DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

M E M O R A N D U M

TO: Sara Avila, Alex Sommer

FROM: Evren Ulker-Kacar EUK

DATE: January 15, 2026

RE: **TYPE II**

CEQR No.	26DCP082K
Land Use Application No.	260162ZMK; 260163ZRK
Project Name	1166 Bedford 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 Commission

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	Khalifah Residence LLC (the "Applicant") seeks a Zoning Map Amendment (from R6A/C2-4 to R7X/C2-4) and a Zoning Text Amendment to designate a Mandatory Inclusionary Housing (MIH) area for Block 1990, Lots 29, 30, and 40 (the "Affected Area"), located in the Bedford-Stuyvesant neighborhood of Brooklyn Community District 3. The Proposed Actions would facilitate the development of a new mixed-use building on Lot 30 (the "Development Site") totaling approximately 127,873 gross square feet (gsf), including approximately 101,716 gsf of residential floor area, 8,426 gsf of local retail space, and 17,731 gsf of community facility space. The development would include 145 dwelling units, of which 29, 36, or 43 units would be permanently affordable pursuant to MIH Option 1, 2, or 3, respectively. The Applicant intends to develop the residential portion of the Proposed Project as 100 percent affordable qualifying senior housing and plans to seek public financing through the New York City Department of Housing Preservation and Development's Senior Affordable Rental Apartments (SARA) Program and the 4 percent Low-Income Housing Tax Credit (LIHTC) program. Aside from the Development Site, no other developable sites are anticipated within the Affected Area.
Development Site Blocks and Lots *"Development site" means the zoning lot all or part of which the applicant proposes to develop through the action.*	Block 1990, Lot 30
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.	☑

1166 Bedford Avenue Rezoning
Green Fast Track Eligibility Memo

1. Location and Density

A. Proposed Actions

The Proposed Actions are as follows:

1. A zoning map amendment to rezone Lots 29, 30, and 40 on Brooklyn Block 1990 in the Bedford-Stuyvesant neighborhood of Brooklyn Community District (CD) 3. These properties would be amended from the existing R6A/C2-4 zoning district to an R7X/C2-4 zoning district.

2. A zoning text amendment to *Appendix F* of the Zoning Resolution of the City of New York (the "ZR" or the "Zoning Resolution") to establish a Mandatory Inclusionary Housing ("MIH") area coincident with the area to be rezoned.

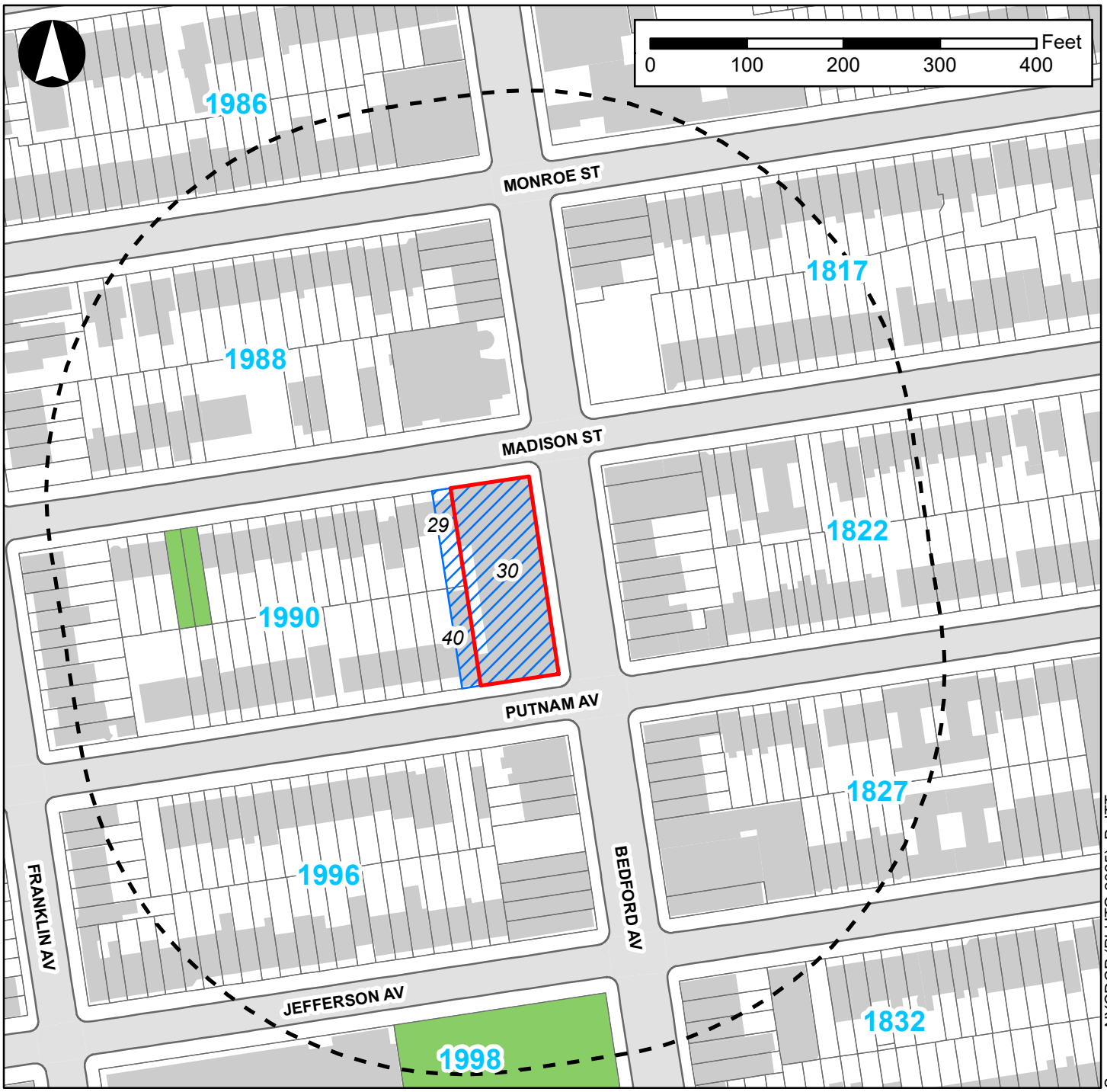
B. Affected Area

The Affected Area, or Rezoning Area, includes Block 1990, Lots 29, 30, and 40 in the Bedford-Stuyvesant neighborhood of Brooklyn CD 3. The Affected Area is bounded by Madison Street to the north, Bedford Avenue to the east, Putnam Avenue to the south, and residential property to the west. The Affected Area, or Rezoning Area, is shown in **Figure 1**.

C. Proposed Project

As described above, the Development Site consists of Block 1990, Lot 30 with an area of 16,000 sf. The Development Site contains approximately 200 feet on the west side of Bedford Avenue, approximately 80 feet on the south side of Madison Street, and approximately 80 feet on the north side of Putnam Avenue. The Development Site is under the control of the Applicant.

The Proposed Actions would facilitate the development of a new mixed-use residential, commercial, and community facility building at the Development Site. Upon approval of the Proposed Actions, the Development Site would be redeveloped with a building totaling approximately 127,873 gsf (approximately 93,837 zsf; 5.86 FAR) comprising approximately 101,716 gsf (75,602 zsf; 4.73 FAR) of residential space, inclusive of approximately 145 total DUs including one unit for a building superintendent (approximately 36, 43, or 29 units would be permanently affordable pursuant to MIH Option 1, 2, or 3, respectively), approximately 8,426 gsf (4,823 zsf; 0.30 FAR) of local retail space (Use Group VI), and approximately 17,731 gsf (13,412 zsf; 0.84 FAR) community facility space (Use Group III[B]) to be occupied by the existing house of worship and K-8 school. The Applicant intends to pursue the mapping of MIH Options 1 and/or 2. The Applicant intends to develop the residential portion of the Proposed Project as 100% affordable qualifying senior housing (i.e., affordable independent residences for seniors [AIRS]) inclusive of 144 AIRS units and one unit for a building superintendent; the Applicant plans to seek public financing through the New York City Housing Preservation and Development's Senior



Legend

- Development Site
- Rezoning Area
- 400-Foot Radius
- Open Space
- Existing Buildings
- 30 — Tax Lots
- 1990 — Tax Blocks



Affordable Rental Apartments (SARA) Program and 4% Low-Income Housing Tax Credit (LIHTC). Within the proposed R7X/C2-4 zoning district, the Proposed Project would reach a maximum height of 12 stories (approximately 125 feet tall, excluding 10-foot-tall bulkhead). Due to the location of the Development Site within the City's Inner Transit Zone, no parking would be required. In addition, the Proposed Project would be fully electric.

D. Future No-Action Condition

Absent the Proposed Actions, the Rezoning Area would remain zoned R6A/C2-4. It is anticipated that the Development Site's existing uses and tenants would remain on-site, and the non-Applicant-owned lots would also not be redeveloped. The existing conditions would continue within the Rezoning Area.

E. Future With-Action Condition

In the future with the Proposed Actions, the Development Site would be redeveloped with the Applicant's Proposed Project. The Proposed Project is the same as the With-Action condition. At 5.86 FAR, the Applicant's Proposed Project would reasonably maximize The Development Site's maximum permitted FAR of 6.0 pursuant to the proposed R7X/C2-4 zoning district. The proposed 5.86 FAR accounts for a floor area deduction available for fully electrified buildings of an amount equivalent to 5% of the floor area located within such building, according to New York City Local Law 154 of 2021. Without this floor area deduction, the Proposed Project's maximum FAR would be 6.17. As such, the development potential of the Development Site would be maximized with the Proposed Project.

The With-Action condition would total approximately 127,873 gsf (approximately 93,837 zsf; 5.86 FAR) comprising approximately 101,716 gsf (75,602 zsf; 4.73 FAR) of residential space, inclusive of approximately 145 total DUs including one unit for a building superintendent (approximately 36, 43, or 29 units would be permanently affordable pursuant to MIH Option 1, 2, or 3, respectively), approximately 8,426 gsf (4,823 zsf; 0.30 FAR) of local retail space (Use Group VI), and approximately 17,731 gsf (13,412 zsf; 0.84 FAR) community facility space (Use Group III[B]) to be occupied by the existing house of worship and K-8 school. Under the With-Action condition, the development would reach a maximum height of 12 stories (approximately 125 feet, excluding 10-foot-tall bulkhead). Due to the location of the Development Site within the City's Inner Transit Zone, no parking would be required. In addition, the Proposed Project would be fully electric.

Construction of the With-Action condition is expected to occur within 24 months.

The two non-Applicant-controlled or owned lots within the Rezoning Area (Block 1990, Lots 29 and 40) do not meet the criteria to be considered projected or potential development sites. Chapter 2, Section 410 of the 2021 *CEQR Technical Manual* specifies that for the purpose of CEQR analysis, lots that are smaller than 5,000 sf would not be considered projected or potential development sites. Therefore, it is unlikely that Lots 29 and 40 would be redeveloped upon approval of the Proposed Actions.

F. Development Increment

As shown in **Table 1**, the Proposed Actions would result in a net increase of 145 total dwelling units including one unit for a building superintendent (approximately 101,716 gsf of residential space), and a net decrease of approximately 17,843 gsf of non-residential space, including the net decrease of 6,241 gsf of commercial space and 11,602 gsf of community facility space.

Table 1: Development Increment

Site	Use	No-Action Condition	With-Action Condition	Development Increment
Total for the Development Site	**Residential (GSF)**	**0**	**101,716**	**+101,716**
	Units (DUs)	**0**	**145**	**+145**
	Non-Residential (GSF)	**44,000**	**26,157**	**-17,843**
	Commercial (GSF)	**14,667**	**8,426**	**-6,241**
	Community Facility (GSF)	**29,333**	**17,731**	**-11,602**
	Total (GSF)	**44,000**	**127,873**	**+83,873**

2. Air Quality

A. Fuel Source

The Proposed Project would not burn fossil fuels for heating, cooling, or hot water. To ensure that this is the case, an (E) designation (E-867) for air quality would be placed on the Development Site (Block 1990, Lot 30). The text of the air quality (E) designation would be as follows:

B. Air Quality (E) Designation Text

Brooklyn Block 1990, Lot 30

Any new residential, commercial, and/or community facility development on the above referenced property must ensure the heating, ventilating, and air conditioning (HVAC) system and hot water equipment are powered by electricity only with no venting or stacks, to avoid any potential significant adverse air quality impacts.

C. Industrial Source Screening

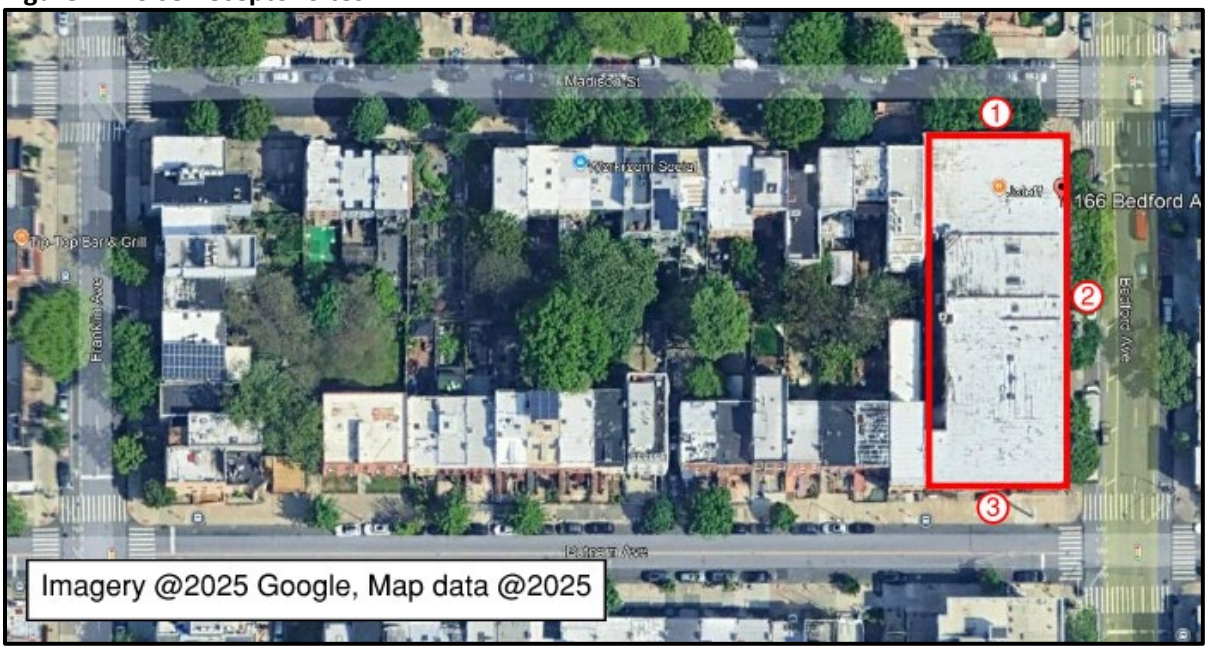
There are no large or major emissions sources with either a New York State Air Facility permit or a Clean Air Act Title V permit within 1,000 feet of the Development Site. Moreover, there are no air emission sources located within 400 feet of the Development Site. A land use survey was conducted to determine if there are any existing industrial uses within 400 feet of the Development Site containing exhaust stacks, vents or other emissions sources that may have the potential to adversely affect the uses introduced by the Proposed Project. There are no industrial or other processing facilities within 400 feet of the Development Site. Therefore, the Proposed Actions meet the Green Fast Track criteria for industrial source screening.

3. Noise

The Development Site is not located within an airport noise exposure zone. Although the Franklin Avenue Shuttle is located approximately 1,000 feet from the Development Site, there is limited visibility to the elevated subway due to intervening blocks, buildings, and streets.

As shown in **Figure 2**, existing noise levels were measured immediately adjacent to the Development Site (i.e., on Madison Street between Bedford Avenue and Franklin Avenue, on Bedford Avenue between Madison Street and Putnam Street, and on Putnam Avenue between Bedford Avenue and Franklin Avenue) for evaluation of noise attenuation requirements. Existing noise levels were measured for 20-minute periods during three weekday peak periods—AM (7:00 AM to 9:00 AM), midday (MD) (12:00 PM to 2:00 PM), and PM (4:00 PM to 6:00 PM). Measurements were conducted on June 17 and 18, 2025.

Figure 2: Noise Receptor Sites



Measurements were conducted using one Brüel & Kjær Sound Level Meter (SLM) Type 2250, one Brüel & Kjær 1/2-inch microphone Type 4189, and one Brüel & Kjær Sound Level Calibrator Type 4231. The SLM has a valid laboratory calibration within 1 year, as is standard practice. The Brüel & Kjær SLM is a Class 1 instrument according to ANSI Standard S1.4-1983 (R2006). The microphone was mounted on a tripod at a height of approximately five feet above the ground and was mounted at least approximately five feet away from any large reflecting surfaces. The SLM was calibrated before and after readings with a Brüel & Kjær Type 4231 Sound Level Calibrator using the appropriate adaptor. Measurements were made on the A-scale (dBA). The data was digitally recorded by the sound level meters and displayed at the end of the measurement period in units of dBA. Measured quantities included L_{eq}, L_1, L_{10}, L_{50}, L_{90}, and 1/3 octave band levels. A windscreen was used during all sound measurements except for calibration. All measurement procedures were based on the guidelines outlined in ANSI Standard S1.13-2005 and 2021 *CEQR Technical Manual* guidance.

The results of the existing noise level measurements are summarized in **Table 2**. At the receptor sites, vehicular traffic on the adjacent roadways was the dominant noise source, and a bus stop for the B26

route is located on Putnam Avenue near Receptor Site 3. Measured levels reflect the level of vehicular activity. In terms of CEQR criteria, the existing noise levels at Receptor Sites 1 and 2 are in the "acceptable" category and at Receptor Site 3 in the "marginally unacceptable" category.

Table 2: Existing Noise Levels at Receptor Sites (in dBA)

Receptor Site	Measurement Location	Time	L_{eq}	L_1	L_{10}	L_{50}	L_{90}
1	Madison Street between Bedford Avenue and Franklin Avenue	AM	59.5	67.8	62.6	57.7	52.2
		MD	62.3	72.1	66.3	57.5	50.5
		PM	59.1	67.9	61.5	56.9	49.8
2	Bedford Avenue between Madison Street and Putnam Street	AM	66.7	76.8	69.7	63.0	53.2
		MD	66.7	76.6	69.5	62.4	54.5
		PM	64.6	73.6	68.1	62.3	54.4
3	Putnam Avenue between Bedford Avenue and Franklin Avenue	AM	68.0	78.2	70.9	63.8	54.1
		MD	66.9	76.3	70.7	63.2	56.6
		PM	65.0	74.2	68.8	61.9	55.6

Note:
[1] Measurements were performed by AKRF, Inc. on June 17 and June 18, 2025.

At each receptor site, vehicular traffic on the adjacent roadway was the dominant noise source. The maximum measured exterior L_{10} noise levels have been used to establish minimum required window/wall attenuation in order to maintain interior L_{10} noise levels of 45 dBA for residential or community facility uses and 50 dBA for commercial office uses. Because the exterior L_{10} noise levels at the Development Site would not exceed 70 dBA along Madison Street and Bedford Avenue, the 2021 *CEQR Technical Manual* does not provide a specific requirement for the level of window/wall attenuation. For the portions of the Development Site along and within 50 feet of Putnam Avenue, a minimum of 28 dBA window/wall attenuation would be required at residential or community facility uses to ensure acceptable interior noise levels according to 2021 *CEQR Technical Manual* noise exposure criteria.

To ensure attenuation at the Development Site, an (E) designation (E-867) for noise would be applied, specifying the appropriate amount of window/wall attenuation. The text of the noise (E) designation would be as follows:

Brooklyn Block 1990, Lot 30

To ensure an acceptable interior noise environment, future residential, community facility and/or commercial office uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on the southern façade along Putnam Avenue and along the eastern and western façade within 50 feet of Putnam Avenue to maintain an interior noise level not greater than 45 dBA for residential or community facility uses or not greater than 50 dBA for commercial office uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

The implementation of the window/wall attenuation outlined in the noise (E) designation (E-867) will preclude the potential for significant adverse noise impacts from the Proposed Actions. Therefore, the Proposed Actions meet the Green Fast Track criteria for noise.

It is assumed that the building mechanical systems (i.e., HVAC systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. Therefore, the Proposed Actions would not result in any significant adverse noise impacts related to building mechanical equipment.

4. Hazardous Materials

ALC Environmental (ALC) performed a Phase I Environmental Site Assessment (ESA) for the Development Site and issued a report dated August 27, 2024, included in **Attachment A**. The Phase I ESA identified the following recognized environmental conditions (RECs) associated with the Development Site:

1. According to the 1962 through 2007 Sanborn maps, a manufacturing facility previously operated at the Development Site (1166 Bedford Avenue). The facility was depicted on the southern portion of the subject building on the Development Site. The type of manufacturing activities conducted onsite was not specified. Based on the lack of hazardous waste disposal regulations prior to the 1970s, the identified manufacturing activities at the Development Site are considered a REC.

2. The 1928 city directories reviewed identified the following tenants of environmental concern at the Development Site (1166 Bedford Avenue): Philko Storage Battery Service, Brunner Air Compressor Service Station, Erie Tire Co., and Seedman Automotive & Radio Co. The referenced facilities indicate that automotive maintenance facilities were likely conducted onsite. Based on the lack of environmental regulations during this period, particularly the lack of hazardous waste disposal regulations, the suspected automotive maintenance activities at the Development Site are considered a REC.

3. Two interconnected 275-gallon aboveground storage tanks (ASTs) were observed in the basement of 1174 Bedford Avenue. The tanks are used to fuel the onsite dual natural gas/fuel oil burner. Per the New York City Department of Buildings records, the referenced tanks were installed in 2007 and replaced the former onsite tanks. Fuel oil staining was observed on and underneath the tanks (approximately two square feet). It appears that sand was applied to the staining underneath the tanks. During the inspection, fuel oil odors were noted near the ASTs. Further investigation is warranted.

4. A sump pump was observed in the basement of 1174 Bedford Avenue, next to the former (inactive) fuel oil boiler. A bucket containing what appeared to be old fuel oil staining was observed next to the boiler and sump pit. In addition, oil-like material was observed inside the pit. Further investigation is warranted.

In addition, the Phase I ESA identified the following recognized environmental conditions (RECs) associated with adjacent properties:

1. According to the historical city directories reviewed, former uses of environmental concern associated with the adjacent northeastern property at 1141 Bedford Avenue include:

- New Bedford Cleaners & Dryers and Hassen Tire & Battery Service listed in 1934;

- United Reconditioning listed in 1940;

- Miracle Oil Refining Co. listed between 1940 and 1949;

- Perfect Reconditioning Spark Plug Co. Inc. listed between 1945 and 1965;

- Excel Trucking Co. and Bedford Battery Co. listed in 1949;

- Bedford Automotive Co. Inc. and Bedford Muffler Service listed between 1960 and 1965;

- Callender Shell Service Station listed in 1970;

- Witherspoon Shell Service Station listed between 1973 and 1976.

ALC notes that the Sanborn maps and aerial photographs depicted a gasoline filling station at this location between 1974 and 1978. By 1979, all structures on the lot had been razed. At present this site consists of an outdoor paved parking lot. Based on the likely generation of hazardous wastes associated with the above-listed facilities, including dry-cleaning solvents, used batteries, used oil/waste oil, and other automotive spent fluids, as well as the likely occurrence of spills associated with gasoline filling stations, the above-listed facilities are considered a REC.

2. According to the historical city directories reviewed, former uses of environmental concern associated with the adjacent eastern properties at 1147, 1149, 1151, and 1157 Bedford Avenue include:

- Exide Battery Service Station listed at 1147 Bedford Avenue in 1928;

- Madison Magneto listed at 1147 Bedford Avenue between 1928 and 1934;

- Schwartz Osias Gas and Oil listed at 1149 Bedford Avenue between 1928 and 1934;

- Start Auto Radiators Works Inc. listed at 1157 Bedford Avenue between 1928 and 1934;

- Erie Fuel Oil & Coal Co. listed at 1149 Bedford Avenue between 1960 and 1985;

- L&M Fuel Oil listed at 1149 Bedford Avenue in 1985;

- Rhyder´s Auto Collison and Accessories listed at 1151 Bedford Avenue in 1995;

- Bumpy Auto Repair listed at 1151 Bedford Avenue in 2000.

Based on the lack of environmental regulations prior to the 1970s, as well as hazardous wastes typically associated with automotive repair/maintenance activities (i.e. used oil/waste oil, spent solvents and auto fluids, etc.), the above-listed facilities are considered a REC.

3. The 1951 Sanborn map depicted a neon sign manufacturing facility at the adjacent western site (193 Putnam Avenue). Hazardous substances associated with neon sign manufacturing include mercury, cleaning agents, beryllium, and paints. Based on the lack of

hazardous waste disposal regulations prior to the 1970s, the former neon sign manufacturing at the adjacent western property is considered a REC.

The Phase I ESA did not identify any historical recognized environmental conditions (HRECs), controlled recognized environmental conditions (CRECs), and business environmental risks (BERs) associated with the Development Site.

The Phase I ESA was reviewed by the New York City Department of Environmental Protection (DEP). In a letter dated September 15, 2025, included in **Attachment B**, DEP recommended an (E) designation (E-867) for hazardous materials be placed on the Development Site pursuant to ZR Section 11-15 (Environmental Requirements). The hazardous materials (E) designation will ensure that testing and mitigation will be provided as necessary before any future development and/or soil disturbance occurs at the Development Site, as well as ensure the maintenance and oversight of any required engineering controls through oversight by the New York City Mayor's Office of Environmental Remediation (OER). Further hazardous materials assessment will be coordinated through OER. Building permits would not be issued by the New York City Department of Buildings (DOB) without prior OER approval of the investigation and/or remediation pursuant to the provisions of ZR Section 11-15. DOB will typically issue the foundation permits when OER approves the remedial action work plan–the actual remediation is usually completed concurrently with the foundation construction. Engineering controls may also be incorporated into the future development to eliminate exposure risks for future occupants.

As such, the hazardous materials (E) designation (E-867) for the Development Site would be as follows:

Brooklyn Block 1990, Lot 30

Task 1: Sampling Protocol

Prior to construction, the Applicant must submit to OER, for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

No sampling should begin until written approval of a protocol is received by 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 the 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, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated for the test results, a proposed remedial action plan (RAP) must be submitted by OER for review and approval. The Applicant must complete such remediation as determined necessary by OER. The Applicant should then provide proper documentation that the work has been satisfactorily completed.

An OER-approved construction-related health and safety plan (CHASP) 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 the requirements of the (E) designation to be met before any new development could occur on the Development Site, there would be no impact from the potential presence of contaminated materials. The implementation of the preventative and remedial measures outlined in the hazardous materials (E) designation (E-867) will preclude the potential for significant adverse hazardous materials impacts from the Proposed Actions. Therefore, the Proposed Actions meet the Green Fast Track criteria for hazardous materials.

5. Natural Resources

The Development 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 unmapped natural resources have been identified on or near the Development Site.

6. Historic Resources

In correspondence dated July 29, 2025, LPC confirmed that the Development Site does not contain any architecturally or archaeologically significant resources and that no significant architectural resources are located within 90 feet of the Development Site.

7. Shadows

Under the Green Fast Track criteria, a project between 50 feet and 250 feet in height can be eligible if it is not substantially contiguous to a sunlight-sensitive open space, historic, or natural resource. The Proposed Project would rise to a height of approximately 125 feet, with a maximum height of approximately 135 feet including a rooftop bulkhead. The Green Fast Tracker report confirmed that the Development Site is not substantially contiguous to a sunlight-sensitive open space, historic, or natural resource.

Attachment A:
DEP and LPC Correspondence

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

September 15, 2025

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

Re: 1166 Bedford Avenue Rezoning
Block 1990, Lots 29, 30, and 40
CEQR # 78DCP199K

Dear Ms. Kohn:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the August 2025 Green Fast Track Eligibility Memo and the August 2024 Phase I Environmental Site Assessment (Phase I) prepared by ALC Environmental, on behalf of Kalel Companies (applicant), for the above referenced project. It is our understanding that the applicant is seeking 1. A zoning map amendment from the New York City Department of City Planning (DCP) to rezone an approximately 20,000 square foot (sf) portion of Block 1990, Lots 29, 30, and 40 (Project Area) in the Bedford-Stuyvesant neighborhood of Brooklyn Community District 3. These properties would be amended from the existing R6A/C2-4 zoning district to an R7X/C2-4 zoning district; and 2. A zoning text amendment to Appendix F of the Zoning Resolution of the City of New York to establish a Mandatory Inclusionary Housing (MIH) area coincident with the Project Area. The applicant intends to redevelop the applicant-controlled Block 1990, Lot 30 (Projected Development Site 1) totaling approximately 16,000 sf of lot area. Projected Development Site 1 is a corner lot occupied by a three-story mixed-use building totaling approximately 44,000 gross square feet (gsf). The building is currently occupied by a house of worship and a K-8 school, as well as several local retail stores and restaurants. Upon approval of the Proposed Actions, Projected Development Site 1 would be redeveloped with a building totaling approximately 128,919 gsf comprising approximately 110,776 gsf of residential space, inclusive of approximately 145 total dwelling units including one unit for a building superintendent (approximately 36, 43, or 29 units would be permanently affordable pursuant to MIH Option 1, 2, or 3, respectively), approximately 3,994 gsf of local retail space (Use Group VI), and approximately 14,149 gsf of community facility space (Use Group III[B]) to be occupied by the existing house of worship and K-8 school. The two non-applicant-controlled or owned lots within the Project Area (Block 1990, Lots 29 and 40) do not meet the criteria to be considered projected or potential development sites and would not be redeveloped upon approval of the Proposed Actions.

The August 2024 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential, commercial, and industrial uses including a school, a mosque, a non-profit community outreach organization, restaurants, retail stores, an air compressor service station, a tire company, storage battery service, an automotive and radio company, printing, cleaners and dryers, oil refining, a spark plug company, filling stations, and oil and coal company, auto collision and accessories, auto repair, neon sign manufacturing, etc. Regulatory databases identified 18 spills, 1 historical auto site, and 1 historical cleaner site within 1/8 mile; 8 underground storage tank sites, 17 aboveground storage tank sites, and 3 dry cleaners within 1/4 mile; 40 leaking storage tank sites, 28 voluntary cleanup program sites, 2 brownfields sites within 1/2 mile; and 2 manufactured gas plant sites within 1 mile of the subject property.

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 Projected Development Site 1 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 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 # **78DCP199K**. If DCP has any questions, you may contact me at weiy@dep.nyc.gov.

Sincerely,

Wei Yu
Deputy Director, Hazardous Materials

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

Landmarks Preservation Commission

253 Broadway
11th Floor
New York, NY 10007

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

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-K
Project: GREEN FAST TRACK 1166 BEDFORD AVENUE REZONING
Date Received: 7/22/2025

Properties with no Architectural or Archaeological significance:

1) 118 MADISON STREET, BBL: 3019900029
2) 1166 BEDFORD AVENUE, BBL: 3019900030
3) 193 PUTNAM AVENUE, BBL: 3019900040

Gina Santucci 7/29/2025

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 37684_FSO_DNP_07242025.docx