

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: DECEMBER 22, 2020

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

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

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

**ULURP Action and Proposed Development Description**

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

WHEREAS: The applicant requests the following actions:

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

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

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

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

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

### **Background and Project Area Description**

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

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

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

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

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

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

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

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

### **Proposed Use and Open Space Regulations**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Financial Considerations**

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

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

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

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

### **Public Engagement & Oversight**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THEREFORE  
BE IT  
RESOLVED

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

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

#### **Use and Open Space Regulations**

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

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

### **Environment and Sustainability**

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

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

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

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

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

### **Financial Considerations**

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

### **Public Engagement & Oversight**

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

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