November 2, 2016 / Calendar No. 5 C 150420 PQK

IN THE MATTER OF an application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 565 Livonia Avenue (Block 3803, Lot 46) for continued use as a child care center, Borough of Brooklyn, Community District 5.

This application for acquisition of property was filed on June 22, 2015 by the New York City Administration for Children's Services (ACS) and the Department of Citywide Administrative Services (DCAS) to facilitate the continued use of property located at 565 Livonia Avenue (Block 3803, Lot 46) as Children's Corner a child care center.

BACKGROUND

ACS and DCAS are seeking the acquisition of an existing building to facilitate the continued operation of a child care center in the East New York neighborhood of Brooklyn. This site has been used to provide child care since 1974, and was the subject of a previous acquisition, approved by the Commission on December 16, 1992 (C 920654 PQK, Cal. No. 22). The previous lease expired on April 30, 2015. The proposed action would allow for a new lease to be negotiated for the continued use of the property as a child care center.

The project site is located in an R6 zoning district, which allows day care centers as-of-right. The surrounding area is generally developed with one- and two-family houses and multi-family residential buildings. The project area is conveniently accessible by public transportation, with a 3 train stop at Pennsylvania Avenue two blocks away, an L train stop at Livonia Avenue five blocks away, and the B20 and B83 buses, each stopping within two blocks.

The facility is located on a 10,000 square foot privately-owned lot (Block 3803, Lot 46) located on Livonia Avenue, at the intersection of Georgia Avenue. The main entrance is on Livonia Avenue; another door, used as an emergency exit, is located on Georgia Avenue. The building includes two stories, a cellar, and a rooftop play area. The interior space totals 29,800 square feet, and the rooftop play area is 9,600 square feet. The ACS child care facility currently

occupies and uses the entire building. The cellar has four classrooms, three additional related instruction rooms, offices, and staff rooms along with the utility rooms. Two of these classrooms are separated by a folding partition, which can be retracted to make a sizable multi-purpose room, used for exercise and movement classes in case of inclement weather conditions. The first floor has five classrooms, as well as the entrance, a reception area, administration offices, one multipurpose room, and the kitchen. The second floor has six classrooms, three offices, a physical therapy room, and a multipurpose room. A play area occupies all area of the roof that is not given over to mechanical equipment.

The Children's Corner Child Care Center serves up to 181 preschool-aged children. Pre-schoolers may attend the program full-time, from 8 am to 6 pm, Monday through Friday. The center provides daily meal service (breakfast, lunch, and a snack), supervised playtime (indoor and outdoor), and education focused on developmentally appropriate practices to enhance children's physical, cognitive, social, and emotional development. The center is staffed by 55 professional, paraprofessional, and support staff.

ENVIRONMENTAL REVIEW

This application (C 150420 PQK) 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 agency is the Administration for Children's Services (ACS). This application was determined to be a Type II action, which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 150420 PQK) was certified as complete by the Department of City Planning on June 6, 2016, and was duly referred to Brooklyn Community Board 5 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Brooklyn Community Board 5 did not hold a hearing on this application (C 150420 PQK), and did not submit a recommendation.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 150420 PQK) on August 29, 2016 and issued a recommendation approving the application on September 14, 2016. The Borough President recommended the following:

1. As part of the execution of the lease, the Department of Citywide Administrative Services (DCAS) commence negotiations with the landlord in order to:
    a. Secure a right of renewal of the lease with the addition of two five-year renewal terms
    b. Include a provision of the right of first refusal within the lease if the property is marketed for sale to the City on behalf of the New York City Administration for Children's Services (ACS)
    c. Coordinate with the landlord to determine maintenance obligation should street tree plantings and/or a Right of Way Bioswale be installed along the sidewalk fronting the building
2. ACS and/or DCAS coordinate with New York City Department of Parks and Recreation (DPR) and New York City Department of Environmental Protection (DEP) regarding the provision of additional street trees, and/or the installation of a Right of Way Bioswale, in consultation with Community Board 5 (CB5) and local elected officials
3. That ACS advocates for the construction of curb extensions with the Department of Transportation (DOT) and that should such curb extensions meet DOT's criteria, DOT shall consult with CB5 and local elected officials prior to constructing curb extensions at intersections adjacent to the Children's Corner Care Center

City Planning Commission Public Hearing

On September 21, 2016 (Calendar No. 4), the City Planning Commission scheduled October 5, 2016 for a public hearing on this application (C 150420 PQK). The hearing was duly held on October 5, 2016 (Calendar No. 21). Two speakers testified in favor of the application and none opposed.

A representative from ACS's Division of Early Care and Education spoke in favor of the application. A representative from DCAS's Asset Management/Leasing Group spoke in support of the application, and noted that DCAS is in active dialogue with the owner of the property, who is potentially interested in selling the property. A representative from ACS Facilities also appeared in favor. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the acquisition of a lease of property for continued use as a day care center, located at 565 Livonia Avenue (Block 3803, Lot 46), is appropriate.

A day care center has occupied this space continuously since the early 1970s, serving the community by providing needed services. There are currently 112 children enrolled in the center's program. The center provides daily meal service, supervised play time, and educates the children using the Creative Curriculum as a guide. The day care also gives parents of enrolled children time to work, attend school, or acquire vocational training. The use is permitted as-of-right in an R6 district. The site is well-served by transit. It is two blocks from the Pennsylvania Avenue subway station (3 train), five blocks from the Livonia Avenue subway station (L train), and is served by the B20 and B83 buses. The Commission also supports the Borough President's recommendations for resiliency improvements and an activated streetscape via planting, furniture improvements, and provision of a bioswale, as well as curb extensions to improve pedestrian safety. The Commission is also pleased with DCAS's intention to facilitate discussions between ACS, property owners, DPR, and other departments as appropriate, for the implementation of streetscape improvements.

It should be noted that the Commission previously imposed restrictions on the use of this and other day care facilities, as a result of continuing concerns expressed by local community boards, borough presidents and the Commission itself, over a general pattern of poor maintenance and repairs. The Commission and Department staff have played a significant role in ensuring these important facilities remain in a state of good repair through Commission oversight and taking a 'second look' at the progress made on the outstanding repairs and maintenance issues raised during the public review process. ULURP review has been effective in resolving maintenance

issues and the Commission believes it should continue to have an oversight role in direct lease of day care facilities.

The Commission is also aware that no decision has yet been made concerning the long-term future of this facility. The Commission believes that its unique role in planning for the orderly growth and future development of the City will complement ACS's needs assessment in determining whether this facility is at an appropriate location given future population demographics and neighborhood land use patterns. The Commission has therefore determined that this use would be suitable for a period of ten years.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action 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 of the New York City Charter, that this application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services, pursuant to 197-c of the New York City Charter, for the acquisition of property located at 565 Livonia Avenue (Block 3803, Lot 46) for continued use as a child care center, is approved for a period of ten years.

The above resolution (C 150420 PQK), duly adopted by the City Planning Commission on November 2, 2016 (Calendar No. 5), 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.

CARL WEISBROD, *Chairman*
RAYANN BESSER, IRWIN CANTOR, P.E., MICHELLE DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISSA ORTIZ, *Commissioners*

Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
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

CHILDREN'S CORNER CHILD CARE CENTER – 150420 PQK

In the matter of the application, submitted by the Administration for Children's Services (ACS) and Department of Citywide Administrative Services (DCAS), seeking the acquisition of property located at 565 Livonia Avenue within the East New York section of Brooklyn Community District 5 (CD 5). Approval will facilitate a lease renewal, for a 10-year term, to ensure continued provision of child care services.

COMMUNITY DISTRICT NO. 5 BOROUGH OF BROOKLYN

RECOMMENDATION

☒ APPROVE
☐ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

September 14, 2016
DATE

RECOMMENDATION FOR: CHILDREN'S CORNER CHILD CARE CENTER – 150420 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 property located at 565 Livonia Avenue, in Brooklyn Community District 5 (CD 5), for continued use as a child care center.

On August 29, 2016, Brooklyn Borough President Eric L. Adams held a public hearing on the acquisition request. There were no speakers on this item.

The representative for ACS stated that this subsidized EarlyLearn NYC child care program is contracted for 181 seats, which include 36 seats for toddlers, ages two to three, and 145 seats for preschoolers, ages three to five. The requirements for eligibility to the program are 200 percent below poverty level and adequate reason for care needs.

The representative for Borough President Adams noted that recent lease terms for child care centers have not been as long as they had been in the past and expressed concern that such terms place these much-needed neighborhood facilities at risk for displacement. In response, the representative for ACS stated that both ACS and the City Administration are dedicated to keeping day care centers open, therefore, this is a 10-year lease. At this time the lease renewal terms are unknown but the ACS representative stated that the Office of Borough President Adams will be notified once these terms are determined.

In response to Borough President Adams' interest in furthering beautification of the streetscape fronting this building, including the introduction of bioswales as a stormwater management practice, the representative stated that the agency intends to work with the landlord in order to ensure the building frontage is as appealing as possible. The representative stated that ACS will engage with the New York City Department of Parks and Recreation (DPR) and the New York City Department of Environmental Protection (DEP) with regard to identifying this building as a site for potential improvements. Additionally, ACS will engage with the landlord regarding commitment to maintenance of such measures, if provided by the City.

In response to Borough President Adams' concern for street safety given this facility's corner location, within close proximity to the train station, the representative for ACS stated that they support any effort that will improve safety for children and families. ACS is happy to collaborate with the Borough President Adams and relevant agencies in order to promote Borough President Adams' Connecting Residents on Safer Streets (CROSS) initiative and other mechanisms to make this intersection safer for everyone. The Office of Borough President Adams will reach out to the New York City Department of Transportation (DOT) in order to open the dialogue on this matter to determine eligibility for funding.

In response to Borough President Adams' interest in promoting locally-based hiring, the ACS representative stated that all hiring is done by the Day Care Council of New York. ACS encourages all their centers to reach out to the Day Care Council of New York to ensure quality hires.

Consideration

Community Board 5 (CB 5) did not take a position on this application.

ACS and its predecessor agency, New York City Human Resources Administration (HRA), have operated a child care center at 565 Livonia Avenue in Brooklyn since 1974. ACS and DCAS are seeking approval to ensure the continued provision of child care services at this privately-owned property according to a 10-year lease term.

Children's Corner Child Care Center serves up to 176 preschoolers, ages two to five years old. The children are taken to and from the center by parents, enabling the parents to work, attend school, or acquire vocational training.

The facility completely occupies a two-story building that is conveniently accessible by public transportation, including the 3 train at Pennsylvania Avenue two blocks away, the L train at Livonia Avenue and Van Sinderen Avenue five blocks away, and the B20 and B83 buses, each within two blocks. The child care center occupies a total of 39,400 square feet of rentable area, comprising of 29,800 square feet of interior space and 9,600 square feet of rooftop play area.

The cellar contains four classrooms, three instruction rooms, offices, staff rooms, and utilities. The first floor contains five classrooms, a reception area, a multipurpose room, offices, and the kitchen. The second floor contains six classrooms, offices, a physical therapy room, and a multipurpose room.

Child Care Services encompasses a variety of activities and programs, which are determined by the child's age, developmental stage, and hours in child care. The center provides the following services to the children: meal service, supervised playtime, and education. The center's program staff consists of 55 professional, para-professional, and support staff.

Borough President Adams supports the continuation of Children's Corner Child Care Center at this location. Moving forward, he believes that ACS and DCAS should take steps to secure the opportunity to lease the site for more years than proposed, investigate opportunities for streetscape enhancements, including those that assist in the management of stormwater runoff, and engage DOT regarding using the CROSS Brooklyn initiative to improve the safety of the intersection at which the center is located.

Lease Duration

Borough President Adams is very 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. He has already witnessed this profit-seeking practice in other parts of Brooklyn. Examples of such cases include the Swinging Sixties Senior Center and the Bushwick United Learning Center, both located in Williamsburg. The most recent property owner of the Swinging Sixties Senior Center has been attempting to displace the center — which has served the community for decades — for redevelopment opportunities that would prove more lucrative, while the long-standing Bushwick United Learning Center, which served on average 110 children of low-income families, was recently shut down after an overdrawn eviction battle with the landlord when their 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 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 and encourages the lease terms to be inclusive of two five-year lease renewal terms. He believes that an initial long-term lease with a built-in right to renew to achieve 20 years of duration would adequately guarantee that Children's Corner Child Care Center would ensure the facility remains a community benefit for decades to come. Additionally, Borough President Adams believes it is appropriate for DCAS to seek the inclusion of a provision for the right of first refusal within the lease if the property is marketed for sale.

Streetscape Improvements

Borough President Adams' policy is to make neighborhoods more welcoming for pedestrians through various street beautification measures that make streets more aesthetically appealing, while introducing best practices to manage stormwater runoff. He believes that sections of sidewalks with nominal landscaping should be given consideration for placement of additional trees as well as the incorporation of bioswales.

Borough President Adams believes that there appear to be opportunities for improving the quality of the sidewalk area fronting the center. Possible improvements might include improving the existing tree pits, providing additional street trees with tree guards and tree pit plantings, or introducing a Right of Way Bioswale that might incorporate the existing tree pits. It should be noted that a Right of Way Bioswale would require a maintenance commitment and attention from the landlord, and/or the center, as the tenant. Maintenance requires cleaning out debris and litter, as it may clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, weeding to keep the plants healthy and uncongested for proper water absorption, and watering in during hot and dry periods.

Borough President Adams believes that ACS and/or DCAS should consult with DEP and DPR to have the agencies give consideration to the installation of more trees and for possible inclusion of a Right of Way Bioswale. In addition, 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 5 and local elected officials prior to agreeing to take action.

Advancing Vision Zero Policies

Borough President Adams is a supporter of the Mayor's Vision Zero strategy. One component of Vision Zero 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 bulb-outs or neck-downs, make drivers more aware of pedestrian crossings and encourage drivers to slow down at intersections where pedestrians are present. It is Borough President Adams' policy to support DOT's Safe Routes to School program. One component of the program is for DOT to install traffic-calming infrastructure, such as bulb-outs or neck-downs at intersections where child day care centers exist, to improve safety.

In 2015, Borough President Adams also launched his own initiative, Connecting Residents on Safer Streets, or CROSS Brooklyn. This program supports the creation of bulb-outs or curb

extensions at dangerous intersections in Brooklyn. During the program's first year, $1 million dollars was allocated to fund five dangerous intersections in Brooklyn. By installing more bulb-outs or neck-downs, children and 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. These improvements should be coordinated with DOT to first locate improvements at high crash locations and around schools, child care centers, and senior centers. In addition, improvements should be coordinated with the expansion of slow zones and installation of countdown clocks at signalized intersections.

The Office of the Brooklyn Borough President has reached out to the DOT borough commissioner to notify of the potential for constructing the curb extensions in proximity to the Children's Corner Child Care Center. Borough President Adams believes that ACS should advocate for this as well. Should construction meet the criteria of DOT, it should consult with CB 5 and local elected officials before undertaking such improvements.

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 and City Council approve this application.

Be it further resolved that:

1. As part of the execution of the lease, the 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 of the right of first refusal within the lease if the property is marketed for sale to the City on behalf of the New York City Administration for Children's Services (ACS)

    c. Coordinate with the landlord to determine maintenance obligation should street tree plantings and/or a Right of Way Bioswale be installed along the sidewalk fronting the building

2. ACS and/or DCAS coordinate with New York City Department of Parks and Recreation (DPR) and New York City Department of Environmental Protection (DEP) regarding the provision of additional street trees, and/or the installation of a Right of Way Bioswale, in consultation with Community Board 5 (CB 5) and local elected officials

3. That the ACS advocates for the construction of curb extensions with the Department of Transportation (DOT) and that should such curb extensions meet DOT's criteria, DOT shall consult with CB 5 and local elected officials prior to constructing curb extensions at intersections adjacent to the Children's Corner Child Care Center.