

Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
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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 #: LSSNY EARLY LIFE CENTER – 150252 POK

An application submitted by the New York City Administration for Children's Services (ACS) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of a child care center located at 265 Marcus Garvey Boulevard in Brooklyn Community District 3 (CD 3). Such actions would facilitate the continued provision of child care services at this site according to a lease.

COMMUNITY DISTRICT NO. 3

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

June 15, 2018

DATE

RECOMMENDATION FOR: LESSNY EARLY LIFE CENTER – 150252 PQK

An application was submitted by the New York City Administration for Children’s Services (ACS) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of a child care center located at 265 Marcus Garvey Boulevard in Brooklyn Community District 3 (CD 3). Such actions would facilitate the continued provision of child care services at this site according to a lease.

On May 17, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on the acquisition request. There were no speakers on the item.

In response to Borough President Adams’ inquiry regarding the number of contracted seats at the Lutheran Social Services of New York (LSSNY) Early Life Center and the criteria for selecting children to fill such seats when vacancies arise, the ACS representative confirmed that the center is contracted for 69 seats. The representative clarified the eligibility criteria as a parent or guardian having income no more than 200 percent of the federal poverty level and having 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.

In response to Borough President Adams’ inquiry regarding the terms of the proposed acquisition, the DCAS representative clarified that ACS is seeking a 15-year lease as the base term, with two five-year renewal options.

In response to Borough President Adams’ inquiry as to what steps ACS is prepared to take to coordinate with the New York City Department of Transportation (DOT) to address pedestrian safety along Marcus Garvey Boulevard, the representative expressed that ACS would be willing to enter into a dialogue with DOT, the New York City Department of Environmental Protection (DEP), and the New York City Department of Parks and Recreation (NYC Parks) regarding control, insurance, and monitoring issues.

In response to Borough President Adams’ inquiry as to why the adjacent City-owned playground is not open to the public during after-hours, the representative clarified that the lots comprising the playground were historically set aside for ACS’ needs, but that the agency would be willing to discuss the issue with DEP and NYC Parks.

In response to Borough President Adams’ inquiry regarding what consideration has been given to incorporating streetscape improvements to existing features, such as adding a street bench as part of DOT’s CityBench initiative, and expanding the tree pits to advance best stormwater management practices through utilization of rain gardens, the DCAS representative stated that the installation of benches would take place beyond the owner’s property line, and that ACS would be willing to pursue dialogue with DEP and DOT to that effect.

In response to Borough President Adams’ inquiry regarding the process for filling hiring opportunities at the child care center, the ACS representative stated that LSSNY Early Life Center advertises openings on the New York Day Care Council website. The representative also noted that some early education programs have job boards that are accessible to community residents.

Consideration

Brooklyn Community Board (CB 3) approved this application on May 7, 2018.

The facility is leased to Lutheran Social Services of New York, which operates the site as the LSSNY Early Life Center, under a contract with ACS. The facility is the sole occupant of a two-story, privately-owned building, located in the Bedford-Stuyvesant section of CD 3. LSSNY leases approximately 18,600 sq. ft. of interior space and uses the entire building for child care services. The facility is subdivided into various activity spaces, including four classrooms, a multi-purpose room, and offices.

The facility has frontage on Marcus Garvey Boulevard and Quincy Street, with egress doors on each side. The building does not provide recreational space on the roof. Instead, the center utilizes five adjacent City-owned ACS lots as an outdoor play area. The lots are accessible via side entrance from the building but are not open to the public.

LSSNY Early Life Center is an EarlyLearn NYC program provider. This program is administered by ACS and offers subsidized quality child care for qualifying families. The facility serves up to 69 preschoolers, aged three to five years.

Child care services encompass a variety of activities and programs, which are determined by the child's age, developmental stage, and hours in child care. LSSNY Early Life Center provides educational services, meal services, and supervised playtime, with 13 professional, para-professional, and support staff. The child care center's operation enables parents to work, attend school, or acquire vocational training while their children receive care. It operates from 8:00 AM to 6:00 PM, providing full-day services during school breaks and in the summertime.

The LSSNY Early Life Center is accessible via public transportation, including the Nassau Avenue Express J train at the Kosciuszko Street station and the nearby B15, B43, and B52 buses.

Borough President Adams supports the continuation of LSSNY Early Life Center which is a valuable community asset. Moving forward, Borough President Adams believes that ACS and DCAS should take steps to secure the ability to lease the site for a 25-year term, inclusive of two five-year renewals and an opportunity to purchase in the future. The agencies and landlord should also investigate opportunities to advance stormwater management practices and streetscape enhancements, in consultation with CB 3 and local elected officials.

Lease Duration

Borough President Adams is adamant about preserving and protecting critical community space for Brooklyn's young people, and has expressed concerns about the short-term leases associated with prior child care center site acquisition applications. As more areas of Brooklyn become magnets for real estate development, Borough President Adams remains concerned that landlords might elect to pursue potentially more lucrative uses resulting in discontinuing use as child care. Borough President Adams has already witnessed this profit-seeking practice in other parts of Brooklyn; examples of such cases include the Bushwick United Learning Center and the Swinging Sixties Senior Center, both located in Williamsburg. The prior property owner of the Swinging Sixties Senior Center had been attempting to displace the center — which had served the community for decades — for more lucrative redevelopment opportunities. Fortunately, after five years of uncertainty for the home of Small World Child Care and the Swinging Sixties Senior Center, neighborhood non-profit St. Nicks Alliance, along with the Conselyea Street Block Association, closed on acquisition of the building, thereby avoiding the fate of the former Bushwick United Learning Center, which served, on average, 110 children of low-income families. The center was recently shut down after an extended eviction battle with the landlord when the center's most recent 10-year lease ran out, and the City failed to complete proper lease renewal paperwork in a timely manner.

It is Borough President Adams' policy for the City to secure lease-renewal terms that allow the City the ability to secure initial terms of no fewer than 10 years, exclusive of multiple shorter term leases, and include the right for renewal of the lease to secure the child care center use for up to 20 years. Such terms, inclusive of multiple shorter term renewals, allow landlords to facilitate building improvements, when needed, while providing ACS with a check and balance that the facility remains in good working order. It is imperative that the City take actions through its land use process to adequately demonstrate to the community that the City is truly their partner, through securing facilities for such much-needed services. Whether provided directly through the City or through non-profits, the Bedford-Stuyvesant community has a legitimate need for supportive services that work to enhance the lives of area residents.

Borough President Adams applauds the latest efforts of ACS and DCAS to negotiate for longer lease terms with a preferential opportunity to purchase with terms, conditions, and qualifications to be negotiated and subsequently memorialized in the lease. He believes that an initial long-term lease with a built-in right to renew that achieves a 25-year duration would adequately guarantee that LSSNY Early Life Center remains a community asset for decades to come. Borough President Adams believes that the DCAS-negotiated lease should include two five-year renewal terms. Additionally, he believes that the DCAS-negotiated lease terms should include a provision that would ensure the City has an opportunity to purchase the property if it is marketed for sale.

In order to afford the City the greatest flexibility in securing the site for continued provision of child care services, Borough President Adams calls on the City Planning Commission (CPC) to approve the application without a specific duration of time.

Advancing Vision Zero Policies

Borough President Adams is a supporter of Vision Zero, one component of which is to extend sidewalks into the roadway as a means of shortening the path where pedestrians cross in front of traffic lanes. These sidewalk extensions, also known as bulbouts or neckdowns, make drivers more aware of pedestrian crossings and encourage them to slow down.

In 2015, Borough President Adams also launched his own initiative, Connecting Residents On Safer Streets (CROSS) Brooklyn. This program supports the creation of bulbouts or curb extensions at dangerous intersections in Brooklyn. During the program's first year, \$1 million was allocated to fund five dangerous intersections in Brooklyn. By installing additional curb extensions, seniors will benefit because more of their commute will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadway will benefit from a safer street.

Borough President Adams believes there are opportunities to implement protected painted sidewalk extensions per his CROSS Brooklyn initiative, at the intersections of Lexington Avenue and Quincy Street with Marcus Garvey Boulevard. Such painted sidewalk extensions would facilitate safer pedestrian crossings to LSSNY Early Life Center.

Therefore, ACS and/or DCAS should consult with DOT regarding the provision of, at minimum, curb extensions, either built or painted, where Lexington Avenue and Quincy Street intersect with Marcus Garvey Boulevard. He recognizes that the costs associated with construction of sidewalk extensions can be high based on the need to modify infrastructure and/or utilities.

Borough President Adams urges DOT to explore the implementation of protected painted sidewalk extensions. Should implementation meet DOT criteria, ACS and DCAS should consult with CB 3 and local elected officials before undertaking such improvements. Such painted roadway modifications might require a maintenance agreement that indemnifies the City from liability, contains a

requirement for insurance, and details the responsibilities of the maintenance partner (as would be the case for a standard sidewalk extension).

Borough President Adams urges ACS and DCAS to incorporate the maintenance obligation into the lease terms for LSSNY Early Life Center to facilitate implementation. He believes it would be appropriate to have either the landlord or the child care center operator enter into such a maintenance agreement as responsible parties. As the Lexington Avenue-facing property is under ACS jurisdiction, the agency should coordinate maintenance responsibilities with DOT.

Stormwater Management Policies

Borough President Adams' policy is to introduce best practices to manage stormwater runoff. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces are potential resources that could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy.

Such modification would reduce the development's carbon footprint and mitigate energy costs. In addition, blue/green roofs, permeable pavers, and rain gardens would divert stormwater from the City's water pollution control plants. According to the "NYC Green Infrastructure 2017 Annual Report," green infrastructure plays a role in addressing water quality challenges and provides numerous economic, environmental, and social benefits.

Borough President Adams believes that the perimeter of sidewalk area fronting the center provides an opportunity for the construction of a rain garden. Such a rain garden might be integrated with street tree plantings, as there are no trees along the Quincy Street side of the child care center. The planting of street trees would provide shade on days of excessive heat, as well as other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require maintenance commitment and attention from the landlord, and/or the child care center. Maintenance includes cleaning out debris and litter that can clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to keep the plants healthy and uncongested for proper water absorption.

Borough President Adams believes that ACS and/or DCAS should consult with DEP and NYC Parks for consideration regarding the inclusion of a rain garden with integration of street trees. ACS and DCAS should pursue lease provisions to clarify any maintenance obligation associated with such improvement as part of the lease agreement. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 3 and local elected officials prior to agreeing to take action.

Streetscape Improvement Policies

Borough President Adams' policy is to make neighborhoods more welcoming for the pedestrian through various beautification measures that make streets more aesthetically appealing. He believes that sidewalks with nominal landscaping are potential resources that should be transformed through planting additional trees, providing street planters, and incorporating rain gardens according to his stormwater management policies. In addition, he seeks opportunities to provide seating. Planting street trees provides for shade on days of excessive heat, as well as other aesthetic, air quality, and stormwater retention benefits.

Borough President Adams supports DOT's CityBench program, which aims to increase the amount of public seating on New York City's streets, particularly in areas with high concentrations of senior

citizens. These benches make streets more comfortable for pedestrians and transit riders, especially those who are disabled or elderly. Borough President Adams believes that the provision of street seating at child care centers through DOT programs is justified by the City's investment in leasing and improving such facilities. Furthermore, street seating is beneficial for congregation during drop-off and pick-up periods, when sidewalks outside child care centers become very crowded.

Borough President Adams believes that street furniture should be coordinated by ACS with DOT, utilizing the CityBench and Street Seats programs, which recently received additional funding to further their efforts throughout the city.

ACS should consult with DEP and NYC Parks for consideration of the placement of tree pits and street trees placements. Where appropriate, such placements could also be integrated with the construction of a rain garden.

ACS and DCAS should pursue lease provisions to clarify any maintenance obligation associated with such improvements as part of the lease agreement based on whether these enhancements might be best achieved and/or maintained by the landlord or the operator, LSSNY Early Life Center. All such enhancements should be considered in consultation with CB 3 and local elected officials prior to agreeing to take action. Borough President Adams encourages ACS and DCAS to reach out to his office for help in opening and coordinating dialogue with NYC Parks and/or DOT on such matters.

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:

1. As part of the execution of the lease, the New York City Department of Citywide Administrative Services (DCAS) commence negotiations with the landlord in order to:
 - a. Secure a right for renewal of the lease with the addition of two five-year renewal terms
 - b. Include a provision that would ensure the City has an opportunity to purchase the property if it is marketed for sale on behalf of the New York City Administration for Children's Services (ACS)
 - c. Coordinate with the landlord to determine maintenance obligation should rain gardens and/or street tree plantings be installed along the sidewalk in front of the building and/or the New York City Department of Transportation (DOT) to paint sidewalk extensions as Vision Zero enhancements for the intersection of Lexington Avenue with Marcus Garvey Boulevard
2. The City Planning Commission (CPC) approve the application without a specific duration of time to ensure that ACS and DCAS will not need to file another ULURP application to sign a long-term lease

3. ACS and/or DCAS coordinate with the New York City Department of Environmental Protection, (DEP) the New York City Department of Parks and Recreation (NYC Parks), and DOT regarding the installation of CityBenches, a rain garden, and/or the provision of sidewalk extensions for the intersections of Lexington Avenue and Quincy Street with Marcus Garvey Boulevard and street trees, in consultation with Brooklyn Community Board 3 (CB 3) and local elected officials