

**LEGAL NOTICE**

**LOWER MANHATTAN DEVELOPMENT CORPORATION**

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

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

**FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A  
100-YEAR/500-YEAR FLOODPLAIN**

**December 10, 2021**

**NAME OF RESPONSIBLE ENTITY:**

Lower Manhattan Development Corporation (LMDC)  
22 Cortlandt Street – 22nd Floor  
New York, NY 10007  
Telephone Number: (212) 962-2300

**TO ALL INTERESTED AGENCIES, GROUPS AND PERSONS:**

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), is giving notice that it has made a Finding of No Significant Impact and Determination of Non-Significance (FONSI) for the proposed amendment (Proposed Amendment) to the World Trade Center Memorial and Cultural Program General Project Plan and World Trade Center Memorial and Redevelopment Plan (collectively, the Approved Plan). As the recipient of HUD Community Development Block Grant funds appropriated for the World Trade Center disaster recovery and rebuilding efforts, LMDC acts, pursuant to 42 USC § 5304(g), as the responsible entity for compliance with the National Environmental Policy Act (NEPA) in accordance with 24 CFR § 58.4. LMDC also acts under its authority as lead agency in accordance with the New York State Environmental Quality Review Act (SEQRA). The Approved Plan is a Type I action under SEQRA that was the subject of a Final Generic Environmental Impact Statement (FGEIS).

LMDC released the Draft Generic Environmental Impact Statement in January 2004 (see Federal Register Volume 69 at 3382) and the FGEIS in April 2004 (see Federal Register Volume 69 at 22866). In June 2004, LMDC published the Record of Decision and Lead Agency Findings Statement (ROD) for the Approved Plan (see Federal Register Volume 69 at 41278) and adopted the General Project Plan (GPP) for LMDC's WTC Memorial and Cultural Program.

Implementation of the Approved 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 Approved Plan.

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).

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, is the area generally bounded by Liberty, Greenwich, Albany, Washington and Cedar Streets and Route 9A.

The Proposed Amendment would modify the Approved Plan to expand the uses permitted in Tower 5 to include the option of the development of a mixed-use tower with residential, fitness, and community facility uses, in addition to the commercial office and retail uses currently authorized on the Development Site. The Proposed Amendment also provides that if a mixed-use building is to be constructed on the Development Site, it is expected that ESD would own the Development Site and enter into a long-term lease to a private developer.

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

An EA for the Proposed Amendment has been prepared pursuant to NEPA and SEQRA and their implementing regulations 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 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. Therefore, a supplemental environmental impact statement is not required under NEPA or



Development of Site 5 under the Proposed Amendment, like the No Action Alternative, would occur within a previously developed site with existing foundation structures. Therefore, the Proposed Amendment would not result in any new significant adverse impacts to flood levels, flood risk, or the flow of floodwater within the Project Site or the surrounding area.

LMDC has considered the following measures to minimize adverse impacts and to restore and preserve natural and beneficial values. The Proposed Amendment would increase the number of allowable residential units as compared with the No Action Alternative. These residential units would be located in the upper floors, beginning with approximately the tenth floor and would remain above the one percent annual chance flood level (i.e. the 100-year flood) throughout the life of the project under any scenario of sea level rise as predicted by the New York City Panel on Climate Change (NPCC). The ground floor would be located at design flood elevation of +13 feet North American Vertical Datum of 1988 (NAVD88). This adds two feet of freeboard as required by Local Law 43 of 2021, effective April 18, 2022. Under the Proposed Amendment, Tower 5 would be constructed in accordance with the Flood Resistant Construction requirements of Appendix G of the New York City Building Code and could incorporate additional measures to minimize losses due to flooding in the future with sea level rise. The cellar will be dry floodproofed. Examples of ground floor flood damage reduction measures include insulated flood vents providing wet floodproofing at residential exit stairs (and loading dock doors if the dock is conditioned space); loading dock doors with open lattice to provide wet floodproofing if the dock is unconditioned space; flood-resistant storefront glazing and removable flood barriers to provide dry floodproofing at the community facility entrance. If the flood elevation increases in the future, Tower 5 could be retrofitted with additional flood protection features (e.g., internal flood barriers, temporary stairs, etc.). Specific measures would be determined at a later date.

Like the No Action Alternative, the Proposed Amendment would not aggravate the current hazards to other floodplains or disrupt floodplain values. Unlike the No Action Alternative, however, the Proposed Amendment would contribute to advancing the policy goals of developing Lower Manhattan as a viable, full-service community with an appropriate balance between commercial and residential development by providing additional residential units. It would advance the goals of Housing New York to build or preserve affordable housing.

LMDC has evaluated the Proposed Amendment and determined that the project is still practicable in light of its exposure to flood hazards in the floodplain. There are no alternatives that do not involve the development of the Development Site that would achieve the goals of the Approved Plan. Like the No Action Alternative, the Proposed Amendment would not aggravate the current hazards to other floodplains or disrupt floodplain values. Unlike the No Action Alternative, however, the Proposed Amendment would contribute to advancing the policy goals of developing Lower Manhattan as a viable, full-service community with an appropriate balance between commercial and residential development by providing additional residential units. It would advance the goals of Housing New York to build or preserve affordable housing.

#### **AVAILABILITY OF PROPOSED AMENDMENT, EA AND NOTICES**

The Proposed Amendment, EA for the Proposed Amendment, FONSI, and Final Floodplain Notice are available on LMDC's website: <http://renewnyc.com>. Copies are also on file at LMDC

at the address below and are available by appointment on weekdays between 9:30 a.m. and 5:00 p.m., public holidays excluded. To make an appointment and/or to request copies of the Proposed Amendment and/or the EA in print or on a flash drive, email [WTCSite5@esd.ny.gov](mailto:WTCSite5@esd.ny.gov), or telephone (212) 962-2300. Copies are also available for public review at the following public libraries: 1) Chatham Square Library, 33 East Broadway, New York, NY 10002; 2) Battery Park City Library, 175 North End Avenue, New York, NY 10282; 3) New Amsterdam Library, 9 Murray Street, New York, NY 10007 and 4) Hudson Park Library, 66 Leroy Street, New York, NY 10014, and are available by appointment only at Manhattan Community Board 1, 49-51 Chambers Street, #715, New York, NY 10007, by contacting (212) 602-6300 or [Man01@cb.nyc.gov](mailto:Man01@cb.nyc.gov).

### **PUBLIC COMMENTS**

All interested agencies, groups and persons may submit written comments for consideration to LMDC, at the address above, or by e-mailing comments to [WTCSite5@esd.ny.gov](mailto:WTCSite5@esd.ny.gov). Comments must be received by 5 p.m. on February 15, 2022. Comments received after 5 p.m. on February 15, 2022 will not be considered.

Contacts: Daniel A. Ciniello, President, Lower Manhattan Development Corporation, 22 Cortlandt Street – 22nd Floor New York, NY 10007; Tel: (212) 962-2300; Fax: (212) 962-2431; [WTCSite5@esd.ny.gov](mailto:WTCSite5@esd.ny.gov).

DANIEL A. CINIELLO, PRESIDENT  
LOWER MANHATTAN DEVELOPMENT CORPORATION