



March 13, 2019 / Calendar No 16.

C 160226 PQQ

IN THE MATTER OF an application submitted by the Administration for Children's Services (ACS) and the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of a property located at 1091 Sutter Avenue (Block 4039, Lot 1) for continued use as a child care center, Borough of Brooklyn, Community District 5.

This application for acquisition of property was filed on March 20, 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 1091 Sutter Avenue, in Brooklyn Community District 5, as a child care center.

BACKGROUND

ACS, and DCAS are seeking the acquisition of property located at 1091 Sutter Avenue (Block 4039, Lot 1) to facilitate the continued operation of a child care center, known as Urban Strategies Day Care Center, in the East New York neighborhood of Brooklyn, Community District 5. This site has been operated as a child care center since 1975 and was the subject of a previous acquisition, approved by the Commission on April 12, 1995 (C 930269 PQQ, Cal. No. 15). The proposed action would allow a new lease to be negotiated for the continued use of the property as a child care center.

The project site is in an R5 zoning district, which allows day care centers as-of-right. C1-2 and C2-3 commercial overlays are mapped nearby, along Sutter Avenue. The surrounding area is generally developed with one- and two-family homes and multi-family apartment buildings. Nearby community facilities include the Miracle Tabernacle Church on the same block as the project site. The area is accessible via public transportation. The Shepherd Avenue station of the C subway line is two blocks northwest of the center, and the Euclid Avenue station of the A and C lines is six blocks northeast of the center, both on Pitkin Avenue. The B14 bus, which

travels along Sutter Avenue, stops in front of the center, while the Q8 bus, which runs along Logan Avenue, is available two blocks east of the facility.

Urban Strategies Day Care Center is located on a 15,000-square-foot lot on the north side of Sutter Avenue, between Montauk and Atkins avenues. It is located within a privately-owned two-story building that has approximately 25,600 square feet of interior space and approximately 9,400 square feet of outdoor play area. A health clinic operated by the Health and Hospital Corporation had occupied about 2,600 square feet on the first floor of the building, but vacated the space in 2018. ACS will be merging that space into the existing day care center.

The day care center has a primary entrance on Sutter Avenue, and secondary egress on Atkins Avenue. The cellar contains a kitchen, a janitor's closet and several storage and mechanical rooms. The basement contains two classrooms, a vestibule, bathrooms, staff lounge, offices and an outdoor play area at basement level. The first floor contains four classrooms and an outdoor play area. The second floor contains two classrooms and the roof above the second floor contains a currently unused rooftop play area.

Urban Strategies Day Care Center is contracted by ACS to serve up to 139 children ages three to five. Children may attend 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 using the Creative Curriculum, focused on developmentally appropriate practices yearlong to enhance children's physical, cognitive, social, and emotional development. The center is staffed by 40 professional, para-professional and support staff.

ENVIRONMENTAL REVIEW

This application (C 160226 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 160226 PQQ) was certified as complete by the Department of City Planning on November 13, 2018 and duly referred to Brooklyn Community Board 5 and the Brooklyn Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Brooklyn Community Board 5 held a public hearing on this application (C 160226 PQQ) on December 19th, 2018, and on December 19, 2018, by a vote of 26 in favor, none opposed, and none abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 160226 PQQ) on January 7, 2019, and on February 6, 2019 issued a recommendation approving the application.

City Planning Commission Public Hearing

On January 30, 2019 (Calendar No. 2), the City Planning Commission scheduled February 13, 2019 for a public hearing on this application (C 160226 PQQ). The hearing was duly held on February 13, 2019 (Calendar No. 35). Two speakers testified in favor of the application.

A representative of ACS's Division of Child and Family Well-Being spoke in favor of the application, describing the facility's physical space and the current role it plays as an affordable day care provider to low-income families in the community. The representative also stated that the facility is permitted by the Department of Health and Mental Hygiene to serve up to 177 children. A representative of DCAS provided an overview of the scope of work.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the acquisition of City-owned property located at 1091 Sutter Avenue (Block 4039, Lot 1) for continued use as a day care center is appropriate.

A day care center has occupied this space continuously since 1975, serving the community by providing needed services. The center provides daily meal service and supervised play time, and educates the children using the Creative Curriculum program as a guide. It promotes developmentally appropriate practices yearlong to enhance children's physical, cognitive, social, and emotional development. The use is permitted as-of-right in an R5 zoning district and the site is well-served by transit.

The Commission notes the importance of ensuring that the façades of these facilities are welcoming and inviting in light of their role as critical neighborhood resources. While outside the scope of the actions directly before it, the Commission encourages DCAS and ACS to pursue streetscape and façade improvements to improve the center's appearance, making it a more welcoming and attractive neighborhood asset that engages and activates the streetscape.

The Commission notes with favor that ACS plans to include the installation of a fire sprinkler system throughout the building as part of the lease renewal. The Commission 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 1091 Sutter Avenue (Block 4039, Lot 1) for

continued use as a child care center, is approved for a period of twenty years, with additional renewal options, or without time limitations if acquired in fee.

The above resolution (C 160226 PQK), duly adopted by the City Planning Commission on March 13, 2019 (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*

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

ALFRED C. CERULLO, III, JOSEPH DOUEK,

RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

Application #: **C160226 PQK**

CEQR Number: Type II

Project Name: **Urban Strategies Day Care Center**

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 1091 Sutter Avenue (Block 4039, Lot 1) 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: Ana Colares (ACS- superseding Mitch Gipson) 212-341-4800 Christopher Grove (DCAS) 212-386-0613	
Recommendation submitted by: Community Board 5			
Date of public hearing: <i>DECEMBER 19, 2018</i>		Location: 350 Linwood Street - Liberty Avenue Middle School	
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: <i>DECEMBER 19, 2018</i>		Location: 350 Linwood Street - Liberty Avenue Middle School	
RECOMMENDATION <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions			
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting # In Favor: 26 # Against: <i>2</i> # Abstaining: <i>0</i> Total members appointed to the board: 26			
Name of CB/BB officer completing this form Melinda Perkins		Title District Manager	Date 2/7/2019

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 #: URBAN STRATEGIES DAY CARE CENTER – 160226 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 1091 Sutter Avenue in Brooklyn Community District 5 (CD 5). Such actions would facilitate the continued provision of child care 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

February 6, 2019

DATE

RECOMMENDATION FOR: URBAN STRATEGIES DAY CARE CENTER – 160226 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 1091 Sutter Avenue in Brooklyn Community District 5 (CD 5). Such actions would facilitate the continued provision of child care at this site according to a lease.

On January 7, 2019, Brooklyn Borough President Eric L. Adams held a public hearing on this acquisition request. There were no speakers on the item.

In response to Borough President Adams' inquiry regarding the number of contracted seats at the Urban Strategies Day Care Center 1 child care center, and the criteria for selecting children to fill such seats when vacancies arise, the ACS representative confirmed that the center is contracted for 139 seats. The representative clarified that a child's parents must meet "dual eligibility" for child care and Head Start services. An eligible family would earn up to 100 percent of the Federal poverty level and have 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 ACS representative clarified that ACS is seeking a 10-year lease as the base term, with two five-year renewals, pending negotiations between DCAS and the landlord.

In response to Borough President Adams' inquiry as to 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 Atkins and Sutter avenues, the ACS representative stated that ACS would consult with DOT to discuss traffic calming measures on Sutter Avenue.

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 ACS representative expressed that the agency has reached out to DOT regarding street seating and the New York City Department of Parks and Recreation (NYC Parks) regarding tree plantings.

In response to Borough President Adams' inquiry regarding the process for filling hiring opportunities at the child care center, the ACS representative stated that the operator, Urban Strategies Inc., 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. Notification of openings is also disseminated locally by word of mouth.

Consideration

Brooklyn Community Board 5 (CB 5) voted to approve this application on December 19, 2018.

The child care center is operated as an EarlyLearn NYC program administered by ACS according to a contract. It is housed in a two-story, privately-owned building located at 1091 Sutter Avenue, in the East New York section of CD 5. The prior DCAS lease facilitates occupancy of 25,612 square feet (sq. ft.) of interior space and approximately 9,460 sq. ft. of outdoor play areas. The child care center is subdivided into various activity spaces, including accessory spaces, eight classrooms, and offices. In addition to the child care center, the building also contains the 2,645 sq. ft. Sutter Family Health Services pediatric clinic operated by the New York City Health and Hospitals Corporation (NYC Health

+ Hospitals) in the basement. The clinic was recently transferred from the New York City Department of Health and Mental Hygiene (DOHMH) to NYC Health + Hospitals, which is currently renewing its need for this space. While the clinic's lease is not subject to the Uniform Land Use and Review Procedure (ULURP), the application for 1091 Sutter Avenue is for the acquisition of the entire 35,072 sq. ft. building. Therefore, should NYC Health + Hospitals choose not to renew its lease, ACS would retain flexibility to incorporate the clinic space into the child care center.

The facility's main entrance is on Sutter Avenue, which provides access to both the child care center and the pediatric clinic. The building has additional frontage on Atkins Avenue, which provides secondary egress for the child care center.

The child care center offers subsidized quality child care for qualifying families. The facility serves up to 139 children, aged three to five years. Current enrollment at the child care center is at 91 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. The child care center provides educational services, meal services, and supervised playtime, with 35 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.

The 1091 Sutter Avenue location is accessible via public transportation, with the nearest subway station located two blocks north of the site. The Shepherd Avenue station is accessible via the Eighth Avenue Express A and Eighth Avenue Local C trains. The B14 bus, which travels along Sutter Avenue, stops in front of the child care center, while the Q8 bus, which runs along Logan Avenue, is available two blocks east of the facility.

Borough President Adams supports the continuation of the Urban Strategies 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 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 a child care facility. 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 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 20-year duration would adequately guarantee that the Urban Strategies Day Care Center at 1091 Sutter Avenue remains a community asset for decades to come. Borough President Adams believes that the DCAS-negotiated lease should ideally result in 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 New York 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 involves extending 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 as more of their commutes will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadways will benefit from safer streets.

Borough President Adams believes there is an opportunity to implement a protected and painted sidewalk extension, per his CROSS Brooklyn initiative, at the northeast intersection of Atkins and Sutter avenues, which would facilitate safer pedestrian crossings to the child care center. Therefore, ACS and DCAS should consult with DOT regarding the provision of painted curb extensions on this corner.

Borough President Adams urges DOT to explore the implementation of painted and protected 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 partner (as would be

the case for a standard sidewalk extension). 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 urges ACS and DCAS to clarify any maintenance obligation associated with such improvements based on whether these enhancements would be maintained by the landlord or the child care center operator. The final lease agreement should state the responsible party and outline the maintenance agreement for such improvements, as appropriate.

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 provides an opportunity for street tree pit enhancements to realize enhanced stormwater retention benefits while including more plantings. This would increase infiltration at this location and also make the site more pleasant for its users. It should be noted that street tree pit enhancements might require attention and a maintenance commitment 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.

ACS should consult with the New York City Department of Environmental Protection (DEP) and NYC Parks regarding street tree pit enhancements in front of the child care center along both the Atkins Avenue and Sutter Avenue frontages. 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.

Borough President Adams urges ACS and DCAS to clarify any maintenance obligation associated with such improvements based on whether these enhancements would be maintained by the landlord or the child care center operator. The final lease agreement should state the responsible party and outline the maintenance agreement for such improvements, as appropriate.

Streetscape Improvement Policies

Borough President Adams' policy is to make neighborhoods more welcoming for pedestrians 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 above referenced stormwater management policies. In addition, he seeks opportunities to provide seating.

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 and senior centers through DOT programs is justified by the City's investment in leasing and improving such facilities. Furthermore, street seating is beneficial for large gatherings of people, particularly 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 and DCAS with DOT, utilizing the CityBench and Street Seats programs, which recently received additional funding to further their efforts throughout the city. Property owners interested in providing street seating can complete a form for consideration, easily accessed via [the City's website](#).

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.

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:

1. That 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 street tree pit enhancements be undertaken along the sidewalk in front of the building, and/or the New York City Department of Transportation (DOT) would implement a protected paint sidewalk extension as Vision Zero enhancements for the intersection of Atkins and Sutter avenues, in consultation with Brooklyn Community Board 5 (CB 5) and local elected officials
2. That ACS should pursue the following:
 - e. Engage with the New York City Department of Environmental Protection (DEP) and New York City Department of Parks and Recreation (NYC Parks) to consider the appropriateness of street tree pit enhancements along Atkins and/or Sutter avenues, in consultation with CB 5 and local elected officials
 - f. Engage DOT to consider utilizing its CityBench and/or Street Seats programs adjacent to 1091 Sutter Avenue