



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

October 12, 2022

Hope Knight, President and CEO-designate
Empire State Development Corporation
633 Third Avenue, 37th Floor
New York, NY 10017

RE: Comments on the World Trade Center Memorial and Cultural Program General Project Plan Site 5, Phase II

Dear Ms. Knight,

The City Planning Commission (the “Commission”) has reviewed the proposed Site 5, Phase II amendment to the World Trade Center Memorial and Cultural Program General Project Plan (“WTC GPP”) issued by the New York State Urban Development Corporation d/b/a Empire State Development (“ESD”).

The WTC GPP was established to create a plan to redevelop the World Trade Center (“WTC”) campus after the attacks of September 11, 2001. The plan provides for commercial towers, public open space, a performing arts center and cultural uses, and a 9/11 memorial. The WTC GPP is subject to Commission review pursuant to the provisions of Subdivision 3 of Section 16 of the New York State Urban Development Corporation Act, which provides that a planning board or commission may recommend approval, disapproval, or modification of a general project plan, whenever such plan requires the override of local law or regulation for implementation.

The WTC GPP’s Site 5 is located at 130 Liberty Street on the southernmost edge of the WTC campus. On February 14, 2022, the Commission approved an amendment to Phase I that expanded the permitted uses on the site to include the option of a mixed-use tower with residential and community facility uses, in addition to the previously authorized commercial office and retail uses. The Phase II amendment currently before us proposes to override of the Zoning Resolution (“ZR”) and other local laws with respect to floor area and open space regulations, height and setback controls, signage and ground floor regulations. Phase II also proposes a building design and site plan that is consistent with the Design Guidelines of the WTC GPP.

The goal of the Phase II amendment is to facilitate the redevelopment of Site 5 as an approximately 940-foot tall, 1.3 million square-foot mixed-use building. The mixed-use building will have commercial and retail uses, a minimum of 10,000 square feet of community facility use, and up to 1.1 million square feet of residential use. Site 5 will also include a public lobby and second floor connection to the community facility space that is located on the third floor, and a private driveway with an 8-foot sidewalk that connects Greenwich Street and Washington Street. The WTC GPP requires that a minimum of 25 percent of the residential units developed as part of the project be targeted to households earning at or below 50 percent AMI. Of those 25 percent of units, at least 10 percent of the units need to be rented to households

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earning at or below 40 percent AMI. Lastly, an additional 10 percent of units will be for households earning at or below 60 percent AMI. The project proposes to develop approximately 1,200 rental units where approximately 300 units will be permanently affordable housing. The affordable housing would be regulated by the New York State Division of Housing and Community Renewal pursuant to a regulatory agreement with the New York State Housing Finance Agency.

The Phase II amendment proposes several overrides of the ZR including provisions from the Special Lower Manhattan District. Specifically, it includes (a) increasing the maximum residential floor area ratio (FAR) from 10.0 to 15.0 without providing a bonusable element and without regard to floor area that is attributable to improvements on other portions of the project site such as the cultural sites; (b) increasing the maximum base height permitted to approximately 190 feet; (c) increasing the maximum horizontal dimension to exceed the permitted 175 feet; (d) waiving the minimum 20-foot setback requirement (e) decreasing the required minimum pedestrian circulation space from 4,638 square feet to 1,055 square feet; (e) waiving curb cut requirements that prohibit a curb cut on Greenwich Street to allow for one 12-foot curb cut; (f) increasing the maximum permitted lobby width from 33.75 linear feet to provide for a maximum lobby width of 75 linear feet; (g) waiving loading berth requirements to allow for a loading berth to begin from 35 feet from the intersection of Washington Street and Albany Street instead of 50 feet; (h) allowing for retail glazing to be measured from 2 feet to 14 feet instead of being measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less; and (i) waiving signage requirements that are not consistent with the WTC Design Guidelines.

This letter serves as a response to the Empire State Development Corporation's (ESD) request for a recommendation from the Commission in relation to the WTC GPP Site 5 Phase II modifications. The Commission supports the overarching goals of the WTC GPP to appropriately develop the various sites and is pleased to see efforts continue to progress. The Commission believes that the zoning overrides that support the building's mass and bulk, and some of the overrides that create the ground floor experience, are appropriate in the context of the WTC Campus and the surrounding neighborhood. The Commission also supports the inclusion of affordable housing on site and encourages ESD to continue to explore ways to increase the number of permanently affordable units.

The Commission recognizes the ongoing dialogue between the project team at ESD and the staff at the Department of City Planning (DCP). The Commission appreciates the efforts that ESD has made to address DCP's concerns over the zoning overrides which include waivers for the pedestrian circulation space, curb cuts, and the design of the public spaces at Site 5. While the Commission supports the project and the exercise of ESD's statutory authority, the Commission strongly urges ESD to consider and address the following concerns with the project's design.

Pedestrian Circulation Space

The Commission encourages ESD to greatly increase the amount of pedestrian circulation space to support a better pedestrian experience. Zoning requirements for pedestrian circulation space are intended to enhance the vibrancy and quality of life in Lower Manhattan through the provision of more generous sidewalks and supplemental privately-owned public spaces on development sites. The proposed waiver of pedestrian circulation space requirements would result in a 77 percent reduction of the required pedestrian circulation space (1,055 square feet proposed vs. 4,638 square feet required). The Commission appreciates that the proposed pedestrian circulation space along Greenwich Street and some of Albany Street would widen portions of the sidewalk by three feet. However, a more significant pedestrian circulation space that meets the existing ZR requirements would provide an opportunity to create quality public spaces that would serve the residents of the proposed development, the broader community, workers, and visitors.

Private Driveway

The Commission urges ESD to reconsider the private vehicular driveway and associated curb cuts on both Greenwich Street and Washington Street that provide exclusive access for residents of the building. The development should prioritize pedestrians and reinforce the walkable context of the surrounding neighborhood. The Commission appreciates that gestures have been made in response to DCP comments on the driveway by adding a second sidewalk adjacent to Liberty Park. However, the Commission continues to question the need for this exclusive vehicular drop off area in the heart of one of New York City's most transit-rich areas. Lower Manhattan is a walkable neighborhood, and the inclusion of the driveway will be disruptive to the pedestrian experience in this high-density area. Traffic conditions in the immediate vicinity are relatively light, and the presence of security checkpoints further reduce the amount of vehicle traffic around this site. As such, vehicular access to the various uses in the building can and should be readily accommodated using existing roadways without the dedication of a separate and exclusive private drop off area. Further, the Commission notes that the inclusion of the private driveway precludes the ability to provide more generous and complying pedestrian circulation space around the development site. Trading valuable public space for private vehicular access is contrary to the DCP's goals for the Special Lower Manhattan District, which seeks to enhance the streetscape and pedestrian environment of Lower Manhattan. The Commission believes that the removal of the driveway would not only provide for a safer and more welcoming space for all users but allow more opportunities to increase the amount and quality of public spaces around the building.

The Commission notes that there is an existing temporary plaza at Site 5 known as the Albany Street Plaza, which opened for the public in 2014. Once construction begins on Site 5, the Albany Street Plaza will be removed. The Commission recognizes that the Albany Street Plaza was a temporary measure to activate the area as WTC development plans were established. However, in light of the removal of the temporary public plaza, the proposed significant reduction in required pedestrian circulation area and use of ground floor area as a private driveway is particularly concerning.

Second Floor Pedestrian Passageway and Liberty Park Connection

ESD is proposing the creation of additional public space within the building through a ground floor public lobby on Greenwich Street that connects to a second-floor passageway and bridge to Liberty Park. The passageway will also connect to elevators and stairs to the community facility on the third floor. The Commission notes that upper floor public spaces present unique challenges in being readily identifiable as public in nature and must provide sufficient reason for the public to leave the ground floor to access the spaces. The Commission understands that DCP staff encouraged ESD to enhance and modify the design of this passageway to create a more welcoming experience by adding amenities like benches, moveable tables and chairs, as well as programming and wayfinding to encourage public use. The Commission also acknowledges ESD's efforts to address DCP concerns on the second-floor passageway but urges ESD to go further in improving on its current design by adding elements to the public passage that will encourage the public to use and engage with the space.

Further, the Commission recommends that ESD rethink the bridge that connects Liberty Park and the second-floor public passageway. This bridge provides for an opportunity to create an even more attractive "front door" to transition from the park into Site 5. The Commission encourages ESD to explore opportunities to expand the public space on the second floor, by either widening the bridge itself to create more of a gathering space at this level that accommodates seating or other public amenities, or by expanding the corridor and converting the bridge area to an enclosed space that includes public seating, other amenities, and additional programming opportunities. The Commission notes that elimination of the private driveway would also provide opportunities to reimagine the interface between the building and Liberty Park. The enhancement of the second-floor passageway would ensure a stronger visual connection with Liberty Park and expand options in creating a welcoming and well used public space.

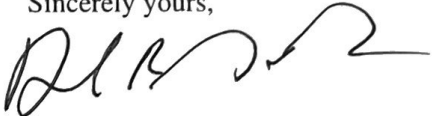
Affordable Housing

The Commission acknowledges that the proposed inclusion of permanently affordable new housing on this site is crucial to the equitable and sustainable growth of the City and urges ESD to expand the amount of permanently affordable housing to the extent feasible. The affordable housing units should be distributed throughout the development. The Commission notes that vertical apartment distribution is a requirement to NYC's Mandatory Inclusionary Program (MIH) which serves as a model for affordable housing development across NYC and addresses inequity for renters of various economic backgrounds. The Commission understands the value of the addition of permanently affordable housing at this site and believes that's its critical to ensure that the affordable housing created result in quality units and promote equitable access to its residents of all economic backgrounds.

In summary, the Commission recommends its support and approval for most of the zoning overrides and the proposed building and site design. However, the Commission strongly recommends modifying the WTC GPP Phase II plan to exclude the waiver of the pedestrian circulation space and curb cut regulations, as well as redesigning the ground floor to prioritize the pedestrian experience through the removal of the driveway and instead, enhance the public realm in this culturally and historically significant area. Additionally, the Commission urges ESD to continue refining the design of the second-floor public passageway and bridge to Liberty Park to create a space that will be more welcoming and well used by the public.

The Commission encourages ESD to continue to work together with the State, the City, local community groups and the other stakeholders during the public comment period to incorporate their comments for Phase II of the proposed amendment into the final design of Site 5. The Commission recognizes ESD's ongoing dialogue with local community groups across lower Manhattan, some of which have voiced similar concerns over the reduction in public space, the driveway and the second-floor passageway. DCP and the City look forward to ESD's continued refinement and progress on the final proposal.

Sincerely yours,



Daniel R. Garodnick

cc: E. Hsu-Chen, S. Amron, E. Botsford, S. Johnson, J. Tepale