TECHNICAL MEMORANDUM

CEQR Number 07DCP094K: Domino Sugar Project – TM 006[1]

July 22, 2022

I. INTRODUCTION

The Applicant (Domino A Partners LLC) is seeking a non-ULURP modification of the CPC approved 2014 special permit (C 140132 ZSK) and restrictive declaration (CRFN 2014000197874) for the Domino Sugar Large-Scale General Development, and subsequent amendments thereto, in order to reduce the width of a portion of River Street (a privately-owned road) from 30 feet to 25 feet, expand the adjacent public space at Site C/Domino Square, and modify the approved zoning envelope and urban design guidelines for the mixed-use Building D (collectively, "Building D Modification").

The purpose of this Technical Memorandum is to determine whether the proposed modification to the Domino Sugar Large-Scale General Development (LSGD) would result in any significant adverse environmental impacts that were not previously identified in the May 2010 *Domino Sugar Rezoning Final Environmental Impact Statement* (FEIS) and subsequent Technical Memoranda dated June 4th, 2010, July 10th, 2010, October 31, 2013, March 5, 2014, and May 13, 2020 (CEQR No. 07DCP094K). As discussed below, this technical memorandum concludes that there would be no additional significant adverse impacts in any of the analyzed CEQR technical areas as a result of the proposed modification.

II. BACKGROUND

The Domino Sugar project originally proposed in 2010 (the "2010 Project") was intended to revitalize and reactivate a vacant waterfront industrial site (see **Figure 1a** for site location) with publicly accessible open space, a restored and adaptively reused historic building, and new residential buildings. As part of the 2010 Project, the landmarked building along the waterfront known as the Refinery Building was to be adaptively reused. A Final Environmental Impact Statement (FEIS) for the 2010 Project was completed and a Notice of Completion for the FEIS was issued on May 28th, 2010.

The 2010 FEIS concluded that the original project would result in significant adverse impacts on public elementary and intermediate schools, childcare facilities, historic resources, traffic and parking, transit and pedestrians, and construction-related traffic and noise, as well as shadow impacts on Grand Ferry Park. Mitigation measures were developed for each of the identified areas of impact and were recorded in the Restrictive Declaration for the 2010 Project. The 2010 FEIS concluded that the original project would result in unavoidable significant adverse impacts on: (1) historic resources as a result of the demolition of several S/NR-eligible historic resources located on the project site; and (2) Grand Ferry Park due to the new incremental shadow cast by the 2010 Project's buildings, which would only be partially mitigated.

[1] This Technical Memorandum was prepared by Philip Habib & Associates, for Two Trees Management Co. LLC.



Source:Google Earth

Subsequent to the Notice of Completion for the FEIS, two Technical Memoranda were carried out. The first memorandum (completed on June 4th, 2010) analyzed modifications to the height of Building A, and the second memorandum (completed on July 10th, 2010) analyzed bulk and setback modifications, a commitment to provide a shuttle service to the Broadway entrance of the Marcy Avenue J/M/Z subway station, and additional commitments related to the provision of community facility space. Both of these Technical Memoranda concluded that the proposed modifications would not result in any significant adverse environmental impacts not already identified in the 2010 FEIS.

Following the issuance of the May 2010 FEIS and subsequent Technical Memoranda, the project site was acquired by the Applicant, which developed an updated program (the "2014 Approved Development") for the site.

A third Technical Memorandum to the FEIS was completed on October 31, 2013, which evaluated a number of discretionary actions intended to allow for program and building envelopes, as well as development schedule, different from the projected development analyzed for the site in the 2010 FEIS and subsequent Technical Memoranda described above. Primary differences included an increase in the amount of office space and community facility square footage, and reductions in the number of residential units and residential floor area, other commercial uses, and parking spaces planned on the site. In addition, the height and massing of the proposed buildings would be different from the 2010 approved massing, allowing for the development of an additional 1.98 acres of open space, including waterfront public access areas, additional public access areas, and public easement areas. TM 003 found that while the modified project would result in increased transit and pedestrian volumes, these anticipated increases would not exacerbate the previously-identified impacts, and the mitigation measures disclosed in the 2010 FEIS would sufficiently address these increased transit and pedestrian impacts. The significant adverse impact on historic resources and the construction-related significant adverse traffic and noise impacts were expected to be similar to those disclosed in the 2010 FEIS. The changes to the Domino Sugar site program and massing would lessen the significant adverse elementary and intermediate school, child care, and shadow impacts disclosed in the 2010 FEIS and subsequent Technical Memoranda. In addition, TM 003 indicated that due to the anticipated reduction in vehicular traffic, compared to the 2010 Project, the modified project would lessen mobile source air quality impacts. Therefore, TM 003 concluded that the proposed changes to the program and massing for development on the Domino Sugar site would not result in any significant adverse environmental impacts that had not been previously identified in the 2010 FEIS and subsequent Technical Memoranda (TM 001 and TM 002).

A fourth Technical Memorandum (TM 004) was completed on March 5, 2014, to determine whether the modifications then being considered by the CPC in conjunction with the 2013 project, which would modify the proposed zoning text amendment related to the affordable housing provision, would result in any significant adverse environmental impacts not already identified in the 2010 FEIS and subsequent Technical Memoranda (TM 001, TM 002, and TM 003). The modifications would increase the residential floor area required to be designated as affordable floor area under the Inclusionary Housing program in order to achieve the maximum allowable floor area ratio (FAR) for the project site. TM 004 concluded that those modifications would not result in any significant adverse environmental impacts that had not been previously identified in the 2010 FEIS and subsequent Technical Memoranda (TM 001, TM 002, and TM 003).

A fifth Technical Memorandum (TM 005) was completed on May 13, 2020, to determine whether a proposed change to the massing of the former Domino Sugar factory (the Refinery Building) would result in any significant adverse environmental impacts that were not already identified in the 2010 FEIS and

subsequent Technical Memoranda (TM 001, TM 002, TM 003, and TM 004). TM 005 concluded that the modification, which would facilitate the construction of a fourteen-story glass barrel-vaulted building with a mechanical penthouse within, and set back from, the historic facades of the Refinery Building, would not result in any significant adverse environmental impacts that had not been previously identified in the 2010 FEIS and subsequent Technical Memoranda.

When fully developed, the 2014 Approved Development is expected to consist of: (i) four new buildings; (ii) the adaptive reuse of the landmark Refinery Building; (iii) a 0.74-acre publicly accessible open space (Domino Square); and (iv) a 6-acre public park along the East River (Domino Park). Of the four proposed new buildings, the mixed-use buildings located at Block 2428, Lot 1 ("Building E") and Block 2414, Lot 2 ("Building A") have been completed. Building E, located on the upland parcel, was the first building to be completed within the LSGD, and is a 16-story mixed-use building with 522 dwelling units and approximately 19,821 gsf of ground floor local retail, as well as 725 parking spaces.[2] Domino Park (Block 2414, Lot 1) also opened to the public on June 10, 2018, providing a variety of unique recreational features (refer to **Figure 1b**). Building A is a 42-story mixed-use building with 332 dwelling units, approximately 134,093 gsf of office space, and approximately 12,620 gsf of ground floor local retail.[2] The adaptive reuse of the Refinery Building is currently underway, with masonry restoration work substantially completed and construction is progressing on the interior building.

III. PROPOSED MODIFICATION

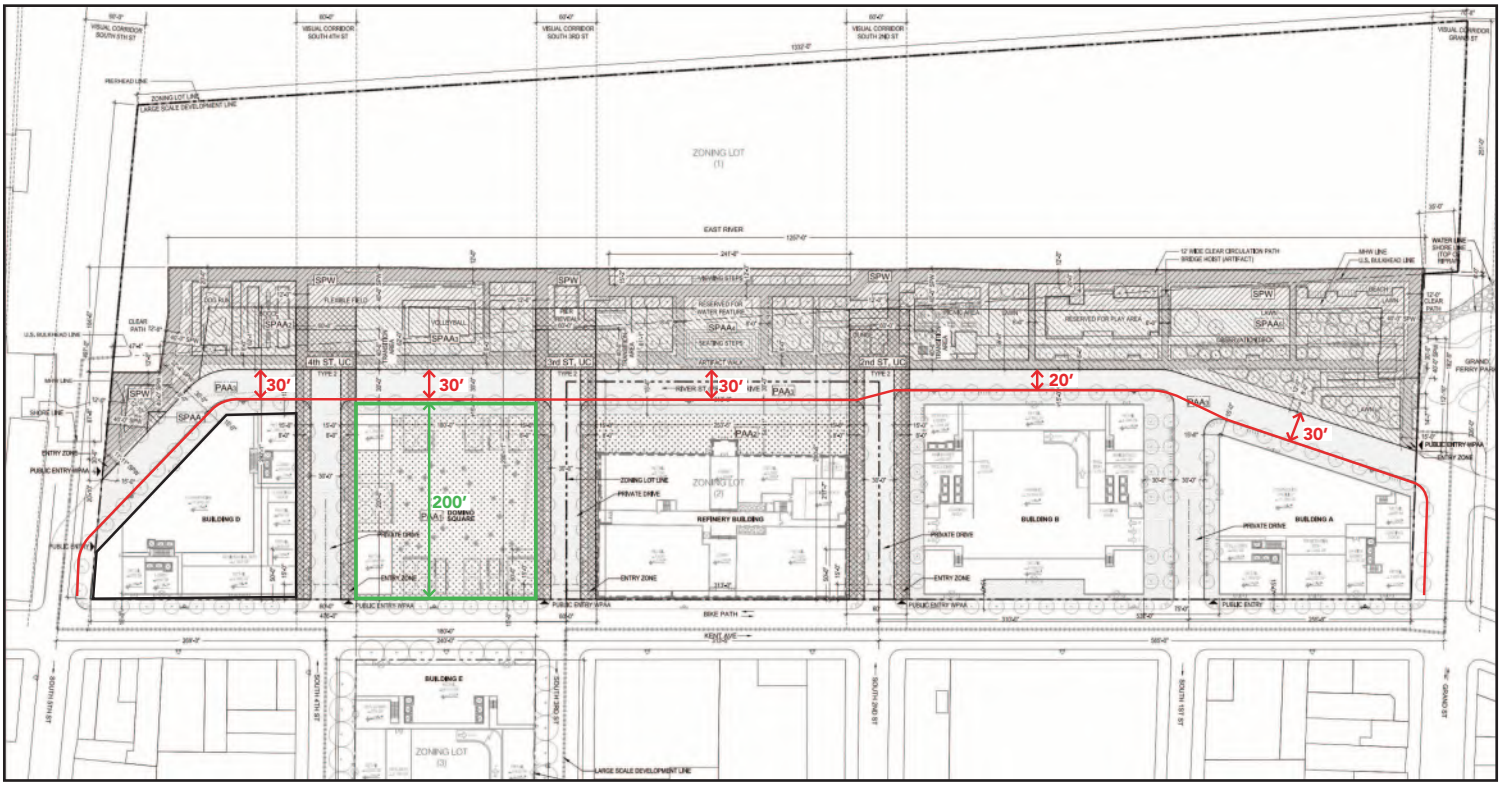
As noted above, the Applicant is proposing a non-ULURP modification of the CPC approved plans for the Domino Sugar LSGD (C 140132 ZSK), which would differ from the 2014 Approved Development. The three components of the proposed modification, referred to as the "Building D Modification," are described below:

- Reduce the width of a portion of River Street from 30 feet to 25 feet (curb-to-curb), from South 3rd Street to South 5th Street (refer to **Figure 2a**). River Street is a private two-lane one-way street with a striped no-standing zone on its west side adjacent to Domino Park. The no-standing zone is frequently occupied by idling cars which poses a safety risk and nuisance for pedestrians and park users. The elimination of the no-standing zone will have no impact on the width of the sidewalks within the development, which would be maintained at a minimum of 15 feet. The reduction in street width will occur by modifying the location of the eastern curb lines of River Street.
- Expand the public space at Site C/Domino Square. The elimination of the no-standing zone will result in a five-foot expansion of the publicly accessible open space at Domino Square by five feet westward towards the East River (see **Figure 2b**) – a 900 sf increase in the size of the public square.
- Modify zoning envelope and urban design guidelines for the mixed-use Building D. **Figure 3** shows the proposed modified massing for Building D compared to the approved ULURP envelope. Specifically, under the proposed modifications, Building D's design will change as follows:
    - The building podium will be raised from 45 feet tall to 65 feet tall along River Street and will continue to front on River Street, South 4th Street, Kent Avenue, and South 5th Street (see **Figure 4**). This will allow for clearer alignments and proportions within the architectural order of the building façade. The increased podium height creates a more substantial base for the

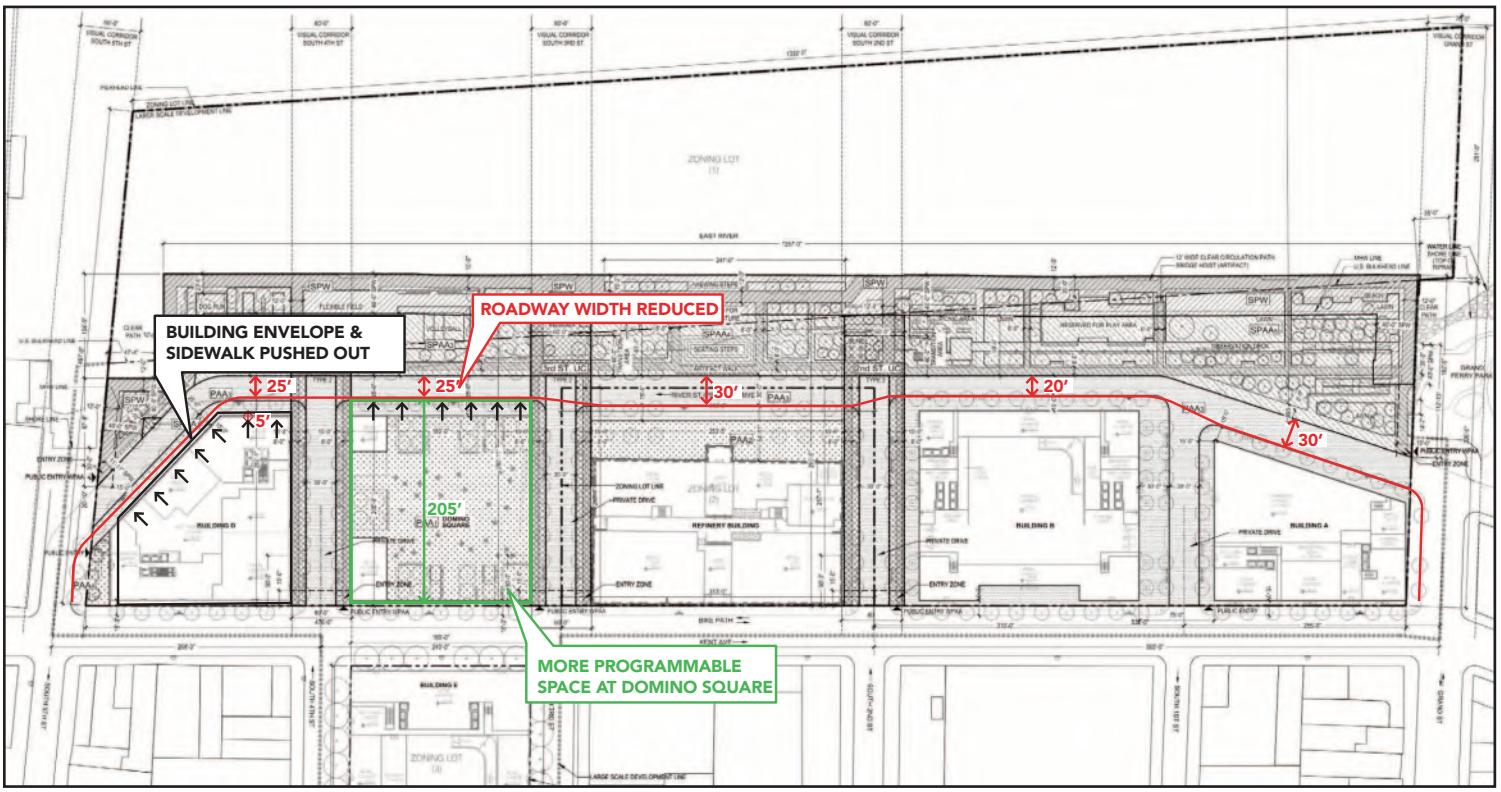
[2] GSF cited excludes mechanical, cellar back-of-house, and residential amenity spaces.



Figure 1b
Domino Sugar LSGD - Existing Conditions

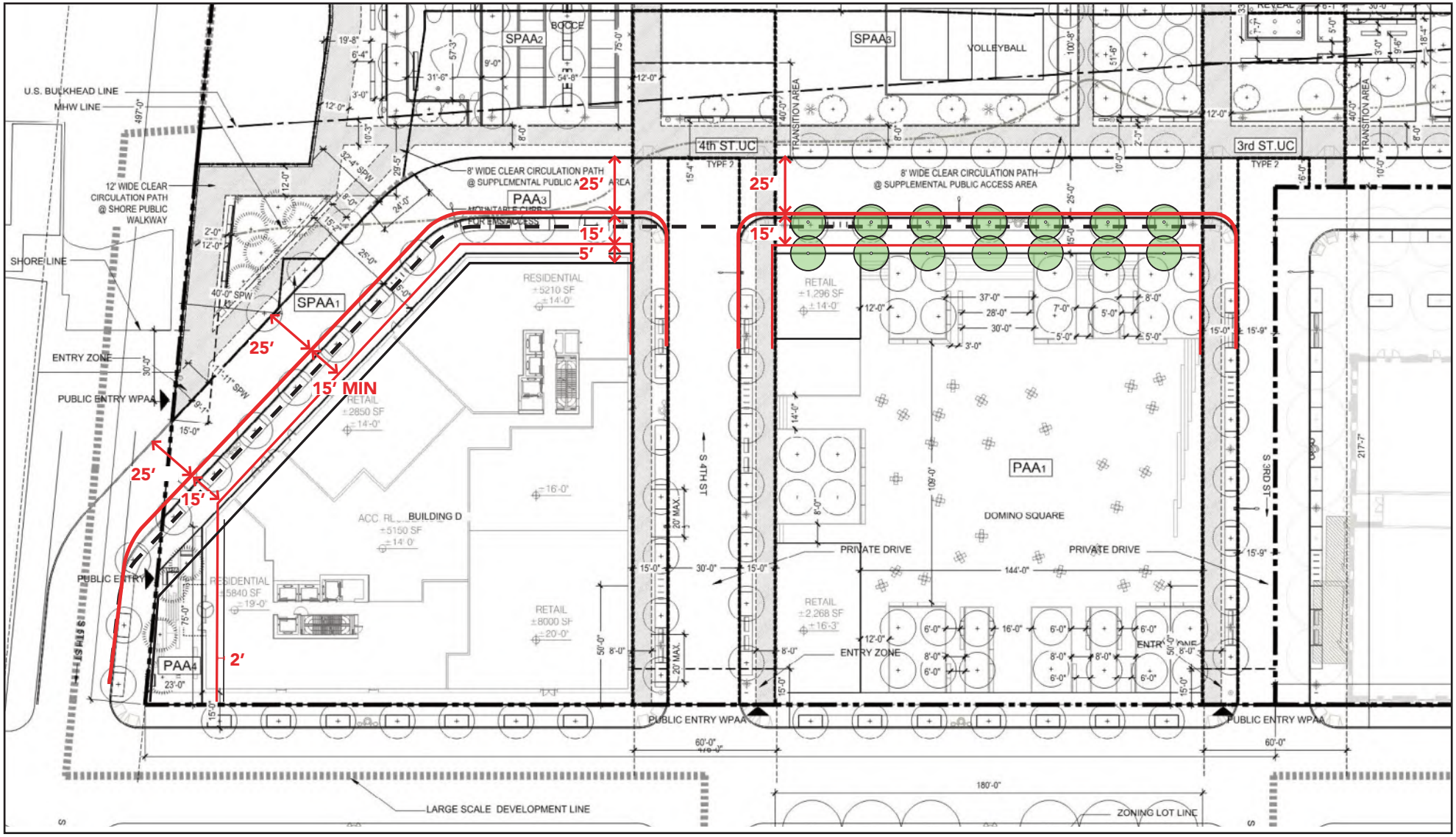


APPROVED ULURP PLAN



PROPOSED MODIFICATION OF STREET WIDTH

Source:James Corner Field Operations

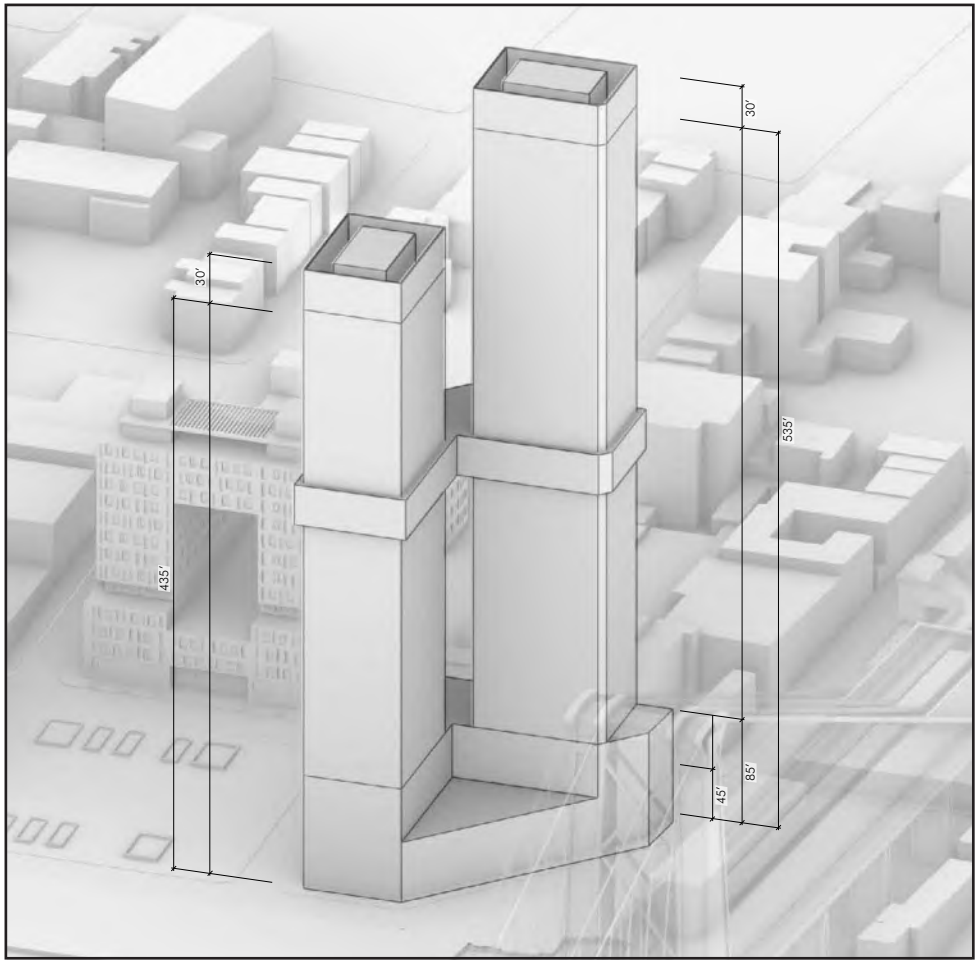


Source:James Corner Field Operations

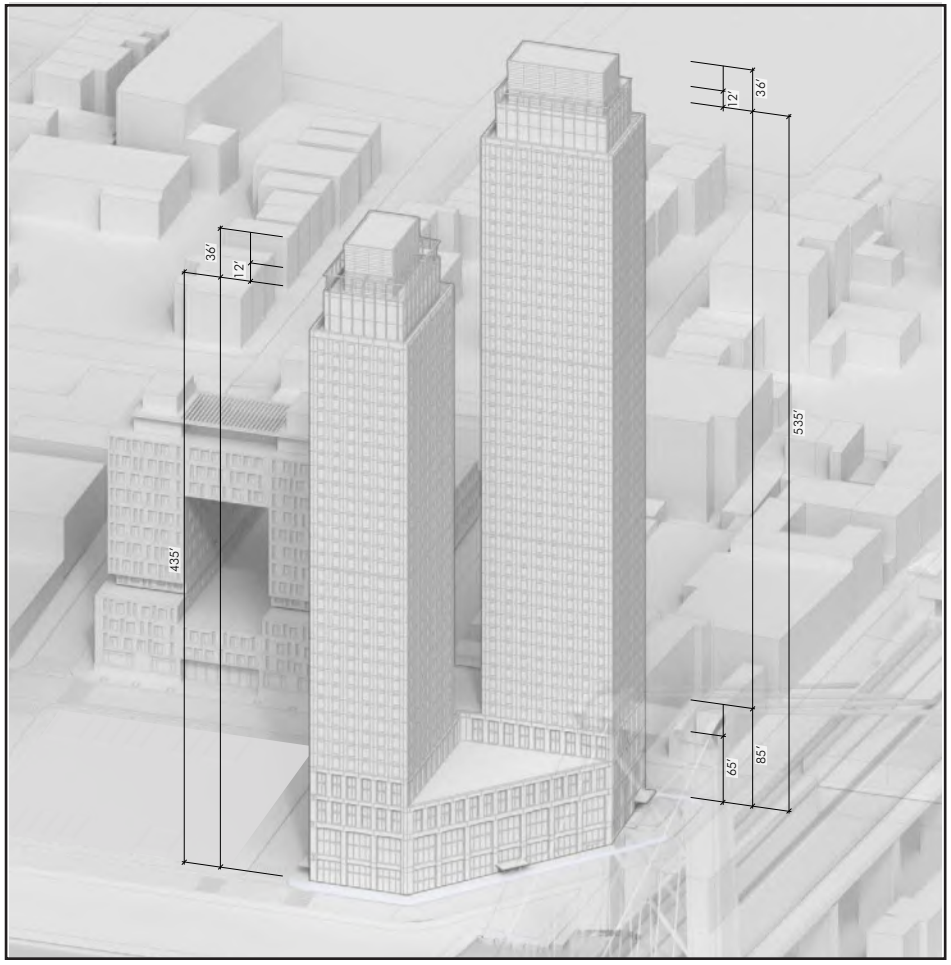
Domino Sugar TM 006

Figure 2b

Proposed Modification to River Street and Footprints of Building D and Domino Square



APPROVED ULURP ENVELOPE



PROPOSED MODIFIED MASSING

Source: Selldorf Architects

Proposed Modification to Building D Zoning Envelope - Podium Height Increase



Source:Selldorf Architects

two towers, rooting the building on the site and providing a strong but not overwhelming street wall for the open space that it fronts on.

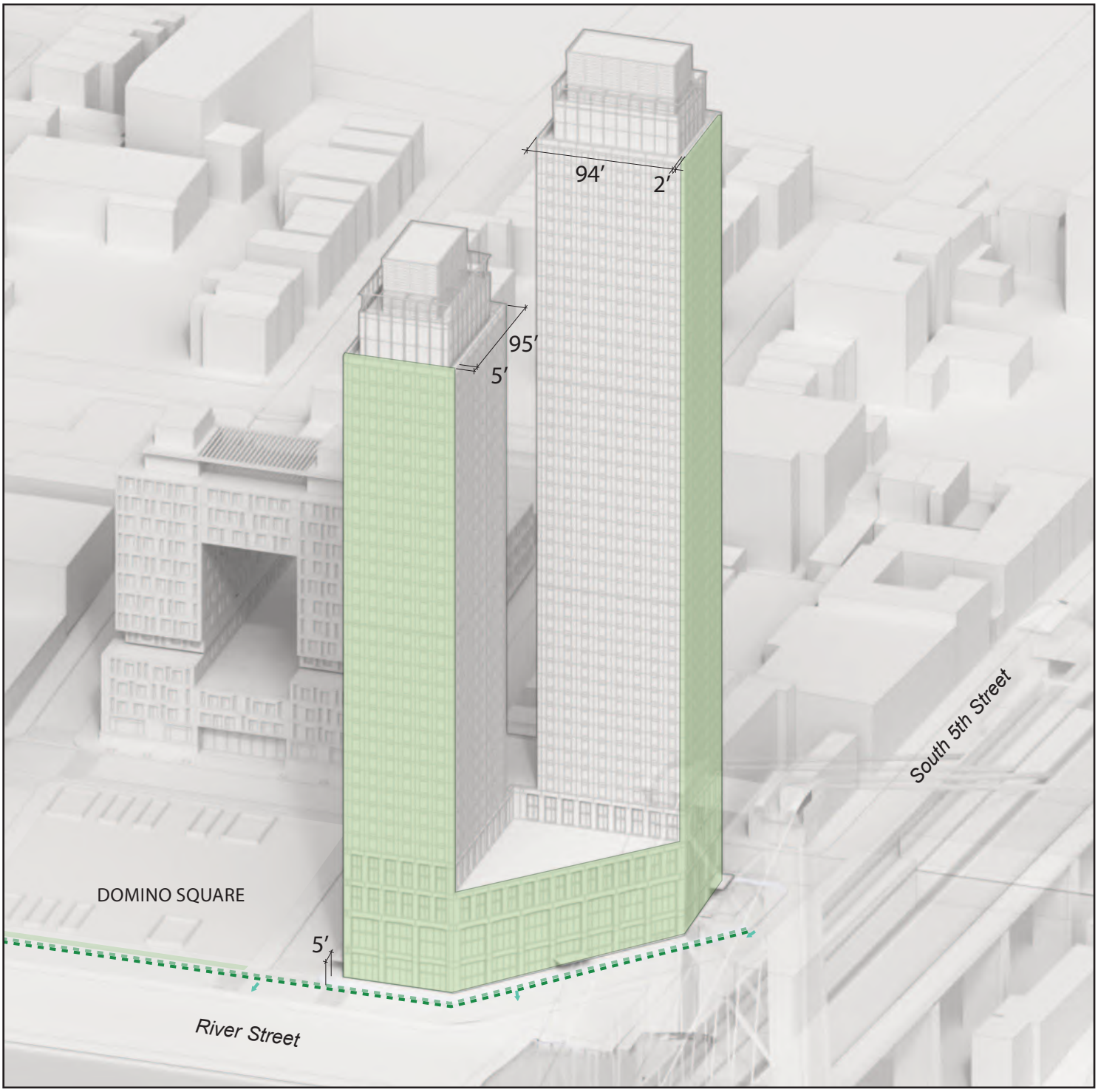
- The building envelope for the north tower of Building D will increase by five feet on the western side as a result of the five-foot reduction in width of River Street (see **Figures 2b and 5**). This increase will improve floorplan efficiency and alleviate the difficulty of accommodating allowable floor area without compromising architectural form.
- The building envelope for the south tower will increase by two feet on the southern side as a result of the five-foot reduction in the width of River Street (see **Figures 2b and 5**). The two-foot increase in building envelope will result in a *de minimis* increase in the maximum width of walls facing the shoreline, from 179 feet to 181 feet.
- The 24-foot by 85-foot building portion at the northwest corner of Kent Avenue and South 5th Street will be removed to allow for better visual access to the East River from Kent Avenue (see **Figure 6**). The removed building portion will be replaced with publicly accessible open space.
- The three-story sky-bridge in the previously approved plans that would have joined the two towers between the heights of 275 and 305 feet will no longer be provided (see **Figure 3**). Removal of the sky-bridge will remove the need for a previously approved Authorization that allowed a five-foot permitted obstruction in a required visual corridor.
- As shown in **Figure 3**, the tower heights for Building D (to the building roofline) will remain the same, but under the current proposal, the top two stories of both towers will be set back from the below façade surface and will be clad in a metal-framed glass curtain wall. A 12-foot open frame will extend vertically as an extension of the curtain wall framing of the tower crown below. Mechanical bulkheads will be set back further from the roof perimeter and be clad in a metal panel matching the color of the curtain wall framing of the tower crown below. This change would be reflected in updates to the "Urban Design Guidelines" in the previously approved LSGD plans affecting the design of the top two-stories and the bulkheads of Building D. In addition, the "Urban Design Guidelines" will be updated to reflect the as-built condition of the bulkhead atop Building A.

- As noted above, the proposed modification would remove the portion of Building D at the southeastern corner of the site, resulting in a new open space to be added as part of the Public Access Area (see **Figure 6**). This additional Public Access Area would be approximately 1,369 sf.

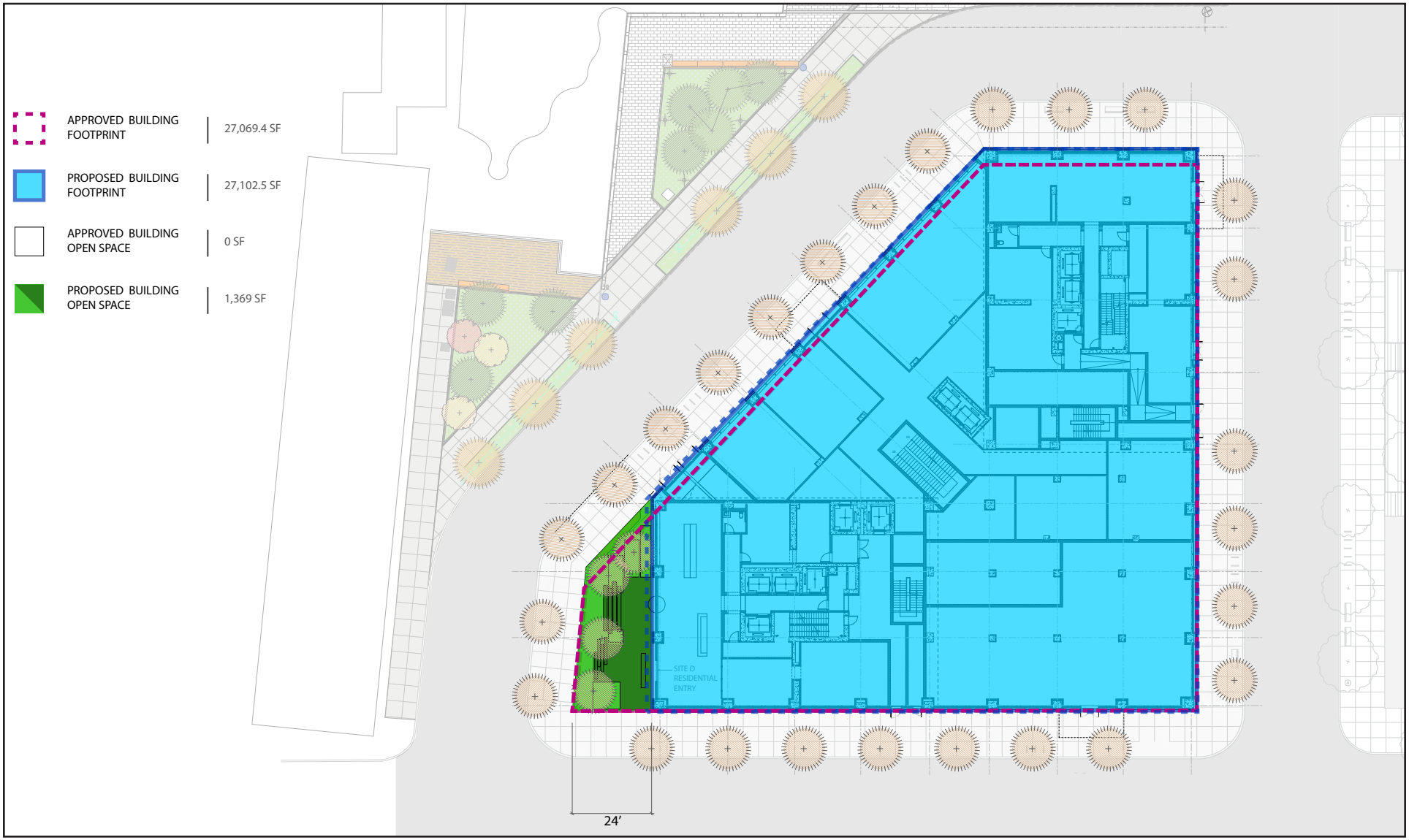
Overall, the requested modifications would result in the creation of additional publicly accessible open space, better visual access to the East River from Kent Avenue, and better and more functional building design.

With the modification described above, the overall building gross square footage for Building D would experience a decrease of approximately 3.9 percent compared to the 2014 Approved Development (see **Table 1**). The size of Domino Square and the Public Access Area would experience a minimal increase of 900 sf and 1,369 sf, respectively. It should be noted that, although the residential floor area would experience an increase of approximately 14,000 gsf as a result of the proposed Building D Modification, the number of residential units planned by the Applicant has actually decreased (from 611 DUs to 561 DUs) due to the currently expected mix of apartment sizes. At this time, the unit mix is expected to consist of approximately 20 percent studio units, 22 percent 1-bedroom units, 38 percent 2-bedroom units, and nine percent 3-bedroom units. However, as plans for Building D have not yet been filed with the NYC Department of Buildings (DOB) and the unit mix could change prior to construction, this memo conservatively assumes a unit size of 1,000 gsf for purposes of CEQR assessment, same as for the 2010

Proposed Modification to Building D Zoning Envelope - Tower Envelope increase



Source:Selldorf Architects



Source: Selldorf Architects

Domino Sugar TM 006

Figure 6

Proposed Modification to Building D - Approved vs. Modified Site Plan Comparison

FEIS and 2013 TM 003. It should also be noted that although a health club is not planned as part of Building D, this use is expected to be included in the Refinery Building instead.

TABLE 1
Modified Building D and Domino Square Compared to 2014 Approved Development

Land Use	2010 Building Program Analyzed in the FEIS (GSF)	2014 Approved Building Program Analyzed in TM 003 for Building D and Domino Square (GSF)[1]	Program with Proposed Building D Modification for Building D and Domino Square (GSF)[1]	Net Difference – Modified Program vs. 2014 Approved Program (GSF)
Building D				
Residential	320,742 (317 DUs)	610,928 (611 DUs)	624,926 (625 DUs)[2]	+13,998 (+14 DUs)[2]
Commercial Office	0	0	0	0
Retail	9,850	7,971	10,605	+2,634
Health Club	0	42,231	0	-42,231
Community Facility	0	0	0	0
TOTAL BUILDING D GSF[1]	**330,592**	**661,130**	**635,531**	**-25,599**
Building D PAA	--	0	1,369	+1,369
Domino Square	--	29,826 (0.685 acres)	30,726 (0.705 acres)	+900 (+0.02 acres)

NOTES:
[1] GSF numbers shown exclude mechanical, cellar back-of-house, and residential amenity spaces.
[2] Although the Applicant plans to develop only 561 DUs in Building D, 625 units are being conservatively assumed for the purposes of this assessment, based on a ratio of 1,000 gsf per DU, consistent with TM 003.

IV. ASSESSMENT OF POTENTIAL FOR SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS UNDER PROPOSED MODIFICATION

Although the proposed modification is intended to modify Building D and Domino Square, as River Street (a portion of which is proposed to be narrowed) traverses the entire development, and the updates to the "Urban Design Guidelines" would also apply to the already built Building A, this technical memorandum evaluates the effects of the proposed modification on the overall LSGD, where applicable. **Table 2** below summarizes the program for the Domino Sugar LSGD, both by individual building/component and overall. **Table 2** shows the program analyzed in the 2010 FEIS, the 2014 approved program analyzed in the 2013 TM 003, as well as the anticipated program with the proposed Building D Modification. As shown in **Table 2**, the proposed Building D Modification would result in a reduction of approximately 128,416 in overall gross square footage (excluding parking) compared to the 2014 Approved Project, a reduction of approximately 4.2 percent.

As portions of the overall Domino Sugar project have already been completed, including Buildings A and E and the waterfront Domino Park, and subsequent modifications were made to the Refinery Building's program in TM 005, for comparison purposes, **Table 2** below also shows an updated No-Action condition, reflecting what has been completed to date and what has been approved for the remaining parcels of the Domino Sugar LSGD. The "updated No-Action" condition will form the basis for the CEQR assessment below.

As shown in **Table 2**, the square footage for most program elements with the proposed Building D Modification would be similar to or less than either (or both) of the prior approvals. Although the table shows a small increase in DUs compared to the 2014 Approved Development (and an increase of less than five percent compared to the 2010 Project), as noted above, the number of residential units planned by the Applicant for Building D has actually decreased (to 561 DUs) due to the currently expected mix of apartment sizes. However, as plans for Building D have not yet been filed with DOB and the unit mix could change prior to construction, this memo conservatively assumes a unit size of 1,000 gsf for purposes of CEQR assessment, same as for the 2010 FEIS and 2013 TM 003. It should also be noted that although a health club is no longer planned as part of Building D, this use is expected to be included in the Refinery Building instead.

As shown in **Table 2**, compared to the updated No-Action condition, the proposed Building D Modification would result in an increase of 14 DUs and 0.05 acres of open space, and decreases of 63,223 sf in office space, 22,847 sf in retail space, and 3,751 in health club space for the LSGD total. Based on an average household size of 2.43,[3] the 14 incremental DUs would result in approximately 34 additional residents. This incremental increase in residential units and number of residents would be minimal, and would not trigger any of the 2021 *CEQR Technical Manual* thresholds for density-based analyses.

Although the proposed Building D Modification would slightly increase the number of DUs compared to both the 2010 Project and the 2014 Approved Project, the projected number of residents would actually be less. Based on the 2020 Census average household size of 2.43 (for Brooklyn CD 1), the LSGD program with the proposed Building D Modification is estimated to generate approximately 6,087 residents, compared to 6,696 residents estimated for the 2010 Project and 6,116 residents estimated for the 2014 Approved Project.[4] As such, the proposed modification would not be expected to alter the findings and conclusions of the 2010 FEIS or subsequent Technical Memoranda with respect to any density-based analyses (i.e., socioeconomic conditions, community facilities, open space, water and sewer infrastructure, solid waste and sanitation services, energy, transportation, mobile source air quality, mobile source noise, or greenhouse gas emissions). Moreover, as the estimated number of residents would be less than previously projected, and coupled with the decreases in commercial and community facility gsf, the proposed Building D Modification would not be expected to alter the magnitude of impacts or required mitigations compared to the conclusions of the 2010 FEIS and 2013 TM 003.

Although the proposed Building D Modification would narrow the width of a portion of River Street by five feet, this narrowing would not affect traffic or pedestrian flow in the area. River Street is a private two-lane one-way street with a striped no-standing zone on its west side adjacent to Domino Park. The proposed narrowing of River Street will be achieved through the elimination of the no-standing zone, and will therefore have no impact on the street's travel way, nor would it affect the width of the sidewalks within the development, which would be maintained at a minimum of 15 feet. As such, this modification would not alter any of the findings and conclusions of the 2010 FEIS or subsequent Technical Memoranda with respect to transportation.

[3] Average household size is sourced from the 2020 Census for Brooklyn Community District (CD) 1.

[4] The 2010 FEIS assumed 2.79 residents per unit (based on 2000 Census data); the 2014 Approved Project assumed an updated ratio of 2.68 residents per unit, based on 2010 census data for average household size for census tracts within an approximate ¼-mile radius.

TABLE 2
Domino Sugar LSGD Building Program - 2010 FEIS Program vs. 2014 Approved Development vs. Updated No-Action vs. Proposed Modification

Building	Land Use	2010 Building Program Analyzed in the FEIS (GSF)	2014 Approved Building Program Analyzed in TM 003 (GSF)	Updated No-Action Program (GSF)[1]	Program with Proposed Building D Modification (GSF)[2]	Net Difference - Modified Program vs. Updated No-Action (GSF)
A	Residential	203,984 (206 DUs)	251,884 (252 DUs)	265,333 (332 DUs)	265,333 (332 DUs)	No Change
	Commercial Office	98,738	100,965	134,093	134,093	
	Retail	30,000	7,004	12,620	12,620	
	Community Facility[3]	42,316	44,558	0	0	
	Parking	782 spaces	0	0	0	
B	Residential	761,727 (740 DUs)	1,026,170 (1,026 DUs)	1,026,170 (1,026 DUs)	1,026,170 (1,026 DUs)	No Change
	Commercial Office	0	0	0	0	
	Retail	10,769	10,708	10,708	10,708	
	Community Facility[3]	0	70,624	70,624	70,624	
	Parking	0	300 spaces	300 spaces	300 spaces	
Refinery[4]	Residential	260,522 (241 DUs)	0	0	0	0
	Commercial Office	0	403,343	357,857	294,634	-63,223
	Retail	30,143	25,725	44,213	18,732	-25,481
	Health Club		0	0	38,480	38,480
	Community Facility[3]	104,135	35,753	0	0	0
	Parking	127 spaces	0	0	0	0
C	Residential	576,893 (569 DUs)	N/A (Domino Square)	N/A (Domino Square)	N/A (Domino Square)	N/A
	Commercial Office	0				
	Retail	10,775				
	Community Facility	0				
	Parking	411 spaces				
D	Residential	320,742 (317 DUs)	610,928 (611 DUs)	610,928 (611 DUs)	624,926 (625 DUs)	+13,998 (+14 DUs)
	Commercial Office	0	0	0	0	0
	Retail	9,850	7,971	7,971	10,605	2,634
	Health Club	0	42,231	42,231	0	-42,231
	Community Facility	0	0	0	0	0
	Parking	0	0	0	0	0
E	Residential	318,437 (327 DUs)	392,683 (393 DUs)	396,385 (522 DUs)	396,385 (522 DUs)	No Change
	Commercial Office	0	0	0	0	
	Retail	36,000	21,000	19,821	19,821	
	Community Facility	0	0	0	0	
	Parking	374 spaces	750 spaces	725 spaces	725 spaces	
Open Space	Waterfront PAA	159,902 (3.67 acres)	163,790 (3.76 acres)	163,790 (3.76 acres)	163,790 (3.76 acres)	0
	PAA (incl Domino Square)	21,292 (0.49 acres)	46,623 (1.07 acres)	46,623 (1.07 acres)	48,892 (1.12 acres)	2,269 (0.05 acres)
	Public Easement Area	30,903 (0.71 acres)	88,016 (2.02 acres	88,016 (2.02 acres)	88,016 (2.02 acres)	0
TOTAL DOMINO PROJECT	Residential[5]	2,442,305 (2,400 DUs)	2,281,665 (2,282 DUs)	2,298,816 (2,491 DUs)	2,312,814 (2,505 DUs)	+13,998 (+14DUs)
	Commercial Office	98,738	504,308	491,950	428,727	-63,223
	Retail	127,537	72,408	95,333	72,486	-22,847
	Health Club	0	42,231	42,231	38,480	-3,751
	Community Facility	146,451	150,935	70,624	70,624	0
	TOTAL GSF (excl pkg)	***2,815,031***	***3,051,547***	***2,998,954***	***2,923,131***	***-75,823***
	Parking	1,694 spaces	1,050	1,025	1,025	0
	Total Open Space	212,097 (4.87 acres)	298,429 (6.85 acres)	298,429 (6.85 acres)	300,578 (6.9 acres)	2,149 (0.05 acres)

Notes:

[1] This column reflects as-built programs for those buildings that have already been completed and occupied (Buildings A and E), as well as the updated program for the Refinery Building as reflected in TM 005 dated 2020. For the remaining buildings (B and D), the same programs shown in the 2013 TM are assumed.

[2] GSF numbers shown exclude mechanical, cellar back of house, and residential amenity spaces (consistent with the program used in the 2013 TM 003).

[3] The community facility spaces analyzed in the 2013 Tech Memo 003 consisted of a 44,558 gsf not-for-profit sports and fitness center in Building A, a 70,624 gsf 375-seat elementary school in Building B, and 35,753 gsf of not-for-profit/artist studio space in the Refinery building.

[4] Updated No-Action program for the Refinery Building reflects the program shown in TM 005, dated May 13, 2020, which assessed a proposed change to the approved massing of the Refinery Building.

[5] Number of dwelling units for completed buildings A and E is based on what was actually developed by the Applicant. For Buildings B and D, which have not yet begun construction, a ratio of 1,000 gsf per DU is assumed, for consistency with the 2010 FEIS and 2013 TM 003 (and in absence of final building designs).

In addition, as the proposed modification would not change the mix of uses or overall density within the Domino Sugar LSGD, and would not alter the boundaries of the overall project area previously analyzed, it would not be expected to alter the findings and conclusions of the 2010 FEIS or subsequent Technical Memoranda with respect to several of the site-specific analyses, such as land use, zoning, and public policy, natural resources, hazardous materials, or neighborhood character. For site-specific impacts related to noise, the same (E) designation requirements identified for Building D (and other buildings within the LSGD) in TM 003 would be warranted under the proposed modification to avoid potential impacts associated with those issues.

For site specific impacts related to air quality, the same (E) designation requirements identified for Building D (and other buildings within the LSGD) in TM 003 would be warranted under the proposed modification to avoid potential impacts associated with those issues. As part of the 2014 Approved Development, an (E) designation for stationary source air quality was placed on Building D, which specified that "*Any new development on the above-referenced property must ensure that the fossil fuel-fired heating and hot water equipment will utilize only natural gas, and must be fitted with low NOx burners with a maximum emission concentration of 30 ppm, and that exhaust stack(s) are located at least 538 feet above grade, to avoid any potential significant air quality impacts*". As shown in **Figure 3** above, the height of the two towers comprising Building D, at 435 feet and 535 feet, respectively, to the roof line, would not change as a result of the proposed modification. As such, the location of the boiler flue for the modified Building D would be in compliance with the (E) designation for the site. As the zoning envelope modifications to Building D would not change the building height, and Building D would comply with the requirements of the air quality (E) designation placed on the site governing stack location and height, and as the building's total gross square footage would be less than what was analyzed in TM 003, there would not be any additional or new stationary source air quality impacts anticipated. As such, the proposed Building D Modification would not alter the findings of the stationary source air quality analyses of the 2010 FEIS and subsequent Technical Memoranda and no further analysis is warranted.

With respect to construction, the proposed Building D modification would facilitate construction of a building of the same height and similar scale to what was previously analyzed for the site (approximately 2.9 million gsf, excluding parking, compared to 3.05 million gsf for the 2014 Approved Project and 2.8 million gsf for the 2010 Project). The construction methods/techniques and duration for the modified Building D would be substantially the same as for the 2010 Project and 2014 Approved Development, and as such, the proposed modification would not alter the findings and conclusions of the 2010 FEIS and subsequent Technical Memoranda with respect to construction impacts.

As noted above, the proposed Building D Modification would encompass changes to zoning envelope and urban design guidelines for the mixed-use Building D, and therefore for CEQR technical areas that are dependent on building form, the proposed modification may have the potential to affect the findings of analyses that are dependent on bulk, such as shadows, historic resources, and urban design and visual resources. Therefore, an assessment of those three technical areas is provided below, in accordance with 2021 *CEQR Technical Manual* guidance.

Shadows

In accordance with CEQR guidelines, the assessment of potential shadow impacts is limited to new shadows long enough to reach publicly accessible open spaces or historic resources that have sunlight-sensitive features. Typically, a shadow assessment is required for a project that would either: (a) result in

new structures (or additions to existing structures including the addition of rooftop mechanical equipment) of 50 feet or more; or (b) be located adjacent to, or across the street from, a sunlight-sensitive resource. Given the presence and proximity of several sunlight-sensitive resources to Building D (Domino Park and the East River), and the fact that the proposed Building D Modification would modify the permitted zoning envelope of Building D by increasing the height of the building podium by 20 feet, and would increase the north tower's floor plates by five feet and the south tower's floor plates by two feet, further detailed analysis was undertaken to determine the potential effects of this modification.

Per the *2021 CEQR Technical Manual*, a shadows analysis was performed for four representative days of the year: March 21/September 21, the equinoxes; May 6, the midpoint between the summer solstice and the equinox (and equivalent to August 6); June 21, the summer solstice and the longest day of the year; and December 21, the winter solstice and the shortest day of the year. The *CEQR Technical Manual* defines the temporal limits of a shadow analysis period to fall from an hour and a half after sunrise to an hour and a half before sunset.

Similar to what was projected in the 2013 TM 003, incremental shadows from the modified zoning envelope of Building D would be cast on the East River and Domino Park. Incremental shadow as a result of the proposed Building D Modification would occur on three of the four representative analysis days. As shown below in **Table 3**, incremental shadow cast by the modified Building D would result in an additional 43 minutes to 1 hour and 9 minutes of shadow being cast on the East River and an additional 37 minutes to 2 hours and 38 minutes of shadow being cast on Domino Park.

TABLE 3
Duration of Shadows on Sunlight Sensitive Resources (Increment Compared to the No-Action Condition)

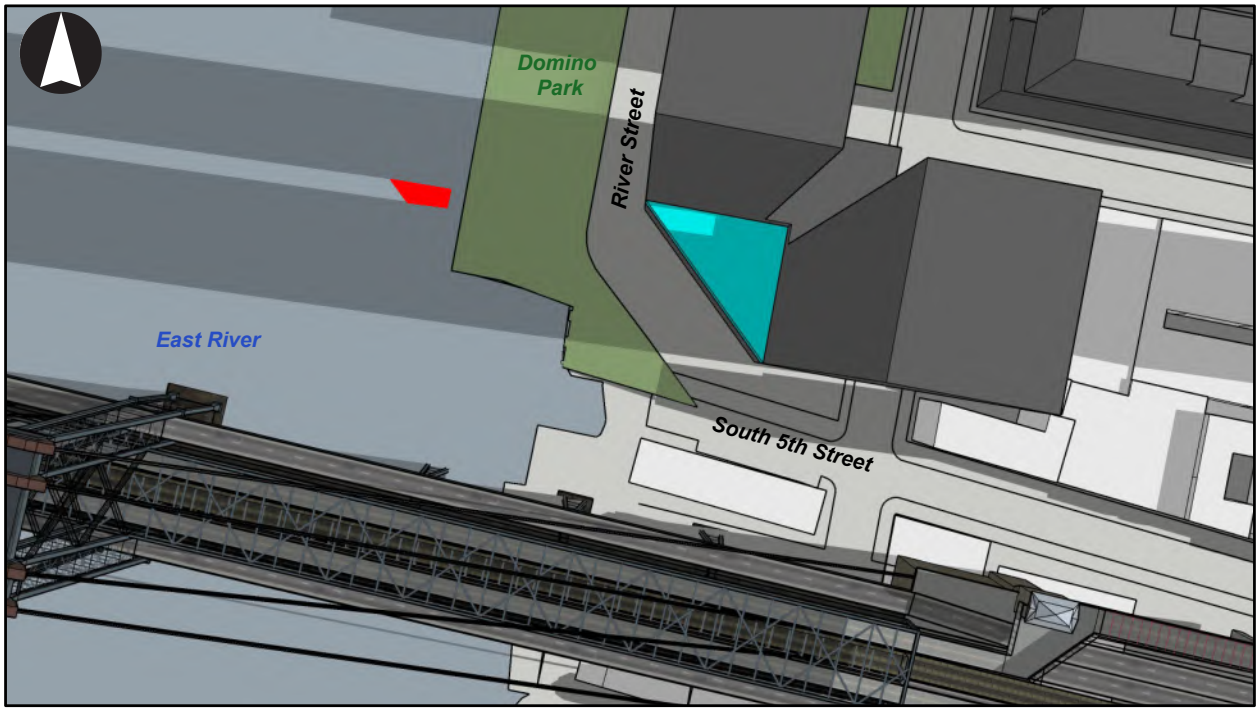
No. [1]	Sunlight-sensitive Resource	Shadow Enter-Exit/ Incremental Shadow Duration	Analysis Days			
			March 21/Sept. 21	May 6/August 6	21-Jun	21-Dec
			7:36 AM – 4:29 PM	6:27 AM – 5:18 PM	5:57 AM – 6:01 PM	8:51 AM – 2:53 PM
1	East River	Shadow enter-exit time	7:36 - 8:19 AM	6:27 - 7:23 AM	6:25 - 7:34 AM	-
		Incremental shadow duration	43 minutes	56 minutes	1 hour 9 minutes	-
2	Domino Park	Shadow enter-exit time	7:47 - 8:24 AM	6:59 - 9:18 AM	7:02 - 9:40 AM	-
		Incremental shadow duration	37 minutes	2 hours 19 minutes	2 hours 38 minutes	-

Notes:
[A] All times are Eastern Standard Time.
[B] Table indicates the entry and exit times and total duration of incremental shadow for each sunlight-sensitive resource.

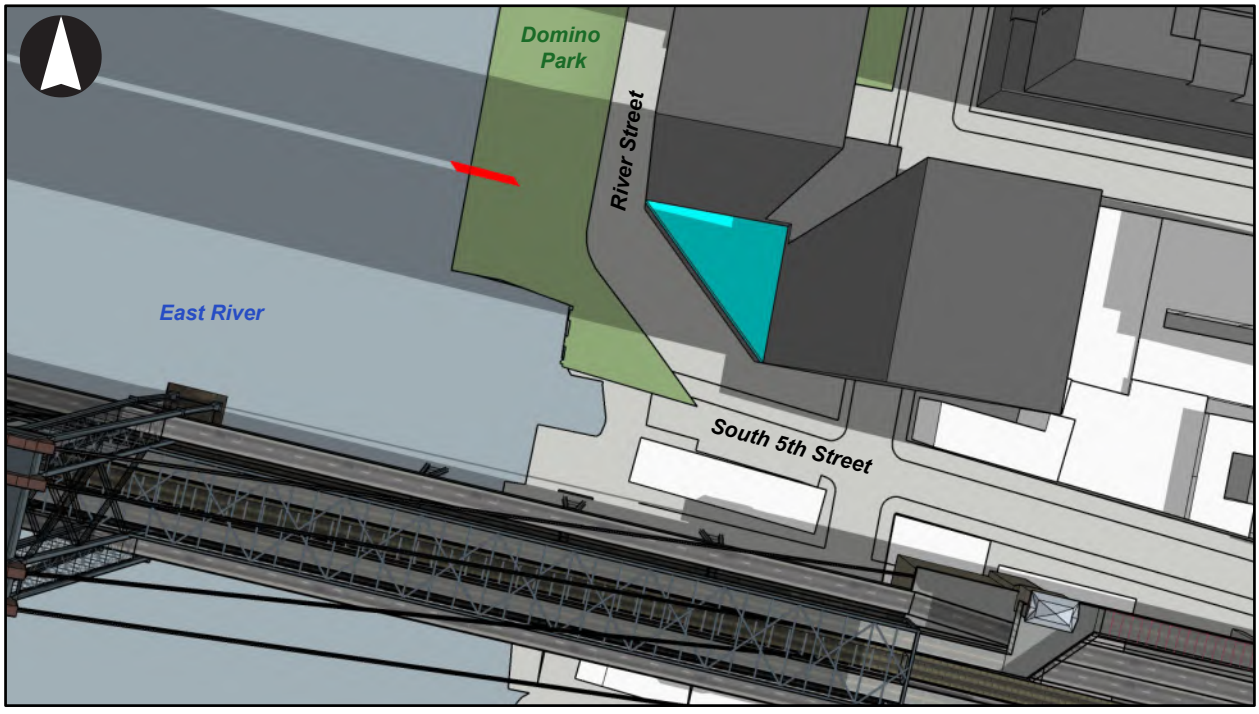
As shown in **Figures 7** through **9**, incremental shadow coverage on each of these sunlight-sensitive resources would be minimal in size and would not be cast on any single area for an extended period of time, as shadows move from west to east throughout the day, allowing the sunlight-sensitive resources to receive adequate direct sunlight (at least six to eight hours) throughout the analysis day. Incremental shadow would be cast in the early morning hours and would be cast until no later than 9:40 AM.

On the March 21st/September 21st analysis day, incremental shadow as a result of the proposed Building D Modification would be cast over a walking path that separates the dog run and lawn areas of Domino

Incremental Shadows on March 21st/September 21st - East River & Domino Park



7:45 AM



8:15 AM

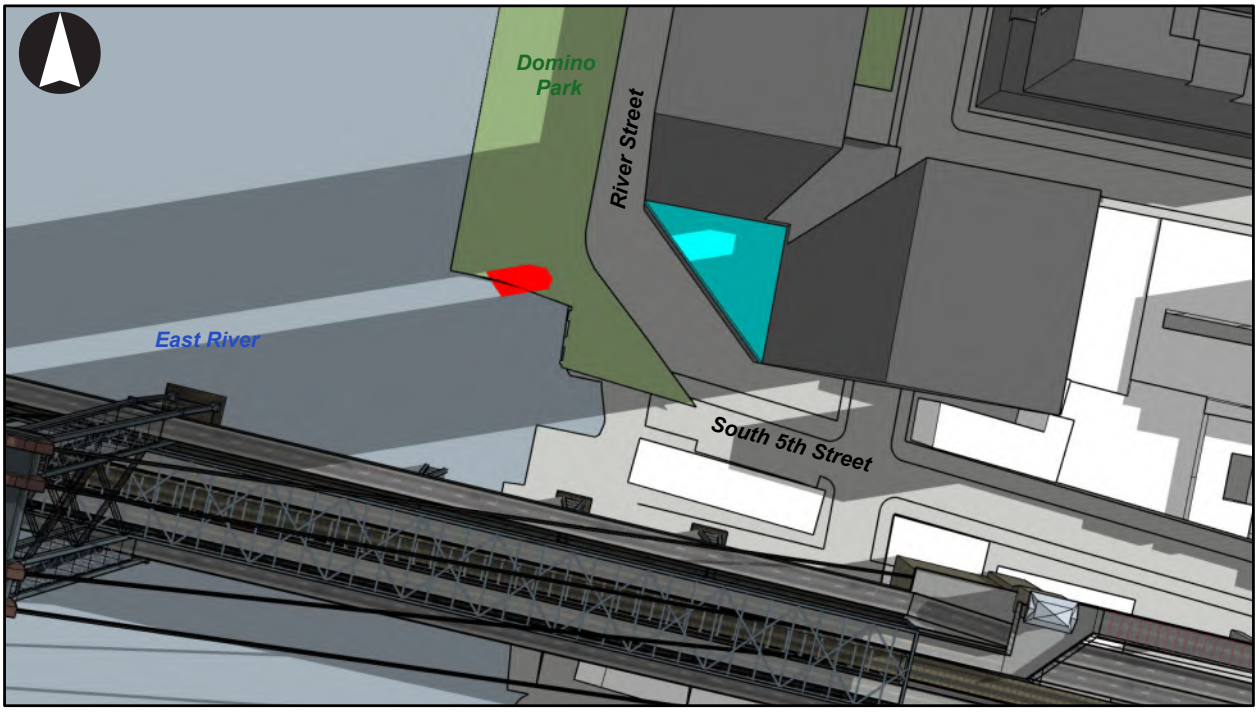
Proposed Modification

East River

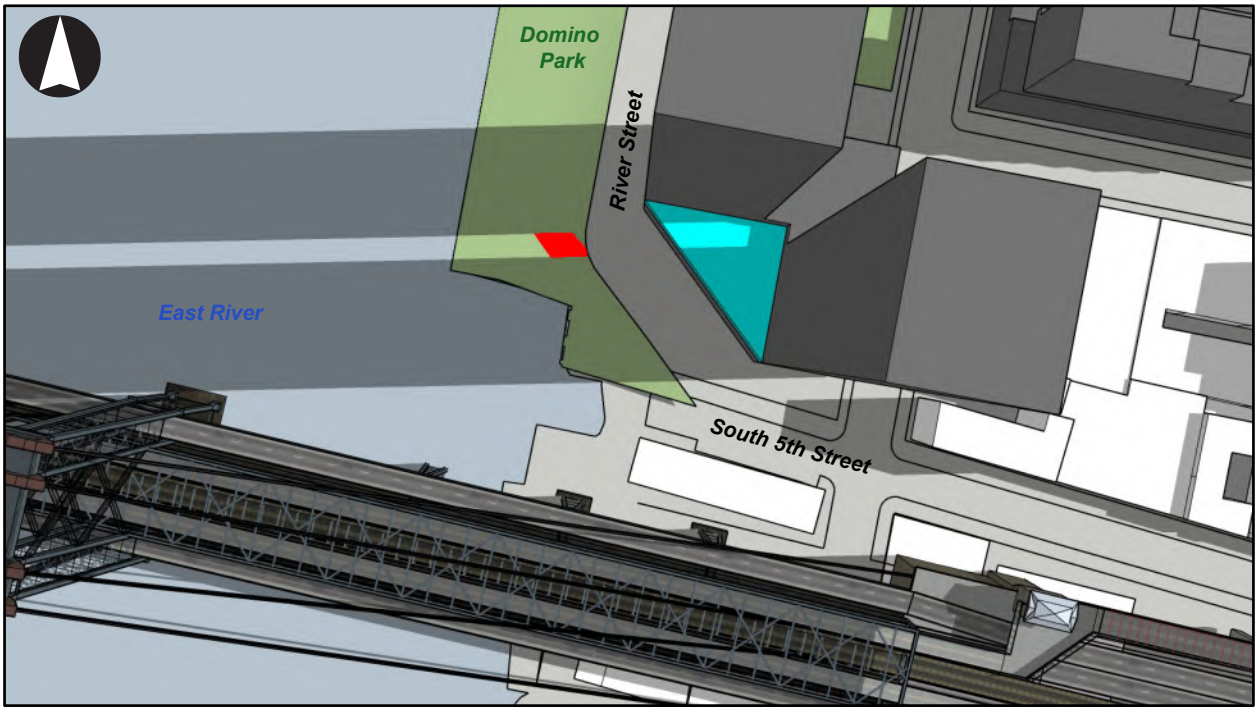
Open Space

Incremental Shadow

Incremental Shadows on May 6th/August 6th - East River & Domino Park



7:15 AM



8:00 AM

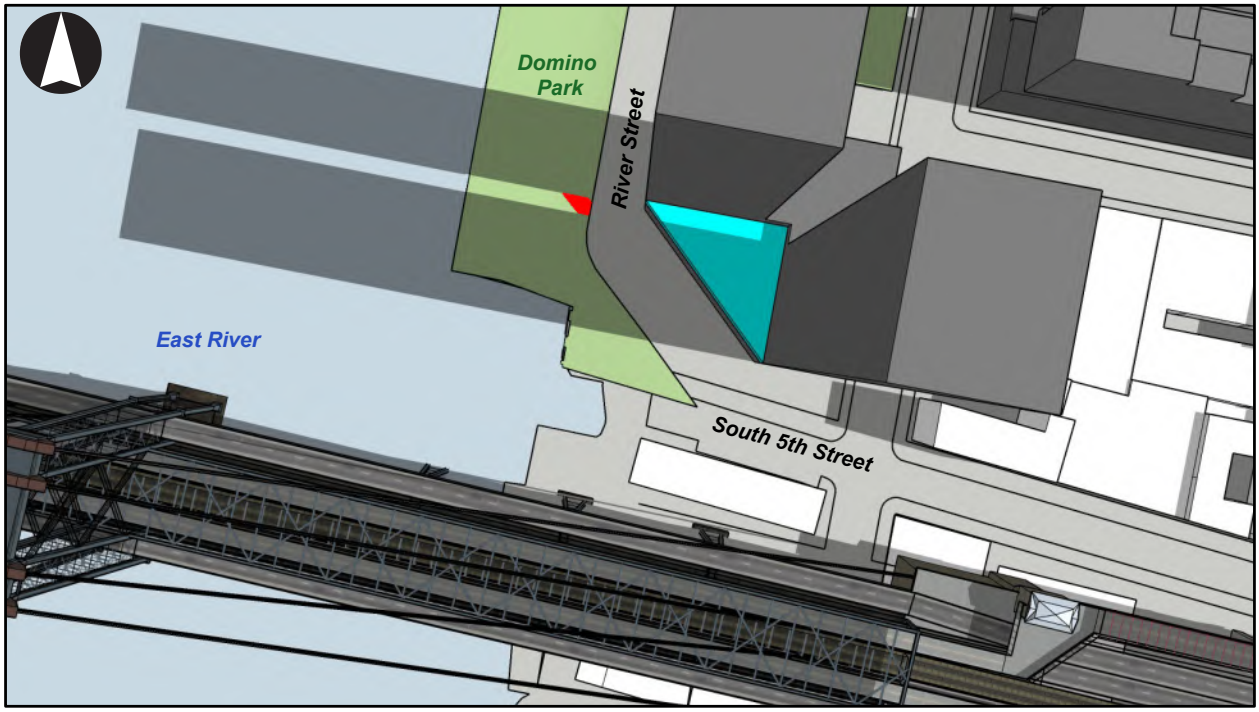
Proposed Modification

East River

Open Space

Incremental Shadow

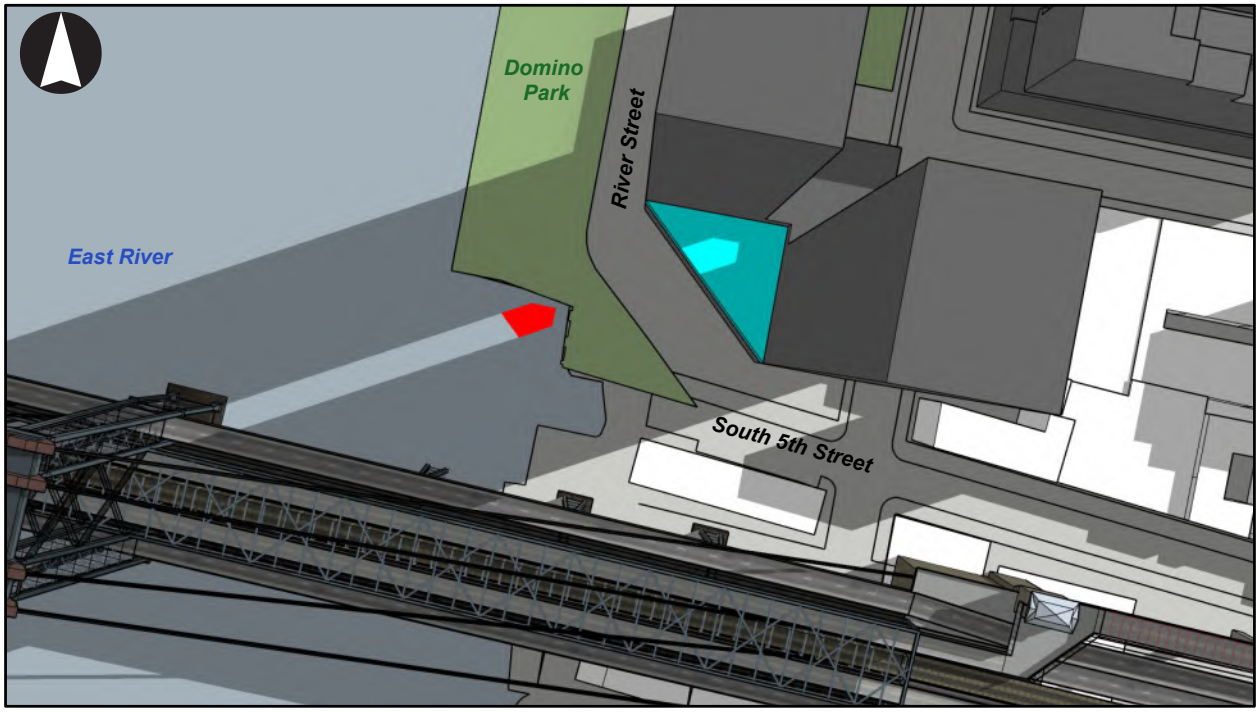
Incremental Shadows on May 6th/August 6th - East River & Domino Park



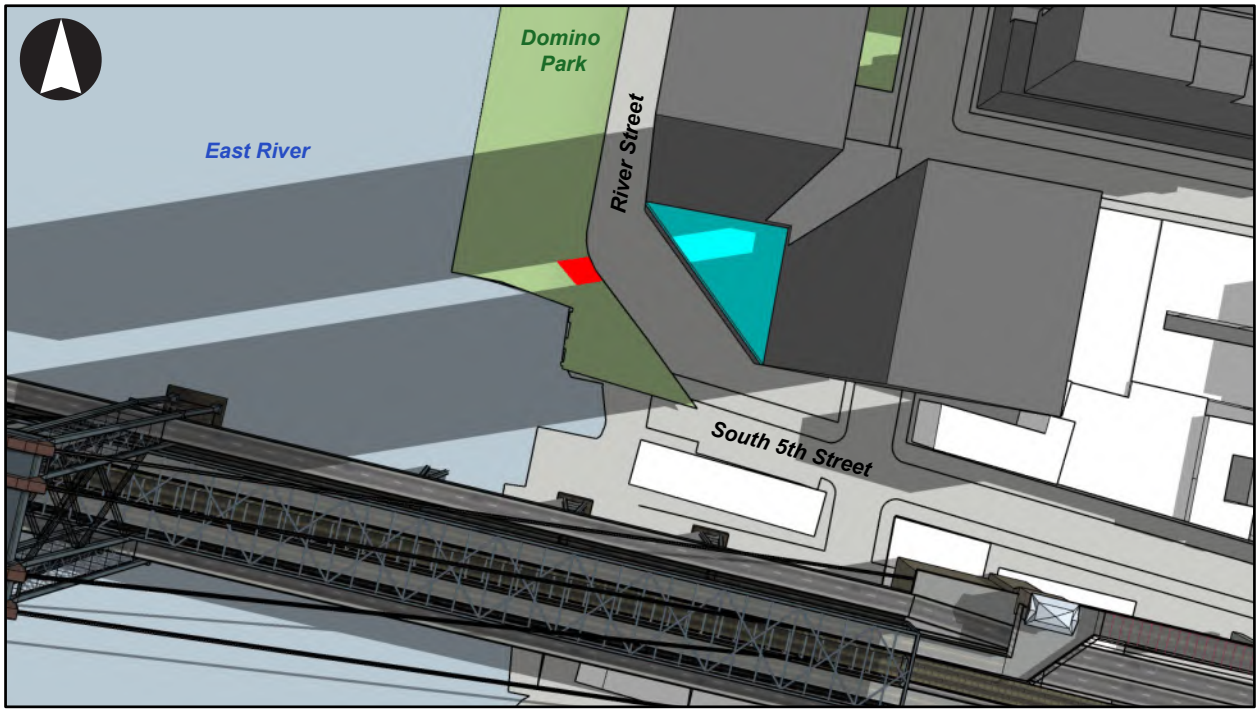
9:00 AM

Proposed Modification	East River
Open Space	Incremental Shadow

Incremental Shadows on June 21st - East River & Domino Park



7:00 AM



8:00 AM

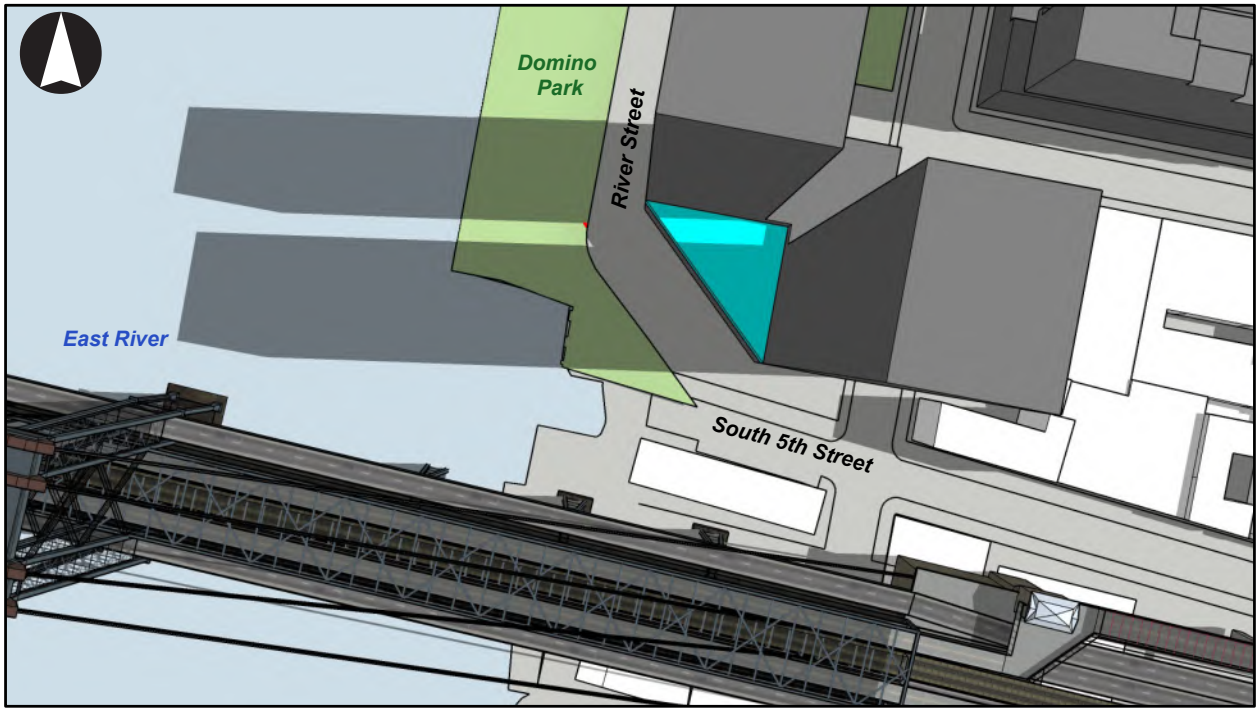
Proposed Modification

East River

Open Space

Incremental Shadow

Incremental Shadows on June 21st - East River & Domino Park



9:00 AM

Proposed Modification

East River

Open Space

Incremental Shadow

Park. Incremental shadow on this analysis day would not threaten the viability of vegetation or affect the usability or enjoyment of Domino Park.

On the May 6th/August 6th analysis day, incremental shadow cast by the modified Building D would be cast over portions of the waterfront promenade, an area containing vegetation, and the dog run. Incremental shadow cast as a result of the proposed Building D Modification would not be cast over any particular area for an extended period of time on this analysis day. As shown in **Figure 8**, incremental shadow would decrease in size through the morning hours until exiting Domino Park at approximately 9:18 AM. Incremental shadow on this analysis day would not threaten the viability of vegetation or affect the usability or enjoyment of Domino Park.

On the June 21st analysis day, incremental shadow cast by the modified Building D would be cast over portions of the waterfront promenade, an area containing vegetation, and the dog run, similar to the May 6th /August 6th analysis day. Incremental shadow would not be cast over a single area for an extended period (refer to **Figure 9**). Incremental shadow on this analysis day would not threaten the viability of vegetation or affect the usability or enjoyment of Domino Park.

As the extent of the incremental shadows generated by the currently proposed modified Building D would be very minimal, and would not significantly alter the public's use of Domino Park or threaten the viability of vegetation or other resources, incremental shadows as a result of the Building D Modification would not alter the findings and conclusions of the Shadows chapter of the 2010 FEIS and subsequent Technical Memoranda.

Historic and Cultural Resources

Per the *CEQR Technical Manual*, an assessment of historic resources is required if there is the potential to affect either archaeological or architectural resources. Generally, architectural resources are assessed if a project would result in a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; screening or elimination of publicly accessible views; introduction of significant new shadows or significant lengthening of the duration of existing shadows on sunlight-sensitive historic resources.

For the 2010 FEIS, the New York City Landmarks Preservation Commission (LPC) and the New York State Historic Preservation Office (SHPO) determined that the Domino Sugar project site was not sensitive for archaeological resources. As such, similar to the 2010 FEIS and subsequent Technical Memoranda, an assessment of archaeological resources is not warranted. For architectural resources, as the LSGD encompasses a historic resource (the LPC-designated and S/NR-eligible Refinery Building), and Building D is located near the S/NR-eligible Williamsburg Bridge, an assessment of the proposed Building D Modification's potential effects on architectural resources is provided.

The proposed Building D Modification does not include any changes affecting the Refinery Building, and therefore the proposed modification would not alter the findings of the 2010 FEIS or subsequent Technical Memoranda with respect to this LPC-designated and S/NR-eligible resource.

Building D is the closest LSGD building to the Williamsburg Bridge, which is eligible for listing on the S/NR. The overall massing of the building with the proposed modification would not differ substantially from what was analyzed in the 2013 TM 003. Similar to the Approved Development, the Modified Building D

would continue the rhythm of the iconic pair of slender industrial towers of the Williamsburg Bridge. In addition, the proposed Building D Modification would result in better sightlines to this eligible resource from South 5th Street and the waterfront Domino Park, by eliminating the southeastern corner of the building closest to the bridge. As shown in **Figure 10**, by pulling the building back from South 5th Street, the modified Building D massing would open up new views and enhance the public view corridors of this eligible historic resource. In addition, the expanded Domino Square would also continue to provide additional expansive viewing opportunities along Kent Avenue and River Street of the span of the Williamsburg Bridge, similar to the 2014 Approved Development.

As such, overall, the proposed Building D Modification would not result in any new significant adverse impacts to historic resources, and would therefore not alter the findings of the Historic Resources chapter of the 2010 FEIS and subsequent Technical Memoranda. LPC has reviewed this assessment and deemed it acceptable (refer to LPC review letter in **Appendix 1**).

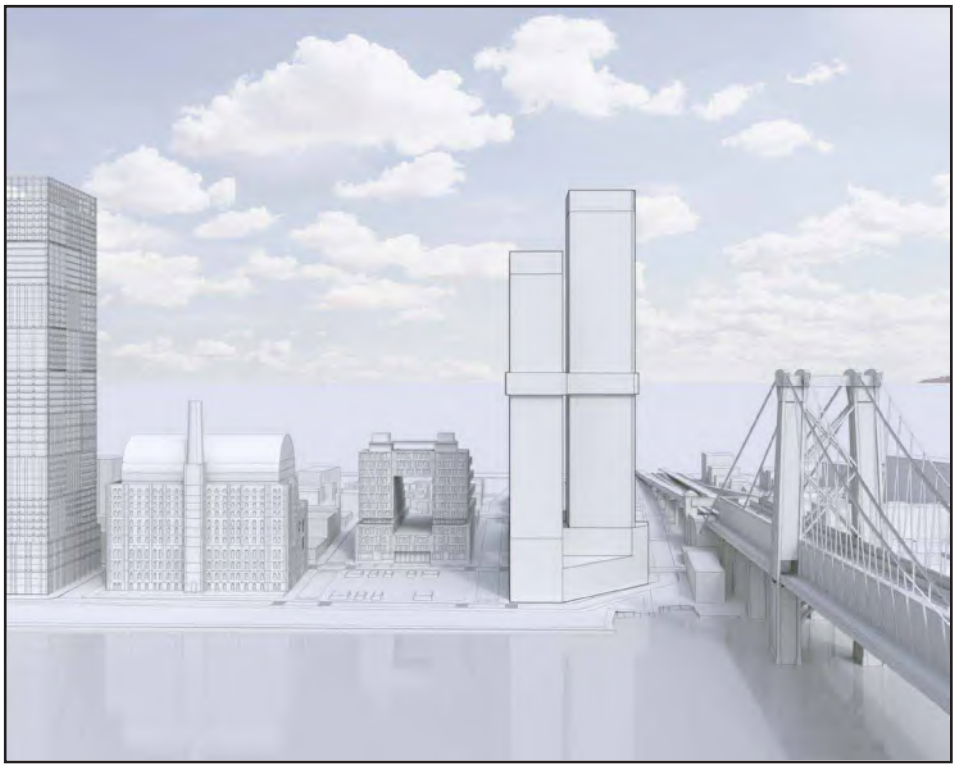
Urban Design and Visual Resources

Per the *CEQR Technical Manual*, an assessment of urban design is required when a project may have effects on one or more of the elements that contribute to a pedestrian's experience of public space. These elements include streets, buildings, visual resources, open spaces, natural resources, wind, and sunlight. As the proposed Building D Modification would alter the previously approved zoning envelope for Building D, narrow the width of a portion of River Street, and modify the Urban Design Guidelines for the LSGD, an assessment of proposed Building D Modification's potential effects on urban design and visual resources is provided.

Under the current proposal, no changes are proposed to Buildings B, E, and the Refinery Building. In addition, no new waivers will be required for yard, court, distance between buildings, height, or setback regulations for Buildings A and D, and Domino Square.

Residential tower sizes above the maximum base height are limited to a maximum of 7,000 SF for the R6/C2-4 portion of the LSGD and 8,100 SF for the R8/C2-4 portion of the LSGD. Under the 2014 Approval, a waiver was obtained for the north and south towers on Building D. In the current proposal, a *de minimis* extension of this waiver will be required since, as described above, the north tower floor plates will increase by five feet and the south tower floor plates will increase by two feet. Building walls that face a shoreline cannot exceed 100 feet in width. Under the 2014 Approval, a waiver was obtained because 179 feet of the walls in Building D were going to face the shoreline. With the proposed Building D Modification, the walls in Building D facing the shoreline would also have a *de minimis* increase from 179 feet to 181 feet. Finally, under the 2014 Approval, the proposed bulkhead screens for Buildings B and D exceeded the maximum surface area requirements for bulkheads under Section 33-42(f), and therefore, these bulkheads required a height waiver. Under the proposed Building D Modification, the bulkhead screens for Building D will comply with Section 33-42(f).

With respect to the Urban Design Guidelines included in the 2014 approval, changes are being proposed to allow for the bulkheads on Buildings A and D to better match the unique design of the buildings they sit on. According to the 2014 Urban Design Guidelines: "*for the top 40 feet of a tower plus all rooftop structures, a minimum of 25 percent of the surface area of the façade of the tower and rooftop structures, as viewed in each elevation, shall be composed with finishing materials used elsewhere in the façade. Such material shall be continuously visible in each elevation view from the top of the highest roof to the top of*



APPROVED ULURP ENVELOPE



PROPOSED MODIFIED MASSING

Source: Selldorf Architects

the tallest rooftop structure." However, under the proposed Building D Modification, the Urban Design Guidelines will be modified to read: "*The rooftop structures on Building A shall be finished with a metal mesh of neutral grey material*" and "*The top two stories of Building D shall be set back from the below façade surface and shall be finished with a metal-framed glass curtain wall. Such finishing material shall be continuously visible in each elevation view. The rooftop structures on Building D shall be finished with metal panels having the same color as the framing below*." This modification will permit the as-built bulkhead on Building A to remain. The Building A bulkhead is located at the center of Building A's roof for a majority of the roof length and is constructed with a metal mesh of a neutral grey material. The revised Urban Design Guidelines will also permit the proposed bulkheads on Building D, which will set back from the tower roofs and be clad in a metal panel which matches the color and finish of the curtain wall framing of the tower crown below.

The purpose of the 2014 Urban Design Guidelines, as they apply to the building bulkheads on Zoning Lot 1 (which comprises Buildings A, B, D, Domino Square and Domino Park), is to preserve the geometry of the design of the towers across the LSGD. However, since each of the five buildings in the LSGD has a unique design, each building bulkhead would have a complementary and unique design. For Building A, the bulkhead runs along the length of the building roof – complementing its shape and width – and is set back to minimize its visual impact. For Building D, the bulkheads are set back and narrower than the building below, which is an appropriate design for the top of rectangular tower buildings. These changes are consistent with the bulkhead designs for the remainder of the LSGD buildings, as the Refinery Building and Building E have differing bulkhead designs that complement the buildings they sit on.

The proposed Building D Modification described above is being proposed to allow for a more appropriate massing for Building D and a better overall site plan, while substantially maintaining the general configuration of the LSGD. Narrowing this portion of River Street and extending the south tower's footprint would eliminate the undesirable chamfer, allowing for a pure rectangular tower form. The previous envelope resulted in a massing with a chamfered southeast corner on the South Tower; extending the building south by two feet allows this chamfer to be squared off, creating a cleaner, more aligned tower. The extension of the north tower's footprint would improve floorplan efficiency and help alleviate the difficulty of accommodating allowable floor area without compromising architectural form. Lastly, the at-grade extension of the podium west and south along River Street would allow it to engage the corner of both towers, anchoring the vertical volume of the towers to the geometry of the base.

The removal of the portion of Building D at the southeastern corner of site would also result in a better massing. As show in the comparative views in **Figure 11**, the protruding mass of the approved ULURP envelope at the southern extent of the site disrupts the relationship between the towers and the podium. Shifting the floor area within this volume to the upper levels of the podium enhances visual access from Kent Avenue to the East River and creates an opportunity for additional landscaping and open space at the southern gateway to the Domino Park WPAA. The proposed increase in the podium base height from 45 to 65 feet allows for clearer alignments and proportions within the architectural order of the façade. The increased podium height not only creates a more substantial base to the two towers, it also roots the building on the site and provides a strong urban identity. In addition, as noted above, the proposed Building D Modification would pull the base of the building away from South 5th Street, thereby enhancing public views of the S/NR-eligible Williamsburg Bridge, a notable visual resource in the area (refer to comparative views in **Figure 11**).

As noted above, Building D's north tower floor plates will increase by five feet and the south tower floor plates will increase by two feet as a result of the proposed modification. This increase in the building

View Along River Street Looking South

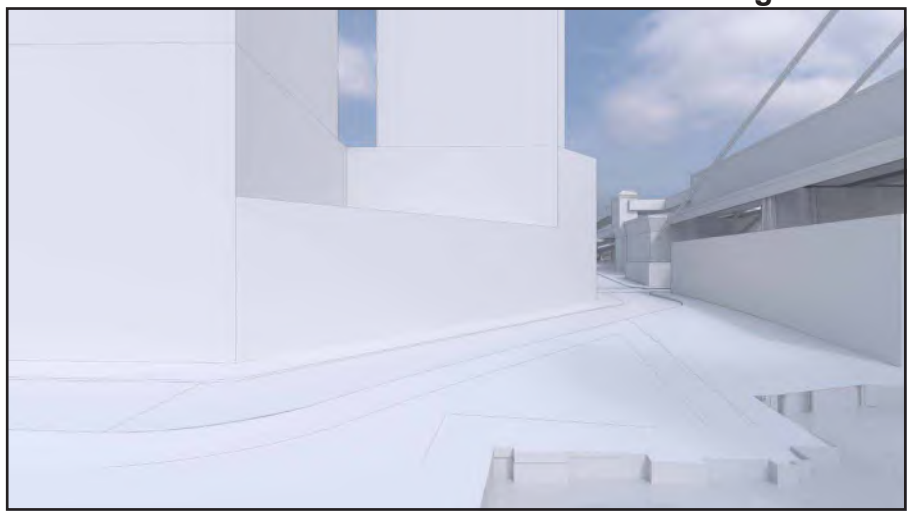


APPROVED ULURP ENVELOPE

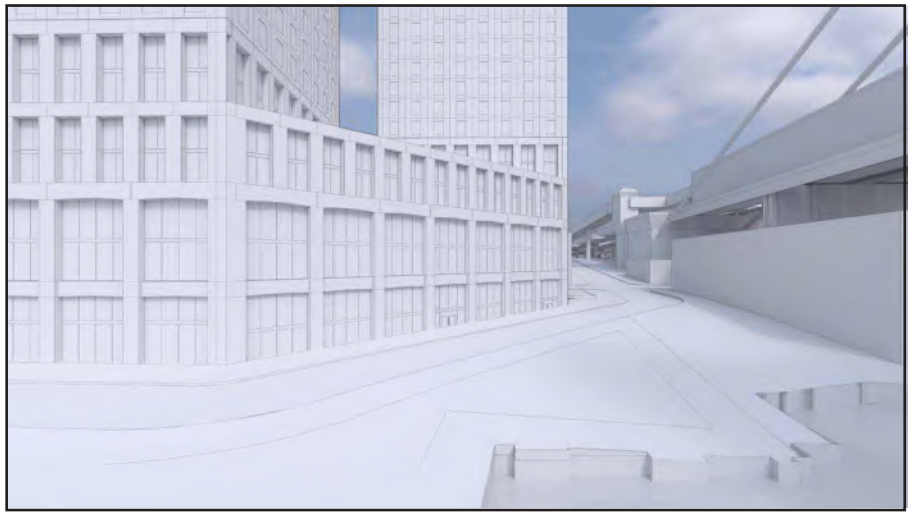


PROPOSED MODIFIED MASSING

View From Southern End of Domino Park Looking East

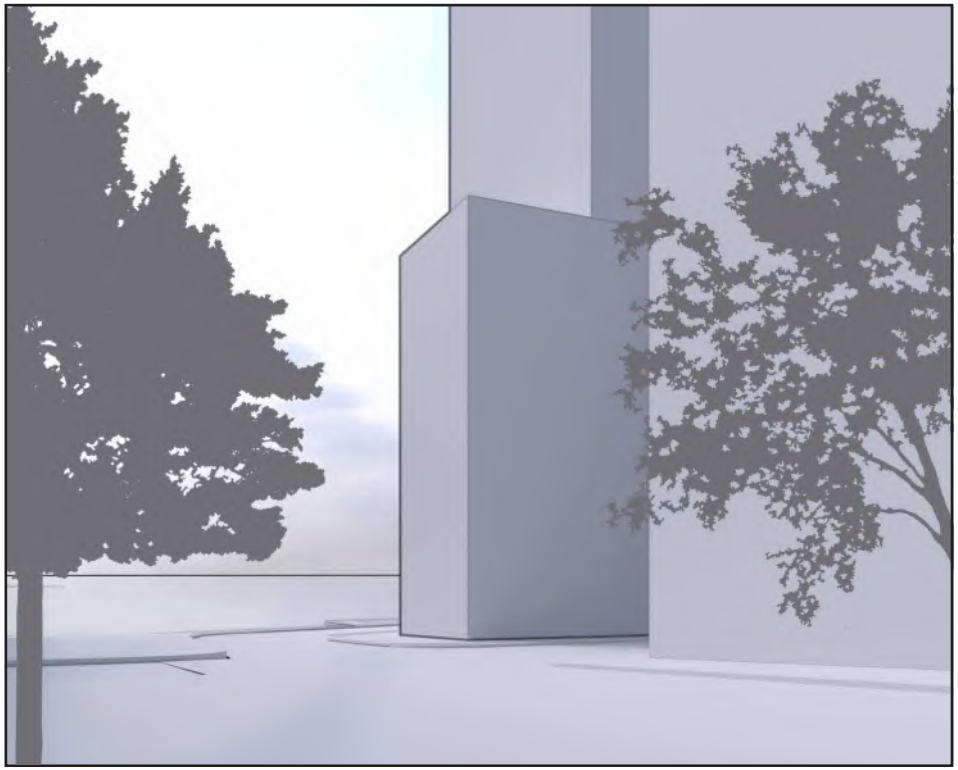


APPROVED ULURP ENVELOPE



PROPOSED MODIFIED MASSING

Source: Selldorf Architects



APPROVED ULURP ENVELOPE



PROPOSED MODIFIED MASSING

Source: Selldorf Architects

envelope would be minimal, and as shown in **Figure 11**, would not obstruct or eliminate views to any significant visual resources. In addition, both the 1,369 sf newly created PAA at the south of modified Building D and the 900 sf addition to Domino Square would improve open space conditions in the area, open up views to Domino Park and the Williamsburg Bridge, and enhance the pedestrian experience overall.

Finally, although the proposed Building D Modification would narrow the width of a portion of River Street by five feet, this change would not alter the urban design characteristics of the area nor affect visual access to any visual resources. As noted above, the proposed modification would be achieved through the elimination of an existing striped no-standing zone, and will therefore have no impact on the street's travel way, nor would it affect the width of the sidewalks within the development, which would be maintained at a minimum of 15 feet. Therefore, this modification would not alter the street grid, the arrangement and orientation of streets in the area, nor would it affect block forms. As such, the proposed narrowing of River Street would not adversely affect the streetscape, or the experience and flow of activity in the area.

Therefore, the proposed Building D Modification would not result in any significant adverse impacts to urban design or visual resources, and would therefore not alter the findings of the 2010 FEIS and subsequent Technical Memoranda with respect to this technical area.

V. CONCLUSION

The purpose of this Technical Memorandum was to determine whether the proposed modification of the CPC approved 2014 special permit for the Domino Sugar LSGD and subsequent amendments thereto would result in any significant adverse environmental impacts that were not previously identified in the May 2010 *Domino Sugar Rezoning Final Environmental Impact Statement* (FEIS) and subsequent Technical Memoranda dated June 4th, 2010, July 10th, 2010, October 31, 2013, March 5, 2014, and May 13, 2020 (CEQR No. 07DCP094K). All technical areas of the 2010 FEIS were reviewed to determine whether the proposed modifications would result in any new or additional significant adverse impacts that were not previously disclosed. As discussed above, this technical memorandum concludes that there would be no additional significant adverse impacts in any of the analyzed CEQR technical areas as a result of the proposed Building D Modification.

As outlined above, the Building D Modification would not result in any new or additional significant adverse impacts, compared to the 2010 Project or subsequent Technical Memoranda. As discussed above, compared to the updated No-Action condition, the proposed Building D Modification would result in an increase of 14 DUs (approximately 34 residents) and 0.05 acres of open space, and decreases of 63,223 sf in office space, 22,847 sf in retail space, and 3,751 in health club space. This minimal incremental increase in residential units and number of residents would not trigger any of the 2021 *CEQR Technical Manual* thresholds for density-based analyses, such socioeconomic conditions, community facilities, open space, water and sewer infrastructure, solid waste and sanitation services, energy, transportation, mobile source air quality, mobile source noise, or greenhouse gas emissions. In addition, as the proposed modification would not change the mix of uses or overall density within the Domino Sugar LSGD, and would not alter the boundaries of the overall project area previously analyzed, it would not be expected to alter the findings and conclusions of the 2010 FEIS or subsequent Technical Memoranda with respect to several of the site-specific analyses, such as land use, zoning, and public policy, natural resources, hazardous materials, or neighborhood character. For site-specific impacts related to noise and air quality, the same

(E) designation requirements identified in TM 003 would be warranted under the proposed modification to eliminate potential impacts associated with those issues. The construction methods/techniques and duration for the modified Building D would be substantially the same as for the 2010 Project and 2014 Approved Development.

While the Proposed Modified Development would result in slightly longer shadow durations being cast on the southernmost portion of Domino Park and part of the East River, compared to the 2014 Approved Project, the extent of the incremental shadows generated by the currently proposed modified Building D would be very minimal, and would not significantly alter the public's use of Domino Park or threaten the viability of vegetation or other resources. In addition, although the zoning envelope for Building D would be modified, the resultant building would open up new views and enhance the public view corridors of the Williamsburg Bridge. In addition, the expanded Domino Square would also continue to provide additional expansive viewing opportunities along Kent Avenue and River Street of the span of the Williamsburg Bridge. The modified Building D would also not alter the urban design characteristics of the area or affect visual access to any visual resources.

As such, the proposed changes to reduce the width of a portion of River Street (a privately-owned road) from 30 feet to 25 feet, expand the adjacent public space at Site C/Domino Square, and modify the approved zoning envelope and urban design guidelines for the mixed-use Building D would not result in any significant adverse environmental impacts that had not been previously identified in the 2010 FEIS and subsequent Technical Memoranda. Therefore, no additional analysis or supplemental environmental impact statement is warranted for the proposed Building D Modification described herein.

APPENDIX 1

LPC Correspondence

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 07DCP094K
Project: 0 DOMINO SUGAR REZONING
Date Received: 5/27/2022

Comments:

The LPC is in receipt of the Technical Memorandum 06 dated 4/6/22. The TM appears acceptable for historic and cultural resources.

Gina Santucci

5/27/2022

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 7523_FSO_GS_05272022.docx