

CITY PLANNING COMMISSION

December 3, 1990 / Calendar No.1

C 900725 POK

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IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 40 Brevoort Place (Block 2022, Lot 18), Community District 3, Borough of Brooklyn, for continued use as a day care center (Bedford Avenue Day Care Center).

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This application (C 900725 POK) was filed on May 1, 1990 by the Human Resources Administration (HRA) for the continued use of property located at 40 Brevoort Place, Community District 3, Borough of Brooklyn, as a day care center.

BACKGROUND

The Human Resources Administration (HRA) proposes to continue to occupy a privately owned building located at 40 Brevoort Place (Block 2022, Lot 18), for use as a day care center. The Bedford Avenue Day Care Center has operated at the site continuously since 1970. The current 20-year lease is to expire on December 31, 1990. HRA intends to acquire the site or to lease it for up to twenty years.

The site is located in an R6 zoning district. It contains a five-story building with approximately 89,000 square feet of floor area. The Bedford Avenue Day Care Center occupies approximately 19,299 square feet of floor area on the first and second floors of the building, as well as an open play area located on the roof of the second story. The remainder of the building is occupied by offices for the Agency for Child Development. The offices are separated from the day care center and are not the subject of this

application.

A parking lot is located next to the day care center; a gas station fronting on Atlantic Avenue abuts the site to the rear. The block to the north of the site is predominantly characterized by three-story multiple dwellings; dwellings along Fulton Street and Bedford Avenue have ground floor retail uses. One block to the south of the site is an armory used by HRA as a homeless shelter. The block to the east of the site is predominantly characterized by three-story multiple dwellings along Herkimer Street, and similar dwellings with ground floor retail uses along Bedford and Atlantic avenues. The block to the west of the site is characterized by three- and four-story brownstone buildings along Brevoort Place, and a parking lot and commercial uses along Atlantic Avenue. The surrounding area is characterized by four-story brownstone buildings.

The Bedford Avenue Day Care Center operates five days per week, Monday to Friday, 8:00 A.M. to 6:00 P.M., providing a variety of educational and recreational services for children.

#### ENVIRONMENTAL REVIEW

This application (C 900725 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 Regulation, Section 617.00 et seq., and the New York City Environmental Quality Review (CEQR) procedures set forth in Executive Order No. 91 of 1977.

This application was determined to be a Type II action, which

requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 900725 POK) was certified as complete by the City Planning Commission on June 25, 1990, and was duly referred to Community Board 3 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 3 did not hold a public hearing or submit a recommendation on this application.

Borough President Review

This application (C 900725 POK) was considered by the Office of the President of the Borough of Brooklyn, which issued a recommendation approving this application on October 4, 1990, subject to the following conditions:

That prior to the execution of the lease, HRA immediately require the landlord to: complete the repair of all ventilation, heating and air conditioning systems; and

That HRA, or its consultant, submit a copy of its preliminary review and evaluation of the physical conditions of this facility to the program sponsor, the Community Board and Borough President for their review and comment for a period of not less than 45 days; and

That immediately after execution of the lease, HRA provide the program sponsor, the Community Board and the Borough President with a copy of the lease or a summary thereof, describing each physical repair to be made to the facility, the persons or entities responsible for carrying out each repair and the schedule for completion of each repair; and

That HRA instruct DGS not to execute a lease for this facility unless such lease provides for periodic renewal options for the City and includes provisions for

sanctions or penalties to ensure the landlord's performance of the terms and conditions for the lease.

City Planning Commission Public Hearing

On September 26, 1990 (Calendar No. 8), the City Planning Commission scheduled October 10, 1990 for a public hearing on this application. The hearing was duly held on October 10, 1990 (Calendar No. 13). There were no speakers, and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the application of the Human Resources Administration (HRA) for continued use of property located at 40 Brevoort Place (Block 2022, Lot 18), as a day care center, is appropriate.

The proposed use is permitted as-of-right in the R6 zoning district.

The Human Resources Administration (HRA) has occupied the space continuously since 1970, serving the community by providing needed day care services, including educational, recreational and nutritional programs.

Direct-Lease day care centers were established in neighborhoods where demographic characteristics, such as income and social eligibility, demonstrated a need for such services.

The Bedford Avenue Day Care Center is located within the community it serves, and most parents walk their children to the facility at the beginning of the work day. It is also close to public transportation, including the B 44, B 48, B 49 and B 26

buses, and the A and C trains, which stop at Franklin Avenue station, two blocks northwest of the site.

The Borough President's recommendation cites ongoing problems with respect to maintenance and repair of the existing facility. The Commission notes that the City Charter provides for the business terms of the proposed lease, including any conditions governing maintenance and repair, will be the subject of a second public hearing.

The Commission believes that a coordinated interagency plan should be developed to address the range of day care needs throughout the city and achieve efficient use of scarce day care dollars. Meeting the needs of communities can only be achieved by close cooperation among the agencies.

HRA proposes to continue to use the site as a day care center for up to twenty years. However, based on the history of deficient maintenance of the site, there is the potential, if the site remains in private ownership, that over such an extended period of time recurrent deficiencies could cause the site to become an unsuitable environment for children. If the city were to acquire the site in fee, its fuller control could serve to better ensure maintenance. Therefore, the Commission is unable at this time to determine that the use of this site as a day care center beyond ten years would be appropriate if the site has not been acquired in fee by the City. The City Planning Commission approves the continued use of this site as a day care center for a period of up to ten years, or without time limitation if the fee is acquired by the

City.

RESOLUTION

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and consideration described in this report, the application (C 900725 POK) of the Human Resources Administration is approved, for continued use of property located at 40 Brevoort Place (Block 2022, Lot 18), Community District 3, Borough of Brooklyn, as a day care center, for a period of up to ten years if the site is not acquired in fee by the City and without time limitation if the site is acquired in fee.

The above resolution, duly adopted by the City Planning Commission on December 3, 1990 (Calendar No. 1), is filed with the Office of the Speaker, City Council and the Borough President of Brooklyn in accordance with the requirements of Section 197-d of the New York City Charter.

RICHARD L. SCHAFFER, Chairman  
VICTOR G. ALICEA, Vice Chairman,  
EUGENIE L. BIRCH, ANTHONY I. GIACOBBE, MAXINE GRIFFITH, JAMES C. JAO, R.A., JOEL MIELE, Sr., P.E., EDWARD T. ROGOWSKY, RONALD SHIFFMAN, JACOB B. WARD, DEBORAH C. WRIGHT, Commissioners

AMANDA M. BURDEN, BRENDA LEVIN, Commissioners Voting no. .

KOP 49A.S

# Borough President Recommendation

**CITY PLANNING COMMISSION**  
22 Rensselaer Street, New York, NY 10007  
FAX # (212) 730-8288

### 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 representative as indicated on the Notice of Certification.

APPLICATION # 900725 POK

### DOCKET DESCRIPTION

*orig. L. Pomeroy*  
*e. Brooklyn office*  
*J. Chas. Sterling*

IN THE MATTER OF an application submitted by the Human Resource Administration pursuant to Section 197-c of the New York City Charter for a lease renewal or acquisition of property located at: 40 Hroeyuort Place, (Block 2022; Lot 18), Borough of Brooklyn, Community District 3, for continued use as a day care center.

(Bedford Avenue Day Care Center)

COMMUNITY BOARD NO. 3

BOROUGH BROOKLYN

### RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE

EXPLANATION OF RECOMMENDATION - MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

**SEE ATTACHED RECOMMENDATION REPORT**

*Arnold Golden*  
BOROUGH PRESIDENT

October 4, 1990  
DATE

CITY PLANNING COMMISSION  
90 OCT -4 PM 3:30  
DEPT. OF CITY PLANNING

**BEDFORD AVENUE DAY CARE CENTER****(900725 POK)****RECOMMENDATION REPORT BY THE  
PRESIDENT OF THE BOROUGH OF BROOKLYN****Background**

The Human Resources Administration (HRA) proposes either to renew a lease for up to twenty years, or acquire a privately owned building located at 40 Brevoort Place (Block 2022, Lot 18) in the Bedford Stuyvesant area, Community Board 3 of the Borough of Brooklyn for continued use as a day care center. HRA has used the building continuously since 1970 under a 20 year lease which will expire on December 31, 1990.

The site is zoned R 6. The surrounding area is residential.

This is a 19,299 square foot facility with a rooftop play area containing 3,632 square feet.

Bedford Avenue Day Care Center provides a variety of recreational, educational and cultural activities to approximately 104 pre-school children. Breakfast, lunch and two snacks are served daily. The site is conveniently accessible by public transportation including the A and C trains and the B25, B26, B44, B46 and B49 bus lines.

**Public Hearing**

On September 18, 1990 the Borough President held a public hearing on this application. There were two speakers on the item, one representing the Human Resources Administration (HRA) and one representing Community Board #3.

The representative from Community Board #3 stated his concerns about the asbestos removal program at the site. He indicated that the day care center had been closed for a period of time while asbestos removal was taking place but that he did not know if the process had been completed and whether the occupants were now safe in the facility. The community board representative also expressed interest in understanding who certified the completeness of the work and how that was determined.

The Borough President spoke of the serious deficiencies at this site. There are problems with the heating, ventilation and air conditioning system which have plagued the facility since the building was opened. In addition to the ventilation problems, the center has never been equipped with either smoke detectors or a security alarm system.

The Borough President reiterated his concerns that long term leases are a disincentive to landlords to repair properties and that better leasing and enforcement procedures must be developed.

The Borough President also raised concerns about the lack of coordination between city agencies in the enforcement of leases and in the licensing, inspection and maintenance of day care facilities. He suggested that a task force should be created, including agencies such as the Human Resources Administration, Department of General Services, Department of Health, Department of Buildings and the Fire Department to insure that a comprehensive plan for facility evaluation, maintenance and repair be developed and implemented. This lack of coordination has led to an ambiguous policy on fire and smoke prevention devices at day care facilities. To remedy this problem the Borough President has suggested that legislation be introduced calling for the installation of smoke detectors at all day care centers.

The Borough President also expressed concern about the status of the City's day care asbestos abatement program. He wanted to understand how many centers have been abated or are to be abated and the process for certifying the work performed.

The representative from the Agency for Child Development (ACD) stated that asbestos had been identified at the Bedford Avenue Day Care Center last year and has been removed. The air conditioning system had to be removed in order to perform the abatement. He indicated that wall units are to be installed but did not know when.

#### Consideration

On August 20, 1990, a representative of the Office of the Borough President visited the site. The representative was advised that the heating, ventilation and air conditioning system has been operating improperly since the building was opened. The ventilation system has been inoperable in the basement for the last seventeen years and there is no ventilation in the staff offices. The employees have kept a record of temperatures inside the center. From mid-May through the end of June the average temperature was over 90 degrees. HRA sent contractors to the center on August 4, 1990 to repair the air conditioning system; they never returned to initiate the repairs. In addition, the center has never had smoke or security alarms installed.

A recommendation report from Community Board #3 has not yet been received by the Borough President.

### Recommendation

Whereas, there are approximately 104 pre-school children served by this day care center; and

Whereas, this site has been used for this purpose since 1970; and

Whereas, there is an acknowledged need for day care services in the City of New York and in the Borough of Brooklyn; and

Whereas, significant deficiencies in the condition of this day care center have been identified by the Borough President; and

Whereas, the program operator is most familiar with the conditions of the day care center and the adjacent area; and

Whereas, HRA has contracted with an architectural and engineering consultant to identify and evaluate the physical conditions of this facility and then prepare an upgrade plan prior to the negotiation of a lease by the Department of General Services; and

Whereas, concern has been expressed that a long term lease may be a disincentive to maintenance of the property by the landlord; and

Whereas, there is a need for a comprehensive analysis of day care needs in relation to the location of existing facilities and the location of the eligible population in need of day care services, now, therefore, be it

Resolved, that the Borough President recommends that HRA and the Department of City Planning conduct a comprehensive analysis of day care needs throughout the City in relation to the location of existing facilities and the eligible population in need of day care services. Such analysis shall be based on the Guidelines for the Siting of City facilities pursuant to Section 203 of the New York Charter.

Be it further resolved, that the President of the Borough of Brooklyn, pursuant to Section 197-b of the New York City Charter that, based on the consideration described in this report, recommends the approval of this application by the City Planning Commission subject to the following conditions:

That prior to the execution of the lease, HRA immediately require the landlord to: complete the repair all ventilation, heating and air conditioning systems; and

That HRA, or its consultant, submit a copy of its preliminary review and evaluation of the physical conditions of this facility to the program sponsor, the Community Board and the Borough President for their review and comment for a period of not less than 45 days; and

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That immediately after execution of the lease, HRA provide the program sponsor, the Community Board and the Borough President with a copy of the lease or a summary thereof, describing each physical repair to be made to the facility, the persons or entities responsible for carrying out each repair and the schedule for completion of each repair; and

That HRA instruct DGS not to execute a lease for this facility unless such lease provides for periodic renewal options for the City and includes provisions for sanctions or penalties to ensure the landlord's performance of the terms and conditions for the lease.

  
Howard Golden, President of  
the Borough of Brooklyn