ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION
Sideya Sherman, Director Department of City Planning

Memorandum

To: Sarah Whitham, Alex Sommer

From: Evren Ulker-Kacar EUK

Date: June 25, 2026

Re: Qualified Action Determination
Land Use Application No.: 260203ZMK,

N260204ZRK Project Name: 2233 Flatbush Avenue

Rezoning CEQR No.: 26DCP128K

Department Determination

The Department of City Planning has reviewed the above-referenced application and determined that, pursuant to Subdivision 5 of section 8-0111 of the Environmental Conservation Law, it is a Qualified Action not subject to further review under SEQRA / CEQR.

This Qualified Action:

_X_(Subdivision 5-a(b)(i)(1-6)) is an action for the purposes of the construction of housing that shall:

- Be connected to existing community or public water and sewerage systems at the commencement of habitation;
- Be located at a previously disturbed site;
- Not be located within an area zoned exclusively for industrial uses;
- Contain no more than fifty thousand square feet of commercial, retail, community facility or other non-industrial non-residential uses;
- Either:
  - Not exceed 250 dwelling units, or
  - Not exceed 500 dwelling units within a zoning district where, at the time of application, the standard maximum residential building height is greater than forty-five feet; or the maximum height of a building is regulated by something

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other than a horizontal plane and that allows residential buildings to exceed 45 feet, or there is no such maximum building height;

- Not include construction of only one single-family residence on a parcel of one-half or more acres.
- (Subdivision 5-a(c)(i)) is subject to local municipal requirements regarding hazardous materials and is accompanied by an applicant certification where applicable.[1]

___(Subdivision 5-a(b)(iii)) is an action for the purposes of construction of public parks located at a previously disturbed site that do not include performance centers, athletic stadiums, or other venues for mass gatherings, or other buildings or structures which do not serve public park, recreation, or open space purposes;

___Subdivision 5-a(b)(iv) is an action for the purposes of multi-use bicycle and pedestrian trails located at a previously disturbed site;

___Subdivision 5-a(b)(v) is an action for purposes of construction of public school facilities to be connected at the commencement of use to existing community or public water and sewerage systems, including sewage treatment works, (Subdivision 5-a(c)(i)) is subject to local municipal requirements regarding hazardous materials, and is accompanied by an applicant certification where applicable.

___Subdivision 5a(b)(vi) an action for the purposes of water and wastewater infrastructure projects that:

- replace, rehabilitate or reconstruct municipal water or wastewater infrastructure, in-kind and on the same site, including lead service line replacement;
- replace, rehabilitate, upgrade or reconstruct an existing small community water system, including lead service line replacement; or
- provide sewer service to a disadvantaged community served by one or more inadequate sewage treatment systems that has been determined by the department not to require a permit or approval pursuant to articles fifteen, twenty-four or twenty-five of this chapter or any rules or regulations promulgated thereunder;

___Subdivision 5a(b)(vii) an action for the purposes of a retrofit of an existing structure and its appurtenant areas to incorporate green infrastructure.

1 E-926 for hazardous materials will be placed on Brooklyn Block 8487, Lots 1 and 7

Applicant Provided Information

Proposed Action

The applicant, Ayres 2233 LLC, seeks approval of a zoning map amendment and a zoning text amendment (the "Proposed Actions") on Block 8487, Lots 1, 7, 16, 17, 19, 20, 21, 22, 23, 24 and 26 (the "Affected Area") in the Flatlands neighborhood of Brooklyn Community District 18. The Affected Area encompasses an approximately 52,241-square-foot (sf) area bounded by Avenue O to the North, Flatbush Avenue to the South, East 48th Street to the East, and Schenectady Avenue to the West.

The proposed zoning map amendment would change the existing R3-2 and R3-2/C2-2 zoning districts to a R7A/C2-2 zoning district. The proposed zoning text amendment would amend appendix F of the Zoning Resolution (ZR) to designate the Affected Area as a Mandatory Inclusionary Housing (MIH) area.

The Proposed Actions would result in the development on applicant-owned Projected Development Site 1 (Block 8487, Lot 7) and non-applicant-owned Projected Development Site 2 (Block 8487, Lot 1). No development is anticipated on Block 8487, Lots 16, 17, 19, 20, 21, 22, 23, 24, and 26, as they do not meet the soft site criteria described in the CEQR Technical Manual. Lots 16, 17, 19, 20, 21, 22, 23, 24, and 26 are currently occupied by one or two-family homes that are independently owned and built in the 1920s. All lots are below than 5000 square feet, except for Lot 26, which is above 5000 square feet, but is occupied by a single-family home built in the 1920s, so no development is anticipated.

Proposed Project

The Proposed Actions would facilitate the Applicant's proposed development of one new 8-story, 85-foot tall, mixed residential and commercial building (the "Proposed Development") of approximately 120,661 GSF on Projected Development Site 1, containing approximately 10,049 gsf of commercial use, and 95,687 gsf (90 dwelling units [DUs], including 18-27 income restricted pursuant to MIH) of residential use. The average DU size would be approximately 1063 GSF per unit. The Projected Development Sites are located in the Beyond the Greater Transit Zone, and 55 accessory parking spaces will be provided.

Future Without the Proposed Actions (No-Action Condition)

In the No-Action Condition, the existing buildings at the lots comprising the Affected Area would remain. No development is anticipated.

Future With the Proposed Actions (With-Action Condition)

At Projected Development Site 1, the proposed 115-foot-tall, 11-story plus cellar 120,661-GSF mixed-use building would have approximately 95,687-GSF of residential use (113 DUs, 23-34 income-restricted pursuant to MIH). The average dwelling unit size is assumed to be approximately 850 GSF per unit. Projected Development Site 1 also includes an approximately 14,925-GSF cellar containing mechanical space, storage, and 50 accessory parking spaces for residents.

For the purposes of CEQR, it is conservatively assumed that Projected Development Site 2 would be redeveloped in the Future With-Action Condition. Projected Development Site 2 consists of a proposed 115-foot-tall, 11-story plus cellar mixed-use 48,525-GSF building, containing 3,908 ground-floor retail commercial use, and 97,117 GSF of residential use (44 DUs, 9-13 income restricted pursuant to MIH). The average dwelling unit size is assumed to be approximately 850 GSF per unit. Projected Development Site 2 would also include an approximately 7,500-GSF cellar, containing mechanical space, storage, and 18 accessory parking spaces for residents.

Table 1: Total Development Increment (All Projected Development Sites)

Uses	No-Action Condition	With-Action Condition	Increment
Residential GSF	0	132,804	132,804
DUs[2]	*0*	*157*	*157*
Affordable DUs	*0*	*39*	*39*
Commercial GSF	21,700	13,957	-7,743

[2] Average DU size is assumed to be 850 GSF per unit.

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Applicant Hazardous Materials Certification

Pursuant to Subdivision 5 of Section 8-0111 of the Environmental Conservation Law, certain applications seeking a Qualifying Action determination by a lead agency must complete an Applicant Certification regarding hazardous materials remediation.

Project Name: 2233 Flatbush Avenue Rezoning

Applicant Name: Ayres 2233 LLC

Contact: (718) 426-0444

Date: June 25, 2026

Project Number: 2024K0421

Project BBLs: Brooklyn, Block 8487, Lot 7

I, Robert Aiello, am the Managing Member of Ayres 2233 LLC, the applicant ("Applicant") for (1) a Zoning Map Amendment to rezone Block 8487, Lots 1, 7, 16, 17, 19, 20, 21, 22, 23, 24, and 26, from R3-2 and R3-2/C2-2 to R6A and R7A/C2-4; and (2) a Zoning Text Amendment to modify Appendix F to designate a Mandatory Inclusionary Housing (MIH) area coterminous with the Affected Area("the Application"). Applicant seeks a determination that the Application is a Qualifying Action under Subdivision 5 of Section 8-0111 of the Environmental Conservation Law (the "Qualifying Action"). Applicant is the fee owner of Block 8487, Lot 7 (the "Property"), subject to the Application.

Applicant acknowledges that the Application is required to comply with local municipal requirements regarding hazardous materials remediation including, as applicable, an E-Designation regarding hazardous materials (E-926 on Block 8487, Lots 1 and 7) and the completion of a Phase 1 Environmental Site Assessment.

Applicant hereby certifies that:

(1) Applicant has followed and will follow all applicable laws, rules, and regulations regarding hazardous waste;

(2) a Phase I Environmental Site Assessment has been conducted for the Property in accordance with all appropriate inquiries regulations of the United States Environmental Protection Agency under the federal Comprehensive Environmental Response, Compensation, and Liability Act (40 CFR Section 312) to identify any recognized environmental conditions;

(3) Applicant has followed or will follow all applicable recommendations of such Phase I Environmental Site Assessment for the Property; and

(4) Applicant will report contamination at, on, or under the Property as required by applicable laws, rules and regulations.

Ayres 2233 LLC
By: Robert Aiello, Managing Member