



September 5, 2018 / Calendar No. 6

C 160331 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 452 Pennsylvania Avenue (Block 3805, Lot 26) for continued use as a child care facility, Borough of Brooklyn, Community District 5.

This application for acquisition of property was filed on May 9, 2016 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 452 Pennsylvania Avenue (Block 3805, Lot 26), in Brooklyn Community District 5, as a child care facility.

BACKGROUND

ACS and DCAS are seeking the acquisition of an existing building to facilitate the continued operation of a child care facility, currently known as the PAL Arnold and Marie Schwartz Early Learn Center, in the East New York neighborhood of Brooklyn. This site has been used to provide child care since 1971, and was the subject of previous acquisition actions, approved by the City Planning Commission on August 27, 1986 (C 860955 PQK, Cal. No. 52) and on December 19, 1990 (C 900562 PQK, Cal. No.17). The previous lease expired in January, 2016, and the center has operated since then on a month-to-month license agreement. The proposed action would allow the negotiation of a new lease.

The project site is located in an R6 zoning district, which allow day care centers as-of-right. The surrounding land use is predominantly residential, with one- and two-family as well as multi-family buildings. Commercial and institutional uses generally line Pennsylvania and Livonia avenues, with higher density residential buildings along Livonia Avenue, one block to the south. The project area is well served by public transportation, including the Pennsylvania Avenue station of the 3 subway train, which has an entrance on the southeast corner on the block. The B20 and B83 bus lines run along Pennsylvania Avenue and stop directly in front of the site.

The facility is located on a privately-owned lot on Pennsylvania Avenue, at its intersection with Dumont Avenue. The two-story building, which is fully occupied by the day care center, sits on a 6,000-square-foot lot, and comprises a total floor area of 18,000 square feet. Fire control sprinklers have not been installed in this building.

The PAL Arnold and Marie Schwartz Early Center child care serves up to 103 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 22 professional, paraprofessional, and support staff.

ENVIRONMENTAL REVIEW

This application (C 160331 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 ACS. This application was determined to be a Type II action, which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 160331 PQK) was certified as complete by the Department of City Planning on April 23, 2018, 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 3 held a public hearing on this application (C 160331 PQK) on July 25, 2018, and by a vote of 32 in favor, none opposed, and four abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 150252 PQK) on July 11, 2018 and issued a recommendation approving the application on August 3, 2018.

City Planning Commission Public Hearing

On July 25, 2018 (Calendar No. 5), the City Planning Commission scheduled August 8, 2018 for a public hearing on this application (C 160331 PQK). The hearing was duly held on August 8, 2018 (Calendar No. 26). One speaker testified in favor of the application.

A representative from ACS's Division of Child and Family Well-Being spoke in favor of the application, providing information on the day care center's role as an affordable day care provider to low-income families in the community. The representative stated that the facility has a budgeted capacity of up to 103 children and is currently 83 percent enrolled. She noted a concern raised by the Borough President about traffic and safety at this location, indicating that ACS was looking into the problem with the appropriate City agencies. There were no other speakers, the hearing was closed.

CONSIDERATION

The Commission believes that the acquisition of City-owned property for continued use as a day care facility located at 452 Pennsylvania Avenue (Block 3805, Lot 26) 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 103 children enrolled in the center's program. The center provides daily meal service, supervised play time, and educates the children as part of the Early Learn and Universal Pre-K programs. 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 the R6 zoning district. The site is well served by public transportation, including the 3 subway train and the B20 and B83 bus lines.

While outside the scope of the actions directly before it, the Commission encourages DCAS and ACS to pursue additional streetscape and façade improvements to improve the center's

appearance, including the Pennsylvania Avenue frontage, making it a more welcoming and attractive neighborhood asset that better engages and activates the streetscape.

The Commission notes that this facility does not have a fire sprinkler system, and urges ACS to explore installing fire control sprinklers in its day care facilities as a proactive policy. The Commission also notes that the public review process for the continued use of this facility has been effective in highlighting any maintenance or repair issues that need to be addressed.

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 452 Pennsylvania Avenue (Block 3805, Lot 26) for continued use as a child care center, is approved for a period of ten years, with renewal options, or without time limitation if acquired in fee.

The above resolution (C 160331 PQK), duly adopted by the City Planning Commission on September 5, 2018 (Calendar No. 6), 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.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice Chairman*

**ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III, 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 #: **C160331 PQK**

Project Name: **PAL A & M Schwartz Early Learn Ctr.**

CEQR Number: Type II

Borough(s): Brooklyn

Community District Number(s): 5

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

SUBMISSION INSTRUCTIONS

- 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, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- 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.

Docket Description:

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 452 Pennsylvania Avenue (Block 3805, Lot 26) for continued use as a child care facility.

Applicant(s): Administration for Children's Services 150 William Street, 14th Floor New York, NY 10038		Applicant's Representative: Mitch Gipson 212-341-4810
Recommendation submitted by: Community Board 5 <input type="checkbox"/>		
Date of public hearing: July 25, 2018		Location: I.S. 292 located at 301 Vermont Street, Bklyn NY 11207
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>
Date of Vote: July 25, 2018		Location: I.S. 292 located at 301 Vermont Street, Bklyn NY 11207
RECOMMENDATION <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions		
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting		
# In Favor: 32	# Against:	# Abstaining: 4 Total members appointed to the board: 49
Name of CB/BB officer completing this form Melinda Perkins	Title District Manager	Date 8/2/2018

Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
120 Broadway, 31st Floor, New York, NY 10271
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 #: PAL A&M SCHWARTZ EARLY LIFE CENTER – 160331 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 452 Pennsylvania Avenue in Brooklyn Community District 5 (CD 5). Such actions would facilitate the continued provision of child care services 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

August 3, 2018

DATE

RECOMMENDATION FOR: PAL A&M SCHWARTZ EARLY LIFE CENTER – 160331 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 452 Pennsylvania Avenue in Brooklyn Community District 5 (CD 5). Such actions would facilitate the continued provision of child care services at this site according to a lease.

On July 11, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on the acquisition request. There was one speaker on the item, Council Member Inez Barron, who expressed support for the application.

In response to Borough President Adams' inquiry regarding the number of contracted seats at the Police Athletic League (PAL) A&M Schwartz Early Life Center and the criteria for selecting children to fill such seats when vacancies arise, the ACS representative confirmed that the center is contracted for 103 seats. The representative clarified the eligibility criteria as a parent or guardian having income no more than 200 percent of the federal poverty level and having a reason for care, which includes working, being in school or at a job training program, seeking work for up to six months, or not having a permanent home.

In response to Borough President Adams' inquiry regarding the terms of the proposed acquisition, the DCAS representative clarified that ACS is seeking a 20-year lease as the base term, with two five-year renewal options. The proposed lease will contain a right of first refusal for the City.

In response to Borough President Adams' inquiry regarding 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 Dumont Street and Pennsylvania Avenue, the representative stated that the current scope of work for the child care center does not include traffic safety. The representative also expressed intent to raise this concern with ACS.

In response to Borough President Adams' inquiry regarding what consideration has been given to incorporating streetscape improvements to existing features, such as adding a street bench as part of DOT's CityBench initiative, and expanding the tree pits to advance best stormwater management practices through the utilization of rain gardens, the representative stated intent to follow up with DOT on the matter.

In response to Borough President Adams' inquiry regarding the process for filling hiring opportunities at the child care center, the ACS representative stated that PAL A&M Schwartz Early Life Center advertises 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) approved this application on June 27, 2018.

The facility is leased to the PAL, which operates the site as the PAL Arnold & Marie Schwartz Early Learn Center, under a contract with ACS. The facility is the sole occupant of a two-story, privately-owned building, located in the Brownsville section of CD 5. PAL A&M Schwartz Early Life Center leases approximately 17,040 square feet (sq. ft.) of interior space and uses the entire building for child care services. The facility is subdivided into various activity spaces, including six classrooms, a multi-purpose room, and offices.

The facility has frontage on Dumont Street and Pennsylvania Avenue, with egress doors on each side. The building provides recreational space on the roof, which contains a 5,680 sq. ft. rooftop playground.

PAL A&M Schwartz Early Life Center is an EarlyLearn NYC program provider. This program is administered by ACS and offers subsidized quality child care for qualifying families. The facility serves up to 103 preschoolers, aged two to five years. Current enrollment at the child care center is at 93 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. PAL A&M Schwartz Early Life Center provides educational services, meal services, and supervised playtime, with 22 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.

PAL A&M Schwartz Early Life Center is accessible via public transportation, including the Seventh Avenue Express 3 train at the Pennsylvania Avenue station and the nearby B20 and B83 buses.

Borough President Adams supports the continuation of PAL A&M Schwartz Early Life Center, which is a valuable community asset. Moving forward, Borough President Adams believes that ACS and DCAS should take steps to secure the expressed 30-year lease term for the site, inclusive of two five-year renewals, and incorporate an opportunity to purchase in the future. The agencies and, where applicable, the 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 child care. Borough President Adams has already witnessed this profit-seeking practice in other parts of Brooklyn; examples of such cases include the Bushwick United Learning Center and the Swinging Sixties Senior Center, both located in Williamsburg. The prior property owner of the Swinging Sixties Senior Center had been attempting to displace the center — which had served the community for decades — for more lucrative redevelopment opportunities. Fortunately, after five years of uncertainty for the home of Small World Child Care and the Swinging Sixties Senior Center, neighborhood non-profit St. Nicks Alliance, along with the Conselyea Street Block Association, closed on acquisition of the building, thereby avoiding the fate of the former Bushwick United Learning Center, which served, on average, 110 children of low-income families. The center was recently shut down after an extended eviction battle with the landlord when the center's most recent 10-year lease ran out, and the City failed to complete proper lease renewal paperwork in a timely manner.

It is Borough President Adams' policy for the City to secure lease-renewal terms that allow the City the ability to secure initial terms of no fewer than 10 years, exclusive of multiple shorter term leases, and include the right for renewal of the lease to secure the child care center use for up to 20 years. Such terms, inclusive of multiple shorter term renewals, allow landlords to facilitate building improvements, when needed, while providing ACS with a check and balance that the

facility remains in good working order. It is imperative that the City take actions through its land use process to adequately demonstrate to the community that the City is truly their partner, through securing facilities for such much-needed services. Whether provided directly through the City or through non-profits, the 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 30-year duration would adequately guarantee that PAL A&M Schwartz Early Life Center remains a community asset for decades to come. Borough President Adams believes that the DCAS-negotiated lease having two five-year renewal terms provides an adequate safeguard to ensure that the building would be adequately upgraded during the potential 30-year leasing opportunity. While the possibility of achieving 30 years is commendable, he believes that the DCAS-negotiated lease terms should include a provision that would ensure the City has an opportunity to purchase the property if it is marketed for sale.

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

Advancing Vision Zero Policies

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

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

Borough President Adams believes there are opportunities to implement protected painted sidewalk extensions per his CROSS Brooklyn initiative, at the intersection of Dumont Street and Pennsylvania Avenue. Such painted sidewalk extensions would facilitate safer pedestrian crossings to PAL A&M Schwartz Early Life Center.

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

Borough President Adams urges DOT to explore the implementation of protected painted sidewalk extensions. Should implementation meet DOT criteria, ACS and DCAS should consult with CB 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.

Borough President Adams urges ACS and DCAS to incorporate the maintenance obligation into the lease terms for PAL A&M Schwartz Early Life Center to facilitate implementation. He believes it would be appropriate to have either the landlord or the child care center operator enter into such a maintenance agreement as responsible parties.

Streetscape Improvement Policies

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

Borough President Adams supports DOT's CityBench program, which aims to increase the amount of public seating on New York City's streets, particularly in areas with high concentrations of senior citizens. These benches make streets more comfortable for pedestrians and transit riders, especially those who are disabled or elderly. Borough President Adams believes that the provision of street seating at child care centers through DOT programs is justified by the City's investment in leasing and improving such facilities. Furthermore, street seating is beneficial for congregations during drop-off and pick-up periods, when sidewalks outside child care centers become very crowded.

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

ACS and DCAS should pursue lease provisions to clarify any maintenance obligation associated with such improvements as part of the lease agreement based on whether these enhancements might be best achieved and/or maintained by the landlord or the operator, PAL A&M Schwartz Early Life Center. All 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 PAL A&M Schwartz Early Life Center's Dumont Street 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 in consultation with CB 5 and local elected officials, to help identify an appropriate community arts group to undertake such a project. If no such locally-based organization steps forward, ACS 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.

Stormwater Management Policies

Borough President Adams' policy is to introduce best practices to manage stormwater runoff. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces are potential resources that could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape

beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy.

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

Borough President Adams believes that the perimeter of sidewalk area fronting the center's Dumont Street façade provides an opportunity for the construction of a rain garden. Such a rain garden might be integrated with the existing tree pits along the Dumont Street side of the child care center. 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 the New York City Department of Environmental Protection (DEP) and the New York City Department of Parks and Recreation (NYC Parks) for consideration regarding the integration of a rain garden with existing street trees. ACS and DCAS should pursue lease provisions to clarify any maintenance obligation associated with such improvement as part of the lease agreement. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 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 DEP and/or NYC Parks on such matters.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application.

Be it further resolved that:

1. As part of the execution of the lease, the New York City Department of Citywide Administrative Services (DCAS) commence negotiations with the landlord in order to:
 - a. Secure a right for renewal of the lease with the addition of two five-year renewal terms
 - b. Include a provision that would ensure the City has an opportunity to purchase the property if it is marketed for sale on behalf of the New York City Administration for Children's Services (ACS)
 - c. Coordinate with the landlord to determine maintenance obligation should rain gardens be installed along the sidewalk along the building's Dumont Street façade and/or the New York City Department of Transportation (DOT) to paint sidewalk extensions as Vision Zero enhancements for the intersection of Dumont Street and Pennsylvania Avenue

2. The City Planning Commission (CPC) approve the application without a specific duration of time to ensure that ACS and DCAS will not need to file another ULURP application to sign a long-term lease
3. ACS and/or DCAS coordinate with:
 - a. The New York City Department of Environmental Protection, (DEP) the New York City Department of Parks and Recreation (NYC Parks), and DOT regarding the installation of a rain garden, street furniture, and/or the provision of sidewalk extensions for the intersection of Dumont Street and Pennsylvania Avenue, and where appropriate, with the property owner, in consultation with Brooklyn Community Board 5 (CB 5) and local elected officials
 - b. The property owner, in consultation with CB 5 and local elected officials, to encourage engagement with a local arts organization in the creation of a mural on the building's façade. If no such locally-based organization steps forward, ACS should pursue the City's Publicolor initiative