DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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

June 29, 2007

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OFFICE OF
ENVIRONMENTAL COORDINATION

Dr. Robert Kulikowski, Director
Office of Environmental Coordination
253 Broadway, 14th Floor
New York, NY 10007

NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW

Re: **Domino Sugar Rezoning**
CEQR No. 07DCP094K
ULURP Nos. Pending

Dear Dr. Kulikowski:

The above-referenced application involves discretionary actions subject to City Planning Commission approval. The actions are subject to review under the City Environmental Quality Review (CEQR), Executive Order No. 91, and the State Environmental Quality Review Act (SEQRA), 6 NYCRR 617.

Pursuant to Sections 5.03 and 5.05 of the Rules of Procedure for City Environmental Quality Review (CEQR) as adopted June 26, 1991, the Department of City Planning, acting on behalf of the City Planning Commission, is assuming lead agency status for this application and is initiating the CEQR review.

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

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The proposed actions consist of the following discretionary approvals:

- A zoning map amendment (i) from M3-1 to: R8 with a C2-4 commercial overlay for the majority of the waterfront parcel; (ii) from M3-1 to C6-2 for a section of the waterfront parcel; and (iii) from M3-1 to R6 with a C2-4 commercial overlay on the upland parcel. The existing M3-1 zoning district is a heavy manufacturing district which allows industrial uses at a maximum FAR of 2.0., and does not allow residential use. The proposed R8 district is a residential district which allows residential use at a maximum FAR of 6.02. The proposed C2-4 commercial overlay district allows local-serving commercial uses at a maximum FAR of 2.0 when mapped within a R8 district. The proposed C6-2 district is a commercial district which allows a wide range of uses, including residential use at a maximum 6.02 FAR, commercial uses at 6.0 FAR, and community facility uses at 6.5 FAR. The proposed R6 district is a residential district which allows residential use at a maximum FAR of 2.43. The proposed C2-4 commercial overlay allows a maximum FAR of 2.0 when mapped within a R6 district. The areas affected by this zoning map amendment are controlled by the applicant.
- A zoning map amendment for one entire block and portions of two blocks to the east of the project site bounded by Kent Avenue, Wythe Avenue, Grand Street, and South 4th Street from M3-1 to M1-2 (the "non-project rezoning area"). The proposed M1-2 district is a manufacturing district which allows light industrial and certain commercial uses at a maximum FAR of 2.0. These blocks are not controlled by the applicant.
- A zoning text amendment to ZR 23-922 and ZR 62-35, to apply the Inclusionary Housing program and related floor area regulations which currently apply only in certain areas of Williamsburg-Greenpoint (on the waterfront from North 3rd Street in Williamsburg to Manhattan Avenue in Greenpoint and in R7-3 zoning districts in Brooklyn Community District 1) to the project site (the Inclusionary Housing Program permits a "floor area bonus" from 2.43 to 2.75 for R6 districts and 4.88 to 6.5 for R8 districts).
- A Special Permit pursuant to Zoning Resolution (ZR) Section 74-743 to establish a General Large Scale Plan including i) Special Permits to modify the waterfront height and setback regulations otherwise applicable pursuant to ZR Section 62-341 to: a) permit the floor plates of the buildings on both the waterfront and upland parcels to exceed the maximum residential floor plate size; b) permit portions of buildings to exceed the maximum base height of 70 feet up to 100 feet, and to exceed the maximum building height of 210 feet up to a height of 300 feet for two buildings and 400 feet for two buildings; c) permit encroachments in the 15-foot initial setback distance above the base height along certain visual corridors; d) permit an encroachment in the 30-foot initial setback distance above the base height along the shore public walkway near South Fifth Street; e) on the upland parcel, permit portions of the building to exceed the maximum base height of 60 feet up to a height of 70 to 100 feet, and to permit the building on the upland parcel to exceed the maximum building height of 110 feet to between 120 and 140 feet for buildings; ii) provisions to

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

- An authorization, pursuant to ZR Section 62-60 for modification of waterfront access requirements to achieve a superior open space plan.
- An authorization for phased implementation of waterfront access requirements pursuant to ZR 62-722 to permit the phased implementation of waterfront public access improvements in coordination with phased development of the site.
- CPC chair certification pursuant to ZR Section 62-711 for compliance with waterfront public access and visual corridor requirements.
- CPC chair certification to subdivide a waterfront zoning lot while maintaining compliance with all waterfront public access requirements.
- Coastal Zone Consistency determination (because the project site is within the Coastal Zone).

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

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

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

The project site is 11-acres in area and comprised of two parcels: a waterfront parcel (Block 2414, Lot 1) and an upland parcel (Block 2428, Lot 1). The waterfront parcel is approximately 9.8 acres (excluding the approximately 6.2 acres of land underwater to the

pierhead line) and the upland parcel is approximately 1.3 acres. The waterfront parcel is bounded on the west by the East River, on the north by Grand Street, on the east by Kent Avenue, and on the south by South 5th Street, which separates the site from the Williamsburg Bridge immediately to the south. The block on which the upland parcel is located is bounded on the west by Kent Avenue, on the north by South 3rd Street, on the east by Wythe Avenue, and on the south by South 4th Street.

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

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

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

An Environmental Assessment Statement and Draft Scope of Work for an Environmental Impact Statement are attached. If you have any questions regarding this application, please contact the project manager, Brad Kieves, at (212) 720-3417.

Sincerely,

Robert Dobruskin

Robert Dobruskin

cc:

Laurence Parnes	Elizabeth Mackintosh	James Merani
Purnima Kapur	Bill Woods	Pat Bussey
Howard Slatkin	Brad Kieves	Susan Wong
David Karnovsky	Sam Voyages	Phil Sperling

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, A.I.C.P., *Director*
Department of City Planning

June 29, 2007

Susan Pollock
The Refinery LLC (CPC Resources, Inc.)
28 East 28th Street, 9th Floor
New York, NY 10016

Re: **Domino Sugar Rezoning**
CEQR No. 07DCP094K
ULURP Nos. Pending

Dear Ms. Pollock:

Under City Environmental Quality Review, it is required that if the lead agency determines that a proposed action may have a significant effect on the environment, it shall issue a Positive Declaration and request that the applicant prepare a Draft Environmental Impact Statement.

Based on preliminary review, the Department of City Planning, acting on behalf of the City Planning Commission as CEQR lead agency, has found that the proposed action falls within this category. Accordingly, enclosed is the Positive Declaration for CEQR No. 07DCP094K, Domino Sugar Rezoning.

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

Enclosed is the Environmental Assessment Statement and Draft Scope of Work, the Positive Declaration, and the Public Notice of a Scoping Meeting. If you have any questions regarding the enclosed materials, please contact Brad Kieves at (212) 720-3417.

Robert Dobruskin, *Director*
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Sincerely,

Robert Dobruskin

c: The Hon. Marty Markowitz, Brooklyn Borough President
Brooklyn Community Board 1

Robert Kulikowski	James Merani
Gail Benjamin	Mehdi Amjadi
Richard Barth	Mauricio Garcia
Laurence Parnes	Phil Sperling
David Karnovsky	John Cryan, DEC
Purnima Kapur	Michael Vissicelli, U.S.A.C.O.E
Tom Wargo	Gary Heath, DEP
Bill Woods	Shampa Chanda, HPD
Sarah Whitham	Gina Santucci, LPC
Sam Voyages	Naim Rasheed, DOT
Howard Slatkin	Joshua Laird, DPR
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