

LOWER MANHATTAN DEVELOPMENT CORPORATION

Meeting of the Directors

Conducted Via Video and Teleconference

March 31, 2021

MINUTES

**In Attendance
Directors**

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

Staff Attending:

For Lower Manhattan Development Corporation:

Daniel Ciniello, President
Stephen Konopko, Vice President, Internal Audit
Debbie Royce, Corporate Secretary
Goldie Weixel, Senior Managing Attorney - ESD

The meeting of the Lower Manhattan Development Corporation (“LMDC”) was called to order at 9:00 a.m. It was noted for the record that notice to the public and news media of the time and place of the meeting had been given in compliance with the New York State Open Meetings Law.

The Chair noted for the record that due to the public health concerns and as authorized by an Executive Order of the Governor, this meeting would be conducted by video and teleconference. The Chair also noted for the record that the public was given the opportunity to comment on the Agenda items by submitting written comments on or before 4:00 p.m. yesterday to publiccomment@renewnyc.com and that one comment was received and will be summarized during the public comments portion of today’s Agenda.

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

Hearing no conflicts, the Chair called for a motion to approve the Minutes of the Directors’ meeting of February 11, 2021. Noting no corrections, and upon motion duly made and seconded, the following resolution was unanimously adopted:

Approval of Minutes

RESOLVED, that the Minutes of the meeting of the Corporation held on February 11, 2021, as presented to this meeting, are hereby approved and all actions taken by the Corporation’s employees, officers or Directors in furtherance of the matters referred to therein are hereby ratified and approved as actions of the Corporation.

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The Chair then called on the Corporation’s Audit and Finance Committee Chair, Director Tom Johnson, to provide a report on recent Audit and Finance Committee Meetings for the Directors’ information.

Committee Chair Johnson reported that the Audit and Finance Committee (the “Committee”) met on March 22, 2021 to review materials presented at this meeting. He reported that the Committee received a brief update on the status of the Site 5 including staff focus on executing the term sheet, related agreements and plans to modify the General Project Plan.

Committee Chair Johnson explained that the Committee reviewed the LMDC current year administrative budget variance report which indicated that spending will be approximately 6% below the approved budget. He further explained that the Committee also reviewed the proposed upcoming fiscal year budget which it fully supports.

It was noted that the Committee also received updates on funds in place for projects and programs and it was further noted that staff continues working with grant recipients, HUD and City and State officials to identify existing projects in need of additional funding and potential affordable housing projects the Corporation can support. The Committee also reviewed and discussed the pre-qualified legal counsel, environmental services and external audit contract value increases and extensions, as well as the cost estimating contract zero-dollar time extension, all of which it supports. The Committee also met with the Internal Auditor and reported that no findings or irregularities were identified, noting that the Committee is very pleased with the way the Corporation is run.

The Chair thanked Committee Chair Johnson for his report and added a brief update on Site 5 noting that the term sheet and related documents have been executed. She added that the Corporation received one public comment from Todd Fine which she proceeded to summarize.

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

Mr. Ciniello presented a request for the Fiscal Year 2022 Administrative Budget which he noted is less than the previous year’s budget and projected spending.

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

Approval of Lower Manhattan Development Corporation Fiscal Year 2021 – 2022 Budget

RESOLVED, that the budget of the Corporation for fiscal year 2021-2022 is hereby adopted as presented to this meeting; and be it

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

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

* * *

Mr. Ciniello then presented a request to amend and extend the pre-qualified legal counsel contracts with Carter Ledyard & Milburn LLP and Venable LLP which would enable staff to continue to obtain legal services on an as needed basis, primarily for Site 5 related matters which would be paid for by the Site 5 developer, and other ongoing or future LMDC legal matters which would be paid for with LMDC funds.

Director Glenn questioned whether the requested additional \$700,000 would be sufficient in light of what could be a heavy negotiation. Mr. Ciniello explained that the \$700,000 would supplement over \$100,000 that is already available in these contracts and that it is not expected that much of these funds would be needed for non-Site 5 matters. Chair Leicht added that the cost agreement recently executed requires the developer to put up \$1.5 million in an Imprest Account which can be replenished if necessary to cover such costs.

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

Authorization to Amend the Pre-Qualified Legal Counsel Services Contracts

RESOLVED, that the amount of the Corporation’s expenditures authorized under the agreements and amendments with one or more law firms on the Empire State Development Pre-Qualified Counsel List shall increase by \$700,000, to an amount not to exceed \$4,400,000 in the aggregate, and the term of such agreements shall be extended through March 31, 2023, as described in the materials presented to this meeting; and be it

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

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

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

* * *

Next, Mr. Ciniello presented a request to amend and extend the environmental services contract with AKRF, Inc. by increasing the contract value by \$650,000 also primarily for costs associated with the Site 5 development. Mr. Ciniello noted that funds already exist in this contract that should be sufficient to cover other LMDC environmental services not related to Site 5.

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

Authorization to Extend Agreement with AKRF, Inc. for Environmental Services

RESOLVED, that the amount of the Corporation’s expenditures authorized under the agreement and amendments with AKRF, Inc. shall increase by \$650,000, to an amount not to exceed \$3,070,000 in the aggregate, and the term of such agreement shall be extended through March 31, 2023, as described in the materials presented to this meeting; and be it

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

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

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

* * *

Mr. Ciniello then presented a request to extend the contract with Faithful + Gould, Inc. through September 2023 for cost estimating, scheduling, construction feasibility, or pre-construction services as are needed going forward. Mr. Ciniello noted no additional funds were being sought.

Director Patel asked how much money remains on the contract and Mr. Ciniello replied that over \$200,000 is still available.

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

Authorization to Extend Terms of Agreement with Faithful + Gould for Cost Estimating, Scheduling, Construction Feasibility, and Pre-Construction Services

RESOLVED, that the Corporation is hereby authorized to amend its contract with Faithful + Gould for cost estimating, scheduling, construction feasibility and pre-construction services, by extending the term of such agreement for 18 months through September 30, 2022 with no additional funds requested, as described in the materials presented to this meeting; and be it

FURTHER RESOLVED, that the expenditures approved hereby shall be allocated from funds included in relevant Action Plans or appropriate LMDC Administrative Budgets; and be it

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

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

* * *

Lastly, Mr. Ciniello presented a request to amend and extend the external audit services contract with EFPR Group increasing funding by \$40,000 per year for the next three years. Mr. Ciniello noted that this is the same fee charged in prior years and that EFPR was selected through an RFP conducted by Empire State Development who will also use EFPR as its external auditor.

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

Authorization to Extend and Amend the EFPR Group External Auditing Services Contract

RESOLVED, that the Corporation is hereby authorized to amend its agreement with EFPR Group for independent auditing services for up to a three year period for \$120,000, as described in the materials presented to this meeting; and be it

FURTHER RESOLVED, that the expenditures approved hereby shall be allocated from funds included in the LMDC Administrative Budgets for fiscal years ending March 31, 2021, 2022 and 2023; and be it

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

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

* * *

There being no further business, the meeting was adjourned at 9:22 a.m.

Respectfully submitted,

Debbie Royce
Corporate Secretary

RATIFICATION OF LMDC OFFICE SPACE AGREEMENT AMENDMENT**Proposed Budget and Contract**

LMDC staff is requesting ratification of the emergency action taken to amend our agreement with The Council of State Governments, LTD. (CSG), for continued use of a portion of their office space located at 22 Cortlandt Street on the 22nd Floor. The amendment will increase the contract from \$121,400 to \$245,400 and extend the agreement from July 15 2021 through October 14, 2022, with an option to extend the contract for six additional months. Rent will be reduced from approximately \$9,400 paid monthly over the past year to approximately \$8,100 for each of the next 15 months through October 14, 2022. Our previously approved fiscal year end March 31, 2022 budget has nearly \$74,000 of office space funds available for this amendment; therefore, our request is for only \$50,000 in new funding, which will allow us to meet our office space obligations through October 14, 2022. Funding for this agreement is provided for in LMDC's Fiscal Year End (FYE) 2022 Administration Budget and our anticipated FYE 2023 Budget.

Background

LMDC moved from the 11th floor at 22 Cortlandt Street to the 22nd floor of the same building in August 2020 and has been operating at 22 Cortlandt Street, either on the 11th or 22nd floor since March 2016. LMDC has saved significant time and money by not having to move out of the building while negotiating reduced monthly rent every couple of years often by giving up space as we wind down operations.

Scope of Services

LMDC will continue to occupy approximately 1,800 sq. ft. of CSG's current office space, located on the 22nd floor of 22 Cortlandt Street, pursuant to an agreement with the company. The Amendment is for a fixed term of 15 months, with an option for six additional months. Monthly rent will be approximately \$8,100 and will include all costs for LMDC's use, electricity, real estate taxes, maintenance, internet connectivity and water.

Selection Process

Our initial contract included a six month extension option which appeared appropriate at the time of execution but the impact of the Pandemic has led to many of our projects being delayed and LMDC operations being extended. LMDC management negotiated a lower monthly office space charge to remain at our same location beyond the six month option period without giving up any space thus allowing us to continue operations without interruption at a lower monthly cost.

**RATIFICATION OF AMENDMENT TO THE FINAL ACTION PLAN AFFORDABLE HOUSING PROGRAM
AND THE SUBRECIPIENT AGREEMENT WITH CITY OF NEW YORK DEPARTMENT OF HOUSING
PRESERVATION AND DEVELOPMENT**

Proposed Budget and Contract

LMDC staff requests ratification of the emergency action taken to amend the Affordable Housing scope of work in the Final Action Plan in order to allow additional repairs (improvements), including weatherization improvements to be made with the residual funds in this activity and with any other available funds that are or become available from other activities. Authorization of this scope change to the action plan and this subrecipient agreement will allow for funds currently available in our contract with the City of New York Department of Housing Preservation and Development (HPD) and future funds added to this subrecipient agreement to be used for a broader scope of improvements to lower Manhattan properties than originally identified in the Action Plan or subrecipient agreement. This emergency authorization allowed work to begin on New York City Housing Authority (NYCHA) properties as soon as June 2021, using available funds, while staff prepares requests for additional funds to be reallocated to the Affordable Housing activity for presentation at our next Board meeting.

Background

To date, the Board has authorized \$54,000,000 for creating, preserving and improving affordable housing in lower Manhattan, including \$12,800,000 for the Affordable Housing activity in the Final Action Plan. Nearly \$53,000,000 has been spent on these activities with more to be accomplished. In November 2006, the Board authorized staff to enter into a subrecipient agreement with HPD for an amount up to \$12,000,000; an agreement for \$11,880,000 was executed. Then in January 2017, the Board authorized the transfer of Partial Action Plan 6 residual Acquisition and Preservation funds to the Final Action Plan Affordable Housing activity for this HPD contract, increasing the contract value to \$12,680,000.

HPD initially issued a request for qualifications inviting not-for-profit sponsors to submit applications to receive funding assistance for the acquisition and rehabilitation of eligible multi-family housing buildings in Lower Manhattan, which unfortunately, did not work out. HPD then identified multiple New York City Housing Authority properties in need of funds to support façade, lighting and security improvements. Improvements to these properties began in 2017 and were completed in 2020. Approximately, \$1,000,000 remained unspent and available for further affordable housing improvements. For several years, LMDC staff, Board members, City and State officials have been attempting to identify affordable housing projects to be funded by LMDC that can be completed timely.

Scope of Services

The action plan and subrecipient agreement scope changes enable available funding (and future reallocated funding) to be used for painting and floor restoration work at five NYCHA developments: Two Bridges, Rutgers, LaGuardia, Smith and LaGuardia Additions which will benefit over 4,000 households/affordable housing units. Preliminary estimates indicated that this work could begin as soon as June and be completed in 2021 or early 2022 at a total project cost of approximately \$2,000,000, half of which already exists in the active HPD subrecipient agreement. The emergency action enabled the scope of work to begin before the next Board meeting was scheduled using funds that already existed. The additional funding needed to complete the full scope of work for all five properties, has been identified, and will require full Board action at the next Board meeting. Ongoing support of such improvements is consistent with LMDC's mission to create, preserve and rehabilitate affordable housing in lower Manhattan.

**RATIFICATION OF FUNDING AUTHORIZATION FOR NEW YORK STATE HOME
AND COMMUNITY RENEWAL AFFORDABLE HOUSING AGREEMENT**

Proposed Budget and Contract

LMDC staff requests ratification of the emergency action taken to enter into a \$110,000 agreement with New York State Homes and Community Renewal (“HCR”) or an affiliate to conduct preliminary and other audit work necessary to determine the detailed scope, cost and schedule for possible weatherization improvements to five buildings that receive Section 8 Project Based Rental Assistance for HUD affordable housing properties in lower Manhattan. This preliminary phase of work is needed to develop a full scope funding proposal for submission to the Board at a future meeting. Funds for this agreement exist in the Affordable Housing activity in the Final Action Plan.

Background

To date, the Board has authorized \$54,000,000 for creating, preserving and improving affordable housing in lower Manhattan, including \$12,800,000 for the Affordable Housing activity in the Final Action Plan. Nearly \$53,000,000 has been spent on these activities with more to be accomplished. In November 2006, the Board authorized staff to enter into a subrecipient agreement with HPD and an agreement for \$11,880,000 was executed. Then in January 2017, the Board authorized the transfer of Partial Action Plan 6 residual funds to the Final Action Plan Affordable Housing activity for the same HPD contract, increasing the contract value to \$12,680,000 of which over \$1,000,000 remains available for use by HPD.

For years, LMDC staff, Board members, City and State officials have been attempting to identify affordable housing projects to be funded by LMDC that can be completed timely. Over the past few months, staff has been working with HCR to identify short-term affordable housing projects in lower Manhattan. HCR administers the U.S. Department of Energy’s (DOE) Weatherization Assistance Program (WAP) reducing energy costs for low-income households by increasing energy efficiency of the homes while ensuring the residents’ health and safety. WAP is the nation’s single largest residential whole-house energy efficiency program, and has created an industry, producing new jobs and technologies, while helping the most vulnerable families across the country. WAP funding does not reach all eligible affordable housing properties in Lower Manhattan. Therefore, HCR and LMDC have discussed the possibility of LMDC funding weatherization improvements to properties in our catchment area that did not receive DOE WAP funding within the last 15 years. HCR has identified 14 affordable housing properties, 2,400 units, in lower Manhattan in need of weatherization improvements with five properties, 744 units, being deemed the best candidates for immediate attention. Weatherization improvements include upgrades to HVAC systems, lighting, building envelope insulation, window replacement, ventilation improvements, health and safety measures deemed necessary or required.

Scope of Services

The proposed agreement would provide funding that only covers preliminary scoping and detailed energy audits for five properties encompassing 744 affordable housing units. These scoping audits identify weatherization improvements needed to enhance energy efficiency at each property, establish clear scopes of work, costs and time frames for the work, while obtaining the property owners agreement to move forward and to contribute financially to these improvements. The property owners’ contributions will be an amount up to 25% of total construction costs as determined by HCR and LMDC based on the owners financial situation/burden.

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

The results of the audits will be used to create a separate staff funding request for presentation at a future Board meeting. Ongoing support of such improvements is consistent with LMDC's mission create, preserve and rehabilitate affordable housing in lower Manhattan.

Subrecipient Description

New York State Homes and Community Renewal (HCR) is the State's affordable housing agency, with a mission to build, preserve, and protect affordable housing and increase homeownership throughout New York State. HCR works with many private, public and nonprofit partners to create safe, healthy and affordable housing opportunities for all New Yorkers while spurring related economic development activity to create business opportunity and strengthen communities across the state.

**REQUEST TO AMEND PARTIAL ACTION PLANS 10 AND THE FINAL ACTION PLAN,
AND TO AMEND THE SUBRECIPIENT AGREEMENT WITH THE
CITY OF NEW YORK DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

LMDC staff requests Board authorization to prepare and issue amendments to Partial Action Plan (PAP) 10 and the Final Action Plan (FAP) for public comment with later review by LMDC and submission for approval by the U.S. Department Housing and Urban Development (HUD), to the extent necessary. The proposed amendments will transfer \$1,180,000 of unused and available funds from activities that are completed or sufficiently funded to the *Affordable Housing* activity in the FAP primarily for the City of New York Housing Preservation and Development (HPD) Subrecipient Agreement in support of ongoing renovations being made to New York City Housing Authority (NYCHA) properties and other affordable housing projects.

The proposed amendments would increase the *Affordable Housing* allocation in the FAP by approximately \$1,180,000 to \$13,980,000 while reducing the *East River Waterfront Esplanade and Piers* and *Chinatown Projects* activities in PAP 10 and the *Transportation Improvements*, *Neighborhood Parks and Open Spaces* and *West Thames Street Bridge* activities in the FAP by the amounts indicated below.

The following table details the current action plan allocations and the proposed changes:

PAP	Activity	Current Allocation	Proposed Reallocation	Proposed Revised Allocation
10	East River Waterfront Esplanade and Piers	\$139,580,000	(\$216,596)	\$139,363,404
10	Chinatown Projects	\$7,000,000	(\$709,248)	\$6,290,752
FAP	Transportation Improvements	\$15,835,000	(\$142,612)	\$15,692,388
FAP	Neighborhood Parks and Open Spaces	\$3,235,045	(\$60,845)	\$3,174,200
FAP	West Thames Street Bridge	\$13,141,598	(\$50,699)	\$13,090,900
FAP	Affordable Housing	\$12,800,000	\$1,180,000	\$13,980,000

Scope of the Amendments to the Action Plans

The amendments to PAP 10 and the FAP are intended to sweep available funds from activities and programs that are completed or sufficiently funded to the *Affordable Housing* activity to be used to support affordable housing projects and programs, most immediately to cover the nearly \$1,100,000 HPD/NYCHA project shortfall. The transfers of funds from the activities in PAP 10 and the FAP may be followed by further transfers of funds that become available from other activities in these or other Action Plans so that available funds can be moved to the *Affordable Housing* activity for use in support of Lower Manhattan affordable housing. Funds will only be transferred to the *Affordable Housing* activity after a determination is made by LMDC staff that sufficient funds exist to meet the ongoing obligations of the other projects approved by the Board.

East River Waterfront Esplanade and Piers

The funds that we are proposing to reallocate represent residual legal and environmental funds that were needed before the East River Waterfront Esplanade and Piers projects could move forward and are no longer needed. Funds are available in PAP S-2 to meet all East River Waterfront Esplanade and Piers subrecipient agreement obligations. The reallocation of these funds will enable the closing of this activity in PAP 10.

Chinatown Projects

The funds that we are proposing to reallocate represent residual legal, environmental and project funds associated with the Chinatown Project activities. LMDC has no outstanding Chinatown Projects obligations making these funds available for reallocation and enabling the closing of this PAP 10 activity.

Transportation Improvements

The funds that we are proposing to reallocate represent unused Transportation Improvements funds that were reserved for costs associated with legal and environmental services provided before the project could move forward. The Water Street Improvements project is underway and sufficient funds have been retained in this activity to meet our subrecipient agreement obligations.

Neighborhood Parks and Open Spaces

The funds we are proposing to reallocate represent unused Parks and Open Spaces funds that were available for costs associated with legal and environmental services. The Parks and Open Spaces projects are well on their way to being completed making these funds available for reallocation while we retain sufficient funds in this and other parks activities to meet subrecipient agreement obligations.

West Thames Street Bridge

The funds that we are proposing to reallocate represent residual West Thames Street Bridge project funds. This project has been completed and LMDC grant obligations have been met. The reallocation of these funds will enable the closing of this activity in the FAP.

Affordable Housing

We propose transferring approximately \$1,180,000 of available funds from the activities described above to the *Affordable Housing* activity in the FAP. The *Affordable Housing* activity funds will be used to increase the existing HPD subrecipient agreement contract value thereby enabling the completion of the planned NYCHA property painting and floor restoration work and legal costs associated with the affordable housing contract amendments. *Affordable Housing* activity funds will be available for costs associated with affordable housing projects or programs.

Scope of Subrecipient HPD Agreement

The proposed action plan amendments will provide funds needed to increase the existing HPD Affordable Housing Program subrecipient agreement from \$12,680,000 to approximately \$13,800,000 essentially covering the NYCHA renovations project shortfall. These funds will supplement funds in place for the painting and floor restoration work at five NYCHA developments: Two Bridges, Rutgers, LaGuardia, Smith and LaGuardia Additions which will benefit over 4,000 households/affordable housing units. This work is underway and is expected to be completed in early 2022. \

**REQUEST TO EXTEND AND AMEND THE PRE-QUALIFIED COUNSEL
AGREEMENTS FOR LEGAL SERVICES**

Proposed Budget and Contracts

LMDC staff requests Board authorization to increase funding and extend for nine (9) months the term of contracts with one or more law firms on the Empire State Development (ESD) Pre-Qualified Counsel List established in 2017 and in effect through March 31, 2022. LMDC staff requests an additional \$2,450,000, thus increasing authorized funding over the term of these contracts from \$4,400,000 to \$6,850,000, to be used as needed by management for one or more of these Pre-Qualified firms. Funds for the proposed contracts and amendments are provided in the fiscal year end 2022 and the anticipated 2023 budgets and in appropriate project-related Partial Action Plans, or will be paid by the World Trade Center Site 5 (“Site 5”) conditionally-designated developer (“Developer). The Developer for Site 5 has entered into a Project Expenses Reimbursement and Imprest Account Agreement that established an imprest account to fund, among other items, LMDC’s legal expenses in connection with potential development at Site 5. This requested increase is necessary for additional work already performed and anticipated for Site 5 as a result of several factors, including but not limited to prolonged lease negotiations, changes in project schedule, and negotiating and drafting an increased number of required ancillary project documents. All invoices for the firms’ work on Site 5 will be paid from the Developer’s imprest account.

LMDC staff currently estimates that it will use a majority of the funds that remains available in the Board’s previous \$4,400,000 authorizations for the services of firms on the Pre-Qualified Counsel list once current invoices are processed. The request for additional funds is primarily based on our understanding of ongoing and future legal work required in connection with Site 5. We anticipate additional expenditures of up to \$2,450,000 for the period through December 2023.

Background

LMDC requires legal advice and services related to complex construction, environmental, land use, and real estate matters arising out of the many federally-funded planning and development programs in Lower Manhattan. Examples of such programs include the World Trade Center Memorial and Redevelopment Plan and the related General Project Plan for the World Trade Center Memorial and Cultural Program (WTC GPP), the proposed Modified WTC GPP (MGPP), as well as other off-site projects. To provide such advice and services, LMDC has utilized several firms that historically provided services to ESD and LMDC given their familiarity with similar matters.

The Board previously authorized up to \$4,400,000 for law firms included in the 2008, 2012 and 2017 ESD Pre-Qualified Counsel Lists for contract terms through March 2023. After all of the outstanding invoices are paid, we expect nearly all the existing contract amounts to be expended. As described above, additional legal work will be required by law firms through December 2023 to complete the Site 5 development and other LMDC projects.

Scope of Work

LMDC will continue to require legal services in the following areas of law: (1) construction, (2) environmental, and (3) real estate and land use, as well as any related litigation. In addition, LMDC may require legal advice and services in other areas of the law given the diverse nature of LMDC's work. The need for legal services has arisen in connection with the Site 5 development and proposed amendments to the WTC GPP, as well as other matters related to the completion of the remaining LMDC projects. LMDC seeks to increase contract values accordingly up to the proposed Pre-qualified contracts limit and extend its existing retainer agreements, that expire March 31, 2023, by an additional nine (9) months to December 31, 2023, with the following firms: (i) Carter Ledyard & Milburn LLP, for matters related to environmental compliance in connection with active LMDC projects and the implementation of and potential modifications to the WTC GPP (including compliance with historic preservation obligations related to South Street Seaport Museum and the WTC Ship Remnant; and (ii) Venable LLP, for project-specific environmental, insurance and real estate matters including matters relating to the ongoing and anticipated WTC site land transfers. LMDC may also need to retain additional firms on the ESD Pre-Qualified Counsel List in the event that new legal issues arise with respect to other new or existing projects. Fee caps will be in place representing lower rates as compared to market billing rates where such work is not being reimbursed by a third party, and fees will be paid for actual work performed and expenses incurred, as requested by LMDC on an as-needed basis.

Selection Process

On February 16, 2017, ESD established a list of pre-qualified counsel to provide legal services in the areas of expertise noted above. The pre-qualified counsel list facilitates the procurement of legal service in a prompt and timely manner and will be in effect for the selection of firms from the list made by or before March 31, 2022. LMDC has reviewed the list and recognizes the distinguished history of the firms, many of which have already provided or currently provide legal services to LMDC, including Carter Ledyard & Milburn LLP and Venable LLP.

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

REQUEST FOR LAND USE IMPROVEMENT AND CIVIC PROJECT FINDINGS; ACCEPTANCE OF ENVIRONMENTAL ASSESSMENT; DETERMINATION THAT NO SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT IS NEEDED PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT AND STATE ENVIRONMENTAL QUALITY REVIEW ACT AND THEIR IMPLEMENTING REGULATIONS; ADOPTION OF MODIFIED GENERAL PROJECT PLAN; OVERRIDE OF LOCAL ZONING REGULATIONS AND OTHER LOCAL LAWS; AUTHORIZATION TO HOLD A PUBLIC HEARING; AND AUTHORIZATION TO TAKE RELATED ACTIONS



LMDC

Lower Manhattan Development Corporation
22 Cortlandt Street, 22nd Floor New York, NY 10007
Tel: 212.962.2300 Fax 212.962.2431
www.renewnyc.com

November 17, 2021

TO: The Directors

FROM: Daniel A. Ciniello

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

REQUEST FOR: Land Use Improvement and Civic Project Findings; Acceptance of Environmental Assessment; Determination that No Supplemental Environmental Impact Statement is Needed Pursuant to National Environmental Policy Act and State Environmental Quality Review Act and their implementing regulations; Adoption of Modified General Project Plan; Override of Local Zoning Regulations and Other Local Laws; Authorization to Hold a Public Hearing; and Authorization to Take Related Actions.

I. PROJECT SUMMARY

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

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

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

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

Proposed Modifications: It is proposed that the GPP be modified to allow potential future mixed-used development on the Development Site, specifically permitting residential, as set forth in the draft amendment to World Trade Center Memorial and Cultural Program General Project Plan (the “**MGPP**”) that accompanies these materials as Exhibit A. It is also proposed that ESD join LMDC in adopting the MGPP, to accommodate a possible role for ESD as owner and landlord for the implementation of any mixed-use development on Site 5 in cooperation with LMDC and PANYNJ. Material GPP modifications are detailed below.

Project: The proposed project (the “**Project**”) would be a mixed-use tower with residential, office, retail, fitness and social center, and community facility uses at the Development Site. While it is anticipated that ESD would act as landlord in a lease with a conditionally-designated developer, the Board is not being asked to approve a specific transaction at this time.¹

Project Type: Land Use Improvement and Civic Project.

Project Team:

Origination: Holly Leicht

Legal: Goldie Weixel, Robin Stout, Matthew Acocella

Real Estate: Tobi Jaiyesimi, Terence Cho

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

Project Team, cont.:

Contractor &
Supplier Diversity: Alejandra Villanueva
Environmental: Rachel Shatz, Eram Qadri
Design & Construction: Philip Maguire

II. MODIFIED GENERAL PROJECT PLAN

A. Background

As mentioned above, a permanent memorial remembering and honoring the thousands of innocent lives lost in the September 11, 2001 and February 26, 1993 terrorist attacks was and is a principal goal of the World Trade Center Memorial and Redevelopment Plan set forth in the GPP. There are two components to the GPP. The first is a “**Memorial Program**,” carried out by LMDC, that includes the now completed memorial and memorial museum (the “**Memorial/Museum**”) and the planned performing arts center (the “**PAC**”). The second component is a “**Redevelopment Program**,” carried out by PANYNJ, which includes commercial and retail development, open space, and infrastructure improvements at the WTC Site. LMDC works closely with PANYNJ to effectuate the Redevelopment Program.

In the GPP, Site 5 is located in the expanded, southern portion of the WTC Site in order to reduce density in the remainder of the WTC Site, thus allowing for reservation of space for the Memorial Program. In furtherance of this plan, LMDC and PANYNJ agreed to an exchange of real property interests: LMDC would acquire property for the southern expansion—130 and 140 Liberty Street—for transfer to PANYNJ for the Redevelopment Program, and PANYNJ would provide LMDC (or its designee) with a long-term lease and purchase option for the PANYNJ-owned Memorial Program properties. LMDC used funds from LMDC’s U.S. Department of Housing and Urban Development (“**HUD**”) Community Development Block Grant (the “**HUD Grant**”) to acquire 130 and 140 Liberty Street, and to clear 130 Liberty Street (the former DeutscheBank building; 140 Liberty Street was a parking lot). Site 5 constitutes the southern portion of the former 130 Liberty Street.²

B. Proposed GPP Modifications

The GPP provides for the development of approximately 10 million square feet of Class A commercial office space in 5 towers at the WTC Site, inclusive of Site 5, along with retail, hotel

² The exchange is nearly complete. In 2017, LMDC transferred 140 Liberty Street and the northern portion of 130 Liberty Street to PANYNJ for open space and infrastructure elements of the Redevelopment Program, as well as a site for the St. Nicholas Church, which allowed PANYNJ to acquire the former church site for the Redevelopment Program. Liberty Park and the VSC have been completed in this space, and the Church is under construction. PANYNJ then entered into a 99-year ground lease and purchase option with LMDC’s designee for development and operation of the PAC. PANYNJ has also negotiated a 99-year ground lease and purchase option with LMDC’s designee for development and operation of the Memorial/Museum, which lease would be in effect before LMDC transfers the Development Site (the last parcel in the exchange) for development of the Project.

and conference center uses. Approximately 1.3 million square feet of this office space was to be located in Tower 5. However, in view of: (a) the allocation of office and hotel uses to the future “Tower 2”, (b) the growing demand for residential space in the area surrounding the WTC Site, and (c) the community’s express desire for more mixed-use development, especially affordable housing, in the area, LMDC, ESD, and PANYNJ (the “**Project Sponsors**”) now propose to allow residential, fitness, and community facility uses, in combination with retail use and significantly reduced office use, in a mixed-use building at the Development Site.

Pursuant to the MGPP, a mixed-use building on the Development Site may be up to approximately 1.345 million square feet, inclusive of commercial and retail uses, with an up to approximately 1.1 million-square-foot residential component, of which a minimum of 25 percent of the units would be affordable housing units; a connection to Liberty Park; and a minimum of approximately 10,000 square feet of community facility space if any residential component is included.

The MGPP would permit greater flexibility in the mix of uses, and the new potential uses—residential, fitness, and community facilities—would support Lower Manhattan’s revitalization and the transition from a predominantly office district to a mixed-use neighborhood. Residential use would be in keeping with new residential development in the area and the many residential conversions that have occurred in nearby older office buildings, and would also reduce the total planned office space on the WTC Site. The requirement that a portion of the residential units be permanently affordable is in keeping with federal, state, and city policies promoting development of affordable housing, as well as expressed community priorities.

C. Community Relations and Public Engagement

ESD and LMDC have worked closely with the City of New York (the “**City**”) since 2001 on planning and implementation of the redevelopment of the WTC Site, and the Project is responsive to the City’s need for, and policies promoting, the development of affordable housing.

ESD and LMDC have also consulted with local elected officials and community leaders on preliminary planning for the Project. A community advisory committee (“**CAC**”), comprised of key stakeholders and local leaders, has been formed and consulted. The local Community Board (“**CB1**”) has also been consulted. ESD and LMDC would continue public engagement not just through the requisite approvals process but also throughout Tower 5’s construction.

Feedback from the CAC and CB1 has been instrumental in shaping the program of the proposed Project that has been analyzed in the environmental assessment (“**EA**”), including affordable housing; the fitness and community facility components; design of the building’s podium in context to the adjacent Greenwich South neighborhood; maintenance and back-of-house operations (including loading, deliveries, and garbage handling); and the ease of public access and flow of pedestrian movement through and around the Project.

D. Mixed-Use Design Guidelines

In order to ensure that the Project reintegrates the Development Site with the WTC Site and with the rest of Lower Manhattan, exemplifies excellence in design, is consistent with the vision for the Development Site, and is compatible with the intent of the MGPP, and subject to the requisite public approvals process, LMDC, PANYNJ, and Designated Developer have worked together to formulate a set of draft design guidelines (the “**Mixed-Use Design Guidelines**”) for the Project, attached hereto as Exhibit B. The Mixed-Use Design Guidelines would establish controls for development on the Development Site that form the basis for the environmental review of the Project set forth in the Project’s EA. See Part IV below. As stated in the GPP, PANYNJ has adopted commercial design guidelines to guide development for the commercial elements of the Redevelopment Program, which are administered by an agreement between PANYNJ and the City. The Mixed-Use Design Guidelines provide that only the provisions of the commercial design guidelines governing retail and signage, attached hereto as Exhibit B-1, would apply to the Project.

E. Local Law and Regulation Overrides

The new potential uses in the MGPP—residential, fitness, and community facilities—would support Lower Manhattan’s revitalization and the transition from a predominantly office district to a mixed-use neighborhood. The requirement that a portion of the residential units be permanently affordable is in keeping with federal, state, and city policies promoting the development of affordable housing, as well as expressed community priorities.

For the reasons outlined above and set forth in the GPP, it would be infeasible and impracticable for the Project to comply with all local zoning and other land use regulations. Given the substantial opportunities afforded the public to comment on the GPP, and now the MGPP, no additional public purpose would be served by compliance with other local laws inclusive of the Uniform Land Use Review Procedure. Staff therefore recommends that the Directors override certain local zoning regulations, the official City Map for the Development Site, and other local laws related thereto, including Sections 197-d, 198 and 199 of the New York City Charter, and the Uniform Land Use Review Procedure, to allow development in accordance with the MGPP and the Mixed-Use Design Guidelines. The zoning overrides requested would facilitate a potentially taller building with a greater overall floor area ratio, among other variances, than what existing Development Site zoning allows.

The MGPP would override certain local zoning provisions, including the Special Lower Manhattan District regulations. Specifically, the zoning provisions that would be overridden are: the requirement for a special permit for a physical culture establishment; the definition of “zoning lot,” to allow for creation of a zoning lot consisting of the Project Site; the maximum floor area ratio (“FAR”) of 15.0, to allow an FAR of 15.0 for the Building without regard to floor area attributable to improvements on the other portions of the Project Site (such as the St. Nicholas Church); the residential base FAR, to increase the residential FAR from 10.0 to 12.0; regulations governing height, setback and lot coverage controls, maximum horizontal dimensions for tall buildings, curb cuts, pedestrian circulation space, lobby space permitted on Greenwich Street,

and the location of retail space; and other zoning limitations, including provisions of the Special Lower Manhattan District regulations, as necessary to construct the Project in conformity with the final Mixed-Use Design Guidelines, including the two applicable sections of the commercial design guidelines.

III. STATUTORY BASIS

On June 17, 2003, LMDC, in its capacity as a subsidiary of the New York State Urban Development Corporation, doing business as ESD, adopted findings pursuant to UDC Act Section 10 for the WTC Memorial and Cultural Program Civic and Land Use Improvement Project. Implementation of the GPP as a whole, which has progressed substantially since 2003, provides for the Memorial Program and the Redevelopment Program. The GPP has been amended over time to reflect refinements in the Memorial and Redevelopment Programs, most recently on February 14, 2007, with further amendments, most significantly allowing residential use, currently proposed in the MGPP.

Staff believes, and recommends that the Directors find, that ESD's adoption of the MGPP is consistent with the requirements of the UDC Act for land use improvement projects and satisfies the findings required under UDC Act 10(c) as follows (statutory language underscored), consistent with the findings made by LMDC on June 17, 2003:

- (1) That the area in which the project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality

When the GPP was adopted, conditions at the WTC Site were substandard and insanitary as a result of the attacks on September 11, 2001. The long-term presence of an essentially empty, excavated space in the heart of New York's financial district was a blight that made the area less attractive for businesses, residents and visitors. Lower Manhattan's status as the nation's third largest central business district would have been threatened without redevelopment of the WTC Site.

Since that time, implementation of the GPP, a project whose goal was to eliminate blight, has facilitated the development and/or redevelopment of much of the WTC Site. The Development Site, currently occupied by temporary structures, is one of the remaining portions of the WTC Site not yet redeveloped. Site 5 is underdeveloped, generates minimal employment, and does not contribute to the sound growth and economic well-being of the surrounding area. Implementation of the MGPP would continue to transform the WTC Site, enliven the surrounding community, and revitalize Site 5. Remaining blighted conditions and underutilized areas have been and would continue to be replaced with a vibrant mixed-use community. Implementation of the MGPP would continue to achieve the public purposes set forth in LMDC's prior Land Use Improvement Project findings.

- (2) That the project consists of a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of such area for recreational and other facilities incidental or appurtenant thereto

The Memorial Program, for which construction began in 2006, included the planning, selection, coordination, and construction of the Memorial/Museum, memorial-related improvements, and cultural uses at the WTC Site to complement the redevelopment of commercial office space, retail space, conference center and hotel facilities, open space areas, a reconstructed church, possible residential units and fitness and community facilities, and certain infrastructure improvements at the WTC Site as part of the Redevelopment Program. The rebuilding of the WTC Site as a mixed-use center of commerce, residences (including affordable units), public spaces, and culture, with a Memorial at its heart, advances the goals of the UDC Act, the objectives developed by LMDC, and the goals articulated by the Governor of the State of New York and the Mayor of the City of New York—to remember and honor the victims of the terrorist attacks while revitalizing Lower Manhattan.

- (3) That the plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality as a whole

LMDC, ESD, and PANYNJ, working with the City and private enterprise, have and would continue to cooperate in the implementation of the GPP and MGPP. The MGPP is designed to facilitate the investment of private sector resources into the WTC Site through long-term leases for the Memorial Program and the commercial office, retail, and residential elements of the Redevelopment Program. Two private, nonprofit corporations—NS11MM and WTCPAC—are responsible for the development and ongoing operation of the Memorial Program; while private developers and other private entities are participating in the development, financing, and ongoing operation of the Redevelopment Program. With respect to the Development Site, in particular, the Project Sponsors have identified the Designated Developer pursuant to a competitive bid process through the issuance of a request for proposals for the disposition, redevelopment, and operation of the Development Site. The participation of private enterprise is consistent with the City's need to re-establish the WTC Site as a locus of commerce and to increase opportunities for housing, especially affordable housing.

Staff also believes, and recommends that the Directors find, that ESD's adoption of the MGPP is consistent with the requirements of the UDC Act for civic projects and satisfies the findings required under UDC Act Section 10(d) as follows (statutory language underscored), consistent with the findings made by LMDC on June 17, 2003:

- (1) That there exists in the area in which the project is to be located, a need for the educational, cultural, recreational, community, municipal, public service or other civic facility to be included in the project

The MGPP is intended to re-establish the WTC Site as a locus of commerce, civic space, and amenities, including appropriate commercial, residential, retail, and fitness and community uses, as well as supporting facilities, utilities and infrastructure, for the downtown area. While Lower Manhattan is a center of world finance and a major economic engine for the entire region, downtown has also become the fastest growing residential neighborhood in New York City and a major destination for regional, national, and international travelers. To serve the resulting mix of workers, residents and visitors, there is a need, and the MGPP provides, for cultural and community facilities and public open space.

- (2) That the project shall consist of a building or buildings or other facilities which are suitable for educational, cultural, recreational, community, municipal, public service or other civic purposes

As described above, the MGPP continues to provide for public open space, memorial and cultural uses, and now encompasses residential, community, and fitness uses as well.

- (3) That such project will be leased to or owned by the State or an agency or instrumentality thereof, a municipality or an agency or instrumentality thereof, a public corporation, or any other entity which is carrying out a community, municipal, public service or other civic purpose, and that adequate provision has been, or will be, made for the payment of the cost of the acquisition, construction, operation, maintenance and upkeep of the project.

As stated in the MGPP, PANYNJ will own the WTC Site, except that it is anticipated that the Development Site would be owned by ESD, and certain streets or interests in streets will be owned by the City. With respect to the Memorial Program: pursuant to long-term leases with PANYNJ, LMDC's designees pay nominal rent but are or will be responsible for payment of all costs associated with construction, operation, and maintenance of the Memorial/Museum and the PAC, with certain construction costs funded by LMDC under the HUD Grant. With respect to the Development Site, subject to requisite public approvals, Designated Developer would be obligated to build, operate, and maintain the Project at Developer's cost. With respect to the remainder of the Redevelopment Program: PANYNJ and developers or other entities selected by PANYNJ were or would be responsible for the payment of all costs associated with construction, operation, and maintenance.

- (4) That the plans and specifications assure or will assure adequate light, air, sanitation and fire protection.

The open space, reintroduction of the street grid and other elements of the MGPP have created or would create an open urban landscape with wider sidewalks, pedestrian plazas, better sightlines, and improved view corridors. Development on PANYNJ-owned portions of the WTC Site complies with the PANYNJ building code, and the Project on Site

5 would comply with the New York City Building Code, both of which include adequate provision for light, air, sanitation, and fire protection.

The requirements of UDC Act Section 10(g) also are satisfied. No residential relocation is required because no families or individuals reside on the Development Site. The current non-residential uses at the Development Site were always intended to be temporary, and no assistance is necessary to enable them to relocate.

IV. ENVIRONMENTAL REVIEW

Staff recommends that the Board approve the EA annexed as Exhibit C and the Finding of No Significant Impact and Determination of Non-Significance annexed as Exhibit D (“**FONSI**”), and authorize staff to distribute the EA and FONSI for public comment and take other actions as may be necessary to facilitate review of public comments and other actions necessary relating to the FONSI.

In June 2004, LMDC, serving as Lead Agency for environmental review pursuant to state and federal law, prepared and adopted a Final Generic Environmental Impact Statement (“**FGEIS**”) for the GPP, as reflected in the Record of Decision and Findings Statements adopted June 2, 2004. LMDC also adopted and affirmed the GPP. After 2004, design and engineering changes led to adjustments and refinements that were analyzed by LMDC in an Environmental Assessment dated April 2005, a Technical Memo dated September 2005, an Environmental Assessment dated September 2006, and a Technical Memorandum in 2007. The GPP also was amended, most recently on February 14, 2007. ESD consented to LMDC’s role as lead agency in 2003.

To adequately assess whether any new or substantially different significant adverse environmental impacts could result from the currently proposed modifications to the GPP and the possible development and operation of the Project, LMDC prepared the EA that accompanies these materials as Exhibit C. The EA analyzes potential adverse impacts of the Project, consistent with the controls that would be established by the Mixed-Use Design Guidelines, in the following areas: land use, urban design, historic resources, open space, shadows, community facilities, socioeconomic conditions, neighborhood character, hazardous materials, water and sewer infrastructure and solid waste services, transportation, air quality, climate change, noise, coastal zone, natural resources, environmental justice, public health, construction and cumulative impacts.

The EA concludes that the Project and the proposed GPP modifications would not result in any significant adverse environmental impacts not previously identified in the Project’s environmental review and that a Supplemental Environmental Impact Statement is not required in connection with the proposed actions described above.

V. REQUESTED ACTIONS

The Directors are requested to: 1) make UDC Act Sections 10(c), 10(d) and 10(g) findings; 2) accept the EA; 3) determine that no supplemental environmental impact statement is needed under either the National Environmental Policy Review Act or the State Environmental Quality Review Act and their implementing regulations; 4) adopt the Modified General Project Plan; 5) exercise override of local zoning regulations and other local laws for the specified purposes of the Project; 6) authorize the holding of a public hearing; and 7) authorize the taking of actions related to the foregoing.

VI. RECOMMENDATION

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

VII. ATTACHMENTS

Resolutions

- Exhibit A: Amendment to General Project Plan
- Exhibit B: Mixed-Use Design Guidelines
- Exhibit B-1: Retail and Signage Provisions of Commercial Design Guidelines
- Exhibit C: Environmental Assessment
- Exhibit D: FONSI

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

Exhibit A

Amendment to General Project Plan

**Amendment to
Lower Manhattan Development Corporation
World Trade Center Memorial and Cultural Program
General Project Plan
November 17, 2021
and
Adoption by Empire State Development
November 18, 2021**

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

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

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

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

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

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

5. LMDC, acting as lead agency under both NEPA and SEQRA, has prepared an Environmental Assessment, Finding of No Significant Impact, and Determination of Non-Significance dated November 17, 2021 in connection with the possible development of a mixed-use building on Site 5.

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

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

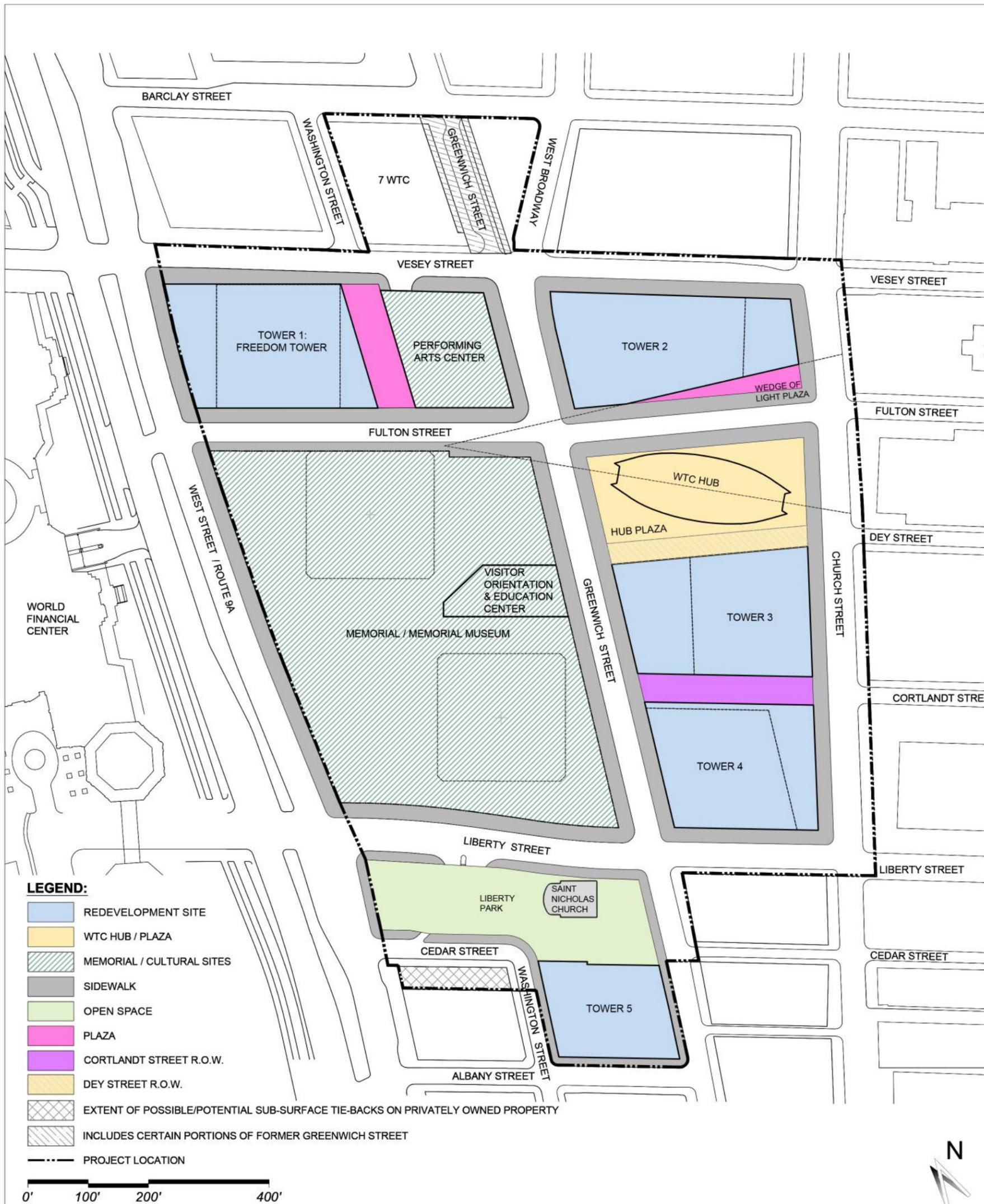
- (i) Override the Zoning Resolution use regulations to allow for physical culture establishments without a special permit from the New York City Board of Standards and Appeals;
- (ii) Override the definition of “zoning lot” to allow for creation of a zoning lot comprising the “project site” as set forth in the mixed-use design guidelines;
- (iii) Override the maximum floor area ratio (“FAR”) of 15.0 permitted in the underlying zoning district and Special Lower Manhattan District to allow a maximum FAR of 15.0 for the mixed-use building on Site 5 without regard to any additional floor area attributable to improvements on other portions of the project site;
- (iv) Override the maximum residential FAR of 10.0 permitted in the underlying zoning district and Special Lower Manhattan District to allow an overall residential base FAR on the project site of 12.0 (a) without utilization of recreational bonus space or floor area increase regulations, and (b) without regard to open space or lot coverage requirements, where applicable;
- (v) Override height and setback controls, including modification of street wall regulations, setback regulations, lot coverage regulations, and maximum horizontal dimensions for tall buildings in the Special Lower Manhattan District;

- (vi) Override (a) the Special Lower Manhattan District curb cut regulations to allow curb cuts on Greenwich Street without authorization from the City Planning Commission or Commissioner of Buildings, and (b) the underlying zoning regulations related to location of curb cuts for loading berths;
- (vii) Override the Mandatory District Plan Elements of the Special Lower Manhattan District regulations related to: (a) pedestrian circulation space on the project site, (b) amount of lobby space permitted on Greenwich Street, (c) location of retail space on the project site, and (d) other provisions of the special urban design regulations not consistent with the mixed-use design guidelines; and
- (viii) Override any other provision of the Zoning Resolution not listed above to construct the mixed-use building in compliance with the mixed-use design guidelines.

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

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

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



**WORLD TRADE CENTER
MEMORIAL AND REDEVELOPMENT PLAN**

PROPOSED SITE PLAN AS OF NOVEMBER, 2021
ATTACHMENT 1

Attachment 2

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

[see attached]

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

1. Introduction

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

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

2. LMDC and Port Authority Roles

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

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

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

3. Project Objectives

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

a. Remembering the Victims of the Terrorist Attacks

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

b. Revitalizing Lower Manhattan

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

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

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

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

4. Project Location

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

(i) the WTC Site, bounded as follows:

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

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

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

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

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

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

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

and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Project Setting

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

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

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

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

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

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

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

6. The Memorial Program

a. General

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

b. Uses

i. Memorial

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

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

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

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

ii. Cultural Buildings and Programming

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

7. The Redevelopment Program

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

a. Commercial Office Space

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

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

b. Retail

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

c. Hotel and Conference Center

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

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

d. Streets and Public Open Spaces

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

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

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

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

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

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

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

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

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

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

* Northern Site is still being studied.

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

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

e. St. Nicholas Greek Orthodox Church

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

f. Infrastructure and Utilities

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

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

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

8. Design Guidelines

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

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

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

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

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

9. Relocation

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

10. Environmental Review

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

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

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

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

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

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

12. Zoning; City Map

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

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

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

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

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

Exhibit B

Mixed-Use Design Guidelines

Site 5 World Trade Center
Mixed-Use Design Guidelines
November 18, 2021

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1. Introduction

a. Project Description

The project is the development and operation of Tower 5 at the World Trade Center pursuant to the World Trade Center Memorial and Redevelopment Plan described in the World Trade Center Memorial and Cultural Program General Project Plan dated June 2, 2004, as amended through February 14, 2007 and by a proposed amendment dated November 17, 2021 (the “WTC MGPP”). The project is envisioned to become a world class mixed-use residential and commercial building on a site (“Site 5” or the “Development Site” as defined below) at the southern edge of the World Trade Center.

b. Purpose of the Mixed-Use Design Guidelines

These guidelines (the “Design Guidelines”) establish a framework for the development of a mixed-use residential, community facility and commercial building for Site 5. As set forth in the WTC MGPP, for purposes of mixed-use development on the Southern Site, the Design Guidelines supersede those portions of the World Trade Center Commercial Design Guidelines (the “WTC CDGs”) which relate to Site 5, except that the Design Guidelines do not supersede Section 7 (Retail Guidelines) and Section 9 (Signage and Graphics Guidelines) of the WTC CDGs, which are part of the Design Guidelines for Site 5 and will apply to any mixed-use building on Site 5 (in addition to the provisions of the Design Guidelines herein), but will be administered by The Port Authority of New York and New Jersey.

Further, the Design Guidelines do not supersede the Commercial Sustainable Design Guidelines annexed as Appendix D to the 2004 Record of Decision (“ROD”), as amended by the ROD addendum dated February 16, 2007 (as amended, the “Sustainable Design Guidelines”).

The New York State Urban Development Corporation, doing business as Empire State Development (“ESD”), will administer the Design Guidelines. The Port Authority of New York and New Jersey will administer the sections of the WTC CDGs referenced above.

c. Applicable Law and Zoning Overrides

In accordance with the New York State Urban Development Corporation Act, the WTC MGPP overrides certain provisions of the New York City Zoning Resolution (the “Zoning Resolution”) with respect to the Development Site, as set forth below.

Development on Site 5 will be subject to and conform with the applicable provisions of the Zoning Resolution, the New York City Building Code, the New

York City Energy Conservation Code and any other applicable laws, except as provisions of the Zoning Resolution are overridden by the WTC MGPP as follows:

- (i) Override the Zoning Resolution use regulations to allow for physical culture establishments without a special permit from the New York City Board of Standards and Appeals;
- (ii) Override the definition of “zoning lot” to allow for creation of a zoning lot comprising the “Project Site” as defined in the Design Guidelines;
- (iii) Override the maximum floor area ratio (“FAR”) of 15.0 permitted in the underlying zoning district and Special Lower Manhattan District to allow a maximum FAR of 15.0 for the mixed-use building on the Development Site without regard to any additional floor area attributable to improvements on other portions of the Project Site;
- (iv) Override the maximum residential FAR of 10.0 permitted in the underlying zoning district and Special Lower Manhattan District to allow an overall residential base FAR on the Project Site of 12.0 FAR (a) without utilization of recreational bonus space or floor area increase regulations; and (b) without regard to open space or lot coverage requirements, where applicable;
- (v) Override height and setback controls, including modification of street wall regulations, setback regulations, lot coverage regulations, and maximum horizontal dimensions for tall buildings in the Special Lower Manhattan District;
- (vi) Override (a) the Special Lower Manhattan District curb cut regulations to allow curb cuts on Greenwich Street without authorization from the City Planning Commission or Commissioner of Buildings; and (b) the underlying zoning regulations related to location of curb cuts for loading berths;
- (vii) Override the Mandatory District Plan Elements of the Special Lower Manhattan District regulations related to: (a) pedestrian circulation space on the Project Site; (b) amount of lobby space permitted on Greenwich Street; (c) location of retail space on the Project Site; and (d) other provisions of the special urban design regulations not consistent with the Design Guidelines; and
- (viii) Override any other provision of the Zoning Resolution not listed above to construct the mixed-use building in compliance with the mixed-use design guidelines.

In those instances where the WTC MGPP overrides the Zoning Resolution, the Design Guidelines shall control in lieu of the Zoning Resolution and ESD's review of development plans for the Development Site with respect to compliance with the WTC MGPP and the Design Guidelines will replace zoning compliance review by the New York City Department of Buildings (the "DOB"). In those instances where the Zoning Resolution is not overridden, compliance with the Zoning Resolution and any other applicable laws will continue to be reviewed by the DOB.

d. Goals and Objectives of the Design Guidelines

The Design Guidelines define the design direction of the new development at Site 5 in order to facilitate an appropriate mix of uses, activation of the streetscape, and a building form that will enhance the entirety of the World Trade Center Memorial and Redevelopment Plan, and will provide a state of the art mixed-use project that is responsive to market demands and fulfills urban design objectives.

Proposed uses, tower massing, and ground floor programming are described herein to create a dynamic mix of programs and world class design.

e. General Provisions

The Design Guidelines contain text as well as site plans and diagrams (the "Design Control Diagrams"). The Design Control Diagrams are hereby incorporated and made part of these Design Guidelines and are equally binding as if fully described in the text.

All measurements of height shall be measured from the "*Design Flood Elevation*" as defined by the New York City Building Code. Pursuant to New York City Local Law 43 of 2021, the anticipated Design Flood Elevation is two feet above the base flood elevation, which would correlate to 311.48 feet NYNJPA datum.

Certain terms and concepts used in these Design Guidelines are also contained in the Zoning Resolution. Unless otherwise stated, such terms shall have the meanings as set forth in the Zoning Resolution.

The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

f. Sustainability

The new development shall be designed and constructed to meet LEED Gold standards for building performance, or an equivalent standard that may exist at the time detailed design work begins for a development. In addition, the new development shall meet the 2019 NYC Local Law 97 carbon annual intensity limits for buildings and shall comply with the Sustainable Design Guidelines that are applicable to a mixed-use building.

g. Definitions

All Electric Building. An All Electric Building is a building utilizing all electrical heating and cooling.

Development Site. The Development Site, identified in Figure 1, is the location of the proposed building at Block 54, p/o Lot 1.¹ The lot area of the Development Site is 33,008 square feet.

Fitness and Social Center. Fitness and Social Center shall mean a commercial or non-commercial establishment, which is equipped and arranged to provide instruction, services, or activities which improve or affect a person's well-being by physical exercise, massage or therapeutic or relaxation services.

Gross Square Feet or gsf. Gross Square Feet shall mean the area of floor space measured within the outer surface of building walls except for areas open to the sky above. The permitted gsf for the mixed-use building is different than the square footage for the mixed-use building to be set forth in the new Section 1 of the November 2021 amendment to that is part of the proposed WTC MGPP due to differences in measurement, not differences in the building. The applicable square footage limitation on the building provided in the WTC MGPP, which is not modified by the Design Guidelines, is based on the zoning floor area.

Landscape Buffer. A Landscape Buffer is a planting bed defined by a raised curb.

Laws. References to laws means laws, rules, orders, ordinances, regulations, statutes, requirements, permits, consents, certificates, approvals, codes and executive orders.

Loading Area. A Loading Area is an area used for the movement of commercial goods, tenant moving, refuse collection and removal, located off Washington Street.

Pedestrian Zone. The Pedestrian Zone shall be provided to increase the capacity of the sidewalks as well as to provide for access to entrances and uses at the ground floor and shall include those areas of increased sidewalk width within the Development Site that provide increased pedestrian circulation space.

Podium Façade. The Podium Façade is any portion of the building façade located below the maximum base height and directly below a Tower Setback. Portions of the building façade that are not located directly below Tower Setbacks are not considered Podium Façade and are not subject to Podium Façade requirements.

¹ Tax lot numbers to be updated upon reapportionment.

Project Site. The Project Site is the zoning lot for the project, identified in Figure 1, and includes the property located at Block 54, p/o Lots 1, 30, and 40, Block 56, p/o Lots 15, 20, and 21, and p/o Washington Street and p/o Liberty Street previously acquired from the City of New York.² The lot area of the Project Site is 92,759 square feet.

Required Setback Area. A Required Setback Area an area above the maximum base height where application of the maximum tower coverage results in a setback from the base.

Through-Site Connection. The Through-Site Connection is a space connecting Washington Street and Greenwich Street at the north of the Development Site that contains a pedestrian path with a minimum width of five feet and a vehicular access lane.

Tower Façade. The Tower Façade is any portion of the building façade located above the Tower Setbacks, and also includes any portion of the building façade that is below the maximum base height and not located directly below a Tower Setback.

Tower Setback(s). A setback or setbacks provided at or below the maximum base height in compliance with the maximum tower coverage requirement of Section 3(b)(ii).

² Tax lot numbers to be updated upon reapportionment.

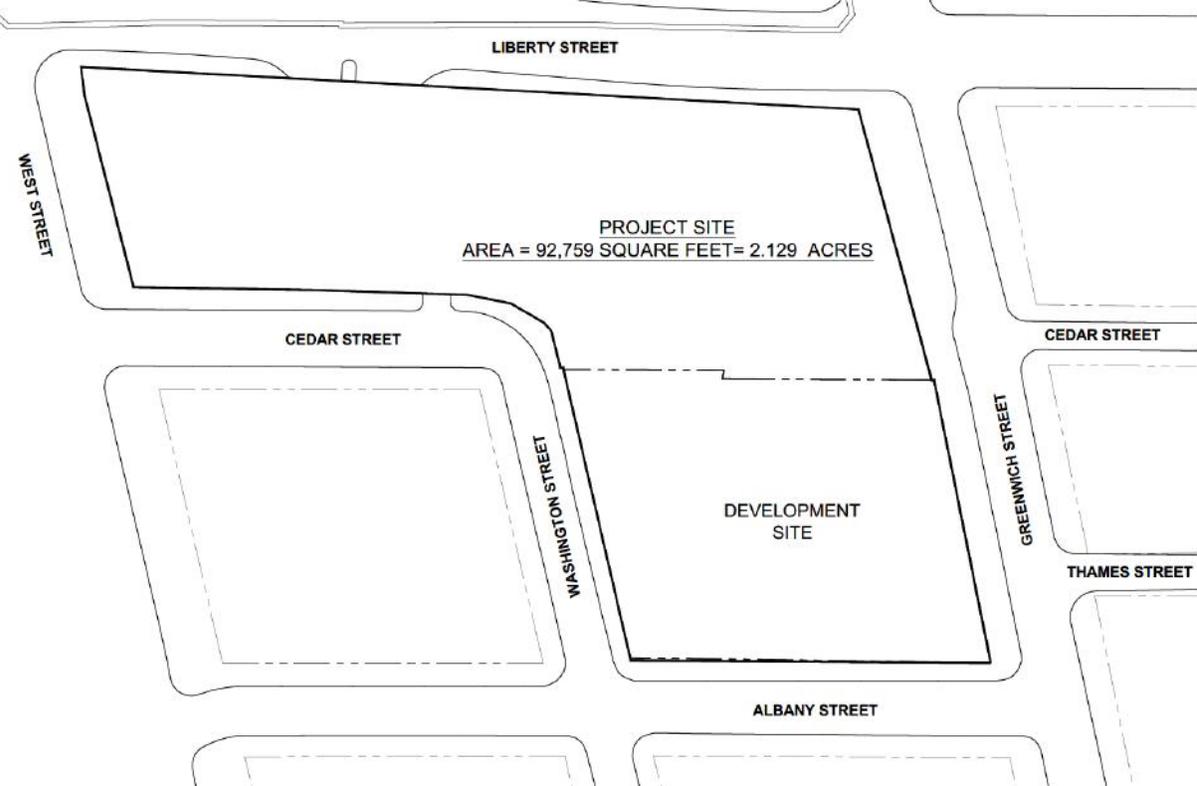


Figure 1 - Project Site

2. Project Program

a. Uses

Permitted uses at the Development Site shall include:

- Residential
- Office
- Fitness and Social Center
- Community facility without sleeping accommodations
- Retail
- Accessory Uses

b. Density

**Table 1
Potential Programs Analyzed**

	Maximum Residential (1,270 Units)	Reduced Residential (1,193 Units)
Residential	1,386,898 gsf*	1,126,563 gsf*
Commercial	180,000 gsf	374,361 gsf
Fitness and Social Center	36,000 gsf	80,645 gsf
Community Facility	13,000 gsf	21,329 gsf
Retail	12,000 gsf	25,000 gsf
Total	1,627,898 gsf*	1,627,898 gsf*
Note: * An additional 50,000 gsf of residential mechanical space is permitted for an all-electric building under either program.		

3. Building Bulk, Massing, and Exterior Design

a. Ground Plane

Pedestrian Zones shall be provided at ground level adjacent to the public sidewalks along Greenwich and Albany Streets where shown on Figure 2. The surface of the Pedestrian Zones shall be consistent and seamless with the adjacent sidewalk material.

The building may project above a Pedestrian Zone to the Development Site property line at an average height of at least 20 feet.

Vehicular circulation shall be provided by a Through-Site Connection along the north of the Development Site connecting Washington Street to Greenwich Street in the location shown on Figure 2.

The Through-Site Connection is required to be open to the public and to have an average height of at least 20 feet. The vehicular drive may be differentiated from pedestrian areas by means of distinct paving or curbs, bollards, or a combination.

A Landscape Buffer shall be provided in the location shown in Figure 2.1.

Curb cuts are permitted within the “*Loading Curb Cut*” and “*Drive Lane Curb Cut*” zones shown in Figure 2. The maximum width for each Drive Lane Curb Cut is 12 feet. The maximum width for each Loading Curb Cut is 30 feet per curb cut.

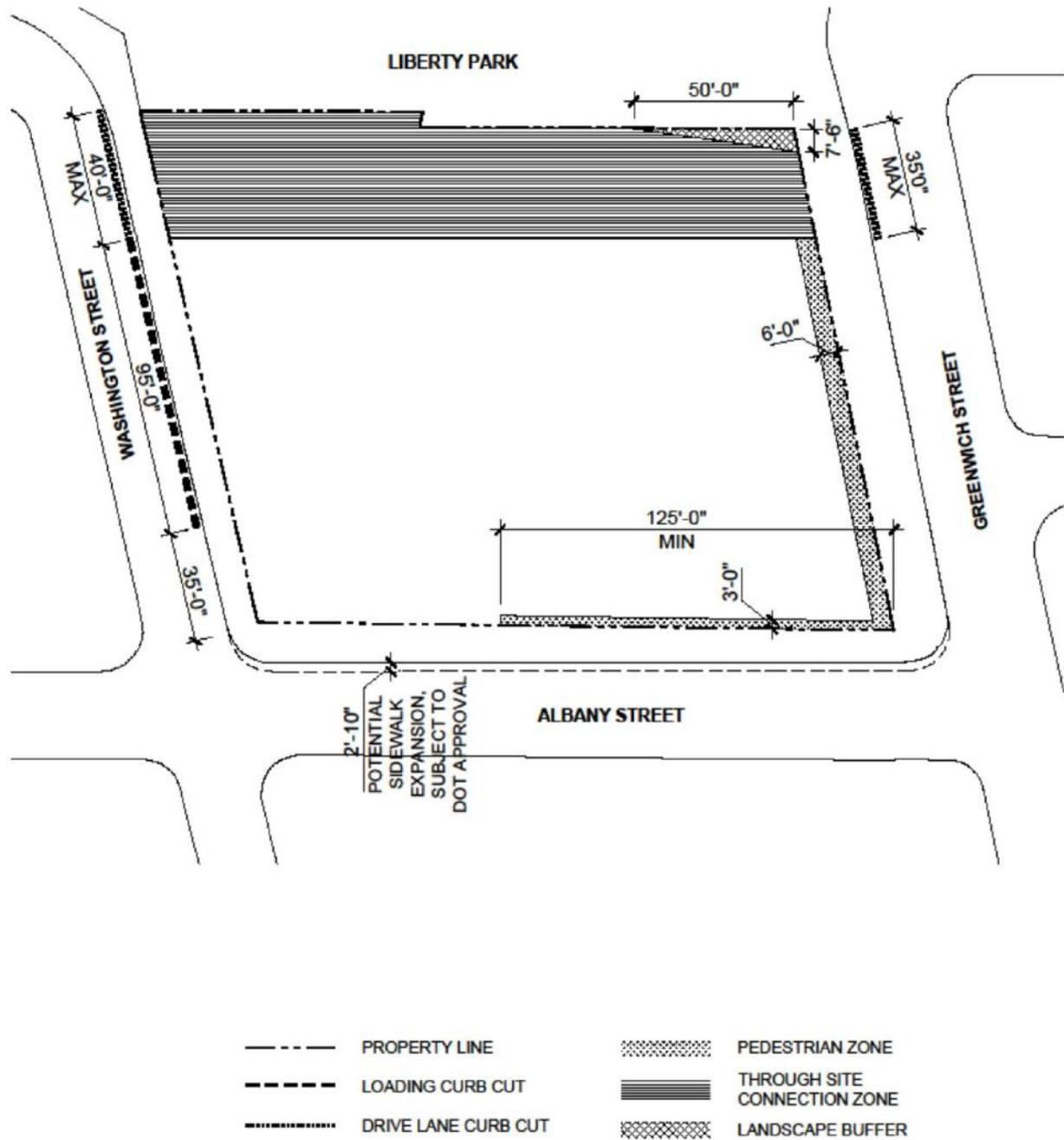


Figure 2- Ground Plane Diagram

b. Building Envelope

i. Maximum Base Height

A maximum base height of 190 feet is permitted.

ii. Maximum Tower Coverage (Tower Setback)

Beginning at or below maximum base height, the tower shall set back so that the gsf of each floor above the maximum base height shall not exceed 75 percent of the area of the Development Site. See Figure 3.

iii. Permitted Obstructions Above Maximum Base Height

The following obstructions may be permitted in the Required Setback Area:

- awnings
- balconies and railings
- decks
- solar energy systems
- vegetated roofs
- window washing equipment
- wind energy systems
- wind mitigation elements such as, but not limited to, a six foot high glass partition at the parapet
- outdoor kitchens and barbeques
- exercise equipment
- privacy partitions and trellises
- pergolas

iv. Maximum Building Height

A maximum building height of 900 feet is permitted, except that the maximum building height of an All Electric Building shall be 940 feet. Rooftop water tanks, cooling towers, and mechanical equipment shall be screened on all sides. Elevator or stair bulkheads, flagpoles, roof water tanks, cooling towers or other mechanical equipment shall not be permitted above the maximum building height. The maximum building height may only be exceeded by spires, masts, aerials, and buildings maintenance systems. Exposed masts and aerials shall not exceed 10 percent of the roof area nor shall their height exceed the heights of the masts or aerials on 4 World Trade Center.

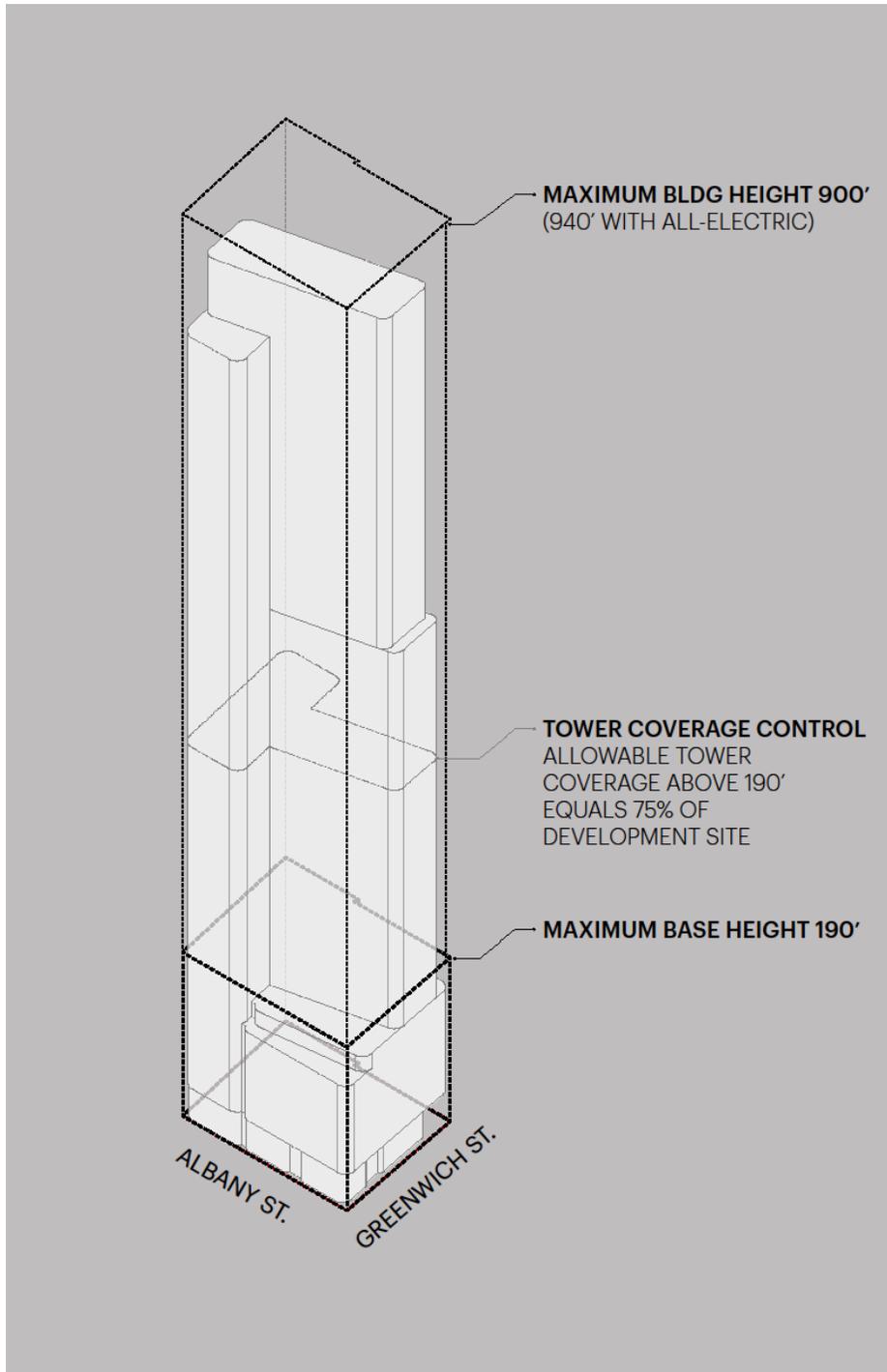


Figure 3 - Base Height and Tower Coverage

c. Exterior Building Design

i. Podium Façade

The Podium Façade shall have a three part composition comprised of a base, a middle and a top:

- Base - The lower (street) portion of the Podium Façade shall range in height from one to two stories above the ground with a minimum height of 20 feet. The façade of the base shall primarily be glass storefront. At the ground floor, the storefront shall meet the transparency requirements described in Section 4.
- Middle - The middle portion of the Podium Façade shall be located between the base portion and top portion and shall be characterized by a primary grid of masonry, or similar materials (e.g., brick, stone, precast concrete, GFRC, UHPC, terracotta, fiber cement, FRC, ceramic or porcelain). The area within the grid shall be comprised of vision glazing, spandrel glazing and masonry, or similar materials. Louvers, as required by building mechanical services, may be used in lieu of glazing. The combined vision glazing, spandrel glazing and louver area shall not exceed 75 percent of the total surface area of the middle portion of the Podium Façade.
- Top - The top portion of the Podium Façade shall include the top 1 or 2 full stories below the Tower Setbacks and shall be characterized by a primary grid of masonry, or similar materials (e.g., brick, stone, precast concrete, GFRC, UHPC, terracotta, fiber cement, FRC, ceramic or porcelain), similar to the middle portion of the Podium Façade. The area within the grid shall be comprised of vision glazing, spandrel glazing and masonry, or similar materials. Louvers, as required by building mechanical services, may be used in lieu of glazing. The combined vision glazing, spandrel glazing and louver area shall not exceed 75 percent of the total surface area of the top portion of the Podium Façade. The area within the primary grid shall be differentiated from the area with the primary grid of the middle of the Podium Façade by such techniques as changes of material or color, plane shifts, articulations or recesses.

The Podium Façade shall have rounded (radiused) corners. The requirements of this Section shall not apply to any portion of the Tower Façade, including portions of the Tower Façade located below the maximum base height.

ii. Tower

The Tower Façade shall have a glassy character and may include architectural elements that break down the scale of the building. The Tower Façade shall have rounded (radiused) corners. The Tower Façade requirements of this Section shall

apply to all portions of the Tower Façade, including portions of the Tower Façade located below the maximum base height.

iii. Connection to Liberty Park

A pedestrian connection shall be provided from the upper level of Liberty Park located to the north of the Development Site to the second floor shared lobby.

The portion of the pedestrian connection that is located on Liberty Park will be approved and permitted by the Port Authority.

The portion of the connection on the Development Site shall be located to provide a connection through the “*Bridge Connection Zone*” identified on Figure 4, and shall have a clear path with a minimum width of 10 feet and a minimum clear height of 10 feet from the surface of the pathway. The design character of the on-site connection shall be compatible with Liberty Park.

The pedestrian connection will connect to a shared lobby immediately adjacent to the entry doors and connect to the community facility with an elevator, and, if the community facility is located immediately above or below the shared lobby, it will connect with a communicating stair that is not less than five feet wide.

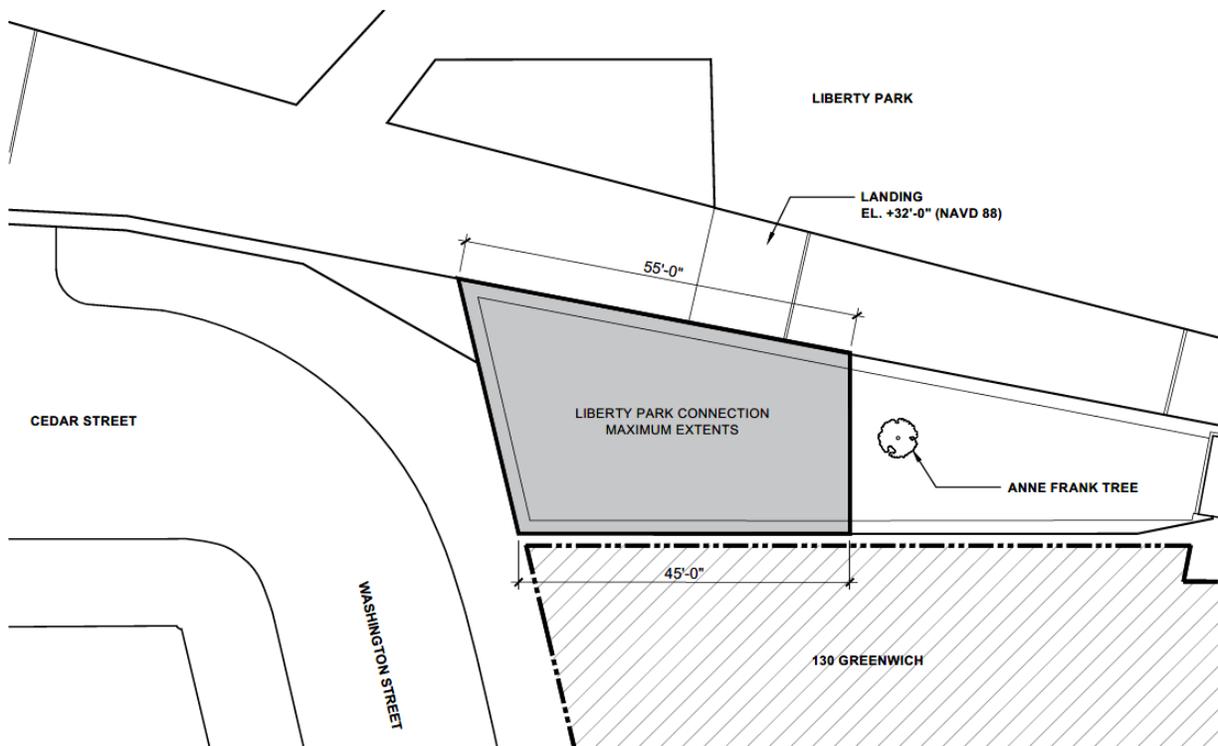


Figure 4 - Connection to Liberty Park

4. Ground Floor Frontage

a. Lobby Entry Zone

The lobby frontage shall not exceed 75 feet in length and shall be located on Greenwich Street within the “*Lobby Entry Zone*” shown on Figure 5.

b. Retail Frontage

Retail frontage is required in the location indicated on Figure 5. In the “*Retail Frontage*” area, transparent materials shall occupy at least 50 percent of the surface area of the ground floor level street wall between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than two feet, six inches above the level of the adjoining sidewalk or the Design Flood Elevation, whichever is higher.

Emergency exits and service entrances should be located to minimize disruption of retail frontages.

c. Non-Residential Frontage

Non-residential frontage shall be located as shown on Figure 5. Only community facility or retail frontage is permitted at this location.

In the “*Non-Residential Frontage*” area, transparent materials shall occupy at least 50 percent of the surface area of the ground floor level street wall between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk.

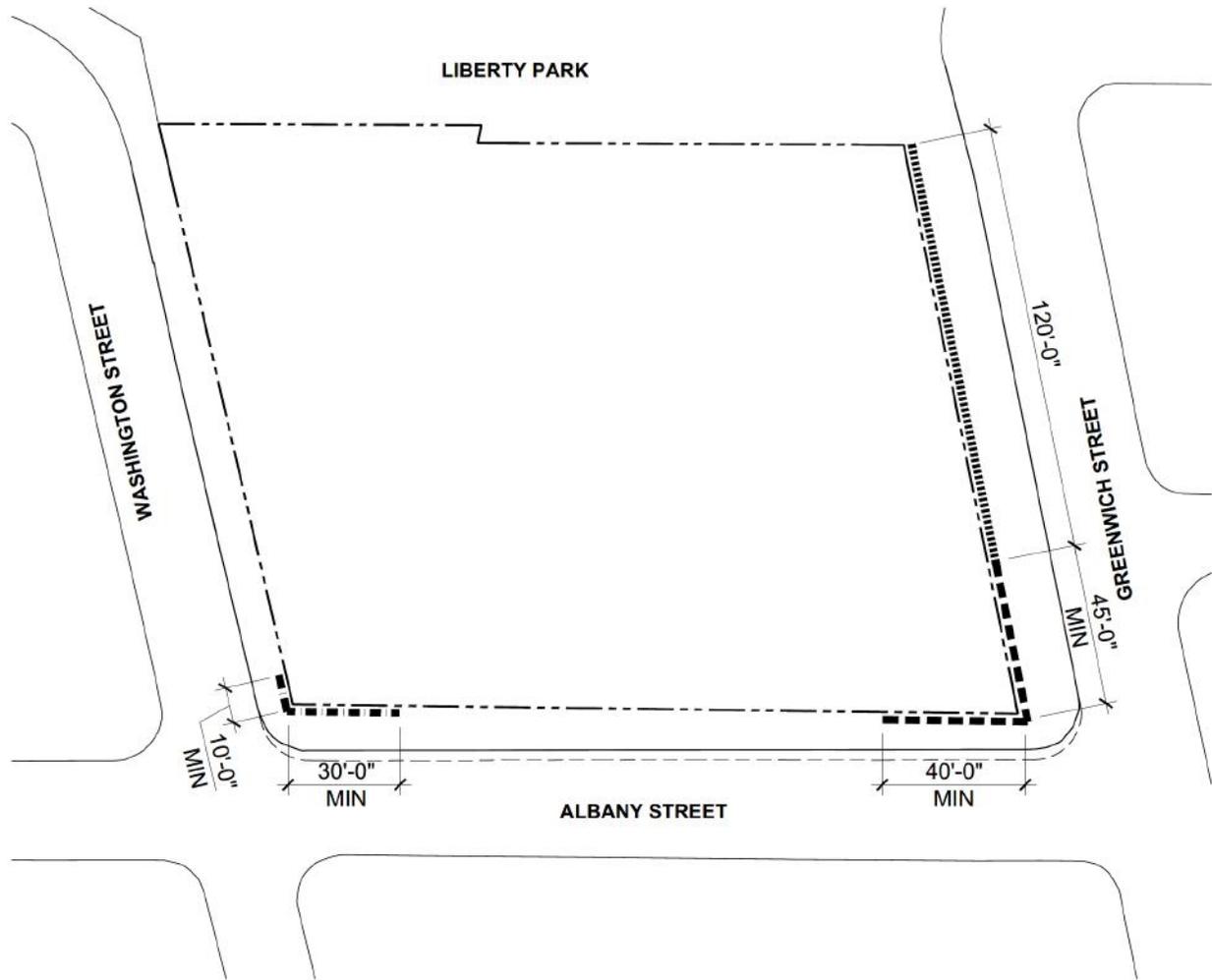


FIGURE 5

- LOBBY ENTRY ZONE
- RETAIL FRONTAGE
- . - . - . NON-RESIDENTIAL FRONTAGE

Figure 5 - Ground Floor Uses

5. Parking and Loading

a. Accessory Parking

Accessory parking is not permitted.

b. Off-Street Loading

Curb cuts providing access to off-street Loading Areas shall be located within the Loading Curb Cut zone shown on Figure 2. A minimum of two loading berths, each a minimum of 12 feet wide, 33 feet long, and 14 feet high, shall be provided.

Two areas will be provided within the building for off-street refuse storage and pickup.

A dedicated entry will be provided for off-street bicycle, pedestrian, or messenger deliveries.

6. Signage

a. Permitted Signs

All signs must be accessory to uses located within the building. Advertising signs are not permitted. Signage may not be located at a height more than 40 feet above curb level. Other than signage on canopies, awnings or marquees, no sign shall extend more than 12 inches beyond the street line.

b. Surface Area and Illumination

On each frontage, the area of all signs combined, inclusive of building identification signage, shall not exceed five times the length of the street frontage upon which such signs are located, but in no event more than 500 square feet on each frontage. Non-illuminated or illuminated non-flashing signs will be permitted.

c. North Facing Signage

Signage facing Liberty Park shall be limited to building identification or wayfinding signage and shall not be internally illuminated.

Where the northern Podium Façade is at least 20 feet from the northern boundary of the Development Site, the following commercial accessory signage shall be permitted to face the park on the northern Podium Façade:

- one 20 square foot internally illuminated, non-flashing cabinet sign, hung behind the façade, or

- two 10 square foot internally illuminated, non-flashing cabinet signs, hung behind the façade.

The top of such commercial accessory signs shall be no higher than 12 feet above the sidewalk.

Exhibit B-1

**Retail and Signage Provisions of Commercial
Design Guidelines**



Retail spaces are critical to the World Trade Center’s success as a lively, urban environment. At the same time, their character and locations must be balanced with sensitivity to the Memorial as well as the identity of other institutions and commercial considerations. This section establishes guidelines for retail spaces on the site, with particular attention paid to the relationship among retail, public concourses and streetscapes.

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- Introduction** 7.1
- Types and Character of Retail** 7.2
- Storefront Guidelines** 7.3
 - Above Grade Storefronts 7.3.1
- Storefront Entries and Identity Zone** 7.4
- Exterior Accessory Structures** 7.5
- Food Service Establishments** 7.6

7.1 Introduction

Retail spaces at the World Trade Center site are critical to creating a lively urban experience. Street level retail will create an identity for the site at-grade and will provide for an engaging pedestrian experience, similar to Fifth or Madison Avenues. At-grade street entrances to shops are encouraged.

The retail spaces will also activate the system of underground concourses that connect through the site and will offer convenience to transit customers. The success and public image of the World Trade Center will depend on the quality and vitality of its retail spaces and its ability to enliven the streetscape.

Retail spaces must be carefully integrated into the overall World Trade Center development. They must assert their own character, while respecting the stature of adjacent uses. They must add energy to the site, and complement the contemplative and respectful nature of the Memorial. They must be allowed to develop their own image, and still fit within the larger identity of the site as a whole. Retail hours of operation should be maximized to enhance the quality of life for Lower Manhattan residents, workers and visitors.

Shopping in New York is defined by the energy and diversity of its retail. At-grade retail within the development is to embrace and reflect this spirit. However, care must be taken to maintain a high degree of consistency and quality in the expression of the retail in order to reflect the world-class nature of this development.

Storefronts, signs and brands need to be presented in a manner that respects tenant standards and has a coherent identity as part of the overall World Trade Center. Retail and office areas also serve as part of the transportation network as well as the base for office structures. The synergy that results from this mix of uses, and the prominence of public transit on the site, create the ultimate value to the retailer.

Servicing shall not be permitted from the curb, except in cases of a tenant that is isolated from service.

While the guidelines presented here do not set out permitted or prohibited uses, it is important to communicate the desired character of retail space on the site, so the nature of these establishments has a consistency and quality that strengthens the overall concept. The presence of retail will serve as the connective tissue between the various addresses of the development. It is important that the expression and character of the retail be of high quality.

First, development on this site must be of world-class quality. The international attention focused on this site, the number of visitors who will come to the site from around the world, and the prominence of the site in New York, all require that a high standard of excellence be achieved. Each tenant should move beyond the customary standards of their particular operation and strive for a design that reaches a greater level of refinement.

Second, it is important to consider the role of retail use on the World Trade Center site as it relates to the rest of Lower Manhattan. Other than the South Street Seaport at the opposite end of Fulton Street, no large concentration of retailers exists in Lower Manhattan. Retail at the World Trade Center will establish a high level of service, choice and convenience. Retail on this site should complement retail throughout Lower Manhattan and local retailers should be encouraged.

Third, the office lobby entrances, grouped along the Greenwich Street corridor, form a transitional element between the Memorial experience to the west of Greenwich and the retail commercial environment to the east along the Church Street corridor. To respect the Memorial, retail frontage and retail signage should be directed to the Church Street Corridor and cross street areas. Retail Signage should not be directed toward the Memorial.

As retail on the World Trade Center site is distributed among at-, below-, and above-grade locations, the emphasis in designing such spaces should be on maintaining a strong connection to the street. Ensuring access to light and views should be a key priority in the configuration of above-grade retail. Multi-level retail spaces are encouraged, providing a connection from the street to both above and below-grade retail spaces.

Finally, the diversity of people who will frequent the retail areas will suggest the range of commercial uses for the site. Nearby residents, commuters, workers, and tourists will all be retail customers. Each of the groups has different needs and interests and the mix of retail should take this diversity into account. Each of them is likely to travel along somewhat different paths. Each group's needs can be accommodated in appropriate locations on the site and will be determined by the Port Authority and their lessee in accordance with an appropriate merchandising plan approved by the Port Authority.

7.3 Storefront Guidelines

The storefront articulates the transition between public areas and the commercial realm of the retailer. At the World Trade Center the storefront has a dual purpose: to allow the retailer to establish its image and also to create a consistency of design that connects each store to the larger context. This larger context suggests a common vocabulary of architectural expression for the storefront wall, specific to the base building that surrounds it.

See section 9, Signage Guidelines, for retail signage requirements.

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One of the most significant and visible parts of the World Trade Center site will be the street-level frontage of the various commercial buildings. The frontage will create a significant part of the experience for the pedestrians using any of the streets within or surrounding the WTC site.

In order to create an active, lively and vibrant public realm, ground floor plans, on Church Street, Fulton Street, Vesey Street, Liberty Street, Dey and Cortlandt, will be designed to “maximize” retail street frontage. The design must be consistent with first class building aesthetics and will include entrances for Class A Office tenants where circulation and security must be considered.

The final determination of the retail street frontage should include the following goals:

- Provide for the maximum amount of vitality and life along the street
- Provide sufficient amount of first class street-level retail to support that street life

Storefronts for above-grade areas should be integrated with the design of the individual buildings in which they are located. Therefore, there can be some variation from building to building, as long as several design principles are observed:

Storefront glazing should be clear glass, with at least two-thirds of the frontage transparent. Designers of structures should carefully consider the location of emergency exits and messenger entries so that openings do not conflict with retail frontage.

Mullion spacing materials, and proportions will be the result of decisions about the architecture of the structure above. There should be consistency between proportions, materials and details. Thus, the use of a uniform module is encouraged, but not required. All-glass or butt-glazed systems are preferred for storefronts. Introduction of opaque areas, such as stone or metal panels, is allowed, in patterns that relate to the building architecture.

Retail storefronts should be designed to be compatible with the unique architectural design features of the individual buildings within the World Trade Center site.

The following chart indicates the minimum retail frontages for Church and Fulton Streets. These percentages are based on the frontages of Towers 2, 3 and 4 only. The intent of these percentages is to maximize retail.

Minimum Retail Frontages along:

Church St (Between Vesey & Liberty St)	70%
Fulton St (Between Greenwich & Church St)	14%

7.4 Storefront Entries and Identity Zone

Entrances into the storefronts can be accommodated in several ways. First, standard openings, accommodating a pair of glass doors (and optional sidelight), should be used by tenants with frontages 30 ft. or less. Doors that swing into concourses or sidewalks shall be recessed. Tenants whose frontage is wider than 30 ft. may use horizontally sliding sections of glass and metal door panels. The appearance of the entry when the retail space is closed must be given as much consideration as when the space is open. Security grills, if required, must be inside the glazing line and should be fully behind the storefront display zone. Fully opaque grills are prohibited. Door hardware shall be of high quality and shall be consistent with commercial building standards.

The first few feet behind the storefront is the critical zone for establishing the identity of the retailer. In this space, displays that establish a refined merchandising image are encouraged. The interior architecture of this zone can be tailored to meet the identity of the store. The use of color, varied materials, and creatively displayed merchandise are generally left to the discretion of the tenant. This area can be left open to allow views deep into the store, or can serve as a screen limiting views. Merchandise-intense outlets such as drug stores, bookstores, newsstands, card shops, gift shops, food markets and the like should screen store interiors through well-designed displays facing the storefront. All materials used in the identity zone should be of the highest quality.

7.5 Exterior Accessory Structures

In permitted areas, retail uses may extend beyond the limits of the storefront wall. This can occur in kiosks and temporary structures. Kiosks are semi-permanent retail structures where inventory and equipment can be secured over night. Temporary structures may include easily demountable tents or exhibit structures. They should be designed with a consistent look.

Kiosks and temporary structures may be permitted in areas where they can serve to enliven the location and that do not conflict with circulation routes or other programmed uses on the site. Temporary structures may be erected in Liberty Park, the WTC Hub Plaza, the Wedge of Light Plaza or other open spaces subject to approval. Special events in the Wedge of Light Plaza north of Fulton are limited to 12 days per year and if it is more than this would need the consent of the Tower 2 office net lessee and WTC Retail owner. All special events should be in keeping with the retail and office building entry environment.

Temporary structures are permitted on Cortlandt and Dey only during “Special Events”, which shall be limited to no more than twelve (12) times per year. Such “Special Events” shall consist of arts, cultural or similar events held on weekends only and open to the general public, but may also include weekday or weekend commemorations or other events of public significance with respect to the World Trade Center site. A “Special Event” may continue for no more than a twenty-four (24) hour period, which will include pre- set-up and post-cleanup activity. The Port Authority or Net Lessee will inform City Planning at least two (2) weeks prior to such an event and shall provide City Planning with a list and description of all such events held during each calendar year by January 31st of the succeeding calendar year.

Food Service Establishments **7.6**

Restaurants, cafes, food courts and other food service establishments represent unique challenges and benefits. These uses can activate and enliven spaces, but also can impact their surroundings if noise, odor and trash is not carefully managed. Therefore their locations and design need to be considered carefully. The location and design of outdoor dining areas should be temporary in nature with no permanent outdoor features and should not interfere with pedestrian flows and public access to walkways and public open spaces. Outdoor shades should be uniform in shape and color with consistent graphics.

Street level food service establishments must conform to the requirements of other retail spaces. Outdoor dining areas are encouraged.

Food service establishments are especially encouraged on second and third-floor levels. Seating areas should be located at the perimeter, adding visible life to the street. Service areas should be held back from the building perimeter.

All food service exhaust shall be coordinated with the commercial building mechanical system requirements.

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Signage Guidelines



Introduction	9.1
Goals and Recommendations	9.2
Sign Types and Locations	9.3
Signage Guidelines	9.4
Design Considerations	9.5

9.1 Introduction

Environmental graphics and signage for the World Trade Center site require a visionary approach. From the use of names and nomenclature to the selection of typefaces and colors, each and every design decision must be carefully considered and thoughtfully reached in the context of the site as a whole.

The Signage Guidelines offer a framework for this decision making. They are intended to result in a harmonious and inspiring experience from the point of view of the user, whether it be the business commuter of today or the international tourist of tomorrow. Primarily as a user benefit, the signage is intended to provide information that simplifies, clarifies and enhances the user's visit to the World Trade Center site.

Through sound analysis, good planning and appropriate levels of consistency, the signage design at the World Trade Center site can create unified sense of place and leverage economies of scale in production and fabrication. A uniform signage program will give the World Trade Center site a unique identity and, in doing so, will knit together the many different program elements found on the site.

The end result should be a smart, attractive program that contributes to the WTC user and visitor experience and sets the standard for signage in the twenty-first century.

To achieve design integrity, these signage guidelines suggest the development of a "kit-of-parts" that contains a range of flexible, functional and complementary communication tools, and reasonable standards for their size, materials, placement, and other specifications.

The scale and complexity of the site's public spaces call for signage systems that include both dynamic and static components; accommodate both public information and promotional messages; and provide guest service and branding functions on an appropriate level. As such, signage will be an important link between the architectural environment and human behavior, helping people orient themselves, get where they want to go, and learn what they need to know, when they need to know it.

Fixed identification signs, directional signs, and safety and security messages will need to be visible, distinctive and durable, yet work in tandem with temporary information such as service and schedule notices. These graphics

must also be distinguishable from PATH, MTA and commercial tenants' branding and serve their function within a potentially cluttered visual environment. The use of symbols, electronic displays and other media may be considered to complement the fixed, text-based communications, and to help overcome language and other physical and perceptual barriers.

OVERALL SIGNAGE GOALS

There are several key goals that should inform the development of the WTC signage.

- Create spaces and places linked by a common signage thread that assimilate into a series of memorable experiences.
- Clearly identify the WTC as a single location/place and establish a common set of standards for the benefit of all stakeholders and tenants.
- Create a modern, elegant and sophisticated atmosphere that clearly conveys the individual identities of the stakeholders and tenants by employing simple, strong and legible design elements.
- Display and contribute to the perception of the WTC as a vibrant yet respectful place to visit.
- Present clear, concise information where and when users need it by using consistent messaging, logical naming, meaningful symbols, icons and logos.
- Design signs that are architecturally enhancing and compatible with their environment.
- Use cutting-edge, state of the art technology.
- Design a system that links adjacent destinations.
- Do not create distracting images, such as flashing signs or moving images.

9.2 Goals and Recommendations

9.2.1 Overview

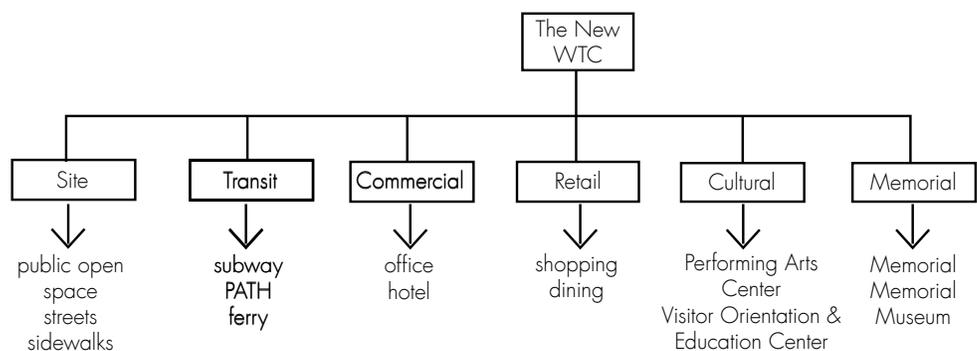
USERS

The new WTC site will be characterized by its many different amenities and populated by a wide variety of users. The people coming through this site will be there for any number of reasons, and possibly engage in more than one activity, for example:

- Memorial Visitor – shop – eat – visit memorial
- Transit Rider – transit – shop – eat
- Office Worker – transit – eat – shop – work
- Resident – recreation – transit – shop
- Cultural Visitor – culture – eat – shop
- Hotel Guest – eat – visit memorial – shop – transit – work
- Tourist – shop – eat

WAYFINDING EXPERIENCE

Signs play a major part in securing a user-friendly and cohesive experience for each of these user groups. The new WTC site will be physically integrated into the fabric of Lower Manhattan, therefore, identification signs need to help mark the transition between WTC and non-WTC buildings and public areas. As users enter the site, signs need to inform them about the different functions of the site and direct them from one to the other. Signs should consistently present and make a distinction between the different functions of the complex (transit, commercial, retail, memorial and cultural) and establish “paths” for the different users.



Following are further recommendations and guidelines per sign type. With the help of these recommendations, a meaningful and useful wayfinding and information signage system will be developed at the new World Trade Center.

COMPONENTS

Wayfinding and information systems provide the threads that carry people from all backgrounds, languages, and with varying destinations through a particular space. The system's success is based on its ability to communicate with the broadest audience and offer them a seamless wayfinding experience.

These are the functional elements that make up such a system:

Placemaking

Identification

Orientation

Direction

Information

Interpretation

Retail

Listed below are terms that will be used throughout this chapter:

SIGN: Any writing (including letter, word, or numeral), pictorial representation (including illustrations or decoration), emblem (including device, symbol or trademark), flag (including banner or pennant) or any other figure of similar character that is permanently affixed and used to advertise or identify a business via name or logo, the face of which shall not project more than 8" from the mounted surface.

SECONDARY SIGNAGE: Signage located at pedestrian level at or below eye site. They may occur in the lower 1/2 of the store façade. They should be 2-dimensional, applied directly to the glass or flush with the glass. It shall not be illuminated. These signs shall be the store name and/or logo only.

ILLUMINATED SIGN: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

HALO EFFECT: Backlit sign that incorporates internal illumination to create a glow effect against the back wall surface.

FLASHING SIGN: Any directly or indirectly illuminated, whether stationary, revolving or rotating, that exhibits changing artificial light or color effects by any means whatsoever.

DYNAMIC SIGN or ELECTRONIC SIGN: A general term used for signs that can be changed manually or electronically by an electronic device. Some of these require manual programming.

LED (Light Emitting Diode): Series of light panels that incorporate a 4-color system to create an image. They are programmed via computer systems with manual input. This results in a pixilated image.

LCD (Liquid Crystal Display) TELEVISION MONITOR: Receives

signals via computer or cable. Image is clear and continuous.
PLASMA DISPLAYS: Similar to LCD technology, can be projected on a flat screen.
FIBER OPTICS: A strand of light transmitting fibers used to illuminate from the back, side or front of signs.

9.2.2 Placemaking

The act of placemaking requires clearly defining the WTC's role within Lower Manhattan. Environmental graphics play a crucial role in building the character and sense of place. The foundation of this character is established by the architecture, and complemented by landscape/streetscape design, interior design, and lighting.

The WTC site will serve as a major access point to transportation systems and destinations in Lower Manhattan. Its function as a major transportation, cultural and commercial destination for the City of New York is equivalent to that of Penn Station or Grand Central Station, therefore branding this site must take into consideration all the various user functions and constituencies.

Placemaking Goals

- Design a family of wayfinding and environmental signs to unify the WTC Site under one identity and style, define its boundaries, and tie together the separate buildings and spaces.
- Create an identity that embraces the Memorial, commercial, cultural and transportation functions of the site.
- Create sub-identities that are compatible with the overall framework for WTC site signage but allow leaseholders to develop a clear identity.
- Create a strong graphic identity (logo) for the WTC that can be used in a variety of media (print, signs, video, etc.)
- Equip the graphic identity system with simple and bold colors palette, 3D forms, typefaces, lighting and materials that reinforce the character of the architecture.
- Use environmental graphics to welcome visitors to the Site and allow them to experience a sense of security and confidence in their navigation of the space.

Identification signs are visual markers that indicate the name and function of a place or space. They appear at the beginning and end of routes, including entrances and exits to destinations within larger destinations and clearly mark the transition from one kind of space or function to another. The development of a distinctive design vernacular for identification signs can contribute to a cohesive identity to a place. Legibility, visibility and consistency of identification signs and their components need to be maintained throughout the system.

Identification Goals

- Design a family of wayfinding and environmental signs and directories to unify the site under one identity and style, define its boundaries, and tie together the separate buildings and spaces.
- Establish consistent locations for identification signs throughout the site and ensure that the architecture has allowances for these elements.
- Develop a comprehensive and changeable map graphic that can be easily updated.
- Create a cohesive and consistent naming system for the parts of the site: buildings, building entrances, transit facilities, retail sectors, and public areas (open spaces, Memorial), that helps unify the place and respects the needs of tenants of particular buildings.
- Select a main identification material or colors for WTC signage that provides the right balance of contrast and harmony in the architectural setting.
- Select materials and forms that reiterate the significance of the site.
- Create identity elements strong and bold enough to stand out among the crowded and fast-paced environment, yet express the respectful and solemn character of the site.
- Use standard English, and international symbols wherever possible to address the cultural diversity of WTC visitors.

Applications of identification signs are usually in the form of illuminated or non-illuminated dimensional letters, logos or sign plaques that are mounted to wall surfaces. At the WTC site, these should be located at:

- Building entrances and lobbies
- Entrances to the PATH and MTA systems
- Retail entrances
- Public facility entrances

9.2.4

Direction

Directional signs are the main thread of any wayfinding system as they provide immediate information for users to navigate public places. This type of sign routes pedestrian traffic between main entrances, key decision points, destinations and exit points by using type, symbols and arrows. Directional signs should harmonize with the architecture yet be distinguishable enough to be recognized by the user. The information should be simple and visually categorized for easy navigation throughout the facilities. Connections to the office buildings should be clearly linked and visible to visitors and tenants alike.

A comprehensive wayfinding directional system needs to be created to guide users around the WTC site and to nearby destinations. Exterior directional signs need to direct users to destinations within and adjacent to the site (i.e., WFC, Battery Park, A/C/E subway station, Wall Street, etc.). These signs could be freestanding structures, outside the PATH Terminal, located on sidewalks, plazas and parks when necessary, where they clearly direct visitors to the various destinations, but should be integrated into the architecture/building so as not to distract pedestrian pathways or views.

The use of symbols and terminology on directionals must be consistent in tone and graphic style, with simple English messages being the primary language. This will ensure a universal understanding of sign messages among the cultural and linguistic diversity of WTC visitors.

Investigations should be made into designing and integrating the wayfinding, retail, office, transportation and cultural signage into an electronic broadcast signal downloadable to pdas, phones and other electronic devices using new technologies (WiFi/R.F. and GPS).

Direction- continued

Direction Goals

- Use clear and easy-to-remember messages, symbols and forms for directional signs.
- Use standard English, and recognizable symbols wherever possible to address the linguistic and cultural diversity of WTC visitors.
- Locate directional signs at key decision points in visible locations, minimizing the blocking of views.
- Select a typeface, colors, layouts, materials and forms that lend themselves to simple and clear signs.
- Categorize directional sign messages by function: Cultural, Memorial, Transit, Commercial Office and Retail.
- Direct visitors from the periphery of the site to adjacent Lower Manhattan destinations (Statue of Liberty, World Financial Center, Battery Park City, Financial District, South Street Seaport, etc) using the Alliance for Downtown New York (ADNY) standards.

9.2.5

Orientation

Orientation signs help situate users within their surroundings by showing an abstracted overview of their environment. Spatial orientation is typically achieved through a comprehensive site map at intensive decision-making points where overall orientation is needed and feasible. Orientation signs should be supported by the system of directional and identification signs that assists visitors in making decisions about vertical and horizontal circulation into other levels. If located in outdoor areas, orientation maps should offer an understanding of the entire site within its vicinity. If located inside, they should offer an understanding of both horizontal and vertical circulation marking important access and exit points.

Orientation signs should show the exact location of the user, “You Are Here,” within his/her surroundings. Each level should display plans (axometric or flat) of all other levels along with directory listings. These listings can be in alphabetical order or any other method of categorization that facilitates and expedites wayfinding. Due to the changing nature of this information, changeable technology and electronic maps should be considered.

Orientation signs are typically freestanding units to allow visibility to a large number of users simultaneously. If space does not allow, they can be wall-mounted. These signs need to be located in appropriate locations where they do not obstruct the circulation of the visitors, especially in areas of high pedestrian traffic or views to important destinations.

These units should be made out of strong and durable materials that can withstand the everyday use of visitors. Although natural and artificial light will be present in some parts of the below-grade concourses, interior or indirect illumination of these signs is recommended to attract visitors.

Orientation - continued

Orientation Goals

- Make the user/visitor experience clear.
- Create a comprehensive directory system with maps and keys that has both fixed and changeable elements.
- Have both indoor and outdoor versions of the directories at appropriate scales for the setting and context.
- Create an orientation map for the whole site showing all levels and access points (consider both flat graphic and axonometric views) and keys to important tenants and services.
- Display all maps in the same orientation (North-South).
- Research the best available technologies for fixed and changeable displays.
- Orient visitors from the periphery of the site to adjacent Lower Manhattan destinations (Statue of Liberty, World Financial Center, Battery Park City, Financial District, South Street Seaport, etc.) using ADNY standards.

9.2.6

Information

Information signs display constantly changing information such as time, temperature, stocks and headline news. In a transportation environment, these signs convey the most important information to the commuter: ticket fare, route maps, and schedules. Because information is never static, dynamic electronic display cases (such as LED or LCD) are often employed.

It is important to determine essential information from non-essential information within each space. A time display is important in a waiting area. Sometimes information displays can become important site-specific or civic landmarks. The clock in the center of Grand Central Station is such a civic landmark.

Adequate provisions for information intensive facilities must be in place prior to construction as the accuracy and quality of these displays will effect the use and perception of the Site as a whole. State-of-the-art technology will provide users with important to-the-second information.

The size, color and quality of the image should be clear, with sufficient resolution for the desired viewing distance. For crucial transit-related information such as emergencies, delays and changes in schedule, the unit should be able to display special message signals and provide clear instructions to the public. Given the evolution of technology, it is worth exploring interactivity between users and information displays through web applications and wireless technologies.

INFORMATION GOALS

- Identify areas where digital, electronic or mechanically animated signs are appropriate and develop a comprehensive technology signage program (transit, schedule, on-site events, local/national/global news, other relevant data: stocks, weather, etc.).
- Do not create distracting images, such as flashing signs or moving images. Flashing words or overlapping moving photo images and text are not permitted.
- Encourage the remote interactivity between visitors and personal information technology (web, kiosks, PDA's etc...).
- Explore technologies and display systems that will enable the accessing of information in a variety of languages.
- For exterior areas, the design of any information stanchions or boards should be considered and coordinated with the information, location and sign cases designed by ADNY.
- Informational signage shall not be used for private or promotional goals.

9.2.7

Interpretation

Interpretive signs form the educational and cultural component of a sign system. They offer, among other things, relevant historical, cultural, architectural or scientific information for the viewer to gain a deeper understanding of his or her surroundings. They can also serve as inspirational objects that allow people to interact and feel part of the space.

Interpretive signs can take the form of installations (interior or exterior), public art (sculptural) or more traditional exhibit signs with text and image. Locations for interpretive signs should be identified and assessed in relationship to wayfinding components. Therefore scale, location, materials and safety should be carefully considered.

There will be opportunities to place interpretive signs at different locations in the new WTC complex. At ground level, various architectural features such as Wedge of Light Plaza, Sept. 11th Place and the Memorial itself will offer interpretive opportunities to the general public.

Interpretation Goals

- Educate the general public about the past, present and future of the WTC Site.
- Create an environment of solemnity for September 11th victims and their families.
- Ensure that the Memorial is the most prominent interpretive element on the site and that other gestures don't compete with it.
- Collaborate with artists to create interpretive public art.
- Explore media and technology for interpretive and public art pieces throughout the WTC site.

Advertising Goals

- No commercial outdoor, exterior advertising such as sign boards visible from any public street or open space is permitted.
- Special event signage/advertising can be permitted (e.g. three sheets, cultural event signage, etc.).

9.2.9

Retail

Retail space will be a significant component of the WTC Site. The new development will feature significant retail areas both at and above street level (exterior) and at below grade concourses. Both areas will require specific signage guidelines to support the intended character of the various interior and exterior spaces, and shall be compatible with the unique architectural design features of the individual buildings. The design criteria shall be subject to the approval of the office building architect and the Net Lessees.

Retail Goals

- Encourage the use of simple and clear graphic treatments for retail signage.
- Find the right balance of harmony and diversity within the various retail signage areas.
- Respect the constraints and opportunities of different kinds of environments on site in creating signage standards: interior site streets vs. exterior site streets, ground floor lobbies vs. underground concourses.
- Acknowledge the need for retailers to express their brand identities and make their identity visible from more than one point of view.
- Create detailed guidelines for location, scale, material and construction of retail signage that will fit comfortably within the architectural settings and acknowledge retail presences.

Three types of signs will be needed:

- Identification signs for individual stores.
- Interior orientation directories to describe the locations of the stores and retail areas.
- Directional signs guiding people to major areas of the retail complex.

A basic style for the overall retail complex within the WTC site will need to be created with guidelines for signage, pageantry and event information. If this retail center will be managed and named as a single retail destination, a compelling graphic identity will be required to market it as such.

Preliminary interior retail guidelines have been established in chapter seven of this report. More specific exterior retail guidelines will be found in section 9.4 of this chapter. Once the architectural design is finalized, it will be possible to develop more specific (architecturally related) retail guidelines.

9.3

Sign Types and Locations

9.3.1

Sign Type Diagram

LOCATIONS PER CATEGORY

Site	Transit	Commercial	Retail	Memorial	Cultural
Wedge of Light HUB Plaza Liberty Park Sept. 11 Place Washington Place Sidewalks Streets Parking Delivery/Service	PATH terminal MTA stations	Towers Hotel Lobbies Ob. Deck	Above-grade Street level Below-grade	Memorial Mem. Museum	Perf. Arts Center Visitor Orientation & Education Center St. Nicholas Church

SIGN TYPES PER CATEGORY

Site	Transit	Commercial	Retail	Memorial	Cultural
Exterior: Site ID's Area ID's Site Maps Site Info Interpretive Vehicular Directional Pedestrian Directional Interpretive Pageantry Site Regulatory Site Informational Parking Entrance ID's Parking Regulatory Parking Directional Public Art Interior: Delivery ID's Site Regulatory Parking Regulatory Parking Directional ADA Site Maps Site Info	Exterior: Bldg Entrance ID's Street Access ID's (PATH/MTA) Ped. Directional Interior: Platform ID's Orientation Regulatory Information Advertising Concourse ID's Zone ID's Elevator ID's	Exterior: Tower ID's Hotel ID's Lobby ID'S Orientation Interior: Lobby ID's Elevator ID's Directories Fire Code Advertising Information Stair ID's	Exterior: Retail Area ID Store ID's Ped. Dir. Regulatory Interior: Store ID's Orientation Directional Regulatory	Exterior: Memorial ID Orientation Ped. Dir. Orientation ADA	Exterior: Building ID's Entrance ID's Directionals Pedestrian Directional Regulatory

SIGN TYPES PER FUNCTION**Placemaking Sign Types****Exterior**

Site Monument
 Building Monument
 Transit Marker
 Public Art Installation

Interior

Wayfinding/Information Marker
 Public Art Installations

Directional Sign Types**Exterior**

Directional

- Freestanding
- Building Mounted

Interior

Directional

- Overhead
- Freestanding
- Wall Mounted

Orientation Sign Types**Exterior/Interior**

Directory

- map
- listings

Identification Sign Types**Exterior**

WTC Identification
 Building Identification
 Building Entrance Identification
 Underground Parking Identification
 Service Entrance Identification
 Parks and Open Space Identification
 Transit Access Marker

Interior

Lobby/Commercial Tenant Identification
 Elevator Bank Identification
 Exit Identification

Information Sign Types**Exterior / Interior**

- time
- weather
- traffic
- community events
- memorial events
- stocks
- news

Advertising Sign Types**Interior Only**

Freestanding displays
 Wall-mounted displays

Interpretation Sign Types**Exterior / Interior**

Interpretive text/graphic panels
 Installations
 Murals
 Public Art

Retail Sign Types**Exterior /Interior**

Retail Store Identification
 Area or Zone Identification
 Directional
 Directory

This section will provide more specific guidelines for the following components of the signage system.

- Site Signage Guidelines
- Illumination Guidelines
- Exterior Site Signage Guidelines
- Ground Level Exterior Retail Guidelines
- Above Ground Level Exterior Retail Guidelines
- Anchor Tenants Exterior Retail Guidelines
- Commercial Signage Guidelines

Interior retail signage guidelines will be provided by the PANYNJ. Memorial and cultural signage guidelines will be established once the programs and/or design for these areas are more fixed.

9.4.2 Site Signage Guidelines

1. Comprehensive WTC signage design standards shall be developed for the site and will address directional and wayfinding signage. A strategy for consistency among signs will be developed.
2. The WTC signage design standards shall define a design vocabulary for directional, wayfinding and public open space signage identifying the primary materials, signage location zones, typefaces and standards for consistent fabrication and installation.
3. Signage materials will be compatible with the architectural palette of the building.
4. The graphic design for signage should be simple and clear. Names, and their supporting logotypes are to be the primary identifiers for stakeholders and their tenants.
5. Sign materials should be fade and vandalism resistant to ensure durability, and should be appropriate to the dignity and significance of the WTC setting.
6. All identification signs within the WTC site shall follow these design guideline standards with the following exceptions below. However, the agencies below, while exceptions to the rule, will be encouraged to follow the design standards to reinforce design vocabulary for all sign types:
 - i. Transit signage will conform to the appropriate agency standards, i.e. PATH or MTA.
 - ii. Memorial and cultural signs may have separate and unique identities.
 - iii. Street name signs within the WTC site shall follow the ADNY standards for street name signs.
 - iv. All traffic signage shall conform to DOT traffic signage standards.
7. All exterior signage shall be accessory to uses on site, however consideration should be given to certain signage for off-site destinations in Lower Manhattan including the ADNY signage standards.
8. No commercial outdoor, exterior advertising such as sign boards visible from any public street or open space is permitted. Public event/special event signage/advertising is permitted (e.g. three sheets, cultural events, etc). International and/or site specific symbols should be used wherever possible to encourage communications with international visitors.
9. Freestanding signs shall be limited to transportation, cultural (within the cultural parcels), memorial, public event, special event and wayfinding uses and be of an appropriate height to ensure visibility but yet not overwhelm the WTC setting. The placement of such signs shall not impede pedestrian flow. and should be limited to cultural and open space parcels excluding the north side of the wedge of light.

10. The number of regulatory signs should be minimized by integrating the messages into other sign type components and so as not to encourage the proliferation of signage on site.
11. Orientation (i.e. site maps and directories) and event information signs shall be placed in appropriate locations, key places on buildings and/or specially designed cases. Movable freestanding units of this sign type are prohibited.
12. There will be no signage above the highest level of publicly accessible retail.
13. Transit signage on the buildings will be located in the Architecturally Designated Sign Zone defined below.

Exterior Site Signage Illumination Guidelines 9.4.3

It is the intent of the design guidelines to develop standards for signage lighting that create a distinctive appearance across the WTC site, reinforcing the project as a whole but still allowing for creative diversity to be expressed. These guidelines cover exterior site, retail and commercial signage.

1. A sign's primary lighting shall be consistent.
2. Internal illumination of letters with translucent through returns is permitted.
3. Exposed neon is not permitted.
4. Signage with translucent, lighted faces or backgrounds visible from any WTC public open spaces are not permitted; however, translucent, lighted returns, halo lighting and indirect illumination by a remote source are permitted. Additional standards for the various uses that address lighting will be created in the future.
5. Flat screen digital or other dynamic signs are not permitted.
6. No flashing signs are permitted. No internal illuminated boxes or box letters with translucent front faces are permitted.
7. Projected images on sidewalks or other public spaces are not permitted.

9.4.4 Ground Level Exterior Retail Guidelines

These guidelines apply to ground level retail identification signs.

1. One Primary Store Identification Sign is permitted per storefront entry. This Primary Sign will be located in the Architecturally Designated Sign Zone (as defined below). In cases of more than one level above-grade occupied by a single tenant, additional primary signs shall be permitted, following the guidelines for those façade locations (see “above ground level exterior retail guidelines” below).
2. The Architecturally Designated Sign Zone shall be as defined by the office building architect and the retail developer in collaboration with the Port Authority and New York Department of City Planning to be compatible with the unique architectural design features of the individual commercial office buildings within the World Trade Center district.
3. Each store may have one Primary Sign per level, per side of the building on which it fronts but will not face the Memorial directly.
4. No sign shall be larger than 65 SF. The maximum size of a sign for a major anchor (with a program over 40,000 SF) will be subject to review by the Design Guidelines Committee.
5. Two Secondary Signs are permitted per storefront entry no larger than 4 SF each.
6. No attached canopies or awnings shall be used for signage purposes.
7. No permanent freestanding store identification signs or other freestanding sign types are permitted in front of the retail façade.
8. Paper and temporary signs may not be affixed to the storefronts.
9. Any signage, additional to the Primary and Secondary signage, installed more than 3’ behind the glass shall not be counted as part of the signage allotment.
10. Retail signage should not be permitted to face the Memorial directly or into the commercial office building lobbies that are located on Greenwich Street and therefore visible from the Memorial.

Above Ground Level Exterior Retail Guidelines 9.4.5

These guidelines apply to above ground level retail identification signs.

1. One Primary Store Identification Sign is permitted per level, per exterior facing storefront. This Primary Sign will be located in the Architecturally Designated Sign Zone (as defined below).
2. No sign shall be larger than 65 SF. The maximum size of a sign for a major anchor (with a program over 40,000 SF) will be subject to review by the Design Guidelines Committee.
3. The Architecturally Designated Sign Zone shall be as defined by the office building architect and the retail developer in collaboration with the Port Authority and New York Department of City Planning to be compatible with the unique architectural design features of the individual commercial office buildings within the World Trade Center district.
4. Interior Primary Signage above ground level is defined as any signage installed inside the façade, within 3' of the glass, in the Architecturally Designated Sign Zone.
5. Secondary external signage is not permitted above grade level.
6. Paper and temporary signs may not be affixed to the storefronts.
7. Any signage, additional to the Primary and Secondary signage, installed more than 3' behind the glass shall not be counted as part of the signage allotment.

Commercial Office Signage Guidelines 9.4.6

The following guidelines give parameters for the identification of the major towers, the entry points and the key commercial tenants of the WTC complex.

1. Each of the five towers of the WTC should be identified by name and/or address with a building mounted sign. Tower lobby entrance signs should provide building major tenant ID in the Architecturally Designated Sign Zone.
2. Each office tower shall be permitted one primary sign per lobby entry.
3. Two Secondary signs per entry no larger than 4 square feet each are permitted for major office tenants occupying more than 20% of the total rentable square footage of the building and must be located in the Architecturally Designated Sign Zone.
4. Exterior entrance ID signs shall be static signs, with no dynamic digital or LED/LCD or other video components.
5. The maximum size of a sign is 100 SF.

9.5 Design Considerations

9.5.1 Overview

Designing a signage system for a mixed-use development such as the new WTC site requires an awareness and understanding of multiple and interdependent design elements, all of which play an important role in meeting the needs of the system and its users. The following section outlines these elements.

These are the primary design considerations:

Placement and Architectural Context

Visual Character

Languages

Symbols

Naming

Lighting

Existing Identities

Technology and Media

Sustainability

A signage system that is well integrated with the architectural environment provides visitors with a seamless and effortless wayfinding experience. To achieve this, the sign system should have its own identity yet be visually integrated within the architectural environment; be simple and strong enough to complement the variety of architectural styles that will coexist at this site; be bold enough to stand out in an information intensive environment, saturated with images and media, with varying material surfaces; and have a clear and consistent relationship with the architectural forms within the space.

Each building will be designed in phases and by different architects with varying functions and components within each structure. Therefore, signage will play a key role in visually unifying the site. Though signs naturally weave their way through architectural forms, they need to hold a place for themselves and have a distinguished presence.

Public Art and Sculpture

Public art and sculpture can be important wayfinding tools and markers, helping the user to orient oneself as well as create a memorable sense of place. Important provisions and considerations should be given for the placement of and for works that can assist in the wayfinding experience.

Visual Character: Color

Color is a powerful tool for wayfinding and orientation graphics at transportation facilities. It has three primary functions: to create identity, to code information, and to create a sense of place.

It is necessary to select 2-3 colors of appropriate contrast and value as a basic starting palette before applying color to the different sign components. This palette should then be finalized once the designer is familiar with the exact selection of architectural materials, lighting elements and other formal components of the space. The WTC site has ample space to display signs, overhead or freestanding, with large and legible messages and bold colors. The degree to which this is implemented, depends on more in-depth color studies.

The current architectural guidelines recommend the use of metal and glass in many parts of the commercial development. The sign designer should consider fabrication materials for overheads, kiosks, display cases, etc. that complement and enhance the color scheme and structural quality of these architectural materials.

Visual Character: Color

Color for Identity

A consistent color palette creates a WTC complex identity and gives a unified character to the entire site, including its exterior paths and open areas, commercial towers, interior underground concourses, and transit areas.

Color Coding

Color coding is used to categorize information and give it a hierarchy. If used with clarity and consistency, color can be an identification tool that helps group destinations, or areas and orient users to them. At the WTC site color should be used to help distinguish the functions of the different destinations: memorial, transit, cultural, office, retail and public open space.

Color for Placemaking

Color can also be used to give a sense of place in an environment. This use of color encourages visitors to enjoy their journey from point to point, and also functions as a landmarking device. At the WTC site this use of color can happen on architectural features, public art (monuments, sculptures and installations), interpretive signage and exhibits.

Typography is a basic design tool to help define the character of a graphic system and to create a sense of place and identity for any given space. It is also a critical component in determining the legibility of an information system. A distinctive typeface shall be developed.

An appropriate typeface should be created or selected based on the following criteria:

- Legibility and clarity
- Style
- Variety of weight and styles available
- How well the typefaces complement and coexist with existing identities and environments

Type size and stroke weight play key roles in the delivery of wayfinding information. To succeed at it, the designer should first identify optimum viewing distances for each sign type. Then, by combining various type sizes and weights, the designer should establish a hierarchy of information based on the needs of the users and the space.

All signs should follow the minimum Americans with Disabilities Act (ADA) requirements for cap heights and raised lettering. For example, a 3" minimum cap-height is required on overhead signs while 5/8" minimum cap-height is required on public wall-mounted signs.

9.5.5 Visual Character: Scale

Wayfinding elements should relate to their environment, being bold or modest when appropriate, without becoming a physical obstruction or distraction. Scale controls the legibility and visibility of sign messages while also determining the impact of signs as objects.

At the new WTC site, there will be opportunities for both large and small scale signs within the system. Choosing the right scale will depend on spatial, operational and aesthetic factors. For exterior identification, freestanding signs are possible in plazas or near building entrances with actual building entrance identification signs directly on the entrance portal. In open areas, freestanding signs should be located within a clearance radius of 3' to 5' to allow for up close reading of small text. The placement of such signs shall not impede pedestrian flow

The strength and durability of signs should be evident to the users, inspiring trust in them as objects and as reliable sources of information. The materials and applications chosen should be innovative, to reflect the significance and visionary spirit of the site, but within the limitation of cost, maintenance and sustainability. Signs should be made of durable materials that are well fabricated, assembled and installed.

In addition, the selection of materials should support the design choices of the system in the following categories:

- Color palette and color stability
- Visual impact
- Character
- Visibility and clarity
- Sustainability

New signage materials and applications (such as titanium, resins, LED, LCD and fiber optics) are constantly being developed for construction. The choice of materials for signage should reflect the contemporary and progressive spirit of the WTC development.

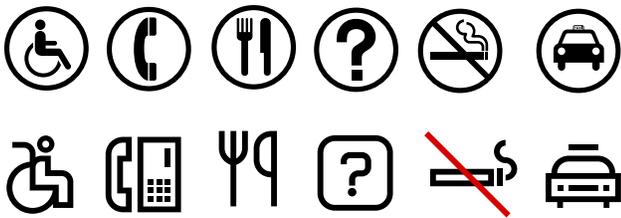
9.5.7 Languages

As the international language of business and science and the standard language used at transit facilities in New York City and around the USA, English should be the primary language used on signs at the WTC site. In terms of scale and legibility, it would be counterproductive to include multi-lingual messages on all wayfinding signage when the use of symbols can relay the information effectively. Other languages could be featured on interpretive and information signs, but should be decided on a customized basis.

Americans With Disabilities Act (ADA)

ADA requires Braille and raised lettering on wall mounted interior signs which is achieved through various fabrication technologies. In addition, other communication methods such as sound, color codes and visual displays address the special needs of visitors with different disabilities.

Symbols are the universal language that convey information quickly and efficiently. At an international destination like the WTC site, symbols can be the best method for international visual communication. A symbol family should be made to complement typographic styles, weights, colors and forms and to ensure consistency and clarity. Guidelines should be created for the application of symbols on each of the sign family's types.



9.5.9 Naming

Well considered naming can make the difference between a user-friendly and welcoming place, or a confusing maze with indistinguishable destinations. The opportunity exists to get the naming and nomenclature right, from the beginning, and for all of the pieces to fit together into the larger whole.

Naming Components

Some names have been well considered: September 11th Place, Wedge of Light Plaza, Liberty Park. Other place names designating levels, entrances, retail and commercial towers should be considered within the place as a whole and contribute to its cultural and historic significance as well as its context within the city, and may change.

These names will ultimately appear on signage and ideally should support a developed wayfinding logic of locating destinations within the site, both horizontally and vertically in space. Careful thought should be given to the naming process rather than simply adopting a working name from the design and planning documents.

Both artificial and natural light will play a powerful role in wayfinding and landmarking at the WTC site. By specifically illuminating architectural elements or consequently not illuminating them, lighting can literally tell the public where to look. In addition to giving us the ability to see, lighting can also play a theatrical role and create a mood. Although it may seem subtle, lighting is a dynamic medium for finding, understanding and creating meaningful spaces.

Lighting as Wayfinding

Lighting can become an instinctual landmarking and wayfinding tool because of the human tendency to gravitate towards light. When traveling vertically from underground, visitors can follow daylight to street level exits. Ample light can create a sense of security and therefore, pull people away from traveling through darker, non-public areas.

Consistent sign visibility is important throughout the WTC site. The amount of ambient natural or artificial light in a particular location will determine if signs need exclusive illumination. This can be achieved through internal illumination where the light source is housed within the sign, or a nearby focal light source incorporated into the architecture. Fluorescent, incandescent, fiber optic, LED, and shielded neon are all potential options for lighting signage. Their application depends on many other design and material decisions. In addition to its visual impact, maintenance, longevity, durability, cost and energy consumption must be considered when exploring various lighting options

9.5.11

Existing Identities

Logos and brands are abundant in and around the WTC site. It is their primary function to identify existing services and vendors, allowing quick recognition as transportation, business, retail and cultural amenities.

The examples below illustrate and compare the wide variety of existing services and organizations and their respective logotypes at the WTC site, and around Lower Manhattan. Because they contain multiple colors and complex shapes, these logos should be used minimally on overhead directional signage where legibility is of utmost importance. They can be used on orientation directories and identification signs where appropriate. Specific logo and branding guidelines should be established with the signage design.

Port Authority



MTA



Battery Park City



New York Waterways



Other Area Logos



Signage should take advantage of the ever evolving technology and information delivery systems. Today, with new technologies, signs can be informative and constantly updated for delivering a variety of messages and information as needed by users. The particular media (or content) for these kinds of signs includes advertising, news and transit information.

Dynamic signs can be changed manually or electronically by a timed device, or a triggered reaction to an event- such as the arrival of a train. With new display technologies (such as LCD and plasma) becoming more integral to sign systems, bulky CRT tubes or projected images are no longer relied upon. Thinner, more colorful and flexible materials are being developed to change the shape and information contained in signage. It is not unusual for new technologies to have less than a 10 year life span before they become outdated or even obsolete. Therefore, constant update and exploration of new technologies is a must.

There are various standardized systems that deliver up to the minute travel, transportation and weather information from various sources.

Types of Technologies in Signage

- Wireless devices, WiFi (wireless fidelity) networks, GPS, PDA and other infrared devices
- Integrated information systems, that synchronize and share data amongst networks such as transportation, weather and travel information
- New technologies for changeable graphics, LCD, plasma displays
- New and rediscovered or repurposed materials: metals, resins, LED, fiber optics, flexible displays

9.5.13

A Sustainable Signage Program (Maintenance, Changeability, Etc.)

The sign system at the WTC site will need to be flexible for future expansion since the implementation of the sign system may happen over the course of several years. Durable materials and fabrication of the sign system will ensure easy long-term maintenance and reduce the possibility of damage and vandalism in exposed locations. When designing the sign system, the following issues should be considered:

- A modular or kit-of-parts design which is efficient in production and flexible for future expansion and updating
- Locations in places that minimize maintenance and replacement
- Vandal and tamper resistant
- Affordable materials and repairs

Exhibit C

Environmental Assessment

To access the Environmental Assessment, please click on the link below:

<http://www.renewnyc.com/Attachments/Content/Announcement/WTCMemorialAndRedevelopmentPlan.pdf>

Exhibit D

FONSI

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

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

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

Date: November 17, 2021

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

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

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

SEQRA Status: The Approved Plan is a Type I Action

Conditioned Negative Declaration: No

Description of Action:

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

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

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

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

Location:

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

Reasons Supporting This Finding And Determination:

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

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

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

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

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

For Further Information:

Contact Person: Daniel A. Ciniello, President
Address: 22 Cortlandt Street – 22nd Floor New York, NY 10007
Telephone Number: (212) 962-2300
Fax Number: (212) 962-2431
E-mail: publiccomment@renewnyc.com