



---

**IN THE MATTER OF** an application submitted by 116 Bedford Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13a, by establishing within an existing R6A District a C1-4 District bounded by North 11<sup>th</sup> Street, Bedford Avenue, North 10<sup>th</sup> Street, and a line 100 feet northwesterly of Bedford Avenue, Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only), dated August 7, 2017 and subject to the conditions of the CEQR Declaration E-440.

---

The applicant, 116 Bedford Avenue, LLC, filed this application on July 21, 2016, to establish a 100 foot deep C1-4 commercial zoning district in an existing R6A zoning district, located along the western side of Bedford Avenue, between North 10th and North 11th streets, in Williamsburg’s Northside neighborhood of Community District 1, Brooklyn. The proposed action would facilitate the use of ground floor space for commercial use and bring five existing non-conforming ground floor commercial uses on the same block frontage into conformance.

**BACKGROUND**

The area to be rezoned (the “project area”) consists of the western side of Bedford Avenue, between North 10<sup>th</sup> and North 11<sup>th</sup> Streets, and includes a total of nine tax lots: eight lots fronting directly onto Bedford Avenue (Block 2297, Lots 13 through 20) and a small lot fronting onto North 10<sup>th</sup> Street (Block 2297, Lot 120). The project area is currently mapped with an R6A zoning district, a medium-density residential district, and is within a voluntary Inclusionary Housing (IH) designated area. R6A districts within IH areas allow residential uses up to a floor area ratio (FAR) of 2.7, or 3.6 with permanently affordable housing, and community facility uses up to an FAR of 3.0. The maximum building height is 75 feet, or seven stories, with a qualifying ground floor, or up to 85 feet, or eight stories, if including permanently affordable housing.

The lots fronting on Bedford Avenue are developed with eight four-story residential buildings, five of which (Lots 13, 17, 18, 19, and 20) have existing non-conforming ground floor commercial uses. The applicant owns a mid-block lot that also fronts on Bedford Avenue (Lot 16). Two lots

within the rezoning area (Lots 14 and 15) are entirely residential. The lot facing North 10<sup>th</sup> Street (Lot 120) is developed with a standalone three-car garage.

The applicant's property (Block 2297, Lot 16) is a vacant, four-story residential building. The residential units that had been located on the first floor are currently undergoing interior renovations for an as-of-right conversion and enlargement to a community facility use. The applicant is proposing to extend an existing C1-4 commercial district, located to the south of the project area, along the western side Bedford Avenue between North 10<sup>th</sup> and North 11<sup>th</sup> streets to allow commercial uses on the ground floor and to bring five existing non-conforming commercial ground-floor uses along the block frontage into zoning conformance. C1-4 commercial zoning districts allow for local service and retail uses on the ground floors of residential buildings up to an FAR of 1.0, or up to an FAR of 2.0 without residential use above. C1-4 and C2-4 commercial zoning districts, which allow a slightly greater range of commercial uses, are mapped along nearly the entire length of Williamsburg's Bedford Avenue.

The area surrounding the project area is developed with a mix of residential, commercial, manufacturing, and community facility uses. Bedford Avenue is the main commercial corridor of the neighborhood and is primarily developed with three- to four-story attached mixed-use walkup residential buildings with ground floor commercial uses including clothing stores, grocery stores, beauty salons, banks, and eating and drinking establishments. McCarren Park is located one block north of the project area and includes soccer and baseball fields, tennis courts, running tracks, and a public swimming pool.

## **ENVIRONMENTAL REVIEW**

This application (C 170024 ZMK), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 17DCP021K. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on August 7, 2017.

On November 22, 2017, a Revised Environmental Assessment Statement (EAS) was issued that describes and analyzes modifications to the proposed actions and reflects clarifications to the Waterfront Revitalization Program assessment included in the original EAS. The Revised EAS concluded that the proposed actions would not result in any new or different significant adverse environmental impacts not already identified in the previous Negative Declaration.

A Revised Negative Declaration was issued on November 27, 2017. The Revised Negative Declaration reflects the changes to the proposed actions and supersedes the Negative Declaration issued on August 7, 2017.

The City Planning Commission has determined that the proposed action will have no significant effect on the environment.

### **UNIFORM LAND USE REVIEW**

This application (C 170024 ZMK) was certified as complete by the Department of City Planning (DCP) on August 7, 2017, and was duly referred to Brooklyn Community Board 1 and the Brooklyn Borough President, in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Brooklyn Community Board 1 held a public hearing on the application (C 170024 ZMK) on September 5, 2017, and on September 18, 2017, adopted a resolution to disapprove the application by a vote of 31 in favor, none opposed, and no abstentions.

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on the application (C 170025 ZMK) on September 13, 2017, and on October 20, 2017, issued a recommendation approving the application with the following conditions:

1. “That the applicant, 116 Bedford Avenue, LLC:
  - a. Retain Brooklyn-based contractors and subcontractors, especially those that are designated Local Business Enterprises (LBE) consistent with section 6-108.1 of the City’s Administrative Code, as well as Minority- and Women-Owned Business Enterprises (MWBE), as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency
  - b. Encourage the eventual tenant to develop a plan to promote local hiring
  - c. Create a well-thought-out operating plan, in coordination with block residents, Community Board 1 (CB 1), and local elected officials that will ensure quality-of-life for neighboring buildings and their tenants, as a binding clause of any commercial lease.”

**City Planning Commission Public Hearing**

On October 18, 2017 (Calendar No. 9), the City Planning Commission scheduled November 1, 2017, for a public hearing on this application (C 170024 ZMK). The hearing was duly held on November 1, 2017 (Calendar No. 19). One speaker testified in favor of the application and one speaker testified in opposition.

The applicant’s attorney made a presentation in support of the proposed action, stating that it would facilitate the conversion of ground floor community facility space at the applicant’s property into a commercial space and bring five other existing non-conforming ground floor commercial uses on this block front into conformance. He also said that the property owner was a responsible landlord committed to resolving any future noise, safety, or security issues with neighbors.

One resident of an adjacent residential building spoke in opposition to the application. He stated that two existing restaurants within the project area generated noise and vermin, and that the three other existing commercial storefronts were currently vacant, and that therefore there was no need to allow another commercial use. The speaker stated that he believed that commitments made by the applicant in writing to the Community Board and Borough President, to be responsive to neighborhood concerns about business operation, would not be kept and urged the Commission to deny the application.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application (C 170024 ZMK) for a zoning map amendment is appropriate.

The proposed zoning map amendment would facilitate the use of the ground floor at 116 Bedford Avenue for commercial use and would bring five other commercial uses currently located on the ground floors of similar mixed-use buildings on the block into conformance with zoning. C1-4 commercial districts allow local retail uses on the ground floors of residential buildings and are mapped one block south of the project area, between South 10<sup>th</sup> and South 9<sup>th</sup> Streets as well as along other portions of Bedford Avenue throughout the area and provide local neighborhood services. The Commission believes that extending an existing C1-4 district to include the proposed project area would be consistent with the land use pattern along the Bedford Avenue corridor, one of Williamsburg's major commercial thoroughfares.

The Commission notes the recommendation and concerns of the community board, the Borough President and the testimony of the nearby resident at its public hearing regarding the proliferation of restaurants and bars throughout the neighborhood and the potential effects on the quality of life of residents.

The Commission also notes that, in his recommendation to approve the application, the Borough President requested that the applicant establish an operating plan to mitigate any quality-of-life problems generated by the commercial use, and that the plan be a binding clause of a future commercial leasing agreement. Although the request is outside of the purview of this application, the applicant has made commitments regarding such an operating plan to the Borough President in a letter dated October 13, 2017.

The Commission received a letter from the applicant, dated October 26, 2017, stating that the applicant would designate a superintendent or management company as a point of contact to receive and address any on-site noise complaints at 116 Bedford Avenue. The letter also stated

that the applicant would install security cameras and consult with neighbors about the appropriate level of exterior lighting. Finally, the letter stated that the applicant would require the future commercial tenant to consult a sound engineer to recommend sound attenuation measures for the ground floor commercial space to minimize the transmission of noise to neighboring residential properties if a commercial use is developed.

The Commission is sympathetic to the quality-of-life concerns raised by the Community Board, the Borough President and the nearby resident. The Commission notes that the C1-4 commercial overlay is the least intense commercial district that still permits retail uses. Eating and drinking establishments are permitted in C1-4 districts, but they are limited to a capacity of less than 200 persons and those that permit live music and dancing are not allowed in the C1-4 district. However, considering the neighbor's concern over eating and drinking establishments on this block, the Commission strongly encourages the applicant to fulfill the commitments laid out in his letters to the Commission and the Borough President to ensure that any future commercial use would be operated with minimal negative effects and with the utmost regard for the concerns of area residents.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

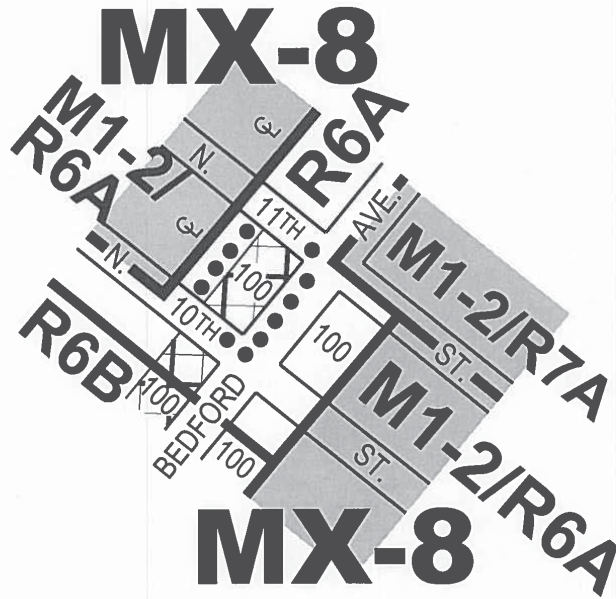
**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section 13a, by establishing within an existing R6A District a C1-4 District bounded by North 11<sup>th</sup> Street, Bedford Avenue, North 10<sup>th</sup> Street, and a line 100 feet northwesterly of Bedford Avenue, Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only), dated August 7, 2017, and subject to the conditions of the CEQR Declaration E-440.

The above resolution (C 170024 ZMK), duly adopted by the City Planning Commission on December 13, 2017 (Calendar No. 14), is filed with the Office of the Speaker, City Council, and

the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

**RAYANN BESSER, MICHELLE R. DE LA UZ, RICHARD W. EADDY,  
CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,  
ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*



CITY PLANNING COMMISSION  
CITY OF NEW YORK  
DIAGRAM SHOWING PROPOSED

**ZONING CHANGE**

ON SECTIONAL MAP

**13a**

BOROUGH OF  
**BROOKLYN**





New York, Certification Date  
AUGUST 07, 2017

S. Lenard, Director  
Technical Review Division

SCALE IN FEET



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by establishing a C1-4 District within an existing R6A District.
-  Indicates a C1-4 District.
-  Indicates a Special Mixed Use District (**MX-8**).





**COMMUNITY BOARD NO. 1**

435 GRAHAM AVENUE – BROOKLYN, NY 11211

PHONE: (718) 389-0009

FAX: (718) 389-0098

Email: [bk01@cb.nyc.gov](mailto:bk01@cb.nyc.gov)

Website: [www.nyc.gov/brooklyncb1](http://www.nyc.gov/brooklyncb1)

HON. ERIC L. ADAMS  
BROOKLYN BOROUGH PRESIDENT



RABBI ABRAHAM PERLSTEIN  
FIRST VICE-CHAIRMAN

DEL TEAGUE  
SECOND VICE-CHAIRPERSON

STEPHEN J. WEIDBERG  
THIRD VICE-CHAIRMAN

MARIA VIERA  
FINANCIAL SECRETARY

SONJA IGLESIAS  
RECORDING SECRETARY

PHILIP A. CAPONEGRO  
MEMBER-AT-LARGE

DEALICE FULLER  
CHAIRPERSON

GERALD A. ESPOSITO  
DISTRICT MANAGER

HON. STEPHEN T. LEVIN  
COUNCILMEMBER, 33<sup>rd</sup> CD

HON. ANTONIO REYNOSO  
COUNCILMEMBER, 34<sup>th</sup> CD

September 18, 2017

**LAND USE, ULURP  
& LANDMARKS (subcommittee)  
COMMITTEE/ PUBLIC HEARING REPORT**

**TO:** Chairperson Dealice Fuller  
and CB #1 Board Members

**FROM:** Ms. Del Teague, Committee Chair  
Ms. Maria Viera, Co-Chair  
Ms. Trina McKeever, Landmarks Subcommittee Chair  
Mr. Aaron McCann, Co-Chair

**RE:** Committee Meeting  
(8 Members Constitute a Quorum For This Committee)

The Land Use, ULURP & Landmarks (subcommittee) Committee met on Tuesday, September 5, 2017 at 6:30 PM, in the Bushwick Inlet Park Facility at 86 Kent Avenue, Brooklyn, NY 11248.

Attendance: Present – Argento; Barros; McKeever; Rabbi Perstein; Sofer; Teague; Weidberg; Weiser. Absent – Dybanowski; Kaminski; McCann; Needelman; Rabbi Niederman; Viera.

**AGENDA:**

**DCP # C170024 ZMK - 116 BEDFORD AVENUE, BROOKLYN, NY –IN THE MATTER OF** an application submitted by 116 Bedford Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13a, by establishing within an existing R6A District a C1-4 District bounded by North 11th Street, Bedford Avenue, North 10th Street, and a line 100 feet northwesterly of Bedford Avenue, Borough of Brooklyn, Community District 1.

Frank St. Jacques presented. The developer of 116 Bedford Avenue is applying for a commercial overlay amendment of the Zoning Map for the west side of Bedford Avenue from N10th to N11th Street. The application would allow the developer and owners of the other buildings on the block to include a commercial/retail space on the ground floor in buildings that



are currently zoned for only residential use with the possibility of a community space on the ground floor. The amendment would result in the legalization of 5 non-conforming retail spaces, three of which are vacant. Mr. St. Jacques explained, and a representative of City Planning confirmed, that the application is asking to include the whole block, because City Planning officials will not approve a request for a "spot re-zoning" of just one parcel.

With the current zoning, legal use of the ground floors is limited to residential units or community use spaces. St. Jacques supported the application by pointing out the existence of commercial overlay/retail spaces along Bedford Avenue from N4 to N10 Streets.

A quorum of the committee was present. The meeting was well attended by residents, some of whom owned buildings on the block in question.

Several residents testified in favor of the application, noting that there were already retail spaces along Bedford Avenue anyway, and suggesting that additional spaces might provide rent-lowering competition.

A number of residents, including the owners of the two residential buildings in compliance with the current zoning, voiced strong opposition, arguing that legalization of the non-compliant commercial use and expansion of new commercial use would cause more stress on an already stressed area. These residents stated such re-zoning will likely lead to increased parking problems, parking meters, unwanted congestion, and additional pubs and bars in a block that has up to now remained heavily residential and relatively quiet. They pointed out that the one bar that exists on the corner, The Bedford, has been a constant source of noise and disruption with no cooperation from the owner.

These residents argued that there are already many vacant retail spaces along the avenue, and in particular, on this block. They argued that the many vacancies are evidence of the difficulty retail businesses are experiencing, leaving owners to offer the spaces to pubs, bars and restaurants, which, like the restaurant currently in operation on their block, are often not good neighbors. The opponents also argued that under the current zoning, the vacant non-conforming retail spaces stand to lose their grand-fathered status, but if the application is approved, there is no longer the chance that the spaces will have to revert to residential or community facility usage. Finally, the opponents argued that there is a real need for community spaces, which would likely be met if the application were denied.

**Resolution:** The committee felt the application failed to take in consideration the effect such plan would have on the residents and the current character of the immediate area. The committee found the residents' concerns were valid, especially regarding the need to attract increased community spaces contrasted with the danger of attracting a 'free-for-all' development of pubs and bars on this up to now heavily residential spot. The committee noted these concerns were in line with the standing concern of the full board that there has been an uncontrolled proliferation of bars and pubs.

The committee felt we have an obligation to acknowledge the valid concerns voiced against this application, and voted unanimously to deny the application based on the above reservations.

**Brooklyn Borough President Recommendation**

CITY PLANNING COMMISSION  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
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#: 116 BEDFORD AVENUE – 170024 ZMK**

An application submitted by 116 Bedford Avenue LLC, pursuant to Sections 197-c and 201 of the New York City Charter, seeking a zoning map amendment to map a C1-4 commercial overlay within an existing R6A zoning district on the western side of Bedford Avenue between North 10<sup>th</sup> and North 11<sup>th</sup> streets. The proposed C1-4 overlay would extend 100 feet from Bedford Avenue. The zoning map amendment would permit ground-floor conversion at 116 Bedford Avenue from community facility to commercial use while bringing existing commercial ground-floor uses into zoning conformance.

COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

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

October 20, 2017

\_\_\_\_\_  
DATE

**RECOMMENDATION FOR: 116 BEDFORD AVENUE – 170024 ZMK**

An application submitted by 116 Bedford Avenue LLC, pursuant to Sections 197-c and 201 of the New York City Charter, seeking a zoning map amendment to map a C1-4 commercial overlay within an existing R6A zoning district on the western side of Bedford Avenue between North 10<sup>th</sup> and North 11<sup>th</sup> streets. The proposed C1-4 overlay would extend 100 feet from Bedford Avenue. The zoning map amendment would permit ground-floor conversion at 116 Bedford Avenue from community facility to commercial use while bringing existing commercial ground-floor uses into zoning conformance.

On September 13, 2017, Brooklyn Borough President Eric L. Adams held a public hearing on the zoning map amendment. There were four speakers on the item, including three property owners from the 112 Bedford Avenue condominium who spoke in opposition, and one property owner at 120 Bedford Avenue who spoke in support of the application. The residents of 112 Bedford Avenue expressed concern about increased commercial use on Bedford Avenue, and noise impacts from the bar and restaurant at 110 Bedford Avenue. The residents stated a desire to retain the 112 Bedford Avenue ground floor for residential use. The owner of 120 Bedford Avenue, which has a vacant storefront, encouraged the rezoning as a way to enliven the block.

In response to Deputy Brooklyn Borough President Diana Reyna's inquiry regarding the vacating of the ground-floor residential apartments at 116 Bedford Avenue, the applicant's representative stated that the building was not rent-regulated when purchased in 2015, and that the ground floor was delivered vacant. The representative elaborated that a Certificate of No Harassment was filed with the New York City Department of Housing Preservation and Development (HPD) subsequent to the purchase.

In response to Deputy Borough President Reyna's inquiry regarding what consideration would be given to a comprehensive operating plan if an eating or drinking establishment were selected as the commercial use at 116 Bedford Avenue, the applicant's representative stated that neither the type of commercial use nor the tenant has been identified, as the site is not yet on the market. The representative expressed that the owners would be willing to consider an operating plan, and work with residents and the community board to articulate specific operational controls.

In response to Deputy Borough President Reyna's inquiry regarding the rationale for extending the commercial overlay through the entire block, the applicant's representative clarified that the New York City Department of City Planning (DCP) wished to capture all of the existing legal non-conforming uses on the block in the proposed rezoning.

In response to Deputy Borough President Reyna's inquiry regarding the added potential for backyard table service and sidewalk cafés at 110-124 Bedford Avenue should the rezoning be approved, the applicant's representative clarified that all of commercial establishments on the block would be able to seek a sidewalk café license from the New York City Department of Consumer Affairs (DCA).

During the hearing, the applicant's representative provided signed letters of support from commercial and residential property owners on Bedford Avenue between North 10<sup>th</sup> and North 11<sup>th</sup> streets. These include the business owner of The Bedford (110 Bedford Avenue); the building owner of 114 Bedford Avenue; the building owners of 120, 122, and 124 Bedford Avenue; the business owners of Little Ave Salon and All's Well at 124 Bedford Avenue, and the owners of 121 and 123 Bedford Avenue, two residential properties located across the street.

Subsequent to the hearing, Borough President Adams received written testimony in opposition from two property owners and residents at 112 Bedford Avenue. The letters expressed concerns about non-conforming commercial uses on the block, the need for additional community facility space in the area, and noise created by The Bedford, which affects several apartments at 112 Bedford Avenue.

Subsequent to the hearing, Borough President Adams received the attached letter from the applicant's representative, dated October 13, 2017, outlining commitments by the owners of 116 Bedford Avenue to integrate community concerns into their tenant selection and operating practices, so as to mitigate adverse impacts of ground-floor commercial use on neighboring residents.

### **Consideration**

Brooklyn Community Board 1 (CB 1) disapproved this application, citing potential quality-of-life concerns stemming from increased commercial use on this block of Bedford Avenue.

The requested zoning map amendment would extend a C1-4 commercial overlay mapped on the west side of Bedford Avenue between North Fourth and North 10<sup>th</sup> streets to North 11<sup>th</sup> Street. The proposed commercial overlay would cover nine tax lots and eight block fronts on Bedford Avenue that contain a mix of residential units and storefronts. As part of the 2005 Greenpoint-Williamsburg rezoning, these lots were rezoned from R6/M1-2 to R6A, which effectively eliminated as-of-right status for commercial use on these lots. As a result, the existing storefronts became legal, non-conforming commercial uses.

Currently, five of the block fronts (110, 118, 120, 122, and 124 Bedford Avenue) have ground-floor commercial uses and two buildings (112 and 114 Bedford Avenue) have ground-floor apartments while the applicant's site has a permit from the New York City Department of Buildings (DOB) for ground-floor community facility occupancy. The corner lots (110 and 124 Bedford Avenue) are occupied by restaurants with outdoor seating. One of these establishments, The Bedford, also provides outdoor table service.

Two of the storefronts, 120 and 122 Bedford Avenue are currently vacant. 122 Bedford Avenue had a storefront in the 1980s, which was subsequently converted to apartment units. The building reverted to commercial use in 2013, after two decades of ground-floor residential use. While the previous commercial use had been discontinued for more than two years, this change is permitted by the New York City Zoning Resolution (ZR) section 52-61. This section provides an exception to the standard discontinuous two-year standard for residential buildings with vacant ground floors in R5, R6, and R7 districts provided that the changed use is listed in Use Group 6A, 6B, 6C, or 6F (with some exceptions).

116 Bedford Avenue contains six dwelling units above the ground floor, which were previously occupied by two residential units. Under a conversion from residential to community facility use, the owner is reconstructing the building's ground floor and cellar to cover the full lot, which will result in an enlargement of approximately 644 square feet (sq. ft.) and a floor area ratio (FAR) of 2.69, including 1.87 residential FAR and 0.82 community facility FAR.

The applicant is seeking this rezoning in order to utilize the community facility ground floor for commercial use. The requested commercial overlay would restore zoning conformance for commercial uses at 110 and 118-124 Bedford Avenue. Without the incorporation of a commercial overlay zoning district, legal non-conforming eating and drinking establishments are prohibited from establishing backyard table service and sidewalk cafés in this residential district, as

consumption of beverages and food on-premises must take place within a completely enclosed building. With an approved commercial overlay, eating and drinking establishments on all lots

proposed for rezoning would be permitted to file applications for a sidewalk café. In addition, should restaurants and bars be established at 118, 120, and 122 Bedford Avenue — lots that do not have built-out rear yards — such uses would be permitted to provide rear-yard table service. Finally, Use Group 6 exceptions listed in ZR 52-61, which are not allowed under the existing zoning, including automobile supply stores, drive in banks, electrolysis studios, post offices, and veterinary medicine for small animals would be permitted.

Borough President Adams generally supports efforts to facilitate the creation and/or growth of Brooklyn-based businesses. This includes zoning actions that are consistent with the predominant land use patterns to provide opportunities for job creation and street activation. He believes that the addition of a commercial overlay is appropriate based on the context of commercial use along this block of Bedford Avenue.

Borough President Adams recognizes concerns expressed by local residents and members of CB 1 throughout this ULURP process, with regard to current and potential noise impacts. In recent years, Bedford Avenue has seen an influx of commercial establishments, including bars and restaurants. The City Council has also approved two similar zoning applications to add commercial overlays along sections of nearby Berry Street since 2009. Borough President Adams believes that quality-of-life issues, such as noise impacts created by bars and restaurants, warrant mitigation through proper reporting to the appropriate City agencies.

The City of New York provides opportunities for reporting and resolving noise complaints, depending on the source. Noise from loud conversations and music should be reported to the New York City Police Department (NYPD) via 311. Noise from air conditioning, exhaust equipment, or ventilation should be reported via 311 to the New York City Department of Environmental Protection (DEP). In addition, constituents may contact Borough President Adams' Constituent Assistance Center (CAC) and CB 1 to file complaints.

### **Jobs**

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 2015 "State of New York City's Housing and Neighborhoods," double-digit unemployment remains a pervasive reality in several Brooklyn 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 a Local Business Enterprise (LBE) and Minority- and Women-Owned Business Enterprise (MWBE), is central to Borough President Adams' economic development agenda.

Borough President Adams believes that returning this building to occupancy would result in construction jobs as well as permanent jobs at 116 Bedford Avenue. This site provides opportunities for the applicant 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, as a means to meet or exceed standards per Local Law 1 (no fewer than 20 percent participation). There would also be an opportunity to encourage the eventual tenant to hire locally.

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 1, the affected City Council member, and the Office of the

Brooklyn Borough President, as well as encourage the eventual tenant to develop a plan to promote local hiring.

### **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, especially when such establishments operate at evening hours that extend beyond the operating hours of other types of commercial and retail uses.

The October 13, 2017 letter from the applicant's representative listed general operating practices the owner will commit to implementing at 116 Bedford Avenue. These included: a primary point of contact to receive and address resident concerns; contact information for the commercial tenant to resolve noise and security issues; retaining a sound engineer to install noise-dampening materials on the ground floor interior; requiring the tenant to limit sidewalk café operation hours, as applicable; and installing lighting and/or security cameras, in consultation with the community, to minimize safety concerns.

Should the ground floor at 116 Bedford Avenue be intended to be occupied by an eating or drinking establishment with evening hours, Borough President Adams calls on the building owners and operator to create a comprehensive operating plan in coordination with block residents, CB 1, and local elected officials to ensure quality-of-life for neighboring buildings and their tenants as a binding clause of any commercial lease.

### **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, 116 Bedford Avenue LLC:
  - a. Retain Brooklyn-based contractors and subcontractors, especially those that are designated Local Business Enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code, as well as Minority- and Women-Owned Business Enterprises (MWBE), as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency
  - b. Encourage the eventual tenant to develop a plan to promote local hiring
  - c. Create a well-thought-out operating plan, in coordination with block residents, Community Board 1 (CB 1), and local elected officials that will ensure quality-of-life for neighboring buildings and their tenants, as a binding clause of any commercial lease





**Sheldon Lobel &**

**ATTORNEYS AT LAW**

18 East 41st Street, 5th Floor

New York, New York 10017

212-725-2727 FAX 212-725-3910

info@sheldonlobel.com

www.sheldonlobel.com

October 13, 2017

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

**Re: 116 Bedford Avenue Rezoning  
Block 2297, Lots 13-20, 120  
ULURP No. C 170024 ZMK**

Borough President Adams:

Thank you for providing the opportunity to submit supplemental information regarding the proposed 116 Bedford Avenue Rezoning. 116 Bedford Avenue, LLC (the "Applicant") proposes a zoning map amendment to add a C1-4 commercial overlay to an existing R6A district on the western block front of Bedford Avenue between North 10th Street and North 11th Street in the Northside section of Williamsburg. The proposed C1-4 overlay would extend to a depth of 100 feet to include eight four-story buildings fronting Bedford Avenue (Block 2297, Lots 13-20), and a garage fronting North 10th Street (Block 2297, Lot 120). The proposed rezoning would allow the Applicant to convert the ground floor of 116 Bedford Avenue (Block 2297, Lot 16) to commercial use. The proposed rezoning would also bring existing commercial uses on the block front into conformance with the use provisions of the Zoning Resolution ("ZR"), and allow similar ground floor conversions, if sought, of the two entirely residential buildings on the block.

The Applicant commits to establishing and maintaining an open dialogue with neighboring property owners and residents to avoid potential quality of life issues associated with ground floor commercial use at 116 Bedford Avenue. To this end, the Applicant seeks a commercial tenant that will operate in harmony with future residents of the apartments on the upper floors of 116 Bedford Avenue and residents in the surrounding buildings. The Applicant has not yet identified a commercial tenant, but commits to ensuring the following general operating practices:

- The Applicant will designate a primary point of contact, a superintendent or management company representative, to receive and address concerns relating to 116 Bedford Avenue. The Applicant will provide the contact information for the primary point of contact.



**Sheldon Lobel & Co.**  
ATTORNEYS AT LAW

- The Applicant will provide contact information for the commercial tenant of 116 Bedford Avenue to receive and address immediate onsite concerns, including unreasonable noise levels and security concerns.
- The Applicant will require a commercial tenant to consult a sound engineer, and, as recommended, install sound attenuation materials with a minimum sound transmission class in the interior of the ground floor commercial space at 116 Bedford Avenue.
- The Applicant will require a commercial tenant to limit the hours of, as applicable, sidewalk café use at 116 Bedford Avenue.
- The Applicant agrees to have security cameras and/or lighting installed at the exterior of 116 Bedford Avenue to minimize safety concerns. The Applicant agrees to work with the community to ensure the appropriate level of the exterior lighting.

The Applicant's commitments and engagement in an open dialogue with neighboring property owners and residents will ensure that the proposed ground floor commercial use at 116 Bedford Avenue is a positive contribution to the area. We note that the Applicant previously provided your office with nine letters of support from the property and business owners on the affected block front and across the street. We respectfully request a favorable recommendation from your office and remain available to provide any further information as needed. Please be in touch with any questions or concerns as your office prepares its recommendation.

Respectfully,

Frank St. Jacques  
Sheldon Lobel, P.C.  
Applicant Representative