year-round amenity is an admirable goal and I support it. However, free ferry service currently provided for children, seniors, IDNYC holders, current and former military service members, and New York City Housing Authority (NYCHA)

² [“On the Hunt for Office Space, Companies Stay Low to the Ground”, The New York Times](#)

residents must be preserved. Additionally, pier improvements and expanded ferry service must be included as commitments to expand access further.

As I stated above, I support the idea of a climate research center but I share the concerns of CB1 that there is not sufficient demonstrated need or interest in a center at this location. The ongoing pandemic has significantly changed the way that research and higher education are conducted, and I'm worried the organizations that might want to locate here will not be nonprofits or public benefit-minded groups. I believe that it would be important for the Trust to further demonstrate that there is sufficient interest and need before moving forward. I encourage the Trust to pursue an RFEI process with rigorous public engagement in advance of the proposed RFP to identify the feasibility of the center.

I am also seriously concerned about the climate resiliency of Governors Island. I support the commitment by the Trust to aim for a net-zero climate impact. However, the existing and predicted sea level rise and storm surge levels are not addressed by this proposal. With the inclusion of residential uses on the island, even if only for dorms and faculty housing, the issue of resiliency becomes even more important. The additional requirements now included in the recent DCP-sponsored Zoning for Coastal Flood Resiliency also need to be taken fully into account before the project is approved. The Zoning for Coastal Flood Resiliency text amendment which will protect historic and special zoning districts, maintain a vibrant and consistent street wall, and prioritize and fully facilitate resilient retrofits of existing buildings will apply to the entire city. The proposal for Governors Island must demonstrate how that text amendment applies to the historic buildings, monuments, infrastructure, and new construction.

In the course of developing the island, it is essential to make sure that the needs of existing tenants are met. In particular, I am supportive of the Harbor School's need for additional space and a pool that is appropriate for certification for marine diving and lifeguard training, ensuring the continuing support of composting by Earth Matter Inc., and the need for turfed fields with lighting that are primarily reserved for youth leagues and public schools.

The proposal combines many different goals. Some are relatively near term; others are acknowledged to require decades of investment. Since the overriding goal of this rezoning is to ensure that the Trust has enough revenue for proposed development and to meet recurring costs, we must ensure that aspects of the project that service existing needs such as the facilities for the Harbor School and other public amenities are frontloaded in the project. The financials of the project must be scrutinized carefully. I am concerned that even with the full proposed build-out, the island will not reach a break-even point until 2050. During the next 30 years, much could happen, including a Sandy-type storm event that could slow or hinder construction of new buildings and set this timeline back by many years. I encourage the Trust to seek other forms of funding, including federal money, that could address these challenges.

Any development that occurs on Governors Island must be done in a way that preserves what makes it special now. The island is one of the few places where New Yorkers can escape the city and connect with nature. While the goal of furthering climate research is laudable, and I acknowledge that revenue from the development of new facilities is necessary, I believe that

these goals can be achieved without a major impact on the pastoral qualities that now make this island such a magnet for the public.

The following concerns show that many key issues remain unresolved. For that reason, I cannot support this application in its present form.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends **disapproval** of ULURP Applications No. 210126ZRM and 210127ZMM unless the Applicant meets the following conditions:

1. At a minimum, in addition to removing Use Group 15, require all uses in Use Group 13 to be unenclosed, and replace Use Group 12 with Use Group 6, as well as limit height of structures from 35 feet to 25 feet, except for structures associated with open theaters in the Open Space Subarea, in accordance with changes made to address concerns made by Community Board 1, and work toward redefining "Open Space Areas" and "Open Space Subareas" as "public parkland" in the zoning;
2. Limit the height of buildings within the Development Site to 125 feet;
3. Expand direct waterfront access, and incorporate natural shorelines along with plans for esplanades and elevation;
4. Commit to working with the Department of City Planning to adjust all planned development in compliance with Zoning for Coastal Flood Resiliency requirements;
5. Commit to an RFEI process for an anchor tenant in advance of the RFP in order to gain a better understanding of tenants expressing interest;
6. Amend the proposed zoning to allow for a Community Board 1 comment period to be incorporated in all CPC Authorizations, Certifications, waivers, allowances, or any additional changes to the zoning;
7. Make the accommodations needed to allow for the construction of a pool and the acquisition of additional building(s) for classrooms, a gym, and an auditorium on the North Island for the New York Harbor School;
8. Amend Use Group 18 to explicitly allow for composting in order to enable Earth Matter NY Inc. to continue their operations in perpetuity; and
9. Upgrade existing athletic fields with lighting and artificial turf, and expand field space on Governors Island.

A handwritten signature in black ink, reading "Gale A. Brewer". The signature is fluid and cursive, with the first name "Gale" and last name "Brewer" clearly legible.

Gale A. Brewer
Manhattan Borough President

February 12, 2021

Marisa Lago
Chair, New York City Planning Commission
120 Broadway, New York, NY

Dear Chair Lago:

The Governors Island Zoning Text and Map Amendments (“South Island rezoning”) were presented to the City Planning Commission (“CPC”) at the review session on October 19, 2020, and our vision to create a center for climate solutions (“climate center”) on the Island was presented to the CPC during the review session two weeks prior on October 5, 2020.

We believe the rezoning and climate center vision represent a remarkable opportunity to bring year-round activity and access to Governors Island to further leverage this unique resource for all of New York City. Allowing for mixed-use new construction in the two areas set aside for development (“the Development Zones”) in the 2010 Park and Public Space Master Plan (“Master Plan”) and adding protections to the award-winning park to ensure it remains a pristine public space will advance the visionary Master Plan that has guided the redevelopment of the Island over the last decade. As you know, the proposed South Island rezoning would extend the Special Governors Island District to the Island’s southern half, bringing the zoning for the Development Zones in line with the long- envisioned uses for the Island as outlined by its deed, including educational, non-profit and commercial facilities. The proposed rezoning will support an exciting vision for both Governors Island and New York City, to bring a ground-breaking climate center to the Island which will create opportunities for research, solution-making, and broad educational and public engagement opportunities to New Yorkers in response to one of the greatest challenges of our time.

As was presented and discussed during the first review session presentation, the Trust for Governors Island (“the Trust”) anticipates the release of one or more RFPs to solicit proposals and potential partners for the two Development Zones. We are writing with follow-up information requested by the CPC during the second review session regarding the RFP development and issuance process, including ongoing involvement and consultation with both the Department of City Planning (“DCP”) and the CPC.

Although the structure and sequencing of solicitations may change, the Trust currently plans to issue one primary RFP for an academic or research institution to anchor the climate center and subsequently issue one or more broader RFPs for other complementing uses. These RFPs, with the intent to reach actual lease transactions, may be preceded with more informal requests for expressions of

interest (“RFEI”) to gauge market demand, which typically require little specific proposal information on the built form of the potential program.

We have worked closely and collaboratively with the staff at DCP to carefully craft the South Island rezoning proposal currently under review. We commit to continuing to work closely with DCP, along with input from our community advisory council through extensive engagement in developing goals for the RFP, to ensure that the highest quality sustainable and resilient urban design underpins the new construction on the Island as we identify tenants and development partners to help make the climate center vision a reality. With that in mind, the Trust commits to CPC’s and DCP’s continued participation in all future RFP processes for the Development Zones in the following stages:

1. Drafting of RFP “Design Principles and Guidelines”:

Prior to issuing any RFP, the Trust will consult with, solicit input from, and agree upon the design criteria (the “Design Principles and Guidelines or “Design Guidelines”) with DCP to be included in those solicitations. The Design Guidelines will provide important design continuity over a possible iterative solicitation process, with the involvement of DCP included in each iteration, and will elaborate on additional design goals, as discussed between the Trust and DCP during the drafting of the South Island zoning proposal, which would have relevance beyond the Zoning Resolution. In addition to jointly developing the Design Guidelines, the Trust and DCP will agree upon the scoring system for design elements and the weighting of both design elements and the design experience of respondents for the review of RFP responses. The Trust’s intention is that the crafting of the Design Guidelines will ensure that the considerations and recommendations of DCP inform all RFP awarded designs.

2. RFP Release:

Prior to issuing any RFPs, the Trust will work together with DCP to ensure that the RFP appropriately reflects and incorporates the Design Guidelines. The Trust will consider all comments provided by DCP and will meet with DCP to discuss these comments.

Once the RFP is released and responses are received, DCP will participate in drafting written responses to any questions or clarification requests submitted by applicants pertaining to the RFP’s Design Guidelines. DCP will also participate in all RFP site visits and any presentations or Q&A sessions related to the RFP process.

3. RFP Review and Selection:

Upon receipt of response proposals from any RFP, the Trust will furnish DCP with, at a minimum, all zoning, urban design, public realm and design components of the proposals for review, and will thoroughly review and consider any feedback from DCP to inform the scoring of responses in the design category. DCP will provide input on written questions and will assist with the drafting of answers related to zoning, urban design, public realm and design-related matters, and will participate in scoring these elements of the proposal. Before final scoring and selection, the Trust will consult DCP. The Trust will thoroughly consider all comments provided by DCP to inform the selection of a proposal. In the instance of revisions, the Trust will inform DCP of revisions and will allow DCP to provide further comment for the Trust's consideration.

After the designation of a successful respondent in response to each RFP, the Trust will provide DCP with design plans and supporting documentation.

4. After RFP Selection

The Trust will brief the CPC following the designation of successful RFP respondents to provide an overview of the winning conceptual design.

Once a development team has been selected, if there are substantive modifications related to the urban design, architectural concept, zoning analysis, bulk and height or treatment of the public realm, DCP will be consulted through the schematic design phase.

Throughout this process, the Trust agrees to provide additional briefings to the CPC as the Chair may, from time to time, request. CPC briefings will include discussion of key design elements and updates on the design and project(s) process.

Thank you for your attention to this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Clare Newman", with a long horizontal flourish extending to the right.

Clare Newman
President and CEO

March 09, 2021

Hilary Semel, Assistant to the Mayor
NYC Office of the Deputy Mayor for Housing and Economic Development
100 Gold Street, 2nd Floor
New York, NY 10038

Dear Ms. Semel:

The Trust for Governors Island ("the Trust") is sponsoring a proposal to facilitate the Phased Redevelopment of Governors Island. The Office of the Deputy Mayor for Housing and Economic Development ("DME") is the lead agency under City Environmental Quality Review ("CEQR").

Following the transfer of 150 acres of Governors Island to local control, the Trust developed a Park and Public Space Master Plan that outlined the fundamental concepts for the design of the Island's parks and public spaces and established two Development Zones, totaling approximately 33 acres, planned for future mixed-use development. Because the planned redevelopment and tenancy of Governors Island would proceed in multiple phases over several years, a Generic Environmental Impact Statement was issued in December 2011 to disclose the potential generic environmental effects and any potentially significant adverse impacts.

A Supplemental Generic Environmental Impact Statement (the "SGEIS") was subsequently issued in 2013 to examine the cumulative impacts that would potentially result from the rezoning, renovation and re-tenanting of the buildings in the Historic District on the northern half of the Island (the "North Island"), the development of park, public space and infrastructure improvements, and the development of a conceptual program to be determined in later phases for the two development zones on the South Island. The SGEIS assumed that certain measures would be implemented by The Trust or designated developers to avoid or mitigate potential impacts. In conjunction with these measures, The Trust issued a letter (the "North Island Commitment Letter") to Robert R. Kulikowski, Assistant to the Mayor, certifying that The Trust was committed to directly undertake or ensure that its designated developers will undertake the commitments found in the SGEIS.

A Second Supplemental Generic Environmental Impact Statement (the "SSGEIS") has been prepared to examine the potential impacts that would result from the rezoning of the nearly 80 acres south of the Historic District ("the South Island"), including the two 33-acre Development Zones, in

conjunction with the previously studied renovation and re-tenanting of the North Island buildings and the development of park, public space and infrastructure improvements. DME issued a Notice of Completion for the Final SSGEIS on March 5, 2021.

As with the SGEIS, the SSGEIS assumed that certain measures would be implemented by The Trust or designated developers to avoid or mitigate potential impacts. Accordingly, this letter is to certify that the Trust will directly undertake or require designated developers to undertake, the commitments set forth in the SSGEIS and associated measures found in the attached Appendix I (pending any technical memoranda and/or CEQR determinations following the completion of the SSGEIS). Given that the SSGEIS studied a generic zoning envelope, once future specific development proposals are identified, the Trust and its development partners will work with DME to review any modifications that may be required or appropriate based on actual development proposals. If these measures will be undertaken by designated developers, the Trust will ensure their performance by incorporating provisions in a lease or other legally binding agreement between the Trust and the developer(s). Violations of such provisions will be deemed a violation of the lease or other legally binding agreement between the developers and the Trust. In such cases, the Trust and/or the City, as appropriate, shall have the right to exercise any remedy available under the provisions in the term lease or other legally binding agreement between the developers and the Trust, at law, in equity, or by way of administrative or contractual enforcement, to obtain or compel performance with the commitments set forth herein.

The commitments set forth in Appendix I of this letter shall apply with respect to any development on the South Island, and such commitments shall supersede those set forth in the North Island Commitment Letter in all respects with regard to the development of the South Island. The renovation and re-tenanting of the North Island shall remain subject to the commitments set forth in the North Island Commitment Letter, except that all commitments relating to Transportation shall be as set forth herein.

Sincerely,



Clare Newman,
President & CEO

ACCEPTED AND AGREED:

this 10th day of March 2021

**NYC OFFICE OF THE DEPUTY MAYOR FOR HOUSING AND ECONOMIC
DEVELOPMENT**

By: Hilary Semel

Name: Hilary Semel

Title: Assistant to the Mayor

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APPENDIX I: SSGEIS COMMITMENTS

To avoid the potential for significant adverse impacts and to mitigate the significant adverse impacts identified in the SSGEIS, commitments to the following measures, as described in the SSGEIS, will be implemented:

Transportation Commitments

Transit mitigation measures shall be implemented in accordance with the letter to MTA New York City Transit, attached hereto as Appendix II.

A Transportation Monitoring Program will be conducted with the New York City Department of Transportation in accordance with the requirements agreed to and set forth in Appendix III.

Operation Commitments

Greenhouse Gas Emissions

As new ferry vessels are brought into service, the Trust is committed to continue using the cleanest engines available on the market for the required size category appropriate for the proposed vessel type. As new ferry vessels are brought into service, ferries will be powered by engines meeting at least EPA's Tier 3 marine diesel engine emissions standards. However, marine engines meeting EPA's Tier 4 emission standards may be used to power new ferry vessels where practicable.

Natural Resources

Tern deterrents will be placed on Lima Pier during the winter prior to the anticipated start of the re-use of Lima Pier, and will be maintained on the pier thereafter, to discourage birds from initiating any new nesting activity on the pier. Effective deterrents that would potentially be used include orange construction fencing, traffic cones or barrels, streamers, and reflective mylar balloons. If there were ever anticipated to be a prolonged lull in human activity on Lima Pier during the period when common terns return to New York and establish nest sites (between mid-April and mid-May), additional deterrents would be placed on Lima Pier to discourage the birds from initiating nesting activity.

Building & Open Space Design Commitments

Pedestrian Wind

If a development would result in the construction of multiple tall buildings on the waterfront and within the same parcel, a detailed analysis of pedestrian wind conditions will be conducted to determine whether there would be the potential for downwash and channeling effects, and consequent elevated pedestrian-level wind conditions. If the analysis identifies locations where, as a result of the project, pedestrians would experience increased exceedances of the wind speed safety criteria (i.e., increased wind speeds that have the potential to affect a pedestrian's balance and footing) more than once per season, then practicable wind reduction measures will be incorporated into the final design.

Air Quality

The following measures have been identified based on the analysis of a generic development program. Once future specific development programs are identified, either the following measures will be implemented, or alternative measures approved by DME in accordance with CEQR Technical Manual guidelines will be implemented accordingly:

- Parcel W-1. Any new development on Parcel W-1 must utilize only natural gas in any fossil fuel-fired heating and hot water system equipment. In addition, exhaust stack(s) must either be at least 253 feet above grade or set back a minimum of 213 feet from the façade of the nearest building of greater or similar height within Parcel W-1 and utilize equipment fitted with low NOx (30 ppm) burners.
- Parcel E-1. Any new development on Parcel E-1 must utilize only natural gas in any fossil fuel-fired heating and hot water system equipment and be fitted with low NOx (30 ppm) burners. Any heating and hot water equipment exhaust stack(s) must be located at least 170 feet from the southeast parcel line facing Parcel E-2. In addition, exhaust stack(s) must be at least 235 feet above grade or setback at least 135 feet from the façade of the nearest building of greater or similar height within Parcel E-1.
- Parcel E-2. Any new development on Parcel E-2 must utilize only natural gas in any fossil fuel-fired heating and hot water system equipment and be fitted with low NOx (30 ppm) burners. Any heating and hot water equipment exhaust stack(s) must be located at least 60

feet from the northwest parcel line facing Parcel E-1 and at least 60 feet from the southwest parcel line facing Parcel E-3. In addition, exhaust stack(s) must be at least 240 feet above grade and setback at least 175 feet from the nearest building of a greater height within Parcel E-2; or setback at least 175 feet from the northwest parcel line facing Parcel E-1, at least 175 feet from the southwest parcel line facing Parcel E-3, and at least 175 feet from the façade of the nearest building of greater or similar height within Parcel E-2.

- Parcel E-3. Any new development on Parcel E-3 must utilize only natural gas in any fossil fuel-fired heating and hot water system equipment and be fitted with low NO_x (30 ppm) burners. Any heating and hot water equipment exhaust stack(s) must be located at least 240 feet from the northeast parcel line facing Parcel E-2 and at least 175 feet from the southwest parcel line facing Parcel E-4. In addition, exhaust stack(s) must be at least 210 feet above grade or setback at least 175 feet from the façade of the nearest building of greater or similar height within Parcel E-3.
- Parcel E-4. Any new development on Parcel E-4 must utilize only natural gas in any fossil fuel-fired heating and hot water system equipment and be fitted with low NO_x (30 ppm) burners. Any heating and hot water equipment exhaust stack(s) must be located at least 70 feet from the northeast parcel line facing Parcel E-3. In addition, exhaust stack(s) must be at least 210 feet above grade; or setback at least 160 feet from the façade of the nearest building of greater or similar height within Parcel E-4.

In addition, the following uses will be prohibited from locating within 400 feet of any non-permanent residential use (e.g., faculty housing, residencies) or similar use types (e.g., dormitories):

- Use Group 16A – Carpentry, custom woodworking, custom furniture making shops;
- Use Group 17B – Laboratories, research, experimental, or testing;
- Use Group 17B – Manufacturing of pharmaceutical products, chemical compounding;
- Use Group 17B – Furniture manufacture;

- Use Group 17B – Wood product manufacturing; and
- Use Group 18A – Breweries and alcoholic beverage manufacturing.

Greenhouse Gas Emissions

The following measures to build efficient buildings will be implemented:

- The Trust will encourage future developers to incorporate building designs that achieve building energy efficiencies exceeding the current NYC Energy Conservation Code, and the future solicitation process for development parcels within the Development Zones will explicitly favor submissions with sustainable features that reduce greenhouse gas emissions (such as passive house designs, use of fully electric systems, or LEED certifications) and award additional points in the bidding process for designs with such features.
- Water conserving fixtures, meeting New York City's stringent building code requirements, will be installed and water-efficient landscaping would be selected to reduce water consumption, indirectly reducing energy consumption associated with potable water production and delivery. Storage and collection of recyclables will be incorporated in building design. Large tenants will install submeters for electricity, allowing tenants to track and optimize their electricity use.
- Newly constructed open spaces within the Development Zones will be designed to absorb rainwater.

The following measures to use clean power will be implemented:

- New buildings will use natural gas, a lower carbon fuel, or electricity for the normal operation of the heat and hot water systems and the Trust will potentially allow for the implementation of a cogeneration system.

The following measures to use building materials with low carbon intensity will be implemented:

- The Trust will favor submissions in any competitive building/RFP process that includes building designs, inclusive of building materials, that demonstrate low carbon intensity.

Climate Change & Resiliency

The following measures to build buildings resilient to climate change will be implemented:

- The incorporation of innovative flood protection and resiliency measures in building designs beyond those required in Appendix G of the NYC Building Code will be explicitly encouraged in future solicitations/RFP processes.
- New construction will incorporate both wet and dry flood protection measures into their design wherever possible to protect against potential flood hazards in future projected conditions. Critical infrastructure (i.e., electrical, plumbing, mechanical equipment) for each building, where appropriate, will be elevated above the projected future flood levels, and as necessary, ground floor uses could be limited to uses that can be relocated in the event of flooding.

Noise

The windows and wall of any building developed on the South Island in Parcel W1 and within 70 feet of the existing school yard of the Urban Assembly New York Harbor School in Building 555 will require 31 dBA of attenuation for non-permanent residential use (e.g., faculty housing, residencies) or school uses or 26 dBA of attenuation for commercial uses.

Potential future noise-sensitive uses in Building 140 on the North Island will require a minimum of 31 dBA window/wall attenuation for community facility uses or 26 dBA window/wall attenuation for commercial uses.

Natural Resources

Buildings constructed in the Development Zones will be built in compliance with NYC Building Code requirements for the use of “bird-friendly glass.” Specifically, the exterior wall envelope, and any associated openings, will be constructed with bird friendly materials up to 75 feet above grade. Materials other than bird friendly materials will not exceed an aggregate of 10 square feet within any 10 foot by 10 foot square area of exterior wall below 75 feet above grade. While the NYC Building Code only requires bird friendly building design for the first 75 feet above grade, the Trust will explicitly encourage respondents to future RFPs to incorporate bird friendly materials above 75 feet.

Construction Period Commitments

Historic and Cultural Resources

Any demolition or new construction within the South Island that would occur within 90 feet of contributing elements of the Governors Island Historic District will require the preparation and implementation of a construction protection plan (“CPP”). The CPP will be reviewed and approved by the NYC Landmarks Preservation Commission and/or the NYS Office of Parks, Recreation and Historic Preservation, as appropriate.

Hazardous Materials

All subsurface disturbance will be performed in accordance with the Remedial Action Plan (“RAP”) and Construction Health and Safety Plan (“CHASP”) that were reviewed and approved by the New York City Department of Environmental Protection (“DEP”) in 2012. For each phase of development, upon completion of all DEP-approved remedial requirements pertinent to that phase, as outlined in the RAP, a P.E.-certified Remedial Closure Report will be submitted to DEP. These reports will demonstrate that all remedial activities have been properly implemented, including installation of the proper thicknesses and stipulations of soil caps as well as any vapor barriers.

Air Quality

For all construction activities, the following emissions reduction measures will be implemented:

- **Diesel Equipment Reduction.** Construction will minimize the use of diesel engines and use electric engines to the extent practicable. For example, electrically powered equipment such as welders and saws will be used over diesel-powered versions of that equipment to the extent feasible and practicable.
- **Clean Fuel.** Ultra-low-sulfur diesel fuel will be used exclusively for all diesel engines throughout the construction site.
- **Dust Control Measures.** To minimize dust emissions from construction activities, a dust control plan, including a watering program, will be required as part of contract specifications. For example, water sprays will be used for all demolition, excavation, and transfer of soils to ensure that materials will be dampened as necessary to avoid the suspension of dust into the air. All measures required by the portion

of DEP's Construction Dust Rules regulating construction-related dust emissions will be implemented.

- **Idling Restriction.** As required by local law, all stationary vehicles on Island roadways adjacent to the Development Zones will be prohibited from idling for more than 3 minutes. The idling restriction excludes vehicles that are using their engines to operate a loading, unloading, or processing device (e.g., concrete-mixing trucks) or otherwise required for the proper operation of the engine.
- **Best Available Tailpipe Reduction Technologies.** Non-road diesel engines with a power rating of 50 horsepower or greater and controlled truck fleets (i.e., truck fleets under long-term contract with the Proposed Project), including but not limited to, concrete mixing and pumping trucks will utilize the best available technology (BAT) (currently diesel particulate filters) where practicable for reducing diesel particulate matter emissions.
- **Utilization of Newer Equipment.** To the extent practicable, all diesel-powered non-road construction equipment with a power rating of 50 horsepower or greater will meet at least the Tier 3 emissions standards. All diesel-powered engines in the project rated less than 50 horsepower will meet at least the Tier 2 emissions standard.

Water Quality

In accordance with the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002), a Stormwater Pollution Prevention Plan consisting of both temporary erosion and sediment controls and post-construction stormwater management practices would be prepared prior to commencing any construction activities on the South Island.

Noise

In terms of source controls (i.e., reducing noise levels at the source or during the most sensitive time periods), the following measures will be implemented:

- Only equipment that meets the sound level standards specified in Subchapter 5 of the New York City Noise Control Code and Table 22-1 of the CEQR Technical Manual will be utilized;

- Electrically powered equipment such as welders and saws would be used over diesel-powered versions of that equipment to the extent feasible and practicable;
- The construction site will be configured to minimize back-up alarm noise, where feasible and practicable.
- Trucks will be prohibited from idling more than 3 minutes at the construction site based upon Title 24, Chapter 1, Subchapter 7, Section 24-163 of the New York City Administrative Code; and
- Contractors and subcontractors will be required to properly maintain their equipment and mufflers.

In terms of path controls (e.g., placement of equipment, implementation of barriers or enclosures between equipment and sensitive receptors), the following measures for construction will be implemented to the extent feasible and practicable:

- Path noise control measures (i.e., portable noise barriers, panels, enclosures, and acoustical tents) will be required for certain dominant noise equipment (i.e., generators, compressors, and pumps); where logistics allow, noisy equipment, such as cranes, concrete pumps, concrete trucks, and delivery trucks, will be located away from and shielded from sensitive receptor locations; and
- Noise barriers constructed from plywood or other materials surrounding the construction site will be utilized to provide shielding. The barriers will generally be at least 8 feet tall, but at Parcel W-1 will be at least 12 feet tall including a cantilever towards the construction work area to help shield upper floors of adjacent receptors. Where logistics allow, truck deliveries will take place behind these barriers.

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APPENDIX II: NYCT MITIGATION COMMITMENTS

March 09, 2021

Lisa Schreibman, Senior Director of Strategic Planning
MTA New York City Transit, Operations Planning
2 Broadway
New York, NY 10004

Dear Ms. Schreibman:

The Trust for Governors Island ("The Trust") is sponsoring a proposal to facilitate the phased redevelopment of Governors Island through a rezoning of the southern half of the Island ("South Island") to allow for up to approximately 4.5M GSF of mixed-use construction ("the Project"). The Office of the Deputy Mayor for Housing and Economic Development ("DME") is the lead agency under City Environmental Quality Review ("CEQR").

In connection with the Project, a Second Supplemental Generic Environmental Impact Statement (the "SSGEIS") has been prepared to examine the potential impacts that would result from the rezoning of the South Island, in conjunction with the previously studied renovation and re-tenanting of the buildings in the Historic District on the northern half of the Island (the "North Island") as well as the development of park, public space and infrastructure improvements. DME issued a Notice of Completion for the SSGEIS on March 05, 2021.

This SSGEIS assumes that certain measures would be implemented by the Trust or designated developers to avoid or mitigate potential impacts. Accordingly, Exhibit A of this letter is intended to summarize the practicable mitigation measures that have been identified with respect to six impacted subway stairs and one escalator and agreed upon by The Trust, DME and MTA New York City Transit ("NYCT"), as well as the level of new construction that would require the respective mitigation measures. Because the SSGEIS analyzes a generic development program and no specific development project is yet planned, the timing of development will be subject to future requests for proposals and market conditions.

All design, permitting and construction associated with the approved mitigations will be undertaken by The Trust or third-party development partners on its behalf. Where these improvements will be undertaken by designated developers, The Trust will ensure their performance by incorporating provisions in a lease or other legally binding agreement between The Trust and the developer(s). Violations of such provisions will be deemed a violation of the lease or other legally binding agreement between

the developers and The Trust. In such cases, The Trust and/or the City of New York, as appropriate, shall have the right to exercise any remedy available under the provisions in the term lease or other legally binding agreement between the developers and The Trust, at law, in equity, or by way of administrative or contractual enforcement, to obtain or compel performance with the commitments set forth herein.

Sincerely,

A handwritten signature in black ink, appearing to read "Clare Newman", with a stylized, flowing script.

Clare Newman,
President & CEO

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Exhibit A: Mitigation Measures

To mitigate the significant adverse impacts identified in the SSGEIS, commitments to the following measures, as described in the SSGEIS, will be implemented:

Bowling Green Station

To partially mitigate the potential impacts to the P1-S1 stairs, from street level to the south end of the southbound No. 4, 5 train platform, the following measures will be implemented upon the occupancy of 1,000,000 gsf of new development on the South Island:

- Removal of the grounded handrails, the center hand rails, and the stormwater channels, and installation of standard wall-mounted handrails to widen the existing stairway width by approximately 21 inches (per Exhibit B).

To fully mitigate the potential impacts to the P2-S2 stairway, from street level to the R200A fare control area, the following measures will be implemented upon occupancy of 1,000,000 gsf of new development on the South Island:

- Infill of the stormwater drainage channels to widen the stair tread and replacement of the existing handrails with an offset center handrail thereby creating five approximately 25-inch passenger lanes exclusive of handrails (per Exhibit C).

To partially mitigate the potential impact to the E345 escalator, from street level to the R200A fare control area, the following measures will be implemented upon occupancy of 2,000,000 gsf of new development on the South Island:

- Increase of the existing escalator speed from 90 feet per minute (fpm) to 100 fpm.

Whitehall Street-South Ferry Station

To partially mitigate the potential impact to the P2 stairway, serving the R, W train Brooklyn-bound platform, P3 stairway, serving the R, W train Manhattan-bound platform, and P8 stairway, serving the R, W train Manhattan-bound platform, the following measures will be implemented upon occupancy of 3,000,000 gsf new development on the South Island:

- Removal of the existing surface-mounted guardrails and their replacement with fascia-mounted guardrails to improve stairway operations and passenger flows (per Exhibit D).

To partially mitigate the potential impact to the P4-P3-P2-P1 stairway, serving the No. 1 train platform, the following measures will be implemented upon occupancy of 1,000,000 gsf of new development on the South Island:

- Development and installation of a wayfinding signage program at both ends of the stairs to direct passengers to the nearby underutilized ES371 and ES372 escalators, which will be increased 100 fpm to 120 fpm to further enhance throughput capacity.

Exhibit B: Bowling Green Stair P1-S1

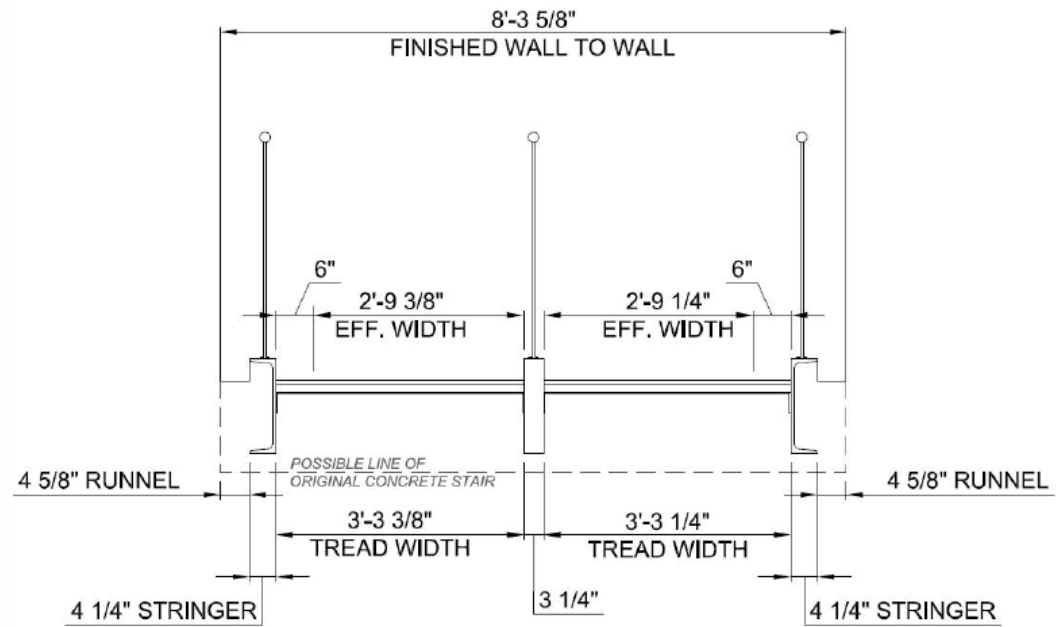


Figure 3: Existing cross section of stair S1 (looking south)



Figure 4: Proposed cross section of stair S1/P1 with multiple stair stringers beneath full width stair treads.

Source: Preliminary Subway Impact Feasibility Study prepared by Stantec on behalf of The Trust (2020)

Exhibit C: Bowling Green Stair P2-S2

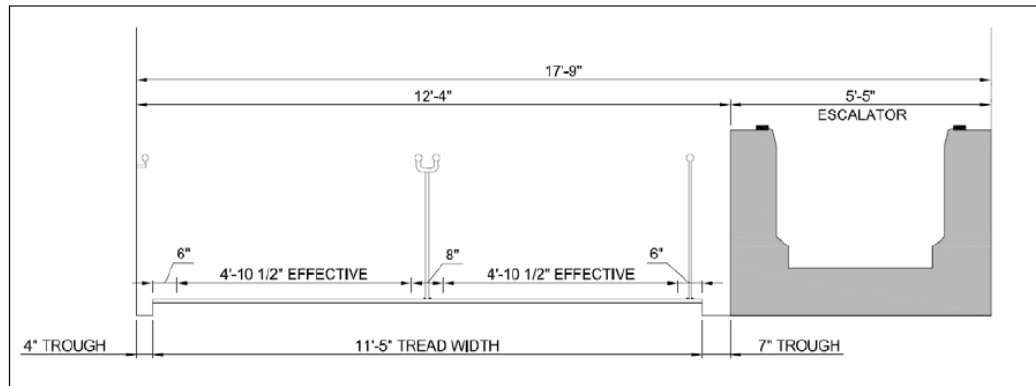


Figure 4: Existing Cross Section of Stair S2/P2 providing detail of effective stair width.

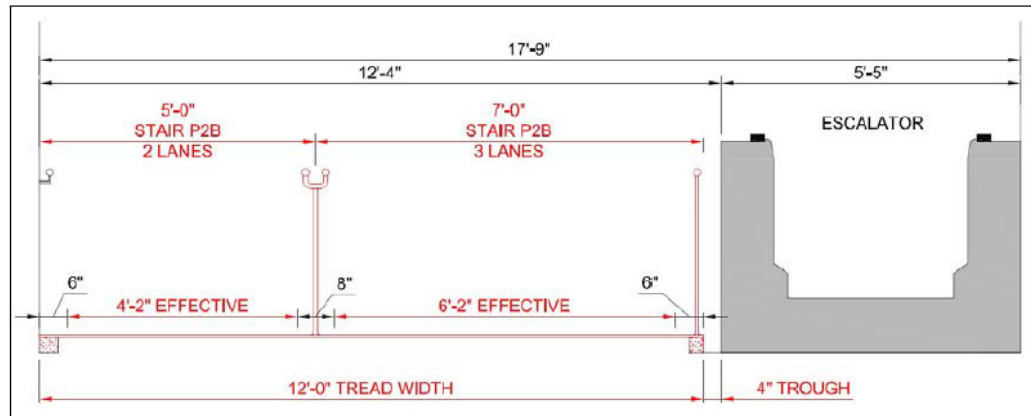


Figure 6: Cross Section of Stair S2/P2 showing infilled troughs and an offset center handrail.

Source: Preliminary Subway Impact Feasibility Study prepared by Stantec on behalf of The Trust (2020)

Exhibit D: Whitehall Street-South Ferry Stairs P2, P3 & P8

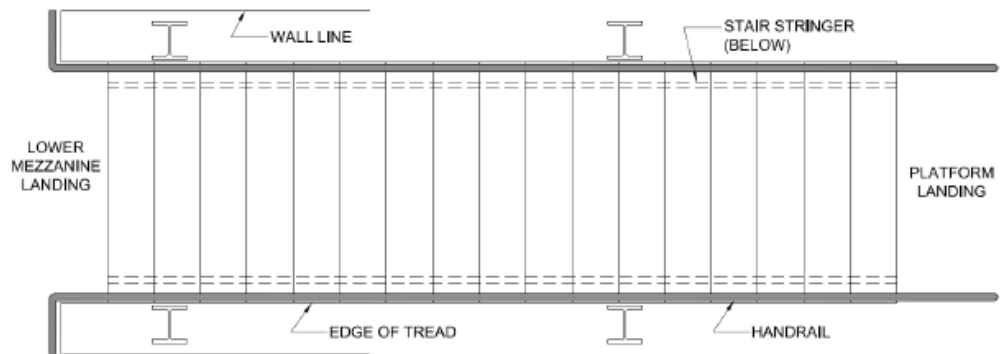


Figure 2: Existing plan view of Stair P2 (Stair P3 similar)

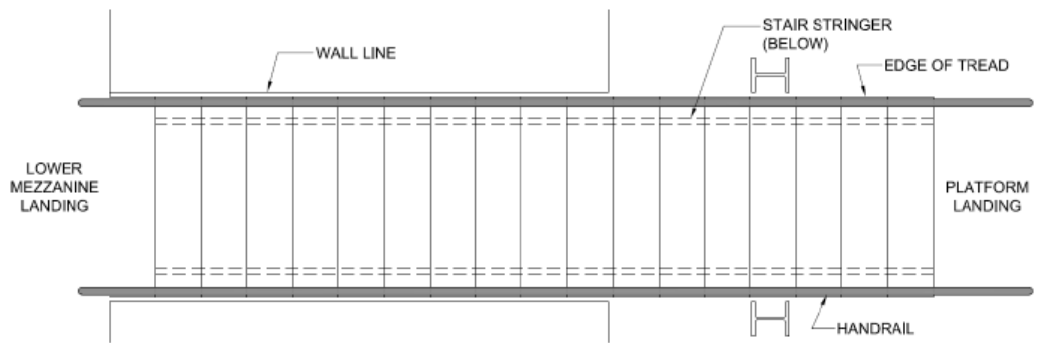


Figure 5: Existing plan view of Stair P8.

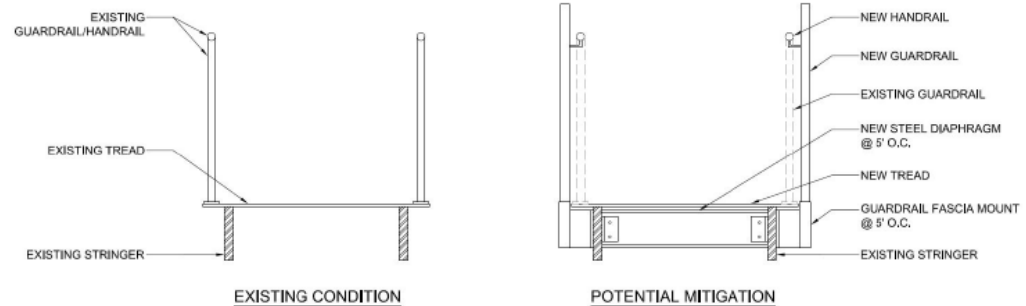


Figure 9: Cross sectional view of platform stairs showing existing and potential guardrail / handrail system.

Source: Preliminary Subway Impact Feasibility Study prepared by Stantec on behalf of The Trust (2020)

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APPENDIX III: TRANSPORTATION MONITORING PROGRAM



Environmental, Planning, and Engineering Consultants

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fax: 212 213-3191
www.akrf.com

Memorandum

To: Amy Gunn, Michele Samuelson, and Shakil Ahmed; NYCDOT
From: Michael Beattie, PE, PTOE
Date: March 09, 2021
Re: Governors Island South Island Redevelopment – Transportation Monitoring Program
Proposed Approach
Denise Pisani; MOEC
cc: Sebastian Coss and Chris Tepper; The Trust for Governors Island
Wesley O'Brien; Fried Frank
Chi K. Chan, Owen DiMarzo, Charlie Fields and Anne Locke; AKRF, Inc.

This memorandum presents the proposed Transportation Monitoring Program associated with the redevelopment of Governors Island – South Island.

INTRODUCTION

As identified in the *Governors Island-South Island Redevelopment Draft Second Supplemental Generic Environmental Impact Statement* (Draft SSGEIS), a Transportation Monitoring Program (TMP) would be conducted to determine if the future project-generated trips had materialized in a manner comparable to the projections presented in the SSGEIS and to verify the need for and effectiveness of various measures proposed to mitigate operational transportation impacts.

The Trust for Governors Island (“the Trust”) will be responsible for all costs associated with the TMP including data collection and analysis as well as the design of the mitigation measures and construction of capital improvements. The TMP would be conducted in consultation with the New York City Department of Transportation (“NYCDOT”) and the Mayor’s Office of Environmental Coordination (“MOEC”) within six months after the following development conditions:

50 percent build-out and occupancy condition¹ – To establish when the 50 percent, or approximately 2.25 million built and occupied gross square feet, build-out time period would occur, the development schedule proposed by developers responding to future RFPs will be reviewed to determine when the anticipated

¹ A mitigation timing assessment indicated the first pedestrian mitigation and first traffic mitigation may be needed by 20 percent and 30 percent of the SSGEIS full build-out, respectively. To potentially capture additional impacted locations, the Trust and NYCDOT agreed to implement the TMP at 50 percent buildout and upon full occupancy.

development program could result in similar trip estimates as the SSGEIS 50 percent development threshold. Until the 50 percent development threshold is reached, the Trust will provide NYCDOT and MOEC with an annual report on any actual construction and occupancy timelines.

Full build-out and occupancy condition.

The TMP includes monitoring visitation levels and impacts associated with passenger access at the Battery Maritime Building in Manhattan and Pier 6 in Brooklyn and monitoring delivery vehicles at any new freight access terminals. The proposed tasks to be undertaken as part of the TMP are presented below.

TRANSPORTATION MONITORING PROGRAM

PASSENGER ACCESS

The TMP would follow the tasks listed below:

Task 1: Collect peak hour visitation counts and conduct an in-person multi-modal travel survey at both the Battery Maritime Building in Manhattan and Pier 6 in Brooklyn. The trip making characteristics from the survey results would be applied to the peak hour visitation counts to develop peak hour vehicular, pedestrian, and transit trip estimates. A sample of the in-person multi-modal survey to be administered at the Battery Maritime Building is provided below, a separate, but similar survey will be administered at Pier 6 in Brooklyn. The final proposed multi-modal survey would be submitted for review and approval by NYCDOT prior to conducting the fieldwork.

GOVERNORS ISLAND TRAVEL SURVEY QUESTIONNAIRES

DATE: _____
SURVEYOR: _____

We are conducting a transportation survey for Governors Island and would appreciate your time to answer a few questions. It should take only a minute.

*Note visitors attending special evening events.

Time	1 What did you take to get here?	2 If auto or taxi, how many people (including yourself) arrived together in the same vehicle?	3 If auto, where did you park?	4 How much time do you plan to spend on Governors Island?	5 What is your origin/destination zip code?	6 What is your trip purpose?	7 Notes/Remarks
	<input type="checkbox"/> Auto/Motorcycle <input type="checkbox"/> Taxi/Service Car <input type="checkbox"/> City Bus <input type="checkbox"/> Subway/Rail <input type="checkbox"/> Walk/Bike <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6	<input type="checkbox"/> On-Street Nearby <input type="checkbox"/> On-Street Remote <input type="checkbox"/> Garage/Lot Nearby <input type="checkbox"/> Garage/Lot Remote <input type="checkbox"/> Dropped-off <input type="checkbox"/> Other: _____	<input type="checkbox"/> less than 1 hour <input type="checkbox"/> 1 - 2 hours <input type="checkbox"/> 2 - 3 hours <input type="checkbox"/> 3 - 4 hours <input type="checkbox"/> 4 or more hours		<input type="checkbox"/> Live here <input type="checkbox"/> Work <input type="checkbox"/> Family/Friend/Relatives Visit <input type="checkbox"/> Go to School <input type="checkbox"/> Sightseeing <input type="checkbox"/> Recreational Activities <input type="checkbox"/> Other: _____	
	<input type="checkbox"/> Auto/Motorcycle <input type="checkbox"/> Taxi/Service Car <input type="checkbox"/> City Bus <input type="checkbox"/> Subway/Rail <input type="checkbox"/> Walk/Bike <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6	<input type="checkbox"/> On-Street Nearby <input type="checkbox"/> On-Street Remote <input type="checkbox"/> Garage/Lot Nearby <input type="checkbox"/> Garage/Lot Remote <input type="checkbox"/> Dropped-off <input type="checkbox"/> Other: _____	<input type="checkbox"/> less than 1 hour <input type="checkbox"/> 1 - 2 hours <input type="checkbox"/> 2 - 3 hours <input type="checkbox"/> 3 - 4 hours <input type="checkbox"/> 4 or more hours		<input type="checkbox"/> Live here <input type="checkbox"/> Work <input type="checkbox"/> Family/Friend/Relatives Visit <input type="checkbox"/> Go to School <input type="checkbox"/> Sightseeing <input type="checkbox"/> Recreational Activities <input type="checkbox"/> Other: _____	
	<input type="checkbox"/> Auto/Motorcycle <input type="checkbox"/> Taxi/Service Car <input type="checkbox"/> City Bus <input type="checkbox"/> Subway/Rail <input type="checkbox"/> Walk/Bike <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6	<input type="checkbox"/> On-Street Nearby <input type="checkbox"/> On-Street Remote <input type="checkbox"/> Garage/Lot Nearby <input type="checkbox"/> Garage/Lot Remote <input type="checkbox"/> Dropped-off <input type="checkbox"/> Other: _____	<input type="checkbox"/> less than 1 hour <input type="checkbox"/> 1 - 2 hours <input type="checkbox"/> 2 - 3 hours <input type="checkbox"/> 3 - 4 hours <input type="checkbox"/> 4 or more hours		<input type="checkbox"/> Live here <input type="checkbox"/> Work <input type="checkbox"/> Family/Friend/Relatives Visit <input type="checkbox"/> Go to School <input type="checkbox"/> Sightseeing <input type="checkbox"/> Recreational Activities <input type="checkbox"/> Other: _____	
	<input type="checkbox"/> Auto/Motorcycle <input type="checkbox"/> Taxi/Service Car <input type="checkbox"/> City Bus <input type="checkbox"/> Subway/Rail <input type="checkbox"/> Walk/Bike <input type="checkbox"/> Other: _____	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6	<input type="checkbox"/> On-Street Nearby <input type="checkbox"/> On-Street Remote <input type="checkbox"/> Garage/Lot Nearby <input type="checkbox"/> Garage/Lot Remote <input type="checkbox"/> Dropped-off <input type="checkbox"/> Other: _____	<input type="checkbox"/> less than 1 hour <input type="checkbox"/> 1 - 2 hours <input type="checkbox"/> 2 - 3 hours <input type="checkbox"/> 3 - 4 hours <input type="checkbox"/> 4 or more hours		<input type="checkbox"/> Live here <input type="checkbox"/> Work <input type="checkbox"/> Family/Friend/Relatives Visit <input type="checkbox"/> Go to School <input type="checkbox"/> Sightseeing <input type="checkbox"/> Recreational Activities <input type="checkbox"/> Other: _____	

Task 2: The estimated peak hour vehicular or pedestrian trips developed in Task 1 will be compared to vehicle and pedestrian peak hour trips presented in the SSGEIS for the full build out condition or 50 percent of the SSGEIS projected trips for the 50 percent buildout condition. If the estimated peak hour trips developed in Task 1 are equal to or exceed those projected in the SSGEIS, and there were identified significant impacts associated with those travel modes, then the impacted locations would be assessed to determine if the approved mitigations should be implemented or modified. For intersections or pedestrian elements that were identified to potentially experience a significant impact, the assessment would include field verification of intersection, sidewalk, and/or crosswalk geometries, acquiring and reviewing the latest signal timings, and, if required by NYCDOT, collecting traffic and pedestrian counts at the impacted locations and conducting capacity and level of service analyses. If such data collection and analyses are warranted, the TMP will follow the methodologies outlined in the most recent *CEQR Technical Manual*.

- Task 2(a) At the FDR Drive weave areas where potential safety concerns were noted in the SSGEIS, crash data from a recent three year period will be requested to determine if there are crash trends that should be addressed.

In addition to the locations that would potentially experience a significant impact, the TMP will also include monitoring the following locations:

- Route 9a/Battery Park Underpass
- Battery Place and West Street.

The EIS did not identify impacts at these locations. The Trust will commit to collecting peak period traffic volumes, however any improvements, if identified, would be limited to measures not requiring capital funding and therefore the Trust would not be responsible for the implementation of these improvement measures.

Prior to undertaking Task 2, the Trust for Governors Island will prepare a scope of work that is limited to and consistent with the scope of work required under Task 2, and shall submit the scope of work to NYCDOT review and approval. The scope of work will account for the following:

- Whitehall Street and Stone Street, northeast corner: NYCDOT and the Trust agree the significant adverse pedestrian impact identified in the Draft SSGEIS at the northeast corner of Whitehall Street and Stone Street has been addressed by a curb extension using operational material (i.e., paint, bollards, etc.) installed by NYCDOT, which is larger than the proposed full mitigation of a five foot curb extension. Provided that NYCDOT's curb extension using operational material (i.e., paint, bollards, etc.) remains in place, no further monitoring or mitigation is required.
- Broad Street and Pearl Street, northwest corner: NYCDOT and the Trust agree the significant adverse pedestrian impact identified by the SSGEIS at Broad Street and Pearl Street, which could be fully mitigated by the addition of a two foot curb extension at the northwest corner, is impracticable to implement based on the disruption caused by relocation of all above- and below-ground utilities for such a small service improvement. This location will be included in the monitoring plan.
- Broad Street and Beaver Street, northwest and southwest corners: NYCDOT and the Trust agree the significant adverse pedestrian impacts identified by the SSGEIS at both the northwest and southwest corners of Broad Street and Beaver Street could be fully mitigated by the addition of six foot curb extensions and will be included in the monitoring plan.

Task 3: The TMP findings will be summarized in a report to be submitted to NYCDOT for review and approval, and will be used as the basis for determining whether actual future conditions have, in fact, resulted in significant traffic and/or pedestrian impacts and verifying the need and appropriateness for the mitigation measures identified in the SSGEIS. The design and implementation of mitigation measures shall be coordinated with NYCDOT based on the NYCDOT Street Design Manual, and shall be subject to final review and approval by NYCDOT. Based on the outcome of the monitoring plan, and subject to future review and approval by NYCDOT, should mitigations involving capital improvements still be required, interim improvements may be used while capital funding for such mitigation work is sought.

FREIGHT ACCESS

To accommodate the additional population on the South Island, it is anticipated that the use of the Battery Maritime Building would eventually be limited to passenger travel only. While specific plans for freight deliveries would be developed in connection with the selection of future occupants of the South Island, the SSGEIS anticipated that freight access would shift to the Brooklyn waterfront and may be at multiple locations. For analysis purposes, locations analyzed in the SSGEIS were assumed to include the Brooklyn Navy Yard, Atlantic Basin, the South Brooklyn Marine Terminal (39th Street), and the 52nd Street Pier. It

is anticipated that the future siting of a permanent freight terminal or terminals would be subject to additional environmental review in coordination with MOEC and NYCDOT. Additionally, potential conflicts or truck route network modifications will be analyzed if they are needed to support the shift in truck activity to the other locations. For purposes of monitoring freight traffic in the absence of that, the Freight Access TMP would follow the tasks listed below:

Task 1: Collect peak period delivery truck counts associated with Governors Island at any new freight access location(s) located in NYC. Prior to undertaking any counts, the Trust for Governors Island will submit for a scope of work for NYCDOT review and approval, and will confirm whether counts are needed based on the screening assessment in Task 2.

Task 2: A Level 1 and Level 2 screening assessment, following the methodologies outlined in the most recent *CEQR Technical Manual*, will be conducted and submitted to NYCDOT for review and approval. NYCDOT will then determine whether subsequent steps should involve field data collection (traffic, field inventories and observations, etc.) and analysis focusing on traffic conditions at affected locations.

Task 3: The Freight Access TMP findings will be summarized in a report to be submitted to NYCDOT for review and approval, and used as the basis for determining whether actual future conditions have, in fact, resulted in significant traffic impacts and verifying the need and appropriateness for the mitigation measures identified in the SSGEIS, or if mitigation measures are needed at freight access locations not assessed in the SSGEIS. This report should include recommendations for delivery service and logistics plans for managing freight deliveries and serving the island, not limited to peak conditions. Implementation of mitigation measures shall be subject to final review and approval by NYCDOT.