

**LEGAL NOTICE**

**LOWER MANHATTAN DEVELOPMENT CORPORATION**

**NEW YORK STATE URBAN DEVELOPMENT CORPORATION**

**D/B/A EMPIRE STATE DEVELOPMENT**

**NOTICE OF PUBLIC HEARING TO BE HELD JANUARY 12, 2022**

**PURSUANT TO SECTION 16 OF THE NEW YORK STATE URBAN DEVELOPMENT**

**CORPORATION ACT IN CONNECTION WITH**

**PROPOSED AMENDMENT TO AND ADOPTION OF WORLD TRADE CENTER**

**MEMORIAL AND CULTURAL PROGRAM GENERAL PROJECT PLAN**

**AND WORLD TRADE CENTER MEMORIAL AND REDEVELOPMENT PLAN**

**December 10, 2021**

PLEASE TAKE NOTICE that joint public hearings (Public Hearing), open to all persons, will be held on Wednesday, January 12, 2022 from 5 p.m. until 8 p.m. by the Lower Manhattan Development Corporation (LMDC), a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development (ESD), and ESD pursuant to Section 16 of the Urban Development Corporation Act (Chapter 174, Section 1, Laws of 1968, as amended; the UDC Act), and for the purpose of LMDC's consideration of the proposed adoption of the 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), and for the purpose of ESD's consideration of the proposed adoption of the Approved Plan as so amended (collectively, the Proposed Amendment). The public hearing will be conducted as a virtual hearing utilizing the Zoom video communications and teleconferencing platform. The meeting link is

<https://us02web.zoom.us/meeting/register/tZMlceur0tHNVYDvrIvkdjpyaUzSY9mG31>, or can be joined by telephone at (646) 558-8656, using meeting ID 878 6201 6761. Detailed instructions for participation in the virtual Public Hearing can be downloaded at [esd.ny.gov/WTCSite5](http://esd.ny.gov/WTCSite5). All oral comments made at the Public Hearing and all written comments received by 5:00 pm on February 15, 2022 will be considered by both LMDC and ESD prior to final consideration of the Proposed Amendment.

The Public Hearing is for the purpose of (1) informing the public about the Proposed Amendment and (2) giving all interested persons an opportunity to provide oral or written statements and to submit other documents concerning the Proposed Amendment, pursuant to Section 16 of the UDC Act.

#### Project 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).

## Project Description

Implementation of the Approved 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 Approved Plan.

The Approved Plan provides that a tower (Tower 5) consisting of commercial office space and retail 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, is the area generally bounded by Liberty, Greenwich, Albany, Washington and Cedar Streets and Route 9A.

## Proposed Amendment

The Proposed Amendment would modify the Approved Plan to expand the uses permitted in Tower 5 to include the option of the development of a mixed-use tower with residential, fitness, and community facility uses, in addition to the commercial office and retail uses currently authorized on the Development Site. The Proposed Amendment also provides that if a mixed-use building is to be constructed on the Development Site, it is expected that ESD would own the Development Site and enter into a long-term lease to a private developer.

For the mixed-use building, the Proposed Amendment would override certain local zoning provisions, including the Special Lower Manhattan District regulations. Specifically, the zoning provisions that would be overridden are: (1) the requirement for a special permit for a physical culture establishment; (2) the definition of “zoning lot,” to allow for creation of a zoning lot consisting of the Project Site; (3) the maximum floor area ratio (FAR) of 15.0, to allow an FAR of 15.0 for the building without regard to floor area attributable to improvements on the other portions of the Project Site (such as St. Nicholas Church); (4) the residential base

FAR, to increase the residential FAR from 10.0 to 12.0; (5) regulations governing height, setback and lot coverage controls, maximum horizontal dimensions for tall buildings, curb cuts, pedestrian circulation space, lobby space permitted on Greenwich Street, and the location of retail space; and (6) other zoning limitations, including provisions of the Special Lower Manhattan District regulations, as necessary, to construct a mixed-use building on the Development Site in conformity with mixed-use design guidelines administered by ESD. These mixed-use design guidelines would regulate bulk, massing, and exterior design; the gross square footage of development; ground floor uses and transparency; landscaping; parking and loading; and signage and provide flexibility in redevelopment of the Development Site and support Lower Manhattan's transition from a predominantly office district to a mixed-use neighborhood. Except for the above overrides, the mixed-use tower would be subject to and conform with the New York City Zoning Resolution as administered by the City's Department of Buildings. ESD would administer and determine compliance with the mixed-use design guidelines.

#### Public Purpose

On June 17, 2003, LMDC, in its capacity as a subsidiary of ESD, adopted findings pursuant to UDC Act Section 10 for the WTC Memorial and Cultural Program Civic and Land Use Improvement Project. Implementation of the Approved Plan as a whole has progressed substantially since 2003 and has been amended over time to reflect refinements in the Memorial and Redevelopment Programs, most recently on February 14, 2007. The further amendments set forth in the Proposed Amendment, most significantly allowing residential use, would allow for the option to support Lower Manhattan's revitalization and transition from a predominantly office district to a mixed-use neighborhood. Remaining blighted conditions and underutilized areas have been and would continue to be replaced with a vibrant mixed-use community and

continue to achieve the public purposes set forth in LMDC's prior Land Use Improvement Project findings.

#### Discretionary Actions

For the Proposed Amendment, LMDC and ESD discretionary actions are subject to review pursuant to the UDC Act, including LMDC approval of the Proposed Amendment and ESD's adoption of the Approved Plan as amended by the Proposed Amendment. After the public hearing is held and the public comment period concludes on February 15, 2022, pursuant to applicable laws, it is expected that, if appropriate, LMDC's Directors will be requested to affirm or, if appropriate, modify the Proposed Amendment, and ESD's Directors will be requested to affirm or, if appropriate, modify the Approved Plan as so amended, and in each case, to make statutory findings under the UDC Act, the National Environmental Policy Act (NEPA) and State Environmental Quality Review Act (SEQRA) and their implementing regulations. In addition, to effectuate the project, as described in the Proposed Amendment, LMDC and ESD would exercise their statutory authority to override certain local zoning regulations, the official City Map for the Development Site, and other local laws related thereto, including Sections 197-d, 198 and 199 of the New York City Charter, and the Uniform Land Use Review Procedure to the extent they are inconsistent with the project and the procedures for implementation of LMDC and ESD projects under the UDC Act. Subject to such overrides, the New York City Zoning Resolution and New York City Building Code will apply to the development of any mixed-use building on Site 5.

#### Potential Impacts of the Proposed Amendment

In June 2004, LMDC, acting as lead agency under both NEPA and SEQRA and their implementing regulations prepared and adopted a Final Generic Environmental Impact Statement

(FGEIS) for the Approved Plan, as reflected in the Record of Decision and Findings Statements adopted June 2, 2004. 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. LMDC, acting as lead agency under both NEPA and SEQRA, has prepared an Environmental Assessment (EA), which concludes that the Proposed Amendment would not result in any significant adverse impacts not previously identified in the 2004 FGEIS. Based on the EA, LMDC determined on November 17, 2021 that a supplemental environmental impact statement is not required in connection with the Proposed Amendment, and issued a Finding of No Significant Impact, and Determination of Non-Significance dated November 17, 2021 (collectively, FONSI).

#### Availability of the Proposed Amendment

The Proposed Amendment and the EA are on file at the offices of ESD, 633 Third Avenue, New York, New York 10017, and the offices of LMDC, at 22 Cortlandt Street – 22nd Floor New York, NY 10007, and are available by appointment for the general public at the offices of ESD and LMDC between the hours of 9:30 a.m. to 5:00 p.m., Monday through Friday, public holidays excluded. The Proposed Amendment and the EA are also available on the ESD website at [esd.ny.gov/WTCSite5](http://esd.ny.gov/WTCSite5) and the LMDC website at [www.renewnyc.com](http://www.renewnyc.com). To make an appointment and/or to request copies of the Proposed Amendment and/or the EA in print or on a flash drive, email [WTCSite5@esd.ny.gov](mailto:WTCSite5@esd.ny.gov), or telephone (212) 803-2449. Pursuant to Section 16(2) of the UDC Act, ESD also has filed a copy of the Proposed Amendment, including the findings required under Section 10 of the UDC Act, in the office of the New York City Clerk and has provided a copy thereof to the Mayor of the City of New York, the Manhattan Borough

President, the Chair of the New York City Planning Commission and the Chair of Manhattan Community Board 1.

Comments

Comments on the Proposed Amendment are requested. Participants who wish to provide oral comments during the Public Hearing will have an opportunity to sign up to speak during registration and/or once the Public Hearing has started. Written comments may also be delivered to ESD and LMDC as follows: (a) by delivering such comments to ESD, 633 Third Avenue, 37<sup>th</sup> Floor, New York, New York 10017 (Attention: WTC Site 5 Proposed Amendment), up until 5:00 p.m. on February 15, 2022, or (b) by e-mail to [WTCSite5@esd.ny.gov](mailto:WTCSite5@esd.ny.gov), up until 5:00 p.m. on February 15, 2022.

All oral comments made at the Public Hearing and all written comments received by 5:00 pm on February 15, 2022 will be considered by both LMDC and ESD prior to final consideration of the Proposed Amendment. Written or e-mailed comments received after 5:00 p.m. on February 15, 2022 will not be considered.

Dated: December 10, 2021  
New York, New York

NEW YORK STATE URBAN  
DEVELOPMENT CORPORATION D/B/A  
EMPIRE STATE DEVELOPMENT

By: Debbie Royce  
Corporate Secretary

LOWER MANHATTAN  
DEVELOPMENT CORPORATION

By: Daniel A. Ciniello  
President