



CITY PLANNING COMMISSION

June 5, 2013/Calendar No. 3

N 130189(A) ZRM

IN THE MATTER OF an application submitted by Governors Island Corporation d/b/a The Trust for Governors Island pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, to add Article XIII, Chapter 4, establishing the Special Governors Island District in Community District 1, Borough of Manhattan, and to amend related Sections.

The application for an amendment to the Zoning Resolution was filed by Governors Island Corporation, doing business as The Trust for Governors Island (The Trust), on February 8, 2013, to facilitate the establishment of the Special Governors Island District. On April 15, 2013, pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure rules, the Trust filed an application to modify the proposed amendment to the Zoning Resolution to add physical culture or health establishments to the list of permitted uses. The modified application, N 130189(A) ZRM, which was subsequently revised on May 22, 2013 to identify commercial uses permitted as-of-right or those requiring an authorization by the City Planning Commission, is the subject of this report.

RELATED ACTIONS

In addition to the zoning text amendment (N 130189(A) ZRM), which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 130190 ZMM Amendment to the Zoning Map, Section No. 16a, mapping the Special Governors Island District.

BACKGROUND

The Trust for Governors Island proposes zoning map and text amendments to facilitate the reuse and re-tenanting of approximately 1.2 million square feet of space in existing historic structures on the northern section of Governors Island (the Island). The re-tenanting of historic structures is part of a larger Island-wide redevelopment plan that includes the construction of new park and public spaces, infrastructure upgrades, and allows for development in two designated areas on

the southern section of the Island. Infrastructure upgrades are expected to be completed by the end of 2014, and re-tenanting of the historic structures is expected to be completed by 2022. The nature and type of development on the southern section of the Island has yet to be determined and will be subject to future land use actions and environmental review.

The Trust for Governors Island is not-for-profit corporation that is responsible for the design, development, and maintenance of Governors Island. It holds title to 150 of the Island's 172 acres; the remaining 22 acres is a National Monument that is owned and managed by the National Park Service.

Governors Island is located in the Upper New York Harbor, approximately one-half mile south of Manhattan and one-quarter mile west of Brooklyn. The Island is divided into two sections: the North Island and the South Island. The North Island is the area north of the former Division Road and represents much of the original Island formation prior to its expansion in 1902. The South Island is the area south of the former Division Road and is a flat, treeless mass created from the excavations from the Lexington Avenue subway that were used to expand the Island between 1902 and 1912. The North Island measures approximately 92 acres, and the South Island measures approximately 80 acres.

Access to the Island is provided by ferries from the Battery Maritime Building in Lower Manhattan to Soissons Landing on the northern end of the Island, and from Pier 6 in Brooklyn and Pier 11 in Manhattan to Pier 101 on the eastern end of the North Island. The ferry from the Battery Maritime Building operates year-round to transport Island employees, students, and artists, as well as visitors during the public access season (weekends and holiday Mondays from May through September). Ferries from Brooklyn and Pier 11 only operate during the Island's public access season.

There are no mapped streets on the Island, but a fully-paved unmapped street system serves pedestrians and bicyclists visiting the park and public spaces, as well as Island support vehicles. With the redevelopment of the park and public spaces, the North Island pathways will be

maintained to provide public access to the open spaces and re-tenanted buildings. The South Island pathways will be reconfigured to create dedicated pedestrian and bicycle pathways, and separated vehicular access will be provided to the two development zones. The Island's perimeter roadway will be reconstructed as a waterfront promenade for pedestrians and bicyclists. Private vehicles are not permitted on the Island, and vehicular traffic is limited to Island support and construction vehicles.

The Island has had a long military history, having served military purposes for British and American forces during the French and Indian War, American Revolution, War of 1812, American Civil War, and World Wars I and II. The Island served as a center of operations for the United States Army from 1783 to 1966 and for the United States Coast Guard from 1966 to 1996. During the more than 200 years of American military occupation, the Island was inaccessible to the public. The North Island buildings often served as housing for officers and as administrative offices, and the South Island often contained facilities for military operations, including barracks and, at one point, an airfield. The North Island also contains two large fortifications – Fort Jay and Castle Williams – that were constructed in 1794 and 1807, and served as the earliest forms of protection of the New York Harbor from naval attack.

In 1985, the United States Department of the Interior designated the North Island as a National Historic Landmark District. In 1996, the New York City Landmarks Preservation Commission (LPC) designated the North Island as the Governors Island Historic District. Within the district, there are nearly 100 individual structures, more than 60 of which have been determined as contributing to the historic significance of the Island. There are five individually designated landmarks, including Fort Jay, Castle Williams, two former commanding officer's quarters, and a former hospital. All five structures were designated by LPC on September 19, 1967, and were separately added to the National Register of Historic Places between 1972 and 1974.

In 2001, United States President William J. Clinton designated 20 acres of the Island as the Governors Island National Monument, establishing a boundary that includes Fort Jay, Castle Williams, and the land in between the two monuments. In 2003, President George W. Bush, with

the transfer of ownership from the United States to the State and City of New York, reaffirmed the 2001 proclamation establishing the National Monument, and expanded the boundary an additional two acres to an area measuring approximately 22 acres. While the National Monument was to be maintained by the National Park Service, the remaining 150 acres of the Island were sold to the Governors Island Preservation and Education Corporation (GIPEC) of the State and City of New York. As part of the transfer of ownership, a transfer deed was prepared that established a number of covenants for both the National Park Service and GIPEC (and their successors) to ensure that the Island would remain a public resource for the people of the City, State, and country. A description of the relevant covenants can be found under the “Federal Transfer Deed” section of this report.

Immediately following the transfer, planning efforts began to transform the Island into a public resource. In 2007, the landscape architecture firm of West 8 was selected to produce a master plan to guide the development of the entire Island. The plan, which was completed in 2009, focused on the design and configuration of the Island’s park and public spaces, while also acknowledging the intention for re-tenanting of the North Island’s historic buildings and development in two designated areas on the South Island.

In 2010, ownership of the Island was transferred to the Trust for Governors Island (The Trust), which was formed as a not-for-profit corporation at the direction of a Mayoral Executive Order, and is deemed to be an instrumentality of the City of New York for purposes of satisfying requirements of the Federal government. The Trust, assuming GIPEC’s role, is responsible for the planning, design, development, and maintenance of the Island’s 150 acres not under National Park Service control. A Mayoral zoning override was established to allow existing non-conforming uses to remain on the Island – artists’ studios, ferry docks, offices for Trust staff, and a dining and entertainment facility – pending development of an overall zoning framework to further guide re-tenanting and new development. A public high school is also located on the North Island and is permitted by the existing zoning.

Capital funds from the City have been allocated to the Trust to complete construction of the Island's park and public spaces, undertake improvements to the seawall and docks, stabilize and restore many of the historic buildings, upgrade the Island's electrical systems, and bring potable water to the Island. On December 10, 2012, the Trust for Governors Island issued a Request for Proposals for re-tenanting of the North Island historic buildings for educational, cultural, and commercial uses. Following the completion of the park and public spaces and other infrastructure upgrades, re-tenanting is expected to begin as early as 2015, and public access is expected to expand from a seasonal, weekend-only schedule to year-round access.

North Island

The North Island, which is the subject of the zoning map and text amendments, is the area north of the former Division Road, and contains the original Island formation as well as some filled land upon which structures were built in the 1930s and 1940s. The area contains over fifty, two-to-three story wood and brick buildings constructed between the 19th and mid-20th Centuries, set in a park-like landscape with mature trees, natural topography, and broad vistas of the Island and its urban backdrop. In total, the North Island is developed with close to 100 structures, including garages, Island support structures, and instances where multiple individual structures comprise one "building."

The National Park Service, in its 1983 nomination report, describes the Governors Island Historic District as "a loosely knit collection of individual historic properties and features and several complexes of related buildings erected during various military eras." They note that the "historic features of the district are united by the nearly universal use of red brick exterior walls with light stone trim, an overall small scale usually not higher than two or three stories and modestly-styled, utilitarian architectural designs, simpler than their non-military counterparts of the period."

The two large fortifications, Fort Jay and Castle Williams, are among the country's best-preserved fortifications from an important and innovative period of American military construction. Fort Jay stands on the Island's highest point at the center, from which a glacis

slopes down to what was formerly the water's edge. Castle Williams was constructed on a rocky promontory to protect the entrance to the New York Harbor, and was widely separated from Fort Jay without trees to maintain artilleryists' view of the Harbor. The two fortifications and the area in between comprise the National Monument area. A third fortification, South Battery, was constructed on the southeast corner of the Island to face the Buttermilk Channel, but only the exterior walls of the structure remain from the early defense work.

Much of the North Island's earliest development began within the vicinity of the fortifications to support the Island's growing military functions. A cluster of long, narrow two-story brick storehouses is located directly east of Fort Jay, which served as storage for weapons and likely housed commanding officers. To the southeast of Fort Jay is a cluster of two-story Victorian clapboard houses in two rows surrounding a landscaped open area known today as Nolan Park. Among these officers' quarters are a chapel, a former hospital, and the spacious Commanding Officer's House. Another cluster of officers' quarters is located to the southwest of Fort Jay that originally faced the Harbor. These seven two-and-a-half-story Georgian brick houses are lined in a row with open front porches overlooking what is now the Colonel's Row Green.

Following infill and expansion of the Island between 1902 and 1912, the final group of North Island buildings was constructed in a row extending across the entire center of the Island. The largest of these structures, Liggett Hall, is the largest building on the Island and among the largest military buildings in the world. It is a U-shaped Neo-Georgian building that traverses the Island, is three stories tall with attic space under a pitched roof, and reaches a height of approximately 110 feet at the top of its cupola. Designed by the prominent architectural firm of McKim, Mead, and White, these buildings exhibit features of the City Beautiful Movement, a philosophy of American architecture and planning that grew during the 1890s and 1900s promoting beautification and monumental grandeur in cities.

Federal Transfer Deed

As part of the sale of the Island to GIPEC in 2003, a transfer deed was prepared by the United States General Services Administration to ensure future use of the Island as a recreational,

cultural, and educational resource for the people of the City, the State, and the country. As such, certain use and preservation covenants are outlined for both the National Monument area and the Island. Covenants relating to utilities, easements, and other operational considerations are not described in this report.

Real Estate Use Covenants

Of the Island's 172 acres, at least 90 acres must be used for public benefit uses, including 40 acres of open space (located primarily in the South Island), 20 acres of educational uses, and 30 acres of additional open space, museums and historic sites, surface and water transportation, or not-for-profit cultural facilities. The deed permits the 22 acres of National Monument area to be counted as a historic site as part of the 90 acre public benefit use requirement. Additional permitted uses are: entertainment facilities, housing for caretakers of the Island (including police and fire personnel), short-term or extended-stay accommodations, cultural and arts facilities, hospitality uses, commercial office space, retail, service and dining facilities, public works, health facilities, and other public, commercial, and mixed-use purposes.

Uses that are prohibited on the Island are: residential uses (except uses associated with expressly permitted uses, such as education, hospitality, health care, and commercial uses), industrial or manufacturing uses, casino or gaming uses, parking (except for Island maintenance vehicles and on-Island transport vehicles), and stations for off-Island power generation.

Historic Preservation Covenants

In order to preserve existing historic resources on the North Island, the United States General Services Administration prepared the Governors Island Preservation and Design Manual, dated January 28, 2003, to guide future development and re-tenanting in the historic district. Any and all alterations, enlargements, and new construction of buildings, as well as alterations to the landscape, must be reviewed by the New York City Landmarks Preservation Commission (LPC) and, if necessary, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), and must be consistent with the Design Manual. Some work would not require review, such as interior painting and general maintenance, and only minor work on building

exteriors would require only LPC review. However, all other major work on buildings and landscapes require both LPC and OPRHP review, which may require public review.

The Design Manual describes the historically and architecturally significant features of each structure, identifying those features and buildings that must be preserved and restored, and those features and buildings that can be demolished or altered. Furthermore, certain view corridors and open spaces must be preserved as important areas that connect and frame many of the other historic and contributing buildings. Over 60 structures and Nolan Park, the Fort Jay glacis, and Colonel's Row Green have been identified as historically significant or contributing resources within the historic district. Those elements that have been identified as non-contributing or intrusions may be demolished, and in some cases the Design Manual prohibits new construction on these sites.

Existing Zoning

The entire Island is a single zoning lot and is mapped as a single R3-2 zoning district. It is also a waterfront block and thus subject to waterfront zoning regulations. R3-2 zoning districts permit residential and community facility uses, with a maximum FAR of 0.5 for residential uses (0.6 with an attic allowance) and 1.0 for community facility uses. The maximum perimeter wall height for residential buildings is 21 feet, with a maximum building height of 35 feet, and the maximum height for community facility buildings is 60 feet. Residential uses are permitted under the existing R3-2 zoning, but the federal transfer deed does not permit it. Correspondingly, while the federal transfer deed permits commercial uses, these are not permitted under the R3-2 zoning. The only uses that would be consistent with both the deed and zoning are community facilities and extended-stay hotels (defined as "apartment hotels" under residential uses in the Zoning Resolution).

Although the use regulations of the R3-2 zoning and the federal transfer deed are largely incompatible, the height and bulk regulations of the R3-2 zoning are generally consistent with the existing historic buildings in the North Island. Given its federal ownership, however, development of the Island did not take place subject to local zoning regulations, and much of the

U.S. Coast Guard base construction on the South Island was largely inconsistent with the R3-2 zoning. At the time of consideration, nearly all of the South Island buildings have been demolished.

Within the North Island, approximately 175,850 square feet of space is currently occupied by the Urban Assembly New York Harbor School (a New York City public high school), artists' studios and exhibit space operated by the Lower Manhattan Cultural Council, and office facilities for the Trust. The remaining 1.2 million square feet of space is currently vacant, although portions of this space have been occupied on a seasonal basis for cultural uses. Other uses include water taxi and ferry docks, and a dining and entertainment facility in the area just west of Soissons Landing. A Mayoral zoning override allows for the continuation of existing non-conforming uses that support the public's use and enjoyment of the park and public spaces.

Proposed Development

Phase 1 of the Island's Master Plan, which includes improvements to the North Island open spaces and construction of a portion of the South Island's park and public spaces, is expected to be completed by the end of 2013. Other infrastructure upgrades are expected to be completed by the end of 2014. With the exception of a few buildings that will be maintained for operations, all South Island buildings will be demolished. Furthermore, several non-contributing North Island buildings will be demolished and will not be rebuilt. The reuse and re-tenanting of the North Island historic buildings is planned as the next step in the Island's redevelopment.

There is nearly 1.4 million square feet of space in existing North Island buildings, approximately 1.2 million of which is currently vacant. All vacant buildings will be re-tenanted and restored for a variety of commercial and community facility uses to transform the historic North Island into an active resource for the City of New York. The introduction of educational, cultural, and commercial uses will complement the park and public spaces that will serve as the main use of the Island. Although future uses have not been specifically determined or defined, potential uses include: university, student dormitories, hotels, a movie theater, offices, restaurants, artists' studios, cultural uses, and a public school.

On December 10, 2012, the Trust for Governors Island issued a Request for Proposals (RFP) to reuse and restore over 40 North Island historic buildings for educational, cultural, and commercial uses. At the time of consideration, the Trust is preparing a number of development scenarios and expects to begin executing leases at the end of 2013.

ACTIONS REQUESTED

In order to facilitate the proposed development, the Trust for Governors Island requests the following actions:

1. Zoning text amendment to create Article XIII, Chapter 4, establishing the Special Governors Island District, and to amend related sections of the Zoning Resolution
2. Zoning map amendment to establish, on Zoning Map Section No. 16a, the Special Governors Island District on the northern section of Governors Island

Zoning Text Amendment (N 130189(A) ZRM)

The proposed Special Governors Island District would provide zoning regulations that guide the redevelopment of existing historic and cultural resources, while allowing the introduction of commercial uses that are compatible with the public use and enjoyment of the North Island. The zoning text amendment would only apply to the North Island, which is defined and established in the related zoning map amendment (C 130190 ZMM).

Although the entire Island is a single zoning lot, the proposed Special District, which comprises the North Island, is considered a single zoning lot and no development rights may be transferred across the special district boundary.

Commercial Uses

The zoning text amendment, as referred, would allow all commercial uses in the Special District. Allowing a wide range of commercial uses would offer flexibility in the adaptive reuse of

historic buildings, with the understanding that the physical limitations of each building and the nature of the historic district would only accommodate certain commercial uses. Any proposed commercial use above 7,500 square feet would be subject to review by Manhattan Community Board 1, pursuant to a process under which the applicant (the Trust or its successor) must submit a written description of the use and how it will promote the goals of the Special District, complement existing uses within the Special District, and be compatible with the nature, scale and character of other uses within the Special District. The Community Board would have forty-five days to respond to the submission, and the applicant would then provide a written response to any comments, including a description of any modifications or reason why any recommended modifications have not been made. The Chairperson of the City Planning Commission must certify to the Department of Buildings that the required consultation took place prior to the issuance of any building permits.

Signs

The Special District would require that no sign be larger than 150 square feet in area. Separate from the Special District zoning, all tenants would be required to follow Island-wide signage guidelines to be developed by the Trust. All signs are subject to review by LPC.

Bulk

The underlying R3-2 bulk regulations would largely remain, and are consistent with the scale of existing historic buildings. The commercial FAR in the Special District would be limited to 1.0, and the community facility FAR would be limited to 1.0. Zoning lots in R3-2 zoning districts that contain both commercial and community facility uses, which would likely be the case in the Special District, have a maximum combined FAR of 1.6, and the commercial FAR cannot exceed 1.0. Although this is an increase in the maximum FAR previously permitted under the R3-2 zoning (1.0 if all buildings were developed as community facilities), the existing FAR of built space is well-below 0.5 and the limited opportunities for new construction will not significantly alter the built environment.

Waterfront regulations would not apply, except for the height and setback regulations for

developments on land and platforms (Section 62-341). New buildings containing residences are limited to a height of 35 feet, and predominantly community facility buildings are limited to a height of 60 feet. Above a height of 35 feet, any portion of a new predominantly community facility building must be set back at least 25 feet. No new buildings containing commercial uses can exceed a height of 30 feet, except for predominantly community facility buildings that may reach a maximum height of 60 feet and buildings with residences that may reach a maximum height of 35 feet. The yard and open space requirements of the underlying R3-2 zoning still apply.

As described previously, the federal transfer deed requires that all enlargements, new construction, and demolition be reviewed by the Landmarks Preservation Commission and the New York State Office of Parks, Recreation and Historic Preservation. The Design Manual requires that all new construction and enlargements be of similar height and character to surrounding buildings.

Waterfront Regulations

Waterfront regulations are waived except for the height and setback provisions previously described. Key goals of the waterfront regulations are satisfied given the abundance of open space, existing controls on development, required view corridors, and the Island's perimeter esplanade.

Parking and Loading

The parking regulations of the underlying R3-2 district and the provisions of Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Requirements in the Manhattan Core) would not apply in the Special District. The proposed text would permit off-street parking and loading berths accessory to any use, but given the federal transfer deed's restrictions on vehicular use, any parking and loading would be for Island support or on-Island transport vehicles. A parking lot exists within the National Monument area just southeast of Castle Williams, in an area under federal control and not subject to New York City zoning regulations.

Modification to Allow Physical Culture or Health Establishments

The application for the zoning text amendment, as originally referred (N 130189 ZRM), proposed to allow all commercial uses in the Special Governors Island District. On April 15, 2013, the Trust for Governors Island filed a land use application, which is the subject of this report, to allow physical culture or health establishments in the Special District.

Physical culture or health establishments are not classified within a commercial Use Group and are typically permitted in certain commercial districts and all manufacturing districts by special permit by the Board of Standards and Appeals, as well as permitted as-of-right in certain special districts. Following review of responses to a Request for Proposals, the Trust believed that such use would be an appropriate and viable use in the Special District, and, as such, filed the modified application. Within the Special District, such use would be permitted as-of-right, subject to Community Board review if larger than 7,500 square feet.

Zoning Map Amendment (C 130190 ZMM)

The proposed zoning map amendment would map the Special Governors Island District on the northern section of Governors Island. The Special District will be bounded to the southwest by the southern edge of the former Division Road, which has been partially removed as part of the redevelopment of the Island's park and public spaces, and will follow the northern, northeastern, and southeastern shorelines and existing docks of the North Island.

Given that there are no mapped streets on the Island, the proposed zoning map amendment will include on the Zoning Map the legal boundaries of the Island, which take a polygonal shape around the Island. The southwestern boundary of the Special District will be defined as a line 2,675 feet from the southwesterly point of the Island's legal boundary, drawn perpendicularly to the line bisecting that angle. The existing R3-2 zoning district boundary that follows the entirety of the Island's shoreline will remain unchanged.

ENVIRONMENTAL REVIEW

The original and modified applications (N 130189 ZRM and N 130189(A) ZRM, respectively), in conjunction with the application for the related action (C 130190 ZMM), were reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the Office of the Deputy Mayor for Economic Development (ODMED). The designated CEQR number is 11DME007M.

2011 FGEIS

In 2011, ODMED issued a Final Generic Environmental Impact Statement (FGEIS) for the Phased Redevelopment of Governors Island. The first phase, which included park and public space development and infrastructure improvements, was analyzed in detail. This phase was anticipated to be completed in 2013; the park and public spaces are expected to be completed in 2013, and seawall improvements and the delivery of potable water are expected to be completed by 2014. Completion of the park and public spaces, re-tenanting of the North Island buildings, and development in the South Island Development Zones anticipated in 2030, were considered generically.

2013 FSGEIS

It was determined that the proposed actions may have a significant effect on the environment. A Positive Declaration was issued on December 5, 2012, and distributed, published, and filed, and the applicant was asked to prepare a Draft Supplemental Generic Environmental Impact Statement (DSGEIS). Together with the Positive Declaration, a Draft Scope of Work for an SGEIS was issued on December 5, 2012. A public scoping meeting was held on the Draft Scope of Work on January 8, 2013, and comments were accepted by the lead agency through January 18, 2013. A Final Scope of Work for an SGEIS, reflecting comments made during the scoping, was issued on February 13, 2013.

The applicant prepared a DSGEIS, and the lead agency issued a Notice of Completion for the DSGEIS on February 14, 2013. Pursuant to SEQRA and CEQR procedures, a joint public

hearing was held on the DSGEIS on May 8, 2013, in conjunction with the Uniform Land Use Review Procedure (ULURP) application. A Final Supplemental Generic Environmental Impact Statement (FSGEIS) was completed and a Notice of Completion for the FSGEIS was issued on May 23, 2013. The FSGEIS identified significant adverse impacts with regard to transportation and noise. Details on these impacts and measures to minimize or eliminate these impacts, where feasible and practicable, are described in the following sections.

Reasonable Worst Case Development Scenario

The FSGEIS examined the completion of the park and public spaces and re-tenanting of the North Island buildings in detail, and examined development in the South Island Development Zones generically. The land uses identified for the North Island re-tenanting and the South Island Development Zones would generate different trip and use patterns, which could result in different environmental effects. For example, university housing uses would generate on-site residents whereas office uses would not. Other uses, including the park and open spaces, would generate workers and visitors that would access the Island from off-site ferry locations. Each analysis in the FSGEIS uses a “reasonable worst-case development scenario” that could result in the worst environmental effect for that technical area. The table below outlines the two North Island development options that have been developed for analysis purposes.

North Island Redevelopment Options

Land Use	Existing Re-Tenanted Space ²	North Island Redevelopment Options (2022)	
		University/Research Option	Mixed-Use Option
University			
Campus	0 sf	422,000 sf	0 sf
Research	0 sf	0 sf	0 sf
Academic	0 sf	0 sf	0 sf
Housing—Faculty Housing	0 sf	0 sf	0 sf
Housing—Dormitories	0 sf	262,000 sf (873 beds)	262,000 sf (873 beds)
Conference Center/Hotel	0 sf	256,250 sf (120 rooms)	256,250 sf (120 rooms)
Office	48,450 sf	7,000 sf	300,300 sf
Service Retail/Restaurant¹ <i>(Not destination, accessory to Island)</i>	0 sf	37,800 sf	37,800 sf
Cultural			
General <i>(Gallery, small museum, etc.)</i>	0 sf	0 sf	128,700 sf
Artist Studio	47,700 sf	57,000 sf	57,000 sf
Movie Theater	0 sf	9,200 sf (700 seats)	9,200 sf (700 seats)
Public School (6-12)	79,700 sf	148,000 sf (1,184 students)	148,000 sf (1,184 students)

Maintenance, Support, Other	0 sf	0 sf	0 sf
Total	175,850 sf	1,199,250 sf	1,199,250 sf
Total North Island Development in 2022 (Existing and Proposed)		1,375,100 sf	1,375,10 sf
Notes:			
1.	Includes 8,000 sf of redevelopment for the Soissons Concession Site.		
2.	The existing re-tenanted North Island uses will not be assessed in the SGEIS analyses.		

Transportation

Traffic

Traffic conditions were evaluated at 14 intersections in Manhattan for the weekday AM, midday, PM, and Saturday peak hours, and at seven intersections in Brooklyn for the weekday AM, midday, and PM peak hours. In Manhattan, there would be the potential for significant adverse impacts at five approaches/lane groups during the weekday AM peak hour, two approaches/lane groups during the weekday midday peak hour, two approaches/lane groups during the PM peak hour, and four approaches/lane groups during Saturday peak hours. In Brooklyn, there would be the potential for significant adverse impacts at one approach/lane group during the weekday AM peak hour, three approaches/lane groups during the weekday midday peak hour, and seven approaches/lane groups during PM peak hours. With the implementation of standard mitigation measures (primarily signal timing changes), subject to approval by the New York City Department of Transportation (NYCDOT), the significant adverse traffic impacts identified above could be fully mitigated except at two intersections: South Street and Broad Street in Manhattan during the Saturday peak hour and at Atlantic Avenue and Columbia Street in Brooklyn during the PM peak hour.

At South Street and Broad Street in Manhattan, mitigation of the southbound approach would include installing a signal at this intersection. However, given the proximity of this intersection to the Franklin D. Roosevelt (FDR) off-ramp, installing a signal is not feasible. At Atlantic Avenue and Columbia Street in Brooklyn, the significant adverse impacts at the westbound left-turn and westbound left-turn/through of this intersection during the weekday PM peak hour could not be mitigated. Thus, the traffic impacts at South Street and Broad Street in Manhattan during the Saturday peak hour and at Atlantic Avenue and Columbia Street in Brooklyn during the PM peak hour would be unmitigated significant adverse impacts.

Transit

Based on the results of a detailed subway-line haul analyses and analyses of station elements at the Bowling Green (Nos. 4/5 lines) and South Ferry Terminal/Whitehall Station (No. 1 and R lines), the proposed project would result in a significant adverse impact at the Bowling Green station stairway at the State Street entrance.

Standardizing the existing stairway (removing grounded handrails, channels, and the center rail, and installing standard wall mounted handrails) would improve stairway operations and partially mitigate the projected significant adverse impact. To fully mitigate the impact, the stairway would need to be widened; however, given the physical and structural constraints at this location, widening the stairs is not feasible. Thus, the transit impacts the Bowling Green station stairway at the South Street entrance would be a partially-mitigated significant adverse impact.

Pedestrians

Peak period pedestrian conditions were evaluated at key sidewalk, corner reservoir, and crosswalk elements in Manhattan and Brooklyn. There were no significant impacts identified in Brooklyn, however, significant impacts were identified at the following locations in Manhattan:

- The east and west crosswalks at State Street and Whitehall Street;
- The east crosswalk at Whitehall Street and South Street; and
- The sidewalk along the Battery Maritime Building (BMB) frontage.

In order to mitigate the impacts at the east and west crosswalks at State Street and Whitehall Street, the width of the east crosswalk would have to be restriped and widened from 17 to 20 feet, and the width of the west crosswalk would have to be restriped and widened from 15 to 17 feet.

Mitigation measures for the impacts at the east crosswalk at Whitehall Street and South Street would typically involve widening the crosswalk, but observations have shown that pedestrians do not stay in the crosswalk at this location. During the All Pedestrian signal phase, pedestrians use the entire area of the intersection to cross Whitehall Street and South Street, and this is expected to continue under future conditions. Discussions with NYCDOT are needed to determine if the crosswalk markings need not be changed, or if it is feasible to add pavement markings to the intersection to formally allow pedestrians to use the entire intersection area as a crossing zone.

The existing sidewalk in front of the BMB is approximately five feet in width. As part of the redevelopment of the BMB, the sidewalk along the building frontage is proposed to be widened to 10 feet. Widening the proposed 10-foot sidewalk to 12 feet and prohibiting parking along the first 100 feet of the BMB frontage to allow trucks to turn would be required to fully mitigate the projected significant adverse sidewalk impacts.

Noise

Noise generated by ferries associated with the Proposed Project could result in significant adverse impacts at open space locations immediately adjacent to ferry landings at Soissons Landing on the Island and at Pier 6 in Brooklyn during weekday time periods. There would be no feasible or practicable measures to mitigate these impacts. Noise barriers or berms are impractical because of space constraints, and would not be effective because of the relatively long distance between the ferry landing and the receptor. As a result, these would be unmitigated significant adverse impacts.

School playgrounds that may be created on the Island could have significant adverse noise impacts if located immediately adjacent to an existing open space area. Potential mitigation could include providing separation between the proposed playground and existing open space areas via landscaping, or positioning of the playground and/or school building.

PUBLIC REVIEW

On February 19, 2013 the application (N 130189 ZRM) was referred to Community Board 1 and the Borough President in accordance with the procedure for referring non-ULURP matters. The related ULURP action (C 130190 ZMM) was certified as complete by the Department of City Planning on February 19, 2013, and was duly referred to Community Board 1 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b). On April 16, 2013 the modified application (N 130189(A) ZRM) was also referred to Community Board 1 and the Borough President in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Community Board 1 held a public hearing on the application (N 130189 ZRM) and the related action (C 130190 ZMM) on March 27, 2013, and on that date, by a vote of 26 to 0 with 0 abstentions, adopted a resolution recommending approval of the application. The Community Board requested that the Trust for Governors Island make efforts to ensure mitigation of potential negative impacts around the Battery Maritime Building that may result from increased use of Governors Island, specifically:

- Air quality and noise
- Pedestrian and vehicular flow
- Garbage removal

The Community Board also requested that buildings strive to be LEED-rated and Energy Star certified, buildings be renovated and constructed to withstand storms of similar magnitude to Hurricane Sandy, retail uses encourage an appropriate balance of Lower Manhattan residents and visitors, and sufficient open space be provided with any new construction.

Borough President Recommendation

This application (N 130189(A) ZRM), the original application (N 130189 ZRM), and the related action (C 130190 ZMM) were considered by the Manhattan Borough President, who issued a

recommendation on April 29, 2013, approving the application, with the condition that the applicant works to establish either:

1. “An appropriate list of uses or use groups more narrowly defined to both reflect the desired and permitted uses set out in the deed, which is consistent with the typical approach to special purpose districts; and/or
2. “A new authorization to provide oversight for commercial uses greater than 20,000 square feet.”

City Planning Commission Public Hearing

On April 24, 2013 (Calendar No. 2), the City Planning Commission scheduled May 8, 2013 for a public hearing on this application (N 130189(A) ZRM). The hearing was duly held on May 8, 2013 (Calendar No. 8), in conjunction with the public hearings on the related applications (N 130189 ZRM and C 130190 ZMM). There were ten speakers in favor and none opposed.

The President of the Trust for Governors Island spoke in favor of the project, describing the role of re-tenanting and reuse of historic North Island buildings as part of the vision to transform Governors Island into a destination with extraordinary public open space and supporting cultural, educational, and commercial uses. She noted that the proposed Special District zoning would help allow for the uses permitted under the federal transfer deed but prohibited by the underlying zoning. She spoke of the importance of the public use of the Island, and that the physical size and constraints of the historic buildings would effectively limit the commercial uses that could be introduced into the historic district. She noted that a Request for Proposals had been issued in December of 2012 to seek tenants in these buildings, and such tenancies would help defray the costs of maintaining the Island.

The Vice President of Planning, Design, and Preservation for the Trust for Governors Island spoke in favor of the project and described the nature and scope of the infrastructure and redevelopment plans considered by the Supplemental Generic Environmental Impact Statement.

He noted that development on the South Island was not analyzed in detail as part of this SGEIS because plans have yet to be established for that area, and that any proposed development in the South Island would need to be addressed in a later environmental review. He spoke to the need for flexibility in allowable commercial uses in the proposed Special District to achieve the mixed use vision for the Island, but indicated that the Trust is amenable to the Borough President's request to define appropriate commercial uses in the Special District.

The Director of Capital Services at the New York Landmarks Conservancy spoke in favor of the project, but requested a height limit on all new construction, a list of allowable commercial uses for different-sized buildings, and protection of key open spaces in the Special District. He noted that these clarifications would assist the Landmarks Preservation Commission in their review of new buildings, enlargements of existing buildings, and changes to the landscapes.

The Director for Planning at Manhattan Community Board 1 spoke in favor of the project, speaking to the opportunity for the Community Board to review commercial uses larger than 7,500 square feet. He welcomed the opportunity to speak with potential tenants and provide feedback on the appropriateness of proposed commercial uses in the Special District.

The Chairperson of Manhattan Community Board 1 spoke in favor of the project and reiterated the Community Board's concern for potential negative impacts that may result, particularly around the Battery Maritime Building in Lower Manhattan, as part of the North Island re-tenanting and the increased use of the Island.

The Director of Cultural Programs for the Lower Manhattan Cultural Council spoke in favor of the project, describing the proposed Special District as an opportunity to provide additional ferry service, create a diverse Island population, and provide additional amenities that will benefit the organization's programming and artists that are currently located on the Island.

A representative of the Service Employees International Union, Local 32BJ, spoke in favor of the project, requesting that developers selected by the Trust to re-tenant and restore the North

Island buildings ensure that the jobs created through the redevelopment opportunity provide family-sustaining wages and benefits.

A representative of the Governors Island Alliance spoke in favor of the project, and requested that a list of permitted commercial uses be outlined in the Special District text, that hotel and hospitality uses of any size should be subject to a certification by the Chairperson of the City Planning Commission, and that any individual use larger than 40,000 square feet also be subject to certification by the Chairperson of the City Planning Commission. He also requested that future zoning actions for South Island development incorporate design guidelines and a mapping of the park and public spaces as City parkland.

A representative of the Alliance for Downtown New York spoke in favor of the project, noting that redevelopment plans for the Island and the proposed Special District will help the Island provide a strong economic benefit to the City of New York and become an important asset for local workers, residents, and visitors of Lower Manhattan.

A representative of the Office of the Manhattan Borough President reiterated the Borough President's support, as well as his concern that permitting all commercial uses in the Special District is an unusual approach. The representative also shared the Borough President's concern that large concentrations of particular uses may introduce new environmental impacts that were not previously analyzed, and may limit the ability of the public to enjoy the Island. The representative recommended that the zoning take a more traditional approach of aligning uses with the plans for redevelopment, the deed, and the unique character of the Island, and that an authorization process be established to offer a greater degree of oversight for uses over 20,000 square feet. She acknowledged the Trust's high level of community engagement throughout the Island's planning and redevelopment, but indicated concern that as a body consisting of Mayoral appointees, the interests of the Trust may change with a new administration.

The Commission also received a letter of support from the President of the New York Building Congress.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

The application (N 130189 ZRM), in conjunction with the related application (C 130190 ZMM), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 22, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 12-129.

The City Planning Commission, acting as the City Coastal Commission, having reviewed the waterfront aspects of this action, finds that the actions will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies.

CONSIDERATION

The Commission believes that this application for a zoning text amendment (N 130189(A) ZRM), as modified herein, in conjunction with the related application for a zoning map amendment (C 130190 ZMM), is appropriate.

The Special Governors Island District represents an important step towards establishing Governors Island as a unique and dynamic destination within the City of New York. The Island's setting within the harbor, extensive open spaces, historic and architecturally significant structures, and rich military history make it a valuable cultural, educational, and recreational resource for the City, the State, and the nation that has long been inaccessible to the public. Plans to transform the Island began immediately following the transfer of ownership from the federal government, and only recently, under the stewardship of the Trust for Governors Island, have significant improvements begun. Although several tenants, such as the Urban Assembly New

York Harbor School and the Lower Manhattan Cultural Council, exist on the Island today, many of the North Island historic buildings are currently vacant and have been since 1996. The existing R3-2 zoning, despite being consistent with the physical character of existing historic structures, is incompatible with the permitted uses outlined in the federal transfer deed that set forth the mixed use vision for the Island in 2003. The Special District seeks to allow commercial uses that are compatible with the deed, the nature of the Governors Island Historic District, and the continued and increasing use of the Island's park and public spaces. Absent the Special District, many of the North Island buildings would likely remain vacant and in disrepair, and an opportunity to create a unique cultural, educational, and recreational resource would be lost.

Re-tenanting of the North Island historic buildings is not only an important factor in making Governors Island a destination for the City's residents and visitors, but also for the overall vitality of the Island. The re-tenanting will contribute to the overall improvement of the Island, as well as aid the Trust in funding the larger costs of maintaining and developing the Island.

The Commission notes that the Special District concerns the North Island only, and that future development on the South Island would be the subject of future actions. The Commission believes that this is an appropriate approach, and that developing guidelines and regulations for development on the South Island would be premature at this point. The North and South Island areas are separate and distinct in character, and should be treated as such when developing zoning regulations.

The Commission also believes that the zoning map and text amendments will operate in a manner consistent with the federal transfer deed, the oversight function performed by the Landmarks and Preservation Commission and the New York State Office of Parks, Recreation and Historic Preservation in their review of changes and improvements to historic resources, and the Trust's Park and Public Space Master Plan.

Zoning Text Amendment

The application for a zoning text amendment, as originally referred (N 130189 ZRM), would have allowed all commercial uses in the Special District as-of-right, but would have required commercial uses larger than 7,500 square feet to be reviewed by the local Community Board pursuant to a special review procedure. The Commission believes that the opportunity for the Community Board to review proposed commercial uses provides an important path for community engagement that will encourage a thoughtful selection of future tenants and uses. The Commission believes that the 7,500 square foot threshold for this review, developed by the Trust in consultation with the Community Board during the preparation of the text amendment, is appropriate.

The Commission believes that the introduction of commercial uses through a Special District is a more appropriate approach than establishing a traditional commercial district or overlay. Traditional commercial overlays are intended to serve a nearby residential area and to provide for local retail needs, and such an approach would not address the unique nature of the Island. The Special District establishes a comprehensive mechanism to ensure that new commercial uses are compatible with the Island's primary purpose as a recreational resource. The Special District provisions also allow the Trust the flexibility necessary to achieve the mixed use vision that resulted from years of planning and coordination between federal, state, and local stakeholders.

The Commission notes that the applicant's proposal would allow physical culture or health establishments within the Special District as-of-right, but subject to Community Board review if greater than 7,500 square feet. Such use is typically allowed by special permit by the Board of Standards and Appeals in many commercial districts, all manufacturing districts, and as-of-right in certain special districts. The Commission believes that allowing physical culture or health establishments without need for special permit is appropriate in the Special District.

In response to concerns brought up during the public review and the public hearing, the Trust for Governors Island submitted a letter to the Commission, dated May 16, 2013, describing proposed revisions to the text amendment and addressing comments made during the public hearing. In response to comments made by the Landmarks Conservancy, which called for height restrictions

in the Special District and protection of key open spaces, the Trust explained that both the provisions of Section 62-341 of the Zoning Resolution, applicable in the Special District, and the underlying zoning regulations do have height limits, and that all new construction, additions, and alterations to the landscapes must be reviewed by LPC and OPRHP, and must be consistent with a Design Manual for the Governors Island Historic District.

In response to the concerns raised by the Manhattan Borough President, and echoed by other speakers during the public hearing, the Trust revised the modified application (N 130189(A) ZRM) on May 22, 2013, and the zoning text now lists those commercial uses permitted as-of-right. The as-of-right commercial uses remain subject to Community Board review if larger than 7,500 square feet. All other commercial uses would be allowed pursuant to an authorization by the City Planning Commission. The findings for the new authorization would require a demonstration of the proposed commercial use's appropriateness and compatibility with other uses in the Special District. An administrative clarification was also included in the revised application that establishes the Special District in Section 11-122 of the Zoning Resolution (Districts Established). The applicant also revised language in Section 12-10 of the Zoning Resolution to clarify the applicability of physical culture or health establishments in special districts. The Commission believes that the proposed revisions are appropriate and address the issues raised during the public review.

The Commission notes that between the referral of the application and the time of consideration, an amendment to Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Requirements in the Manhattan Core) of the Zoning Resolution was adopted by the City Council and made effective on May 8, 2013. The referred application had made reference to the previous provisions of Article I, Chapter 3 to exclude Governors Island (previous Section 13-00). This text amendment now includes references to the relevant section of the recently-adopted amendment to Article I, Chapter 3 to exclude Governors Island (current Section 13-05). The Commission notes that the parking and loading requirements of the underlying zoning and the Manhattan Core would not apply to the Special District, and that parking and loading accessory

to any use is permitted. As previously noted, the federal transfer deed does not permit private vehicles, but allows vehicles required for Island maintenance and on-Island transport.

The Commission recognizes that waterfront regulations, except for those regulating height and setback, would not apply in the Special District. Given its setting within the harbor, perimeter waterfront esplanade, extensive open spaces, and view corridors, the Island meets and exceeds many of the goals of the City's waterfront regulations. The protection of key open spaces and vistas as required by the Island's Design Manual, which is appended to the federal transfer deed, will ensure that any new construction, enlargements, alterations, and demolition to buildings would preserve visual access to Lower Manhattan, the Statue of Liberty, and the New York Harbor.

The Commission believes that the height and setback provisions of the waterfront regulations that will be applicable in the Special District are appropriate and consistent with the scale and character of existing North Island buildings. The Commission notes that developments and enlargements on the North Island would also be governed by preservation and design standards in the Design Manual, as well as review by LPC and OPRHP. The Commission notes that the Design Manual indicates specific buildings that should be demolished, and describes those instances where a new building of similar scale may be constructed and where new construction should not be allowed. The Design Manual and landmarks review will help maintain the character and significant features of the Historic District beyond what the zoning requires.

The Commission notes that the sign requirements of a C1 district mapped in an R3-2 district would apply. For commercial uses, this provision would not allow any non-illuminated sign to be greater than 150 square feet in surface area, and would not allow any illuminated sign to be greater than 50 square feet in surface area. For apartment hotels and community facilities, the sign regulations of the underlying R3-2 zoning would still remain. The Commission notes that, in addition, all tenants would be required to follow an Island-wide signage program to be developed by the Trust, which will ensure each sign's appropriateness within the Special District. Furthermore, all signs would be subject to review by LPC.

The Commission noted a missing cross-reference to Section 62-13 (Applicability of District Regulations) of the Special Regulations Applying in the Waterfront Area of the Zoning Resolution to exclude the Special District from waterfront zoning regulations, except for the height and setback regulations of Section 62-341, that was not included in the modified and revised applications. The Commission therefore modifies the text proposed by the applicant to include the Special Governors Island District in this Section.

Zoning Map Amendment

The Commission believes that the proposed zoning map amendment to establish the Special Governors Island District on the northern section of Governors Island is appropriate.

The Special District includes the entirety of the Governors Island Historic District, as well as the North Island docks. The Commission believes that it is appropriate to only establish the Special District on the North Island, and that potential zoning map amendments that would affect the South Island should not be considered at this time.

The Commission recognizes that the entire Island continues to be zoned R3-2. Although the federal transfer deed does not permit residential use, apartment hotels – i.e. extended-stay accommodations – would still be permitted as-of-right pursuant to both the federal deed and the R3-2 zoning. Apartment hotels are defined as a residential use, but subject to the provisions for Class A multiple dwellings as defined in the Multiple Dwelling Law.

The Commission further notes that the R3-2 zoning continues to allow community facility uses as-of-right. Although these uses have always been permitted, the associated zoning text amendment and other improvements to the Island will provide a setting where additional community facility uses can successfully locate on the Island.

The Commission believes that the proposed actions will serve as an important step towards the overall redevelopment of Governors Island. The Island is currently a popular seasonal oasis

offering a dynamic array of art, culture, and recreation to visitors, and completion of the park and public spaces and re-tenanting of the historic North Island buildings is the logical next step. The Special Governors Island District seeks to preserve the built character of the historic, campus-like North Island while introducing commercial uses that will support and encourage public use of the Island. It will facilitate the restoration and reuse of historic structures that have long been neglected, and will give momentum to fulfilling the vision of the Island as a vibrant, publicly-accessible, 24-hour community with a diverse mix of uses. The Commission is pleased to approve this set of zoning regulations to help make Governors Island a recognized model for open space design and adaptive reuse for the City of New York, the State of New York, and the United States of America.

RESOLUTION

RESOLVED, that having considered the Final Supplemental Generic Environmental Impact Statement (FSGEIS), for which a Notice of Completion was issued on May 23, 2013, with respect to this application (CEQR No. 11DME007M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act & regulations, has been met and that,

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FSGEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, in accordance with an environmental commitment letter, dated May 31, 2013, from the Trust for Governors Island and acknowledged and accepted by the Office of the Deputy Mayor for Economic Development, those project components related to the environment and mitigation measures that were identified as practicable.

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

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter Underlined is new, to be added;
Matter in ~~Strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicate where unchanged text appears in the Zoning Resolution

Article I
Chapter 1

11-122
Districts Established

* * *

Establishment of the Special Governors Island District

In order to carry out the special purposes of this Resolution, as set forth in Article XIII, Chapter 4, the #Special Governors Island District# is hereby established.

* * *

Article I
Chapter 2

12-10
DEFINITIONS

* * *

Special Governors Island District

The “Special Governors Island District” is a Special Purpose District designated by the letters “GI” in which the special regulations set forth in Article XIII, Chapter 4, apply.

* * *

Physical culture or health establishments (2/2/11)

A "physical culture or health establishment" is any establishment or facility, including #commercial# and non-#commercial# clubs, which is equipped and arranged to provide instruction, services or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.

Therapeutic or relaxation services, such as sun tanning, baths, showers, tubs, jacuzzis, whirlpools, saunas, steam rooms, isolation floatation tanks and meditation facilities may be provided only as #accessory# to the physical exercise program or massage facility. Except as specifically provided in the #Special Battery Park City District# special purpose districts, #physical culture or health establishments# are only permitted pursuant to the provisions of Section 73-36. No license or permit shall be issued by the New York City Department of Health in conjunction with any health related facility/services pursuant to this Section until a certificate of occupancy has been issued by the Department of Buildings establishing the #use# of the premises as a #physical culture or health establishment#.

* * *

Article I: General Provisions

Chapter 3

Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core

13-05

Exceptions

The provisions of this Chapter shall not apply to Roosevelt Island, in Community District 8, or to Governors Island, in Community District 1, in the Borough of Manhattan. In the #Hudson Yards parking regulations applicability area#, as defined in Section 93-81, the provisions of this Chapter shall apply as specified in Section 93-80 (OFF-STREET PARKING REGULATIONS).

Additional modifications to the provisions of this Chapter are found in the following Special Purpose Districts:

* * *

Article VI

Chapter 2 Special Regulations Applying in the Waterfront Area

62-13 Applicability of District Regulations

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

In the event a Special Purpose District imposes a restriction on the height of a #building or other structure# that is lower than the height limit set forth in this Chapter, the lower height shall control. However, all heights shall be measured from the #base plane#.

The provisions of this Chapter shall not apply to the following Special Purpose Districts unless expressly stated otherwise in the special district provisions:

#Special Battery Park City District#

#Special Governors Island District#

#Special Stapleton Waterfront District#.

The #Special Sheepshead Bay District# shall be applicable, except that Section 94-061 (Uses permitted by right) shall be modified to permit all WD #uses# listed in Section 62-211 from Use Groups 6, 7, 9 and 14 in accordance with the underlying district regulations.

* * *

Article XIII – Special Purpose Districts

Chapter 4 Special Governors Island District

134-00 GENERAL PURPOSES

The #Special Governors Island District# established in this Resolution is designed to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

- (a) promote public use and enjoyment of the Island as a recreational destination that draws upon its location in New York Harbor with singular views and natural beauty;
- (b) encourage educational and cultural uses such as the arts, music and dance which bring the public to the Island to enjoy cultural events in a unique setting of historic buildings and green spaces;
- (c) promote public use of the Island for water-related recreational and educational activities that benefit from the unique Island setting;
- (d) preserve historic buildings in the historic district and encourage their renovation and redevelopment for appropriate educational, cultural, and commercial uses;
- (e) facilitate commercial uses including, but not limited to, hotels, restaurants, retail, arts and crafts galleries and related uses that are compatible with the educational, cultural and recreational uses of the Island and with the primary use of the Island by the public as a recreational resource; and
- (f) promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

134- 01 **General Provisions**

For the purposes of this Chapter, the area within the boundaries of the #Special Governors Island District# shall be considered a single #zoning lot#.

Development rights may not be transferred across the boundary of the #Special Governors Island District#.

Except as modified by the express provisions of the #Special Governors Island District#, the regulations of the underlying zoning district remain in effect.

134-02 **Applicability of Parking and Loading Regulations**

The off-street parking and loading regulations of the underlying zoning district and Article I, Chapter 3 (Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core),

shall not apply. In lieu thereof, off-street parking and loading berths #accessory# to any #use# permitted within the #Special Governors Island District# shall be allowed.

134-03

Applicability of Special Regulations Applying in the Waterfront Area

The provisions of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall not apply, except as set forth in Section 134-22 (Special Height and Setback Regulations).

134-10

SPECIAL USE REGULATIONS

134-11

Commercial Uses

The following #commercial uses# shall be allowed:

From Use Group 5:

All #uses#.

From Use Groups 6A, 6B, 6D, 6E, and 6F:

All #uses#.

From Use Group 6C:

All #uses#, except automobile supply stores, drive-in banks, carpet, rug, linoleum or other floor covering stores, furniture stores, loan offices, medical or orthopedic appliance stores, paint stores, sewing machine stores or typewriter stores.

From Use Groups 7A and 7E:

All #uses#.

From Use Group 7B:

Bicycle rental or repair shops

Sailmaking establishments

Sign painting shops, limited to 2,500 square feet of #floor area# per establishment.

From Use Groups 8A and 8E:

All #uses#.

From Use Group 9A:

All #uses#, except for automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery, blueprinting or photostating establishments, musical instrument repair shops, plumbing, heating or

ventilating equipment showrooms, without repair facilities, typewriter or other small business machine sales, rental or repairs or umbrella repair shops.

From Use Group 9C:

All #uses#.

From Use Group 10A:

Docks for ferries, other than #gambling vessels#, with no restriction on passenger load
Eating or drinking places, without restrictions on entertainment or dancing, but limited to
location in hotels

Photographic or motion picture productions studios

Radio or television studios.

From Use Group 10C:

All #uses#.

From Use Group 11A and 11C:

All #uses#, except for medical, dental, drafting instruments, optical goods, or similar precision instruments, or orthopedic or medical appliances, or custom manufacturing.

From Use Group 12A:

All #uses#, except for eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, stadiums or trade expositions.

From Use Groups 12B, 12C, and 12E:

All #uses#.

From Use Group 13:

All #uses#.

From Use Group 14:

All #uses#.

From Use Group 15:

Merry-go-rounds.

Any #commercial use# or #physical culture or health establishment# larger than 7,500 square feet in #floor area# shall only be permitted provided that, prior to the establishment of such #use#, the applicant shall submit a written description of such #use# to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district.

The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

No building permit shall be issued with respect to a #commercial use# or #physical culture or health establishment# larger than 7,500 square feet unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to #commercial uses# permitted pursuant to Section 134-12 (Authorization for Certain Commercial Uses).

134-12 **Authorization for Certain Commercial Uses**

The City Planning Commission may authorize any #commercial use# not allowed pursuant to Section 134-11 to locate within the #Special Governors Island District#, provided that such #commercial use#:

- (a) will promote the goals of the #Special Governors Island District#;
- (b) complements existing #uses# within the special district; and
- (c) is compatible with the nature, scale and character of other #uses# within the special district.

134-13 **Physical Culture or Health Establishments**

#Physical culture or health establishments# shall be permitted in the #Special Governors Island District#, subject to the requirements of Section 134-11. The special permit provisions of Section 73-36 shall not apply.

134-14 **Signs**

For #commercial uses# and #physical culture or health establishments#, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.

134-20 **SPECIAL BULK REGULATIONS**

134-21

Special Regulations for Commercial Uses

For #commercial uses# and #physical culture or health establishments#, the #floor area# regulations of a C1 District mapped within an R3-2 District shall apply.

134-22

Special Height and Setback Regulations

The provisions of Section 62-341 (Developments on land and platforms) shall apply to all #buildings# in the #Special Governors Island District#.

* * *

The above resolution, duly adopted by the City Planning Commission on June 5, 2013 (Calendar No. 3), is filed with the Office of the Speaker, City Council in accordance with the requirements of Section 195 of the New York City Charter.

AMANDA M. BURDEN, *FAICP*, Chair
KENNETH J. KNUCKLES, *ESQ.*, Vice Chairman
RAYANN BESSER, ALFRED C. CERULLO, *III*,
BETTY Y. CHEN, MICHELLE R. DE LA UZ,
MARIA M. DEL TORO, JOSEPH DOUEK, RICHARD W. EADDY,
ANNA HAYES LEVIN, ORLANDO MARÍN, Commissioners

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: MARCH 27, 2013

COMMITTEE OF ORIGIN: PLANNING

COMMITTEE VOTE: 11 In Favor 0 Opposed 0 Abstained 0 Recused

BOARD VOTE: 26 In Favor 0 Opposed 0 Abstained 0 Recused

RE: N 130189ZRM
C 130190ZMM
Special Governors Island District

WHEREAS: In 2003, planning efforts began to transform Governors Island into a public resource and in 2009, a Master Plan for Governors Island was completed that focused on the Island's parks and public spaces, while acknowledging the intention for future development on the Island, including re-tenanting of the North Island's historic buildings and development in two development zones on the South Island; and

WHEREAS: On February 19, 2013, the Department of City Planning certified an application submitted by The Trust for Governors Island (Trust) for a zoning text amendment to create the Special Governors Island District (GI) and a zoning map amendment to establish the Special Governors Island District on the northerly portion of Governors Island; and

WHEREAS: Currently, the entire island is zoned R3-2 which permits only residential and certain community facility uses and these changes are being made in order to facilitate the reuse and re-tenanting of approximately 1.2 million square feet (sf) of space in existing historic structures, and the construction of a new building located at the northern end of Governors Island; and

WHEREAS: The Trust intends to re-tenant all of the vacant North Island buildings by 2022. All of the currently vacant buildings will be restored for a variety of commercial and community facility uses both to generate revenue and to transform the historic North Island into an active resource for the City of New York ; and

WHEREAS: Community Board 1 is pleased that the Governors Island Trust staff has worked with Community Board 1 staff to devise a formula whereby the Community Board will have the opportunity to review each commercial development with a potential major environmental impact exceeding 7,500 sf in order to determine whether the proposed use complements the North Island's character as a public resource and destination; and

WHEREAS: Transportation to Governors Island occurs from two ferry portals, one in Manhattan and one in Brooklyn; and

WHEREAS: On February 25, 2013, Community Board 1 testified to the New York City Council regarding redevelopment plans for Governors Island in which we noted the importance of mitigating negative impacts on Lower Manhattan and specifically the area surrounding the Battery Maritime Building from the increased development on Governors Island. We requested that the following factors be considered as potential impacts of increased use of the Island:

1. *Air quality and noise issues resulting from ferries transporting to and from Governors Island* – Ferries should be retrofitted using the best available technology and industry standards and use ultra-low sulfur diesel fuel.
2. *Pedestrian and vehicular flow at the Governors Island Ferry Terminal* – Sidewalks and bike paths must to be wide enough to accommodate increased traffic. In addition, vehicular and pedestrian traffic must be separated in order to reduce pedestrian-vehicular conflicts. CB1 also requests more information about increased transportation opportunities such as additional bus stops when the terminal is built out.
3. *Garbage removal from Governors Island* – CB1 requests a plan for how garbage will be handled including whether or not composting will be utilized for minimizing garbage.
4. *LEED and Energy Star* – New or renovated construction should be LEED-rated and Energy Star certified.
5. *Consideration of possible future storms* – New Governors Island construction and terminal development must be built to the highest industry standards to withstand storms similar to Superstorm Sandy.
6. *Balanced retail uses* – Future development at Governors Island should seek a balance of retail uses that will attract residents of CB1 as well as tourists.
7. *Maintaining sufficient open space* – Sufficient open space must be ensured as part of any new construction on the island in order to maintain its park-like atmosphere.
8. *Minimize negative impact on wildlife habitats' and the natural environment, now*

THEREFORE
BE IT
RESOLVED

THAT: Community Board 1 supports the adoption of the proposed zoning text and map amendments to establish a Governors Island Special District provided that the Governors Island Trust make every effort to mitigate potential negative impacts on Lower Manhattan and specifically the area surrounding the Battery Maritime Building resulting from increased development on Governors Island in the following areas: air quality and noise, pedestrian and vehicular flow and garbage removal at the Governors Island Ferry Terminal, and

BE IT
FURTHER
RESOLVED

THAT: Community Board1 requests that new or renovated construction should be LEED-rated and Energy Star certified, that consideration be given to amelioration of possible future storm damage, that retail uses seek a balance of uses that will attract residents of CB1 as well as tourists and that sufficient open space be included as part of any new construction on Governors Island in order to maintain its park-like atmosphere.

Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application: **C 130190 ZMM and N 130189 ZRM**

Docket Description:

IN THE MATTER OF an application submitted by Governors Island Corporation d/b/a the Trust for Governors Island pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a by establishing a Special Governors Island District (GI) bounded by a line 2675 feet northeasterly from the southwesterly point of Governors island as measured along a line perpendicular to said line and bisecting the angle formed by the southwesterly boundary lines of Governors Island, and the northerly, northeasterly and southeasterly shorelines of Governors Island, Borough of Manhattan, Community District 1.

COMMUNITY BOARD NO:

1

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached


BOROUGH PRESIDENT

4/29/2013
DATE



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

April 29, 2013

Recommendation on
ULURP Application Nos. C 130190 ZMM and N 130189 ZRM
Special Governors Island District
By Governors Island Corporation d/b/a/ the Trust for Governors Island

PROPOSED ACTIONS

Governors Island Corporation (d.b.a. Trust for Governors Island, “the applicant”) seeks approvals for land use actions that will lead to the creation of a new special district on the northern portion of Governors Island, in order to facilitate reuse and re-tenanting of approximately 1.2 million square feet (SF) of space within existing, historic structures, as well as the construction of one new facility to support existing concession uses.

Pursuant to Sections 197-c and 201 of the New York City Charter, the applicant seeks an **amendment to Zoning Map Section No. 16a (C 130190 ZMM)** that will **establish a Special Governors Island District** in Manhattan Community Board 1 (“CB 1”). The proposed special district would be comprised of the entire area of Governors Island located to the north of the former Division Road.

The applicant has filed a related application for a **zoning text amendment (N 130189 ZRM)** that establishes regulations for the proposed special district. The proposed text amendment would apply to the following sections of the Zoning Resolution (“ZR”): **§ 12-10 (Definitions)**, **§ 13-00 (Comprehensive Off-Street Parking Regulations)**; and **§ 134-00 (Special Purpose Districts-Special Governors Island District)**. Generally, the proposed text change would permit commercial uses within the underlying R3-2 zoning district. The proposed amendments also address parking and loading regulations, height, setback and bulk regulations.

PROJECT DESCRIPTION

The applicant seeks zoning map and text amendments that will establish and regulate the Special Governors Island District (“special district”) on the northern portion of Governors Island (“North Island”) within Community District 1 of Manhattan. The text will allow the Trust for Governors Island (“Trust”) to tenant approximately 1.2 million SF of existing space with commercial uses



in addition to the as-of-right community facility uses. The applicant intends to tenant the island's historic structures and construct a new, two-story structure to support existing concession uses.¹

Governors Island (Manhattan Block 1, Lot 10) is located in New York Harbor, approximately one half mile south of Manhattan and one quarter mile west of Brooklyn.² The applicant holds title to 150 acres of the island, which is composed of two primary sections, the North Island and the South Island, separated by Division Road, which roughly bisects the island on a northwest-southeast axis. The boundaries of the proposed special district are coterminous with the Governors Island Historic District.³ The North Island is also the location of the 22-acre Fort Jay and Castle Williams National Monument site, which is owned and operated by the National Park Service. The island is a car-free zone, and is accessible by ferry from multiple locations in Manhattan and Brooklyn.

Zoning Map Amendment

A **zoning map amendment** establishes the boundaries of the proposed special district on the North Island. The proposed special district, excluding the National Monument site, contains about 1.375 million SF of space in approximately 50 historic structures that range in scale from 400,000-square foot Liggett Hall, a four-story institutional building, to Building 11, a 1,200-square foot single-family wood frame home. The applicant has released a request for proposals ("RFP") for 44 separate historic structures, which is being reviewed concurrently with this application. In addition to the historic resources, the North Island also features 40 acres of open space, accessible to the public.

Zoning Text Amendment

The applicant proposes to supplement the existing R3-2 zoning district with a special purpose district with unique use and other restrictions as relevant under zoning. The proposed **zoning text amendment** defines the objectives of the proposed special district and establishes specific regulations for commercial uses, waterfront zoning, signs and bulk regulations, and unique control mechanisms.

Commercial Uses

In addition to the as-of-right educational, cultural and recreational uses, the proposed text permits all commercial uses within the special district. Additionally, physical culture or health establishments would be permitted without seeking a special permit pursuant to ZR § 73-36.⁴

¹ Additionally, two non-contributing structures within the Governors Island Historic District will be demolished.

² City of New York, Office of the Mayor, Positive Declaration Notice of Intent to Prepare a Draft SGEIS, 12/5/2012.

³ The Governors Island Historic District was designated by the New York City Landmarks Preservation Commission and approved by the City Planning Commission in August 1996 (N 960676 HKM). This designation requires the preservation of all contributing buildings on the North Island. The North Island is also a National Historic Landmark District and has been listed on the New York State and National Registers of Historic Places.

⁴ Physical culture establishments may include spas, gyms or other such uses associated with hospitality and recreational uses on the island.

Waterfront Zoning

The proposed text amendment establishes Governors Island as a single zoning lot and waives the applicability of ZR § 62-00, Special Regulations Applying in the Waterfront Area.

Signs, Bulk, Height and Setbacks

Commercial uses and physical culture or health establishments would be required to meet the sign and floor area regulations consistent with those of a C1 overlay mapped within an R3-2 district. Additionally, the provisions of ZR § 62-341 (Developments on Land and Platforms) would apply to all buildings within the special district.

Parking and Loading

Modifications to ZR § 13-00 explicitly exclude Governors Island from the Comprehensive Off-Street Parking Regulations for Community Boards 1-8 in Manhattan and 1 and 2 in Queens. As a passenger vehicle-free island, these regulations are largely inapplicable. Instead, accessory off-street parking and loading berths to any use permitted within the special district would be allowed.

Control Mechanism

The text amendment additionally seeks to establish a review process for future commercial or physical culture or health establishments greater than 7,500 SF. Such facilities would be subject to review and comment by Manhattan Community Board 1 and the Trust would be required to respond to such comments. The City Planning Commission (“CPC”) Chair would need to certify that such response occurred. The Trust would be required to demonstrate to CB 1 that the proposed use would promote the goals of the special district and be generally compatible with the scale and character of previously established uses.

This CPC review would be in addition to that required by the Landmarks Preservation Commission (“LPC”) and the New York State Historic Preservation Office (“SHPO”), which would examine physical changes to North Island’s historic structures.

Existing Land Use and Other Relevant Restrictions

The island is currently zoned R3-2 district, which is a general residential district that permits Use Groups 1-4 (residential and community facilities),⁵ and allows a range of housing typologies. The district encourages smaller-scale and low-density uses, with a maximum building height of 35 feet, and an allowable FAR of 0.5 for residential⁶ and 1.0 for community facility uses. Additionally, absent the text Governors Island is subject to Waterfront Zoning regulations. As a result, the island is not only a single zoning lot but also constitutes a single, waterfront block.

There are a number of active, non-compliant uses on the island, which is open to the public on weekends and holidays during the summer season. Year-round uses currently include the New

⁵ UG 3: Community facilities like schools, libraries, museums and galleries, college dormitories, nursing homes, residential facilities for special needs populations are all examples of uses already permitted. UG 4: Community facilities like houses of worship, community centers, hospitals, ambulatory care facilities and other facilities without sleeping accommodations are also permitted under current R3-2 zoning.

⁶ Up to 0.6 FAR for residential uses with an attic bonus.

York Harbor School, artist studios sponsored by the Lower Manhattan Cultural Council as well as the offices and other support facilities occupied by the applicant.

In addition to zoning, uses permitted and prohibited on the island are also governed by restrictions established in the federal transfer deed. The federal transfer deed permits a range of commercial uses, which would require a zoning override in order to legally exist without further change to the underlying zoning.

Federal Transfer Deed

Ownership of Governors Island was transferred to the City of New York in 2003. The deed contains use covenants that are “intended 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,” with the aim of creating a contributing asset to the quality of life in the city, the region and the nation.⁷ To this end, the deed defines permitted uses that contribute to the public benefit purposes of the island including: parkland and open space; educational uses; and “additional” public benefit uses, such as museums, transportation facilities and cultural facilities.

Additionally, the deed allows uses deemed compatible with the historic and civic character of Governors Island. These uses include entertainment facilities, hotels, office space, retail, public works and health facilities and housing for island caretakers.

The federal transfer deed further prohibits certain uses with the intent of maintaining the island’s character. These prohibitions include, gaming and casinos, electrical power generation for use off-island, industrial or manufacturing uses, residential uses⁸ and parking.

Proposed Development Program Phasing and Environmental Review

The redevelopment of Governors Island includes two phases. Phase 1 includes the Park Master Plan and construction of the initial portion of the public park design, which is currently underway.⁹ The phase also includes significant public investment in infrastructure upgrades ranging from seawall repair to water main construction in preparation for expanded use and mixed-use redevelopment.

The second phase will include the completion of the Park Master Plan, including the construction of 32 additional acres of public open space, the tenanting of the North Island historic structures and 33 acres of new development within the South Island development zones. The development of the North Island is projected to be completed by 2022, but full completion including the South Island is projected for 2030. While the current application only seeks approvals for a specific set of land use actions focused on the North Island historic district, the supporting environmental review considers a “full build” scenario that includes:

⁷ Federal Transfer Deed

⁸ Caretaker housing or student dormitories is permitted

⁹ Phase 1 of the Master Plan is scheduled to be complete by fall of 2013.

- occupancy of all redeveloped historic structures on the North Island;
- completion and use of all public open space in the Park Master Plan; and
- extended ferry service to seven days per week in support of increased activity.

The applicants issued an Supplemental Generic Environmental Impact Statement (“SGEIS”) based on a generic development program specific uses for the island have not yet been determined. The hypothetical development program includes two different scenarios with different concentrations of uses, including: university, conference center/hotel, office, retail/restaurant, cultural, public school and maintenance facilities.

The SGEIS determines that the proposed project may result in additional significant adverse impacts previously unaddressed in the 2011 FGEIS in the following areas:

Transportation: several vehicular intersections, the Bowling Green Subway Station and three pedestrian intersections in lower Manhattan would have impacts. While most impacts can be mitigated, the Bowling Green station would require stairway widening, which may not be structurally feasible.

Noise: the analysis also found that including a school playground in the development program may result in significant noise impacts if located adjacent to an open space area. Mitigation could include physical separation through landscape barriers or site plan alternatives.

Neighborhood Character: the SGEIS found that significant, noticeable change to the character of the island as a result of full redevelopment; however, the analysis notes that it is expected that this change would be beneficial, citing the new amenities offered and enlivening the site with a diversity of users.

COMMUNITY BOARD RECOMMENDATIONS

Community Board 1 unanimously approved, with 26 votes in favor, the proposed zoning text and map amendments in a full board meeting on March 27, 2013. CB 1’s resolution cites the positive significance of the Trust’s long-term redevelopment plans and supports the adoption of the proposed zoning map and text amendments, provided the applicant make “every effort” to ensure mitigation of potential negative impacts of increased use of Governors Island in key areas of concern, including:

- air quality and noise impacts of ferries;
- pedestrian and vehicular flow at the Ferry Terminal (Battery Maritime Building);
- garbage removal from the island;
- energy efficient adaptive re-use through LEED and Energy Star ratings;
- consideration of future storm events;
- balanced retail uses appealing to residents and tourists;
- maintenance of sufficient open space and
- minimization of impacts on wildlife habitat.

BOROUGH PRESIDENT'S COMMENTS

Governors Island is a unique community and city-wide resource with nearly 150 acres available for public access, parkland and economic development. The island's significance, however, should not be viewed solely as a real estate opportunity. The island's military, maritime and civic history; its geographic location, attendant views and waterfront recreational opportunities; its enduring historic architectural character; and its sheer novelty as a "new" public place to discover and explore make Governors Island an unmatched resource. The island has the potential to be one of the city's most significant places for cultural, educational, recreational and economic development. This unique opportunity creates a need for careful, long-term planning and development strategies.

The redevelopment of the island is a complex process with no precedent in New York City or, arguably, the nation. The Trust is charged with facilitating the redevelopment of the island. Its mission is to ensure the transformation of Governors Island into a destination with great public spaces with mixed-use development through expanded visitation, public programming and investment in infrastructure and public parks. The Trust has commendably engaged in a high level of outreach throughout a public planning process that has spanned the better part of a decade, establishing a dialogue with the local community in Manhattan as well as Brooklyn. Further, it has successfully engaged in the critical preliminary work of managing the significant infrastructure work necessary to facilitate public use and new development.

Governors Island is already a true resource for all New Yorkers, many of whom have already had the chance to discover the island since its first open season in 2008. A number of active uses now exist on the island. In summer 2012, an average of 8,000 visitors came to the island each day to enjoy open space and parkland, as well as a variety of public recreational and cultural programs.¹⁰ The continuing redevelopment project will add a diversity of uses and users to the island.¹¹

Generally, to facilitate this outcome, the applicant seeks flexibility within the proposed special district in order to allow for a range of uses. The federal transfer deed permits commercial uses on the island; however existing zoning does not permit these uses. As such, the applicant seeks to allow all commercial uses within the special district and allow the federal transfer deed to act as an upper limit on the type of commercial uses currently permitted on the island. Reconciling those uses with the uses permitted in the zoning will lead to a more harmonious regulatory environment for prospective tenants on the island.

However, while new development on the island is welcome, it must be carefully balanced with larger potential impacts, infrastructure needs and the Trust's intention for the island to serve as a public resource.

¹⁰ Attendance peaked in 2011 at 448,000 seasonal visitors; 2012 saw the partial closure of the island and visitor numbers dropped to 345,000, according to the SGEIS for the proposed project.

¹¹ In the 2011 FEIS, the Trust estimates that annual park and public space visitation from the full development of the proposed project (2030) would increase to approximately 1.89 million, and the number of visitors in the summer on a busy (85th percentile of in-season visitation) day during the weekend and during the week would be around 21,690 and 7,998, respectively.

In order to understand the overall effect of the Special District on the island, the proposed compatibility and scale of potential uses are the appropriate measures. As written, the proposed text presents several planning concerns regarding unintended outcomes:

1. The request that all commercial uses be permitted within the special district is an unusual approach that may result in incompatible uses.
2. Impacts generated by the uses of a particular scale or concentration may introduce new environmental impacts and limit the ability of the public to enjoy the areas established for public benefit, such as parkland and open space or cultural facilities.
3. The precedent set by the special district for development of the North Island may impact future decisions for the remainder of the island.

While the current Trust has done an admirable job working with the larger community, the Trust's makeup is subject to change over time. Further, while the Trust has recently issued a Request for Proposals ("RFP") for the North Island and a Request for Expressions of Interest ("RFEI") for the South Island, no specific users have been chosen. As such, it is impossible to know what uses will be ultimately selected in the immediate or extended future. It is therefore important to consider how the proposed zoning will ensure compatible uses that have minimal impact.

Planning Considerations

Breadth of Commercial Uses

The inclusion of commercial uses on the island is fully appropriate. While uses will be limited by the federal transfer deed, the inclusion of *all* commercial uses as of right in the zoning resolution is highly unusual. Typical special districts prescribe or restrict uses in specific terms within the zoning resolution. The Zoning Resolution has strong precedents for fine-tuning permitted uses such as in the Special TriBeCa District and the Special Coney Island District zoning text. In these examples, new use groups were created and permitted or restricted as necessary to best describe the type and scale uses that are appropriate according to the unique character of those areas.

Governors Island is defined by its unique open spaces. Three distinct open space areas in the North Island area are currently available for public use. The wide range of use groups sought in the proposed zoning text allows uses that are clearly incompatible with public open spaces. By permitting all uses, many uses are included which are not typically located next to public parks including large night clubs, pawn shops, gun repair shops and large-format retail. Additionally, it also introduces several commercial categories defined by the zoning resolution as semi-industrial uses, such as larger print shops, carpentry facilities and soldering or welding shops.

Permitted uses should be considered in terms of their potential impacts on the public benefit purpose of Governors Island. The ability to comfortably use and enjoy these open areas will be determined by the type of users that occupy the buildings surrounding them. Incompatible uses could add noise, light or air pollution that would reduce the public's ability to use the open areas.

While it is unlikely that the current Trust would propose such uses as its primary mission is to maintain the island for public benefit, the future makeup of the Trust and its goals are unknown. It is, therefore, zoning's purpose to mitigate any potential incompatibility between uses and prevent such conflicts. Allowing all commercial uses on the island is inappropriate.

Environmental Impacts

Further, from an environmental review perspective, permitting a broad range of as-of-right uses is rarely done as it can lead to unpredictable environmental impacts. As currently proposed, the broad range of uses may draw individuals at varying hours of the day for example: a nighttime entertainment use, such as a night club, would draw visitors at vastly different hours than a daytime oriented use, like office space. Additionally, a significant concentration of similar smaller uses or a single-tenant large user may result in a more regional draw than a wide range of smaller uses by establishing a commercial "destination." These variations may result in environmental impacts that are not currently anticipated.

The SGEIS identifies several transportation impacts that are anticipated to be mitigated: air quality and noise impacts from the ferries and impacts on pedestrian and vehicular flow at the Ferry Terminal (Battery Maritime Building) and at Pier 6 in Brooklyn. The ability to mitigate these impacts, however, is based on an assumption of the type of users, which cannot be reasonably predicted by allowing all commercial uses. The potential for unexpected impacts is particularly acute as the project is already predicted to have an impact on the Bowling Green subway station that may not be mitigated due to structural constraints.

Ensuring sufficient ferry service and transportation infrastructure to meet demand generated in such a varied scenario is an issue not addressed directly through environmental review. While the Trust will continue to provide ferry service through subsidy received from the City, uncertain development outcomes may create additional, unanticipated strain on planned ferry service, potentially reducing the ability to enjoy public benefit uses on the island. Further, there is no plan to address other transportation impacts in Manhattan or Brooklyn if the type of anticipated user changes.

Precedent for the Island

The proposed plan addresses only the tenanting of the North Island through the establishment of the special district. Further public review will be required of any development proposed for the South Island zones.¹² However, it is typical for applicants seeking a rezoning to look towards neighboring zoning districts when determining the appropriate density and uses.

Therefore, it is possible that future iterations of the Trust will look towards the precedent set by the North Island special districts for determining the appropriate uses on the South Island. If all commercial uses are allowed on the North Island today, then it is logical to expect a similar treatment on the south side. As mentioned above, the wide range of uses could have unintended consequences that may introduce incompatible uses and introduce inadvertent environmental impacts. This potential scenario is particularly plausible for the South Island as there are no

¹² FGEIS concluded that the proposed project (GI special district) will require further environmental review as specific development plans are proposed.

landmarked buildings to prevent inappropriate building types and densities to occur on the island.

Alternative Land Use Control Mechanisms for the Special District

The proposed zoning text offers a broad-stroke solution despite the uncertainty associated with the future development on Governors Island. The applicant and the Commission should take a more conservative approach to altering the zoning text by focusing on setting appropriate controls that relate to the type and scale of future redevelopment.

Given the potential for unintended, negative consequences associated with the proposed zoning actions, it is necessary to fine tune the proposed zoning so that the Trust is allowed the necessary degree of flexibility while also imposing the appropriate level of control and review. Two potential zoning solutions exist to address concerns related to incompatibility of uses, unintended environmental impacts and potential precedent: more specifically define the proposed uses and create a more robust oversight mechanism.

Define Appropriate Uses for Governors Island under Zoning

One solution to the uncertainty is to develop an appropriate list of uses or use groups to reflect the desired uses. The zoning text should reflect the use covenants set out by the federal transfer deed, while allowing a degree of flexibility that enables the Trust to bring additional, compatible and appropriate uses to the island.

The Commission should consider which uses are appropriate and seek to exclude uses from Use Groups 7, 8, 10 and 12 that are incompatible with the island's open space and other public benefit uses. Such restrictions can be implemented without compromising the island as a new destination for mixed-use tenants. By excluding uses like large-scale regional retail (Use Group 10), the zoning text would more closely mirror the intent of the federal transfer deed.

An additional opportunity exists to create a special use group for waterfront uses. This will ensure the inclusion of relevant transportation and recreation infrastructure, and reduces concern that the proposed special district may create precedent for large-scale or incompatible uses under future administrations, or future extensions of the special district to the South Island development zones.

Require CPC Authorization for Large-Scale Commercial Uses

A second approach to strengthening the proposed zoning text as a future tool for land use control is to ensure that the special district regulations provide public review over large-scale uses located on the island.

Governors Island is already a destination for New Yorkers and tourists alike due to its unique location and existing amenities. The full redevelopment of Governors Island may include large-scale operators that will act as an additional draw to the island—creating destinations within a destination.

The applicant proposes that a CPC Chair certification be required for commercial uses over 7,500 square feet. The applicant consulted with CB 1 to determine the 7,500 square foot threshold for the proposed certification. Of the 44 available historic structures, 30 individual buildings would be eligible for this certification process. The proposed review only requires the CPC Chair to certify that the applicant presented the proposed use to the community board and responded in writing to any concerns. A certification based on process does ensure appropriate public oversight on potential impacts or planning concerns.

If a broad range of uses is necessary, then the commission and the applicant should consider a new oversight process to prevent conflicts and unintended environmental impacts. Specifically, a new CPC authorization should be created for commercial uses greater than 20,000 square feet within the special district. Increasing the size threshold to 20,000 square feet is based on a two-part rationale, as this number corresponds to existing building sizes on the island and to ULURP definitions for major concessions.¹³

Eleven North Island structures, or approximately one third of the available properties for redevelopment, are greater than 20,000 square feet. Thereby it would not prevent leasing to smaller tenants who do not have the resources for a public review process, but would provide a review for larger tenants. Further, the use of an authorization process gives the applicant continued flexibility in its approach to planning and development. Authorizations may be sought either prior to after selecting a tenant as long as the proposed use for a building is known.

The zoning resolution and the city charter anticipate this type of land use control as exhibited in the following examples:

- In the Special TriBeCa Mixed Use District, Use Groups 6A and 6C are limited to 10,000 square feet except by special permit.
- Kiosks and open air cafés are only allowed in publicly-accessible open areas with a certification by the CPC Chair that requires a 60-day community board review and an option for City Council review.
- Use Groups 6A and 10 are only allowed in certain manufacturing districts at a size greater than 10,000 square feet by special permit.
- Concessions require full ULURP review if they are greater than 20,000 square feet on land other than parkland or 15,000 square feet within parkland.

The CPC should create a similar review process with appropriate findings that would ensure a new use would cause minimal adverse effects on the public benefit use of Governors Island. Specifically, the findings should include that the proposed use:

- does not substantially impact access to the island or transportation near key island access points;
- relates harmoniously to other uses on the island and does not oversaturate the island with any specific use;

¹³ Full ULURP review is required for a concession for a use for which a new building of over 20,000 square feet of gross floor area will be constructed when such building will be located on property other than parkland (<http://www.nyc.gov/html/dcp/html/luproc/conrule.shtml>)

- includes environmentally sustainable features where appropriate;
- complements the public benefit uses on the island including open space and educational uses; and
- is consistent with the intent of the special district.

Conclusion

While the Manhattan Borough President's office commends the Trust on their extensive public outreach to date, the proposed text requires further refinement. The broad range of commercial uses proposed by the zoning text may result in the introduction of incompatible uses or unintended environmental impacts.

The office looks forward to continuing this important conversation throughout this public planning process and as the Trust enters into the next phase of development. A rigorous planning and review process is critical to preserving Governors Island as a dynamic public resource for the City of New York.

BOROUGH PRESIDENT'S RECOMMENDATION

Commercial uses on the island are generally appropriate and the proposed Special Governors Island District allows for the reconciliation between restrictive zoning with the redevelopment anticipated in the Governors Island transfer deed. However, the proposed zoning text introduces an unusual provision that permits all commercial uses within the special district, making it unique among special purpose districts. Further, the potential tenanting of the North Island with large-scale and highly concentrated single uses may lead to unanticipated negative impacts. Both factors generate concern over long-term ability of all New Yorkers to enjoy the primary, public benefit uses intended by the federal deed and by the applicant.

Therefore, the Manhattan Borough President recommends conditional approval, provided that the applicant continues to work to establish either:

- 1. an appropriate list of uses or use groups more narrowly defined to both reflect the desired and permitted uses set out in the deed, which is consistent with the typical approach to special purpose districts; and/or**
- 2. a new authorization to provide oversight for commercial uses greater than 20,000 square feet.**



Scott M. Stringer
Manhattan Borough President