TECHNICAL MEMORANDUM
166 KINGS HIGHWAY – VARIANCE AMENDMENT
CEQR NO. 23DCP163K

May 29, 2025

INTRODUCTION

This technical memorandum addresses modification to the Proposed Actions by City Council.

Following review and modification of the application, Block 6619, Lots 42, 49, 50, and 51 was rezoned from R6B/C2-3 to R7A/C2-4, and Block 6620, Lot 46 was removed from the Project Area. This change removes the need for any development assumptions or environmental commitments on Lot 46.

CITY COUNCIL MODIFICATION

In May 2025, the New York City Council removed Block 6620, Lot 46 from the Project Area. As a result, the Project Area now consists solely of Block 6619, Lots 42, 49, 50, and 51. The zoning change is now R7A/C2-4 and applies only to the remaining lots. This modification eliminates Projected Development Site 2 (Lot 46) from consideration in the environmental analysis. Since no projected development will occur on Lot 46 under the Proposed Actions, the (E) Designation [E-753] previously assigned to that lot is no longer necessary. This memorandum confirms that no additional or greater environmental impacts would result from this revision.

HAZARDOUS MATERIALS

Introduction

An analysis of hazardous materials evaluates whether a proposed project would increase exposure to hazardous materials and whether such exposure could result in significant public health or environmental impacts. The following assessment determines whether the modification to the Proposed Actions alter the conclusions of the original analysis.

Conclusion

With the continued implementation of the (E) Designation [E-753], no significant adverse impacts related to hazardous materials would occur on Block 6619, Lots 42, 49, 50, and 51. As such, the previous findings and mitigation measures remain sufficient, and no further analysis is warranted.

In addition, the removal of Block 6620, Lot 46 from the Project Area means that the (E) Designation [E-753] is no longer applicable to that lot. Since no project development will occur on Lot 46, there is no potential for hazardous materials exposure at that location. The (E) Designation remains in effect only for sites where development is projected.

AIR QUALITY

Air Quality

An air quality technical analysis was conducted for the Proposed Actions in the East Bensonhurst neighborhood of Brooklyn, Community District 11.

Mobile Sources

The analysis of mobile sources determined that the Proposed Actions would not result in any significant adverse air quality impacts.

Stationary Sources

The stationary source analysis similarly concluded that the Proposed Actions would not result in significant adverse air quality impacts.

Conclusion

The original EAS included an air quality analysis that considered development on all sites, including Lot 46. With the removal of Lot 46 from the Project Area, this site is no longer subject to discretionary actions or development assumptions. The (E) Designation [E-753] related to air quality is therefore no longer applicable to Lot 46. This change does not result in any new or more significant adverse air quality impacts. The findings of the original EAS remain valid for the revised Project Area (Block 6619, Lots 42, 49, 50, and 51).

NOISE

The conclusions of the original Environmental Assessment Statement (EAS) noise analysis remain valid. Detailed findings for mobile and stationary source noise, as well as building attenuation requirements, are provided below.

Mobile Source

The 2021 CEQR Technical Manual specifies that a detailed transportation analysis is required only if the Proposed Actions would result in a doubling of noise passenger car equivalents (PCEs), which could cause a 3-dBA increase in noise levels.

Because the Proposed Actions consist solely of the removal of Lot 46 from the Project Area, and no development is assumed to occur on that lot, the analysis of mobile source noise remains unchanged from the original EAS. The Proposed Actions would not result in any increase in traffic and therefore would not exceed the thresholds for a significant vehicular noise impact.

Stationary Source

The Proposed Actions would continue to comply with applicable noise regulations, including Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings Code.

The removal of Lot 46 does not alter the development assumptions for the remaining sites. As such, the conclusions of the original EAS regarding stationary source noise remain applicable, and no new or more significant adverse impacts are anticipated.

Building Attenuation Requirements

The required window/wall attenuation measures are determined based on ambient noise levels measured at the project site and the CEQR Technical Manual guidelines. Measured noise levels at the project site remain below 70 dBA, so no additional attenuation is required for facades. The (E) Designation requirements for noise (E-753) continue to apply to the remaining development sites to ensure that interior noise levels do not exceed 45 dBA for residential and community facility uses or 50 dBA for commercial office uses. This includes providing a closed-window condition with appropriate attenuation and alternate means of ventilation, such as air conditioning.

Conclusion

The original EAS included a noise analysis that considered projected development on Lot 46. With the removal of Lot 46 from the Project Area, this site is no longer subject to discretionary action, and the noise-related (E) Designation [E-753] is no longer necessary. This change does not result in any new or more significant adverse noise impacts. The conclusions of the original EAS remain valid for the revised Project Area.

Technical Memorandum Conclusion

The City Council's removal of Block 6620, Lot 46 from the Project Area represents a reduction in the scope of the Proposed Actions. No development is projected for Lot 46, and no discretionary actions apply to that lot. As a result, the environmental assessment no longer considers Lot 46 a projected development site. This change does not introduce any new or more significant adverse impacts. The (E) Designation [E-753] no longer applies to Lot 46 and remains relevant only to sites where development is projected. Therefore, the conclusions of the original EAS remain valid.