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: March 12, 2026

RE: **TYPE II**

CEQR No.	26DCP111K
Land Use Application No.	260238ZMK; 260239ZRK
Project Name	Fort Hamilton Mews 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, 9305 5th Avenue LLC, seeks A zoning map amendment to rezone a portion of 9305 5th Avenue, Block 6109, Lot 1 in the Bay Ridge neighborhood of Brooklyn, Community District 10, from an R6B zoning district with a C2-3 overlay in the Special Bay Ridge District ("BR") and R5B (BR) zoning districts to an R7X/C2-4 (BR) zoning district, and move the existing zoning district boundary from within 100 feet of 5th Avenue to the centerline of the block for the length of 9305 5th Avenue (Block 6109, Lot 1, the "Project Site"); and a zoning text amendment to amend the Zoning Resolution ("ZR") Appendix F: Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas for Brooklyn Community District 10 to designate a Mandatory Inclusionary Housing ("MIH") Area coterminous with the Project Site boundaries. The Proposed Actions would facilitate the development of a new, approximately 11-story, 111 foot-tall mixed-use retail, community facility, and residential building containing approximately 292 residential units, of which approximately 59-88 (20-30 percent) units would be set aside as affordable under. The building would have a total of 335,501 gross square feet (gsf). (233,361 zoning square feet or "zsf") and would be constructed to a floor area ratio (FAR) of approximately 5.99 ("Proposed Development"). The development would also contain approximately 28,877 gsf of retail floor area, 19,077 gsf of community facility floor area and approximately 17,329 gsf of parking. Of the 75 parking spaces provided, 31 spaces would be accessory spaces for residential uses, 17 spaces would be accessory spaces for the community facility space, and 27 spaces would be accessory spaces for the retail space. This number of parking spaces would satisfy the minimum amount of parking required for each use under the proposed zoning.
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 6109, Lot 1
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.	☑

Fort Hamilton Mews Rezoning
9305 5th Avenue, Brooklyn

LOCATION AND DENSITY

Proposed Actions

The Applicant, 9305 5th Avenue LLC, seeks the "Proposed Actions":

- A zoning map amendment to rezone a portion of 9305 5th Avenue, Block 6109, Lot 1 in the Bay Ridge neighborhood of Brooklyn, Community District 10, from R6B/C2-3 in the Special Bay Ridge District ("BR") and R5B (BR) zoning districts to an R7X/C2-4 (BR) zoning district, and move the existing zoning district boundary from within 100 feet of 5th Avenue to the centerline of the block for the length of 9305 5th Avenue (Block 6109, Lot 1, the "Project Site"); and

- A zoning text amendment to amend the Zoning Resolution ("ZR") Appendix F: Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas for Brooklyn Community District 10 to designate a Mandatory Inclusionary Housing ("MIH") Area with MIH Option 2 coterminous with the Project Site boundaries. The Proposed Development will provide approximately 59-88 income restricted units (20-30%) pursuant to the MIH program. The Applicant intends on providing approximately 88 income-restricted housing units (30 percent pursuant to Option 2 of the MIH program, the Applicants preferred MIH Option).

Project Site and Proposed Rezoning Area

The Project Site is 9305 5th Avenue (Block 6109, Lot 1) ("Project Site"), a 38,920-square foot (sf), 300-foot long by 116 feet to132 feet deep parcel. The Project Site is in an R6B/C2-3 and R5B (BR) zoning district and is improved with a 12,880-sf retail establishment (Staples) with 49 accessory parking spaces on-site. The Project Site is located on a 232.5-foot-deep block lot that is bisected by a zoning district boundary 106 feet from the 5th Avenue street line.

The R6B/C2-3 district extends from the 5th Avenue frontage to a depth of 100 feet. The R5B portion occupies the remainder of the block beyond 100 feet of 5th Avenue.

The Proposed Rezoning would amend the Zoning Map, changing the zoning district boundary for a length of 300 feet of the Project Site from 100 feet off of 5th Avenue to the centerline of the block, and would change the first 116.25 feet of the Project Site from R6B/C2-3 & R5B (BR) to R7X/C2-4 (BR). The 16.25-foot remainder of the Project Site would remain unchanged as R5B (BR). There are not any environmental designations mapped on the Project Site. The lot was part of the larger Bay Ridge Rezoning (ULURP# 050134(A)ZMK) which was adopted on March 23rd, 2005. This rezoned a sizable portion of the Bay Ridge neighborhood and modified the Special Bay Ridge District.

The Project Site is the only lot in the Proposed Rezoning Area. The Proposed Rezoning Area encompasses a 34,860-sf portion of Lot 1 and extends from the street to the centerline of the block (116.25 feet east of 5th Avenue), along the entire 5th Avenue frontage (300-feet north of 94th Street) at the corner of 94th Street, as shown in Figure 1 below. The proposed R7X/C2-4 zoning

district would be mapped from the 5th Avenue street line to the centerline of the block, 116.25 feet from 5th Avenue, across only the Project Site.

Like the C2-3 overlay it is replacing, C2-4 districts allow a commercial floor area of 2.0 when paired with R4-R12 districts. Compared to C2-3 districts, C2-4 districts allow a slightly larger range of commercial uses.

Proposed Development

The Proposed Actions would allow the Applicant to develop a new, approximately 11-story, 111-foot-tall mixed-use retail, community facility, and residential building containing approximately 292 residential units, of which approximately 88 (30 percent) units would be set aside as income-restricted under MIH Option 2, the Applicant's preferred MIH option. The building would have a total of 335,501 gross square feet (gsf). (233,361 zoning square feet or "zsf") and would be constructed to a floor area ratio (FAR) of approximately 5.99 ("Proposed Development"). The 5.99 FAR is just shy of the maximum FAR allowed on the Project Site, which is 6.0 The development would also contain approximately 28,877 gross square feet (gsf) of retail floor area, 19,077 gsf of community facility floor area and approximately 17,329 gsf (75 spaces) of parking. Of the 75 parking spaces provided, 31 spaces would be accessory spaces for residential uses, 17 spaces would be accessory spaces for the community facility space, and 27 spaces would be accessory spaces for the retail space. This number of parking spaces would satisfy the minimum amount of parking required for each use under the proposed zoning.

The commercial space would be accessed at two locations at the corner of 5th Avenue and 94th Street, and near the residential entrance at the center of the building's frontage on 5th Avenue and both entrances would be setback three feet from the property line to provide a small outdoor gathering area. The community facility space would be accessed at the building's northern end.

The Proposed Development would be constructed to the street line along 5th Avenue and 94th Street. Residential units would be located from the second to 11th floor.

The Proposed Development would rise 11-stories to a total height of approximately 111 feet. The building's base would be set back 15 feet from both 5th Avenue (Wide) and 94th Street (Narrow). The building's base would rise 101'-10" at the corner before stepping down as it extends towards the surrounding lower-rise buildings to the north and east.

A driveway would provide vehicular access between 94th Street and the proposed sub-cellar parking containing 75 accessory spaces. Assuming a seven-month Uniform Land Use Review Procedure period, demolition, and up to 22 months of construction on the Project Site, the build year for the Proposed Development is 2029.

No-Action Scenario

In the No-Action Condition, the Applicant would demolish the existing one-story retail building on the Project Site and construct a 6-story-plus-bulkhead, 2.19 FAR[1] Qualifying Housing Program (QHP), (65-foot tall) mixed-use building in accordance with the existing R6B/C2-3 & R5B (BR) zoning.

The No-Action Condition building would contain approximately 169,869 gsf (85,020 zsf) and would have approximately 99 dwelling units, of which 20 (20 percent), pursuant to the Universal Affordability Preference, would be set aside as income-restricted across 93,907 gsf (70,800 zsf) of

[1] Permitted blended FAR on split-district zoning lot.

residential space. The building would also contain 34,612 gsf (13,600 zsf) of commercial space and 18,620 gsf (620 zsf) of community facility space. The building would contain 6 stories and rise to a total of 65 feet with a 10-foot setback after a base height of 45 feet.

A total of 130 parking spaces would be in the cellar and subcellar of the building. Per existing zoning, the Applicant would be required to include 29 accessory parking spaces for the market-rate dwelling units in the building, 63 parking spaces for the gross commercial floor area, and 38 parking spaces for the community facility floor area. The parking area would total approximately 22,730 gsf.

Local retail uses would occupy the commercial floor area, while nonprofit office space would occupy the community facility floor area. The Applicant believes that there is a demand for housing, and high-quality local retail and community facility floor area in this busy section of Bay Ridge, and the Applicant intends to tap into that demand and provide ample local retail and community facility space.

With-Action Scenario

In the With-Action Condition, the Applicant would demolish the existing one-story retail building on the Project Site and construct the "With-Action Condition." The proposed R7X/C2-4 zoning district would be mapped from the 5th Avenue street line to the centerline of the block, 116.25 feet from 5th Avenue, across only the Project Site.

The Proposed Actions would allow the Applicant to construct the With-Action Condition. For purposes of a conservative analysis, the With-Action Condition differs from the Proposed Development described above.

In the With-Action Condition, the Proposed Actions would enable the Applicant to construct an approximately 14-story, 145-foot-tall mixed-use retail, community facility, and residential building containing approximately 292 residential units, of which approximately 88 (30%) units would be set aside as income-restricted units under MIH Option 2, the Applicant's preferred affordability option. The development would also contain approximately 27,834 gsf of retail floor area, 18,580 gsf of community facility floor area and approximately 17,329 gsf (75 spaces) of parking. Of the 75 parking spaces provided, 31 spaces would be accessory spaces for residential uses, 17 spaces would be accessory spaces for the gross community facility space, and 27 spaces would be accessory spaces for the gross retail space. These numbers also represent the amount of parking required for each use under the proposed zoning (See ZR 25-22 (R) and ZR 36-20). The building would have a total of 337,258 gsf. (233,254 zsf) and would be constructed to a floor area ratio (FAR) of approximately 5.99.

While the Applicant prefers MIH Option 2, a range of MIH options may be made available. Under MIH Option 1, approximately 73 dwelling units (25 percent) of the With-Action Condition's 292 units would be set aside as income-restricted units for residents making 60 percent of the Area Median Income (AMI) or less.

Under MIH Option 3, approximately 59 dwelling units (20 percent) of the With-Actions Condition's 292 units would be set aside as income-restricted units for residents making 40 percent of the Area Median Income (AMI) or less.

While subject to market conditions, the Applicant prefers a supermarket occupy the retail floor area of the building and has executed a Letter of Intent with a national grocer. The Applicant also

prefers that a combination of nonprofit office space, and a day care facility occupy the community facility floor area.

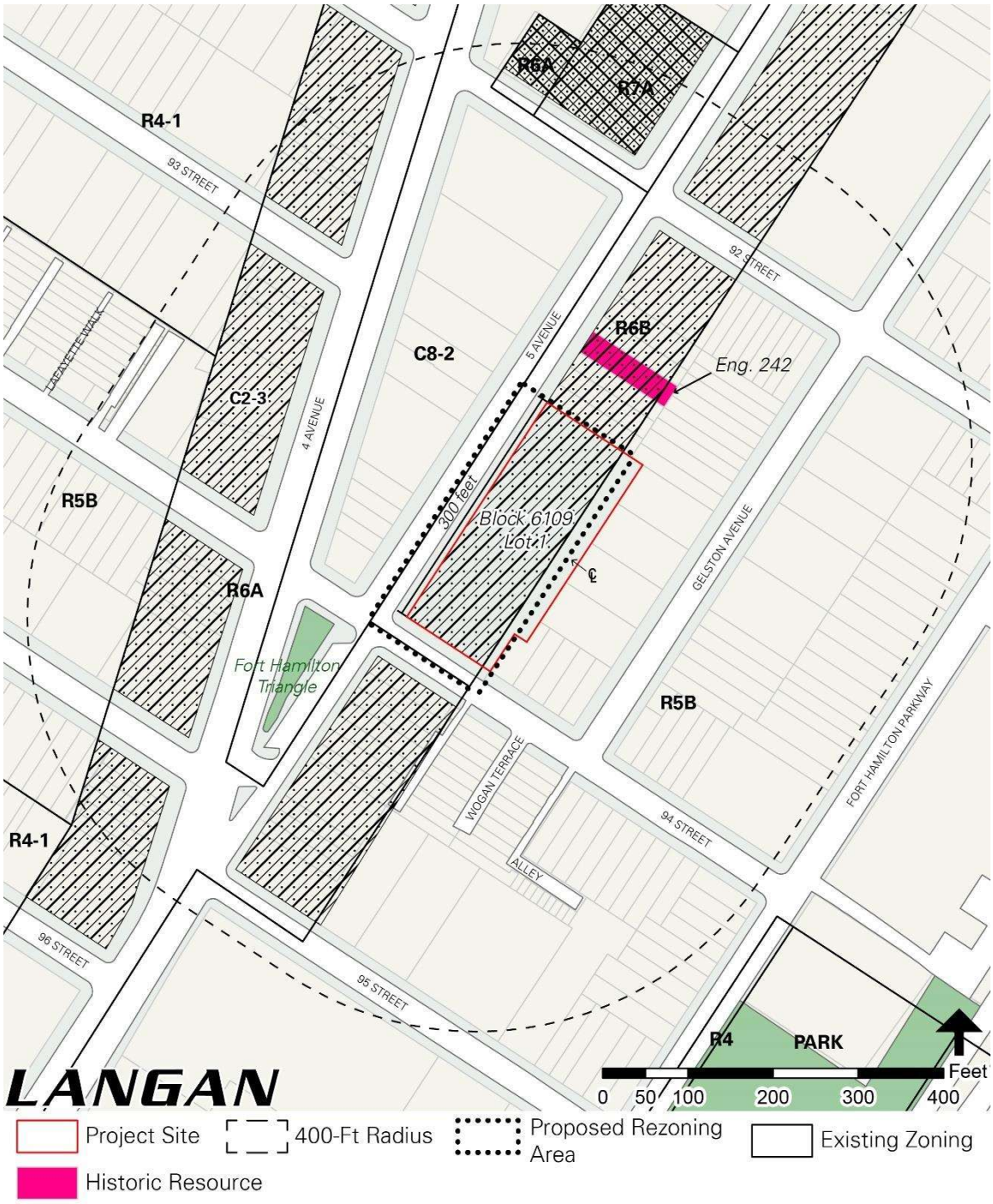
Development Increment

In both the No-Action Condition and With-Action Condition, the Applicant would demolish the existing one-story building on the Project Site. In the No-Action Condition, the Applicant would construct an as-of-right mixed-use building on the Project Site. Compared to the No-Action Condition, the With-Action Condition would result in a taller and bulkier mixed-use building on the Project Site. The increment by use established in the RWCDS is summarized in Table 1 below.

Table 1: Development Increment Table

Condition	DUs	Parking Spaces	Parking gsf	Residential gsf	Commercial gsf	Community Facility gsf
No-Action	99	130	22,730	93,907	34,612	18,620
With-Action	292	75	17,329	273,515	27,834	18,580
Increment	**193**	**-55**	**-5,401**	**179,608**	**-6,778**	**-40**

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. An (E) designation (E-891) for air quality would be placed on the Project Site. The text of the (E) designation would be as follows:

> ***Brooklyn Block 6109, Lot 1***
> **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 and is beyond the 65 day-night average sound level (DNL) contour of an airport.

Noise readings were captured near the Project Site on 24 June 2025 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 70.4 dB(A) during peak hours.

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	Traffic at street level along the north lot line and setback from 5th Ave	AM	65.88	76.20	65.56	59.11	55.90	1	81	2	1	3
		MD	65.03	71.90	68.60	62.40	58.35	1	103	3	0	4
		PM	67.50	75.77	70.40	64.62	59.74	3	146	2	0	3
2	Traffic at street level along the south lot line and setback from corner of 5th Ave. and 94th St	AM	66.40	76.95	67.76	61.99	58.28	1	172	4	1	4
		MD	63.03	72.47	65.69	60.49	57.35	0	138	3	0	4
		PM	63.72	73.21	65.85	61.17	58.49	1	150	3	1	6
3	Traffic at street level along the south lot line and setback from 94th St	AM	60.46	70.79	62.33	57.91	56.29	1	37	0	0	0
		MD	58.31	64.93	60.27	57.05	55.93	0	26	1	0	0
		PM	59.32	66.59	61.60	57.53	56.09	1	32	0	0	0

Per Table 19-3 of the *City Environmental Quality Review (CEQR) Technical Manual*, the noise levels rise to "marginally" unacceptable levels on only one noise measurement location that represents the Proposed Development's north façade. Accordingly, a noise E-Designation is warranted for window-wall attenuation measures on this façade.

An E-Designation would ensure implementation of appropriate window/wall (façade) attenuation as well as require an alternate means of ventilation. The text for the E-Designation (E-891) would be as follows:

> **<u>Project Site (Block 6109, Lot 1):</u> Block 6109, Lot 1 (Projected Development Site): In order to ensure an acceptable interior noise environment, future residential, commercial and/or community facility uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on the northern facade facing 92nd Street and on the western facade facing 5th Avenue extending 100 feet towards 94th Street to maintain an interior noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial office use. In order 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.**

Figure 2 shows the required noise attenuation, while Figure 3 below shows the noise monitoring locations.

Figure 2: Required Attenuation

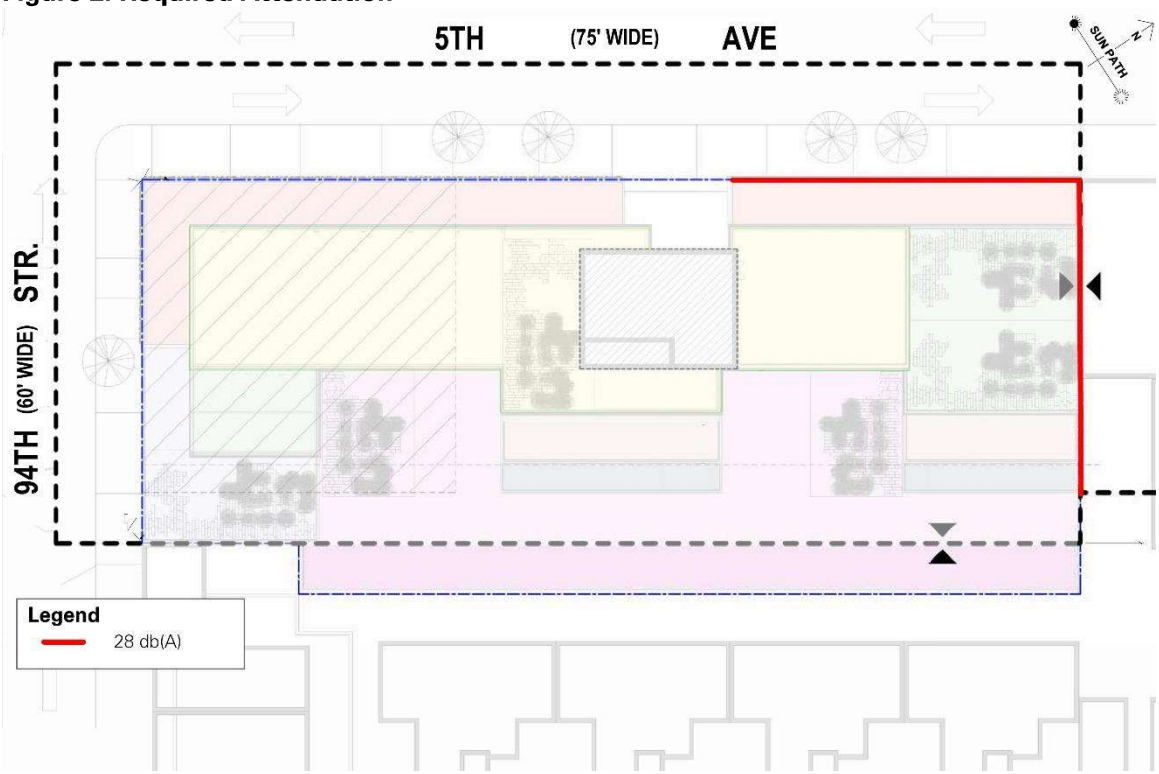
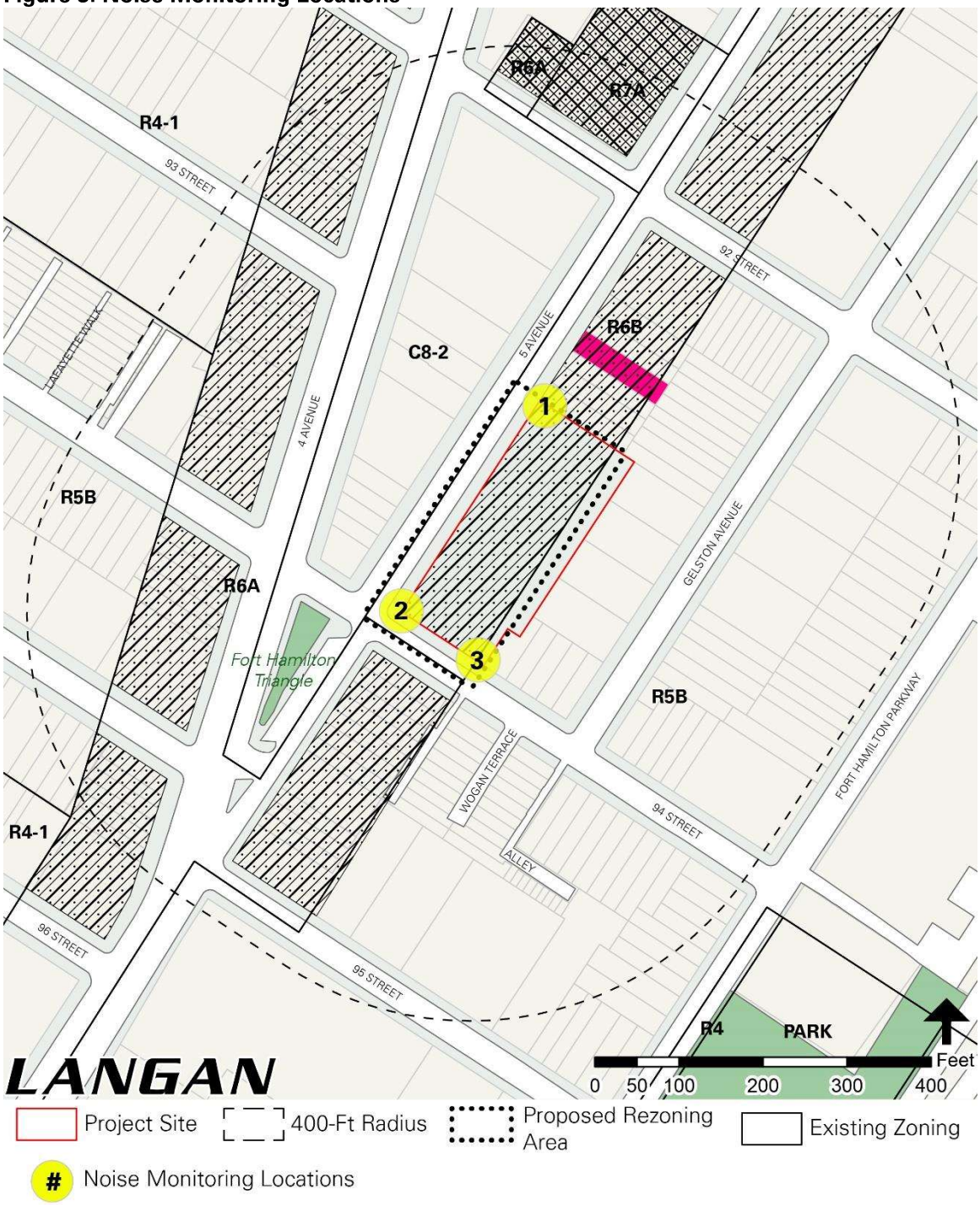


Figure 3: Noise Monitoring Locations



Hazardous Materials

A Phase I Environmental Site Assessment (ESA) was completed on 26 November 2024 and found no Recognized Environmental Conditions (RECs), Controlled Recognized Environmental Conditions (CRECs), or Historical Recognized Environmental Conditions (HRECs) identified at the Project Site, as defined in ASTM Standard Practice E1527-21.

However, the Phase I ESA also noted that regulatory databases identified 14 spills, 6 historical auto sites, and 7 historical cleaner sites within 1/8 mile; 18 underground storage tank sites, 56 aboveground storage tank sites, and 10 dry cleaners within 1/4 mile; 39 leaking storage tank sites and 3 voluntary cleanup program sites, and 1 brownfield site within 1/2 mile of the subject property.

Because of the findings presented above, an E-Designation (E-891) for hazardous materials would be incorporated into the Proposed Actions for the Project Site. Active uses in the existing building on the Project Site mean that doing a Phase II Environmental Site Investigation would be disruptive. This makes an E-Designation appropriate.

The E-Designation would 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-891) would be as follows:

Project Site (Brooklyn Block 6109, Lot 1)

Task 1:

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 reviewing sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2:

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.

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 located outside a wetland check zone, as defined by the New York State Department of Environmental Conservation. 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

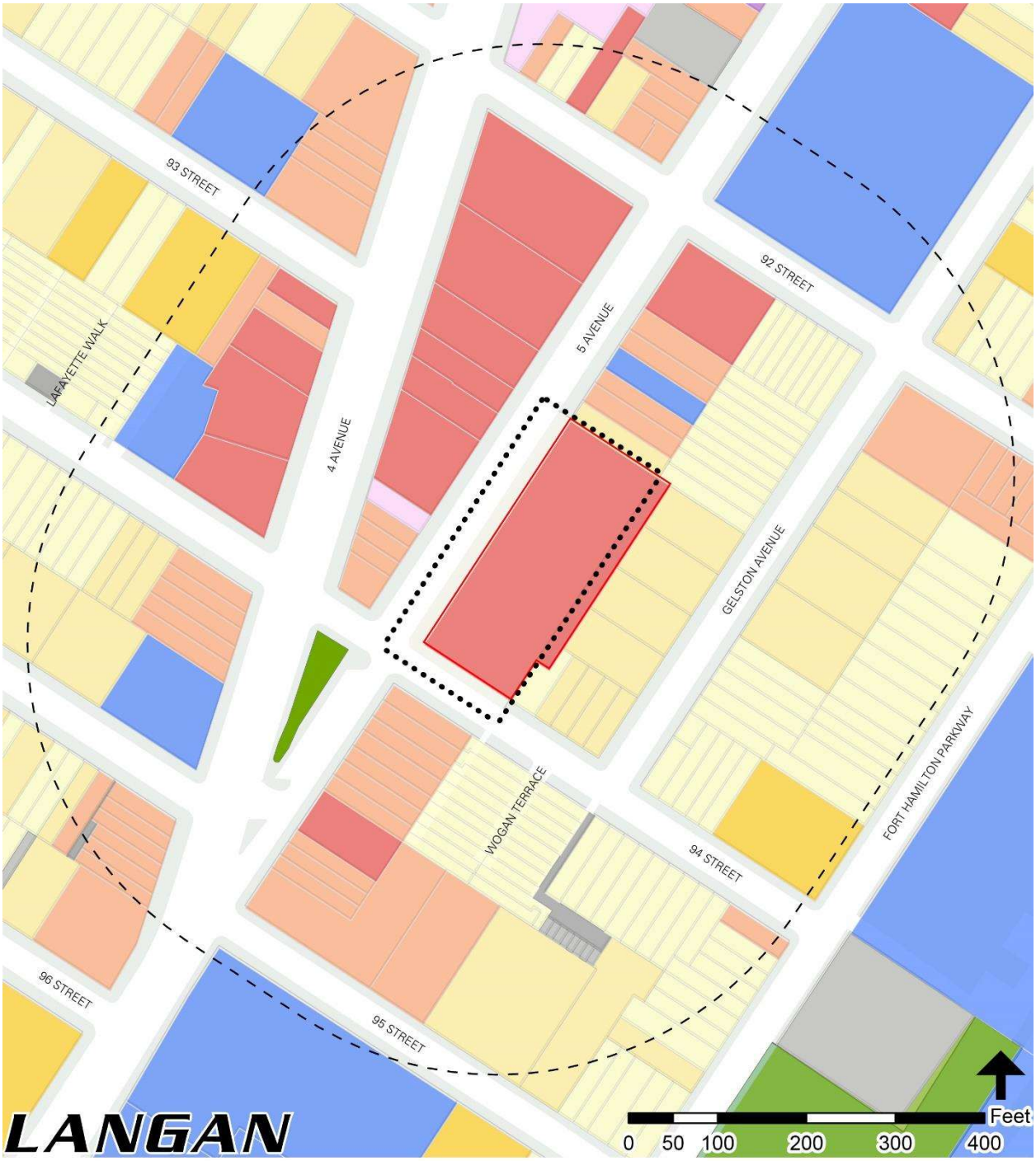
The New York City Landmark Preservation Commission's *Discover New York City Landmarks* Application indicates potential archeological sensitivity at the Project Site. However, on 22 September 2025, the New York City Landmarks Preservation Commission (LPC) issued a letter of determination stating that the Project Site does not include architectural or archeological significance.

The LPC determination letter is provided in Appendix C.

Shadows

Under the Green Fast Track criteria, a project can be eligible if it is between 50 feet and 250 feet in height, and not substantially contiguous to a sunlight sensitive resource. The Proposed Development would reach 145 feet and is not substantially contiguous to a sunlight sensitive resource. The Project Site is also not contiguous to nor within 200 feet of a natural resource.

Appendix A: Land Use Map


93 STREET
92 STREET
LAFAYETTE WALK
4 AVENUE
5 AVENUE
GELSTON AVENUE
FORT HAMILTON PARKWAY
WOGAN TERRACE
94 STREET
96 STREET
95 STREET
LANGAN
Feet
0 50 100 200 300 400
Development Site
Proposed Rezoning Area
400-Foot Radius
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 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

January 9, 2026

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

Re: 9305 5th Avenue Rezoning
Block 6109, Lot 1
CEQR # 78DCP172K

Dear Mr. Plackis:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the October 2025 Green Fast Track Memorandum and the November 2024 Phase I Environmental Site Assessment (Phase I), prepared by Middleton Environmental Incorporated, on behalf of 9305 5th Avenue LLC (applicant), for the above referenced project. It is our understanding that the applicant is seeking a zoning map amendment from the New York City Department of City Planning (DCP) to rezone a portion of 9305 5th Avenue, Block 6109, Lot 1 in the Bay Ridge neighborhood of Brooklyn Community District 10, from R6B/C2-3 (BR) and R5B (BR) zoning districts to an R7X/C2-4 (BR) zoning district, and move the existing zoning district boundary from within 100 feet of 5th Avenue to the centerline of the block for the length of 9305 5th Avenue (Block 6109, Lot 1, Project Site); and a zoning text amendment to amend the Zoning Resolution Appendix F: Mandatory Inclusionary Housing Areas and former Inclusionary Housing Designated Areas for Brooklyn Community District 10 to designate a Mandatory Inclusionary Housing (MIH) Area with MIH Option 2 coterminous with the Project Site boundaries. The Proposed Actions would enable the Proposed Development, an approximately 14-story, mixed-use retail, community facility, and residential building containing approximately 292 residential units, of which approximately 87 (30%) units would be set aside as affordable under MIH. The development would also contain approximately 27,834 gross square feet (gsf) of retail floor area, 18,580 gsf of community facility floor area and approximately 17,329 gsf (75 spaces) of parking. Of the 75 parking spaces provided, 31 spaces would be accessory spaces for residential uses, 17 spaces would be accessory spaces for the gross community facility space, and 27 spaces would be accessory spaces for the gross retail space. The building would have a total of 337,258 gsf.

The November 2024 Phase I report revealed that historical on-site and surrounding area land uses consisted of a variety of residential and commercial uses including commercial buildings, residential buildings, mixed-use buildings,

a filling station, auto laundry, fire department, a church, a school, auto repair, a library, movies, etc. Regulatory databases identified 14 spills, 6 historical auto sites, and 7 historical cleaner sites within 1/8 mile; 18 underground storage tank sites, 56 aboveground storage tank sites, and 10 dry cleaners within 1/4 mile; 39 leaking storage tank sites and 3 voluntary cleanup program sites, and 1 brownfield site within 1/2 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 the Project Site 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 # **78DCP172K**. 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
M. Bertini – OER

Appendix C: LPC Determination Letter

Landmarks Preservation Commission

253 Broadway
11th Floor
New York, NY 10007

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

ENVIRONMENTAL REVIEW

Project number: LA-CEQR-K (DEPARTMENT OF CITY PLANNING)
Project:
Address: 9305 5 AVENUE BBL: 3061090001
Date Received: 9/15/2025

[X] No architectural significance

[X] No archaeological significance

[ ] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation

[ ] May be archaeologically significant; requesting additional materials

Comments:

The project site is not significant.

S/NR ELIGIBLE FIREHOUSE, ENGINE COMPANY 242, 9219 5 AVENUE; BROOKLYN PUBLIC LIBRARY, FORT HAMILTON BRANCH, 9424 4 AVENUE; AND ST. PATRICK ROMAN CATHOLIC CHURCH OF BAY RIDGE, 9511 4 AVENUE (PART OF A COMPLEX OF BUILDINGS, NO OTHERS IMPACTED) WITHIN THE RADIUS.

Gina Santucci 9/22/2025

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 37728_FSO_KLW_09222025.docx