



Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
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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

86 FLEET PLACE – N 210061 ZMK

An application submitted by Red Apple 86 Fleet Place Development LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for a text amendment to sections of the New York City Zoning Resolution (ZR) that limit what uses can be located within 50 feet of a property's street line on designated streets in the Special Downtown Brooklyn District (SDBD). The requested actions would allow all non-residential use groups permitted by the underlying C6-4 zoning, including community facilities at 86 Fleet Place, an existing 32-story building located on the south side of Myrtle Avenue between Fleet Place and a de-mapped portion of Prince Street in Brooklyn Community District 2 (CD 2).

BROOKLYN COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

February 3, 2021

BROOKLYN BOROUGH PRESIDENT

DATE

RECOMMENDATION FOR: 86 FLEET PLACE – N 210061 ZMK

Red Apple 86 Fleet Place Development LLC submitted an application pursuant to Sections 197-c and 201 of the New York City Charter, for a text amendment to sections of the New York City Zoning Resolution (ZR) that limit what uses can be located within 50 feet of a property's street line on designated streets in the Special Downtown Brooklyn District (SDBD). The requested actions would allow all non-residential use groups permitted by the underlying C6-4 zoning, including community facilities at 86 Fleet Place, an existing 32-story building located on the south side of Myrtle Avenue between Fleet Place and a de-mapped portion of Prince Street in Brooklyn Community District 2 (CD 2).

On January 25, 2021, Brooklyn Borough President Eric Adams held a remote public hearing on this special permit application. There were no speakers on the item.

In response to Borough President Adams' inquiry as to what consideration has been given to incorporating community facility uses that would address the needs of nearby New York City Housing Authority (NYCHA) residents, such as an affordable medical care provider or child care services, as has been repeatedly expressed by Brooklyn Community Board 2 (CB 2) in nearby Uniform Land Use Review Procedure (ULURP) requests, the representative stated that the applicant has been approached by child care and non-profit medical tenants seeking space in the area. The representative also noted that a prior application resulted in leases to three such operators on Myrtle Avenue, including Brooklyn Children's Services (BCS), a child care provider that primarily serves the local NYCHA community.

In response to Borough President Adams' inquiry as to what steps the applicant is prepared to take to connect local non-profits to the available commercial ground-floor space for community facility use, the representative reiterated that the owner has already engaged such organizations as tenants.

Consideration

Brooklyn Community Board 2 (CB 2) approved this application on January 13, 2021.

86 Fleet Place is located within a C6-4 zoning district and subject to the regulations of the Special Downtown Brooklyn District (SDBD). It is also part of the Myrtle Avenue Brooklyn Partnership, the local Business Improvement District (BID) servicing the area, which extends from Classon to Flatbush avenues. The property is located in close proximity to the Raymond V. Ingersoll and Walt Whitman NYCHA developments.

The owner is seeking to occupy the ground-floor commercial space with community facility operators, which is not currently permitted by SDBD Ground Floor Use Regulations. According to ZR Article X, Section 101-11, Special Ground Floor Use Regulations, SDBD ground-floor uses within 50 feet of the street line are restricted to commercial uses listed in Use Groups (UGs) 5, 6A, 6C, 6D, 7A, 7B, 8A, 8B, 8D, and 9, as well as libraries, museums, and non-commercial art galleries from Use Group 3.

The proposed text modification to the SDBD would additionally permit all non-residential uses listed in UGs 3, 4, 5, 6, 7, 8, 9, and 14 in the project area within 50 feet of the street frontage. The modification would permit the full range of community facilities including child care centers, medical offices, and non-profit institutions, allowing the applicant to lease 10,000 square feet (sq. ft.) of unoccupied commercial space at 86 Fleet Place to such uses.

In 2018, the City Planning Commission (CPC) approved a similar application from Red Apple Group, to permit community facilities at 81 Fleet Place, 180 Myrtle Avenue, and 218 Myrtle Avenue. At the time, the three buildings contained 16,355 sq. ft. of ground-floor commercial space, which had been unsuccessfully marketed as retail floor area. The storefronts have since been tenanted with child care and medical facilities, including non-profit operators.

86 Fleet Place is accessible via the B54 bus, which runs along Myrtle Avenue, and the DeKalb Avenue station, located 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 supports the requested zoning text amendment, as it provides an opportunity to address commercial vacancies at 86 Fleet Street through community facility occupancy that meets the needs of local residents and promotes job creation. He believes that occupying the 10,000 sq. ft. of ground-floor space at this location would activate this portion of Myrtle Avenue and strengthen the Myrtle Avenue retail corridor. Borough President Adams encourages the applicant to engage NYCHA residents and local cultural organizations to secure tenants that would benefit the neighborhood.

Engage Residents of Nearby NYCHA Developments to Determine Appropriate Community Facility Uses for the Ground-Floor Commercial Spaces

With the ability to lease to a full complement of community facility uses, the adjacency of these Fleet Place and Myrtle Avenue buildings to the Raymond V. Ingersoll and Walt Whitman houses presents significant opportunities to realize needed services for this community. In a 2017 ULURP application for a proposed development at 202-208 Tillary Street, the developer engaged the Ingersoll Houses Tenants Association (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 Myrtle Avenue BID confirms unmet demand for child care and medical services in the area.

Borough President Adams recognizes the perpetual need for affordable child care facilities to serve residents of Raymond V. Ingersoll and Walt Whitman houses, as well as neighboring Fort Greene families. The provision of child care services at 86 Fleet Place through a lease on behalf of such a provider would be consistent with his policy to increase access to child care for families with limited household incomes.

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 one or more of these buildings through a lease to a medical care provider would be consistent with his policy of promoting greater access to affordable health care.

Approval by the CPC and City Council would allow the applicant to lease approximately 10,000 sq. ft. of the existing commercial space to a child care operator and/or non-profit medical provider. Occupancy by such tenants would generate revenue for the property owner while fulfilling a demonstrated need in the community. Borough President Adams encourages Red Apple 86 Fleet Place Development LLC to engage the residents of nearby NYCHA developments to obtain feedback regarding the type of services that would be beneficial. His office is available to assist in opening dialogue with the TAs of Raymond V. Ingersoll and Walt Whitman houses in consultation CB 2 and local elected officials.

Study Unmet Need for Affordable Child Care Facilities in the Area

Borough President Adams recognizes that affordable child care facilities are a vital asset in Brooklyn's lower-income communities. Such facilities, often referred to as EarlyLearn NYC Centers, are run by private operators under a contract with the New York City Department of Education (DOE). 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.

Within the boundaries of CD 2, such child care facilities are not conveniently situated for residents of Raymond V. Ingersoll and Walt Whitman houses, which, together, house more than 2,000 families. Several years ago, the closure of a nearby child care facility left only one EarlyLearn NYC center in the vicinity, which was operated by BCS at 101 Fleet Place. This facility was displaced by a planned commercial development and relocated to one of the applicant's buildings on Myrtle Avenue. In this way, the 2018 application resulted in the retention of an important child care asset in the neighborhood. Nevertheless, the area east of Ashland Place remains underserved, with most local child care facilities concentrated west of Flatbush Avenue.

As all publicly-funded early learning centers in New York City are provided by DOE, Borough President Adams believes that DOE should study the extent of unmet need (child care slots) for subsidized child care in CD 2, particularly in the area occupied by the Raymond V. Ingersoll and Walt Whitman houses, in consultation with CB 2. He also calls on the applicant, Red Apple 86 Fleet Place Development LLC, to consult with DOE when soliciting child care tenants for 86 Fleet Place, in addition to the community board and local elected officials.

Advancing Affordable Cultural Space in Downtown Brooklyn

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 maintain and grow their programming.

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 organizations have contacted Borough President Adams seeking assistance 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 and dance activities.

The location of the proposed development at the nexus of Downtown Brooklyn and Fort Greene is well-suited for the inclusion of cultural and/or dance activities, given its proximity to the BAM Cultural District, and would provide improved access for Ingersoll and Walt Whitman houses residents to such community resources. Unfortunately, such uses cannot afford to compete with rents that office and retail uses would likely pay to lease ground-floor space at this location.

As noted, 86 Fleet Place has approximately 10,000 sq. ft. of available ground floor commercial space. Borough President Adams believes that it would be appropriate to set aside some portion of such space to provide a below-market lease to one or more local arts, cultural, or dance organizations based on reasonable lease terms.

Furthermore, to the extent that the City Council seeks to provide for below-market rents to accommodate arts and/or cultural organizations, the property owner, Red Apple 86 Fleet Place Development LLC, should actively solicit arts and/or cultural organizations for ground-floor occupancy, based on reasonable lease terms as determined in consultation with CB 2 and local elected officials.

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 approve this application.

Be it further resolved that:

In consultation with Brooklyn Community Board 2 (CB 2) and local elected officials:

1. Red Apple 86 Fleet Place Development LLC should engage residents of the New York City Housing Authority (NYCHA) Raymond V. Ingersoll and Walt Whitman houses to determine appropriate community facility uses for the ground-floor commercial space
2. The New York City Department of Education (DOE) should study the extent of unmet need (child care slots) for subsidized child care in Brooklyn Community District 2 (CD 2), particularly in the area adjacent to NYCHA developments
3. Red Apple 86 Fleet Place Development LLC should actively solicit arts/or cultural organizations for ground-floor occupancy based on reasonable lease terms as determined