



IN THE MATTER OF an application submitted by Fleet Center, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. changing from an R6 District to a C6-4 District property bounded by the easterly centerline prolongation of former Fair Street, a line 200 feet easterly of Fleet Place, a line 150 feet northerly of Willoughby Street, and Fleet Place; and
2. establishing a Special Downtown Brooklyn District bounded by the easterly centerline prolongation of former Fair Street, a line 200 feet easterly of Fleet Place, a line 150 feet northerly of Willoughby Street, and Fleet Place;

Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated June 17, 2019, and subject to the conditions of CEQR Declaration E-539.

This application for a zoning map amendment was filed by Fleet Center, Inc. on March 18, 2019 to change an R6 zoning district to a C6-4 zoning district and expand the boundary of the Special Downtown Brooklyn District (SDBD), in conjunction with the related application for a zoning text amendment (N 180525 ZRK), to facilitate the development of a new 14-story, approximately 200,000-square-foot, commercial office building at 101 Fleet Place (Block 2061, Lot 100) in Downtown Brooklyn, Community District 2.

RELATED ACTIONS

In addition to the zoning map amendment (C 180524 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 180525 ZRK Zoning text amendment to modify the boundary of the SDBD and to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

The applicant is requesting a zoning map amendment to change an R6 zoning district to a C6-4 zoning district and zoning text amendment to expand the boundary of the SDBD and create an MIH area coterminous with the rezoning area. The area to be rezoned (project area) is located mid-

block on the eastern side of Fleet Place between Myrtle Avenue and Willoughby Avenue. It includes portions of three tax lots (Block 2061, Lots 80, 100, and 110) that comprises a 32,800-square-foot area.

The project area is located on the eastern edge of Downtown Brooklyn, which has transformed into a vibrant, mixed-use central business district by development facilitated by the 2004 City-led Downtown Brooklyn Plan. High-density buildings with a mix of uses, at a Floor Area Ratio (FAR) of 10.0 and higher, are common in Downtown Brooklyn, particularly in the core, which is located west of Flatbush Avenue Extension. Most major office buildings in the area are located west of Flatbush Avenue Extension, including the MetroTech campus, two blocks to the west. The 1.6-million-square-foot, mixed use, City Point development with over 600,000 square feet of retail space in a multi-story podium, is located two blocks to the southwest of the project area. The area east of Flatbush Avenue Extension (west of the project area) contains several high-rise residential buildings, along with a four-story office building and a former car wash. The block containing the project area is primarily residential, built to medium densities with some ground-floor retail uses in the mixed-use buildings fronting Myrtle Avenue. South of the project area, across Willoughby Street, is the Brooklyn campus of Long Island University, a major secondary educational institution. Retail uses are located on the ground floors of the recently constructed mixed-use buildings north and west of the project area.

Built form in the surrounding area includes the 32- to 42-story high-rise residential towers to the west and northwest, and the nine- to 15-story residential buildings directly to the north of the project area. Located on the same block (directly adjacent to the development site) are the University Towers, a 550-unit “height factor” apartment complex of three 15-story towers surrounded by parking lots. One block to the north is the New York City Housing Authority (NYCHA) Ingersoll Houses, a campus of 20 buildings, predominantly six stories in height.

The project area is well-served by transit. The Metropolitan Transportation Authority (MTA) DeKalb Avenue station is located two blocks south of the project area, providing access to the B/Q/R lines. The Jay Street MetroTech station, located five blocks to the west, provides access to the A/C/F/R lines, and the Nevins Street station, located four blocks to the south, provides access to the 2/3/4/5 lines. Approximately two blocks south of the project area is University Place, a 1.1-

acre New York City Department of Parks and Recreation (DPR)-owned mapped park. About three blocks southwest is the site of the future Willoughby Square, a 1.15-acre public park.

The project area is located within an R6 zoning district, which is a medium-density residential district that allows a diverse range of building heights and types with residential and community facility uses. R6 allows residential use up to a maximum FAR of 2.43 and community facility use up to a maximum FAR of 4.8 with no height limit (subject to a sky exposure plane). Using the optional Quality Housing regulations, R6 districts allow residential use up to a maximum FAR of 2.2 on narrow streets and 3.0 on wide streets, and a maximum height of 55 feet on narrow streets and 75 feet on wide streets. Parking is required for 70-percent of units under the height factor regulations or 50-percent of units under the optional Quality Housing regulations.

The development site at 101 Fleet Place (Block 2601, Lot 100) is a 20,073-square-foot, irregularly shaped, interior lot with approximately 127 feet of frontage on Fleet Place. It is improved with a one-story brick building, which contains an early childhood education facility, operating since the approval of a 25-year lease by the New York City Human Resources Administration in 1990 (C 900625 PSK). The childcare facility has continued to operate on the site after the expiration of the original lease under a series of subsequent short-term leases between the childcare provider and the landowner.

There are two lots adjacent to the applicant's property which are also partially within the proposed project area. Block 2061, Lot 80 is an irregularly-shaped corner lot with frontage on Fleet Place and Willoughby Street that is part of a larger zoning lot that makes up the University Towers apartment complex of three 15-story towers and adjacent accessory parking lot. An approximately 11,000-square-foot portion of the parking lot for this development is within the project area.

Block 2061, Lot 110 is an irregularly-shaped corner lot with frontage on Fleet Place and Myrtle Avenue and contains a 15-story mixed-use building constructed in 2015 with ground floor retail and 205 residential units above. An approximately 2,000-square-foot portion of the accessory parking lot for this development is within the project area.

The applicant proposes to develop a new 14-story, approximately 200,000-square-foot, 10.0 FAR commercial office building. The proposed building would have a street wall height of 84 feet and

would rise to a total height of 196 feet after a 20-foot setback. The first two floors of the building would provide a 14-foot setback at the street level to allow additional sidewalk space, while the third through sixth floors would be set to the street line, providing an overhang in front of the lobby entrance. A rear yard ranging from 20 to 30 feet in depth would be provided at varying locations in compliance with commercial rear yard requirements in the proposed zoning district. No off-street parking would be provided, as the C6-4 district has no parking requirement for commercial uses. One loading berth would be provided at the northern edge of the building, as required by zoning.

To facilitate the proposed development, the applicant proposes zoning map and text amendments.

The applicant proposes a zoning map amendment to change the R6 zoning district by extending a C6-4 zoning district from across Fleet Place to the development site and extend the boundary of the SDBD. C6-4 districts are high-density, mixed use districts intended for commercial and residential buildings that require central locations or serve the metropolitan region and are mapped primarily within the city's central business districts. Residential, commercial, and community facility uses are allowed at a maximum FAR of 10.0, with no fixed height limit. MIH developments in C6-4 districts have a maximum FAR of 12.0.

Within the SDBD, C6-4 districts have two options for height and setback regulations. One option is the contextual zoning envelope for R10 districts, which allows a maximum base height of 125 feet and maximum height of 185 feet on narrow streets. Alternatively, buildings may use the tower regulations, which require setbacks for portions of buildings above 85 feet and limit lot coverage to 65 percent above 150 feet and 50 percent above 300 feet. Generally, no height limit applies to C6-4 districts; however, in the area adjacent to the project area, height is limited to 400 feet because of a height limitation area within the SDBD. C6-4 districts require no parking for commercial uses and most community facility uses, but for residential uses, parking is required for 20 percent of residential units within the SDBD.

The applicant also proposes a zoning text amendment (N 180525 ZRK) to amend two sections of the Zoning Resolution. The applicant proposes an amendment to Article X, Chapter 1, Appendix E of the Zoning Resolution (Special Downtown Brooklyn District Maps) to modify the boundary

of the SDBD to cover the project area, and to extend the Flatbush Avenue Extension Height Limitation Area to cover the project area, limiting the height of any new building to 400 feet.

The applicant also proposes an amendment to Appendix F of the Zoning Resolution to designate an MIH area coterminous with the project area. The proposed text amendment would map MIH Options 1 and 2. Option 1 requires that 25 percent of residential floor area be set aside for affordable housing units for residents with incomes averaging 60 percent of the Area Median Income (AMI), with 10 percent residential floor area set aside for residents with incomes averaging 40 percent of the AMI. Option 2 requires that 30 percent of residential floor area be set aside for affordable housing units for residents with incomes averaging 80 percent of the AMI. No more than three income bands can be used to average out to 80 percent, and no income band can exceed 130 percent of the AMI.

ENVIRONMENTAL REVIEW

This application (C 180524 ZMK), in conjunction with the application for the related zoning text amendment (N 180525 ZRK), 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 19DCP069K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on June 17, 2019. The Negative Declaration included (E) designations to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-539). The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

On September 23, 2019, a Revised EAS was issued that describes and analyzes modifications to the proposed actions and concludes that the modifications would not result in any new or different significant adverse environmental impacts. A Revised Negative Declaration was issued on September 23, 2019, that supersedes the Negative Declaration issued on June 17, 2019. The City Planning Commission has determined that the proposed actions will have no significant effect on the environment.

UNIFORM LAND USE REVIEW

This application (C 180524 ZMK) was certified as complete by the Department of City Planning on June 17, 2019 and duly referred to Brooklyn Community Board 2 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 180525 ZRK), which was referred in accordance with the procedures for non-ULURP actions.

Community Board Public Hearing

On June 19, 2019, Brooklyn Community Board 2 held a public hearing on this application (C 180524 ZMK) and on June 24, 2019, by a vote of seven in favor, none opposed, and one abstaining, the Executive Committee, authorized by the Community Board to act on its behalf during the summer recess, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 180524 ZMK) was considered by the Brooklyn Borough President, who on August 14, 2019, issued a recommendation to disapprove the application with the following conditions:

“That the proposed C6-4 district be modified to C6-1 and the boundaries of the proposed zoning, Mandatory Inclusionary Housing (MIH) area, and Special Downtown Brooklyn District (SDBD) be modified as follows: to 175 feet rather than 150 feet from Willoughby Avenue and to 175 feet rather than 200 feet from Fleet Place.

That, as a means to realize the public benefit such as space set aside for any combination of a child care facility, local arts and cultural groups, and/or affordable medical services, the City Council might consider a C6-4 district if, prior to considering the application, Fleet Center Inc. provides commitments, in writing, that if the C6-4 is adopted, a legally binding mechanism will be established to ensure only commercial and/or community facility development. Furthermore, the issuance of a Certificate of Occupancy (C of O) in response to an application filing with the New York City Department of Buildings (DOB), should be conditioned on the designation of no less

than 15 percent of the zoning floor area for community facility use with the remaining floor area reserved for commercial use.

That in seeking City Council approval, Fleet Center Inc. shall clarify how it would:

Engage residents of nearby New York City Housing Authority (NYCHA) developments to expand on a vision of desired community beneficial uses to occupy 101 Fleet Place that would fulfill various needs for their communities in an open dialogue with the tenant associations of Raymond V. Ingersoll and Walt Whitman houses, in consultation CB 2 and local elected officials

Subject to New York City Department of Education (DOE) space requirements, lease a nearby location for interim or ongoing use as a child care center by a DOE-designated operator

In lieu of ongoing use, commit to filing a portion of the represented commercial space, either on or above the ground floor as community facility, leased through coordination with the New York City Department of Citywide Administrative Services (DCAS) and DOE on behalf of such designated child care operator, based on reasonable lease terms, provided that DOE responds to Fleet Center Inc. to express its interest in leasing such space for child care services within 90 days

Commit to filing a portion of the represented commercial space (either at or above the ground floor) as community facility occupancy, to be leased by DOE and/or SCA for occupancy by a public school based on reasonable lease terms, provided that DOE and/or SCA respond to Fleet Center Inc. to express interest in leasing such space as a public school within 90 days

Set aside a portion of the zoning floor area designated as community facility for affordable medical services, in consultation with CB 2 and local elected officials

Set aside a portion of the commercial space for one or more local non-profit organizations such as arts and/or cultural entities at below-market lease terms, as warranted

Explore additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, rain gardens, and/or solar panels

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

City Planning Commission Public Hearing

On August 14, 2019 (Calendar No. 2), the City Planning Commission scheduled August 28, 2019 for a public hearing on this application (C 180524 ZMK) and the application for the related zoning text amendment (N 180525 ZRK). The hearing was duly held on August 28, 2019 (Calendar No. 28). Five speakers testified in favor of the application, and one in opposition.

An applicant representative described the public review process, stating that there were positive comments received at both the Community Board and Borough President public hearings. He stated that the applicant was willing to adhere to the Borough President's recommendation to limit the building to commercial and community facility uses and to provide 15 percent of the building as community facility space; however, there is no zoning or legal mechanism to enforce the requirement. He stated that the tenant profile of the developer is almost exclusively commercial and community facility. He also stated that Fleet Place, while a narrow street, is a one-way street that was found adequate to handle the traffic expected to be produced by the proposed development. Another applicant representative further described the history of the development group, and stated that he wanted to provide small floorplate office spaces that are more affordable for community facility tenants and smaller firms. He stated that he has no interest in residential development.

Three other speakers testified in favor. A representative of 32BJ Building Service Workers Union testified in favor, stating that the building would provide prevailing wage jobs to service workers. A representative of an organization that connects public housing residents to jobs in new developments stated that he supported the proposed development because it would bring jobs to the residents of the nearby public housing buildings. A representative of the Downtown Brooklyn Partnership testified in favor of the application, stating that the proposed development would

provide much-needed small floorplate office space to Downtown Brooklyn and noted other successful examples of commercial office buildings on narrow streets.

A Queens resident spoke in opposition of the proposal.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 180524 ZMK), as modified herein, in conjunction with the related application for a zoning text amendment (N 180525 ZRK), is appropriate, as modified.

The applicant has proposed to develop a 200,000-square-foot commercial and community facility building at a height of approximately 200 feet after a setback at below 85 feet. The project area is adjacent to higher-density mixed-use districts on the edge of Downtown Brooklyn, a central business district with growing demand for commercial office space. The project area represents an opportunity for commercial and mixed-use development to meet the growing demand. The extension of a commercial zoning district to the east side of Fleet Place, expansion of the SDBD, and increase in density is appropriate to facilitate commercial office, retail, and hotel uses, while the existing R6 district limits density and uses to housing and community facilities only.

The adjoining C6-4 zoning district on the west side of Fleet Place is mapped over blocks with frontages on two wide streets – Flatbush Avenue Extension, a 128-foot wide street, and Tillary Street, a 150-foot wide street. Typical zoning and land use patterns direct higher density districts to block ends and wide streets, and lower density to midblocks and narrow streets to ensure light and air to the street. The project area is located on the midblock of the east side of Fleet Place between Willoughby Street and Myrtle Avenue, a narrow street, mapped to a width of 60 feet in 2004 but built to 50 feet. The Commission is concerned that the proposed C6-4 zoning district could result in a building that would overwhelm the narrow Fleet Place by limiting light and air.

Furthermore, the project area's location and size, and the site's irregular shape, do not provide sufficient flexibility for development within the project site to distribute uses and services on multiple frontages. Instead, development in the project area would concentrate all activity, including pedestrian access, vehicular pick up and drop off, and a loading dock, on the midblock

of a narrow street. The Commission believes that the proposed C6-4 district would result in an inappropriate concentration of activity on a narrow street.

The Commission notes the recommendation of the Brooklyn Borough President to change the proposed C6-4 district to a C6-1 district. C6-1 districts are medium-density districts that allow commercial uses to a maximum of 6.0 FAR, community facility uses to a maximum of 6.5 FAR, and residential uses to a maximum of 4.6 FAR for MIH buildings. Buildings in the C6-1 district within the SDBD have different bulk regulations for residential and nonresidential buildings. Residential buildings using MIH are subject to the quality housing regulations of the R7-2 district. Such buildings have a maximum base height of 75 feet and maximum building height of 135 feet. Buildings that are entirely commercial or commercial and community facility are subject to the tower regulations of the SDBD, requiring a 15-foot setback above a height of 85 feet on a narrow street and limiting lot coverage to 65 percent above a height of 150 feet and 50 percent above a height of 300 feet. No parking is required for commercial or community facility uses. Residential developments have a parking requirement of 20 percent of units.

The Commission believes that a C6-1 district will result in a more appropriate building form and density on a narrow street. Therefore, the Commission herein modifies the zoning map amendment application (C 180524 ZMK) to change from a proposed C6-4 district to a C6-1 district. As modified, these actions will facilitate the development of a new medium-density, approximately 130,000-square-foot commercial and community facility building.

Regarding the Brooklyn Borough President's recommendation to modify the zoning district boundaries by 25 feet on the southern and eastern edges, the Commission believes that such a modification would not enhance the land use rationale, but rather would further isolate the zoning district to the midblock area.

The Commission also notes the Brooklyn Borough President's recommendations for the City Council to include a request to obtain written commitments from the applicant pertaining to several aspects of the proposed development. The Commission notes that these recommendations are directed to the City Council and are not within the scope of the Commission's review.

RESOLUTION

RESOLVED, that having considered the Revised Environmental Assessment Statement, for which a Revised Negative Declaration was issued on September 23, 2019 with respect to this application (CEQR No. 19DCP069K), the City Planning Commission finds that the actions described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and 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. 16c:

1. changing from an R6 District to a C6-1 District property bounded by the easterly centerline prolongation of former Fair Street, a line 200 feet easterly of Fleet Place, a line 150 feet northerly of Willoughby Street, and Fleet Place; and
2. establishing a Special Downtown Brooklyn District bounded by the easterly centerline prolongation of former Fair Street, a line 200 feet easterly of Fleet Place, a line 150 feet northerly of Willoughby Street, and Fleet Place;

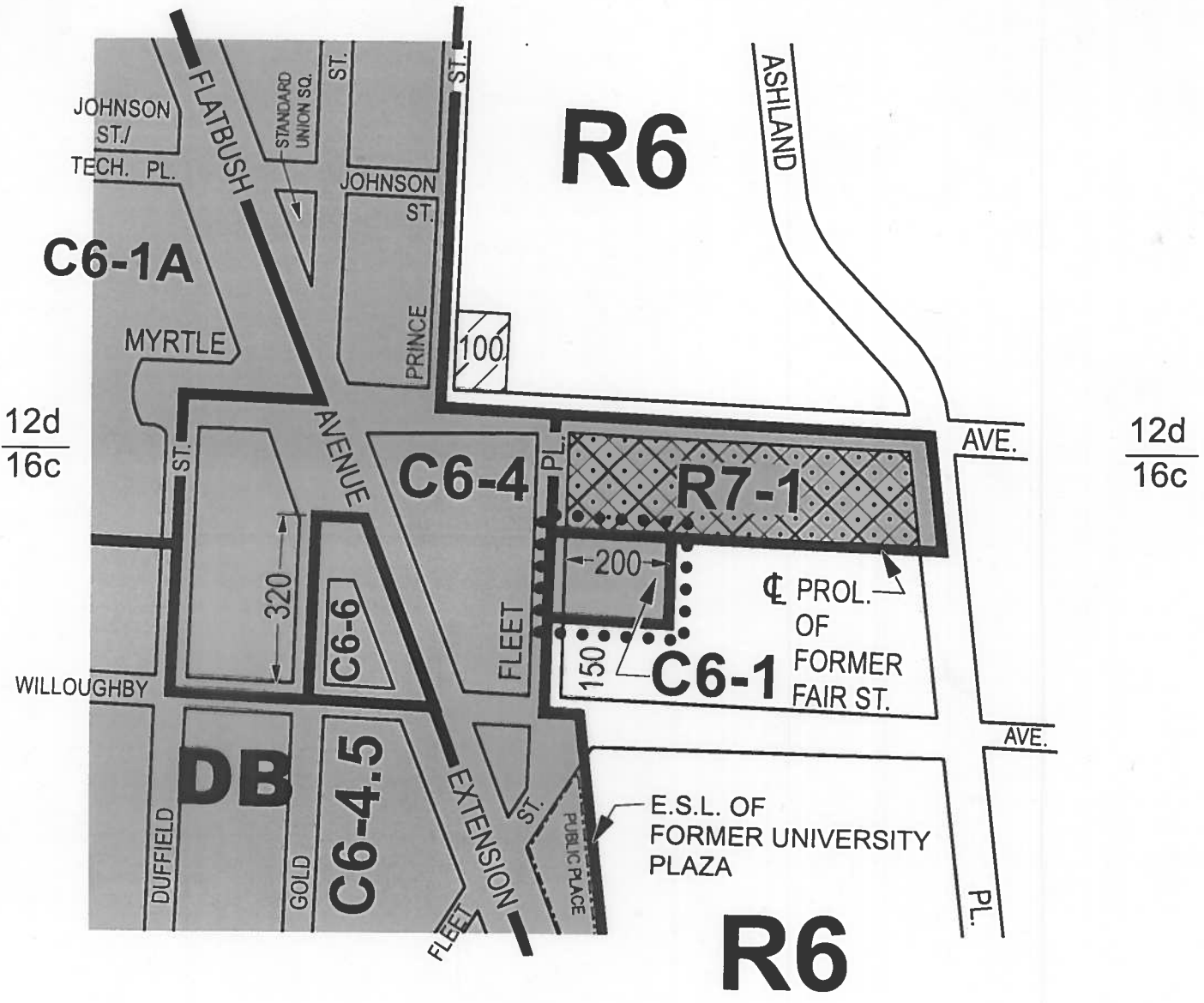
Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated September 25, 2019, and subject to the conditions of CEQR Declaration E-539.

The above resolution (C 180524 ZMK), duly adopted by the City Planning Commission on September 25, 2019 (Calendar No. 14), 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 J. BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,
MICHELLE de la UZ, JOSEPH DOUEK, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD** *Commissioners*



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

16c

BOROUGH OF
BROOKLYN

S. Lenard
 S. Lenard, Director
 Technical Review Division








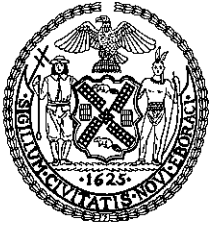
New York, Certification Date:
 June 17, 2019
 Modified by CPC
 September 25, 2019

SCALE IN FEET



NOTE:

-  Indicates Zoning District Boundary
-  The area enclosed by the dotted line is proposed to be rezoned by establishing a Special Downtown Brooklyn District (DB) and changing an existing R6 District to a C6-1 District.
-  Indicates a C1-3 District
-  Indicates a C2-4 District
-  **DB** Indicates a Downtown Brooklyn District (DB).



CITY OF NEW YORK
Community Board No. 2

350 JAY STREET - 8TH FL.
BROOKLYN, N.Y. 11201

(718) 596-5410 FAX (718) 852-1461
bk02@cb.nyc.gov

ERIC ADAMS
Borough President

LENUE H. SINGLETARY III
Chairperson

ROBERT PERRIS
District Manager

July 10, 2019

Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

via mail and calendaroffice@planning.nyc.gov

Dear Chair Lago:

I am writing to inform you that Community Board 2 (CB2) has reviewed and made a determination on the "101 Fleet Street Rezoning," two applications submitted on behalf of Fleet Center Inc., C 180524 ZMK and N 180525 ZRK.

The community board held a public hearing on these applications on June 19, 2019 in Room LC400 of the Dibner Building at the NYU Tandon School of Engineering, 5 Metrotech Center, Brooklyn, New York. Twelve of the 48 members of Community Board 2 on that date were present for the hearing. Representatives of SEIU 32BJ, the neighboring University Towers cooperative apartment complex and the Downtown Brooklyn Partnership testified at the hearing.

Following the hearing and discussion, the CB2 Land Use Committee voted unanimously (10-0-0) to recommend that Community Board 2 support the application on the condition that Fleet Center Inc. fulfill its commitment, announced at the meeting, to pay prevailing wage to the future employees of the proposed office building.

On June 24, 2019, the community board's Executive Committee voted seven in favor, none opposed, one abstention (7-0-1) to ratify the Land Use Committee conditional recommendation. At its general meeting held on June 12, 2019, the community board voted unanimously (30-0-0) to authorize the Executive Committee to act on its behalf while CB2 is on summer recess. The members present were advised prior to the vote that public hearings on two land use items were scheduled for the following week. I have not executed the standard community board ULURP recommendation form because the Executive Committee vote tally could be misunderstood without the preceding explanatory context.

Marisa Lago, Chair
City Planning Commission
July 10, 2019
Page 2

Thank you for the opportunity to comment.

Sincerely,



Lenu H. Singletary III

cc: Hon. Eric L. Adams
Brooklyn Borough President
Hon. Laurie Cumbo
New York City Council
Winston Von Engel, Brooklyn Borough Director
Kevin Kraft, City Planner
Anthony Grande, City Planner
Department of City Planning
Raymond H. Levin, Special Counsel
Herrick, Feinstein LLP
Cassandra Carrillo, Organizer
SEIU 32BJ

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 #: 101 FLEET PLACE – C 180524 ZMK, C 180525 ZRK

Applications submitted by Fleet Center Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for a zoning map amendment to rezone the property at 101 Fleet Place from an R6 district to a C6-4 district, with the extension of the Special Downtown Brooklyn District (SDBD) and a zoning text amendment to designate the project area a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of a 14-story, 209,354 square-foot (sq. ft.) commercial and community facility building with a maximum height of 196 feet.

COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

August 14, 2019

DATE

RECOMMENDATION FOR: 101 FLEET PLACE – C 180524 ZMK, C 180525 ZRK

Applications submitted by Fleet Center Inc., pursuant to Sections 197-c and 201 of the New York City Charter, for a zoning map amendment to rezone the property at 101 Fleet Place from an R6 district to a C6-4 district, with the extension of the Special Downtown Brooklyn District (SDBD) and a zoning text amendment to designate the project area a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of a 14-story, 209,354 square-foot (sq. ft.) commercial and community facility building with a maximum height of 196 feet.

On July 2, 2019, Brooklyn Borough President Eric L. Adams held a public hearing on this rezoning application. There were two speakers including a representative of 32BJ Service Employees International Union (SEIU), who spoke in support, citing a commitment to well-paying building service jobs at 101 Fleet Place, and a staff member of the Downtown Brooklyn Partnership, who expressed support for expanding the SDBD, and noted high demand for small floor plate office space in the area, which has a very low commercial vacancy rate.

In response to Borough President Adams' inquiry regarding the displacement of an existing child care center at the site, and what consideration has been given to re-establishing affordable space for child care services within the proposed development, the applicant's representative stated that the child care center's lease is with Brooklyn Community Services (BCS), which is headquartered at 285 Schermerhorn Street. Families eligible for subsidies may have their children attend for free, while those who are not eligible pay tuition on a sliding scale. The child care center has been operating on year-to-year basis, and was aware of the possibility that the site could be redeveloped. The Leser Group (Fleet Center Inc.) has extended BCS' lease for a year, to give the organization time to find another space. The applicant does not know where the child care center would relocate in the interim. However, the developer would be willing to accommodate BCS within the new development, and make arrangements to lease space at below-market rents.

In response to Borough President Adams' inquiry as to what other community facility uses have been contemplated for the development, what consideration has been given to residents of Raymond V. Ingersoll and Walt Whitman houses in determining appropriate community facility use, and what percent of the building would be set aside for such uses, the representative stated that most of the applicant's tenants are non-profit organizations, community facility uses, and the City of New York, who are likely to also occupy the proposed development. The applicant has met with the Ingersoll Houses Tenants Association (TA), which is concerned about medical facilities and social services. The applicant believes that it would be possible to accommodate such uses at 101 Fleet Place, and would continue discussions with Council Member Laurie A. Cumbo to determine other appropriate tenants.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as blue, green, or white roof coverings, passive house design, permeable pavers, New York City Department of Environmental (DEP) rain gardens, and/or solar panels, the representative stated that the site's small footprint presents certain limitations, but also opportunities for a blue roof system and on-site water management, as well as green roofs on two lower terraces. The applicant is interested in incorporating rain gardens, and potentially a green wall on the building's lower façade.

In response to Borough President Adams' inquiry regarding the inclusion and participation of locally-owned business enterprises (LBEs) and women-owned business enterprises (MWBEs) in the construction process, the representative stated that 32 BJ will provide building services at 101 Fleet Place. The representative also provided evidence of engagement with Ingersoll Houses, and disclosed that an outside consultant will be hired to implement the applicant's workforce development strategy, including LBE and MWBE hiring.

Consideration

On June 24, 2019, the Executive Committee of Brooklyn Community Board 2 (CB 2) voted to approve this application, on the condition that Fleet Center Inc. fulfills its commitment to pay prevailing wages to future building service employees at 101 Fleet Place.

The development site is a 20,536 sq. ft. irregular lot, with approximately 128 feet of frontage on Fleet Place. The majority of the lot, 19,388 sq. ft. is located within an R6 district, while the remaining 1,149 sq. ft. at the lot's northern edge, lies within an R7-1/C2-4 district, as well as the SDBD. This district was established at the time of the Downtown Brooklyn Plan (DBP) in 2004. The DBP also effected a City Map change that extended Fleet Place north to intersect Myrtle Avenue, and expanded the street's width to 60 feet.

The applicant's lot is improved with a one-story, 1.0 FAR building of approximately 20,536 sq. ft. occupied entirely by a child care facility. The Duffield Children's Center (DCC) is an EarlyLearn NYC program provider, operated by BCS under contract with the New York City Department of Education (DOE). As of August 2, 2019, there were a combined 70 toddlers and preschoolers enrolled at the program, which is contracted with DOE to provide services to 12 toddlers and 51 preschoolers. According to the provider, fully two thirds of the families at DCC come from the nearby New York City Housing Authority (NYCHA) developments. The child care center employs a staff of 36 people.

The facility has been at 101 Fleet Place for more than two decades, but for the last three years, has been operating on a year-to-year lease. BCS has been aware of the applicant's intent to redevelop the site for some time. The Leser Group expects that DCC would relocate within Downtown Brooklyn prior to its deadline of May 2020. As part of its search, BCS had considered leasing space within Farragut Houses, a NYCHA development adjacent to Brooklyn Navy Yard. However, such space would require, at minimum, more than \$1 million in renovations in order to accommodate the child care center.

The requested rezoning covers approximately 33,039 sq. ft., of a mid-block section of Fleet Place between Myrtle Avenue and Willoughby Street. It consists of the R6-zoned portion of the applicant's lot, and parts of two adjacent lots, including a rear section of The Giovanni at 81 Fleet Place and the western lot of the University Towers campus, a Mitchell-Lama development constructed on this block in 1958. The Giovanni at 81 Fleet Place lot has a total area of 33,356 sq. ft., of which 2,130 sq. ft. falls within the rezoning area. This lot is improved with a 265,417 sq. ft. mixed commercial and residential building constructed in 2015. The affected University Towers lot has a total area of 78,478 sq. ft., of which 11,528 sq. ft. falls within the rezoning area. This lot is improved with a 15-story, 187,667 sq. ft. building. University Towers contains a total of 550 apartments in three buildings: 122 Ashland Place, 175 Willoughby Street, and 191 Willoughby Street.

It should be noted that, in 2013, The Giovanni at 81 Fleet Place, The Margo at 180 Myrtle Avenue, and The Andrea at 218 Myrtle Avenue, resulted from the merger of zoning rights that transferred unused floor area from all three University Towers properties to the developer Red Apple. In 2018, these properties went through the Uniform Land Use Review Procedure (ULURP) process to amend New York City Zoning Resolution (ZR) Special Ground Floor Use Regulations Within the Special Downtown Brooklyn District to allow ground-floor occupancy by community facility uses in these buildings.

The site's current R6 zoning permits a maximum residential floor area ratio (FAR) of 2.43 and a maximum community facility FAR of 4.8. In order to realize the maximum residential FAR, a height factor 13 zoning calculation would be required, which can readily be achieved given the parcel size. Furthermore, with the ability to substantially set back the building from Fleet Place, it is possible to construct a slender tower that approaches 30 stories.

The requested C6-4 zoning district would allow an FAR of 10.0 for commercial or community facility, and 12.0 according to MIH residential use.

As proposed, 101 Fleet Place would have 14 stories, with a 17,650 sq. ft. ground floor. The building will have a street wall height of 84 feet with a 20 foot setback at the seventh story, and a maximum height of 196 feet. The development will utilize an existing curb cut to accommodate one loading berth. The applicant intends to file the ground floor as Use Group 6B (UG 6B) commercial space, which consists primarily of business and government offices.

The site's immediate surroundings include an array of dense residential and community facility development. The Raymond V. Ingersoll and Walt Whitman housing developments are located north of the block, across Myrtle Avenue. Ingersoll Houses is a complex of 21 six-story buildings with 1,826 apartments, while Whitman Houses consists of 15 six- and 13-story buildings with 1,652 apartments. The Long Island University (LIU) campus is located south of the block across Willoughby Street, and serves 18,500 students.

More broadly, the area is defined by a vibrant mix of historical office and retail uses, and an influx of hotel and residential development, with several towers ranging from 35 to 54 stories (including CityPoint at Willoughby Street between Albee Square and Flatbush Avenue Extension) and more expected to be complete by 2025. The context includes the Brooklyn Cultural District, anchored by the Brooklyn Academy of Music (BAM), and the nearby BAM and Fort Greene historic districts.

According to the application's accompanying Environmental Assessment Statement (EAS), the alternative residential Reasonable Worst Case Development Scenario (RWCDs) would result in a 34-story, 380-foot tall, predominantly residential building containing approximately 258,900 sq. ft. of residential floor area, with 25 or 30 percent of such floor area developed pursuant to MIH requirements. Such development would be as-of-right according to the requested rezoning.

While no other development was assumed in the EAS, both Red Apple and University Towers would be able to sell air rights gained from increasing the FAR to 10.0 (12.0 with MIH). As a result of the proposed actions, more than 11,000 sq. ft. of University Towers would be rezoned from R6 to C6-4, generating more than 75,000 sq. ft. of commercial development rights or more than 95,000 sq. ft. of rights that only could be sold for residential development pursuant to MIH.

Borough President Adams generally supports land use actions that broaden opportunity for office development. According to DBP, the vacancy rate for commercial office space in Downtown Brooklyn has stayed between two and eight percent for the past five years. Granting approval of the requested actions would allow the developer to construct a mixed-use commercial building that would help meet demand for new office space in Downtown Brooklyn. Such office use would strengthen the SDBD's business core, in keeping with the objectives of the 2004 rezoning. Borough President Adams also acknowledges the benefit of realizing commercial development in Downtown Brooklyn and its proximity to transit infrastructure.

Borough President Adams generally supports the redevelopment of underutilized land for productive uses that maximize opportunities for permanent jobs for Brooklyn residents. The project site is located within a Transit Zone. It is accessible via the B54 bus, which runs along Myrtle Avenue, and the DeKalb Avenue subway station, located two blocks south of the site, with service by the Central Park West Local/Sixth Avenue Express B, the Queens Boulevard/Broadway/Fourth Avenue Local R, and the Second Avenue/Broadway Express Q trains.

Borough President Adams is generally supportive of redevelopment at 101 Fleet Place. However, he has concerns regarding the requested density, including the extent of the requested zoning, in that

the requested zoning does not guarantee extensive commercial building, and that the proposed development does not include beneficial community uses such as arts and cultural non-profits, child care facilities, and/or affordable medical offices. In addition, he believes that a portion of school floor area in the SDBD should be exempted from zoning floor area calculations.

Appropriate Density

The area requested to be zoned is on a section of Fleet Place mapped to a width of 60 feet, which, according to the ZR, is a narrow street. Some block fronts within the neighboring SDBD have properties with their sole frontage on narrow streets, though not on midblock sections where the corners were in lesser density zoning districts. Myrtle Avenue to the north is zoned R7-1 while the Willoughby Street frontage is within the same R6 district as 101 Fleet Place. The existing zoning on this atypically deep site allows the developer a wide range of possible heights according to the ZR's sky exposure plane and alternative sky exposure plane. However, unlike the represented office building, a residential as-of-right tower would need to be substantially set back from Fleet Place, resulting in a design similar to University Towers, which retains light and air.

Justification for accepting such density is based on the fact that the represented development would provide opportunities for commercial office tenants to secure space in Downtown Brooklyn. There is a demonstrated need for such space in the district, based on its low commercial vacancy rate. However, the applicant's proposal does not acknowledge the possibility of constructing a 50 percent larger building based on commercial floor area rights that could be transferred to the development site from the two other properties that would receive additional rights from the rezoning. These other property owners recently engaged in the redistribution of unused zoning rights and, without transferring such rights to 101 Fleet Place, would have little opportunity to capitalize on the rights. Therefore the requested rezoning could essentially result in the development of a building that approaches 15 FAR based on the size of the lot intended for redevelopment.

Beyond providing the opportunity to house commercial offices, the proposed development, as represented by the applicant, does not include any additional public benefit. While commercial office space is always welcome in Downtown Brooklyn given how disproportionately the area was redeveloped for residential occupancy, the borough is growing commercial office hubs in nearby neighborhoods. Recent examples include the 635,000 sq. ft. Brooklyn Panorama project, a five-building, 700,000 sq. ft. commercial complex coming online in Columbia Heights, another five-building complex in Dumbo Heights that will result in approximately 1.2 million sq. ft., and approximately 400,000 sq. ft. that will be built as part of the Empire Stores redevelopment. In the South of Navy Yard (SONY) area, approximately 600,000 sq. ft. is expected in a new building at 47 Hall Street. At the Brooklyn Navy Yard, the renovation of Building 77 will yield approximately one million sq. ft. while the new Dock 72 building will have approximately 675,000 sq. ft. of commercial floor area. Further from Downtown Brooklyn, in Williamsburg, there are projects such as the Domino Sugar Refinery renovation and 25 Kent Avenue that will also add significant office and retail inventory.

Borough President Adams believes that without additional advancement of other public policies, the quadrupling of floor area from a FAR of 2.43 to 10.0 is not justifiable density in itself and would be further exacerbated if the significant air rights were incorporated. He is concerned that the proposal seeks to realize a 300 percent increase in FAR on the site, without commensurate public benefit, or adequate guarantees of what has been represented. Moreover, the granting of a C6-4 district would result in a windfall of development rights that would enable and incentivize the construction of a much taller tower with its only limitation of receiving transferred floor area being the area's height limit of 400 feet, with no ability to assure commercial development, as there is no mechanism to preclude such an outcome directly through the requested land use actions.

Borough President Adams believes that for a purely commercial development, C6-1 zoning would enable suitable commercial density based on a FAR of 6, with additional floor area available for community facility use that allows up to 6.5 FAR. Such district also permits residential development that would essentially be an extension of the R7-1 that exists along Myrtle Avenue. In order to minimize the amount of unused air rights that could be transferred to University Towers, Borough President Adams believes the requested rezoning area should be modified to align more closely with the dimensions of the development site. He believes that the proposed eastern and southern boundaries should be reduced by not less than 25 feet.

Such a reduction would render a small portion of the development site without commercial zoning rights where the parcel comes to a point east of the recommended modified boundary 175 feet from Fleet Place, as it would remain in the R6 district for a distance extending beyond 25 feet. However, the developer could regain such commercial rights by undertaking a tax lot modification in cooperation with University Towers to reapportion both lots, which would result in a more rectangular redevelopment site with more frontage along Fleet Place.

Should the developer commit to substantial incorporation of public benefit uses such as child care, school seats, affordable medical services and/or cultural uses, including dance, then the requested zoning should be given consideration based on the reduced rezoning boundaries.

Therefore, Borough President Adams believes that the proposed C6-4 should be modified to C6-1 while the boundaries of the proposed zoning, MIH area, and SDBD should be modified from 150 to 175 feet from Willoughby Avenue, and from 200 to 175 feet from Fleet Place. However, the City Council might consider C6-4 if, prior to its review period, the applicant, Fleet Center Inc. provides commitments in writing that clarify how it would address specific conditions in the following sections.

Ensuring Commercial Development

If developed as a commercial building, 101 Fleet Place would advance a legitimate public purpose of job creation while meeting demand for new office space in Downtown Brooklyn. However, the actions before Borough President Adams do not adequately ensure that 101 Fleet Place would be developed as proposed, as there is no mechanism in the ULURP process to preclude the provision of residential use in lieu of commercial space. Therefore, if the requested zoning actions are approved, and there is a change in the applicant's development philosophy, the owner would retain the right to advance a new design that would result in a 10 FAR building with approximately 30 residential stories, without commercial use. While entirely legal, this alternative development would substantially diminish the public policy benefit associated with the represented commercial office project. Such alternative development would provide affordable housing according to MIH in lieu of the proposed nearly 210,000 sq. ft. of commercial office space.

Borough President Adams believes that allowing a development site the dual benefit of exceeding the existing base FAR, and enabling significant market-rate residential floor area in lieu of exclusively commercial floor area, is not a desirable outcome for this section of CD 2. While market-rate residential development at this site would result in the creation of new affordable apartments according to MIH, it would not alleviate the low commercial vacancy rate and corresponding high rents in the SDBD.

Borough President Adams believes that it would be appropriate to utilize legal mechanisms in order to provide greater certainty that 101 Fleet Place would be constructed substantially as a commercial building. While he welcomes the addition of new commercial office floor area in Downtown Brooklyn, Borough President Adams seeks to ensure that commercial development is significantly included in the redevelopment of 101 Fleet Place. Without a sufficient guarantee, Borough President Adams believes that the requested zoning should be reduced from a C6-4 to a C6-1 district.

Therefore, Borough President Adams recommends that unless a legally binding mechanism is established to require only commercial and/or community facility development, in lieu of approving the requested C6-4 zoning, the City Council should seek public benefits such as space set aside for a child care facility, local arts and cultural groups, and/or affordable medical services for the designation of not less than 15 percent of the zoning floor area for community facility use and the remaining floor area for commercial use.

Engage Residents of Nearby NYCHA Developments to Determine Appropriate Community Benefit Uses for Commercially Permitted Floor Area

As noted above, the redevelopment of 101 Fleet Place could facilitate space for beneficial uses such as a child care facility, local arts and cultural groups, and/or affordable medical services. Given the site's proximity to the Raymond V. Ingersoll and Walt Whitman houses, the potential development presents significant opportunities to realize needed services for this community. In a 2017 ULURP application for a mixed-use project at 202-208 Tillary Street, the developer engaged the Ingersoll Houses TA to determine potential uses for more than 13,000 sq. ft. of community facility space. The TA identified affordable child care and medical care as the highest priorities for NYCHA residents. Market research in the nearby Myrtle Avenue Business Improvement District (BID) confirms unmet demand for child care and health care services in the area.

In order to determine the extent that it might be appropriate to rezone to C6-4 as opposed to C6-1, Borough President Adams encourages Fleet Center Inc. to engage residents of nearby NYCHA developments to determine what beneficial uses should be prioritized at 101 Fleet Place in order to fulfill the communities' various needs. His office is available to assist in opening dialogue with the TAs of Ingersoll and Whitman Houses, in consultation with CB 2 and local elected officials.

Ensure Retention of Affordable Child Care Services in this Section of CD 2

As more areas of Brooklyn become magnets for real estate development, Borough President Adams remains concerned that landlords might elect to pursue more lucrative uses for their properties, potentially discontinuing child care services.

Borough President Adams recognizes that affordable child care facilities are a vital asset for Brooklyn families with qualifying incomes. Such facilities, often referred to as EarlyLearn NYC Centers, are run by private operators under a contract with DOE. In order to qualify, children must have a parent or guardian with an income of no more than 200 percent of the Federal poverty level and a reason for care, which includes working, being in school or at a job training program, seeking work for up to six months, or not having a permanent home.

Borough President Adams recognizes the importance of proximate access to affordable child care facilities for the residents of Ingersoll and Whitman houses, as well as neighboring families in Fort Greene. He acknowledges that even temporary displacement of such facilities can pose a significant burden to families that rely on subsidized child care. He also notes that while CD 2 has a substantial concentration of child care facilities, they are largely located west of Flatbush Avenue, and/or are not subsidized by the City.

In a 2017 ULURP application for a proposed development at 202-208 Tillary Street, Borough President Adams noted that the recent closure of a nearby child care center left the DCC as the only subsidized EarlyLearn NYC facility near the Raymond V. Ingersoll and Walt Whitman houses, which together house more than 2,000 families. BCS has expressed that it was aware of the applicant's plans to redevelop the site, and is working to secure affordable space in Downtown Brooklyn. However, given the organization's limited resources, the high commercial rents in Downtown Brooklyn, and the lack of available alternative space, there is a risk that the organization may be unable to relocate its subsidized child care services within this area.

Earlier this year, DOE put out Requests for Proposals (RFPs) to secure child care services for infants, toddlers, and preschoolers across New York City. One of the prerequisites for child care providers is "site control" or a secure leasehold on the space where services are provided. As DCC will have to leave its location to enable the proposed development, it is unclear whether the child care center would be able to continue its contract with DOE. Borough President Adams is therefore, concerned that the requested zoning actions may lead to the permanent loss of subsidized child care seats within this section of CD 2.

Given the extent of development rights being requested to facilitate 101 Fleet Place, Borough President Adams believes that optimum consideration should be given to retaining subsidized child care services in proximity to this site. The provision of child care services at 101 Fleet Place through a lease on behalf of such a provider, would be consistent with his policy to promote greater access to child care for low and moderate-income families. Furthermore, he seeks to minimize the disruption of child care services for families whose children attend DCC. One means to ensure continuous provision of such services is through developer-subsidized efforts to secure an alternative location for at least temporary operation by BCS or other qualified child care provider.

Borough President Adams believes that Fleet Center, Inc. should work with CB 2 and local elected officials to identify interim or permanent space for occupancy by BCS or other qualified EarlyLearn NYC operators designated by DOE. Such facility would be situated in this section of CD 2, financed by the developer, and subject to reporting by DOE.

Borough President Adams believes that in lieu of a long-term commitment to retain subsidized child care in this section of CD 2, the developer should prioritize floor area at 101 Fleet Place for the provision of child care services. Therefore, Fleet Center Inc. should provide representation that it would commit to filing a portion of the represented commercial space (either at or above the ground floor) as community facility occupancy, to be leased to DCAS and DOE on behalf of a designated child care operator, based on reasonable lease terms.

In order to secure occupancy by such provider, Fleet Center Inc. should offer community facility space to DOE, before targeting other uses. DOE should respond to Fleet Center Inc. within 90 days to express its interest in leasing such space for child care services. The developer should also commit to engaging private child care providers in the CD 2 area with a view toward affordability. To ensure that these services are accessible to residents of Raymond V. Ingersoll Houses, Walt Whitman Houses, and University Towers, the selected operator should be an EarlyLearn NYC provider, contracted to serve households with incomes within 200 percent of the Federal poverty level. Borough President Adams' office is available to help connect the application to qualified child care providers seeking space in Downtown Brooklyn.

Therefore, prior to considering this application for C6-4 rezoning in lieu of the recommended C6-1, the City Council should seek a commitment from Fleet Center Inc. to finance the lease of an interim or permanent location, subject to DOE space requirements, for a child care provider, and in lieu thereof, to filing a portion of the represented commercial space (either at or above the ground floor) as community facility occupancy, to be leased by DCAS and DOE on behalf of a designated child care operator, based on reasonable lease terms — provided that DOE responds to Fleet Center Inc. within 90 days to express its interest in leasing such space for child care services.

Set Aside Portion of Commercial Space for a Public School

Downtown Brooklyn has a large number of new developments, recently completed, in the planning stages, or under construction, estimated to accumulatively produce more than 3,000 public elementary school students. Without proper mitigation, it is possible that the surge of residential and

mixed-use development will result in significant adverse impacts on school capacity in Community School District (CSD) 13.

Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote the incorporation of public school space, particularly in the SDBD. As a fully commercial development, 101 Fleet Place would not generate any students. Nevertheless, Borough President Adams believes that serious consideration should be given to providing school seats within the development. Furthermore, while there has been discussion regarding several residential projects that might help address the school capacity crisis, there are no guarantees that enough school seats would be produced or that those sites would be well-dimensioned for public school layout.

Borough President Adams acknowledges New York City School Construction Authority (SCA) standards for public school construction, both built and in the pipeline, that are of a smaller lot area than 101 Fleet Place. In other parts of Brooklyn, public schools have been accommodated on lots of 12,000 sq. ft. and in buildings of 42,000 sq. ft. It was reported that the developer of 101 Fleet Place had been engaged in discussions with DOE and SCA regarding the incorporation of a school in the intended commercial development. Unfortunately, that conversation did not result in a school as part of the certified ULURP application. Moreover, it was reported that the New York City Department of City Planning (DCP) had objected to a public school on a narrow street.

Borough President Adams is concerned about demand for school seats in Brooklyn, and the city as a whole is outpacing school capacity. He is aware that SCA is seeking 70 sites to accommodate a five-year projected need of approximately 45,000 seats. Moreover, it appears that few City-owned sites are suited to school occupancy, which means that the City will look to private developers to create such space. In light of pressing need for greater school capacity, Borough President Adams believes that the inclusion of a school within 101 Fleet Place merits re-evaluation as part of the proposed redevelopment. As 101 Fleet Place would provide a ground floor of at least 17,000 sq. ft. in a building of more than 200,000 sq. ft. (according to the proposed C6-4 zoning), Borough President Adams believes DOE and/or SCA should be asked to re-evaluate the appropriateness of this site for the incorporation of a public school.

Borough President Adams believes that in order to alleviate some of the future school capacity needs in Downtown Brooklyn, plans for 101 Fleet Place should be required to incorporate classroom space on the ground floor and/or lower floors. Borough President Adams also believes that DOE and/or SCA, in coordination with Community Education Council (CEC) District 13, CB 2, and local elected officials, should seek to secure sufficient floor area for a public school as part of the proposed redevelopment.

Therefore, prior to considering this application for C6-4 rezoning in lieu of the recommended C6-1, the City Council should obtain commitments, in writing, from the developer, Fleet Center Inc., to file a portion of the represented commercial space (either at or above the ground floor) as community facility occupancy, to be leased by DOE and/or SCA for occupancy by a public school based on reasonable lease terms, provided that DOE and/or SCA respond to Fleet Center Inc. within 90 days to express interest in leasing such space as a public school.

Set Aside Portion of Commercial Space for Affordable Medical Care Facilities

Borough President Adams also recognizes that not all Brooklyn neighborhoods have adequate access to health care services. Among his greatest priorities is to expand accessible, affordable, and state-of-the-art medical services to all communities in the borough. Borough President Adams believes that this consolidated model of medical services represents the future under the Affordable Care Act (ACA). The provision of affordable medical services at 101 Fleet Place through a lease to a medical care provider would be consistent with his policy of increasing access to affordable health care.

Therefore, prior to considering this application for C6-4 rezoning in lieu of the recommended C6-1, the City Council should obtain commitments in writing from the developer, Fleet Center Inc., clarifying how it would memorialize the extent that it would set aside a portion of the zoning floor area designated as community facility for affordable medical services, in consultation with CB 2 and local elected officials.

Set Aside Portion of Commercial Space for Local Cultural Entities

It is one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space. These organizations play an important role in the neighborhoods they serve, though it is too often a challenge to secure sufficient affordable space to grow and maintain their operations. Many cultural organizations have contacted Borough President Adams seeking assistance in securing space to expand and sustain their programming. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote cultural activities.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining the challenges facing artists in the borough, along with accompanying recommendations. The report highlighted the benefits of arts and dance, including maintaining physical fitness and enjoying creative self-expression, as well as contributions to the vibrant culture of Brooklyn. Borough President Adams finds many challenges facing the local arts community, such as an absence of diversity — fewer than half of the individuals working in dance in Brooklyn are people of color based on 2000 United States Census data. Additionally, funding for the arts has decreased dramatically in New York City in recent years, including by 37 percent from the New York State Council of the Arts (NYSCA), 15 percent from the National Endowment for the Arts (NEA), and 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data show that such cultural activities create a variety of positive contributions, including combating the borough's high rate of obesity — as of 2016, 61 percent of adults are overweight or obese, according to the New York State Department of Health (NYSDOH) — and helping children succeed in school, a finding supported by research released by the Citizens' Committee for Children of New York, Inc. Demand for cultural programs continues to grow across Brooklyn. A 2015 report from the Center for an Urban Future found a 20 percent increase in attendance at events organized by local cultural institutions since 2006.

Many cultural and dance organizations have contacted Borough President Adams seeking assistance with securing space to grow and sustain their programming. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote cultural and dance activities.

Borough President Adams believes that the location of the proposed development is well-suited for inclusion of cultural activities and other community uses given the site's accessibility and its proximity to the Brooklyn Cultural District.

Borough President Adams believes that, given the developer's stated interest in providing space for both commercial and non-profit tenants, a portion of the 101 Fleet Place floor area could be marketed to local arts and cultural groups, and/or community organizations. However, he is aware that such uses cannot afford to compete with rents that retail uses would likely pay at this location.

Therefore, prior to considering this application for C6-4 rezoning in lieu of the recommended C6-1, the City Council should obtain commitments in writing from the developer, Fleet Center Inc., clarifying how it would memorialize the extent that it would set aside a portion of the commercial

space for local non-profit organizations such as arts and/or cultural entities at below-market lease terms, as warranted.

To the extent that the City Council seeks to provide below-market rents to accommodate such arts and/or cultural organizations, Fleet Center Inc. should actively solicit such organizations, based on reasonable lease terms, as determined in consultation with CB 2 and local elected officials.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) at each project site. Such modifications tend to increase energy efficiency and reduce a development's carbon footprint.

Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to incorporate permeable pavers and/or establish rain gardens that advance the DEP green infrastructure strategy. Blue/green roofs, permeable pavers, and rain gardens would deflect stormwater from the City's water pollution control plants. According to the "New York City Green Infrastructure 2017 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous economic, environmental, and social co-benefits.

Borough President Adams believes it is appropriate for the developer to engage government agencies, such as the Mayor's Office of Sustainability, NYPA, and/or NYSERDA 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 square-foot 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.

The proposed development offers opportunities to explore resiliency and sustainability measures in the development such as incorporating blue/green/white roof finishes, passive house construction principles, and solar panels. The required Builders Pavement Plan provides an opportunity to incorporate a DEP rain garden along Fleet Place, in front of the development. Such efforts could help advance DEP green water/stormwater strategies, enhancing the operation of the Red Hook Waste Water Treatment Plant (WWTP) during wet weather. Such rain gardens have the added benefit of serving as a streetscape improvement.

Therefore, prior to considering the application, the City Council should obtain in writing from the applicant, Fleet Center Inc., commitments that clarify how it would memorialize integrating resiliency and sustainability features at 101 Fleet Place.

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 2015," 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 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses including those that qualify as

locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs) is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs consistent with Section 6-108.1 of the City's Administrative Code, and MWBEs 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 commitments in writing from the developer, Fleet Center Inc., that clarify its intent to memorialize retention of Brooklyn-based contractors and subcontractors, especially those who are designated LBE 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.

Provide Zoning Incentives for the Inclusion of a Public School

Borough President Adams is concerned that without zoning incentives, private developers are too often unlikely to accommodate space for a public school when development is as-of-right, as doing so would displace more profitable commercial or residential floor area. For the SDBD, he has been on record that there needs to be an amendment to the ZR that would provide developers with additional floor area for the inclusion of a public school, without diminishing zoning development rights for more lucrative uses. There already is such a precedent in the ZR associated with the Greenpoint Landing development and more recently as part of the 80 Flatbush ULURP approval based on being an Educational Construction Fund project. In these instances, building space to be used as a school would be exempt from the definition of floor area, resulting in no loss of square footage that would otherwise bring financial gain to the developer.

Borough President Adams calls on DCP to undertake a zoning text amendment to enable the SDBD Special Bulk Regulations to include a sub-section pursuant to C6-4 and C6-4.5 districts, for 101 Fleet Place, to be exempt from the definition of floor area up to 50,000 sq. ft. of floor space within a public school, constructed in whole or in part pursuant to agreement with the SCA and subject to the jurisdiction of the DOE. In addition, that maximum community facility FAR in C6-4 be increased by 1.0 FAR to enable community and cultural facility uses such as public schools to be facilitated by such development.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council disapprove this application with the following conditions:

1. That the proposed C6-4 district be modified to C6-1 and the boundaries of the proposed zoning, Mandatory Inclusionary Housing (MIH) area, and Special Downtown Brooklyn District (SDBD) be modified as follows: to 175 feet rather than 150 feet from Willoughby Avenue and to 175 feet rather 200 feet from Fleet Place
2. That, as a means to realize public benefit such as space set aside for any combination of a child care facility, local arts and cultural groups, and/or affordable medical services, the City Council might consider a C6-4 district if, prior to considering the application, Fleet Center Inc. provides commitments, in writing, that if the C6-4 is adopted, a legally binding mechanism will be established to ensure only commercial and/or community facility development. Furthermore, the issuance of a Certificate of Occupancy (C of O) in response to an application filing with the New York City Department of Buildings (DOB), should be conditioned on the designation of no less than 15 percent of the zoning floor area for community facility use with the remaining floor area reserved for commercial use.

3. That in seeking City Council approval, Fleet Center Inc. shall clarify how it would:

- a. Engage residents of nearby New York City Housing Authority (NYCHA) developments to expand on a vision of desired community beneficial uses to occupy 101 Fleet Place that would fulfill various needs for their communities in an open dialogue with the tenant associations of Raymond V. Ingersoll and Walt Whitman houses, in consultation with CB 2 and local elected officials
- b. Subject to New York City Department of Education (DOE) space requirements, lease a nearby location for interim or ongoing use as a child care center by a DOE-designated operator
- c. In lieu of ongoing use, commit to filing a portion of the represented commercial space, either on or above the ground floor as community facility, leased through coordination with the New York City Department of Citywide Administrative Services (DCAS) and DOE on behalf of such designated child care operator, based on reasonable lease terms, provided that DOE responds to Fleet Center Inc. to express its interest in leasing such space for child care services within 90 days
- d. Commit to filing a portion of the represented commercial space (either at or above the ground floor) as community facility occupancy, to be leased by DOE and/or SCA for occupancy by a public school based on reasonable lease terms, provided that DOE and/or SCA respond to Fleet Center Inc. to express interest in leasing such space as a public school within 90 days
- e. Set aside a portion of the zoning floor area designated as community facility for affordable medical services, in consultation with CB 2 and local elected officials
- f. Set aside a portion of the commercial space for one or more local non-profit organizations such as arts and/or cultural entities at below-market lease terms, as warranted
- g. Explore additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, rain gardens, and/or solar panels
- h. Retain Brooklyn-based contractors and subcontractors, especially those who are designated local business enterprises (LBEs) consistent with Section 6-108.1 of the City's Administrative Code and minority- and women-owned business enterprises (MWBEs) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency

Be it Further Resolved:

1. That the New York City Department of City Planning (DCP) undertake a zoning text amendment to enable the SDBD Special Bulk Regulations to include a subsection pursuant to C6-4 and C6-4.5 districts, for 101 Fleet Place, to be exempt from the definition of floor area up to 50,000 square feet (sq. ft.) of floor space within a public school, constructed in whole or in part pursuant to agreement with the SCA and subject to the jurisdiction of the DOE. In addition, that maximum community facility FAR in C6-4 should be increased by 1.0 FAR to enable cultural and other community facility uses such as public schools to be facilitated by such development.