City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT
PART I, GENERAL INFORMATION

Reference Numbers

1. **07DCP094K** — CEQR REFERENCE NUMBER (TO BE ASSIGNED BY LEAD AGENCY)
N/A — BSA REFERENCE NO. IF APPLICABLE
[PENDING] — ULURP REFERENCE NO. IF APPLICABLE
N/A — OTHER REFERENCE NO. (S) IF APPLICABLE (e.g., Legislative Intro, CAPA, etc.)

Lead Agency & Applicant Information
PROVIDE APPLICABLE INFORMATION

2a. **LEAD AGENCY**
New York City Planning Commission — NAME OF LEAD AGENCY
Robert Dobruskin — NAME OF LEAD AGENCY CONTACT PERSON
22 Reade Street, Room 4E — ADDRESS
New York CITY | **NY** STATE | **10007** ZIP
(212) 720-3423 TELEPHONE | **(212) 720-3495** FAX
rdobrus@planning.nyc.gov — EMAIL ADDRESS

2b. **APPLICANT INFORMATION**
The Refinery LLC (CPC Resources, Inc.) — NAME OF APPLICANT
Susan Pollock — NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON
28 East 28th Street, 9th Floor — ADDRESS
New York CITY | **NY** STATE | **10016** ZIP
(212) 869-5300 ext. 554 TELEPHONE | **(212) 683-2193** FAX
spollock@communityp.com — EMAIL ADDRESS

Action Description
SEE CEQR MANUAL SECTIONS 2A & 2B

3a. NAME OF PROPOSAL: **Domino Sugar Rezoning**

3b. DESCRIBE THE ACTION(S) AND APPROVAL(S) BEING SOUGHT FROM OR UNDERTAKEN BY CITY (AND IF APPLICABLE, STATE AND FEDERAL AGENCIES) AND, BRIEFLY, DESCRIBE THE DEVELOPMENT OR PROJECT THAT WOULD RESULT FROM THE PROPOSED ACTION(S) AND APPROVAL(S):
See page 1a.

3c. DESCRIBE THE PURPOSE OF AND NEED FOR THE ACTION(S) AND APPROVAL(S):
See page 1a.

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Required Action or Approvals

4. **CITY PLANNING COMMISSION** ■ Yes ☐ No

☐ Change in City Map	■ Zoning Certification	☐ Site Selection – Public Facility			
■ Zoning Map Amendment	■ Zoning Authorization	☐ Disposition – Real Property		☐ Franchise	
■ Zoning Text Amendment	☐ Housing Plan & Project	☐ UDAAP	☐ Revocable Consent	☐ Concession	
☐ Charter 197-a Plan					

■ Zoning Special Permit, specify type: **General Large Scale Plan (see page 1a)**
☐ Modification of:
☐ Renewal of:
■ Other: **Coastal Zone Consistency determination**

5. **UNIFORM LAND USE PROCEDURE ULURP)** ■ Yes ☐ No

6. **BOARD OF STANDARDS AND APPEALS** ☐ Yes ■ No

☐ Special Permit	☐ New	☐ Renewal	Expiration Date
☐ Variance	☐ Use	☐ Bulk	

Specify affected section(s) of Zoning Resolution

7. **DEPARTMENT OF ENVIRONMENT PROTECTION** ☐ Yes ■ No

☐ Title V Facility ☐ Power Generating Facility ☐ Medical Waste Treatment Facility

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Description **3b.** DESCRIBE THE ACTION(S) AND APPROVAL(S) BEING SOUGHT FROM OR UNDERTAKEN BY CITY (AND IF APPLICABLE, STATE AND FEDERAL AGENCIES) AND, BRIEFLY, DESCRIBE THE DEVELOPMENT OR PROJECT THAT WOULD RESULT FROM THE PROPOSED ACTION(S) AND APPROVAL(S):

The Refinery LLC ("the applicant") is proposing discretionary approvals in connection with the redevelopment of the former Domino Sugar site along the East River waterfront in Williamsburg, Brooklyn. The proposed project would include residential, retail/commercial, and community facility uses and open space. The "project site" comprises Block 2414, Lot 1, which is located along the East River waterfront between Grand and South 5th Streets ("the waterfront parcel"), and Block 2428, Lot 1, which is located on the east side of Kent Avenue between South 3rd and South 4th Streets ("the upland parcel"). The project site is located entirely within Brooklyn Community District 1. The proposed actions also include a zoning map amendment for one entire block and portions of two blocks to the east of the project site from M3-1 to M1-2 ("non-project rezoning area"). The project site and non-project rezoning area are currently zoned M3-1 for heavy industrial use.

The proposed actions include:

- 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).

The proposed project may require approvals from the U.S. Army Corps of Engineers (USACOE) and the New York State Department of Environmental Conservation (DEC) for upgrades and repairs to the existing waterfront platform and to permit a floating dock for pick-up and drop-off by a water taxi service as well as platform and bulkhead repair. A State Pollution Discharge Elimination System (SPDES) permit from the New York State Department of Environmental Conservation (DEC) would also be required for stormwater discharges during the construction period because construction on the project site involves more than one acre.

The proposed actions would facilitate a proposal by the applicant to develop a total of approximately 2,860,000 gross square feet of floor area (gsf) above grade. Approximately 2,640,000 gross square feet (gsf) would be dedicated to residential use, up to 120,000 gsf to retail/commercial use, and up to 100,000 gsf to community facility use. Because the program for the reuse of the Refinery building is still being formulated, a variety of potential uses are being considered. The proposed C6-2 zoning on the Refinery site would allow for a range of residential, commercial, and community facility uses for the Refinery building. The proposed project would create approximately 2,400 residential units based on an average unit size of 1,100 gsf, depending on the program for the adaptive re-use of the Refinery building, which will be defined in the General Large Scale Plan and the Draft Environmental Impact Statement. The applicant intends to provide affordable housing using the City's Inclusionary Housing bonus program. The project, if approved in its current form, envisions achieving a goal of 30 percent affordable housing. The proposed project would also incorporate waterfront public access areas (as required pursuant to ZR 62-40), including a shore public walkway, upland connections, visual corridors, and additional publicly accessible open space of approximately 1 acre on the waterfront side of the Refinery Building. The waterfront esplanade will run the entire length of the site's waterfront, connecting on the south with the terminus of South 5th Street and on the north with Grand Ferry Park at the end of Grand Street. The number of accessory parking spaces for the proposed project would be 1,450 spaces, located below-grade. The proposed actions

would also include a zoning map amendment for one entire block and portions of two blocks to the east of the project site from M3-1 to M1-2. The proposed M1-2 zoning would maintain the current allowable density in this area and would be consistent with most of the existing uses, and would continue to permit manufacturing uses that are compatible with nearby residential uses, while requiring the enclosure of future industrial uses and precluding new heavy industrial operations. The 39 lots within the non-project rezoning area and their current land uses are listed below in Table 1.

Table 1
Existing Uses in Rezoning Area

Block	Lot	Address	Lot Area	Floor Area	Land Use	Estimated Residents*	Estimated Employees**
Project Site							
2414	1	264-350 Kent Ave	431,130	889,000	Vacant Buildings	--	--
2428	1	317-329 Kent Ave	57,600	0	Vacant Lot	--	--
Total, Project Site			**487,730**			**0**	**0**
Other Lots in Rezoning Area							
2390	1	267 Kent Avenue	7,500	9,500	Industrial (metal work)	--	10
2390	5	261 Kent Avenue	2,500	2,210	Industrial (waste transfer)	--	2
2390	7	259 Kent Avenue	6,125	3,450	Industrial (waste transfer)	--	3
2390	10	38 Grand Street	2,600	3,317	Residential (3 DU)	9	--
2390	11	40 Grand Street	2,500	2,500	Industrial	--	3
2390	39	43 S. 1st Street	5,058	5,058	Industrial (stage design)	--	5
2390	41	37 S. 1st Street	5,000	5,000	Industrial (water main repair)	--	5
2390	43	33 S. 1st Street	2,917	2,949	Industrial	--	3
2403	1	285 Kent Avenue	37,800	44,832	Industrial (electrical contactor), commercial (dance studio, night club)	--	45
2403	15	34/40 S. 1st Street	9,500	9,500	Industrial (food distribution)	--	10
2403	31	342 Wythe Avenue	8,633	8,625	Industrial	--	9
2403	33	67 S. 2nd Street	1,250	3,150	Residential (2 DU)	6	--
2403	37	53-59 S. 2nd Street	14,872	0	Vacant Land	--	--
2403	41	49 S. 2nd Street	7,400	21,600	Commercial (office)	--	22
2415	1	315 Kent Avenue	14,425	14,425	Industrial (food distribution)	--	14
2415	6	305 Kent Avenue	11,330	10,938	Industrial	--	11
2415	10	291 Kent Avenue	5,063	0	Vacant Land	--	--
2415	14	44 S. 2nd Street	2,090	0	Vacant Land	--	--
2415	15	46 S. 2nd Street	2,090	0	Vacant Land	--	--
2415	16	50 S. 2nd Street	15,450	0	Vacant Land	--	--
2415	19	54 S. 2nd Street	3,750	7,000	Industrial	--	7
2415	24	64 S. 2nd Street	3,750	3,750	Industrial	--	4
2415	26	68 S. 2nd Street	1,875	4,500	Residential (5 DU)/Retail (1,310 sf)	14	4
2415	27	354 Wythe Avenue	1,856	0	Commercial (auto sales/repair)	--	--
2415	28	356 Wythe Avenue	1,856	0	Commercial (auto sales/repair)	--	--
2415	29	360 Wythe Avenue	1,856	0	Commercial (auto sales/repair)	--	--
2415	30	360 Wythe Avenue	1,856	0	Commercial (auto sales/repair)	--	--
2415	31	53 S. 3rd Street	1,900	0	Commercial (auto sales/repair)	--	--
2415	32	45 S. 3rd Street	16,675	13,200	Commercial (auto sales/repair)	--	13
2415	36	43 S. 3rd Street	1,500	0	Vacant Land	--	--
2415	37	41 S. 3rd Street	1,500	0	Vacant Land	--	--
2415	38	37 S. 3rd Street	3,620	11,100	Residential (8 DU)/Retail (appx. 3,000 sf)	23	9
2415	40	35 S. 3rd Street	1,875	0	Vacant Land	--	--
2415	41	S. 3rd Street	1,875	0	Vacant Land	--	--

Table 1 (cont'd)
Existing Uses in Rezoning Area

Block	Lot	Address	Lot Area	Floor Area	Land Use	Estimated Residents*	Estimated Employees**
Other Lots in Rezoning Area (cont'd)							
2415	42	31 S. 3rd Street	1,875	0	Vacant Land	--	--
2415	43	29 S. 3rd Street	1,875	0	Vacant Land	--	--
2415	114	S. 2nd Street	202	0	Vacant Land	--	--
2415	119	S. 2nd Street	2,975	0	Vacant Land	--	--
2415	136	41 S. 3rd Street	1,685	2,350	Industrial	--	2
Total, Other Rezoning Area			**218,459**			**52**	**166**

Notes: * Based on Community District 1 average household size of 2.86.
* Based on 1 employee per 1,000 sf of industrial and commercial space and 3 employees per 1,000 sf of retail space.
Sources: PLUTO 2006; AKRF field visits 2006.

PLEASE NOTE THAT MANY ACTIONS ARE NOT SUBJECT TO CEQR. SEE SECTION 110 OF TECHNICAL MANUAL.

8. OTHER CITY APPROVALS ☐ Yes ■ No

☐ Legislation ☐ Rulemaking: specify agency:

☐ Construction of Public Facilities ☐ Funding of Construction, Specify ☐ Funding of Programs, Specify

☐ Policy or plan ☐ Permits, Specify:

Other; explain:

9. STATE ACTIONS/APPROVALS/FUNDING ■ Yes ☐ No

If "Yes," identify **Potential New York State Department of Environmental Conservation (NYSDEC) permits for activities in tidal waters and for stormwater pollution prevention during construction; Potential funding action by the New York City Housing Development Corporation**

10. FEDERAL ACTIONS/APPROVALS/FUNDING ■ Yes ☐ No

If "Yes," identify **Potential United States Army Corps of Engineers (USACOE) permits for activities in tidal waters**

Action Type

11a. ☐ Unlisted; or ■ Type I; specify category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): **NYCL calendared**

11b. ☐ Localized action, site specific ■ Localized action, change in regulatory control for small area ☐ Generic action

Analysis Year

12. Identify the analysis year (or build year) for the proposed action: **2016**

Would the proposal be implemented in a single phase? ☐ Yes ■ No ☐ NA.

Anticipated period of construction: **2009 to 2016**

Anticipated completion date: **2016**

Would the proposal be implemented in multiple phases? ■ Yes ☐ No ☐ NA.

Number of phases: **TBD**

Describe phases and construction schedule: **The proposed construction is anticipated to be built in multiple phases. The DEIS will provide a full description of the construction program.**

Directly Affected Area

INDICATE LOCATION OF PROJECT SITE FOR ACTIONS INVOLVING A SINGLE SITE ONLY (PROVIDE ATTACHMENTS AS NECESSARY FOR MULTIPLE SITES)

13a. LOCATION OF PROJECT SITE

264-350 Kent Avenue, 317-329 Kent Avenue (see also Figure 1 and Table 1)
STREET ADDRESS

Western lot is bounded by Grand Street, Kent Avenue, South 5th Street, and the East River; eastern lot is bounded by Kent Avenue, South 3rd Street, and South 4th Street.
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

M3-1 EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY — **12c and 12d** ZONING SECTIONAL MAP NO.

Block 2414, Lot 1; Block 2428, Lot 1* TAX BLOCK AND LOT NUMBERS — **Brooklyn** BOROUGH — **1** COMMUNITY DISTRICT NO.

***The proposed development site consists of Block 2414, Lot 1 and Block 2428, Lot 1. An additional 39 lots not controlled by the project sponsor (see Table 1 on page 1c) would also be rezoned as part of the proposed actions.**

13b. PHYSICAL DIMENSIONS AND SCALE OF PROJECT

TOTAL CONTIGUOUS SQUARE FEET OWNED OR CONTROLLED BY PROJECT SPONSOR: **Approx. 756,495*** SQ. FT.

PROJECT SQUARE FEET TO BE DEVELOPED: **Approx. 487,730** SQ. FT.

GROSS FLOOR AREA OF PROJECT: **Approx. 2,860,000** SQ. FT.

*** The total directly affected area is comprised of approximately 487,730 sf of land area (including the platform over the water) and approximately 268,765 sf of water surface area extending to the pierhead line. The water surface area includes the portion of Block 2414, Lot 1 that is underwater.**

IF THE ACTION IS AN EXPANSION, INDICATE PERCENT OF EXPANSION PROPOSED

IN THE NUMBER OF UNITS, SQ. FT. OR OTHER APPROPRIATE MEASURE: **N/A** % OF

DIMENSIONS (IN FEET) OF LARGEST PROPOSED STRUCTURE: **400** HEIGHT **220** WIDTH **270** LENGTH

LINEAR FEET OF FRONTAGE ALONG A PUBLIC THOROUGHFARE: **The proposed rezoning area includes approx. 1,320 ft. along west side of Kent Avenue; 880 ft. along east side of Kent Avenue; approx. 230 ft. along either side of S. 1st Street; approx. 400 ft. along either side of S. 2nd Street; approx. 320 ft. along the south side S. 3rd Street and 400 ft. along the north side of S. 3rd Street; 320 ft. along S. 4th Street; 243 ft. along S. 5th Street; and 325 ft. along Grand Street**

13c. IF THE ACTION WOULD APPLY TO THE ENTIRE CITY OR TO AREAS THAT ARE SO EXTENSIVE THAT A SITE-SPECIFIC DESCRIPTION IS NOT APPROPRIATE OR PRACTICABLE, DESCRIBE THE AREA LIKELY TO BE AFFECTED BY THE ACTION:

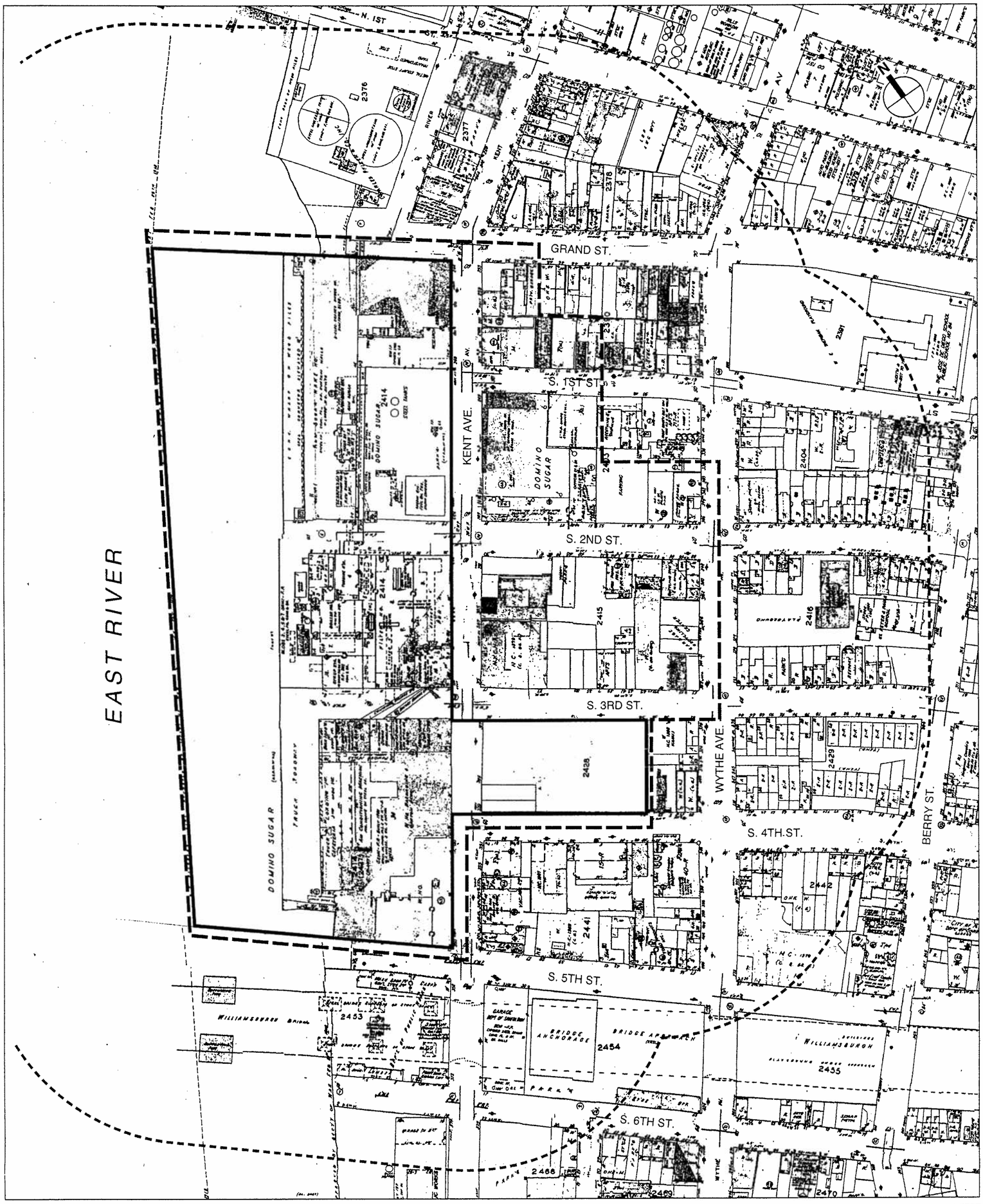
N/A

13d.

DOES THE PROPOSED ACTION INVOLVE CHANGES IN REGULATORY CONTROLS THAT WOULD AFFECT ONE OR MORE SITES NOT ASSOCIATED WITH A SPECIFIC DEVELOPMENT? ■ Yes ☐ No

IF 'YES,' IDENTIFY THE LOCATION OF THE SITES PROVIDING THE INFORMATION REQUESTED IN 13a. & 13b. ABOVE.

The proposed rezoning area encompasses 39 lots not controlled by the project sponsor (see Table 1). These lots are on the blocks bounded by Kent Avenue, Wythe Avenue, Grand Street, and S. 4th Street.



Project Site Boundary

Proposed Rezoning Area Boundary

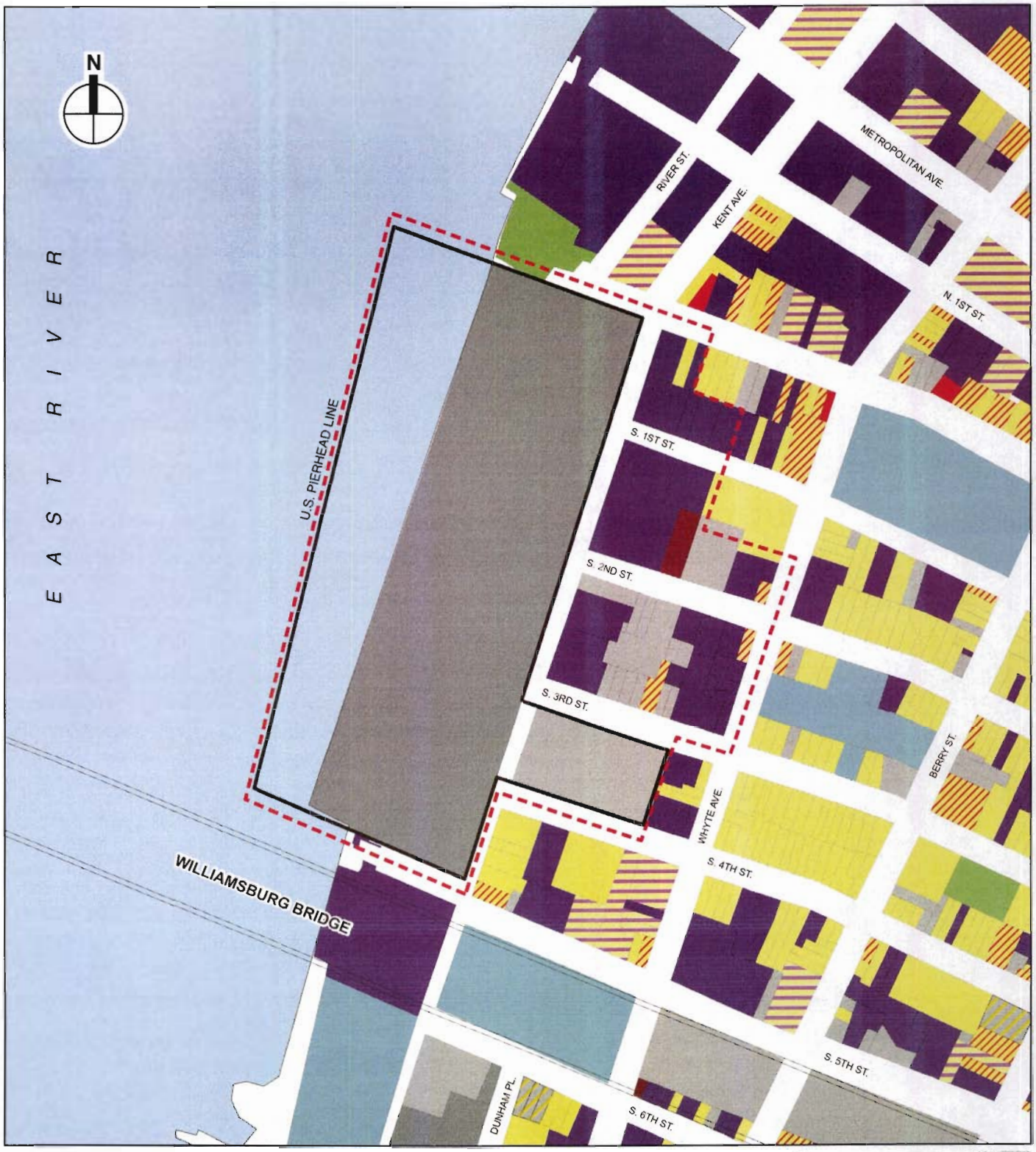
Study Area Boundary (400-Foot Perimeter)

0 200 400 FEET

SCALE

Sanborn Map
Figure 1

6.28.07



DOMINO SUGAR

Tax Lots and Land Use

Figure 2

PART II, SITE AND ACTION DESCRIPTION

Site Description

EXCEPT WHERE OTHERWISE INDICATED, ANSWER THE FOLLOWING QUESTIONS WITH REGARD TO THE DIRECTLY AFFECTED AREA. THE DIRECTLY AFFECTED AREA CONSISTS OF THE PROJECT SITE AND THE AREA SUBJECT TO ANY CHANGE IN REGULATORY CONTROLS.

1. **GRAPHICS** Please attach: (1) a Sanborn or other land use map; (2) a zoning map; (3) a tax map. On each map, clearly show the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. The maps should not exceed 8 1/2 x 14 inches in size.

See Figures 1 and 2. Scope Figures 2 and 3 show existing and proposed zoning.

2. **PHYSICAL SETTING** (both developed and undeveloped areas)

Total directly affected area (sq. ft.): **Approx. 756,495*** Water surface area (sq. ft.): **Approx. 268,765**

Roads, building and other paved surfaces (sq. ft.): **Approx. 487,730** Other, describe (sq. ft.): **N/A**

* **The total directly affected area is comprised of approximately 487,730 sf of land area (including the platform over the water) and approximately 268,765 sf of water surface area extending to the pierhead line. The water surface area includes the portion of Block 2414, Lot 1 that is underwater. An additional 215,959 sf of land area would be rezoned in the area not controlled by the project sponsor (see Figure 1 and Table 1).**

3. **PRESENT LAND USE**

Residential **See Table 1, page 1c**

Total no. of dwelling units _____ No. of low-to-moderate income units _____

No. of stories _____ Gross floor area (sq. ft.) _____

Describe type of residential structures:

Commercial **See Table 1, page 1c**

Retail: No. of bldgs. _____ Gross floor area of each building (sq. ft.): _____

Office: No. of bldgs. _____ Gross floor area of each building (sq. ft.): _____

Other: No. of bldgs. _____ Gross floor area of each building (sq. ft.): _____

Specify type(s): No. of stories and height of each building: _____

Manufacturing/Industrial **See Table 1, page 1c**

No. of bldgs. _____ Gross floor area of each building (sq. ft.): _____

No. of stories and height of each building: _____

Types of use(s): _____

Open storage area (sq. ft.) _____

If any unenclosed activities, specify:

Community facility **See Table 1, page 1c**

Type of community facility:

No. of bldgs. _____ Gross floor area of each building (sq. ft.): _____

No. of stories and height of each building: _____

Vacant Land **See Table 1, page 1c**

Is there any vacant land in the directly affected area? ■ Yes ☐ No

If yes, describe briefly:

Publicly accessible open space

Is there any existing publicly accessible open space in the directly affected area? ☐ Yes ■ No

If yes, describe briefly:

Does the directly affected area include any mapped City, State or Federal parkland? ☐ Yes ■ No

If yes, describe briefly:

Does the directly affected area include any mapped or otherwise known wetland? ■ Yes ☐ No

If yes, describe briefly:

The proposed project would include reconstruction of the existing platform. The platform is within the East River, which is mapped as a littoral zone tidal wetland by the New York State Department of Environmental Conservation (DEC).

Other Land Use **See Table 1, page 1c**

No. of stories **1 to 11** Gross floor area (sq. ft.): **889,000 total**

Type of use(s): **Vacant buildings**

4. EXISTING PARKING

Garages

No. of public spaces: **0** No. of accessory spaces: **0**

Operating hours: **N/A** Attended or non-attended? **N/A**

Lots

No. of public spaces: **0** No. of accessory spaces: **0**

Operating hours: **N/A** Attended or non-attended? **N/A**

Other (including street parking) – please specify and provide same data as for lots and garages, as appropriate.

5. EXISTING STORAGE TANKS

Gas or service station? ☐ Yes ■ No Oil storage facility? ■ Yes ☐ No Other? ☐ Yes ■ No

If yes, specify: **No. 6 fuel oil, gasoline, diesel fuel**

Number and size of tanks: * Last NYFD inspection date: **Sept. 20, 2004**

Location and depth of tanks: **Approximately 10 feet**

*** No. 6 fuel oil; 2 underground storage tanks (USTs) of 200,754 gallons each have been identified on the site. Additionally, 4 former USTs (one 1,000-gallon gasoline, two 3,000-gallon diesel fuel, and one 1,500-gallon of unknown contents) were reportedly removed or closed in place between 1948 and 1989.**

6. CURRENT USERS

SEE CEQR TECHNICAL MANUAL CHAPTER III F., HISTORIC RESOURCES

No. of residents: **0*** No. and type of businesses: **0***

No. and type of workers by business: **0*** No. and type of non-residents who are not workers: **0***

*** There are no residents or businesses on the proposed development site. For users of the sites in the surrounding rezoning area, see Table 1 on pages 1a and 1c.**

7. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

Answer the following two questions with regard to the directly affected areas, lots abutting that area, lots along the same blockfront or directly across the street from the same blockfront, and, where the directly affected area includes a corner lot, lots which front on the same street intersection.

Do any of the areas listed above contain any improvement, interior landscape feature, aggregate of landscape of landscape features, or archaeological resource that:

(a) has been designated (or is calendared for consideration as) a New York City Landmark, Interior Landmark or Scenic Landmark; **Yes**

(b) is within a designated New York City Historic District; **No**

(c) has been listed on, or determined eligible for, the New York State or National Register of Historic Places; **Yes**

(d) is within a New York State or National Register Historic District; or **No**

(e) has been recommended by the New York State Board for listing on the New York State or National Register of Historic Places? **No**

Identify any resource:

Do any of the areas listed in the introductory paragraph above contain any historic or archaeological resource, other than those listed in response to the previous question? Identify any resource.

LPC has calendared three of the buildings on the project site for consideration as a NYCL; those buildings include the Filter, Pan, and Finishing Houses at 292-314 Kent Avenue (collectively known as the Refinery). In addition, the New York State Historic Preservation Office (SHPO) has formally determined the portion of the project site complex at 292-350 Kent Avenue (between South 2nd and 5th Streets) to be eligible for S/NR listing. The Williamsburg Bridge, which is adjacent to the project site, has been determined eligible for listing on the State and National Registers of Historic Places.

SEE CEQR TECHNICAL MANUAL CHAPTER III K., WATERFRONT REVITALIZATION PROGRAM

8. WATERFRONT REVITALIZATION PROGRAM

Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? ■ Yes ☐ No

(A map of the boundaries can be obtained at the Department of City Planning bookstore.)

If yes, append a map showing the directly affected area as it relates to such boundaries. A map requested in other parts of this form may be used.

See Figure 3, "Coastal Zone Map."

Project Description

THIS SUBPART SHOULD GENERALLY BE COMPLETED ONLY IF YOUR ACTION INCLUDES A SPECIFIC OR KNOWN DEVELOPMENT AT PARTICULAR LOCATIONS

9. CONSTRUCTION

Will the action result in demolition of or significant physical alteration to any improvement? ■ Yes ☐ No

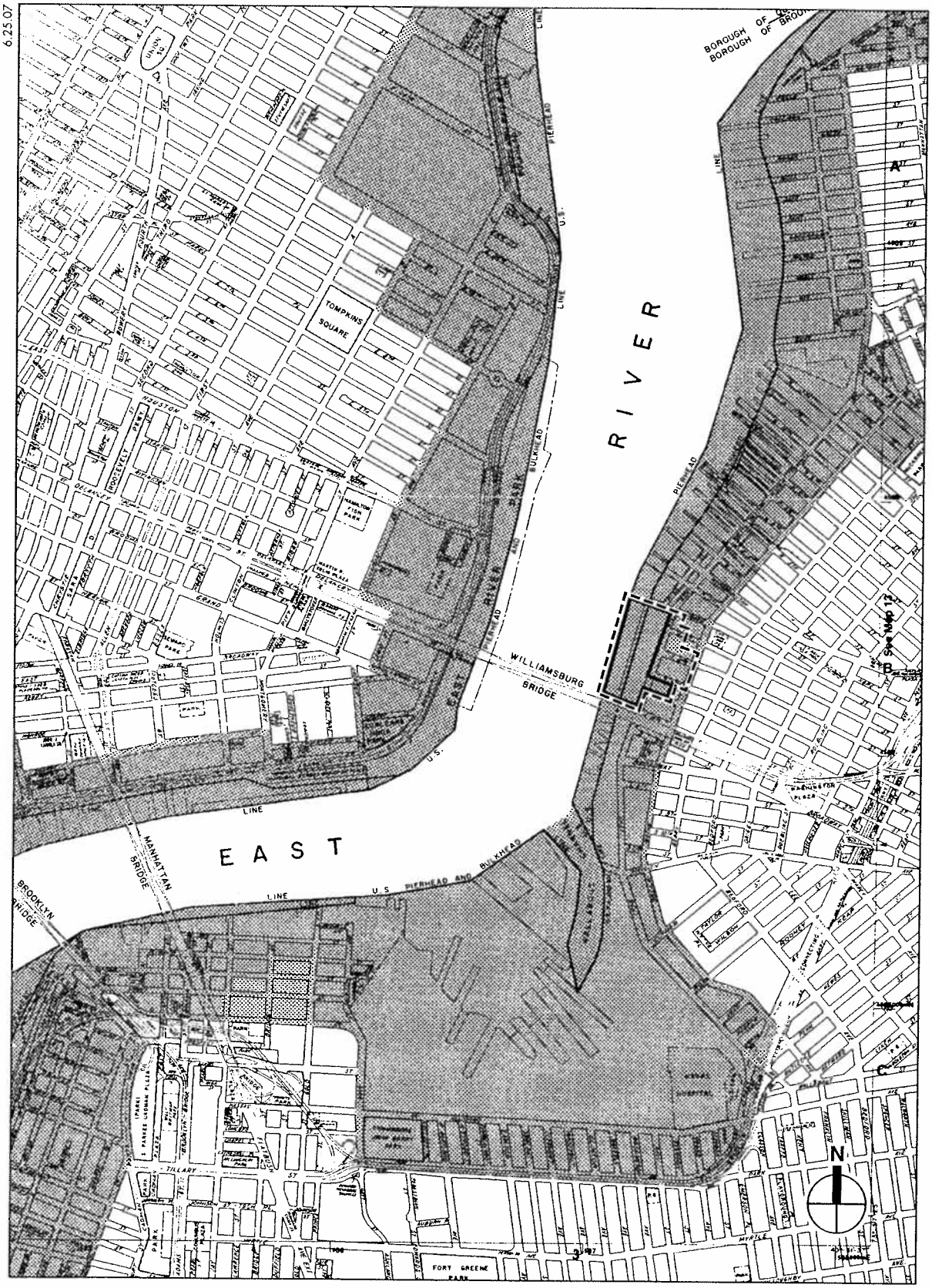
If yes, describe briefly:

The proposed project would clear the majority of the site for new construction, though the Refinery building would remain and be adapted for reuse. Under the proposed development plan there would be five new residential buildings constructed on the site. In addition, the bulkhead and platform which extends along the entire waterfront would be reconstructed for public access.

Will the action involve either above-ground construction resulting in any ground disturbance or in-ground construction? ■ Yes ☐ No

If yes, describe briefly:

Foundations and basements would be created for the five new buildings.



DOMINO
SUGAR

Coastal Zone Map
Figure 3

10. PROPOSED LAND USE

Residential

Total no. of dwelling units: **Up to 2,400** | No. of low-to-moderate income units: **Up to 30%** | Gross floor area (sq. ft.): **2,640,000**

No. of stories: **5 to 40**

Describe type of residential structures:

Four new apartment towers would be constructed along the waterfront. The Refinery building would be adaptively reused and the project would add additional floors to a portion of the roof. On the upland lot, up to six residential buildings and ancillary commercial uses also would be constructed.

Commercial

Retail: No. of bldgs.: * | Gross floor area of each building (sq. ft.): *

Office: No. of bldgs.: 0 | Gross floor area of each building (sq. ft.): N/A

Other: No. of bldgs.: 0 | Gross floor area of each building (sq. ft.): N/A

No. of stories and height of each building: N/A

***A total of up to 120,000 gsf of retail/commerial space would be constructed on the project site.**

Manufacturing/Industrial

No. of bldgs.: 0 | Gross floor area of each building (sq. ft.): N/A

No. of stories and height of each building: N/A

Type of use(s): N/A | Open storage area (sq. ft.): N/A

If any unenclosed activities, specify:

Community facility

Type of community facility: **Neighborhood arts, cultural, or services**

No. of bldgs.: ** | Gross floor area of each building (sq. ft.): **

No. of stories and height of each building: N/A

****A total of up to 100,000 gsf of community facility space would be constructed within the project.**

Vacant land

Is there any vacant land in the directly affected area? ■ Yes ☐ No

If yes, describe briefly: **The portion of the development site east of Kent Avenue (Block 2428, Lot 1) is a vacant lot.**

Publicly accessible open space

Is there any publicly accessible open space in the directly affected area? ☐ Yes ■ No

If yes, describe briefly:

Does the directly affected area include any mapped City, State, or Federal parkland? ☐ Yes ■ No

If yes, describe briefly:

Does the directly affected area include any mapped or otherwise known wetland? ■ Yes ☐ No

If yes, describe briefly:

The proposed project would include repair of the existing platform. The platform is within the East River, which is mapped as a littoral zone tidal wetland by the New York State Department of Environmental Conservation (DEC).

Other Land Use

No. of stories: N/A | Gross floor area (sq. ft.): N/A

Type of use(s):

The proposed development would provide publicly accessible open space and waterfront access.

11. PROPOSED PARKING

Garages

No. of public spaces: 0 | No. of accessory spaces: 1,450

Operating hours: 24 hours | Attended or non-attended? Non-Attended

Lots

No. of public spaces: 0 | No. of accessory spaces: 0

Operating hours: N/A | Attended or non-attended? N/A

Other (including street parking) – please specify and provide same data as for lots and garages, as appropriate.

No. and location of proposed curb cuts:

TBD

12. **PROPOSED STORAGE TANKS** **To be addressed in DEIS**

Gas or storage stations? ☐ Yes ☐ No Oil storage facility? ☐ Yes ☐ No

Other? ☐ Yes ☐ No

If yes, specify:

Number and size of tanks: Location and depth of tanks:

13. **PROPOSED USERS**

No. of residents: **Up to 6,864*** No. and type of businesses? **Commercial**

No. and type of workers by businesses: **Approx. 550**** No. and type of non-residents who are not workers: **N/A**

*** Assumes an average household size of 2.86, which is the average for Brooklyn Community District 1, for the proposed 2,400 residential units.**

**** Including approx. 360 commercial, 100 community facility, and 90 building maintenance employees.**

14. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

Will the action affect any architectural or archaeological resource identified in response to either of the two questions at number 7 in the Site Description section of the form? ■ Yes ☐ No

If yes, describe briefly:

The action will affect the buildings on the project site. LPC has calendared three of the buildings on the project site for consideration as a NYCL; those buildings include the Filter, Pan, and Finishing Houses at 292-314 Kent Avenue (known collectively as the Refinery). In addition, the New York State Historic Preservation Office (SHPO) has formally determined the portion of the project site complex at 292-350 Kent Avenue (between South 2nd and 5th Streets) to be eligible for S/NR listing.

SEE CEQR TECHNICAL MANUAL CHAPTER III B., SOCIOECONOMIC CONDITIONS

15. DIRECT DISPLACEMENT

Will the action directly displace specific businesses or affordable and/or low income residential units? ☐ Yes ■ No

If yes, describe briefly:

SEE CEQR TECHNICAL MANUAL CHAPTER III C., COMMUNITY FACILITIES & SERVICES

16. COMMUNITY FACILITIES

Will the action directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals, and other health care facilities, day care centers, police stations, or fire stations? ☐ Yes ■ No

If yes, describe briefly:

Zoning Information

17. What is the zoning classification(s) of the directly affected area?

M3-1

18. What is the maximum amount of floor area that can be developed in the directly affected area under the present zoning? Describe in terms of bulk for each use.

Project Site

487,730 sf x 2.0 FAR = 975,460 sf of commercial or manufacturing floor area*

Offsite Rezoning Area

218,459 sf x 2.0 FAR = 436,918 sf of commercial or manufacturing floor area*

***All numbers are approximate**

19. What is the proposed zoning of the directly affected area?

Project Site: R6 and R8 with a C2-4 overlay; C6-2

Offsite rezoning Area: M1-2

20. What is the maximum amount of floor area that could be developed in the directly affected area under the proposed zoning? Describe in terms of bulk for each use.

Project Site

(57,600 sf x 6.0 FAR) + (431,130 sf x 5.6 FAR) = 2,754,328 zsf of residential or community facility floor area*

(410,230 sf with C2-4 overlay x 2.0 FAR) + (Approx. 77,500 sf zoned C6-2 x 6.0 FAR) = 1,285,460 zsf of commercial floor area *

Offsite Rezoning Area

218,459 sf x 2.0 FAR = 436,918 zsf of commercial or manufacturing floor area*

218,459 sf x 4.8 FAR = 1,048,603 zsf of community facility floor area*

***All numbers are approximate**

21. What are the predominant land uses and zoning classifications within a ¼-mile radius of the proposed action?

Land uses within a ¼ -mile radius of the site include a mix of residential, industrial, commercial, and community facility buildings as well as vacant lots. Zoning districts include M1-2, M3-1, C4-3, R6, R6A, R7A, M1-2/R6, and M1-2/R6A, and M1-2/R6B.

Additional Information

22. Attach any additional information as may be needed to describe the action. If your action involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include here one or more reasonable development scenarios for such sites and, to the extent possible, to provide information about such scenario(s) similar to that requested in the Project Description questions 9 through 16.

Analyses

23. Attach analyses for each of the impact categories listed below (or indicate where an impact category is not applicable):

(See page 7a.)

a.	LAND USE, ZONING, AND PUBLIC POLICY	See CEQR Technical Manual Chapter III.A.
b.	SOCIOECONOMIC CONDITIONS	See CEQR Technical Manual Chapter III.B.
c.	COMMUNITY FACILITIES AND SERVICES	See CEQR Technical Manual Chapter III.C.
d.	OPEN SPACE	See CEQR Technical Manual Chapter III.D.
e.	SHADOWS	See CEQR Technical Manual Chapter III.E.
f.	HISTORIC RESOURCES	See CEQR Technical Manual Chapter III.F.
g.	URBAN DESIGN/VISUAL RESOURCES	See CEQR Technical Manual Chapter III.G.
h.	NEIGHBORHOOD CHARACTER	See CEQR Technical Manual Chapter III.H.
i.	NATURAL RESOURCES	See CEQR Technical Manual Chapter III.I.
j.	HAZARDOUS MATERIALS	See CEQR Technical Manual Chapter III.J.
k.	WATERFRONT REVITALIZATION PROGRAM	See CEQR Technical Manual Chapter III.K.
l.	INFRASTRUCTURE	See CEQR Technical Manual Chapter III.L.
m.	SOLID WASTE AND SANITATION SERVICES	See CEQR Technical Manual Chapter III.M.
n.	ENERGY	See CEQR Technical Manual Chapter III.N.
o.	TRAFFIC AND PARKING	See CEQR Technical Manual Chapter III.O.
p.	TRANSIT AND PEDESTRIANS	See CEQR Technical Manual Chapter III.P.
q.	AIR QUALITY	See CEQR Technical Manual Chapter III.Q.
r.	NOISE	See CEQR Technical Manual Chapter III.R.
s.	CONSTRUCTION IMPACTS	See CEQR Technical Manual Chapter III.S.
t.	PUBLIC HEALTH	See CEQR Technical Manual Chapter III.T.

The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the above-listed categories. Other methodologies developed or approved by the lead agency may also be utilized. If a different methodology is contemplated, it may be advisable to consult with the Mayor's Office of Environmental Coordination. You should also attach any other necessary analyses or information relevant to the determination whether the action may have a significant impact on the environment, including, where appropriate, information on combined or cumulative impacts, as might occur, for example, where actions are independent or occur within a discrete geographical area or time frame.

ANALYSES

LAND USE, ZONING AND PUBLIC POLICY

The proposed project would develop the existing formerly industrial site with residential uses, ground floor retail and other permitted commercial uses, and community facility space that would require numerous discretionary actions, including zoning map changes and special permits. Because these actions raise issues concerning compatibility with surrounding land uses and zoning, as well as consistency with long-term plans for the area, land use, zoning and public policy issues will be assessed in the EIS, as described in the attached Scope of Work.

SOCIOECONOMIC CONDITIONS

The purpose of the socioeconomic analysis is to identify potential impacts on neighborhood character that may result from the operation of the proposed project. According to the *City Environmental Quality Review (CEQR) Technical Manual*, significant adverse socioeconomic impacts can occur when a project meets one or more of the following tests: (1) a project leads to the direct displacement of residents such that the socioeconomic profile of the neighborhood is substantially altered; (2) a project leads to the displacement of substantial numbers of businesses or employees, or displaces a business that plays a critical role in the community; (3) a project results in substantial new development that is markedly different from existing uses in a neighborhood; (4) a project affects conditions in the real estate market not only on the site anticipated to be developed, but in a larger area; or (5) a project adversely affects economic conditions in a specific industry.

The proposed action would introduce up to 2,400 new housing units. The *CEQR Technical Manual* identifies a threshold of 200 units, below which an analysis of socioeconomic conditions and secondary displacement is not necessary. Because the proposed project could include up to 2,400 units, it could affect the local housing market and possibly lead to indirect residential displacement, and a socioeconomic analysis of the potential for indirect impacts on residential units will be undertaken in the EIS as outlined in the Scope of Work.

COMMUNITY FACILITIES AND SERVICES

The proposed project would not have any direct physical effects on any community facilities. As noted in the *CEQR Technical Manual*, the City Police and Fire Departments routinely evaluate the need for changes in personnel, equipment, or facilities based on population, response times, crime levels, or other local factors. Therefore a detailed assessment of service delivery is usually conducted only if a proposed action would directly affect the physical operations of a station house or precinct house. Since the proposed action would not directly affect existing facilities, a detailed assessment is not warranted.

Based on the screening criteria established in the CEQR Technical Manual, detailed assessments of educational facilities, libraries, outpatient health care, and day care facilities will be undertaken as described in the attached Scope of Work. An analysis of educational facilities is warranted if a project is expected to generate 50 or more elementary/middle school students or 150 high school students. The proposed project would generate approximately 968 elementary/middle school students and 162 high school students, thereby exceeding these thresholds.

The proposed project would result in an increase of 5 percent or greater in the average number of dwelling units per library branch in the borough of Brooklyn. According to the CEQR Technical Manual, the average number of units per branch in Brooklyn is 14,678, and the screening threshold for an increase of 5 percent or greater is 734 dwelling units. Because the proposed

project would have more than 734 units, an analysis of potential impacts on libraries is appropriate.

According to the *CEQR Technical Manual*, an analysis of potential impacts on day care facilities is necessary when a proposed project or action would generate 50 or more children eligible for subsidized child care. The low/moderate-income units included in the proposed project would generate over 50 children eligible for subsidized day care, thereby exceeding this threshold.

According to the *CEQR Technical Manual*, an analysis of potential impacts on outpatient health care facilities is necessary when a proposed project includes more than 600 low- to moderate-income housing units. Because the proposed project may include at least 600 affordable units, an analysis of health care facilities will be provided.

OPEN SPACE

The *CEQR Technical Manual* recommends a detailed assessment of a project's effects on open space if a proposed action is expected to generate more than 200 residents, 500 employees, or a similar substantial number of other users. Because the proposed project would develop up to approximately 2,400 units and have approximately 6,721 residents to the area (based on the average household size of 2.86 in Brooklyn Community District 1), it would have the potential to result in significant adverse impacts on open space. A detailed analysis of the effects of the proposed project on residential users of open spaces within a ½-mile radius of the project site and on employee users of open space within a ¼-mile radius of the project site will be presented in the EIS as described in the attached Scope of Work. This analysis will take into account the new open space to be added to the area as part of the proposed project pursuant to waterfront zoning regulations.

SHADOWS

The proposed project would have buildings greater than 50 feet in height and the potential to cast new shadows on Grand Ferry Park, a small open space directly north of the project site along the East River. Therefore, the impacts of the proposed project's incremental shadows on this and any other sun-sensitive features will be analyzed in the EIS, as described in the Scope of Work.

HISTORIC RESOURCES

LPC has calendared three of the buildings on the project site for consideration as a NYCL; those buildings include the Filter, Pan, and Finishing Houses at 292-314 Kent Avenue. In addition, the New York State Historic Preservation Office (SHPO) has formally determined the portion of the project site complex at 292-350 Kent Avenue (between South 2nd and 5th Streets) to be eligible for S/NR listing. The site is also located in proximity to several other known historic architectural resources. Therefore, an analysis of historic resources will be included in the EIS, as described in the Scope of Work.

The site has experienced significant ground disturbance with the construction of the Domino Sugar plan. A letter will submitted to the Landmarks Preservation Commission (LPC) to determine the need for conducting an archaeological investigation as part of the EIS.

URBAN DESIGN AND VISUAL RESOURCES

The *CEQR Technical Manual* recommends a detailed assessment of urban design and visual resources when a proposed action would demap an active street, would change block form, or would result in structures substantially different in height, bulk, size, scale, use or arrangement than what exists. The proposed project would substantially alter the appearance of the project site and would alter the block form. It therefore has the potential to result in impacts related to

urban design and visual resources. These impacts will be analyzed in the EIS, as outlined in the attached Scope of Work.

NEIGHBORHOOD CHARACTER

According to the *CEQR Technical Manual*, an assessment of neighborhood character may be appropriate if a proposed project impacts land use, urban design, visual resources, historic resources, socioeconomic conditions, traffic, or noise. The proposed project could affect the character of the area by introducing a residential development including retail/commercial uses to a site previously used for manufacturing. Therefore, an analysis of neighborhood character will be undertaken as described in the Scope of Work.

NATURAL RESOURCES AND WATER QUALITY

An assessment of natural resources is appropriate if a natural resource exists on or near the project site or if the proposed project involves disturbance of a natural resource. Because the project site is along the East River, the proposed project has the potential to result in impacts on natural resources and water quality. An assessment of natural resources will be provided as described in the Scope of Work.

HAZARDOUS MATERIALS

According to the *CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: a) hazardous materials exist on the site, and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes involving hazardous materials. Given the site's history of industrial uses, an assessment of hazardous materials will be conducted for the EIS as described in the Scope of Work.

WATERFRONT REVITALIZATION PROGRAM

The project site is located along the eastern edge of the East River in Brooklyn, and thus is within the State and City's Coastal Zone (see Figure 3). Therefore, the proposed project must be assessed for its consistency with the City's Local Waterfront Revitalization Program (LWRP). The New York City Waterfront Revitalization Program's Consistency Assessment Form (CAF) has been prepared for the Proposed Project and is included as Attachment A of this EAS. A detailed analysis will review the LWRP's 10 policies and assess the consistency of the Proposed Project with the policies.

INFRASTRUCTURE

As described in the *CEQR Technical Manual*, because of the size of the City's water supply system and because the City is committed to maintaining adequate water supply and pressure for all users, few actions would have the potential to result in significant adverse impact on the water supply system. Therefore, although the proposed project may increase the demand on water supply and increase the generation of wastewater, it would not be expected to create an adverse impact on these services. However, as recommended by the *CEQR Technical Manual*, the project's potential demand on water supply and potential generation of wastewater will be disclosed.

SOLID WASTE AND SANITATION

Although the proposed project may increase the generation of solid waste, it would not be expected to create an adverse impact on these services. However, as recommended by the *CEQR Technical Manual*, the project's potential demand on potential generation of solid waste will be disclosed.

ENERGY

Although the proposed project may increase the demand on energy, it would not be expected to create a significant adverse impact on these services. However, as recommended by the *CEQR Technical Manual*, the project's potential demand on energy will be disclosed.

TRAFFIC AND PARKING

The *CEQR Technical Manual* guidelines indicate that a detailed assessment of traffic and parking should be provided if a proposed action would generate more than 50 vehicles in a peak hour. As the proposed project would include approximately 2,000 housing units and ground floor commercial, it would exceed this threshold, and consequently could have significant impacts relating to traffic. Therefore, a detailed analysis of the potential traffic and parking impacts of the proposed project will be performed as described in the Scope of Work.

TRANSIT AND PEDESTRIANS

As described in the *CEQR Technical Manual*, a detailed analysis of transit and pedestrian trips should be provided if a proposed action is projected to result in more than 200 rail or bus transit riders in the peak hour. The proposed project would exceed this threshold, and consequently could have significant transit and/or pedestrian impacts. Therefore, a detailed analysis will be performed as described in the Scope of Work.

AIR QUALITY

According to *CEQR Technical Manual* guidelines, an action that would result in the placement of air intakes or intake vents generally within 200 feet of an atypical source of vehicular pollutants (such as a highway) or would generate 100 or more peak hour auto trips, could potentially have mobile-source air quality impacts and would require a detailed assessment. The project site is located adjacent to the elevated Williamsburg Bridge approach; therefore, the air intakes/intake vents for the proposed buildings could potentially be within 200 feet of an atypical source of vehicular pollutants. In addition, the proposed project could generate more than 100 auto trips in a peak hour. Therefore, the project could have significant mobile source air quality impacts, and a detailed analysis will be provided as described in the Scope of Work.

Stationary source air quality issues relate to the project's HVAC systems. In addition, the CEQR Technical Manual requires an assessment of any actions that could result in the location of residential developments within 1,000 feet of a large emission source (e.g., a power plant) or within 400 feet of commercial, institutional, or large-scale residential developments where the proposed structure would be of a height similar to or greater than the height of an existing emission stack. Impacts will be predicted on the proposed project from the existing North 1st Street power plant operated by the New York Power Authority. The EIS will assess stationary source impacts using refined dispersion modeling as described in the Scope of Work.

NOISE

The proposed project would increase the volume of traffic in the area, which could result in additional traffic noise in the area. In addition, the project site is located near to industrial land uses and is near major roadways, such as Kent Avenue and the elevated Williamsburg Bridge approach. Consequently, there is the potential that high ambient noise levels from mobile sources could affect the project site. A noise analysis will be undertaken for the EIS, as described in the attached Scope of Work, in order to assess the impact on sensitive land uses, including residences and nearby parks.

CONSTRUCTION IMPACTS

The *CEQR Technical Manual* calls for an assessment of construction-related impacts, with a focus on historic and archaeological resources, transportation, air quality, noise, hazardous materials, and natural resources. Because the proposed project is located on the waterfront, it could also result in construction impacts on water quality relating to construction work in or near the water. The potential impacts on these areas from the construction of the proposed project will be assessed in the EIS as described in the attached Scope of Work.

PUBLIC HEALTH

In accordance with the *CEQR Technical Manual*, the EIS will include an assessment of any substantial public health concerns that may result from the proposed project. This analysis is expected to focus on hazardous materials.

Applicant Certification

24.

Robert M. White
PREPARER NAME

Vice President, AKRF, Inc.
PREPARER TITLE

PREPARER SIGNATURE

6-28-07
DATE

The Refinery LLC
PRINCIPAL

Susan M. Pollock
NAME OF PRINCIPAL REPRESENTATIVE

Assistant Vice President
TITLE OF PRINCIPAL REPRESENTATIVE

SIGNATURE OF PRINCIPAL REPRESENTATIVE

6/28/2007
DATE

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