

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 attached to this document as **Appendix 1**.

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)

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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,

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

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.

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