



Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
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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 #: 135-137 Bedford Avenue Rezoning (210043 ZMK)

An application submitted by Dawn Kiernan and NRL URF LLC pursuant to sections 197-c and 201 of the New York City Charter to map a C1-4 overlay on 11 blocks zoned R6A and R6B on the eastern side of Bedford Avenue between North 9th and North 10th streets. The requested zoning map amendment would facilitate a five-story, mixed-use building with seven dwelling units and approximately 3,253 square feet (sq. ft.) of commercial space at 135-137 Bedford Avenue in Brooklyn Community District 1 (CD 1).

BROOKLYN 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

February 3, 2021

DATE

RECOMMENDATION FOR: 135-137 Bedford Avenue Rezoning (210043 ZMK)

Dawn Kiernan and NRL URF LLC submitted an application pursuant to sections 197-c and 201 of the New York City Charter to map a C1-4 overlay on 11 blocks zoned R6A and R6B on the eastern side of Bedford Avenue between North 9th and North 10th streets. This zoning map amendment would facilitate a five-story, mixed-use building with seven dwelling units and approximately 3,253 square feet (sq. ft.) of commercial space at 135-137 Bedford Avenue in Brooklyn Community District 1 (CD 1).

On December 21, 2020, Brooklyn Borough President Eric Adams held a remote public hearing on these zoning map and text amendments. There were no speakers on the item.

In response to Borough President Adams' inquiry as to what consideration would be given to constructing a full-lot coverage ground floor if the proposed development's commercial space is tenanted by a bar or restaurant, the applicant's representative stated that an enclosed ground floor would be beneficial to both the building's residents and its neighbors. As such, the owner would be likely to build out the ground floor to the full depth of the combined lot.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as passive house design, blue/green/white roof covering, and/or New York City Department of Environmental Protection (DEP) rain gardens, the representative stated that the applicant would consider integrating solar panels and other sustainability measures.

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 (MWBs) in the construction process, the representative stated that the applicant would seek to engage such firms.

Consideration

Brooklyn Community Board 1 (CB 1) approved this application on January 8, 2021, with the condition that any ground-floor eating and drinking establishment be fully enclosed.

The requested zoning map amendment would establish C1-4 district along 10 lots comprising the eastern frontage of Bedford Avenue between North 9th and North 10th streets. The commercial overlay would be mapped to a depth of 100 feet, mirroring the C1-4 condition on the west side of Bedford Avenue. The tax lots contain a mix of residential and retail uses. The latter are considered legally non-conforming, as the base zoning does not permit commercial operations. The southern portion of the block is zoned R6B, while the northern portion is zoned R6A, a product of the 2005 Greenpoint-Williamsburg rezoning.

The proposed development site includes two lots with just over 40 feet of frontage along Bedford Avenue. The 135 Bedford Avenue property falls within the R6A district, with a two-story, single-family home, while 137 Bedford Avenue, located in the R6B district, contains a two-story dwelling with two units.

The other properties in the project area are as follows: 145 Bedford Avenue, located on the corner of North 9th Street and Bedford Avenue, is a three-story residential and commercial building, with two apartments and a ground-floor eating and drinking establishment. 143 and 141 Bedford Avenue each contain a three-story residential building with three units. 139 Bedford Avenue is also a three-story building but with two apartments. 133 Bedford Avenue is a two-story, two-family residence. 131-129 Bedford Avenue consists of two, four-story buildings that contain ground-floor retail uses, and a total of seven apartments. 127 Bedford Avenue is a four-story building with a medical office on the ground floor, and five dwelling units above. 168 North 10th Street is a corner lot with a one-

story automotive repair business. Finally, the project area includes a portion of 167 North 9th Street, a three-story building with ground-floor retail and 10 apartments.

The applicants are seeking to construct a new, five-story plus cellar mixed-use building, with a floor area ratio (FAR) of 2.69. The development has been represented to contain 3,253 sq. ft. of primary ground-floor commercial use and 5,253 sq. ft. of residential use within the upper floors. As proposed, there would be two storefronts and seven dwelling units. The building would rise to 57 and a half feet in the R6A portion of the site and 39 and a half feet in the R6B section.

The incorporation of a commercial overlay on this block of Bedford Avenue would permit the applicant's desired commercial uses while bringing the existing retail and restaurants into zoning conformance. It should be noted that current and future eating and drinking establishments in the rezoning area would be permitted to provide backyard table service and file applications for a sidewalk café. In addition, should restaurants and bars be established at lots that do not have built-out rear yards, such uses would be permitted to provide rear-yard table service.

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.

135-137 Bedford Avenue is convenient to public transportation. The 14th Street-Canarsie Local L train Bedford Avenue station is located two and a half blocks south of the site, while the B62 bus travels along Bedford Avenue with a stop mid-block at North 9th 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 addition of a C1-4 overlay is appropriate based on the context of commercial use along the west side of Bedford Avenue, opposite this block. Development that promotes the growth of Brooklyn-based businesses is in line with Borough President Adams' economic agenda.

The City Planning Commission (CPC) and/or City Council should approve this application provided that the applicant agrees to construct a ground floor with full lot coverage to enclose any future eating and drinking establishment. In addition, Borough President Adams seeks the incorporation of resilient and sustainable features including DEP rain gardens and a high level of local and MWBE hiring for the project.

Quality-of-Life Considerations

Though the zoning permits a wide range of users, the most dominant use along this Bedford Avenue commercial corridor tends to be that of eating and drinking establishments. While such use can be an important economic engine with lots of employment opportunity, particularly for immigrant labor, Borough President Adams recognizes concerns expressed by CB 1 throughout this ULURP process, with regard to potential noise impacts. In recent years, Bedford Avenue has seen an influx of commercial establishments, including bars and restaurants. Since 2009, the City Council has approved three similar applications to add commercial overlays along sections of nearby Berry Street and opposite this block of Bedford Avenue in 2018.

Borough President Adams believes that quality-of-life issues such as noise impacts created by bars and restaurants warrant mitigation, particularly when they result from outdoor seating in rear yards. The best form of noise mitigation would be to have a full lot coverage ground floor, which would still enable outdoor dining in the form of a sidewalk café should the 135-137 Bedford Avenue commercial space be occupied by an eating and drinking establishment.

During Borough President Adams' hearing, the representative noted that drawings submitted as part of this application depict a full-lot coverage ground floor, though such representation is not binding. Therefore, prior to considering the application, the City Council should obtain written commitments from the applicants, Dawn Kiernan and NRL URF LLC, to construct a commercial ground floor that occupies the entire zoning lot, to mitigate noise from any future eating and drinking establishment.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' policy to advocate for promoting environmentally sustainable development that integrates blue/green/white roofs, solar panels, 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 buildings and existing ones 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 expand 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.

Regarding 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 construction achieves energy efficiency while promoting locally based construction and procurement.

Borough President Adams believes it is appropriate for Dawn Kiernan and NRL URF LLC to engage the Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA), to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per sq. ft. of green roof, up to \$100,000. The 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 any help in opening dialogue with the aforementioned agencies and 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 through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. Where it is not advisable to remove existing street trees, there would be an opportunity to integrate stormwater retention measures into existing tree pits, with additional plantings, which would increase infiltration and make the site more pleasant for its users. In addition, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the Newtown Creek Wastewater Treatment Plant.

The required Builders Pavement Plan for the proposed development provides an opportunity to install DEP rain gardens in front of 135-137 Bedford Avenue. The New York City Zoning Resolution (ZR) requirement to plant street trees ensures shade on excessively hot days and helps combat the urban heat island effect, in addition to other aesthetic, air quality, and stormwater retention benefits. It should be noted that a rain garden would require a maintenance commitment from the landlord. This would involve clearing debris and litter that often clogs the inlet/outlet and prevents proper water collection, regular

inspection to prevent soil erosion, watering during dry and hot periods, and weeding to ensure plant health and proper water absorption.

Borough President Adams believes that Dawn Kiernan and NRL URF 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 inclusion of rain gardens integrated 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 taking action.

Therefore, prior to considering the application, the City Council should obtain written commitments from the applicant, Dawn Kiernan and NRL URF LLC, clarifying how it would memorialize integrating resiliency and sustainability features at 135-137 Bedford Avenue.

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. The ongoing COVID-19 pandemic has only exacerbated widespread job insecurity. 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 that are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that 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 written commitments from the applicant, Dawn Kiernan and NRL URF LLC, to memorialize retention of Brooklyn-based contractors and subcontractors, especially those 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 Sections 197-c and 201 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 written commitments from the applicants, Dawn Kiernan and NRL URF LLC, to:
 - a. Construct a ground floor that occupies the entire zoning lot to mitigate noise from any future eating and drinking establishment
 - b. Memorialize the incorporation of resiliency and sustainability measures, such as blue roofs, passive house design, and/or solar façades
 - c. Coordinate with the New York City Department of Environmental Protection (DEP), 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 at 135-137 Bedford Avenue in consultation with Brooklyn Community Board 1 (CB 1) and local elected officials

- d. Retain Brooklyn-based contractors and subcontractors, especially those 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