



NEW YORK STATE SENATOR

Brian Kavanagh

Letter to State Agencies re: 5WTC Public Approvals Process

BRIAN KAVANAGH November 16, 2021

| ISSUE: **AFFORDABLE HOUSING, 5 WORLD TRADE CENTER, LMDC, ESDC (EMPIRE STATE DEVELOPMENT CORPORATION)**

November 16, 2021

Howard A. Zemsky

Chairman, Board of Directors

Empire State Development Corporation

633 Third Avenue

New York, NY 10017

Holly Leicht

Chair, Lower Manhattan Development Corporation

22 Cortlandt Street

New York, NY 10007

Kevin O'Toole

Chair, Board of Commissioners

Port Authority of New York & New Jersey

4 World Trade Center, 150 Greenwich Street

New York, NY 10007

Dear Mr. Zemsky, Ms. Leicht, and Mr. O'Toole:

We write regarding the upcoming board meetings of the Lower Manhattan Development Corporation, Empire State Development, and the Port Authority of New York & New Jersey and the agenda items that are intended to move forward with certain aspects of the process that is expected ultimately to permit development of the Five World Trade Center site.

Based on our conversations with representatives of your agencies in recent days, we understand that the purpose of taking these actions at this week's meetings is to enable the agencies to commence a formal public review of the proposal to develop the site. We also understand from our conversations that the agencies remain open to considering ways that the amount of affordable housing at the site might be increased above the current proposal of 25% of all residential units, which, as we have discussed, we believe is a very important goal. In light of this understanding, we want to clarify certain aspects of the process and

make several requests that we believe will help facilitate thorough public discussion.

First, some concern has arisen among some of our constituents that the board meetings this week will precipitate an immediate commencement of a public comment period that will then conclude over the holidays. We ask that you confirm when you plan to begin any required formal public comment on the proposal and what the duration of the comment period(s) will be. In any case, we request that no required public comment period close before February 15, 2022.

Second, we request that the respective boards refrain from adopting any restrictive building guidelines at this week's meetings that would limit residential affordability. Specifically, there is some concern that the "mixed-use design guidelines" included in the proposed General Project Plan modifications, and written with input from the designated developer, which are on the agenda at this week's board meetings might prefigure the proposed building's design in a way that restricts options to provide more affordable housing. We ask that the boards take no steps this week that have this effect, and at minimum if guidelines must be adopted, they should allow for a broader range of building designs in this specific proposal.

Finally, while we are aware that the majority of LMDC's funding has already been allocated for specific purposes, we note that there appears to be an item on the agenda this week that would amend the Final Action Plan and redirect an additional sum to affordable housing. While we understand that this particular allocation may be part of an agreement with the City of New York to provide funds for improvements at New York City Housing Authority developments, we urge you to preserve any other remaining LMDC funding that has not been allocated and to begin to consider any such funding as a potential resource to increase affordability at Five World Trade Center. In connection with this request, we ask that you provide an accounting of what funds remain available to the LMDC and how they are

currently expected to be expended. As you know, we also have other outstanding requests for information regarding the financial aspects of the Five World Trade Center proposal that we hope you will address in the very near future.

Five World Trade Center represents a significant opportunity to build affordable housing in a community that has lost so much of it in the last two decades. We share your desire to make progress in completing the entire complex and we appreciate your agencies' partnership in working towards this goal. We also appreciate your willingness to explore the possibility of increasing affordability at the site, and to participate in the November 30th public forum we will hold on this issue. We expect that this will be a productive session where the public can learn more about your plans, and some of our local community activists will have the opportunity to share their ideas for expanding affordability.

Again, we appreciate your openness to working with us on this, and we look forward to your prompt response. If you would like to discuss these issues, please feel free to contact any of us directly or via Emily Leng in Senator Kavanagh's office at 212-298-5565.

Sincerely,

Brian Kavanagh, State Senator

Jerrold Nadler, Member of Congress

Yuh-Line Niou, State Assembly Member

Gale A. Brewer, Manhattan Borough President

Margaret Chin, City Council Member

cc: Daniel Ciniello, President, Lower Manhattan Development Corporation

Marion Phillips, Sr., VP Community Relations, Empire State Development

Francisco Polanco, Director of Community Relations, Empire State Development

Tobi Jaiyesimi, Senior Project Director, Empire State Development

Rick Cotton, Executive Director, Port Authority of New York & New Jersey

Derek Utter, Chief Development Officer, Port Authority of New York & New Jersey

Justin Bernbach, Director of Government Affairs, Port Authority of New York & New Jersey

Michael Lavery, Government & Community Relations, Port Authority of New York & New Jersey

Tammy Meltzer, Chair, Manhattan Community Board 1

Vittoria Fariello, Member, Coalition for a 100% Affordable 5WTC