DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, AICP, *Director*
Department of City Planning

POSITIVE DECLARATION

June 29, 2007

Project Identification
CEQR No. 07DCP094K
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Domino Sugar Rezoning
The applicant, The Refinery LLC, is proposing numerous discretionary actions in connection with the redevelopment of the former Domino Sugar site along the East River waterfront in the Williamsburg neighborhood of Brooklyn Community District 1. The proposed development would include residential, retail/commercial, and community facility uses. The project site comprises Block 2414, Lot 1, which is located along the East River waterfront between Grand and South 5th Streets ("the waterfront parcel"), and Block 2428, Lot 1, which is located on the east side of Kent Avenue between South 3rd and South 4th Streets ("the upland parcel").

The proposed actions consist of the following discretionary approvals:

- A zoning map amendment (i) from M3-1 to: R8 with a C2-4 commercial overlay for the majority of the waterfront parcel; (ii) from M3-1 to C6-2 for a section of the waterfront parcel; and (iii) from M3-1 to R6 with a C2-4 commercial overlay on the upland parcel. The existing M3-1 zoning district is a heavy manufacturing district which allows industrial uses at a maximum FAR of 2.0., and does not allow residential use. The proposed R8 district is a residential district which allows residential use at a maximum FAR of 6.02. The proposed C2-4 commercial overlay district allows local-serving commercial uses at a maximum FAR of 2.0 when mapped within a R8 district. The proposed C6-2 district is a commercial district which allows a wide range of uses, including residential use at a maximum 6.02 FAR, commercial uses at 6.0 FAR, and community facility uses at 6.5 FAR. The proposed

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R6 district is a residential district which allows residential use at a maximum FAR of 2.43. The proposed C2-4 commercial overlay allows a maximum FAR of 2.0 when mapped within a R6 district. The areas affected by this zoning map amendment are controlled by the applicant.

- A zoning map amendment for one entire block and portions of two blocks to the east of the project site bounded by Kent Avenue, Wythe Avenue, Grand Street, and South 4th Street from M3-1 to M1-2 (the "non-project rezoning area"). The proposed M1-2 district is a manufacturing district which allows light industrial and certain commercial uses at a maximum FAR of 2.0. These blocks are not controlled by the applicant.
- A zoning text amendment to ZR 23-922 and ZR 62-35, to apply the Inclusionary Housing program and related floor area regulations which currently apply only in certain areas of Williamsburg-Greenpoint (on the waterfront from North 3rd Street in Williamsburg to Manhattan Avenue in Greenpoint and in R7-3 zoning districts in Brooklyn Community District 1) to the project site (the Inclusionary Housing Program permits a "floor area bonus" from 2.43 to 2.75 for R6 districts and 4.88 to 6.5 for R8 districts).
- A Special Permit pursuant to Zoning Resolution (ZR) Section 74-743 to establish a General Large Scale Plan including i) Special Permits to modify the waterfront height and setback regulations otherwise applicable pursuant to ZR Section 62-341 to: a) permit the floor plates of the buildings on both the waterfront and upland parcels to exceed the maximum residential floor plate size; b) permit portions of buildings to exceed the maximum base height of 70 feet up to 100 feet, and to exceed the maximum building height of 210 feet up to a height of 300 feet for two buildings and 400 feet for two buildings; c) permit encroachments in the 15-foot initial setback distance above the base height along certain visual corridors; d) permit an encroachment in the 30-foot initial setback distance above the base height along the shore public walkway near South Fifth Street; e) on the upland parcel, permit portions of the building to exceed the maximum base height of 60 feet up to a height of 70 to 100 feet, and to permit the building on the upland parcel to exceed the maximum building height of 110 feet to between 120 and 140 feet for buildings; ii) provisions to allow the transfer of up to approximately 190,000 sf of floor area development rights across Kent Avenue to the upland parcel from the waterfront parcel; iii) a Site Plan which includes building locations, uses, and heights, and iv), an FAR for the waterfront portion of 5.6 (typically, R8/C2-4 would permit an FAR of 6.5 with the Inclusionary Housing) and the upland portion to 6.0.
- An authorization, pursuant to ZR Section 62-60 for modification of waterfront access requirements to achieve a superior open space plan.
- An authorization for phased implementation of waterfront access requirements pursuant to ZR 62-722 to permit the phased implementation of waterfront public access improvements in coordination with phased development of the site.

- CPC chair certification pursuant to ZR Section 62-711 for compliance with waterfront public access and visual corridor requirements.
- CPC chair certification to subdivide a waterfront zoning lot while maintaining compliance with all waterfront public access requirements.
- Coastal Zone Consistency determination (because the project site is within the Coastal Zone).

In addition, the proposed project may require approvals from the New York State Department of Environmental Conservation (DEC) and the U.S. Army Corps of Engineers (USACOE) for the repair and upgrade of the existing waterfront platform on the project site and the establishment of a floating dock for an as-of-right water taxi service. These actions are subject to environmental review and will be conducted through a coordinated review with DCP, the lead agency. The proposed project would also require a State Pollution Discharge Elimination System (SPDES) permit from DEC for stormwater discharges during construction. Approvals may also be necessary from City and State agencies for the allocation of funds for affordable housing.

The proposed actions would facilitate a proposal by the applicant to develop approximately 2,860,000 gross square feet (gsf) of development above grade. Approximately 2,640,000 gsf would be dedicated to residential use (with up to approximately 2,400 residential units); 120,000 gsf to retail/commercial use; 100,000 gsf to community facility use; and a maximum of 1,450 accessory parking spaces.

To ensure that the proposed project as constructed is consistent with the drawings shown on the site plan approved by the CPC and the City Council pursuant to ULURP, that access to the project is at the locations analyzed in the EIS, and that the mix of uses in the project is substantially consistent with the proposed project as analyzed in the EIS, the project sponsor will, at the time all land use-related actions required to authorize the project's development are approved, execute and record a Restrictive Declaration against the development site.

The project site is 11-acres in area and comprised of two parcels: a waterfront parcel (Block 2414, Lot 1) and an upland parcel (Block 2428, Lot 1). The waterfront parcel is approximately 9.8 acres (excluding the approximately 6.2 acres of land underwater to the pierhead line) and the upland parcel is approximately 1.3 acres. The waterfront parcel is bounded on the west by the East River, on the north by Grand Street, on the east by Kent Avenue, and on the south by South 5th Street, which separates the site from the Williamsburg Bridge immediately to the south. The block on which the upland parcel is located is bounded on the west by Kent Avenue, on the north by South 3rd Street, on the east by Wythe Avenue, and on the south by South 4th Street.

The waterfront portion of the site, which stretches for approximately 1,300 feet along the East River, is a complex of industrial buildings ranging in height from 1 to 11 stories. These buildings include warehouses, sugar processing buildings, power-generating

facilities, and research and design structures. The buildings on the project site are currently unoccupied. The New York City Landmarks Preservation (LPC) is considering designating the three buildings which comprise the Refinery (individually known as the Filter House, the Pan House, and the Finishing House). The LPC held a designation hearing on June 26, 2007. The portion of the project site east of Kent Avenue, now a vacant lot, was formerly used as a parking lot.

The proposed actions would result in the development of five new residential structures on the project site. The buildings along Kent Avenue would range in height from approximately 50 to 100 feet. Two of the buildings along the waterfront would reach heights of 300 feet and two would reach 400 feet. The buildings on the upland portion of the site east of Kent Avenue would rise to a maximum height of 90 feet along Kent Avenue and 140 feet elsewhere on the lot. The three buildings which together comprise The Refinery and which are located on the central block of the development between South 2nd and South 3rd Streets, would be reused and converted to some combination of residential, retail/commercial, and community facility uses. The program for the reuse of the Refinery building has not been finalized. The project sponsor anticipates adding floors to a portion of the roof of the Refinery building. If the Refinery is designated by the LPC, the project sponsor would have to apply to the LPC for a Certificate of Appropriateness for any addition or modification to the exterior of the Refinery. Ground floor retail/commercial uses would be located along both sides of Kent Avenue. Publicly accessible open space, including an esplanade along the waterfront that would connect to Grand Ferry Park to the north of the site, would be constructed as part of the proposed project, as required by the Zoning Resolution. Additional publicly accessible open space would be developed between the Refinery building and the waterfront. It is anticipated that the development would be served by water taxi service. Shuttle bus service would also be provided to carry passengers from the proposed development to nearby subway stations. Construction of the project is anticipated to be completed in 2016.

The development expected to occur as a result of the proposed zoning map change from M3-1 to M1-2 on the non-applicant controlled blocks will be identified and analyzed in the Draft Environmental Impact Statement (DEIS).

Statement of Significant Effect:

On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the proposed action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.

2. The actions, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area.

3. The actions, as proposed, may result in significant adverse impacts on community facilities and services in the vicinity of the affected area.

4. The actions, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.

5. The actions, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.

6. The actions, as proposed, may result in significant adverse impacts on historic resources in the vicinity of the affected area.

7. The actions, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.

8. The actions, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.

9. The actions, as proposed, may result in significant adverse impacts to natural resources in the affected area.

10. The actions, as proposed, may result in significant adverse hazardous materials impacts in the affected area.

11. The actions, as proposed, are located within the designated coastal zone and may result in significant adverse impacts related to the Local Waterfront Revitalization Program (LWRP) within the affected area.

12. The actions, as proposed, may result in significant adverse impacts on infrastructure in the vicinity of the affected area.

13. The actions, as proposed, may result in significant adverse impacts on solid waste and sanitation services in the vicinity of the proposed action.

14. The actions, as proposed, may result in significant adverse impacts on energy consumption in the affected area.

15. The actions, as proposed, may result in significant adverse impacts to traffic, parking, transit, and pedestrian conditions in the vicinity of the affected area.

16. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.

17. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.

18. The actions, as proposed, may result significant adverse construction-related impacts.

19. The actions, as proposed, may result in significant adverse public health-related impacts.

20. The actions, as proposed, may result in significant adverse impacts related to other aspects of the environment.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. The proposed actions would alter existing land use and zoning patterns by rezoning the project site to permit the development of new residential, commercial and community facility uses.

2. The proposed actions would result in approximately 2.86 million gross square feet of new development on the project site, including new residential, commercial and community facility uses. This has the potential to alter socioeconomic conditions in the area.

3. The proposed actions would introduce a new residential population, which could potentially increase demand on community facilities.

4. The proposed actions would bring new residents and workers to the area, potentially placing additional demands on available open space resources.

5. The proposed actions would result in the construction of new buildings containing various high-rise components. The proposed buildings could cast shadows on sunlight sensitive resources.

6. Construction of the proposed project could disturb archaeological resources should they exist on the project site. In addition, the proposed project could affect the context of existing historic structures in the area.

7. The proposed actions would result in a new type of building use and form which would differ from existing urban design elements in the affected area, and may alter the urban design character and visual resources of the surrounding area.

8. The proposed actions would result in new development which could alter existing neighborhood character by affecting land use, socioeconomic conditions, historic resources, urban design, traffic, and noise.

9. The proposed action would result in new development on the project site which could affect natural resources.

10. The proposed actions would result in demolition and construction on the project site which could potentially expose construction workers and the public to hazardous materials.

11. The proposed actions would result in new development in the designated coastal zone which could potentially be inconsistent with the policies of the LWRP.

12. The proposed action would result in approximately 2.86 million gross square feet of new development on the project site which could place additional demands on infrastructure.

13. The proposed actions would result in approximately 2.86 million gross square feet of new development on the project site which would result in the generation of solid waste, and which would require sanitation services.

14. The proposed actions would result in new development on the project site which could increase demand for energy.

15. The proposed actions would result in approximately 2.86 million gross square feet of new development on the project site which would result in additional vehicular, pedestrian, and transit trips, and additional parking demand in the vicinity of the affected area.

16. The proposed actions would result in new development on the project site which could potentially result in air quality impacts due to increased mobile source (vehicular) and stationary source (HVAC system) emissions.

17. The proposed actions would increase the volume of traffic in the area, which could result in additional traffic noise. The proposed action could also potentially result in noise impacts due to the introduction of sensitive receptors, including residential and community facility uses.

18. The proposed actions would result in new development that would involve demolition and construction activities which may result in construction-related impacts.

19. The proposed actions would result in new development which could potentially result in public health concerns.

20. The Draft Environmental Impact Statement (DEIS) to be prepared for the proposed action will identify and describe any other potential effects on the environment.

Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Tuesday, July 31, 2007 from 2:00 to 5:00 PM and from 6:00 to 8:45 PM at the City of New York Department of City Planning, Spector Hall, 22 Reade Street, New York, New York 10007. Written comments will be accepted by the lead agency through the tenth day following the scoping meeting.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact Brad Kieves, the project manager, at (212) 720-3417.

Robert Dobruskin

Robert Dobruskin, Director
Environmental Assessment & Review Division
Department of City Planning

6/29/07

Date

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M Burden, AICP, *Director*
Department of City Planning

PUBLIC NOTICE OF A SCOPING MEETING DRAFT ENVIRONMENTAL IMPACT STATEMENT (CEQR No. 07DCP094K)

Notice is hereby given that pursuant to Section 5-07 of the Rules of Procedure for Environmental Review (CEQR) and 6 NYCRR 617.8 (State Environmental Quality Review) the New York City Department of City Planning (DCP), acting on behalf of the City Planning Commission as CEQR lead agency, has determined that a draft environmental impact statement is to be prepared for the proposed Domino Sugar Rezoning, CEQR Number 07DCP094K.

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approximately 190,000 sf of floor area development rights across Kent Avenue to the upland parcel from the waterfront parcel; iii) a Site Plan which includes building locations, uses, and heights, and iv), an FAR for the waterfront portion of 5.6 (typically, R8/C2-4 would permit an FAR of 6.5 with the Inclusionary Housing) and the upland portion to 6.0.

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- Coastal Zone Consistency determination (because the project site is within the Coastal Zone).

The proposed actions also include a zoning map amendment for one entire block and portions of two blocks to the east of the project site bounded by Kent Avenue, Wythe Avenue, Grand Street, and South 4th Street from M3-1 to M1-2 (the "non-project rezoning area"). These blocks are not controlled by the applicant.

In addition, the proposed project may require approvals from the New York State Department of Environmental Conservation (DEC) and the U.S. Army Corps of Engineers (USACOE) for the repair and upgrade of the existing waterfront platform on the project site and the establishment of a floating dock for an as-of-right water taxi service. These actions are subject to environmental review and will be conducted through a coordinated review with DCP, the lead agency. The proposed project would also require a State Pollution Discharge Elimination System (SPDES) permit from DEC for stormwater discharges during construction. Approvals may also be necessary from City and State agencies for the allocation of funds for affordable housing.

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To ensure that the proposed project as constructed is consistent with the drawings shown on the site plan approved by the CPC and the City Council pursuant to ULURP, that access to the project is at the locations analyzed in the EIS, and that the mix of uses in the project is substantially consistent with the proposed project as analyzed in the EIS, the project sponsor

will, at the time all land use-related actions required to authorize the project's development are approved, execute and record a Restrictive Declaration against the development site.

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The waterfront portion of the site, which stretches for approximately 1,300 feet along the East River, is a complex of industrial buildings ranging in height from 1 to 11 stories. These buildings include warehouses, sugar processing buildings, power-generating facilities, and research and design structures. The buildings on the project site are currently unoccupied. The New York City Landmarks Preservation (LPC) is considering designating the three buildings which comprise the Refinery (individually known as the Filter House, the Pan House, and the Finishing House). The LPC held a designation hearing on June 26, 2007. The portion of the project site east of Kent Avenue, now a vacant lot, was formerly used as a parking lot.

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Public comments are requested with respect to the issues to be addressed in the draft environmental impact statement.

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Spector Hall, 22 Reade Street, New York, New York 10007. Written comments will be accepted by the lead agency through the tenth day following the scoping meeting.

Copies of the Draft Scope of Work and the Environmental Assessment Statement may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 22 Reade Street, Room 4E, New York, New York 10007, Robert Dobruskin, Director (212) 720-3423; the Office of Environmental Coordination, 253 Broadway, 14th Floor, New York, New York 10007, Robert Kulikowski, Ph.D., Director (212) 788-2937; and on the New York City Department of City Planning's website at www.nyc.gov/dcp.