CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

November 18, 2024

New York City Council
City Hall
New York, NY 10007

Re: Brooklyn Yards
ULURP No. C 230188 ZSK, C 230189 ZSK, C 230191 ZSK, and C 230196 ZSK
Related actions: C 230182 ZMK, N 230183 ZRK, C 230184 ZSK, C 230185 ZSK, and C 230190 ZSK
Borough of Brooklyn

Honorable Members of the Council:

The City Planning Commission (the "Commission") has received the attached correspondence, dated November 13, 2024, from the City Council regarding the proposed modifications to the above-referenced applications submitted by Brooklyn Yards Development LLC, pursuant to Section 201 of the New York City Charter, for the purpose of limiting the height of Building 1 of the proposed development.

In accordance with Section 197-d(d) of the New York City Charter, the Commission, on November 18, 2024, has determined that the City Council's proposed modifications do not require additional review of environmental issues or pursuant to Section 197-c of the Charter.

Very truly yours,

Daniel R Garodnick

Daniel Garodnick, Chair
City Planning Commission
120 Broadway, 31st Fl. - New York, N.Y. 10271
(212) 720-3200
www.nyc.gov/planning

THE COUNCIL
THE CITY OF NEW YORK
LAND USE DIVISION
250 BROADWAY - ROOM 1602
NEW YORK NEW YORK 10007

PERRIS STRAUGHTER
DIRECTOR

November 13, 2024

Honorable Daniel Garodnick, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Applications Nos. C 230188 ZSK (L.U. No. 168), C 230189 ZSK (L.U. No. 169), C 230191 ZSK (L.U. No. 171), and C 230196 ZSK 172 (L.U. No. 172)

Related Applications Nos. C 230182 ZMK (L.U. No. 164); N 230183 ZRK (L.U. No. 165); C 230184 ZSK (L.U. No. 166); C 230185 ZSK (L.U. No. 167); and C 230190 ZSK (L.U. No. 170)

Brooklyn Yards

Dear Chair Garodnick:

On November 13, 2024, the Land Use Committee of the City Council, by a vote of 11-0-0, for Applications **C 230188 ZSK, C 230189 ZSK, C 230191 ZSK, and C 230196 ZSK** recommended modifications of the City Planning Commission's decisions in the above-referenced matters.

With respect to **C 230196(A) ZSK**, the proposed modification seeks to limit the height of Building 1 on Zoning Lot 1 from ten stories to nine stories, with a setback above the eighth story, as depicted on updated waiver drawings and site plans approved in connection with this Large-Scale General Development special permit. With respect to **C 230188 ZSK, C 230189 ZSK, and C 230191 ZSK**, the proposed modifications are limited to revisions to the approved drawings list(s), to reflect the proposed development's consistency with the general bulk modification, as reflected by the Council modification to the governing Large-Scale General Development special permit (C 230196 ZSK). The modifications proposed herein are more fully set forth below.

Pursuant to Section 197-d(d) of the City Charter I hereby file the proposed modifications with the Commission:

C 230188 ZSK (L.U. No. 168)

Matter ~~double-struck-out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 230188 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Studio V Design and Planning LLC, filed with this application and incorporated in this Resolution:

Dwg No.	Title	Last Date Revised
Z-010.00	Zoning Analysis	~~07/09/2024~~ [__/__/____]
Z-012.00	LSGD Site Plan	~~07/09/2024~~ [__/__/____]
Z-110.00	Zoning Site Plan Lot 1	~~07/09/2024~~ [__/__/____]
Z-210.00	Zoning Site Plan Lot 2	~~07/09/2024~~ [__/__/____]
Z-310.00	Zoning Site Plan Lot 3	~~07/09/2024~~ [__/__/____]

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report for the related action C 230196 ZSK, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

6. All leases, subleases, or other agreements for use or occupancy of space at the subject

property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

C 230189 ZSK (L.U. No. 169)

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 230189 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Studio V Architecture filed with this application and incorporated in this Resolution:

Dwg No.	**Title**	**Last Date Revised**
Z-010.00	Zoning Analysis	~~07/09/2024~~ [__/__/____]
Z-011.00	Zoning Diagrams	~~07/09/2024~~ [__/__/____]
Z-110.00	Zoning Site Plan Lot 1	~~07/09/2024~~ [__/__/____]
Z-111.00	Platform Diagram Lot 1	~~07/09/2024~~ [__/__/____]
Z-114.00	Waiver Plan Lot 1	~~07/09/2024~~ [__/__/____]
Z-115.00	Waiver Sections Lot 1	~~07/09/2024~~ [__/__/____]
Z-116.00	Waiver Sections Lot 1	~~07/09/2024~~ [__/__/____]

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are

subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report for the related action C 230188 ZSK, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

C 230191 ZSK (L.U. No. 171)

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter <u>double-underlined</u> is new, added by the City Council

1. The property that is the subject of this application (C 230191 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Studio V Design and Planning LLC, filed with this application and incorporated in this Resolution:

Dwg No.	Title	Last Date Revised
Z-010.00	Zoning Analysis	~~07/09/2024~~ [__/__/____]
Z-110.00	Zoning Site Plan Lot 1	~~07/09/2024~~ [__/__/____]

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report for the related action C 230196 ZSK, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is

grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

C 230196 ZSK (L.U. No. 172)

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 230196 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Studio V Design and Planning LLC, filed with this application and incorporated in this Resolution:

Dwg No.	Title	Last Date Revised
Z-010.00	Zoning Analysis	~~07/09/2024~~ [__/__/__]
Z-011.00	Zoning Diagrams	~~07/09/2024~~ [__/__/__]
Z-012.00	LSGD Site Plan	~~07/09/2024~~ [__/__/__]
Z-110.00	Zoning Site Plan Lot 1	~~07/09/2024~~ [__/__/__]
Z-111.00	Platform Diagram Lot 1	~~07/09/2024~~ [__/__/__]
Z-114.00	Waiver Plan Lot 1	~~07/09/2024~~ [__/__/__]
Z-115.00	Waiver Sections Lot 1	~~07/09/2024~~ [__/__/__]
Z-116.00	Waiver Sections Lot 1	~~07/09/2024~~ [__/__/__]
Z-210.00	Zoning Site Plan Lot 2	~~07/09/2024~~ [__/__/__]
Z-211.00	Platform Diagram Lot 2	~~07/09/2024~~ [__/__/__]
Z-214.00	Waiver Plan Lot 2	~~07/09/2024~~ [__/__/__]
Z-215.00	Waiver Sections Lot 2	~~07/09/2024~~ [__/__/__]
Z-216.00	Waiver Sections Lot 2	~~07/09/2024~~ [__/__/__]
Z-310.00	Zoning Site Plan Lot 3	~~07/09/2024~~ [__/__/__]
Z-311.00	Platform Diagram Lot 3	~~07/09/2024~~ [__/__/__]
Z-314.00	Waiver Plan Lot 3	~~07/09/2024~~ [__/__/__]
Z-315.00	Waiver Sections Lot 3	~~07/09/2024~~ [__/__/__]
L-100.00	Landscape Zoning Lot Site Plan	~~12/22/2023~~ [__/__/__]

L-110.00	Layout Plans PAA – 1 & 2	~~12/22/2023~~ [__/__/__]
L-111.00	Layout Plan – PAA 3	~~12/22/2023~~ [__/__/__]
L-120.00	Furniture & Amenities Plans – PAA 1 & 2	~~12/22/2023~~ [__/__/__]
L-121.00	Furniture & Amenities Plans – PAA 3	~~12/22/2023~~ [__/__/__]
L-130.00	Planting Plans PAA 1 & 2	~~12/22/2023~~ [__/__/__]
L-200.00	Sections and Elevations	~~12/22/2023~~ [__/__/__]
L-201.00	Sections and Elevations	~~12/22/2023~~ [__/__/__]
L-300.00	PAA Paving and Furnishing Details	~~12/22/2023~~ [__/__/__]
L-301.00	PAA Signage Details	~~12/22/2023~~ [__/__/__]
LC-100	Arch 1 Lighting Plan	~~12/22/2023~~ [__/__/__]
LC-101	Arch 2 Lighting Plan	~~12/22/2023~~ [__/__/__]
LC-102	Arch 3 Lighting Plan	~~12/22/2023~~ [__/__/__]

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.

3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.

4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A to this report, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.

7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements,

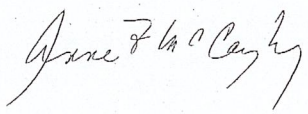
terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.

8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents' failure to act in accordance with the provisions of this special permit.

* * *

Please feel free to contact me at AMcCaughey@council.nyc.gov if you or your staff have any questions in this regard.

Sincerely,



.....
Anne F. McCaughey
General Counsel

AFM:kg

CC: Susan Amron, DCP General Counsel
Danielle DeCerbo, DCP
James Harris, DCP
Perris Straughter, Director, Planning and Land Use Division
Brian Paul, Deputy Director
Chelsea Kelley, Deputy Director
Arthur Huh, Deputy General Counsel
Dana Leventhal, Planner
File

CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

November 18, 2024

New York City Council
City Hall
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Re: Brooklyn Yards
ULURP No. C 230188 ZSK, C 230189 ZSK, C 230191 ZSK, and C 230196 ZSK
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Honorable Members of the Council:

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