

**Brooklyn Borough President Recommendation**

CITY PLANNING COMMISSION  
22 Reade Street, New York, NY 10007  
calendaroffice@planning.nyc.gov



**INSTRUCTIONS**

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

**APPLICATION**

120 KINGSTON AVENUE – 1700786 ZSK

In the matter of the application submitted by 120 Kingston, LLC, pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit to modify use and signage regulations for an existing three-story building located on 120 Kingston Avenue in the Crown Heights North Historic District of Brooklyn Community District 8 (CD 8). Such actions would allow a commercial use on portions of the cellar and ground floor, and accessory commercial signs for the existing building.

BROOKLYN COMMUNITY DISTRICT NO. 8

BOROUGH OF BROOKLYN

**RECOMMENDATION**

- APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

- DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

\_\_\_\_\_  
BROOKLYN BOROUGH PRESIDENT

June 15, 2017

\_\_\_\_\_  
DATE

## **RECOMMENDATION FOR: 120 KINGSTON AVENUE – 170086 ZSK**

In the matter of the application submitted by 120 Kingston, LLC, pursuant to Section 197-c and 201 of the New York City Charter, for the grant of a special permit for the property located at 120 Kingston Avenue, in the Crown Heights neighborhood of Brooklyn Community District 8 (CD 8). The special permit would modify the use regulations of New York City Zoning Resolution (ZR) section 22-10 to allow a commercial use (Use Group 6 use) on portions of the cellar and ground floor, and modify the sign regulations of ZR 22-30 to allow accessory commercial signage on the exterior of an existing three-story building located within the Crown Heights North Historic District. Approval of this application would include a memorialized commitment to preserve the historically significant features of the building as part of building restoration as well as an obligation for implementing an ongoing maintenance program to ensure the building is properly maintained in a sound condition. Such action would facilitate the reactivation of approximately 3,000 square feet of cellar and ground floor use for the reactivated jazz club and occupancy of 3,035 square feet of four residential apartments on the second and third floors. Moreover, the application would facilitate the restoration of 130 square feet of illuminated non-flashing signage on the exterior, the exact signage of which has been present on the exterior of the building for more than 60 years.

On June 12, 2017, Brooklyn Borough President Eric L. Adams held a public hearing on this application. There were no speakers for this item.

The representative for the applicant stated that it has always been the intention to preserve the historic character of the Kingston Lounge, including restoring it as the culturally significant venue that it once was, featuring live music.

In response to Borough President Adams' question regarding the creation of a comprehensive operating plan, the representative for the applicant stated that it is too early in the process to have established operating hours, but that once the process reaches that stage the applicant is willing to work with Brooklyn Community Board (CB 8) and the community in order to identify the optimal hours of operation. There will be five security cameras installed around the building: one in the rear of the building, one on Kingston Avenue, and three on Bergen Street. The building will also include small globe lights for additional lighting on the outside of the building. The signage itself will also provide mild lighting, which is a balance between providing lighting on the street while not significantly impacting the residential uses.

In response to Borough President Adams' policy of maximizing job opportunities for Brooklynites and procuring supplies locally through the inclusion of Local Business Enterprises (LBE) and Minority- and Women-Owned Business Enterprises (MWBE), the representative stated that the applicant already has a presence in this neighborhood and has a history of hiring LBEs and MWBEs. The applicant will provide data on the history of utilizing LBEs and MWBEs. He is also willing to work with the community in order to hire staff locally.

### **Consideration**

CB 8 approved this application without conditions.

The existing building is currently vacant and in a dilapidated condition. The cellar level and ground level were formally occupied by the renowned jazz club, Kingston Lounge, which opened in 1944. During the 1980s, the club, as well as the apartments above, began to fall into disrepair. By 2001 the building was vacant. The building, built between 1900 and 1902, was designed by Axel Hedman in the Renaissance Revival style. The building's details, materials, scale, and style are among the features that contribute to the architectural and historic character of the Crown Heights North Historic District.

The surrounding area is characterized generally by residential multi-family, walk-up townhouses, with some community facilities and commercial establishments. The residential rowhouses are brownstones ranging in height from two to four stories. The Crown Heights North Historic District, in which the project site is located, is among Brooklyn's most architecturally distinguished areas, retaining some of the borough's most beautiful and well-preserved residential streets and featuring a broad array of outstanding residential architecture in popular late-19<sup>th</sup> and early-20<sup>th</sup> century styles. The commercial retail establishments occupy two of the adjoining block corners of the intersection at Bergen Street. A third block corner is being renovated and is expected to contain ground floor retail use. These block corners are within C1-3 commercial overlay districts. This district typically allows local neighborhood retail uses such as neighborhood beauty parlors, grocery stores, and restaurants. Accessory commercial signage permits a maximum total surface area of all signs of 150 square feet

If this building were not located in the historic district, the ZR provides for reactivation of certain commercial uses without the need to be in a commercial permitting district. Because the building is located in a historic district and not in a commercial permitting district, reactivation of this use requires the granting of the requested special use permit.

Borough President Adams supports reactivation of the buildings that have become vacant and deteriorated due to circumstances that resulted in disinvestment. In this case the Kingston Lounge, which was a renowned jazz club established in 1944 that provided cultural significance to the neighborhood during Brooklyn's jazz era, would be reactivated, allowing its culturally significant use to resume within its original space, while ensuring the preservation and maintenance of the building. Reactivation of the jazz club is also consistent with existing uses of this intersection. Adoption of the requested special permit will ensure that the historical features of the existing building will be restored and that a continuing maintenance program will be established to ensure the building is properly maintained in a sound, first-class condition. With such approval, the applicant intends to restore the residential apartments on the second and third floors, removing blight and bringing economic development to the community.

Borough President Adams believes that this reinvestment presents an opportunity to provide local employment for the community, while presenting the opportunity to be a good neighbor by providing a well-thought-out operational plan that will ensure security for the neighborhood.

### **Jobs**

Borough President Adams believes that returning this building to occupancy would result in construction jobs as well as permanent jobs within the jazz club. With too many Brooklyn residents unemployed or underemployed, it is Borough President Adams' policy to promote economic development that will create more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods" in 2015, double-digit unemployment remains a pervasive reality in several of Brooklyn's neighborhoods, with more than half of our community districts experiencing poverty rates of nearly 25 percent or higher. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses and including those that qualify as LBE and MWBE is central to Borough President Adams' economic development agenda. This site provides opportunities for the applicant to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs, consistent with section 6-108.1 of the City's Administrative Code, and MWBEs, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation).

In a letter (attached) to Borough President Adams dated June 14, 2017, it was noted that the applicant operates two other neighborhood eateries with 40 employees, of which 90 percent live

locally. A third establishment is soon to open and the intent is to achieve a similar rate of locally hiring. The applicant intends to reach out to CB 8 to with job listing opportunities.

With the intended development, Borough President Adams calls on the applicant to retain contractors consistent with the standards of the Administrative Code and Local Law and provide monitoring of such participation to CB 8, the affected City Council member, and the Office of the Brooklyn Borough President. He also calls on the operators of the lounge to pursue avenues that would maximize local hiring for the re-established Kingston Lounge, including notification of such opportunities shared with CB 8.

### **Operating Plan**

Borough President Adams believes that the proprietors of eating and drinking establishments within predominantly residential areas should take proactive steps to operate as a good neighbor. Live music establishments operate at evening hours that extend beyond other types of commercial and retail establishments. Being well-managed promotes quality-of-life for area residents. There are physical improvements and operational techniques that promote being a good neighbor. Borough President Adams believes that the lighting plan and position of security cameras will promote being a good neighbor in terms of patrons being respectful of the proximity to residences.

In the letter to Borough President Adams, the intent of being a good neighbor was expressed, including maintaining an open and working dialogue with the community and CB 8. Illumination would be modified should it be warranted and hours of operation would be adjusted in response to concerns.

Borough President Adams calls on the operator to create a comprehensive operating plan for this establishment, in coordination with CB 8 and local elected officials, inclusive of a security plan as a means to ensure quality-of-life for the residential neighbors.

### **Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and the City Council approve this application.

### **Be It Further Resolved:**

1. That the applicant, 120 Kingston, LLC:
  - a. Retains Brooklyn-based contractors and subcontractors, especially those who are designated Local Business Enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code, as well as LBE and Minority- and Women-Owned Business Enterprises (MWBE) establishments, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency
  - b. Pursues avenues to maximize local hiring for the operation of the re-established Kingston Lounge, including notification of such opportunities shared with Community Board 8 (CB 8), and
  - c. Creates a well-thought-out operating plan, in coordination with CB 8 and local elected officials, inclusive of a security plan that will ensure quality-of-life for the residential neighbors



June 14, 2017

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Hon. Eric Adams  
Brooklyn Borough President  
Borough Hall  
209 Joralemon Street  
Brooklyn, NY 11201

Re: The Kingston Lounge  
120 Kingston Avenue  
Brooklyn, New York

Dear Borough President Adams:

We attended and presented at the Borough President's public hearing held at Borough Hall for the above captioned matter on June 12, 2017. The meeting was chaired by Diana Reyna, Deputy Borough President. In this letter we respond to several items raised in the hearing by the Deputy Borough President.

The above matter is in the ULURP process pursuant to ZR 74-711. In brief, this is an application to modify the applicable use regulations to permit commercial use in a residential zoning district (R6). The proposed use modification would facilitate the re-establishment of The Kingston Lounge, a longstanding local music venue, in the cellar and ground floor of the building. Since ZR 74-711 places the property under the jurisdiction of the Landmarks Preservation Commission ("LPC") and the City Planning Commission ("CPC") this matter will also entail the physical restoration of the long vacant building and its historic commercial storefront and signage. The preservation plan was approved by LPC, and this special permit application was recently and overwhelmingly approved by Community Board 8.

We responded in the public hearing to the various questions posed by the Deputy Borough President, and we provide herein additional follow-up information on several specific items. Regarding construction jobs, from a build out perspective, hiring a general contractor is still in the future. The project has had no substantive filing or review at the Department of Buildings and still needs to complete ULURP. The applicant knows from past projects that its general contractors generally hire locally when possible. Sometimes, when specific landmarks issues are involved there is a limited pool of qualified contractors that can undertake and complete a restoration project that will satisfy Landmark's "first class restoration" criteria. Nevertheless the developer/applicant will encourage its general contractor to hire from the City's online directory of certified M/WBE businesses, particularly those located in Brooklyn.

Hon. Eric Adams

June 14, 2017

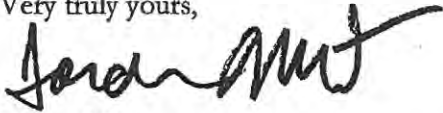
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Regarding operations related jobs. The applicant's principals operate two other eateries in the neighborhood which employ approximately 40 people, 90% of whom are local hires. A third establishment will be opening in the next few months and will follow the same hiring criteria. The developer/applicant will gladly provide posting information to Community Board 8 when the time comes to find employees for The Kingston Lounge. As with previous projects, the intention is to maximize local hiring; it is good for business and strengthens local ties.

Finally, as was stated at the public hearing by David Schmelczer, of the developer's organization, the goal is to be a good and responsive neighbor. If the lighting at the property needs to be brighter for safety purposes, it can be brighter. If the hours of operation are disruptive, they can be adjusted. Maintaining an open and working dialogue with the community and the community board are how the applicant intends to operate.

Please let us know if you require any additional information. Thank you.

Very truly yours,



Jordan Most

JM:icl

cc: Diana Reyna  
Richard Bearak  
Olga Chernomorets  
Community Board 8  
Koren Manning