TECHNICAL MEMORANDUM 001
Belmont Osborn Rezoning
CEQR No. 22DCP009K

November 28, 2023

I. INTRODUCTION

The Applicant, Osborn Belmont Properties LLC, requests approval of a zoning map amendment and a zoning text amendment (the "Proposed Actions") comprising Block 3523, Lots 26, 27, 127, 28, 30, 32, 33, 37, 101, 102, 103, 104, 105, 112, and Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 8, 19, 20, 21, 23, 25, 26 (the "Rezoning Area") in the Brownsville neighborhood of Brooklyn, Community District 16.

The Proposed Actions would facilitate the development of two Applicant-owned sites, including Block 3523, Lots 26, 27, 127, 28, 30, 32 and 33 (Projected Development Site 1) and Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 25, 26, and 36 (Projected Development Site 2). The existing buildings on Projected Development Sites 1 and 2 would be demolished and two new mixed-use buildings would be constructed in compliance with Quality Housing bulk requirements, with each building on one site respectively.

Projected Development Site 1, with a combined lot area of 22,492 sf, would be improved with a 7-story, 75-foot-tall mixed commercial and residential building of 137,872 GSF (103,423.8 ZSF; 4.60 FAR), including 104,380 GSF (86,440.4 ZSF; 3.84 FAR) of residential uses, 17,892 GSF (16,983.4 ZSF; 0.76 FAR) of commercial uses (UG 6, local retail stores), and 15,600 GSF of cellar level and ground floor level parking. The building would contain 104 dwelling units, 25-30% of which (26-31 units) would be affordable at an average of 60-80% AMI depending on the MIH option selected. 39 residential accessory parking spaces would be provided in the enclosed garage at cellar and ground floor levels.

Projected Development Site 2, with a combined lot area of 23,125 sf (including the 625-sf portion of Block 3524, Lot 36), would be improved with a mixed commercial and residential building with two 7-story, 75-foot-tall towers along Osborn Street and Watkins Street respectively, which would be linked with a one-story commercial space. The building would contain 136,400 GSF (106,194.5 ZSF; 4.59 FAR), including 100,893 GSF (88,976.2 ZSF; 3.85 FAR) of residential uses, 17,907 GSF (17,218.3 ZSF; 0.74 FAR) of commercial uses (UG 6, local retail stores), and 17,600 GSF of cellar level and ground level parking. The building would contain 96 dwelling units, 25-30% of which (24-29 units) would be affordable at an average of 60-80% AMI depending on the MIH option selected. 36 residential accessory parking spaces would be provided in the enclosed garage at cellar and ground floor levels.

The Environmental Assessment Statement (EAS) for the Proposed Actions (CEQR No. 22DCP009K) was accepted as complete and a Negative Declaration was issued on April 24th, 2023, by the New York City Department of City Planning (DCP) acting on behalf of the City Planning Commission (CPC) as lead agency.

Following the publication of the EAS, modifications to the proposed Project Area have been identified, at the request of the Land Use Committee of the New York City Council (the "Council Modifications") on November 20, 2023. The modification is described in detail in Section II below. This technical memorandum examines whether the Council Modifications would result in any new or different significant adverse environmental impacts not already identified in the April 2023 EAS.

II. DESCRIPTION OF COUNCIL MODIFICATIONS

The previous Proposed Actions consisted of a zoning map amendment and a zoning text amendment. The zoning map amendment, as evaluated in the April 2023 EAS, proposed to rezone Block 3523, Lots 26, 27, 127, 28, 30, 32, 33, 37, 101, 102, 103, 104, 105, 112 and Block 3524, Lots 1, 2, 3, 4, 23, 25, 26 from an R6/C1-3 zoning district to an R7A/C2-4 zoning district, and Block 3524, Lots 5, 6, 7, 8, 19, 20, and 21 from a C4-3 zoning district to an R7A/C2-4 zoning district (See **Figure 1** Previous Tax Map and **Figure 2** Previous Zoning Change Map). The zoning text amendment would establish the Rezoning Area as a Mandatory Inclusionary Housing (MIH) area with MIH Option 1 and 2.

As listed below, the City Council seeks to modify the previously proposed zoning map amendment and zoning text amendment. The new proposed zoning map amendment would rezone Block 3524, Lots 1, 2, 3, 4, 23, 25, 26 from an R6/C1-3 zoning district to an R7A/C2-4 zoning district, and Block 3524, Lots 5, 6, 7, 8, 19, 20, and 21 from a C4-3 zoning district to an R7A/C2-4 zoning district (See **Figure 3** Revised Tax Map and **Figure 4** Revised Zoning Change Map). The new proposed zoning text amendment would establish Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 8, 19, 20, 21, 23, 25, and 26 as an MIH area. The establishment of the MIH area would provide two affordable housing options – option 1 and option 3. Option 1 would require 25% of the dwelling units to be set aside for the households with an average income of 60% of Area Median Income (AMI), with 10% to be affordable to households making an average of 40% of AMI. For MIH option 3, 20% of the proposed residential floor area would be set aside as permanent affordable for households with incomes averaging 40% AMI.

Council Proposed Zoning Map Amendment Change:

The modification would be as follows, eliminating the Rezoning Area on Block 3523:

1. eliminating from within an existing R6 District a C1-3 District bounded by a line midway between Pitkin Avenue and Belmont Avenue, Watkins Street, a line 100 feet northerly of Belmont Avenue, ~~Osborne Street, Belmont Avenue,~~ and ~~Thatford Avenue~~ Osborn Street;

2. changing from an R6 District to an R7A District property bounded by a line midway between Pitkin Avenue and Belmont Avenue, Watkins Street, a line 100 feet northerly of Belmont Avenue, ~~Osborne Street, Belmont Avenue,~~ and ~~Thatford Avenue~~ Osborn Street;

3. changing from a C4-3 District to an R7A District property bounded by a line 100 feet southerly of Pitkin Avenue, Watkins Street, a line midway between Pitkin Avenue and Belmont Avenue, and Osborne Street; and

4. establishing within the proposed R7A District a C2-4 District bounded by ~~a line midway between Pitkin Avenue and Belmont Avenue, Osborne Street,~~ a line 100 feet southerly of Pitkin Avenue, Watkins Street, a line 100 feet northerly of Belmont Avenue, ~~Osborne Street, Belmont Avenue,~~ and ~~Thatford Avenue~~ Osborn Street.

*Note: strikethrough portions have been deleted and underlined portions have been added.

Council Proposed Zoning Text Amendment Change:

A Zoning Text Amendment to ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Community District 16, Brooklyn, to establish the revised Rezoning Area as an MIH Area, Options 1 and 3.

As shown in the figures below, Block 3523, Lots 26, 27, 127, 28, 30, 32 and 33 was previously considered as

Projected Development Site 1 and Block 3523, Lot 37 was previously considered as Projected Development Site 3.

Controlled by the Applicant, all seven lots within Projected Development Site 1 have a lot area ranging from 1,650 sf to 10,000 sf. Lots 26, 27, and 127 are each developed with a 2-story mixed commercial and residential building with local retail space on the ground floor and dwelling units on the second floor. The ground-floor commercial spaces of the three buildings are assembled and operated collectively as the store and warehouse for a local grocery store named People's Choice. Lot 28 is a 1-story commercial building that is currently vacant and unoccupied. Lot 30 is improved with a 1-story retail store building of two units, which are separately occupied by one community development organization (Elite Learners Inc.) as an office and one print shop (212 Print Lab) as a store. Lot 32 is improved with a 1-story retail store building, serving as a portion of the People's Choice store at Lots 26, 27, and 127, which is an affordable neighborhood supermarket offering a wide selection of wholesale meat and ethnic food. Lot 33 is developed with a 1-story retail store building occupied by a large Dollar Tree store.

For the purposes of presenting a conservative analysis, the April 2023 EAS assumed that Projected Development Site 1 would be developed with a 137,872 GSF (103,424 ZSF; 4.60 FAR), 9-story, 95-foot-tall mixed-use building, which would contain 104,380 GSF of residential uses 86,440 ZSF; 3.84 FAR) and 17,892 GSF of commercial uses of (16,983 ZSF; 0.76 FAR). The building would also include 46 residential accessory parking spaces at the cellar level and on the ground floor (15,600 GSF). 123 total dwelling units would be provided (assuming 850 GSF/DU), with 25% (31 units) set aside for affordable housing at an average of 60% AMI per MIH Option 1.

Not controlled by the Applicant, Block 3523, Lot 37 is a corner lot at the northeast corner of Belmont Avenue and Thatford Avenue with a lot area of 5,000 sf and is improved with a 1-story, 5,000 GSF C-Town Supermarket. For the purposes of presenting a conservative analysis, the April 2023 EAS considered Lot 37 as Projected Development Site 3 and assumed that Projected Development Site 3 would be developed with a 28,246 GSF (23,000 ZSF; 4.60 FAR), 9-story, 95-foot-tall mixed-use building, which would contain 25,536 GSF of residential uses (20,536 ZSF; 4.11 FAR) and 2,710 GSF of commercial uses (2,464 ZSF; 0.49 FAR). 30 total dwelling units would be provided (assuming 850 GSF/DU), with 25-30% (8-9 units) set aside for affordable housing at an average of 60-80% AMI per MIH Options 1 or 2. Pursuant to ZR 25-261, residential accessory parking spaces would not be provided for this site since the parking requirement is waived when the requirement is 15 or fewer spaces.

Given that Block 3523, Lots 26, 27, 127, 28, 30, 32, 33, and 37 would fall outside of the revised Rezoning Area after the Council Modifications, these lots would no longer be considered Projected Development Sites for the purposes of the reasonable worst case development scenario (RWCDS) analyzed in the EAS.

Figure 1: Previous Tax Map



Figure 2: Previous Zoning Change Map



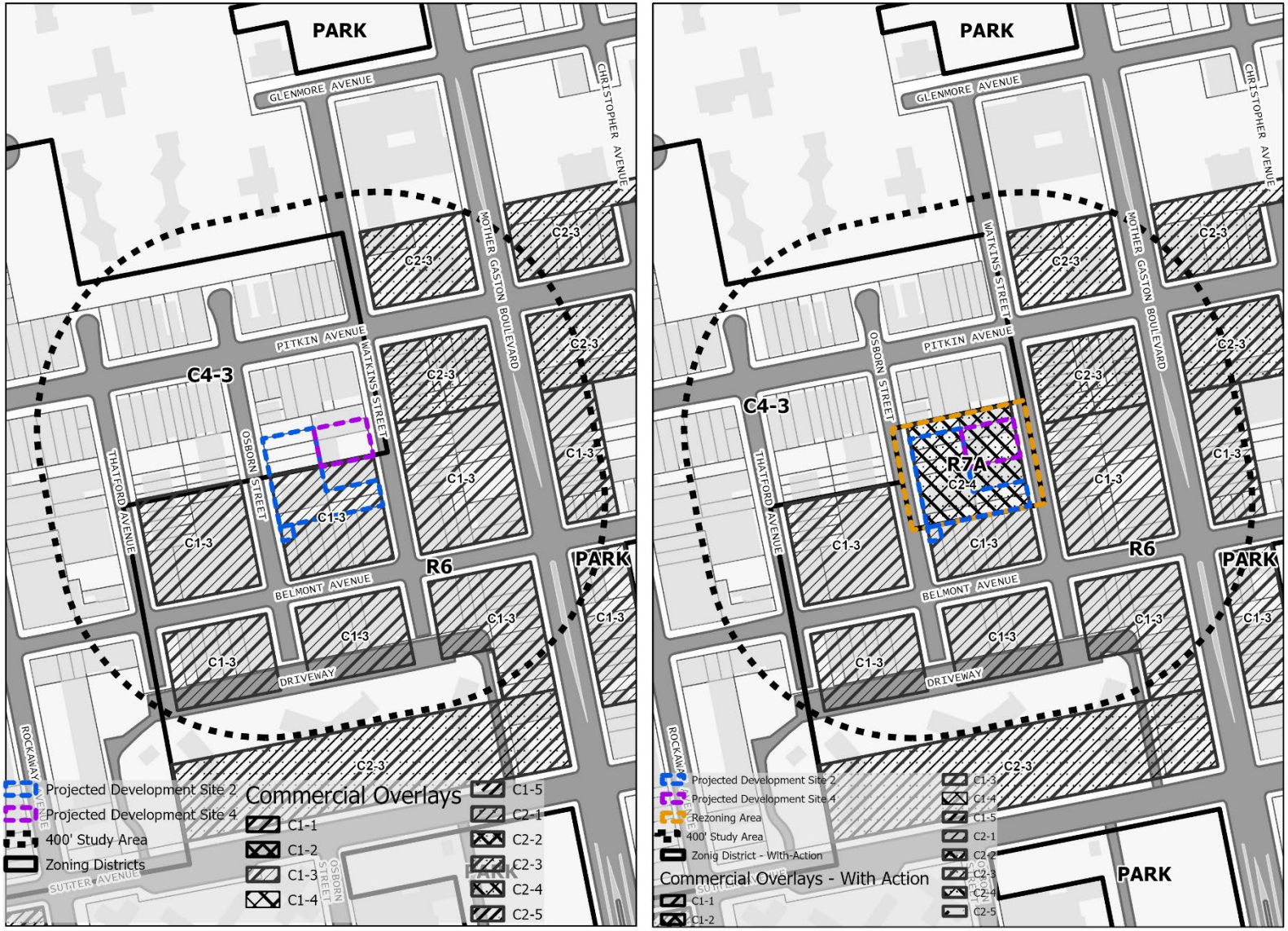
Existing R6/C1-3 and C4-3 Districts

Proposed R7A/C2-4 Districts

Figure 3: Revised Tax Map



Figure 4: Revised Zoning Change Map



Existing R6/C1-3 and C4-3 Districts

Proposed R7A/C2-4 Districts

III. PREVIOUS ANALYSIS FRAMEWORK

The Reasonable Worst-Case Development Scenario (RWCDS) analyzed for the previous Proposed Actions consisted of the following:

Future Without the Proposed Actions (No-Action Scenario)

The No-Action Scenario for the Rezoning Area would be the same as the existing conditions. Redevelopment is not considered likely in the No-Action Scenario because the bulk permitted by the current R6/C1-3 and C4-3 district (3.00 maximum FAR with 3.60 residential FAR, 4.80 community facility FAR, and 2.00 commercial FAR for R6/C1-3 and 3.40 commercial FAR for C4-3) makes development economically infeasible.

Future With the Proposed Actions (With-Action Scenario)

Projected Development Site 1 (Block 3523, Lots 26, 27, 127, 28, 30, 32 and 33; Applicant-Owned Site)

Projected Development Site 1, with a combined lot area of 22,492 sf, would consist of a 137,872 GSF (103,424 ZSF; 4.60 FAR), 9-story, 95-foot-tall, with 10-foot bulkhead assumed, mixed-use building. The new mixed-use development would consist of 104,380 GSF of residential uses of (86,440 ZSF; 3.84 FAR) and 17,892 GSF of commercial uses of (16,983 ZSF; 0.76 FAR). The project would also include 46 residential accessory parking spaces at the cellar level and on the ground floor (15,600 GSF). 123 total dwelling units would be provided (assuming 850 GSF/DU), with 25-30% (31-37 units) set aside for affordable housing at an average of 60-80% AMI per MIH Options 1 or 2. For the purposes of Early Childhood Programs analysis, 20% (25 units) of residential floor area is assumed to be affordable at or below 60% AMI. Given that the Applicant is proposing MIH Option 1 for Projected Development Site 1, 25% (31 units) of the residential floor area would be permanently set aside as affordable to households with income averaging 60% AMI pursuant to MIH Option 1. Accordingly, there would be 92 market-rate units.

The building would have a frontage of 174 feet and 11 Inches along Osborn Street, and 150 feet along Belmont Avenue. Under the RWCDS, the proposed building would be nine (9) stories in height, or 95 feet, with 15-foot setbacks at the 7th story on the Belmont Avenue and Osborn Street frontage, respectively. On the ground floor, there would be local retail spaces, a parking ramp, and a residential lobby while from second to ninth floor there would be residential units. There would be a new curb cut with a width of approximately 15 feet at Belmont Avenue, which is close to the west boundary of Lot 33.

Projected Development Site 2 (Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 25, 26, and 36; Applicant-Owned Site)

Projected Development Site 2, with a combined lot area of 23,125 sf (including the 625-sf portion of Block 3524, Lot 36), would consist of a 136,400 GSF (106,195 ZSF; 4.59 FAR), mixed-use commercial and residential building with two 9-story, 95-foot-tall towers with 10-foot bulkhead assumed, along Osborn Street and Watkins Street, which would be linked with a one-story commercial space. The new mixed-use development would consist of residential uses of 100,893 GSF (88,976 ZSF; 3.85 FAR) and commercial uses of 17,907 GSF (17,218 ZSF; 0.74 FAR). The building would also include 45 residential accessory parking spaces at cellar level and on the ground floor (17,600 GSF). 119 total dwelling units would be provided (assuming 850 GSF/DU), with 25-30% (30-36 units) set aside for affordable housing at an average of 60-80% AMI per MIH Options 1 or 2. For the purposes of Early Childhood Programs analysis, 20% (24 units) of residential floor area is assumed to be affordable at or below 60% AMI. Given that the Applicant is proposing MIH Option 1 for Projected Development Site 2, 25% (30 units) of the residential floor area would be permanently set aside as affordable to households with income averaging 60% AMI pursuant to

MIH Option 1. Accordingly, there would be 89 market rate units.

There would be local retail spaces, a parking ramp, and a residential lobby on the ground floor of the proposed building. The second to ninth floors would contain residential units. Under the RWCDS, the proposed building would be nine (9) stories in height, or 95 feet, with 15-foot setbacks at the ^{7t}h story on the Osborn Street and Watkins Street frontage, respectively. There would be a new curb cut with a width of approximately 15 feet at Watkins Street, which is located at Lot 26.

Block 3524 Lot 36 would be part of Projected Development Site 2 though not part of the Rezoning Area. In accordance with the applicable regulations in Article VII Chapter 7 of the zoning resolution (ZR 77-03 and ZR 77-211), Lot 36 would be subdivided and treated as if it were part of the newly mapped R7A/C2-4 district, with a 1-story lobby serving the new development on Projected Development Site 2. The subdivision would be carried out after the adoption of the proposed zoning map change.

Projected Development Site 3 (Block 3523, Lot 37; Non-Applicant Site)

The Non-Applicant-Owned lot would develop with a 28,246 GSF (23,000 ZSF, 4.60 FAR), 9-story mixed-use residential and commercial building that would rise to a height of 95 feet with 10-foot bulkhead assumed, the ground floor would contain 2,710 GSF (2,464 ZSF; 0.49 FAR) of commercial uses (local retail). The remaining part of the ground floor and floors two through nine would contain 25,536 GSF (20,536 ZSF; 4.11 FAR) of residential uses with 30 total dwelling units, with 25-30% (8-9 units) set aside for affordable housing at an average of 60-80% AMI pursuant MIH Options 1 or 2. Pursuant to ZR 25-261, residential accessory parking spaces would not be provided for this site since the parking requirement is waived when the requirement is 15 or fewer spaces.

Projected Development Site 4 (Block 3524, Lots 20, 21; Non-Applicant Site)

The Non-Applicant-Owned lots would assemble and develop with a 41,738 GSF (34,500 ZSF; 4.60 FAR) 9-story mixed-use residential and commercial building that rises to a height of 95 feet tall with 10-foot bulkhead assumed. The ground floor would contain 3,993 GSF (3,833 ZSF; 0.51 FAR) of commercial uses (local retail). Floors two through nine would contain 33,333 GSF (30,667 ZSF; 4.09 FAR) of residential uses with 39 total dwelling units, with 25-30% (10-12 units) set aside for affordable housing at an average of 60-80% AMI pursuant to MIH Options 1 or 2. Residential accessory parking spaces would total 15, which would be provided at cellar level (4,412 GSF).

IV. MODIFIED ANALYSIS FRAMEWORK

As discussed above, under the Council Modifications, the updated Zoning Map Amendment would only apply to Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 8, 19, 20, 21, 23, 25, and 26 (the "Updated Rezoning Area"), removing all the previously included lots on Block 3523. Meanwhile, the updated Zoning Text Amendment would establish an MIH area over the Updated Rezoning Area and MIH Options 1 and 3 would be mapped.

As a result, the With-Action condition with the Council Modifications would remove Projected Development Site 1 (Block 3523, Lots 26, 27, 127, 28, 30, 32 and 33) and Projected Development Site 3 (Block 3523, Lot 37), given that these two sites are located outside of the Updated Rezoning Area. In the revised With-Action condition, the developments analyzed Projected Development Site 2 and 4 would not change except that MIH Option 2 would not be mapped.

Future With the Proposed Actions (With-Action Scenario)

Projected Development Site 2 (Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 25, 26, and 36; Applicant-Owned Site)

Projected Development Site 2, with a combined lot area of 23,125 sf (including the 625-sf portion of Block 3524, Lot 36), would consist of a 136,400 GSF (106,195 ZSF; 4.59 FAR), mixed-use commercial and residential building with two 9-story, 95-foot-tall towers with 10-foot bulkhead assumed, along Osborn Street and Watkins Street, which would be linked with a one-story commercial space. The new mixed-use development would consist of 100,893 GSF of residential uses of (88,976 ZSF; 3.85 FAR) and 17,907 GSF of commercial uses of (17,218 ZSF; 0.74 FAR). The building would also include 45 residential accessory parking spaces at cellar level and on the ground floor (17,600 GSF). 119 total dwelling units would be provided (assuming 850 GSF/DU), with 25% (30 units) set aside for affordable housing at an average of 60% AMI per MIH Option 1, or 20% (24 units) at an average of 40% AMI pursuant to MIH Option 3. For the purposes of Early Childhood Programs analysis, 20% (24 units) of residential floor area is assumed to be affordable at or below 60% AMI.

There would be local retail spaces, a parking ramp, and a residential lobby on the ground floor of the proposed building. The second to ninth floors would contain residential units. Under the RWCDS, the proposed building would be nine (9) stories in height, or 95 feet, with 15-foot setbacks at the 7th story on the Osborn Street and Watkins Street frontage, respectively. There would be a new curb cut with a width of approximately 15 feet at Watkins Street, which is located at Lot 26.

Block 3524, Lot 36 would be part of Projected Development Site 2 though not part of the Rezoning Area. In accordance with the applicable regulations in Article VII Chapter 7 of the zoning resolution (ZR 77-03 and ZR 77-211), Lot 36 would be subdivided and treated as if it were part of the newly mapped R7A/C2-4 district, with a 1-story lobby serving the new development on Projected Development Site 2. The subdivision would be carried out after the adoption of the proposed zoning map change.

Projected Development Site 4 (Block 3524, Lots 20, 21; Non-Applicant Site)

The Non-Applicant-Owned lots would assemble and develop with a 41,738 GSF (34,500 ZSF; 4.60 FAR) 9-story mixed-use residential and commercial building that rises to a height of 95 feet tall with 10-foot bulkhead assumed. The ground floor would contain 3,993 GSF (3,833 ZSF; 0.51 FAR) of commercial uses (local retail). Floors two through nine would contain 33,333 GSF (30,667 ZSF; 4.09 FAR) of residential uses with 39 total dwelling units, with 25% (10 units) set aside for affordable housing at an average of 60% AMI pursuant to MIH Option 1, or 20% (8 units) at an average of 40% AMI pursuant to MIH Option 3. Residential accessory parking spaces would total 15, which would be provided at cellar level (4,412 GSF).

V. ANALYSIS FRAMEWORK COMPARISON

For environmental analysis purposes, this Technical Memorandum will compare the RWCDS program analyzed for the Projected Development Sites in the April 2023 EAS with the future conditions under the Council Modifications.

The only change to the Analysis Framework is the removal of the previous Projected Development Site 1 (Block 3523, Lots 26, 27, 127, 28, 30, 32 and 33) and Projected Development Site 3 (Block 3523, Lot 37) in the April 2023 EAS.

Since the number of incremental dwelling units and commercial floor area would decrease with the Council Modifications and thus introduce less residents and workers into the area, the analysis in the April 2023 EAS would be more conservative for the density related impact categories (such as Community Facilities, Open Space, Socioeconomic Conditions, and Transportation), and therefore the Council Modifications would not result in any impacts in those technical areas.

In addition, as the previous Projected Development Site 1 and Projected Development Site 3 would not be included in the Updated Rezoning Area and the lots would remain as existing conditions with the Council Modifications, the analysis in the April 2023 EAS would be more conservative for the shadow and urban design sections. For site specific impacts related to hazardous materials, air quality, and noise, the same (E) designation requirements identified for Projected Development Site 2 and Projected Development Site 4 would be warranted. However, the lots associated with Projected Development Site 1 and Projected Development Site 3 would no longer require an (E) designation.

VI. ASSESSMENT OF POTENTIAL IMPACTS

As described below, the Council Modifications would not result in any significant adverse impacts. Nor have any circumstances changed since the publication of the EAS, such as proposed background developments that would create the potential for significant adverse impacts as a result of the Proposed Actions that were not previously identified.

The RWCDS was assessed for the massing-related technical areas of shadows, urban design and visual resources, hazardous materials, air quality, and noise. As outlined in the April 2023 EAS, no significant adverse impacts would occur in these technical areas as a result of the Proposed Actions. However, an (E) Designation (E-715) was assigned to the previous Projected Development Site 1 (Block 3523, Lots 26, 27, 127, 28, 30, 32 and 33), which would mandate the stack height and setback for heating, ventilation, and air conditioning (HVAC) systems and hazardous materials requirements. An (E) Designation (E-715) was also assigned to the previous Projected Development Site 3 (Block 3523, Lot 37), which would mandate the stack height and setback for heating, ventilation, and air conditioning (HVAC) systems and hazardous materials requirements.

Under the Council Modifications, the previous Projected Development Site 1 (Block 3523, Lots 26, 27, 127, 28, 30, 32 and 33) and Projected Development Site 3 (Block 3523, Lot 37) would no longer be included in the (E) Designations for hazardous materials or air quality.

Shadows

The shadows analysis in the April 2023 EAS analyzed Projected Development Sites 1, 2, 3, and 4. With the Council Modifications, Projected Development Site 1 (Block 3523, Lots 26, 27, 127, 28, 30, 32 and 33) and Projected Development Site 3 (Block 3523, Lot 37) would no longer be considered in the shadows analysis.

Accordingly, the modifications would not result in significant adverse impacts to shadows when compared to the April 2023 EAS. Therefore, the conclusions presented in the April 2023 EAS remain unchanged.

Urban Design and Visual Resources

The urban design and visual resources assessment in the April 2023 EAS analyzed Projected Development Sites 1, 2, 3, and 4. With the Council Modifications, Projected Development Site 1 (Block 3523, Lots 26, 27, 127, 28, 30, 32 and 33) and Projected Development Site 3 (Block 3523, Lot 37) would no longer be considered in the urban design and visual resources analysis. Accordingly, the modifications would not result in a significant adverse impact to urban design or visual resources when compared to the April 2023 EAS. Therefore, the conclusions presented in the April 2023 EAS remain unchanged.

Hazardous Materials

The hazardous materials analysis concluded that an (E) Designation (E-715) would be required for Projected Development Sites 1, 2, 3, and 4. With the Council Modifications, Projected Development Site 1 (Block 3523, Lots 26, 27, 127, 28, 30, 32 and 33) and Projected Development Site 3 (Block 3523, Lot 37) would no longer be included as development sites where development would potentially be induced pursuant to the Proposed Actions.

Accordingly, the (E) Designation language related to Hazardous Materials is revised.

(E) Designation (E-715):

~~*Projected Development Site 1: Block 3523, Lots 26, 27, 28, 30, 32, 33 and 127, and*~~ *Projected Development Site 2: Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, 25, 26 and 36 (Applicant Owned Site~~s~~).*
~~*Projected Development Site 3: Block 3523, Lot 37, and*~~ *Projected Development Site 4: Block 3524, Lots 20 and 21 (Non-Applicant Owned Site~~s~~).*

Task 1-Sampling Protocol
The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol
A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation. With this (E) designation in place, no significant adverse impacts related to hazardous materials are expected, and no further analysis is warranted.

Air Quality

The air quality analysis provided in the April 2023 EAS analyzed the potential for significant adverse HVAC emissions impact related to Projected Development Sites 1, 2, 3, and 4 on existing buildings. The detailed analysis conducted in the April 2023 EAS determined that the Projected Development Sites would not result in significant adverse impacts associated with building HVAC emissions on existing land uses.

The HVAC analysis also considered the potential for significant adverse impact related to the Projected Development Sites on each other. As such, a detailed analysis was conducted for the Projected Development Sites and an (E) designation that required a minimum stack height and setback in the HVAC systems was required for the Projected Development Sites.

As the Council Modifications would result in Projected Development Site 1 (Block 3523, Lots 26, 27, 127, 28, 30, 32 and 33) and Projected Development Site 3 (Block 3523, Lot 37) no longer being considered as development sites, the (E) Designation will no longer include restrictions on the minimum stack height and setback for the previous Projected Development Site 1 and Projected Development Site 3.

(E)Designation (E-715)

The revised language of the (E) Designation is as follows:

~~*Block 3523, Lots 26, 27, 28, 30, 32, 33, and 127 (Projected Development Site 1): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (15 ppm) burners, ensure that the stack is located at the building's highest level and at least 88 feet above grade, and that the stack is located at least 60 feet from the western lot line of Block 3523, Lot 33 facing Thatford Avenue and at least 50 feet from the eastern lot line facing Osborn Street to avoid any potential significant adverse air quality impacts.*~~

Block 3524, Lots 1, 2, 3, 4, 5, 6, 7, and 36 (Projected Development Site 2 West Tower): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (15 ppm) burners, ensure that the stack is located at the building's highest level and at least 88 feet above grade, and that the stack is located at least 70 feet from the eastern lot line facing Watkins Street to avoid any potential significant adverse air quality impacts.

Block 3524, Lots 25 and 26 (Projected Development Site 2 East Tower): Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (15 ppm) burners, ensure that the stack is located at the building's highest level and at least 88 feet above grade, and that the stack is located at least 35 feet from the northern lot line of Block 3524, Lot 25 facing Pitkin Avenue and at least 35 feet from the western lot line facing Osborn Street to avoid any potential significant adverse air quality impacts.

~~*Block 3523, Lot 37 (Projected Development Site 3): Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC) and hot water equipment stack is located at the building's highest level and at a minimum of 98 feet above grade to avoid any potential significant adverse air quality impacts.*~~

Block 3524, Lots 20 and 21 (Projected Development Site 4): Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC) and hot water equipment stack is located at the building's highest level and at a minimum of 98 feet above grade to avoid any potential significant adverse air quality impacts.

Noise

The noise analysis prepared in the April 2023 EAS analyzed the potential for significant adverse noise impacts on Projected Development Sites 1, 2, 3, and 4 as a result of ambient external noise exposure. Based on the noise analysis prepared as part of the April 2023 EAS, it was concluded that only Projected Development Site 2 and Projected Development Site 4 would require building attenuation to achieve marginally acceptable interior noise levels. The Council Modifications would result in Projected Development Site 1 (Block 3523, Lots 26, 27, 127, 28, 30, 32 and 33) and Projected Development Site 3 (Block 3523, Lot 37) no longer being considered as development sites. These modifications would not result in any change to the April 2023 EAS Noise Chapter finding related to Projected Development Site 2 and 4. Therefore, the (E) Designation specifying the required noise attenuation presented in the April 2023 EAS remains unchanged.