



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

## **Technical Memorandum for the Phased Redevelopment of Governors Island FGEIS**

**CEQR Number 11DME007M TM001**

**January 26, 2012**

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### **A. INTRODUCTION**

The Phased Development of Governors Island was analyzed in a Final Generic Environmental Impact Statement (FGEIS) accepted as complete by the Office of the Deputy Mayor for Economic Development (ODMED) on December 20, 2011. The applicant, The Trust for Governors Island (The Trust) is a not-for-profit corporation and instrumentality of the City of New York and holds title to 150 acres of the 172 acres of Governors Island (the Island) located in New York Harbor. The Trust proposes to enter into a long-term lease of Slips 6 and 7 of the Battery Maritime Building (BMB) and the waiting area within the building. It is important for the Trust to execute a lease for its space at the BMB because in the absence of any such written agreement The Trust will not have any contractual right to continue to use and occupy such space. Moreover, as the City and EDC will be leasing a large portion of the BMB to the Dermot group for its hotel project, it is important that the Trust's rights to its space in the building also be articulated and documented in a lease at this time. This memorandum considers whether entering into this lease would result in new significant adverse impacts not already disclosed in the FGEIS.

As described below, this memorandum concludes that the proposed lease would not result in any new significant adverse impacts compared to those disclosed in the December 2011 FGEIS for the Phased Development of Governors Island.

### **B. BACKGROUND**

#### **FGEIS FOR THE PHASED DEVELOPMENT OF GOVERNORS ISLAND**

The approved Phased Development of Governors Island is based on a Park and Public Space Master Plan (the Park Master Plan) that establishes the fundamental concepts for the design of the Island's parks and public spaces. The Park Master Plan also sets aside two areas for future mixed-use development. In addition as part of the redevelopment of the Island, historic buildings will be retented, and key infrastructure improvements will be made.

The initial phase (Phase 1) would be park and open space development that is presently funded and includes the improvement of existing space and the creation of new, publicly accessible spaces on the Island. Also included in Phase 1 are upgrades and stabilization of the existing infrastructure to support the phased redevelopment of Governors Island, specifically: (1) the replacement and repair of the seawall with the consolidation and upgrade of storm-water outfalls, and (2) the provision of new potable water

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connection(s) under Buttermilk Channel. Phase 1 would be completed in 2013. The later phases include additional open space projects identified in the Park Master Plan but not presently funded, as well as mixed-use development on the Island. Completion of the later phases park and open space, tenancies in historic buildings, and new development would occur over time in later phases (Later Phases) as plans are developed and funding is secured. For analysis purposes in the FGEIS the full project was assumed to be complete in 2030. Several scenarios were identified that could represent a reasonable range of new development that could occur in conformance with the Island's current land use and historic resource covenants contained in the transfer deed from the federal government.

The initial discretionary action by the City was the approval of capital funding to begin construction of Phase 1 of the Park Master Plan and to invest in basic Island infrastructure. This funding is a discretionary action subject to City Environmental Quality Review (CEQR). In addition, New York State Department of Environmental Conservation (NYSDEC) permits and a nationwide or other permit from the United States Army Corps of Engineers (USACE) will be required for in-water work associated with the Phase 1 infrastructure improvements. Discretionary actions for the mixed-use development in the later phases are expected to include changes to zoning, special permits, modifications, and/or authorizations from the City Planning Commission (CPC); NYSDEC and/or New York City Department of Environmental Protection (NYCDEP) permits or approvals; as well as approval of capital funding for the completion of the park and open space. Subsequent discretionary actions will require further environmental review, the extent of which will be determined at the time of such actions.

#### **THE BATTERY MARITIME BUILDING IN THE FGEIS**

As described in the FGEIS the project site comprises 150 acres of Governors Island belonging to The Trust as well as the marine slips at the BMB operated, but not owned, by The Trust. Ferry service to Soissons Dock on the Island is provided from the BMB in Lower Manhattan. Ferries between Soissons Dock and the BMB operate year-round to transport Island employees, students, and artists to the Island in the offseason as well as major influxes of visitors during the public access period in the warm weather months. Additional ferry service is provided from Pier 6 in Brooklyn Bridge Park to Pier 101 or Yankee Pier on the Island, which operate only during the seasonal public access period.

The FGEIS disclosed that increased trip-making resulting from additional visitation drawn to the completed Later Phases-Park and Public Spaces and more regular and increased ferry service to the Island from the BMB is expected to result in significant adverse traffic impacts at the westbound approach at South Street and Old Slip during the weekday midday peak hour near the BMB. The mitigation analyses show that this impact can be fully mitigated with minor adjustments to existing signal timings. For pedestrian operations, significant adverse impacts were identified at two crosswalks: (1) south crosswalk at State Street and the M15 +SelectBusService (SBS) Bus Loop at Peter Minuit Plaza during the weekday midday and PM peak periods; and (2) west crosswalk at State Street and Whitehall Street during the weekday midday and PM peak periods. Both of these crosswalks are near the BMB. As detailed in the FGEIS Mitigation chapter, the first impact can be mitigated with modification of the existing signal to more efficiently process pedestrian flow across low-conflicting vehicular traffic volumes. The second can be mitigated by widening the existing crosswalk by one foot. In addition, a widened sidewalk in front of the BMB would be necessary to adequately accommodate the projected visitation demand. In front of the BMB, there is currently a narrow sidewalk. During peak visitation, The Trust regulates visitor queuing using part of the roadway adjacent to the BMB and deployment of traffic control agents. With Phase 1 and Later Phases-Park and Public Space, increased visitation (especially during weekend days) and year-round access are expected. Therefore, in addition to operational measures, The Trust is expected to evaluate physical improvements to address pedestrian access and circulation needs along the frontage of the BMB, which would become more pertinent over time, taking into consideration Governors Island visitors, New York City Department of Transportation's (NYCDOT) Slip 5, and the BMB's planned

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hotel, restaurant, and catering facility (a redevelopment project independent of both the Phased Redevelopment of Governors Island, improvements to the transfer bridges and fenders at Soissons Dock and the BMB as described above, and the long-term lease that is the subject of this memorandum), to ensure that the projected pedestrian activities can be adequately accommodated. The Trust would continue to regulate visitors until a design plan has been implemented. With modest increases in peak hour vehicular and pedestrian traffic projected for locations near the BMB, Phase 1 and Later Phases-Park and Public Spaces are not expected to result in any significant adverse pedestrian safety impacts.

### **CONDITIONS IN THE FUTURE WITHOUT THE PROPOSED LEASE**

Conditions identified in the FGEIS would not change in the future without the proposed lease. The City, as the owner of the BMB, intends that The Trust continues to use the BMB exactly as it does now and that The Trust maintains its current operations. However, without a formal lease that documents The Trust's contractual right to use the space as the City intends, The Trust has no contractual right to continue to occupy such space. Moreover, the imminent lease of a portion of the BMB to an affiliate of the Dermot Company for its hotel project will require agreements between The Trust and the Hotel tenant which will be difficult to accomplish without the Trust also having formal rights in the building.

A lease will guarantee that The Trust can continue to use the BMB as the City intends and as fully analyzed in FGEIS. As described in the FGEIS, upon completion of the Later Phases Park and Public Spaces there will be additional visitation and ferry service as described above.

A separate effort that is independent of both the Phased Redevelopment of Governors Island and the long-term lease that is the subject of this memorandum includes waterfront infrastructure work to rehabilitate the transfer bridges and fenders at Soissons Dock, and at the BMB. This work was described and accounted for in the FEIS as an independent effort. The BMB is a New York City Landmark and is listed on the State and National Registers of Historic Places; thus, the rehabilitation and new construction at the BMB is being reviewed and approved under the New York City Landmarks Law, as applicable. The current work on the transfer bridges has been approved by all relevant parties with regard to its effect on the historic fabric of the BMB. The Trust is coordinating with the Federal Highway Administration (FHWA) and the Federal Transportation Administration (FTA) for funding and approval of the Soissons improvements. The Trust received a categorical exclusion under the National Environmental Policy Act for the FTA funded work and expects to receive a categorical exclusion for the FHWA funded project. The Trust has provided the appropriate documentation to FHWA and other involved agencies.

As discussed above, there is also a plan for a hotel, restaurant, and catering facility at the BMB which is proceeding independently; this project was described in the FEIS and accounted for where appropriate.

### **C. PROPOSED MODIFICATIONS AND ENVIRONMENTAL EFFECTS**

The Trust proposes to enter into a long-term lease of Slips 6 and 7 of the BMB and the waiting area within the BMB. The BMB is owned by the City of New York and managed by the New York City Economic Development Corporation. The proposed lease—from the City, as landlord, to The Trust, as tenant—would codify The Trust's current usage and would not result in any construction activity, any change of use, or any physical changes to the BMB or its slips. Further the lease would not result in any changes to the approved construction and operations on Governors Island itself.

No other changes to the discretionary approvals previously granted for the Phased Development of Governors Island are being sought by The Trust at this time.

The proposed lease would not change current or future uses, activities, population or construction plans as analyzed in the FGEIS. Consequently, there would be no changes the FGEIS analyses of land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; shadows;

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historic and cultural resources; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; transportation; air quality; climate change and greenhouse gas emissions; noise; public health neighborhood character; or construction. Therefore, the conclusions of the FGEIS remain valid with the proposed long-term lease of Slips 6 and 7 of the BMB and the waiting area within the BMB. The proposed lease would not result in any new significant adverse environmental impacts beyond those identified in the FGEIS.



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