



CITY PLANNING COMMISSION

November 4, 2020 / Calendar No. 8

C 200158 ZMK

IN THE MATTER OF an application submitted by 223 Troutman LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d, by establishing within an existing R6B District a C2-4 District bounded by North 1st Street, Bedford Avenue, a line 100 feet northeasterly of Grand 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 January 21, 2020, and subject to the conditions of CEQR Declaration E-559.

This application for a zoning map amendment was filed by 223 Troutman LLC, on October 23, 2019 to establish a C2-4 commercial overlay within an existing R6B zoning district to facilitate ground floor commercial use in a three-story mixed-use building located at 276 Bedford Avenue (Block 2380, Lot 20) in the Williamsburg neighborhood of Community District 1, Brooklyn.

BACKGROUND

The applicant seeks to amend the Zoning Map to establish a C2-4 commercial overlay on a portion of Block 2380, generally bounded by Bedford Avenue to the east, Berry Street to the west, North First Street to the north, and Grand Street to the south, in order to facilitate the development of a mixed-use building with commercial use on the ground floor.

The project area is approximately 2,500 square feet in area with a frontage of 100 feet on North First Street and 25 feet on Bedford Avenue. Included in the project area is the development site, a 2,733-square foot irregular vacant lot located at 276 Bedford Avenue (Block 2380, Lot 20), and a portion of the adjacent lot at 142 North First Street (Block 2380, Lots 1001-1008). Lots 1001-1008 comprise a 4,860-square-foot lot containing a five-story, approximately 10,700-square-foot residential condominium building with eight units, originally constructed as a warehouse in 1910, and enlarged and converted into a condominium in 2015.

The surrounding area is characterized by two- to six-story buildings with a mix of residential and commercial uses. The project area contains frontage on Bedford Avenue, a neighborhood commercial corridor predominately developed with two- to six-story multi-family walk-up

building with ground floor local retail uses that serve the neighborhood. The surrounding midblocks are characterized predominately by rowhouses and multi-family apartment buildings.

The project area was included in the 2008 Grand Street Rezoning (C 080213 ZMK), a 13-block rezoning in Williamsburg initiated by the Department of City Planning that sought to preserve the existing built form by introducing contextual zoning to reflect the mid-block residential character and commercial uses along Grand Street. As a part of the rezoning, the project area was rezoned from a R6 zoning district to a contextual R6B zoning district, and the existing commercial overlay district changed from C2-3 to C2-4, which covered all but approximately 18,000 square feet of Block 2380 and 25 feet of blockfront along Bedford Avenue.

The project area is located within an R6B zoning district and partially within an existing C2-4 commercial overlay district, that is mapped on Block 2380 to a depth of 100 feet from the Grand Street street line. The C2-4 overlay covers the portion of the project area within 10 feet from the southern lot line of the development site (Lot 20) and 30 feet from the southern lot line of Condo Lots 1001-1008, an area of approximately 1,500 square feet. Approximately 640 square feet of the development site is included within the existing commercial overlay.

The R6B zoning district is bounded by Berry Street to the west; North First Street, Fillmore Place, and Hope Street to the north; Marcy Avenue to the east; and South First Street to the south. The C2-4 commercial overlay is mapped along Grand Street, east of Wythe Avenue and Bedford Avenue, and south of the project area and North First Street. North of the project area, a C1-4 commercial overlay is mapped along Bedford Avenue between North Fourth and North 11th streets. South of the project area, a C2-3 commercial overlay district is mapped along Bedford Avenue between South First to South Fourth streets. Zoning districts just north of the project area include a mid-density R6A zoning district and a paired M1-2/R6A Special Mixed-Use District (MX-8). The Greenpoint / Williamsburg Upland Inclusionary Housing Designated Area encompasses much of the surrounding the area.

R6B is a contextual residential zoning district that permits a maximum floor area ratio (FAR) of 2.0 for residential uses and requires a minimum base height of 30 feet, a maximum base height of 50 feet, and a maximum building height of 50 feet. Buildings with a qualifying ground floor

are allowed a maximum base height of 45 feet and a maximum total height of 55 feet. Parking is required for 50 percent of residential units in a new development.

C2-4 commercial overlays zoning districts are typically mapped within residential districts and along streets that serve local retail needs. C2-4 districts have a maximum FAR of 2.0 and commercial uses must be located below residential uses in mixed-use buildings. One accessory off-street parking space per 1,000 square feet of commercial floor area is required for retail and service uses.

Nearby institutional and community facility uses include Monsignor Alexius Jarka Hall, an affordable senior housing development, located on the northwest corner of Bedford Avenue and North First Street, Our Lady of Consolation Church; located just northwest of the project area on North First Street; and the NYC Parks Metropolitan Recreation Center, located on the southeast corner of Bedford Avenue and Metropolitan Avenue.

The project area is located within the Transit Zone and well served by public transportation. The Metropolitan Transit Authority's Bedford Avenue station, providing service to the L train, is six blocks north of the project area. The project area is also served by the B62 bus line, which runs along Bedford Avenue providing service between Queens Plaza and Downtown Brooklyn, and the B59, which runs along Grand Street providing service between Rego Park and Williamsburg Bridge Plaza, The North Williamsburg stop on the NYC Ferry East River route is approximately one half mile to the northeast at the North 5th Street pier.

The applicant proposes to construct a three-story mixed-used building on the development site. The proposed development would be a 39-foot-tall, 5,444-square-foot building with full lot coverage and a 36-foot rear setback at the second floor. The ground floor would contain 2,253 square feet of commercial space with retail entrances on Bedford Avenue and North First Street. On the two upper floors, 3,191 square feet would be dedicated to two residential units accessed through a lobby located on North First Street. The development would also include a cellar level dedicated to storage for the ground floor commercial use and building mechanical uses.

To facilitate the proposed development, the applicant seeks a zoning map amendment to establish a C2-4 commercial overlay district in an existing R6B zoning district. The C2-4 overlay

would be mapped 100 feet from Bedford Avenue including the development site and a portion of the adjacent lot (Block 2380, Condo Lots 1001-1008), extending the existing C2-4 commercial overlay 25 feet over the remaining portion of the Bedford Avenue blockfront.

ENVIRONMENTAL REVIEW

This application (C 200158 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 20DCP072K.

The (E) designation will supersede the (E) designation (E-7A) for noise placed on both lots in the affected area as part of the Bedford Avenue North Third Street URA (CEQR No. 85-271K).

UNIFORM LAND USE REVIEW

In response to the COVID-19 pandemic, the Mayor issued Emergency Executive Order No. 100 on March 16, 2020 that suspended certain time requirements relating to the Uniform Land Use Review Procedure (ULURP) and other land use processes as of March 12, 2020. The suspension included portions of sections 195, 197-c and 197-d of the New York City Charter, as well as sections of the Administrative Code and the Rules of the City of New York, pertaining to time limitations. The City Planning Commission ceased meeting immediately after issuance of the Executive Order until August 3, 2020, when the regular schedule of meetings was resumed. The ULURP time requirements suspended by Emergency Executive Order No. 100 resumed running on September 14, 2020.

This application (C 200158 ZMK) was certified as complete by the Department of City Planning on January 21, 2020 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 200158 ZMK) on

March 12, 2020, and on June 24, 2020, by a vote of 27 in favor, two opposed, and none abstaining, adopted a resolution to approve the application.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on the application (C 200158 ZMK) on June 3, 2020, and on September 10, 2020, issued a recommendation approving the application with the following conditions:

“That prior to considering the application, the City Council obtain commitments in writing from the applicant, 223 Troutman LLC, clarifying how it would:

- a. Memorialize the incorporation of resiliency and sustainability measures such as blue roofs, passive house design, and/or solar cladding
- b. Coordinate with the New York City Department of Environmental Protection (DEP), the New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan along the Bedford Avenue and/or North First Street frontage(s), in consultation with CB 1 and local elected officials
- c. Coordinate Connecting Residents on Safer Streets (CROSS) Brooklyn implementation with DEP, DOT, and NYC Parks for the installation of a curb extension at the southwest corner of Bedford Avenue and North First Street, either as part of a Builders Pavement Plan, or as a treated roadbed sidewalk extension
- d. Enter into a standard DOT maintenance agreement for that intersection, and coordinate potential implementation of a protected painted area with DEP, DOT, and NYC Parks, with the understanding that it would not proceed prior to consultation with CB 1 and local elected officials

Retain Brooklyn-based contractors and subcontractors, especially those who are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City’s Administrative Code, and minority- and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency.”

City Planning Commission Public Hearing

On September 16, 2020 (Calendar No. 8), the City Planning Commission scheduled October 7, 2020 for a public hearing on this application (C 200158 ZMK). The hearing was duly held on October 7, 2020 (Calendar No. 15). One speaker testified in favor of the application and none in opposition.

The applicant's attorney made a presentation in support of the proposed action, noting that the action would facilitate the development of a three-story building with ground-floor commercial use and two residential units above. The speaker noted that the zoning action would not change the underlying zoning district, but would extend overlay district across the entire development.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 200158 ZMK) for a zoning map amendment is appropriate.

The proposed zoning map amendment will extend an existing C2-4 commercial overlay 25 feet along the remaining portion of block frontage along Bedford Avenue, facilitating the development of a new mixed-use commercial and residential building with ground-floor local retail. The Commission believes that the proposed zoning map change reflects the character and existing zoning in the surrounding area by establishing a continuous C2-4 commercial overlay along the entire blockfront. C2-4 districts are prevalent throughout the surrounding area and the Commission believes that extending an existing C2-4 district will ensure the continuity of ground-floor commercial uses and an active pedestrian streetscape along a major commercial corridor in Williamsburg.

Regarding the Borough President's recommendation for streetscape improvements, resiliency measures, and hiring practices, the Commission notes that such programing is outside the scope of the proposed actions. The Commission is pleased that the private applicant intends to hire local business enterprises and minority- and women-owned business enterprises and coordinate their proposal with DEP, DOT, and NYC Parks to promote stormwater management and pedestrian safety.

In response to questions regarding the façade materials, the applicant submitted a letter dated November 3, 2020 expressing a commitment to use materials consistent with the surrounding traditional brick buildings in the design of the proposed development.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on January 21, 2020 with respect to this application (CEQR No. 20DCP072K), the City Planning Commission finds that the action described herein will have no significant impact on the environment.

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 No. 12d, by establishing within an existing R6B District a C2-4 District bounded by North 1st Street, Bedford Avenue, a line 100 feet northeasterly of Grand 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 January 21, 2020, and subject to the conditions of the CEQR Declaration E-559.

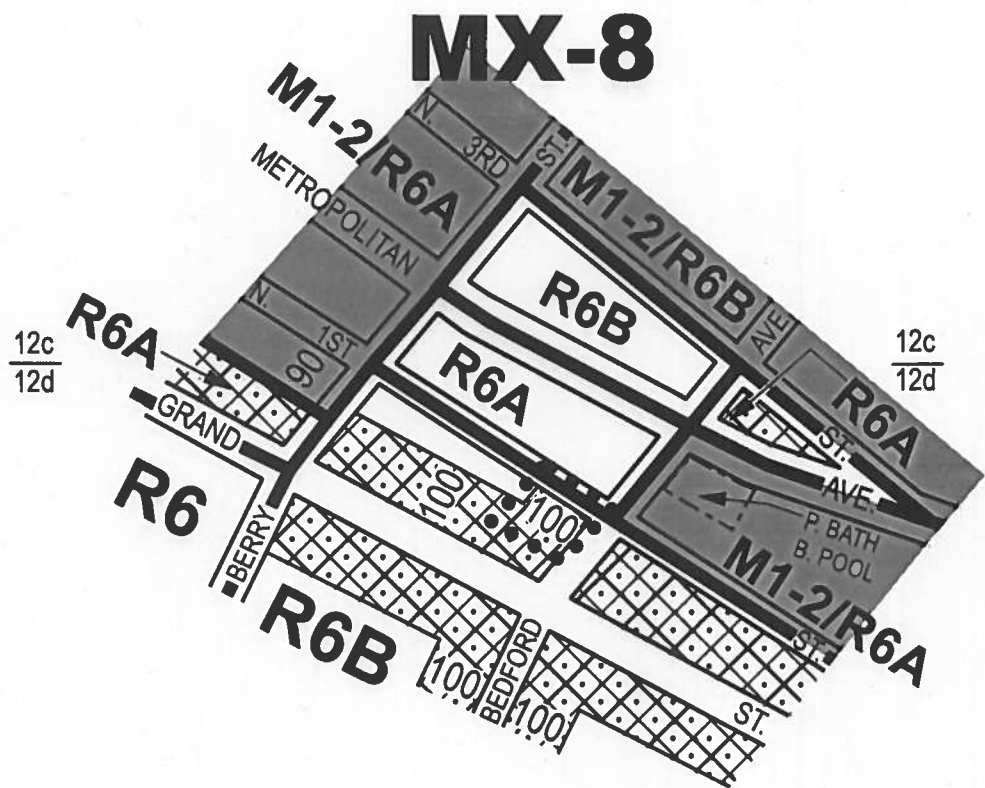
The above resolution (C 200158 ZMK), duly adopted by the City Planning Commission on November 4, 2020 (Calendar No. 6), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, CHAIR

KENNETH J. KNUCKLES, ESQ., VICE CHAIRMAN

DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,

**MICHELLE DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY, HOPE KNIGHT,
ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD,
COMMISSIONER**



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP

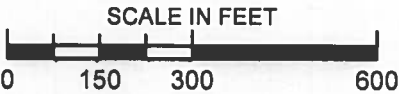
12d

**BOROUGH OF
BROOKLYN**



New York, Certification Date:
January 21, 2020

S. Lenard, Director
Technical Review Division



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by establishing a C2-4 District within an existing R6B District.
- Indicates a C2-4 District

Application #: **C 200158 ZMK**

CEQR Number: **20DCP072K**

Project Name: **Bedford Avenue Overlay Extension**

Borough(s): **Brooklyn**

Community District Number(s): **1**

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

SUBMISSION INSTRUCTIONS

- 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 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, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- 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 223 Troutman LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 12d, by establishing within an existing R6B District a C2-4 District bounded by North 1st Street, Bedford Avenue, a line 100 feet northeasterly of Grand 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 January 21, 2020, and subject to the conditions of CEQR Declaration E-559.

Applicant(s): 223 Troutman LLC 199 Lee Avenue, No. 323 Brooklyn, NY 11211		Applicant's Representative: Stuart Beckerman Esq., Slater and Beckerman, P.C., 40 Exchange Place, Suite 1502 New York, NY 10005	
Recommendation submitted by: Brooklyn Community Board 1			
Date of public hearing: February 11, 2020		Location: Swinging 60's Senior Center 211 Ainslie Street, Brooklyn, NY 11211	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: 6/24/2020		Location: Virtual Meeting, 435 Graham Avenue, Brooklyn, NY 11211	
RECOMMENDATION <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions			
Please attach any further explanation of the recommendation on additional sheets, as necessary. Report Attached			
Voting # In Favor: 27 # Against: 2 # Abstaining: 0 Total members appointed to the board: 49			
Name of CB/BB officer completing this form Dealice Fuller		Title Chairperson	
		Date 6/24/2020	



COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, NY 11211- 8813

PHONE: (718) 389-0009

FAX: (718) 389-0098

Email: bk01@cb.nyc.gov

Website: www.nyc.gov/brooklyncb1

HON. ERIC L. ADAMS
BROOKLYN BOROUGH PRESIDENT



SIMON WEISER
FIRST VICE-CHAIRMAN

DEL TEAGUE
SECOND VICE-CHAIRPERSON

STEPHEN J. WEIDBERG
THIRD VICE-CHAIRMAN

MARIA VIERA
FINANCIAL SECRETARY

SONIA IGLESIAS
RECORDING SECRETARY

PHILIP A. CAPONEGRO
MEMBER-AT-LARGE

DEALICE FULLER
CHAIRPERSON

GERALD A. ESPOSITO
DISTRICT MANAGER

HON. STEPHEN T. LEVIN
COUNCILMEMBER, 33rd CD

HON. ANTONIO REYNOSO
COUNCILMEMBER, 34th CD

March 12, 2020

COMMITTEE REPORT

LAND USE, ULURP & LANDMARKS [subcommittee] COMMITTEE

TO: Chairperson Dealice Fuller and
Board Members

FROM: Ms. Del Teague, Committee Chair

RE: Land Use, ULURP & Landmarks (subcommittee)
Committee Meeting held on March 2, 2020

The Land Use, ULURP and Landmarks [subcommittee] Committee met on March 2, 2020 at 6:30 PM, in the CB#1's District Office, 435 Graham Avenue.

ATTENDANCE:

Present - Teague, Committee Chair; Viera; McKeever; Barros; Chesler; Rabbi Niederman; Sofer; Weidberg; Weiser; Berger (*); Li (*) (* Non board members)

Absent - Indig; Kaminski; Katz; Nieves; Solano,
(A quorum was present)

AGENDA

- (1.) PRESENTATION: BSA SPECIAL PERMIT APPLICATION – BSA CAL. NO. 2019-307-BZ, 277 SOUTH 5TH STREET, AKA 263-279 SOUTH 5TH STREET, BROOKLYN,

NY 11211 (Block 2447 Lot 35). The application is for a Physical Cultural Establishment (PCE) in a building currently under construction. – by Richard Lobel, Sheldon Lobel P.C.)

Mr. Frank Noriega presented. This is an application for a special permit for a Physical Cultural Establishment that will be primarily a rock-climbing facility with a small fitness area on the ground floor in a mixed-use building that is still under construction. There will be lockers and showers in the cellar. When the committee members asked about noise control with respect to the residential units, the presenter explained that the facility will be separated from those residential units, so there should not be a sound issue.

As with their other facility on Starr Street in Bushwick, there is no plan to have eating or drinking at the facility.

The owner spoke and assured us that there will be discounts for children through a non-profit partner, Urban Peaks.

Planned hours of operation: M-F- 7 am to Midnight
Weekends – 9 am to 10 pm.

Recommendation: The committee members, including non-board members, voted unanimously to approve.

(2.)PRESENTATION: CITY PLANNING – BEDFORD AVENUE

OVERLAY EXTENSION – CAL. # 200258 ZMK – A zoning map amendment to map - a C2-4 Commercial Overlay over an existing R6B District to facilitate the development of a 3-story, 5,400 square foot mixed use development, including approximately 2,200 square feet of ground floor commercial space and 3,200 square feet of ground floor commercial space, is being sought by private applicant at 276 Bedford Avenue (Block 2380), Lot 20) in Williamsburg, CD1, Brooklyn – by Slater & Beckerman PC.

Mr. Ben Stark presented. This is a request for a zoning map amendment for a C2-4 Commercial Overlay over an existing R6B District to facilitate the development of a 3-story mixed use building with 2,200 square feet of ground floor commercial space and two (2) residential apartments above. The southernmost approximate ten (10) feet of the subject lot is within the existing commercial overlay. The developer would like to have commercial space in the entire ground floor. There will be two (2) residential units in the two floors above.

Mr. Stark explained that in doing its required outreach to neighbors, the developer reached out to the boards of directors of People's Firehouse, Inc. (PFI) and the nearby senior residence, Jarka Hall, managed by PFI, to ask if there was any objection to the request. The board members voted not to object in light of the size and planned use of the space, which they felt were in character with the area and an improvement over the existing use of the lot.

Mr. Stark also explained that after the suggestion by a resident at the last full Community Board No. 1 meeting, that the developer consider assisting with the development of a community garden in a nearby space owned by Jarka Hall, the developer has been talking to the executive director of PFI and to Council Member Reynoso's Office. Mr. Rivera attended the committee's meeting and

explained that while PFI and Jarka Hall appreciate the suggestion, at this time it may be premature to discuss any specific partnership or assistance, because the planning for the garden is in its infancy.

Although the application does not involve any condition that the developer provide any benefit to PFI or Jarka Hall, Ms. Teague, who is a board member of both organizations, recused herself from voting on this matter.

The committee asked whether there was an opportunity for the developer to purchase air rights that might enable it to build higher than 3-stories. Mr. Stark stated no such opportunity is available. He also showed the committee pictures of the lot in the 1940's that shows a 3-story building with the same combination of commercial/residential use as the developer seeks to build now.

The committee members voted to approve the application, finding it to be an improvement over the current use and contextual with the heights and uses of the nearby buildings along Bedford Avenue.

Recommendation: Approve.

Board members - 1 recusal; remaining voted in favor.

Non-board members - 1 voted in favor, 1 abstained.

(3.) ADDENDUM RE: Plan for the Redevelopment of the Con Edison Site on River Street:

We received a letter dated February 7, 2020 from Two Trees inviting us to participate in an affordable housing working group with them to help them finalize their plan for the site.

The committee members voted unanimously to recommend to the full board that we not participate in order to not be perceived as giving tacit or pro forma approval of the planned development.

In furtherance of forming an independent opinion of our own, the board recently approved using discretionary funds to work with an objective outside consultant to investigate the effect the proposed development will have on the community.



Email/Fax Transmittal

TO: Brooklyn Community District 1 (CD 1) Distribution	FROM: Brooklyn Borough President Eric L. Adams
DATE: September 10, 2020	CONTACT: Inna Guzenfeld – Land Use Coordinator Phone: (718) 802-3754 Email: inna.guzenfeld@brooklynbp.nyc.gov
ULURP Recommendation: BEDFORD AVENUE OVERLAY EXTENSION – 200158 ZMK	NO. Pages, Including Cover: 6

Attached is the recommendation report for ULURP application 200158 ZMK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

Distribution

NAME	TITLE	OFFICE	EMAIL
Marisa Lago	Chair, City Planning Commission	(212) 720-3356	ygruel@planning.nyc.gov
Corey Johnson	Speaker, City Council	(212) 564-7557	speakerjohnson@council.nyc.gov
Winston Von Engel	Director, Brooklyn, Department of City Planning (DCP)	(718) 780-8270	wvoneng@planning.nyc.gov
Alex Sommer	Deputy Director, Brooklyn, DCP	(718) 780-8290	asommer@planning.nyc.gov
James Merani	Director, Land Use Review, DCP	(212) 720-3356	jmerani@planning.nyc.gov
Raju Mann	Director, Land Use Division, New York City Council	(212) 788-7207	rmann@council.nyc.gov
Amy Levitan	Land Use Division, New York City Council	(212) 788-7207	alevitan@council.nyc.gov
Stephen Levin	Council Member, District 34	(718) 875-5200	slevin@council.nyc.gov
Dealice Fuller	Chair, Brooklyn Community Board 1 (CB 1)	(718) 389-0098	bk01@cb.nyc.gov
Gerald A. Esposito	District Manager, CB 1	(718) 389-0098	bk01@cb.nyc.gov
Benjamin Stark	Applicant's Representative, Hirschen Singer & Epstein LLP	(212) 391-8047	bstark@hseny.com
Richard Bearak	Director, Land Use, BBPO	(718) 802-4057	rbearak@brooklynbp.nyc.gov

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

120 Broadway, 31st 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#: BEDFORD AVENUE OVERLAY EXTENSION – 200158 ZMK

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

COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE

☒ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE

☐ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

September 10, 2020

DATE

RECOMMENDATION FOR: BEDFORD AVENUE OVERLAY EXTENSION – 200158 ZMK

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

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

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

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

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

Consideration

CB 1 approved this application on June 24, 2020.

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

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

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

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

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

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

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

Advancing Sustainable Energy and Resilient Stormwater Management Policies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Promoting Local Hiring and MWBE Participation for Construction and Procurement Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2017," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 20 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses, including those that qualify as LBEs and MWBEs, is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs who meet or exceed standards per Local Law 1 (no less than 20 percent participation).

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

Recommendation

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

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