

LOWER MANHATTAN DEVELOPMENT CORPORATION

Meeting of the Directors

Conducted Via Teleconference

November 17, 2021

MINUTES

**In Attendance
Directors**

Holly Leicht, Chair
Alicia Glen
Catherine McVay Hughes
Thomas Johnson
Joshua Kraus
Pedram Mahdavi
Mehul Patel

Staff Attending:

For Lower Manhattan Development Corporation:

Daniel Ciniello, President
Stephen Konopko, Vice President, Internal Audit
Debbie Royce, Corporate Secretary
Goldie Weixel, Deputy General Counsel - ESD

For Empire State Development

Matthew Acocella, Associate Counsel
Tobi Jaiyesimi, Assistant Vice President - Real Estate &
Community Relations

The meeting of the Lower Manhattan Development Corporation (“LMDC”) was called to order at 3:30 p.m. It was noted for the record that notice to the public and news media of the time and place of the meeting had been given in compliance with the New York State Open Meetings Law.

The Chair noted for the record that due to the public health concerns and in accordance with current legislation, this meeting would be conducted by teleconference. The Chair also noted for the record that the public was given the opportunity to comment on Agenda items by submitting

written comments on or before 12:00 p.m. yesterday to publiccomment@renewnyc.com. The Chair further noted that seventeen (17) comments were received which were distributed to the Directors and were posted on the LMDC website with all of today's Board material.

Before beginning with the substantive portion of the meeting the Chair asked the Directors whether anyone had any potential conflicts of interest with respect to any of the items on the proposed Agenda.

Hearing no conflicts, the Chair called for a motion to approve the Minutes of the Directors' meeting of March 31, 2021. Noting no corrections, and upon motion duly made and seconded, the following resolution was unanimously adopted:

Approval of Minutes

RESOLVED, that the Minutes of the meeting of the Corporation held on March 31, 2021, as presented to this meeting, are hereby approved and all actions taken by the Corporation's employees, officers or Directors in furtherance of the matters referred to therein are hereby ratified and approved as actions of the Corporation.

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The Chair then called on Director McVay Hughes to provide the Corporation's Audit and Finance Committee Report on behalf of Committee Chair, Director Johnson, for the Directors' information.

Director McVay Hughes noted that the Committee recently met to review the material that is being presented at today's meeting.

Director McVay Hughes explained that the Committee briefly discussed the three items authorized through LMDC's Emergency Contract Authorization Policy regarding the office space extension and the City and State Affordable Housing Programs which will be presented for ratification at this meeting and that it supports the ratification by the full Board.

Director McVay Hughes stated that the Committee reviewed the LMDC administrative budget variance report that reflected spending through September 2021 and noted that spending was slightly less than the approved budget for the first half of this fiscal year.

It was also noted that the Committee reviewed and discussed the proposed action plan amendments that would keep available funds from completed or fully funded activities to the affordable housing activity for use by the City of New York Housing Preservation and Development for ongoing NYCHA property renovations and it also reviewed and discussed the funding request for the three qualified legal counsel contracts.

Director McVay Hughes advised the Committee received updates on Site Five and discussed the proposed Modified General Project Plan and related actions described in the materials and fully supports the requested approvals by the full Board.

Lastly, it was noted the Committee met with a representative from EFPR Group, LMDC's external auditor to discuss their most recent annual audit and the results and it was further noted that there were no issues or concerns identified during its annual audit. Director McVay

Hughes also noted that the Committee met with the Corporation’s Internal Auditor and that no significant issues were identified through ongoing internal audits.

The Chair thanked Director McVay Hughes for the Committee Report then called on Mr. Ciniello to present the Administrative items on the Agenda.

Mr. Ciniello then presented requests for ratification of three emergency actions taken by LMDC staff, and which were approved by the LMDC Chair and the Finance Committee in accordance with LMDC’s emergency authorization policy. Mr. Ciniello first presented a request that the Board ratify the Amendment and Extension of LMDC’s Office Space Agreement.

Following a full presentation of the item and hearing no response to a call for questions or comments from the Directors, upon motion duly made and seconded, the following Resolution was unanimously adopted:

Ratification of Office Space Contract Amendment

RESOLVED, that the Corporation is hereby authorized to amend its agreement with The Counsel of State Governments, LTD. (CSG) for use of a portion of its office space located at 22 Cortlandt Street, 22nd Floor, as described in the materials presented to this meeting; and be it

FURTHER RESOLVED, that such agreement shall be extended for a 15-month term, commencing July 15, 2021 for an additional \$124,000, to an amount not to exceed \$245,400, with a six month option, as described in the materials presented to this meeting; and be it

FURTHER RESOLVED that the expenditures approved hereby shall be allocated from the Corporation’s Fiscal Year End (FYE) 2022 Administration Budget and the anticipated FYE 2023 Budget; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing.

FURTHER RESOLVED, that all such actions previously taken in furtherance of the foregoing by the Corporation's employees, Officers or Directors are hereby ratified and approved in all respects.

* * *

Mr. Ciniello then presented a request to ratify the Final Action Plan Amendment and City of New York Department of Housing and Preservation and Development Subrecipient Agreement Amendment. Mr. Ciniello explained that this action was taken between LMDC Board Meetings so that the renovation work could commence as soon as possible.

Chair Leicht asked Mr. Ciniello to clarify that this action is to amend the subrecipient agreement, but not an increase of the contract's dollar amount.

Mr. Ciniello confirmed that this item would approve a change in scope to include five (5) additional NYCHA properties to the scope of work.

Hearing no response to a call for further questions or comments from the Directors, upon motion duly made and seconded, the following Resolution was unanimously adopted:

Ratification of Final Action Plan Amendment and City of New York Department of Housing Preservation and Development Subrecipient Agreement Amendment

RESOLVED, that the Corporation is hereby authorized to amend the Final Action Plan and its subrecipient agreement with the City of New York Department of Housing Preservation and Development to expand the scope of Affordable Housing projects, as described in the materials presented to this meeting; and be it

FURTHER RESOLVED, that the scope changes approved hereby shall be funded through the existing contract by way of the Final Action Plan; and be it

FURTHER RESOLVED, that the officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing; and be it

FURTHER RESOLVED, that all such actions previously taken in furtherance of the foregoing by the Corporation’s employees, Officers or Directors are hereby ratified and approved in all respects.

* * *

Next, Mr. Ciniello presented a request to ratify the authorization for funding in an amount not to exceed \$110,000 to New York State Homes and Community Renewal (“HCR”) for preliminary and other audit work necessary to create a scope, cost, and schedule for possible weatherization improvements to five (5) affordable housing properties in lower Manhattan.

Following the full presentation and hearing no comments from the Directors, upon motion duly made and seconded, the following Resolution was unanimously adopted:

Ratification of New York State Homes and Community Renewal Funding Authorization

RESOLVED, that the Corporation is hereby authorized to execute a subrecipient agreement with New York State Homes and Community Renewal for preliminary and other audit work necessary to determine a detailed scope, cost and schedule for possible weatherization improvements to five affordable housing properties in lower Manhattan in an amount not to exceed \$110,000, as described in the materials presented to this meeting; and be it

FURTHER RESOLVED, that the expenditures approved hereby shall be allocated from funds included in the Affordable Housing allocation in the Final Action Plan; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing; and be it

FURTHER RESOLVED, that all such actions previously taken in furtherance of the foregoing by the Corporation's employees, Officers or Directors are hereby ratified and approved in all respects.

* * *

The Chair then called on Mr. Ciniello to present the two Funding Authorization Request items on the Agenda.

Mr. Ciniello presented a request to amend Partial Action Plan 10, the Final Action Plan, and increase the City of New York Housing Preservation and Development Agreement amount. He explained that this item relates to the emergency action taken regarding the HPD contract. He further explained that the purpose of this request is to authorize to submit for public comment and review by the U.S. Department of Housing and Urban Development a proposal to amend activities in Partial Action Plan 10 and the Final Action Plan for the purpose of transferring up to \$1,180,000 of funds that are available, to the Affordable Housing Activity.

Mr. Ciniello explained that this would allow LMDC to increase funding available in the City of New York Housing Preservation department contract for the completion of ongoing rehabilitation work on NYCHA properties.

In response to a question from Chair Leicht regarding the scope of work covered by these funds for NYCHA, Mr. Ciniello explained that the funds would cover floor restoration work and painting at five (5) NYCHA properties.

Hearing no further questions or comments from the Directors, upon motion duly made and seconded, the following Resolution was unanimously adopted:

Authorization to Amend Partial Action Plan 10 and the Final Action Plan and Increase the City of New York Department of Housing Preservation and Development Agreement Authorization

RESOLVED, that the Corporation is hereby authorized to amend Partial Action Plan 10 and the Final Action Plan to the extent necessary, by reducing residual allocations in the East River Waterfront Esplanade and Piers, Chinatown Projects, Transportation Improvements, Neighborhood Parks and Open Spaces and West Thames Street Bridge activities, and increasing the Affordable Housing activity from \$12,800,000 to \$13,980,000, as described in the materials presented to this meeting; and be it

FURTHER RESOLVED, that the Corporation is hereby authorized to increase the City of New York Department of Housing Preservation and Development subrecipient agreement authorization by an amount up to \$1,075,000, to an amount not to exceed \$13,755,000 as described in the materials presented to this meeting; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to submit for public comment and review by the federal Department of Housing and Urban Development (“HUD”) the Amended Action Plans, as may be required; and be it

FURTHER RESOLVED, that the President of the Corporation or his designee shall be authorized to make such changes to the Amended Action Plans as may be necessary or

appropriate to comport with applicable HUD requirements and to reflect any public comments solicited and received thereon; and be it

FURTHER RESOLVED, that all such actions previously taken in furtherance of the foregoing by the Corporation’s employees, Officers or Directors are hereby ratified and approved in all respects.

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing.

* * *

Mr. Ciniello next presented a request to amend and extend the Pre-Qualified Legal Counsel Services Contracts for legal work related to World Trade Center Site 5. Mr. Ciniello explained that this item would increase the value of the contract for legal counsel, and invited Goldie Weixel, Acting General Counsel of Empire State Development (“ESD”), to provide further explanation and comment.

Ms. Weixel explained that this item would extend contracts with one or more counsel on ESD’s pre-qualified counsel list through December 2023, and would increase the contract value by up to an additional \$2,450,000 for all legal services in the aggregate. Ms. Weixel explained that this authorization would allow LMDC to continue to use pre-qualified firms, including but not limited to Carter Ledyard & Milburn LLP and Venable LLP for environmental, real estate, and land use services related to World Trade Center Site, particularly with respect to work related to Site 5.

In response to a question from Director Glen, Ms. Weixel and Tobi Jaiyesimi, World Trade Center Site 5 Project Manager at ESD, explained that LMDC does not advance any

payment for these legal expenses, as most if not all of the work is paid directly from an imprest account funded by the conditionally-designated developer.

Hearing no further questions or comments from the Directors, upon motion duly made and seconded, the following Resolution was unanimously adopted:

Authorization to Amend and Extend the Pre-Qualified Legal Counsel Services Contracts

RESOLVED, that the amount of the Corporation’s expenditures authorized under the agreements and amendments with one or more law firms on the Empire State Development Pre-Qualified Counsel List shall increase by \$2,450,000, to an amount not to exceed \$6,850,000 in the aggregate, and the term of such agreements shall be extended through December 31, 2023, as described in the materials presented to this meeting; and be it

FURTHER RESOLVED, that the expenditures approved hereby shall be allocated from funds included in the appropriate LMDC FYE 2022 and anticipated FYE 2023 Administrative Budgets, relevant Partial Action Plans, or funds paid by the World Trade Center Site 5 developer; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing; and be it

FURTHER RESOLVED, that all such actions previously taken in furtherance of the foregoing by the Corporation’s employees, Officers or Directors are hereby ratified and approved in all respects.

* * *

The Chair then called on Ms. Jaiyesimi to present the action item related to World Trade Center Site 5.

Ms. Jaiyesimi explained that the Directors were being asked to take the following seven (7) actions with respect to the World Trade Center site, and Site 5 in particular: (1) adopt

Modifications to the World Trade Center Memorial and Cultural Program Land Use Improvement and Civic Project Plan, to allow for mixed-use development, including residential, fitness, and community facility space, in addition to the already approved commercial use; (2) override applicable Local Zoning Regulations to effectuate the proposed modifications; (3) authorize staff to hold a public hearing on the proposed modifications; (4) accept the proposed Environmental Assessment of the proposed modifications; (5) approve Findings of No Significant Impact, pursuant to the National Environmental Policy Act; (6) make a Determination of Non-Significance, pursuant to the New York State Environmental Quality Review Act; and (7) authorize acceptance of public comments on the above.

Ms. Jaiyesimi explained that these actions launch the public review and approvals process for the proposed modifications to the General Project Plan, and that no final determinations would be made by the Directors at today's meeting.

Ms. Jaiyesimi next reviewed the background of Site 5 and the process of selecting a conditionally-designated developer after a competitive Request-for-Proposal ("RFP") process. She explained that in February 2021, a mixed-use development, proposed by a team comprising Silverstein, Brookfield, Omni, and Dabar, was conditionally designated by the LMDC Directors. She noted that if the transaction is approved, ESD, LMDC's parent corporation, would own Site 5 and serve as landlord for the Site 5 long-term lease, and that all rent payments would go to the Port Authority of New York and New Jersey ("Port Authority") as compensation for the Memorial, Museum and Performing Arts Center sites.

Ms. Jaiyesimi explained that the Directors are not being asked to consider or approve the property transaction from LMDC to ESD at this meeting. She further explained that the proposed modifications to the GPP would permit either a commercial project or a mixed-use project on Site 5, and that any specific transaction with the conditionally-designated developer would require additional board action at a later date. She noted that proposed design guidelines which would govern mixed-use development at the site have been included in these materials. She further noted that as discussions continue with the public and with the conditionally designated developer, these design guidelines may be adjusted consistent with the ultimately approved project.

Ms. Jaiyesimi next provided background on the public engagement process following conditional designation of the developer, including LMDC launching a WTC Site 5 community advisory committee (“CAC”), comprised of elected officials and other local leaders and stakeholders. She noted that LMDC and ESD staff had been regularly presenting at the local Community Board (“CB1”) meetings and that feedback from the CAC and CB1 has been instrumental in shaping multiple aspects of the proposed mixed-use Project option.

Ms. Jaiyesimi also noted that that affordable housing has been a major discussion point on the project over the last few months. She explained that the Site 5 RFP required that any mixed-use proposal comply with the affordability requirement of the City’s Mandatory Inclusionary Housing program. She further explained that the proposed Project would include

approximately 1,200 residential units, and that, in consultation with the City, it was determined that 25% of the units, or approximately 300 units, would be affordable to households making an average of 50% of Area Median Income, which currently equates to \$41,800 for an individual, scaling up to \$59,650 for a family of four. She noted that requests from community representatives and elected officials for increased affordable housing at the site. She further noted that the Project Team is in ongoing discussions about these requests and will participate in an upcoming public forum being sponsored by the local elected officials on the issue.

Ms. Jaiyesimi next explained that, in terms of next steps, with the Directors' approval, LMDC, ESD and the Port Authority will continue robust public engagement on the proposed Project in the coming months. She explained that, if authorized by the Directors, LMDC and ESD would hold a joint public hearing, anticipated to be held on January 12, 2022, followed by a public comment period ending February 15, 2022. She further explained that in Spring 2022, staff anticipates returning to the Directors for further consideration of the proposed modifications to the GPP and the proposed Project.

In response to a question from Director McVay Hughes, Ms. Jaiyesimi detailed the number of presentations to the Community Board that had been made thus far on the Site 5 project. She advised that ESD/LMDC staff had presented to at least four (4) Community Board 1 meetings, including the Land Use Committee, the Executive Committee, or the CB1 general meeting agenda. She also stated that all of those presentations had been made available to

CB1, and that she would follow up with CB1 regarding posting the presentations on the CB1 and LMDC websites.

Ms. Weixel explained that this was the beginning of the approvals process for Site 5, and noted that the public hearing would not occur until the middle of January 2022, with an additional minimum 30-day comment period thereafter.

Hearing no further questions or comments from the Directors, upon motion duly made and seconded, the following Resolution was unanimously adopted:

Authorization for New York City (New York County) – 5 World Trade Center; World Trade Center Memorial and Cultural Program Land Use Improvement and Civic Project – Land Use Improvement and Civic Project Findings; Acceptance of Environmental Assessment; Determination that No Supplemental Environmental Impact Statement is Needed Pursuant to National Environmental Policy Act and State Environmental Quality Review Act and their implementing regulations; Adoption of Modified General Project Plan; Override of Local Zoning Regulations and Other Local Laws; Authorization to Hold a Public Hearing; and Authorization to Take Related Actions

RESOLVED, that, on the basis of the materials presented to this meeting (the “Materials”), a copy of which is hereby ordered filed with the records of the Corporation relating to the World Trade Center Memorial and Cultural Program Land Use Improvement and Civic Project, the Corporation hereby determines and finds pursuant to Section 10(c) of the New York State Urban Development Corporation Act of 1968, as amended (the “Act”), that:

- (1) the area in which the project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality;
- (2) the project consists of a plan or undertaking for the clearance, re-planning, reconstruction and rehabilitation of such area and for recreational and other facilities incidental or appurtenant thereto; and
- (3) the plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality as a whole; and be it

FURTHER RESOLVED, that, on the basis of the Materials, the Corporation hereby determines and finds pursuant to Section 10(d) of the Act, that:

- (1) there exists in the area in which the project is to be located, a need for the educational, cultural, recreational, community, municipal, public service or other civic facility to be included in the project;
- (2) the project shall consist of a building or buildings or facilities which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purposes;
- (3) such project will be leased to or owned by the state or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and that adequate provision has been or will be, made for the payment of the cost of acquisition, construction, operation, maintenance and upkeep of the project; and
- (4) the plans and specifications assure or will assure adequate light, air, sanitation and fire protection; and be it

FURTHER RESOLVED, that, on the basis of the Materials, the Corporation hereby determines and finds pursuant to Section 10(g) of the Act that there are no families or individuals to be displaced from the Project area; and be it

FURTHER RESOLVED, that, on the basis of the Materials; the Corporation hereby approves, subject to public review and comment, the Environmental Assessment for the Proposed Actions attached as Exhibit C in the Materials (the “EA”) for the adoption of modifications to the General Project Plan for the World Trade Center Memorial and Cultural Program (the “MGPP”) and the other proposed actions described in the EA (collectively, the “Proposed Actions”) in the form submitted at this meeting and finds that the EA meets the requirements of the National Environmental Policy Act (“NEPA”) and the New York State Environmental Quality Review Act (“SEQRA”) and other applicable laws and regulations; and be it

FURTHER RESOLVED, that, on the basis of the Materials, the Corporation hereby approves and adopts, subject to public review and comment, the proposed Finding of No Significant Impact and Determination of Non-Significance annexed as Exhibit D in the Materials (“FONSI”), copies of which document are hereby filed with the records of the Corporation, and finds that the FONSI meets the requirements of NEPA and SEQRA and other applicable laws and regulations, and determines that the Proposed Actions will not, either individually or cumulatively, have a significant impact on the quality of the human environment or a significant adverse environmental impact not already analyzed and disclosed in the Final Generic Environmental Impact Statement for the World Trade Center Memorial and Redevelopment Plan; and that no supplemental environmental impact statement is needed in connection with the Proposed Actions; and be it

FURTHER RESOLVED, that the officers of the Corporation or any such officer’s designee, acting singly, be, and each of them hereby is, authorized in the name and on behalf of the Corporation to take all actions necessary or appropriate in connection with the EA, FONSI and Proposed Actions pursuant to NEPA, SEQRA and any other applicable law, including without limitation, the providing, filing or making available of copies of the EA and FONSI and/or the acceptance of public comments; and making a report or reports thereon to the Board of Directors; and be it

FURTHER RESOLVED, that, on the basis of the Materials and subject to Section 16 of the Act, the Corporation does hereby adopt the proposed MGPP as presented to this meeting, a copy of which MGPP is hereby ordered filed with the records of the Corporation; and be it

FURTHER RESOLVED, that, on the basis of the Materials, the Corporation hereby finds, pursuant to Section 16(3) of the Act, that it is not feasible or practicable for the Project described in the Materials to comply with all local zoning and other land use regulations and, accordingly, the Corporation hereby overrides the local zoning regulations, and other local laws inclusive of the City Map and the Uniform Land Use Review Procedure, as and to the extent described in the Materials and in the MGPP for the specified purposes of the Project; and be it

FURTHER RESOLVED, that the officers of the Corporation or any such officer’s designee, acting singly, be, and each of them hereby is, authorized in the name and on behalf of the Corporation to hold a public hearing on the MGPP in accordance with the requirements of the Act; and be it

FURTHER RESOLVED, that the officers of the Corporation or any such officer’s designee, acting singly, be, and each of them hereby is, authorized in the name and on behalf of the Corporation to take all actions necessary or proper, in their respective sole discretion, to comply with the requirements of the Act in connection with the adoption of the MGPP and the holding of a public hearing thereon; and be it

FURTHER RESOLVED, that the MGPP shall not be final until action is taken as provided in the Act, and until such time as all requirements of the Act and other applicable law in connection therewith have been satisfied; and be it

FURTHER RESOLVED, that the officers of the Corporation or any such officer’s designee, acting singly, be, and each of them hereby is, authorized and directed in the name and on behalf of the Corporation to execute and deliver any and all documents and to take any and all actions necessary or proper, in their respective sole discretion, as may be necessary or appropriate to effectuate the foregoing resolutions.

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Chair Leicht noted that this meeting would be the last for Director Mahdavi, and the Chair thanked Mr. Mahdavi and Deputy Mayor Been for their service to the City, LMDC, and the State.

There being no further business, the meeting was adjourned at 4:02 p.m.

Respectfully submitted,

Debbie Royce
Corporate Secretary

LOWER MANHATTAN DEVELOPMENT CORPORATION

Meeting of the Directors

Conducted Via Teleconference

March 15, 2022

MINUTES

**In Attendance
Directors**

Holly Leicht, Chair
Alicia Glen
Catherine McVay Hughes
Thomas Johnson
Joshua Kraus
Mehul Patel
Carl Rodrigues
Carl Weisbrod

Staff Attending:

For Lower Manhattan Development Corporation:

Daniel Ciniello, President
Stephen Konopko, Vice President, Internal Audit
Debbie Royce, Corporate Secretary
Matthew Acocella, Associate Counsel - ESD

The meeting of the Lower Manhattan Development Corporation (“LMDC”) was called to order at 10:30 a.m. It was noted for the record that notice to the public and news media of the time and place of the meeting had been given in compliance with the New York State Open Meetings Law.

The Chair noted for the record that due to the public health concerns and in accordance with current legislation, this meeting would be conducted by teleconference. The Chair also noted for the record that the public was given the opportunity to comment on Agenda items by submitting written comments on or before 4:00 p.m. yesterday to publiccomment@renewnyc.com and that one comment was received which was distributed to the Directors and will be posted on the LMDC website with all of today’s Board material.

Before beginning with the substantive portion of the meeting the Chair first welcomed back Carl Rodrigues to the Board and asked the Directors whether anyone had any potential conflicts of interest with respect to any of the items on the proposed Agenda.

Hearing no conflicts, the Chair called on the Corporation's Audit and Finance Committee Chair, Director Tom Johnson, to provide a report on recent Audit and Finance Committee Meetings for the Directors' information.

Committee Chair Johnson reported that the Audit and Finance Committee (the "Committee") met on March 2, 2022 to review materials to be presented at this meeting. Committee Chair Johnson explained that the Committee reviewed the LMDC current year administrative budget variance report, which indicated that spending will be approximately 7% below the approved budget. He further explained that the Committee also reviewed the proposed upcoming fiscal year end March 31, 2023 budget, which is approximately 14 percent lower than the current budget. He explained that LMDC staff will begin working with Empire State Development and HUD on plans to transition responsibilities for projects and programs that will not be completed and fully reimbursed in 2022 to Empire State Development. He added that the Committee supports both the proposed budget and the transition planning.

It was noted that the Committee also received updates on funds in place for projects and programs and can report that several long term parks and open spaces projects funded by LMDC have been completed and are either fully reimbursed or are in the process of being fully

reimbursed. As a result, these projects are being closed.

Committee Chair Johnson reported that the Committee reviewed and discussed the funding request for website services, the time extension for advertising services and the request to redistribute World Trade Center Ship funds, all of which it supports. The Committee also met with the Internal Auditor and reported that no findings or irregularities were identified.

The Chair thanked Committee Chair Johnson for his report and also thanked staff for their hard work and diligence.

The Chair then called on Mr. Ciniello to present the Administrative items on the Agenda.

Mr. Ciniello presented a request for the Fiscal Year 2023 Administrative Budget which he noted is less than the previous year's budget and projected spending.

Hearing no response to a call for questions or comments from the Directors, and with the Chair again noting that the only comment received from the public was already summarized, upon motion duly made and seconded, the following Resolution was unanimously adopted:

Approval of Lower Manhattan Development Corporation Fiscal Year 2022 – 2023 Budget

RESOLVED, that the budget of the Corporation for fiscal year 2022-2023 is hereby adopted as presented to this meeting; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are authorized and directed to implement and carry out said budget for the Corporation and are directed to inform the Board of material variances from the budget; and be it

FURTHER RESOLVED, that all such actions previously taken in furtherance of the foregoing by the Corporation’s employees, Officers or Directors are hereby ratified and approved in all respects.

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Mr. Ciniello then presented a request to amend and extend LMDC’s website services contract with NGenious Solutions Inc. by increasing the contract value by \$33,000 to keep the LMDC website operational through March 2023.

Hearing no response to a call for questions or comments from the Directors and as no related comments were received from the public, upon motion duly made and seconded, the following Resolution was unanimously adopted:

Authorization of Website Services Contract Amendment and Extension

RESOLVED, that the Corporation is hereby authorized to amend the agreement increasing the contract value by \$33,000, to \$196,000, and extending the agreement for one year through March 31, 2023, with NGenious Solutions LLP for website hosting, maintenance, support and content management services, as described in the materials presented to this meeting; and be it

FURTHER RESOLVED, that the expenditures approved hereby shall be allocated from funds included in the LMDC anticipated FYE 2023 Budget for Planning and Administration; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing; and be it

FURTHER RESOLVED, that all such actions previously taken in furtherance of the foregoing by the Corporation’s employees, Officers or Directors are hereby ratified and approved in all respects.

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Next, Mr. Ciniello presented a request to extend the advertisement placement services contract with Miller Advertising Inc. by extending the contract term by one year to March 31, 2023. Mr. Ciniello noted that funds already exist in this contract that should be sufficient to cover LMDC anticipated advertising placements.

Hearing no comments from the Directors and no related comments were received from the public, upon motion duly made and seconded, the following Resolution was unanimously adopted:

Authorization of Advertising Services Contract Extension

RESOLVED, that the Corporation is hereby authorized to extend its contract for advertising placement services with Miller Advertising for one year through March 31, 2023, as described in the materials presented to this meeting; and be it

FURTHER RESOLVED, that the expenditures approved hereby shall be allocated from funds included in the appropriate LMDC anticipated FYE 2023 Budget for Planning and Administration or relevant Partial Action Plan; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing; and be it

FURTHER RESOLVED, that all such actions previously taken in furtherance of the foregoing by the Corporation’s employees, Officers or Directors are hereby ratified and approved in all respects.

* * *

Mr. Ciniello then presented a request to redistribute funds within the \$2.1 million World Trade Center Ship allocation. He explained that \$1.1 million was originally expected to fund contracts associated with the preservation, reconstruction and display of the ship remnant, while \$1 million was made available for legal, environmental and other World Trade Center Ship costs. Mr. Ciniello explained that up to \$1.5 million may be needed for contracts related to preservation, reconstruction, and display, but less than \$600,000 of the World Trade Center Ship allocation will be needed for legal, environmental and other costs. He explained that the request is to transfer allocated funds within an allocation and that no additional funds were being sought.

Hearing no other comments from the Directors and noting one related comment was received from the public and shared with the Board members in advance of the meeting, upon motion duly made and seconded, the following Resolution was unanimously adopted:

Authorization to Redistribute Funds within Existing World Trade Center Ship Activity

RESOLVED, that the Corporation is hereby authorized to redistribute funds in the previously authorized \$2.1 million WTC Ship Remnant allocation; and be it

FURTHER RESOLVED, that the Corporation is hereby authorized to enter into subrecipient agreements or other contracts totaling up to \$1.5 million with the New York State

Museum and/or other parties necessary to preserve, reconstruct, and display the World Trade Center Ship Remnant at the New York State Museum; and be it

FURTHER RESOLVED, that the expenditures approved hereby shall be allocated from funds included in the Final Action Plan WTC Ship activity; and be it

FURTHER RESOLVED, that the proper officers of the Corporation are hereby authorized to take any such action and to execute such instruments as may be necessary or appropriate to effect the foregoing.

* * *

There being no further business, the meeting was adjourned at 10:46 a.m.

Respectfully submitted,

Debbie Royce
Corporate Secretary



LMDC

Lower Manhattan Development Corporation
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April 20, 2022

TO: The Directors

FROM: Daniel A. Ciniello, President

SUBJECT: New York City (New York County) – 5 World Trade Center; World Trade Center Memorial and Cultural Program Land Use Improvement and Civic Project

REQUEST FOR: Affirmation of Lead Agency Findings Pursuant to National Environmental Policy Act and New York State Environmental Quality Review Act; Affirmation of General Project Plan as Modified; and Authorization to Take Related Actions.

I. PROJECT SUMMARY

Property Location: 5 World Trade Center, southern portion of the former 130 Liberty Street, MN Block 54 Lot 1 (the “**Development Site**” or “**Site 5**”).

The Development Site, approximately 33,000 square feet in area fronting on Greenwich Street to the east, Washington Street to the west, and Albany Street to the south, is a portion of a larger Project Site south of Liberty Street consisting of approximately 92,300 square feet that also includes the World Trade Center vehicular entrance and security center (the “**VSC**”), the open space above the VSC known as “**Liberty Park**”, both of which are owned by The Port Authority of New York and New Jersey (“**PANYNJ**”), and the Saint Nicholas Greek Orthodox Church and National Shrine (the “**St. Nicholas Church**”) in the northeast corner of Liberty Park north of the Development Site. The Development Site and the Project Site are within the larger World Trade Center Site (“**WTC Site**”).

Property Owner: Lower Manhattan Development Corporation (“**LMDC**”), a subsidiary of ESD.

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General Project Plan: As described in LMDC’s World Trade Center Memorial and Cultural Program General Project Plan dated June 2, 2004, as amended through February 14, 2007 (the “**GPP**”), the objectives of the redevelopment of the WTC Site are to honor the victims of the attacks of September 11, 2001 and February 26, 1993 and to revitalize Lower Manhattan. The GPP provides for a memorial and cultural uses, as well as a commercial redevelopment program. The Development Site is the location of the proposed fifth of five towers at the WTC Site (“**Tower 5**”).

Proposed MGPP: On November 17, 2021, the Directors adopted, for purposes of a public hearing, a proposed modified GPP to allow potential future mixed-used development on the Development Site, specifically permitting residential use, which was not previously authorized by the GPP (the “**Proposed MGPP**”).

Revised MGPP: It is proposed that the Proposed MGPP be affirmed to allow potential future mixed-used development on the Development Site, with a requirement that design guidelines and any override of local zoning be determined at a later date in connection with a specific proposal for such a mixed-use building (a “**Proposed Project**”).¹

Project Type: Land Use Improvement and Civic Project

Project Team:

Real Estate:	Tobi Jaiyesimi, Terence Cho
Legal:	Goldie Weixel, Robin Stout, Matthew Acocella
Contractor & Supplier Diversity:	Geraldine Ford
Environmental:	Rachel Shatz, Eram Qadri
Design & Construction:	Philip Maguire

¹ Pursuant to a public Request for Proposals process, Silverstein Properties, Inc., Brookfield Properties, Omni New York LLC, and Dabar Development Partners (collectively, “Designated Developer”) has been conditionally designated as the potential developer for a Proposed Project at Site 5. Subject to requisite public approval process, ESD, LMDC, PANYNJ, and Designated Developer are negotiating the terms of a development lease and other documents for such a project. Proposed terms would be presented to the Board, and for public review, before final action is taken on the Proposed Project.

II. PROPOSED AMENDMENT TO GENERAL PROJECT PLAN

The GPP provides for the development of approximately 10 million square feet of Class A commercial office space in 5 towers at the WTC Site, along with retail, hotel and conference center uses. Approximately 1.3 million square feet of this office space was to be located in Tower 5. However, in view of: (a) the allocation of office and hotel uses to the future “Tower 2”, (b) the growing demand for residential space in the area surrounding the WTC Site, and (c) the community’s express desire for more mixed-use development, especially affordable housing, in the area, the Proposed MGPP would allow residential, fitness, and community facility uses, in combination with retail use and significantly reduced office use, in a mixed-use building at the Development Site.

Pursuant to the Proposed MGPP made available for public comment, the GPP would have been amended as follows to permit a building to be developed on Site 5 with residential, fitness and community facility uses, in addition to commercial office space and retail uses:

- (i) a mixed-use building on the Development Site could be up to approximately 1.345 million square feet, inclusive of commercial and retail uses, with an up to approximately 1.1 million square-foot residential component, of which a minimum of 25 percent of the units would be permanently affordable housing units; a connection to Liberty Park; and a minimum of approximately 10,000 square feet of community facility space if any residential component is included;
- (ii) certain local zoning provisions would be overridden to facilitate a potentially taller mixed-use building with a greater overall floor area ratio, among other variances, than what existing Development Site zoning allows, subject to a set of design guidelines (the “**Mixed-Use Design Guidelines**”) that would constitute a significant component of the land use plan and controls for mixed-use development on Site 5; and
- (iii) potential future commercial-only development on Site 5 would continue to be permitted as contemplated in the existing GPP.

A preliminary draft set of the Mixed-Use Design Guidelines was made available with the Proposed MGPP for public review.

As set forth in Section V below, certain changes are proposed to be made to the Proposed MGPP.

III. ENVIRONMENTAL REVIEW

In June 2004, LMDC, serving as Lead Agency for environmental review pursuant to the National Environmental Policy Act (“**NEPA**”) and the New York State Environmental Quality Review Act (“**SEQRA**”), prepared and adopted a Final Generic Environmental Impact Statement (“**FGEIS**”) for the GPP, as reflected in the Record of Decision and Findings Statement adopted June 2, 2004. LMDC also adopted and affirmed the GPP. ESD consented to LMDC’s role as lead agency in 2003 and is an involved agency in the environmental review process. After 2004, design and engineering changes led to adjustments and refinements that were analyzed by LMDC in an

Environmental Assessment dated April 2005, a Technical Memo dated September 2005, an Environmental Assessment dated September 2006, and a Technical Memorandum in 2007. As the recipient of funding through the United States Housing and Urban Development Community Development Block Grant program, LMDC carries out its environmental review obligations pursuant to both NEPA and SEQRA. ESD, as an involved agency, must comply with SEQRA.

In an Environmental Assessment (the “**EA**”) made available to the public on November 17, 2021, LMDC, as the Lead Agency, assessed whether any new or substantially different significant adverse environmental impacts could result from the proposed modifications to the GPP and the possible development and operation of a Proposed Project. The EA analyzes potential adverse impacts of the Proposed MGPP and other proposed actions described therein (the “**Proposed Actions**”) in the following areas: land use, urban design, historic resources, open space, shadows, community facilities, socioeconomic conditions, neighborhood character, hazardous materials, water and sewer infrastructure and solid waste services, transportation, air quality, climate change, noise, coastal zone, natural resources, environmental justice, public health, construction and cumulative impacts.

Pursuant to 6 NYCRR 617.9(a)(7), the SEQRA lead agency may require a Supplemental Environmental Impact Statement if there is a potentially significant environmental impact not previously addressed or inadequately addressed in the FGEIS. The EA concludes that, when compared to the commercial office tower authorized by the GPP, the Proposed Actions would not result in any significant adverse environmental impacts not previously identified in the environmental review for the GPP and prior amendments and that a Supplemental Environmental Impact Statement is not required in connection with the Proposed Actions.

At the November 17, 2021 meeting, the LMDC Directors considered the EA, and confirmed that the EA met the requirements of NEPA and SEQRA and other applicable laws and regulations, and further adopted the Finding of No Significant Impact and a Determination of Non-Significance attached hereto as Exhibit A (the “**Lead Agency Findings**”) subject to public review and comment pursuant to NEPA. The Lead Agency Findings were made available to the public on November 17, 2021. Comments were accepted on the EA and Lead Agency Findings through February 15, 2022.

After review of the FGEIS, the EA, the Lead Agency Findings and the Final MGPP (as described below), inclusive of the response to oral and written comments, staff recommends that the Directors adopt a resolution affirming the Lead Agency Findings that a Supplemental Environmental Impact Statement is not required.

IV. PUBLIC HEARING AND WRITTEN COMMENTS RECEIVED

Pursuant to authorization granted by the Directors on November 17, 2021, ESD and LMDC held a duly noticed virtual public hearing on January 12, 2022 at which oral and written comments were received from the public. The purpose of the hearing was to: (1) inform the public about the Proposed MGPP; and (2) give all interested persons an opportunity to provide oral or written

statements and submit other documents concerning the Proposed MGPP, pursuant to Section 16 of the New York State Urban Development Corporation Act. Written comments on the Proposed MGPP, the EA and the Lead Agency Findings were accepted through February 15, 2022. A transcript of the hearing and copies of all written comments received are available on LMDC's website at <http://renewnyc.com/>. A Response to Comments on the Proposed MGPP, the EA and the Lead Agency Findings is attached hereto as Exhibit B.

A total of 85 commenters, including a number of elected officials and local community organizations, spoke at the public hearing and/or submitted comments in writing. There were nearly unanimously positive comments in favor of the addition of an option for residential use, an affordable housing component, and fitness and community facilities, including from elected officials and area residents. The New York City Planning Commission and the local Community Board recommended approval of an amendment to add this option to the GPP. Supporters generally cited the goal of a mixed-use/live-work neighborhood, as well as the need for more housing, including affordable housing, and for more community facilities in the neighborhood.

Some commenters expressed concerns about the proposed MGPP, the potential for environmental impacts, or the draft Mixed-Use Design Guidelines. These comments included proposing an increase in the amount of affordable housing on site of up to 100% of all units; proposing eligibility for affordable units, including income levels, local residency, and first responder status; proposing specific retail and community facility programming; requesting that the draft Mixed-Use Design Guidelines be revised to allow greater flexibility; and commenting on traffic and transportation; air quality; construction; climate change/resiliency; and the public review process, among other issues.

V. REVISED MGPP

After review of the oral and written comments on the Proposed MGPP, staff recommends that the Directors affirm the following uses in the Proposed MGPP:

- (i) a mixed-use building would be permitted on the Development Site of up to approximately 1.345 million square feet, inclusive of commercial and retail uses, with an up to approximately 1.1 million square-foot residential component, of which a minimum of 25 percent of the units would be permanently affordable housing units; a connection to Liberty Park; and a minimum of approximately 10,000 square feet of community facility space if any residential component is included; and
- (ii) potential future commercial-only development on Site 5 would continue to be permitted as contemplated in the GPP.

Staff further recommends that the override of local zoning for any mixed-use development on the Development Site be determined at a future date in connection with a specific proposal for a mixed-use building and brought to the Directors when such a proposal is presented and determined to be consistent with the EA (as it may be supplemented from time to time). The final

form of the revised amendment to the GPP as recommended by staff is attached hereto as Exhibit C (the “**Final MGPP**”).

The Final MGPP would permit greater flexibility in the mix of uses, and the new potential uses—residential, fitness, and community facilities—would support Lower Manhattan’s revitalization and the transition from a predominantly office district to a mixed-use neighborhood. Residential use would be in keeping with new residential development in the area and the many residential conversions that have occurred in nearby older office buildings, and would also reduce the total planned office space on the WTC Site. The requirement that a portion of the residential units be permanently affordable is in keeping with federal, state, and city policies promoting development of affordable housing, as well as expressed community priorities. Any override of local zoning would be developed and approved in connection with a specific project and would be consistent with the EA (as it may be supplemented from time to time). If an override of local zoning is proposed in connection with a specific project, a further amendment of the Final MGPP would be undertaken. That determination would be made by the Directors upon consideration of a specific proposal for a Proposed Project.

VI. MIXED-USE DESIGN GUIDELINES

ESD, LMDC, PANYNJ, and the Designated Developer will continue to work together to revise the draft Mixed-Use Design Guidelines, taking into account the oral and written comments, to ensure that any mixed-use development on the Development Site would reintegrate the site with the WTC Site and with the rest of Lower Manhattan, exemplify excellence in design, be consistent with the vision for the Development Site, and be compatible with the intent of the Final MGPP. Proposed Mixed-Use Design Guidelines would be developed and made available for public review at a future date in connection with a specific proposal for a Proposed Project.

VII. REQUESTED ACTIONS

The Directors are requested to: 1) affirm Lead Agency Findings pursuant to National Environmental Policy Act and New York State Environmental Quality Review Act; 2) affirm the General Project Plan as modified; and 3) authorize the taking of actions related to the foregoing.

VIII. RECOMMENDATION

Based on the foregoing, staff recommends approval of the requested actions.

IX. ATTACHMENTS

Resolutions

- Exhibit A: Lead Agency Findings
- Exhibit B: Response to Comments on Proposed MGPP, EA and Lead Agency Findings
- Exhibit C: Final MGPP
- Exhibit D: Final MGPP Marked Against November 17, 2021 Proposed MGPP

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Exhibit A

Lead Agency Findings

**FINDING OF NO SIGNIFICANT IMPACT AND
DETERMINATION OF NON-SIGNIFICANCE**

**PROPOSED MODIFICATIONS TO WORLD TRADE CENTER
MEMORIAL AND CULTURAL PROGRAM GENERAL PROJECT PLAN AND
WORLD TRADE CENTER MEMORIAL AND REDEVELOPMENT PLAN**

Project No.: HUD CDBG B-02-DW-36-0001 and HUD CDBG B-02-DW-36-0002 (World Trade Center Memorial and Cultural Program)

Date: November 17, 2021

This determination is issued pursuant to the National Environmental Policy Act of 1969 (NEPA) and the New York State Environmental Quality Review Act (SEQRA) and their respective implementing regulations.

The Lower Manhattan Development Corporation (LMDC), a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development (ESD) (a political subdivision and public benefit corporation of the State of New York), as lead agency, in cooperation with ESD, the United States Department of Housing and Urban Development (HUD) and the Port Authority of New York and New Jersey (Port Authority), has determined that the proposed modifications to World Trade Center Memorial and Cultural Program General Project Plan and World Trade Center Memorial and Redevelopment Plan (Proposed Amendment) will not, either individually or cumulatively, have a significant impact on the quality of the human environment or a significant adverse environmental impact not already analyzed and disclosed in the Final Generic Environmental Impact Statement (FGEIS) for the WTC Memorial and Redevelopment Plan (Approved Plan) released in April 2004 and the Record of Decision (ROD) published in June 2004. Therefore, a supplemental environmental impact statement will not be undertaken under NEPA or SEQRA.

Name of Action: Proposed Modifications to World Trade Center Memorial and Cultural Program General Project Plan and World Trade Center Memorial and Redevelopment Plan

SEQRA Status: The Approved Plan is a Type I Action

Conditioned Negative Declaration: No

Description of Action:

In April 2004, LMDC, acting as lead agency under NEPA and SEQRA prepared, in cooperation with HUD and the Port Authority, the FGEIS for the World Trade Center (WTC) Memorial and Redevelopment Plan. In June 2004, LMDC adopted its ROD for that Plan and affirmed the General Project Plan (GPP) for LMDC's WTC Memorial and Cultural Program. Implementation of the WTC Memorial and Redevelopment Plan began with a formal groundbreaking for the new 1 World Trade Center (Tower 1) on July 4, 2004. Since that time, there have been a number of

adjustments, refinements, and amendments made to the Redevelopment Plan and the GPP, as described below. The current Redevelopment Plan and GPP with such adjustments, refinements, and amendments are referred to as the Approved Plan and the GPP, respectively.

The Approved Plan provides that a tower consisting of commercial office space and retail (Tower 5) would occupy the development site bounded by Washington Street, Albany Street, Greenwich Street, and Liberty Park (the Development Site). The larger project site (Project Site), on which the Development Site is located, was formerly the Southern Site added to the WTC Site in 2003-2004.

The Proposed Amendment would modify the General Project Plan to expand the uses permitted in Tower 5 by also allowing residential use and community facilities, and contemplates transfer of the Development Site to ESD for long-term lease to a proposed developer of Tower 5.

Location:

Located in Lower Manhattan, the World Trade Center campus was expanded in 2004 pursuant to the World Trade Center Act to include the Southern Site south of Liberty Street (the WTC Site). The original WTC campus is bounded by Route 9A and Vesey, Church, and Liberty Streets. The Southern Site is immediately to the south, generally bounded by Liberty, Greenwich, Albany, Washington and Cedar Streets and Route 9A. The Southern Site includes those properties formerly known as 130 Liberty Street, 140 Liberty Street, and 155 Cedar Street. Also included in the Southern Site are Washington Street from the southern side of Cedar Street to the southern side of Liberty Street; Greenwich Street from the southern side of Liberty Street to the southern side of Cedar Street; and Cedar Street from the eastern side of Route 9A to the eastern side of Washington Street (including certain subsurface areas extending 50'5" south of Cedar Street).

Reasons Supporting This Finding And Determination:

An EA for the Proposed Amendment has been prepared by LMDC, as lead agency, in cooperation with ESD, HUD and the Port Authority.

The EA considers the environmental effects of the Proposed Amendment with respect to the findings presented in the ROD for the Approved Plan.

Potential impacts during the construction and operational phase of the project were analyzed in the following areas: land use, urban design, historic resources, open space, shadows, community facilities; socioeconomic conditions, neighborhood character, hazardous materials, water and sewer infrastructure and solid waste services, transportation, air quality, climate change, noise, coastal zone, natural resources, environmental justice, public health, construction and cumulative impacts. The Proposed Amendment would have no potential to affect conclusions and analysis of the FGEIS and ROD during the construction or operational phase.

Based on the EA, LMDC has determined that the Proposed Amendment will not, either individually or cumulatively, have a significant impact on the quality of the human environment or a significant adverse environmental impact not already analyzed and disclosed in the FGEIS

for the Approved Plan. A full statement of the reasons supporting this determination is set forth in the EA.

For Further Information:

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Exhibit B

Response to Comments on Proposed MGPP, EA and Lead Agency Findings

Proposed Amendment to the World Trade Center (WTC) Memorial and Cultural Program General Project Plan and the WTC Memorial and Redevelopment Plan—Response to Comments

A. INTRODUCTION

This document summarizes and responds to comments received on the proposed amendment (Proposed Amendment) to the World Trade Center (WTC) Memorial and Cultural Program General Project Plan (GPP) and WTC Memorial and Redevelopment Plan (collectively, the Approved Plan) by LMDC, and on ESD’s proposed adoption of the Approved Plan as amended by the Proposed Modification to the GPP (MGPP).

Lower Manhattan Development Corporation (LMDC), a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development (ESD), as lead agency, made available to the public an Environmental Assessment (EA) issued on November 17, 2021. The present EA serves the purpose of informing the agencies as to whether the Proposed Amendment would result in any new or undisclosed significant adverse environmental impacts that were not previously disclosed in the 2004 Final Generic Environmental Impact Statement (FGEIS) and their decision as to whether a supplemental Environmental Impact Statement (EIS) is required. Specifically, the proposed option of a mixed-use tower is compared to the purely commercial tower provided for in the Approved Plan. The EA concluded that the Proposed Amendment would not result in any significant adverse impacts not disclosed in the 2004 FGEIS. Based on the EA, LMDC determined that a supplemental environmental impact statement is not required under National Environmental Policy Act (NEPA) or the New York State Environmental Quality Review Act (SEQRA) and issued a Finding of No Significant Impact and Determination of Non-Significance (Findings), made available to the public on November 17, 2021. This document also summarizes and responds to comments received on the EA and Findings.

A joint public hearing (Public Hearing) on the GPP, open to all persons, was held on Wednesday, January 12, 2022 from 5 p.m. until 8 p.m. by LMDC and ESD pursuant to the Urban Development Corporation Act.

The public comment period remained open until 5:00 PM on February 15, 2022.

Section B lists the organizations and individuals that provided comments relevant to the Proposed Amendment. Section C summarizes comments and responds to each comment. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. A transcript of the public hearing is provided on LMDC's website:

<http://www.renewnyc.com/attachments/content/meetings/Transcripts%20-%20Public%20Hearing%2001%2012%2022%20WTC5.pdf>

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED

COMMUNITY BOARDS

1. Manhattan Community Board 1, Land Use, Zoning & Economic Development Subcommittee, letter dated January 25, 2022 (CB1_095)
2. Manhattan Community Board 1, Youth and Education Subcommittee, letter dated January 25, 2022 (CB1_100)
3. Manhattan Community Board 1, Quality of Life and Service Delivery Subcommittee, letter dated January 25, 2022 (CB1_101)
4. Manhattan Community Board 1, Environmental Protection Subcommittee, letter and resolution dated January 25, 2022 (CB1_102)
5. Mariama James, Manhattan Community Board 1, oral testimony delivered January 12, 2022 (James_055) and email dated February 10, 2022 (James_088)

AGENCIES AND ELECTED OFFICIALS

6. Mark Austin, Team Lead, Environmental Review Team, United States Environmental Protection Agency, letter dated February 15, 2022 (Austin_062)
7. Daniel Garodnick, Chair, New York City Planning Commission, letter dated February 14, 2022 (Garodnick_077)
8. Deborah Glick, New York State Assembly, letter dated February 10, 2022 (Glick_066)
9. Brian Kavanagh, New York State Senate, letter dated January 12, 2022 (Kavanagh et al_006) and oral testimony delivered January 12, 2022 (Kavanagh et al_096)
10. Mark Levine, Manhattan Borough President, letter dated January 12, 2022 (Kavanagh et al_006) and oral testimony delivered January 12, 2022 (Kavanagh et al_096)
11. Christopher Marte, Council Member of District 1, oral testimony delivered January 12, 2022 (Marte_025)
12. Jerrold Nadler, United States House of Representatives, letter dated January 12, 2022 (Kavanagh et al_006) and oral testimony delivered January 12, 2022 (Kavanagh et al_096)
13. Yuh-Line Niou, New York State Assembly, letter dated January 12, 2022 (Kavanagh et al_006) and oral testimony delivered January 12, 2022 (Kavanagh et al_096, Niou_024)

ORGANIZATIONS AND BUSINESSES

14. Isaac-Daniel Astrachan, Downtown United Soccer Club, letter dated February 15, 2022 (Ninomiya et al_068)
15. Taylor Banning, 100% Affordable 5 WTC, oral testimony delivered January 12, 2022 (Banning_031)
16. Mike Barbieri, Downtown Giants, letter dated February 15, 2022 (Ninomiya et al_068)
17. Citygroup, email dated February 15, 2022 (Citygroup_076)
18. Justine Cuccia, 100% Affordable 5 WTC, oral testimony delivered January 12, 2022 (Cuccia_052)
19. Carin Ehrenberg, P3, letter dated February 15, 2022 (Ninomiya et al_068)
20. Vittoria M. Fariello, 100% Affordable 5 World Trade Center, oral testimony delivered January 12, 2022 (Fariello_026) and email dated February 14, 2022 (Fariello_094)
21. Todd Fine, 100% Affordable 5 WTC, oral testimony delivered January 12, 2022 (Fine_048)
22. Jacqui Getz, 75 Morton, letter dated February 15, 2022 (Ninomiya et al_068)

Response to Comments on Proposed MGPP, EA, and Lead Agency Findings

23. Nicholas Kemper, New York Review of Architecture, oral testimony delivered January 12, 2022 (Kemper_056)
24. Leslie Koch, Ronald O. Perelman Performing Arts Center, oral testimony delivered January 12, 2022 (Koch_027)
25. Jessica Lappin, President, Alliance for Downtown New York, oral testimony notes delivered January 12, 2022 (Lappin_011) and oral testimony delivered January 12, 2022 (Lappin_028)
26. Richard G. Leland, Club Quarters World Trade Center, oral testimony delivered January 12, 2022 (Leland_041) and letter dated February 14, 2022 (Leland_061)
27. Peter Marino, Greenwich Village Little League, letter dated February 15, 2022 (Ninomiya et al_068)
28. Eileen Montague, Downtown Soccer League, letter dated February 15, 2022 (Ninomiya et al_068)
29. Shireen Reddy & Mori Ninomiya, Downtown Little League, letter dated February 15, 2022 (Ninomiya et al_068)
30. PFNYC, Partnership for New York City, oral testimony notes delivered January 12, 2022 (PFNYC_010)
31. Michael Robinson Cohen, Architectural Collective Group, oral testimony delivered January 12, 2022 (Robinson Cohen_053)
32. Charlie Samboy, New York Building Congress, oral testimony delivered January 12, 2022 (Samboy_044)
33. Cindy Sirko, Gotham Girls, letter dated February 15, 2022 (Ninomiya et al_068)
34. William Smith, District Leader, Executive Part D, New York County Democratic Committee, 68th District, letter dated February 11, 2022 (Smith_080)
35. Reggie Thomas, Real Estate Board of New York, oral testimony delivered January 12, 2022 (Thomas_045)
36. Bob Townley, Founder and Executive Director, Manhattan Youth, letter dated February 4, 2022 (Townley_022)

GENERAL PUBLIC

37. Alexis Adler, email dated February 11, 2022 (Adler_065)
38. Alessandra Maria Armetrano, email dated January 20, 2022 (Armetrano_014)
39. Erica Baum, email dated January 21, 2022 (Baum_017)
40. Catherine Bernstein, email dated February 14, 2022 (Bernstein_067)
41. Maryanne P. Braverman, email dated February 3, 2022 (Braverman_023)
42. John Brindisi, email dated February 15, 2022 (Brindisi_084)
43. Sarah Cassell, oral testimony delivered January 12, 2022 (Cassell_051) and email dated February 10, 2022 (Cassell_091)
44. Jenny Chao, oral testimony delivered January 12, 2022 (Chao_032)
45. Sheri Clemons, email dated February 11, 2022 (Clemons_103)
46. Luisa Colon, oral testimony delivered January 12, 2022 (Colon_035)
47. Alec Cuccia, emails dated January 8, 2022 (Cuccia_001) and January 12, 2022 (Cuccia_002) and oral testimony delivered January 12, 2022 (Cuccia_054)
48. Danielle Cyr, email dated February 10, 2022 (Cyr_078)
49. Maggie Dallal, oral testimony delivered January 12, 2022 (Dallal_059)
50. Margo DeAngelo, email dated January 17, 2022 (DeAngelo_013)
51. Gerald Forsburg, oral testimony delivered January 12, 2022 (Forsburg_060) and email dated February 15, 2022 (Forsburg_083)
52. Jill Goodkind, oral testimony delivered January 12, 2022 (Goodkind_040)

53. Joanne Gorman, email dated January 15, 2022 (Gorman_012)
54. Anna Harsanyi, email dated January 24, 2022 (Harsanyi_015)
55. Paul Haug, email dated February 10, 2022 (Haug_064)
56. Emily Hellstrom, oral testimony delivered January 12, 2022 (Hellstrom_049)
57. Victoria Hillstrom, oral testimony delivered January 12, 2022 (Hillstrom_043)
58. Rob Hollander, email dated January 26, 2022 (Hollander_018)
59. Finley Hunt, emails dated January 12, 2022 (Hunt_004) and February 11, 2022 (Hunt_082), and oral testimony delivered January 12, 2022 (Hunt_057)
60. Cindy Hwang, email dated January 21, 2022 (Hwang_016)
61. Matt Kapp, oral testimony delivered January 12, 2022 (Kapp_042)
62. Carol Lamberg, email dated January 7, 2022 (Lamberg_003) and oral testimony delivered January 12, 2022 (Lamberg_036)
63. Grace Lee, oral testimony delivered January 12, 2022 (Lee_029)
64. Mike Lemme, email dated February 10, 2022 (Lemme_089)
65. Mike Marcucci, oral testimony delivered January 12, 2022 (Marcucci_034)
66. Robert Marcucci, oral testimony delivered January 12, 2022 (Marcucci_038)
67. Adam Meister, oral testimony delivered January 12, 2022 (Meister_030)
68. Mark Murphy, oral testimony delivered January 12, 2022 (Murphy_046)
69. Ryan Oskin, email dated January 24, 2022 (Oskin_019)
70. Tuan Quoc Pham, email dated January 21, 2022 (Pham_020)
71. Mackenzie Pope, email dated February 11, 2022 (Pope_087)
72. Esther Regelson, oral testimony delivered January 12, 2022 (Regelson_058)
73. Linda Roche, oral testimony delivered January 12, 2022 (Roche_039)
74. Felice Rosser, email dated February 11, 2022 (Rosser_081)
75. Sheila Rossi, email dated February 10, 2022 (Rossi_092)
76. Denny Salas, email dated February 10, 2022 (Salas_079)
77. Kathy Slawinski, email dated February 10, 2022 (Slawinski_085)
78. Adrienne “Andi” Sosin, oral testimony delivered January 12, 2022 (Sosin_050)
79. David Stanke, oral testimony delivered January 12, 2022 (Stanke_047)
80. Lora Tenenbaum, email dated February 15, 2022 (Tenenbaum_086)
81. Vanessa Thill, email dated January 22, 2022 (Thill_021)
82. Tiffany Winbush, email dated February 15, 2022 (Winbush_093)
83. Briar Winters, email dated February 10, 2022 (Winters_063)
84. Ronnie Wolf, emails dated January 7, 2022 (Wolf_005) and February 10, 2022 (Wolf_090)
85. Joe Woolhead, oral testimony delivered January 12, 2022 (Woolhead_037)

C. COMMENTS AND RESPONSES

GENERAL COMMENTS

RESIDENTIAL USE

Comment 1: The New York City Planning Commission (CPC) supports the overarching goals of the WTC GPP to appropriately develop the various sites and is pleased to see efforts continue to progress. CPC believes that expanding the uses that are permitted on Site 5 to include the development option of a mixed-use tower with residential and community facility uses is appropriate. (Garodnick_077)

Response to Comments on Proposed MGPP, EA, and Lead Agency Findings

Response: Comment noted.

Comment 2: The Downtown Alliance has long advocated for the development of Lower Manhattan into a true mixed-use district. The residential and retail uses being proposed at Site 5 are consistent with the broader planning principles that have guided Lower Manhattan’s two-decade-long recovery from the Sept. 11th attacks. Bringing new residents into the area is more important now than ever before to provide a larger consistent customer base for our local retailers and restaurants. The Partnership for New York City represents private sector employers of more than one million New Yorkers. A mixed-use development allows for the flexibility needed as the city’s economy shifts. In the 20th Century, few would have predicted that Lower Manhattan would become one of the fastest growing residential communities in the city. Today, as a result of the COVID-19 pandemic, there is a need to rethink zoning and land use to conform to evolving lifestyle choices. The proposed amendments to the World Trade Center plan reflect a positive response to accommodate these changes. We urge you to approve the proposed amendment. (PFNYC_010)

Importance of around-the-clock activity to WTC recognized, resulted in inclusion of PAC, and supports residential component (Koch_027);

Support residential development (Kapp_042);

Support market-rate housing, that generates profits and helps restore financial stability of Port Authority, and design that has consistent look and feel to rest of the WTC (Stanke_047)

CB1 supports a mixed-use development rather than the originally proposed commercial building. (CB1_102)

Response: Comment noted.

Comment 3: I support residential use on Site 5 (Armetrano_014, Baum_017, Cuccia_002, Harsanyi_015, Hollander_018, Hunt_004, Hwang_016, Oskin_019, Pham_020, Thill_021).

Response: Comment noted.

AFFORDABLE HOUSING

Comment 4: The CPC encourages the State, City, and other stakeholders to continue to work together on the amount of affordable housing, the zoning waivers, business terms, and overall design guidelines of Site 5. CPC acknowledges that the proposed inclusion of permanently affordable new housing on this site is crucial to the equitable and sustainable growth of the City and supports effort to deliver that goal. (Garodnick_077)

Response: Comment noted.

Comment 5: Unfortunately, far too little affordable housing has been built in Lower Manhattan. While over 21,000 housing units have been built in the district since 2000, only 552 have been affordable. The current proposal for Site 5 would deliver five times the number of affordable homes produced across all of Lower Manhattan in a typical year and do it without public subsidy and with deep, permanent affordability. We urge the state to work with the development team to increase and maximize the amount of affordable units in the project. (Lappin_011, Meister_030, Colon_035)

Project will deliver much-needed permanently affordable units. (Meister_030, Chao_032, Samboy_044 Thomas_045)

100 percent affordable demand is not realistic. (Chao_032)

Response: Comment noted.

Comment 6: We believe that a mixed-use residential tower at this site would be an appropriate addition to the Lower Manhattan community, most especially to the extent it provides for affordable housing. 25% affordable housing is simply not enough, especially for a community that has been losing affordability at an alarming rate for many years. The agencies should make every effort to reach maximum affordability at the site. (Kavanagh et al_006)

Development at Site 5 should be at least 50% affordable. (Haug_064)

The affordable units at Site 5 should be targeted to survivors and rescue workers, so they can stay in the area. (Cassell_051, Fariello_094)

9/11 survivors are in CB3 as well and their incomes should be considered. (James_055)

Please give the working-class people a chance to live somewhere nice. (Rosser_081)

Site 5 development should be truly affordable units. We don't need more luxury towers. Any little bit of affordable housing is welcome. (Slawinski_085)

The proposed building should provide 100 percent affordable housing. It would provide economic diversity downtown and provide first responders and essential workers with an affordable place to live. There is a shortage of affordable housing in New York City. As public land, this site should maximize public benefit, and there is a desperate need for affordable housing in this part of Lower Manhattan. The immediate neighborhood has become one of the most expensive and most segregated parts of New York City. The city and the state's focus on subsidizing luxury housing after September 11, 2001 contributed to these unfortunate trends. (Adler_065, Armetrano_014, Banning_031, Baum_017, Bernstein_067,

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Braverman_023, Brindisi_084, CB1_095, CB1_101, Cassell_091, Citygroup_076, Clemons_103, Cuccia_001, Cuccia_002, Cuccia_052, Cuccia_054, Cyr_078, Dallal_059, DeAngelo_013, Fariello_026, Fariello_094, Fine_048, Forsburg_083, Goodkind_040, Gorman_012, Harsanyi_015, Hellstrom_049, Hillstrom_043, Hollander_018, Hunt_004, Hunt_057, Hunt_082, Hwang_016, James_055, James_088, Kemper_056, Lamberg_003, Lee_029, Lemme_089, Marte_025, Oskin_019, Pope_087, Pham_020, Regelson_058, Robinson_Cohen_053, Roche_039, Rossi_092, Salas_079, Smith_080, Sosin_050, Tenenbaum_086, Thill_021, Winbush_093, Winters_063, Wolf_005, Wolf_090)

The housing market is void of affordable housing and more affordable units will be needed when 5 and 6 story apartment buildings are demolished as a result of the SoHo NoHo Chinatown approved Plan. (Wolf_005)

Affordability criteria result in segregation on public land inconsistent with Civil Rights Act of 1965. (James_055)

LMDC should explore all options and create a residential plan that includes 100 percent of the units are affordable with a range from the deepest through moderate/middle incomes. (CB1_101)

Response:

The WTC Site 5 RFP, which was issued in June 2019, required that any mixed-use proposal comply with the affordability levels of the NYC Mandatory Inclusionary Housing (MIH) program through one of the MIH options available in Lower Manhattan, which requires 20 to 30 percent affordable units at an average of 40 to 80 percent of Area Median Income (AMI). In February 2021, after a competitive process, a development team was conditionally designated with a proposed project that would provide approximately 1,200 residential units and 25 percent of the units, approximately 300 units, would be permanently affordable to households making an average of 50 percent of AMI. This AMI level results in a deeper level of affordability than would be required by the comparable program under Mandatory Inclusionary Housing.

The proposed modifications to the General Project Plan require a minimum of 25 percent of the units developed in a mixed-use tower on Site 5 be permanently affordable.

The comments regarding increased affordability are noted and the Project Team will continue to engage in discussions about the affordability requirements for the Proposed Project.

RETAIL USE

Comment 7:

One of the earliest goals embraced by the WTC planning process was reconnecting the campus to the surrounding community. By adding much needed retail to Greenwich Street the proposed Site 5 project would substantially improve

the pedestrian environment in the area south of the World Trade Center and would finally realize the goal of fully restoring Greenwich Street as an attractive and pedestrian-friendly corridor. (Lappin_011)

Response: Comment noted.

Comment 8: There is currently 12,000 gsf for retail in the maximum residential option. As the neighborhood continues to become more residential, we ask that you prioritize community-gear retail spaces, including potential options such as a grocery store or pharmacy. (Glick_066, Kavanagh et al_006)

More affordable local retail (such as grocery store use) is needed. (CB1_095)

Response: Comment noted.

COMMUNITY FACILITIES

Comment 9: Community District 1 needs an increase in civic infrastructure such as community-based facilities, amenities, senior facilities and accessible healthcare providers. This need is already critical and will only increase with the new residents associated with Site 5 development. (CB1_095)

Response: Comment noted.

Comment 10: The design guidelines lay out the gsf distribution for potential scenarios envisioned for the mixed-use tower. In the maximum residential option, there is currently 36,000 gsf for a fitness and social center, and 13,000 gsf for a community facility. This neighborhood currently lacks sufficient public community spaces, especially dedicated senior spaces and recreational areas for students and children. Given that this will be a large residential building that is located in an increasingly mixed-use neighborhood, we hope to see increased community space to the extent feasible. (Kavanagh et al_006)

Our neighborhood needs a community facility; part senior center, part gymnasium for the schools. (Cuccia_052)

The GPP should be modified to increase the size of the community facility space. Uses should prioritize space for children and seniors. The design should include a larger community facility space that could integrate gymnasium space. (CD1_095)

The project should include a field house and full size regulation gym to accommodate the growing population. (CB1_100)

Response: Community facilities are analyzed in Chapter 7 of the EA, which concluded that the Proposed Amendment does not displace any community facility; does not affect the physical operation of, or access to/from, any community facility; and would not result in any significant adverse impact on community facilities.

Response to Comments on Proposed MGPP, EA, and Lead Agency Findings

Nevertheless, the Proposed Amendment will require a minimum of 10,000 square feet of community facility space. The Project Team is committed to hosting charettes and conducting a needs assessment to identify suitable programming options for the community facility.

Comment 11: If requests are being made to override all sorts of zoning regulations put in place to protect the character of the neighborhood, much should be given back to benefit the community. The fitness and social center should offer half price discounts to anyone who lives in the district. (DeAngelo_013, Lamberg_003)

Response: Comment noted.

Comment 12: When 5 World Trade was in the bidding stage, one group of developers approached us and the downtown sports leagues with a unique idea. These developers suggested a “60,000 square foot recreation center” could be accommodated at 5 World Trade. We of course loved the idea, as active sports in Lower Manhattan are difficult. Our schools are built without gyms and our one real sports field in Battery Park City is at capacity. Putting in a field house/gym complex at 5 World Trade Center would meet future planning needs for the next ten years as Lower Manhattan’s residential and youth population grows. Physical activities are important for the development of young people. 5 World Trade Center is not the only place for a large-scale facility; however, there are not many other choices. (Ninomiya et al_068, Townley_022)

Response: Comment noted.

MIXED-USE DESIGN GUIDELINES

Comment 13: The proposed amendment to the GPP includes mixed-use design guidelines that, as currently drafted, are too restrictive and not sufficiently conducive to increasing affordability at the site. The guidelines currently include language that mandates aspects of the building to a specific design and may not provide enough flexibility to maximize the number of affordable units by making adjustments to lower construction or operating costs. The mixed-use design guidelines should be revised to be more permissive in the variety of design options that may be considered and allow for the greatest flexibility possible when it is in the service of maximizing affordability. A meeting with community stakeholders should be scheduled to discuss and revise the guidelines prior to approval. (Glick_066, Kavanagh et al_006, Niou_024, Goodkind_040)

The mixed-use design guidelines should be amended to change all “shall” provisions to “may” provisions, so that they operate as actual “guidelines” rather than locking in design requirements that are prohibitive towards maximizing affordable housing and community uses. More clarity on and prioritization of outdoor plaza space, seating, trees, sidewalks, roof usage, and farmers markets

that service the residential community, as well as building resiliency and green infrastructure (including bird safe glass and design measures) should be provided. The guidelines should also require that building and surrounding areas are 100 percent compliant with the Americans with Disabilities Act (ADA). (CB1_095)

The “mixed-use design guidelines” proposed as part of this modification of the General Project Plan make it more difficult for an affordable tower to be built at the site. They require expensive materials and a very particular building envelope. They should be withdrawn or remade. (Armetrano_014, Baum_017, Bernstein_067, Clemons_103, Cuccia_002, Cyr_078, Fariello_026, Fariello_094, Fine_048, Forsburg_060, Harsanyi_015, Haug_064, Hollander_018, Hunt_004, Hwang_016, Lamberg_036, Marte_025, Niou_024, Oskin_019, Pope_087, Pham_020, Rossi_092, Smith_080, Tenenbaum_086, Thill_021, Winbush_093, Winters_063)

Design guidelines are inconsistent with Libeskind plan. (Fine_048)

Response: The proposed Mixed-Use Design Guidelines (MUDGs) are not part of the GPP or EA. However, the MGPP requires them to be put in place for any mixed-use development. In response to comments and requests from the community and local elected officials, the MUDGs have been withdrawn and will undergo revision in connection with a developer’s proposal for a mixed-use building. The revised draft MUDGs will voluntarily be disseminated in a future public review process, including presentation to the LMDC and ESD Boards of Directors, a public hearing, and public comment period.

Resiliency measures are described in Chapter 14 (Climate Change) and Chapter 17 (Coastal Zone Consistency, Policy 4.7).

Bird safe glass, design and construction measures are set forth in EA Chapter 16 (Coastal Zone Consistency) and Chapter 17 (Natural Resources) (*e.g.*, pp. 17-5 – 17-7) and would also comply with the New York City building code requirements for the use of “bird friendly materials.”

MISCELLANEOUS COMMENTS

Comment 14: I support the project. (Chao_032, Colon_035, Kapp_042, Koch_027, Lappin_028, Marcucci_034, Marcucci_038, Meister_030, Murphy_046, Samboy_044, Stanke_047, Thomas_045, Woolhead_037)

The Project will bring jobs to the area. (Lappin_028, Marcucci_038, Samboy_044, Thomas_045, Murphy_046, Chao_032)

The New York Building Congress is comprised of more than 550 organizations and 250,000 skilled professionals across the building industry. The Building Congress supports the need for investing in construction and projects and policies that fuel the city and state’s economies. Building is one of the best ways to get out of the economic crisis, accelerating our recovery and employ thousands of

workers. Developing sorely-needed affordable housing in a sustainable and energy-efficient way while providing community facilities will complement the World Trade Center campus and the broader neighborhood tremendously. All of this can be achieved through this revised GPP. (Samboy_044)

Response: Comments noted.

COMMENTS ON THE ENVIRONMENTAL ASESMENT (EA)

Comment 15: While I agree that the General Project Plan of the World Trade Center should be changed to allow for a residential building, there also are many adverse socioeconomic and environmental impacts of the current plan that should have been noted in the environmental impact determination. The determination appears to go out of its way to not engage seriously with the effects of luxury residential towers. (Armetrano_014, Baum_017, Clemons_103, Cuccia_002, Harsanyi_015, Hollander_018, Hunt_004, Hwang_016, Oskin_019, Pham_020, Thill_021)

Response: Consistent with LMDC and ESD practices, for the environmental analyses undertaken to evaluate the effects of the Proposed Amendment pursuant to SEQRA, the 2020 *New York City Environmental Quality Review (CEQR) Technical Manual* generally serves as a guide with respect to environmental analysis methodologies and impact criteria for projects in New York City. All potential significant environmental impacts of the Proposed Amendment have been considered. Further, an assessment of socioeconomic impacts focusing on Indirect Residential Displacement due to increased rents is provided in Chapter 8, “Socioeconomic Conditions.” Other areas of socioeconomic analysis including Direct Residential Displacement, Direct Business Displacement, Indirect Business Displacement, and Adverse Impacts on Specific Industries were subject to review in accordance *CEQR Technical Manual* guidance, which indicated that further review was not warranted. In sum, the Proposed Amendment would not have direct or indirect, significant adverse socioeconomic impacts. Conversely, the Proposed Amendment to the GPP will have a positive impact through the construction of affordable housing and other community benefits.

Comment 16: The 2005 EA is not available on the LMDC website. In addition, after 18 years, the community must have assurance that all environmental impacts have been carefully considered and incorporated into the current plans for Site 5. NEPA and SEQRA quantitative guidelines are inherently limiting and do not capture the actual, comprehensive impact to a community. Request for more clarity on studies conducted and updated information incorporated into EA (CB1_102)

Response: The 2005 project refinements are described at p. 1-2 of the EA for the Proposed Amendment, and reflected in the Approved Plan and GPP, and the 2005 EA is available on request. Much like the present EA (available for review on LMDC and ESD websites), the 2005 EA was prepared by LMDC to address project

refinements at that time and any potential for significant adverse impacts different from those addressed in the 2004 FGEIS. Findings and mitigation in the 2004 FGEIS are incorporated by reference; updated information is described in each substantive area of analysis; and data and analysis from other Lower Manhattan environmental reviews are also incorporated by reference. This is consistent with NEPA regulations, *e.g.*, 40 CFR 1500.4 (reducing paperwork) (*e.g.*, discussing only briefly issues other than significant ones), and 40 CFR 1501.12 (incorporation by reference).

URBAN DESIGN AND VISUAL RESOURCES

Comment 17: Light up signage is not appropriate facing the outside of the building. We do not need light pollution. (DeAngelo_013, Lamberg_003)

Response: The proposed MUDGs and/or the existing Retail and Signage Provisions of the Commercial Design Guidelines will impose parameters around the illumination of various forms of signage at Site 5, including the prohibition of exposed neon, flashing lights, and projected images on sidewalks and public spaces.

SHADOWS

Comment 18: CB1 is concerned about the impacts of shadows from the proposed building on Site 5. (CB1_102)

Response: The EA contains a detailed shadow analysis in Chapter 6. “Shadows.” Tower 5 with the Proposed Amendment would be similar in scale to the previously-approved office tower, but would be approximately 126 feet taller. The bulk form of the proposed residential Tower 5 would be more slender than the commercial tower with floor plates of the maximum square footage. The shadow study showed that these differences in height and bulk configuration would generally result in incremental shadow from the top 126 feet of the proposed residential tower and small areas of reduced shadow compared to the bulkier office tower, mostly occurring when shadows fall west in the morning or east in the afternoon. Overall, given that the residential tower would replace a commercial tower of approximately the same size, no significant additional shadow impacts are anticipated as summarized in the EA.

COMMUNITY FACILITIES

Comment 19: We are very much in need of school classroom space in our community. There should be significant space dedicated to a large school with top of the line ventilation and room for children to physically distance. The landlords should pay for crossing guards to keep the children safe entering and exiting the school. (DeAngelo_013, Lamberg_003)

Additional residents from the proposed project will impact schools. Further discussion is needed on impacts and mitigation. (CD1_102)

Response: As described in EA Chapter 7, “Community Facilities and Services,” the Proposed Amendment would not result in a significant adverse impact on schools or school capacity. The Proposed Amendment would not require a school to be constructed as part of the project; therefore, crossing guards would not be required.

The EA includes an analysis of the potential effects of the new residential population on elementary and middle schools in Chapter 7, “Community Facilities and Services.” It does so by comparing the impact of the Approved Plan (which does not include residences) to the impact of the Proposed Project. Once filled, the new building would potentially add some additional children to local schools. Under the Proposed Amendment, elementary schools would operate at 91.6 percent utilization with a surplus of 327 seats; this would represent an increase of 1.23 percentage points over the Approved Plan. In accordance with CEQR *Technical Manual* guidance, because (1) utilization with the Proposed Project would be below 100 percent and (2) the Proposed Project would not result in a collective utilization rate increase of more than 5 percentage points over the Approved Plan, the Proposed Amendment would not result in a significant adverse impact to elementary schools. For middle schools, the total intermediate school enrollment of Subdistrict 2/CSD 2 would increase to 2,363 students (135.1 percent utilization) with a deficit of 614 seats; this would represent an increase of 0.80 percentage points over the Approved Plan. Although utilization would remain over 100 percent, the Proposed Project would add a total of 14 new intermediate school students to the four intermediate schools serving the Subdistrict and would not result in a collective utilization rate increase of more than five-percentage-points. Therefore, the Proposed Amendment would not result in a significant adverse impact to intermediate schools.

SOCIOECONOMIC CONDITIONS

Comment 20: The “actual comprehensive” range of social and economic impacts are not captured by NEPA and SEQRA quantitative guidelines. Further discussion and consideration is required. (CB1_102)

Response: An assessment of socioeconomic impacts focusing on Indirect Residential Displacement due to increased rents is provided in Chapter 8, “Socioeconomic Conditions.” Other areas of socioeconomic analysis including Direct Residential Displacement, Direct Business Displacement, Indirect Business Displacement, and Adverse Impacts on Specific Industries were also assessed following CEQR *Technical Manual* guidance, and it was determined that no significant adverse impacts would be expected to occur with the Proposed Amendment. The analysis of socioeconomic impacts is qualitative as well as quantitative.

TRANSPORTATION

Comment 21: A left turn lane on West Street (Route 9A) onto Albany Street would substantially improve traffic conditions in Battery Park City and would make vehicle access to the new Site 5 project much easier. (Lappin_011)

Response: Changes to traffic operations at this location are beyond the scope of the Proposed Amendment. Moreover, the EA does not project any new significant adverse impacts on traffic at this location in comparison to the Approved Plan.

Comment 22: Additional residents from the proposed project will result in impacts to subways, streets, and sidewalks. There are major traffic implications associated with the proposed project; the proposed development will generate new vehicular, pedestrian, and bicycle trips. Further discussion is needed on impacts and mitigation. (CB1_102)

Response: The Proposed Amendment would not result in significant adverse impacts on traffic or transit. As presented in **Table 12-6**, “Trip Generation Summary: Net Incremental Trips – Reduced Residential Program” in Chapter 12, “Transportation,” the Proposed Project would result in fewer trips than the Approved Plan (*i.e.*, commercial office tower) during the weekday AM and PM peak hours on subways. Similarly, for pedestrian and vehicular trips that would traverse the area’s streets, there would be large reductions during weekday AM, midday, and PM peak hours as compared to the Approved Plan. For circumstances where the Proposed Project would generate slightly more trips than the Approved Plan, *i.e.*, weekday midday and Saturday peak hour subway and PATH trips, and Saturday peak hour autos, the anticipated number of additional trips would not exceed the *CEQR Technical Manual’s* threshold above which potentially significant environmental impacts could occur or further study would be required. Therefore, further analysis is not warranted and there would not be potential for additional significant adverse transportation impacts or need for additional mitigation as compared to the Approved Plan.

Comment 23: Club Quarters World Trade Center and World Center Hotel are located at 144 Washington Street (Tax Block 56, Tax Lot 1) across the street from Site 5 of the WTC. The hotels have served as a stabilizing presence and contributed to the ongoing efforts to revitalize Lower Manhattan. The entrances to the hotels, which have a total of 421 rooms, were initially planned to be on Cedar Street, but due to the placement of a retaining wall for Liberty Park and the siting of the vehicular security center below the park, the entrances were moved to Washington Street, directly across from the proposed placement of a loading dock curb cut for Site 5. The hotels are concerned about the placement of the Tower 5 loading dock in close proximity to the hotels’ entrances. The loading dock placement creates the potential for safety issues and conflicts between trucks moving in and out of a

loading dock and cars, taxis, and pedestrians entering the hotels. The hotels are also concerned about potential noise impacts to its guests caused by truck movements. These concerns do not appear to have been adequately addressed in the Environmental Assessment and require further analysis. Analysis and consideration of alternative locations for the loading dock should be provided. LMDC should conduct and make available for public review and comment, a supplemental EA, which includes a detailed analysis of vehicular traffic, vehicular and pedestrian safety, and noise in order to determine the effects on the surrounding area. (Leland_061)

We encourage ESD to work with the developers to plan appropriately for managing access to the site, both during and after construction with deliveries, waste management, and how it's all going to function long-term. (Lappin_028)

Response:

The conditionally designated developers have designed the site to accommodate all deliveries within the building footprint, either using the off-street loading dock on Washington Street or the porte cochere between Washington and Greenwich Streets. They have conducted tests of truck turns for the expected truck types to be permitted to use the loading dock on Washington Street, and the typical truck type is expected to be able to back into the loading dock or pull out forward in one motion without encroachment onto the west sidewalk of Washington Street or blocking vehicular traffic for extended periods of time. Furthermore, the loading dock manager will be stationed on-site to ensure the safety of pedestrians on the east sidewalk of Washington Street while trucks are backing in or pulling out of the loading dock. Under the Approved Plan, a loading dock with multiple truck berths likely would have been built in the same location, therefore a supplemental detailed analysis of vehicular traffic, vehicular and pedestrian safety, and noise is not warranted. As presented in **Table 12-6**, "Trip Generation Summary: Net Incremental Trips – Reduced Residential Program" in EA Chapter 12, "Transportation," the Proposed Project would result in fewer delivery trips than the Approved Plan (*i.e.*, commercial office tower) during the weekday AM, midday, and PM peak hours and the same number of delivery trips during the Saturday peak hour. Therefore, further analysis of the loading dock is not warranted and there would not be potential for additional significant adverse transportation impacts or need for additional mitigation as compared to the Approved Plan. Further, as discussed in response to Comment 31 below and in Chapter 15, "Noise," under CEQR *Technical Manual* guidance, because the Proposed Project would not result in sufficient additional vehicular traffic to require a detailed analysis, the Proposed Project would also not have the potential to result in a significant increase in noise levels as a result of mobile sources, as compared to the Approved Plan. And, as noted above, with respect to truck deliveries specifically, the absolute number of deliveries for the Proposed Project would be lower at all times on weekdays, and the same on Saturday peak hours, as compared to the commercial office tower authorized under the Approved Plan. Finally, to ensure a conservative baseline for noise analysis, a noise survey was

performed in June 2021 at four receptors, on each side of Site 5, and the EA used those current conditions, which reflect not only the almost-completed Approved Plan but also nearby development since 2004, as the baseline for noise analysis.

Comment 24: The proposed amendment requests an override of the New York City Zoning Resolution, including the Special Lower Manhattan District curb cut regulations. Curb cut regulations are intended to enhance pedestrian and vehicular safety. Pursuant to ZR § 91-52, within the Special Lower Manhattan District, no curb cuts are permitted for loading berths along this block of Washington Street unless certain conditions related to the maneuvering area can be met. The GPP includes an override of these underlying curb cut regulations but the EA did not include a detailed analysis of truck traffic and vehicular and pedestrian safety, including turning movement analysis for trucks entering and exiting the proposed loading berths to ensure there is sufficient area to maneuver and there is limited potential for pedestrian conflicts. Rather, the EA “screened” any analysis of truck and other traffic impacts and did not provide an assessment of pedestrian and vehicular safety, supposedly relying on an interpretation of the New York City *CEQR Technical Manual*. (Leland_061)

Response: Curb cuts are not permitted on Greenwich Street, but are permitted on this block of Washington Street per the underlying zoning. Curb cuts are proposed on Washington Street for a loading dock and the entrance to a porte cochere. An override of ZR § 91-52 (Appendix A, Map 5 ZR [Chapter 1 | Zoning Resolution \(nyc.gov\)](#)) would be sought to provide a “drive lane curb cut” on Greenwich Street as an exit for the proposed porte cochere. A portion of the taxi and delivery trips to the site would use the curb cuts on Washington and Greenwich Streets for the porte cochere. As presented in **Table 12-6**, “Trip Generation Summary: Net Incremental Trips – Reduced Residential Program” in EA Chapter 12, “Transportation,” the Proposed Project would result in fewer taxi plus delivery trips than the Approved Plan (*i.e.*, commercial office tower) during the weekday AM, midday, PM, and Saturday peak hours. Therefore, further analysis of the Washington Street or Greenwich Street curb cuts is not warranted and there would not be potential for additional significant adverse transportation impacts or need for additional mitigation as compared to the Approved Plan.

Comment 25: Washington Street is a narrow street with a mapped width of 48 feet and one-way travel lane of approximately 30 feet. The travel lane width is further reduced by the hotel loading zone along the western curb. The placement of curb cuts for loading berths along a narrow street will introduce additional turning movement conflicts along the street and sidewalks for pedestrians and vehicles. In order to determine the effects of the proposed loading berths on the surrounding area, a detailed analysis of truck traffic and vehicular and pedestrian safety should be provided. (Leland_061)

Response: The conditionally designated developers have conducted tests of truck turns for the expected truck types to be permitted to use the loading dock on Washington Street, and the typical truck type is expected to be able to back into the loading dock or pull out forward in one motion without encroachment onto the west sidewalk of Washington Street or blocking vehicular traffic for extended periods of time. Furthermore, the loading dock manager will be stationed on-site to ensure the safety of pedestrians on the east sidewalk of Washington Street while trucks are backing in or pulling out of the loading dock. Under the Approved Plan, a loading dock with multiple truck berths likely would have been built in the same location, therefore a supplemental detailed analysis of vehicular traffic, and vehicular and pedestrian safety is not warranted. As presented in **Table 12-6**, “Trip Generation Summary: Net Incremental Trips – Reduced Residential Program” in EA Chapter 12, “Transportation,” the Proposed Project would result in fewer delivery trips than the Approved Plan (*i.e.*, commercial office tower) during the weekday AM, midday, and PM peak hours and the same number of delivery trips during the Saturday peak hour. Therefore, further analysis of the loading dock is not warranted and there would not be potential for additional significant adverse transportation impacts or need for additional mitigation as compared to the Approved Plan.

Comment 26: The EA did not provide a detailed assessment of vehicular traffic. Instead, a “Level 1 Screening” was performed in Chapter 12 on page 12-8, which, after comparing the number of vehicle trips predicted under the FGEIS with those that would be generated as a result of the proposed amendment, determined that the number of incremental vehicle trips would not exceed an analysis threshold of 50 peak hour vehicle trips. That 50 vehicle trips threshold is not, however, always applicable or appropriate. Pursuant to Chapter 16, Section 313.1 of the New York City *CEQR Technical Manual*, proposed projects affecting congested intersections have been and can be found to create significant adverse traffic impacts when their trip generation is fewer than 50 trip-ends in the peak hour, and therefore, the lead agency, upon consultation with DOT may require analysis of such intersections of concern. The proposed loading berths at Site 5 will undoubtedly increase the potential for congestion along Washington Street and the lead agency should prepare an assessment of potential traffic impacts. (Leland_061)

Response: The quoted passage of the *CEQR Technical Manual* does provide for the option of conducting detailed traffic analysis even if the number of incremental vehicle trips falls below the screening threshold of 50 vehicles per hour, since it is intended to be used under circumstances when there are positive increments nearing 50 vehicles per hour at severely congestion intersections. Detailed traffic analysis is not warranted in this case since the Proposed Amendment would not result in increments anywhere near 50 vehicles per hour; as presented in **Table 12-6**, “Trip Generation Summary: Net Incremental Trips—Reduced Residential

Program” in EA Chapter 12, “Transportation,” the Proposed Project would result in traffic increments of -177, -97, and -157 vehicles per hour during the weekday AM, midday, and PM peak hours, respectively, and an increase in 22 vehicles per hour during the Saturday peak hour. The Saturday peak hour would result in negative taxi increments (*i.e.*, reduced number of taxi trips compared to the approved commercial office tower) and the same number of delivery increments, and positive auto trip increments. Since there would be no on-site parking, the positive auto trip increments would be dispersed throughout the area, destined to off-street parking facilities. It is expected that there would either be negative trip increments or no net increase in trip increments destined to the proposed loading dock and porte cochere along Washington Street during the weekday AM, midday, PM, and Saturday peak hours. Therefore, further analysis of traffic at intersections surrounding the site, or the loading dock is not warranted and there would not be potential for additional significant adverse transportation impacts or need for additional mitigation as compared to the Approved Plan.

Comment 27: The EA did not provide an assessment of pedestrian and vehicular safety. It appears to have similarly screened out any such analysis in because the estimated pedestrian and bicycle trips were fewer than those estimated in the FGEIS. Pursuant to Chapter 16, Section 341 of the New York City *CEQR Technical Manual*, if an action would increase the number of conflict points between vehicles, bicycles, and/or pedestrians or would result in a significant increase in vehicles turning into any crosswalk at any given intersection, these intersections should be assessed for safety impacts. Any intersection that is selected for a safety assessment should include a detailed traffic analysis as well. The proposed loading berths at Site 5 will undoubtedly increase the number of conflict points between vehicles and pedestrians and should be assessed for potential safety vehicular and pedestrian safety impacts. (Leland_061)

Response: Under the Approved Plan, a loading dock with multiple truck berths likely would have been built in the same location. A supplemental detailed analysis of vehicular and pedestrian safety is not warranted to evaluate conflict points with such a loading dock, because, as presented in **Table 12-6**, “Trip Generation Summary: Net Incremental Trips – Reduced Residential Program” in EA Chapter 12, “Transportation,” the Proposed Project would result in a significant reduction in person trips during the hours on a typical weekday compared to the approved commercial office tower, with person trip increments of -1,034, -1,563, and -1,200 person trips per hour during the weekday AM, midday, and PM peak hours, respectively, and an increase in 186 person trips per hour during the Saturday peak hour. The Proposed Project would result in traffic increments of -177, -97, and -157 vehicles per hour during the weekday AM, midday, and PM peak hours, respectively, and an increase in 22 vehicles per hour during the Saturday peak hour. These numbers are below the pedestrian and vehicular screening thresholds of 200 pedestrians per hour and 50 vehicles per hour and do not represent a

significant increase in vehicles turning into any crosswalks at any intersections or any other vehicular, bicycle, or pedestrian safety concerns. Additionally, the loading dock manager of the proposed loading dock will be stationed on-site to ensure the safety of pedestrians on the east sidewalk of Washington Street while trucks are backing in or pulling out of the loading dock. Therefore, further assessments of safety at intersections surrounding the site, or the loading dock are not warranted and there would not be potential for additional significant adverse transportation impacts or need for additional mitigation as compared to the Approved Plan.

AIR QUALITY

Comment 28: The project is within the New York-New Jersey-Long Island non-attainment area for the ozone National Ambient Air Quality Standard and maintenance area for the fine particulate matter standard. Any Federal action within a non-attainment or maintenance area must undergo a general conformity applicability analysis (see 40 CFR 93.153) to ensure that the action will not 1) cause or contribute to any new violation of any air quality standard, 2) increase the frequency or severity of any existing violation of any air quality standard, or 3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area. Please clarify whether a general conformity analysis was conducted and provided to the public for review or provide justification for why it was not needed. If a new general conformity applicability analysis and conformity determination is needed, a final determination will need to be presented to the public for comment separately. (Austin_062)

Response: A conformity determination was made for the World Trade Center Redevelopment. The 2004 conformity determination is described in the 2004 Record of Decision (ROD) (p. Sections 1.6.3, 3.2.13), and attached in draft form as ROD Appx. F, following consultation with the New York State Department of Environmental Conservation. The final conformity determination, finding that the project conforms to the State Implementation Plan, was published August 17, 2004, 69 Fed. Reg. 51098 (pp. 51098-51100, docket No FR-4912-N-10. Per 40 CFR 93.157. The conformity determination is not required to be re-evaluated because LMDC has maintained a continuous program to implement the action; the 2004 determination has not lapsed; and, as described in EA Chapter 13 (Air Quality), the proposed modifications do not cause any increase in emissions that require re-evaluation.

Nevertheless, emission rates associated with the Proposed Project have been estimated and compared with the respective general conformity de minimis threshold levels for non-attainment and maintenance areas in New York State. Since these emission rates are found to be substantially lower than the applicable de minimis levels, the Proposed Project would conform to the State Implementation Plan, and no further analysis or determination is warranted.

CLIMATE CHANGE

Comment 29: With regards to the sustainability standards, we recognize that the current guidelines state that the building must meet LEED Gold standards and comply with the Sustainable Design Guidelines applicable to a mixed-use building. We believe that these standards are baseline requirements and ask that you look into and consider implementing additional sustainability guidelines that go beyond what is currently proposed. In particular, recognizing that both the Governor in her recent State of the State address, the legislature in the form of proposed legislation (the All-Electric Building Act, S6843A/A8431), and the State bodies working on implementation of the Climate Leadership and Community Protection Act have all proposed requiring all new buildings to be all-electric (with some potential exceptions when that is simply not feasible), we ask that the sustainability standards include the requirement that the tower be all-electric to the maximum extent possible. (Kavanagh et al_006)

This redevelopment is also an opportunity to go beyond the currently proposed sustainability standards and help move New York forward as we strive to implement goals and requirements outlined in the Climate Leadership and Community Protection Act, including an emphasis on the creation of all-electric buildings where feasible. In addition, there should be consideration for various water recovery systems such as permeable sidewalks and greywater recovery plans. Sustainability is especially crucial in a part of the city that has seen first-hand the devastating effects of climate change, and we must do all we can to mitigate the impact of future weather events. (Glick_066)

If the building is glass, it should be double-skinned, and super-insulated, energy-producing and net positive during construction and for community. (Forsburg_060)

Response: The EA concluded that the Proposed Project will not have significant adverse impacts in the areas of climate change, coastal zone consistency, and water and sewer infrastructure. The Proposed Project would utilize high-efficiency HVAC systems, interior and exterior lighting controls, water-conserving fixtures, and water-efficient landscaping, among other sustainability measures described in Chapter 14 of the EA, and potential designs to utilize all-electric equipment remain under consideration. Further opportunities for energy-efficiency and sustainability will be considered.

Comment 30: The realities of climate change and resiliency are dramatically different in 2022 than they were in 2004. New environmental impacts should be considered. (CB1_102)

Response: The potential for climate change impacts is discussed in EA Chapter 14, “Climate Change” and includes consideration of the most recent sustainability policies and analysis guidance released by New York City and New York State. The discussion includes the recently passed carbon intensities for New York City buildings (Local Law 97) and the Climate Leadership and Community Protection Act (CLCPA). Furthermore, the assessment of the Proposed Project’s resiliency to climate change includes the most recent projections of future climate impacts and policies. Climate change and resiliency issues are also analyzed in Chapter 16 (Coastal Zone Consistency) and Appendix B (Natural Resources) for consistency with current New York City Waterfront Revitalization Program and New York State Coastal Management Program policies. An updated floodplain review was conducted pursuant to Section 2(a)(4) of Executive Order 11988 for Floodplain Management and 24 CFR § 55.20(b) regulations and the Federal Emergency Management Agency (FEMA) 2015 flood insurance rate map.

NOISE

Comment 31: The EA did not provide a detailed assessment of mobile source noise. Rather, the EA provided a screening in Chapter 15 on page 15-7, which, after comparing noise levels and the number of vehicle trips predicted under the FGEIS with those that would be generated as a result of the proposed amendment, determined that noise levels and the number of incremental vehicle trips would not have the potential to result in a doubling of noise passenger car equivalents. (Leland_061)

Response: As described in EA Chapter 15, “Noise,” consistent with CEQR *Technical Manual* methodology, the amount of vehicular trips associated with the Proposed Project would be low enough not to require a detailed traffic analysis, since the Proposed Project would not have the potential to result in a doubling of noise passenger car equivalents [Noise PCEs], which is necessary to cause a perceptible increase in noise levels. Further, as discussed in response to Comment 23, above, and **Table 12-6**, the absolute number of delivery trips would be lower at all times on weekdays and the same on Saturday peak hours as compared to the Approved Plan. Therefore, the Proposed Project would not result in any new significant adverse noise impacts associated with mobile sources, and no further analysis is warranted.

Comment 32: The proposed loading berths at Site 5 will undoubtedly increase mobile source noise along Washington Street and should be assessed for potential mobile source noise impacts. (Leland_061)

Response: As described in response to Comments 23 and 31 above, and in EA Chapter 15, “Noise,” and determined consistent with CEQR *Technical Manual* guidelines, the Proposed Project would not result in any new significant adverse noise impacts associated with mobile sources. Specific to noise associated with deliveries, EA

Chapter 12, “Transportation,” indicates in Table 12-6, “Trip Generation Summary: Net Incremental Trips – Reduced Residential Program,” that the Proposed Project would result in many fewer delivery trips compared to the Approved Plan, and consequently would not have the potential to result in a significant increase in mobile source noise resulting from deliveries. Therefore, no further analysis is warranted.

CONSTRUCTION

Comment 33: The 2004 FGEIS did not examine construction impacts for the previously approved commercial office tower on Site 5; it analyzes construction impacts solely with respect to demolition activities of the former Deutsche Bank Building. The 2004 FEIS identified a number of construction impacts and indicated that a number of mitigation measures would be taken. At the time, it was anticipated that all of the construction would occur in a more compressed period of time, rather than over the course of 20 years. The community has endured construction for over twenty years, and there is concern over how the construction on Site 5 will impact nearby residents, and what mitigation measures will be implemented. (CB1_102)

Response: The project sponsors for the Lower Manhattan Recovery Projects (World Trade Center Memorial and Redevelopment Plan, Fulton Street Transit Center, South Ferry Terminal, Route 9A Project, and Permanent WTC PATH Terminal) developed a common set of Environmental Performance Commitments (EPCs) that they were each to undertake, including design elements, construction techniques, and operating procedures to lower the potential for adverse environmental impacts. As detailed in EA Chapter 20, “Construction,” these EPCs, which are applicable to both the Approved Plan and the Proposed Project, include measures to reduce air pollutant emissions and noise and vibration levels during construction. Furthermore, the EPCs outline plans related to construction access and circulation, historic and cultural resources, and socioeconomic conditions. With the implementation of these measures, the construction effects of the Proposed Project on the surrounding area would be substantially reduced.

It is not accurate that the 2004 FGEIS only considered deconstruction of the Deutsche Bank building. The FGEIS anticipated construction of a commercial office tower on Site 5. The build year has been updated and the effects of the change to the build year have been analyzed in this EA. The change to the build year results in a longer construction period of lower intensity than originally anticipated, which indicates that anticipated worst-case impacts on noise and air quality that would have resulted from multiple overlapping projects were not reached, and that there will be no new significant adverse impacts based on the anticipated intensity. The longer construction period is addressed by continued mitigation.

Comment 34: When construction starts, Albany, Greenwich, and Cedar Streets will experience traffic impacts. Cedar Street will be the only westbound street since we cannot get Liberty Street reopened to vehicles, and if Edgar Street is closed in connection with the school on Greenwich Street. This will create serious circulation issues, including for emergency vehicle access. (CB1_102)

Response: As detailed in the traffic assessment presented in EA Chapter 20, “Construction,” the construction vehicle trip increments at any individual intersections are not expected to exceed the *CEQR Technical Manual* analysis threshold of 50 peak hour vehicle trips to warrant any detailed analyses. Accordingly, incremental trips resulting from construction of the Proposed Project would not result in the potential for significant adverse traffic impacts. Maintenance and Protection of Traffic (MPT) plans would be developed for any required temporary sidewalk and lane narrowing and/or closures to ensure the safety of the construction workers and the public passing through the area and that emergency vehicle access would not be affected. Approval of these plans and implementation of the closures would be coordinated with DOT’s Office of Construction Mitigation and Coordination (OCMC).

Comment 35: While the proposed project has many benefits for Lower Manhattan it may also pose some logistical challenges for the densely developed surrounding community. We encourage ESDC to work with the developers to plan appropriately for managing access to the site both during and after construction, with special consideration to how deliveries and waste management services will function long term. (Lappin_011)

Response: The project sponsors for the Lower Manhattan Recovery Projects developed a common set of EPCs that they were each to undertake, including design elements, construction techniques, and operating procedures to lower the potential for adverse environmental impacts. As detailed in EA Chapter 20, “Construction,” these previously developed EPCs, which are applicable for both the Approved Plan and the Proposed Project, include the following stipulations on access and circulation:

- *Establish a project-specific pedestrian and vehicular maintenance and protection plan.*
- *Promote public awareness through mechanisms such as: (a) signage; (b) telephone hotline; and (c) website updates.*
- *Ensure sufficient alternate street, building, and station access during construction period.*
- *Regular communication with New York City Department of Transportation and participation in its construction efforts.*

ESD and LMDC will continue to coordinate with the community to provide updates. The EPCs require advance planning to facilitate access and circulation during construction, as well as require coordination with NYC DOT, which has

construction oversight over lane and sidewalk closures (20-2, Table 20-1) during construction. Solid waste services to the site post-construction are addressed in Chapter 11 (water and sewer infrastructure and solid waste services) at pp. 11-9 – 11-10.

Comment 36: EPA recommends that the Environmental Performance Commitments noted in EA Chapter 20, “Construction” (which have been carried forward from past Lower Manhattan Recovery Projects and continue to play an important role in minimizing air quality impacts from construction) be implemented to the greatest extent practicable. The actions to electrify where possible, to implement idling and dust control plans, and to incorporate engine emission requirements into contract specifications remain best practices for reducing air pollution. A commitment to require at least Tier 4 standards would align with the Port Authority of New York and New Jersey’s low emissions vehicles commitment for all new construction projects. (Austin_062)

Response: The EPCs require that diesel-powered non-road construction equipment 50 horsepower (hp) or greater for the construction of the Proposed Project meet the EPA’s Tier 2 emissions standard. In addition, as detailed in EA Chapter 20, “Construction,” over time, irrespective of any project-specific commitments, there has been an increasing percentage of non-road diesel engines on-site conforming to the Tier 4 emissions standards in the New York City construction industry since the Tier 4 standard was introduced, resulting in further reductions in pollutant emissions during construction activities.

All applicable EPCs will be made enforceable in transaction documents with any developer, consistent with previous WTC development. Increased adaptation of similar performance commitments in other nearby projects suggests that assumptions regarding cumulative impacts projected in 2004 are conservative when applied to current construction.

PUBLIC PROCESS

Comment 37: The CB1 Environmental Protection Committee has made several requests for a full presentation of the EA process, an overview of the 2004 FGEIS and findings of the EA, and for technical experts to answer questions live during the meeting. CB1 also urges ESD to hold a dedicated meeting with CB1 to review environmental impacts as well as all mitigation measures identified in the 2004 FGEIS and the EA that would be relevant to development at Site 5. This meeting is crucial in ensuring that the community understands the real impact of this project. (CB1_102)

CB1 would like to have a community workshop to discuss the allocation and programming of the non-residential spaces of the Site 5 building. (CB1_095)

Response to Comments on Proposed MGPP, EA, and Lead Agency Findings

Response: The Project Team has conducted numerous meetings with local officials to discuss the environmental review conducted in connection with this proposed MGPP. In 2021, there were no less than six separate presentations by the WTC Site 5 Project Team to various committees of CB1, including a December 8, 2021 presentation which outlined the methodology of the EA and summarized the Findings. The Project Team is committed to continued discussions with CB1, including meetings about the Project's environmental review, programming, and design.

Comment 38: Lobbyists, individuals who do business with developers, and interested parties improperly commented. (Fine_048)

Response: The hearing notice was published in a widely distributed newspaper and posted on the LMDC and ESD websites. The details were made available to the general public and the only restriction is that speakers refrain from using obscene or inappropriate language during their comments.

*

PROPOSED – NOT YET ACTED UPON
AVAILABLE TO THE PUBLIC PURSUANT TO NEW YORK STATE OPEN MEETINGS LAW

Exhibit C

Final MGPP

**Amendment to
Lower Manhattan Development Corporation
World Trade Center Memorial and Cultural Program
General Project Plan
April 20, 2022
and
Adoption by Empire State Development
April 21, 2022**

The World Trade Center Memorial and Cultural Program General Project Plan (the “GPP”), a copy of which is attached hereto, is being modified by Lower Manhattan Development Corporation (“LMDC”) and adopted as modified by the New York State Urban Development Corporation, doing business as Empire State Development (“ESD”), to allow mixed-use development on the Southern Site. Also attached is an updated version of the World Trade Center Memorial and Redevelopment Plan, Proposed Site Plan as of April 2022. The modifications to the GPP described in this amendment relate only to the Redevelopment Site labeled “Tower 5” on such Proposed Site Plan (known as “Site 5”). Capitalized terms used but not defined herein have the meanings set forth in the GPP.

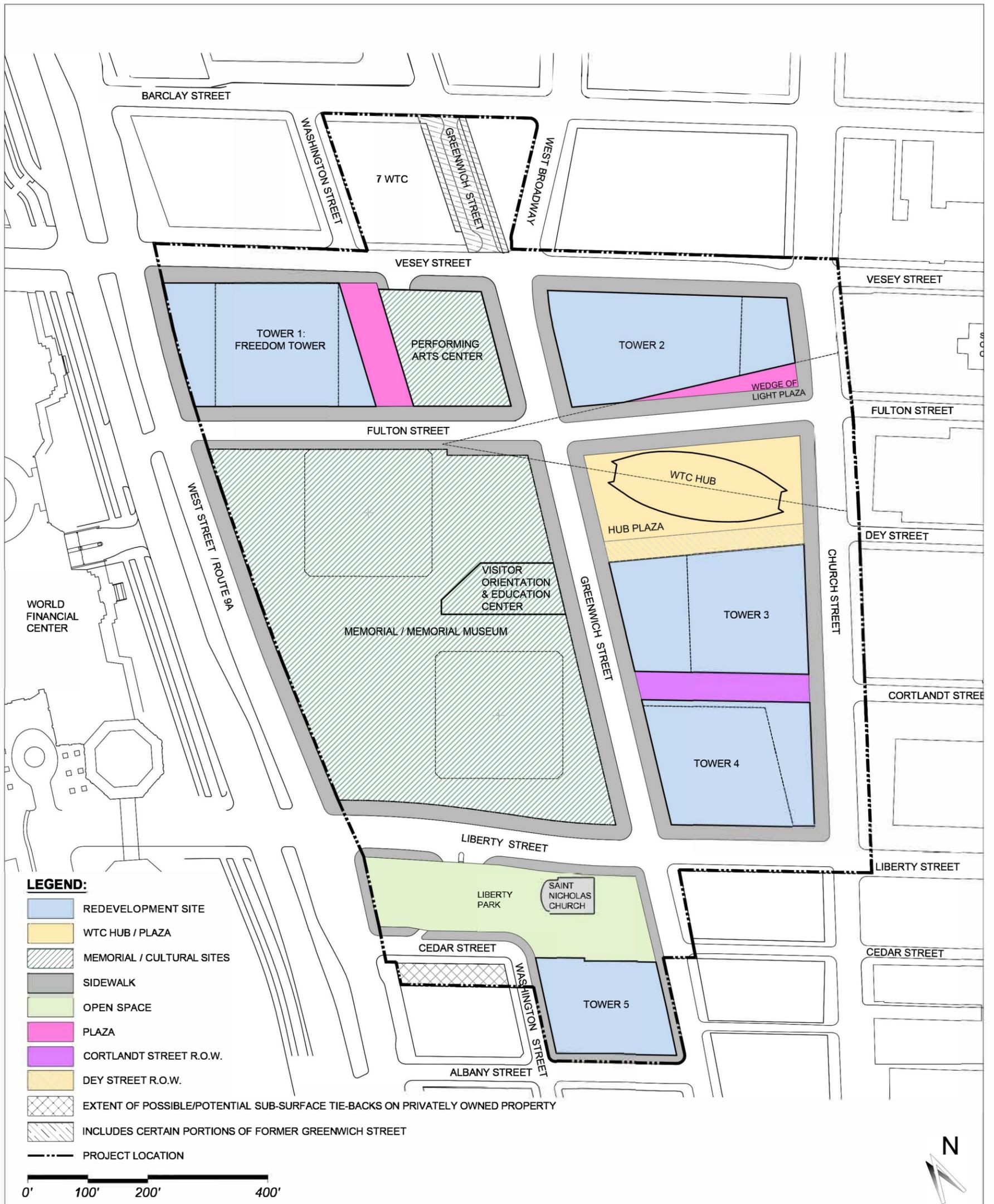
In view of Lower Manhattan’s transition from a predominantly office district to a mixed-use neighborhood, the GPP would be amended as follows to permit a building to be developed on Site 5 with residential, fitness and community facility uses, in addition to commercial office space and retail uses:

1. A mixed-use building on Site 5 could be up to approximately 1.345 million square feet, inclusive of commercial and retail uses, with an up to approximately 1.1 million square-foot residential component, of which a minimum of 25 percent of the units would be permanently affordable housing units; a connection to Liberty Park; and a minimum of approximately 10,000 square feet of community facility space if any residential component is included.
2. LMDC, ESD and the Port Authority would cooperate in developing and implementing the plan for any mixed-use building to be located on Site 5, which could be completed by 2028. If a mixed-use building is to be constructed on Site 5, it is expected that ESD would own Site 5.
3. A set of mixed-use design guidelines would be adopted by ESD in connection with any proposal for a mixed-use building on Site 5. The mixed-use design guidelines would guide future development of any such mixed-use building in a manner consistent with this amendment to the GPP and the goals for any mixed-use commercial, residential, retail and community facility development on Site 5. Following their adoption by ESD, ESD would administer the mixed-use design guidelines.
4. LMDC, acting as lead agency under both NEPA and SEQRA, has prepared an Environmental Assessment (“2021 EA”), made available to the public on November 17, 2021. The 2021 EA concluded that this amendment to the GPP and the possible development of a mixed-use building on Site 5 are not expected to have any significant adverse environmental impacts not previously disclosed in the 2004 Final GEIS. Based on the 2021 EA, LMDC determined that a supplemental environmental impact statement is not required under NEPA or

SEQRA and issued a Finding of No Significant Impact and Determination of Non-Significance, made available to the public on November 17, 2021.

5. The Southern Site is zoned for commercial, residential and community facility uses under the New York City Zoning Resolution (zoning classification C6-9). Development of a mixed-use building on Site 5 would be exempted from some or all provisions of the Zoning Resolution pursuant to the UDC Act. Any such override of the Zoning Resolution would be determined in connection with the proposal for a mixed-use building on Site 5. Any mixed-use building would be developed in substantial conformance with mixed-use design guidelines that would be consistent with the 2021 EA as it may be supplemented from time to time and would form part of the land use plan and controls for Site 5.

6. The GPP would continue to allow potential future commercial-only development on Site 5. However, with respect to the potential mixed-used development described above, this amendment supersedes any contrary provisions of the GPP. Certain factual conditions in the GPP reflect factual conditions as of the adoption of the 2007 GPP and have not been updated.



WORLD TRADE CENTER MEMORIAL AND REDEVELOPMENT PLAN

PROPOSED SITE PLAN AS OF APRIL 2022
ATTACHMENT 1

Attachment 2

World Trade Center Memorial and Cultural Program General Project Plan
June 2, 2004, As Amended February 14, 2007

[see attached]

**Lower Manhattan Development Corporation
World Trade Center Memorial and Cultural Program
General Project Plan
June 2, 2004, As Amended February 14, 2007**

1. Introduction

The Lower Manhattan Development Corporation (“LMDC”) is charged with assisting New York City in recovering from the terrorist attacks on the World Trade Center and ensuring that Lower Manhattan emerges as a strong and vibrant 21st century central business district. The centerpieces of LMDC’s efforts are the creation of a permanent memorial remembering and honoring the thousands of innocent men, women, and children lost in the terrorist attacks (the “Memorial”) and cooperation with other public and private entities in the revitalization and redevelopment of the World Trade Center site (as described specifically in Section 4 below, the “WTC Site”) and adjacent areas to the south of the WTC Site (as described specifically in Section 4 below, the “Southern Site”) and to the north of the WTC Site (as described specifically in Section 4 below, the “Northern Site”) in the Borough of Manhattan in New York City. The WTC Site and the Southern Site, but not the Northern Site, will be referred to collectively as the “Site.”

LMDC, a subsidiary of the Empire State Development Corporation (“ESDC,” a political subdivision and public benefit corporation of the State of New York), is proposing to undertake, pursuant to the New York State Urban Development Corporation Act (“UDC Act”) and in cooperation with the United States Department of Housing and Urban Development (“HUD”) and The Port Authority of New York and New Jersey (“Port Authority”), the World Trade Center Memorial and Cultural Program (the “Memorial Program”). The Memorial Program, for which construction began in 2006, includes the planning, selection, coordination and construction of a Memorial and Memorial Museum, and the planning and possible construction of memorial-related improvements and cultural uses at the Site to complement the redevelopment of commercial office space, retail space, conference center and hotel facilities, open space areas, a reconstructed church and certain infrastructure improvements at the Site (the “Redevelopment Program”). LMDC and Port Authority will plan these Programs together to constitute a land use improvement and civic project for the redevelopment of the Site (the “WTC Memorial and Redevelopment Plan” or the “Plan”), extending to the Northern Site solely for the purposes described below. The planning process will also include other appropriate public and private entities.

2. LMDC and Port Authority Roles

LMDC will be responsible for implementation of the memorial and cultural uses that comprise the Memorial Program, while the Port Authority will be responsible for the commercial, retail, conference center and hotel facilities, open space areas, and infrastructure components of the Redevelopment Program to be located at the WTC Site. LMDC and the Port Authority will cooperate in developing a plan for implementation of the components of the Redevelopment Program and other activities to be located at the Southern Site. The WTC Memorial and Redevelopment Plan may also require or involve consents, approvals or other supporting actions by other local, state or federal agencies in connection with its approval and

implementation. As described in Section 10 below, LMDC has conducted a coordinated environmental review of the combined WTC Memorial and Redevelopment Plan.

In carrying out the Memorial Program, LMDC conducted an international competition that in January 2004 resulted in the selection of a winning Memorial design, “Reflecting Absence,” by Michael Arad and Peter Walker. An interpretive museum will be developed, known as the Memorial Museum, that will tell the story of the events of September 11, 2001 and February 26, 1993. LMDC will provide initial funding for the design, development, and construction of the Memorial and Memorial Museum, will plan for memorial-related improvements and cultural facilities and uses, and will oversee the overall implementation of the Memorial, Memorial Museum and cultural programming and, possibly, elements of the Redevelopment Program, including all required coordination with the Port Authority, HUD, the State of New York, The City of New York (the “City”), and other public and private entities. LMDC will also continue to coordinate the Memorial Program with the plans and implementation schedule for the Redevelopment Program.

3. Project Objectives

The rebuilding of the Site as a mixed-use center of commerce, public spaces, and culture, with a Memorial at its heart, will advance the goals of the UDC Act, the objectives developed by LMDC and the goals articulated by the Governor of the State of New York and the Mayor of the City of New York—to remember and honor the victims of the terrorist attacks while revitalizing Lower Manhattan.

a. Remembering the Victims of the Terrorist Attacks

The Memorial will ensure that future generations never forget the thousands of people who died on September 11, 2001 in New York, in Shanksville, Pennsylvania and at the Pentagon in Virginia, as well as those who died in the terrorist bombing at the World Trade Center on February 26, 1993. The Memorial will be set in a context that bustles with the activity of Lower Manhattan yet provides a quiet and respectful setting for remembrance and contemplation. Visitors from around the world will come to the Site to learn about the events of September 11, 2001 and February 26, 1993 and to remember those who were lost. The proposed plan described below and graphically depicted on Attachment 1 (World Trade Center Memorial and Redevelopment Plan, Proposed Site Plan as of November 2006) provides appropriate access, circulation, structural support, utilities and other necessary services to the Memorial and Memorial Museum.

b. Revitalizing Lower Manhattan

The current conditions of the Site are “substandard and insanitary” under the UDC Act and impair the sound growth and development of Lower Manhattan. In addition, there is a need for the development of cultural, recreational, community and other civic facilities in Lower Manhattan.

Restoring the Site as a functioning part of Lower Manhattan is a priority objective for this project. This project is intended to re-establish the Site as a locus of commerce, civic space and

amenities, including appropriate commercial and retail uses, as well as supporting facilities, utilities and infrastructure, for the downtown area. While Lower Manhattan is a center of world finance and a major economic engine for the entire region, downtown has also become the fastest growing residential neighborhood in New York City and a major destination for regional, national and international travelers. The loss of commercial office space on September 11, 2001 has impaired Lower Manhattan's ability to grow as a world-class 21st century central business district. Restoration of this commercial space is critical to Lower Manhattan's future. To serve the resulting mix of workers, residents and visitors, revitalization of Lower Manhattan should include cultural and other amenities that help make the area a lively environment all day, every day.

The long-term presence of an essentially empty, excavated space in the heart of New York's financial district would also be a blight that makes the area less attractive for businesses, residents and visitors. It is important to New York City's economy that, as business leases in Lower Manhattan come up for renewal, businesses will have confidence that the Site will be redeveloped as quickly as possible to reduce its blighting effect on the immediate area. In addition, Lower Manhattan's status as the nation's third largest central business district will be threatened without the redevelopment of the Site.

4. Project Location

The Site is located in Lower Manhattan on two sites, as shown on Attachment 1:

(i) the WTC Site, bounded as follows:

Beginning at the intersection of the eastern right of way line of Route 9A/West Street and the northern curb line of Vesey Street,

East along the northern curb line of Vesey Street to the western right of way line of West Broadway,

North along the western curb line of West Broadway to the northern right of way line of Vesey Street,

East along the northern right of way line of Vesey Street to the eastern right of way line of Church Street,

South along the eastern right of way line of Church Street to the southern right of way line of Liberty Street,

West along the southern right of way line of Liberty Street to the intersection with the eastern right of way line of Route 9A/West Street,

North along the eastern right of way line of Route 9A/West Street to the point of beginning;

and

(ii) the adjacent Southern Site immediately to the south of the WTC Site, bounded as follows:

Beginning at the intersection of the eastern right of way line of Route 9A/West Street and the southern right of way line of Liberty Street,

East along the southern right of way line of Liberty Street to the eastern right of way line of Greenwich Street,

South along the eastern right of way line of Greenwich Street to the southern right of way line of Cedar Street,

West along the southern right of way line of Cedar Street to the western curb line of Greenwich Street,

South along the western curb line of Greenwich Street to the northern curb line of Albany Street,

West along the northern curb line of Albany Street to the eastern curb line of Washington Street,

North along the eastern curb line of Washington Street to the southern right of way line of Cedar Street,

West along the southern right of way line of Cedar Street to the intersection with the eastern right of way line of Route 9A/West Street (and including subsurface property below a depth of approximately 32'10" from the top of the existing grade and extending up to 50'5" south from the southern right of way line of Cedar Street), and

North along the eastern right of way line of Route 9A/West Street to the point of beginning.

The Southern Site includes those properties commonly known as 130 Liberty Street, 140 Liberty Street and 155 Cedar Street.

The Northern Site, located in Lower Manhattan immediately to the north of the WTC Site as shown on Attachment 1, is bounded as follows:

Beginning at the intersection of the northern curb line of Vesey Street and the eastern right of way line of Washington Street,

North along the eastern right of way line of Washington Street to the southern curb line of Barclay Street,

East along the southern curb line of Barclay Street to the western curb line of West Broadway,

South along the western curb line of West Broadway to the northern curb line of Vesey Street,

West along the northern curb line of Vesey Street to the point of beginning.

The original 7 World Trade Center occupied a superblock site, blocking the continuation of former Greenwich Street through the Northern Site. Consistent with LMDC's early planning principles, 7 World Trade Center was redesigned and constructed to preserve the possibility of reintroducing the Greenwich Street corridor as a public street for pedestrian and/or vehicular access through the Northern Site ("Greenwich North"), extending north of the new Greenwich Street on the WTC Site under the Plan. The Northern Site is included in this general project plan to facilitate that possibility and to facilitate the transfers of certain property interests within the Northern Site among the involved governmental entities and possibly the net lessee of 7 World

Trade Center, as described in Section 7 below, and not to subject the Northern Site to any other requirements or procedures for any other purpose.

5. Project Setting

The Site is located in Lower Manhattan, the historic “downtown” core of New York City. Today, downtown is characterized by narrow, winding canyons of first-generation skyscrapers standing beside modern office towers located on open plazas and along the district’s principal streets. Rich in history and historic architecture of every era and style, Lower Manhattan is a global center of finance, the center of New York City’s government, the home of several major educational institutions, and the site of many new and established museums, historical and cultural institutions.

The Site is surrounded by several distinct neighborhoods, each with different characters and uses. Tribeca, to the north of the Site, has evolved since the construction of the original World Trade Center into one of Manhattan’s premiere residential neighborhoods through the conversion of mid-rise office and warehouse buildings into loft apartments. Immediately to the south of the Site is the Greenwich South district, characterized by Class B and C office buildings, some of which are being converted to residential use by private developers. East of the Site lies the Fulton corridor, a commercial area in which aging building stock is slowly being converted to residential use. Wall Street and the historic financial core are located southeast of the Site. Immediately to the west of the Site is Route 9A/West Street, a state highway that formerly lined the Hudson River and formed the western edge of the island. Across West Street from the Site, Battery Park City has been developed over land fill as a mixed-use neighborhood, including a substantial residential community, the World Financial Center and other office towers, retail stores, riverfront parks, and open space.

One of the densest concentrations of mass transit in the United States is situated in and around the Site, serving a downtown with one of the highest percentages of transit riders of any business district in the country. Fourteen subway lines run within one-quarter mile of each other, spanning from the Port Authority Trans-Hudson (“PATH”) terminal in the middle of the Site to an MTA New York City Transit facility that runs along Fulton and Dey Streets east to William Street. Numerous city and private bus lines also serve the area.

On September 11, 2001, terrorist attacks destroyed every structure on the WTC Site: the World Trade Center office towers, commercial and government low-rise buildings, the hotel, and the underground concourse, PATH terminal and subway stations. The properties constituting the Southern Site, adjacent to the WTC Site, were also destroyed or damaged and blighted by the events of September 11, 2001: the Deutsche Bank office tower at 130 Liberty Street was severely damaged, remains uninhabitable, and will be deconstructed; the small St. Nicholas Church at 155 Cedar Street was destroyed; and the property at 140 Liberty Street was and remains blighted by dust, debris and the condition of the surrounding properties. Several other buildings surrounding the Site were also severely damaged, including one that housed two electrical substations, with some remaining unoccupied today. Some streets remain closed or occupied by safety installations and construction equipment. Many businesses and residents in the area surrounding the WTC Site were at least temporarily displaced—others have still not returned, including the activities formerly conducted at the Southern Site. While most of the

WTC Site remains closed to the public, a wide sidewalk and viewing area with a commemorative viewing wall has been created along the east side of the site on Church Street. The portion of Liberty Street between the WTC Site and the Southern Site also contains a commemorative viewing wall and is open to pedestrians from Church Street to the temporary bridge over West Street to Battery Park City. On the Northern Site, construction on the new 7 World Trade Center has been completed. The reopening of the Con Edison electrical substations at the base of 7 World Trade Center took place in May 2004.

Construction began on a temporary PATH station in the summer of 2002 and was completed in November 2003. This station restores service to the WTC Site until the WTC Hub (formerly referred to as the Permanent WTC PATH Terminal) can be constructed. The WTC Hub would be constructed within the Site but is not part of the WTC Memorial and Redevelopment Plan. The WTC Hub is expected to include an architecturally prominent station building, underground concourses, and expansion of the capacity of PATH trains with additional platforms and longer platform lengths.

The MTA New York City Transit is planning a redevelopment of the Fulton and Dey Street transit facility into a large, central transit center to be located at Broadway between Fulton and John Streets. This project, which is not part of the WTC Memorial and Redevelopment Plan, will rehabilitate, reconfigure, and enhance the multilevel complex and subway stations serving nine different lines.

6. The Memorial Program

a. General

The Memorial Program, when combined with the Redevelopment Program, will create a new mixed-use development with a significantly different configuration than existed on the Site before September 11, 2001. New cultural facilities will make the site a destination for visitors throughout the region and bring new activity to the neighborhood after business hours and on the weekends. Most significantly, a Memorial, Memorial Museum, and Visitor Orientation and Education Center (“VOEC”) will sit at the heart of the Site, drawing visitors from around the world to learn about what happened on September 11, 2001 and on February 26, 1993, to remember those who died, and to provide a continually evolving context for these historic events.

b. Uses

i. Memorial

Almost immediately after the tragic events of September 11, 2001, a broad public consensus emerged that a fitting Memorial be created at the WTC Site, and that it be the defining element of the rebuilding process. The design of the Memorial is based on the concept “Reflecting Absence” by Michael Arad and Peter Walker, selected in January 2004 by an independent jury after an international competition. The winning design concept includes an approximately 3-acre at-grade landscaped plaza surrounding two pools of water recessed approximately 30 feet below grade. Names of victims will be inscribed around each of the pools.

In addition, an approximately 1-acre at-grade public plaza extends north of the VOEC to the intersection of Greenwich and Fulton Streets.

The Memorial Museum will be located beneath the landscaped plaza. It will house artifacts that tell the story of the attacks on the World Trade Center and will provide access to a portion of the western slurry wall to the lowest level of the structural bathtub. Access to remaining box beam column base remnants will also be provided at the lowest level of the north and south tower footprints, approximately 70 feet below grade. The VOEC will serve as the single-entry point to the Memorial Museum, in addition to having visitor amenities and its own exhibition and program spaces. Visitors would descend from the VOEC to the Museum, where views to the North and South pools and waterfalls would be available from windowed vestibules.

The Memorial is expected to attract millions of visitors each year. In addition to the challenge of creating a dignified and respectful setting within a thriving downtown, the Memorial setting, and these additional visitors must be accommodated in a manner that considers and complements the other uses on and around the Site.

ii. Cultural Buildings and Programming

Throughout the extensive public participation process organized by LMDC, numerous comments called for the development of cultural facilities and programming at the Site. A new cultural core in Lower Manhattan would celebrate life and diversify and revitalize the surrounding area. In addition to the Memorial Museum and VOEC described above, the site plan includes new cultural facilities in a performing arts center with 1,000-1,800 seats at the northwest corner of Fulton and Greenwich Streets. To enhance the architectural prominence of this venue and promote its identity as a major new cultural institution, the performing arts venue will be separated at grade from Tower 1 (“Freedom Tower”) by 60 feet.

7. The Redevelopment Program

The Memorial Program will be compatible with and complement the Redevelopment Program. The Redevelopment Program includes redevelopment of certain uses that existed on the Site prior to September 11, 2001, but reflects and respects the Memorial Program uses new to the WTC Site. Infrastructure and utilities will be located to allow for better integration with the Memorial Program and Redevelopment Program elements. Public open space will also be provided. The current configuration of the program elements described below is depicted in Attachment 1.

a. Commercial Office Space

The Site contained approximately 12.7 million square feet of above-grade office and governmental space: (1) the WTC Site contained approximately 10.9 million square feet of office space and associated unspecified amounts of below-grade areas in addition to approximately 700,000 square feet of space at the U.S. Customs House; and (2) the Southern Site contained approximately 1.3 million square feet of office space. The Redevelopment Program provides for the development of approximately 10 million square feet of Class A commercial office space, of which approximately 8.8 million square feet will be located in four buildings on

the WTC Site, and up to approximately 1.3 million square feet will be located on the Southern Site in one building.

b. Retail

The World Trade Center contained highly diverse retail stores that served visitors and downtown workers as well as neighborhood residents. The new retail program at the Site will provide for approximately 500,000 to 600,000 square feet of retail. Retail uses at or above grade will be maximized while providing spaces for other at-grade uses.

c. Hotel and Conference Center

The Marriott Hotel at the WTC Site was a 22-story hotel with 820 rooms, with meeting and support space. Most of its customers were business travelers. Lower Manhattan needs to replace this hotel space to serve existing and expected new businesses and residents, as well as the visitors to new cultural and Memorial uses.

Downtown lacks a large venue for conferences. Conference facilities and hotel are desirable on the Site because of its central location and excellent access to the regional transportation network. The Redevelopment Program could include a hotel with up to 800 rooms and up to 150,000 square feet of conference space. The location and conceptual design of any hotel is still being studied and will be determined by the City and the Port Authority at a later date.

d. Streets and Public Open Spaces

Prior to September 11, 2001, the World Trade Center occupied a superblock site, blocking the continuation of adjacent streets through the site. The WTC Memorial and Redevelopment Plan reintroduces Fulton and Greenwich Streets through the WTC Site, aligned as shown on Attachment 1. These streets will connect adjacent neighborhoods and support the active street life that is characteristic of New York City. Cortlandt Street will also be reintroduced between Church and Greenwich Streets as a pedestrian street, aligned as shown on Attachment 1. The area of the former Dey Street between Church and Greenwich Streets will be built as an open pedestrian way, incorporated into and designed as part of the adjacent “HUB Plaza” described below, as shown on Attachment 1. The Cortlandt and Dey Street rights of way within the WTC Site will be subject to recorded use restrictions developed by the City and the Port Authority which will be consistent with and, among other things, will effectuate the foregoing.

The existing mapped streets comprising the perimeter of the former superblock – Vesey, Church and Liberty Streets – will be realigned as shown on Attachment 1.

Within the Southern Site, Washington Street between Liberty and Cedar Streets will be closed and incorporated into Liberty Park. The portion of Cedar Street within the Southern Site will be realigned as shown on Attachment 1.

Within the Northern Site, it is anticipated that the Port Authority will own the portions of former Greenwich Street that are located within the footprint of the new 7 World Trade Center,

as well as most of the subsurface portion of the remainder of former Greenwich Street, and that the City will continue to own the remainder of former Greenwich Street and will own additional parcels along the eastern and southern boundaries of former Greenwich Street. However, the future dimensions and use of Greenwich North are still being studied and may be the subject of easement agreements among the involved governmental entities and/or the net lessee of 7 World Trade Center.

In order to optimize the pedestrian experience, minimum sidewalk widths of 25 feet will be implemented throughout the Site, except that: (1) sidewalks along the northern edge of the Memorial site along Fulton Street west of Greenwich Street shall be 15 feet; (2) no sidewalks shall be required along Cortlandt Street in view of the anticipated use of that street as a pedestrian street and gateway to the Memorial; and (3) the widths of sidewalks on the Southern Site will be subject to future discussion between the Port Authority and the City, but will be a minimum of 15 feet.

The re-introduction and realignment of streets within the Site will require the acquisition of property adjoining the former streets, to be incorporated into the newly aligned streets, and the disposition of portions of the former streets that will not be part of the newly aligned streets. The closing of portions of streets and incorporation of those streets and other City-owned property into the Plan also will require the acquisition of property, as discussed below.

In addition, subsurface portions of Church, Liberty, Washington and Cedar Streets, and subsurface areas below the new Fulton and Greenwich Streets, will be acquired and incorporated into the below-grade infrastructure at the Site. Also, easements for rock anchor tie-backs will be acquired within subsurface portions of Vesey, Church, Liberty, Greenwich and Cedar Streets.

Streets through the Site and the Northern Site* will be designed and built to meet or exceed New York City Department of Transportation (NYCDOT) standards and will have the following directions and lane capacity, except as may be agreed to by NYCDOT:

<u>Street</u>	<u>Direction</u>	<u>Lane Number</u>
Church	Northbound	4
Greenwich North*	Southbound*	2*
Greenwich (south of Vesey Street)	Southbound	4
Vesey	Eastbound	3
Fulton	Westbound	3
Liberty	Eastbound/Westbound	4

* Northern Site is still being studied.

The WTC Site contained a public plaza raised above street level. The plaza contained a sculpture and was the setting for occasional public events such as concerts and dance performances. The Redevelopment Program calls for a series of public open spaces to be located throughout the Site including the “Wedge of Light” plaza at Fulton and Church Streets, the

“HUB Plaza” at Greenwich Street south of the proposed WTC Hub entrance, and Liberty Park south of Liberty Street between Route 9A and Greenwich Street. A public plaza will also be located in front of the performing arts venue on Fulton Street, unless otherwise required by the program of the cultural institution selected for the site. These parks and plazas will accommodate a range of different active and passive recreational uses.

e. St. Nicholas Greek Orthodox Church

The WTC Memorial and Redevelopment Plan provides for reconstruction of the St. Nicholas Greek Orthodox Church, which was located on the southwestern portion of the Southern Site and was destroyed on September 11, 2001. The church will be rebuilt within the new park area to the south of Liberty Street.

f. Infrastructure and Utilities

Infrastructure and service areas for the components of the WTC Memorial and Redevelopment Plan will be primarily located below-grade and accessed via the Liberty Street vehicular ramp at Liberty Park. These below-grade uses may require the acquisition of subsurface property, including portions of adjacent streets as described above. The majority of uses at the Site, including the Memorial, cultural, commercial office, retail and hotel, will share this below-grade servicing infrastructure.

The WTC Memorial and Redevelopment Plan will accommodate visitors to the Memorial Program in a dignified and respectful manner that considers and complements the Memorial setting. Visitor services and amenities will be provided at the Site. These will include a below-grade bus parking facility.

Mechanical equipment areas, utility zones, storage areas, and other building service areas and connections will also be located primarily below grade at the Site. Rock anchor tie-backs will be installed below certain streets and may be installed in certain private properties adjacent to the Site to support below-grade retaining walls. This may require the acquisition of subsurface easements from the City and certain private property owners.

8. Design Guidelines

The redevelopment of the Site will be carried out in phases over an anticipated period of approximately 12 years. In order to assure that the open spaces, buildings and other features designed and built throughout the entire development period reintegrate the site with the rest of Lower Manhattan, exemplify excellence in design, are consistent with the vision for the site, and are compatible with the intent of the WTC Memorial and Redevelopment Plan, a set of commercial design guidelines will be adopted by the Port Authority, which is responsible for implementation of the Redevelopment Program. The commercial design guidelines will guide future development for the Redevelopment Program in a manner consistent with this general project plan and the environmental review described below. LMDC, the City, the Port Authority and the Port Authority’s net lessees have worked together in a cooperative manner with respect to the formulation of the commercial design guidelines. Following their adoption by the Port

Authority, in a form acceptable to the City, administration of the commercial design guidelines will be governed by agreement between the Port Authority and the City.

In addition to specifying the uses described above, the commercial design guidelines will outline general building envelopes for each identified commercial development parcel, including height, bulk, massing, setbacks, streetwalls, and maximum buildable tower area. The commercial design guidelines will also establish parameters for (1) lobby locations and access points, including vehicular and service access; (2) retail location and orientation, minimum frontage, and other key features; (3) streetscape, sidewalk and public open space framework; (4) signage; and (5) sustainability.

The commercial design guidelines will constitute a significant component of the land use plan and controls for the Site, while remaining flexible enough to accommodate design innovation and the need for adjustment and modification in response to changing conditions.

The designs of the Memorial, Memorial Museum and VOEC, as described above, have progressed to a point at which design guidelines are no longer necessary. LMDC will continue to be responsible for determining consistency with this general project plan and the environmental review described below of the commercial design guidelines (including variances and amendments) and of the design of the performing arts venue.

9. Relocation

All above and below grade structures at the Site were destroyed or severely damaged on September 11, 2001. Structures that remain are unoccupied. Even before September 11, 2001, there were no residential occupants on the Site. No relocation will be caused by the proposed WTC Memorial and Redevelopment Plan.

10. Environmental Review

LMDC, acting as lead agency under both the National Environmental Policy Act (“NEPA”) and the New York State Environmental Quality Review Act (“SEQRA”), conducted a coordinated environmental review of the WTC Memorial and Redevelopment Plan. LMDC prepared a Generic Environmental Impact Statement (“GEIS”) as part of that review. The GEIS process included extensive opportunities for the public to comment on the environmental impacts of the proposed project prior to final approval by LMDC. Such review resulted in a Final GEIS released in April 2004, a Record of Decision and Findings Statement dated June 2, 2004. Supplemental reviews by LMDC have since resulted in an Environmental Assessment, Finding of No Significant Impact and Determination of Non-Significance dated May 19, 2005, and an Environmental Assessment, Finding of No Significant Impact and Determination of Non-Significance dated October 12, 2006.

11. Funding and Operation of the WTC Memorial and Redevelopment Plan

The Memorial Program will be administered and operated by public or not-for-profit entities. LMDC proposes to use existing HUD Community Development Block Grant funds and other public and private contributions for the Memorial Program.

The Port Authority will be responsible for the components of the Redevelopment Program to be located at the WTC Site.

LMDC and the Port Authority, working with the City, will cooperate in developing a plan for implementation of the components of the Redevelopment Program to be located at the Southern Site, which will be funded by a combination of public and private sources.

Redevelopment of the Site and any transfers associated with Greenwich North will require acquisition or disposition of property and/or lease or development agreements. In such case, LMDC, ESDC, the Port Authority, the City, or other governmental entities may acquire and/or transfer title to property, including subsurface and other easements. Property may be acquired by negotiated purchase, where possible, or by condemnation. Generally, it is anticipated that the Port Authority will own the Site and hold the easements described above, except for the portions of the Site allocated for the Memorial Program, in which LMDC, The World Trade Center Memorial Foundation, Inc. or another designee of LMDC will hold an appropriate real property interest, and certain streets or interests in streets, which will be owned by the City.

12. Zoning; City Map

The WTC Site is zoned for commercial uses under the New York City Zoning Resolution (zoning classifications C6-4, C5-3). However, the WTC Site is exempt from zoning requirements because property at the Site owned, controlled or operated by the Port Authority is not subject to the jurisdiction of the city or state of New York.

The Southern Site is zoned for commercial uses under the New York City Zoning Resolution (zoning classification C6-9). Redevelopment of the Southern Site will be exempted from these zoning requirements pursuant to the UDC Act and/or as a result of having been incorporated into the World Trade Center site.

Instead, the Site will be developed in substantial conformance with the commercial design guidelines that will form part of the land use plan and controls for the Site. The proposed WTC Memorial and Redevelopment Plan is nonetheless consistent with local land use plans and nearby zoning classifications. Consistent with the program described in Section 7 above, the WTC Memorial and Redevelopment Plan currently includes open space, a church, and an approximate 57-story, up to approximately 1.3 million square foot commercial office tower on the Southern Site.

To the extent the Plan realigns or eliminates portions of mapped streets (including for purposes of easements as described above), it is inconsistent with the City Map. It will be infeasible and impracticable to comply with the official map and other local laws related thereto, including Sections 197-d, 198 and 199 of the New York City Charter due to the time constraints imposed by the construction schedule for the entire WTC Memorial and Redevelopment Plan. Given the substantial opportunity afforded the public to comment on the Plan, no additional public purpose would be served by the delay that would be associated with an amendment of the City Map.

As stated above, implementation of the WTC Memorial and Redevelopment Plan will involve acquisition or disposition of property interests by one or more governmental entities. To the extent that any such transaction would otherwise be subject to the New York City Uniform Land Use Review Procedure or other local law, it will not be feasible or practicable to comply with such law in connection with Plan implementation. Such compliance would not permit the public entities responsible for Plan implementation to meet construction schedules and, given the substantial opportunity afforded the public to comment on the Plan, no concomitant public purpose would be served by such delay.

PROPOSED – NOT YET ACTED UPON
AVAILABLE TO THE PUBLIC PURSUANT TO NEW YORK STATE OPEN MEETINGS LAW

Exhibit D

**Final MGPP Marked Against
November 17, 2021 Proposed MGPP**

**Amendment to
Lower Manhattan Development Corporation
World Trade Center Memorial and Cultural Program
General Project Plan
April 20, 2022
and
Adoption by Empire State Development
April 21, 2022**

The World Trade Center Memorial and Cultural Program General Project Plan (the “GPP”), a copy of which is attached hereto, is being modified by Lower Manhattan Development Corporation (“LMDC”) and adopted as modified by the New York State Urban Development Corporation, doing business as Empire State Development (“ESD”), to allow mixed-use development on the Southern Site. Also attached is an updated version of the World Trade Center Memorial and Redevelopment Plan, Proposed Site Plan as of ~~November 2021~~ April 2022. The modifications to the GPP described in this amendment relate only to the Redevelopment Site labeled “Tower 5” on such Proposed Site Plan (known as “Site 5”). Capitalized terms used but not defined herein have the meanings set forth in the GPP.

In view of Lower Manhattan’s transition from a predominantly office district to a mixed-use neighborhood, the GPP would be amended as follows to permit a building to be developed on Site 5 with residential, fitness and community facility uses, in addition to commercial office space and retail uses:

1. A mixed-use building on Site 5 could be up to approximately 1.345 million square feet, inclusive of commercial and retail uses, with an up to approximately 1.1 million square-foot residential component, of which a minimum of 25 percent of the units would be permanently affordable housing units; a connection to Liberty Park; and a minimum of approximately 10,000 square feet of community facility space if any residential component is included. ~~The widths of sidewalks adjacent to any mixed-use building on Site 5 would be a minimum of 10 feet, with sidewalks and pedestrian zones to be provided as set forth in the mixed-use design guidelines described below.~~

2. LMDC, ESD and the Port Authority would cooperate in developing and implementing the plan for any mixed-use building to be located on Site 5, which could be completed by 2028. If a mixed-use building is to be constructed on Site 5, it is expected that ESD would own Site 5.

3. ~~A draft set of mixed-use design guidelines is proposed to~~ would be adopted by ESD ~~in connection with any proposal for any~~ mixed-use development building on Site 5. The mixed-use design guidelines would guide future development of any such mixed-use building in a manner consistent with this amendment to the GPP and the goals for any mixed-use commercial, residential, retail and community facility development on Site 5. Following their adoption by ESD, ESD would administer the mixed-use design guidelines. ~~As stated in the GPP, the Port Authority has adopted commercial design guidelines to guide development for the commercial elements of the Redevelopment Program, which are administered by an agreement between PANYNJ and the City. The mixed-use design guidelines provide that only provisions of the~~

~~commercial design guidelines governing retail and signage to apply to any mixed-use building on Site 5.~~

~~4. The mixed-use design guidelines would constitute a significant component of the land use plan and controls for mixed-use development on Site 5, while remaining flexible enough to accommodate design innovation and the need for adjustment and modification in response to changing conditions.~~

4. ~~5.~~ LMDC, acting as lead agency under both NEPA and SEQRA, has prepared an Environmental Assessment, (“2021 EA”), made available to the public on November 17, 2021. The 2021 EA concluded that this amendment to the GPP and in connection with the possible development of a mixed-use building on Site 5 are not expected to have any significant adverse environmental impacts not previously disclosed in the 2004 Final GEIS. Based on the 2021 EA, LMDC determined that a supplemental environmental impact statement is not required under NEPA or SEQRA and issued a Finding of No Significant Impact, and Determination of Non-Significance dated, made available to the public on November 17, 2021.

5. ~~6.~~ The Southern Site is zoned for commercial, residential and community facility uses under the New York City Zoning Resolution (zoning classification C6-9). Development of a mixed-use building on Site 5 would be exempted from ~~certain some or all~~ provisions of the Zoning Resolution, as set forth below, pursuant to the UDC Act. ~~Instead, a~~ Any such override of the Zoning Resolution would be determined in connection with the proposal for a mixed-use building on Site 5. Any mixed-use building would be developed in substantial conformance with the mixed-use design guidelines that would be consistent with the 2021 EA as it may be supplemented from time to time and would form part of the land use plan and controls for Site 5. ~~Such override would permit a mixed-use development more reflective of, and consistent with, federal, state and city goals for the revitalization of Lower Manhattan.~~

~~7. The development of any mixed-use building on Site 5 would be subject to and conform with the applicable provisions of the New York City Zoning Resolution and New York City Building Code, except as provisions of the New York City Zoning Resolution are overridden by ESD and/or LMDC pursuant to the New York State Urban Development Corporation Act as proposed below:~~

- ~~(i) Override the Zoning Resolution use regulations to allow for physical culture establishments without a special permit from the New York City Board of Standards and Appeals;~~
- ~~(ii) Override the definition of “zoning lot” to allow for creation of a zoning lot comprising the “project site” as set forth in the mixed-use design guidelines;~~
- ~~(iii) Override the maximum floor area ratio (“FAR”) of 15.0 permitted in the underlying zoning district and Special Lower Manhattan District to allow a maximum FAR of 15.0 for the mixed-use building on Site 5 without regard to any additional floor area attributable to improvements on other portions of the project site;~~

- ~~(iv) — Override the maximum residential FAR of 10.0 permitted in the underlying zoning district and Special Lower Manhattan District to allow an overall residential base FAR on the project site of 12.0 (a) without utilization of recreational bonus space or floor area increase regulations, and (b) without regard to open space or lot coverage requirements, where applicable;~~
- ~~(v) — Override height and setback controls, including modification of street wall regulations, setback regulations, lot coverage regulations, and maximum horizontal dimensions for tall buildings in the Special Lower Manhattan District;~~
- ~~(vi) — Override (a) the Special Lower Manhattan District curb cut regulations to allow curb cuts on Greenwich Street without authorization from the City Planning Commission or Commissioner of Buildings, and (b) the underlying zoning regulations related to location of curb cuts for loading berths;~~
- ~~(vii) — Override the Mandatory District Plan Elements of the Special Lower Manhattan District regulations related to: (a) pedestrian circulation space on the project site, (b) amount of lobby space permitted on Greenwich Street, (c) location of retail space on the project site, and (d) other provisions of the special urban design regulations not consistent with the mixed use design guidelines; and~~
- ~~(viii) — Override any other provision of the Zoning Resolution not listed above to construct the mixed use building in compliance with the mixed use design guidelines.~~

~~Such override is conditioned upon compliance with the substance and procedures of the mixed use design guidelines, including those provisions of the commercial design guidelines made applicable to mixed use development on Site 5.~~

~~8. — To the extent that the development plan described above would otherwise be subject to the New York City Zoning Resolution, it would not be feasible or practicable to comply with such law, to the extent set forth above, in connection with implementation of a mixed use development.~~

6. ~~9.~~ The GPP would continue to allow potential future commercial-only development on Site 5. However, with respect to the potential mixed-used development described above, this amendment supersedes any contrary provisions of the GPP. Certain factual conditions in the GPP reflect factual conditions as of the adoption of the 2007 GPP and have not been updated.