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 384 South 4th Street (Block 2451, Lot 8) for continued use as a child care center, Borough of Brooklyn, Community District 1.

This application (C 160133 PQK) was filed by the Administration for Children's Services (ACS) and the Department of Citywide Administrative Services (DCAS) on December 16, 2015, requesting approval for the acquisition of a property located at 384 South 4th Street (Block 2451, Lot 8) to facilitate the continued use of the building as a child care center.

BACKGROUND

The Administration for Children's Services (ACS), in conjunction with the Department of Citywide Administrative Services (DCAS), is proposing to acquire a 27,629 square-foot, three-story, privately-owned building, for continued occupancy by the Nuestros Ninos Child Development Center. This facility has been in operation since 1973. The continued use of this day care center had been previously approved by the City Planning Commission on March 2, 1994 (Calendar No. 27, ULURP No. C 920458 PQK). The lease expired on January 3, 2015 and the facility is currently operating under a month to month agreement.

The Nuestros Ninos Child Development Center is in the East Williamsburg section of Brooklyn. The area is zoned R6, which allows day care centers as-of-right. The surrounding area is generally developed with three- to four-story residential buildings and several multifamily elevator buildings. Two blocks east of the site is Union Avenue, developed with ground-floor commercial uses and grocery stores. A Fire Station and the 90th Police Precinct Station are located at the corner

of Union and Montrose Avenues. Broadway, a major commercial thoroughfare in the area, is two blocks south of the site and is developed with a variety of commercial establishments, restaurants, and bars.

The Nuestros Ninos Child Development Center is a three-story building with a cellar and two roof-top play areas. It comprises approximately 13,800 square feet of interior floor space and 5,649 square feet of rooftop outdoor play areas. The day care center also uses two adjacent tot-lots on the eastern side of the building as a play area for children. The 4,488 square foot City-owned tot-lots (Block 2451, Lots, 11 and 12) are landscaped and include play equipment such as slides and monkey bars. These two lots are under the jurisdiction and management of ACS and are not part of this acquisition application.

A reception area, main offices, and a kitchenette are located on the first floor. The first, second, and third floors each have three class rooms, bathrooms, a kitchenette, offices, and storage rooms. The cellar has a full kitchen with a walk-in freezer, a pantry, and a large multipurpose room, which is used for large gatherings, and as a play area in inclement weather. The day care center has two rooftop play areas, one on second floor, and the other on third floor. The center provides a variety of activities and programs, which are determined by the child's age, developmental stage, and hours in day care, including:

1. Meal service: Provides preschool children with a nutritionally balanced breakfast, lunch, and snack daily.

2. Supervised playtime: Under the supervision of a child care worker, children are encouraged to become active in indoor and outdoor play activities that are appropriate to their age and stage of development, including music and motor skills.

3. Education: The center uses the Creative Curriculum as a guide. It promotes developmentally appropriate practices yearlong to enhance children's physical, cognitive, social and emotional development. It has an open policy of ongoing communication and collaborative partnership with parents and the community.

4. The center is licensed and subject to the established standards of ACS as well as federal, state, and city regulations.

The Nuestros Ninos Child Development Center operates Monday to Friday, from 8:00 AM to 6:00 PM. The center serves 120 preschoolers ages three to five, and 20 toddlers ages two to three. The center provides age-appropriate social, and educational programs and serves daily hot lunches and snacks. Under the supervision of child care workers, children are encouraged to take part in indoor and outdoor play activities such as arts and crafts, music, and computer skills training. The program staff consists of 42 employees including teachers, para-professionals, and support staff.

The day care center is easily accessible by public transportation, including the J- and M subway lines at the Hewes Street station. Two blocks southwest of the site, the G-train stops at the Broadway station. The Brooklyn bus lines B60, B46, and B40 also serve this area.

ENVIRONMENTAL REVIEW

This application (C 160133 PQK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and 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.

This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 160133 PQK) was certified as complete by the Department of City Planning on June 6, 2016 and was duly referred to Community Board 1 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

Community Board 1 held a public hearing on this application on August 9, 2016, and on that date adopted a resolution recommending approval of the application by a vote of 26 in favor, 0 opposed, and 3 abstentions.

Borough President Recommendation

This application (C 160133 PQK) was considered by the Brooklyn Borough President, who issued a recommendation approving the application on September 9, 2016, with the following recommendations:

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) Construct a door to provide direct access to the adjacent City-owned assemblage if determined to be feasible, and
    d) 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 (DPR) regarding the provision of additional street trees, and/or the installation of a Right of Way Bioswale, in consultation with Community Board 1 (CB 1) and local elected officials.

City Planning Commission Public Hearing

On September 7, 2016 (Calendar No. 2), the City Planning Commission scheduled September 21, 2016 for a public hearing on this application (C 160133 PQK). The hearing was held on September 21, 2016 (Calendar No. 24). There were three speakers in favor of the application and none in opposition.

A representative from ACS, speaking in favor of the application, stated that the day care center has been at its current location since 1973 and that the day care center enrollment was at 75 percent,

but usually goes up in October to 90 percent of the capacity. The speaker further stated that this pattern of enrollment is typical for ACS day care centers.

A representative from DCAS, also spoke in favor of the application and clarified that the proposed acquisition lease under consideration would be for ten years.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the application (C 160133 PQK) for the acquisition of property located at 384 South 4th Street, for the continued use as a day care center, is appropriate.

The Nuestros Ninos Child Development Center has been at the current location for 42 years, since 1973. The center serves the needs of up to 140 children in the community and provides much-needed day care services to area residents. The children are served hot meals at lunch, and afternoon snacks. There are two roof top play areas providing the opportunities for play and recreational activities. The use is permitted as-of-right in an R6 district. It is well located within the community it serves and most parents walk their children to the facility at the beginning of the work day.

The Commission believes that the day care center's current location is well-served by public transportation including the J- and M subway lines at the Hewes Street station. Two blocks

southwest of the site, the G-train stops at the Broadway station. The Brooklyn bus lines B60, B46, and B40 also serve this area.

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, about 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 these issues and the Commission believes it should continue to have an oversight role in direct lease 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 proposed action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission that based on the environmental determination and consideration described in this report, the application of 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 384 South 4th Street (Block 2451, Lot 8) for continued use as a day care center, in the Borough of the Brooklyn, Community District 1 , is approved for a period of ten years.

The above resolution, duly adopted by the City Planning Commission on October 19, 2016 (Calendar No. 4), 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*
KENNETH J. KNUCKLES, ***Esq***., *Vice Chairman*
RAYANN BESSER, ALFRED C. CERULLO, *III*,
MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,
CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ, ***Commissioners***

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application # C160133PQK	Project Name Nuestros Ninos CDC
CEQR Number	Borough Brooklyn
	Community District Number(s) 1

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department of City Planning by one of the following options:
   - **EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
   - **MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
   - **FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Topic of Discussion

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 384 South 4th Street (Block 2451, Lot 8) for continued use as a child care center

Applicant(s)	Applicant's Representative
Administration for Children's Services 150 William Street 14th floor NY NY 10038 Department of Citywide Administrative Services 1 Centre Street 20th floor South NY, NY 10007	Mitch Gipson 212-341-2746 Randy Fong 212-386-0618

Recommendation submitted by:

Dealice Fuller Chairperson CB #1 Brooklyn

Date of public hearing:	8/9/2016	Location:	Swinging 60's Senior Center 211 Ainslie St., Bklyn, NY 11211
Was a quorum present?	YES [x] NO [ ]	*A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.*	
Date of Vote:	8/9/2016	Location:	Swinging 60's Senior Center 211 Ainslie St., Bklyn, NY 11211

RECOMMENDATION

- [x] Approve
- [ ] Approve With Modifications/Conditions
- [ ] Disapprove
- [ ] Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting

"In Favor" 26 "Against" 0 "Abstaining" 3 Total members appointed to the board: 49

Name of CB/BB officer completing this form	Title	Date
Dealice Fuller	Chairperson	8/9/2016

Email/Fax Transmittal

TO: Community District 1 Distribution	**FROM:** Brooklyn Borough President Eric L. Adams
DATE: September 9, 2016	**CONTACT:** Olga Chernomorets – Land Use Coordinator Phone: (718) 802-3751 Email: ochernomorets@brooklynbp.nyc.gov
ULURP Recommendation: NUESTROS NIÑOS CHILD CARE CENTER – 160133 PQK	**NO. Pages, Including Cover: 6**

Attached is the recommendation report for ULURP application 160133 PQK. If you have any questions, please contact Olga Chernomorets at (718) 802-3751.

Distribution

NAME	TITLE	OFFICE	EMAIL
Carl Weisbrod	Chair, City Planning Commission	(212) 720-3356	ygruel@planning.nyc.gov
Honorable Melissa Mark-Viverito	Speaker, New York City Council	(212) 788-7207	mviverito@council.nyc.gov
Winston Von Engel	Director, Brooklyn, Department of City Planning (DCP)	(718) 780-8280	wvoneng@planning.nyc.gov
Anna Slatinsky	Deputy Director, Brooklyn, DCP	(718) 780-8280	aslatin@planning.nyc.gov
Jackie Harris	Director, Land Use Review, DCP	(212) 720-3356	jharris@planning.nyc.gov
Raju Mann	Director, Land Use Division, New York City Council	(212) 788-7207	rmann@council.nyc.gov
Amy Levitan	Land Use Division, New York City Council	(212) 788-7207	alevitan@council.nyc.gov
Antonio Reynoso	Council Member, District 34	(718) 963-3141	areynoso@council.nyc.gov
Dealice Fuller	Chair, Community Board 1 (CB 1)	(718) 389-0098	bk01@cb.nyc.gov
Gerald A. Esposito	District Manager, CB 1	(718) 389-0098	bk01@cb.nyc.gov
Dale Lazerson	Assistant Director, Leasing, Department of Citywide Administrative Services (DCAS)	(212) 386-0636	dlazerson@dcas.nyc.gov
Randal Fong	DCAS	(212) 386-0618	rfong@dcas.nyc.gov
Ana Colares	Assistant Commissioner, Administration for Children's Services (ACS)	(212) 341-4810	ana.colares@acs.nyc.gov
Alyson Grant	Chief of Staff, ACS	(212) 393-5103	alyson.grant@acs.nyc.gov
Richard Bearak	Director, Land Use, BBPO	(718) 802-4057	rbearak@brooklynbp.nyc.gov

COMMUNITY BOARD NO. 1

435 GRAHAM AVENUE – BROOKLYN, NY 11211
PHONE: (718) 389-0009
FAX: (718) 389-0098
Email: bk01@cb.nyc.gov
Website: www.nyc.gov/brooklyncb1

HON. ERIC L. ADAMS
BROOKLYN BOROUGH PRESIDENT

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FIRST VICE-CHAIRMAN

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DISTRICT MANAGER

HON. STEPHEN T. LEVIN
COUNCILMEMBER, 33rd CD

HON. ANTONIO REYNOSO
COUNCILMEMBER, 34th CD

June 14, 2016

LAND USE, ULURP & LANDMARKS (subcommittee) COMMITTE REPORT

TO: Chairperson Ms. Dealice Fuller
and CB #1 Board Members

FROM: Ms. Del Teague, Committee Chair
Ms. Alma Savoia, Committee Co-Chair
Ms. Trina McKeever, Landmarks Subcommittee Chair

The Land Use, ULURP and Landmarks (subcommittee) Committee met on Monday, May 23, 2016, at 6:30 PM, in the CB #1's District Office, 435 Graham Avenue, Brooklyn, NY 11211. **ATTENDANCE:** Present – Teague; Savoia; McKeever; Barros; McCann; Rabbi Niederman; Rabbi Perlstein; Sofer; Viera; Weidberg; Weiser. Absent – Argento; Dybanowski; Franczoz; Hoffman; Neustein; Solano.

AGENDA:

1. **PRESENTATION: LPC - Request to review submission for - Alteration for the Facade of a building located at 138 Greenpoint Avenue** - by Kris Kozlowski, Registered Architect.

Project architect, Kris Kozlowski presented. 138 Greenpoint is a one story annex building to the Neo Classical Polish Slavic Federal Credit Union. The buildings are in the Greenpoint Historic District, on Greenpoint Ave, just west of Manhattan Ave. The proposed alteration is being done to clear a Landmarks Violation; the design has been developed following guidance from Landmarks. The 1930's tax photo shows a wood frame building with a store front picture window, an historic photo from the 1970's shows that the building was bricked over and more

recently, the building has been clad with aluminum siding which has resulted in the Landmarks Violation. The proposed fix is an elegant hybrid, the lower 2/3 of the façade loosely resembles the original 1930's original and the upper third is brick.

The committee voted unanimously to approve the proposed façade alteration and would like to bring it to the Board for a vote.

2. **PRESENTATION: LPC - Request to review submission for - Restoration work (new stoop and work on the front yard) on a three story wood frame building at 114 Noble Street** - by Garret Savage, property owner.

Property owner, Garret Savage presented. The house built in 1852, originally wood shingled, now aluminum clad, sits on the south side of Noble Street between Manhattan and Franklin in the Greenpoint Historic District. Originally the wood frame house had a wooden stoop. At one point, the wood stoop was replaced with brick steps that are currently in dire need of repair. The home owner would like to replace the steps with new brick steps with bluestone treads and because the original steps were wood, he needed to bring the repair work through Landmarks. The house immediately to the right received Landmarks approval for a similar replacement job within the last few years,.

The committee voted unanimously to approve the proposed restoration and would like to bring it to the Board for a vote.

3. **BSA: (2016-4169-BZ) 230 BOERUM STREET** - Application to permit construction of a residential building at the premises which is in a M1-1 Zone (Representative: Richard Lobel/Sheldon Lobel PC).

Frank St. Jacques presented. The applicant is seeking a use-waiver to construct a residential building on a vacant lot in an M-1-1 zoning district. The lot, which has been vacant for 30 years, is 25'x87'. The proposed building would have 4 stories with an additional set- back penthouse, divided into 8 market-rate residential units. There would be no provision for parking. The as-of-right usage would permit a 1.0 FAR warehouse. The owner, who purchased the building in 1990 at a foreclosure for $19,000, claims commercial development is not feasible. He asserts that commercial or office usage would not be attractive, as the lot is located in the middle of a block that has residential buildings. He also claims an as-of-right construction would create a financial hardship.

The committee noted that the surrounding buildings are smaller, basically 3 stories. The committee felt that the proposed development with greater height and density, and no affordability, would not fit in with the character of the block. The committee further noted that the owner did not conduct a study of the cost/affordability of a 3-story building that would be in line with the current surrounding buildings.

Resolution: The committee voted unanimously to reject the project as presented based on the lack of any affordable units; incompatible context; the concern that the building as proposed would set a precedent for other large developments that would burden the area with unnecessary density and displacement; and the committee's opinion that the community would

not receive a return in line with the profit that would be garnered by the applicant.

4. **BSA: (2016-4150-BZ) 667 GRAND STREET** - Application to legalize a physical culture establishment (PCE) in an existing building (cellar, first floor, mezzanine) (Representative: Jordan Most/Sheldon Lobel PC).

Frank St. Jacques presented. This is an application to legalize a cross-fit training facility that has been in operation since January 2016. The application was filed in March. There have been no complaints from neighbors or occupants of the building. The gym offers discounts to members of the NYPD and the NYFD, as well as to veterans. The space has been sound-attenuated and is located on a commercial strip on Grand Street. The gym provides yoga, stretching, and cross-fit classes.

Resolution: The committee voted to approve. 10 in favor of approval; 1 against.

5. **DCP - Cal. # 160133PQK (Block 2451 Lot 8) 384 SOUTH 4TH STREET** - The Administration for Children's Services (ACS) and its predecessor agency, Human Resources Administration (HRA) has operated a childcare center (Nuestros Niños) at 384 S. 4th Street in Brooklyn since 1973. ACS requests an acquisition (terms to be determined) of the property to ensure the continued provision of childcare services.

Ms. Cruz, the executive director, presented. She explained that Nuestros Niños has provided essential services to the community's children and families for 41 years. The city has agreed to give the center a new 10 year lease, the terms of which, Ms. Cruz advised, are acceptable.

Resolution: The committee voted unanimously to approve.

NUESTROS NIÑOS
CHILD DEVELOPMENT SCHOOL

384 South 4th Street
Brooklyn, New York 11211
Tel: (718) 963-1555 · Fax: (718) 963-0240
Email: NuestrosNinosCDS@aol.com

May 23, 2016

Ms. Del Teague
Committee Chair

16 MAY 23 8:34

Community Board No. 1
435 Graham Avenue
Brooklyn, New York

Dear Ms. Teague,

Nuestros Ninos has been a source of educational excellence as recognized by our elected officials, the Administration for Children's Services, and the community for early learners in the Williamsburg Community for the past 41 years. Since its inception in 1973, we have been dedicated to fostering and supporting the diverse families in our community. By offering affordable day care for poor-to-moderate income families in the community, Nuestros Niños provides a safe, learning-centered, nurturing, multicultural environment for children to grow and develop in academic and social preparation for kindergarten and beyond. The teachers of Nuestros Niños are committed to helping children master every small yet integral step of cognitive and social development, so they proceed with a confidence rooted in self-esteem, academic preparedness and cross-cultural awareness.

Nuestros Niños has also ensured the stability and success of their parents, many of whom are at-risk or facing overwhelming financial and cultural pressures. Through our many collaborations with community-based organizations, Nuestros Niños supports the parents of our children with vital resources, which are absolutely necessary for family health, education, stability, and success. We at Nuestros Niños find that children thrive best when their families also thrive.

Nuestros Niños will continue to improve the quality of life of Williamsburg and Bushwick residents by providing affordable, learning-centered, quality childcare that is responsive to the diverse populations of our community. Nuestros Niños will continue to respond to the community by maintaining partnerships that address the needs of the people we serve.

We know that the City, via its agent The Administration for Children Services, is requesting approval for the acquisition of 384 South 4th Street.

We are supportive of the request, so long as the City respects and honors its long term commitment to this community by ensuring that 384 South 4th will continue to be the home of Nuestros Ninos Day Care Center for decades to come.

Respectfully,

Miriam L. Cruz

Executive Director

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

NUESTROS NIÑOS CHILD CARE CENTER – 160133 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 384 South Fourth Street within the Williamsburg section of Brooklyn Community District 1 (CD 1). Approval will facilitate a lease renewal, for a 10-year term, to ensure continued provision of child care services.

COMMUNITY DISTRICT NO. 1 | BOROUGH OF BROOKLYN

RECOMMENDATION

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

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

September 9, 2016
DATE

RECOMMENDATION FOR: NUESTROS NIÑOS CHILD DEVELOPMENT CENTER – 160133 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 384 South Fourth Street, in Brooklyn Community District 1 (CD 1), 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 was one speaker on this item, a representative from the Office of Council Member Antonio Reynoso, in support of the lease renewal.

The representative for ACS stated that this subsidized EarlyLearn NYC child care program is contracted for 140 seats, which includes 20 seats for toddlers, ages two to three, and 120 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 New York City Administration are dedicated to keeping day care centers open, therefore, this is a 10-year lease, with a five-year renewal term.

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' interest in promoting locally-based hiring, the ACS representative stated that all hiring is done by 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 1 (CB 1) approved this application without conditions.

ACS and its predecessor agency, New York City Human Resources Administration (HRA), have operated a childcare center at 384 South Fourth Street in Brooklyn since 1973. 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, plus a five-year lease renewal term.

The Nuestros Niños Child Development Center serves up to 140 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 three-story building that is conveniently located by public mass transportation, including the J and M trains, a few blocks away at both Hewes Street and Marcy Avenue stations, and the G train at Broadway, which is three blocks away. The child

care center occupies a total of 27,629 square feet of rentable area, composed of 21,980 square feet of interior space and 5,649 square feet of rooftop play area. The facility includes rooftop play area above the third floor and a smaller rooftop play area above the second floor. The center also uses an adjacent grade-level 4,488 square-foot City-owned assemblage, under the jurisdiction and management of ACS, as a grade-level play area (the lots are not part of this application).

There is a multipurpose room in the cellar, which is used as a play area in inclement weather. There is a kitchenette on the first floor. The first, second, and third floors each have three classrooms, totaling nine classrooms. Offices and storage closets are on each of the three floors and cellar of the building.

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: education, meal service, and supervised playtime. The center's program staff consists of 42 professional, para-professional, and support staff.

Borough President Adams supports the continuation of Nuestros Niños Child Development 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, while improving access to the adjacent play lot, and to investigate opportunities for streetscape enhancements, including those that assist in the management of stormwater runoff.

Lease Duration

Borough President Adams is very adamant about protecting and preserving critical community space for the Brooklyn's young people, and has expressed concerned 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 longstanding 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 lease 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 Williamsburg 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 Nuestros Niños Child Development 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.

Access to Outdoor Play Area

Access from the building housing the Nuestros Niños Child Development Center to the adjacent at grade-level play area requires for its staff to lead the children out of the safety of the building, onto the public domain of the sidewalk where parked cars provide the sole barrier to vehicular traffic. Borough President Adams believes that the proximity of the active street poses a safety risk for the children. As the city assemblage is currently under the jurisdiction of ACS, he believes that it should be a priority to explore appropriate actions that would further advance the safety of these children. Borough President Adams believes that ACS should engage with the landlord to determine the feasibility of including a door along the building's wall adjoining this play space as a means of providing a direct connection between the child care center to its adjacent playground. Incorporating such direct connection would remove the children further from any associated risk posed by vehicular traffic. Should constructing the door be feasible, its funding should be accounted for in the lease agreement.

Streetscape Improvements

Borough President Adams' policy is to make neighborhoods more welcoming for the pedestrian 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. Some of the suggested 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 litter and debris, 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 DPR and DEP 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 1 and local elected officials prior to agreeing to take action.

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. Construct a door to provide direct access to the adjacent City-owned assemblage if determined to be feasible, and

d. 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 1 (CB 1) and local elected officials