

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING  
AND FRANCHISES

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October 16, 2019  
Start: 1:08 p.m.  
Recess: 2:07 p.m.

HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Francis P. Moya  
Chairperson

COUNCIL MEMBERS: Antonio Reynoso  
Barry S. Grodenchik  
Carlina Rivera  
Donovan J. Richards  
Rory I. Lancman  
Stephen T. Levin  
Laurie A. Cumbo

## A P P E A R A N C E S (CONTINUED)

Raymond Levin  
Fleet Center Inc.

Benny Benaker  
Lesser Group

Ed Brown  
Team Brown Consulting

Bruce Jacobs  
Coalition of the Rockaways

1 SUBCOMMITTEE ON ZONING  
AND FRANCHISES

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2 STEVEN SIDOWSKI: This is a test.

3 Today's date is October 16 of 2019 on the Committee  
4 on Zoning and Franchises, recorded by Steven  
5 Sidowski.

6 CHAIRPERSON: [gavel]

7 UNIDENTIFIED: Quiet, please.

8 CHAIRPERSON MOYA: Good morning and  
9 welcome to the meeting of the Subcommittee on Zoning  
10 and Franchises. I'm Council Member Francisco Moya,  
11 the chairperson of this subcommittee, and today we  
12 are joined by Council Members Grodenchik, Levin,  
13 Richards, Reynoso, and Lancman. If you are here to  
14 testify please fill out a speaker's slip with  
15 Sergeant at Arms, indicating your full name, the  
16 application name or the LU number, and whether you  
17 are in favor or against the proposal. Regarding the  
18 25 Central Park West proposal on today's agenda, I  
19 note that the council is in receipt of a letter, ah,  
20 of a written statement from the applicant that the  
21 application has been withdrawn pursuant to Council  
22 Rule 11.60-B, the preconsidered LU number C19039ZMM  
23 for the 25 Central Park West proposal is hereby  
24 withdrawn. I now call a vote to file the  
25 preconsidered LU items number C190390ZMM for the 25

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2 Central Park West rezoning proposal to remove it from  
3 our calendar. Counsel, please call the roll.

4 COUNSEL: Chair Moya.

5 CHAIRPERSON MOYA: Aye.

6 COUNSEL: Council Member Levin.

7 COUNCIL MEMBER LEVIN: Aye.

8 COUNSEL: Council Member Richards.

9 COUNCIL MEMBER RICHARDS: Aye.

10 COUNSEL: Council Member Lancman.

11 COUNCIL MEMBER LANCMAN: Aye.

12 COUNSEL: Council Member Grodenchik.

13 COUNCIL MEMBER GRODENCHIK: Aye.

14 COUNSEL: A vote of five in the  
15 affirmative, zero in the negative, and no  
16 abstentions. The vote will remain open.

17 COUNCIL MEMBER LEVIN: We will now move  
18 on to a hearing on preconsidered land use items  
19 C180524ZMK and N180525ZRQ for the 101 Fleet Place  
20 rezoning proposal related to the property in Majority  
21 Leader Cumbo's district in Brooklyn, and she has  
22 joined us. The applicant seeks to, seeks approval of  
23 a zoning map amendment to rezone an existing R6  
24 district to a C6-4 district and to extend the special  
25 downtown Brooklyn district as well as a related

2 zoning text amendment to establish a mandatory  
3 inclusionary area, housing area, utilizing options 1  
4 and 2. Together these actions would facilitate the  
5 construction of a new 14-story commercial building.  
6 I now open the public hearing on this application and  
7 I will turn it over to our Majority Leader for  
8 remarks.

9 MAJORITY LEADER CUMBO: Council Member  
10 Levin, in lieu of time I'm going to opt not to do an  
11 opening statement so that we can get right to the  
12 questions and to get to the matter at hand.

13 COUNCIL MEMBER LEVIN: Thank you,  
14 Majority Leader, and I will ask the counsel of the  
15 committee to call the role on the prior vote.

16 COUNSEL: A continuing vote on LU items.  
17 Council Member Reynoso.

18 COUNCIL MEMBER REYNOSO: I vote aye.

19 COUNSEL: A vote of six in the  
20 affirmative, zero in the negative, and no  
21 abstentions. The items are recommended for referral  
22 to the full land use committee.

23 COUNCIL MEMBER LEVIN: I'll now call the  
24 first panel. Raymond Levin, no relationship, Fleet  
25 Center Inc. You are a panel unto yourself.

2 RAYMOND LEVIN: All right, and then I've  
3 got to figure out how this works, too. OK. Good  
4 afternoon.

5 COUNSEL: Please raise your right hand.  
6 State your name for the record. Please state your  
7 name for the record.

8 RAYMOND LEVIN: Raymond Levin.

9 COUNSEL: Do you swear or affirm that the  
10 testimony you are about to give will be the truth,  
11 the whole truth, and nothing but the truth, and you  
12 will answer all questions truthfully?

13 RAYMOND LEVIN: Yes, sir. Good  
14 afternoon. I'm Raymond Level, special senior counsel  
15 at the law firm of Herrick Feinstein. We represent  
16 the Lesser Group, which is doing business as Fleet  
17 Center Inc., the applicant for a zoning map amendment  
18 to allow development of a 14-story office building on  
19 Fleet Place in downtown Brooklyn. Our appearance  
20 here today was preceded by multiple meetings with  
21 local stakeholders, including our neighborhoods at  
22 University Towers and Ingersoll Houses, the Service  
23 Workers Union, the Downtown Brooklyn Partnership,  
24 Community Board 2's land use committee, among others.  
25 We believe this outreach was part of the reason that

2 there was no objection of any of the three ULURP  
3 public hearings, community board borough president  
4 and City Planning Commission, although there was  
5 someone from Rockaway, Queens who testified against  
6 us at the City Planning Commission. Nevertheless,  
7 the planning commission adopted a zoning map  
8 amendment that differed from our proposal, our  
9 proposed building of 14 stories, reducing it to nine  
10 stories. Ah, where are we. And from approximately  
11 200,000 square feet to approximately 130,000 square  
12 feet. We are taking the opportunity of this hearing  
13 to outline the effects of this cutback. The black  
14 line on the rendering that's up on the screen shows  
15 the impact of the City Planning's action. The part  
16 of the building above the black line is no longer  
17 viable under the C6-1 zoning. Our site is surrounded  
18 by large buildings. On this slide you can see  
19 outlined in blue the location of the site of our  
20 proposed building and the surrounding development.  
21 Our proposed building had, our proposed 14-story  
22 building, which had fewer stories than those  
23 buildings surrounding it, was further shortened to  
24 nine, as you can see on this slide, the height of our  
25 building versus the buildings surrounding us and

2 their relative number of floors. Rezoning also  
3 reduced the floor space that we could build by some  
4 70,000 square feet. This slide shows the floors that  
5 can no longer be constructed. So why does this  
6 matter? The Lesser Group owns approximately 40  
7 buildings in New York City and 20 of those are in  
8 Brooklyn. Nearly all house commercial and community  
9 facility uses. You can see that from this list, a  
10 selected list of some of their tenants in their other  
11 buildings in Brooklyn. The kind of uses that are in  
12 their buildings enhance communities. Less space  
13 means less opportunity for union jobs, less support  
14 for not-for-profit tenants, less opportunity for uses  
15 desired by the local community, fewer construction  
16 jobs and opportunities for M/WBE and less potential  
17 for preferential rents. We respectfully request that  
18 the City Council's Zoning and Franchises Subcommittee  
19 of the Land Use Committee recommend reinstatement of  
20 the originally requested C6-4 zoning map amendment  
21 which we contend benefits the community, does not  
22 overwhelm Fleet Place, and provides space for 280  
23 additional jobs. Thank you very much. I also have a  
24 statement from the head of the Downtown Brooklyn  
25 Partnership. Unfortunately, she could not remain



2 here and wait for the beginning of this hearing. I  
3 can either read it or submit it, as you desire.

4 Thank you.

5 COUNCIL MEMBER LEVIN: Thank you, Mr.  
6 Levine. Thoughts, a couple of questions, and I'll  
7 turn it over to Majority Leader Cumbo. The original  
8 application proposes a C6-4 zoning, which you're  
9 asking the council to restore. The City Planning's  
10 reason for the modification to C6-1 is that the C6-4  
11 district would "overwhelm the narrow Fleet Place by  
12 limiting light and air" and "result in an  
13 inappropriate concentration of activity on a narrow  
14 street." How, how do you respond to that concern from  
15 the City Planning Commission?

16 RAYMOND LEVIN: Well, let me, we  
17 disagree, obviously. Most of the streets in, I  
18 shouldn't say most. Many of the streets in downtown  
19 Brooklyn are 50 feet in width. This one is mapped at  
20 60 and will become 60 when the remaining development  
21 across the street is built. The buildings across  
22 Fleet Place are in the 30-story range. Our building  
23 is surrounded by open space that is part of the  
24 University Towers complex, which given that that  
25 complex has sold its development rights is not going

2 to be redeveloped and therefore that light and air  
3 which is between our building and the first building  
4 in University Towers isn't going anyplace. The  
5 other, I can also mention that One Willoughby Place,  
6 I think is the name of the building, on Albee Square,  
7 is 36 stories on a 50-story street, and there are a  
8 number of others that, that we can talk about. So we  
9 believe that this building, which is going to have  
10 small office space, which is needed in downtown  
11 Brooklyn, if Regina had been here she would talk  
12 about that extensively, that it fulfills a need and  
13 would not overburden Fleet Place. At one point in  
14 the history of this area in 2004 there was a zoning  
15 change which, ah, had a 475-spot parking garage with  
16 its entrance and exit on Fleet Place and that change  
17 passed muster from an environmental review point of  
18 view. So for a number of reasons we do disagree with  
19 City Planning and those are the reasons why.

20 COUNCIL MEMBER LEVIN: The C6-1 zoning  
21 would permit a 6-FAR commercial development instead  
22 of a 10-FAR commercial development. Would you still  
23 intend to build an office building under C6-1?

24 RAYMOND LEVIN: Yes.  
25

2 COUNCIL MEMBER LEVIN: And your original  
3 development proposal also included a school. Can you  
4 explain why the school was dropped out of the  
5 proposal?

6 RAYMOND LEVIN: There were a number of  
7 reasons. At the time, City Planning, which seems to  
8 continue to believe that this building is too dense,  
9 said it was too dense. So one of the reasons why the  
10 school, which would occupy six stories, was of  
11 concern, with City Planning being concerned about  
12 density. The second reason City Planning was  
13 concerned that if we had the school we couldn't do a  
14 loading dock. They were concerned about school buses  
15 parking on that street. There were a number of  
16 issues that were of concern, and that certainly isn't  
17 the only reason. Between the School Construction  
18 Authority and our client the school was sort of shoe-  
19 horned into the space and at the end of the day they  
20 just couldn't, couldn't come to an agreement. So  
21 there were a number of issues where the school  
22 couldn't be done. And by not having the school we  
23 were able to put in the loading dock that was  
24 required. We were able to reduce the density of the  
25 site from 21 stories to 14. So I guess at that point

2 we felt that we had addressed some of the concerns,  
3 obviously not all.

4 COUNCIL MEMBER LEVIN: All right. I'll  
5 turn it over to the Majority Leader.

6 MAJORITY LEADER CUMBO: Thank you so  
7 much, Chair Levin, and Mr. Levin. I wanted to  
8 dignity deeper into the conversation around the  
9 daycare. This is a conversation that we've had at  
10 length and a back-and-forth and a lot of work to try  
11 to resolve this issue. So while many of these  
12 questions have happened in meetings, I'll be asking  
13 you some of the same questions because we need the  
14 answers on the record publicly. So to the best of  
15 your knowledge the BCS Daycare Center services the  
16 community in the area. Are you aware of other  
17 daycares in that immediate areas that specifically  
18 service Walt Whitman, Ingersoll, and Farragut?

19 RAYMOND LEVIN: I'm unaware, but I have  
20 not investigated as to whether there are or aren't,  
21 so.

22 MAJORITY LEADER CUMBO: OK, well, we  
23 have.

24 RAYMOND LEVIN: I'm sure you have.  
25

2 MAJORITY LEADER CUMBO: So the reason why  
3 I ask that question because this is a very serious  
4 issue in our community because the Walt Whitman,  
5 Ingersoll, and Farragut Houses primarily use that  
6 specific daycare center for their daycare needs. So  
7 let's do a little bit of the history. How long has  
8 the BCS Daycare Center occupied the building?

9 RAYMOND LEVIN: Ah, I think our client  
10 acquired the building in the '90s. I believe they  
11 have been there for at least 20 years, yes.

12 MAJORITY LEADER CUMBO: And are you  
13 committed to making sure that the daycare center can  
14 return to the new building when it is completed?

15 RAYMOND LEVIN: Yes, we've indicated at  
16 all of those hearings I mentioned and today that we  
17 will accommodate them back into the new building  
18 should they desire to come back, you know, if they  
19 haven't found a long-term home and desire to come  
20 back they can come back.

21 MAJORITY LEADER CUMBO: Let me ask you  
22 this question in another way. How much is the  
23 daycare center paying currently for square footage in  
24 the building at this time?

2 RAYMOND LEVIN: I believe that their,  
3 their current rent, ah, is what I was told is \$15 a  
4 foot.

5 MAJORITY LEADER CUMBO: When the building  
6 completed what is the offer that you have made for  
7 their ability to return to a similar size space?

8 RAYMOND LEVIN: As, as far as I, as far  
9 as I understand it, one, they're not looking for a  
10 similar-size space. The current space is over 20,000  
11 feet. Ah, they're looking for about 12,000 feet, and  
12 I don't believe that there has been a discussion of  
13 what the rent would be at that point.

14 MAJORITY LEADER CUMBO: So that question  
15 that you don't have the answer to, therein lies as  
16 some would say the devil in the details. While they  
17 might be welcomed back, the square footage in terms  
18 of how much they would have to pay for rent costs  
19 could preclude them from actually returning and being  
20 able to come back into the building once it is  
21 completed.

22 RAYMOND LEVIN: Well, I think that my  
23 client is committed to seeing them come back if they  
24 desire to come back. What that rent would be would  
25 be something that would be acceptable to both them

2 and us. And what that, what that is, I don't know  
3 what it is at this point.

4 MAJORITY LEADER CUMBO: Well, as you said  
5 you think your client, therein lies another devil in  
6 the detail. This is something that we really have to  
7 know. Is it a commitment or is not a commitment in  
8 terms of their ability to come back, and just the  
9 desire to say we want them to come back we have to  
10 make sure that they can come back because they can  
11 financially afford to. I think you're going to be  
12 joined at this time.

13 BENNY BENAKER: Hi, good afternoon. My  
14 name is Benny Benaker and I'm with the Lesser Group.  
15 Just to answer the question what Majority Leader Ms.  
16 Laurie Cumbo is asking about the future rent when the  
17 tenant will eventually come back, we're ready to  
18 commit to a number of about 15% lower than the market  
19 value.

20 MAJORITY LEADER CUMBO: Can you do the  
21 math for me, as what you consider to be the market  
22 value? What would be the market value? And then  
23 someone do the percentage calculation for me.

24 BENNY BENAKER: It's hard to say what,  
25 what the market value is going to be when we're done

2 with the building, but plus or minus, let's say the  
3 number is now about, for a brand-new building, let's  
4 say \$50. We're ready to do between, let's say,  
5 between \$40 and \$42, \$43 a foot.

6 MAJORITY LEADER CUMBO: So then the  
7 answer to my original question was are you committed  
8 to having the daycare return back to the building and  
9 at that cost they would not able to afford to come  
10 back to the building, so that they would no longer be  
11 able to have a home where they have currently had a  
12 home.

13 BENNY BENAKER: The answer to that is we,  
14 we're going to work very closely with BCS to be able  
15 to bring them back, and my discussions we had in the  
16 last week, being that we're talking about relocating  
17 and possibly bringing them back for temporary space,  
18 or non-temporary space, I know that in other area, in  
19 other addresses that we gave them they are willing to  
20 pay between \$40 and \$45. That's why I'm ready to say  
21 that we could work with that, with those numbers as  
22 well.

23 MAJORITY LEADER CUMBO: Let me just say  
24 this. So I'm a mom and I have a 2-year-old who is in  
25 daycare. And so prior to getting elected I never



2 really understood in real terms the importance of  
3 location of a daycare center to your work balance  
4 personal life. So where that particular daycare is  
5 located, everyone from the Walt Whitman and Ingersoll  
6 houses can come up the block, drop their child off,  
7 and head right to the train station to be able to go  
8 to work. And while that might seem like a small  
9 nuance that that has the ability to take place, that  
10 someone wakes up, drops their child off, and goes to  
11 the train, we really can't underestimate the  
12 importance of that ability to educating a child, a  
13 parent feeling safe, their ability to go to work on  
14 time and get there and to come back in a reasonable  
15 amount of time, do their grocery shopping, and go  
16 home. So the interruption of that is something that  
17 will have a major impact on that particular community  
18 if that service is not provided. While I hear the  
19 need for office space in downtown Brooklyn and we  
20 want to have more office space and we want to be  
21 offer all of these different things, an issue like  
22 daycare is something that is also needed, and I'm  
23 sure individuals that will be coming to work there  
24 are also going to need daycare. So this is an issue  
25 that is particularly important to me and we have to

2 find a solution to this before we head to a vote on  
3 this, because unfortunately you have a mom that has a  
4 2-year-old and is the majority leader in the City  
5 Council of a project that could potentially wipe out  
6 a daycare center and I can't allow that to happen.

7 BENNY BENAKER: I agree.

8 RAYMOND LEVIN: OK.

9 MAJORITY LEADER CUMBO: You both agree,  
10 it seems. And you want to say how much you agree at  
11 the same time. It's OK.

12 RAYMOND LEVIN: I think we've said what  
13 we can say at this point on, on your concern about  
14 the daycare center. The daycare center has been at  
15 that location a long time, the last four years on  
16 year-to-year leases, which, ah, the Lesser Group has  
17 kept them there at obviously below market rents,  
18 which if they had let any of those leases run out the  
19 daycare center wouldn't be there now. So, um, I  
20 think that shows commitment on their part to keeping  
21 the daycare center, and they're going to try to do  
22 that. They've been working with your office and your  
23 staff to try and find a reasonable relocation for the  
24 several years between the time that they would leave

2 in July and when this site would be redeveloped with  
3 this 14-story office building.

4 MAJORITY LEADER CUMBO: Just in layman's  
5 terms what I don't understand is how you are planning  
6 to build a 14-story office building that is going to  
7 be brand new, larger floor plates, higher floors,  
8 that you're going to have all of this space but yet  
9 the cost of the daycare has to be at what it's at.  
10 The numbers would prevent you from keeping them  
11 somewhere in the ballpark of what they're currently  
12 paying. Will the loss of your anticipated revenue  
13 based off of what they were paying would preclude you  
14 from actually doing this building? Would this  
15 particular project lose money if the daycare was kept  
16 somewhere at the level we're, where they're currently  
17 at? I don't understand that.

18 RAYMOND LEVIN: We will have to work with  
19 your staff and them on, on a reasonable solution  
20 which may or may not include them coming back to this  
21 building. There may be another solution out there  
22 for the longer term. If there's a space that meets  
23 their needs, ah, that can be fixed up for them and,  
24 ah, is within this catchment area. If they're going  
25 to come back in three years or so we will have to

2 crunch the numbers and come up with something that  
3 makes sense to both parties.

4 MAJORITY LEADER CUMBO: I have a lot of  
5 other questions but I'm not even going to go into  
6 those because that's really, that's the breaking  
7 point for me in this particular project. So between  
8 now and this coming before a vote I would encourage  
9 you to turn over every rock in the district to figure  
10 out how you will sustain the daycare center during  
11 the construction period and how to provide a rent  
12 that is affordable to a daycare center that has been  
13 in the community for a number of years and to find  
14 that sweet spot where all of that can come together,  
15 because if, there's no up side as far as I'm  
16 concerned in terms of building a 14-story office  
17 commercial building with there not being a daycare  
18 center component to it. So I respect the information  
19 that you've brought forward in terms of the Downtown  
20 Brooklyn Partnership, but if we also don't recognize  
21 the need for daycare services as a part of that, then  
22 this is a flawed plan to me. So I look forward to  
23 receiving more information in regards to that and  
24 this issue is so important to me that I'm asking you  
25 to turn over every rock. But I, too, am turning over

2 every rock to try and discover a solution to this.

3 This is not something that I customarily do in terms

4 of trying to help a developer figure out a solution

5 that is mandatory to me. But it's that important to

6 make sure that the daycare remains. There are

7 additional questions about jobs and local hiring that

8 I'm going to turn it back to my colleague, Council

9 Member Levin.

10 RAYMOND LEVIN: Let me, let me just say,

11 we have contact every real estate broker in downtown

12 Brooklyn to try and find a space. I know that your

13 staff has been looking and we've spoke to public

14 housing authority projects, ah, one of them it seems

15 has a space but it's too small. I mean, we certainly

16 are looking to do that. The second thing about what

17 a reasonable rent would be that is reasonable to us

18 and reasonable to the Brooklyn Community Services is

19 something that our client will take up with Brooklyn

20 Community Services to come up with what that number

21 is, rather than here without them, without a

22 negotiation with them, ah, to see what that, what

23 that number might be for, ah, a space built

24 exclusively for them for their purposes that would

25 be, um, usable and probably more economical to

2 operate than their current facility, um, and we will  
3 have that discussion and we'll get back to you as to  
4 whether we've come to an agreement or what the, where  
5 we are in terms of that. In terms of other spaces,  
6 we have tried. Ah, downtown Brooklyn is a, is a  
7 pretty hot market at the moment, um, and 15,000 feet,  
8 I mean 12,000 feet, is a significant number. There  
9 have been a number of buildings, residential  
10 buildings, built in downtown Brooklyn, and you know  
11 looking at this one as being the one to accommodate  
12 the daycare center, there have been other  
13 opportunities. We understand that it's on our site  
14 and we will try and accommodate it. But we have to  
15 have that discussion with Brooklyn Community  
16 Services.

17 MAJORITY LEADER CUMBO: All right. I  
18 look forward to it. Again, I think I've stated how  
19 important this is to me and I will also turn it over  
20 now to Chair Levin.

21 COUNCIL MEMBER LEVIN: Thank you,  
22 Majority Leader. Oh, sorry, we need to swear you in.  
23 I'm sorry.

24 COUNSEL: Please raise your right hand  
25 and state your name for the record.

2 BENNY BENAHER: Benny Benaker.

3 COUNSEL: Do you swear or affirm that the  
4 testimony and answers you have provided today have  
5 been and will be the truth, the whole truth, and  
6 nothing but the truth and you'll answer all questions  
7 truthfully? Thank you.

8 COUNCIL MEMBER LEVIN: OK, I want to  
9 follow up on another zoning question here. C6-4 is a  
10 very flexible zoning district that could allow for a  
11 14-story 10-FAR office building that you have  
12 proposed, but could also allow for a 30-story 10-FAR  
13 hotel or a 34-story 12-FAR residential building.  
14 Why, why should we be confident that this zoning  
15 would lead to a proposed office building rather than  
16 a much taller alternative that's residential, or a  
17 hotel?

18 RAYMOND LEVIN: Well, there's a couple  
19 things. First of all, it would have been a lot  
20 easier for us if we wanted to do a residential  
21 building to ask for a residential zoning district.  
22 It would have saved us a lot of time and effort in  
23 the environmental. We wouldn't have had to look at  
24 two things rather than one. So that's, first of all,  
25 um, there was no reason to, ah, ask for a commercial

2 zone if we wanted to a residential building.

3 Secondly, the Lesser Group, if you look at, at their  
4 portfolio of properties, they're not a residential  
5 developer. They've been in this business a long  
6 time. That is not something that they, that they do.  
7 The residential would come with affordable housing  
8 components. Not anything that they've, that they've  
9 ever done. So I think those are the reasons why with  
10 confidence you could say that this will be a, what  
11 they say it's going to be, which is a commercial  
12 office building. Those are the reasons.

13 COUNCIL MEMBER LEVIN: That said, there's  
14 nothing that would prevent the Lesser Group from  
15 selling the property to a residential developer under  
16 circumstances like that.

17 RAYMOND LEVIN: Absolutely not.

18 COUNCIL MEMBER LEVIN: Yeah. OK.  
19 Presumably the concerns that are raised by City  
20 Planning would be further, those impacts would be  
21 increased if, if the was a 34-story, 12-FAR  
22 residential tower rather than 14-story 10-FAR office  
23 building, right?

24 RAYMOND LEVIN: Well, from a, from an  
25 environmental impact point of view there's a negative



2 declaration. So, so the, the comments that City  
3 Planning made were counter to some extent to the  
4 negative declaration that the City Planning  
5 Commission adopted, um, which said there were no  
6 light and air impacts and other things like that.  
7 Certainly their concern, which wasn't fully fleshed  
8 out, is, um, I don't know where the resident, whether  
9 the residential development would have more or fewer  
10 cars on the street and things like that, because in  
11 either case, ah, the environmental impact statement,  
12 I should say environmental assessment led to a  
13 negative declaration. So I'm assuming that since  
14 they signed those declarations they stand behind them  
15 and they said that there were no environmental  
16 impacts.

17 COUNCIL MEMBER LEVIN: What kind of  
18 office tenants would you envision in this space?  
19 Would that include not-for-profit organizations?

20 RAYMOND LEVIN: Here is, here are the  
21 types of users that are in the Lesser Group  
22 buildings. This is certainly not by far the full  
23 list. But you can see on there there are some not-  
24 for-profit medical facilities, um, the FBI I think is

2 not-for-profit. Ah, and there are, there are many  
3 others.

4 COUNCIL MEMBER LEVIN: [inaudible]  
5 [crosstalk]

6 RAYMOND LEVIN: Brooklyn Community  
7 Services, which is at this location, is at another  
8 location that the Lesser Group has and they're a  
9 tenant, so.

10 COUNCIL MEMBER LEVIN: OK. And then do  
11 you have a plan in place to ensure local hiring or  
12 M/WBE participation during construction? How many  
13 local hires would typically be involved in a project  
14 like this and how would we be able to ensure follow-  
15 up and progress reports on these commitments?

16 RAYMOND LEVIN: I think someone on the  
17 next panel will talk to that.

18 COUNCIL MEMBER LEVIN: OK. And then what  
19 about resiliency measures that are incorporated into  
20 the design and construction?

21 RAYMOND LEVIN: Say that again?

22 COUNCIL MEMBER LEVIN: Resiliency  
23 measures, sustainability and resiliency measures?

24 RAYMOND LEVIN: Yes.

2 COUNCIL MEMBER LEVIN: All right, which,  
3 which ones?

4 RAYMOND LEVIN: All the, all. No, I  
5 mean, the borough president raised that, raised that  
6 at the hearing. The architect indicated that, that  
7 we would be looking at the green roof and, um, to,  
8 ah, retain storm water. In terms of the full design  
9 and the energy savings through the design of the  
10 envelope of the building that will come with the  
11 design. It, obviously, will comply with all of the  
12 city rules and regulations which, as you know, have  
13 increased recently and there are a lot more  
14 environmental regulations for development that the  
15 city has implemented.

16 COUNCIL MEMBER LEVIN: OK. I'll turn it  
17 back over to the Majority Leader.

18 MAJORITY LEADER CUMBO: I have no other  
19 questions, and so I thank you for this portion, and  
20 I'm sure we're going to call up the next panel.

21 COUNCIL MEMBER LEVIN: Also, just one  
22 thing I did want to add in support of what our  
23 Majority Leader said about the importance of that  
24 daycare program. I visited that daycare program very  
25 early on in my tenure, you know, it wasn't in my

2 district, but know how important it is to the  
3 surrounding community and it has played an important  
4 role, and so I support the efforts that she's making.

5 RAYMOND LEVIN: We, we totally agree the  
6 daycare center is important and there should be more  
7 than one. There should be a number of them. Some of  
8 it has to do with city, with city, ah, you know,  
9 contracting, city requirements, you know, what the  
10 city contract is willing to allocate to a rental, um,  
11 there are a number of things that certainly impact  
12 on, on daycare centers and, you know, in this  
13 neighborhood there certainly should be more. We  
14 don't disagree on that.

15 COUNCIL MEMBER LEVIN: OK, got you.

16 MAJORITY LEADER CUMBO: I'm, I'm looking  
17 at your portfolio and it seems to be about almost 20  
18 institutions here, business, commercial, health,  
19 institutional. So as you have such a wide portfolio,  
20 some projects are going to be more, ah, financially  
21 rewarding than other projects will be. So because  
22 you have the breadth of a large portfolio, certain  
23 projects, some are going to be a cash cow, some are  
24 going to be a little philanthropic. It'll be  
25 important for you to see this one more on the

2 philanthropic side versus this being a cash cow in  
3 your portfolio.

4 BENNY BENAKER: It's going to be  
5 important for us to see this, to serve the community,  
6 the need of the community. And the proof is in the  
7 pudding. I don't know if there would be another  
8 landlord in the last four years would give away  
9 something so cheap and almost for free to serve the  
10 community.

11 MAJORITY LEADER CUMBO: And I am in full  
12 support of that. I think that it's admirable that  
13 you kept the rent at the price that you did for so  
14 long, and I think that while this particular daycare  
15 has serviced the community for over 20 years, um,  
16 when you purchased this property and the daycare was  
17 there the real estate market for that particular area  
18 wasn't so hot and happening as it is now. Still a  
19 viable place, but they were there at a time in the  
20 community where Brooklyn wasn't the hip hop and  
21 happening place and the hottest place on the planet,  
22 and now that an organization that has grown with the  
23 community, provided services for the community, now  
24 that the borough is experiencing growth and  
25 development and all of this, it's my role as a City

2 Council member to make sure that those original  
3 people that were there helping to make the community  
4 what it is today are able to thrive and to, and to be  
5 a part of the growth and the excitement of Brooklyn,  
6 New York. So that's really what it is to me. It's  
7 not, you know, it's great that people have been able  
8 to be there for as long as they were to take Brooklyn  
9 where it is but we need to make sure that we support  
10 them in where they're going and I want to support  
11 projects that are going to reward people for being  
12 there during the difficult times and contributing to  
13 the growth of the borough as a whole.

14 BENNY BENAKER: Thank you.

15 MAJORITY LEADER CUMBO: Thank you.

16 COUNCIL MEMBER LEVIN: Thank you very  
17 much. Next panel. Ed Brown. Team Brown. Jessica  
18 Ortiz from 32BJ. Whoever wants to begin.

19 UNIDENTIFIED: Good afternoon. I'm  
20 speaking for one of our members. Unfortunately, he  
21 had to go work so he wasn't able to stay. Good  
22 afternoon, Council Member Levin and Majority Leader  
23 Cumbo. My name is Federico Hernandez and I have been  
24 a member of 32BJ for six years. I am here today on  
25 behalf of my union to express our support for the

2 proposed development at 101 Fleet Place. As you  
3 know, 32BJ is the largest property service union in  
4 the country. We represent over 80,000 members across  
5 New York City, including over 3600 who live and work  
6 in Community District 2. Members like me clean,  
7 maintain, and secure office, residential, and school  
8 buildings like the one being discussed today. We are  
9 happy report that the applicant for this project, the  
10 Lesser Group, has made a credible commitment to pay  
11 prevailing wages to the future property service  
12 workers at this site. A prevailing wage job like  
13 mine allows working families in the city to live with  
14 dignity. Before I got that job and getting paid the  
15 prevailing wage I struggled to support my family.  
16 Raising two kids without health insurance and job  
17 security was very stressful. Now I have peace of  
18 mind. I never worry if I am going to be able to pay  
19 my rent. All working families deserve this. Due to  
20 the proposed density we estimate that the project  
21 will generate nine building service jobs. We know  
22 these jobs will provide an important economic  
23 opportunity for members of the surrounding community.  
24 We urge you to approve this project. Thank you.

2 COUNCIL MEMBER LEVIN: Thank you very  
3 much.

4 ED BROWN: Let me see. Can you hear me?  
5 How you guys doing? Um, chivalry is not dead. I had  
6 to let the lady go first, OK. So, um, how you guys  
7 doing? Ed Brown, Team Brown Consulting. I'm sorry?

8 MAJORITY LEADER CUMBO: And lady.

9 ED BROWN: And lady. I apologize,  
10 Council Member. Um, Ed Brown, Team Brown consulting.  
11 If this project is approved I will be working  
12 directly with them and the Ingersoll Tennis  
13 Association, as well as Whitman and Farragut, to  
14 ensure that residents, local people, will work on  
15 this project, and unlike other projects because this  
16 is not a NYCHA project where there is a lease  
17 requirement the opportunities here are more broad and  
18 are more easily able to funnel residents into the  
19 project, and I just want to add something about the  
20 daycare center. It's important to me as well. My  
21 three older children went to that daycare center. So  
22 it means something to me as well.

23 MAJORITY LEADER CUMBO: So I have follow-  
24 up questions. That was actually going to be one of  
25 my questions, because you have lived in Ingersoll for



2 a number of years and so you understand, ah, the  
3 importance of this particular daycare.

4 ED BROWN: Yes.

5 MAJORITY LEADER CUMBO: Also wanted to  
6 say that while it's important to extend to Whitman,  
7 Ingersoll, and Farragut, I always have to encourage  
8 you to expand that outreach to both Atlantic Terminal  
9 as well as Lafayette Garden because they are part of  
10 the 35th District and for me I represent my entire  
11 district.

12 ED BROWN: OK.

13 MAJORITY LEADER CUMBO: So I want there  
14 to be a pipeline of outreach there as well. How many  
15 jobs do you anticipate the construction for the  
16 proposed 14-story building would generate?

17 ED BROWN: Well, that's always hard to  
18 anticipate until I see the full scope of the project  
19 in reference to, um, you know, when it's approved,  
20 what's actually approved, and what it's going to  
21 entail, and then also dependent on the skill sets  
22 that are needed, so I wouldn't be able to give you a  
23 number like that until if the project is approved and  
24 I sat down with the owner and we went over the  
25 different trades that were available at the project,

2 then I would be able to give you a, you know, a  
3 ballpark figure of the amount of, ah, slots we can  
4 fill.

5 MAJORITY LEADER CUMBO: So let me ask you  
6 this question. A project vastly larger than the  
7 project we're talking about would be BAM South. And  
8 you worked on that project.

9 ED BROWN: Yup.

10 MAJORITY LEADER CUMBO: How many jobs  
11 were generated out of that particular project through  
12 your local hiring effort?

13 ED BROWN: So [inaudible] speak the exact  
14 number and I like to, you know, tout this because  
15 this is one of our greatest accomplishments, was 37  
16 jobs.

17 MAJORITY LEADER CUMBO: OK.

18 ED BROWN: And they're not 37 working at  
19 the same time because different trades move at, move  
20 at, um, different times, but throughout the entire  
21 project 37 and one of our, um, great accomplishments  
22 is we have a young man who has never done  
23 construction, who has recently returned from  
24 incarceration, he started out as a laborer on BAM  
25 South and right now even though the project is over

2 for us he's now a superintendent on the job and has a  
3 permanent job with Two Trees now. He's making like  
4 \$70,000 a year. So this is our goal. This is what  
5 we try to do. Each project is not going to be the  
6 same. But if we have those ambitious young men who  
7 understand work ethic, basic work ethic, we work with  
8 them and we work with the developer to try to get  
9 them not only to work on one project but stay on for  
10 other projects and then move to different projects  
11 throughout the city.

12 MAJORITY LEADER CUMBO: Can you cite for  
13 me another example of a project that you've worked on  
14 within the 35th Council District and what was the  
15 employment opportunity?

16 ED BROWN: Within the 35th, um, ah, of  
17 course the Ingersoll project. But that was a little  
18 difficult because of the lease requirement, you had,  
19 you know, the workers had to be on the NYCHA lease in  
20 order to get the jobs.

21 MAJORITY LEADER CUMBO: So with that type  
22 of restriction in place how many jobs were you able  
23 to fill on the Ingersoll project?

24 ED BROWN: Well, directly probably maybe  
25 about seven at the most because, as I said, you know,

2 it's not just a lease requirement. NYCHA actually  
3 does a background check to make sure that the person  
4 who is actually applying for the job is really a  
5 lease-holding resident and so, you know, you have a  
6 lot of people who say that they're on the lease but  
7 once they do the background check and they check and  
8 you find out that they're not on the lease, and we,  
9 we really don't have any control over that. But  
10 Fulton Street, 1081 Fulton Street I believe it was,  
11 then the one on Atlantic Avenue that was connected to  
12 Cadman, the Cadman Library project with Roy Hudson  
13 Companies. We had 16 on Atlantic Avenue. I don't  
14 have the exact numbers, but I can get them for you.  
15 All you have to do is request them, I'll send them to  
16 you.

17 MAJORITY LEADER CUMBO: OK.

18 ED BROWN: And, ah, Fulton was a smaller  
19 project, so I think we had maybe about, maybe about  
20 eight people, maybe nine people at the most on that  
21 particular project. It all depends on the size of  
22 the project. But another one of our big  
23 accomplishments on a larger project was 345 Lafayette  
24 [inaudible] we had about 11 people on that project,  
25 and, um, to date mainly, mainly most of our workers

2 were placed on Two Trees projects on Dock Street, we  
3 did a lot of workers on Dock Street as well.

4 MAJORITY LEADER CUMBO: So let me just  
5 ask. So a project like the Slate project, where you  
6 said you were able to have about 11 workers, 11  
7 workers out of what would you estimate would be a  
8 total work force?

9 ED BROWN: On that particular project?  
10 Coming and going? Probably maybe about, maybe about  
11 40, maybe 40 to 50. But then, but then, as I said,  
12 because we don't provide training as of yet,  
13 something we're thinking about doing, a lot of the  
14 young men that we work with in the community,  
15 sometimes this is their first job. They, you know,  
16 they have never worked before, and they really have  
17 limited skills. So we'll have, you know, people come  
18 in as laborers and if they would pay attention and do  
19 what they're supposed to do, you know, they can move  
20 and learn another trade. We have one particular  
21 young man who came in as a laborer and he became a  
22 mason and now he's a master carpenter. So it all  
23 depends on the individual and, as I said, there has  
24 to be something, we can probably discuss down the  
25 road, there has to be some type of training programs

2 in place, not just OSHA, so that we can get these  
3 guys really prepared before these projects actually  
4 come and take place.

5 MAJORITY LEADER CUMBO: So let me ask you  
6 this question. I'm going a little bit off topic.

7 ED BROWN: OK.

8 MAJORITY LEADER CUMBO: But the  
9 individuals that you, it's 37 on this one, it's 11 on  
10 this one, it's seven on that one. What happens to  
11 the individuals after the project is over and there's  
12 not another project just waiting for them that you've  
13 got lined up. Where do those workers go?

14 ED BROWN: Well, what I do if I don't  
15 have anything lined up I'll call some people and know  
16 and ask them can they do me a favor, do they have  
17 anything open right now until I get something, and  
18 then I'll, you know, refer people to them that way.  
19 But mainly what happens is my telephone blows up on a  
20 regular basis. They, if they work more than six  
21 months they collect unemployment. If they didn't  
22 then my phone is blowing up because they're begging  
23 to go back to work. But I'm limited because we  
24 really don't have, you know, at the most we maybe  
25 have two or three projects going at the same time.

2 We're not at the point yet where we have enough  
3 projects to fulfill the need right now.

4 MAJORITY LEADER CUMBO: So my final  
5 question to you is just as succinctly as you can  
6 answer this question because it's a huge question,  
7 but as succinctly as possible. With everything that  
8 you just described, as far as local hiring and you  
9 have made a footprint for your company in the  
10 downtown area, what would you need in place to be the  
11 local hiring company of the year that's got this  
12 thing down to a science...

13 ED BROWN: [laughs] I like this question.

14 MAJORITY LEADER CUMBO: That's got local  
15 hiring on like down.

16 ED BROWN: I like that question.

17 MAJORITY LEADER CUMBO: Like you've,  
18 you've mastered what it takes to be a local hiring  
19 theater in our communities. What essentially would  
20 be needed to do that?

21 ED BROWN: Well, what I would do, what I  
22 would need is to sit down with the legislators,  
23 present a proposal to show soup to nuts everything  
24 from the soft skills to, as I said, entry level  
25 training, not advanced training, you know, basic

2 carpentry, bringing instructors, have a location or  
3 different locations, and mainly the issue is that  
4 when developers come in there are so many, how could  
5 you say, um, you heard the word coalitions, so many  
6 coalitions that are just grabbing for different  
7 sites. There has to be a central situation where  
8 when developers come into your district, or any  
9 district, sit with this person and this is going to  
10 be the person that you're going to in reference to  
11 providing the workers, um, I even want to get to the  
12 point where I could provide the correct M/WBE  
13 contractors as well, 'cause that's also another  
14 issue, with getting more M/WBEs involved on these  
15 jobs. So basically it's about the legislators and  
16 when people come into your districts to say listen,  
17 this is what we want, this is who you need to sit  
18 down with, and let's come up with a plan and let's  
19 make it happen. And then hold me accessible to make  
20 sure I'm doing what I'm supposed to be doing and I  
21 follow up with you guys so that you guys can see it's  
22 effective.

23 MAJORITY LEADER CUMBO: OK, we'll talk  
24 more about it offline.

25 ED BROWN: OK, I appreciate that.



2 MAJORITY LEADER CUMBO: I have a lot of  
3 questions about that.

4 ED BROWN: I appreciate that.

5 MAJORITY LEADER CUMBO: Because I want to  
6 think about this issue as our terms are concluding,  
7 of course, not only how it impacts, of course, my  
8 district, but how we're able to create the  
9 appropriate systems and I guess you could say  
10 assembly line, if you will, not the right term, but  
11 how do all districts have in place a mechanism or an  
12 equation or a rubric for how local hiring is done.

13 ED BROWN: Right.

14 MAJORITY LEADER CUMBO: The same in every  
15 district, but with variations based off of the needs  
16 of that district. So that's, that's something we  
17 have to really get right because a lot of people say  
18 I'm a do local hiring, I'm a do local hiring...

19 ED BROWN: Right.

20 MAJORITY LEADER CUMBO: And then at the  
21 end of the project everyone in the community is  
22 saying there were no jobs provided for us.

23 ED BROWN: Right, exactly.

24 MAJORITY LEADER CUMBO: So we want to  
25 obviously change that dynamic.

2 ED BROWN: I'll look forward to sitting  
3 down with you, but the last thing I want to say is  
4 traditionally it's just been a freefall, you know,  
5 people have come in and developed and whoever showed  
6 up they just went along with. So, um, yes, there  
7 needs to be a reinvention of the wheel, that when you  
8 come into a district this is what has to be done.

9 MAJORITY LEADER CUMBO: OK, thank you.

10 ED BROWN: OK, thank you. Any more  
11 questions?

12 COUNCIL MEMBER LEVIN: There's one more,  
13 ah, no, thanks. Thank you very much.

14 ED BROWN: How's your son, Council  
15 Member?

16 COUNCIL MEMBER LEVIN: Doing well, doing  
17 well, yes. Almost crawling. Very almost crawling.  
18 Um, which I'm not ready for yet. Next, Bruce Jacobs,  
19 Coalition of Rockaway, is that right?

20 BRUCE JACOBS: Good afternoon everybody,  
21 thank you. My name is Bruce Jacobs, Coalition of the  
22 Rockaways, supporter of medical and religious  
23 freedom, 9/11 First Responder, US Navy veteran, 30  
24 years with New York City Transit. I commend the  
25 county, the City Planning Commission, for what they,

2 when they said bring down the size. The size, 14  
3 stories, they wanted 21 originally, it's too, on that  
4 small street, too big of a building. I also agree  
5 that I don't want to see people from the neighborhood  
6 thrown out, like the stake here at, from \$15 to \$42  
7 an hour. That's the displacement that the Coalition  
8 of the Rockaways and other districts is against. The  
9 thing of jobs, I tell ya the truth, my organization  
10 cares more about union jobs for people for futures.  
11 In the Rockaway we don't want a job that the guy  
12 works one year and then he don't have no work after  
13 that. To my organization and to me personally it's a  
14 very important thing, 'cause to go get a regular job,  
15 and as I said, I had problems, just say, and then I  
16 worked for one year. That's not going to really help  
17 me that much. It's gonna help me for that second.  
18 Then I might go back to doing bad things because I  
19 might want to do it, you know, little things.  
20 There's also a big amount of traffic there already.  
21 I've, you did develop the neighborhood, the  
22 neighborhood's developed. But I don't want to see  
23 everybody thrown out of this neighborhood because of  
24 high price developers. Anybody could come in front  
25 of a commission with a big lawyer and, you know, they

2 get approved for everything. Say I want to knock  
3 down my house in my neighborhood. Do I have to go  
4 get a fancy lawyer to do it or is it going to be a  
5 thing of caring about your neighborhood? I care about  
6 Queens, Brooklyn, New York City completely. And,  
7 like I said, I commend the City Planning Commission  
8 for keeping into consideration other stores, other  
9 people, the guy's talking, there's no guarantee that  
10 he's going to keep it as an [inaudible] office  
11 building then they can sell it to somebody else.  
12 There's no guarantee in writing. And if they do and  
13 then they put up the 34-story hotel, then it's all  
14 like the goodness, 'cause you guys have good hearts  
15 and mean well. It's going to fall apart because it's  
16 already that you go down there, a regular person  
17 could hardly get an apartment down there, you know,  
18 regular earning, you know the prices are so high it's  
19 ridiculous. I like development, but the right  
20 development. Like you said about other districts  
21 implicating for jobs, we, in all districts it's a  
22 very important factor. Because without that, if  
23 you're going to say in my neighborhood, yeah, and the  
24 daughter not using union apprenticeship programs to  
25 me you need that 'cause that's a future for the

2 people. If you accept it on one job, not, you know,  
3 like that, then what about the other jobs that you  
4 guys approve for other districts? Like in Far  
5 Rockaway we're going for a big thing over there  
6 'cause we want to see the guys get futures and get a  
7 career and get training. You know, I personally work  
8 with these, you know, unions and trying to work out  
9 something. You know, when you get a commitment you  
10 have to make sure that it's really there because  
11 anybody could sell something. It sounds good. The  
12 man who was speaking about jobs. Yeah, that's nice,  
13 he's, you know, spoke very nice and, you know, good  
14 ideas. But he's not the developer. And then you're  
15 talking 11 jobs, you're talking 12 jobs, for 14  
16 stories? There gotta be more jobs than that. And 14  
17 stories for Fleet Street is too big. Nine stories.  
18 The daycare must be able to come back at 15, at  
19 whatever they're paying now. They were in the  
20 neighborhood before, this is displacement. Somebody  
21 bought property with a daycare in it, they knew that  
22 they're there. That's like me buying a house with  
23 rent control. Yeah, I want that, I want to charge  
24 them more when it's worth more money, but what about  
25 when it was worth nothing, because I worked on Nevin

2 Street in your community in the transit. I know what  
3 it used to be. You could hardly walk outside. But  
4 the thing is, is that I don't want to see the people  
5 displaced from like the, you know, the city house and  
6 Atlantic and all the other places. Like they also  
7 deserve help, the whole neighborhood. There's  
8 private homes on these blocks. I appreciate  
9 [inaudible] things. Thank you.

10 MAJORITY LEADER CUMBO: Thank you.

11 COUNCIL MEMBER LEVIN: Thank you very  
12 much, sir. Are there any other members of the public  
13 who wish to testify? Seeing none, I now close the  
14 public hearing on this application, and that  
15 concludes today's meeting. I'd like to thank all the  
16 members of the public and my colleagues. And council  
17 and land use staff for attending. And this meeting  
18 is hereby adjourned. [gavel]

19 UNIDENTIFIED: Thank you.  
20  
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22  
23  
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25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date October 27, 2019