

**Comments on the DGEIS / Amended GPP
from Elected Officials**

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Comments by U.S. Representative Jerrold Nadler (NY-08)
on the Draft Generic Environmental Impact Statement
of the Lower Manhattan Development Corporation
March 15, 2004

I welcome the opportunity to comment on this Draft Generic Environmental Impact Statement (DGEIS) of the redevelopment of the World Trade Center site. I know that an immense amount of work went into the preparation of this document, and I look forward to reviewing comments submitted by the many parties interested in the future of Lower Manhattan.

I would briefly like to comment on a few aspects of this document – environmental, construction, traffic, and community facilities.

We cannot afford to have the post-9/11 bungling and disregard of safe environmental practices and legal requirements repeated. I am extremely concerned that the health of the downtown population, already compromised by contaminants and poisons of September 11th, be protected. It is crucial that the downtown environment not become a constant, enormous cloud of contaminants, dust, dirt, and exhaust. Maintaining a safe air quality is of the utmost importance to the residents, workers, teachers, school children, elderly, and visitors of Lower Manhattan. The exposure to particulate matter that people will have to endure must be minimal, and the use of diesel-fueled construction equipment must be closely monitored. All construction contracts should require compliance with the city's A-191 law. Proper tracking mechanisms should be put in place to ensure that the air quality at all parts of the construction site and far corners of Lower Manhattan is safe. Adherence to city, state and federal standards must be met and not forsaken for expediency. A task force should be established that is solely dedicated to monitoring the air quality along the entire site, ensuring compliance with environmental standards, reviewing the ongoing, cumulative impact of all the projects and collecting information and complaints on environmental concerns.

I have serious concerns regarding the construction timetable. It is understandable that a considerable amount of time will be needed to rebuild this community to its previous prominence after the tragedy of September 11th. I think all would agree that the community of Lower Manhattan has been through a great deal of anguish in the past two and one-half years. With this in mind, I believe that in going forward in the rebuilding efforts, the community must be able to lead as normal of a life as possible without the undue intrusion of a multi-year construction project. We all would like the project completed as quickly as possible, but we must also

maintain a decent quality of life for downtown residents who have already endured so much and have hung onto a neighborhood they cherish. During this process, a good quality of life downtown can best be achieved by sensible and considerate timetables for construction. Not allowing major exterior construction during late night and early morning hours, nor all weekend, is a must for this beleaguered community. I urge LMDC and NYNJPA to consult with Community Board # 1 and community groups to come up with a construction schedule that allows for expeditious construction, yet permits residents to have some measure of peace and provides businesses with the ability to pursue their livelihoods. The creation of the Lower Manhattan Construction Command Center is important in coordinating and monitoring this entire project to the satisfaction of residents and all those involved.

What is also of concern is the prospect of increased traffic throughout Lower Manhattan. The DGEIS does not properly distinguish among the various types of traffic. There will obviously be an increase in the number of construction vehicles, an inevitable jump in quantity of tourist buses as a memorial is built and a significant increase in the number of black cars in Lower Manhattan as more office space is made available. In addition, the residential population of Lower Manhattan is expected to rise nearly 100% over the next ten years, bringing in a significant amount of traffic. Proper navigation of these vehicles is vital in a neighborhood where the streets are already clogged. The increased noise levels that will be created by traffic and pedestrians must also be studied and mitigated.

It is also important to the quality of life of a neighborhood that adequate open space be provided. In the DGEIS, the scope of the open space includes sidewalks and streetscapes. A proper calculation of actual open/green space must be determined without including those elements. It is also imperative that throughout this process, proper updates and reviews be provided to the community and elected officials and that detailed, in-depth discussions occur on an ongoing basis.

Missing from the DGEIS is a deep appreciation and understanding of the potentially deleterious effects of all this construction on the residents and businesses of Lower Manhattan. I cannot stress enough the importance of including all of Lower Manhattan in the study. Simply because there is no direct Proposed Action on a given site does not mean that surrounding locales will not be affected. The greater impact on the entirety of Lower Manhattan, particularly its public services - hospitals, schools, houses of worship, libraries, day care centers, and recreational facilities, must be taken into account. Many who currently live in these neighborhoods of Lower Manhattan would not agree with the DGEIS's assertion that the Proposed Action would enhance and improve the neighborhood character and have no significant adverse impact. In order to fully comprehend the aggregate of potential impacts and how they might be eased, the GEIS should carefully analyze the unique character of each of the surrounding neighborhoods and present a thorough study of the potential impact of the Proposed Action on the different and distinct neighborhoods.

I am hopeful that as this EIS process moves forward, the concerns of those directly affected by the proposed redevelopment are given the utmost consideration.



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SHELDON SILVER
Speaker

TESTIMONY OF ASSEMBLY SPEAKER SHELDON SILVER
REGARDING THE LOWER MANHATTAN DEVELOPMENT CORPORATION
WORLD TRADE CENTER MEMORIAL AND REDEVELOPMENT PLAN
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT
MARCH 15, 2004

Thank you for providing me with the opportunity to comment on the Draft Generic Environmental Impact Statement (DGEIS) regarding the World Trade Center Memorial and Redevelopment Plan (Proposed Action).

As the elected official for the 64th Assembly District, I represent the neighborhoods that will be most affected by the rebuilding process: specifically, Battery Park City, the Financial District, Chinatown, the East Village, Little Italy, Nolita, and the Lower East Side. It is my strong belief that the future of New York City's economy depends greatly upon the creation of new jobs and economic development in Lower Manhattan. I recognize the importance of rebuilding in an expeditious manner, but it is equally important to ensure the safety of residents living in Lower Manhattan and explore all possible options for rebuilding our future here in New York City.

As you know, in August of 2003 I urged the LMDC to revise the scope of the Proposed Action and I am pleased that the DGEIS now includes cultural institutions, performance art buildings, and at-grade retail space. I am also pleased that the LMDC continues to make efforts to involve the public in the rebuilding process. The DGEIS does not adequately address a variety of issues such as the projected number of residents in Lower Manhattan, the Second Avenue Subway project, the Silverstein lawsuit and other potential planning problems, a security plan for the site, air quality, noise levels, and construction coordination.

It is estimated that there will be an increase of approximately 25,000 residents in Lower Manhattan by 2005. The increased population will place additional strain on public resources - schools, parks, open community spaces, youth programs, neighborhood centers, parking, and pedestrian walkways - that are already at a premium in Lower Manhattan. It is imperative that the DGEIS examine the effects of the imminent population growth in this area so that we may plan ahead and prepare for the future.

The Second Avenue Subway line will be a key component of the revitalization in Lower Manhattan and I am dismayed that the DGEIS fails to consider the project's impact on the Secondary Study Area. The Second Avenue Subway line is currently in the MTA Capital Plan and construction is expected to commence in the near future. The new subway will alleviate

congestion on the East Side of Manhattan and provide much needed transportation service to underserved neighborhoods such as Chinatown and the Lower East Side. The Second Avenue Subway will greatly improve the connectivity to Lower Manhattan and in the future it may be expanded to Brooklyn and the Bronx, which would significantly improve transportation throughout the City.

The LMDC needs to be prepared for the possibility of a negative outcome in Larry Silverstein's lawsuit against his property insurers. In the event that Silverstein recovers only half of what the DGEIS assumes he will have available, the plans for the Proposed Action will have to change significantly. Furthermore, I believe the DGEIS should reveal the results of the demand assessment done in commercial office space downtown. It would be helpful to have the results of these studies so that plans might be made to prepare for the possibility that Silverstein may lose his court case.

The Deutsche Bank building will be demolished in the very near future. The LMDC needs to consider the environmental effects of this process on the residents and businesses in Lower Manhattan. I hope the fate of this site will be thoroughly considered and analyzed in the final EIS.

A comprehensive security assessment is an absolute necessity for Lower Manhattan and the WTC Site and it needs to be part of the EIS. It would be unfortunate if the LMDC proceeded according to this model only to discover later that streets need to be closed and bus and truck traffic need to be diverted due to security risks.

One of the more disturbing aspects of the DGEIS is that it finds the Proposed Action will not necessarily cause adverse impacts on air quality. Construction work of this magnitude and length of time will undoubtedly lead to a deterioration of air quality. It is insufficient for my community to rely on the "environmental performance commitments" of LMDC and the Port Authority to reduce and control diesel emissions. We need a pronounced, well-defined policy. The LMDC must insist that every State agency or authority with a role in the proposed project make an explicit written commitment that ultra low sulfur diesel fuel and diesel particulate filters be used in every diesel engine participating in the construction of the World Trade Center Memorial, the new PATH station, the Fulton Street Transit Hub, and the Route 9A project. Moreover, while concerns about particulate matter (PM) 2.5 associated with diesel fuel are addressed by the use of ultra low sulfur diesel fuel, there is no explanation in the DGEIS of the measures that will be taken to minimize fugitive dust, a major source of PM 10, that will be stirred up by vehicular movement at and around the Proposed Action sites.

I am also concerned about the significant noise impacts that will result from construction of the Proposed Action. The LMDC must strictly enforce the hours of construction to between 7 AM - 6 PM, Monday through Saturday, barring emergencies, rather than only "as practicable" as stated in the DGEIS.

In efforts to facilitate the unprecedented amount of construction about to take place in Lower Manhattan, there must be a single point of contact and coordination. The Port Authority, LMDC, the MTA, and New York State Department of Transportation will all be working in the

same area, often overlapping on the same streets. New York City's Department of Transportation has a key role in coordinating the construction efforts as it is the sole issuer of construction permits. There should be a one central command post where a liaison will be available for the community. This liaison should be available 24 hours a day, 7 days a week, which would demonstrate commitment by the LMDC and the government agencies to address the community's concerns as construction progresses.

There is a general shortage of detailed information in the DGEIS that ought to be made public. It is unclear where many of the assumptions are drawn from, and it is equally unclear why certain measures have been chosen over others. For example, the DGEIS makes assumptions about travel demand, traffic volumes, and air quality impacts, yet it lacks citation for its conclusions. Before the EIS is finalized, LMDC must submit an exhaustive methodology section that divulges to the public all measures and proxies used to construct this study and provide a period of time to respond.

Thank you.



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DEBORAH J. GLICK
Assemblymember 66th District
New York County

Testimony of Assemblymember Deborah J. Glick
on the World Trade Center GEIS
LMDC Public Hearing
February 18, 2004

As the New York State Assemblymember representing the 66th District, I am pleased to offer my comments and concerns on the LMDC's Draft General Environmental Impact Statement (GEIS) for the World Trade Center Memorial and Redevelopment Plan.

Since the tragic events of September 11th, the residents in this community have triumphed over numerous challenges from the closing of longstanding neighborhood businesses to questions about the safety of the air they breathe. They have endured these hardships and yet they have stayed, because they are truly committed to rebuilding Lower Manhattan and staying in their homes and neighborhood. While I understand the stake that all Americans have in this project, we must not forget that, in addition to being the site of an enormous tragedy, this is a residential neighborhood. We must not lose sight of the needs and concerns of the residents. Today I will address some of these issues.

As expected, the GEIS documents the staggering impact on the welfare of the surrounding community that the redevelopment of the World Trade Center site will have both during the 5 to 10 year rebuilding process and beyond. I am particularly concerned about the combined effects that will result from the rebuilding of the site, combined with the simultaneous reconstructions of the Fulton Street Transit Hub, the South Ferry Terminal, Route 9A, the new PATH station, Houston Street, Chambers Street, Fitterman Hall, and Deutsche Bank. While the GEIS takes some of these projects into account, it fails to include the impact of work on Fitterman Hall, Deutsche Bank, Houston Street, and Chambers Street, all of which will be in progress during the peak construction year of 2006. I urge you to include the effects of these projects on the noise, traffic, and air quality in Lower Manhattan in your final EIS.

The GEIS's predicted increase in traffic levels in this community is overly optimistic. The EIS states that, after the site is operational, traffic levels will be only 5% higher than they would be had the terrorists attacks never happened. While there will indeed be fewer office workers in the new towers, the memorial, new museums, hotels, retail spaces, and increased residential buildings will attract hundreds of thousands of additional visitors and new residents. Unlike residents and daily commuters who are likely to take public transportation, tourists often drive, take cabs, or use tour buses. In fact, the Port Authority's new WTC PATH Station was constructed with a 20% increased capacity than the old one, because of the increased traffic anticipated in the area. Obviously, they are forecasting that there will be scores of new travelers in Lower Manhattan. This forecast reflects a general increase in volume that is not incorporated in your predictions. It is my hope that the final EIS will present a more realistic prediction of traffic changes.

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In your final EIS, I also hope to see more in-depth analysis of noise levels both during and after construction. The noise levels at 19 out of the 20 sites that you analyzed are expected to exceed New York City Environmental Quality Review guidelines. It is important to know by how much they will exceed these limits. When the City follows through with its plan to make the noise code more strict, by how much will the noise at these sites exceed the allowable limits? Allowable noise levels set a threshold for noise to ensure that the health and quality of life of residents is not adversely affected. At what point then must noise levels exceed the allowable limit before it is deemed dangerous, adverse to the public good and, therefore unacceptable to continue work? Is there no way to decrease the noise involved in the reconstruction or to at least mitigate its effects on the community? Finally, the EIS should include details about the wind turbines that are chosen for this project. I would like to see estimates of the audible and low-level noise that will be emitted, along with an analysis on how the expected vibrations will affect people in the surrounding area.

I urge the LMDC to not repeat the serious mistakes of the EPA regarding air quality around the site. It is of utmost importance that the LMDC consistently monitor for hazardous air contaminants, take every reasonable precaution to limit this danger and be candid about their findings. After the attacks on the towers, the EPA belittled the dangerousness of the excessive amounts of Particulate Matter (PM) detected in the air. They claimed that World Trade Center dust could not enter the lungs. Research later indicated scores of cases of "WTC cough," in which PM did indeed pose long-term problems for exposed people. Because of the EPA's lack of candor, the community is skeptical of Air Quality Standards and concerned that real risks might be hidden or ignored. The community must be kept informed about what is in the air, what effect it can have, and what is being done to keep it contained.

In addition, I ask that you also seriously consider ways to reduce the adverse effect of construction on air quality. While the 3-minute idling law is a positive step to reduce harmful emissions that may affect people's health, deplete the ozone layer and lead to acid rain, this law is effective only if followed. Some drivers may not be aware of the idling law, and others may simply ignore it. There must be people at the construction site with specific responsibilities and authority to ensure that drivers are aware of and abide by the law and that there are consequences for non-compliance.

Finally, I urge you to consider the pleas of the community and appoint a coordinating team to oversee all of the projects that will be in progress during the next 5 to 10 years. In this way, the group can ensure that agencies act in concert and, to the extent possible, try to eliminate redundant work such as tearing up a street that was dug up the week before or turning off a water main twice in one day for different projects. In addition, it is crucial that residents be kept abreast of progress that has been made and any changes in construction schedules so that they may anticipate and try to avoid any associated inconveniences. The phone number of the appropriate contact person(s) should be in the hands of every community member. In this way, residents will have someone readily available to answer their questions or file a complaint.

Thank you for this opportunity to comment. I look forward to working with you to improve the future of Lower Manhattan.

Senator Martin Connor
25th District



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Testimony of State Senator Martin Connor
to the Lower Manhattan Development Corporation
Regarding the Draft Generic Environmental Impact Statement
for the World Trade Center Site

February 18, 2004

Good afternoon. I would like to take this opportunity to thank you for taking the time to listen not only to the elected officials represented here but also the important and thoughtful comments of the people of the community whose Lower Manhattan neighborhoods we represent. As their lives were unalterably changed by the horrible events of September 11th, it is imperative that the wonderful changes that are soon to occur do not impose any additional hardship.

As the State Senator who represents this vital area of New York City, it is important to keep in mind the many lives that will be greatly affected by this monumental project. Based on the feelings of the Community as expressed in the Community Board 1 meeting just one week ago, I would like to register my own reservations about the Environmental Impact Statement in its current form, relating specifically to three main points.

The first point that I would like to address concerns the environment. One of the most significant issues that came about post-September 11th was that of air quality. Due

It is undeniable that people from all over the world will come to see the new World Trade Center, the Memorial and the other cultural spaces. With that in mind I believe that LMDC should find alternative ways to help those visitors reach the Site. The current proposal calls for using local streets as alternate routes for incoming traffic. These streets are too narrow to be of any use as alternative outlets to traffic. Downtown Manhattan is congested enough without having to worry about increased levels of various kinds of traffic.

The final issue that I would like to urge you to consider is that of noise and its impact on Downtown residents and businesses. As with any construction project, it is expected that noise will be generated on and around the site. This is especially true with a project of this magnitude. Considering the number of projects that will be going on simultaneously, the strain on residents who will have to deal with disturbances throughout the entire day and into the evening must be redressed. In addition to existing means to accomplish this, as new technology becomes available. I hope that the LMDC will do everything in its power to identify these resources and use them to ameliorate these affects as much as possible.

In closing, I would like to remind this committee that my commitment is to the people whom I represent, and they, as well as myself, firmly believe that reconstruction will bring new, much needed growth to Lower Manhattan and by extension, the City of New York itself. While this growth and renewal are important we cannot forget our obligation to help bring a sense of normalcy back to the residents and the community of Lower Manhattan. Thank you for your consideration in this complex and difficult process.



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NOTES/COMMENTS:

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concerning the Environmental Impact Statement
published by the Lower Manhattan Development
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Senator Martin Connor
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**Supplemental Testimony of State Senator Martin Connor to the Lower Manhattan
Development Corporation**

March 15, 2004

I would like to take this opportunity to thank you for taking the time to read not only the opinions of elected officials who represent Lower Manhattan but also the important and thoughtful comments of the people whose neighborhood's we represent and whose lives were changed by the terrible events of September 11th.

As the State Senator who represents Lower Manhattan, I would like to register my own reservations about the Environmental Impact Statement in its current form, relating specifically to four main points.

My first point concerns the environment. One of the major concerns post-September 11th was that of air quality. Due to the collapse of the Twin Towers, Lower Manhattan was showered in particulate matter that has caused tremendous problems to the residents, students, and businesses in the area. We now have an opportunity to ensure that maintenance of air quality around the site and in the rest of Lower Manhattan be as healthy as possible. There have been several suggestions made which will help to ensure

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that this is case. One such action would be to install monitoring systems that measure the amount of particulate matter affecting the site and the surrounding area. Another such course would be to install HEPA filters at fresh air inlets in hotels, office and residential buildings in the area. Further, requiring any construction vehicles at, or leaving, the Site to use ultra-low sulfur fuel would help to cut down on the amount of pollutants released into the air. Taking these measures would make it possible to constantly monitor the air quality and keep safe the residents, workers and tourists that come to Lower Manhattan.

The second issue that I would like to address concerns proposed traffic projections for the site. While the World Trade Center was always a high traffic area, the amount of pedestrian traffic, as well as large construction traffic, will far exceed estimates that have been published. Once the construction is complete the volume of tourists, motorists and commercial traffic that will be traversing the Downtown area will significantly increase. In fact, it is believed that, even without the construction, traffic volume will approach unacceptable levels. It is undeniable that people all over the world will come to see the new World Trade Center, the Memorial and the other cultural spaces. With that in mind I believe that the LMDC could find alternative ways to help those visitors reach the site. The current proposal calls for using local streets as alternate routes for incoming traffic. These streets are too narrow for such use; Downtown Manhattan is congested enough without having to worry about increased levels of traffic.

The third issue that I urge you to consider is that of noise and its affect for Downtown residents and businesses. As with any construction project, it is expected that

noise will be generated on and around the site. However, considering the number of projects that will be going on simultaneously, some consideration should be given to the residents who will have to deal with such disturbances throughout the entire day and into the evening. As new technology becomes available these affects may be lessened and such large scale disturbances can be avoided by making such technologies more readily available to the community.

The fourth and final issue concerns the omission from the Environmental Impact Statement of the affects on schools and libraries in Lower Manhattan. The failure to delineate these institutions is something that is of great concern to me as well as the growing number of parents, teachers and students that reside in the area. In order to successfully ensure that every contingency is taken into account to protect the residents and their children, schools and libraries must be included within the final draft of the Environmental Impact Statement. I am confident that the Lower Manhattan Development Corporation will take every step necessary to include these vital institutions within the final Environmental Impact Statement.

In closing, I remind this committee that my commitment is to the people of Lower Manhattan. They firmly believe that reconstruction will bring new, much-needed growth to Lower Manhattan and by extension, the City of New York itself. While this growth and renewal are important we cannot forget our obligation to help bring a sense of normalcy back to the residents and the community of Lower Manhattan. Thank you for your consideration in this complex and difficult process.



SUPPLEMENTARY TESTIMONY OF MANHATTAN BOROUGH PRESIDENT
C. VIRGINIA FIELDS

to the

Lower Manhattan Development Corporation
on the Draft Generic Environmental Impact Statement
for the World Trade Center Memorial and Development Plan

Monday, March 15, 2004

In previously submitted testimony I made reference to the importance of careful and thorough planning with regard to vehicle and traffic impacts. Restoration of the street network at the World Trade Center (WTC) site will help to absorb the inevitable growth of traffic as it is redeveloped. Streets that should be restored include Greenwich Street, Fulton Street, and Cortlandt and Dey Streets between Church and Greenwich Streets. I have called previously for the re-integration of the WTC site with the surrounding neighborhood, and this is the opportunity to accomplish it. The ramp on Liberty Street that provides access to the underground parking area should be relocated, as its location will interfere with two-way operation of Liberty Street, which I also recommend. It is also puzzling to see that there is a scenario in which Greenwich and Fulton Streets are closed without explanation as to why. Moreover, there is no mitigation for potential impacts of such closures included in Chapter 22: Mitigation Measures.

I urged the Lower Manhattan Development Corporation (LMDC) to include in the Generic Environmental Impact Statement (GEIS) a strong commitment to cooperation with the NYC Department of Transportation through the street management program it is developing. I am glad the LMDC has provided initial funding for this project. LMDC should fully fund the program and set aside \$50 million for implementation.

In the context of numerous development projects and ongoing street reconstruction throughout Lower Manhattan, LMDC should incorporate into the GEIS the details of the Construction Coordination Program being developed in conjunction with DOT. An essential feature is the inclusion of downtown residents and other stakeholders, even on technical advisory committees. The Lower Manhattan Committee, convened by Borough Commissioner for Lower Manhattan Salkin, has had notable success in managing the impacts of its street-reconstruction program, but also of communicating about and facilitating solutions to myriad other issues affecting downtown. This model should be followed and adapted to the increased complexity that massive rebuilding and multiple projects will bring.

Finally, alternatives to the current state of construction-worker parking should be negotiated and included, with appropriate enforcement mechanisms, in the Final GEIS. We cannot afford to have thousands of construction workers bringing their private vehicles into Lower Manhattan and parking them using a traffic cone on the roof as a parking permit. Ferry or shuttle services and off-site parking might be made available, with workers and contractors offered incentives or discouraged with disincentives to make sure they are provided and used.

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THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

C. VIRGINIA FIELDS
BOROUGH PRESIDENT

TESTIMONY OF MANHATTAN BOROUGH PRESIDENT
C. VIRGINIA FIELDS

before the

Lower Manhattan Development Corporation
Public Hearing on the Draft Generic Environmental Impact Statement
for the World Trade Center Memorial and Development Plan

at Pace University Schimmel Center for the Arts

on

Wednesday, February 18, 2004

Good afternoon, ladies and gentlemen. I am Rick Muller, and I am pleased to deliver the testimony of Manhattan Borough President C. Virginia Fields on the Draft Generic Environmental Impact Statement (DGEIS) for the World Trade Center Memorial and Development Plan. Borough President Fields may wish to submit additional comments before *the* March 15th deadline.

Borough President Fields congratulates the LMDC on its expeditious completion of the DGEIS, and all its good and hard work toward the sorely needed rebuilding of Lower Manhattan. With the understanding that the redevelopment of the World Trade Center (WTC) site is the centerpiece of the revitalization of all of Lower Manhattan, it follows that the Generic Environmental Impact Statement (GEIS) should be a model document for sustainable development, using that term in its broadest sense. In this context, sustainable means not only energy efficiency, but also planning that keeps traffic, pedestrian and goods movements from seizing up, revitalization of small retail and business establishments in all of Lower Manhattan, careful and thorough analysis of alternative development scenarios that foresees appropriate mitigations at every stage, and provision of enough open space for human comfort. When we consider the other areas in various stages of development, from the Far West Side to Jersey City, Lower Manhattan will only move forward if businesses and people want to be here because it is a better place to be and get to than elsewhere. In order to ensure this, the GEIS must address comprehensively all impacts on life in Lower Manhattan because the redevelopment of the WTC site will indeed affect all of Lower Manhattan.

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With these broad strokes in mind, Borough President Fields recognizes that the goal of this project is replacement of pre-September 11 commercial space. However, given the uncertainty regarding the insurance payment to Mr. Silverstein, it makes sense to plan now for either outcome. The effects of the first phase of development should be fully analyzed. However, should the goal of full build be accomplished, the socioeconomic chapter of the GEIS should take a hard look at the possible effects of slow economic growth as well as competition from other major projects and development. Moreover, now that the memorial is proposed to occupy an entire quadrant, consideration should be given to off-site fulfillment of the lease condition for office space.

With regard to air quality, it is disconcerting to see that the baseline for mitigations is the condition that existed pre-September 11. The GEIS should set a higher standard. Borough President Fields has consistently advocated for measures that result in cleaner air, and the opportunity to set a more forward-looking standard here should not be lost.

Air quality is only one of the variables to be considered when we evaluate the cumulative impacts of the numerous projects proposed for Lower Manhattan. The GEIS should include a cumulative-impact analysis that incorporates the anticipated construction impacts (dust, exhaust, noise, traffic, etc.) from the sum of projects proposed in the next eleven years. Mechanisms for cooperative planning, coordination of mitigations of construction impacts and enforcement over many years should be spelled out. Borough President Fields has heard the voices of her downtown constituents, and everything that can be done must be done, so that when the inevitable impacts occur, we can truly say they are unavoidable.

The amount of retail space planned and the fact that the bulk of it is proposed to be placed underground is cause for concern. Small businesses have suffered enough since September 11, so future development should foster their revitalization, not their demise. The ratio of retail space should favor above-ground uses, and the effect of a doubling of the area devoted to retail should be carefully evaluated.

Finally, Borough President Fields is glad to see that Fulton and Greenwich Streets will be restored as through streets. It would also make sense for Cortlandt Street to run through to Greenwich, and for Liberty Street to be two-way. The management of traffic impacts as the project proceeds and is completed is crucial to the success of redevelopment. There must be a strong commitment embodied in the GEIS that LMDC and the Port Authority will work closely with the NYC Department of Transportation on its *Street Management Study* and the implementation plan that issues out of it. Issues such as parking demand and use of curb space must be clearly and fully addressed in the GEIS, including anticipated impacts from security measures.

Thank you for the opportunity to testify.

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THE COUNCIL
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YOUTH SERVICES

SELECT COMMITTEE

WATERFRONT

March 15, 2004

Mr. Kevin Rampe, President
Lower Manhattan Development Corporation
1 Liberty Plaza, 20th Floor
New York, NY 10006

Dear President Rampe,

As the City Council Member representing most of lower Manhattan, I am pleased to offer the following comments to the Draft Generic Environmental Impact Statement (DGEIS) of the World Trade Center Memorial and Redevelopment Plan.

These comments, which are consistent with those that were submitted by Community Board 1, are intended as a starting point. I hope that you, the Port Authority and our office, will continue to have a dialogue as the development process continues.

If you have any questions, please let me know.

Very truly yours,

Alan Jay Gerson

cc: Joseph Seymour, Port Authority of NY & NJ

enclosure

Livability First

Ten months ago, my office and I released a report entitled, "Livability First," which proposed principles and policies to guide the construction process within a Livability First framework. To their credit, Chairman Whitehead and the Lower Manhattan Development Corporation accepted, in principle, the proposed framework and implemented many of its recommendations. Livability First remains as needed as ever as a guide for Lower Manhattan, both as the framework for the upcoming construction activity and as criteria for outcome. Livability First is necessary in order to sustain Lower Manhattan as a viable residential community—and send the message that downtown will be hospitable for living for all people—children, seniors, families and singles. It is important to create and maintain the vibrancy the Mayor and Governor, along with our community, seek from a 24-hour live and work community.

Perhaps Livability First is most imperative as a reflection of our city's and society's values. The upcoming time period is when we will be tested. It truly presents the test as to whether we really mean what we say about the sanctity of life, and our society's humanitarian, life-affirming values. The world will be watching how we rebuild Ground Zero, as well as what we rebuild. Only a commitment to Livability First, in word and deed, will tell the world and ourselves that in fact we are a life-affirming society. A society cannot value life as the supreme, without adopting livability first for life's activity.

Accordingly, I once again call on the LMDC, the Port Authority, and all agencies and officials involved in the rebuilding process to explicitly adopt Livability First as the framework for reconstruction and the criteria for its outcome. But more important than words, I call for the implementation of the policies and practices of Livability First. The DGEIS is a massive, unprecedented undertaking, and the LMDC is to be congratulated for its thoroughness. The recommendations set forth below are meant as a constructive response, building on the DGEIS statement, but setting forth deficiencies from a livability first perspective, pointing out additions and improvements to the DGEIS so that it reflects a Livability First commitment. Further, most importantly, it lays out action points necessary to implement "on the ground" in order to achieve a Livability First process and result. I am confident that by adhering to a Livability First framework, we will expeditiously conclude the rebuilding process effectively and efficiently and—most importantly—evincing our best values.

Hours and Limitations of Construction

Nothing will impact on residents more than the hours of construction. People need to be able to count on regular and substantial breaks from the noise, dirt and other effects of major construction. It is for this reason that, repeatedly and overwhelmingly, communities and community boards reject extended hours in order to get the job done quicker. In New York City, normal construction hours have been defined in regulations as Monday-Friday, 7:00 AM-6:00 PM. Exceptions are supposed to be limited to real emergencies or true exigencies. It is therefore unacceptable that the DGEIS speaks in passing presumptions or references as to full day Saturday and late-hour construction—

without any analysis as to the impact on the construction timetable or the effect on individuals. Moreover, there appears no analysis or consideration of criteria to limit Saturday or every activity to quieter work with a lesser impact. I call for the full adoption of city hour restrictions, and well-defined procedures for exceptions to these limits.

While we realize the imperative to rebuild as quickly as possible, this cannot be done at any cost. Saturday work should be the exception to the rule, not the rule itself. Likewise, evening work should be kept at a minimum. Should work be required outside of weekday hours, only "non-noisy" work should be performed in the off-hours.

Action Points:

- Do not allow Saturday or Sunday construction, except non-noisy work.
- No post-7:00 PM construction, except non-noisy work.
- Establish strict criteria for exceptions to the above hours only for emergency or work which really cannot be done at other times, with community notification.

Environmental Protection and Comprehensiveness

The approach taken in the DGEIS analyzes the impact of the Ground Zero area reconstruction in incremental relation to effects of other work in Lower Manhattan, which would go on anyway. The approach put forward in the DGEIS seems to take this approach with respect to noise, other environmental concerns and traffic, as well as other concerns. While helpful analytically, the approach is unsatisfactory as a true measure of impact. Virtually all work in the LMDC catchment area for the ensuing months and years is due to 9/11. Our community requires a comprehensive approach, which looks at and analyzes the impact of all work and activity. This should include non-construction "normal" activity that generates noise or other effects cumulatively for their total effect and seek measures to mitigate those cumulative effects in an inclusive, comprehensive fashion. Failure to undertake such an analysis is likely to result in the harmful outcome. Several individual projects, on their own, might not generate a major deleterious effects, but taken together the outcome could be perilous. Yet, the incremental approach fails to assess and address or mitigate this cumulative impact. We therefore call on LMDC to join with other agencies included in the other projects* to put together a cumulative analysis.

The DGEIS was a massive undertaking and provides an analysis of the effects of different development alternatives. Impacts in the areas of land use, quality of life (including noise, traffic, open space), neighborhood character, the local economy, health and environmental safety and historic resources will be massive, and in many cases, unknown. In fact, the true effect on the Lower Manhattan community is inestimable.

*Port Authority, Metropolitan Transit Authority, State DOT, City DOT, Department of Building, et al.

particularly when the impact of the Proposed Action, is coupled with the cumulative impact of projects not detailed in the DGEIS (the reconstruction of Route 9A, the Fulton Transit Hub, the new PATH terminal, the deconstruction of Deutsche Bank and Fitterman Hall and the Second Avenue Subway), which will take place concurrently. There is, however, one thing we do know with certitude. The agencies responsible for the redevelopment process must make every effort to mitigate the negative impacts, in all arenas, to assure that the strains on an already overstrained community, are mitigated and minimized.

The suppression of particulate matter must be a priority in the redevelopment effort. State-of-the-art suppression techniques must be explored and employed where possible. Air monitoring stations should be located in the vicinity of all major construction projects and information on air quality should be accessible to the public. The use of HEPA filters in public areas and residences, as the LMDC proposes, should be implemented where needed. We should insure that a full analysis of possible remediations at the apartment/unit level be done to see what measures might be taken to reduce the environmental impacts. In addition to HEPA filters, soundproof windows, state-of-the-art air conditions and temporary relocations must be considered.

The provisions of Local Law 77, a new city law, must be extended to all construction projects in Lower Manhattan, including on Port Authority-owned land which might be technically exempt from the new law. This law requires the use of ultra-low sulfur diesel and the retrofitting of equipment to the best available pollution control technology in stationary city construction vehicles. It must be expanded to include contracts with the Port Authority, MTA, NYS Department of Transportation and utility companies. Further, this law should also be extended to include non-stationary construction vehicles.

Action Points:

- Adopt the new local law requiring ultra-low sulfur diesel for all pieces of equipment and state-of-the-art retrofits.
- Concern over fine particulates—state-of-the-art particulate suppression.
- Establish environmental command and control—**independent oversight of environmental experts to assure that evolving state-of-the-art practices are put in place.**
- Review new technology—before implementing, including windmill for noise, other environmental impact to assure no adverse impact.
- Resident remediation: We still need a full analysis of possible remediations at the apartment/unit level—availability of HEPA, other filters; soundproof windows; state-of-the-art air conditioners; criteria for temporary relocation.

- Undertake a full analysis of the cumulative environmental effects of all concomitant downtown construction work.
- Require use of ULSD fuel and retrofits on buses, limos, coming downtown.
- Illumination analysis: Evaluate possible light trespass during construction period and of the completion; use of focused lighting to avoid light spills.

Noise Suppression

In addition to the above, noise will be a major challenge to the quality of life for the people who live and work in the areas closest to the construction. In the DGEIS analysis, 19 out of 20 sites are expected to have noise levels above the New York City Environmental Quality Review guidelines. By how much will they exceed these standards? The New York City Noise Code is in the process of being revised. We must insure that, wherever possible, actions be taken to comply with these revisions. As we go forward, we must consider the possible health effects of excessive noise, and again use state-of-the-art techniques to mitigate this problem. Noise levels should be monitored in and around areas of construction and the public should have access to this information.

The proposed use of wind technology in the Freedom Tower is an exciting concept, though there are many questions about its health effects. This must be studied carefully. We must insure that the noise emitted from the windmills does not present an unintended outcome by causing health problems for those who live in its general proximity.

The Proposed Action contemplates a development quite different from the former World Trade Center site. In addition to commercial and retail uses, the creation of a memorial, along with arts and culture venues, will also add noise impacts during the day, at night and on weekends. This must be studied.

Action Points:

- Noise suppression—assurance of noise state-of-the-art suppression techniques for all equipment.
- Metal plates: Impose sign-off procedure on street construction metal plates, so they don't move and make noise.

Construction Procedures

With the unimaginable amount of construction and associated dislocations of residents and workers that will occur in the vicinity of these projects, there needs to be a centralized, coordinated construction management function. We endorse the idea of a Lower Manhattan Construction Coordinator. The responsibility of such an office would be to minimize disruptions to the community through the evaluation and coordination of construction projects. We must do everything we can to insure cooperation and

coordination between the various entities involved in the construction effort. This person/office must be given the necessary authority to do this job effectively. We must insure that roads are not dug up twice, that residents and businesses know, in advance, of possible disruptions, and that there be a place people can call with problems 24 hours a day.

Other remediations should be considered during construction to reduce noise impacts. These might include the use of acoustic barriers, a limitation on the use of metal plates on roads, and the use of silencers on construction equipment, including jackhammers. Once again, during the construction period, we must assure that state-of-the-art noise suppression techniques, be studied and utilized wherever possible.

Action Points:

- Notification—mechanism for informing community of disruptions, unusual noises and activities in advance.
- Coordination—A coordination structure: require coordination among all relevant agencies and community.

Traffic and Parking

The issues of traffic and parking are of great concern to the residents and businesses in Lower Manhattan. The analyses presented in the Proposed Action, which rely heavily on trip counts, must be improved. Different types of traffic are not adequately differentiated. There must be a better accounting of the different sources of traffic, which would include: estimates of both commuter and tour buses, trucks, private automobiles, black cars, etc. It is also critical that the impact of road reconstruction throughout Lower Manhattan be factored into any traffic planning.

In analyzing traffic issues, the streets under review must be expanded to the north, perhaps to Houston Street. If Canal and Broadway are identified as potential traffic snarls, the impact will go further north than Canal, and likely further east than Broadway. This must be studied.

A comprehensive parking plan must be implemented during the construction period. The influx of thousands of construction workers, by car, into Lower Manhattan must be addressed. Public transportation alternatives must be considered. Perhaps incentives could be developed to encourage the use of such alternatives. We must avoid the situation of on-street and on-sidewalk parking that occurred in the aftermath of 9/11. Suitable parking must be found and/or park-ride alternatives must be considered.

The issue of bus parking has not been adequately addressed. Site 26, in Battery Park City, is unlikely to become a garage for buses. We must keep commuter and tour buses off our streets and this will only be accomplished if we come up with a satisfactory alternative. Parking under the World Trade Center, as well as the surrounding areas, must be critically and creatively assessed.

Thought should be given to reducing the number of vehicles allowed into Lower Manhattan. Public transportation alternatives must be evaluated and encouraged. There should be consideration of a requirement that all MTA, commuter and tour buses, and construction vehicles and limousines coming downtown be retrofitted and use ultra-low diesel fuels. At a minimum, three-minute idling laws must be enforced on both city streets and at construction sites.

Action Points:

- Provide analysis to minimize use of local streets, including Canal and Broadway. Explore establishment of temporary service roads from West Street main artery.
- Expand the streets being analyzed for impact at least up to Houston Street. If Canal and Broadway are identified as traffic impact snarl, they will be affected north of Canal and that will have an impact on other streets, which has to be analyzed.
- Expand analyses of traffic remediation to include expanded number of traffic enforcement agents.
- Underground parking: Analyze all alternatives for underground parking for buses, limos and cars. State-of-the-art layover and dispatch system; the EIS wrongly assumes the availability of Site 26. Analyze environmental impacts from various sites.
- Analyze alternative ways of encouraging public transportation means to site, including tourist direction, ferries (non-diesel).
- Second Avenue Subway: Consider lineages, advantages of Second Avenue Subway for downtown.
- Improve traffic analyses—beyond trip counts, to consider different impacts of large vehicles, buses, etc.
- Put in place comprehensive parking plan—both during construction period for temporary parking for construction workers, etc., both in downtown and park-and-rides elsewhere.

Safety

We must build the world's safest structure, in the safest ways the world has ever seen. This is both a moral and practical imperative. Without the greatest possible safety assurances, people will not want to live or work on or near the site. Safety in this day and age includes a myriad of measures. The action points set forth below cover a range of safety measures on the site and in the community.

Despite the position put forth in the DGEIS, it is likely that current NYPD and FDNY staff levels will be inadequate to deal with the problems and situations that will present themselves. There is no analysis of the impact of ambulance and emergency vehicle access or response time. In order to help mitigate the environmental impacts, two additional ambulance units, to serve Lower Manhattan, should be provided. This would help in the mitigation of congestion problems caused by the construction traffic and street

closures. A lack of adequate services would increase the response times and risk the loss of lives to residents, businesses, tourists and construction workers.

Action Points:

- Ambulance/emergency vehicle impact analysis lacking—need analysis of delays on ambulance response time—site of Charlie department, strategic location of ambulances.
- First-aid compensation for delays—strategic defibrillator locations, CERT team training.
- State-of-the-art disaster preparedness during and after construction.
- Analysis to assure state-of-the-art safety measures for construction and ongoing operations to protect workers in buildings, rescue workers and those in the area.
- Given the recent tragic street electrocution, and ongoing electrocutions of pets, a process needs to be put in place to assure that wires of streetlights and other electrical street apparatus remain safe and secure, and undisrupted by movement, vibrations or other interference.

Community Facilities

The planned increase in the residential units and population must be considered in the Proposed Action. Existing community facilities are inadequate to meet the needs of the current, let alone a growing population. Lower Manhattan has long suffered from a lack of open space, recreational, cultural and community facilities. An increase in the number of residential units proposed near the World Trade Center site necessitates an analysis of the need for more schools, libraries, hospitals and recreational facilities.

Action Points:

- Open space: Analyze time availability, clarify use of Deutsche Bank site for open space; exclude memorial area from open space calculation.
- Hospital plan: need for strategic plan for hospital services, noting NYU Downtown and St. Vincent's during and after construction period.
- Land use: interim uses; what happens to space for commercial building while waiting to be built; Plan B—or process—in core market, does not warrant additional building.
- Effect of wall, West Street tunneling, other plans on connectivity among neighborhoods for civilians.
- Goal of model pedestrian neighborhood, effect of plans on this goal.
- Small business: No realistic impact analysis; since downtown will be viewed as one big construction site, there will be a need for marketing to encourage people to visit downtown.
- Environmental justice: Environmental justice requires democracy, which requires respect for rules and regulations established through elected representatives.

- West Street: Should not assume tunnel—must analyze impact on community.
- Historic District designation impact on plans; how to maintain balance of solemnity and residential ambience.
- Impact on the structural integrity of historic and old buildings.
- Effect on underground water table—impact on foundations.

Human Services

When assessing environmental impacts, we need to keep in mind those who will feel the impact: individuals. An assessment cannot be thorough unless it takes account of the full, holistic set of needs and points of impact which individuals possess as physical and emotional beings. In order to be so, the DGEIS needs to expand its analysis and recommendations. I was greatly disappointed that the words “child,” “children,” “youth,” or “young people” do not appear at all in the DGEIS. As developing lungs and developing psyches have needs at times different from adults, and many children live, and attend school, and play in parks in the immediate vicinity of the epicenter of construction activity. I therefore call on the LMDC to add (even if not technically required) a children’s assessment. The Children’s Health Fund, which was greatly involved in assisting young people in the 9/11 aftermath could be a major resource for this section.

Similarly, there appears in the DGEIS no reference to senior citizen needs, even those seniors from an area retirement community were among these specially evacuated on 9/11. A section analyzing environmental impact traffic accessibility, service availability, and other impacts on the community’s senior population needs to be included. The DGEIS also gives scant alternatives to people with disabilities or physical challenges, including compliance issues with federal law.

I call on the LMDC in the next draft to make the commitment not only to adhering to federal statute, and to achieving universal accessibility, beyond that required, as an advanced, universal accessibility paradigm in the construction actions, and to the extent possible, during the construction period. The next impact statement should contain an assessment of accessibility impact as a starting point be achieving those goals.

Experts tell us that two years later remains an important recovery time for many people following a major trauma, and that groundbreaking and construction activity should be expected to trigger flashbacks or other serious emotional issues. Yet two years later on as we are about to break ground, we see most of the Project Liberty counseling and other support programs set to expire at precisely the wrong times. The need to analyze the human service structure and to propose needed remediation remains extraordinarily pressing. On the economic front, the LMDC is to be congratulated for raising possible impacts on housing, small business, and the social diversity of Lower Manhattan. Recent experience, however, indicates that the DGEIS understates the likely impacts. Lack of human services plans is outrageous; psychologists agree that start of

work will trigger flashbacks, etc. We must assess need for child, senior, other emotional recovery support.

Action points:

- Children's section: We should have a special analysis on children's impact, including health (developing lungs); emotions; and need for children's facilities, international youth leader.
- Housing impact: contradiction in report where it says redevelopment will make downtown more attractive, but then no impact on residential displacement. Speculation has already led to displacement—need affordable housing preservation plan and trust fund.
- Senior section: Senior citizen needs in and around the affected area must be included in an analysis of human needs.