



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

May 8, 2006

REVISED CONDITIONAL NEGATIVE DECLARATION

Supercedes Conditional Negative Declaration issued on December 2, 2005

Project Identification

CEQR No. 02DCP045K
ULURP Nos. N020516ZCK, 020517ZSK, 020518ZMK
SEQRA Classification: Unlisted

Lead Agency

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

Name, Description and Location of Proposal:

Kedem Winery Redevelopment

The applicant, Rector Hylan Corporation, is seeking the following discretionary approvals in connection with the proposed redevelopment of a property located at 420-430 Kent Avenue (Block 2128, Lots 5 and 25; Block 2134, Lots 48, 50, 56, and 250) in the South Williamsburg neighborhood of Brooklyn, Community District 1:

- 1) An amendment to the zoning map to change the zoning designation of a) a property owned by the applicant (Block 2128, Lots 5 and 25; Block 2134 Lots 50, 56, 250, p/o 48) from M3-1 and C4-3 to R7-3 and R7-3/C2-4; b) a property located adjacent to the applicant's property on the north (Block 2128, Lot 1) from C4-3 to R7-3; and c) city-owned properties (Block 2128, Lot 15; Block 2134, Lots 148, 156) consisting of lands underwater within the East River from M3-1 to R7-3.
- 2) A special permit pursuant to Zoning Resolution (ZR) Section 62-736, "Bulk modifications on waterfront blocks" to permit the following modifications:
 - a) Section 62-341(a)(2) to waive the initial setback distances;
 - b) Section 62-341(c)(1) to allow for a maximum base height of 85 feet, which exceeds the permitted height of 65 feet;
 - c) Section 63-341(c)(2) to allow for a maximum building height of 245 feet for a proposed south tower, which exceeds the permitted height of 225 feet;
 - d) Section 63-341(c)(4) to allow for a 15,607 square foot floor plate for the north tower and a 12,745 square foot floor plate for the south tower, which exceeds the permitted maximum residential tower floor plate size of 8,100 square feet;

Kedem Winery Redevelopment
Revised Conditional Negative Declaration
CEQR No. 02DCP045K
Page 2

- e) Section 63-341(c)(5) to fully waive the additional setback requirement of 150 feet;
 - f) Section 63-341(c)(6) to allow the shoreline facade of the north tower to extend for 101 feet and 6 inches, exceeding the maximum permitted frontage of 100 feet.
- 3) A Chairperson certification pursuant to ZR Section 62-711, "Waterfront public access and visual corridors" for compliance with waterfront public access and visual corridor requirements.

The proposed actions would facilitate a proposal by the applicant to develop a mixed residential development on the project site, an approximately 125,774 square foot parcel located on the waterfront between Broadway and South 9th Street. Current plans call for the development to contain up to 450 dwelling units, 26,413 square feet of neighborhood retail, 225 accessory parking spaces, and a .50-acre shore public walkway. The applicant intends to provide twenty percent of the units (approximately 90 units) as affordable housing for low-income residents.

The development would consist of two residential towers (north tower and south tower) which would be 18 stories (approximately 185 feet in height) and 24 stories (approximately 245 feet in height) respectively. The towers could contain a mix of 2-, 3-, and 4-bedroom units. The commercial space would front on Kent Avenue and would be located on the ground level of both of the proposed towers. Parking would be provided beneath each building with separate access from Kent Avenue. A central driveway at South 8th Street would allow for vehicular drop-off and deliveries as well as provide an upland connection to the shore public walkway. The project's south curb cut and corresponding driveway would be shared with the adjacent Schaefer Landing building, a recently completed residential development located at 460 Kent Avenue (Block 2134, Lot 36).

The sites current M3-1 zoning prohibits residential development. The proposed R7-3 zoning allows residential development with a maximum floor area ratio (FAR) of 5.0. The proposed project would have a residential FAR of 4.79. Residential development is permitted on the portion of the site which is currently zoned C4-3, but only at a maximum FAR of 3.0. The proposed C2-4 commercial overlay would allow for retail development on the project's Kent Avenue frontage. A small, approximately 1,188 square foot portion of the site is currently zoned R7-3, and would not be rezoned as part of the proposed action.

The portion of the property located adjacent to the project site on the north (Block 2128, Lot 1) which is being rezoned from C4-3 to R7-3 consists of an approximately 8,277 square foot area occupied by the parking lot for a restaurant. The city-owned properties (Block 2128, Lot 15; Block 2134, Lots 148, 156) which are being rezoned from M3-1 to R7-3 consists of an approximately 126,735 square foot area containing lands underwater between the Bulkhead Line and the U.S. Pierhead Line within the East River. The proposed rezoning is not expected to result in development on these properties.

Kedem Winery Redevelopment
Revised Conditional Negative Declaration
CEQR No. 02DCP045K
Page 3

Although the applicant intends to construct a development with 450 dwelling units on the projects site, a development with more dwelling units could be built under the proposed zoning. The reasonable worst case development scenario (RWCDS) analyzed in the EAS assumes that 600 units could be constructed on the project site, which would be the maximum number of dwelling units that could be achieved on the site under the proposed zoning. The EAS also includes an analysis of the proposed project with the provision of twenty percent of the units as affordable housing. The RWCDS would also include 300 parking spaces, 26,413 square feet of retail, and an 0.50 shore public walkway.

The project site is occupied by the former Royal Wine Company (also known as the Kedem Winery), which comprised three buildings that housed the company's production and distribution operations. One of the former winery buildings is now occupied by the Zafir Jewish Center for Special Education, a yeshiva. A second winery building is currently vacant. The third building and a parking area are currently occupied by a warehouse company. All of the existing structures on the project site would be demolished and the site would be graded for new construction. Construction of the proposed project is expected to be completed in 2008.

To avoid any potential impacts associated with noise, as part of the proposed rezoning, an (E) designation for noise will be placed on the project site (Block 2128, Lots 5 and 25; and Block 2134, Lots 48, 50, 56, and 250). The text of the (E) designation for noise is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation would also have to be provided. Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

The (E) designation will ensure that the proposed action would not result in significant adverse impacts due to noise.

Statement of No Significant Effect on Modification:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the revised Environmental Assessment Statement (EAS) dated March 17, 2006, prepared in connection with ULURP Application Nos. N020516ZCK, 020517ZSK, 020518ZMK. The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once modified as follows:

- 1) The applicant, Rector Hylan Corporation, agrees via a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The

Kedem Winery Redevelopment
Revised Conditional Negative Declaration
CEQR No. 02DCP045K
Page 4

applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

- 2) The applicant, Rector Hylan Corporation, agrees via a restrictive declaration to fund the installation of a traffic signal at the intersection of Kent Avenue and Division Avenue, if determined to be warranted by the NYC Department of Transportation (DOT), upon completion of construction of the project.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

- 1) A Phase II Subsurface Investigation Report was prepared in April 2002 for the project site. The Phase II Subsurface Investigation Report was reviewed by DEP's Office of Environmental Planning and Assessment, and a Remediation Work Plan was recommended, as stated in a letter from DEP dated June 11, 2004, due to the detected presence of hazardous materials on the site as a result of past on-site land uses. The declaration, binding on all successors and assigns of the applicant, requires that additional Phase II testing be prepared, including a sampling protocol and a health and safety plan for DEP's review and approval. If hazardous materials impacts exist, the declaration requires that the applicant submit a remediation plan for DEP's review and approval and provide for such remediation. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the applicant's property would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction).

The restrictive declaration was executed on April 22, 2005. With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.

- 2) The traffic analysis provided in the EAS found that project-generated vehicle trips would result in a significant adverse traffic impact at the intersection of Kent Avenue and Division Avenue in the AM and PM peak hours. As described in the EAS, the analysis determined that the installation of a traffic signal at this location would substantially improve the operation of this intersection and would fully mitigate the impact. The proposed traffic signal was reviewed by the DOT and, in a letter dated September 12, 2005, the DOT stated that the proposed mitigation measure appears reasonable and appropriate.

The restrictive declaration was executed on September 20, 2005. With the implementation of the condition described above, no significant adverse traffic impacts would result from the proposed project.

Kedem Winery Redevelopment
Revised Conditional Negative Declaration
CEQR No. 02DCP045K
Page 5

- 3) The (E) designation for noise would ensure that no significant adverse impacts due to noise would result from the proposed action.
- 4) The original EAS for the proposal dated December 2, 2005 analyzed a reasonable worst-case development scenario for the project consisting of all market-rate units. Subsequent to the issuance of the CND for the proposal on December 2, 2005, the EAS was revised to include an analysis of the project with an affordable housing component. This revised CND takes into consideration the analysis of the project with affordable housing and supercedes the CND issued on December 2, 2005.
- 5) No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modifications, and alterations are not fully incorporated into the proposed action that this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

This Conditional Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Kedem Winery Redevelopment
Revised Conditional Negative Declaration
CEQR No. 02DCP045K
Page 6

I, the undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions, modifications, and alterations to the proposed action.

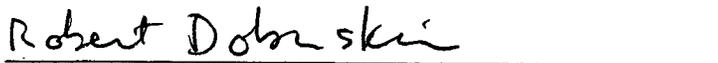


Signature of applicant or Authorized Representative

Date: 03-17-06

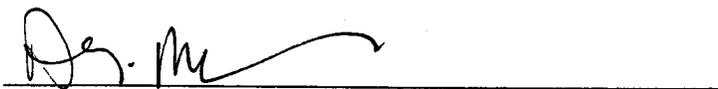
Name of applicant or Authorized Representative
(Please Print)

Cozen O'Connor
Howard B. Hornstein, Esq.



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

Date: 3/17/06



Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 5/9/06