

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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November 20, 2019
Start: 11:38 a.m.
Recess: 11:50 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: FRANCISCO P. MOYA

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

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

2 [sound check] [pause] [background
3 comments] [gavel]

4 CHAIRPERSON MOYA: Good morning and
5 welcome to the meeting of the Subcommittee on Zoning
6 and Franchises. I'm Council Member Francisco Moya,
7 the Chairperson of the subcommittee. Today we are
8 joined by Council Members Grodenchik, Richards,
9 Lancman, Rivera. We've been also joined by Majority
10 Leader Cumbo, Council Member Adams, Deutsch and Diaz.
11 Today we will vote to approve with modifications the
12 Preconsidered LUs. 561 and 562 for the 101 Fleet
13 Place Rezoning relating to property in Majority
14 Leader Cumbo's district in Brooklyn. The application
15 was originally proposed...as originally proposed would
16 rezone an existing R6 District to a C6-4 district,
17 extend the Special Downtown Brooklyn District, and
18 establish a Mandatory Inclusionary Housing area
19 utilizing Options 1 and 2 to facilitate the
20 construction of a new commercial office building. The
21 City Planning Commission modified the rezoning from a
22 C6-4 district to a C6-1 district citing concerns over
23 lack of light and air on this narrow street. The
24 Council is modifying the application to restore the
25 originally proposed C6-4 district surrounded by both

2 sides by a 15-story building...by 15-story buildings
3 with a C6-4 district already existing directly across
4 the street on a block with nearby 32 and 37-story
5 buildings. We believe that the C6-4 bulk and the
6 applicant's proposed 14-story commercial building is
7 appropriate despite the narrow street conditions. The
8 Council will also be modifying the application to
9 require only MIH Option 1 to ensure deep
10 affordability in the case of future residential
11 development. Majority Leader Cumbo is in support of
12 these modifications, and I'd like to now turn it over
13 to Majority Leader Cumbo for some remarks.

14 MAJORITY LEADER CUMBO: Thank you Chair
15 Moya, and I want to thank all of my colleagues for
16 being here today because I know we are beginning
17 approximately an hour late. The reason for that is
18 in part because this is perhaps of my six years in
19 office the most difficult land use project that I've
20 ever worked on. There were a lot of difficult
21 decisions to make here, and we are an hour late
22 because negotiations were completed about five
23 minutes ago. So, this has been all night, this
24 morning, up until five minutes ago, and I'm also late
25 because I had to drop my son off at daycare, which is

at that the heart of what this issue is all about.

So, I want to thank Chair Moya for the opportunity to speak on this project. The 101 Fleet Rezoning

Proposal presents a very difficult decision. The

building is currently home to Brooklyn Community

Services Duffield Children's Center serving more than

50 2 and 3-year-olds, mostly from the nearby NYCHA

Ingersoll and Whitman Houses. The center's lease is

up on July 1, 2020, and in any future scenario, this

important community facility will be displaced from

its current home. So, for me prior to becoming a mom

and having a child who is two years old, I would have

never thoroughly understood the dynamics of daycare.

So, I am late this morning as I am most mornings

because my daycare is far outside the travel pattern

that I need to get to work. So, for many families in

Walt Whitman, Ingersoll and Farragut, the Duffield

Children's Center has always been at space where you

could drop your child off on Myrtle Avenue, continue

up to Flatbush Avenue, one block up, and the train is

right there. So, to displace this longstanding

community center for our children after all of these

years would be a hardship for many of the families in

Walt Whitman, Ingersoll and Farragut. In addition to

1 that, this organization has been in existence for
2 almost 30 years, and so for me being a founder of a
3 not-for-profit organization, I recognize the blood,
4 sweat and tears that it takes to keep anything over a
5 30-year period. Losing the Duffield Children's
6 Center would be a devastating loss to the entire
7 community, and certainly one that I would feel very
8 disappointed by given the fact that I have a child
9 that is two years old. The City Planning Commission
10 modified this proposal from a C6-4 to C6-1 believing
11 that the larger development option might overwhelm
12 the narrow street. Although I respect the
13 Commission's decision, after much consideration, I
14 believe the C6-4 density can be accommodated on this
15 site when we consider the surrounding context. Large
16 15-story apartment buildings on either side of the
17 site and towers over 30 stories on the block across
18 the street. Community Board 2 approved the C6-4
19 application and the borough president recommend
20 approval with conditions. Most importantly the
21 condition that the childcare facility or another
22 public benefit use be included within the building.
23 After negotiations, this has been accomplished. I am
24 happy to announce that the applicant has committed to
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1 secure the future of the childcare center by
2 providing 12,000 square feet space in the development
3 at an affordable rent, and I will go into details
4 about what affordable means in this community. In
5 addition, the applicant has committed to assist the
6 childcare center in acquiring interim space in the
7 area for three years during construction so that they
8 can continue to serve the local community without
9 interruption. The applicant has also again expressed
10 their commitment to developing a commercial office
11 space including below market space for not-for-
12 profits and small businesses. So what that means is
13 similar to MIH we have utilized a similar model in
14 terms of the commercial office space so that 10% of
15 the commercial space will go to not-for-profit
16 organizations at 25% below market rate. The
17 developer has also agreed to provide \$25,000 a month
18 for three years for the organization while they are
19 in their interim space. So, while they are...while
20 they are waiting for the new building to be
21 completed, they will provide \$25,000 every month for
22 three years as a rent subsidy while they organization
23 is in interim space. Upon coming back to the
24 building after the building has been built out by the
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2 Lesser Group, they will also have below market rent,
3 which will be at \$35 a square foot, which DOE as well
4 as the developer have agreed at \$35 a square foot for
5 the space for the first ten years with an option to
6 renew after that. We have also secured a commitment
7 from the Department of Education to continue to work
8 on resolving the contracting and location issues
9 facing the Brooklyn Community Services Day Care
10 Center so we can preserve these important childcare
11 services for the NYCHA community. I'd also like to
12 add that through this particular deal if the
13 organization finds a location that needs serious
14 renovations, that the Lesser Group will make a choice
15 at either providing monthly rent, or providing up to
16 \$900,000 for capital improvements to an interim
17 space. I also would like to add that the Lesser Group
18 has agreed to a contribution to Local Youth
19 Enrichment Program. The Lesser Group commits to
20 contribute to the Brooklyn Diamond Youth Enrichment
21 Program, and making sure that this organization has
22 an opportunity to participate in local step and dance
23 programs throughout the nation because they are a
24 competitive girls' group that continues to do
25 incredible work in our district. The Lesser Group

2 has entered into an agreement with 32BJ to allow
3 uninhibited access to unionize the building services
4 workers at the proposed building, and again, I have
5 also mentioned that they will provide 25% below
6 average market rent for commercial space for 10% of
7 the building. So, this—in addition to that, they
8 have also agreed to work with my office in securing
9 an artist from the community to do artwork on the
10 building façade, and we will work on that
11 collectively together. So, this has been certainly a
12 challenging project, but it's one that has again
13 taken a lot of time and effort to reach an agreement.
14 No perfect agreements are in existence from what I've
15 seen in my time here, but this one, um, got us to a
16 place that we could get comfortable with in coming to
17 an agreement. So, for me the most important aspect
18 is that this long-time daycare that has been in
19 existence for over 30 years in our district servicing
20 children from Walt Whitman, Ingersoll and Farragut
21 will not be interrupted. So, I want to thank Brian
22 and Raju and my entire team. I want to thank Tasha
23 and Jonathan, and everyone that has gotten us to this
24 place, and I want to thank, um, the entire team for
25 getting us here, and I want to thank Chair Moya and

2 the entire committee for waiting for over an hour for
3 us to complete our negotiations, and I also want to
4 thank Mr. Lesser for seeing things my way, and I'll
5 just leave it at that. Thank you so much.

6 CHAIRPERSON MOYA: Congratulations to
7 you, Majority Leader. I know how hard you worked on
8 this project, and how important it is to your
9 constituency and we are happy to wait to make sure
10 that the right outcome was the one that you wanted.
11 So, congratulations to you.

12 MAJORITY LEADER CUMBO: Thank you.

13 CHAIRPERSON MOYA: Um, I now call for a
14 vote to approve with modifications the Preconsidered
15 LUs 561 and 562. Counsel, please call the roll.

16 LEGAL COUNSEL: Chair Moya.

17 CHAIRPERSON MOYA: Aye.

18 LEGAL COUNSEL: Council Member Levin.

19 COUNCIL MEMBER LEVIN: Aye.

20 LEGAL COUNSEL: Council Member Richards.

21 COUNCIL MEMBER RICHARDS: Aye.

22 LEGAL COUNSEL: Council Member Lancman.

23 COUNCIL MEMBER LANCMAN: Aye.

24 LEGAL COUNSEL: Council Member
25 Grodenchik.

2 COUNCIL MEMBER GRODENCHIK: Aye.

3 LEGAL COUNSEL: Council Member Rivera.

4 COUNCIL MEMBER RIVERA: Aye.

5 LEGAL COUNSEL: The vote is 6 in the
6 affirmative, 0 in the negative and no abstentions.

7 The item is approved for the full Land Use Committee.

8 CHAIRPERSON MOYA: This concludes today's
9 meeting, and I would like to thank the members of the
10 public, my colleagues and of course the great work
11 that is done by the Council and Land Use staff for
12 attending and working on these projects. This meeting
13 is hereby adjourned. [gavel]

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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 November 22, 2019