

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
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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#: BEDFORD AVENUE OVERLAY EXTENSION – 200158 ZMK

An application submitted by 223 Troutman LLC pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment to extend an existing C2-4 district over one zoning lot, located on the southwest corner of Bedford Avenue and North First Street. Such action would facilitate the development of a three-story building with two residential units and a 2,253 square-foot (sq. ft.) commercial ground floor at 276 Bedford Avenue in Brooklyn Community District 1 (CD 1).

COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

September 10, 2020

DATE

RECOMMENDATION FOR: BEDFORD AVENUE OVERLAY EXTENSION – 200158 ZMK

223 Troutman LLC submitted an application pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment to extend an existing C2-4 district over one zoning lot, located on the southwest corner of Bedford Avenue and North First Street. Such action would facilitate the development of a three-story building with two residential units and a 2,253 square-foot (sq. ft.) commercial ground floor at 276 Bedford Avenue in Brooklyn Community District 1 (CD 1).

Borough President Eric Adams held a remote public hearing on this application on June 3, 2020. There were no speakers on the item.

In response to Borough President Adams' inquiry as to what consideration has been given to providing affordable space for local arts and cultural non-profit organizations within the represented commercial ground floor, the applicant's representative stated that the developer had yet to market the space, and could not commit to local arts/non-profit organizations. Separately, the representative noted that at the suggestion of Brooklyn Community Board 1 (CB 1), the developer has been working with The People's Firehouse, a local organization that is seeking to convert an undeveloped triangular property at the corner of North First Street and Metropolitan Avenue into a garden. As 276 Bedford Avenue would add to existing foot traffic in the area, the developer has agreed to provide funding toward this beautification project.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design and New York City Department of Environmental (DEP) rain gardens, the representative stated that the developer intends to explore the installation of rain gardens, in conjunction with the replacement of the sidewalk and the required planting of street pits. The representative also noted that the proposed building design includes a one-story terrace, and that the developer would consider a blue roof to manage stormwater runoff.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) in the construction process, the representative stated that while the intended engineering firm for this project is MWBE-certified, a number of the sub-contractors are not. The representative further expressed the developer's intent to assist these firms in obtaining MWBE certification.

Consideration

CB 1 approved this application on June 24, 2020.

The proposed land use actions would affect a 2,733 sq. ft. corner lot with approximately 35 feet of frontage on Bedford Avenue and 83 feet along North First Street. The lot is zoned primarily R6B, but for a 640 sq. ft. southern portion located within a C2-4 district. The commercial overlay extends along both sides of Bedford Avenue between North First and South First streets. The R6B/C2-4 district was established as part of the 2008 Grand Street rezoning, which mapped R6A and R6B contextual districts over a 13-block stretch of Williamsburg. The rezoning also changed most of the existing commercial overlays to C2-4, while reducing their depths from 150 to 100 feet. This was intended to promote a wider variety of commercial uses and reduce parking requirements, while curbing the encroachment of such activities along residential side streets.

The applicant is seeking to construct a 5,444 sq. ft. development that would cover 100 percent of the lot at the ground floor and rise to a height of 39 feet. Approximately 3,191 sq. ft. on the upper floors is intended as residential use and projected to result in two dwelling units. The remainder would comprise the commercial ground floor, which would be leased to a Use Group (UG) 6 tenant. The current R6B zoning precludes a full commercial ground floor on this site. The enlargement of

the adjacent C2-4 overlay would remove such restrictions and permit 276 Bedford Avenue to move forward as proposed.

The surrounding context includes a mix of commercial, community facility, and residential uses. Ground floor commercial uses on Bedford Avenue consist primarily of eating and drinking establishments, including those with sidewalk cafés. The corridor contains a mix of goods and services, including bakeries, grocery stores, laundromats, and pharmacies.

276 Bedford Avenue is convenient to public transportation. The 14th Street-Canarsie Local L train Bedford Avenue station is located five blocks north of the site, while the B62 bus travels along Bedford Avenue, stopping across the street.

Borough President Adams generally supports efforts to facilitate job creation and street activation, including zoning actions consistent with predominant land use patterns. He believes that the extension of the existing C2-4 overlay is appropriate based on the commercial context along this portion of the Bedford Avenue. Development that promotes the growth of Brooklyn-based businesses is in line with Borough President Adams' economic agenda.

Borough President Adams is supportive of the proposed zoning map amendment. However, he believes the intended project could be improved through efforts to integrate sustainability and resiliency practices, advance pedestrian safety, and achieve a high level of local hiring, consistent with his policies for new development in Brooklyn.

Advancing Sustainable Energy and Resilient Stormwater Management Policies

It is Borough President Adams' policy to advocate for promoting environmentally sustainable development that integrates blue/green/white roofs, solar cladding, and/or wind turbines, as well as passive house construction. Such measures tend to increase energy efficiency and reduce a building's carbon footprint.

In the fall of 2019, the City Council passed Local Laws 92 and 94, which require that newly constructed roofs, as well as existing roofs undergoing renovation (with some exceptions), incorporate a green roof and/or a solar installation. The laws further stipulate 100 percent roof coverage for such systems and the expansion of the City's highly reflective (white) roof mandate. Borough President Adams believes that developers should seek to exceed this mandate by integrating blue roofs with green roof systems. With regard to solar panels, there are now options beyond traditional roof installation. Multiple companies are manufacturing solar cladding from tempered glass that resembles traditional building materials, with energy output approximating that of mass-market photovoltaic systems. For taller buildings, and those in proximity to the waterfront, micro wind turbines can provide effective sustainable energy generation. Finally, passive house design achieves energy efficiency while promoting locally-based construction and procurement.

Borough President Adams believes it is appropriate for 223 Troutman LLC to engage the Mayor's Office of Sustainability, New York State Energy Research and Development Authority (NYSERDA), and/or New York Power Authority (NYPA), to consider government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of 276 Bedford Avenue. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per square foot of green roof, up to \$100,000. The New York City Department of Environmental Protection (DEP) Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the developer to reach out to his office for assistance in opening dialogue with the aforementioned agencies, as well as further coordination on this matter.

As part of his flood resiliency policy, Borough President Adams encourages developers to introduce best practices to manage stormwater runoff, such as incorporating permeable pavers and/or establishing rain gardens that advance DEP's green infrastructure strategy. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits such as rainwater collection, improved air quality, and streetscape beautification. Tree plantings can also be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. Where it is not advisable to remove existing street trees, street tree pit enhancements could help realize additional stormwater retention benefits while providing more plantings, which would increase infiltration at this location and make the site more pleasant for its users. Furthermore, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the City's water pollution control plants.

The required Builders Pavement Plan for the proposed development provides an opportunity to install DEP rain gardens along its Bedford Avenue and/or North First Street frontages. The Zoning Resolution (ZR) requirement to plant street trees results in the provision of shade on days of excessive heat, as well as other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require a maintenance commitment and attention from the landlord. Maintenance includes cleaning out debris and litter that can clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to keep the plants healthy and uncongested for proper water absorption. However, the implementation of rain gardens could help advance DEP green water/stormwater strategies, therefore enhancing the operation of the Newtown Creek Wastewater Treatment Plant during wet weather. Such rain gardens have the added benefit of serving as a streetscape improvement.

Borough President Adams believes that 223 Troutman LLC should consult with DEP, the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the integration of rain gardens with street trees, as part of a Builders Pavement Plan. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 1 and local elected officials prior to agreeing to act.

Therefore, prior to considering the application, the City Council should obtain commitments, in writing, from the applicant, 223 Troutman LLC clarifying how it would memorialize integrating resiliency and sustainability features, including rain gardens, at 276 Bedford Avenue. The City Council should further seek demonstration of the developer's commitment to coordinate with DEP, DOT, and NYC Parks regarding the installation of DEP rain gardens as part of a Builders Pavement Plan, in consultation with CB 1 and local elected officials.

Advancing Vision Zero Policies via Borough President Adams' CROSS Brooklyn Initiative

Borough President Adams supports Vision Zero policies, including practices that extend sidewalks into the roadway as a means of shortening the path where pedestrians cross in front of traffic lanes. These sidewalk extensions, also known as bulbouts or neckdowns, make drivers more aware of pedestrian crossings and encourage them to slow down.

In 2015, Borough President Adams also launched his own initiative, Connecting Residents on Safer Streets (CROSS) Brooklyn. This program supports the creation of bulbouts or curb extensions at dangerous intersections in Brooklyn. During the program's first year, \$1 million was allocated to fund five dangerous intersections in Brooklyn. By installing additional curb extensions, seniors will benefit because more of their commutes will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadways will benefit from safer streets.

The proposed development is located on a prominent corner of Bedford Avenue, a strong and highly trafficked retail corridor. It is also one block south of Metropolitan Avenue, a designated New York City local truck route with multiple intersections lacking traffic controls such as stop signs or traffic lights.

Borough President Adams believes there is an opportunity to implement his CROSS Brooklyn initiative at this intersection of Bedford Avenue and North First Street, via a curb extension where there is now a painted crosswalk. Such enhancement would facilitate safer crossings along this part of Bedford Avenue.

Borough President Adams recognizes that the costs associated with the construction of sidewalk extensions can be exacerbated by the need to modify infrastructure and/or utilities. Therefore, where such consideration might compromise feasibility, Borough President Adams would urge DOT to explore the implementation of either protected painted sidewalk extensions defined by a roadbed surface treatment or sidewalk extensions as part of a Builders Pavement Plan. If the implementation meets DOT's criteria, the agency should enable 223 Troutman LLC to undertake such improvements after consultation with CB 1, as well as local elected officials, as part of its Builders Pavement Plan. The implementation of a sidewalk extension through roadbed treatment requires a maintenance agreement that indemnifies the City from liability, contains a requirement for insurance, and details the responsibilities of the maintenance partner. Borough President Adams would expect 223 Troutman LLC to commit to such maintenance as an ongoing obligation.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, in writing, from 223 Troutman LLC, to coordinate CROSS Brooklyn implementation with DEP, DOT, and NYC Parks via a curb extension at the southwest corner of Bedford Avenue and North First Street, either as part of a Builders Pavement Plan or as a treated roadbed sidewalk extension. The City Council should further seek demonstration of 223 Troutman LLC's commitment to enter into a standard DOT maintenance agreement for this intersection. Finally, DOT should confirm that implementation would not proceed prior to consultation with CB 1 and local elected officials.

Promoting Local Hiring and MWBE Participation for Construction and Procurement Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2017," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 20 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses, including those that qualify as LBEs and MWBEs, is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer 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 who meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the applicant, 223 Troutman LLC, to memorialize retention of Brooklyn-based contractors and subcontractors, especially those who are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code and MWBE as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following conditions:

1. That prior to considering the application, the City Council obtain commitments in writing from the applicant, 223 Troutman LLC, clarifying how it would:
 - a. Memorialize the incorporation of resiliency and sustainability measures such as blue roofs, passive house design, and/or solar cladding
 - b. Coordinate with the New York City Department of Environmental Protection (DEP), the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan along the Bedford Avenue and/or North First Street frontage(s), in consultation with CB 1 and local elected officials
 - c. Coordinate Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with DEP, DOT, and NYC Parks for the installation of a curb extension at the southwest corner of Bedford Avenue and North First Street, either as part of a Builders Pavement Plan, or as a treated roadbed sidewalk extension
 - d. Enter into a standard DOT maintenance agreement for that intersection, and coordinate potential implementation of a protected painted area with DEP, DOT, and NYC Parks, with the understanding that it would not proceed prior to consultation with CB 1 and local elected officials
 - e. Retain Brooklyn-based contractors and subcontractors, especially those who are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code, and minority- and women-owned business enterprises (MWBES) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency