

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 #: 370 NEW LOTS AVENUE CHILD CARE CENTER – 190182 PQK

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 370 New Lots Avenue in Brooklyn Community District 5 (CD 5). Such actions would facilitate the continued provision of child care at this site according to a lease.

COMMUNITY DISTRICT NO. 5

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

February 21, 2019

DATE

RECOMMENDATION FOR: 370 NEW LOTS AVENUE CHILD CARE CENTER – 190182 PQK

The New York City Administration for Children's Services (ACS) and the New York City Department of Citywide Administrative Services (DCAS) submitted an application pursuant to Section 197-c of the New York City Charter, for the acquisition of a child care center located at 370 New Lots Avenue in Brooklyn Community District 5 (CD 5). Such actions would facilitate the continued provision of child care at this site according to a lease.

On January 7, 2019, Brooklyn Borough President Eric L. Adams held a public hearing on this acquisition request. There were no speakers on the item.

In response to Borough President Adams' inquiry regarding the number of contracted seats at the 370 New Lots Avenue Child Care Center, and the criteria for selecting children to fill such seats when vacancies arise, the ACS representative confirmed that the center is contracted for 100 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 ACS representative clarified that ACS is seeking a 10-year lease as the base term, with two five-year renewals, pending negotiations between DCAS and the landlord.

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 at the intersection of New Lots and Pennsylvania avenues, the ACS representative stated that ACS would consult with DOT to discuss traffic calming measures at the site.

In response to Borough President Adams' inquiry regarding what consideration has been given to incorporating streetscape improvements to existing features, such as involving a community arts organization to create a mural, adding a street bench as part of DOT's CityBench initiative, and expanding the tree pits to advance best stormwater management practices through the utilization of rain gardens, the ACS representative expressed that the agency has reached out to DOT regarding street seating and the New York City Department of Parks and Recreation (NYC Parks) regarding tree plantings. The representative also alluded to a collaboration with an arts program at Pratt Institute.

In response to Borough President Adams' inquiry regarding the process for filling hiring opportunities at the child care center, the ACS representative stated that child care center operators often post openings on the New York Day Care Council website. Such openings may also be found on the websites of schools that offer early childhood education programs.

Consideration

Brooklyn Community Board 5 (CB 5) voted to approve this application on December 19, 2018.

The child care center is operated as an EarlyLearn NYC program administered by ACS according to a contract with Friends of Crown Heights Educational Centers. It is housed in a two-story, privately-owned building located at 370 New Lots Avenue, in the East New York section of CD 5. The prior DCAS lease facilitates occupancy of 23,100 square feet (sq. ft.) of interior space and approximately 4,700 sq. ft. of at-grade and rooftop play area. The child care center is subdivided into various activity spaces, including accessory spaces, 10 classrooms, and offices. The facility has multiple entrances on New Lots and Pennsylvania avenues.

The child care center offers subsidized quality child care for qualifying families. Under its license with the New York City Department of Health and Mental Hygiene (DOHMH), the facility is permitted to serve up to 160 children, aged two to five years. The current enrollment is at 71 percent of capacity.

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. The child care center provides educational and meal services, as well as supervised playtime, with 35 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.

370 New Lots Avenue is convenient to public transportation, with the nearest subway station located two blocks north of the site. The Pennsylvania Avenue station is accessible via the Seventh Avenue Express 3 train. The 14th Street – Canarsie Local L train stops at Livonia Avenue, six blocks west of the child care center. The B15, B20, and B35 buses are available within one block of the facility.

Borough President Adams supports the continuation of the 370 New Lots Avenue Child Care 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 20-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 5 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 a child care facility. 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 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 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 East New York 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 20-year duration would adequately guarantee that the 370 New Lots Avenue Child Care Center remains a community asset for decades to come. Borough President Adams believes that the DCAS-negotiated lease should ideally result in 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 New York 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 involves extending 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 as more of their commutes will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadways will benefit from safer streets.

Borough President Adams believes there is an opportunity to implement a protected and painted sidewalk extension, per his CROSS Brooklyn initiative, at the northeast intersection of New Lots and Pennsylvania avenues, which would facilitate safer pedestrian crossings to the child care center. Therefore, ACS and DCAS should consult with DOT regarding the provision of painted curb extensions on this corner.

Borough President Adams urges DOT to explore the implementation of painted and protected sidewalk extensions. Should implementation meet DOT criteria, ACS and DCAS should consult with CB 5 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 encourages ACS and DCAS to reach out to his office for help in opening and coordinating dialogue with DOT on such matters.

Borough President Adams urges ACS and DCAS to clarify any maintenance obligation associated with such improvements based on whether these enhancements would be maintained by the landlord or the child care center operator. The final lease agreement should state the responsible party and outline the maintenance agreement for such improvements, as appropriate.

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 modifications 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 along New Lots Avenue fronting the center provides an opportunity for the construction of a New York City Department of Environmental Protection (DEP) rain garden. Such a rain garden might be integrated with new street tree plantings as there are no trees on either 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 a 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 the New York City Department of Parks and Recreation (NYC Parks) for consideration regarding the inclusion of a rain garden with integration of new street trees in front of the child care center along its New Lots Avenue frontage. ACS and DCAS should pursue lease provisions to clarify any maintenance obligation associated with such improvements as part of the lease agreement. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 5 and local elected officials prior to agreeing to take action.

Borough President Adams urges ACS and DCAS to clarify any maintenance obligation associated with such improvements based on whether these enhancements would be maintained by the landlord or the child care center operator. The final lease agreement should state the responsible party and outline the maintenance agreement for such improvements, as appropriate.

Streetscape Improvement Policies

Borough President Adams' policy is to make neighborhoods more welcoming for pedestrians 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 above referenced stormwater management policies. In addition, he seeks opportunities to provide seating.

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 and senior centers through DOT programs is justified by the City's investment in leasing and improving such facilities. Furthermore, street seating is beneficial for large gatherings of people, particularly 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 and DCAS with DOT, utilizing the CityBench and Street Seats programs, which recently received additional funding to further their efforts throughout the city. Property owners interested in providing street seating can complete a form for consideration, easily accessed via [the City's website](#). Such enhancements should

be considered in consultation with CB 5 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 DOT on such matters.

Borough President Adams believes that a portion of the 370 New Lots Avenue façade could be enhanced via a community arts project such as a mural. Therefore, DCAS should encourage the landlord to engage with a local arts organization to facilitate the building's beautification through a mural. Consultation with CB 5 and local elected officials will be helpful in identifying an appropriate community arts group to undertake such a project. If no such locally-based organization steps forward, ACS and DCAS should pursue the City's promotion of Publicolor's Fresh Coat initiative, which transforms neglected schools and neighborhood facilities through vibrant murals and organized collaboration. The program uses painting projects to teach participants important and transferable work habits such as arriving on time, having a good attitude, taking initiative, being a team player, and leading by example.

Therefore, as part of the execution of the lease, as part of DCAS' negotiations with the landlord, Borough President Adams encourages engagement with a local arts organization to facilitate the building's beautification through a mural in consultation with CB 5 and local elected officials, and to help identify an appropriate community arts group to undertake such a project. If no such locally-based organization steps forward to facilitate a mural, ACS should engage in promoting the City's Publicolor's Fresh Coat initiative.

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:

1. That 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 a rain garden and/or street trees be installed along the sidewalk in front of the child care center on New Lots Avenue, and/or the New York City Department of Transportation (DOT) paint sidewalk extensions as Vision Zero enhancements for the intersection of New Lots and Pennsylvania avenues, in consultation with Brooklyn Community Board 5 (CB 5) and local elected officials
 - d. Encourage the landlord to engage with a local arts organization to facilitate the building's beautification through a mural in consultation with CB 5 and local elected officials, to help identify an appropriate community arts group to undertake such a project
2. That ACS should pursue the following:

- a. Engage with the New York City Department of Environmental Protection (DEP) and New York City Department of Parks and Recreation (NYC Parks) to consider the appropriateness of constructing a rain garden, including new street tree plantings along New Lots Avenue, in consultation with CB 5 and local elected officials
- b. Engage DOT to consider utilizing its CityBench and/or Street Seats programs adjacent to 370 New Lots Avenue, as well as the provision of a sidewalk extension at New Lots and Pennsylvania avenues
- c. If no locally-based organization steps forward to facilitate a mural, engage in promoting the City's Publicolor's Fresh Coat initiative