Chapter 3: Land Use, Zoning, and Public Policy

A. INTRODUCTION

This chapter examines the proposed project's consistency with land use and development trends, zoning regulations, and other applicable public policy within the study area. This analysis also identifies anticipated changes in land use, zoning, and public policy that are projected to occur independent of the proposed project by the 2020 Build year, and assesses any potential adverse impacts to land use, zoning, and public policy associated with the proposed project.

PRINCIPAL CONCLUSIONS

This chapter concludes that the proposed project would not result in any significant adverse impacts with respect to land use, zoning, or public policy.

LAND USE

The proposed project would have a strong positive effect on land use by creating a vibrant new mixed-use development with public waterfront access and open space on a site that is currently vacant and would otherwise be occupied by industrial and commercial uses with no public open space or waterfront access and limited views of the water. The proposed project would make possible the adaptive reuse of the landmarked Refinery, which would otherwise remain vacant. The new housing, retail, and open space would bring activity to the site and would serve both residents of the proposed project's buildings and the larger community. The project's community facility space would serve project site residents and the surrounding community. The proposed office use would also draw activity to the project site and contribute to its mixed-use character.

The new uses introduced by the proposed project would be compatible with the existing and anticipated future mix of residential, retail, and light industrial uses in the surrounding area. The proposed project would complement the upland residential neighborhood and would be an extension of the existing trend in which vacant or underutilized waterfront sites are being redeveloped with housing, retail space, and public open space. The proposed project's retail uses along Kent Avenue would complement the retail uses that currently exist along Grand Street and Broadway, as well as new retail uses that have emerged along Kent Avenue, Wythe Avenue, and South 5th Street.

The industrial uses near the project are predominantly warehousing, distribution, and light manufacturing, and already coexist with residential uses on the adjacent blocks. Nearby industrial uses on adjacent blocks, the New York Power Authority (NYPA) North 1st Street gas turbine power generating facility (the "NYPA facility"), and the Con Edison North 1st Street Oil Terminal, a fuel transfer station, along the waterfront to the north of the project site would not adversely affect the residential uses in the proposed project.

Therefore, the proposed project would be compatible with land uses in the surrounding study area and would not result in significant adverse impacts with respect to land use.

ZONING

The zoning actions proposed for the project site would facilitate the creation of affordable housing, open space, and public access to the waterfront. These zoning changes would be compatible with zoning in the study area. Like the residential districts mapped on waterfront sites to the north of the project site from North 3rd to the Newtown Creek as part of the Greenpoint-Williamsburg rezoning, the proposed project's zoning would help to achieve City goals of creating affordable housing and public access to the waterfront. The proposed residential and commercial districts on the project site would also be compatible with nearby mixed-use districts such as those mapped along Grand, South 4th, and South 5th Streets. The removal of M3-1 zoning on the project site would ensure that heavy industrial uses that are not compatible with these adjacent districts do not locate on the project site. While M3-1 zoning districts would remain directly to the north and east of the project site, these would not adversely affect the proposed project. M3 districts have increased performance standards near residential districts to minimize potential impacts on residential uses, including a requirement that all manufacturing uses be fully enclosed within 300 feet of a residential district. The entire adjacent M3-zoned area is within 300 feet of the proposed residential district and adjacent existing residential districts. Therefore, this enclosure requirement would apply to the entirety of the adjacent M3-zoned blocks if the proposed rezoning were approved.

Therefore, the proposed project would not result in any significant adverse impacts with respect to zoning.

PUBLIC POLICY

The proposed project would support City goals for the creation of affordable housing by creating a substantial amount of affordable housing in accordance with the Mayor's housing plan and PlaNYC. The proposed project's creation of approximately four acres of public open space, including a waterfront esplanade, would further City goals for developing new open space and increasing waterfront access as called for by PlaNYC, the Waterfront Revitalization Program, and the Plan for the Brooklyn Waterfront. The proposed project would also include environmental remediation and redevelopment of a former industrial site consistent with PlaNYC's recommendation that former industrial sites be cleaned up and redeveloped. The proposed project would not introduce residential development into an Industrial Business Zone (IBZ) or ombudsman area and would therefore be compatible with City policies relating to industrial businesses.

Therefore, the proposed project would not result in any significant adverse impacts on public policy.

B. BACKGROUND AND DEVELOPMENT HISTORY

The project site is located in the Southside section of the Williamsburg neighborhood in Brooklyn. The Williamsburg waterfront was developed in the 19th century with heavy, water-dependent industrial uses, and the adjacent upland areas were developed with a mix of industrial uses and residential buildings that provided workforce housing. The project site was occupied by sugar refineries from the 1850s until 2004.

Over the past several decades, Williamsburg has experienced a development trend of residential and retail uses. Large factories and industrial uses that once occupied the waterfront north and south of the project site have left, and the sites have been rezoned and are being redeveloped with residential, retail, and public open space. This redevelopment has been facilitated by recent City policies and zoning actions.

The project site is adjacent to the area rezoned in May 2005 as part of the Greenpoint-Williamsburg rezoning. That rezoning project, which included the rezoning of approximately 184 blocks for residential and mixed residential/industrial use, made use of a combination of R6 and R8 districts along the waterfront to the north of the project site to facilitate residential redevelopment with public waterfront access and open space. Upland blocks were rezoned with a combination of residential and mixed-use zoning districts. The Greenpoint-Williamsburg rezoning also incorporated an inclusionary zoning mechanism to incentivize the development of affordable housing. The project site is adjacent to the area rezoned as part of the Greenpoint-Williamsburg rezoning. At the time that rezoning was formulated in 2003-2004, the project site continued to include limited manufacturing and distribution operations, and therefore was not included in the rezoning.

The now-vacant project site was purchased by the applicant in June 2004, subsequent to the closure of sugar processing operations. Although sugar refining had taken place on the project site since the 1850s, the oldest existing buildings remaining on the site were built in the 1880s, and the most recent in the 1960s. The site operated under the name Domino Sugar until 2001, when the Domino brand was acquired by American Sugar Refining. American Sugar closed its refining operations on the site in early 2004, with the exception of some limited packaging and warehousing operations, which ceased operating in mid-2004.

C. EXISTING CONDITIONS

LAND USE

PROJECT SITE

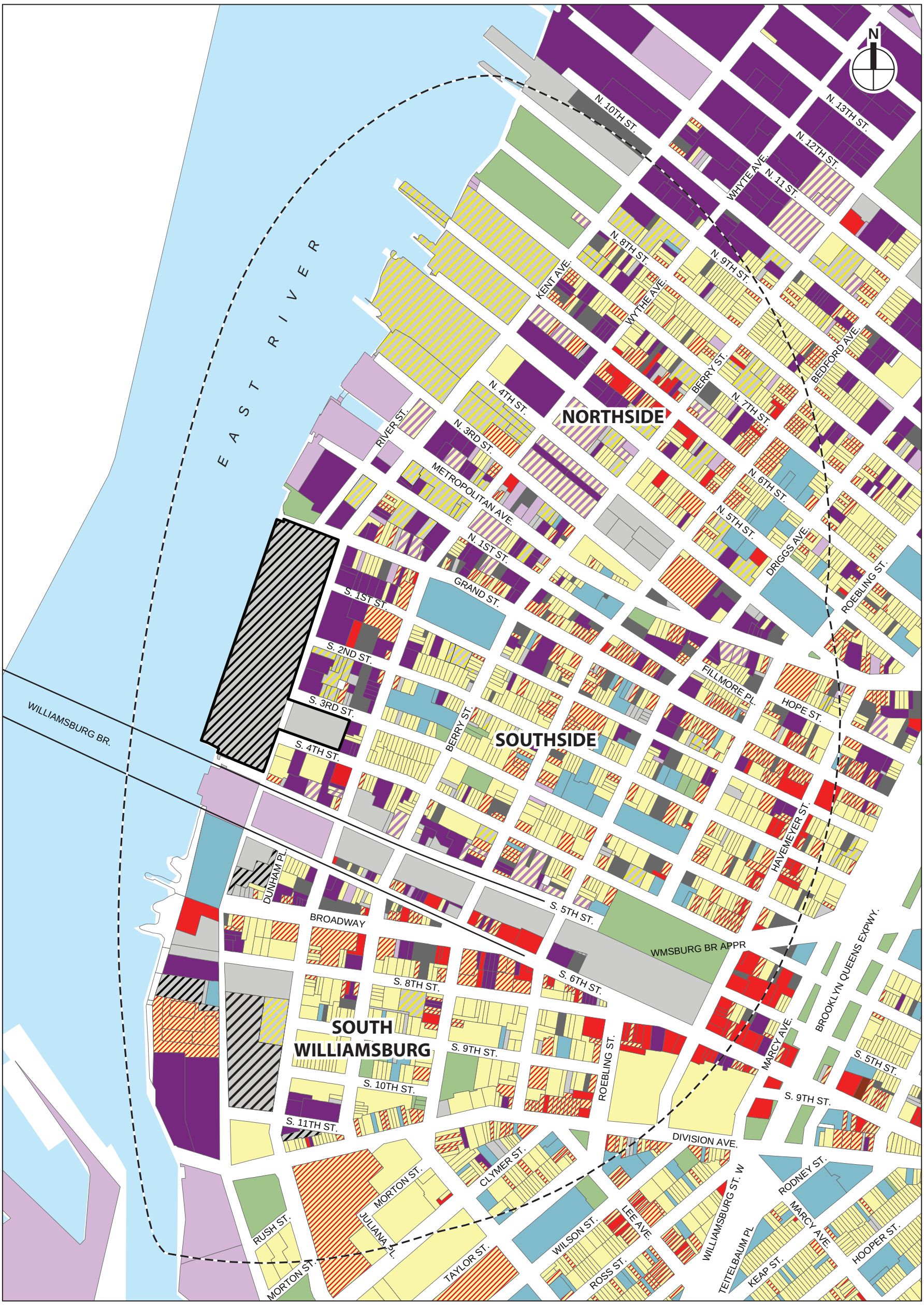
The project site consists of a waterfront parcel and an upland parcel. The waterfront parcel, which extends from Grand Street to South 5th Street, is occupied by vacant buildings that formerly housed a sugar refinery and associated warehousing and packaging operations (see Figure 3-1). The upland parcel, located east of Kent Avenue between South 3rd and South 4th Streets, is a vacant lot formerly used as a parking lot for the Domino Sugar factory. The entire site is fenced off and inaccessible to the public.

STUDY AREA

The ½-mile study area surrounding the project site extends roughly to the Brooklyn-Queens Expressway (BQE) to the east, North 9th Street to the north, Taylor Street to the south, and the East River to the west (see Figure 3-1). This area is generally characterized by a mix of residential, industrial, commercial, and institutional uses. Over the past several years, the area has seen a sharp increase in residential and retail uses throughout the study area.

The study area can be divided into three subareas: the Northside neighborhood to the north of Grand Street; the Southside neighborhood between Grand Street and the Williamsburg Bridge; and South Williamsburg to the south of the bridge.

10.13.09



Land Use
Figure 3-1

Southside

The project site and the surrounding blocks to the east are within the Southside neighborhood. The blocks immediately adjacent to the project site between Kent and Wythe Avenues include light industrial uses, residential uses, and retail establishments. Uses on the blocks adjacent to the project site across Kent Avenue include residences, a nightclub, a dance studio, auto repair and sales, and warehousing and light industrial. Industrial uses on these blocks include construction and electrical contracting, metal work, food distribution, stage design, and a facility that treats, stores, and disposes of hazardous waste materials.

East of Wythe Avenue, Southside is predominantly a residential neighborhood. Most of the residential buildings in this section of the study area range from three to six stories. The major concentrations of neighborhood retail uses are found along Bedford Avenue, Havemeyer Street, and Grand Street. Retail uses in these areas include restaurants and cafes, shops, and small groceries. The blocks immediately north of the Williamsburg Bridge between South 4th and South 5th Streets include a mix of residential and light industrial uses.

Community facility uses in this part of the study area include several churches, including Saints Peter and Paul Roman Catholic Church on South Street between Berry Street and Wythe Avenue. Schools include Public School (PS) 84 on the south side of Grand Street between Berry and Wythe Streets, and Junior High School (JHS) 50 on South 3rd Street between Roebling Street and Driggs Avenue. A firehouse is located on South 2nd Street between Bedford and Driggs Avenues.

There are several parks and playgrounds in the Southside area. Two open spaces, Continental Army Plaza and LaGuardia Playground, are located adjacent to the Williamsburg Bridge approach ramp between South 5th Place and Havemeyer Street. Continental Army Plaza has benches, plantings, a performance area, and sculptures. LaGuardia Playground features basketball courts, play equipment, a handball court, and benches. The playground of PS 84 on Wythe Avenue between Grand and South 1st Streets has basketball courts and play equipment, and Berry Playground on South 3rd Street between Berry Street and Bedford Avenue includes play equipment and a spray shower.

Northside

The northern portion of the study area, extending from Grand Street to North 9th Street, falls within the Northside neighborhood of Williamsburg. This area includes a mix of industrial, residential, retail, and open space uses, with a substantial number of new residential buildings under construction.

Grand Ferry Park, an approximately 1.8-acre open space with paths and benches, is immediately north of the project site along the waterfront. The waterfront blocks extending north of Grand Ferry Park to North 3rd Street are industrial in use, housing a the NYPA facility and the Con Edison fuel transfer station. The blocks just east of the NYPA and Con Edison facilities between River Street and Kent Avenue are predominantly industrial in use, though a few mixed-use buildings have residential units on the upper floors.

On the waterfront block between North 3rd and North 4th Streets is a loft building at 184 Kent Avenue that is being converted to residential use with one additional floor to be added. Construction of two large residential developments—The Edge and Northside Piers—is underway on the waterfront blocks between North 4th and North 7th Streets. The recently

opened East River State Park is located along the waterfront between North 7th and North 9th Streets.

The upland portion of the Northside neighborhood includes a mix of light industrial, residential, and retail uses. Residential uses in this area include converted industrial loft buildings and three- to four-story row houses, and new apartment buildings of six to seven stories are under construction on some blocks east of Kent Avenue. Several industrial buildings in this area have industrial uses on the ground floor and residential uses above. A substantial amount of new residential construction is underway in this area as a result of the recent Greenpoint-Williamsburg rezoning. Industrial uses, including warehousing and light manufacturing, are scattered throughout the Northside area, particularly on the blocks just east of Kent Avenue.

Retail and entertainment uses are found throughout most of the Northside. Some of the main neighborhood commercial strips include Bedford Avenue and North 6th Street, which are lined with bars, nightclubs, restaurants, and shops. Other streets, including North 7th Street, Berry Street, and Wythe Avenue, also have many retail and commercial uses. Institutional uses within the Northside portion of the study area include churches, PS 17 on North 5th Street, and the Brooklyn campus of Boricua College.

South Williamsburg

The South Williamsburg neighborhood, generally located south of the Williamsburg Bridge, is primarily residential but also includes several large industrial and vacant sites. Two buildings used by the New York City Department of Transportation (DOT) for bridge maintenance and repair are located along the waterfront beneath and south of the Williamsburg Bridge. There is a waterfront restaurant at Broadway and Kent Avenue. South of the restaurant is the former Kedem Winery site, which includes vacant land and several industrial buildings. Schaefer Landing is a 350-unit residential development on a site formerly occupied by the Schaefer Brewery and occupies the waterfront area between South 9th and South 10th Streets, just to the south of the Kedem Winery site. To the south of Schaefer Landing are a lumberyard and two buildings housing industrial uses. At the southern edge of the study area, across Division Street from the lumberyard site, is a decommissioned Con Edison generating station.

The large upland block bounded by Kent Avenue, South 8th Street, South 11th Street, and Wythe Avenue contains a vacant discount retail center, and the vacant sites of the former Glantz Metal scrap facility and the Domsey warehouse.

East of Wythe Avenue, South Williamsburg land use is predominantly residential. Housing in this area is a mix of large complexes with residential towers and smaller apartment buildings of three to six stories. The area's residential complexes include several subsidized housing developments, including the Jonathan Williams Houses, Bedford Gardens, Independence Towers, Roberto Clemente Plaza, and the Taylor-Wythe Houses. The neighborhood also has several industrial buildings, such as the Gretsch Building on Broadway between Wythe Avenue and Berry Street, that have been converted to residential use.

Open spaces in the South Williamsburg part of the study area include the Roberto Clemente Ballfield, which has a baseball diamond, and Bedford Playground and Epiphany Park, which have basketball courts and play equipment.

ZONING

PROJECT SITE

As shown on Figure 3-2, the project site is currently zoned M3-1 for heavy manufacturing, a designation that reflects the site's former use as a sugar refinery. M3-1 districts permit a maximum floor area ratio (FAR) of 2.0 for industrial and commercial uses. Residential and community facility uses are not permitted.

Waterfront blocks, including the waterfront portion of the project site, are governed by the waterfront zoning regulations set forth in Article 6, Chapter 2 of the New York City Zoning Resolution. Waterfront zoning includes special height and bulk regulations, as well as public access requirements, for most types of development. Industrial development (Use Groups 16, 17, and 18) in manufacturing districts is not subject to waterfront public access requirements.

STUDY AREA

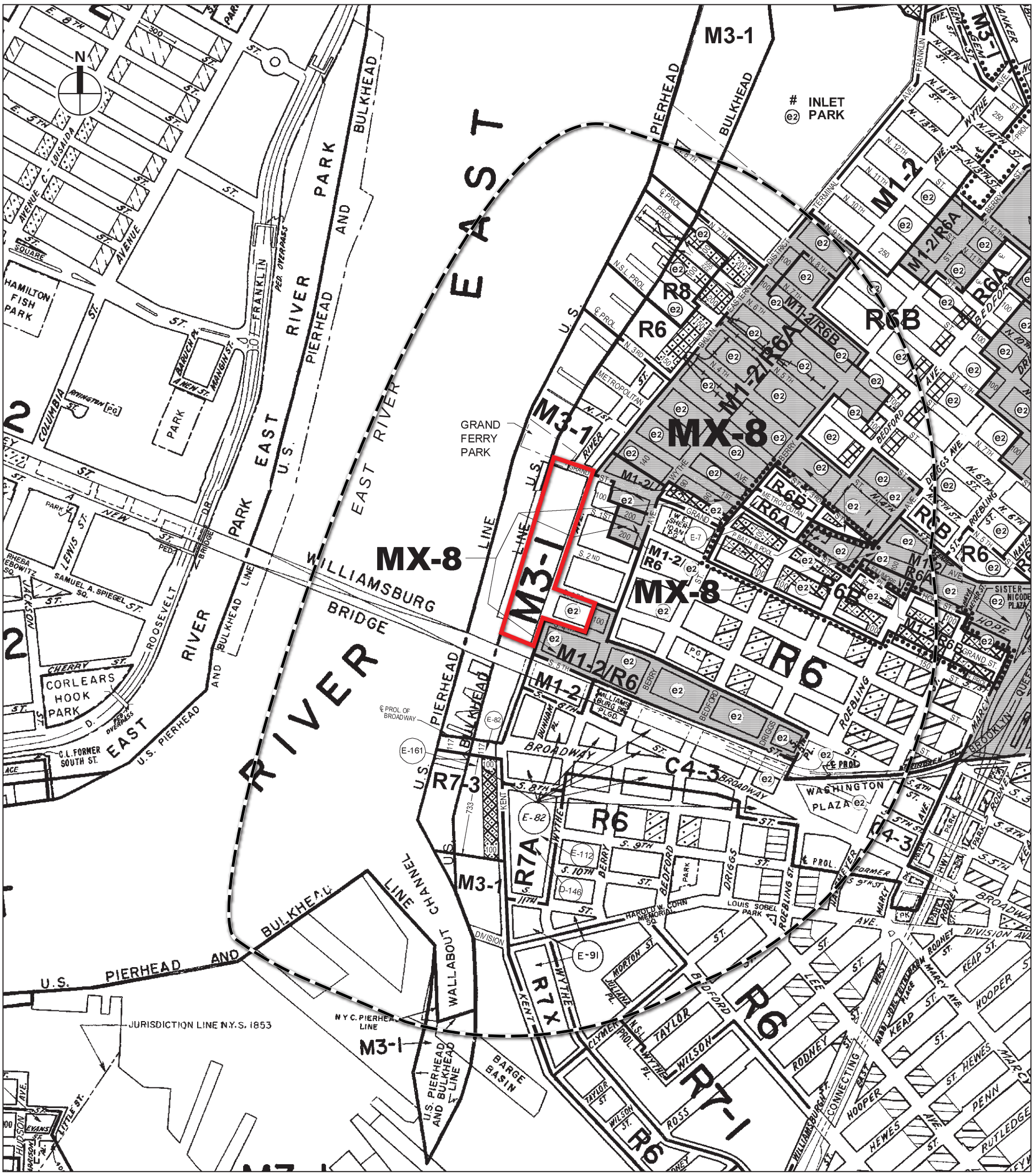
Reflecting the land uses in the area, the study area includes a mix of residential, commercial, and industrial zoning districts, as well as mixed-use districts that allow both residential and light industrial uses (see Table 3-1 and Figure 3-2).

Southside

Consistent with the project site zoning, portions of several blocks immediately east of the project site across Kent Avenue are zoned M3-1. The blocks east of Wythe Avenue and north of North 4th Street are zoned R6. Commercial overlays are mapped along Bedford Avenue and on Grand, Roebling, and Havemeyer Streets. R6 is a medium-density residential district that permits residential uses with a maximum FAR of 2.43 (or 3.0 under the Quality Housing Program for sites located on wide streets) and community facility uses with a maximum FAR of 4.8. Commercial overlays, including C1-3, C1-4, C2-3, and C2-4 districts, are mapped along Grand, Roebling, and Havemeyer Streets and Bedford Avenue. As part of its recent Grand Street Rezoning, the New York City Department of City Planning (DCP) rezoned from R6 to R6A and R6B, an approximately 13-block area generally bounded by Berry Street, North Third Street, Fillmore Place, Hope Street, Marcy Avenue, and South First Street.

The portion of this area zoned with mixed-use (MX) districts was rezoned as part of the Greenpoint-Williamsburg rezoning. On these blocks, which include the five blocks just north of the Williamsburg Bridge, as well as portions of blocks just west of Wythe Avenue, M1-2 industrial districts are paired with R6, R6A, and R6B districts. MX districts pair a residential zoning district with a light industrial district and allow residential, community facility, commercial, and light industrial uses as of right.

Within all of the blocks rezoned for residential or mixed use as part of the Greenpoint-Williamsburg rezoning in May 2005, the Greenpoint-Williamsburg Inclusionary Housing Program applies. Under the Inclusionary Housing Program, developments providing affordable housing are eligible to develop additional floor area, within the height and bulk regulations applicable in each district. Affordable units can be provided either on the same site as the building receiving the bonus, or off-site either through new construction or preservation of existing affordable units. City, state, and federal programs can be used to build the affordable housing that generates the zoning bonus.



Project Site

Study Area Boundary (1/2-Mile Perimeter)

Special Purpose District

C1-3 Overlay

C1-4 Overlay

C2 -3 Overlay

C2 -4 Overlay

0 500 1000 FEET

SCALE

Existing Zoning
Figure 3-2

Table 3-1
Study Area Zoning Districts

District	Permitted Uses	Maximum FAR	Maximum Streetwall Height (feet)	Maximum Building Height (feet)
M3-1	6-14, 16-18	M, C: 2.0	60	N/A
R6	1-4	R: 2.43 (QH: 2.2 on narrow street, 3.0 on wide street), CF: 4.8	60	N/A (QH: 55 on narrow street, 70 on wide street)
R6 (Inclusionary Housing)	1-4	R: 3.6 (wide street, with bonus), 2.42 (narrow street, with bonus); CF: 4.8	45 (narrow street), 60 (wide street)	55 (narrow street), 70 (wide street)
R6A (Inclusionary Housing)	1-4	R: 3.6 with bonus, CF: 3.0	60	70
R6B (Inclusionary Housing)	1-4	R: 2.2 with bonus, CF: 2.0	40	50
Waterfront R6 (Inclusionary Housing)	1-4, 6, 9 (up to 10,000 sf/2% of floor area)	R: 2.75 (with bonus), CF: 4.8	65	65 within 100 feet of upland street, 150 elsewhere
Waterfront R8 (Inclusionary Housing)	1-4, 6, 9 (up to 10,000 sf/2% of floor area)	R: 6.5 (with bonus), CF: 6.5	70	260, 360 (for sites with multiple towers, half can rise to a height of 360; 40 foot penthouses permitted in excess of these heights)
R7-1	1-4	R: 3.44 (QH: 3.0 on narrow street, 4.0 on wide street) CF: 4.8	60	N/A
R7-3*	1-4	R, CF: 5.0	65	185
R7A	1-4	R, CF: 4.0	65	80
R7X	1-4	R, CF: 5.0	85	125
M1-2/R6 (Inclusionary Housing)	1-4, 5-14, 16-17 (and breweries 18 up to 10k sf)	R: 3.6 (wide street, with bonus), 2.42 (narrow street, with bonus); CF: 4.8; M, C: 2.0	60 (QH: 45 on narrow street, 60 on wide street)	110 (QH: 55 on narrow street, 70 on wide street)
M1-2/R6A (Inclusionary Housing)	1-4, 5-14, 16-17 (and breweries 18 up to 10k sf)	R: 3.6 with bonus, M, CF: 3.0	60	70
M1-2/R6B (Inclusionary Housing)	1-4, 5-14, 16-17 (and breweries 18 up to 10k sf)	R: 2.2 with bonus, M, CF: 2.0	40	50
C4-3	1-6; 8-10; 12	C: 3.4; R: 2.43 (QH: 2.2 on narrow street, 3.0 on wide street); CF: 4.8	60	N/A
C1-3 overlay	5, 6	C: 2.0	N/A	N/A
C1-4 overlay	5, 6	C: 2.0	N/A	N/A
C2-3 overlay	5-9, 14	C: 2.0	N/A	N/A
C2-4 overlay	5-9, 14	C: 2.0	N/A	N/A

Notes: sf=square feet.
QH=Quality Housing Program.
Inclusionary Housing refers to the regulations of the Greenpoint-Williamsburg Inclusionary Housing Program.
* R7-3 is mapped in an inclusionary housing designated area in Brooklyn Community District 1.
Sources: New York City Zoning Resolution; Greenpoint-Williamsburg Inclusionary Housing Program.

Northside

Most of the Northside portion of the study area was rezoned in 2005 as part of the Greenpoint-Williamsburg rezoning, and the predominant zoning districts are residential and mixed use. As

described above, the Greenpoint-Williamsburg Inclusionary Housing Program applies within the blocks rezoned for residential or mixed use as part of that rezoning.

R6B, a residential district, allows buildings up to 50 feet, and is mapped on many blocks along and near Bedford Avenue. C1-4 commercial overlays along Bedford Avenue permit neighborhood retail uses. MX districts are mapped on most of the upland blocks south of North 7th Street and west of Bedford Avenue, and on several blocks further east surrounding Metropolitan Avenue. The study area's MX districts pair M1-2 districts, which allow commercial and light industrial uses at an FAR of up to 2.0, with R6, R6A, and R6B districts. Most blocks along Grand Street are zoned R6 with C1-3, C2-3, and C2-4 commercial overlays.

Residential and manufacturing districts are mapped along the waterfront in the Northside part of the study area. Immediately north of the project site, M3-1 zoning extends along the waterfront and on the upland block between River Street and Kent Avenue to North 3rd Street.

The waterfront blocks north of the project site between North 3rd and North 7th Streets were zoned for residential use with R6 and R8 districts as part of the Greenpoint-Wiliamsburg Rezoning. Under waterfront zoning regulations, developments in these districts are required to provide public open space on the site, including a waterfront esplanade, and visual corridors from the upland to the water.

The block between North 3rd and North 4th Streets is zoned R6, which permits residential use at up to 2.75 FAR if 20 percent of the units qualify as affordable housing. While the maximum building height within the R6 district is 150 feet, buildings within 100 feet of Kent Avenue can be no taller than 65 feet. The blocks between North 4th and North 7th Streets are zoned with a combination of R6 and R8 districts that allows an overall base FAR of 3.7, with a bonus of up to 4.7 FAR if at least 20 percent of the units qualify as affordable housing. Up to half the towers are permitted to rise to a maximum height of 330 feet as of right or, with the affordable housing bonus, up to 400 feet, while the remaining towers on the site could reach a maximum height of 230 feet as of right, or 300 feet with the bonus. C2-4 commercial overlays are located along Kent Avenue from North 3rd to North 7th Streets and along North 6th Street. The C2-4 overlay permits a range of local retail uses at a maximum FAR of 2.0. At the northernmost edge of the study area, from North 7th Street to the Bushwick Inlet, the waterfront is zoned M3-1. A City park is mapped on the blocks north of North 9th Street.

South Williamsburg

To the south of the project site, the waterfront blocks between South 5th Street and Broadway are zoned M3-1. A C4-3 district is mapped along the waterfront between Broadway and South 8th Street. C4-3 zoning, which is mapped in commercial areas located outside of central business districts, permits medium-scale commercial use, as well as residential use. C4-3 districts permit a maximum FAR of 3.4 for commercial uses, 2.43 for residential uses, and 4.8 for community facility uses.

An R7-3 district with a C2-4 commercial overlay is mapped along Kent Avenue from approximately Broadway to South 10th Street. R7-3, a residential zoning district mapped only on the waterfront, permits a maximum FAR of 5.0. The remainder of the waterfront south of South 10th Street to the Navy Yard is zoned M3-1.

Immediately south of the Williamsburg Bridge, a C4-3 zoning extends from Kent Avenue to the BQE. The remaining portion of the upland study area south of the bridge is zoned for residential use. R6 districts are mapped across most of the area east of Wythe Avenue, and C1 and C2

overlays are mapped along retail corridors. R7A and R7X districts are mapped between Kent and Wythe Avenues. R7X is a contextual residential district that permits a maximum FAR of 5.0, a maximum street wall height of 85 feet, and a maximum overall building height of 125 feet. R7A, also a contextual district, permits a maximum FAR of 4.0, a maximum street wall height of 65 feet, and a maximum overall building height of 80 feet. At the southernmost edge of the study area is an R7-1 district, a residential district that allows a maximum FAR of 3.44. Under the Quality Housing program, an FAR of 4.0 is permitted in R7-1 districts for lots located on wide streets.

PUBLIC POLICY

There are a number of public policy initiatives aimed at increasing public access to the waterfront, creating affordable housing, and stimulating economic development in the study area.

THE CITY'S "HOUSING MARKETPLACE PLAN: CREATING HOUSING FOR THE NEXT GENERATION"

The City has formulated the *New Housing Marketplace Plan: Creating Housing for the Next Generation* as a statement of its goals and strategies to provide affordable housing in a tight real estate market. Initiated in 2002, the program began with a five-year goal of producing 65,000 units. In 2006, the City expanded its goal to include the development and rehabilitation of 165,000 affordable housing units by 2013.

WATERFRONT REVITALIZATION PROGRAM

The project site is located within the boundaries of the coastal zone. Pursuant to federal legislation, New York City and State have adopted policies aimed at protecting resources in the coastal zone. New York City's Waterfront Revitalization Program (WRP) contains 10 major policies, each with several objectives focused on improving public access to the waterfront; reducing damage from flooding and other water-related disasters; protecting water quality, sensitive habitats such as wetlands, and the aquatic ecosystem; reusing abandoned waterfront structures; and promoting development with appropriate land uses. As discussed in Chapter 13, "Waterfront Revitalization Program," the proposed project is consistent with the applicable WRP policies.

PLAN FOR THE BROOKLYN WATERFRONT

The *Plan for the Brooklyn Waterfront*, issued by DCP in 1994, is a detailed study of Brooklyn's waterfront conducted in conjunction with the *New York City Comprehensive Waterfront Plan*. The goals of the Plan are to protect and enhance the natural waterfront (composed of beaches, wetlands, wildlife habitats, sensitive ecosystems, and the water itself); reestablish the public's connection to the public waterfront (including parks, esplanades, piers, street ends, vistas, and waterways that offer public open spaces and waterfront views); facilitate water-dependent uses and accommodate the working waterfront through the provision of enough manufacturing-zoned land; and promote new uses on the redeveloping waterfront where land uses have recently changed or where vacant and underutilized properties suggest the potential for beneficial change. While the Plan includes no specific recommendations for the project site, it calls for public access to the waterfront at several streets in the study area, including Grand Street, Division Street, North 6th Street, North 7th Street, and North 8th Street. The Plan identifies a potential greenway/bikeway route along the length of Kent Avenue.

PlaNYC

In April 2007, the Mayor's Office of Long-Term Planning and Sustainability released *PlaNYC: A Greener, Greater New York*. The Plan, which was the culmination of a four-month public outreach process, presents an array of initiatives aimed at accommodating the city's growing population while maintaining economic growth, addressing environmental concerns, and improving the quality of life in the city. The goals of PlaNYC include:

- Creating new housing for the one million additional New Yorkers anticipated by 2030, including creating or preserving 165,000 units of affordable housing and reclaiming underutilized waterfronts for residential development;
- Increasing access to parks, playgrounds, and open spaces;
- Redeveloping brownfield sites;
- Developing critical backup systems to ensure the reliability of the city's aging water network;
- Improving water quality in the city's waterways in order to make them available for recreational use;
- Providing additional reliable power sources, upgrading the city's energy infrastructure, and reducing demand among the city's largest energy consumers;
- Improving air quality by reducing emissions from road buildings, road vehicles, and other transportation-related sources; and pursuing natural solutions, such as tree planting, to improve air quality; and
- Reducing the city's greenhouse gas emissions by 30 percent.

The housing component of PlaNYC specifically identifies the Domino Sugar site as an opportunity to increase the city's housing supply.

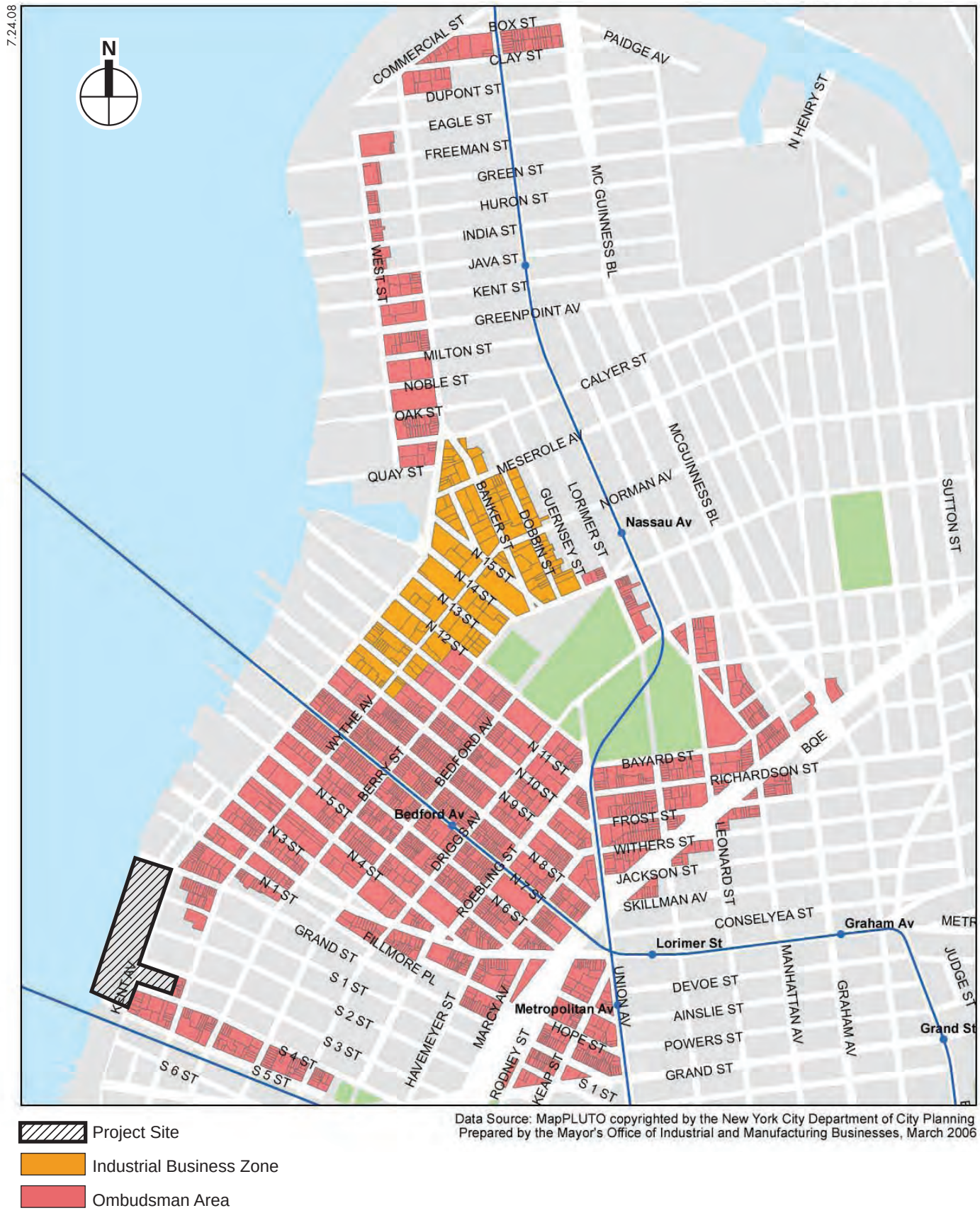
INDUSTRIAL BUSINESS ZONES

The project site is adjacent to the Greenpoint-Williamsburg Industrial Business Area (see Figure 3-3), which includes an Industrial Business Zone (IBZ) and an ombudsman area. The Greenpoint-Williamsburg IBZ is one of 16 IBZs established throughout the city in April 2006. The IBZs represent areas in which the City provides expanded assistance services to industrial businesses in partnership with local groups. In addition, IBZs reflect a commitment by the City not to support the re-zoning of industrial land for residential use within these areas. To create an incentive for industrial and manufacturing businesses to locate within IBZs, a one-time relocation tax credit of up to $1,000 per employee is available.

As shown on Figure 3-3, the project site is not located within an ombudsman area or an IBZ. While portions of the ombudsman area are adjacent to the project site, the IBZ is located approximately nine blocks to the north of the project site.

WILLIAMSBURG WATERFRONT 197-a PLAN

The Williamsburg Waterfront 197-a Plan, adopted by the City Council in 2002, includes policy recommendations for the study area. This plan put forth a variety of recommendations with respect to land use and zoning, environmental protection, open space and waterfront access, housing, economic development, transportation, historic preservation, and community facilities and services in the Williamsburg area. The plan includes no specific recommendations for the



Greenpoint Williamsburg Industrial Business Area

Figure 3-3

project site, since this site was in active use as a manufacturing facility at the time of the plan's formulation and adoption. However, the plan included recommendations for the reuse of large vacant industrial parcels along the waterfront and called for a study of the rezoning of M1 and M3 districts to residential or mixed use where appropriate. The plan called for a waterfront promenade but assumed this was not possible along the Domino Sugar site and instead recommended a bike and pedestrian path along Kent Avenue as an alternative. The plan's recommendations also included facilitation of extensive housing production, including private and subsidized development, to address the population's housing needs.

D. THE FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

PROJECT SITE

Absent the proposed project, the project site would be developed with uses permitted under the existing M3-1 zoning. It is possible that some of the heavy industrial uses allowable under the existing M3-1 zoning would not be compatible with nearby residential and commercial districts along Grand, South 4th, and South 5th Streets. As shown on Figure 2-1 in Chapter 2, "Analytical Framework," the future without the proposed project (the "No Action" condition) includes the retention of the Refinery complex, which would remain vacant due to the high cost of adaptive reuse. The project site would be developed into a storage facility on the waterfront parcel between South 3rd and South 5th Streets, a building materials storage yard along the waterfront between South 2nd and South 1st Streets that would make use of waterborne transportation, and a new distribution facility along the waterfront immediately south of Grand Ferry Park. On the upland portion of the site, a new two-story building with a catering hall/restaurant on the upper floor and parking on the ground floor would be constructed. The Boiler House, which is located between the Refinery and the waterfront, would also remain a vacant building due to the high cost of demolition. Under the No Action scenario, all buildings on the site—except for the Refinery and the Boiler House—would be demolished. The total development program for this scenario includes approximately 106,300 square feet (sf) of industrial distribution space, approximately 60,000 sf of storage space, 40,000 sf of catering hall/restaurant space, and 61,000 sf of land used for building materials storage (as well as 5,000 sf of office space for this use). In the No Action condition, there would be no public open space or waterfront access on the project site and limited views of the water.

STUDY AREA

In the No Action condition, it is anticipated that the trend in the study area toward increased residential and mixed-use development would continue. As described in Chapter 2, "Analytical Framework," and shown on Figure 2-2 and in Tables 2-1 and 2-2, a large amount of residential development is forecast or underway in the study area. A total of approximately 6,093 residential units are under construction or anticipated within the ½-mile study area. Current and forecast developments in the ½-mile study area also include approximately 164,000 sf of retail space.

Residential projects forecast or under construction include the redevelopment of several large waterfront sites, including the Edge and Northside Piers to the north of the project site, and Rose Plaza on the River and the Kedem Winery site to the south of the project site. New residential

development is also anticipated on the upland blocks adjacent to the project site. A variance has been granted by the New York City Board of Standards and Appeals (BSA) for the development of a residential building on a site bounded by Kent and Wythe Avenues and South 2nd and South 3rd Streets. On that same block, a private developer has proposed a residential building with 80 housing units. The latter development requires a rezoning and is therefore subject to environmental and public review. Additionally, as shown on Figure 2-2 and in Tables 2-1 and 2-2, numerous residential projects of varying sizes are forecast or under construction throughout the study area.

ZONING

PROJECT SITE

Absent the proposed project, the current M3-1 zoning would remain on the project site.

STUDY AREA

There are currently two proposed zoning changes in the study area that could be in place by 2020. A private developer has proposed the rezoning of the eastern side of Kent Avenue between South 2nd and South 3rd Streets from M3-1 to M1-4/R6A in order to facilitate the development of a residential building. Additionally, the developer of the proposed Rose Plaza on the River project, whose site extends along the waterfront roughly from South 10th Street to Division Avenue, is seeking a rezoning from M3-1 to R7-3 with a C2-4 commercial overlay. These private applications for rezoning are subject to their own environmental and public reviews.

PUBLIC POLICY

No planned changes to public policies relating to the project site or study area have been announced.

E. THE FUTURE WITH THE PROPOSED PROJECT

LAND USE

PROJECT SITE

As described in Chapter 1, "Project Description," the proposed project would introduce residential, retail, office, and community facility uses, as well as open space, to the project site. It would also provide public access to the waterfront along the entire site and would connect the neighborhood to the water's edge at each public street from Grand Street to South 5th Street. Upon completion, the proposed project would result in up to 2,400 residential units, up to 127,537 gross square feet (gsf) of retail floor area, up to 98,738 gsf of office space, and approximately 146,451 gsf of community facility space.

Adjacent east-west upland streets would be extended to form five blocks leading to the waterfront, providing both visual and physical access to the waterfront. The Refinery would be renovated and adaptively reused with a mix of retail, residential, and community facility uses, and a four- and three-story addition would be constructed on top of the building. Retail space would be provided in the ground floor of the Refinery. The project site's waterfront blocks to the

north and south of the Refinery would be developed primarily with residential structures containing retail storefronts at ground level along Kent Avenue and at portions of the waterfront and upland connections. A portion of the northernmost building on the waterfront parcel would contain a mix of retail, office, and community facility uses. The upland parcel would be developed with residential structures and retail space fronting on Kent Avenue.

Approximately four acres of publicly accessible open space would be constructed on the waterfront portion of the site, providing access to a stretch of waterfront that has not been made available to the public in over 150 years. This open space would include a 40-foot-wide esplanade along the water's edge that would guide pedestrians through a variety of program elements, including play areas and gathering spaces, and would connect to South 5th Street at the site's southern edge and to Grand Ferry Park at the site's northern edge. A large central open space would be located between the Refinery and the waterfront esplanade. Connections from the esplanade to Kent Avenue at South 1st, South 2nd, South 3rd, and South 4th Streets would provide visual and physical access to the waterfront from all of the adjacent upland streets.

The proposed project would have a strong positive effect on land use by creating a vibrant new mixed-use development with public waterfront access and open space on a site that is currently vacant and would otherwise be occupied by industrial and commercial uses with no public open space or waterfront access and limited views of the water. The proposed project would make possible the adaptive reuse of the landmarked Refinery, which would otherwise remain vacant. The new housing, retail, and open space would bring activity to the site and would serve both residents of the proposed project's buildings and the larger community. The project's community facility space would serve project site residents and the surrounding community. The proposed office use would also draw activity to the project site and contribute to its mixed-use character.

Overall, the proposed project would constitute a substantial improvement with respect to land use compared to the project site's current vacant status or its future reoccupation by industrial uses, neither of which would provide affordable housing or public open space.

STUDY AREA

The new uses introduced by the proposed project would be compatible with the existing and anticipated future mix of residential, retail, and light industrial uses. As described above in "The Future Without the Proposed Project," the study area is becoming increasingly residential, and new housing developments are anticipated on the blocks adjacent to the project site. The proposed project would complement the upland residential neighborhood and would be an extension of the existing trend in which vacant or underutilized waterfront sites are being redeveloped with housing, retail space, and public open space. The proposed project's retail uses along Kent Avenue would complement the retail uses that currently exist near the project site along Grand Street, Bedford Avenue, and Broadway, as well as new retail uses emerging along Kent Avenue, Wythe Avenue, and South 5th Street and throughout the Northside neighborhood in the broader study area. Furthermore, the proposed project's office uses would complement the mixed-use character of the study area. The project's community facility use is expected to be consistent with other nearby community facility uses such as schools, child care facilities, and art spaces.

The industrial uses near to the project are predominantly warehousing, distribution, and light manufacturing and already coexist with residential uses on the adjacent blocks. As described above, the land use trend on the blocks just east of the project site is toward increased residential

use. As discussed in Chapter 19, "Air Quality," the proposed project would not result in any significant adverse impacts with respect to industrial sources of air emissions in the surrounding study area. Nearby sources of emissions, including industrial businesses on adjacent blocks and the NYPA and Con Edison facilities along the waterfront to the north of the project site, would not adversely affect the residential uses in the proposed project.

Therefore, the proposed project would be compatible with land uses in the surrounding study area and would not result in significant adverse impacts with respect to land use.

ZONING

PROJECT SITE

As described in Chapter 1, "Project Description," the proposed project requires the following zoning actions:

- Zoning map amendments (i) from M3-1 to R8 with a C2-4 commercial overlay for a section of the waterfront parcel; (ii) from M3-1 to C6-2 for portions of the waterfront parcel; and (iii) from M3-1 to R6 with a C2-4 commercial overlay on the upland parcel;
- Zoning text amendments to the following sections: (a) Zoning Resolution ("ZR") Section 23-953, ZR Section 62-35, ZR Section 62-352 and Appendix F of the ZR to apply the Inclusionary Housing program to the project site; and (b) ZR Section 52-83 to modify the requirements of non-conforming signs to permit a sign on the Refinery as per the approval from the New York City Landmarks Preservation Commission (LPC);
- Special Permits pursuant to ZR Section 74-74: (a) transfer of floor area development rights across Kent Avenue pursuant to ZR 74-743(a)(1), (b) modifications of the following pursuant to ZR Section 74-743(a)(2): (i) height and setback per ZR Section 62-341, (ii) required distance between windows in an inner court per ZR Section 23-863, (iii) rear yard regulations of ZR Sections 23-533 and 62-332, and (iv) distance between buildings regulations of ZR Section 23-711, and (c) modification of the location of use provisions of ZR 32-42 pursuant to ZR 74-744(b);
- A Special Permit pursuant to ZR Section 74-53 to permit, within the General Large Scale Development, the northern parking facility on the waterfront parcel to exceed the prescribed maximums for accessory parking spaces;
- Authorizations pursuant to ZR Section 62-822: (a) ZR Section 62-822(a) to modify certain requirements of ZR Section 62-50 (General Requirements for Waterfront Public Access Areas); (b) ZR Section 62-822(b) to modify certain requirements of ZR Section 62-60 (Design Requirements for the Waterfront Public Access Areas), and (c) ZR 62-822(c) to permit the phased implementation of waterfront public access improvements in coordination with phased development of the project site; and (c) an authorization for phased implementation of waterfront access requirements pursuant to ZR 62-822(c) to permit the phased implementation of waterfront public access improvements in coordination with phased development of the site;
- City Planning Commission (CPC) Chair certification pursuant to ZR Section 62-811 for compliance with waterfront public access and visual corridor requirements;
- CPC Chair certification pursuant to ZR 62-812 to permit the subdivision of a waterfront zoning lot;

The proposed zoning and General Large Scale Plan would allow a maximum FAR of 5.6 on the waterfront parcel of the project site and 6.0 on the upland parcel. As shown on Figure 3-4, the area proposed for rezoning extends to the pierhead line. The land underwater does not generate floor area under zoning;

The requested special permits, authorizations, and text amendments would provide an incentive for the development of affordable housing on the project site and would provide for better design of the buildings and open space compared to the standard requirements of waterfront zoning;

The requested waivers relating to the public open space on the project site would result in a design that the applicant believes is superior to that which would result from strict adherence to the regulations of waterfront zoning. The waivers would allow for the creation of a varied experience along the esplanade, including amenities such as playgrounds. The waivers would also allow for the large lawn on the waterfront side of the Refinery with a sweeping view of the East River and Manhattan without visual obstructions along the esplanade. Additionally, because the waterfront parcel of the project site is long, narrow, and oriented parallel to the East River, waivers are necessary to allow for appropriate connections to public spaces at the northern and southern edges of the site; and

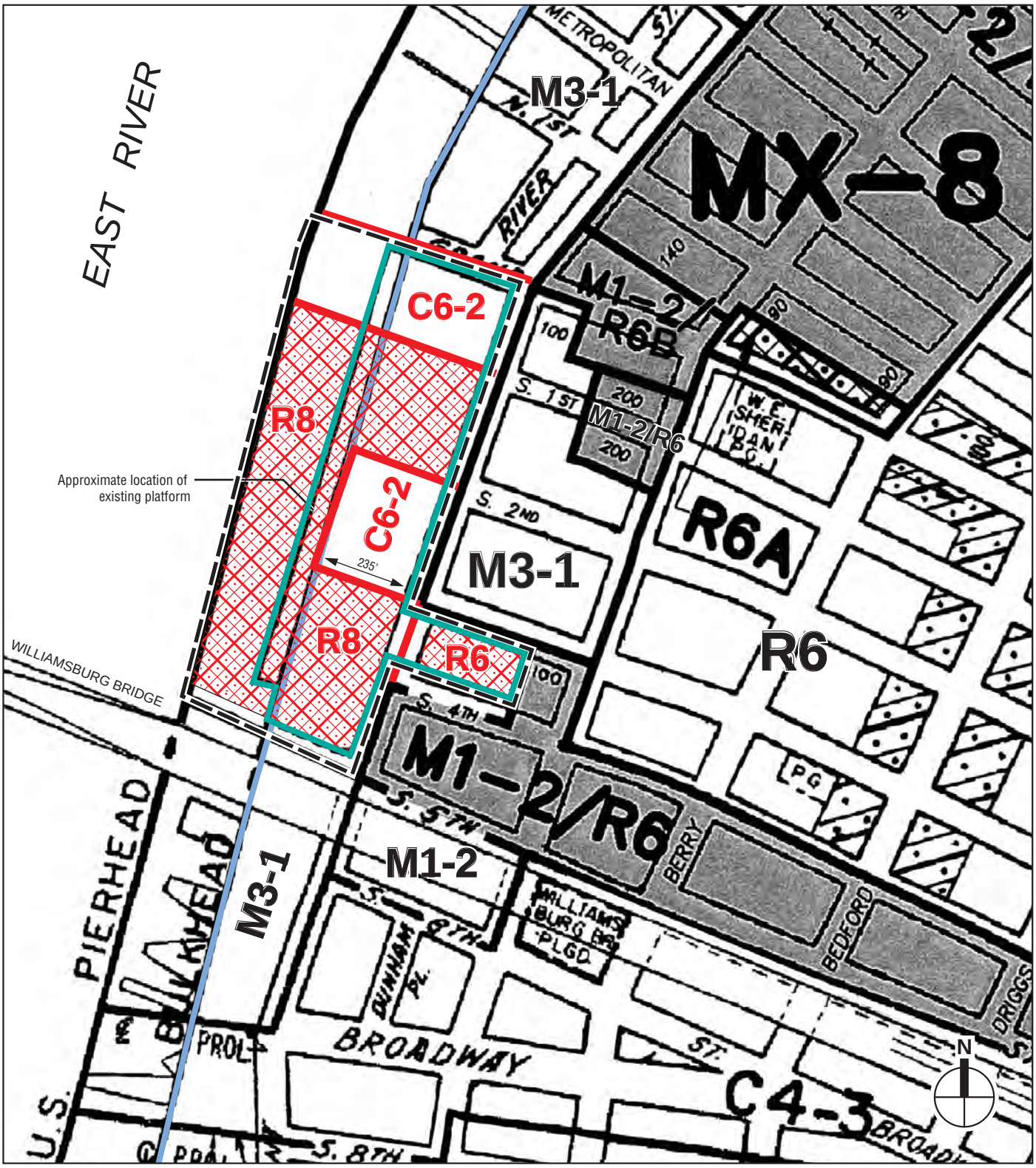
The proposed actions include a text amendment that would allow the "Domino Sugar" sign to be located on top of the Refinery. The amendment applies only to non-conforming advertising signs within a general large scale development in Community District 1 of Brooklyn. Furthermore, it applies only to sites for which a non-conforming sign is part of a design for which LPC has issued a Certificate of Appropriateness. This text amendment is necessary to locate the "Domino Sugar" sign atop the renovated Refinery, which would preserve an element of the site's industrial history and allow for the renovation of the Refinery consistent with the LPC-approved Certificate of Appropriateness. Because the project site would be the location of the only general large scale development in Brooklyn Community District 1, there is currently no potential for the proposed text amendment to affect any other site. Therefore, the proposed text amendment would not have the potential to result in any significant adverse impacts with respect to zoning.

STUDY AREA

The zoning changes included in the proposed project would be compatible with zoning in the study area. Like the residential districts from North 3rd to North 7th Streets, and to the north of the study area along the entire Greenpoint waterfront, that were rezoned as part of the Greenpoint-Williamsburg rezoning, the proposed project's zoning would help to achieve City goals of creating affordable housing and public access to the waterfront. The proposed residential and commercial districts on the project site would also be compatible with nearby mixed-use and commercial districts such as those mapped along Grand, South 4th, and South 5th Streets, Bedford Avenue, and throughout much of Northside. The removal of M3-1 zoning on the project site would ensure that heavy industrial uses that are not compatible with these adjacent districts do not locate on the project site.

While M3-1 zoning districts would remain directly to the north and east of the project site, these would not adversely affect the proposed project. As described above under "Land Use," the uses in these areas would not result in significant adverse impacts on the proposed residential uses on the project site. Furthermore, recent land use trends suggest that new heavy manufacturing is unlikely on sites remaining in this M3-1 area. Additionally, M3 districts have increased performance standards near residential districts to minimize potential impacts on residential uses. These include a requirement that all manufacturing uses be fully enclosed within 300 feet

8.27.09



Project Site Boundary

Area Proposed for Rezoning

Existing Zoning District Boundary

Bulkhead Line

R8 Proposed Zoning District

C2-3 Overlay

C2-4 Overlay

Proposed C2-4 Overlay

Special Purpose District

0 400 FEET

SCALE

DOMINO SUGAR REZONING

Proposed Zoning

Figure 3-4

of a residential district. This enclosure requirement would apply to all of the M3-zoned adjacent blocks if the proposed rezoning were approved.

Therefore, the proposed project would not result in any significant adverse impacts with respect to zoning.

PUBLIC POLICY

The proposed project would support City goals relating to the creation of affordable housing and waterfront revitalization by creating a substantial amount of affordable housing in accordance with the Mayor's housing plan and PlaNYC. As noted above, PlaNYC specifically identified the project site as an opportunity for affordable housing development.

The proposed project would include environmental remediation and redevelopment of a former industrial site in accordance with PlaNYC's recommendation that contaminated sites be remediated and redeveloped (see Chapter 12, "Hazardous Materials").

The project also would meet certain of the open space goals of PlaNYC: to create or enhance a publicly accessible open space in every community. The project's approximately four acres of publicly accessible open space would help achieve the PlaNYC goal that all New Yorkers live within a 10-minute walk of a park. The proposed open space would include landscaping and plantings and thus would help to green underutilized street and sidewalk space, another open space initiative of PlaNYC. The proposed project's public waterfront esplanade would also be consistent with the goals of the Waterfront Revitalization Program and the Plan for the Brooklyn Waterfront.

As described in Chapter 1, "Project Description," the proposed project would also employ an array of sustainability measures that would contribute to the goals of PlaNYC. These include measures to reduce energy and water consumption, the incorporation of best management practices (BMPs) for stormwater runoff, reusing existing materials on the site and recycling site materials, use of low-emitting materials, and accommodating bicycles. Additionally, as outlined in Chapter 21, "Construction Impacts," there would be a number of measures that would be implemented during construction to reduce air emissions.

The proposed project would not introduce residential development into an IBZ or ombudsman area and would therefore be compatible with City policies relating to industrial businesses.

Therefore, the proposed project would not result in any significant adverse impacts on public policy. ✷