Project Description (LR Item 3)
Project ID: 2022K0102

166 Kings Highway

November 2024

1. Introduction

166 Plaza LLC (the "Applicant") seeks a zoning map amendment and zoning text amendment (the "Proposed Actions") that affect five properties (Block 6619, Lots 42, 49, 50 & 51 and Block 6620, Lot 46); the "Rezoning Area") in the Bensonhurst area of Brooklyn Community District #11.

The proposed project area encompasses Block 6619, Lot 42 (the "Development Site") and occupies all of Block 6619 including Lots 49, 50, and 51 and Block 6620 Lot 46 between West 11th Street and West 13th Street (the "Rezoning Area"). The Development Site is under the Applicant's control. The remaining sites within the Rezoning Area are under separate ownership and are not proposed for redevelopment.

The proposal seeks a zoning map amendment from R6B/C2-3 to R7X/C2-4, which would facilitate the development of a mixed-use building on the Development Site that would consists of a 10-story building (and cellar) with 89,008 square feet of residential floor area (5.11 FAR) and 14,670 square feet of commercial floor area on the ground floor (0.84 FAR) ("the Proposed Development"). The Proposed Development would have a total building floor area of 103,678 square feet (5.95 FAR) with 97 dwelling units, including 30 affordable dwelling units. The Proposed Development would provide 48 accessory off-street parking spaces in the cellar.

The Proposed Actions would also include a zoning text amendment to Appendix F of the Zoning Resolution ("ZR") to make the Rezoning Area part of a Mandatory Inclusionary Housing (MIH) area and would be mapped as Options 1 or 2, pursuant to §23-154. Pursuant to MIH, the Proposed Development would comply with the program through Option 2 or 30% of the proposed residential floor area (30 dwelling units) for incomes averaging 80% AMI and below.

2. Background

The Rezoning Area was zoned C8-2 at the adoption of the 1961 Zoning Resolution, as part of a small area on Kings Highway between West 11th Street and Stillwell Avenue, which included the entire Rezoning Area. The rezoning area was rezoned in 1965 (A-548 & A549) to R5/C2-4.

In 2005, the Bensonhurst Rezoning (C 050296 ZMK) amended the Rezoning Area from R5/C2-4 to R6B/C2-3. The Bensonhurst Rezoning aimed to encourage higher density residential development along certain arterial thoroughfares, such as Avenue P, Quentin Road and Kings Highway where R7A districts were created. Between these corridors, mid-density contextual zoning districts were created from previous R6 districts, such as R4-1, R4A and R5B districts. Arterial and commercial thoroughfares were rezoned to R6B, R6A and R7A districts with commercial overlays such as C2-2 and C2-3 districts, reflecting proximity to transit and mixed-use character. The overall intention of the rezoning was to prevent out-of-scale development on combined lots on mid-block areas, as well as recognize pre-existing medium-density buildings along corridors.

Directly across the street, the Bensonhurst Rezoning rezoned the north side of Kings Highway from an R5/C2-4 to an R7A/C2-3, which had historically shared a zoning district with the Rezoning Area. As noted above, the Rezoning Area was rezoned from the R5/C2-4 to R6B/C2-3.

To the east, in June 2005, the Board of Standards and Appeals ("BSA") granted an extension of time to complete construction for a 5-story building with commercial, community facility and 12 residential units under the prior zoning R6/C1-3 (166-05-BZY) at 1669-1671 West 10th Street (Block 6622, Lot 43), located approximately two blocks to the east from the Development Site on the east side of West 10th Street, contrary to the underlying R5 use regulations.

In October 2005, the BSA granted an extension of term (167-05-BZY) to complete construction of a 7-story building containing commercial community facility and 20 residential units with 10 parking spaces under the prior zoning R6/C1-3 at 103 Quentin Road (Block 6622 Lot 7502), located approximately two blocks to the east, and contrary to the underlying R5 use regulations.

In July 2023, the 1656 West 10th Street Rezoning (C 220285 ZMK) rezoned the area along the west-facing frontage of West 10th Street, on a block bounded by Avenue P to the north, Kings Highway and Quentin Road to the south, and West 11th Street to the west from R5B to R6A and established an MIH area.

There are no other relevant approved land use actions in the last ten years within 1,000 feet of the proposed Project Area.

3. Description of the Surrounding Area

The Project Area is in the Bensonhurst area of Brooklyn Community District #11 situated on two full blocks surrounded by four streets (Kings Highway, Quentin Road, West 11th Street and West 13th Street). Quentin Road and Kings Highway are east-west arterial thoroughfares that includes commercial and residential uses within 600 feet of the Development Site. Kings Highway and Quentin Road are 'wide' streets 80 feet in width. West 11th Street and West 13th Street are 'narrow' streets 60 feet in width. Both West 11th and West 13th Streets run northbound with residential uses within 600 feet of the Development Site. The surrounding blocks are characterized by larger mixed-use and residential apartment buildings along the north side of Kings Highway and Avenue P to the north, which are zoned R7A/C2-3 and R7A, respectively. This district permits medium-density buildings intended for wider avenues, often between seven- and eight-stories. A southern portion of Kings Highway, including the Project Area, is zoned R6B/C2-3 between West 11th Street and Bay Parkway. This district permits medium-density buildings intended for wider avenues, often five-stories; however, as noted above, most of this area was zoned C8-2 when the Zoning Resolution was adopted in 1961 and then rezoned to R5/C2-4 in 1965 before the Bensonhurst Rezoning in 2005. Therefore, there is a mix of uses on this portion of Kings Highway including community facilities, warehouses, and residential uses. The mid-block areas between these avenues are predominantly lower-density residential, with semi-detached and attached residential buildings between two- and three-stories, pursuant to the underlying R5B along West 13th Street and a portion of West 10th Street and R4-1 districts along West 11th Street and West 12th Street. Two blocks to the east, midblock along West 10th Street between Kings Highway and Avenue P, the area is zoned R6A.

In addition to residential uses along side streets, community facility uses are also present. Notable community facility uses in the area include the Congregation B'nai Isaac, Avenue O Jewish Center (Block 6597 Lot 6) which is located north of the Development Site at the corner of Avenue O and West 9th Street and the Highlawn Branch of the Brooklyn Public Library (Block 6618 Lot 34) which is located across the street from the Development site at the corner of West 13th Street and Kings Highway. Additionally, Success Academy Bensonhurst and Intermediate School 96 are located north of the Development Site at the corner of West 11th and Avenue P.

In terms of open space, one block to the north of the Development Site at the corner of West 12th Street and Avenue P is Seth Low Playground.

As mentioned, the Rezoning Area is in R6B/C2-3 zoning district. The current zoning district of the Project Area as well as the surrounding streets was created as a result of the Bensonhurst Rezoning of 2005.

The R4-1 district primarily permits contextual one and two-family detached and semi-detached houses at a maximum FAR of 0.75, with an attic allowance of 20%. Front yards of 10 feet and rear yards 30 feet are required, with side yards of at least four feet. The maximum building height is 35 feet and one parking space is required per dwelling unit.

The R5B contextual zoning district is a residential district that primarily consists of three-story row houses. It also permits detached and semi-detached buildings. The R5B district allows a maximum FAR of 1.35 for residential use; the maximum allowable lot coverage is 55%. The maximum height is 33 feet and parking is required for approximately 66% of dwelling units.

R6B is a contextual residential zoning district that predominantly produces four- and five-story buildings, which preserve the scale and harmonious streetscape of neighborhoods of attached buildings developed during the 19th century. Many of these are brownstone buildings that are set back from the street and have small front yards. The R6B zoning district allows for a maximum FAR of 2.0 and requires application of the Quality Housing regulations. The base height of a new building before setback must be between 30 and 40 feet and the maximum height is 50 feet. For buildings providing a qualifying ground floor, the maximum base height and overall height increase by five feet. Off Street parking is required for half of all DUs.

The R6A is a contextual residential zoning district with a maximum residential FAR of 3.0 (3.60 FAR with MIH). Quality Housing regulations are mandatory in this district. Above a maximum base height of 60 feet, the building must set back by at least 10 feet on a wide street and 15 feet on a narrow street before rising to its maximum height of 70 feet. Off-street parking is required for 50% of a building's dwelling units or can be waived if five or fewer spaces are required.

The R7A zoning is also a contextual district where quality housing regulations are mandatory. R7A districts allow for buildings up to 4.0 FAR and generally yield six to seven story buildings. Maximum lot coverage is 65% for interior and through lots and 100% on corner lots. Above a base height of 40 to 65 feet, the building must set back to a depth of 10 feet on a wide street, before rising to a maximum of 80 feet. Parking is required for 50% of all dwelling units. Off-street parking permitted only within, or to the side or rear of a building, never between the street wall and the street line.

The Rezoning Area is well served by both subway and bus service. The Development Site is located five blocks east of the New York City Transit (NYCT) Subway Station at Kings Highway and West 8th Street with N Train service to Manhattan and points south. In terms of NYCT bus

service, the B82 and express SBS-B82 travel along Kings Highway, connecting Bensonhurst, Flatlands and Spring Creek.

4. Description of the Proposed Project Area

The Proposed Project Area consists of the Development Site, (Block 6619, Lot 42), and occupies all of Block 6619 including Lots 49, 50, and 51 and Block 6620 Lot 46 between West 11th Street and West 13th Street (the "Rezoning Area"). The Development Site is the only lot within the applicant's control and is located between West 12th Street (60 feet in width) and West 13th Street (60 feet in width) on the south side of Kings Highway (80 feet in width) and the north side of Quentin Road (80 feet in width). The Rezoning Area is in the East Bensonhurst Area of Brooklyn's Community District 11. Also included in the Rezoning Area is Block 6619 Lot 49, which adjoins the Development Site and Lots 50 and 51. Together these lots form the entire block. To east of the Development Site across West 12th Street, the Project Area includes the entirety of Block 6620, which consists of one lot, Lot 46.

Block 6619 Lots 49, 50 and 51 (23, 25 and 29 Quentin Road) are improved with two-story two family homes constructed around 1930. The buildings contain between 1,400 and 1,900 square feet of space or between .7 and .95 FAR. Lots 49 and 50 have detached garages.

Block 6620, Lot 46 (65 Quentin Road) is improved with a single-story shoe warehouse building constructed in 1931. The building contains approximately 5,300 square feet of space or .88 FAR.

5. Description of Proposed Development Site

The Development Site is applicant owned and is a single irregularly shaped lot (Block 6619, Lot 42) that contains 17,425 square feet of lot area with 211.8'of frontage along Kings Highway, 82.28' of frontage on West 12th Street, 140' of frontage on Quentin Road and 51.93' of frontage on West 13th Street. As noted above, West 12th Street is 60 feet in width, a 'narrow' street, West 13th Street is 60 feet in width, a 'narrow' street, Kings Highway is 80 feet in width, a 'wide' street and Quentin Road is 80' in width, a 'wide' street.

The lot is currently vacant and surrounded by a construction fence. The previous owner received approved plans from DOB to construct a school on the lot, but the new owner did not wish to proceed with those plans. The lot had been the Del Rio Diner for many decades prior to its demolition at the end of 2018.

6. Description of Proposed Development

The Proposed Actions would facilitate a new 10-story mixed-use building. Under the proposed R7X/C2-4 district, a proposed development would be facilitated with approximately 103,678 square feet of floor area, including approximately 97 dwelling units, 30 would be affordable to incomes averaging 80% AMI and below, pursuant to MIH under Option 2, for an FAR of 5.95. The ground floor would contain 14,670 square feet of commercial retail space and the cellar would contain 48 attended accessory off-street parking spaces. The parking spaces would be accessible via a curb cut approximately 12 feet including splays to a ramp accessing the cellar located along the southern lot line of the Development Site on Quentin Road. The nearest intersection to the curb cut is 60 feet away at West 13th Street. The building would rise to a height 103'-10" with setbacks on Kings Highway. The ground floor would contain a commercial retail space with one entrance on West 12th Street, one entrance on Quentin Road and three entrances on Kings Highway, the residential lobby on Quentin Road as well a residential entrance on West 12th Street, and a vehicular ramp connecting to a subsurface accessory parking garage for residents on Quentin Road; the cellar would contain an attended accessory parking garage, the building service and utility rooms, and the refuse storage room. The second through tenth floor would all have apartments. On the second floor, there would be recreation rooms in addition to apartments. On the tenth floor, there would be a gym in addition to apartments. There would be common outdoor areas on the second floor (1,270 square feet) and third floor (2,129 square feet). On the roof, there would be a 2,422 square foot common recreation area.

7. Actions Necessary to Facilitate the Project

The Proposed Actions consist of a zoning map amendment from R6B/C2-3 to R7X/C2-4 and a zoning text amendment to Appendix F of the Zoning Resolution (*Inclusionary Housing Designated Areas*), which is required to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the Project Area (the "Proposed Actions").

Zoning Map Amendment

The Proposed Actions consist of a zoning map amendment, that is primarily intended to facilitate the Proposed Development. The proposed zoning map amendment would create a new R7X/C2-4 zoning district on two blocks bounded by Kings Highway to the north, West 11th Street to the east, West 13th Street to the west and Quentin Road to the south.

The R7X zoning district under MIH is a contextual district where quality housing regulations are mandatory. R7X districts allow for buildings up to 6.0 FAR and generally yield 12 to 14- story

buildings. Maximum lot coverage is 70% for interior and through lots and 100% on corner lots. Above a base height of 60 to 105 feet, the building must set back to a depth of 10 feet on a wide street, before rising to a maximum of 140 feet or 145 feet with a Qualifying Ground Floor (QGF). Parking is required for 50% of all dwelling units and is reduced for MIH units and the residential requirement is waived where 15 or fewer spaces are required. The C2-4 district in R7X districts permits a maximum commercial FAR of 2.0 and permits a wide range of neighborhood commercial uses (Use Groups 5-9 & 14). Where residences are provided, commercial uses may not rise above the first floor. The district is intended for dense areas in proximity to transit, with a reduced parking requirement. Parking requirements vary by use with the commercial accessory requirement waived where 40 and under spaces are required[1].

The proposed actions would facilitate an appropriate increase in density on two full blocks where two wide avenues come together. The proposed zoning map amendment from R6B/C2-3 to R7X/C2-4 is necessary to facilitate a productive use on the Development Site, which currently sits vacant and promote development on lots that are underdeveloped. The proposed R7X district would result in an appropriate increase in permitted density for this location, as the Rezoning Area is located between two wide avenues (Kings Highway and Quentin Road, 80 feet in width) and directly to the south of an R7A/C2-3 district across Kings Highway. The comparable R7A district is mapped directly to the north and east of the proposed Rezoning Area along Kings Highway. Mid-rise buildings are increasingly found along wide roadways, such as Kings Highway and Avenue P. The rezoning would allow comparable buildings to be developed on the other side of Kings Highway with affordable housing, supporting the City's policy goals of creating permanently affordable housing.

Moreover, the underlying proposed C2-4 commercial overlay would be consistent with the already existing commercial C2-3 overlay and permit the continuation of the mixed-use character of this segment of Kings Highway and promote the vibrancy of the surrounding area. Therefore, the Proposed Actions would be consistent with the character of the neighborhood and the previous Bensonhurst Rezoning, while facilitating new mid-rise development in an appropriate area with affordable units.

It should also be noted that this area is well served by transit with express bus service located on the corner of Kings Highway and West 10th Street, as well as an NYCT subway station only two blocks away at Kings Highway and West 8th Street. As such, it is believed the Rezoning Area is appropriate for a medium-density residential district and would not alter the overall character of the surrounding area, while making productive use of vacant parcel.

[1] If the City of Yes for Housing Opportunity text amendment is adopted as currently proposed by the Department of City Planning, R7X districts would allow for up to 6.0 FAR and a maximum height of 145 feet where income-restricted dwelling units are provided outside of MIH areas. Parking would no longer be required but the applicant plans to voluntarily provide parking.

Zoning Text Amendment

The Proposed Actions would also include a zoning text amendment to Appendix F of the Zoning Resolution ("ZR") to make the Rezoning Area applicable as a Mandatory Inclusionary Housing Area (MIH) area and would be mapped as Options 1 and 2, which would require either 25% of the proposed new residential floor area to be made affordable to incomes averaging 60% AMI or 30% of the proposed new residential floor area to be made affordable to incomes averaging 80% AMI (hereafter, the "Proposed Actions"). At this time, the Proposed Development would comply with Option 2 of the program with 30 dwelling units (30% of 97 dwelling units) affordable for incomes averaging 80% AMI.

As such, the Proposed Actions would facilitate the development of a new mixed-use building. We believe that it reflects the existing built density of this immediate area and would continue to be consistent with the intentions of the Bensonhurst Rezoning, which recognized the pre-existing density of apartment buildings in the surrounding area.

8. Conclusion

The Proposed Actions would facilitate a new medium-density apartment building and retail ground floor on a vacant and unutilized parcel of land that has languished under the current R6B/C2-3 zoning district. The Rezoning Area is situated along Kings Highway, a heavily trafficked thoroughfare, and is appropriate for additional permitted density, consistent with the built context of the surrounding area. Moreover, the proposed R7X/C2-4 district would provide consistent development with the R7A/C2-3 district to the north rezoned under the Bensonhurst Rezoning.

Furthermore, the Proposed Actions include a zoning text amendment to make the Rezoning Area applicable to MIH, which would result in permanently affordable dwelling units. As such, the Proposed Actions are appropriate for this area and would result in a productive use that would not negatively impact the character of the surrounding area, nor be inconsistent with the intent of the former Bensonhurst Rezoning.