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**IN THE MATTER OF** an application submitted by 120 Kingston LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 22-10 to allow a commercial use (Use Group 6 use) on portions of the cellar and ground floor, and the sign regulations of Section 22-30 to allow accessory commercial signs for an existing 3-story building, on property located at 120 Kingston Avenue (Block 1222, Lot 40), in an R6 District, within the Crown Heights North Historic District, Borough of Brooklyn, Community District 8.

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This application was filed by 120 Kingston LLC on September 9, 2016 for a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 22-10 to allow commercial use (Use Group 6) on portions of the cellar and ground floor, and the sign regulations of Section 22-30 to allow accessory commercial signs for an existing three-story building on property located at 120 Kingston Avenue (Block 1222, Lot 40) in the Crown Heights North Historic District, Brooklyn Community District 8.

## **BACKGROUND**

The development site is located at 120 Kingston Avenue (Block 1222, Lot 40) in an R6 zoning district, within the Crown Heights North Historic District and Brooklyn Community District 8. It is on the corner of the block formed by Bergen Street and Kingston Avenue, with 94 feet of frontage on Bergen Street, 18.5 feet of frontage on Kingston Avenue, and a total lot area of 1,739 square feet. The existing building located at the development site is a three-story building with a cellar, built in 1900-1902, with 6,048 square feet of gross floor area and an existing legal-noncomplying zoning floor area of 4,532 square feet, for a floor area ratio (FAR) of 2.6.

The project site is located within the Crown Heights North Historic District. The Landmarks Preservation Commission (LPC) approved the designation of the Crown Heights North Historic District (LP-02204) on April 24, 2007. The district is located in the northwestern portion of the Crown Heights neighborhood and is roughly bounded by Atlantic Avenue and Eastern Parkway

on the north and south, and by Bedford and Albany Avenues on the west and east. The existing building is a Renaissance Revival style flats building designed by Axel Hedman, built c. 1900-1902, with a Streamline style storefront added in the mid-twentieth century. The building's style, scale, materials, and details are among the features that contribute to the architectural and historic character of the Crown Heights North Historic District.

The Kingston Lounge was a renowned jazz club that opened at the site in 1944 and occupied the ground floor and cellar of the existing building. The cellar has 1,516 square feet of floor area, while the ground floor has 1,496 square feet of floor area. The second and third floors each have 1,518 square feet of floor area, and were formerly occupied by two residential dwelling units per floor. During the 1980s the club, as well as the apartments above, began to fall into disrepair. The building has been vacant since 2001 and is currently in a dilapidated condition.

The surrounding area is generally characterized by residential multi-family and walk-up townhomes, with some community facilities and commercial retail establishments, and mapped with R6 and R6/C1-3 zoning districts. Many ground floor commercial establishments line this section of Kingston Avenue, including eating and drinking establishments, retail stores, laundromats, a dry cleaner, a nail salon, a beauty parlor, and commercial offices. At the intersection of Kingston Avenue and Bergen Street, three corners, aside from the southwest corner where the development site is located, are mapped with a C1-3 commercial overlay and have commercial uses on the ground floors.

R6 districts permit residential and community facility uses. New development can be built according to either height factor regulations, which produce small multi-family buildings on small zoning lots and tall buildings that are set back from the street on larger lots, or the optional Quality Housing regulations, which produce high lot coverage buildings within prescribed height limits. Under the height factor regulations, the maximum FAR in an R6 district ranges from 0.78 to 2.43. Under the Quality Housing regulations, the maximum FAR on a narrow street is 2.2 and the maximum FAR on a wide street outside the Manhattan core is 3.0.

C1-3 commercial overlay districts allow local retail uses, including neighborhood grocery stores, restaurants and beauty parlors. When mapped over R6 through R10 districts, the maximum commercial FAR is 2.0. Within C1-3 zoning districts, accessory commercial signage is permitted. The applicable signage regulations permit a maximum total surface area of all signs of 150 square feet. Non-illuminated signs are permitted with a total surface area (in square feet) of three times the street frontage of the zoning lot (in feet), but in no event more than 150 square feet for interior or through lots or 150 square feet on each frontage for corner lots. Illuminated non-flashing signs are permitted with a total surface area (in square feet) not exceeding three times the street frontage of the zoning lot (in feet), but in no event shall the total surface area exceed 50 square feet for interior or through lots or 50 square feet on each frontage for corner lots. No permitted sign shall project across a street line more than 18 inches for double- or multi-faceted signs or 12 inches for all other signs, and no permitted sign shall extend more than 25 feet above curb level.

The applicant proposes to restore a Use Group 6 commercial use on the ground floor and in the cellar of the existing building at the project site, and to restore accessory commercial signage on the exterior. The applicant proposes interior alterations to restore the use of the ground floor (1,496 square feet) and cellar (1,516 square feet) as The Kingston Lounge, a Use Group 6 commercial use. Separate from the subject application, the applicant intends to restore residential apartments on the second and third floors, with two dwelling units per floor. The applicant also seeks to preserve the historically significant features of the building, while undertaking a restoration and implementing a continuing maintenance program to ensure the building is properly maintained in a sound condition.

In total the proposed development would consist of the following zoning floor areas: 1,496 square feet of commercial space (3,012 gross square feet including the cellar), and 3,035 square feet of residential space, for a total of 4,532 square feet of zoning floor area. The accessory commercial signage to be restored consists of a total of 130 square feet of illuminated non-flashing signage, including 28 square feet of illuminated non-flashing signage on Kingston Avenue and 102 square feet of illuminated non-flashing signage on Bergen Street. The accessory commercial signage to be restored would project 12 inches past the street line and would be 14 feet above the base plane.

On April 21, 2016, LPC approved the necessary exterior façade work for the Proposed Development and has issued a Certificate of Appropriateness as well as a Certificate of No Effect for the proposed restorative work.

To facilitate the proposed development, the applicant requests the grant of a City Planning Commission special permit pursuant to ZR 74-711 to modify the use regulations of Section 22-10 and sign regulations of Section 22-30 of the Zoning Resolution.

### **ENVIRONMENTAL REVIEW**

This application (C 170086 ZSK) 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 16DCP183K. The lead agency is the City Planning Commission.

After a study of the potential impacts of the proposed action in the Environmental Assessment Statement (EAS) issued on April 21, 2017, a Negative Declaration was issued on April 24, 2017.

To avoid the potential for significant adverse noise impacts, the Special Permit site plan for the proposal notes that sound attenuation will be provided between the proposed commercial space and residential floors, with a floor assembly to achieve Sound Transmission Class (STC) 60 or better. New exterior walls at the first floor of the building will be provided, with sound attenuation that will achieve STC 60 or better at walls and STC 50 or better at glazing. Consequently, no significant adverse noise impacts are expected to result from the proposed action.

### **UNIFORM LAND USE REVIEW**

This application (C 170086 ZSK) was certified as complete by the Department of City Planning on April 24, 2017, and was duly referred to Brooklyn Community Board 8 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**

Community Board 8 held a public hearing on this application on May 4, 2017, and on May 11, 2017, by a vote of 32 in favor, one against and with four abstentions, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The application was considered by the Borough President, who issued a recommendation approving the application on June 15, 2017.

### **City Planning Commission Public Hearing**

On June 7, 2017 (Calendar No. 2), the City Planning Commission scheduled June 21, 2017, for a public hearing on this application (C 170086 ZSK). The hearing was duly held on June 21, 2017 (Calendar No. 28). Two people spoke in favor of the application.

The applicant's land use counsel described the proposal to reestablish the Kingston Lounge in the building on the project site. He pointed out that a commercial overlay covers the three corners surrounding the project site, but does not cover the southwest corner where the proposed project site is located. The project architect stated that the proposed exterior restoration would make a visual contribution to the historic district as well as bring a culturally significant use back to the neighborhood. There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of this special permit (C 170086 ZSK) is appropriate.

The special permit to modify the use regulations of Section 22-10 and sign regulations of Section 22-30 of the Zoning Resolution would allow the establishment of a Use Group 6 commercial use

as well as accessory signage at an existing building at 120 Kingston Avenue to facilitate the reestablishment of the Kingston Lounge, a jazz club that formerly occupied the ground floor and cellar of the existing building.

The Commission believes that the modification of use regulations to allow Use Group 6 use in the building would not adversely affect any conforming uses within the building, as the entire building has been vacant for over a decade. The Commission also notes that historically the building was occupied by commercial uses at the ground floor and cellar with residential units above on the second and third floors.

The Commission believes that such use modification would have minimal adverse effects on the conforming uses in the surrounding area. Kingston Avenue is characterized by ground floor commercial uses, including restaurants, retail stores, and salons. The Commission therefore believes that the Use Group 6 commercial use in the ground floor and cellar and residential use is analogous to the uses occupying the ground floors of the surrounding buildings along Kingston Avenue, and that the proposed mixed-use project is consistent with the prevailing land use pattern found in the surrounding area.

The Commission believes that the modification of sign regulations to allow accessory commercial signs is appropriate. Accessory commercial signs are permitted in the C1-3 commercial district surrounding the project site. The proposed restoration of existing signage as illuminated non-flashing signage would contribute to the renovation of the historic Streamline style storefront building exterior.

The Commission is in receipt of a report dated April 21, 2016 (LPC-181149, MOU 18-4923) from the LPC stating that it has reviewed the proposal and that a program has been established for continuing maintenance that would result in the preservation of the subject building, and that the required restoration work under the continuing maintenance program contributes to a preservation purpose. The continuing maintenance program is contained within a restrictive declaration entered into in connection with this application. The Commission believes that the renovation and

improvement of this building, to be facilitated by this special permit, would enhance the architectural and historic built fabric of the Crown Heights North Historic District.

## **FINDINGS**

The City Planning Commission hereby makes the following findings pursuant to Section 74-711 (Landmark preservation in all districts) of the Zoning Resolution:

- (1) [This finding is not applicable; no bulk modification is being requested]
- (2) Such use modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the actions 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 and findings described in this report, the application submitted by 120 Kingston LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 22-10 to allow a commercial use (Use Group 6 use) on portions of the cellar and ground floor, and the sign regulations of Section 22-30 to allow accessory commercial signs for an existing 3-story building, on property located at 120 Kingston Avenue (Block 1222, Lot 40), in an R6 District, within the Crown Heights North Historic District, Borough of Brooklyn, Community District 8 as follows:

1. The property that is the subject of this application (C 170086 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Charles Diehl Architect LLC, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
DCP-01	Zoning Analysis	3-17-17
DCP-02	Zoning Lot Site Plan	3-17-17
DCP-03	Ground Floor Plan	4-20-17
DCP-04	Cellar Floor Plan	3-17-17
DCP-07	Sections	4-20-17
DCP-08	Elevations & Signage Schedule	3-17-17

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated June 12, 2017, executed by 120 Kingston Avenue LLC, the terms of



which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, Kings County<sup>1</sup>.

7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 170086 ZSK), duly adopted by the City Planning Commission on July 26, 2017 (Calendar No. 16), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

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<sup>1</sup> The original report stated that the restrictive declaration should be recorded and filed in the Office of the Register of the City of New York, New York County; this has been corrected to state that the restrictive declaration should be recorded and filed in the Office of the Register of the City of New York, Kings County.

**KENNETH J. KNUCKLES, *Esq.*, Vice-Chairman**  
**RAYANN BESSER, IRWIN G. CANTOR, *P.E.*, ALFRED C. CERULLO, III,**  
**MICHELLE DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,**  
**CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,**  
**ORLANDO MARIN, LARISA ORTIZ, *Commissioners***

Application #: **C 170086 ZSK**

Project Name: **120 Kingston Avenue**

CEQR Number: 16DCP183K

Borough(s): **BROOKLYN**

Community District Number(s): **08**

Please use the above application number on all correspondence concerning this application

**SUBMISSION INSTRUCTIONS**

1. Complete this form and return to the Department of City Planning by one of the following options:
  - **EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - **MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271
  - **FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

*Docket Description:*

**IN THE MATTER OF** an application submitted by 120 Kingston LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the use regulations of Section 22-10 to allow a commercial use (Use Group 6 use) on portions of the cellar and ground floor, and the sign regulations of Section 22-30 to allow accessory commercial signs for an existing 3-story building, on property located at 120 Kingston Avenue (Block 1222, Lot 40), in an R6 District, within the Crown Heights North Historic District, Borough of Brooklyn, Community District 8.

Applicant(s): 120 Kingston LLC 478 Albany Avenue, #43 Brooklyn, NY 11203	Applicant's Representative: Jordan Most Sheldon Lobel, P.C. 18 East 41st Street New York, NY 10017
Recommendation submitted by: Brooklyn      Community Board 8	
Date of public hearing: <u>5/4/17</u>	Location: <u>727 Classon Ave, Bklyn 11238</u>
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>	
Date of Vote: <u>5/11/17</u>	Location: <u>121 New York Ave, Bklyn 11216</u>
<b>RECOMMENDATION</b>	
<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions	
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>	
<b>Voting</b>	
# In Favor: <u>32</u> # Against: <u>1</u> # Abstaining: <u>4</u> Total members appointed to the board: <u>45</u>	
Name of CB/BB officer completing this form	Title
<u>Michelle Georg</u>	District Manager
Date	
<u>5/16/17</u>	

**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



BRYAN CAVE LLP 1290 Avenue of the Americas, New York, NY 10104-3300

T: 212 541 2000 F: 212 541 4630 [bryancave.com](http://bryancave.com)

June 14, 2017

Jordan Most  
Direct: 212/541-2031  
Fax: 212/541-1341  
[jordan.most@bryancave.com](mailto:jordan.most@bryancave.com)

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