TO: **NYC Department of City Planning**

FROM: **Philip Habib & Associates**

RE: **962-972 Franklin Avenue Rezoning (CEQR No. 23DCP165K)**
Assessment of Proposed Council Modifications
ULURP Nos.: C230356ZMK, N230357(A)ZRK, C230358ZSK

DATE: **November 15, 2024**

A. INTRODUCTION

Franklin Ave. Acquisition LLC (the "Applicant") is seeking approval of a series of discretionary land use approvals, subject to a land use application under the Uniform Land Use Review Procedure (ULURP), to facilitate a new mixed use development at 962-972 Franklin Avenue on Block 1192, Lots 63 and 66, in Brooklyn ("Proposed Development Site"). The Final Environmental Impact Statement (FEIS) for the project was issued by the lead agency, the City Planning Commission (CPC), on September 12, 2024. The application was approved by the CPC on September 23, 2024 ("CPC-approved Project") with modifications and is currently under consideration by the New York City Council (the "Council"). Since the CPC's approval, additional potential modifications have been brought under consideration by the Council ("Proposed Council Modifications"), which are describe below.

This Technical Memorandum examines whether the Proposed Council Modifications would result in any new or different significant adverse environmental impacts not already identified in the FEIS. As set forth below, this Technical Memorandum concludes that the Proposed Council Modifications would not result in any new or different significant adverse impacts not already identified in the FEIS.

B. BACKGROUND

The land use application, which was certified into public land use review on May 13, 2024, includes three land use actions. The first of these is a zoning map amendment, which would affect approximately 99 percent of the 53,257-square-foot (sf) Proposed Development Site as well as small portions of neighboring tax lots including 1, 46, 77, or 85 (the "Proposed Rezoning Area"). Under the certified application, the Proposed Rezoning Area's underlying zoning would be changed from R6A to R8A with a C2-4 commercial overlay for the area within 100 feet of Franklin Avenue. The CPC modified the zoning map amendment from an R8A and R8A/C2-4 zoning district to an R7D and R7D/C2-4 district. The second land use action is a zoning special permit, to waive parking requirements. The third land use action is a zoning text amendment. Under the certified application, the zoning text amendment consisted of a designation of the Proposed Rezoning Area as a Mandatory Inclusionary Housing (MIH) area, with MIH Option 1. On July

12, 2024, the applicant submitted an amended (A) zoning text amendment proposal, which would also modify bulk regulations in Zoning Resolution (ZR) Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts), by establishing an inclined height limiting plane that would limit all building height and structures, including permitted obstructions such as bulkheads except that parapets and safety rails could penetrate the reduced height limit if they are at least fifty percent open or ninety percent transparent materials. Under the Applicant's proposal, the inclined height limiting plane would start at a height of 85 feet above the base plane and the angle by which it rises towards Franklin Avenue would be 26.8 degrees. This was identified based on the Proposed Development Site's location relative to and in an effort to minimize the effects of project-generated incremental shadows on sunlight-sensitive resources at the Brooklyn Botanic Garden (BBG Resources). It is intended to closely align with the angle at which sunlight reaches the BBG Resources.

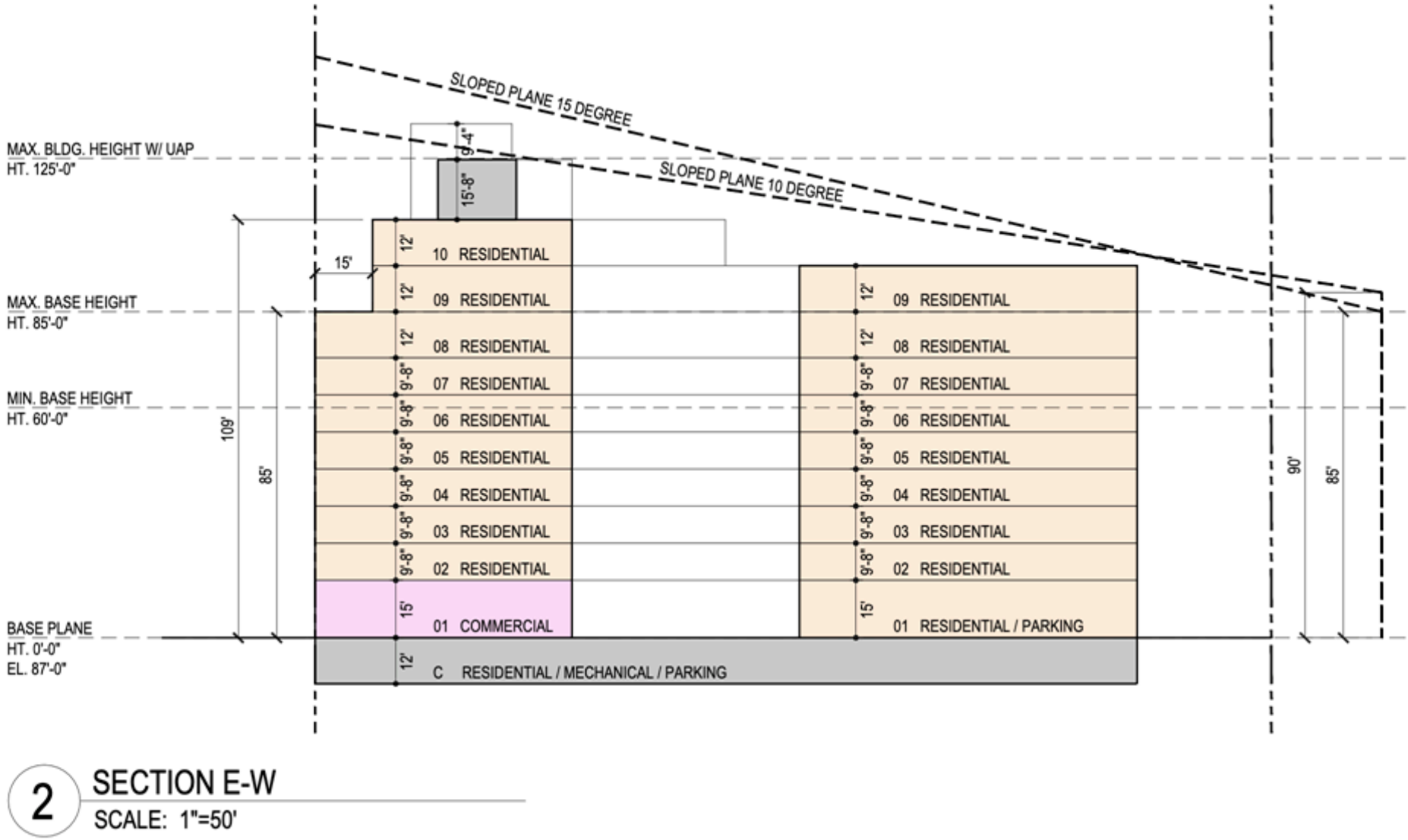
The CPC modified the (A) zoning text amendment to reduce the angle by which the inclined height limiting plane rises towards Franklin Avenue, from the Applicant's proposed 26.8 degrees, to instead rise by 15 degrees (other elements of the inclined height limiting plane were not altered). The CPC approved the application, with the modifications described above, on September 23, 2024.

A Draft Environmental Impact Statement (DEIS) analyzing the certified application was issued on May 10, 2024. A Technical Memorandum analyzing the amended (A) zoning text amendment proposal was issued by the lead agency on July 23, 2024. The Technical Memorandum also included a "Land Use Rationale" for the use of the inclined height limited plane, which is incorporated herein by reference. A FEIS that, inter alia, also analyzed the CPC-approved Project, as the "R7D with 15-Degree Sloping Plane Alternative," was issued on September 12, 2024.

C. DESCRIPTION OF THE PROPOSED COUNCIL MODIFICATIONS

The Proposed Council Modifications, which are being put forward by the Council's Land Use Committee, would retain the inclined height limiting plane of the CPC-approved Project, but would increase the starting elevation to 90 feet, and further reduce the slope so as to rise by 10 degrees towards Franklin Avenue. Within 85 feet of Franklin Avenue, bulkheads would be permitted to penetrate the plane up to 12 feet, which would be below the height of the limiting plane of the CPC-approved Project, provided that no bulkhead was longer than 60 feet and any bulkheads are at least 30 feet apart. A section showing the Proposed Council Modifications height limiting plane, compared to the CPC-approved Project limiting plane, and the resulting proposed massing is shown in **Figure 1**. The intention of this modification is to further restrict the building envelope and thereby further reduce the effects of project-generated shadows on the BBG Resources.

In addition, the Proposed Council Modifications would change the MIH Area designation to include the Workforce Option in addition to MIH Option 1. The reasonable worst case development scenario (RWCDS) in the FEIS for the CPC-approved Project included 89 permanently affordable housing units out of 355 units total (25 percent of the total) under Option 1, which requires that 25 percent of the housing must be affordable to households with a weighted average income not exceeding 60 percent of the area median income (AMI). With the Workforce Option under the Proposed Council Modifications, 30 percent of the housing must be affordable to households with a weighted average income not exceeding 115 percent of AMI, with no more than four income bands, and no unit targeted at a level exceeding 135 percent of AMI. As part of the 30 percent set-aside, five percent of the residential floor area shall be provided for



2 SECTION E-W
SCALE: 1"=50'

962-972 Franklin Avenue Rezoning

Figure 1

Section of the Proposed Council Modifications Project with Height Limiting Planes

households at 70 percent AMI and five percent of the residential floor area shall be provided for households at 90 percent AMI. The Applicant proposes to initially utilize the Workforce Option. As a result, approximately 106 out of the 355 units would be affordable, with approximately 18 units provided for households at or below 80 percent AMI. If a development utilizing the Workforce Housing Option is not constructed within 10 years of the approval of the proposed project, the Workforce Housing Option expires, and any future development would be required to comply with MIH Option 1 which requires 25 percent of the residential floor area to be provided as housing affordable to households at an average of 60 percent AMI. The Workforce Option is being proposed by the Council's Land Use Committee as this option would provide much-needed housing for moderate and middle income New Yorkers who are not eligible for affordable housing at lower income bands.

Overall, as discussed in greater detail below, under the Proposed Council Modifications as compared to the CPC-approved Project, there would be no change in overall development program, location of ground floor entrances, or maximum building height. While the number of affordable housing units would increase, the number of affordable housing units for households at or below 80 percent of AMI, which is considered a proxy for publicly funded child care eligibility would not be greater under the Proposed Council Modifications.

D. ENVIRONMENTAL REVIEW OF THE PROPOSED COUNCIL MODIFICATIONS

Density-based and Site-based Screening

The Proposed Council Modifications, which are intended to lessen the shadows effects of the CPC-approved Project while still addressing its purpose and need would, for RWCDS purposes, have the same development program and Proposed Development Site boundary as the CPC-approved Project, which was analyzed as the "R7D with 15-Degree Sloping Plane Alternative" in the FEIS.

The Proposed Council Modifications would only regulate the building envelope and not affect the permitted or built floor area, uses, parking and loading regulations, maximum height, or any other elements subject to zoning. While to the inclusion of the Workforce Option would increase the number of affordable units provided, this would not change the overall development program or total number of units provided. Accordingly, as is the case for the CPC-approved Project, under With-Action conditions the Proposed Council Modifications would include 355 DUs (approximately 368,620 gross square feet (gsf)), 8,128 gsf of local retail space, and 71 accessory parking spaces (30,101 gsf). Overall, the development would include a total of 376,748 gsf and be built to a FAR of 5.35. As noted, under the MIH Workforce Option, it would have approximately 106 permanently affordable DUs as compared to 89 with the CPC-approved Project.

As the Proposed Council Modifications would only change the arrangement of bulk, likewise it would not change With-Action conditions in relation to the boundary of the Proposed Development Site or the location of building entrances for pedestrians or vehicles.

Additionally, given that the Proposed Council Modifications would have approximately the same amount of gross square footage and would have the same maximum height as the CPC-approved Project analyzed in the FEIS, the construction schedule and duration would be substantially the same and the resulting effects likewise would be the same.

Therefore, for those CEQR impact technical areas where the effects of the Proposed Council Modifications are due only to density-based and/or site-based effects without reference to the location of building envelope, the effects of the Proposed Council Modifications would be identical to the effects identified in the FEIS for the CPC-approved Project pursuant to the CPC-approved application. For the construction technical area, the significant adverse construction noise impact determination established in the FEIS would remain unchanged under the Proposed Council Modifications, and the construction noise mitigation measures and Project Component Related to the Environmental (PCRE) commitments for construction established in the FEIS would continue to apply under the Proposed Council Modifications. Therefore, further analysis of the Proposed Council Modifications is not warranted for the following CEQR impact technical areas:

- Socioeconomic Conditions
- Community Facilities and Services
- Open Space (except for Shadows as discussed below)
- Historic and Cultural Resources
- Natural Resources (except for Shadows as discussed below)
- Hazardous Materials
- Water and Sewer Infrastructure
- Solid Waste and Sanitation Services
- Energy
- Transportation
- Greenhouse Gas Emissions and Climate Change
- Noise
- Construction

Other Technical Areas With Potential Changes in Effects

CEQR impact technical areas that are potentially sensitive to changes in building envelope under the Proposed Council Modifications include: Land Use, Zoning, and Public Policy; Shadows (and shadows effects on Open Space and Natural Resources); Urban Design and Visual Resources; and Air Quality.

For each of these technical areas, the effects of and impact determinations for the Proposed Council Modifications, as compared to the CPC-approved Project analyzed in the FEIS, are provided below.

Land Use, Zoning, and Public Policy

As described in FEIS **Chapter 12, "Alternatives,"** the CPC-approved Project would not result in any significant adverse impacts to land use, zoning, or public policy. The Proposed Council Modifications would have very similar effects on land use, zoning, and public policy as compared to the CPC-approved Project. This is because under both scenarios, the underlying zoning and the development program would be the same. While the building massing would differ, the maximum permitted envelope allowed under the Proposed Council Modifications would be more restrictive than under the CPC-approved Project with the certified application. This unusually restrictive control on bulk is warranted for this specific site, as it balances concerns over shadows on the BBG Resources with opportunities to provide affordable housing.

Under both the CPC-approved Project and the Proposed Council Modifications, the Project Area would be rezoned to R7D, a medium-density residential district that permits a maximum FAR of 5.6. The zoning text amendment to establish the Project Area as a Mandatory Inclusionary Housing (MIH) area would still be

established and approximately 106 DUs of mandatory, permanently affordable housing would be developed. Apart from the parking requirement partial waiver, no zoning special permits would be required. The Proposed Council Modifications would be supportive of public policies articulated in Housing New York, PlaNYC, and OneNYC that aim toward increasing the supply of housing in the city, reclaiming underutilized land, and expanding access to affordable housing. Hence, the Proposed Council Modifications would not result in significant adverse land use, zoning, and public policy impacts.

Shadows/Open Space/Natural Resources

As described in FEIS **Chapter 12, "Alternatives,"** the CPC-approved Project would result in significant adverse impacts due to direct shadows effects on open space and natural resources in the Brooklyn Botanic Garden and Jackie Robinson Playground.

As described above, the goal of the Proposed Council Modifications to reduce the significant adverse impacts identified as compared to the CPC-approved Project. The massing of the building assumes a bulkhead compliant with inclined height limiting sloping plane that would be established on the block under the Proposed Council Modifications. As discussed below, the Proposed Council Modifications would cast shadows on the BBG Resources and Jackie Robinson Playground, but of overall lesser durations than the CPC-approved Project. As such, the Proposed Council Modifications would result in significant adverse shadows impacts of lesser magnitude than the CPC-approved Project. The mitigation strategies as outlined in **Chapter 11, "Mitigation,"** of the FEIS will be adjusted to account for the reduced magnitude of the shadows impact.

Following the CEQR shadows methodologies outlined in the *CEQR Technical Manual* and in FEIS **Chapter 4, "Shadows,"** the Tier 3 analysis shown in Figures 4-2a and 4-2b of the FEIS identifies two sunlight sensitive resources warranting further analysis; the Brooklyn Botanic Garden and the Jackie Robinson Playground. As both the CPC-approved Project, that has been analyzed as part of the FEIS, and the Proposed Council Modifications are very similar to the originally proposed project subject to the FEIS, no additional Tier 3 screening was conducted as it was apparent that a detailed analysis of shadow impacts would be warranted for this Tech Memo.

Brooklyn Botanic Garden

Under the Proposed Council Modifications, incremental shadows would be cast over several of the affected greenhouses in the Brooklyn Botanic Garden used to propagate plants for desert, tropical, and warm temperate climates that require full, year-round sun including sunlight during the winter months. Incremental shadows from the Proposed Council Modifications would be cast over parts of this sunlight-sensitive resource on each of the four analysis days. As shown in **Table 1**, incremental shadows from the Proposed Council Modifications would range on the Brooklyn Botanic Garden from five minutes on the December 21 analysis day (8:51 – 8:56 AM) to one hour and 35 minutes on the June 21 analysis day (5:57 – 7:32 AM). Refer to **Figures 2 through 15**.[1]

Individual resources within the Brooklyn Botanic Garden (Resources A through V in **Table 1**) would experience incremental shadows ranging from two minutes to one hour and five minutes (which is for the largest resource, Resource P, which encompasses Resources Q through V within its limits). Although this is the case, compared to the CPC-approved Project, the Proposed Council Modifications would result in

[1] As indicated in **Table 1** of this Technical Memorandum, Resource K would receive approximately two minutes of incremental shadows on the December 21 analysis day under the Proposed Council Modifications. However, the two minutes of shadow duration are not indicated graphically in **Figures 2 through 15** of this Technical Memorandum.

Figure 2
Brooklyn Botanic Garden
Incremental Shadow Reductions on March 21/September 21



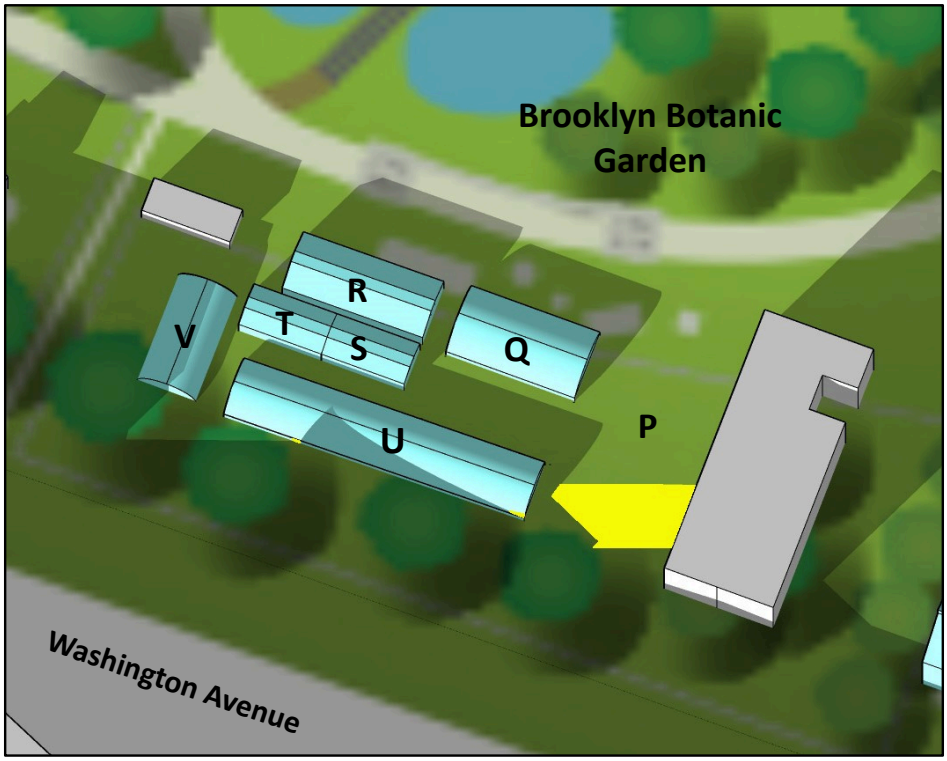
7:45 AM



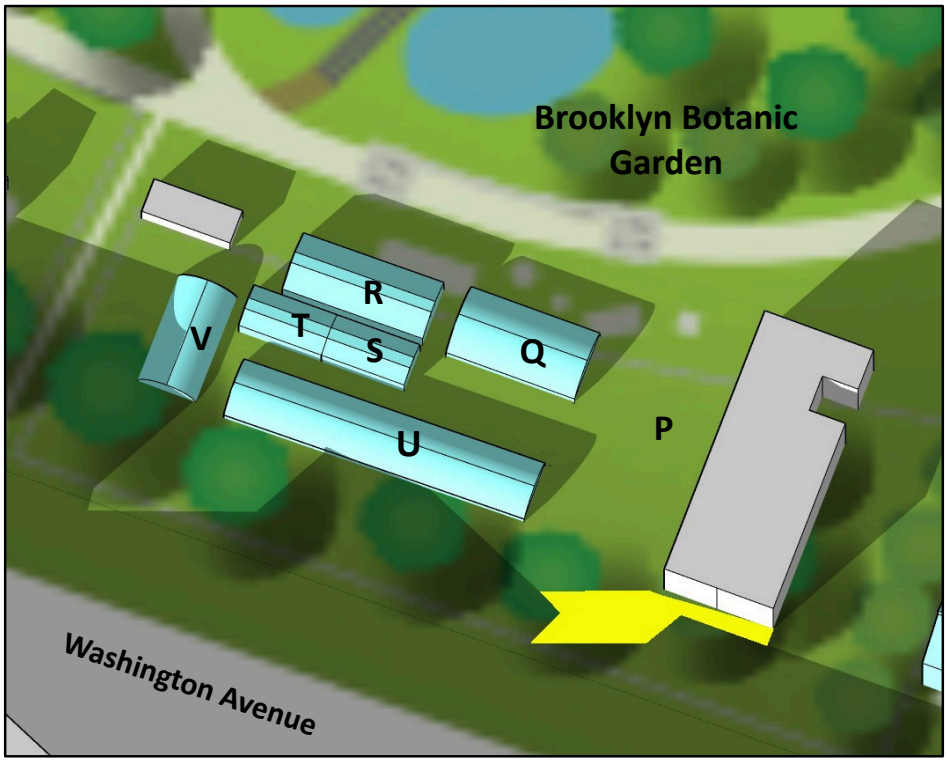
8:25 AM

Proposed Council Modifications	Open Space	Historic Resource
Greenhouse Facility	Incremental Shadow Reduction	Water Feature

Figure 3
Hardy Plant Nursery
Incremental Shadow Reductions on March 21/September 21



7:45 AM



8:00 AM

Greenhouse Facility | Incremental Shadow Reduction | Open Space

Figure 4

Brooklyn Botanic Garden - Steinhardt Conservatory
Incremental Shadow Reduction on March 21/September 21



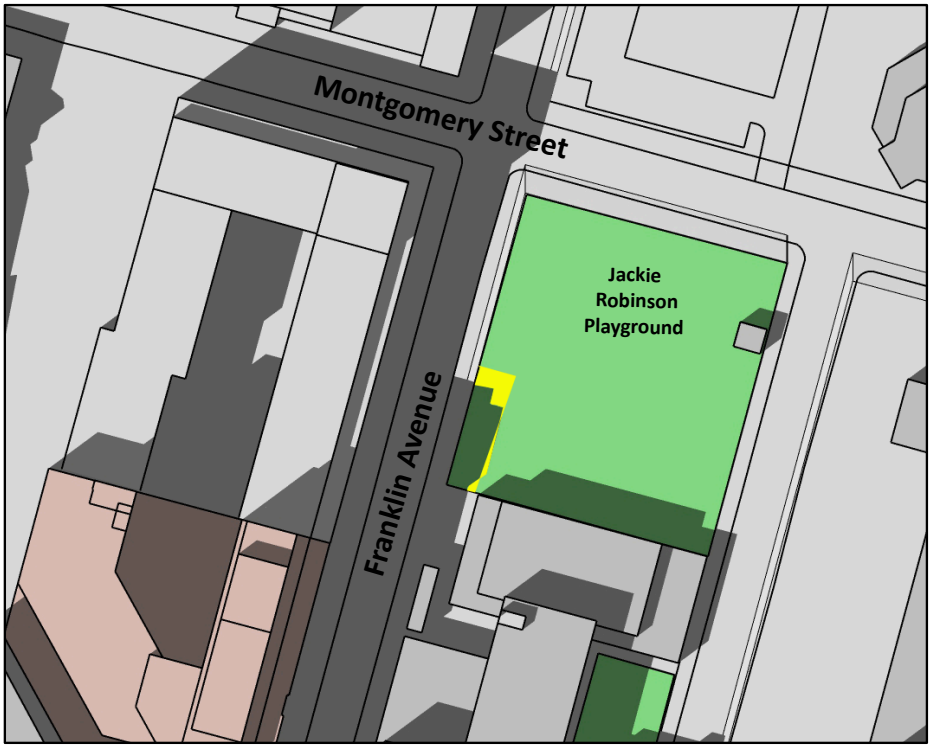
7:36 AM



7:40 AM

Proposed Council Modifications	Open Space	Historic Resource
Greenhouse Facility	Incremental Shadow Reduction	Water Feature

Figure 5
Jackie Robinson Playground
Incremental Shadow Reductions on March 21/September 21



2:50 PM



4:00 PM

Proposed Council Modifications | Incremental Shadow Reduction | Open Space

Figure 6
Brooklyn Botanic Garden
Incremental Shadow Reductions on May 6/August 6



6:27 AM



7:00 AM

Proposed Council Modifications	Open Space	Historic Resource
Greenhouse Facility	Incremental Shadow Reduction	Water Feature

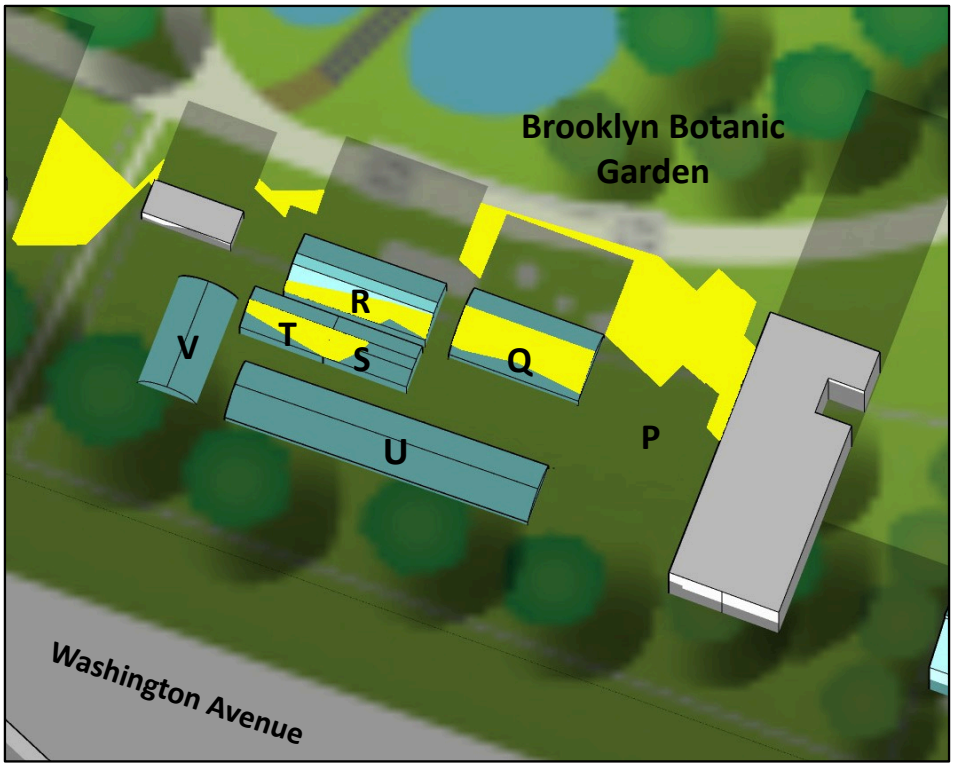
Figure 7
Brooklyn Botanic Garden
Incremental Shadow Reductions on May 6/August 6



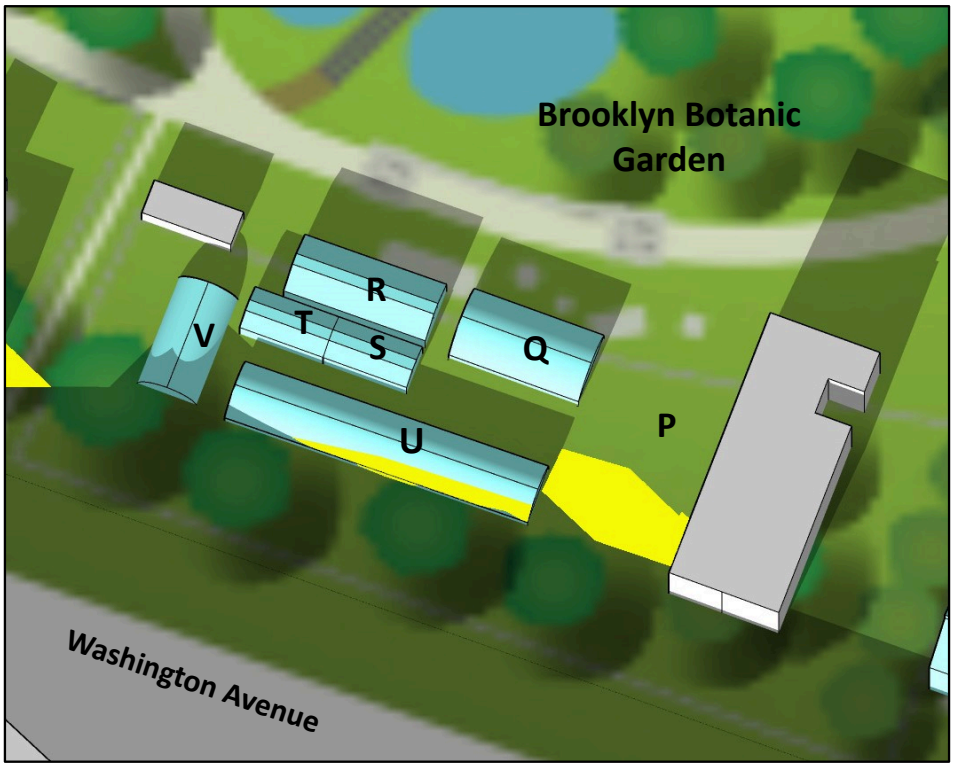
7:30 AM

Proposed Council Modifications	Open Space	Historic Resource
Greenhouse Facility	Incremental Shadow Reduction	Water Feature

Figure 8
Hardy Plant Nursery
Incremental Shadow Reductions on May 6/August 6



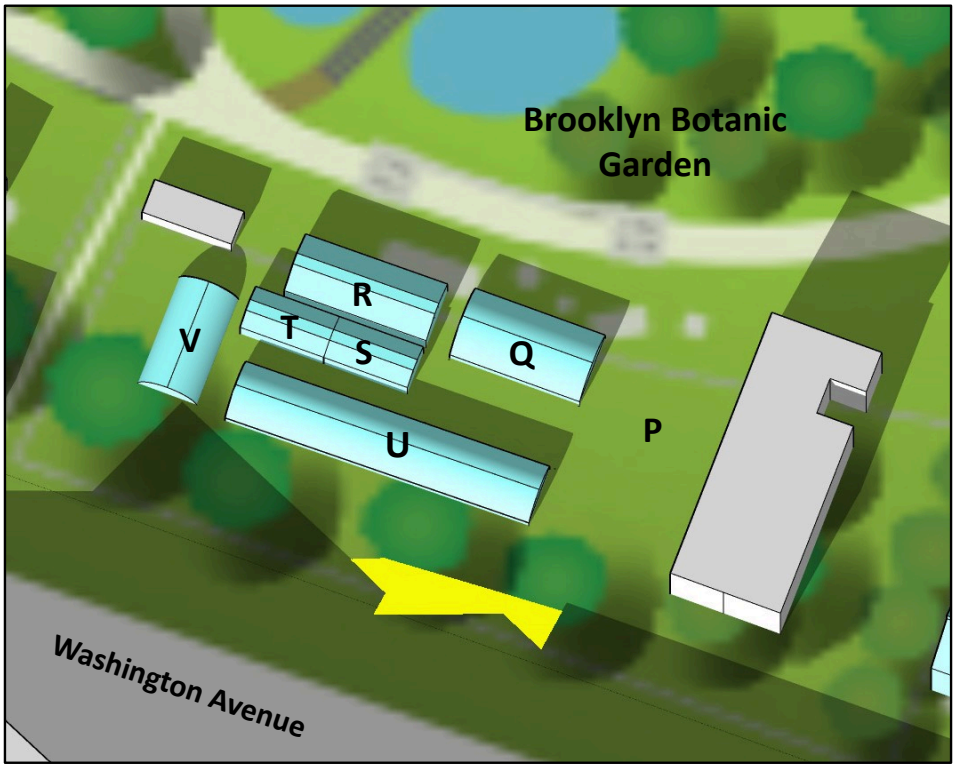
6:27 AM



6:50 AM

Greenhouse Facility | Incremental Shadow Reduction | Open Space

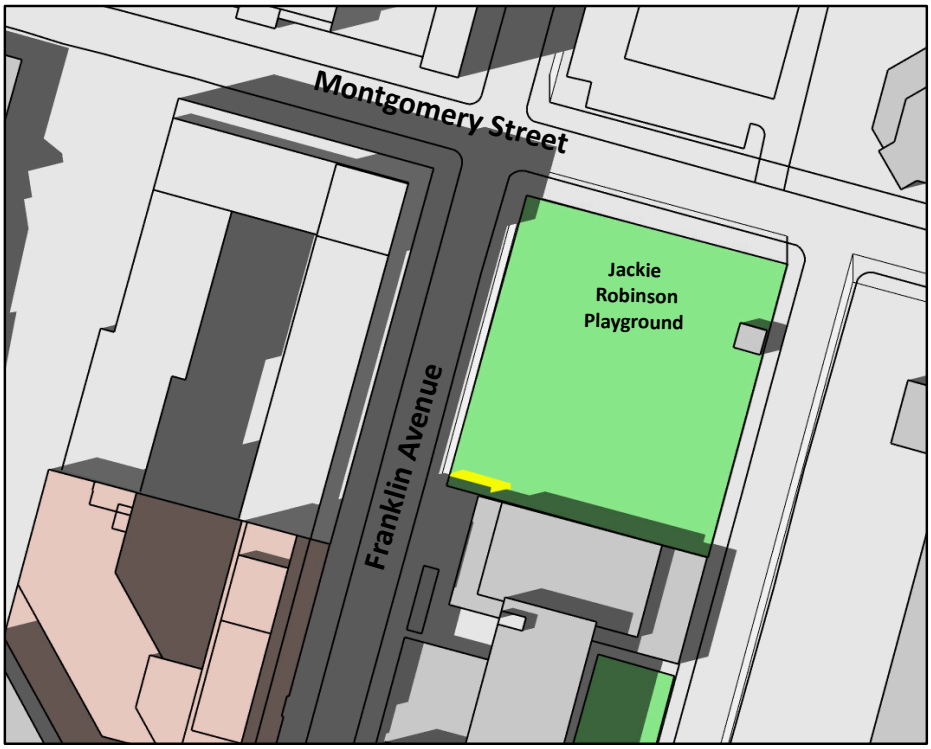
Figure 9
Hardy Plant Nursery
Incremental Shadow Reductions on May 6/August 6



7:15 AM

Greenhouse Facility | Incremental Shadow Reduction | Open Space

Figure 10
Jackie Robinson Playground
Incremental Shadow Reductions on May 6/August 6



3:15 PM



3:45 PM

Proposed Council Modifications | Incremental Shadow Reduction | Open Space

Figure 11
Brooklyn Botanic Garden
Incremental Shadow Reductions on June 21



6:00 AM



6:45 AM

Proposed Council Modifications	Open Space	Historic Resource
Greenhouse Facility	Incremental Shadow Reduction	Water Feature

Figure 12
Brooklyn Botanic Garden
Incremental Shadow Reductions on June 21



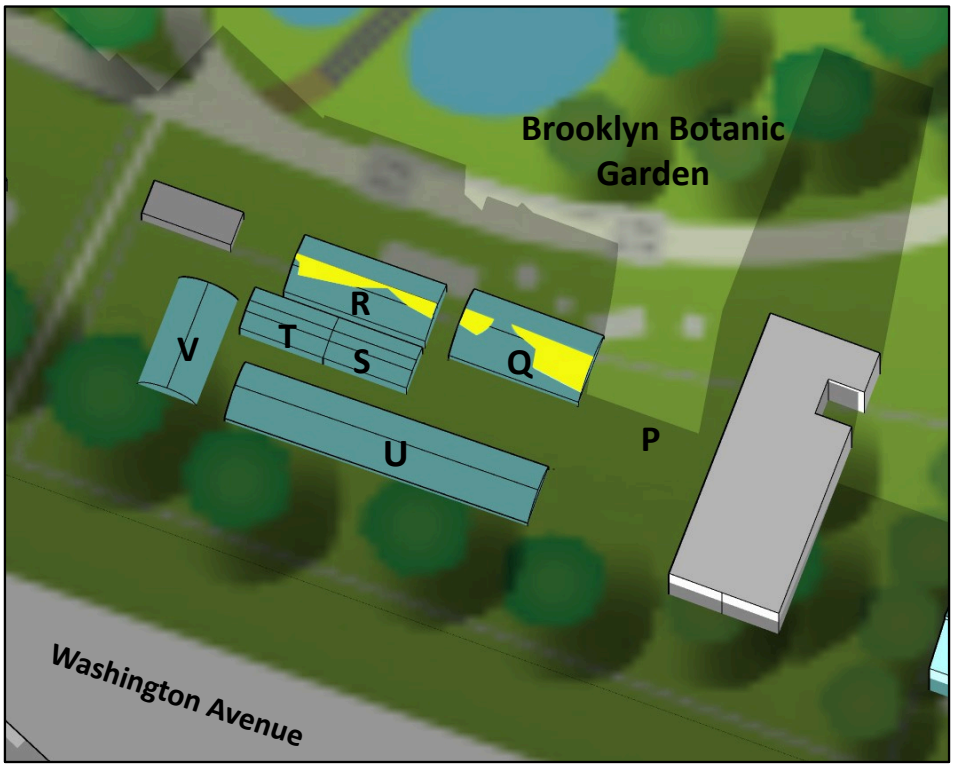
7:00 AM



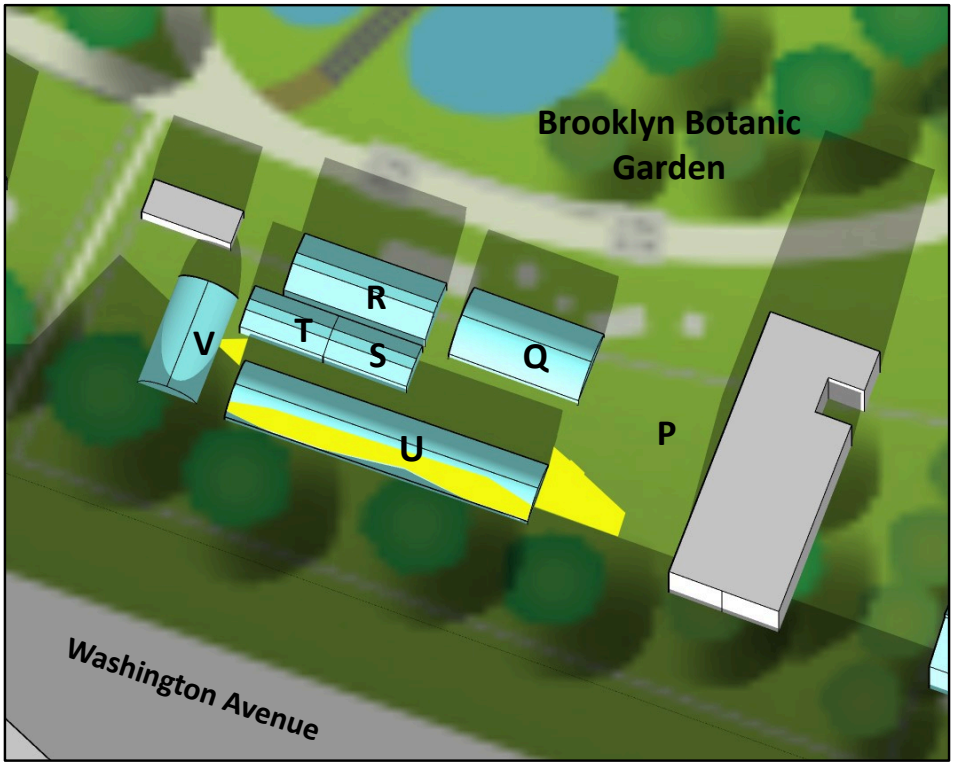
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Proposed Council Modifications	Open Space	Historic Resource
Greenhouse Facility	Incremental Shadow Reduction	Water Feature

Figure 13
Hardy Plant Nursery
Incremental Shadow Reductions on June 21



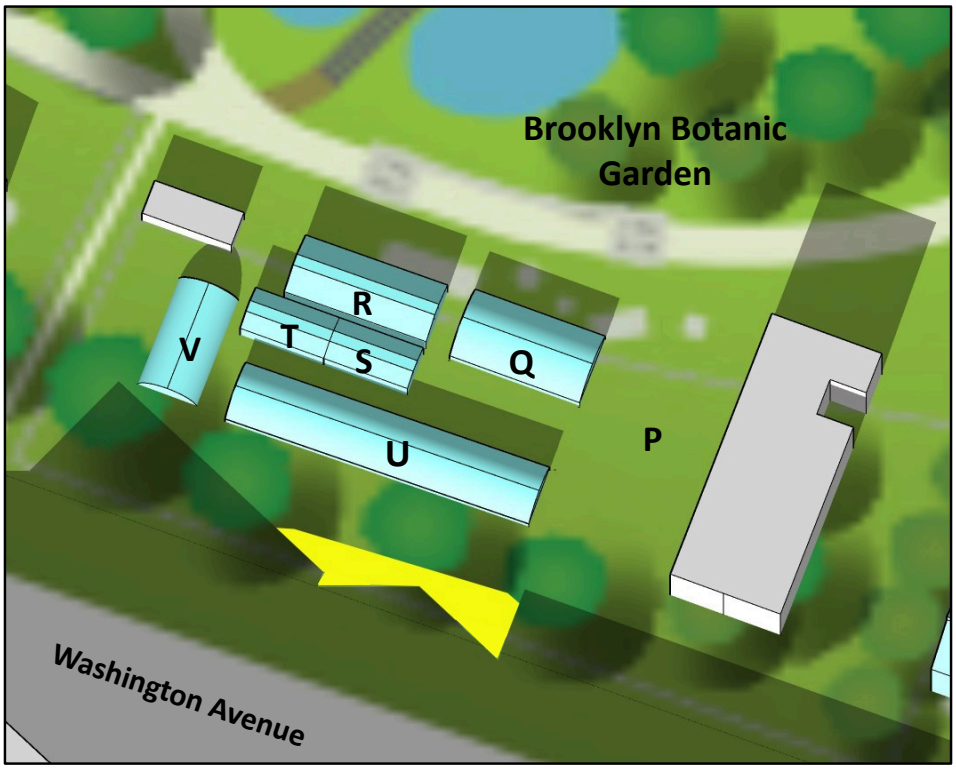
6:00 AM



6:30 AM

Greenhouse Facility | Incremental Shadow Reduction | Open Space

Figure 14
Hardy Plant Nursery
Incremental Shadow Reductions on June 21



7:00 AM

Greenhouse Facility | Incremental Shadow Reduction | Open Space

Figure 15
Jackie Robinson Playground
Incremental Shadow Reductions on December 21



2:15 PM



2:45 PM

Proposed Council Modifications | Incremental Shadow Reduction | Open Space

decreases of incremental shadow duration of up to 11 minutes (the Tropical & Desert Plant Propagation House) (refer to **Table 1**), with the average decrease in incremental shadows being seven minutes across all Brooklyn Botanical Garden resources.

While the *CEQR Technical Manual* states that six to eight hours of sunlight is necessary for plant survival, the Brooklyn Botanic Garden contains over 18,500 kinds of plants, with globally rare species and native rare species. The minimum sunlight needed to constitute survival may not be enough to promote healthy growth of these rare plants. While the Proposed Council Modifications would result in a reduction of the incremental shadow durations from CPC-approved Project on a number of sun-sensitive resources in the Brooklyn Botanic Garden, the Proposed Council Modifications would not eliminate the significant adverse impacts identified in the FEIS.

Table 1
Incremental Shadow Coverage – Proposed Council Modifications

Resource #	Resource	Analysis Day	March 21/Sept. 21	May 6/August 6	June 21	December 21	Incremental Shadow Durations Compared to the CPC-approved Project (FEIS Table 12-10)			
			7:36 AM – 4:29 PM	6:27 AM – 5:18 PM	5:57 AM – 6:01 PM	8:51 AM – 2:53 PM	March 21/Sept. 21	May 6/August 6	21-Jun	21-Dec
1	Brooklyn Botanic Garden (Full Garden)	Shadow enter-exit time	7:36 - 8:23 AM	6:27 - 7:44 AM	5:57 AM - 7:32 AM	8:51 AM - 8:56 AM	-7 minutes	0 minutes	-2 minutes	-3 minutes
		Incremental shadow duration	47 minutes	1 hour and 17 minutes	1 hour and 35 minutes	5 minutes				
2	Jackie Robinson Playground	Shadow enter-exit time	2:31 PM - 4:29 PM	2:42 PM - 3:59 PM	-	2:05 PM - 2:53 PM	0 minutes	-14 minutes	-	-4 minutes
		Incremental shadow duration	1 hour and 58 minutes	1 hour and 17 minutes	-	48 minutes				
3	Brooklyn Botanic Garden (Resources A - V)	Shadow enter-exit time	7:36 AM - 8:04 AM	6:27 AM - 7:18 AM	5:57 AM - 7:02 AM	8:51 AM - 8:53 AM	-8 minutes	-4 minutes	-4 minutes	-2 minutes
		Incremental shadow duration	28 minutes	51 minutes	1 hour and 5 minutes	2 minutes				
A	Education Greenhouse: Desert Plants	Shadow enter-exit time	-	-	-	-	-	-	-	-
		Incremental shadow duration	-	-	-	-				
B	Education Greenhouse: Warm Temperate Plants	Shadow enter-exit time	-	-	-	-	-	-	-	-
		Incremental shadow duration	-	-	-	-				
C	Education Greenhouse: Tropical Plants	Shadow enter-exit time	-	-	-	-	-	-	-	-
		Incremental shadow duration	-	-	-	-				
D	Helen Mattin Warm Temperate Pavilion	Shadow enter-exit time	-	-	-	-	-	-	-	-
		Incremental shadow duration	-	-	-	-				

E	Tropical Pavilion	Shadow enter-exit time	-	-	-	-	-	-	-	-
		Incremental shadow duration	-	-	-	-				
F	Desert Pavilion	Shadow enter-exit time	-	-	-	-	-	-	-	-
		Incremental shadow duration	-	-	-	-				
G	C.V. Starr Bonsai Museum	Shadow enter-exit time	-	-	-	-	-	-	-	-
		Incremental shadow duration	-	-	-	-				
H	Conservatory Entry House	Shadow enter-exit time	-	-	-	-	-	-	-	-
		Incremental shadow duration	-	-	-	-				
I	Aquatic House & Orchid Collection	Shadow enter-exit time	-	-	-	-	-7 minutes	-	-	-
		Incremental shadow duration	-	-	-	-				
J	Desert, Mediterranean, South African Bulb (Arid) Workhouse	Shadow enter-exit time	-	-	-	-	-	-	-	-4 minutes
		Incremental shadow duration	-	-	-	-				
K	Humid Tropics Workhouse	Shadow enter-exit time	-	-	-	8:51 AM - 8:53 AM	-	-	-	-2 minutes
		Incremental shadow duration	-	-	-	2 minutes				
L	Lowland Moist Tropical Orchid Workhouse	Shadow enter-exit time	-	-	-	-	-	-	-	-4 minutes
		Incremental shadow duration	-	-	-	-				
M	Highland Moist Tropical Orchid Workhouse	Shadow enter-exit time	-	-	-	-	-	-	-	-
		Incremental shadow duration	-	-	-	-				

N	Tropical Plant Propagation House	Shadow enter-exit time	-	-	-	-	-	-	-	-
		Incremental shadow duration	-	-	-	-				
O	Tropical & Desert Plant Propagation House	Shadow enter-exit time	7:36 AM - 7:42 AM	-	-	-	-11 minutes	-	-	-
		Incremental shadow duration	6 minutes	-	-	-				
P	Hardy Plant Nursery Yard	Shadow enter-exit time	7:36 AM - 8:04 AM	6:27 AM - 7:18 AM	5:57 AM - 7:02 AM	-	-8 minutes	-4 minutes	-4 minutes	-
		Incremental shadow duration	28 minutes	51 minutes	1 hour and 5 minutes	-				
Q	Temperate Bonsai Tunnel	Shadow enter-exit time	-	6:27 AM - 6:35 AM	5:57 AM - 6:14 AM	-	-	-7 minutes	-10 minutes	-
		Incremental shadow duration	-	8 minutes	17 minutes	-				
R	Production House	Shadow enter-exit time	-	6:27 AM - 6:28 AM	5:57 AM - 6:08 AM	-	-	-3 minutes	-6 minutes	-
		Incremental shadow duration	-	1 minute	11 minutes	-				
S	Tropical Bonsai House	Shadow enter-exit time	-	6:27 AM - 6:35 AM	5:57 AM - 6:18 AM	-	-	-7 minutes	-7 minutes	-
		Incremental shadow duration	-	8 minutes	21 minutes	-				
T	Auxiliary House	Shadow enter-exit time	-	6:27 AM - 6:33 AM	5:57 AM - 6:16 AM	-	-	-7 minutes	-10 minutes	-
		Incremental shadow duration	-	6 minutes	19 minutes	-				
U	New York-Native Flora & Temperate Plant Propagation Tunnel	Shadow enter-exit time	7:36 AM - 7:38 AM	6:27 AM - 6:52 AM	5:57 AM - 6:37 AM	-	-6 minutes	-7 minutes	-7 minutes	-
		Incremental shadow duration	2 minutes	25 minutes	40 minutes	-				
V	Mediterranean Display Plants Tunnel	Shadow enter-exit time	-	-	6:05 AM - 6:16 AM	-	-	-	-10 minutes	-
		Incremental shadow duration	-	-	11 minutes	-				

Note: All times are Eastern Standard Time; Daylight Savings Time was not accounted for per *CEQR Technical Manual* guidance.
Table indicates the entry and exit times and total duration of incremental shadow for each sunlight-sensitive resource.
[1] Keyed to **Figure 4-3 in the FEIS**.

Jackie Robinson Playground

As shown in Table 1, the Proposed Council Modifications would cast incremental shadows on the Jackie Robinson Playground on three of the four representative analysis days. The Proposed Council Modifications would not cast shadow on the June 21 analysis day. Incremental shadow coverage under the Proposed Council Modifications would last between 48 minutes and one hour and 58 minutes. Compared to the CPC-approved Project, the Proposed Council Modifications would result in decreases of incremental shadow duration between zero minutes and 14 minutes on the March 21/September 21, May 6/August 6, and December 21 analysis days. This equates to an average incremental decrease of six minutes.

As shown in **Figures 2 through 15**, incremental shadows from the Proposed Council Modifications are expected to cast shadow on a passive area for seating, and areas for active uses including a playground and basketball courts. While the incremental shadows impact on Jackie Robinson Playground would be lessened compared to the CPC-approved-Project, significant adverse impacts would still occur. Incremental shadow from the Proposed Council Modifications would occur over large portions of the park during the March 21/September 21 and December 21 analysis days. Therefore, as the extent and duration of the incremental shadows would (1) significantly reduce or completely eliminate direct sunlight exposure on any of the sunlight-sensitive resources found within this open space; and (2) would alter the public's use of the park, incremental shadows from the Proposed Council Modifications on Jackie Robinson Playground would be considered a significant adverse impact, in accordance with *CEQR Technical Manual* methodology.

Urban Design and Visual Resources

As described in FEIS **Chapter 12, "Alternatives,"** the CPC-approved Project would not result in any significant adverse impacts to urban design and visual resources. While the maximum proposed building height including mechanical bulkhead, 135 feet, would be the same under both the Proposed Council Modifications and the CPC-approved Project, the Proposed Council Modifications would be constructed within a smaller maximum permitted building envelope due to stricter controls on bulkheads and other building "obstructions" due to the 10-degree sloping plane, starting at 90 feet height, as described above. Under this height restriction, the overall size and distribution of the bulkhead would be modified under the Proposed Council Modifications. As such the Proposed Council Modifications' effects on urban design and visual resources would be very similar to the CPC-approved Project. As with the CPC-approved Project, the Proposed Council Modifications would be a building form that is similar to other recent developments in the area, would be constructed on an existing block and would not entail any changes to topography, open space, or natural features in the Project Area or secondary study area. Likewise, as with the CPC-approved Project, the Proposed Council Modifications would not obstruct any significant viewsheds in the area, or substantially alter the pedestrian experience in the immediate vicinity of the Project Area.

Air Quality

Under the Proposed Council Modifications, as with the CPC-approved Project, there would be a new approximately 376,748-gsf mixed use development with 71 accessory parking spaces. As such there would be a new source of stationary source air quality emissions and a new emissions source from the parking garage on the Proposed Development Site. The size of the accessory-parking garage would be approximately the same in the Proposed Council Modifications as in the CPC-approved Project, so the emissions concentrations would likely be very similar as well. Thus, the potential for significant adverse impacts under the Proposed Council Modifications is unlikely given the Proposed Council Modifications'

garage is less than 85 spaces, the threshold identified for analysis in Table 16-1 of the *CEQR Technical Manual.*

Under the Proposed Council Modifications as under the CPC-approved Project, a 10-story, 135-foot-tall building (including bulkhead) would be constructed at the Proposed Development Site. The closest building taller than the Proposed Council Modifications is the 211-foot-tall building at 1720 Bedford Avenue. 1720 Bedford Avenue is approximately 375 feet east of the Proposed Development Site. As shown in **Figure 16** (based on Figure 17-3 of the *CEQR Technical Manual*), the Proposed Council Modifications would be below the screening curve for fossil fuel fired HVAC systems, just like the CPC-approved Project. Therefore, no stationary source air quality significant adverse impacts would occur. Construction at the 175-foot-tall development at 54 Crown Street has progressed as well recently and is expected to be completed by the 2027 build year of the Proposed Council Modifications. Located approximately 355 feet north of the Proposed Development Site, this would be the closest building taller than the Proposed Council Modifications at the time of completion. As shown in **Figure 17** (based on Figure 17-3 of the *CEQR Technical Manual*), the Proposed Council Modifications would be below the screening curve for fossil fuel fired HVAC systems in reference to 54 Crown Street as well.

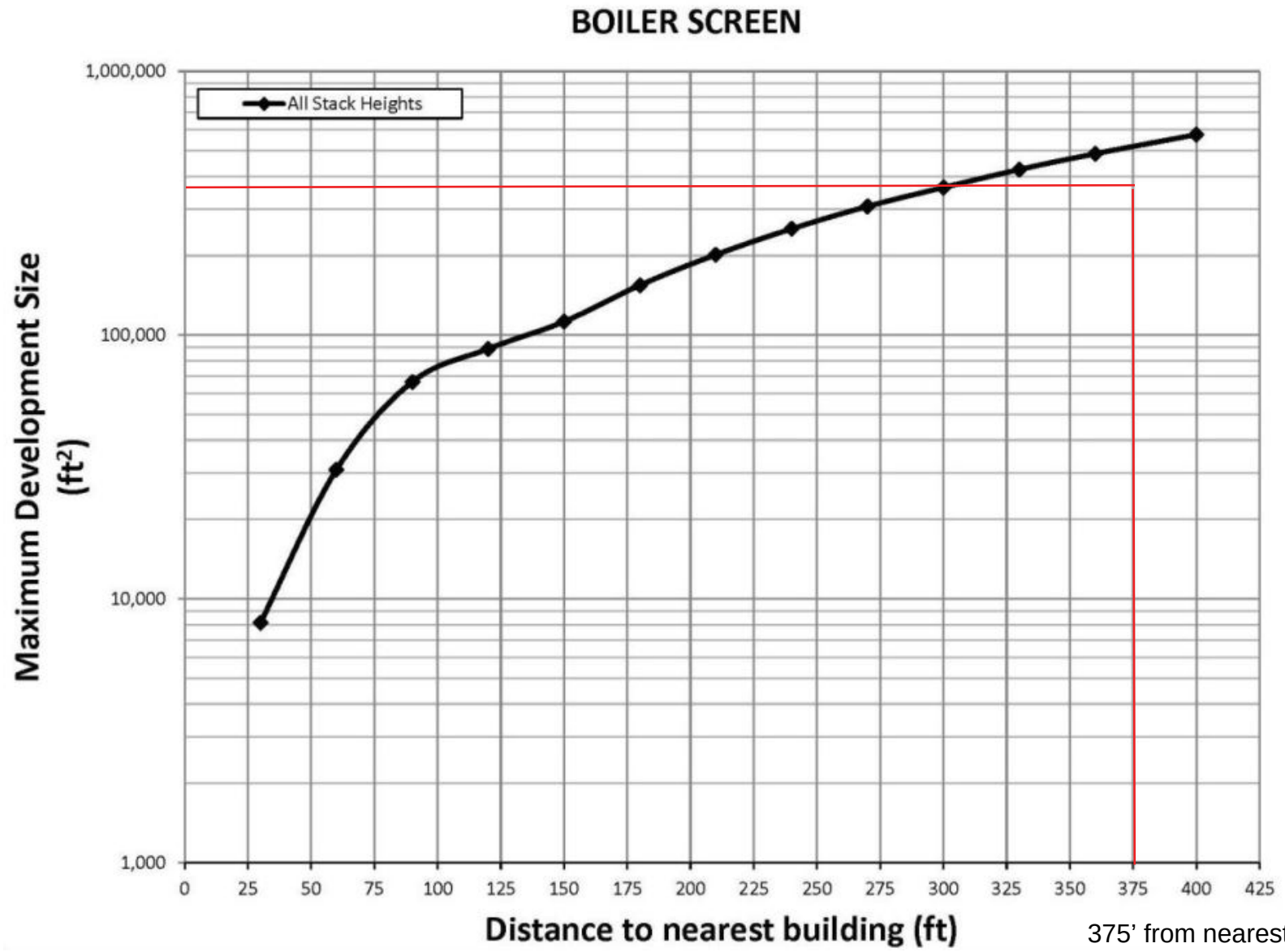
Additionally, mobile source emissions from traffic on surrounding roadways would be the same as well when compared to the CPC-approved Project. As the Proposed Council Modifications would result in the same mobile source emissions (i.e., the same number of incremental vehicle trips) as the CPC-approved Project, significant adverse mobile source impacts are unlikely under the Proposed Council Modifications.

Public Health

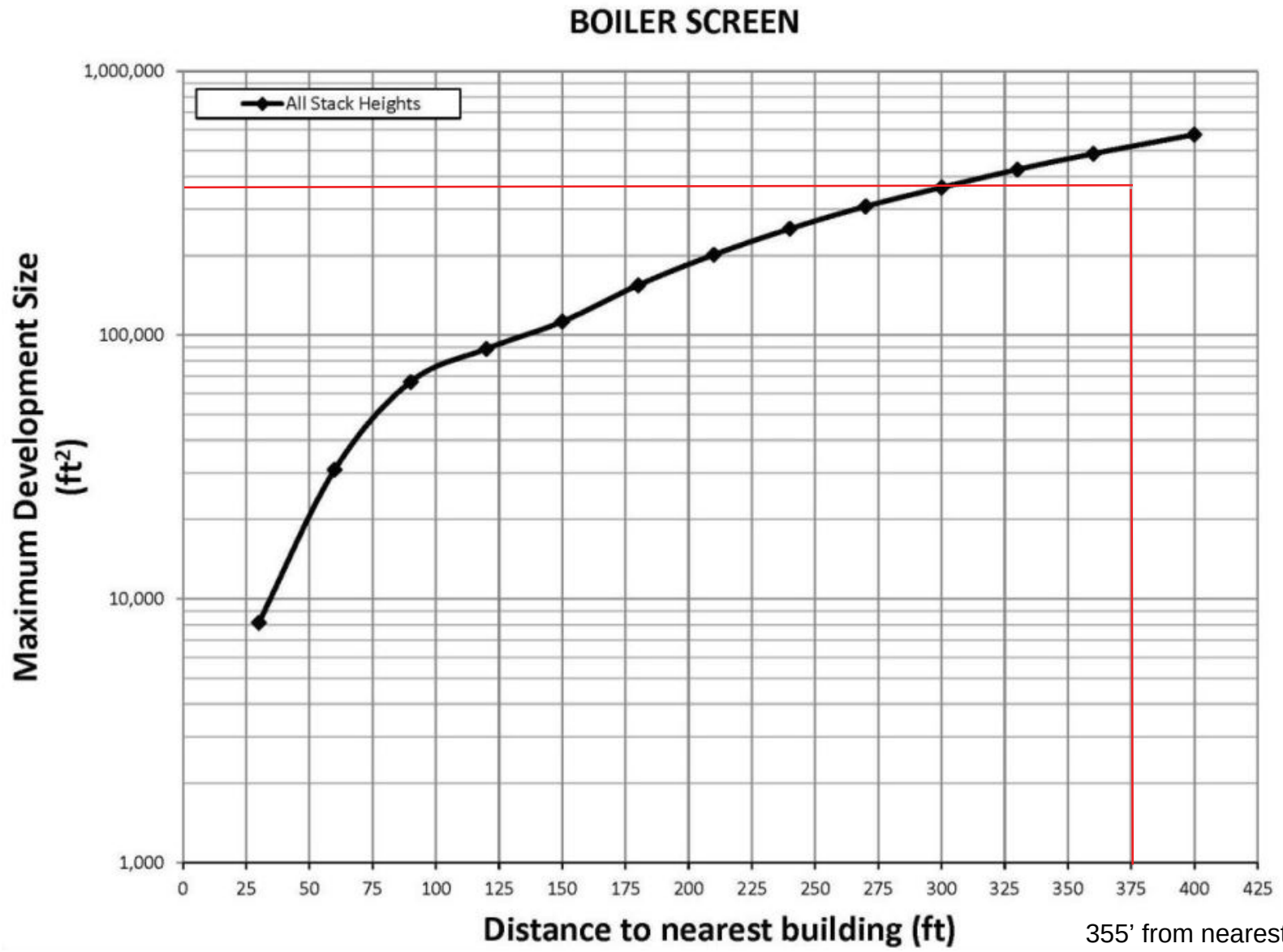
Similar to the CPC-approved Project, the Modified Project would not result in any unmitigated significant adverse impacts in any of the technical areas related to public health. According to the *CEQR Technical Manual*, actions that do not result in unmitigated significant adverse impacts related to air quality, water quality, hazardous materials, or noise typically do not warrant a public health analysis. As the Proposed Council Modifications do not have the potential to cause any significant adverse impacts in those areas, it would not have any significant adverse impacts on public health.

Neighborhood Character

According to the *CEQR Technical Manual*, a proposed project could have a significant adverse neighborhood character impact if it would have the potential to affect the defining features of the neighborhood, either through the potential for a significant adverse impact in any relevant technical area, or through a combination of moderate effects in those technical areas. Similar to the CPC-approved Project, the Proposed Council Modifications would not cause significant adverse impacts in the areas of land use, zoning, and public policy; socioeconomic conditions; historic and cultural resources; urban design and visual resources; transportation; or noise. As such, the Proposed Council Modifications would not affect any defining feature of neighborhood character, nor would a combination of moderately adverse effects affect such a defining feature. The new building that would occur under the Proposed Council Modifications and the overall neighborhood character of the area would continue to trend toward increased residential and local retail uses on vacant and underutilized sites, as would also occur under the CPC-approved Project. The study area would continue to be characterized by its evolving mix of land uses and building types, and its location in an area with low pedestrian volumes. Neither the CPC-approved Project nor the Proposed Council Modifications would result in significant adverse impacts to neighborhood character.



375' from nearest building taller than 135'



355' from nearest building taller than 135'