NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The Applicant, 166 Plaza LLC, seeks a zoning map amendment to rezone Block 6619, Lots 42, 49, 50, and 51, and Block 6620, Lot 46 (collectively, the "Project Area") in the East Bensonhurst neighborhood of Brooklyn Community District 11 from an R6B/C2-3 to an R7X/C2-4 zoning district; and a zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing (MIH) area conterminous with the Project Area (the "Proposed Actions"). The Proposed Actions would facilitate the development of the Proposed Development, a 119,230 gross square foot (gsf) (103,678 zoning square foot [zsf], 5.95 FAR), 10 story, mixed-use development which would comprise 102,357 gsf of residential floor area (5.11 FAR) and 16,871 gsf of commercial floor area on the ground floor (0.84 FAR) on Block 6619, Lot 42 (the "Development Site") at 166 Kings Highway. The Proposed Development would include 97 residential units, 25-30% (25-30 units) of which would be affordable pursuant to MIH at an average of 60-80% Average Median Income (AMI) depending on the option selected. In order to provide a conservative analysis, it is assumed that Block 6620, Lot 46 ("Projected Development Site 2") would be improved and expanded into a 24-foot-tall, 11,978 gsf (11,978 zsf with 2.0 FAR) two-story local retail and service establishment commercial building. Twelve cellar parking spaces would be required with curb cut access along the north side of Quentin Road. Block 6619, Lots 49, 50, and 51 ("Projected Development Site 3") would be merged into a combined 6,000 square foot lot, improved with a 120-foot-tall, 36,900 gsf, 12-story mixed-use commercial and residential building. It would include 6,000 gsf of local retail and service establishment commercial use on the first floor and 30,900 gsf of residential use on floors 2 through 12. The residential portion would include 44 dwelling units, 25%-30% (11-13 units) of which would be affordable pursuant to MIH at an average 60-80% AMI depending on the option selected.

The analysis finds that the Proposed Actions would not result in changes in land use and public policy, however, it would result in a change in zoning. The Proposed Actions would result in an R7X/C2-4 district and compared to the study area, which is mostly mapped R7A with C2-3 commercial overlay to the north and east with R6B/C2-3 to the west, the proposed R7X district would permit greater density (6.0 FAR) than what is allowed under existing R6B/C2-3 (2.0 FAR) and R7A/C2-3 (4.0 FAR) zoning districts along Kings Highway. However, the primary study area is well-suited for additional density given that the Project Area is near public transportation, Stillwell Avenue is considered a Major Street, and Kings Highway and Quentin Road are considered wide streets. The Proposed Actions would also support the policies and goals of the Transit Zone, Housing Our Neighbors, Housing New York and Where We Live NYC, and PlaNYC by creating new housing opportunities in areas with access to mass transit, reducing accessory parking requirements, and establishing an MIH area encompassing the primary study area, which would require future residential development to include permanently income-restricted units. The Proposed Actions would continue to permit commercial uses that serve the existing and future neighborhood residents but with fewer parking requirements, which aligns with the policies and goals of OneNYC 2050. Therefore, the Proposed Actions would not result in significant adverse impacts to land use, zoning or public policy, and no further analysis is warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-753) related to hazardous materials, air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials, air quality, and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials, air quality, or noise.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Ibrahim Jobe at ijobe@planning.nyc.gov.

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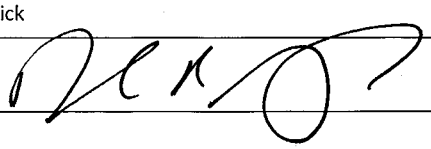
NAME Stephanie Shellooe, AICP	DATE 11/15/2024
SIGNATURE	
TITLE Chair, City Planning Commission	

Project Name: 166 Kings Highway rezoning
CEQR # 23DCP163K
SEQRA Classification: Unlisted

NAME Daniel R. Garodnick	DATE 11/18/2024
SIGNATURE 	

Project Name: 166 Kings Highway rezoning
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Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Brooklyn	Block 6619, Lot 42
Projected Development Site 2	Brooklyn	Block 6620, Lot 46
Projected Development Site 3	Brooklyn	Block 6619, Lots 49, 50, and 51

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-753**) would be established as part of approval of the proposed actions on **Projected Development Site 1, 2, and 3** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1 and 2	X	X	X
Projected Development Site 3	X	X	

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1, 2, and 3** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor 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 samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must he 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 from test results, a proposed remediation plan must be submitted to 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.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse

impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

Air Quality

The (E) designation requirements for air quality would apply as follows:

Projected Development Site 1: *Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) system and hot water equipment and must be fitted with low NOx (15 ppm) burners, ensure that the HVAC system and hot water equipment stack is located at the building's highest level and at a minimum of 108 feet above grade, and that the stack is located no more than 85 feet from the eastern lot line facing West 12th Street to avoid any potential significant adverse air quality impacts.*

Projected Development Site 2: *Any new commercial development on the above-referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest level and at least 27 feet above grade to avoid any potential significant adverse air quality impacts.*

Projected Development Site 3: *Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) system and hot water equipment, ensure that the HVAC system and hot water equipment stack is located at the building's highest level and at a minimum of 126 feet above grade, and that the stack is located at least 30 feet from the eastern lot line facing West 12th Street and at least 30 feet from the northern lot line facing Kings Highway to avoid any potential significant adverse air quality impacts.*

Noise

The (E) designation requirements for noise would apply as follows:

Projected Development Site 1: *In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on the northern facade facing Kings Highway, the eastern façade facing W 12th Street and the western facade facing W 13th Street within 50 feet of Kings Highway 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.*

Projected Development Site 2: *In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on the northern facade facing Kings Highway, and the western façade facing W 12th Street within 30 feet of Kings Highway 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.*