



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, NY 10007

## POSITIVE DECLARATION

### NOTICE OF INTENT TO PREPARE A DRAFT SECOND SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

<b>PROJECT:</b> Phased Redevelopment of Governors Island— South Island Development Zones <b>CEQR Number:</b> 11DME007M <b>ULURP Number:</b> Pending	<b>LEAD AGENCY:</b> Office of the Deputy Mayor for Housing and Economic Development 253 Broadway, 14 <sup>th</sup> Floor New York, New York 10007
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**DATE ISSUED:** August 23, 2018

**TYPE OF ACTION:** Type I

**NAME** Phased Redevelopment of Governors Island—South Island  
Development Zones

**LOCATION:** Governors Island,  
Borough of Manhattan, Community District 1  
Block 1, Lot 10

### PROPOSED PROJECT

Governors Island Corporation, doing business as The Trust for Governors Island (The Trust), is a not-for-profit corporation and instrumentality of the City of New York. The Trust holds title to 150 acres of the 172-acre island (the Island); the remaining 22 acres is owned by the National Park Service and is a National Monument. Governors Island is located in New York Harbor, approximately 800 yards south of Manhattan and 400 yards west of Brooklyn. The Island comprises the North Island (the area north of the former Division Road) and the South Island (the area south of the former Division Road). The entire island is zoned R3-2; the North Island is mapped as the Special Governors Island District.

Access to the Island is provided by ferries that are operated by The Trust from slips at the Battery Maritime Building (BMB) in Lower Manhattan, which is the major access point for ferries traveling to the Island. Additional ferry service from Pier 6 in Brooklyn and Pier 11 in Manhattan is provided by The Trust and NYC Ferry via the East River and South Brooklyn routes, respectively, when the Island is open to the public.

Two Development Zones on the South Island have been anticipated since 2010 and were previously considered in both the 2011 Final Generic Environmental Impact Assessment (FGEIS) and 2013 Final Supplemental Generic Environmental Impact Assessment (FSGEIS). Future uses in these two areas were not specifically proposed, determined, or defined in the FGEIS and FSGEIS; therefore, it was assumed that new buildings on the South Island could be designed for academic, research, office, cultural, entertainment and/or a conference center/hotel uses.

The Trust is currently proposing to enable up to 4.5 million square feet of development on the South Island (the “Proposed Project”). The proposed development on the South Island would exceed the previously considered development, which totaled 3 million square feet, including approximately 1.375 million square feet on the North Island and approximately 1.625 million square feet on the South Island, and would require zoning changes as well as infrastructure and transportation improvements to support the occupants and uses. The proposed development would serve to enliven the Island with active uses and users 24/7, and would support the ongoing maintenance of the park and public spaces and the historic buildings on the North Island.

The Proposed Actions include zoning text and map amendments and the potential approval of capital funding. Specifically the Special Governors Island District would be expanded to cover the entire Island and create new controls pertaining to the South Island. The underlying zoning for the South Island would be changed to a mid-density commercial district such as C4-5, while the zoning for the North Island would remain R3-2. No modifications of the deed restrictions are proposed and the Special Governors Island District controls applicable to the North Island would remain unchanged. New zoning text applicable to the South Island would define parcels for development, provide design controls for open spaces with and adjacent to the development parcels, specify permitted uses, restrict base height and overall building height and length, require setbacks, provide streetwall and articulation requirements, and restrict lot coverage and provide design controls pertaining to upper portions of buildings.

To support the South Island Development, new infrastructure and services would be required. This will include increased ferry service and potentially the installation of an additional water main if it is determined necessary. To accommodate the additional population on the South Island, use of the BMB would be limited to passengers. Therefore, it is anticipated that freight transfer activities would be moved to the Brooklyn waterfront and may be distributed to multiple locations. While specific plans for freight deliveries would be developed in connection with the selection of future occupants of the South Island, hypothetical locations would be considered to identify potential environmental impacts of the freight transfer operations.

#### **DISCRETIONARY ACTIONS SUBJECT TO CEQR AND SEQRA**

The Proposed Project would require multiple City approvals, of which the zoning map and text amendment and capital funding are the discretionary actions requiring review under the New York State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR). The Office of the Deputy Mayor for Housing and Economic Development is the lead agency for CEQR. The actions that would be required for the proposed project include:

- 1) Zoning Map and Text Amendments to:
  - Expand the Special Governors Island District to the South Island and create new controls pertaining to the South Island, and

- Change the underlying zoning on the South Island from R3-2 to a mid-density commercial district, such as C4-5.

2) Approval of capital funding. The source has yet to be identified.

These actions are described in more detail below.

### *SPECIAL GOVERNORS ISLAND DISTRICT EXPANSION*

The Special Governors Island District would be expanded to cover the entire Island as part of the proposed zoning map amendment. No modifications of the deed restrictions are proposed, and the Special Governors Island District controls applicable to the North Island would remain unchanged. New zoning text applicable to the South Island would define parcels for development, provide design controls for open spaces within and adjacent to the development parcels, specify permitted uses, restrict base height and overall building height and length, require setbacks, provide streetwall and articulation requirements, restrict lot coverage, govern the distribution of floor area, and provide design controls pertaining to upper portions of buildings. Additionally, new zoning text would include provisions requiring preservation of recreational open space.

### *PROPOSED REZONING*

The underlying zoning on the South Island would be changed from the existing R3-2 to a mid-density commercial district such as C4-5, while the underlying zoning district on the North Island is expected to remain R3-2. R3-2 districts are intended for low-density residential development from single-family houses to small apartment buildings and allow a floor area ratio (FAR) of 0.5, while C4-5 districts allow 3.4 FAR. Typically C4-5 is mapped in regional commercial centers and allows a variety of uses including dormitories, hotels, academic buildings, office buildings, research buildings and cultural institutions. The permitted uses and densities, however, would be specified by the Special Governors Island District text and limited by the Island's deed restrictions.

### **OTHER APPROVALS**

For the South Island Development Zones, it is expected that New York City Department of Buildings (DOB) building permits would be required for any new structures and public open spaces. In addition, there would be New York City Fire Department approvals for emergency and fire access and fire hydrants.

Other approvals may include a Coastal Zone Consistency determination and State Pollutant Discharge Elimination System (SPDES) permits from the New York State Department of Environmental Conservation (DEC) for wastewater and/or stormwater discharge issues; DEC and U.S. Army Corps of Engineers (USACE) permits for in-water work, and DEC air permits or approvals related to potential future research/academic laboratory uses, if required. There may also be additional approvals required for the use of freight handling sites in Brooklyn.

Renovation of any historic structures on the North Island as part of the retenancing process analyzed in the 2013 SSGEIS will be subject to the *Preservation and Design Manual* and will require review and approval by the New York City Landmarks Preservation Commission (LPC) and the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP).

## **PURPOSE AND NEED FOR THE PROPOSED PROJECT**

The purpose and need for the overall Phased Redevelopment of Governors Island is to bring the Island back to life for the people of the City and State of New York, after centuries of use as a military base. The creation of new public open space is not only an important public benefit, but it is also a catalyst for Island redevelopment.

Redevelopment of the two South Island Development Zones would allow The Trust to increase transportation options and would provide revenue to support year-round public access. Rent revenues will help increase the financial resources and staff to support 24 hour/7 day a week activity on the Island. The ongoing effort to activate and invest in the historic buildings on the North Island would allow further investment in preservation and maintenance. Ultimately, the Proposed Project would fulfill The Trust's mission to transform Governors Island into a vibrant resource for New York City, making the Island a destination with extraordinary public open spaces, as well as educational, not-for-profit, and commercial facilities while helping to ensure the Island's financial sustainability and meet the transfer deed requirements.

### **STATEMENT OF SIGNIFICANT EFFECT:**

In accordance with Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York (CEQR), the Office of the Deputy Mayor for Housing and Economic Development, lead agency for the referenced project, has determined that the proposed project may have a significant impact on the quality of the human environment. Accordingly, a Second Supplemental Generic Environmental Impact Statement (SSGEIS) is required to evaluate and disclose the extent to which impacts may occur.

Aspects that may require evaluation of potential environmental impacts include:

- 1) The potential for significant adverse impacts related to land use, zoning, and public policy;
- 2) The potential for significant adverse impacts related to community facilities and services;
- 3) The potential for significant adverse open space impacts;
- 4) The potential for significant adverse impacts as a result of shadows;
- 5) The potential for significant adverse impacts related to historic and cultural resources;
- 6) The potential for significant adverse urban design/visual resource impacts;
- 7) The potential for significant adverse hazardous materials impacts;
- 8) The potential for significant adverse impacts related to water and sewer infrastructure;
- 9) The potential for significant adverse impacts related to solid waste and sanitation services;
- 10) The potential for significant adverse impacts related to transportation;
- 11) The potential for significant adverse impacts related to air quality;
- 12) The potential for significant adverse greenhouse gas emissions and climate change;
- 13) The potential for significant adverse impacts related to noise;
- 14) The potential for significant adverse impacts related to public health;
- 15) The potential for significant adverse impacts related to neighborhood character; and

16) The potential for significant adverse construction impacts.

**Statement in Support of Determination:**

The above determination is based on the finding that:

- 1) Land Use. The project would require zoning map and text amendments to extend the Special Governors Island District. The proposed actions would directly affect the land use on the project site, which is located within the City's coastal zone. Therefore, the potential for the proposed project to affect land use, zoning, and public policy will be examined.
- 2) Community Facilities and Services. Development of the proposed project would result in new construction on the South Island, which could result in changes to police and fire services to users and residents of the Island. Following the guidance of the CEQR Technical Manual, the location of New York City Police Department and the New York City Fire Department stations and precincts serving Governors Island will be considered.
- 3) Open Space. The additional number of visitors, students and employees that the project would generate exceeds the thresholds listed in the *CEQR Technical Manual* for potential open space impacts. Therefore, an open space assessment will be prepared to consider the effects of the proposed project on open space resources.
- 4) Shadows. The proposed project would result in a new structure in close proximity to open space and to historic buildings. Therefore, an analysis will be performed to identify the project's potential to result in shadow impacts on sunlight-sensitive resources.
- 5) Historic and Cultural Resources. The proposed project would result in development that will result in new in-ground disturbance and would involve new structures with the potential to affect the context of nearby areas, the proposed actions' potential to result in impacts to archaeological and architectural resources will be considered.
- 6) Urban Design and Visual Resources. Development of the proposed project would result in new construction on the South Island, which could result in changes to the Island's urban design and visual character. Therefore, an analysis of the proposed project's effects on urban design and visual resources will be undertaken.
- 7) Hazardous Materials. Because the proposed project would result in soil disturbance activities and would include dormitory, commercial and community facility uses, the proposed project's potential to result in significant adverse hazardous materials impacts will be assessed and, if necessary, a description of any additional testing, remediation, or other measures that would be necessary to avoid impacts will be provided.
- 8) Water and Sewer Infrastructure. The increase in visitors, students and employees that would be generated by the proposed project exceeds the *CEQR Technical Manual* thresholds for potential impacts on water and sewer infrastructure. Therefore, an assessment of water and sewer infrastructure will be undertaken.
- 9) Solid Waste and Sanitation Services. The solid waste that would be generated from the proposed project is expected to exceed the thresholds in the *CEQR Technical Manual*. Therefore an assessment of solid waste and sanitation services is warranted.
- 10) Energy. Full development of the proposed project would not affect the transmission or generation of energy. Because all new structures requiring heating and cooling are

subject to the New York State Energy Conservation Code, which reflects State and City energy policy, the proposed actions would not create significant energy impacts, and as such would not require a detailed energy assessment. Therefore, in accordance with the *CEQR Technical Manual*, the EIS will disclose the proposed project's potential energy demand.

- 11) Transportation. The proposed project is expected to exceed the *CEQR Technical Manual* thresholds for an analysis of transportation, and consequently could have significant traffic, parking, pedestrian, and transit impacts. Therefore, a detailed analysis of the potential transportation impacts of the proposed project is warranted and will be provided.
- 12) Air Quality. The proposed project would result in new stationary and mobile sources of pollutant emissions. Stationary sources of pollutant emissions include fossil fuel-fired heat and hot water systems serving new buildings, and potential laboratory uses. Mobile sources could include increased vehicle trips generated by the proposed project. Therefore an air quality analysis is warranted.
- 13) Greenhouse Gas Emission and Climate Change. The proposed project would result in more than 350,000 square feet of development. Therefore, a GHG consistency assessment will be provided to assess the projects consistency with the City's GHG reduction goal. Since proposed site is located in a current and future flood hazard zone, an analysis of the potential impacts of climate change on the proposed project is also warranted.
- 14) Noise. The noise analysis will examine the potential for vehicular and ferry traffic to result in noise impacts. In addition, the future building attenuation requirements will be assessed
- 15) Public Health. According to the guidelines of the *CEQR Technical Manual*, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality or noise. If unmitigated significant adverse impacts are identified in any one of these technical areas and a public health assessment is warranted, an analysis will be provided for that specific technical area.
- 16) Neighborhood Character. Neighborhood character is determined by a number of factors, including: land use, zoning, and public policy; open space; historic and cultural resources; urban design and visual resources; transportation; and noise. A preliminary assessment will be undertaken to determine whether the proposed project would affect a contributing element of neighborhood character; if it would, a detailed assessment will be undertaken.
- 17) Construction. Construction of the project would occur over an extended period of time. The construction activities for the proposed project may result in effects related to traffic systems, hazardous materials, air quality, noise, and natural resources. Therefore, an analysis of potential construction impacts is warranted and will be provided.

Accordingly, the Office of the Deputy Mayor for Housing and Economic Development directs that a Draft Second Supplemental Generic Environmental Impact Statement be prepared in

accordance with 6 NYCRR 617.9 and Sections 6-08 and 6-09 of Executive Order No. 91 of 1977, as amended.

**PUBLIC SCOPING:**

Public Scoping is the process whereby the public is invited to comment on the proposed scope of analysis planned for the Draft SSGEIS. A Draft Scope of Work has been prepared outlining analysis methodologies proposed for use in the Draft SSGEIS.

A public meeting has been scheduled for **Wednesday, September 26, 2018** at 6:00 P.M. to provide a forum for public comments on the Draft Scope of Work.

The public meeting will be held at the:

Governors Island Ferry Waiting Room  
Battery Maritime Building  
10 South Street  
New York, NY 10004

The scoping meeting will commence at 6:00 P.M. Written comments on the Draft Scope of Work will be accepted until 5:00 P.M. on Tuesday, October 9, 2018 and may be submitted at the public scoping meeting or to the Mayor's Office of Environmental Coordination at the contact info below.

Copies of the Positive Declaration and Draft Scope of Work for the project may be obtained by any member of the public from:

Mayor's Office of Environmental Coordination  
Attn: Denise Pisani, Deputy Director  
253 Broadway, 14<sup>th</sup> Floor  
New York, New York 10007  
Telephone: (212)-788-7779  
Email: [dpisani@cityhall.nyc.gov](mailto:dpisani@cityhall.nyc.gov)

These documents are also available on the websites of the Mayor's Office of Environmental Coordination: [www.nyc.gov/oec](http://www.nyc.gov/oec).

The Positive Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law.



Hilary Semel  
Assistant to the Mayor

August 23, 2018  
Date