

TECHNICAL MEMORANDUM¹

Broadway Triangle CEQR No. 09HPD019K

December 11, 2009

A. INTRODUCTION

This Technical Memorandum assesses the potential effects of a modification recommended by the New York City Council (the “City Council”) to the Broadway Triangle proposal as approved by the City Planning Commission (CPC). The request has been made subsequent to completion of the Final Environmental Impact Statement (FEIS).

The New York City Department of Housing Preservation & Development (HPD), acting as lead agency, certified the FEIS for the Broadway Triangle proposal as complete on October 7, 2009. On October 19, 2009, the CPC voted to adopt the Proposed Action. Pursuant to the City’s Uniform Land Use Review Procedure (ULURP), the City Council has proposed a modification to the CPC-approved Broadway Triangle proposal. The modification is described in Section B below.

This Technical Memorandum examines whether the modification would result in any new significant adverse environmental impacts not already identified in the FEIS. The analysis contained below concludes that the modification would not result in any new significant adverse environmental impacts not already identified in the FEIS.

B. DESCRIPTION OF MODIFICATION

The City Council has recommended a modification to the CPC-approved proposal to change the land use designation on Urban Renewal Site 4A/B (“Site 4A/B”) to read as follows:

- Land Use for Site 4A/B is Residential with a preference for Open Space.

The land use designation of Site 4A/B currently allows residential and open space uses; however, the FEIS considered only residential development on Site 4A/B. The Technical Memorandum considers the environmental effects of the Proposed Action, as modified by the City Council modification (the “modification”) with the development of open space on Site 4A/B.

¹ This Technical Memorandum was prepared by Philip Habib & Associates and Louis Berger Group, Inc., for the New York City Department of Housing Preservation & Development.

Reasonable Worst Case Development Scenario (RWCDS)

The modification could result in a 10,000-square-foot expansion to the adjacent New York City Department of Parks and Recreation (DPR) Bartlett Playground, an overall reduction of 42 dwelling units (DU) and a 31-space increase in the number of accessory parking spaces. Of the 42 dwelling units, 40 would be affordable units and 2 would be market-rate units. As a result of the modification, the composition of projected development sites on Block 2272 would change as follows:

- Projected development sites 3, 4 and p/o 5 in the FEIS would comprise projected development site A, which consists of Lots 3, 6, and 9.
- Part of projected development site 6 and all of site 7 would comprise projected development site B, which consists of Lots 49, p/o 46, 51, 52, 53, 54, 55, 108, and 147.
- Portions of projected development sites 5 and 6 have would be combined to create projected development site C, which would consist of Lots 11, 45, and p/o 46 and represents the 10,000-square-foot expansion of the Bartlett Playground.

**Table 1,
Development Site Reconfiguration Resulting from
Modification**

Block 2272 /Lot Numbers	FEIS Development Site	Modification Development Site
3, 6 and 9	3, 4 and p/o 5	A
p/o 46, 147, 49, 51, 52, 53, 108, 54 and 55	7 and p/o 6	B
11, 45 and p/o 46	p/o 5 and p/o 6	C

The FEIS examined a RWCDS consisting of the following program: 1,869 DUs, of which 1,025 would be market rate units and 844 would be affordable housing units (a project increment of 1,851 DUs, of which 1,007 would be market rate units and 844 would be affordable housing units); 103,286 square feet of retail space; 35,456 square feet of community facility space, and 628 accessory parking spaces.

As shown in Table 2, with the modification, the overall development program in the FEIS would only result in changes to residential development and accessory parking, as follows: 1,827 DUs, of which 1,023 would be market rate units and 804 would be affordable housing units (for environmental analysis purposes, a project increment of 1,809 DUs, of which 1,005 would be market rate units and 804 would be affordable housing units); and 659 accessory parking spaces. The amount of commercial and community facility space would remain unchanged at 103,286 square feet and 35,456 square feet, respectively.

Broadway Triangle Proposed Modification - Block 2272



* - Formerly Projected Development Sites 3, 4, and p/o 5
** - Formerly Projected Development Site 7 and p/o 6
*** - Formerly p/o Projected Development Sites 5 and 6

This would represent a reduction of 42 DUs compared to the program analyzed in the FEIS, of which 2 would be market rate units and 40 would be affordable housing units, and a net increase of 31 accessory parking spaces. Although the number of dwelling units would be reduced with the modification, a net increase of 31 parking spaces would result from the redistribution of market rate and affordable housing units on the remaining projected development sites. Approximately 44% of the units would be affordable with the modification as compared to 45% in the FEIS. There would be no change to the retail and community facility space projected in the FEIS. The other uses would remain the same for RWCDs purposes.

**Table 2,
Comparison of FEIS Development Program to Changes with the Modification**

Affected Numbers	FEIS	Council Modification	Change between FEIS and Council Modification
Incremental Units	1,851	1,809	-42
Total Units	1,869	1,827	-42
Total Affordable Units	844	804	-40
Accessory Parking	628	659	31

In other respects, the application with the modification would be substantially the same as the Proposed Action analyzed in the FEIS. With the modification, the residential floor area would be reduced by approximately 42,000 square feet to increase the open space in the project area by 10,000 square feet. Based on the average number of residents per unit cited in the FEIS, the modification would result in 5,390 residents as compared to 5,516 in the FEIS, which would result in 126 fewer persons.

C. ASSESSMENT OF POTENTIAL ENVIRONMENTAL EFFECTS OF PROPOSED MODIFICATIONS

As described above, the modification would decrease the total amount of residential development associated with the Proposed Action analyzed in the FEIS. The modification would reduce the number of residents and the associated travel demand generated by the Proposed Action as compared to the FEIS, while increasing the amount of open space in the study area.

Some impact areas may have the potential to be affected by the proposed modification to the Proposed Action. Impact areas in which significant adverse impacts were identified with the Proposed Action analyzed in the FEIS may be affected by the reduction in residential development, and subsequent increase in open space that would occur with the modification.

This Technical Memorandum addresses the following impact areas that could be affected by the modification: Land Use, Zoning and Public Policy; Socioeconomic Conditions (proposed reduction in residential units potentially could affect secondary residential displacement significant adverse impacts disclosed in the FEIS); Open Space; Shadows (potential reduction

in building square footage and increase in open space in an area where a shadows impact was identified with the Proposed Action); Urban Design/Visual Resources; Neighborhood Character; and Traffic and Parking (the modification could result in additional accessory parking spaces).

For the remaining technical areas analyzed in the FEIS, the modification would not result in any significant adverse impacts not already identified in the FEIS. All of the sites affected by the modification have already been analyzed for site-specific impacts, which relate to individual site conditions and are not dependent on the density or nature of projected development. With respect to hazardous materials, air quality and noise, the same measures discussed in the FEIS would be required for the reconfigured developments sites (Sites A, B and C). With the modification, the measures would be included as part of the Proposed Action and would be required through either (E) designations or the Land Disposition Agreement between HPD and the project sponsors. Moreover, as the modification could result in a reduction in the number of residential units, it would not create any additional demand for community facilities and services, infrastructure, or sanitation services. Accordingly, the following impact areas do not require further assessment in this Technical Memorandum and are not considered: Community Facilities; Historic Resources; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation Services; Energy; Transit and Pedestrians; Air Quality; Noise; Construction Impacts; and Public Health.

Land Use, Zoning and Public Policy

The overall effect of the modification on land use, zoning, and public policy would be generally comparable to that of the Proposed Action analyzed in the FEIS. Neither the Proposed Action nor the modification would result in significant adverse impacts to land use, zoning, and public policy. The modification would continue to support the goals of the Proposed Action, but would result in somewhat less residential development (and affordable housing). With the modification, the Proposed Action would continue provide opportunities for new residential development in the area and would encourage residential redevelopment of underutilized and vacant land.

Although the modification would result in less housing, the study area is need of additional open space. The modification would add an additional 10,000 square feet of active open space. It would expand the existing Bartlett Playground, which serves the surrounding neighborhoods. If developed, the new open space would complement and strengthen the surrounding residential neighborhood. Therefore, the modification would not result in new or different impacts than those already disclosed in the FEIS.

Socioeconomic Conditions

With the modification, significant adverse impacts related to indirect residential displacement would continue to occur. Since development with the modification would take place on generally the same projected development sites identified in the FEIS (not including those projected development sites removed under the modification), the potential for direct

residential and business displacement would be the same for the Proposed Action as with the modification. Like the FEIS, any direct residential or business displacement which would occur would not constitute a significant adverse impact because it would not directly displace 5 percent or more of the study area residential population, nor would it meet the CEQR criteria for determining significant adverse direct business displacement impacts. In addition, the modification would not introduce any new types of commercial development, it would not have the potential to lead to significant adverse indirect business displacement impacts.

In terms of the potential for significant adverse indirect residential displacement, the reduction in housing with the modification would not be substantial enough to eliminate the potential for significant adverse impacts on 3,543 residents in 1,189 unprotected housing units in the study area who are vulnerable to increased rents. The Proposed Action resulting from the proposed modification would generate an increment of 1,809 units (1,005 market rate and 804 affordable units), which is substantially more than the 1,068 units (698 market rate and 370 affordable units) that would be generated under no-action conditions. As with the Proposed Action analyzed in the FEIS, with the modification, project-generated residential development could result in market pressures that would lead to indirect residential displacement.

The overall effects of the modification with respect to direct and indirect displacement effects on residents and businesses, and effects on specific industries would be comparable to the Proposed Action. As compared to the Proposed Action analyzed in the FEIS, under the modification, 42 fewer housing units, including 40 fewer affordable housing units, would be provided. Within the socioeconomic study area there are an estimated 3,543 residents living in 1,189 units that are currently vulnerable to indirect displacement due to increased rents. The Proposed Action could initiate a trend toward increased rents in the study area. Although there are ongoing trends of increased rent pressures in the study area and adjacent Williamsburg and Bushwick neighborhoods, the Proposed Action's contributions to rent pressures in the study area, as identified in the FEIS, could be significant. The same mitigation measure identified in the FEIS would also be required for the Proposed Action with the modification. Mitigation includes the provision of new housing, particularly 804 new affordable housing units that would be rent protected, in addition to the 370 affordable units in the No-Action condition, for a total of 1,174 affordable units that would provide partial mitigation for the impact. However, it should be noted that the modification would result in a reduction in the number of affordable dwelling units provided as partial mitigation identified in the FEIS. The impact associated with indirect residential displacement could be slightly exacerbated because mitigation for the impact, in particular, the number of affordable housing units provided under the Proposed Action would be less than what was provided in the FEIS.

In sum, the modification would result in no significant adverse impacts associated with direct residential or business displacement or indirect business displacement; however, the significant adverse indirect residential displacement impact already identified in the FEIS would remain substantially the same with the modification.

Open Space

Like the Proposed Action analyzed in the FEIS, the modification would continue to result in a significant adverse indirect open space impact, as the residential population in the study area would continue to be underserved by open space; however, as discussed below, with modification, the shortage of open space would be less severe.

The overall impact of the modification on open space resources would generally be similar to conditions assessed in the FEIS, although the impact associated with indirect open space effects would be of a somewhat lower magnitude. The modification would generate fewer new residents, commensurate with the reduction in net dwelling units, while resulting in the creation of new active open space in the study area.

The Proposed Action analyzed in the FEIS would decrease the open space ratios by approximately 5.6 percent compared to the No-Action condition and would result in a significant adverse open space impact. The Proposed Action with the modification would generate approximately 4 percent fewer residents than the Proposed Action analyzed in the FEIS and the open space study area would experience an increase of 10,000 square feet of active open space, or 0.23 acres added to the 34.74 acres of open space identified in the Project Area in the FEIS, for a total of 34.97 acres of open space in the Project Area as a result of the modification.

Under the Proposed Action with the modification, total open space ratios would decrease from 0.377 under No-Action to 0.359, a reduction of 4.9% (compared to a 5.6% reduction in the FEIS). As shown in Table 3, the active open space ratio would decrease from 0.304 to 0.290, a reduction of 4.8% (compared to 5.6% in the FEIS), while the passive open space ratio would decrease from 0.073 under the No-Action to 0.069, a reduction of 5.5% (compared to a 5.6% reduction in the FEIS). The threshold for impacts is generally a 5 percent decrease in between the Build and No-Build open space ratios, although if the study area exhibits a low open space ratio, even a small decrease in that ratio as a result of the action may have an adverse effect.

Although the modification would increase the amount of active open space in the study area and increase the open space ratios compared to ratios in the FEIS, the Proposed Action with the modification would result in reductions of slightly less than 5% and open space ratios in the study area would continue to be lower than the NYCDCP recommended open space guidelines. While the study areas would continue to be underserved, the shortage would be ameliorated by the 10,000-square-foot expansion of the Bartlett Playground, which, if constructed, is anticipated to be developed as active open space. In addition, the provision of a new open space in the West Bushwick Urban Renewal Area, which was identified as a partial mitigation in the FEIS, would address the shortage in passive open space. Therefore, the same significant adverse impacts would occur but open space conditions with the modification would be somewhat improved as compared to the FEIS. The same mitigation measures for the significant adverse impact open space identified in the FEIS would be provided with the modification.

**Table 3,
Comparison of FEIS to Proposed Council Modification: Open Space Study Area Ratio of Acreage
per 1,000 Population**

Condition	Open Space		
	Total	Active	Passive
FEIS Population: 97,636			
Open Space Inventory: 34.74 total acres; 28.05 active; 6.69 passive			
FEIS Open Space Ratios	0.356	0.287	0.069
% Ratio Change from No-Action to With-Action in FEIS	-5.6%	-5.6%	-5.6%
Proposed Modification Population: 97,511			
Open Space Inventory: 34.97 total acres; 28.28 active; 6.69 passive			
Proposed Modification Open Space Ratios	0.359	0.290	0.069
% Ratio Change from No-Action to Proposed Action Build	-4.9%	-4.8%	-5.5%

Shadows

With the modification, incremental shadows could result in significant adverse shadow impacts on local open spaces. Bartlett Playground, located along the south side of Bartlett Street, would receive significant incremental shadow coverage resulting from the future condition with the Proposed Action in the FEIS, specifically from future development at projected development sites 5 and 6. Sunlight sensitive resources located within the playground include deciduous trees, playground facilities, spray showers, benches and basketball courts.

Similar to the recommended mitigation measure identified in the FEIS, the proposed modification would eliminate a number of projected development sites adjacent to Bartlett Playground (including portions of projected development sites 5 and 6). The incremental shadows cast would be very similar, although the percentage of identified shadow cover over the open space would be marginally decreased as a result of the expansion of Bartlett Playground by 10,000 square feet. The overall effects of shadows cast on the sunlight sensitive resources identified for the Proposed Action analyzed in the FEIS would be very similar with the modification, particularly since the identified resource is located in close proximity to the project site. While the reduction in sunlight exposure as a result of the Proposed Action would not significantly affect active recreation areas within the playground such as basketball courts, the lack of sunlight on the Bartlett Playground is a significant adverse impact during the May 6th analysis period because the resource would receive less than the minimum required for its vegetative cover and trees during part of the growing season. This also would be the case with the modification. The shadow effects with the modification would be generally the same as the shadows disclosed in the FEIS.

The FEIS disclosed that Bartlett Playground, located along the south side of Bartlett Street, would receive significant incremental shadow coverage resulting from the future condition with the Proposed Action, specifically from future development at FEIS projected development sites 5 and 6, portions of which would be eliminated as projected development sites in the Proposed Action with the proposed modification and would represent the 10,000-square-foot expansion of open space. However, with the same shadow effects as the Proposed Action analyzed in the FEIS, the modification would also result in the same significant adverse shadow impact.

As discussed in the FEIS, mitigation measures for this significant adverse shadow impact were considered and explored in consultation with DPR, and aside from the elimination of portions of projected development sites 5 and 6, which would be provided under the modification, additional mitigation measures were determined to be infeasible or not practicable and the significant adverse impact would remain unmitigated. Overall, the shadow effects resulting from the modification are considered to be generally similar to those disclosed in the FEIS and like the FEIS, the significant adverse shadow impacts would remain unmitigated.

Urban Design/Visual Resources

Changes to the visual character of the Project Area and its relationship to the study area that would occur with the Proposed Action generally would also occur with the modification. The development resulting from the modification would be generally similar to that from the Proposed Action, with building heights remaining the same in the area north of Walton Street, and slightly lower in the area from south of Walton Street to Whipple Street.

Under both the Proposed Action and the modification, new residential and commercial development would be encouraged and underutilized and vacant land would experience redevelopment. No changes to zoning, building heights, bulk, or configuration identified in the FEIS would result as part of the proposed modification. Natural resources, view corridors and visual resources are limited in both the primary and secondary study areas. The modification could result in open space on Site 4A/B as opposed to the residential development considered in the FEIS. Although the modification would result in less housing, the study area is need of additional open space. The modification would add an additional 10,000 square feet of active open space. It would expand the existing Bartlett Playground which serves the surrounding neighborhoods. If developed, the new open space would complement and strengthen the surrounding residential neighborhood. Therefore, the modification would not result in new or different impacts than those already identified in the FEIS.

Neighborhood Character

Effects on neighborhood character would be similar with the proposed modification to those of the Proposed Action. The increase in activity that would be introduced to the area, and the changes in urban design and visual resources and socioeconomic conditions associated with the Proposed Action as identified in the FEIS, although proportionally less with the modification, would still constitute a noticeable change in the area's character.

The modification could result in open space on Site 4A/B as opposed to the residential development considered in the FEIS. Although the modification would result in less housing, the study area is need of additional open space. The modification would add an additional 10,000 square feet of active open space. It would expand the existing Bartlett Playground which serves the surrounding neighborhoods. If developed, the new open space would complement and strengthen the surrounding residential neighborhood. Therefore, the modification would not result in new or different impacts than those already identified in the FEIS. Like the Proposed Action considered in the FEIS, the modification would not result in significant adverse impacts on neighborhood character.

Traffic and Parking

The modification would result in the development of 42 fewer dwelling units than was considered in the FEIS and as such, would generate a lower level of travel demand than was analyzed in the FEIS. As shown in Table 4 below, with the modification the Proposed Action would generate 7 fewer vehicle trips in the AM peak hour, 4 fewer in the midday, 8 fewer in the PM peak hour and 2 fewer in the Saturday midday peak hour when compared to the program analyzed in the FEIS. With respect to traffic, the modification would not result in any new or different impacts and the same mitigation measures would be required.

TRAFFIC

With the modification, the Proposed Action would generate up to 8 fewer vehicle trips in each peak hour than was analyzed in the FEIS. This relatively small reduction in vehicle trips is not expected to eliminate any of the significant adverse traffic impacts identified in the FEIS; however, the magnitude of the impacts would likely be reduced. Traffic mitigation measures recommended to address significant adverse impacts under the Proposed Action in the FEIS would also fully address all significant adverse impacts with the modification.

**Table 4,
Peak Hour With-Action Increment Travel Demand Comparison
Proposed Action With and Without the Modification**

	Without Modification (1)	With Modification (1)	Net Difference
Person Trips			
AM	1,829	1,801	(28)
Midday	3,736	3,720	(16)
PM	3,077	3,040	(37)
Saturday Midday	2,415	2,392	(23)
Vehicle Trips (2)			
AM	211	204	(7)
Midday	220	216	(4)
PM	252	244	(8)
Saturday Midday	159	157	(2)

- (1) Total incremental change in person and vehicle trips compared to the No-Action condition.
- (2) Auto, taxi and truck, combined.

PARKING

The modification would decrease the number of dwelling units within the Project Area, thereby decreasing parking demand. At the same time, the number of accessory parking spaces provided would increase from the 628 new spaces assumed in the FEIS to 659 with the modification. As with the FEIS analysis, on-site accessory parking with the modification would be sufficient to accommodate all project-generated demand in the weekday midday period, but demand would exceed the supply of accessory parking in the weekday overnight period. As the demand not accommodated by accessory parking in the weekday overnight period could be readily accommodated by parking capacity available in an off-street public parking facility or on-street, the modification would not result in new significant adverse parking impacts.