



CITY PLANNING COMMISSION

March 17, 2021 / Calendar No. 12

C 210043 ZMK

CORRECTED

IN THE MATTER OF an application submitted by Dawn Kiernan and NFR LLC¹ pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13a:

1. establishing within an existing R6A District a C1-4 District bounded by Bedford Avenue, North 10th Street, a line 100 feet southeasterly of Bedford Avenue, and a line midway between North 10th Street and North 9th Street; and
2. establishing within an existing R6B District a C1-4 District bounded by Bedford Avenue, a line midway between North 10th Street and North 9th Street, a line 100 feet southeasterly of Bedford Avenue, and North 9th Street;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 2, 2020, and subject to the conditions of CEQR Declaration E-587.

This application for a zoning map amendment was filed by Dawn Kiernan and NFR LLC², on August 3rd, 2020 to establish a C1-4 commercial overlay, over existing R6A and R6B zoning districts. The action would facilitate ground floor commercial use in a new five-story mixed-use building located at 135-137 Bedford Avenue (Block 2305, Lots 5 and 6) in Williamsburg, Community District 1, Brooklyn.

BACKGROUND

The applicants, Dawn Kiernan and NFR LLC³, seek a zoning map amendment to establish a C1-4 commercial overlay on a portion of a block generally bounded by Bedford Avenue to the east, Driggs Avenue to the west, North 10st Street to the north, and North 9th Street to the south to facilitate the development of a mixed-use building with commercial use on the ground floor.

¹ Applicant name was corrected throughout the report

² Idem.

³ Idem.

The approximately 20,000 square foot project area has 200 feet of frontage on Bedford Avenue. The project area includes the applicant controlled development site, a 3,253-square foot regular lot located at 135-137 Bedford Avenue (Block 2305, Lots 5 and 6). Currently, Lot 5 is a 1,620-square foot lot containing a two-story, approximately 1,500 square foot residential building with two units, originally constructed in 1910. Lot 6 is a 1,633-square foot lot containing a two-story, approximately 2,691 square foot residential building with one unit, originally constructed in 1910 and altered in 2010. The remainder of the project area consist of nine other lots (tax lots 1, 2, 3, 4, 7, 8, 9, 10 and a portion of lot 34), which are all developed. Buildings in the project area range from a single-story auto repair shop to a four-story mixed-use building with ground floor commercial. Three of the lots have commercial uses that would be brought into compliance by the proposed action.

The surrounding area is characterized by multi-family residential and commercial uses. The project area fronts Bedford Avenue, a neighborhood commercial corridor predominantly developed with two- to six-story multi-family walk-up buildings with ground floor retail. The surrounding mid-blocks are characterized predominantly by row houses and multi-family apartment buildings.

The prevailing built form of the area is a mix of low to mid-rise non-residential buildings and two- to six-story residential buildings. Three- and four-story attached walk-up residential buildings are common in the area, many of which contain ground floor commercial uses. The western portion of Block 2305, comprising the proposed project area, consists primarily of two- to four-story walk-up residential buildings, some containing ground floor commercial uses. The eastern portion of Block 2305, which is not part of the proposed project area, is mapped with an M1-2/R6A Special Mixed Use District and consists mostly of three- to five-story mixed-use buildings.

The project area was included in the 2008 Grand Street Rezoning (C 080213 ZMK), a 13-block rezoning in Williamsburg. The intent of the rezoning was to preserve the existing built character

with contextual zoning districts. As part of the rezoning, the project area was rezoned from a R6 zoning district to contextual R6A and R6B zoning districts.

The project area is partially within an R6A zoning district that is mapped on Block 2305 to a depth of 100 feet from Bedford Avenue and a depth of 100 feet from North 10th Street.

Additionally, the project is partially within an R6B zoning district that is mapped on Block 2305 to a depth of 100 feet from Bedford Avenue and a depth of 100 feet from North 9th Street.

There are C1-4 commercial overlay districts mapped along Bedford Avenue, between North 4th Street to the south and North 11th Street to the north. Zoning districts in the area include residential, commercial, and manufacturing designations, including R6A, R6B, C1-4, and MX-8 (M1-2/R7A and M1-2/R6A) zoning districts. The proposed project area is within an Inclusionary Housing Designated Area.

R6A is a contextual residential zoning district that permits 3.6 FAR of residential and requires a minimum base height of 40 feet, a maximum base height of 60 feet, and a maximum building height of 75 feet. Buildings with a qualifying ground floor are allowed a base height of up to 65 feet and a maximum height of 85 feet. Parking is required for 50 percent of residential units in a new development.

R6B is a contextual residential zoning district that permits 2.0 FAR of residential 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 base height of up to 45 feet and a maximum height of 55 feet. Parking is required for 50 percent of residential units in a new development.

C1-4 commercial overlays zoning districts are typically mapped within residential districts and along streets that serve local retail needs. C1-4 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.

The project area is located within the Transit Zone and well served by public transportation. The Bedford Avenue L train station is two blocks south of the project area. The B62 bus runs along Bedford Avenue, the B59 runs along Grand Street, and there is a Citi Bike station one block north on the northeast corner of Bedford Avenue and Metropolitan Avenue. The North Williamsburg stop on the NYC Ferry East River route is a half mile away at the North 6th Street pier. Additionally, there are bicycle lanes along Kent and Wythe avenues.

The applicants propose to construct a five-story mixed-used building on the development site at a height of 57 feet in the R6A portion and 39 feet in the R6B portion of the development site. The proposed development would be an approximately 8,800 square foot full lot coverage building with a rear setback starting at the second floor. The ground floor would contain approximately 3,253 square feet of commercial space with retail entrances on Bedford Avenue. On the upper floors, approximately 5,253 square feet would be dedicated to seven residential units which would be accessible through a lobby located on Bedford Avenue. The development would also include a cellar level dedicated to building mechanicals and commercial use supporting the ground floor commercial use. No accessory parking would be required or proposed.

To facilitate the proposed development, the applicants seek a zoning map amendment to establish a C1-4 commercial overlay district in an existing R6A and R6B zoning district. The C1-4 overlay would extend 100 feet from Bedford Avenue to include the development site and the block front of Block 2305 along Bedford Avenue.

ENVIRONMENTAL REVIEW

This application (C 210043 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 20DCP067K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on November 2, 2020. To support the Negative Declaration, an (E) Designation (E-587) related to hazardous materials. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 210043 ZMK) was certified as complete by the Department of City Planning (DCP) on November 2, 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 210043 ZMK) on December 7, 2020, and on December 11, 2020, adopted a resolution to approve the application by a vote of 33 in favor, none opposed, and no abstentions.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on the application (C 210043 ZMK) on December 21, 2020, and on February 3, 2021, issued a recommendation approving the application with the following conditions:

“That prior to considering the application, City Council obtain written commitments from the applicants, Dawn Kiernan and NRL URF LLC, to:

- a. Construct a ground floor that occupies the entire zoning lot to mitigate noise from any future eating and drinking establishment.
- b. Memorialize the incorporation of resiliency and sustainability measures, such as blue roofs, passive house design, and/or solar facades.

- c. Coordinate with the New York City Department of Environmental Protection (DEP), New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of DEP rain gardens as part of a Builders Pavement Plan at 135-137 Bedford Avenue in consultation with Brooklyn Community Board 1 (CB 1) and local elected officials.
- d. Retain Brooklyn-based contractors and subcontractors, especially those designated local business enterprises (LBEs) consistent with Section 6-1087.1 of the City's Administrative Code and minority- and women-owned business enterprises (MWBES) as 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 February 3, 2021 (Calendar No.5), the City Planning Commission scheduled February 17, 2021, for a public hearing on this application (C 210043 ZMK). The hearing was duly held on February 17, 2021 (Calendar No. 26).

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

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 210043 ZMK) for a zoning map amendment is appropriate.

The proposed zoning map amendment will establish a C1-4 commercial overlay 200 feet along the entire block front of 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 amendment strengthens the character of the area by establishing a

continuous C1-4 commercial overlay along the entire block front. The mapped depth of 100 feet from Bedford Avenue along the full 200-foot frontage of the block constitutes a rational land use plan supporting continuous ground-floor retail along a major commercial corridor in Williamsburg and legalizing several non-conforming uses.

Regarding the Borough President's recommendation to mitigate noise and other disturbances from the uses located on the ground floor, the Commission notes that the private applicant intends to build out the entire ground floor level. This will enclose any retail and reduce noise and disturbances to the neighbors and future tenants of the building. Regarding the Borough President's recommendations on streetscape, resiliency, and hiring practices, the Commission notes that these topics are outside the scope of the proposed actions. The Commission is pleased that the applicant intends to hire local business enterprises, and minority- and women-owned business enterprises and coordinate with the appropriate City agencies with regard to storm water management.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on November 2, 2020 with respect to this application (CEQR No. 20DCP067K), the City Planning Commission finds that the action described herein will have no significant impact on the environment.

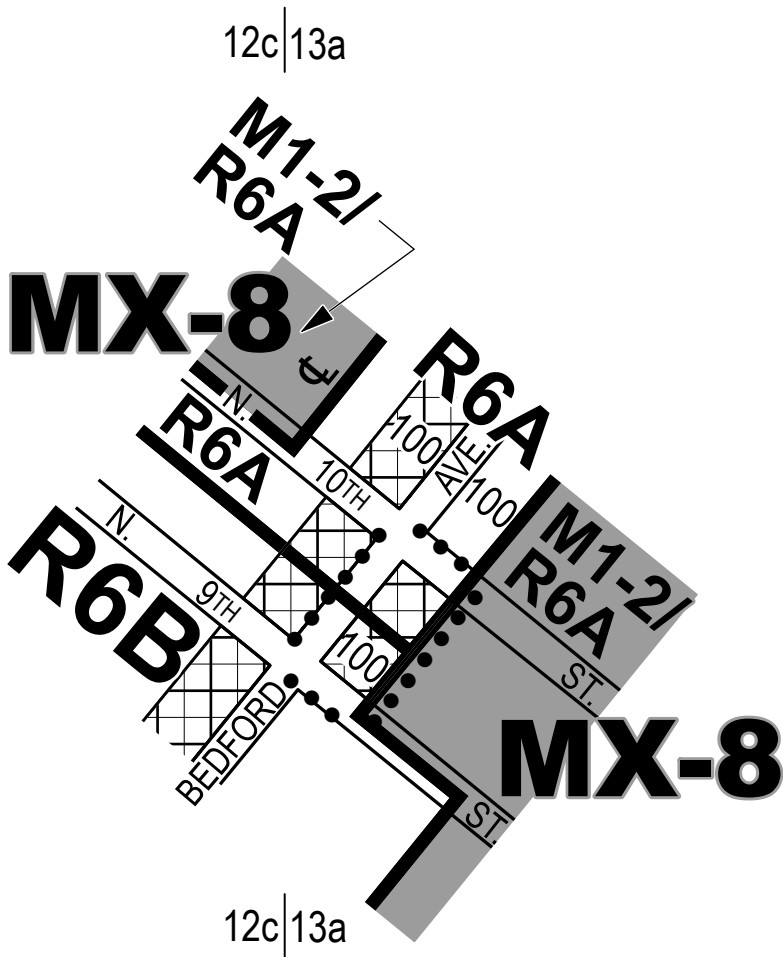
RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 13a:

1. establishing within an existing R6A District a C1-4 District bounded by Bedford Avenue, North 10th Street, a line 100 feet southeasterly of Bedford Avenue, and a line midway between North 10th Street and North 9th Street; and
2. establishing within an existing R6B District a C1-4 District bounded by Bedford Avenue, a line midway between North 10th Street and North 9th Street, a line 100 feet southeasterly of Bedford Avenue, and North 9th Street;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 2, 2020, and subject to the conditions of CEQR Declaration E-587.

The above resolution (C 210043 ZMK), duly adopted by the City Planning Commission on March 17, 2021 (Calendar No. 12), 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,
JOSEPH DOUEK, RICHARD W. EADDY, HOPE KNIGHT,
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COMMISSIONERS

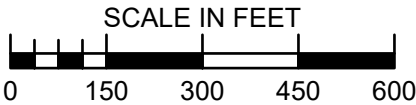


CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP
13a
BOROUGH OF
BROOKLYN



New York, Certification Date:
November 2, 2020

S. Lenard
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 C1-4 District within existing R6A and R6B Districts.
- Indicates a C1-4 District
- Indicates a Special Mixed Use District (**MX-8**)



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

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 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"
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.

IN THE MATTER OF an application submitted by Dawn Kiernan and NRL URF, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13a:

1. establishing within an existing R6A District a C1-4 District bounded by Bedford Avenue, North 10th Street, a line 100 feet southeasterly of Bedford Avenue, and a line midway between North 10th Street and North 9th Street; and
2. establishing within an existing R6B District a C1-4 District bounded by Bedford Avenue, a line midway between North 10th Street and North 9th Street, a line 100 feet southeasterly of Bedford Avenue, and North 9th Street;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated November 2, 2020, and subject to the conditions of CEQR Declaration E-587.

Applicant(s): Dawn Kiernan 135 Bedford Avenue, Brooklyn , NY 11211 NRL URF, LLC 200 Hudson Street Suite 1000, Jersey City, NJ 07311		Applicant's Representative: Richard Lobel. Sheldon Lobel, P.C. 18 East 41st Street, 5th Floor New York, NY 10017
Recommendation submitted by: Brooklyn Community Board 1		
Date of public hearing: December 7, 2020		Location: Via WEBEX (Virtual meeting, committee held public hearing)
Was a quorum present? YES ☒ NO ☐		<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: December 8, 2020		Location: Via WEBEX (Virtual meeting)
RECOMMENDATION ☒ Approve ☐ Disapprove ☐ Approve With Modifications/Conditions ☐ Disapprove With Modifications/Conditions		
<u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u>		
Voting # In Favor: 33 # Against: # Abstaining: Total members appointed to the board: 49		
<i>Name of CB/BB officer completing this form</i> Dealice Fuller, Chair	<i>Title</i> Chairperson	<i>Date</i> 12/11/2020



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

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

BROOKLYN COMMUNITY DISTRICT NO. 1

BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE

☒ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE

☐ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

February 3, 2021

DATE

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

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

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

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

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

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBs) in the construction process, the representative stated that the applicant would seek to engage such firms.

Consideration

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

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

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

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

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

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

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

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

135-137 Bedford Avenue is convenient to public transportation. The 14th Street-Canarsie Local L train Bedford Avenue station is located two and a half blocks south of the site, while the B62 bus travels along Bedford Avenue with a stop mid-block at North 9th Street.

Borough President Adams generally supports efforts to facilitate job creation and street activation, including zoning actions consistent with predominant land use patterns. He believes that the addition of a C1-4 overlay is appropriate based on the context of commercial use along the west side of Bedford Avenue, opposite this block. Development that promotes the growth of Brooklyn-based businesses is in line with Borough President Adams' economic agenda.

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

Quality-of-Life Considerations

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

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

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

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

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

In the fall of 2019, the City Council passed Local Laws 92 and 94, which require that newly constructed buildings and existing ones undergoing renovation (with some exceptions) incorporate a green roof and/or a solar installation. The laws further stipulate 100 percent roof coverage for such systems and expand the City's highly reflective (white) roof mandate. Borough President Adams believes that developers should seek to exceed this mandate by integrating blue roofs with green roof systems.

Regarding solar panels, there are now options beyond traditional roof installation. Multiple companies are manufacturing solar cladding from tempered glass that resembles traditional building materials, with energy output approximating that of mass-market photovoltaic systems. For taller buildings, and those in proximity to the waterfront, micro wind turbines can provide effective sustainable energy generation. Finally, passive house construction achieves energy efficiency while promoting locally based construction and procurement.

Borough President Adams believes it is appropriate for Dawn Kiernan and NRL URF LLC to engage the Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA), to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per sq. ft. of green roof, up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the developer to reach out to his office for any help in opening dialogue with the aforementioned agencies and further coordination on this matter.

As part of his flood resiliency policy, Borough President Adams encourages developers to introduce best practices to manage stormwater runoff, such as incorporating permeable pavers and/or establishing rain gardens that advance DEP's green infrastructure strategy. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy. Where it is not advisable to remove existing street trees, there would be an opportunity to integrate stormwater retention measures into existing tree pits, with additional plantings, which would increase infiltration and make the site more pleasant for its users. In addition, blue/green roofs, permeable pavers, and rain gardens (including street tree pit enhancements) would help divert stormwater from the Newtown Creek Wastewater Treatment Plant.

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

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

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

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

Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2017," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 20 percent or greater. The ongoing COVID-19 pandemic has only exacerbated widespread job insecurity. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses, including those that qualify as LBEs and MWBEs, is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those that are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs that meet or exceed standards per Local Law 1 (no less than 20 percent participation).

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

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following conditions:

1. That prior to considering the application, the City Council obtain written commitments from the applicants, Dawn Kiernan and NRL URF LLC, to:
 - a. Construct a ground floor that occupies the entire zoning lot to mitigate noise from any future eating and drinking establishment
 - b. Memorialize the incorporation of resiliency and sustainability measures, such as blue roofs, passive house design, and/or solar façades
 - c. Coordinate with the New York City Department of Environmental Protection (DEP), New York City Department of Transportation (DOT), and the New York City Department of Parks and Recreation (NYC Parks) regarding the installation of DEP rain gardens as part

of a Builders Pavement Plan at 135-137 Bedford Avenue in consultation with Brooklyn Community Board 1 (CB 1) and local elected officials

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