



December 13, 2017 / Calendar No. 16

C 160021 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 2023 Pacific Street (Block 1431, Lot 54) for continued use as a child care center, Borough of Brooklyn, Community District 16.

This application was filed on July 27, 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 2023 Pacific Street (Block 1431, Lot 54) as a child care center.

BACKGROUND

ACS and DCAS are seeking the acquisition of property to facilitate the continued operation of a child care center in the Ocean Hill neighborhood of Brooklyn. The site, known as the Shirley Chisholm Day Care Center 1, has been used to provide child care since 1973 and was the subject of a previous acquisition, approved by the Commission on November 18, 1992 (C 920234 PQK, Cal. No. 17). The previous lease expired in September 2015, and the facility has operated since under a month-to-month license agreement. 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/C1-3 zoning district, which allows day care centers as-of-right. The surrounding area is characterized by a mix of uses. Residential uses range from low-density to medium-density with built forms including one- and two-family homes to larger apartment buildings. The six-story New York City Housing Authority Kingsborough Houses are directly across Pacific Street from the project site. The site borders an M1-1 district to the north, which runs along Atlantic Avenue and contains primarily commercial uses. Institutional uses in the surrounding area include houses of worship and government- and nonprofit-led residential treatment facilities. Open space resources in the surrounding area include the South Pacific

Playground, directly across Pacific Street from the project site, and Weeksville Playground two blocks to the northeast. The area is well-served by transit. The MTA C train stops at Ralph Avenue, three blocks north of the project site, and the B47 bus line runs along Ralph Avenue.

The facility is located in a two-story, privately owned building on a 10,950-square-foot lot at 2023 Pacific Street, between Ralph Avenue and Howard Avenue. It occupies the entire building and includes rooftop and outdoor at-grade play areas. The leased premises total approximately 32,794 square feet, including approximately 23,936 square feet of interior space, consisting of the cellar, basement, and first floor. The facility is equipped with fire control sprinklers. There are two outdoor play areas: one at-grade play area comprising approximately 3,000 square feet and one rooftop play area comprising approximately 5,800 square feet. There are three entrances to the building, all on Pacific Street. The main entrance and one secondary entrance provide access to the basement, and one entrance opens to the cellar.

The cellar contains a reception area, two multipurpose activity rooms, two classrooms, and a boiler room. The cellar's two classrooms can accommodate the afterschool program. The basement contains the reception area, four offices, a staff lounge, a warming pantry, and four classrooms. The first floor contains two offices, a locker room, a kitchen and five classrooms.

The Shirley Chisholm Day Care Center 1 serves up to 114 preschoolers, ages six months to five years, under a license from the New York City Department of Health. The children may attend from 8:00AM to 6:00PM, Monday through Friday. The center provides daily meal service (breakfast, lunch, and snack), supervised playtime, and education using the Teaching Strategies Goals curriculum. The center is staffed by 44 professional, para-professional, and support staff.

ENVIRONMENTAL REVIEW

This application (C 160021 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 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 160021 PQQ) was certified as complete by the Department of City Planning on July 10, 2017, and was duly referred to Brooklyn Community Board 16 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

On September 26, 2017, Brooklyn Community Board 16 held a public hearing on this application (C 160021 PQQ) and on that date, by a vote of 23 in favor, one opposed, and with one abstention, adopted a recommendation of approval of this application.

Borough President Recommendation

On October 12, 2017, the Brooklyn Borough President held a public hearing on this application (C 160021 PQQ). On October 18, 2017, the Brooklyn Borough President submitted a recommendation to approve the application.

City Planning Commission Public Hearing

On November 1, 2017 (Calendar No. 3), the City Planning Commission scheduled November 15, 2017 for a public hearing on this application (C 160021 PQQ). The hearing was duly held on November 15, 2017 (Calendar No. 17). Three speakers testified in favor of the application and none opposed.

A representative from ACS provided an overview of the program and the child care services provided to low-income families, explaining that ACS conducts routine inspections of each site every six to eight weeks with a focus on child safety. A second representative from ACS and a representative from DCAS both explained the process for determining the scope of work to address building improvements.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the acquisition of City-owned property for continued use as a day care center, located at 2023 Pacific Street (Block 1431, Lot 54), is appropriate.

A day care center has occupied this space continuously since 1973, serving the community by providing needed services. The center provides childcare for 114 preschool-aged children, providing daily meal service, supervised play time, and education using the Teaching Strategies Goals curriculum. 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. The Commission notes that there are fire control sprinklers installed in this facility. The use is permitted as-of-right in the R6/C1-3 zoning district. The site is well-served by transit, accessible by the MTA C train at Ralph Avenue, three blocks to the north, as well as the B47 bus along Ralph Avenue.

The Commission notes the critical importance of ensuring that the exterior appearance of these facilities is welcoming and inviting in light of their role as critical neighborhood resources. Here, the Commission notes that the façade does not contribute to a welcoming environment for its clients or neighborhood residents. The Commission encourages DCAS and ACS to pursue streetscape and façade improvements to enhance the center's appearance, making it a more welcoming and attractive neighborhood asset that better engages and activates the streetscape.

It should be noted that the Commission previously imposed restrictions on the use of this and other day care facilities through previous land use approvals in the 1990s, 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 helping to ensure that 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 highlighting and addressing maintenance issues. The Commission will continue to have an oversight role in direct lease of day care facilities.

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 2023 Pacific Street (Block 1431, Lot 54) for continued use as a child care center, is approved for a period of ten years or without restriction if acquired in fee.

The above resolution (C 160021 PQK), duly adopted by the City Planning Commission on December 13, 2017 (Calendar No. 16), 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*

**RAYANN BESSER, MICHELLE DE LA UZ, 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 #:	Project Name:
CEQR Number:	Borough(s):
	Community District Number(s):

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" ~~XXXXXXXXXX~~

• **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.

Docket Description:

Applicant(s):	Applicant's Representative:	
Recommendation submitted by:		
Date of public hearing:	Location:	
Was a quorum present? YES <input type="checkbox"/> NO <input type="checkbox"/>	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:	Location:	
RECOMMENDATION		
<input type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions	
<u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u>		
Voting		
# In Favor:	# Against:	
# Abstaining:	Total members appointed to the board:	
Name of CB/BB officer completing this form	Title	Date

Application #C160021 POK

Community Board #16 votes to approve the lease renewal for this facility which has been a child care center in the community since 1973. The Center provides supervised care for 116 preschoolers, enabling their parents to work, attend school or acquire vocational training.

This is a much needed service in our community. We request that the Department of Citywide Administrative Services negotiate a lease with the landlord for not less than 10 years.

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

SHIRLEY CHISHOLM DCC 1 – 160021 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 2023 Pacific Street within the Ocean Hill section of Brooklyn Community District 16 (CD 16). Approval will facilitate the continued provision of child care services at the site.

BROOKLYN COMMUNITY DISTRICT NO. 16

BOROUGH OF BROOKLYN

RECOMMENDATION

☒ APPROVE

☐ APPROVE WITH

MODIFICATIONS/CONDITIONS

☐ DISAPPROVE

☐ DISAPPROVE WITH

MODIFICATIONS/CONDITIONS

SEE ATTACHED

Epi L. Adams

BROOKLYN BOROUGH PRESIDENT

October 18, 2017

DATE

RECOMMENDATION FOR: SHIRLEY CHISHOLM DCC 1 – 160021 PQK

An application was 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 2023 Pacific Street within the Ocean Hill section of Brooklyn Community District 16 (CD 16).

On October 12, 2017, Brooklyn Borough President Eric L. Adams held a public hearing on the acquisition request. There were no speakers on the item.

In response to Deputy Brooklyn Borough President Diana Reyna's inquiry regarding the number of contracted seats at Shirley Chisholm Day Care Center #1, and the criteria for selecting children to fill such seats when vacancies arise, the ACS representative stated that ACS contracts 116 of the center's seats with eight reserved for infants, 20 for toddlers, and 98 for preschoolers. The current enrollment for such seats is 72 percent and ACS expects this to increase.

In response to Deputy Borough President Reyna's inquiry regarding the number of uncontracted seats available at Shirley Chisholm Day Care Center #1, the ACS representative expressed that ACS does not track private, uncontracted seats at Shirley Chisholm Day Care Center #1, but stated intent to follow up with the program for this information.

In response to Deputy Borough President Reyna's inquiry regarding the anticipated duration of the proposed lease and the City's rights to renew, the DCAS representative expressed that the property will be encumbered for a period of 10 years, with two five-year lease renewals. The City will have a preferential opportunity to purchase with terms, conditions, and qualifications to be negotiated and subsequently memorialized in the lease.

In response to Deputy Borough President Reyna's inquiry regarding the incorporation of streetscape improvements such as a mural or street seating at the property, the DCAS representative expressed that ACS partners with Publicolor, a citywide arts organization to beautify its child care centers, and that Shirley Chisholm Day Care Center #1 may be an appropriate candidate for a Publicolor arts project.

In response to Deputy Borough President Reyna's inquiry regarding the integration of stormwater management best practices, including rain gardens, the ACS representative stated intent to follow up with the New York City Department of Environmental Protection (DEP) on the possibility of installing rain gardens at the site.

In response to Deputy Borough President Reyna's inquiry regarding the process for filling hiring opportunities at Shirley Chisholm Day Care Center #1, the ACS representative clarified that ACS does not administer the hiring process for Shirley Chisholm Day Care Center #1, and referred to the Day Care Council of New York (DCCNY), which posts openings for the City's child care centers on its website.

Consideration

Brooklyn Community Board 16 (CB 16) approved this application on September 26, 2017.

The facility is leased to Shirley Chisholm Day Care Centers, which operates the site as Shirley Chisholm Day Care Center #1, under a contract with ACS. The facility is the sole occupant of a two-story, privately-owned building, located within an R6 zoning district and designed specifically for the provision of child care services. Shirley Chisholm Day Care Centers leases approximately 32,800 square feet (sq.

ft.), which includes approximately 29,930 sq. ft. of interior space and 8,830 sq. ft. of ground-level and rooftop play areas. The facility is subdivided into multipurpose activity areas, including classrooms and offices.

Shirley Chisholm Day Care Center #1 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 144 children, from six months to five years of age. It contains two classrooms for four- and five-year old Universal Pre-Kindergarten children, two classrooms for three-year old children, and one classroom for preschool children under three years old. There are two additional classrooms for infants, and two classes that accommodate the afterschool program. The child care center's current enrollment is at 72 percent, with seats available for infants, toddlers, and school-age children.

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. Shirley Chisholm Day Care Center #1 provides educational services, meal services, and supervised playtime, with 44 professional, para-professional, and support staff. The child care center strives to work collaboratively with parents and the community to enhance the children's development. Its 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 summertime.

The facility is situated mid-block on Pacific Street between Howard and Ralph avenues. Shirley Chisholm Day Care Center #1 is accessible via public transportation, including the C Eighth Avenue Local at the Ralph Avenue station and the nearby B7 and B47 bus routes.

Borough President Adams supports the continuation of Shirley Chisholm Day Care Center #1, which is a valuable community asset. Moving forward, Borough President Adams believes that ACS and DCAS should take steps to secure the ability to lease the site for a 20-year term, inclusive of two five-year renewals and an opportunity to purchase in the future. The agencies and the landlord should also investigate opportunities to advance stormwater management practices and streetscape enhancements, in consultation with CB 16 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 discontinued use for child care services. 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 these much-needed services. Whether provided directly through the City or through non-profits, the Ocean Hill community has a legitimate need for supportive services that work to enhance the lives of area residents.

Borough President Adams applauds the latest efforts of ACS and DCAS to negotiate for longer lease terms with a preferential opportunity to purchase with terms, conditions, and qualifications to be negotiated and subsequently memorialized in the lease. He believes that an initial long-term lease with a built-in right to renew that achieves a 20-year duration would adequately guarantee that Shirley Chisholm Day Care Center #1 remains a community asset for decades to come. Borough President Adams believes that the DCAS-negotiated lease should also include two five-year renewal terms. Additionally, he believes that the DCAS-negotiated lease terms should include a provision that would ensure the City has an opportunity to purchase the property if it is marketed for sale.

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

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. Rain gardens 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 2015 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 provides an opportunity for the construction of a rain garden. Such a rain garden might be integrated with street tree plantings, as there are no trees existing in the sidewalk surrounding the child care center. The planting of street trees would provide shade on days of excessive heat, as well as other aesthetic, air quality, and enhanced stormwater retention benefits. It should be noted that a rain garden would require 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 hot and dry periods, as well as weeding to keep the plants healthy and uncongested for proper water absorption.

Borough President Adams believes that ACS and/or DCAS should consult with DEP and the New York City Department of Parks and Recreation (NYC Parks) for consideration regarding the inclusion of a rain garden with the integration of street trees. ACS and DCAS should pursue lease

provisions to clarify any maintenance obligation associated with such improvements as part of the lease agreement. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 16 and local elected officials prior to agreeing to take action.

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 artwork and seating enhancements. Planting street trees provides shade on days of excessive heat, as well as other aesthetic, air quality, and stormwater retention benefits.

Borough President Adams supports the New York City Department of Transportation (DOT) 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 congregation 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 should consult with DEP and NYC Parks for consideration of the placement of tree pits and street trees. Where appropriate, such placements could also be integrated with the construction of a rain garden.

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, Shirley Chisholm Day Care Centers. All such enhancements should be considered in consultation with CB 16 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 NYC Parks and/or DOT on such matters.

Borough President Adams believes there is an opportunity to enhance the Shirley Chisholm Day Care Center #1 Pacific Street façade 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 16 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 Publicolor initiative.

Recommendation

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

Be it further resolved 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 the maintenance obligation should painted sidewalk extensions, street tree plantings, and/or a rain garden be installed along the sidewalk and/or street bed in front of the building
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 the New York City Department of Environmental Protection (DEP), the New York City Department of Parks and Recreation (NYC Parks) and the New York City Department of Transportation (DOT) regarding the installation of CityBenches, a rain garden, and/or the provision of street trees, in consultation with Brooklyn Community Board 16 (CB 16) and local elected officials
4. DCAS coordinate with the property owner, in consultation with CB 16 and local elected officials, to engage 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