## A. INTRODUCTION

As noted in the 2021 *City Environmental Quality Review* (CEQR) *Technical Manual*, increased concentrations of greenhouse gases (GHGs) are changing the global climate, resulting in wide-ranging effects on the environment, including rising sea levels, increases in temperature, and changes in precipitation levels. Although this is occurring on a global scale, the environmental effects of climate change are also likely to be felt at the local level. Through PlaNYC, New York City's long-term sustainability program, and continued and enhanced in OneNYC, the City advances sustainability initiatives and goals to both greatly reduce GHG emissions and increase the City's resilience to climate change. The goal to reduce citywide GHG emissions to 30 percent below 2005 levels by 2030 was codified by Local Law 22 of 2008, known as the New York City Climate Protection Act (the "GHG reduction goal"). In September 2014, New York City committed itself to an 80 percent reduction in GHGs by the year 2050 ("80 by 50"), with an interim target to reduce GHG emissions 40 percent by 2030 ("40 x 30") and took immediate steps to achieve that goal. On November 13, 2014, the City Council passed a bill to reduce citywide GHG emissions by 80 percent by 2050, and it was adopted on December 14, 2014 (Local Law 66 of 2014). In 2016, as part of the City's implementation of strategies aimed at achieving the OneNYC GHG reduction goals, the City adopted a more stringent building energy code which substantially increased the energy efficiency required. That same year, the City also published a pathway to achieving the GHG reduction goals in the building sector. On May 18, 2019, the City Council passed Local Law 97 of 2019, which sets emission caps for many different types of buildings, with the goal of achieving a 40 percent overall reduction of emissions by 2030. On March 29, 2020, the City Council adopted an even more stringent energy code that would apply to the Proposed Project.

The contribution of a proposed project's GHG emissions to global GHG emissions is likely to be considered insignificant when measured against the scale and magnitude of global climate change. However, certain projects' contribution of GHG emissions still should be analyzed to determine their consistency with the City's GHG reduction goal, which is currently the most appropriate standard by which to analyze a project under CEQR. The GHG consistency assessment focuses on those projects that have the greatest potential to produce GHG emissions and evaluates their potential to result in significant inconsistencies with the GHG reduction goal. The *CEQR Technical Manual* recommends that a GHG consistency assessment be conducted for any project resulting in 350,000 square feet (sf) or more of development, and other energy-intense projects.

The Proposed Action would facilitate the construction of a new commercial development with a total of approximately 684,242 gross square feet (gsf).[1] Therefore, a GHG consistency assessment is warranted. GHG emissions that would be generated as a result of the Proposed Project are presented in this chapter, along with an assessment of the Proposed Project's consistency with the citywide GHG reduction goal.

[1] Pursuant to CEQR, the GHG assessment is based on the total GHG emissions associated with a project, rather than the relative increment of a project's GHG emissions as compared to a No-Action scenario.

In addition, as the Project Site falls within the 100- and 500-year floodplains, a qualitative discussion of the potential effects of climate change on the Proposed Project is provided below.

## B. PRINCIPAL CONCLUSIONS

The Proposed Action would not result in significant adverse impacts related to greenhouse gases as it would be consistent with the City's GHG emissions reduction goals and laws, as defined in the *CEQR Technical Manual*. Furthermore, the Proposed Action would be consistent with policies regarding adaptation to climate change as identified in OneNYC.

### Greenhouse Gas Emissions

It is estimated that the reasonable worst case development scenario (RWCDS) for the Proposed Action would result in approximately 5,844 total metric tons of carbon dioxide equivalent ($CO_2e$) annual emissions from building operations and approximately 4,366 metric tons of $CO_2e$ emissions from mobile sources annually, for an annual total of approximately 10,209 metric tons of $CO_2e$ emissions. This represents approximately 0.02 percent of the City's overall 2017 GHG emissions of approximately 50,692,927 metric tons.[2] It should also be noted that the estimated GHG emissions for the Proposed Action conservatively do not account for any energy efficiency measures that may be implemented by the Applicant at the Project Site. Furthermore, the Proposed Project would comply with the stringent 2020 New York City Energy Conservation Construction Code, which includes the additional measures from the New York State Energy Research and Development Authority (NYSERDA) NYStretch Energy Code-2020. The Applicant is currently evaluating specific energy efficiency measures and design elements that may be implemented as part of the Proposed Project.

The Proposed Action would also advance New York City's GHG reduction goals by virtue of the Proposed Project's nature and location. The Proposed Action would facilitate the development of a higher-density, commercial building in an area with existing urban infrastructure, including roadways, transit, sewer infrastructure, and water mains, thereby minimizing the need for extensive infrastructure development. By redeveloping a site located in an area supported by many transit options, including bus and subway service, NYC East River Ferry, bicycle lanes, and CitiBike stations, the Proposed Action would support transit-oriented development in New York City. Therefore, the Proposed Action would be consistent with the City's applicable emissions reduction goals of transit-oriented development and construction of new resource- and energy-efficient buildings.

### Resilience to Climate Change

As the Project Site is located within a 100-year floodplain, the Applicant's Proposed Project has been designed to incorporate flood mitigation measures with wet and dry floodproofing strategies. Entrances to the buildings, parking garage, and loading areas would utilize either wet or dry

[2] *Inventory of New York City Greenhouse Gas Emissions in 2017*. NYC Mayor's Office of Sustainability. Accessed via: https://climate.cityofnewyork.us/wp-content/uploads/2022/10/NYC_GHG_Inventory_2017.pdf

floodproofing measures in compliance with "Appendix G" of the New York City Building Code, American Society of Civil Engineers (ASCE) standard Flood Resistant Design and Construction (ASCE 24), and Federal Emergency Management Agency (FEMA) guidelines. The ground floor, (non-residential) spaces would utilize dry floodproofing measures in compliance with ASCE 24. In areas utilizing the wet floodproofing method, critical mechanical equipment, electrical rooms, gas meter, water meter and pump rooms would be located above the DFE (design flood elevation) in compliance with ASCE 24-14 Table 7-1. In the areas utilizing dry floodproofing measures, utility lines or systems will be protected by the dry floodproofing.

The Proposed Project would be designed and constructed in accordance with all applicable City and State flooding and erosion regulations, including New York City Administrative Code, Title 28, Section 104.9 ("Coastal Zones and Water-Sensitive Inland Zones"). As such, there would be no significant adverse impacts associated with the Project Site's location in the 100-year floodplain. All new vulnerable, critical, or potentially hazardous features would be protected through flood damage reduction measures or future adaptive actions and, therefore, the Proposed Action would be consistent with New York City policies regarding adaptation to climate change.

## C. GREENHOUSE GAS EMISSIONS

### Pollutants of Concern

Greenhouse gases (GHGs) are those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and emit radiation at specific wavelengths within the spectrum of infrared radiation emitted by the Earth's surface, the atmosphere, and clouds. This property causes the general warming of the Earth's atmosphere, or the "greenhouse effect." Some GHGs, such as carbon dioxide, occur naturally and are emitted into the atmosphere through natural processes and human activities. The principal GHGs emitted as a result of human activities are described below.

There are also a number of entirely anthropogenic GHGs in the atmosphere, such as halocarbons and other chlorine- and bromine-containing substances, which also damage the stratospheric ozone layer (and contribute to the "ozone hole"). Since these compounds are being replaced and phased out due to the 1987 Montreal Protocol, there is no need to address them in GHG assessments for most projects. Although ozone itself is also a major GHG, it does not need to be assessed as such at the project level since it is a rapidly reacting chemical and efforts are ongoing to reduce ozone concentrations as a criteria pollutant (see **Chapter 13, "Air Quality"**). Similarly, water vapor is of great importance to global climate change, but is not directly of concern as an emitted pollutant since the negligible quantities emitted from anthropogenic sources are inconsequential.

#### *Carbon Dioxide ($CO_2$)*

Carbon dioxide ($CO_2$) is the primary pollutant of concern from anthropogenic sources. Although not the GHG with the strongest effect per molecule, $CO_2$ is by far the most abundant and, therefore, the most influential GHG. $CO_2$ enters the atmosphere from any combustion process (both natural and anthropogenic); some industrial processes, such as the manufacture of cement, mineral production, metal production, and the use of petroleum-based products; volcanic eruptions; and

the decay of organic matter. $CO_2$ is also removed from the atmosphere (or "sequestered") from the lower atmosphere by natural processes such as photosynthesis and uptake by the oceans.

### *Methane ($CH_4$)*

Methane ($CH_4$) is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices, as well as by the decay of organic waste in municipal solid waste landfills. Methane and nitrous oxide (noted below), play an important role in GHG emissions, since the removal processes for these compounds are limited and they have a relatively high impact on global climate change as compared to an equal quantity of $CO_2$. Methane emissions are included in GHG emissions analyses when the potential for substantial emission of this gas exists.

### *Nitrous Oxide ($N_2O$)*

Nitrous oxide ($N_2O$) is emitted during agricultural and industrial activities, as well as during the combustion of fossil fuels and solid waste. Emissions of this compound are included in GHG emissions analyses when the potential for substantial emission of this gas exists.

### *Fluorinated Gases*

Hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride ($SF_6$) are powerful synthetic GHGs that are emitted from a variety of industrial processes. Fluorinated gases are sometimes used as substitutes for ozone-depleting substances (e.g., chlorofluorocarbons [CFCs], hydrochlorofluorocarbons [HCFCs], and halons). These gases are typically emitted in smaller quantities. However, because they are potent GHGs, they are sometimes referred to as High Global Warming Potential gases (High GWP gases).

The *CEQR Technical Manual* lists six GHGs that could potentially be included in the scope of a GHG analysis for an Environmental Impact Statement (EIS): $CO_2$, $N_2O$, $CH_4$, HFCs, PFCs, and $SF_6$. This analysis focused on $CO_2$, $N_2O$, and $CH_4$ as there are no significant direct or indirect sources of HFCs, PFCs, or $SF_6$ associated with the Proposed Action.

GHGs differ in their ability to trap heat. To compare emissions of GHGs, compilers use a weighting factor called a Global Warming Potential (GWP), where the heat-trapping ability of one metric ton (1,000 kilograms (kg)) of $CO_2$ is taken as the standard, and emissions are expressed in terms of $CO_2$ equivalents ($CO_2e$), but can also be expressed in terms of carbon equivalents. The GWPs for the main GHGs are presented in **Table 14-1**.

## Policy, Regulations, Standards, and Benchmarks for Reducing GHG Emissions

Because of the growing consensus that GHG emissions resulting from human activity have the potential to profoundly impact the earth's climate, countries around the world have undertaken efforts to reduce emissions by implementing both global and local measures addressing energy consumption and production, land use, and other sectors. Although the U.S. has not ratified the international agreements that set emissions targets for GHGs, in December 2015, the U.S. signed

the international Paris Agreement that pledges deep cuts in emissions, with a stated goal of reducing annual emissions to a level that would be between 26 and 28 percent lower than 2005 emissions by 2025. On January 20, 2021, the President of the United States signed an executive order to bring the United States back into the Paris Agreement following the country's withdrawal from the agreement on November 4, 2020.

**TABLE 14-1: Global Warming Potential for Primary Greenhouse Gases**

| Greenhouse Gas | Common sources | Global Warming Potential |
|---|---|---|
| $CO_2$ - Carbon Dioxide | Fossil fuel combustion, forest clearing, cement production | 1 |
| $CH_4$ - Methane | Landfills, production and distribution of natural gas and petroleum, anaerobic digestion, rice cultivation, fossil fuel combustion | 21 |
| $N_2O$ - Nitrous Oxide | Fossil fuel combustion, fertilizers, nylon production, manure | 310 |
| HFCs – Hydrofluorocarbons | Refrigeration gases, aluminum smelting, semiconductor manufacturing | 140-11,700* |
| PFCs – Perfluorocarbons | Aluminum production, semiconductor manufacturing | 6,500-9,200* |
| $SF_6$ - Sulfur Hexafluoride | Electrical transmissions and distribution systems, circuit breakers, magnesium production | 23,900 |

**Notes:**
Since the Second Assessment Report (SAR) was published in 1995, the International Panel on Climate Change (IPCC) has published updated GWP values in its Third Assessment Report (TAR) and Fourth Assessment Report (AR4) that reflect new information on atmospheric lifetimes of GHGs and an improved calculation of the radiative forcing of $CO_2$. However, GWP values from the SAR are still used by international convention to maintain consistency in GHG reporting, including by the United States when reporting under the United Nations Framework Convention on Climate Change.
* The GWPs of HFCs and PFCs vary depending on the specific compound emitted. A full list of these GWPs is available in Table ES-1 of the U.S. Environmental Protection Agency's *Inventory of Greenhouse Gas Emissions and Sinks: 1990-2008*, available at: https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks-1990-2008.
***Source:*** *2021 CEQR Technical Manual*

Regardless of the Paris Agreement, the U.S. Environmental Protection Agency (EPA) is required to regulate GHGs under the Clean Air Act and has begun preparing and implementing regulations. In coordination with the National Highway Traffic Safety Administration (NHTSA), EPA currently regulates GHG emissions from newly manufactured on-road vehicles. In addition, EPA regulates transportation fuels via the Renewable Fuel Standard program, which will phase in a requirement for the inclusion of renewable fuels increasing annually up to 36.0 billion gallons in 2022. In 2015, EPA issued the Clean Power Plan, a federal policy that established emission guidelines for states to follow in limiting carbon dioxide (CO2) emissions from existing power plants.[3] The Plan was repealed and replaced on June 19, 2019 by the final Affordable Clean Energy (ACE) rule, which establishes emission guidelines for states to develop plans to address greenhouse gas emissions from existing coal-fired power plants. In 2022 the US Supreme Court invalidated the Clean Power Plan (which was not in effect at the time). Although the future of

[3] US EPA website: "Electric Utility Generating Units: Repealing the Clean Power Plan." Last updated on August 15, 2022. https://www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan

power plant regulation is uncertain at this time, subsequent to the Court's ruling, Congress passed the Inflation Reduction Act of 2022 which grants new authority to Congress to regulate greenhouse gases.

There are also regional and local efforts to reduce GHG emissions. In 2009, Governor Paterson issued Executive Order No. 24, establishing a goal of reducing GHG emissions in New York State by 80 percent, compared with 1990 levels, by 2050, and creating a Climate Action Council tasked with preparing a climate action plan outlining the policies required to attain the GHG reduction goal; an interim draft plan has been published. The State is now seeking to achieve some of the emission reduction goals via local and regional planning and projects through its Cleaner Greener Communities and Climate Smart Communities programs. The State has also adopted California's GHG vehicle standards (which are at least as strict as the federal standards).

The New York State Energy Plan outlines the State's energy goals and provides strategies and recommendations for meeting those goals. The latest version of the plan was published in June 2015. The new plan outlines a vision for transforming the state's energy sector that would result in increased energy efficiency (both demand and supply), increased carbon-free power production, and cleaner transportation, in addition to achieving other goals not related to GHG emissions. In July 2019, New York State enacted the Climate Leadership and Community Protection Act (CLCPA), which requires the State to achieve a carbon-free electricity system by 2040 and reduce greenhouse gas emissions 85 percent below 1990 levels by 2050.

New York State has also developed regulations to cap and reduce $CO_2$ emissions from power plants to meet its commitment to the Regional Greenhouse Gas Initiative (RGGI), a cooperative effort among several eastern states. The participating states have established a regional cap on $CO_2$ emissions, which sets a limit on the emissions from regulated power plants within the RGGI states. Over time, the regional cap declines, so that $CO_2$ emissions decrease in a planned and predictable way.[4]

*Executive Order of 2022*

In September 2022, Governor Hochul signed an Executive Order to accelerate efforts to make State operations more sustainable. Executive Order 22 builds upon progress made by the GreenNY Council to continue streamlining the administration of the State's lead-by-example sustainability and climate directives and sets new goals for the environmental performance of State agencies. Through the Executive Order, the GreenNY Council will ensure that State agencies follow best practices in green purchasing and in their operations by issuing new green purchasing specifications and operational directives. The Order will be administered by the GreenNY Council, a multi-agency working group co-chaired by the Department of Environmental Conservation (NYSDEC), the Division of the Budget, the Office of General Services, the New York State Energy Research and Development Authority, and the New York Power Authority. Required annual reporting from agencies and authorities will help ensure that the goals of the Order are achieved.

[4] "The Regional Greenhouse Gas Initiative: an initiative of Eastern States of the US." Updated September 2021. https://www.rggi.org/sites/default/files/Uploads/Fact%20Sheets/RGGI_101_Factsheet.pdf

*New York State All-Electric New Buildings Law*

In 2023, the New York State legislature adopted legislation known as the All-Electric New Buildings Law. It prohibits, with some exceptions, fossil fuel equipment and buildings systems, starting in 2026 for smaller buildings and for larger buildings beginning in 2029.

*New York City Initiatives*

Many local governments worldwide, including New York City, are participating in the Cities for Climate Protection™ campaign and have committed to adopting policies and implementing quantifiable measures to reduce local GHG emissions, improve air quality, and enhance urban livability and sustainability. New York City's long-term comprehensive plan for a sustainable and resilient New York City, which began as PlaNYC 2030 in 2007, and continues to evolve today as OneNYC, includes GHG emissions reduction goals, many specific initiatives that can result in emission reductions, and initiatives aimed at adapting to future climate change impacts. The goal to reduce citywide GHG emissions to 30 percent below 2005 levels by 2030 ("30 x 30") was codified by Local Law 22 of 2008, known as the New York City Climate Protection Act (the "GHG reduction goal"). The City has also announced a longer-term goal of reducing emissions to 80 percent below 2005 levels by 2050 ("80 x 50"), which was codified by Local Law 66 of 2014, and has published a study evaluating the potential for achieving that goal. More recently, as part of OneNYC, the City has announced a more aggressive goal for reducing emissions from building energy down to 30 percent below 2005 levels by 2025.

In December 2009, the New York City Council enacted four laws addressing energy efficiency in large new and existing buildings, in accordance with PlaNYC. The laws require owners of existing buildings larger than 50,000 sf to conduct energy efficiency audits and retro-commissioning every 10 years, to optimize building energy efficiency, and to "benchmark" the building energy and water consumption annually, using an EPA online tool. By 2025, commercial buildings over 50,000 sf will also require lighting upgrades, including the installation of sensors and controls, more efficient light fixtures, and the installation of submeters, so that tenants can be provided with information on their electricity consumption. The legislation also created a local New York City Energy Conservation Code, which along with the NYSECCC (as updated in 2016), requires equipment installed during a renovation to meet current efficiency standards.

To achieve the 80 x 50 goal, the City is convening Technical Working Groups (TWGs) to analyze the GHG reduction pathways from the building sector, power, transportation, and solid waste sectors to develop action plans for these sectors. The members of the TWGs will develop and recommend the data analysis, interim metrics and indicators, voluntary actions, and potential mandates to effectively achieve the City's emissions reduction goal. In 2016, the City published the building sector TWG report, which included commitments by the City to change to building energy code and take other measures aimed at substantially reducing GHG emissions.

In May 2019, the City enacted Local Law 97 of 2019, which sets emission caps for many different types of buildings, with the goal of achieving a 40 percent overall reduction of emissions by 2030, and an 80 percent reduction goal by 2050. Buildings that do not meet the caps could face steep fines. The law applies to all buildings — whether residential, commercial, or otherwise — that

exceed 25,000 square feet in size, with the first target deadline occurring in 2024. The legislation was part of a package of bills known as the Climate Mobilization Act. In addition to Local Law 97, which also establishes the Office of Building Energy and Emissions Performance, the legislative package establishes a new Property Assessed Clean Energy (PACE) program to enable retrofits through long-term financing and requires the installation of solar PV and green roofs on new buildings and major renovations.

In March 2020, the City enacted Local Law 48 of 2020, a local law to bring the New York City Energy Conservation Code up to date with the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNYS), which is based on the 2018 edition of the International Energy Conversation Code and The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standard 90.1-2016, and also aligns with the New York State Energy Research and Development Authority (NYSERDA) NYStretch Energy Code-2020. This new version of the Energy Conservation Code adopts the provisions of the 2020 ECCCNYS, aligns them with the Administrative provisions of the NYC Construction Codes, aligns with the provisions of the NYSERDA NYStretch Energy Code-2020, and adopts additional requirements. It is intended to ensure that the construction of new buildings, additions, and alterations will meet the 80 percent greenhouse gas reduction by 2050.

In December 2021, the New York City Council enacted Local Law 154, intended to limit the use of fossil fuels in future building construction. This law requires expansion of electric alternatives over those of natural gas and fuel oil. The law takes effect in phases; the first phase for smaller buildings took effect in January 2024.[5]

In 2023, the NYC Department of City Planning advanced City of Yes for Carbon Neutrality, a zoning text amendment application approved by the City Council in December 2023, which is intended to advance efforts to achieve New York City's 2050 greenhouse gas emissions reduction goals. Please refer to **Chapter 11, "Energy,"** for more information.[6]

For certain projects subject to CEQR (e.g., projects with 350,000 gsf or more of development or other energy intense projects), an analysis of the project's contributions to GHG emissions is required to determine consistency with the City's reduction goal, which is currently the most appropriate standard by which to analyze a project under CEQR and is therefore applied in this chapter. For CEQR purposes, it is assumed that any proposed development would be compliant with the latest energy reduction laws applicable at the time of development, which in the case of the Proposed Project, would be Local Law 48 of 2020.

A number of benchmarks for energy efficiency and green building design have also been developed (green building design considerations include factors such as material selection, which affects GHG emissions associated with materials extraction, production, delivery, and disposal). For example, the LEED system is a benchmark for the design, construction, and operation of high-performance green buildings that include energy efficiency components. Similarly, Envision is a

[5] https://www.nyc.gov/site/buildings/codes/building-electrification.page#:~:text=Local%20Law%20154%20of%202021,cooking%20ranges%20and%20clothes%20dryers. Accessed 14 January 2024

[6] https://www.nyc.gov/site/planning/plans/city-of-yes/city-of-yes-carbon-neutrality.page Accessed 4 October 2023

voluntary system for benchmarking the performance and resiliency of physical infrastructure projects. EPA's Energy Star is a voluntary labeling program designed to identify and promote the construction of energy-efficient buildings, facilities, and homes and the purchase of energy-efficient appliances, heating and cooling systems, office equipment, lighting, home electronics, and building envelopes. The Waterfront Alliance has also developed Waterfront Edge Design Guidelines (WEDG®), a voluntary rating system and set of guidelines intended to create resilient, ecological, and accessible waterfronts.

## Methodology

In accordance with the *CEQR Technical Manual*, the GHG consistency assessment is typically required for proposed actions that would result in the development of 350,000 sf or greater and other energy-intense projects. As previously stated, the RWCDS for the Proposed Action would exceed this threshold, with the Applicant's Proposed Project comprising approximately 684,242 gsf of commercial uses on the Project Site.

A project's GHG emissions can generally be assessed in two steps: the first would be to estimate the GHG emissions resulting from the Proposed Action and the second would be to examine the Proposed Action in terms of the qualitative goals for reducing GHG emissions, as defined in the *CEQR Technical Manual*. A project's emissions are estimated with respect to the following main emissions sources: on-site operational emissions (direct and indirect); mobile source emissions (direct and indirect); and, when applicable, construction emissions and emissions from solid waste management. After the emissions are estimated, the sources of GHG emissions are examined in terms of goals for reducing GHG emissions using qualitative considerations. As defined in the *CEQR Technical Manual*, the qualitative goals that should be assessed, as relevant to the Proposed Action are: (1) pursuing transit-oriented development; (2) generating clean, renewable power; (3) constructing new resource- and energy-efficient buildings and/or improving the efficiency of existing buildings; and (4) encouraging sustainable transportation.

Operational emissions and mobile source emissions were considered for this analysis. Pursuant to *CEQR Technical Manual* methodology, the assessment is based on the total GHG emissions associated with the RWCDS, rather than the relative increment of the RWCDS's GHG emissions as compared to the No-Action condition. As the construction phase is not likely to be a significant part of total emissions resulting from the Proposed Action, a quantitative construction emissions analysis is not required pursuant to *CEQR Technical Manual* guidelines, although emissions associated with construction have been described qualitatively based on other similar analyses for building construction. Similarly, because the Proposed Action is not expected to fundamentally change the City's solid waste management system, an estimate of emissions from solid waste management is not warranted.

### *Building Operational Emissions*

According to the *CEQR Technical Manual*, for projects such as the one associated with the Proposed Action, where details such as the specific fuel type to be used are unknown at this time, annual GHG emissions should be estimated based on a project's anticipated future floor area. Table 14-5 of the *CEQR Technical Manual* provides the carbon intensities of New York City building

types, which were used to calculate annual operations emissions of the Proposed Action's RWCDS projected developments.

### *Mobile Source Emissions*

The number of annual vehicle trips by mode (cars, taxis, and trucks) that would be generated by the RWCDS was calculated using the transportation planning assumptions developed for the analysis presented in **Chapter 12, "Transportation."** The assumptions used in the calculation include average daily weekday and Saturday person trips and delivery trips by use, the percentage of vehicle trips by mode, and the average vehicle occupancy. To calculate annual totals, the number of trips on Sundays was assumed to be the same as on Saturdays. Average one-way trip distances as shown in Tables 18-5 and 18-6 of the *CEQR Technical Manual* were used in the calculations of annual vehicle miles traveled by cars and taxis. The average truck trip was assumed to be 38 miles as per the *CEQR Technical Manual*. Table 18-7 of the *CEQR Technical Manual* was used to determine the percentage of vehicle miles traveled by road type.

The projected annual vehicle miles traveled for the RWCDS, forming the basis for the GHG emissions calculations from mobile sources, are summarized in **Table 14-2**. The mobile GHG emissions calculator referenced in the *CEQR Technical Manual* was used to obtain an estimate of car, taxi, and truck GHG emissions attributable to the Proposed Action.

**TABLE 14-2: Proposed Project's Annual Vehicle Miles Traveled (miles per year)**

| Use | Passenger Vehicles | Taxis | Trucks | Total |
|---|---|---|---|---|
| Office | 2,570,377 | 768,142 | 1,927,968 | 5,266,487 |
| Local Retail | 431,296 | 0 | 73,377 | 504,673 |
| Open Space | 1,460 | 2,876 | 0 | 4,336 |
| **Total Increase in VMT** | **3,003,133** | **771,018** | **2,001,345** | **5,775,496** |

### *Construction Emissions*

A description of construction activities associated with the Proposed Project is provided in **Chapter 18, "Construction."** Consistent with common CEQR practice, emissions associated with construction have not been estimated explicitly for the RWCDS, but analyses prepared for large development projects in New York City[7] have shown that construction emissions (both direct and emissions embedded in the production of materials, including on-site construction equipment, delivery trucks, and upstream emissions from the production of steel, rebar, aluminum, and cement used for construction) would be equivalent to the total operational emissions from the operation of the buildings over approximately five to ten years.

[7] Examples include GHG analyses prepared for the EISs for Riverside Center, the Domino Sugar Rezoning, and Western Rail Yard.

### *Emissions from Solid Waste Management*

The Proposed Action would not change the City's solid waste management system. Therefore, pursuant to *CEQR Technical Manual* guidance, GHG emissions from solid waste generation, transportation, treatment, and disposal are not quantified.

## Projected GHG Emissions from the RWCDS

### *Operational Emissions*

**Table 14-3** displays the estimated GHG emissions associated with the operation emissions of the Project Site resulting from the Proposed Action under the RWCDS. As shown in the table, operational GHG emissions are estimated to be approximately 5,844 metric tons of carbon dioxide equivalents. This represents approximately 0.012 percent of the City's overall 2017 GHG emissions of approximately 50,692,927 metric tons. It should be noted that the estimated GHG emissions for the Proposed Action conservatively do not account for any energy efficiency measures that may be implemented by individual developments on projected development sites.

**TABLE 14-3: Annual Operational Emissions for the Proposed Project**

| Building Type | CTM Carbon Intensity Rates (kg Carbon Dioxide Equivalent/sq. ft) | RWCDS Project Site Floor Area (gsf)* | GHG Emissions (kg) | GHG Emissions (metric tons) |
|---|---|---|---|---|
| Commercial | 9.43 | 619,675 | 5,843,535 | 5,844 |
| Industrial | 23.18 | 0 | 0 | 0 |
| Institutional | 11.42 | 0 | 0 | 0 |
| Large Residential (>4 families) | 6.59 | 0 | 0 | 0 |
| Small Residential (<4 families) | 4.2 | 0 | 0 | 0 |
| | **Total** | **619,675** | **5,843,535** | **5,844** |

**Notes:**
Commercial = Office and Retail
1 metric ton = 1,000 kg
The 64,567 gsf of parking area in the 684,242 gsf building is excluded from the building area for GHG emissions ~~calcuations~~calculations.

### *Mobile Source Emissions*

As noted above, the number of annual motorized vehicle trips by mode (cars, taxis, and trucks) that would be generated by the RWCDS was calculated. As presented in **Table 14-2** above, it is estimated that the vehicle trips generated by the RWCDS would travel a total of 5,775,496 miles annually; annual passenger vehicle miles would total 3,003,133, annual taxi vehicle miles would total 771,018, and annual truck trip miles would total 2,001,345.

The *CEQR Technical Manual's* mobile GHG emissions calculator was used to obtain an estimate of car, taxi, and truck GHG emissions attributable to the RWCDS. As shown in **Table 14-4**, annual mobile source emissions related to the RWCDS would result in approximately 4,366 metric tons of carbon dioxide equivalents.

**TABLE 14-4: Annual Mobile Source Emissions for the Proposed Project**

| Carbon Dioxide Equivalent ($CO_2e$) Emissions (metric tons/year) | | | | |
|---|---|---|---|---|
| **Road Type** | **Passenger Vehicles** | **Taxis** | **Trucks** | **Total** |
| Local | 276 | 64 | 790 | 1,130 |
| Arterial | 493 | 113 | 1,350 | 1,955 |
| Interstate/Expressway | 331 | 75 | 875 | 1,281 |
| **Total** | **1,099** | **252** | **3,015** | **4,366** |

Note: Some totals appear to not sum correctly due to rounding.

### *Summary of Emissions*

The total projected GHG emissions from the RWCDS are shown in **Table 14-5** below. The estimated total of 10,209 metric tons of GHG emissions is approximately 0.02 percent of New York City's 2017 annual total of 50,692,927 metric tons. As noted above, the estimated operational GHG emissions for the Proposed Project conservatively do not include any additional energy efficiency measures that may be implemented in the future. As described in the "Methodology" section above, construction emissions were not modeled explicitly, but are estimated to be equivalent to approximately five to ten years of operational emissions, including both direct energy and emissions embedded in materials (extraction, production, and transport). The Proposed Action is not expected to change the City's solid waste management system, and therefore emissions associated with solid waste are not presented.

**TABLE 14-5: Summary of Total Annual GHG Emissions from RWCDS**

| **Emissions Source** | **$CO_2e$ Emissions (metric tons)** |
|---|---|
| Operations | 5,844 |
| Mobile Sources | 4,366 |
| **Total** | **10,209** |

Note: Some totals appear to not sum correctly due to rounding.

## Consistency with the GHG Reduction Goal

According to the *CEQR Technical Manual*, the assessment of consistency with the City GHG reduction goal should answer the following question: "Is the project consistent with the goal of reducing GHG emissions, specifically the attainment of the City's established GHG reduction goal of reducing citywide GHG emissions by 30 percent below 2005 levels by 2030?" To determine consistency with the City's overall GHG reduction goal, the following assesses consistency with the four major goals as cited in the *CEQR Technical Manual*, as relevant to the project:

- Pursue transit-oriented development;
- Generate clean renewable power through replacement of inefficient power plants with state-of-the-art technology and expanding the use of clean distributed generation (not applicable in the case of the Proposed Action);
- Construct new resource- and energy-efficient buildings (including the use of sustainable construction materials and practices) and improve the efficiency of existing buildings; and
- Encourage sustainable transportation through improving public transit, improving the efficiency of private vehicles, and decreasing the carbon intensity of fuels.

***Elements of the RWCDS That Would Reduce GHG Emissions***

In general, dense, mixed-use developments with access to transit and existing roadways are consistent with sustainable land use planning and smart growth strategies that reduce the carbon footprint of new developments. These features, which address the PlaNYC/OneNYC goals as outlined in the *CEQR Technical Manual*, are discussed in this section. Following the approach defined in the *CEQR Technical Manual*, the Proposed Action would result in development that is consistent with the City's emissions reduction goal as implemented to date. The Proposed Project is consistent with the City's GHG reduction goals, as defined in the *CEQR Technical Manual*, based on the commitments to energy-efficient project features discussed below and by virtue of the Project Site's location and nature.

*Build Efficient Buildings*

The Proposed Action would facilitate the development of a commercial building on previously developed urban land, a brownfield site previously occupied by a power plant, thereby minimizing vegetation/forest loss. Furthermore, the Proposed Action would facilitate the development of a building on a site with existing urban infrastructure, including roadways, transit, sewer infrastructure, and water mains, thereby minimizing the need for extensive infrastructure development.

The Applicant would be required at a minimum to achieve the energy efficiency requirements of New York City's 2020 Energy Conservation Construction Code. In 2016, as part of the City's implementation of strategies aimed at achieving the OneNYC GHG reduction goals, the City adopted the 2016 New York City Energy Conservation Construction Code, which substantially increased the stringency of the building energy efficiency requirements and adopted the ASHRAE 90.1-2013 standard as a benchmark. In 2020, efficiency standards for new buildings were increased in a new version of the code, which aligns with ASHRAE 90.1-2016 and includes additional measures from the NYSERDA NYStretch Code-2020. The new code is designed to ensure meeting the City's 80% by 2050 GHG reduction goal. The Applicant is currently evaluating the specific energy efficiency measures and design elements that may be implemented as part of the Proposed Project, which will comply with the 2020 Energy Conservation Construction Code. Therefore, the Proposed Action would support the goal identified in the *CEQR Technical Manual* of building efficient buildings.

*Use Clean Power*

The Proposed Project is likely to use natural gas, a lower carbon fuel, for the normal operation of the heat and hot water systems. The Applicant may also explore other potential clean power sources, such as co-generation units for example, as plans for the Proposed Project advance.

*Transit-Oriented Development and Sustainable Transportation*

The Project Site is located in an area supported by many transit options. The B67 and B62 local buses run northbound along Kent Avenue and southbound along Wythe Avenue in proximity to the Project Site. The South Williamsburg ferry landing is located one block north of the site and the Brooklyn Navy Yard ferry landing is located approximately 2,000 feet southeast. The Marcy Avenue (JMZ) Subway Station on Broadway is located northeast of the Project Area, and there is a CitiBike station nearby at the corner of Kent Avenue and South 11$^{th}$ Street as well as bicycle lanes including the two-way lane on Kent Avenue as part of the Brooklyn Waterfront Greenway. Taken together, these transit options provide access to the Project Site from much of North Brooklyn and beyond. The Applicant would also encourage sustainable transportation by providing bicycle parking in accordance with zoning requirements. In addition, by developing office space adjacent to a largely residential neighborhood, the Proposed Project would promote walking, biking, and other alternatives to automobiles.

*Reduce Construction Operation Emissions*

Construction activities resulting from the Proposed Action would comply with the New York City Air Pollution Control Code, which includes the use of ultra-low sulfur diesel (ULSD) fuel and the best available technology (BAT)**.** These measures would reduce particulate matter emissions; while the particulate matter is not included in the list of standard GHGs ("Kyoto gases"), recent studies have shown that black carbon—a constituent of particulate matter—may play an important role in climate change.

*Use Building Materials with Low Carbon Intensity*

The buildings comprising the Proposed Project would be predominantly concrete, with some steel supports (rebar). Recycled steel will most likely be used for most structural steel rebar, since the steel available in the region is mostly recycled. Some cement replacements such as fly ash and/or slag may also be used, and concrete content would be optimized to the extent feasible. The Proposed Project would likely use some recycled materials for interiors, and may consider materials produced regionally, rapidly renewable materials, and materials that contain recycled content where appropriate. Construction waste would be diverted from landfills to the extent practicable by separating out materials for reuse and recycling.

## D. RESILIENCE TO CLIMATE CHANGE

While strategies and guidelines for addressing the effects of climate change are being developed at all levels of government, there are currently no specific requirements or accepted

recommendations for development projects in New York City. The Waterfront Revitalization Program (WRP) requires consideration of climate change and sea-level rise in the planning and design of development within the defined Coastal Zone Boundary. As set forth in more detail in the *CEQR Technical Manual*, the provisions of the WRP are also applied by the New York City Department of City Planning (DCP) and other city agencies when conducting an environmental review. The Proposed Development's consistency with WRP policies is described in detail in **Chapter 2, "Land Use, Zoning, and Public Policy."**

In 2021 the City adopted a zoning text amendment titled "Zoning for Coastal Flood Resiliency (ZCFR)," to update the Special Regulations Applying in Flood Hazard Areas (Article VI, Chapter 4) of the New York City Zoning Resolution (ZR), which formerly included the 2013 Flood Resilience Zoning Text and the 2015 Special Regulations for Neighborhood Recovery. Those temporary rules were adopted on an emergency basis to remove zoning barriers that were hindering the reconstruction and retrofitting of buildings affected by Hurricane Sandy. However, as both the 2013 Flood Resilience Zoning Text and the 2015 Special Regulations for Neighborhood Recovery were due to expire in coming years, the City adopted ZCFR to improve upon and make permanent the temporary zoning rules from 2013 and 2015.

ZCFR provides homeowners, business owners, and practitioners living and working in the City's floodplains the option to design or otherwise retrofit buildings to: (a) reduce damage from future coastal flood events, (b) be resilient in the long-term, and (c) potentially save on long-term flood insurance costs. In addition, ZCFR offers flexibility to waterfront sites to incorporate resiliency into the design of the water's edge and its public spaces. Overall, ZFCR improves the ability of the City's many flood-prone neighborhoods to withstand and recover quickly from future storms. As the Project Site is located in the 100-year floodplain, aka one-percent annual chance floodplain or flood zone, the Proposed Project would have the option to proactively incorporate resiliency standards through the allowances permitted under ZCFR. The resilience of the Proposed Action to future projected climate conditions is discussed below.

## Projected Climate Conditions

While other climatic changes such as temperature increases and changes in precipitation are projected to occur, the primary focus of this analysis is on changes in sea level rise and its potential impact on future severe storm levels and normal high tide inundation. While changes in the frequency and/or severity of severe storms such as hurricanes and Nor'easters may occur, the best available projections of those changes are currently too uncertain for detailed application. However, damage from severe events, in general, may be more widespread and severe due to sea level rise, which would result in more frequent flooding in some areas, and that is considered here. Changes in temperature could affect energy consumption (discussed in the GHG analysis above), but would not have an impact requiring planning at the project level.

The New York State Sea Level Rise Task Force was created to assess potential impacts on the state's coastlines from rising seas and increased storm surges. The Task Force prepared a report of its findings and recommendations including protective and adaptive measures.[8] The

[8] New York State Sea Level Rise Task Force. *Report to the Legislature*. December 2010.

recommendations are to provide more protective standards for coastal development, wetlands protection, shoreline armoring, and post-storm recovery; to implement adaptive measures for habitats; integrate climate change adaptation strategies into state environmental plans; and amend local and state regulations or statutes to respond to climate change. The Task Force also recommended the formal adoption of projections of sea level rise. The *New York State Climate Action Plan Interim Report* identified a number of policy options and actions that could increase the climate change resilience of natural systems, the built environment, and key economic sectors—focusing on agriculture, vulnerable coastal zones, ecosystems, water resources, energy infrastructure, public health, telecommunications and information infrastructure, and transportation.[9] New York State's Community Risk and Resiliency Act (CRRA)[10] requires that applicants to certain State programs demonstrate that they have taken into account future physical climate risks from storm surges, sea-level rise and flooding, and required the New York State Department of Environmental Conservation (NYSDEC) to establish official State sea-level rise projections by January 1, 2016. These projections provide the basis for State adaptation decisions and are available for use by all decision makers. NYSDEC published a draft on November 2, 2015, proposing to adopt existing projections for use (see discussion of NPCC below). CRRA applies to specific State permitting, funding and regulatory decisions, including smart growth assessments; funding for wastewater treatment plants; siting of hazardous waste facilities; design and construction of petroleum and chemical bulk storage facilities; oil and gas drilling, and State acquisition of open space.

In New York City, the Climate Change Adaptation Task Force is tasked with securing the city's critical infrastructure against rising seas, higher temperatures, and fluctuating water supplies projected to result from climate change. The Task Force is composed of over 35 New York City and State agencies, public authorities, and companies that operate, regulate, or maintain critical infrastructure in New York City. The approaches suggested for the City to create a citywide adaptation program include ways to assess risks, prioritize strategies, and examine how standards and regulations may need to be adjusted in response to a changing climate.

To assist the task force, the New York City Panel on Climate Change (NPCC) has prepared a series of climate change projections for the New York City region, first issued in 2010[11] that is now referred to as NPCC1 and subsequently has been supplemented in 2013 (NPCC2), 2015 (NPCC2), and 2019 (NPCC3).[12] The NPCC, which has suggested approaches to create an effective adaptation program for critical infrastructure, includes leading climatologists, sea-level rise specialists, adaptation experts, and engineers, as well as representatives from the insurance and legal sectors. The climate change projections include a summary of previously published baseline and projected climate conditions throughout the 21st century including heat waves and cold events, intense precipitation and droughts, sea level rise, and coastal storm levels and frequency. NPCC3 identifies projected sea level rise and other key indicators for the 2020s, 2050s, 2080s, 2100, and beyond. While the projections will continue to be refined in the future, current projections are

[9] NYSERDA. *New York State Climate Action Plan Interim Report*. November, 2010.
[10] *Community Risk and Resiliency Act.* Chapter 355, NY Laws of 2014. April 9, 2013. Signed September 22, 2014.
[11] New York City Panel on Climate Change. *Climate Change Adaptation in New York City: Building a Risk Management Response*. Annals of the New York Academy of Sciences, May 2010.
[12] New York City Panel on Climate Change. Advancing Tools and Methods for Flexible Adaptation Pathways and Science Policy Integration. March 2019.

useful for present planning purposes and to facilitate decision-making in the present that can reduce existing and near-term risks without impeding the ability to take more informed adaptive actions in the future. NPCC3 projected that sea level will rise above the 2000-2004 baseline by 0.17 to 0.83 feet, 0.67 to 2.5 feet, 1.08 to 4.83 feet, and 1.25 to 6.25 by the 2020s, 2050s, 2080s, and 2100, respectively, reflecting a range from low estimate (10th percentile) to high estimate (90th percentile). The report's analysis indicates that by late in the century monthly flooding could impact most of the neighborhoods immediately surrounding Jamaica Bay, as well as several other low-lying neighborhoods of the city sea level rise by the end of this century could raise daily tidal flooding to levels even more severe than that which occurred during Hurricane Sandy. In general, the probability of higher sea levels is characterized as "extremely likely," but there is uncertainty regarding the probability of the various levels projected and timescale. Intense hurricanes are characterized as "more likely than not" to increase in intensity and/or frequency, and the likelihood of changes in other large storms (Nor'easters) are characterized as unknown. Therefore, the projections for future 1-in-100 coastal storm surge levels for New York City include only sea level rise at this time, and do not account for changes in storm frequency.

The New York City Green Code Task Force has also recommended strategies for addressing climate change resilience in buildings and for improving stormwater management.[13] Some of the recommendations call for further study, while others could serve as the basis for revisions to building code requirements. Notably, one recommendation was to require new developments within the projected future 100-year floodplain to meet the same standards as buildings in the current 100-year floodplain. The City is currently working with FEMA to revise the FIRMs using the recently acquired detailed Light Detection and Ranging (LiDAR) data. The New York City Department of Environmental Protection (NYCDEP) is evaluating adaptive strategies for City water and wastewater infrastructure. The City has already developed a *New York City Green Infrastructure Plan,*[14] and a *Sustainable Stormwater Management Plan.*[15] Many of the strategies discussed in these plans would improve the City's resilience to climate change.

**Resilience of the Proposed Project to Climate Change**

NPCC2 recommends assessing the impacts of projected sea level rise on the lifespan of projects. While NPCC2 developed a series of maps incorporating projections for sea level rise with FEMA's 2013 Preliminary Work Maps, because of limitations in the accuracy of flood projections, NPCC2 recommends that these maps not be used to judge site-specific risks. However, in general, the second NPCC estimates that sea level will rise in the New York City area, sea level will rise up to a high estimate of 10 inches by the 2020s, and up to a high estimate of 30 inches by the 2050s. As such, many areas not currently within the currently applicable 100-year and 500-year floodplains will be in the future, based on the NPCC projections. Furthermore, the second NPCC projects that the frequency, extent, and height of 100-year and 500-year floods will increase by the 2050s.

As discussed in **Chapter 2, "Land Use, Zoning, and Public Policy,"** as the Project Site is located within the 100-year floodplain, the Proposed Project has been designed to incorporate flood mitigation measures with wet and dry floodproofing strategies. Entrances to the buildings, parking

[13] New York City Green Codes Task Force. *Recommendations to New York City Building Code*. February 2010.
[14] New York City. *New York City Green Infrastructure Plan*. September 2010.
[15] New York City. *Sustainable Stormwater Management Plan*. December 2008.

garage, and loading areas would utilize either wet or dry floodproofing measures in compliance with "Appendix G" of the New York City Building Code, ASCE 24, and FEMA guidelines. The offices and retail spaces on the ground floor of the building would utilize dry floodproofing measures in compliance with ASCE 24. In areas utilizing the wet floodproofing method, mechanical equipment, electrical rooms, gas meter, water meter and pump rooms would be located above the Design Flood Elevation (DFE) in compliance with ASCE 24-14 Table 7-1. In the areas utilizing dry floodproofing measures, utility lines or systems will be protected by the dry floodproofing.

The flood mitigation measures incorporated into the design of the Proposed Project would also help to protect against rising sea levels. The Proposed Project would be designed and constructed in accordance with all applicable City and State flooding and erosion regulations, including New York City Administrative Code, Title 28, Section 104.9 ("Coastal Zones and Water-Sensitive Inland Zones"). As detailed above, in the future with the Proposed Action, the recently adopted Zoning for Coastal Flood Resiliency text amendment would afford lots in the one percent annual chance floodplain, including the Project Site, the option to proactively incorporate resiliency standards through new zoning allowances.

As discussed in **Chapter 2, "Land Use, Zoning, and Public Policy,"** the building at the Project Site would have different ground floor elevations at each of the two bases with the lowest elevation found at the lower retail space in the building's northern base.

For conservative analysis purposes, the DFE elevation of this lower retail space (elevation +12.0 NAVD 88) was used. With this elevation, the ground floor would be susceptible to flooding, though it would house 5,852 sf of non-critical mechanical equipment. This non-critical mechanical infrastructure is forecast to be in the one percent annual chance floodplain in the future at all forecast levels, but would be constructed to meet the codes and any related resiliency requirements in effect at the time of construction. The remaining mechanical equipment, some of which would be critical, would be housed on the third floor (elevation +47.0 NAVD 88), which is well above the current and future one percent[16] annual chance floodplain under high-projections and would remain above the one percent annual chance flood elevation through the 2100s at all forecast levels. If this area was to fall below the elevation of the current one percent annual chance floodplain though, it could result in a loss of building services, damage to property and cars, loss of inventory, or potentially increased flood insurance costs. However, the second NPCC recommends that these projections not be used to judge site-specific risks as they are subject to change due to limitations in the accuracy of the flood projections.

In the future, should the base flood elevation rise to the projected elevations discussed in **Chapter 2, "Land Use, Zoning, and Public Policy,"** the Applicant anticipates retrofitting the perimeter of the building with flood prevention systems (either temporary or permanently installed flood gates/shutters), potentially in conjunction with an emergency flood protection plan. In addition, critical mechanical equipment would be further elevated. The nature of such retrofits would depend on the specific change to the base flood elevation, possible future changes to Building Code flood regulations, City-led infrastructure measures to address such changes, and other

[16] NAVD 1988 refers to North American Vertical Datum of 1988.

considerations that are unknown as this time. As such, the nature of such retrofits cannot be characterized at this time.

Based on the above review and design commitments, the Proposed Project would be consistent with New York City policies regarding adaptation to climate change. A review of the Proposed Project's consistency with WRP Policy 6.2 can be found in **Chapter 2, "Land Use, Zoning, and Public Policy."**