DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

M E M O R A N D U M

TO: Sara Avila and Alex Sommer

FROM: Stephanie Shellooe

DATE: April 18, 2025

RE: **TYPE II**

CEQR No.	24DCP097K
Land Use Application No.	250056ZMK, N250057ZRK
Project Name	464 Ovington Avenue Rezoning

We have reviewed the above referenced application and determined that, pursuant to 6 NYCRR 617.5, it is a Type II action and not subject to SEQRA/CEQR:

- ☐ **617.5(9)** Construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or use variance, and consistent with local land use controls, but not radio communication or microwave transmission facilities.

- ☐ **617.5(11)** construction or expansion of a single-family, a two-family or a three-family residence on an approved lot.

- ☐ **617.5(12)** Construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density.

- **617.5(25)** Official acts of a ministerial nature involving no exercise of discretion:

  ☐ Special Permits pursuant to Zoning Resolution Section 74-78 (Conversions of Non-Residential Floor Area), for modifications to the requirements relating to the location of loft dwellings or joint living-work quarters for artists and use restrictions.

  ☐ Authorizations pursuant to Zoning Resolution Sections 105-421 (Modification of topographic features on Tier I sites), 105-422 (Authorization of a development, enlargement or site alteration on a Tier II zoning lot or portion of a zoning lot having a steep slope or steep slope buffer), 105-423 (Relocation of erratic boulders), 105-424 (Alteration of rock outcrops), 105-425 (Modification of botanic environment and tree preservation and planting requirements), 105-426 (Alteration of aquatic features), 105-91 (Special District Designation on Public Parks), 107-64 (Future Subdivision of Certain Plan Review Site), 107-65 (Authorization for Modifications of Natural Features), 119-311 (Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer), 119-313 (Modification of landscaping, tree preservation and tree planting requirements), and 119-319 (Authorization to allow site alterations, the construction of new park-related facilities and improvements to existing park-related facilities within public parks).

☐ Other Authorizations*

☐ City Planning Commission and Chair Certifications.

☐ Actions pursuant to Zoning Resolution Sections 93-65, 95-04 and 95-05 relating to transit easements.

- **617.5(32)** License, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities:

  ☐ Renewal of Special Permit or Authorization.

- **617.5(b)** Residential Development Type II Actions (Green Fast Track) adopted as Section 5-05(e) and (f) of Chapter 5 of Title 62 of the Rules of the City of New York:

  ☑ Green Fast Track for Housing eligible.

- ☐ **Other*** _____

*As determined by DCP's Environmental Assessment and Review Division and Counsel's Office

cc:

City Planning Commissioners

City Environmental Quality Review

GREEN FAST TRACK FOR HOUSING TYPE II: ELIGIBILITY CHECKLIST

FOR GREEN FAST TRACK TYPE II ACTIONS ONLY

Part I: Project Summary

Project Summary	The Applicant, Geffen Management LLC, seeks a zoning map amendment to change an existing R3X (BR) zoning district within the Bay Ridge neighborhood of Brooklyn Community District 10 to an R6A (BR) zoning district on a portion of Block 5892, bound by Ovington Avenue to the north, 100 feet from Fifth Avenue to the east, 100 feet from 72nd Street to the south, and 240 feet from Fifth Avenue to the west (the "Proposed Rezoning Area"). The Proposed Rezoning Area contains Block 5892, Lots 35, 38, and part of Lots 41, 49, 50, 51 and 52; the applicant also seeks a zoning text amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Brooklyn Community District 10 to designate a Mandatory Inclusionary Housing ("MIH") Area with MIH Options 1 and 2 conterminous with the Proposed Rezoning Area. Together, these two actions comprise the "Proposed Actions". The Proposed Actions would facilitate the development of an eight-story, approximately 45,220 gross square feet (36,094 zoning square feet), 40-unit residential building with 18 accessory below-grade parking spaces (collectively, the "Proposed Development") on Lot 38, the "Project Site". Of the 40 units proposed, 10 of the units would be affordable units pursuant to Option 1.
Development Site Blocks and Lots *"Development site" means the zoning lot all or part of which the applicant proposes to develop through the action.*	Brooklyn Block 5892, Lot 35
Developable Site Blocks and Lots *"Developable site" means a zoning lot, including the development site, within the area that is the subject of the action that the lead agency determines is likely to be developed as a result of the action.*	N/A

Part II: Package Requirements

II.1 Agency Sign-offs	Required Agency Sign-offs and their determinations ***attached.*** List of required agencies include: Landmarks Preservation Commission; Department of Environmental Protection	✓
II.2 Restrictive Declarations & E-Designations	Required Restrictive Declarations & E-Designations ***attached.***	✓
II.3 Development Increment Table	Development Increment Table ***attached.***	✓
II.4 Project Area Map	Project Area Map (with development sites) ***attached.***	✓

Part III: Eligibility Checklist

§ 3. Section 5-05 of Chapter 5 of Title 62 of the Rules of the City of New York: Subdivisions (e) and (f)

		Eligible?
(e)	**Residential Development Type II Actions. The following actions are not subject to review under City Environmental Quality Review, the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) or the SEQRA Regulations, subject to subdivision (f) of this section:**	
(e) (1)	Actions that enable incremental development of at least 1 and no more than 250 new dwelling units or new income-restricted dwelling units, and no more than 35,000 gross square feet of space for non-residential uses, which includes no more than 25,000 gross square feet of space for commercial uses and no more than 25,000 gross square feet of community facility space, and which at the time of the environmental determination are:	☐
(i)	Located wholly within an existing R5 through R10 Residence zoning district, provided that such action does not include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district; or	☐
(ii)	Located in an existing stand-alone Commercial zoning or Manufacturing zoning district and are being developed pursuant to a regulatory agreement or lease with a government agency to develop housing or a decision by the Board of Standards and Appeals authorizing residential development; or	☐
(e) (2)	Actions that enable incremental development of at least 1 and no more than 175 new dwelling units or new income restricted dwelling units, and no more than 20,000 gross square feet of space for non-residential uses, which includes no more than 10,000 gross square feet of space for commercial uses, and no more than 10,000 gross square feet of community facility space, and which at the time of the environmental determination, are located at least partially within an existing R1 through R4 Residence zoning district, provided that such action shall not include actions that include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district.	☑
(f)	**Type II Residential Development Prerequisites. An action listed in subdivision (e) of this section must also comply with all of the following to be a Type II action, at or before the time environmental review is required to be completed:**	**Eligible?**
(f) (1)	Any new building or any enlargement of an existing building on the development site shall not burn fossil fuels to supply heat or hot water;	☑
(f) (2)	The applicant or development site owner shall have complied with the following site-specific requirements:	☐
(i)	For developable sites that include one or more tax lots that do not have an (E) designation for hazardous materials pursuant to section 11-15 of the New York City Zoning Resolution at the time of the environmental determination, completed a Phase I Environmental Site Assessment for the development site and either:	☑
(A)	Obtained a written signoff from the lead agency that no further environmental investigation is required or that a plan to address any hazardous materials is acceptable; or	☐
(B)	Consented to the establishment of an (E) designation for hazardous materials pursuant to section 11-15 of the New York City Zoning Resolution and 15 RCNY Chapter 24 on the developable sites, provided that where an (E) designation is not available and the development site will be developed pursuant to a regulatory agreement with a government agency, such government agency shall include protections and development oversight requirements equivalent to an (E) designation found in 15 RCNY Chapter 24 in such regulatory agreement; and	☑
(ii)	Obtained a determination from the New York City Landmarks Preservation Commission (LPC) stating whether any developable site is within an archaeologically sensitive area, is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District, is listed on, or formally determined to be eligible for inclusion on, the National Register of Historic Places or the New York State Register of Historic Places, or is substantially contiguous to a sunlight sensitive architectural resource, and	☑
(A)	If LPC determines a developable site is within an archaeologically sensitive area, completed an archaeological document study for the development site and obtained a writing from LPC that the development of such development site does not raise archaeological concerns; and	☐
(B)	If LPC determines a developable site is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District or is listed on, or formally determined to be eligible for inclusion on, the National Register of Historic Places or the New York State Register of Historic Places, obtained a writing from LPC that the development of such development site does not raise historic preservation concerns;	☐
(iii)	Agreed to prepare and implement a Construction Protection Plan consistent with the requirements of the New York City Department of Buildings Technical Policy and Procedure #10/88 for a development site located at least partially within 90 feet of a building or site formally determined to be eligible for listing on the National Register of Historic Places or the New York State Register of Historic Places or of a building or site that is eligible for designation as a New York City Landmark or Historic District;	☐
(iv)	For developable sites within 1000 feet of an air emissions source that operates under a permit issued pursuant to subpart 201-5 of title 6 of the New York Codes, Rules and Regulations (New York State facility permits) or subpart 201-6 of such title (Clean Air Act Title V permits) or either within 400 feet of any existing air emission source with an active or expired industrial permit issued by the New York City Department of Environmental Protection or within 400 feet of any unpermitted industrial source, confirmed to the lead agency based on the emission limits in the permit(s) or, for any unpermitted source, the estimated emission limits from similar source permit(s) provided by the lead agency, that concentrations of any pollutant regulated by the permit(s) or identified by the lead agency for any unpermitted source will not exceed the corresponding National Ambient Air Quality Standards (including background concentrations) and Annual Guideline Concentration (AGC) and Short-term Guideline Concentration (SGC) in the New York State Department of Environmental Conservation Division of Air Resources Guidelines for Evaluation and Control of Ambient Air Contaminants (DAR-1) at such developable site, as determined in accordance with the industrial source screen in Appendix B of Chapter 5 of Title 62 of the rules of the city of New York (Industrial Air Quality Checklist).	☐
(v)	With respect to calculation of noise levels, either:	☐
(A)	Provided to the lead agency representative peak hour outdoor noise sampling showing less than 70 A-weighted decibels (dBA) L10 ambient noise levels at all developable sites, and provided outdoor noise sampling for all developable site buildings within the line of sight of any railway or elevated subway showing less than 65 dBA Ldn ambient noise levels and confirmed that all developable sites are outside the 65 Day Night Average Sound Level contours established in the Noise Exposure Map (NEM) Report for John F. Kennedy Airport and LaGuardia Airport, or	☑
(B)	Agreed to establishment of an (E) designation for noise pursuant to section 11-15 of the NYC Zoning Resolution on any developable sites that cannot meet the requirements of item (A) above, provided that where the development site will be developed pursuant to a regulatory agreement with a government agency, such government agency shall include protections equivalent to those imposed by an (E) designation for noise attenuation in such regulatory agreement.	☐
(f) (3)	The projected duration of construction at each development site shall not be greater than 24 months and no consecutive projected construction period for all substantially contiguous developable sites shall be greater than 24 months.	☑
(f) (4)	No portion of any developable site shall:	☑
(i)	Be located adjacent to an arterial highway listed in Appendix H to the New York City Zoning Resolution or a vent structure for a tunnel	☑
(ii)	Be located within in a Special Coastal Risk District mapped pursuant to Article XIII, Chapter 7 of the New York City Zoning Resolution; or	☑
(iii)	Contain a natural resource. *("Natural Resource" means surface water bodies; wetland resources; upland resources, such as beaches, shrublands, meadows, and forests; or other significant or sensitive resources.)*	☑
(f) (5)	The action shall not enable construction of a new building or other structure or enlargement of an existing building or structure with a maximum allowable height greater than 250 feet, including all rooftop bulkheads, mechanical equipment, parapets, and any other parts of the building, or with a maximum possible height greater than 50 feet if substantially contiguous to a public open space other than a street or sidewalk, natural resource or an architectural sunlight sensitive resource identified by LPC under subparagraph (ii) of paragraph (2) of this subdivision above, unless such open space, natural resource or sunlight sensitive resource is entirely within the area between -108° degrees from true north and +108 degrees from true north of the building or other structure or is an architectural resource that is located on a facade that faces directly away from a developable site.	☑

464 Ovington Avenue Rezoning

LOCATION AND DENSITY

Proposed Actions

The Applicant, Geffen Management LLC, seeks the "Proposed Actions":

- a zoning map amendment to change an existing R3X (BR) zoning district within the Bay Ridge neighborhood of Brooklyn Community District 10 to an R6A (BR) zoning district on a portion of Block 5892, bound by Ovington Avenue to the north, 100 feet from Fifth Avenue to the east, 100 feet from 72nd Street to the south, and 240 feet from Fifth Avenue to the west. The Proposed Rezoning Area contains Lots 35, 38, and part of Lots 41, 49, 50, 51 and 52; and

- a zoning text amendment to amend ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Brooklyn Community District 10 to designate a Mandatory Inclusionary Housing ("MIH") Area with MIH Options 1 and 2 conterminous with the Proposed Rezoning Area.

Project Site and Proposed Rezoning Area

The Project Site includes 464 Ovington Avenue (Block 5892, Lot 38) in the Bay Ridge neighborhood of Community District 10, Brooklyn. As shown in Figure 1 below, the Proposed Rezoning Area includes Lots 35, and 38, and part of Lots 41, 49, 50, 51, and 52.

Proposed Development

The Project Site, Lot 38 (464 Ovington Avenue), fronts along Ovington Avenue and is approximately 9,260 square feet. The Lot is zoned R3X and is improved with a two-story 3,006 gsf residential building with two dwelling units (DUs).

The Proposed Actions would allow the Applicant to develop an eight-story, approximately 45,220 gsf (36,094 zsf), 40-unit residential building with 18 accessory below-grade parking spaces (collectively, the "Proposed Development") on the Project Site. Of the 40 units proposed, 10 of the units would be affordable units pursuant to Option 1.

The Proposed Development would be set back approximately 15 feet from Ovington Avenue and contain landscaping in the front yard. Residential units would be located on the ground through eighth floors. The Proposed Development would have a base height of 65 feet. Above the base, the building would set back 10 feet and rise to a total height of 95 feet (85-foot building roof height plus a 10-foot mechanical bulkhead).

A driveway would provide vehicular access between Ovington Avenue and the proposed cellar parking containing 18 accessory spaces. This driveway would be accessed by an eight-foot-wide curb cut. Assuming a seven-month ULURP period, demolition, and up to 15 months of construction on the Project Site, the build year for the Proposed Development is 2027.

No-Action Scenario

In the No-Action Scenario, the Project Site would remain a two-story, 3,006-gsf detached two-family residence. Conditions on the remaining lots in the Proposed Rezoning Area (Lot 35, and part of Lots 41, 49, 50, 51 and 52) would also remain unchanged in the No-Action Scenario.

With-Action Scenario

Lot 38 is the only soft site in the Proposed Rezoning Area. The two lots adjacent to Lot 38 (Lots 35 and 41) are both improved with multifamily residential buildings with 45 and 12 dwelling units respectively. The building on Lot 35 was constructed prior to 1974. Per the *CEQR Technical Manual*, residential buildings with six or more dwelling units constructed before 1974 are likely to be rent-stabilized and difficult to legally demolish due to tenant relocation requirements. The building on Lot 41 was constructed in 2000. Therefore, Lots 35 and 41 are unlikely to be developed in the With-Action Scenario. The remaining lots in the Proposed Rezoning Area (Lots 49-52) are also unlikely to be developed in the With-Action Scenario because they would be split zoning lots and only a small portion of each lot (less than 200 square feet per lot) is within in the boundaries of the Proposed Rezoning Area.

In the With-Action Scenario as established in the Reasonable Worst Case Development Scenario (RWCDS), the Project Site would be developed with Projected Development Site 1, a 45,220-gsf (36,116 zsf), nine-story (105-foot-tall including mechanical bulkhead and a maximum height of 95 feet permitted per zoning) multifamily residential building with a floor area ratio of 3.9. Projected Development Site 1 would contain 45 DUs across 40,866 gsf of residential floor area, including approximately 9 to 14 affordable DUs, depending on which MIH option is selected. The Project Site would also be developed with 18 accessory parking spaces (4,354 gsf, 0 zsf), located in the cellar of the building.

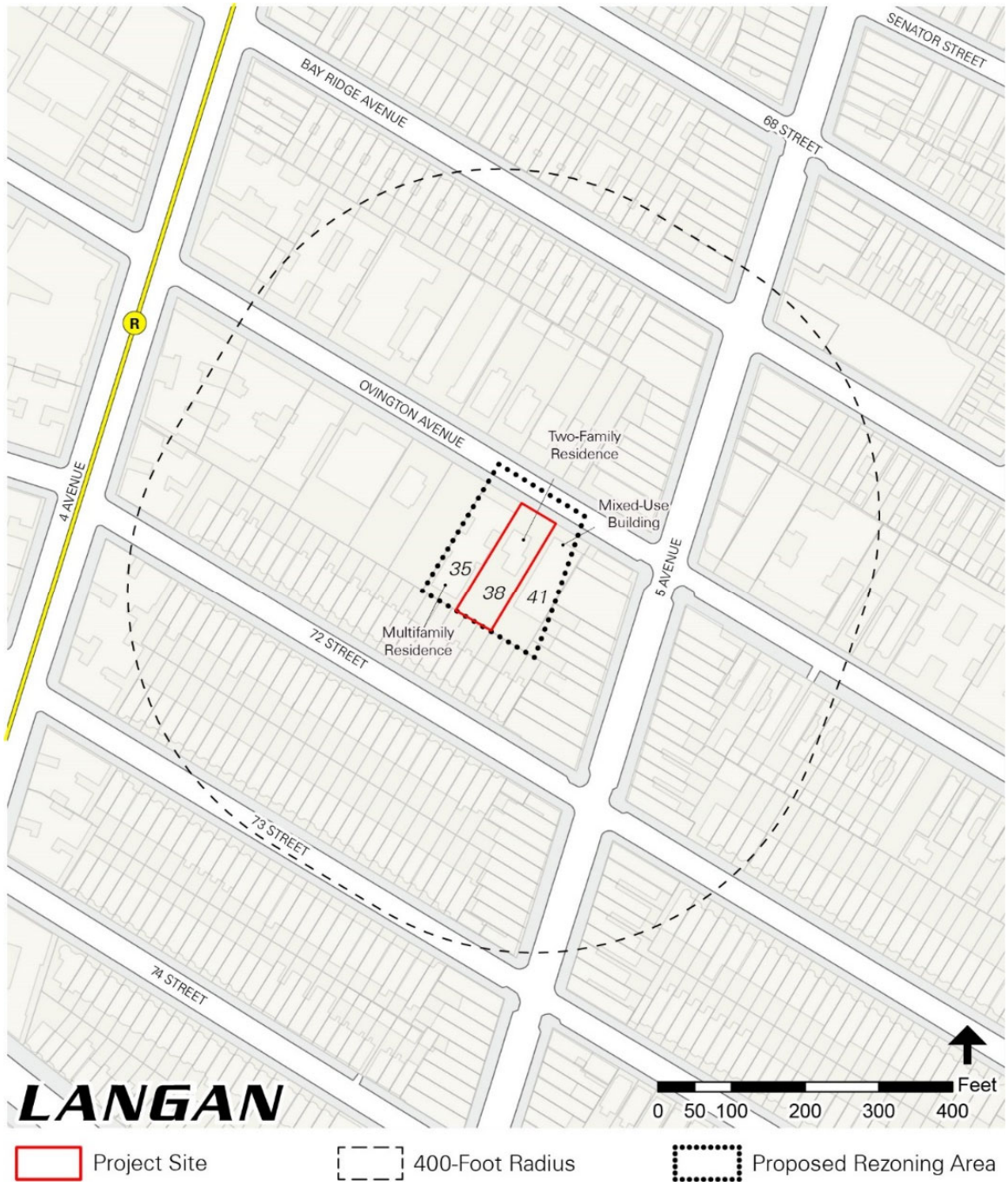
Development Increment

Compared to the No-Action Scenario, the With-Action Scenario would result in the demolition of the existing two-family residence and the development of Projected Development Site 1, resulting in an increment of 43 DUs. The increment by use established in the RWCDS is summarized in Table 1 below.

Table 1: Development Increment Table

Scenario	DUs	Parking gsf	Residential gsf	Total gsf
Existing/No-Action	2	0	3,006	3,006
With-Action	45	4,354	40,866	45,220
Increment	**43**	**4,354**	**37,860**	**42,214**

Figure 1: Rezoning Area Map



Air Quality

Industrial Source Screen

The Project Site is beyond 400-feet from a site that has an active emissions permit issued by the NYC Department of Environmental Protection (DEP). The Land Use Map in Appendix A shows no land uses within 400-feet that have the potential to contain an industrial emissions source. The Project Site is more than 1,000 feet from the nearest large or major emissions source.

Fuel Source

The projected development will use electricity for heating and hot water, in compliance with Local Law 154. The development would not burn fossil fuels for heating, cooling, or hot water. To ensure that this is the case, an (E) designation (E-839) for air quality would be placed on the Project Site. The text of the (E) designation would be as follows:

> ***Brooklyn Block 5892 Lot 38***
> **Any new residential, commercial, and/or community facility development on the above referenced property must exclusively use electric grid power for heating, ventilating, and air conditioning (HVAC) system and hot water equipment with no venting or stacks to avoid any potential significant adverse air quality impacts.**

Noise

The site is not located within line of sight to any railway or elevated subway or within an airport noise exposure zone.

Noise readings were captured near the Project Site on 6 December 2023 in accordance with a noise protocol memorandum approved by DCP. The controlling noise source at the Project Site is vehicular traffic on the surrounding streets. Table 2 indicates that the Project Site experiences L_{10} noise levels up to 66.5 dB(A) during peak hours. Figure 2 below shows the noise monitoring locations.

Table 2: Existing Noise Levels at Receptor Locations and Vehicle Classification Counts (Weekday)

Measurement			Noise Levels					Vehicle Counts by Classification				
#	Location	Peak	L_{eq}	L_{MAX}	L_{10}	L_{50}	L_{90}	Motorcycle	Auto	Med. Truck	Heavy Truck	Bus
1	Northeast Corner of The Project Site	AM	61.2	76.1	65.4	56.5	52.8	0	66	1	0	2
		MD	65.8	84.4	66.5	56.9	52.0	2	49	1	0	0
		SD*	68.3	94.2	65.9	60.2	56.3	0	56	0	0	2
		PM	62.4	83.9	64.6	57.6	54.2	2	65	0	0	1
2	Adjacent to Project Site 1 on Ovington Avenue	AM	59.2	75.4	63.4	54.2	49.3	0	55	0	0	0
		MD	62.2	85.6	61.6	55.1	51.7	2	58	0	0	0
		SD*	60.3	82.0	61.6	56.9	55.0	0	61	0	0	1
		PM	57.4	73.8	59.5	54.9	51.7	0	71	0	0	0
3	On 72nd St, behind rear yard of The Project Site	AM	57.3	77.7	59.0	50.9	45.6	0	23	0	0	0
		MD	58.0	71.0	62.7	51.4	47.3	0	39	0	0	0
		SD*	58.9	77.0	61.9	54.6	50.6	1	28	0	0	3
		PM	57.9	72.0	62.5	52.1	48.0	1	43	0	0	0

Per Table 19-3 of the *CEQR Technical Manual*, the noise levels do not rise to "marginally" or "clearly" unacceptable levels, indicating that a noise E-Designation is not warranted for window-wall attenuation measures.

Figure 2: Noise Monitoring Locations



Hazardous Materials

A Phase I Environmental Site Assessment (ESA) was completed on 10 March 2023 that concluded that there were no RECs identified at the Project Site. However, regulatory databases reviewed as part of the Phase I ESA identified 10 spills, one historical automotive site, and five historical dry-cleaning locations within one-eighth of a mile of the Project Site. Additionally, 16 underground storage tank sites, 39 aboveground storage tank sites, and seven dry cleaners were identified within one-quarter of a mile.

Because of the nearby off-site sources of potential contamination, a hazardous materials E-Designation is proposed for the Project Site. The E-Designation will place certain hazardous materials requirements for the Project Site if contamination exists, thereby precluding the potential for significant adverse hazardous materials impacts. If contamination is confirmed, a remedial action plan would require approval from New York City Mayor's Office of Environmental Remediation (OER) before construction permits can be issued by the Department of Buildings. The specific requirements of the E-Designation (E-839) would be as follows:

Project Site (Brooklyn Block 5892, Lot 38)

Task 1: Sampling Protocol
The applicant shall submit to OER, for review and approval, a Phase 1 of the site along with a soil and groundwater testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.
If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2: Remediation Determination and Protocol
A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, OER shall determine whether remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER and no further action shall be required.

If OER determines remediation is necessary, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation in accordance with the OER approved remediation plan. The applicant should then provide proper documentation that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

With this E-Designation in place, the Proposed Actions would not have the potential to result in a significant adverse hazardous materials impact, and no further analysis is warranted. A DEP sign-off letter is provided in Appendix B.

Natural Resources

The Project Site does not contain a wetland, priority waterbody, significant natural community, forever wild area, recognized ecological complex, special natural waterfront area, or beach and is not located within a wetland check zone. No natural resources – as defined by the *CEQR Technical Manual* – have been identified on or within 400 feet of the Proposed Rezoning Area.

Historic Resources

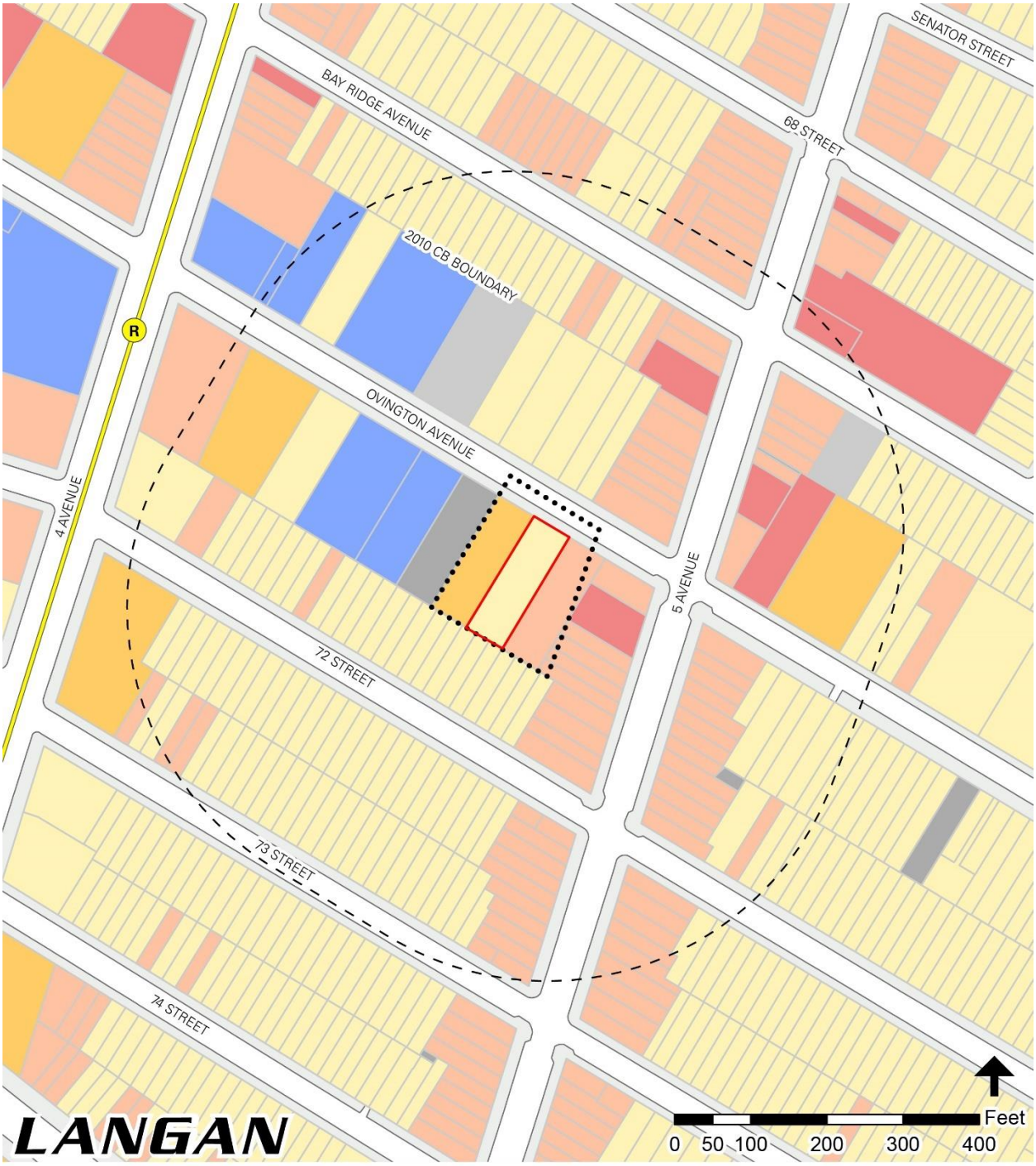
DCP's Fast Track Application indicates potential archeological sensitivity at the Project Site. However, on 31 August 2023, the New York City Landmarks Preservation Commission (LPC) issued a letter of determination stating that the Project Site does not include architectural or archeological significance. Furthermore, the Cultural Resources Information System maintained by the New York State Historic Preservation Office indicates that there are no significant architectural resources within 90 feet of the Project Site.

The LPC determination letter is provided in Appendix C.

Shadows

The Project Site is not contiguous to a sunlight-sensitive resource. The Green Fast Track Application identified historic resources within 200-feet of the Project Site; however, these historic resources were reviewed and do not contain sunlight-sensitive elements.

Appendix A: Land Use Map


SENATOR STREET
BAY RIDGE AVENUE
68 STREET
2010 CB BOUNDARY
R
OVINGTON AVENUE
4 AVENUE
5 AVENUE
72 STREET
73 STREET
74 STREET
LANGAN
Feet
0 50 100 200 300 400
Project Site
400-Foot Buffer
Proposed Rezoning Area
One & Two Family Residences
Multifamily Walkup Residences
Multifamily Elevator Residences
Mixed Residential/ Commercial
Commercial Uses
Industrial/Manufacturing
Transportation/Utility
Public Facilities/Institutions
Open Space
Parking
Vacant Land

Appendix B: DEP Sign-Off Letter

Environmental Protection

Rohit T. Aggarwala
Commissioner

Angela Licata
Deputy Commissioner
Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
alicata@dep.nyc.gov

April 4, 2025

Ibrahim Jobe
Project Manager
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: 464 Ovington Avenue Rezoning
Block 5892, Lots 35, 38, 41, 49, 50, 51, and 52
CEQR # 24DCP097K

Dear Mr. Jobe:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the February 2025 Green Fast Track document and the March 2023 Phase I Environmental Site Assessment (Phase I) prepared by Langan Engineering, Environmental, Surveying, Landscape Architecture, and Geology D.P.C. on behalf of Geffen Management LLC (applicant) for the above referenced project. It is our understanding that the applicant is seeking a zoning map amendment to rezone the Proposed Rezoning Area from an R3X (BR) district to an R6A (BR) district and a zoning text amendment to modify ZR Appendix F to map the Proposed Rezoning Area as a Mandatory Inclusionary Housing (MIH) area (Proposed Actions) from the New York City Department of City Planning (DCP). The Project Site includes 464 Ovington Avenue (Block 5892, Lot 38) in the Bay Ridge neighborhood of Brooklyn Community District 10. The Proposed Rezoning Area is located within Block 5892 and is bounded by 72nd Street to the south, Fifth Avenue to the east, Ovington Avenue to the north, and Fourth Avenue to the west. The Proposed Rezoning Area includes Lots 35, 38, and 41, and part of Lots 49, 50, 51, and 52. In the With-Action Scenario, the Project Site would be developed with a 45,220 gross square feet (gsf), nine-story multifamily residential building (Proposed Development). The Proposed Development would contain 45 dwelling units (DUs) across 40,866 gsf of residential floor area, including 9-14 affordable DUs, depending on which MIH option is selected. The Project Site would also be development with 18 accessory parking spaces (4,354 gsf), located in the cellar of the building.

Block 5892, Lot 38

The March 2023 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential and commercial uses including residential buildings, commercial buildings, mixed residential and commercial buildings, dry cleaners, billiards, schools, paints, a church, upholstering, a hospital, a veterinarian, a bank, an undertaker, etc. Regulatory

databases identified 10 spills, 1 historical auto site, and 5 historical cleaner sites within 1/8 mile; 16 underground storage tank sites, 39 aboveground storage tank sites, and 7 dry cleaners within 1/4 mile; 29 leaking storage tank sites within 1/2 mile; and 2 manufactured gas plant sites within 1 mile of the subject property. Evidence of petroleum bulk storage at the subject property and the adjoining property was observed. Based on records, the fuel oil tank at the adjacent property rests on soil.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- Based on prior on-site and/or surrounding area land uses which could result in environmental contamination, an (E) Designation for hazardous materials should be placed on the subject property pursuant to Section 11-15 of the New York City Zoning Resolution. The (E) Designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance occurs, as well as to ensure the maintenance and oversight of any required engineering controls through oversight by the Mayor's Office of Environmental Remediation (OER). Further hazardous materials assessments should be coordinated through OER.

Future correspondence and submittals related to this project should include the following CEQR # **24DCP097K**. If DCP has any questions, you may contact Mohammad Khaja-Moinuddin at mohammadm@dep.nyc.gov.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

c: R. Weissbard
M. Khaja-Moinuddin
T. Estesen
M. Wimbish
S. Shellooe – DCP
E. Ulker-Kacar – DCP
M. Bertini – OER

Appendix C: LPC Determination Letter

NYC Landmarks Preservation Commission

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

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

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-K
Project: 464 OVINGTON AVENUE
Date Received: 8/23/2023

Properties with no Architectural or Archaeological significance:
1) 456 OVINGTON AVENUE, BBL: 3058920032
2) 464 OVINGTON AVENUE, BBL: 3058920038

Gina Santucci 8/31/2023

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 37141_FSO_DNP_08312023.docx