



**Lower Manhattan Development Corporation  
Empire State Development Corporation**

**Virtual Public Hearing on the Proposed Amendment to and Adoption of World Trade Center Memorial and Cultural Program General Project Plan and World Trade Center Memorial and Redevelopment Plan**

**Comments of State Senator Brian Kavanagh, Congressman Jerrold Nadler, State Assembly Member Yuh-Line Niou, and Manhattan Borough President Mark Levine**

**January 12, 2022**

We submit for your consideration the following comments regarding the Lower Manhattan Development Corporation (LMDC) and Empire State Development Corporation's (ESD) proposed adoption of the proposed modifications to the World Trade Center Memorial and Cultural Program General Project Plan (GPP). We appreciate LMDC and ESD's willingness and agreement to keep the public comment period open until February 15, 2022, in response to our joint letter on November 16, 2021.

To begin, we want to express our support for the goals of the proposed modification to expand the uses permitted at Site 5 to allow for the development of a mixed-use tower with residential, fitness, and community facility uses. We believe that a mixed-use residential tower at this site would be an appropriate addition to the Lower Manhattan community, most especially to the extent it provides for affordable housing.

We are aware, of course, that the current proposed development provides for 25% of the residential units to be permanently affordable. Over the past several months, we and many community advocates have strongly expressed the view that 25% is simply not enough, especially for a community that has been losing affordability at an alarming rate for many years. We appreciated your participation--and that of the Port Authority of New York and New Jersey and New York State Homes and Community Renewal--at our virtual public forum to discuss affordability on December 9, 2021, and your commitments to working with us and the community on this issue. We continue to maintain that maximizing affordability at this site must be a key priority, and that every effort should be made to consider various financing sources and other measures in order to ensure a maximum number of permanently affordable units. We

recognize that the proposed amendment to the GPP calls for “a minimum of 25 percent” affordable units, and we ask that a sentence be included in the amendment that confirms that the agencies will make every effort to reach maximum affordability at the site.

The proposed amendment to the GPP also includes a draft set of mixed-use design guidelines that would be administered for any mixed-use development on the site. We believe that the mixed-use design guidelines as currently drafted are too restrictive and not sufficiently conducive to increasing affordability at the site. The guidelines currently include language that mandates aspects of the building to a specific design, and may not provide enough flexibility to maximize the number of affordable units by making adjustments to lower construction or operating costs. We request that the mixed-use design guidelines be revised to be more permissive in the variety of design options that may be considered and allow for the greatest flexibility possible when it is in the service of maximizing affordability.

The design guidelines also lay out the gsf distribution for potential scenarios envisioned for the mixed-use tower. In the maximum residential option, there is currently 36,000 gsf for a fitness and social center, and 13,000 gsf for a community facility. This neighborhood currently lacks sufficient public community spaces, especially dedicated senior spaces and recreational areas for students and children. Given that this will be a large residential building that is located in an increasingly mixed-use neighborhood, we hope to see increased community space to the extent feasible.

Similarly, there is currently 12,000 gsf for retail in the maximum residential option. As the neighborhood continues to become more residential, we ask that you prioritize community geared retail spaces, including potential options such as a grocery store or pharmacy.

Finally, with regards to the sustainability standards, we recognize that the current guidelines state that the building must meet LEED Gold standards and comply with the Sustainable Design Guidelines applicable to a mixed-use building. We believe that these standards are baseline requirements, and ask that you look into and consider implementing additional sustainability guidelines that go beyond what is currently proposed. In particular, recognizing that both the Governor in her recent State of the State address, the legislature in the form of proposed legislation (the All-Electric Building Act, S6843A/A8431), and the State bodies working on implementation of the Climate Leadership and Community Protection Act have all proposed requiring all new buildings to be all-electric (with some potential exceptions when that is simply not feasible), we ask that the sustainability standards include the requirement that the tower be all-electric to the maximum extent possible.

As the final piece of the World Trade Center to be rebuilt, we believe that Site 5 is a significant opportunity to bring large-scale affordable housing to Lower Manhattan and design a

community-centered building that would enrich the lives of all who live and work in the area. We appreciate your consideration of these comments.