

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 100 Hudson Street, Unit 2E, application to install new exterior condenser unit and restore windows to original design

WHEREAS: The building has special arched windows with pivot hinges at the second story; and

WHEREAS: Most of the other windows building are double-hung windows; and

WHEREAS: Because of the second-floor special windows, it is difficult for only those second floor unit owners to install a standard window-type air conditioner; and

WHEREAS: The applicant's proposal does not attach the ac unit to any masonry building details and is completely reversible; and

WHEREAS: The proposed unit works in harmony with the pivot window; and

WHEREAS: The proposed unit is highly visible from the street; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 recommends that the Landmarks Preservation Commission approve the window proposal and stipulate that all mechanical connections to the building be reversible.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	7 In Favor	0 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	35 In Favor	0 Opposed	2 Abstained	0 Rescued

RE: 250 Water Street, LPC-21-03235, application to construct a new building on the 250 Water Street parking lot

WHEREAS: Applications have been presented simultaneously for two different properties, but we are addressing separately, and it is our understanding that the Landmarks Preservation Commission is doing so as well; and

WHEREAS: Regarding 250 Water Street, the proposal calls for the construction within the South Street Historic District of two towers, each standing 470 feet high, and each with 37 stories, for a combined total of 757,400 zoning square feet; and

WHEREAS: The South Street Seaport Historic District was designated in 1977, the first in Lower Manhattan. It is a small 11-block district “consisting primarily of small scale brick buildings which contrast dramatically with the soaring skyscrapers nearby” according to the LPC designation report. Many of the structures are dated from the 18th century. The average-sized building in this historic district is 4-5 stories in height; and

WHEREAS: LPC rejected nine proposed buildings over a roughly 25-year period for 250 Water St and used very similar language in these rejections indicating that “the proposed scale, size, mass and volume of the high rise building would dominate and overwhelm the neighboring buildings in this low scale district, thus visually confusing the clear boundary of the district”; and

WHEREAS: LPC’s clear and unambiguous precedent for a quarter of a century regarding this site has remained consistent in directive and language; and

WHEREAS: If the current application is approved in its current form or modified form, then we would ask that LPC be transparent and explain the political considerations that must have occurred for it to reverse decades of its own stated parameters; and

WHEREAS: The National Trust for Historic Preservation listed the South Street Seaport as one of the 11 Most Endangered Historic Places in 2015 due to the threat of inappropriate and out-of-scale development in this modest and deeply historic New York City neighborhood. The Seaport’s restored 19th-century commercial

buildings are a unique environment in Manhattan, significant for its continuous relationship to the waterfront and its status as the focal point of the early maritime industry in New York City; and

WHEREAS: It has always been the stated LPC directive to communities that there are no “transitional” blocks, only designated landmarked buildings and non-designated buildings and districts. The Howard Hughes Corporation is asking for 250 Water Street to be considered a “transitional” district, an argument that LPC has rejected here and all over the city, in principle and in law. Anything regarding the appropriateness of this application must be judged in the context of the historic district in which it is located, not in regard to the vast city beyond. For example, in 1986 LPC wrote “that the size of the thirty story tower would cause an abrupt change in scale within the district, disrupting the district’s homogeneous, low-scale quality; that the design of the proposed thirty story tower, which is located at the western boundary of the district, would relate more closely in scale and massing to the buildings outside the historic district rather than those within, thus visually confusing the clear boundary of the district”; and

WHEREAS: In 1991 LPC did approve at 250 Water St an eleven-story office building. The developer/owner of the site, Milstein Properties, chose NOT to build this building and continued trying to gain approval for taller buildings rejected by LPC. So it remains a parking lot because the owner refused to abide by the development limits that do come with being in a historic district; and

WHEREAS: After years of these unsuccessful efforts to gain approval of a high-rise building at 250 Water Street, CB1 led a successful effort in 2003 to rezone the Seaport Historic District to C6-2A with a maximum height of 120 feet with unanimous city councilmember support. This rezoning had the support of local elected officials, the Downtown Alliance, the South Street Seaport Museum, the Municipal Arts Society, Seaman’s Church Institute and local developers including Frank Sciame who restored 11 buildings on Front Street keeping them well below 120 feet in height; and

WHEREAS: Other developers in the Seaport Historic District and in historic districts throughout CB1 and the City have constructed buildings that comply with LPC guidelines and are economically profitable; and

WHEREAS: CB1 has no particular love for a parking lot. It has consistently said that it welcomes a new building at 250 Water Street that is within LPC and zoning guidelines, longstanding and carefully defined guidelines; and

WHEREAS: Manhattan Community Board 1 has received a petition with over 6,500 signatories and counting opposing the application; and

WHEREAS: If the Howard Hughes Corporation is allowed to transfer air rights to the site and construct a building over 120 feet, it would negate this hard fought and correct action to preserve the unique character of the South Street Seaport Historic District; and

WHEREAS: The proposal before the Community Board and LPC would, in essence, reduce the size of the Seaport Historic District by 10% which is totally unacceptable; and

WHEREAS: The Seaport Historic District development rights zoning transfer mechanism was established specifically so that unused development rights could be transferred to sites *outside* the historic district in order to preserve the area's low-scale character. CB1 and the community strongly urge the City and EDC to work with us to preserve this successful formula and expand the number of "receiving sites" outside of the historic district to sell these air rights. In addition, the funds raised by selling these air rights should be used to help the Seaport Museum, to build additional affordable housing in CB1 and for other needed local amenities; and

WHEREAS: 250 Water Street is currently in use as a parking lot. The applicant suggests that this use does not currently serve a historic district, describing 250 Water Street as an "edge location," "vacant for decades," and a "large full block." The presentation prepared for LPC and the Community Board detailing the proposal includes photos of the surrounding context with views of Beekman Street, Pearl Street/Southbridge Towers, Water Street, and PS 343 Peck Slip. While the Beekman Street and Southbridge Towers views include large towers, these buildings are located *outside* of the Seaport Historic District. The applicant also focuses on both applications as one development proposal, indicating that the development rights transfer and towers at 250 Water Street are necessary to preserve the Seaport Museum; and

WHEREAS: We also need to remind LPC that they are supposed to determine the appropriateness of a proposed new building without considering the amenity package that may accompany such a proposal. CB1 has chosen not to comment substantially on those elements of the HHC 250 Water Street proposal for that reason; and

WHEREAS: It goes without saying that the 1977 designation report included 250 Water Street in the historic district, and also noted the "small-scale brick buildings which contrast dramatically with the soaring skyscrapers nearby." Those nearby skyscrapers were not in the historic district, and for a good, obvious and explicit reason. The proposal to construct a "skyscraper" within the historic district is directly contrary to the designation report, which instead expects development that will complement the "early 19th-century character" of the district; and

WHEREAS: If there were ever a landmarks-busting proposal, it is this one; and

WHEREAS: Its relationship to the South Street Seaport Museum's ever-failing financial straits is irrelevant, and it turns out that there is no legal or otherwise guaranteed stipulation that 250 Water Street would "save" the South Street Seaport Museum, or even the proposed museum addition, presented as a corollary to this application, will ever be built; and

WHEREAS: As an addendum, the Water Street so-called "street wall" podium is actually 105 feet high even though local streetwall averages 76 feet, even though the tallest building in the entire district is only 100 feet. The design is a pastiche of the low historic buildings across the street; and

WHEREAS: The Community Board held a number of public hearings on the proposal, and all meetings were well attended by over 150 people, some for and some against; and

WHEREAS: CB1 is not anti-development - consider our work after 9/11 - but is not for poor development that rides rough-shot through the Landmarks and Zoning Laws; now

THEREFORE

BE IT

RESOLVED

THAT: Two 470' tall buildings are self-evidently and completely out of scale and inappropriate in the South Street Seaport Historic District and should not be approved by LPC; and

BE IT

FURTHER

RESOLVED

THAT: Given that LPC under four different Chairs rejected nine buildings proposed for this site, all smaller than the one before you now, we strongly believe that LPC must respect its own precedent; and

BE IT

FURTHER

RESOLVED

THAT: There are better ways to help the Seaport Museum without destroying this historic district and the City should fully explore all potential solutions to generate funds for the museum; and

BE IT

FURTHER

RESOLVED

THAT: We reject the implication in the Howard Hughes presentation that 250 Water Street included in this historic district since its designation, is anything but an integral part of the Historic District, as does the LPC historically. The Administrative Code empowers LPC to delineate a historic district boundary that embodies a "distinct section of the city". Reducing the South Street Seaport

Historic district by a de facto 10 percent with these towers is destructive to the fundamental principles of landmarks preservation; and

BE IT
FURTHER
RESOLVED

THAT: CB1 urges that the Landmarks Preservation Commission **reject** this application.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: LANDMARKS & PRESERVATION

COMMITTEE VOTE:	6 In Favor	1 Opposed	0 Abstained	0 Rescued
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Rescued
BOARD VOTE:	23 In Favor	6 Opposed	6 Abstained	2 Rescued

RE: 173-69 John Street, LPC-21-04480, application to construct a new building for the South Street Seaport Museum and alterations to the existing Museum Buildings on Block 74

WHEREAS: The application proposes a new building contiguous with and a part of the South Street Seaport Museum, as well as substantial rehabilitation and restorative and functional alterations of the existing museum buildings; and

WHEREAS: The proposed work would be phased, as follows: Phase 1 will include renovation, restoration and reopening of the museum and galleries, followed by a Phase 2 plan which covers the museum expansion. Note that no contractual or legal assurance exists that the new building, at John and South Streets, will ever be built; and

WHEREAS: All of the work appurtenant to the existing buildings is thoughtful and without issue; and

WHEREAS: The John Street building would make a bold, distinctive statement, yet has been designed to work contextually, in a respect similar to the success of the Scholastic Building within the confines of the SoHo Cast Iron Historic District; and

WHEREAS: The architecture certainly succeeds in a way that Georgio Cavagliari's brutalist 1973 proposal and Beyer Blinder Belle's glass-on-glass 1998 proposal did not; and

WHEREAS: The copper cladding, gradually patinating to green, as well as the operable shutters, raised some concern but do coalesce into an exciting composition; and

WHEREAS: The recessed, pale, arched ground floor is jarring, and could use some refinement; and

WHEREAS: The new proposed entrance, something of a hinge feature between the new building and the old adjacent buildings, is meant to appear separate, but is in fact pedestrian, merely anodized metal and plate glass, like any average retail storefront, and needs to be reconsidered; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board 1 recommends that the Landmarks Preservation Commission approve the restoration of the existing museum buildings; and

BE IT

FURTHER

RESOLVED

THAT: LPC approve the new building, while working with the applicant to enhance the ground floor and to change the entrance infill.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	11 In Favor	2 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	32 In Favor	2 Opposed	3 Abstained	0 Recused

RE: Zoning for Coastal Flood Resiliency (ZCFR), Citywide Zoning Text Amendment (ULURP application 210095 ZRY)

WHEREAS: The Department of City Planning (DCP) is proposing a city-wide zoning text amendment, Zoning for Coastal Flood Resiliency (ZCFR), to update the Special Regulations Applying in Flood Hazard Areas (Article VI, Chapter 4). The current zoning rules were adopted on an emergency basis to remove zoning barriers that were hindering the reconstruction and retrofitting of buildings affected by Hurricane Sandy and to help ensure that new construction there would be more resilient; and

WHEREAS: Through ZCFR, DCP seeks to improve upon and make permanent the relevant provisions of the current temporary zoning rules and provide homeowners, business owners, and practitioners who live and work in the city’s floodplain the option to design or otherwise retrofit buildings to: (a) reduce damage from future coastal flood events, (b) be resilient in the long-term by accounting for climate change, and (c) potentially save on long-term flood insurance costs. In addition, DCP has stated that the zoning would allow resiliency improvements to be more easily incorporated on waterfront sites at the water’s edge and in public spaces, as well as provide zoning regulations to help facilitate the city’s long-term recovery from the COVID-19 pandemic and other future disasters; and

WHEREAS: ZCFR would mostly affect New York City’s current 1% annual and 0.2% annual chance floodplains. However, select provisions would be applicable citywide, affecting all five boroughs and the city’s 59 Community Districts; and

WHEREAS: Manhattan Community Board 2 (CB2) has shared with Community Board 1 (CB1) its draft resolution on ZCFR. CB2 has done an excellent job capturing the proposal and outlining how it is likely to impact their district; and

WHEREAS: Community District 2 (CD1) borders Community District 1 (CD1), and CB1 shares many of the same concerns; and

WHEREAS: CB1 acknowledges with gratitude the use of much of the text provided by CB2 in summarizing the history and key points about ZCFR in the resolution; and

WHEREAS: CD1 is a coastal district, surrounded on three sides by water and includes Governors Island, Liberty Island and Ellis Island; and

WHEREAS: A majority of CD1's residents, workers and built environment are located within NYC's 1% chance and 0.2% chance floodplains, as defined by FEMA's 2015 Preliminary Flood Insurance Rate Maps ("PFIRM") and FEMA's 2007 Flood Insurance Rate Maps ("FIRM"); and

WHEREAS: There is a scientific consensus that sea levels will continue to rise globally due to climate change, with the latest report by the UN Intergovernmental Panel on Climate Change ("IPCC") projecting a rise in sea levels of between 30cm – 110cm (11.8in – 43.3in) by 2100, depending on greenhouse gas emissions; and

WHEREAS: A continued rise in sea levels as projected by the scientific community is likely to cause the size of the 1% and 0.2% chance floodplains within CD1 to increase in the coming decades; and

WHEREAS: CD1 was impacted by Superstorm Sandy in 2012, with a large portion of the district being flooded, resulting in extensive property damage to buildings in the South Street Seaport, portions of Battery Park City, the Financial District and Tribeca, as well as the flooding of major transit hubs and arteries, including The Hugh L. Carey, Holland Tunnels and Battery Underpass; and

WHEREAS: Following Superstorm Sandy, DCP implemented two Zoning Text Amendments, the 2013 Flood Text and the 2015 Recovery Text, which were intended to eliminate conflicts between the Zoning Resolution and regulations governing flood-resistant construction in Department of Buildings (DOB) Code Appendix G of the NYC Building Code, thereby helping to remove regulatory barriers to reconstruction of storm-damaged properties as well as to the retrofitting of existing buildings, and to help ensure that new buildings could be constructed to be more resilient; and

WHEREAS: The 2013 Flood Text and the 2015 Recovery Text were both adopted on an emergency, temporary basis, were not subject to environmental review, and are set to expire in the next few years, with the 2013 Flood Text expiring within 1 year of the adoption of new FEMA PFIRMs, and the 2015 Recovery Text having already expired in July 2020, thus creating the need for a more permanent Zoning Text Amendment; and

Overview of Proposed Zoning Text Amendment

WHEREAS: The proposed Zoning Text Amendment would apply to both buildings and lots within the 1% chance and 0.2% chance floodplains, as opposed to buildings in the 1% chance floodplain only in the 2013 Flood Text, thereby anticipating the expansion of the NYC floodplain in the future due to climate change; and

WHEREAS: The proposed Zoning Text Amendment would continue to provide additional building height where building owners are required or are opting to meet DOB Appendix G flood proofing standards, allowing building owners to physically elevate habitable spaces and other building support features above expected flood elevations, with the continuation and amendment of various provisions in the 2013 Flood Text and 2015 Recovery Text, including:

- a. Continuing to allow building height to be measured from the Flood-Resistant Construction Elevation (“FRCE”), which is defined as equivalent to the Design Flood Elevation (“DFE”) in the 1% chance floodplain (same as in 2013 Flood Text) and 2’ above the lowest adjacent grade in the 0.2% chance floodplain
- b. Continuing to allow building height to be measured from a “Reference Plane” as an alternative to measuring from FRCE, but redefining the Reference Plane to a maximum of 10’ above grade for the 1% chance floodplain or 5’ above grade in the 0.2% chance floodplain,
- c. Allowing building height to be measured from a Reference Plane above FRCE only if the first finished floor above the level to which the building complies with flood-resistant construction standards (defined as the “First Story above Flood Elevation” or “FSAFE”) is placed at or above such Reference Plane height, which was not required under the 2013 Flood Text,
- d. Continuing to allow minimum base height to be measured from either the curb level or reference plane, as measuring from the curb would allow setbacks to be made closer to the ground and keep base heights lower,
- e. Modifying underlying dormer allowances, which permit 60 percent of building width as a permitted obstruction in the building setback above maximum base height, but diminishing in width as the building rises, to provide an alternative allowance for a dormer that extends up to 40 percent of the building with no diminishing, which could result in breaking up bulk in the upper portion of the building,

WHEREAS: The proposed Zoning Text Amendment attempts to incentivize ground-floor flood proofing while allowing for accessibility, promoting active street level use, and maintaining streetscape design, with the continuation and amendment of various provisions in the 2013 Flood Text and 2015 Recovery Text, including:

- a. Allowing both new and existing buildings to exempt wet-flood proofed spaces from floor area, as compared to the 2013 Flood Text which only applied to new buildings,
- b. Modifying floor area incentives to better encourage dry-flood proofing in Commercial Districts and M1 Districts paired with Residence Districts, while setting design requirements for those using the dry-flood proofing floor area exemption, with the proposed goal of maintaining retail continuity along commercial streets,
- c. Continuing to allow access to be exempted from floor area when located below FRCE, though modifying the cap from the 2013 Flood Text,
- d. Providing potential increased street wall flexibility to accommodate access, flood panels and streetscape regulations for buildings in zoning districts that require street walls to be located within 8’ of the street line,

- e. Requiring blank walls created along retail corridors to be subject to streetscape rules, to be addressed by adding elements such as planting, street furniture or artwork,
- f. Expanding the range of design options available to comply with streetscape rules.

WHEREAS: The proposed Zoning Text Amendment expands the range of zoning rules which can be modified by the Board of Standards and Appeals (“BSA”) to facilitate resiliency improvements in special situations; and

WHEREAS: The proposed Zoning Text Amendment continues provisions from the 2013 Flood Text allowing for new and existing buildings to increase bulkhead dimensions in order to facilitate the movement of mechanical equipment to the roof; and

WHEREAS: The proposed Zoning Text Amendment would allow for the second story of buildings to be used for non-residential uses across all commercial districts, when located in a floodplain; and

WHEREAS: The proposed Zoning Text Amendment expands upon the 2013 Flood Text which allowed for the deployment of temporary flood panels, by continuing to allow flood panel deployment and additionally providing for a minor floor exemption for flood panel storage, while also allowing landscaped berms and floodgates in the same open areas; and

WHEREAS: The proposed Zoning Text Amendment provides more flexibility for the grading of waterfront yards and visual corridors to enable the design of soft shorelines and bi-level esplanades, in order to allow public waterfront access while also providing for flood resilience; and

WHEREAS: The proposed Zoning Text Amendment attempts to remove regulatory obstacles to recovery from future flood events and other disaster types, through provisions which CB1 members have raised concerns including:

- a. Allowing all buildings to place power systems, including emergency generators, as permitted obstructions in open areas,
- b. Clarifying the floor area exemption for mechanical equipment,
- c. Permitting ramps and lifts for all building types in any required open areas,

WHEREAS: The proposed Zoning Text Amendment prohibits new nursing homes and restricts the enlargement of existing nursing home facilities within the 1% floodplain and within other designated areas where vehicular access would likely become limited during a disaster; and

WHEREAS: The proposed Zoning Text Amendment provides for a series of Recovery Provisions, including rules that could facilitate the recovery process from physical disasters (e.g. hurricanes) as well as a wider range of non-physical disasters (e.g. pandemics), and could be implemented in the event of a future disaster via a text amendment; and

WHEREAS: In the event that Recovery Provisions are activated during or following a disaster, such provisions are intended to be based on the specific types of impacts caused by such disaster and to apply only to “Designated Recovery Areas”, which would be selected based on the breadth and severity of the impacts as well as recovery plans, and are intended to be in effect on a temporary basis, determined at the time of the activation of such provisions, and subject to Community Board review at that time; and

WHEREAS: The proposed Zoning Text Amendment seeks to immediately put into effect two of these Recovery Provisions in the context of the current Covid-19 pandemic, with the entire city being set as a Designated Recovery Area, and which would relate to CPC Special Permits / Authorization Timeframes and Discontinuance of Non-Conforming Uses, and would remain in effect for a period of two years beyond the expiration of the Mayor’s Executive Order 98 (March 12, 2020); and

WHEREAS: A range of other provisions are included within the proposed Zoning Text Amendment which are applicable to lower-density residential communities, or other special situations, with less relevance to CD1; and

Analysis and Specific Applicability to Community District 1

WHEREAS: The proposed Zoning Text Amendment is not intended to account for funding for the retrofitting of existing buildings to be more resilient or the inclusion of resilient features in new construction, though building owners could potentially realize monetary incentives for such construction in the form of lower flood insurance rates; and

WHEREAS: The proposed Zoning Text Amendment, while attempting to incentivize the retrofitting of existing buildings, describes changes that are optional and does not require mandatory changes to be made to existing buildings, notwithstanding the fact that DOB Appendix G requires existing buildings with “substantial damage” or making “substantial improvements” to elevate all habitable spaces above DFE; and

WHEREAS: A portion of the FEMA 1% chance and 0.2% chance floodplains overlaps with landmarked historic districts within CD1, including but not limited to landmarked blocks in the South Street Seaport Historic District, Financial District, Governors Island and Tribeca; and

WHEREAS: Retrofitting of existing buildings within a historic district would still be subject to review by the Landmarks Preservation Commission (“LPC”), which could impose additional requirements in contrast to what would be permitted under the proposed Zoning Text Amendment, with the potential to result in more difficulty in retrofitting landmarked buildings, notwithstanding the option to pursue a variance with the BSA as outlined above; and

WHEREAS: The proposed ZCFR is only one component of the city’s broader strategy around NYC’s resiliency to coastal flooding, which includes other measures such as building up coastal defenses and protecting critical infrastructure; and

WHEREAS: Separately from this proposed zoning text and regarding stormwater retention, the City is investing billions of dollars in its sewer networks and doubling the size of its green infrastructure program by constructing 5,000 new street-side rain gardens. The NYC Department of Environmental Protection (DEP) is also developing a new citywide rule for on-site stormwater management for new buildings that will reduce stormwater runoff from future development properties. Additionally, the City has launched a study in 2019 to identify the NYC neighborhoods most vulnerable to flooding from extreme rain events and to suggest steps to protect against precipitation-based flooding; and

WHEREAS: When asked to indicate “where in CD1 the flood risk would be considered exceptional including where sea level rise will lead to future daily flooding,” DCP had said that “No portions of CB1 are projected to face daily tidal flooding due to sea level rise, based on the NPCC’s projections for 2050. CB1’s primary flood risk is from coastal storm surges during severe Storms.” CB1 engagement for years with the Mayor’s Office of Resiliency and the Lower Manhattan Climate Coalition has indicated conclusively that lower Manhattan is likely to see sunny-day flooding as early as 2050 and as such should be considered an area with “exceptional” risk; and

WHEREAS: CB1 has expressed concern that the remaining mechanical void zoning loopholes will result in even greater height allowances when combined with this proposed zoning text; and

WHEREAS: CB1 has expressed specific concern over the extra height allowances, FAR exemptions and permitted obstructions as part of the existing and proposed text amendment which have the potential to negatively impact the community. CB1 specifically does not support the allowances for extra base heights and building top heights in historic districts; and

WHEREAS: CB1 does not support the allowance for new buildings to be provided with additional FAR when dry proofing or wet proofing the ground floors. CB1 feels that FAR bonuses can be given to building owners in existing buildings facing the challenges of making their buildings resilient. However, it is not equitable to allow the same incentive to be provided to new buildings who are already required to make their buildings meet building code for resiliency; and

WHEREAS: There has been no meaningful engagement with CB1 on this major city-wide zoning text amendment since 2017. Once engagement resumed after this application was certified on October 19, 2020, CB1 was already incredibly over-taxed in the review of other major ULURP, Landmarks and other time-sensitive applications. Many CB1 members have stated that they did not feel they had

enough time and resources to fully study this proposal and its potential implications, especially because CD1 contains many special zoning districts and it is still unclear exactly how this zoning text will manifest in those locations; and

WHEREAS: In order for building owners to fully take advantage of the proposed Zoning Text Amendment and retrofit their buildings for resiliency, CB1 believes a robust funding program would be needed; and

WHEREAS: Though direct funding to building owners should be the first consideration, CB1 also encourages the City to study additional indirect means to support retrofitting, including tax incentives or the implementation of Property Assessed Clean Energy and Resilience (“PACER”) programs which could potentially allow for property owners to borrow against anticipated future savings on flood insurance; and

WHEREAS: CB1 encourages the City to further study the magnitude and nature of insurance savings that could be realized by building owners who retrofit their buildings to be more resilient, and to publicize the results to increase public awareness thereof; and

WHEREAS: CB1 continues to advocate for City funding for resiliency related projects within CD1, as outlined in our annual funding requests and in multiple past resolutions and testimonies; and

WHEREAS: Lower Manhattan has unique conditions. CD1 houses many historic districts and buildings. We are composed almost entirely of special district zoning and we are largely built out on landfill, which means that there are uniquely challenging infrastructure and environmental implications; and

WHEREAS CB1 encourages DCP to provide further study and engage with the Landmarks Preservation Commission (LPC) to determine best practices for improving the resiliency of buildings within the Landmarked Historic districts that lie in the 1% annual chance floodplain; and

WHEREAS Property owners already reap certain benefits from making their properties flood resilient, including but not limited to lower insurance rates. Further accommodating property owners by establishing additional zoning benefits and exemptions is unnecessary, and zoning should not be used as a mechanism to provide fiscal benefit to property owners; now

BE IT
FURTHER
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 City Planning Commission (CPC), ***CB1 recommends the CPC***

disapprove the Application unless the following modifications and conditions are satisfied:

- CB1 urges that, rather than a one-size-fits-all approach, DCP work more closely with communities in order to develop specific versions of this text amendment that are more appropriate and contextualized for localized communities with unique historic and land use conditions
- CB1 asks for the zoning text to not change permitted obstructions or the definition of floor area in Lower Manhattan, recognizing that dense urban spaces are different than less dense environments and the expansion of permitted obstructions and exempt floor area in accessory buildings will unnecessarily consume some of the little existing open space in the district.
- CB1 urges the zoning text be amended so that only existing buildings are eligible for FAR exemptions and height bonus incentives, not new buildings (i.e. provisions like the wet flood proof FAR exemption as per the 2013 Flood Text)
- CB1 urges the City to provide clear, comprehensive funding options to the public for resiliency-focused retrofitting / building improvements, which could assist home and business owners in attaining state and federal government grants and/or subsidies
- CB1 encourages the City to further study the connection and potential of increased insurance savings that could be realized by building owners who complete a retrofit to be more resilient, and to publicize the results to increase public awareness
- CB1 requests the zoning text be modified to place a specific, measurable cap on BSA variances. CB1 believes that to the extent possible, any foreseen special situations should be addressed in the Zoning text itself rather than left to a future BSA variance
- CB1 requests the City consider types of buildings providing services and housing to vulnerable populations, in addition to nursing homes when limiting development within the floodplain, for example hospital use
- In the event of Recovery Provisions being activated in the context of a future disaster, with a proposed Designated Recovery Area that overlaps with CD1's boundaries, CB1 requests to be promptly consulted on the proposed geographic scope and timeframe of such provisions, as is required when proposing a text amendment to implement such provisions

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 plan (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).

December 22, 2020

Tammy Meltzer
Chairperson, Manhattan Community Board 1
One Centre Street, Room 2202 North
New York, NY, 10007

Dear Tammy,

I want to thank you, the staff and the entire membership of Manhattan Community Board 1 (“CB1”) for the significant time you have collectively invested over the last several months reviewing our application for the proposed rezoning of the southern half of Governors Island (the “South Island rezoning” or the “rezoning”), and for your ongoing partnership and thoughtful concern in planning for the Island’s successful future. We are also committed to continuing to work to address concerns raised in your resolution both throughout the remainder of the ULURP process and into the future.

The Trust is aligned with CB1 in wanting a Governors Island that is accessible year-round, and that continues to be a vibrant resource for all New Yorkers through responsible stewardship and planning. We believe the rezoning and climate center vision represent a remarkable opportunity to bring more activity and access to Governors Island year-round, while realizing the long-term goal of developing a sustainable revenue stream to support this unique resource for Lower Manhattan and New York City as a whole. Allowing for mixed-use new construction in the two areas set aside for development (“the Development Zones”) in the Park and Public Space Master Plan and adding protections to the award-winning park will advance the visionary goals that have guided the Island’s transformation 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 South Island development sites 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 also support what we believe is an exciting vision in realizing the potential of Governors Island, to bring a ground-breaking center for climate solutions to the Island, providing broad educational and public engagement opportunities to New Yorkers surrounding one of the greatest challenges of our time. The proposed rezoning will also support the Trust’s efforts to continue to attract uses that support public access including arts and culture, recreational facilities, and amenities within the development sites and historic building on the North Island.

Over the course of the last several months, we've heard specific concerns from CB1 and other stakeholders about the overall height and density of development allowed under the proposed zoning text. We understand that these elements of the proposal will be a focus of attention and are committed to this ongoing discussion during the next stages of the ULURP process, including to considering all reasonable adjustments consistent with our goals for a financially-sustainable Island with increased public accessibility year-round. We will also continue to work 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 the important expansion of Harbor School facilities.

We also heard your specific concerns about open space protections, the definition of "base plane" and how the community board will be included in the planning and process for future solicitations ("RFP") which we are prepared to address immediately.

Open Space Protections:

The proposed South Island zoning text creates a new subarea (the "Open Space Subarea") which both defines and adds controls over the nearly 50 acres of the park and esplanade areas that currently have insufficient zoning protections today under the existing R3-2 zoning that covers the South Island. For example, today, under the existing R3-2 zoning, structures of up to 60ft can be built anywhere and the cherished waterfront esplanade is completely unprotected. Our proposed South Island zoning text and the rules for the Open Space Subarea are meant to protect these areas and limit the potential for future development within them to typical park-like amenities. We hear CB1's concerns over some of the use groups that would be allowed in the Open Space Subarea under our current proposal, that many go beyond modest amenities, and we agree these uses should be further restricted to be more consistent with uses seen in City parks. We also agree the maximum height for amenity uses can be reduced with one exception, and we commit to working with the Department of City Planning (DCP) to amend zoning application to make the following changes to the rules for structures within the Open Space Subarea:

In Section 134-112 (Permitted uses in the Open Space Subarea) the following uses will be removed or modified:

- All uses in Use Group 15 will be removed
- All uses in Use group 13 will be required to be open to the sky (not enclosed)
- 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"

In Section 134-24 (Permitted obstructions in the Open Space Subarea) the following rules will be modified:

- 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;

Base Plane:

CB1 expressed specific concerns related to how the “base plane” is defined and measured in the proposed South Island zoning text, both in the two Development Zones as well as in the Open Space Subarea, and the potential these ambiguities might create for future developers to take advantage of them for additional height. We agree with CB1 that this should be clarified. The Trust commits to working with DCP to address and resolve this issue in the proposed zoning text, the resolution of which should provide certainty around the maximum potential height of the base plane.

10 South Street, Slip 7
New York, NY 10004
212.440.2200
govisland.org

RFP Engagement:

The Trust is committed to its mission to expand access to the Island year-round, enlivening it with uses that are mission-aligned, provide financial support to the Island’s operations, and that complement its existing character and unique environment. The Trust’s vision for growth includes three key areas of focus: 1) open space and recreation, 2) arts and culture, and 3) climate solutions. The proposed South Island rezoning is necessary to both align uses allowed within development sites with the deed, support the Island financially, and to attract an anchor university or non-profit research institution to study urban climate resiliency. In 2021, the Trust plans to release a solicitation to attract an institution to anchor the center for climate solutions, while continuing to attract uses and users that support public access and engagement, including arts and culture, education, amenity, recreation, hospitality and food and beverage.

Through this process, we have heard concerns around whether CB1 will have the opportunity to be directly involved in the future RFP process. The Trust is committed to ensuring that CB1 has the opportunity to provide feedback on plans for Governors Island vis a vis the future RFP and help inform goals that will be included in that RFP. Specifically, the Trust commits to the following:

Pre-RFP Goal Setting Engagement: The Trust commits to engaging with its Community Advisory Council (“CAC”), CB1 and other stakeholders to solicit feedback on goals the Trust will include in a future RFP to attract an anchor institution for the center for climate solutions. Accordingly, the Trust held a kick-off planning session on goals for a future climate center RFP on October 29th 2020, attended by CB1 leadership and staff, and a second meeting on public engagement goals for an academic anchor was held on December 16th 2020, also attended by CB1 leadership and staff. The Trust will hold additional sessions with the CAC, including representation from CB1, to provide input on goals related to public engagement, educational and workforce development, and design guidelines. CB1 leadership will be responsible for designating participants in these meetings, which will occur

prior to the end of February, 2021, and findings will be presented at a CAC meeting by March, 2021.

Anchor Institution RFP: The Trust anticipates releasing a solicitation to attract an anchor institution for the center for climate solutions in 2021. Prior to selecting a winning respondent, the Trust will conduct a briefing at a CB1 meeting with information on all anchor institution finalists with names redacted, specifically soliciting feedback on their programs and designs.

Once again, it is a pleasure to work with you and CB1. I thank you for your commitment to the future of Governors Island. We look forward to addressing the concerns of the community and continuing our work together throughout an open, engaging ULURP process and beyond.

10 South Street, Slip 7
New York, NY 10004
212.440.2200
govisland.org

Sincerely,



Clare Newman
President and CEO

CC: Alice Blank, Wendy Chapman, Fern Cunningham, Paul Goldstein, Patrick Kennell, Lucian Reynolds, Diana Switaj, Andrew Zelter

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: LICENSING & PERMITS

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	1 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: 355 Greenwich Street, application for liquor license for Chanson 355 Greenwich LLC d/b/a TBD

WHEREAS: The applicant, Chanson 355 Greenwich LLC, is applying for an on-premise liquor license for TBD; and

WHEREAS: The establishment is a French style bakery and cocktail lounge serving breakfast, lunch and dinner as well as house draft beer and cocktails; and

WHEREAS: The applicant has represented that there are no buildings used primarily as schools, churches, synagogues or other places of worship within 200 feet of this establishment; and

WHEREAS: The applicant has represented that there are three or more establishments with on premises liquor licenses within 500 feet of this establishment; and

WHEREAS: The establishment is an approximately 4,100 square foot restaurant with a public assembly capacity of 100 persons for the ground level, and a 1,234 square foot dining area with 13 tables and 38 seats, and a 217.6 square foot bar area with 9 bar stools, and a 1626.5 square foot kitchen area, and one 19'5" rectangular stand-up bar on the ground floor and a food counter located at the coffee station with four stools; and

WHEREAS: The establishment is located on the ground floor and cellar of the premises, where the ground floor will be used for the bakery and lounge, and the cellar will be used for a full-service kitchen and storage area; and

WHEREAS: Patrons will not have access to any unlicensed outdoor areas of the building; and

WHEREAS: The hours of operation will be from 7AM opening Monday through Friday, 9AM opening Saturday and Sunday, and 1AM closing Sunday through Wednesday and 2AM closing Thursday through Saturday, and bar service opening hours at 11AM Monday through Friday, and 10AM on the weekends, bar service closing hours at 1AM Sunday through Wednesday and 2AM Thursday through Saturday, and food service hours will be the same as the hours of operation; and

WHEREAS: The applicant has represented that there will be recorded background music, no live music, no DJs, no non-musical entertainment, no dancing and TV monitors; and

WHEREAS: The applicant will have delivery of supplies, goods and services after 7AM; and

WHEREAS: The applicant at this time does not intend to apply for a sidewalk cafe license; and

WHEREAS: The applicant is currently using temporary outdoor space through the city's Open Restaurants Program; and

WHEREAS: The applicant has signed and notarized a stipulations sheet; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 opposes the granting of a liquor license to Chanson 355 Greenwich LLC d/b/a TBD at 355 Greenwich Street unless the applicant complies with the limitations and conditions set forth above.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: QUALITY OF LIFE & SERVICE DELIVERY

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Support for Various Affordable Rental Housing Bills to Benefit the Residents of Lower Manhattan

WHEREAS: New York City is facing an unprecedented crisis resulting from the COVID-19 pandemic, with the greatest hardship being shouldered by middle, working class and low-income citizens in need of direct rent, mortgage, maintenance & tax relief now; and

WHEREAS: A reported 47.3% of households have lost employment income since March 2020, 17.9% renter households are behind on rent, and 11.4% owner households are behind on mortgage payments and of 10/30/2020, 14,800 New York City renter heads of households have been sued by their landlords for failure to pay rent during the coronavirus pandemic; and

WHEREAS: The responsibility of implementing protections and providing necessary relief, which would mitigate the harm to New York residents and address the need for safe, quality, affordable housing and financial stability during the COVID-19 crisis, lies primarily with the NYS legislature and governor; and

WHEREAS: Without additional government intervention, individuals and families unable to pay the costs of housing will be displaced, resulting in an increase in “doubled-up housing” and the population of unhoused individuals and families, both of which would accelerate the spread of COVID-19 infection and varying types of pandemic related federal assistance programs have or will expire by the end of 2020; and

WHEREAS: While an effort was made to address this situation early on in the pandemic, the assistance offered and its implementation by the NYS Housing and Community Renewal Agency have been woefully inadequate; and

WHEREAS: To date the NYS Housing and Community Renewal Agency has denied half of all reviewed applications, likely as a result of the confusing and arbitrary eligibility criteria; and

WHEREAS: The alleged relief provided under this program is not sufficient to address the crisis created by the COVID-19 pandemic and the subsequent shut-downs as it only covers rent for the first four months of the crisis; eligibility was narrowly defined to only include renters who paid over thirty percent (30%) of their monthly salary in pre-pandemic rent and also paid an even higher percentage of their monthly salary; and does not cover full back rent, just the difference from what they could pay before March, 2020 and what they could pay after said date; and

WHEREAS: Upon review, 75 days after the program's closure, it was determined that only \$19.5 million dollars to about 8,400 applicants had been distributed, leaving \$60 million of the \$100 million in total funding on the table and unavailable to assist New Yorkers in need; and

WHEREAS: New York State Senator Salazar and Assemblymember Niou have introduced bills S08802 and A10826, respectively, which would provide a universal right to relief from housing payments for renters and small homeowners, via removing the requirement of rent payments from March until end of state emergency, and

WHEREAS: Bills S08802 and A10826 would also provide financial assistance for residential co-ops, affordable housing providers, and landlords that can demonstrate hardship resulting from payments cancelled pursuant to this act, and for public housing authorities. Landlords who receive this funding will have to agree to some tenant protections, e.g., rent does not go up, additional eviction protections; and

WHEREAS: As of November 20, 2020, renters are being evicted from their homes; and

WHEREAS: Landlords, some of whom have not collected rent since March, 2020, are struggling to stay afloat; and

WHEREAS: Evictions across the country are directly causing deaths. A recent study illustrates that "evictions between the beginning of the pandemic and the CDC's national eviction moratorium in September led to 433,700 excess COVID-19 cases and 10,700 additional deaths."; and

WHEREAS: Renter advocacy organization, Eviction Lab, gives New York State a 1-star rating (*out of 5 stars*) for having terrible eviction protections during the pandemic, compared to peer states and cities like Minnesota and Washington, D.C., which each have 4 stars; and

WHEREAS: New York State Senator Myrie & Assembly Member Reyes have put forth bills S08667 and A10827 to extend the eviction moratorium for the duration of the COVID "state of emergency" period plus one year that remain in committee; and

WHEREAS: New York State Senators Salazar and Kavanagh, and Assemblymembers Niou and Glick have introduced bills S2892-B and A05030B, respectively, which would prohibit Eviction Without Good Cause and states in pertinent part:

That a landlord cannot increase rent unreasonably: “...In determining whether all or part of the rent due and owing is the result of an unreasonable rent increase, it shall be a rebuttable presumption that the rent for a dwelling not protected by rent regulation is unreasonable if said rent has been increased in any calendar year by a percentage exceeding either three (3%) percent or one and one-half (1.5) times the annual percentage change in the Consumer Price Index for the region in which the housing accommodation is located, as established the August preceding the calendar year in question, whichever is greater;...”

<https://legislation.nysenate.gov/pdf/bills/2019/S2892B>; and

WHEREAS: Passage of these bills into law would create substantial and lasting rent relief to tenants while ensuring that landlords do not end up bearing the cost that is much better shouldered by the government and be a good first step towards creating and maintaining affordable housing in CB-1 and beyond; and

WHEREAS: We do not want our 9/11 surviving, health compromised neighbors, largely health-compromised having survived 9/11 to end up homeless or in an already overburdened, poorly administered shelter system. Existing shelter systems are vulnerable to the COVID-19 pandemic, where it is difficult to enact adequate social distancing protocols; and

WHEREAS: In New York City, as of May 31, 2020, there were 926 confirmed positive COVID-19 cases in approximately 179 shelter locations. As of that date, DHS had reported 86 deaths of homeless people due to COVID-19; and

WHEREAS: There is a high cost to emergency, temporary solutions, such as housing unhoused people in hotels; New York City’s contract with the Hotel Association of New York City was \$299,790,000 from April 15 - October 12, 2020, to house 9,500 individuals at a nightly rate of \$120; and

WHEREAS: New York State Senator Brian Kavanagh and Assemblymember Steven Cymbrowitz introduced bills S7628A and A9657A, which would create a program to provide housing vouchers to unhoused individuals/families and those facing an imminent risk of homelessness. However, these bills are still in committee. These bills would be administered by existing public housing agencies, and would ensure at least 50% of funding would go to currently unhoused individuals and families, and at least 87.5% of funding would go to individuals and families with income below federal poverty level; now

THEREFORE
BE IT
RESOLVED

THAT: CB 1 fully supports all of the bills that are described in this resolution; and

BE IT
FURTHER
RESOLVED

THAT: CB 1 calls upon our elected officials to put forth all these bills and get them passed into law during the current legislative session; and

BE IT
FURTHER
RESOLVED

THAT: That CB1 calls upon our elected officials for even further assistance for residents of all types as well as commercial renters & tax payers in our district.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: TRANSPORTATION & STREET ACTIVITY PERMITS

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	30 In Favor	0 Opposed	7 Abstained	0 Recused

RE: Civilian Complaints Hazardous Obstruction Violations

WHEREAS: Int-2159-2020, introduced to the New York City (NYC) Council on November 19, 2020, would amend the administrative code of the city of New York, in relation to hazardous obstruction by vehicles and civilian complaints to the Department of Transportation (DOT) for hazardous obstruction violations; and

WHEREAS: Int-2159 would allow citizens to report illegal parking in bike lanes, bus lanes, and crosswalks, and on sidewalks, including parking by city vehicles and private vehicles with a placard, paraphernalia, or illegal placard; and

WHEREAS: Cases would be adjudicated before the Office of Administrative Trials and Hearings. If found guilty, the perpetrator would be fined \$175 – up from the current \$115 fine; and

WHEREAS: As introduced a reporting citizen would receive 25% of any fines collected; and

WHEREAS: Int-2159-2020 would supplement legislation on placard abuse and dangerous parking that the NYC Council passed in 2018 and in 2019 by addressing the lack of enforcement of those laws by the NYC Police Department (NYPD); and

WHEREAS: While the extent of placard misuse by city employees is uncertain, it is an issue that has been widely documented on social media and in complaints to 311

WHEREAS: Violations for parking abuses by city vehicles and private vehicles with city-issued placards are rarely enforced or correctly responded to on 311; and

WHEREAS: Citizen reporting of commercial truck idling has been successful and has in fines missed by the city's enforcement agencies; and

WHEREAS: The reportable offenses, parking in bus lanes, bike lanes, sidewalk, crosswalk, jeopardize public safety by forcing buses, cyclists and pedestrians out of their safe designated spaces or delaying fire control with blocked hydrant; and

WHEREAS: Illegal parking in No Standing Zones create hazardous obstructions that endanger the public when inadequate road clearance results directly (e.g., limits turn radius

clearance) or indirectly (e.g., forcing double parking) thus interfering with the safe and efficient movement of traffic; and

WHEREAS: Illegal and placard parking in Loading and Unloading Zones frequently create hazardous obstructions that endanger the public by forcing delivery vehicles to double park while being loaded or unload; and

WHEREAS: Blocking all or part of a sidewalk ramp is hazardous as it does not allow pedestrians with wheeled devices (wheelchairs, strollers, delivery carts, etc.) to get out of the road and onto the sidewalk away from traffic; and

WHEREAS: Manhattan Community District 1 has a disproportionate number of city owned vehicles and placard users and imitators that create hazardous obstructions; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board 1 (CB 1) calls upon the Honorable Margaret Chin to support passage of Int- 2020-2159; and

BE IT

FURTHER

RESOLVED

THAT: CB 1 Requests that the City Council amend Int-2020-2159 by adding no standing zones, loading zones and blocking sidewalk ramps (curb cuts) as reportable locations where parking creates a hazardous obstruction that endangers safety; and

BE IT

FURTHER

RESOLVED

THAT: CB 1 urges the Department of Transportation to amend the placard parking regulations (§ 19-162.3 City-issued parking permits) so that it is *not* permissible to park in truck loading and unloading zones or to block any portion of a sidewalk ramp (curb cut) with a placard.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: WATERFRONT, PARKS & CULTURAL

COMMITTEE VOTE:	11 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	28 In Favor	3 Opposed	3 Abstained	3 Recused

RE: Banning dogs at the Battery Labyrinth

WHEREAS: One of the very special parts of Historic Battery Park is the Battery Labyrinth, a beautiful area filled with native plants and flowers; and

WHEREAS: The Labyrinth was opened in 2002 to commemorate the 9/11 attack of the World Trade Center and is meant to offer the public a way to reflect, honor, and heal; and

WHEREAS: The Labyrinth and its gardens offer a peaceful escape from the bustle of Lower Manhattan where one can quietly walk the area surrounded by native plants including witch hazels, asters, ferns and sedges; and

WHEREAS: The Labyrinth has regrettably been badly damaged recently by dogs not properly maintained by their owners; and

WHEREAS: Repairing and maintaining the Labyrinth is also more challenging with the reduction in maintenance personnel resulting from the pandemic; and

WHEREAS: The officials in charge of The Battery feel that they need to ban dogs from the Labyrinth and the Forest Farm edible garden before these areas are completely ruined; and

WHEREAS: The Department of Parks and Recreation is also recommending that dogs be banned from these areas; and

WHEREAS: Before moving forward, The Battery wanted to discuss this matter with the Community Board to get our input; now

THEREFORE
BE IT
RESOLVED

THAT: Community Board 1 recommends that The Battery and the Department of Parks and Recreation ban dogs from the Labyrinth and edible garden areas in Battery Park.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: WATERFRONT, PARKS & CULTURAL

COMMITTEE VOTE:	10 In Favor	1 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Holland Tunnel Rotary Park

WHEREAS: Architects Dasha Khapalova and Peter Ballman have presented a vision for a potential new park that would occupy the Holland Tunnel Rotary and presented their innovative proposal to the Community Board 1 (CB1) Waterfront, Parks and Cultural Committee for feedback on December 15th; and

WHEREAS: Their plan which sinks the park beneath the ramps would enable the public to use this large open space that has been off limits to the public for almost 100 years and provide Tribeca with another needed park; and

WHEREAS: Their preliminary plan offered a range of possible active and passive uses along with possibly 70,000 sf of indoor space for dining or other uses; and

WHEREAS: Most members of the committee were pleased and even excited by this concept that would create more function and beauty in this space and in the course of our discussion many also wanted to see if was possible to incorporate resiliency measures since the rotary is located in a section of Tribeca flooded during Superstorm Sandy; and

WHEREAS: The architects agreed to take back that recommendation and others that arose to refine their plans; and

WHEREAS: This project does not have funding or clear cost estimates at this stage nor the endorsement of the Port Authority (PA) which owns the property but we were informed that the PA is aware of this plan and they appear to be circulating it internally at this stage; and

WHEREAS: Both the architects and the committee would like to see more community engagement and feedback; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 supports the concept of a park and resiliency resource at this location; and

BE IT
FURTHER
RESOLVED

THAT: CB1 applauds, encourages and supports the effort that has been made thus far;
and

BE IT
FURTHER
RESOLVED

THAT: Before CB1 can endorse any specific design, we would want to see more public
engagement with relevant stakeholders; and

BE IT
FURTHER
RESOLVED

THAT: CB1 is willing to help in connecting the presenters with local resources to aid in
engagement.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: YOUTH & EDUCATION

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 REcused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Expansion of New York Harbor School's facilities and programming

WHEREAS: The New York Harbor School's core mission has not been fully fulfilled in the last seventeen years as a result of not having proper facilities; and

WHEREAS: The Harbor School is overcrowded and seats are in high demand (as the only maritime/marine school in New York City, with a growth area in jobs that need the diversity Harbor students represent proudly and well); and

WHEREAS: The Harbor School has been asking for years for an aquatic training center as a central need in a program that involves daily teaching on the water; and

WHEREAS: The Harbor School was promised a gym and 12 additional classrooms and that ask was funded by the DOE/SCA in 2018 (after a previous request in 2012 was funded and rescinded in 2014.), but it was never delivered; and

WHEREAS: The DOE's only proffered option to date was to site the Harbor School gym in the only small patch of green space the school has, on an island that measures 172 acres in area; and

WHEREAS: The Trust for Governors Island and DOE have stated that building 555 with 12 classrooms has been reserved for NYHS since 2018 but have yet to deliver the building to the school; and

WHEREAS: At its founding, Harbor School taught all students how to swim as a graduation requirement, a critical skill for marine jobs, but they were forced to drop that skill after moving to Governors Island as the school had no way to train the students, due to the lack of a pool. As the school's only transportation access is by ferry and many aspects of its marine-based curriculum involve in-water engagement, this is a safety issue as well as an equity issue; now

THEREFORE
BE IT
RESOLVED

THAT: Given the delays and lack of delivery of additional academic spaces, gym, auditorium, or a pool, the Committee recommends the New York Harbor School be awarded by TGI, and without further delay, building 515 (the former hospital) or another existing building of adequate space as a part of its campus to enable the facilities needed for it to fulfill its mission and that buildout be funded and completed by SCA/DOE; and

BE IT
FURTHER
RESOLVED

THAT: The Committee recommends that, effective immediately, the Trust for Governors Island name a temporary space for a pool facility (with the school's directors in consult) to be used by the New York Harbor School that can be occupied for up to 7 years until the permanent building becomes available.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: YOUTH & EDUCATION

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Prioritizing NYC educators and school staff for early access to COVID-19 vaccine

WHEREAS: In the New York State Vaccination Program Book, developed in October 2020, Under Section One; Guiding Principles it states “4. Equitable & clinically driven distribution: New York State’s COVID-19 vaccine distribution approach will be based solely on clinical and equitable standards that prioritize access to persons at higher risk of exposure, illness and/or poor outcome, regardless of other unrelated factors, such as wealth or social status, that might confer unwarranted preferential treatment”; and

WHEREAS: Governor Cuomo has not committed to where educators principals and essential school staff fall after the high risk populations and essential healthcare workers in terms of when they will receive the vaccine, only that they fall within “ Lower-risk population/other essential workers” priority group; and

WHEREAS: The nation’s roughly three million full-time teachers are considered essential workers by the Centers for Disease Control and Prevention, which means that in states that follow federal recommendations, they should be eligible to receive the vaccine after hospital employees and nursing home residents; and

WHEREAS: Under the Mayor and Chancellor’s Blended Learning initiative, most of our NYC teachers, principals and school staff are in our schools citywide on a daily basis, as a significant percentage of our 1.1M children commute to the school buildings from across the city, often through public transportation; and

WHEREAS: Educators and school staff therefore have a high level of exposure to COVID-19, higher than other groups within the city’s “other essential workers”; and

WHEREAS: The negative effects of remote learning on students’ physical and mental health in addition to their academic progress has been well documented; and

WHEREAS: The importance of returning our students to the classrooms as soon as possible cannot be overstated; and

WHEREAS: School systems in large urban environments have been disproportionately affected by COVID-19, with far less students attending school in the school buildings, if at all, creating vast inequity across the nation's school systems, and the loss of learning magnified; now

THEREFORE

BE IT

RESOLVED

THAT: Manhattan Community Board 1 calls upon Governor Cuomo to move our educators, principals, after-school staff, learning lab staff and essential school staff up to first priority behind front line health care workers, long term care facilities and high risk populations for the COVID-19 vaccine; and

BE IT

FURTHER

RESOLVED

THAT: The most vulnerable populations (health conditions and advanced age) within that subset be identified and prioritized.