TECHNICAL MEMORANDUM 001
240 Nassau Street
CEQR No. 26ECF001K

ULURP Nos.: C260395ZMK, N260396ZRK, C260397ZSK, and C260397(A)ZSK

November 6, 2026

A. INTRODUCTION

The co-Applicants, the New York City Educational Construction Fund (ECF) and 240 Nassau Street Holdings, LLC, are seeking zoning approvals from the New York City Planning Commission (CPC) and New York City Council, and other City and State approvals and potential future U.S. Department of Housing and Urban Development (HUD) approvals (the "Proposed Actions") to facilitate the construction of a proposed mixed-use development on Block 110, Lot 25 and Block 111, Lot 1 (the "Project Site") in Downtown Brooklyn, Community District (CD) 2.

The Proposed Actions include a zoning map amendment to change the zoning on the Project Site from an R6 zoning district to a C6-12 zoning district; a zoning text amendment to map the rezoned Project Site as a Mandatory Inclusionary Housing (MIH) Area in Appendix F of the Zoning Resolution (ZR); a zoning text amendment to modify ZR Section 74-752 to make the provisions applicable to the Project Site and to allow modification of ZR Section 27-10 (Administration of Affordable Housing); and a special permit pursuant to ZR Section 74-752 to allow modification of certain bulk, loading, and affordable housing requirements.

The co-Applicants propose a mixed-use development with four new buildings totaling approximately 1.7 million gross square feet (gsf), including approximately 1.5 million gsf of residential space (approximately 1,502 mixed-income dwelling units [DUs], of which approximately 302 DUs are expected to be affordable), 34,000 gsf of retail space, 166,000 gsf of community facility space, inclusive of 121,000 gsf of public school space (approximately 931 seats), approximately 15,000 gsf of cultural center space, and 30,000 gsf of community facility space (the "Proposed Project").

The Proposed Project would occupy an approximately 80,000-square-foot (sf) portion of Blocks 110 and 111, bounded by Nassau Street to the north, Navy Street to the east, Concord Street to the south, and Golconda Playground, a public park maintained by the New York City Department of Parks and Recreation (NYC Parks) to the west. Elevated above a portion of Golconda Playground is the Brooklyn-Queens Expressway (BQE).

In addition to the above discretionary approvals subject to approval by the CPC and New York City Council, the Proposed Actions also include the transfer, reallocation, and lease of property among 240 Nassau Street Holdings, LLC, ECF, and the City of New York to allow for the Proposed Project and ECF financing. A determination from NYC Parks pursuant to ZR Section 23-381 is also being sought to permit light and air for the legally required windows at the abutting lot lines between Buildings 1 and 4 and the abutting lot lines of Golconda Playground.

The Draft Environmental Impact Statement (DEIS) for the Proposed Actions was accepted as complete on July 24, 2026, by ECF, acting in its capacity as lead agency. A public hearing on the DEIS is scheduled for November 18, 2026 at 10:00 AM at the CPC Public Hearing Room, located at 120 Broadway, Lower Concourse in Lower Manhattan, in conjunction with the CPC's public hearing pursuant to Uniform Land Use Review Procedure (ULURP).

Since the issuance of the DEIS, the co-Applicants have prepared and filed an amended land use application (referred to hereafter as the "A-Application") that addresses issues raised after issuance of the DEIS. The A-Application, as ULURP application C260397(A)ZSK, consists of modifications to the Proposed Actions that would allow a new waiver of tower lot coverage regulations and an increased waiver of maximum base height regulations that would affect the proposed school building (Building 2) at Nassau and Navy Streets. The modifications reflected in the A-Application were the result of changes to the school design resulting from ongoing community engagement for the proposed school.

This technical memorandum presents a revised assessment of the Proposed Actions based on the A-Application (see Appendix A for the full revised text amendment). This technical memorandum considers whether the proposed A-Application would result in any new or different significant adverse environmental impacts not already identified in the DEIS. As set forth below, this technical memorandum concludes that the Proposed Actions with the addition of the A-Application would not result in any new or different significant adverse impacts not already identified in the DEIS. This assessment of the A-Application will also be reflected in the Final EIS (FEIS).

B. DESCRIPTION OF THE A-APPLICATION

As part of the Proposed Actions, a special permit pursuant to ZR Section 74-752 is sought to allow modification of certain affordable housing, bulk, and loading requirements. The A-Application proposes modifications to bulk regulations (modifications to tower lot coverage and maximum base height regulations) that would affect Building 2 at Nassau and Navy Streets. No other components of the Proposed Actions would be changed with the A-Application.

The tower regulations in ZR Section 23-435(a) require a maximum lot coverage of 65 percent above the maximum base height up to a height of 300 feet. The proposed total lot coverage is 78.9 percent between the maximum base height of 155 feet and 300 feet, which is greater than the required maximum of 65 percent. The maximum base height regulations in ZR Section 23-433 and 33-432 require setbacks above 85 feet for community facility buildings. The proposed modification would allow an efficient residential floor plate and unit layout for Buildings 1, 3, and 4. For the Building 2 school, the New York City School Construction Authority (SCA) classroom module (27'-6" x 28'-6") and 8-foot corridor dimensions yield an approximately 69-foot floorplate that would not fit a gymnasium and auditorium on the same floor, requiring these ancillary spaces to be stacked vertically. Flood-resiliency requirements also require mechanical, electric, and plumbing (MEP) systems and certain habitable spaces to be located above grade rather than in the cellar. These programmatic and flood-resiliency requirements result in Building 2 rising to 186 feet (up to 210 feet including bulkhead) with relief from setback regulations. The proposed modifications would include a double-height gymnasium, a separate auditorium, and rooftop recreation space to meet program requirements.

C. PURPOSE AND NEED

The A-Application would support increased connectivity through the Project Site at midblock locations along Nassau and Navy Streets to Golconda Playground, provide additional circulation space for lower school student drop-off on Nassau Street, and allow for a double height gymnasium and separate auditorium in the new school building.

D. A-APPLICATION REASONABLE WORST CASE DEVELOPMENT SCENARIO

The A-Application would result in changes to Site/Building 2 and no other components of the Proposed Project. The A-Application would result in an increase in the height of Building 2 from 150 feet (8 stories) to 210 feet (11 stories), inclusive of bulkhead, and an updated site plan that re-orients the placement of Building 2 at the corner of Nassau and Navy Streets The street wall along Nassau Street would be set back towards the pedestrian entrance to the proposed interior open space. Additionally, the modification would allow for more circulation space at the lower school bus drop-off location on Nassau Street.

The A-Application would not result in any changes to floor area or the size of the Building 2 footprint; nor would it result in changes to the amount of pervious and impervious coverage or substantively different building access/egress points as compared to the DEIS. The A-Application would not result in any other changes to the site plan or Buildings 1, 3, and 4.

E. ENVIRONMENTAL ASSESSMENT

The proposed changes to tower lot coverage and maximum base height regulations at Site/Building 2 would result in site-specific physical changes to the building, including a minor re-orientation of the building relative to its placement on the zoning lot at the corner of Nassau and Navy Streets, and an overall height increase of approximately 60 feet. The changes would not result in new floor area, generate sensitive new receptors, change the proportion of pervious and impervious coverage, or result in substantive changes to the site plan, including changes to building access and egress and sidewalk widths. Furthermore, the A-Application would not change the allowable uses and density at Site/Building 2 and the community facility/school and retail program would remain unchanged from the DEIS.

Due to the limited applicability and relatively minor changes associated with the A-Application as it relates to Site/Building 2, it would not be substantial enough to change the conclusions of the following impact categories in the DEIS: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Community Facilities and Services; Open Space; Hazardous Materials; Water and Sewer Infrastructure; Transportation, Air Quality; Greenhouse Gas and Climate Change; Noise; Public Health; Neighborhood Character; Construction; and Effects on Disadvantaged Communities. Under the A-Application, the Proposed Actions would continue to result in the same significant adverse impacts related to Open Space, Transportation, and Construction as disclosed in the DEIS. Mitigation measures would remain unchanged as compared to the DEIS.

To avoid any potential for hazardous materials exposure on the Project Site, including Site/Building 2, an (E) Designation (E-921) for hazardous materials would be placed on Block 110, Lot 25 and Block 111, Lot 1 to ensure that remediation is completed in accordance with the requirements of the New York City Mayor's Office of Environmental Remediation (OER). The requirement would continue to apply under the A-Application.

The operational noise measures identified in the DEIS would continue to apply. With respect to noise, E-921 requires window-wall attenuation on the south and east facades of Building 2 at all elevations. This requirement would remain and would apply to the additional stories of Building 2. Noise effects associated with the proposed rooftop playground in Building 2 would not change under the A-Application.

The DEIS concluded that the Proposed Actions would not result in a significant adverse impact related to mobile source and stationary source air quality emissions. With respect to heating, ventilation, and air conditioning (HVAC) systems, the DEIS assumed Building 2 would utilize

electric-powered equipment for heating and hot water in accordance with New York City regulations. A 600-Kw diesel-powered generator would be installed to provide power in the event of a loss of utility electric power. The generator would be used infrequently, and only for very limited periods of time for testing outside of an actual emergency. The analysis of the elevated section of the BQE on the Proposed Project determined that CO and PM2.5 concentrations at the proposed buildings near the elevated roadway would be well below the National Ambient Air Quality Standard (NAAQS). The DEIS included an analysis of the elevated section of the BQE on the Proposed Project and determined that CO and PM2.5 concentrations at all proposed buildings near the elevated roadway would be well below the NAAQS. The A-Application would not change the conclusions of the Air Quality analysis in the DEIS.

Further consideration of the environmental effects of the A-Application is provided below in the areas of Shadows, Historic and Cultural Resources, and Urban Design and Visual Resources:

SHADOWS

The analysis in the DEIS concluded that the Proposed Project would cast incremental shadows on several sunlight-sensitive resources in the study area, including the adjacent Golconda Playground and Commodore Barry Park. The analysis concluded that the extent and duration of shadow would be limited and would not significantly affect these resources. The A-Application would result in a 60-foot increase in the height of Building 2 from 150 feet (8 stories) to 210 feet (11 stories), inclusive of bulkhead, and an updated site plan that re-orients the placement of Building 2 at the corner Nassau and Navy Streets. At 210 feet, Building 2 would continue to be significantly shorter than Buildings 1, 3, and 4 that surround it. Compared to the RWCDS analyzed in the DEIS, the A-Application changes to Building 2 would result in a minor increase in the extent and duration of incremental shadow on the Farragut Houses, a historic New York City Housing Authority (NYCHA) development[1] located directly across the street and north of the Project Site, on the December 21 and March 21/September 21 representative dates, and a minor increase in the extent and duration of incremental shadow on the adjacent Golconda Playground and Commodore Barry Park on the May 6/August 6 and June 21 representative dates. The analysis concluded that these increases in incremental shadow would not be substantial enough to cause significant adverse shadow impacts to either the recreational use or the vegetation of the parks, and in the case of the Farragut Houses, would not significantly impact the opportunity to appreciate this historic resource. Therefore, consistent with the conclusions of the DEIS, the A-Application would not result in a significant adverse impact related to shadows.

HISTORIC AND CULTURAL RESOURCES

The DEIS concluded that the Proposed Actions would not result in any significant adverse impacts to historic and cultural resources. As with the DEIS, under the A-Application, Site/Building 2 would occupy the northern part of the Project Site with its primary entrance on Nassau Street and a secondary entrance on Navy Street. The shift in alignment of Building 2 would continue to maximize new open space on the Project Site and would provide enhanced visual connections from nearby areas to the open space on the Project Site. The architectural resources in the study area already exist in a mixed context of newer and older buildings that do not have a cohesive character, including the small, brick-faced Church of the Open Door, the 14-story Farragut Houses residential buildings, and the one-story Timber Shed. The BQE and its structural supports and access ramps are part of the built context, physically and visually separating the Project Site from the western portion of the study area, including the four-story building at 194 Concord Street. The historic architectural resources would not be adversely affected by the modified siting and

[1] The Farragut Houses complex is eligible to be listed on the State and National Registers (S/NR) of Historic Places.

increased height of Building 2 that would be developed with the A-Application, which is consistent with the findings of the DEIS.

The changes to Site/Building 2 would not adversely affect the three residential buildings in the Farragut Houses complex that are located closest to the Project Site, at approximately 135 feet to the north. The three residential buildings are set away from Nassau Street, have five-point asterisk plans, and do not have primary facades oriented toward the Project Site. As such, these buildings do not have a meaningful visual or contextual relationship with the Project Site. Further, the shift in alignment of the Site/Building 2 would be compatible with the irregular orientation of the buildings in the Farragut Houses complex. Therefore, the buildings in the Farragut Houses complex would not be adversely affected by the change in context that would occur with the Site/Building 2 with the A-Application. As described in the "Shadows" section above, incremental shadow as a result of the A-Application would reach the Farragut Houses complex during certain representative analysis dates; however, the incremental shadow's extent and duration would not significantly impact the opportunity to appreciate the Farragut Houses complex.

With the A-Application, the Proposed Actions would not block public views to the historic architectural resources in the study area, isolate the resources from their settings or their relationships with the streetscape, or introduce incompatible visual, audible, or atmospheric elements to the resources' settings. Therefore, consistent with the conclusions of the DEIS, the A-Application would not result in any significant adverse impacts to historic and cultural resources.

URBAN DESIGN AND VISUAL RESOURCES

The DEIS concluded that the Proposed Actions would not result in any significant adverse impacts to urban design and visual resources. Like the DEIS, with the A-Application, the changes to Site/Building 2 would add a new tall building to the Project Site at the corner of Nassau and Navy Streets. Compared to the DEIS, with the A-Application, the new building at Site/Building 2 would have an alignment shifted at an angle to the sidewalks that would provide views into the open space on the Project Site. The shifted alignment would provide visual interest for the pedestrian while also providing visual cues toward the new open space on the Project Site. Further, the adjusted alignment would continue to maximize the amount of new open space on the Project Site. The additional height of the Site/Building 2 would have a tapered massing that would establish views toward the Project Site that would be different from the more angular massing that was analyzed in the DEIS. Like the DEIS, with the A-Application, the changes in massing and alignment of Building 2 on the Project Site would not result in any adverse impacts to the varied urban design character of the nearby study area and would not obstruct views along any view corridors or views to any visual resources. Therefore, consistent with the conclusions of the DEIS, the A-Application would not result in any significant adverse impacts to urban design or visual resources.

F. CONCLUSION

This Technical Memorandum examines whether the A-Application would result in any new or different significant adverse environmental impacts not already identified in the DEIS. This Technical Memorandum concludes that the changes to the RWCDS affecting Site/Building 2, pursuant to the A-Application, would not result in any new significant adverse impacts not already identified in the DEIS.

Appendix A

240 Nassau Street (Amended)
Brooklyn Community District 2
October 2026

1. INTRODUCTION

The New York City Educational Construction Fund ("ECF") and 240 Nassau Street Holdings, LLC (collectively, the "Applicants") are seeking approval of several discretionary actions (the "Proposed Actions") from the New York City Planning Commission (the "CPC") and New York City Council to facilitate the redevelopment of an approximately 79,807 square foot site (Brooklyn Block 110, Lot 25 and Block 111, Lot 1)(the "Development Site") in Downtown Brooklyn, Community District 2. The Proposed Actions include:

1. a zoning map amendment to change the Development Site from an R6 zoning district to a C6-12 zoning district;

2. a zoning text amendment to modify Zoning Resolution ("ZR") Appendix F: Mandatory Inclusionary Housing ("MIH") Areas and former Inclusionary Housing Designated Areas for Community District 2, Brooklyn to establish the Development Site as an MIH Area and to modify ZR § 74-752 to make the provisions applicable to the Development Site and to allow modification of ZR § 27-10 (Administration of Affordable Housing); and

3. a special permit pursuant to ZR § 74-752 to allow modification of certain bulk, loading, and affordable housing requirements.

The Proposed Actions would facilitate a new approximately 1,436,526 square foot mixed-use development with approximately 1,502 dwelling units ("DUs"), of which 20 percent (302 DUs) would be permanently affordable, a new 96,000 square foot (121,000 gsf) public school, local retail, cultural and community facility space, and 37,050 square feet of open space, 20,896 square feet of which would be designated as a Public Access Area ("PAA") (collectively, the "Proposed Development"). The Proposed Development would provide a unique opportunity to transform a long-underutilized property with new housing and a state-of-the-art school.

2. BACKGROUND

<u>ECF and Request for Expression of Interest</u>

ECF is a New York State public benefit corporation that finances and builds schools on behalf of the New York City Department of Education. ECF selects buildings based on age of the building and its ability to provide students with facilities that meet the educational rigor components required for successful academic outcomes. ECF also selects areas identified by DOE as needing increased seats/capacity. ECF is required to develop new public schools as part of mixed-use projects in which the public component is financed by tax-exempt bonds. ECF uses ground rents, lease payments, and/or tax equivalency payments from the non-school portions of a development to pay the debt service on the bonds issued to finance the public facilities.

ECF has identified the existing public school building at 50 Navy Street (Block 111, Lot 1 of the Development Site), which houses P.S. 287 (grades pre-Kindergarten through 5) and Community Roots Charter School (grades 6 through 8), as beyond its useful life, outmoded and in need of replacement. The aging building was built in 1953, and its electrical, ventilation, and acoustical systems are insufficient to serve the needs of the current and future school populations. Overall, the building lacks the appropriate facilities to provide a modern learning environment. The proposed actions would provide state-of-the-art school facilities for a new public school. The improvements would achieve a better learning environment by providing modern educational facilities and additional public school capacity at the primary and intermediate school level in Community School District 13.

In June 2024, ECF issued a Request for Expressions of Interest (RFEI) for 50 Navy Street, and in December 2025, ECF selected 240 Nassau Street Holdings, LLC's response to the RFEI from among several competitive submissions. The school's program, developed in accordance with

New York City School Construction Authority standards and the Superintendent's Deliberate Dialogues community engagement process, includes a gymnasium and a separate auditorium.

Relevant Land Use Approvals

The Development Site was mapped with an R6 zoning district with the enactment of the 1961 Zoning Resolution. There are no recent land use actions affecting the Development Site. However, several land use actions near the Development Site in the past fifteen years reflect an ongoing trend in the surrounding area to amend outdated zoning districts where appropriate in order to facilitate redevelopment, produce housing, support retail and other commercial and community facility uses, and spur job creation.

The 2011 Admiral's Row Plaza (C 110382 ZMK) rezoned a one block area bounded by Navy Street, Nassau Street, Flushing Avenue, and the Brooklyn Navy Yard from M1-2 to M1-4. The rezoning was intended to facilitate the development of Admiral's Row Plaza, an approximately 287,000 square foot mixed-use development with retail, industrial, and community facility space.

The 2017 Tillary and Prince Streets Rezoning, just south of the Development Site, rezoned a site adjacent to the New York City Housing Authority's ("NYCHA") Ingersoll Houses campus from an R6 zoning district to a C6-4 (MIH) zoning district and extended the Special Downtown Brooklyn District, to facilitate development of a mixed-use 31-story building.

The 2021 Brooklyn Navy Yard (C 210462 ZMK) proposal involved a zoning map amendment from R6B, M1-2, and M3-1 to M2-1 and a zoning text amendment to establish the Special Brooklyn Navy Yard District. The actions affected an approximately 300 acre area, which represents the majority of the Navy Yard. The proposal was intended to facilitate a 4.6 million square foot expansion of the Brooklyn Navy Yard with new industrial, commercial, and community facility uses as well as 189,000 square feet of new public open space.

In recent years, Downtown Brooklyn has experienced tremendous growth and transformation, solidifying its role as a major mixed-use center within the city. Building on this momentum, the City of Yes for Housing Opportunity zoning text amendments, adopted in late 2024, created new tools that allow developments to achieve floor area ratios ("FAR") of 12 or above in transit-rich areas such as the Downtown Core. These provisions, in conjunction with MIH requirements, advance the city's policy goals of increasing housing production and ensuring the creation of permanently affordable units within high-density developments.

The recently approved application for the 395 Flatbush Avenue Extension Redevelopment (C 260038 ZMK, adopted early 2026) exemplifies the application of these new tools in the Downtown Brooklyn context. The proposal involved a zoning map amendment from C6-4 to C6-12, as well as several other discretionary actions. The proposal was intended to facilitate development of an approximately 1,075,100 square foot, 72-story mixed-use development, including 141,280 square feet of commercial and community facility uses, and 933,820 square feet of residential uses with 1,263 dwelling units, including between 325 and 379 permanently income-restricted units pursuant to MIH, and 4,745 square feet of publicly accessible open space.

3. DESCRIPTION OF THE SURROUNDING AREA

Land Uses

The surrounding area is characterized by a mix of residential, commercial, and industrial uses. The area to the north of the Development Site is characterized by the NYCHA Farragut Houses campus, which contains 10 multi-family apartment buildings with heights of up to 14 stories. To the east of Farragut Houses is the Brooklyn Navy Yard, an approximately 300 acre complex improved with approximately 6.3 million square feet of industrial, commercial, and community facility floor area across approximately 80 buildings. The majority of the Navy Yard is located within the Brooklyn Navy Yard Industrial Business Zone ("IBZ"). Land uses across the campus span a wide range of sectors including ferry docking and maintenance, metal fabrication, food packaging and distribution, breweries, distilleries, art and design studios, offices, media production, and technical schools. Most buildings are one to three stories in height, although several buildings range from six to 18 stories.

Interstate 278, the Brooklyn-Queens Expressway ("BQE"), is an elevated highway running west and south of the Development Site that creates a physical barrier separating Farragut Houses, Commodore Barry Park and the Brooklyn Navy Yard to the north from NYCHA Ingersoll Houses and the core of Downtown Brooklyn to the south. The areas to the south and west of the BQE are predominantly comprised of residential and industrial uses. Residential uses include one- and two-family residential buildings up to four stories in height, multi-family buildings up to 13 stories that are part of the Ingersoll Houses campus, and industrial (storage/warehouse) buildings up to 13 stories.

There are several public open spaces in the surrounding area, including Commodore Barry Park, Golconda Playground, and Trinity Park. Commodore Barry Park is a 10.39 acre open space located to the east of the Development Site that includes baseball fields, football fields, basketball courts, handball courts, playgrounds, swimming pools, spray showers, and public restrooms. Golconda Playground is an approximately 1.5 acre park located partially beneath the elevated BQE immediately south and west of the Development Site that includes basketball courts, handball courts, playgrounds, a skate park, spray showers, and public restrooms. Trinity Park is a 6.3 acre open space located to the west of the Development Site that is mostly comprised of inaccessible lawns adjacent to the BQE highway ramps. The area that is publicly accessible is located along Nassau Street and includes benches and tables. Oxport Playground is a 1.03 acre open space located just beyond the surrounding area to the east of the Development Site that includes playgrounds, basketball courts, fitness equipment, and spray showers.

Other notable uses located just beyond the surrounding area include the NYCHA Ingersoll Houses and Walt Whitman Houses campuses, located to the south and east of the Development Site, respectively. Ingersoll Houses consists of 20 buildings containing approximately 1,604 dwelling units. Walt Whitman Houses consists of 15 buildings containing approximately 1,659 dwelling units. Several public facility uses are located on the block between the two campuses, including P.S. 067 The Charles A. Dorsey Community School, the Community Roots Charter School – Elementary School Campus, NYC Health + Hospitals/Gotham Health (Cumberland), and FDNY EMS Station 31.

The Development Site is located within the Inner Transit Zone, with exceptional transit access and road infrastructure, including nearby access to the BQE, Manhattan Bridge, and Brooklyn Bridge. Prominent corridors within the surrounding area include Tillary Street and Nassau Street/Flushing Avenue, which run east-west, and Flatbush Avenue, which runs north-south.

Several subway stations are located within walking distance of the Development Site, including York Street station serviced by the F line, High Street station serviced by the A and C lines, Jay Street-MetroTech station serviced by the A, C, F, and R lines, and DeKalb Avenue station serviced by the B, D, N, Q, and R lines. All stations provide direct access to Lower Manhattan within one to two stops. The NYC Ferry operates a ferry landing within the Brooklyn Navy Yard, providing access to Manhattan and Queens. Local bus routes operating in the surrounding area include the B57, B62, B67, and B69, which provide direct access to nearby subway stations in Downtown Brooklyn and throughout greater Brooklyn.

Zoning

Land uses and the built context within the surrounding area are generally consistent with underlying zoning. Zoning districts within the surrounding area, discussed below, include R6, R6B, C4-3, C6-2, C6-2A, and M1-4.

The majority of the surrounding area to the north, east, and south of the Development Site is located within an R6 district. R6 is a medium-density residential district that allows all housing types at a maximum FAR of up to 3.9 for qualifying affordable housing and a maximum FAR of up to 4.8 for buildings containing certain community facility uses. Commercial and industrial/manufacturing uses are not permitted. Qualifying affordable housing has a maximum base height of 65 feet and maximum building height of 95 feet. Within the Inner Transit Zone, off-street parking is not required.

R6B zoning is mapped on portions of the blocks bounded by Gold Street, Nassau Street, and Tillary Street located to the west of the Development Site. R6B is a medium-density contextual residential district that generally allows all housing types at a maximum residential FAR of 2.4 with qualifying affordable housing and maximum FAR of up to 2.0 for buildings containing certain community facility uses. Commercial and industrial/manufacturing uses are not permitted. Qualifying affordable housing has a maximum base height of 45 feet and maximum building height of 65 feet. Within the Inner Transit Zone, off-street parking is not required.

C4-3 zoning districts are also mapped on portions of the blocks bounded by Gold Street, Nassau Street, and Tillary Street to the west of the Development Site. C4-3 is a medium-density commercial district with an R6 residential district equivalent that generally allows all housing types at a maximum FAR of up to 3.9 for qualifying affordable housing, a maximum FAR of up to 3.0 for buildings containing certain community facility uses, and a maximum FAR of 3.4 for commercial uses. Some light industrial and manufacturing uses (Use Groups IX and X) are permitted but are subject to size restrictions and/or additional conditions. C4-3 zoning permits a maximum base height of 65 feet and a maximum building height of 95 feet. Accessory parking requirements vary by use within C4-3 districts. Special rules apply for residential-only buildings located in commercial districts and mixed commercial/residential buildings in commercial districts.

C6-2 districts are mapped to the south of the Development Site along portions of Gold and Tillary Streets as well as to the west along portions of Nassau Street. C6-2 is a high-density commercial district with an R8 residential district equivalent that generally allows all housing types at a maximum FAR of up to 8.64 for qualifying affordable housing, a maximum FAR of up to 6.5 for buildings containing certain community facility uses, and a maximum FAR of up to 6.0 for commercial uses. Some light industrial and manufacturing uses (Use Groups IX and X) are permitted but are subject to size restrictions and/or additional conditions. C6-2 zoning permits a maximum base height of 125 feet and a maximum building height of 175 feet. No parking is required within C6-2 districts. Special rules apply for residential-only buildings located in commercial districts and mixed commercial/residential buildings in commercial districts.

A C6-2A district is mapped along a portion of Gold Street to the south of the Development Site. C6-2A is a contextual commercial zoning district with an R8A residential district equivalent that generally allows all housing types at a maximum FAR of up to 7.2 for qualifying affordable housing, a maximum FAR of up to 6.5 for buildings containing certain community facility uses, and a maximum FAR of up to 6.0 for commercial uses. Some light industrial and manufacturing uses (Use Groups IX and X) are permitted but are subject to size restrictions and/or additional conditions. C6-2A zoning permits a maximum base height of 105 feet and a maximum building height of 145 feet. No parking is required within C6-2A districts. Special rules apply for residential-only buildings located in commercial districts and mixed commercial/residential buildings in commercial districts.

An M1-4 district is mapped to the northeast of the Development Site, north of Flushing Avenue and east of Navy Street. M1-4 is a manufacturing district that allows a maximum FAR of up to 2.0 for light industrial and manufacturing uses (Use Groups IX and X), a maximum FAR of up to 6.5 for buildings containing certain community facility uses, and a maximum FAR of up to 2.0 for commercial uses. Residential uses are not permitted. Within the initial setback distance of 20 feet on a narrow street and 15 feet on a wide street, M1-4 districts have a maximum permitted height of 60 feet or four stories, whichever is less. Above these heights, building height is governed by a sky exposure plane, which has a slope of 2.7 to 1 on narrow streets and 5.6 to 1 on wide streets. M1-4 districts do not require accessory parking for most uses.

The Development Site and surrounding area are located within a FRESH zone where zoning and/or discretionary tax incentives are available if a FRESH supermarket is constructed. The surrounding area is also within the Coastal Zone and subject to the New York City Waterfront Revitalization Program. Consistent with this coastal location, based on the 2015 Federal Emergency Management Agency (“FEMA”) Preliminary Flood Insurance Rate Maps (“FIRMs”), a portion of the Development Site is within the 0.2-percent annual chance floodplain and the eastern edge of the Development Site along Navy Street is within the 1-percent annual chance floodplain (Zone AE). New construction must comply with the Flood Resistant Construction requirements of Appendix G of the New York City Building Code.

4. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Development Site is comprised of two tax lots (Block 110, Lot 25 and Block 111, Lot 1) with a combined lot area of approximately 79,807 square feet. The Development Site is proposed to be merged into a single zoning lot. The Development Site is bounded by Nassau Street to the north, Navy Street to the east, Concord Street to the south, and Golconda Playground and the elevated BQE to the west. Nassau and Navy Streets are considered wide streets with irregular widths that vary from 81 to 91 feet and 80 to 100 feet, respectively. Concord Street is a narrow street along a portion of the block, but a wide street where it abuts the Development Site.[1] Golconda Playground is a mapped, City-owned parkland under the control of the Department of Parks and Recreation ("NYC Parks").

Lot 1

The eastern portion of the Development Site (Lot 1) is an approximately 55,408 square foot parcel with frontage on Nassau Street, Navy Street, Concord Street, and Golconda Playground. The lot is City-owned under the control of the Department of Education and is improved with an approximately 111,439 square foot, three-story public school building constructed in 1953. The school building is currently occupied by P.S. 287 Dr. Bailey K. Ashford (grades pre-Kindergarten through 5) and Community Roots Charter School (grades 6 through 8). A blacktop with playground equipment, basketball courts, and running track are located in the rear yard to the west of the school building. A parking lot with six spaces is located along the Concord Street frontage to the west of the school building and is accessible from an approximately 18-foot wide curb cut located approximately 230 feet west of Navy Street. The blacktop and parking lot are enclosed by chain link fencing.

Lot 25

The western portion of the Development Site (Lot 25) is an approximately 24,399 square foot parcel with frontage on Nassau Street and Golconda Playground. The lot is privately owned by 240 Nassau Street Holdings, LLC and is improved with an approximately 24,180 square foot, two-story community facility building that is currently occupied and operated by the Madison Square Boys & Girls Club. A small, paved parking lot is located to the west of the building along Nassau Street and is accessible from an approximately 15-foot wide curb cut located approximately 190 feet east of Gold Street. Con Edison has an underground easement for transmission lines that run beneath the parking lot. The parking lot is enclosed by chain link fencing.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development would introduce a total of approximately 1,436,526 square feet (18.0 FAR) of new mixed-use development across four buildings, including a total of 1,277,000 square feet of residential floor area (16.0 FAR), of which 20 percent (255,400 square feet) would be permanently affordable, and approximately 159,526 square feet of combined commercial and community facility floor area (2.0 FAR) as well as 37,050 square feet of new open space, 20,896 square feet of which would be PAA. No accessory parking is required, and none would be provided.

Lot 25 would be redeveloped with a 63-story, 634,500 square foot mixed-use building (Building A) adjacent to Golconda Playground that would include approximately 702 dwelling units, including 104 permanently affordable MIH units, 500 square feet of retail, and 34,000 square feet of community facility space. The building would be set at the street line and rise without setback to a maximum height of 718 feet. Entrances to the residential lobby and ground-floor retail and community facility uses would be located on Nassau Street.

Lot 1 would be redeveloped with three new buildings, including an 11-story, 109,500 square foot school building (Building B) at the corner of Navy Street and Nassau Street with a rooftop play area; a 73-story, 600,526 square foot mixed-use building (Building C) located at the corner of Navy Street and Concord Street; and an 18-story, 92,000 square foot mixed-use building (Building D) located on Concord Street, adjacent to Golconda Playground.

[1] Pursuant to the definition in ZR Section 12-10, a "wide street" is any street that is 75 feet or more in width. A "narrow street" is any street that is less than 75 feet wide.

Building B would include approximately 96,000 square feet (121,000 gsf) of school uses as well as 13,500 square feet of retail. The building would rise to a building height of 186 feet with a bulkhead zone extending up to 210 feet containing the rooftop play area. The building's street wall along Nassau Street is oriented at a slight angle to the street line, resulting in a progressively deeper setback as the building extends away from the corner. The resulting widened sidewalk at the Nassau Street entrance would accommodate drop-off and pick-up. An at-grade play and staging area would be located at the rear of the building. Ground-floor retail space would be located along the Nassau Street and Navy Street frontages.

Building C would contain approximately 705 dwelling units, including 103 permanently affordable MIH units and 13,526 square feet of retail. The building would be set at the street line and rise without setback to a maximum height of 820 feet. Entrances to the residential lobby would be located on Concord Street and entrances to the ground-floor retail space would be provided on Navy Street.

Building D would contain approximately 95 affordable senior housing units[2], and 2,000 square feet of community facility space. The building would be set at the street line and rise without setback to a maximum height of 235 feet. Entrances to the residential lobby and ground-floor community facility uses would be located on Concord Street.

The new buildings would be connected by 37,050 square feet of at-grade open space (20,896 square feet of which would be PAA) featuring a variety of amenities including ADA accessible pathways, landscaping, seating, lighting and active use features. The proposed open space would restore the connectivity previously provided by the historic street grid to integrate the Development Site with the surrounding area and provide a new gateway to Golconda Playground. The buildings are sited to restore historic street-grid connectivity across the whole block. The rotation of Building B from Nassau Street and Navy Street opens the street wall toward the PAA, improving visual and pedestrian access at the entries to the midblock public space and interior of the site. The placement of the new buildings establishes midblock visual and physical connections from Nassau Street along the north edge of the Development Site and along Navy Street to the east, linking the site to Golconda Playground to the west, the Farragut Houses complex to the north, and Commodore Barry Park to the east. Both Buildings A and D would contain dwelling units with legally required windows facing Golconda Playground and the Applicants are seeking a determination from the NYC Parks Commissioner pursuant to ZR § 23-381 that Golconda Playground would provide sufficient access to light and air for these required windows.

The PAA would run through the Development Site between the new buildings in the midblock areas and would be open to the public daily from 6:00 AM to 1:00 AM, consistent with typical hours of operation for other public access areas. The PAA would include seating and gathering areas, games and group tables, gardens, and walkways designed to increase neighborhood connectivity to Golconda Playground and integrate the park with the new development. With widths ranging from approximately 10 feet 3 inches to 32 feet 6 inches, the walkways would provide sufficient space for pedestrian circulation while also accommodating the planned open space amenities and passive recreation uses. The walkways would converge at a central yard, which would provide a larger open area within the PAA. In coordination with NYC Parks, two new potential access points to Golconda Playground are proposed, including one to the north of the basketball courts along the southern façade of Building A, and one to the east of the basketball courts along the western façade of Building D. These access points would provide a direct connection between the PAA and Golconda Playground, further enhancing pedestrian circulation and neighborhood connectivity. In addition to the provision of the PAA and the new access points, the Applicants would make improvements to Golconda Playground, subject to review and approval by NYC Parks. The contemplated improvements could include redesign and upgrading of the recreational courts, as well as landscaping, fencing repairs, and other improvements that are expected to improve the overall quality and enjoyment of Golconda Playground.

[2] The Applicants are engaged in discussions with NYCHA regarding NYCHA's Transfer of Assistance ("TOA") program under the U.S. Department of Housing and Urban Development's ("HUD") Rental Assistance Demonstration ("RAD") program, together with an allocation of Project-Based Vouchers ("PBVs"), to create new senior housing opportunities for existing NYCHA residents in Building D.

Construction of the Proposed Development would occur in one continuous phase over an estimated 72 months (approximately six years), with full buildout anticipated by 2033. The PAA would be delivered upon completion of the Proposed Development. Prior to commencement of construction, the existing P.S. 287 Dr. Bailey K. Ashford and Community Roots Charter School would temporarily relocate elsewhere within Community School District 13 to allow for demolition and redevelopment of the Development Site.

6. ACTIONS NECESSARY TO FACILITATE THE PROJECT

Several actions are requested in order to facilitate the Proposed Development, including a zoning map amendment, zoning text amendments, and special permit. These actions are described in greater detail below.

1. A zoning map amendment from R6 to C6-12 zoning district to increase permitted density

   The Applicants are requesting a zoning map amendment from R6 to C6-12 to allow a wider range of permitted uses and an increase in permitted density. The proposed C6-12 district has an R12 residential district equivalent and would allow a maximum residential FAR of 18 for qualifying affordable housing, 15 FAR for commercial uses, and 15 FAR for community facility uses. Pursuant to ZR § 23-435, above the maximum base height, a tower with a maximum lot coverage of 65 percent shall be permitted up to a height of 300 feet and 50 percent shall be permitted above a height of 300 feet. No accessory parking is required.

   The Applicants believe that the proposed C6-12 district would be appropriate. City of Yes for Housing Opportunity created new tools that allow developments to achieve an FAR of 12.0 or above in transit-rich areas such as Downtown Brooklyn, effectively removing the previous 12 FAR cap that had constrained high-density residential development. The proposed C6-12 district would leverage these new provisions to facilitate housing production at a density commensurate with the area's transit access and built context, while MIH requirements would ensure the creation of permanently affordable units within the development. While the current R6 zoning district permits residential development, the proposed zoning map amendment would allow a wider range of uses, including commercial uses, which would complement and be compatible with the proposed residential and community facility uses as well as the existing neighborhood context. Additionally, compared to existing R6 zoning, the proposed C6-12 district would allow an increase in the maximum permitted density from 4.8 FAR to 18 FAR. The C6-12 district would also allow an increase in maximum base and building heights that would provide the flexibility needed to allow at-grade open space and ensure adequate light and air for building tenants and the surrounding neighborhood.

   The proposed C6-12 zoning district is appropriate at this location given several factors related to the Development Site's physical context and surroundings. The Development Site has frontage on three wide streets – Nassau Street, Navy Street and Concord Street – which are able to handle the proposed changes in use and bulk. The surrounding built context further supports the proposed density. Downtown Brooklyn has experienced tremendous growth and transformation in recent years, solidifying its role as a major mixed-use center, and high-density residential and commercial development is characteristic of the area immediately to the south and west of the Development Site. The Development Site's location at the edge of Downtown Brooklyn, adjacent to the BQE and just south of the Brooklyn Navy Yard, places it within an established context of large-scale development and infrastructure. Moreover, the Development Site is located in close proximity to two mapped parks, and the proposed new at-grade open space (including PAA) would provide additional accessible recreational space and amenities for residents and the surrounding community. The surrounding area is also well served by public transportation, including the York Street (F), High Street (A, C), Jay Street-MetroTech (A, C, F, R), and DeKalb Avenue (B, D, N, Q, R) subway stations as well as the NYC Ferry landing within the Brooklyn Navy Yard and several local bus routes (B57, B62, B67, and B69). The proposed zoning map amendment would facilitate the redevelopment of an underutilized parcel that is well positioned to support new development.

Given the shortage of City-owned land available for redevelopment and the limitations of public funding, the Development Site presents a significant opportunity for the development of a new state-of-the-art school and new housing, including up to approximately 302 permanently affordable units, while also achieving other City and community priorities including the provision of new community facility, commercial, and open space that would create jobs, introduce new amenities for neighborhood residents, and enliven the surrounding area.

2. A zoning text amendment to modify ZR Appendix F: Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas for Community District 2, Brooklyn to establish the Development Site as an MIH Area

   The proposed zoning text amendment would establish an MIH Area contiguous with the rezoning area. Within MIH Areas, all housing developments, enlargements, and conversions that meet the criteria set forth in the MIH program must comply with the requirements of MIH Option 1, Option 2, or Option 3 as described below.

   - Option 1: 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with 10 percent of floor area at 40 percent AMI and no unit targeted at a level exceeding 130 percent of AMI.
   - Option 2: 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of AMI, with no unit targeted at a level exceeding 130 percent of AMI.
   - Option 3: 20 percent of the total residential floor area must be for housing units for residents with incomes averaging 40 percent of AMI and no direct subsidies could be used for these units except where needed to support more affordable housing.

   In addition to the options above, the City Council may elect to map Option 4 (except in Manhattan Community Districts 1-8), which requires that 30 percent of the total residential floor area must be for housing units for residents with incomes averaging 115 percent of AMI, with no units above 135 percent AMI, and no direct subsidies.

   The Applicants propose that 20 percent of the Proposed Development's residential floor area, approximately 302 DUs, be provided as permanently affordable housing. The Applicants propose to map the Development Site with a modified version of MIH Option 1 that would allow 20 percent of residential floor area at a weighted average of 60 percent AMI (302 affordable DUs), with 8 percent of floor area at 40 percent AMI. In the event the Applicants and NYCHA participate in the TOA program under HUD's RAD program (or a comparable affordable housing program), the modified Option 1 would permit a minimum of 15 percent of residential floor area at a weighted average of 60 percent AMI (207 affordable DUs), with 6 percent of floor area at 40 percent AMI, and the remaining 5 percent of residential floor area (95 affordable DUs) would be provided in Building D through the TOA program – together still yielding a total of 302 affordable DUs. In all cases, no unit would exceed 130 percent of AMI. The MIH requirement ensures that a percentage of residential floor area in any future development within the MIH Area is permanently affordable. There is currently no MIH requirement for residential development at the Development Site.

   The proposed zoning text amendment to designate the Development Site as an MIH Area is consistent with the policy goals of the City's Housing Our Neighbors: A Blueprint for Housing and Homelessness. The proposed residential development would help provide much-needed affordable residential units in an area in which population is increasing and there is increased demand for residential uses. According to Department of City Planning population projections, Brooklyn is anticipated to have the second-highest rate of growth in the City over the next several decades, estimated at 8.8 percent from 2030 to 2055.[3] As population in Brooklyn is expected to experience substantial and steady growth, additional housing is necessary to ensure adequate supply. Moreover, according to the U.S. Census

[3] Population Projections New York City and Boroughs, 2030 to 2055 (March 13, 2025) https://www.nyc.gov/content/planning/pages/our-work/reports/population-projections

Bureau, 30 percent of households in Brooklyn Community District 2 are rent burdened, spending 35 percent or more of their income on rent.

A zoning text amendment to modify ZR § 74-752 to make the provisions applicable to the Development Site and permit modifications of ZR § 27-10 (Administration of Affordable Housing)

The Applicants request a zoning text amendment to ZR § 74-752 to make the provisions of the special permit applicable to the Development Site and to allow modification of the affordable housing requirements in ZR § 27-10 et seq. The current zoning special permit allows modification of use regulations, MIH requirements, bulk regulations, and parking and loading requirements for developments on land owned by ECF located in C6-9 zoning districts within the Special Downtown Brooklyn District (SDBD). The Applicants propose to expand the geographic scope of ZR § 74-752 to include land owned by ECF located in C6-12 zoning districts within Brooklyn Community District 2 but outside the SDBD, and to allow for modifications of the affordable housing requirements set forth in ZR § 27-10. The requested zoning text amendments are consistent with the original intent of ZR § 74-752, which was designed to facilitate the development of educational and community facility uses on ECF-owned land by providing flexibility from standard zoning requirements. Broadening the applicability of this mechanism to encompass additional ECF-owned sites in comparable zoning contexts furthers that purpose and ensures that the special permit framework can serve a wider range of qualifying developments. The requested zoning text amendment would facilitate the modification of affordable housing requirements, bulk regulations, and loading requirements that would provide the flexibility needed to construct the Proposed Development.

3. A special permit pursuant to ZR § 74-752 to allow modification of certain affordable housing requirements, bulk regulations, and loading requirements

A special permit is requested pursuant to ZR § 74-752 to modify (1) in an MIH Area, the affordable housing requirements of § 27-10, including the percentage requirements of MIH Option 1, unit distribution and bedroom mix, and the timing of permit notice issuance and completion of MIH units; (2) other bulk regulations including rear yard, maximum base height, minimum setback, street wall location, distance between buildings, and tower regulations; and (3) accessory loading berth requirements. As discussed further in the Statement of Findings, the requested modifications would facilitate the construction of a significant public facility, a new 96,000 square foot (121,000 gsf) school (Building B), and would result in a superior site plan.

(a) Affordable Housing Requirements

ZR § 27-131(a)(3)(i) requires that, under MIH Option 1, 25 percent of a development's residential floor area be permanently affordable at a weighted average of 60 percent AMI with 10 percent of floor area at 40 percent AMI and no unit targeted at a level exceeding 130 percent of AMI. The Applicants propose to map the Development Site with a modified version of MIH Option 1 that would require 20 percent of residential floor area to be affordable at a weighted average of 60 percent AMI (302 affordable DUs), with eight percent of floor area at 40 percent AMI. In the event the Applicants and NYCHA participate in the TOA program (or a comparable affordable housing program), this modified version of MIH Option 1 would permit a further reduction of the MIH Option 1 requirement from 25 percent to 15 percent across the Development Site. Under this scenario, 10 percent of floor area would be affordable in Building A and 5 percent affordable in Building C at a weighted average of 60 percent AMI with 6 percent at 40 percent AMI. This reduction is intended to facilitate the ECF standalone financing of school construction through tax-exempt bonds serviced by revenues from the market-rate residential component.

Pursuant to ZR § 27-151(a), issuance of building permits is contingent on recordation of the MIH restrictive declaration (which occurs simultaneously with closing on construction financing) and pursuant to ZR § 27-151(b), obtaining a certificate of occupancy is contingent on issuance of a completion notice by HPD. The proposed waiver of these ZR

§ 27-151 requirements would provide the flexibility needed to allow the construction of the Proposed Development in accordance with its unique financing structure, providing 10 percent of the affordable housing required for the Development Site within Building A and 5 percent within Building C.

Pursuant to ZR § 27-16(b), affordable housing units must be distributed throughout at least 65 percent of the stories of a development, with not more than two-thirds of the units on any story being affordable housing units. Pursuant to ZR § 27-16(c), for the bedroom mix of affordable housing units, at least 50 percent of the units must be two-bedroom or larger, and at least 75 percent of the units must be one-bedroom or larger, or the bedroom mix between affordable and standard units must be proportional. The requested waiver of these ZR § 27-16 requirements would allow for flexibility in distributing the affordable housing units in Buildings A and C.

(b) Rear Yard, Height and Setback, Street Wall Location, Distance Between Buildings, and Tower Regulations

With respect to bulk modifications, certain modifications of rear yard, base height, setback, street wall location, distance between buildings, and tower regulations are necessary to facilitate the site plan configuration, which is designed to maximize publicly accessible open space and increase neighborhood connectivity to Golconda Playground. Each of the bulk modifications facilitates a building form that produces efficient floorplates to accommodate the school and residential programs, maximizes at-grade open space, and allows for active, inviting ground floor uses.

Rear Yard

ZR § 23-342 requires a rear yard depth of 20 feet below 75 feet and 30 feet above; Building A would instead provide reduced rear yards (15 feet below 85 feet and 20 feet above 85 feet) to allow an efficient residential floorplate and unit layout.

Height and Setback

Regarding maximum base height and setback, ZR §§ 23-433 and 33-432 require setbacks above 155 feet for residential buildings and above 85 feet for community facility buildings; portions of Buildings A, C, and D would not provide the required residential setback and portions of Building B would not provide the required community facility setback. For Buildings A, C, and D, the setback modification would allow efficient residential floorplates and unit layouts to continue from the base into the tower portions of each building, accommodating the residential floor area within compact building footprints that maximize at-grade open space. For Building B, the NYCSCA classroom module (27’-6” x 28’-6”) and 8-foot corridor yield an approximately 69-foot double-loaded floorplate. The gymnasium (approximately 61 feet deep) and auditorium (58’-9” wide) would not fit on the same floor, requiring the school program to be stacked vertically. Flood-resiliency requirements also require MEP systems and certain habitable spaces to be located above grade rather than in the cellar. These programmatic and flood-resiliency requirements result in Building B rising to 186 feet, with a bulkhead zone extending up to 210 feet that contains the rooftop play area and mechanical equipment, and require relief from the setback regulations.

Street Wall Location

ZR § 35-631(c) requires that at least 70 percent of the aggregate width of street walls be located within 15 feet of the street line. As proposed for Building A, the aggregate width of street walls at Nassau Street is 68 percent, 0 percent at Golconda Playground (Central), and 15.4 percent at Golconda Playground (North). For Building C, the aggregate width of street walls at Navy Street is 53.7 percent and 67.3 percent at Concord Street. For Building D, the aggregate width of street walls at Golconda Playground (South) is 0 percent. The proposed modification to reduce the aggregate width of street walls supports the goal of increasing connectivity through the site at the midblocks of Nassau and Navy Streets with pedestrian connections to the PAA and Golconda Playground.

Distance Between Buildings

Regarding distance between buildings, ZR § 23-371(c)(1) and (c)(2) require a minimum distance of 40 feet between separate residential buildings up to 125 feet tall and a minimum distance of 80 feet at 125 feet or above. For Buildings A and B, the proposed distance is 40 feet and for Buildings B and C, the proposed distance is a minimum of 24 feet. The distance between Buildings A and B would be 40 feet, so a waiver would be required for the portions above 125 feet, where 80 feet is required. The distance between Buildings B and C would be 24 feet at a minimum, so a waiver would be needed for portions both below 125 feet, where 40 feet is required, and above 125 feet, where 80 feet is required. For Buildings A and C, the requested modification would allow the residential buildings to maintain efficient floorplates and unit layouts while being positioned along the Nassau Street and Navy Street frontages to maximize the size of the PAA. For Building B, the requested modification would accommodate the school's rotated configuration and the floorplate dimensions required by its program while accommodating the reduced separation between Buildings B and C and improving visual and pedestrian access to the PAA.

Towers

For towers, ZR § 23-435(a) requires a maximum lot coverage of 65 percent above the maximum base height up to a height of 300 feet. The proposed total lot coverage is 78.9 percent between the maximum base height of 155 feet and 300 feet, which is greater than the required maximum of 65 percent. For Buildings A, C, and D, the modification would allow efficient residential floorplates and unit layouts in the tower portions of each building, concentrating residential floor area within compact building footprints that maximize at-grade open space. For Building B, as described above, the NYCSCA classroom module and corridor dimensions, the resulting need to stack the gymnasium, auditorium, and other school program vertically, and flood-resiliency requirements locating MEP systems and certain habitable spaces above grade result in Building B rising to 186 feet, with a bulkhead zone extending up to 210 feet. As a result, relief from the tower coverage regulations is required.

(c) Loading Berth Requirements

With respect to loading berth requirements, ZR § 36-62 requires one loading berth for the approximately 27,526 square feet of proposed retail floor area, but no loading berth would be provided. This modification eliminates the need for curb cuts along any bounding street, improving pedestrian safety, and the effects on traffic would be negligible given that the retail floor area only minimally exceeds the loading berth threshold and is distributed across three of the four buildings.

7. CONCLUSION

The Proposed Actions, which include a zoning map amendment, zoning text amendments, and a special permit, would facilitate a new approximately 1,436,526 square foot mixed-use development with approximately 1,502 dwelling units, including 302 permanently affordable units, a new 96,000 square foot (121,000 gsf) school, local retail, cultural and community facility space, and 37,050 square feet of open space, 20,896 square feet of which would be PAA. The Proposed Development would convert an underutilized site into a vibrant community hub, introducing active uses and critically needed housing while establishing a connection between Downtown Brooklyn, NYCHA's Farragut Houses campus, and the Brooklyn Navy Yard.

240 Nassau Street (Amended)
Brooklyn Community District 2
October 2026

Discussion of Conditions & Findings in Support of Special Permit Pursuant to ZR § 74-752

ZR § 74-752 [Educational Construction Fund projects in certain areas]

In C6-9 Districts within the #Special Downtown Brooklyn District# and in C6-12 Districts within Brooklyn Community District 2 outside of the #Special Downtown Brooklyn District#, for #developments#, #enlargements# or #conversions# that include one or more #schools# on a tract of land owned by the New York City Educational Construction Fund, the City Planning Commission may permit the modifications set forth in paragraph (a) of this Section. For the purposes of this Section, a tract of land owned by the New York City Educational Construction Fund may also include a tract of land under single fee ownership or alternate ownership arrangements according to the #zoning lot# definition in Section 12-10, when such tract of land includes a parcel which was the site of a public school.

The New York City Educational Construction Fund ("ECF") and 240 Nassau Street Holdings, LLC (collectively, the "Applicants") request, among other actions, a special permit pursuant to Section 74-752 [Educational Construction Fund projects in certain areas] of the Zoning Resolution of the City of New York ("ZR") for modifications of certain Mandatory Inclusionary Housing ("MIH") and affordable housing, bulk, and loading requirements. The proposed special permit and associated zoning map and text amendments would facilitate the redevelopment of an approximately 79,807 square foot site (Brooklyn Block 110, Lot 25 and Block 111, Lot 1) (the "Development Site") in Downtown Brooklyn, Community District 2. A new approximately 1,436,526 square foot mixed-use development would be constructed at the Development Site with approximately 1,502 dwelling units ("DUs"), of which 20 percent (302 DUs) would be permanently affordable, a new 96,000 square foot school (121,000 gsf), local retail, cultural and community facility space, and approximately 37,050 square feet of new open space, of which 20,896 square feet would be Public Access Area ("PAA") (the "Proposed Development").

The proposed modifications described below facilitate the financing and site plan for the Proposed Development. The construction of Building B would include financing by tax-exempt bonds issued by ECF, which would own the school located in Building B and the residential component of Building A. Revenues derived from a 99-year ground lease of the residential component of Building A would be used to service the bond debt. The residential floor area in Building A would be market-rate residential units to provide a component of the ECF standalone financing of the school construction. With respect to the site plan, the configuration of the buildings has been designed to maximize the PAA and restore whole-block connectivity to Golconda Playground. The existing three-story school encompasses the entire block front along Navy Street between Nassau Street and Concord Street. The proposed site plan reintroduces visual and physical connections to Golconda Playground from the midblocks of Nassau Street at the north of the Development Site and Navy Street at the east. Establishing connectivity at the midblocks would be achieved by situating Building A and Building B at the northwestern and northeastern edges of the Development Site, respectively, and Buildings C and D along the southern edge of the site. Building B is proposed to be rotated from Nassau Street and Navy Street to accommodate the school's programmatic floor plate while maintaining a 40-foot separation from Building A and a minimum 24-foot separation from Building C. Building B's street wall along Nassau Street is oriented at a slight angle to the street line, resulting in a progressively deeper setback as the building extends away from the corner. The angled orientation of Building B would create a widened sidewalk at the Nassau Street entrance for school drop-off and pick-up, an at-grade play and staging area at the rear, and improved entries from the midblock public space to the PAA and the interior of the site. The resulting arrangement improves access through the block and allows the school and residential buildings to function as a coordinated whole-block site plan.

(a) Modifications

The Commission may modify:

(1) applicable ground floor #use# regulations;

No modifications to the applicable ground floor use regulations are sought for the Proposed Development.

(2) in a #Mandatory Inclusionary Housing area#, the affordable housing requirements of Section 27-10 (Administration of Affordable Housing);

Within an MIH Area, the MIH regulations set forth at ZR § 27-10 would apply to the Proposed Development, requiring that a portion of any residential floor area developed at the Development Site be permanently affordable and providing for further requirements with regard to the provision of such permanently affordable housing, including provisions regarding issuance of building permits and certificates of occupancy, and requirements for the distribution and bedroom mix of affordable housing units.

ZR § 27-131(a)(3)(i)

Pursuant to ZR § 27-131, depending on the MIH Option selected, between 20 percent and 30 percent of the total residential floor area within a development must be provided as permanently affordable housing units. MIH Option 1 requires 25 percent of the residential floor area to be affordable at a weighted average of 60 percent of the area median income ("AMI") with 10 percent at 40 percent AMI. To facilitate development of the proposed new school at the Development Site, a modification of ZR § 27-131(a)(3)(i) is necessary. The Applicants propose to map the Development Site with a modified version of MIH Option 1 that would require 20 percent of residential floor area to be affordable at a weighted average of 60 percent AMI (302 affordable DUs), with 8 percent of floor area at 40 percent AMI. In the event the Applicants and NYCHA participate in the Transfer of Assistance ("TOA") program under the U.S. Department of Housing and Urban Development's ("HUD") Rental Assistance Demonstration ("RAD") program (or a comparable affordable housing program), this modified MIH Option 1 would permit a further reduction in the MIH Option 1 requirement from 25 to 15 percent across the Development Site with 6 percent provided at 40 percent AMI. To allow for the financing of the school construction by ECF, a reduced affordable housing percentage would be required in connection with the proposed residential use within Building A. Instead of 25 percent of the residential floor area being set aside for affordable housing at an average of 60 percent AMI, 10 percent of the residential floor area of Building A would be designated as affordable at an average of 60 percent AMI. The balance of the affordable housing for the MIH Area would be constructed within Building C, such that in total, the amount of affordable floor area provided across the Development Site would be at least 15 percent of the total residential floor area on the Development Site, at a weighted average of 60 percent AMI with at least 6 percent at 40 percent AMI. The proposed modification of ZR § 27-131(a)(3)(i) would allow for these percentages to satisfy the affordable housing requirement of ZR § 27-131(a)(1).

ZR § 27-151(a) and (b)

Pursuant to ZR § 27-151(a), issuance of building permits is contingent on recordation of the MIH restrictive declaration, which is done simultaneously with closing on construction financing. Pursuant to ZR § 27-151(b), obtaining a certificate of occupancy is contingent on issuance of a completion notice by the NYC Department of Housing Preservation and Development ("HPD"). The proposed waiver of the provisions contained in ZR § 27-151(a) and (b) would allow for flexibility with timing for the delivery of the affordable housing on the Development Site.

ZR § 27-16(b) and (c)

Pursuant to ZR § 27-16(b), affordable housing units must be distributed throughout at least 65 percent of the stories of a development with not more than two-thirds of the units on any story being affordable housing units. Pursuant to ZR § 27-16(c), for the bedroom mix of affordable housing units, at least 50 percent of the units must be two-bedrooms or larger, and at least 75 percent of the units must be one-bedroom or larger, or the bedroom mix between affordable and

standard units must be proportional. The proposed waiver of ZR § 27-16 would allow for flexibility in distributing the affordable housing units in Buildings A and C.

(3) other #bulk# regulations, except that the maximum permitted #floor area ratio# may not be increased; and

The Proposed Development would comply with the maximum permitted floor area ratio of 18.0 for the proposed C6-12 (R12 equivalent) zoning district pursuant to ZR § 23-22. Certain modifications of bulk regulations for rear yard, base height, setback, street wall location, distance between buildings, and tower regulations are necessary to facilitate the configuration of the site plan for the Proposed Development, as described below. The proposed modifications would not have a significant adverse impact on the surrounding built context, adjacent parkland, or open space. The proposed modifications to rear yard, base height, setback, and tower regulations would allow an efficient residential floor plate and unit layout for Buildings A, C, and D and a design that meets the school program requirements for Building B. The proposed modifications to street wall location and distance between buildings allow the configuration of buildings and open space in the site plan, which reintroduces connectivity at the midblocks of Nassau and Navy Streets to Golconda Playground. The programmatic and dimensional criteria driving Building B's floor plate, stacking, and height are described below. The proposed modifications allow massing of the buildings that reflects a disciplined architectural strategy predicated on restraint. Rather than relying on articulated formal gestures or modulated massing, the proposed buildings establish their character through controlled proportional systems and the regular repetition of facade elements. A limited material palette, combined with detailing calibrated to register texture, light, and shadow, produces a coherent, legible, and durable expression that relates harmoniously to the surrounding area. This systematic and contextually calibrated approach to bulk ensures that the requested modifications result in a better site plan for the school while producing minimal adverse effects on the scale, street wall, and essential character of the surrounding area. By prioritizing the public realm and the pedestrian experience at the ground floor, the design reinforces the integration of the school and residential program within the established context of Downtown Brooklyn.

The program for the new school (Building B), developed in accordance with the New York City School Construction Authority ("NYCSCA") standards and taking into account feedback from the Superintendent's Deliberate Dialogues community engagement process, includes a double-height gymnasium and an auditorium. The NYCSCA standard classroom module is 27 feet 6 inches by 28 feet 6 inches. With an 8-foot corridor and typical wall assemblies, a double-loaded classroom floor plate would be approximately 69 feet wide, and each classroom floor would have a floor-to-floor height of approximately 15 feet. The gymnasium would be approximately 61 feet deep (including bleachers and a room divider) and approximately 90 feet long, and the auditorium would be approximately 58 feet 9 inches wide and 92 feet 8 inches long. The gymnasium and auditorium cannot fit on the same floor. In addition, pursuant to NYCSCA standards governing uses below the design flood elevation, MEP systems and certain habitable spaces would be located above grade rather than in the cellar, increasing the amount of floor area that must be accommodated above grade. As a result, the school program would be stacked vertically, resulting in an 11-story school building, including nine classroom floors and mechanical mezzanines, a programmed basement, and a rooftop play area within the bulkhead zone. This configuration would accommodate the required school program on the Development Site while preserving the overall site plan and the PAA.

<u>Rear Yard Requirements</u>

Pursuant to ZR § 23-342, in a C6-12 zoning district, buildings or portions of buildings at or below a height of 75 feet are required to have a residential rear yard with a depth of 20 feet at every rear lot line, and a 30 foot rear yard for portions above 75 feet.

As shown on the Proposed Plans, on sheet Z-005, a portion of Building A below a height of 75 feet does not provide a residential rear yard with a depth of 20 feet at the rear lot line abutting Golconda Playground. In addition, a portion of Building A above a height of 75 feet does not provide a 30 foot rear yard. Instead, Building A would have a 15 foot rear yard below a height of 85 feet and a 20 foot rear yard above a height of 85 feet.

Maximum Base Height

Pursuant to ZR § 23-433, in a C6-12 zoning district, the maximum base height is 155 feet for zoning lots containing qualifying affordable housing or qualifying senior housing. Pursuant to ZR § 33-432, in a C6-12 zoning district, for community facility uses, the maximum street wall height is 85 feet or six stories, whichever is less, a setback with a depth of at least 15 feet is required from any street wall fronting on a wide street.

As shown on the Proposed Plans, on sheet Z-005, portions of Buildings A, C, and D would exceed the maximum base height of 155 feet and Building B would exceed the maximum street wall height of 85 feet. The north façade of Building A would rise without setback to 718 feet (738 feet with bulkhead). The east and south façades of Building C would rise without setback to 820 feet (840 feet with bulkhead). The south façade of Building D would rise without setback to 235 feet (265 feet with bulkhead). Building B would rise to a building height of 186 feet, with a bulkhead zone extending up to 210 feet. The bulkhead zone accommodates the rooftop play area, with approximately 24 feet of clear height, and mechanical equipment.

Standard Setback Regulations

Pursuant to ZR § 23-433, in a C6-12 zoning district, above the maximum base height of 155 feet for zoning lots containing qualifying affordable housing or qualifying senior housing, a setback with a depth of at least 10 feet is required from any street wall fronting on a wide street, and a setback with a depth of at least 15 feet is required from any street wall fronting on a narrow street. Pursuant to ZR § 33-432, in a C6-12 zoning district, above 85 feet or six stories, whichever is less, a setback with a depth of at least 15 feet is required from any street wall fronting on a wide street.

As shown on the Proposed Plans, on sheet Z-005, portions of Buildings A and D would not provide the required setbacks of 10 feet, Building C would not provide the required setback of 10 feet and Building B would not provide the required community facility setback of 15 feet above 85 feet. The western wall of Building A would only set back 7 feet from Golconda Playground (including façade projections),[1] which is treated as a wide street, and the northern wall along Nassau Street would not set back, although the southern wall of Building A would provide a 20 foot setback from Golconda Playground, which complies with the 10 feet required. Building C would not set back from either Navy Street or Concord Street. Building D is not set back from Concord Street, but would provide a 15 foot setback from Golconda Playground, which complies with the 10 feet required. Building B would not provide the required setback along Navy Street, and its Nassau Street street wall, which is oriented at a slight angle to the street line, would not provide the full required setback above 85 feet. As shown on sheet Z-012, Building B would also penetrate the 5.6 to 1 sky exposure plane along Nassau Street and Navy Street; the requested setback modification would address both conditions. For Building B, the modification is necessary because the school's approximately 69-foot double-loaded classroom floor plate and the gymnasium and auditorium dimensions cannot be accommodated by stepping the building back without losing required program area, compromising circulation, or reducing the above-grade area needed for MEP systems and habitable space that cannot be located in the cellar.

Street Wall Location

Pursuant to ZR § 35-631(c), for street walls on buildings on a zoning lot that has a lot area of at least 40,000 square feet or occupies an entire block, at least 70 percent of the aggregate width of street walls are required to be located within 15 feet of the street line and extend to at least the minimum base height or the height of the building, whichever is less.

As shown on the Proposed Plans, less than 70 percent of the aggregate width of certain street walls of Buildings A, C, and D are located within 15 feet of the street line.

For Building A, the aggregate width of street walls located within 15 feet of the street line at Nassau Street would be 68 percent (155.4'/227.7'), 0 percent (0.0'/217.0') at Golconda Playground

[1] Pursuant to ZR § 23-443 [Special provisions for zoning lots adjoining public parks], "[i]n all districts, where a building adjoining a public park utilizes the provisions of Section 23-381, such public park shall be considered a wide street for the purpose of applying the regulations set forth in Sections 23-42 and 23-43 to any building or other structure on a zoning lot adjoining such public park." The Applicants are engaged in ongoing coordination with NYC Department of Parks and Recreation to obtain a determination pursuant to Section 23-381.

(Central) and 15.4 percent (15.0'/97.5') at Golconda Playground (North). For Building C, the aggregate width of street walls located within 15 feet of the street line at Navy Street would be 53.7 percent (59.5'/110.7') and 67.3 percent (114.0'/169.3') at Concord Street. For Building D, the aggregate width of street walls located within 15 feet of the street line at Golconda Playground (South) would be 0 percent (0.0'/88.0'). The proposed modification to reduce the aggregate width of street walls supports the goal of increasing connectivity through the site at the midblocks of Nassau and Navy Streets to Golconda Playground.

Distance Between Buildings/Building Segments

Pursuant to ZR § 23-371(c)(2) and 23-371(c)(1), the minimum distance between a building containing multi-family residences and any other separate building on the same zoning lot that is not connected at any level is 40 feet for portions of buildings lower than 125 feet. Portions higher than 125 feet must be at least 80 feet apart. However, the minimum distance for portions higher than 125 feet may be reduced to 40 feet if such portions of buildings, in aggregate, do not exceed a lot coverage of 40 percent for lots greater than 20,000 square feet. Abutting buildings on a single zoning lot may be considered a single building. However, if two or more portions of a building are not connected or not abutting at a particular level, these separated portions are required to comply with the distance provision above.

As shown on the Proposed Plans, on sheet Z-005, Buildings A and B would not provide the required minimum distance of 80 feet above a height of 125 feet, and Buildings B and C would not provide the required minimum distance of 40 feet for portions below 125 feet or 80 feet for portions above 125 feet. The distance between Buildings A and B would be 40 feet below and above a height of 125 feet, while the distance between Buildings B and C would be a minimum of 24 feet below and above a height of 125 feet. The requested modifications would therefore permit the 80-foot requirement above 125 feet to be reduced to 40 feet for Buildings A and B and the 40-foot requirement below 125 feet and 80-foot requirement above 125 feet to be reduced to a minimum of 24 feet for Buildings B and C. The reduced separations are necessary to preserve the school's double-loaded classroom floor plate, gymnasium and auditorium stacking, and required circulation and service areas on the Development Site, while maintaining open separations that support the PAA, the midblock connections, and the interior of the site.

Tower Regulations

Pursuant to ZR § 23-435, above the maximum base height specified in an R12 district (C6-12 has an R12 residential district equivalent), a tower with a maximum lot coverage of 65 percent shall be permitted up to a height of 300 feet and 50 percent shall be permitted above a height of 300 feet.

As shown on the Proposed Plans, on sheet Z-002, the total lot coverage is 78.9 percent between the maximum base height of 155 feet and 300 feet, which is greater than the required maximum of 65 percent. The proposed modification would allow an efficient residential floor plate and unit layout for Buildings A, C, and D and would allow the Building B school to stack its programmatic space. Because the classroom, gymnasium, and auditorium dimensions cannot be efficiently arranged side-by-side within the building envelope, reducing tower coverage would create inefficiencies or prevent the required program from being accommodated. The requested coverage therefore reflects the school's functional stacking and programmatic needs and supports a 186-foot roof, with the rooftop play area and mechanical equipment located within the bulkhead zone extending up to 210 feet.

(4) #accessory# off-street parking and loading berth requirements.

Pursuant to ZR § 36-62 [Required Accessory Off-street Loading Berths], one loading berth is required to be provided for between 25,001 and 40,000 square feet of commercial floor area for Use Group VI retail uses.

As shown on the Proposed Plans, the Proposed Development would have a total of approximately 27,526 square feet of retail floor area within Buildings A, B, and C, resulting in a requirement of one loading berth. However, to facilitate the site plan for the Proposed Development, the required loading berth would not be provided. Instead, on-street loading would be provided in coordination with the NYC Department of Transportation. Buildings A, C, and D have adequate curb length to

support on-street loading and each building would have a separate service entrance located away from primary program entrances to facilitate uninhibited pedestrian access. Additionally, bump outs along Nassau Street would be provided at Building B to establish an area for school bus loading.

The following findings must be met for the City Planning Commission to issue the requested special permit pursuant to ZR § 74-752.

(b) Findings

To grant a special permit pursuant to this Section, the Commission shall find that:

(1) such modifications will facilitate the construction of one or more #schools# on the #zoning lot#;

The proposed modifications would facilitate the construction of a new 96,000 square foot (121,000 gsf) school at the Development Site.

(2) such ground floor #use# modifications will improve the layout and design of the #school# or #schools#, shall not have an adverse effect on the #uses# located within any portion of the #zoning lot# and will not impair the essential character of the surrounding area;

No modifications to the applicable ground floor use regulations are sought for the Proposed Development.

(3) such modifications to the affordable housing requirements in a #Mandatory Inclusionary Housing area# will facilitate significant public infrastructure or public facilities, including one or more #schools#, addressing needs that are not created by the proposed #development#, #enlargement# or #conversion#;

This modification would reduce the overall MIH Option 1 requirement from 25 to 20 percent across the Development Site, enabling the ECF standalone school construction financing. In the event that the Applicants and NYCHA participate in the TOA program, the requirement would be further reduced to 15 percent. The modification to the MIH program would be appropriate because it would facilitate the development of a new public school, without the use of City capital funding, in an area with an identified need. The proposed state-of-the-art school facilities for pre-Kindergarten through 8th grade would create a better learning environment by providing modern educational facilities and additional public school capacity at the primary and intermediate school level in Community School District 13.

The proposed modifications to the affordable housing requirements in a MIH Area would facilitate a significant public facility, a new 96,000 square foot (121,000 gsf) school at the Development Site. The new school addresses a community need for an updated school. This need was not created by the Proposed Development - the existing public school building at 50 Navy Street that houses P.S. 287 (grades pre-Kindergarten through 5) and Community Roots Charter School (grades 6 through 8) is outmoded and in need of replacement. The aging building was built in 1953 and its electrical, ventilation, and acoustical systems are insufficient to serve the needs of the current and future school populations. Overall, the building lacks the appropriate facilities to provide a modern learning environment.

(4) such #bulk# modifications will result in a better site plan for the #school# or #schools# and will have minimal adverse effects on the surrounding area;

The proposed bulk modifications, which include rear yard, maximum base height, minimum setback, street wall location, distance between buildings, and tower regulations, would result in a better site plan for the proposed school and would have minimal adverse effects on the surrounding area. As described above, the school's classroom and corridor dimensions, gymnasium and auditorium dimensions, and flood-resiliency requirements require the school program to be stacked vertically within an approximately 69-foot classroom floor plate, resulting in a building height of 186 feet with a bulkhead zone extending up to 210 feet containing the rooftop play area and mechanical equipment. The proposed modifications allow the school to be constructed as a stand-alone building rotated from Nassau Street and Navy Street, with a 40-foot separation from

Building A and a minimum 24-foot separation from Building C. The rotation would create a widened sidewalk at the Nassau Street entrance for drop-off and pick-up, an at-grade play and staging area at the rear, and improved entries to the PAA and the interior of the site. Residential density is concentrated elsewhere on the site in higher buildings with smaller footprints so that more open space can be provided within the Development Site, improving connectivity from the school and new buildings to Golconda Playground. Each waiver thus facilitates a building form that responds to the school's program while maximizing at-grade open space and active, inviting ground-floor uses. The proposed site plan results in increased circulation and provides for passive use of the PAA, while also providing an opportunity for local retail space accessible from this PAA located within the Development Site in addition to bounding streets.

Additionally, adverse effects on the surrounding area would be minimal. As analyzed in the Environmental Impact Statement, there are no unmitigated significant adverse impacts. Instead, the Proposed Development would benefit the surrounding area with a new school, housing, local retail, community facility space, public space, and enhanced connectivity to Golconda Playground.

(5) such parking and loading modifications will improve the layout and design of the school and will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area.

The proposed loading modification, which would allow a reduction from one required loading berth to none, would improve the layout and design of the school by removing the need for curb cuts along any of the streets bounding the Development Site. Pedestrian safety and mobility would be improved by eliminating potential conflicts between pedestrians and vehicles accessing the loading at the Development Site via a curb cut. Additionally, the proposed loading modification would not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement. While the commercial floor area in the aggregate exceeds the threshold for the loading berth requirement, the proposed Use Group VI retail use would be situated across the site plan in three of the four buildings, including in the proposed school building, rather than concentrated in a single building. Moreover, the proposed commercial floor area only minimally exceeds the threshold for the loading berth requirement by 2,526 square feet. As a result, effects on traffic or vehicular movement resulting from the modification would likely be negligible. Pedestrian movement would be improved by the elimination of potential vehicular conflicts. Finally, the proposed loading modification would not impair or adversely affect the development of the surrounding area based on the modest amount of retail floor area that would be in excess of the loading berth requirement threshold.