

Civic Alliance Response to the Draft Generic Environmental Impact Statement (DGEIS)<sup>1</sup>  
WTC Memorial and Redevelopment Plan

March 9, 2004

A thorough analysis of all reasonable alternatives to the WTC Memorial and Redevelopment Plan (Proposed Action) must take place in the Generic Environmental Impact Statement (GEIS). As requested in the Civic Alliance's comments on the Draft Scope, particular attention should be devoted to an option for significantly reduced commercial office and retail space on the Project Site and an increased mix of other activities, such as housing, civic or cultural programming and open space. The current "Reduced Impact Alternative" presented in the draft GEIS is not sufficiently evaluated. In fact, the treatments of all alternatives in the DGEIS are summary and dismissive. We find the current failure to include a thorough analysis of reasonable alternatives to violate both the spirit and the letter of NEPA and SEQRA. We urge the LMDC and the PA to consider the Reduced Impact Alternative in order to avoid litigation, project delay and impediments to the economic recovery of Lower Manhattan.

1. Reduced Impact Alternative: Without a thorough analysis of the impacts of a significantly reduced program for commercial office and retail space (such as a reduction of up to 50%) the DGEIS fails to consider all reasonable alternatives. A Reduced Impact Alternative, which studies approximately half the amount of commercial office space as the Proposed Action, and includes new uses in its program such as housing and civic and cultural space should be thoroughly analyzed for the following reasons:
  - a. As stated in the Executive Summary of the DGEIS (S-7), one of the leading public comments at the "Listening to the City" town hall meetings of July 2002 was a call for reducing the commercial density on the WTC Site. A reduction in commercial space greatly expands the options for other uses, including cultural, civic, residential and open space that may do more to enhance Lower Manhattan's attractiveness for businesses, residents and visitors than office space that may not be needed to meet future employment demands for the district.

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<sup>1</sup> This Statement drafted for the Civic Alliance by Regional Plan Association with contributions from American Planning Association – NY Metro Chapter, American Society of Public Administration – NY Metro Chapter, Asthma Moms, Environmental Defense, Family Association of TriBeCa East, Fine Arts Federation of New York, Municipal Art Society, Natural Resources Defense Council, NY Lawyers for the Public Interest, NY League of Conservation Voters, NYPIRG Straphangers Campaign, Mothra-NYC, PICCED, R.Dot., Waterfront Park Coalition and individual Civic Alliance forum participants.

- b. We disagree with the assertion that because commercial office space within the Project Site has been reduced 15% by the inclusion of the Southern Site within the Project Site (DGEIS 23-44), that the only option for reducing density is in the reduction of memorial space, cultural programming, retail or hotel. The 15% Project Site reduction of commercial office space, while desirable from an urban design standpoint, does not represent a reduction in the overall program for commercial office space to be built in the WTC area, thus having no difference in environmental, construction or economic impacts to the primary or secondary areas of impact.
- c. It is unlikely that 10 million square feet of office space will be built by the target year of 2015 if the leaseholder, Silverstein Properties, does not receive its desired insurance payment of approximately \$7 billion, a prospect that is increasingly in doubt. If the insurance settlement does not cover construction costs for the majority of office development, the second phase of commercial office space will need to be traditionally financed. Since absorption rates are unlikely to capture 10 million square feet of new office space by the year 2015, as stated in the LMDC's own analysis (DGEIS 9-78), traditional financing for the second phase office development by 2015 is highly doubtful.
- d. The likely delay of the second phase of office space means that the WTC site will be occupied with incomplete three-story pedestals for some time if the phasing strategy described in the Proposed Action is carried out. The DGEIS should evaluate the impacts of this scenario for effects on the downtown economy, the urban design composition of the master plan, open space and wind conditions, among other items. While reduced office density onsite may in fact be a desirable outcome; this scenario should be planned for and occur *by design* rather than *by default*.

If 10 million square feet of office space *is* to be completed by 2015, the GEIS should analyze the impact of excess office space on vacancy rates, business activity, employment and quality of life in Lower Manhattan. As stated in the LMDC's own analysis (DGEIS 9-78), the 12.4 million square feet of total new office space anticipated in Lower Manhattan between years 2010 – 2015 will exceed the projected absorption rate of 1.16 million square feet per year. In fact, this projected rate of absorption (based on the average for a short and unique period of time, 1998-2002) may be optimistic considering forecasts of slow employment growth and competition from potential new office space in Midtown, Jersey City and Manhattan's Far West Side. The impacts of a glut of subsidized office space may not be as benign as the DGEIS indicates. Without sufficient demand, the space will add little new employment to New York City and increase vacancy rates in other parts of Lower Manhattan, with negative impacts on the real estate, retail and small business sectors of the Downtown economy. It may also represent a sub-optimum use of both the land and capital available to redevelop the WTC site. The failure to consider both a reduced office program

and a range of plausible demand forecasts makes it impossible to fully evaluate these impacts.

## 2. Finding of Adverse Environmental Impacts:

Our second major area of concern regards the cumulative environmental impacts of the proposed action with other related Lower Manhattan projects to take place before 2015. The finding that the construction of the Proposed Action *will not* cause adverse impacts to air quality is suspect, especially considering the marked increase in traffic anticipated to result from the proposed action, as described in the DGEIS. The failure to consider the cumulative impact on air quality of all related Lower Manhattan construction projects may constitute a segmentation of the project, and expose the project to litigation.

A necessary step towards mitigating air pollution resulting from the proposed action is to ensure that all diesel engines involved in rebuilding the WTC site are also required to use ultra low sulfur diesel fuel AND be retrofit with the best available pollution control technology to mitigate the pollution impacts of rebuilding. State vehicles and City vehicles are already required to do this by a New York State executive order and New York City Council resolution requiring all State construction equipment used during the rebuild of the WTC site and all City owned construction equipment used in all City contracts to use ultra low sulfur diesel fuel (15ppm or less) and to be retrofit with pollution control technology. These regulations should be extended to all diesel engine vehicles on the WTC site during the construction process. There is some mention of this sprinkled throughout Chapter 14 of the DGEIS, but no explicit commitments are made. The Civic Alliance requests that the LMDC make an explicit commitment to cleaning up diesel emissions and that this should include diesel trucks, construction equipment, stationary diesel generators and any other diesel engines utilized in the rebuild. We suggest the following steps towards achieving this commitment.

- Use Low Sulfur fuel. Low sulfur fuels should be used in place of regular diesel fuel. Low Sulfur fuel (15 ppm or less) enables the use of state-of-the-art emissions control technology, like particulate filters. Ultra low sulfur diesel fuel can cut emissions substantially – and, more important, it is a prerequisite to use of many retrofit filter technologies (sulfur can clog particulate filters). The most advanced retrofit technologies require use of the lowest possible sulfur fuels – lower even than the 15 ppm fuels generally available.
- Install oxidation catalysts. Oxidation catalysts can reduce particulate matter (PM) by at least 25%, HC 90%, CO, other toxics, smoke and odors. Oxidation catalysts were installed on equipment used in Boston's Central Artery Tunnel (Big Dig) project at a cost between \$1,000-3,000 per vehicle. In fact, at the Big Dig, they have retrofit over 100 construction vehicles, with no delay to the construction process. These retrofits will achieve an emission reduction, for the city of Boston, equivalent to eliminating *96 million diesel truck miles* or removing *1300 diesel-powered public buses* for a year.

- Use particulate filters. On-road vehicles (primarily MTA buses) that are retrofitted with particulate filters show reduction in PM of up to 90%, CO and HC up to 90%. Particulate filters may not have been tested extensively enough for some equipment to require mass installation in the immediate term. The World Trade Center site could serve as a pilot project for using these filters on construction vehicles. Additionally, this technology should be used on stationary generators and the heavy trucks used to cart debris through local neighborhoods. New rules could require their expanded use in the future.
- Test advanced technologies: There are other technologies available for use on diesel engines that may not yet have been fully tested. These include, for example: selective catalytic reduction and exhaust gas recirculation. Emulsified fuel also provides substantial opportunity for reductions. Testing at WTC could be followed by more widespread implementation throughout the metropolitan region and the state.
- Stop engine idling. Users of heavy-duty diesel equipment often keep their engines idling when equipment is not in use. Existing regulations limiting idling must be enforced throughout the State. Further, rules specific to the WTC rebuild and the non-road vehicles working on it should be devised.
- Improve equipment maintenance and inspection. Fleet managers need to keep their equipment in good repair. This is essential not only for the engines to operate efficiently, but also to ensure that emission reduction technologies can be used effectively. As with on-road vehicles, non-road equipment should have regular, periodic inspections, including smoke testing. All diesel equipment used while rebuilding the WTC site should be well-maintained.
- Apply measures to all diesel machinery in the LMDC area. PM 2.5 emissions are critical not only for machinery on the WTC site itself. For example, New York City will be excavating over 20 miles of streets in order to repair underground infrastructure, the MTA will be undertaking heavy construction to repair subway infrastructure and other projects will be moving forward throughout Lower Manhattan. Diesel engines will be located in communities around the city – this is an opportunity to test and establish the technologies that can most effectively be used on a widespread basis. To be effective, any program must look not just to the WTC site, but to the entire LMDC jurisdiction.
- Allow real-time air monitoring on the Internet. Effective monitoring of air pollution will play an important role in enforcing goals for emissions reduction. Air pollution monitors should be placed around the perimeter of the site to provide hourly readings available to the public online. Sound monitors should also be used to monitor noise levels in violation of CEQR.

3. Methodology: standards against which adverse impacts are mitigated: An additional baseline condition should be added to the analysis as an objective for which mitigation should aim to achieve. Currently, adverse impacts generated by the Proposed Action will be mitigated to the Pre-September 11 baseline condition. The goal of mitigating adverse impacts to the standard of an office complex designed in the 1960s and completed in the 1970s does not seem an acceptable level for mitigation, nor in the spirit of advancing environmental excellence in design, construction and operation of buildings and related infrastructure. The Civic Alliance recommends a stricter standard for the mitigation of adverse impacts to match the goal of meeting environmental sustainability objectives, as set forth in the preliminary and revised versions of the 2002 *Blueprint for the Future of Lower Manhattan*. This new target scenario, potentially called the “Sustainable Target Condition,” may be formulated by using the Current Conditions baseline and projecting operational objectives for target years 2009 and 2015 if all Commercial Sustainable Guidelines are followed. Unavoidable adverse impacts should then be mitigated to this standard as opposed to the level of the Pre-September 11 scenario.
4. Retail: The Proposed Action will add up to one million square feet of retail space to the Project Site by 2009, with a significant portion of it located underground. While the addition of substantial retail to the Project Site should serve to attract visitors and animate the area, it is essential that the majority of this retail be located at street level, as opposed to underground. While it is appropriate to locate convenience retail targeted to commuters in underground passageways, destination retail establishments should be located at street level. The current ratio of underground/above ground retail to street level retail presented in the GEIS is favors underground /above ground retail. This ratio should be corrected to favor street level retail, reducing the total program for retail if necessary.

Phasing of the new retail should also be carefully considered and accounted for in the GEIS. It is important that underground retail not precede the creation of street-level retail, lest shoppers will be drawn to underground retail, and the spillover effect to surrounding neighborhoods will be less likely.

The inclusion of one million square feet of retail space at the Project Site--over twice the amount that was formerly located at the World Trade Center--will have a significant impact of the surrounding retail market. This will be joined by additional new retail that is planed as part of the LMDC's off-site planning studies for the Fulton Street corridor. As these two areas are closely linked, we request that assumptions about the proposed amount of retail space for Fulton Street be included in the retail analysis for the Proposed Action. Moreover, the document referenced on page 9-72, “LMDC, Fulton Corridor: Creating a Vision for Enhanced Retail+Arts+Cultural Activities in Lower Manhattan, June 12, 2003, Volume 1, Strategic Plan” should be made available to the public by inclusion on the LMDC website.

5. Freedom Tower Wind Turbines: We commend the goal of including wind turbines at the top of the Freedom Tower and the stated objective of generating

approximately 20% of the building's energy by wind power. While we applaud the commitment to renewable energy for this building, we also wish to highlight the importance of studying the impact of placing wind turbines in a heavily populated urban area, with particular attention to noise and vibration. The final GEIS should evaluate whether wind turbines at the Freedom Tower will produce any adverse effects for local residents, office workers or visitors to the World Trade Center memorial and open space. If wind turbines are found not to be feasible, another renewable energy source, such as solar power or fuel cells should replace the turbines in order to produce at least 20% of the building's energy by renewable methods.

6. Birds: Songbirds, which migrate at night, make long journeys twice a year. These birds, whose numbers are declining, are threatened by New York City's mine field of glass. In designing the Freedom Tower and other office buildings, materials which deter bird strikes -- such as fritted glass -- should be given serious consideration.
7. Open Space: According to the DGEIS, the Proposed Action will result in open space ratios of .25 acres per 1,000 people in 2009 and .20 acres per 1,000 people in 2015. These ratios fall below the ratio of open space per 1,000 residents (.50 per 1,000 people) recommended in the CEQR Technical Manual (DGEIS S-30). While the Civic Alliance agrees that the space provided for in the Proposed Action will be a vast improvement in terms of urban design and quality of experience over the former Austin Tobin plaza; the master plan would only benefit from a further reduction of building footprints to increase the amount of open space, at least to the amount presented in the original version of the Studio Libeskind master plan. In reducing building footprints and increasing open space, special attention should be paid to the relationships between buildings and activities and pedestrian flows to and from these activities.
  - a. There is a discrepancy observed between the 5.52 acres of Project Site open space stated in the DGEIS and used to calculate the open space ratios per 1,000 persons, and the observed total of 4.85 acres of open space counted in the Project Site program description (S-28). This discrepancy should be reconciled in the final GEIS.
8. Wind Conditions – The Proposed Action is estimated to generate adverse wind conditions comparable to those that existed prior to September 11. These conditions are described as occasionally prohibiting walking, standing and sitting in the Project Site, and in rare instances posing dangerous conditions. In other words, the DGEIS expects that wind conditions will occasionally be so bad that the open spaces on the Project Site will be unusable. Considering the memorably inhospitable wind conditions at the former Austin Tobin Plaza, we urge the LMDC to develop and implement significant measures to reduce undesirable wind effects in the Proposed Action to levels vastly improved over those that existed before September 11. The interim wind conditions resulting from the construction of three- story building pedestals before towers are fully built out should also be studied.

9. Traffic, Parking and Pedestrian issues: In general, the significant adverse traffic impacts to be generated by the Proposed Action at 18 of 40 intersections by 2009 and 25 of 40 intersections by 2015 is not acceptable, nor is in keeping with the goal of enhancing environmental sustainability at the Project Site and surrounding areas. In light of the significant public investment in mass transit, car and truck trips should be reduced as much as possible, using a variety of regulatory measures. We commend the City of New York Department of Transportation (DOT) for initiating a street management study of Lower Manhattan, and recommend that the GEIS draw from this study to explore methods of reducing traffic, including establishing a hierarchy of streets for vehicle movement, goods movement and pedestrian movement. Specifically, we offer the following comments on the Traffic and Parking, Mass Transit and Pedestrians, and related Mitigation sections:

- a. The DGEIS provides an opportunity to examine the benefits or adverse impacts of the West Street/Route 9A short bypass option by presenting the information in easily understandable form. This opportunity is not taken.
- b. The DGEIS is silent on the advantage of opening Fulton Street to traffic on an unrestricted basis, including for drop-offs of black cars, taxis, limousines, tourist buses and private automobiles and as a through street to West Street and then for turning movements in both directions on West Street. This is a profound concern because of the impact this will have on this location so close to the memorial and museum, creating an ambiance more related to an airport departure terminal than a pedestrian-oriented area. We ask that a pedestrian-only option for Fulton Street be studied, in addition to similar vehicular restrictions on other streets that may run through the site such as Cortlandt and Dey Streets. The impact of extensive automobile, bus, and truck traffic directly adjacent to the memorial is of great concern and should motivate the consideration of pedestrian-only streets.
- c. The DGEIS indicates that many intersections are likely to be at unacceptable levels of service even with “transportation systems management” mitigations. The effectiveness of these measures is suspect, in light of past efforts, particularly for those involving enforcement. This suggests that specific measures to reduce the volumes of vehicle traffic are needed, as hinted at in the DGEIS. This should be elaborated on and an action plan developed, including the restriction of parking expansion, the use of congestion pricing measures to reduce peak period use of motor vehicles, “staged” goods delivery and waste removal into and out of the WTC site and Lower Manhattan as a whole, and street management plans that favor pedestrians with selective elimination or restriction of vehicle flow.
- d. The DGEIS points out that there will be pedestrian level of service problems at crosswalks, but that sidewalk levels of service at mid-blocks will not be a problem. Past research suggests that mid-block sidewalk congestion will occur if crosswalk congestion is a problem. This suggests mitigation on

sidewalks, including the requirement for wider sidewalks, minimization of obstructions and removal of subway stairways from the sidewalks, placing them inside building lines.

- e. The DGEIS fails to consider alternatives to buses for getting tourists to and from the WTC site. As the Civic Alliance recommended in response to the Draft Scope GEIS, a strict regulatory program that would prohibit tourists' buses within a prescribed area of Lower Manhattan should be analyzed. This would be coupled with an active campaign (e.g., in cooperation with hotels and their staff, airport and train terminals, other tourist sites and points of entry) to keep tourists informed of convenient cleaner and less obtrusive transportation alternatives to reach Lower Manhattan and the World Trade Center site.
- f. The DGEIS indicates that there are many subway "elements" that will be at poor levels of service for pedestrians. However, no mention is made of how this will be mitigated in the mitigation chapter. While some of these elements may be addressed in the designs of the rebuilt PATH station complex and at the Fulton Transit Center, others will not be.

10. Appendix A: Environmental Guidelines: The inclusion of the Commercial Sustainable Guidelines in the DGEIS is a laudable commitment to the objective of achieving environmental sustainability with the Proposed Action. The high profile of this project ensures that achieving sustainable objectives will not only enhance Lower Manhattan's environment and quality of life for residents, workers and visitors, but will set a standard to be emulated by commercial developments worldwide.

To ensure that these guidelines are followed, stricter enforcement measures are necessary. Currently the guidelines described in Appendix A are not sufficiently explicit as to how they will be enforced with contractors, tenants and other parties making decisions about the construction and operation of the World Trade Center property. In addition:

- a. We cannot be satisfied with just very good buildings when it comes to Lower Manhattan. Instead, the buildings and transportation facilities must all be the best that can be built and set a new international standard. Therefore, though the 20 percent minimum energy efficiency target is a start, we believe that this project can and must do far better. Furthermore, an agreement to set a goal of zero-net greenhouse gas emissions from on- and off-site energy consumption, including the purchase of offsets, is even more important than a strong minimum energy efficiency requirement. Such a pledge would propel this already promising endeavor far beyond any other large-scale building effort. Additionally, the renewable energy section of the guidelines should also not just talk about a transition to renewable technologies. As can be seen by the pledge to use wind power at the

Freedom Tower, some renewable technologies (e.g., wind, photovoltaics and anaerobic digesters) are ready today.

- b. Guideline UEQ-8 (P 9): The action that NY State Agency and other governmental on-site vehicles must have 50% and 100% alternative fuel or hybrid vehicles by 2005 and 2010, respectively, should be strengthened. All government vehicles, as well as delivery vehicles should conform to this requirement, as soon as the technology is available. As technology progresses for ultra-low sulfur fuel and retrofit technologies, the requirements should become correspondingly more stringent.

11. Enhanced Green Alternative: The redevelopment of the World Trade Center affords the opportunity to implement system-wide measures at the Project Site to improve energy efficiency, reduce cost over the long term, reduce traffic and improve environmental sustainability for the lifecycle of the Proposed Action. Unfortunately, this opportunity has not been taken, despite the stated commitment of improving environmental sustainability with the construction of the Proposed Action.

The Enhanced Green Alternative in DGEIS serves to explain why certain options for enhanced environmental efficiency and beneficence are not being considered in the Proposed Action. The Civic Alliance is unsatisfied that several of these options have been dismissed, and urge the reconsideration of such options below.

- a. Solid Waste reduction: We suggest onsite centralized sorting facility for outgoing waste in order to increase efficiency and reduce vehicle trips.
- b. Goods Delivery: LMDC and PA should revisit an off-site consolidation operation to reduce truck and delivery traffic to and from the WTC Site. While this recommendation was recently suggested by the Civic Alliance in its October 2003 resolution submitted to the Port Authority, the suggestion was not addressed in the “Enhanced Green Alternative.” The GEIS should also explore electronic docking or bay stations for delivery trucks, in order to reduce air pollution during vehicle staging.
- c. Centralized onsite sorting and collection facility: The option of a centralized onsite sorting and collection facility should be explored, with an automated delivery system to buildings. This option would allow for eventuality of coordinated goods delivery system and would only increase efficiency.
- d. The possibility of onsite Cogeneration should not be dismissed, nor does it need to be located in a location that would be disruptive to community open space, such as under Liberty Park. In the case that market conditions dictate a reduction in the office space program, cogeneration facilities may be located onsite.

The Civic Alliance Response to the DGEIS for the World Trade Center Memorial and Redevelopment Plan was approved by resolution of the voting members of the Civic Alliance on March 8, 2004. Voting Members of the Civic Alliance include:

AFG Construction Management, Inc.  
American Institute of Architects, New York Chapter  
American Planning Association New York Chapter  
Asian Americans for Equality (AAFE)  
Coalition of 9/11 Families  
CUNY Institute for Urban Systems  
Environmental Advocates of New York  
Environmental Defense  
Family Association of TriBeCa East  
Fine Arts Federation of New York  
Fiscal Policy Institute  
Municipal Art Society  
New School University Milano Graduate School  
New York League of Conservation Voters  
New York Metro American Society of Public Administration (ASPA)  
NYPIRG Straphangers Campaign  
Permanent Citizens Advisory Committee to the MTA  
Pratt Institute Center for Community and Environmental Development  
Puerto Rican Legal Defense and Education Fund  
Rebuild Downtown Our Town  
Regional Plan Association  
ReHo  
TIME/ To Improve Municipal Efficiency  
Tri-State Transportation Campaign  
University Settlement  
Waterfront Park Coalition  
Women's City Club of New York

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