TECHNICAL MEMORANDUM
Brooklyn Yards EAS

CEQR No. 23DCP039K

ULURP Nos. 230194LDK, N230192ZAK, N230193ZAK, N230186ZAK, N230187ZAK, 230182ZMK, N230183ZRK, 230188ZSK, 230189ZSK, 230190ZSK, 230191ZSK, 230196ZSK, 230184ZSK, 230185ZSK

November 15, 2024

A. INTRODUCTION

The proposed Brooklyn Yards project (the "project") is the subject of a Uniform Land Use Review Procedure (ULURP) application that was approved by the City Planning Commission (CPC) on October 16, 2024, and currently under consideration by the New York City Council (the "Council"). This Technical Memorandum provides background on the ULURP review for the project, identifies the modification to the CPC approval proposed by the Council (the "proposed modification") as part of its review, and analyzes whether the proposed modification would alter the conclusions of the project's Environmental Assessment Statement (EAS). The analysis concludes that the proposed modification would not result in any significant adverse impacts and the Negative Declaration and impact determinations established in the project's EAS would remain unchanged.

B. BACKGROUND

The project was analyzed in an EAS that was certified as complete by the lead agency, the CPC, on June 10, 2024. The CPC voted on October 16, 2024 to approve the project's ULURP application, which included a zoning map amendment, a zoning text amendment, seven special permits, and four zoning authorizations.[1] Further, the Applicant agreed to enter into a binding Restrictive Declaration. As noted above, the CPC approval of the project's ULURP application is currently under consideration by the Council. The Council has proposed a modification to the CPC approval, which is described below.

C. DESCRIPTION OF THE PROPOSED MODIFICATION

The modification proposed by the Council would modify the CPC approved special permit pursuant to ZR Sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(6) to establish a Large-Scale General Development (LSGD) and modify bulk, yard, window, walls and lot line regulations (230196ZSK). The proposed modification to the special permit would reduce the maximum building height, and therefore the maximum bulkhead height, of the tallest building analyzed in the project's EAS. Within the Development Site, the proposed modification to the special permit would reduce the maximum building height, including bulkhead, of the western portion of Building 1 (aka "Building 1C") from approximately 176 feet (10-stories) to approximately 165 feet (nine stories).

[1] After certification of the ULURP application on June 10, 2024, the Applicant withdrew its application for a special permit pursuant to ZR Section 74-744(b) to permit residential and non-residential uses to be arranged within a building without regard for locational requirements (230195ZSK); therefore, this discretionary action was not included in the ULURP application approved by the CPC on October 16, 2024.

D. ANALYSIS FRAMEWORK UNDER THE PROPOSED MODIFICATION

The proposed modification would affect the maximum building height, including bulkhead, of the project's tallest building (i.e., Building 1C), but not the building's permitted floor area or use groups. As shown in **Table 1**, within the Development Site, the proposed modification would reduce the maximum building height, and therefore the maximum bulkhead height, of Building 1C from approximately 176 feet (10-stories) to approximately 165 feet (nine stories). Therefore, for analysis purposes, the proposed modification would reduce the maximum building height, including bulkhead, of Building 1C by approximately 11 feet (one-story).

Table 1
Analysis Framework Comparison: EAS Project versus Proposed Council Modification

Buildings	Maximum Building Heights (including bulkhead) – EAS Project	Maximum Building Heights (including bulkhead) – Proposed Council Modification	Height Differences
1C (Commercial)	176'	165'	-11'
1R (Residential)	75'	75'	0'
2	55'	55'	0'
3	55'	55'	0'
4	55'	55'	0'
5	55'	55'	0'
6	55'	55'	0'
7	55'	55'	0'
8	55'	55'	0'
9	55'	55'	0'
10	55'	55'	0'
11	75'	75'	0'
12	55'	55'	0'
13	75'	75'	0'
14	30'	30'	0'

As shown in **Table 1**, the proposed modification would not affect the maximum building heights, including bulkheads, analyzed in the EAS for the eastern portion of Building 1 (i.e., Building 1R containing the residential use), as well as the maximum building heights, including bulkheads, of Buildings 2 through 14. In terms of project design, the proposed modification would affect only the maximum building height, including bulkhead, of Building 1C (containing the commercial uses); all other design components, including floor area and gross square footage figures, access/egress points, and public access area (PAA) space square footage figures, would be the same as the project under the proposed modification. Further, the proposed modification would not affect the project's development program as analyzed in the EAS. With the proposed modification, the total amount of dwelling units in the project, as well as the total amount of commercial floor area in the project would remain the same as analyzed in the EAS with the proposed modification.

E. POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED MODIFICATION

As described below, the proposed modification would not alter the conclusions for the environmental areas examined in the project's EAS. The proposed modification would not result in any significant adverse impacts and the Negative Declaration and impact determinations established in the project's EAS would remain unchanged. In the technical areas where the EAS found no significant adverse impacts would occur, the project under the proposed modification would also have no significant adverse impacts in those technical areas. Therefore, the analysis below focuses only on the technical areas affected by the reduction in the maximum building height including bulkhead of Building 1C, specifically urban design and visual resources and air quality.

Urban Design and Visual Resources

Compared to the project analyzed in the EAS, the proposed modification would reduce the maximum building height, including bulkhead, of the tallest building analyzed in the EAS. Within the Development Site, the proposed modification to the special permit would reduce the maximum building height including bulkhead of Building 1C from approximately 176 feet (10-stories) to approximately 165 feet (nine stories). Except for the reduction in the maximum building height, including bulkhead, of Building 1C by 11 feet (one-story), the project with the proposed modification would be the same as the project without the proposed modification in terms of project design, including overall bulk and floor area and PAA space layout. The reduction in the maximum building height including bulkhead under the proposed modification would not result in a different pedestrian experience along New Utrecht Avenue compared to the project analyzed in EAS. The potential effects of the proposed modification on urban design and visual resources would be the same as with the project. Therefore, the proposed modification would not change the EAS conclusions and would not result in any significant adverse urban design and visual resource impacts.

Air Quality

Compared to the project analyzed in the EAS, the proposed modification would reduce the maximum building height, including bulkhead, of the tallest building analyzed in the EAS. Within the Development Site, the proposed modification to the special permit would reduce the maximum building height including bulkhead of Building 1C from approximately 176 feet (10-stories) to approximately 165 feet (nine stories) – a reduction of approximately 11 feet (one-story). Except for the reduction in the maximum building height including bulkhead of Building 1C, the project with the proposed modification would be the same as the project without the proposed modification in terms of bulk and floor area.

The stack height, location, and fuel use restrictions specified in the EAS for Buildings 1R, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of the project, as well as the non-Applicant potential development site building on Block 5727, Lot 19, would remain unchanged. However, the minimum stack height for Building 1C has been modified to reflect the proposed reduction in the maximum building height including bulkhead for Building 1C.

The language of the (E) designation (E-749) under the proposed modification is as follows:

> ***Building 1C***
> **Block 5727, Lot 14: Any new development or enlargement on the above-referenced property on Lot 14 that has western frontage on New Utrecht Avenue must use natural**

gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC stack on Building 1C is located at the highest tier at least 165 feet above grade. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Building 1R

Block 5727, Lot 14: Any new development or enlargement on the above-referenced property on Lot 14 must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC stack on Building 1R is located at the highest tier at least 78 feet above grade and at least 160 feet from the lot line facing New Utrecht Avenue. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Building 2

Block 5727, Lot 14: Any new development or enlargement on the above-referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and hot water equipment and ensure that the HVAC stack on Building 2 is located at the highest tier at least 58 feet above grade and at least 325 feet from the lot line facing New Utrecht Avenue and 32 feet from the lot line facing 61st Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Building 10

Block 5516, Lot 1 and Lot 33: Any new development or enlargement on the above-referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) and hot water equipment and ensure that the HVAC stack on Building 10 is located at the highest tier at least 58 feet above grade and at least 122 feet from the lot line facing 15th Avenue and 36 feet from the lot line facing 61st Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Building 11

Block 5516, Lot 1 and Lot 33: Any new development or enlargement on the above-referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC stack on Building 11 is located at the highest tier at least 78 feet above grade. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Building 12

Block 5516, Lot 1 and Lot 33: Any new development or enlargement on the above-referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC stack on Building 12 is located at the highest tier at least 58 feet above the grade and at least 23 feet from the lot line facing 60th Street and at most 300 feet from the lot line facing 16th Avenue. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Building 15 (not controlled or owned by Applicant)

Block 5727, Lot 19: Any new development or enlargement on the above-referenced property must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment and ensure that the HVAC stack on Building 15 is located at the highest tier at least 28 feet above grade and at most 10 feet from New Utrecht Avenue and at most 11 feet from the lot line facing 61st Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Buildings 3, 4, 5, 6, 7, 8, 9, 13, and 14
Block 5516, Lot 1 and Lot 33, Block 5727, Lot 14, and Block 5509, Lot 41 and Lot 57: Any new development or enlargement on the above-referenced properties must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC) system and hot water equipment. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

Because all future development on the aforementioned tax lots would be required to comply with the modified (E) designation (E-749) above, no significant adverse air quality impacts associated with Building 1C's HVAC systems would result.

F. CONCLUSION

The proposed modification would not result in any significant adverse impacts and the Negative Declaration and impact determinations established for the project's EAS would remain unchanged. Therefore, the proposed modification would not alter the findings of the project's EAS.