



**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 813 Sterling Place (Block 1240, Lot 56) for continued use as a child care center, Borough of Brooklyn, Community District 8.

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This application for acquisition of property was filed on November 5, 2018 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 813 Sterling Place, in Brooklyn Community District 8, as a child care center.

**BACKGROUND**

ACS, and DCAS are seeking the acquisition of property located at 813 Sterling Place (Block 1240, Lot 56) to facilitate the continued operation of a child care center, known as Friends of Crown Heights 9, in the Crown Heights neighborhood of Brooklyn, Community District 8. This site has been operated as a child care center since 1971 and was the subject of a previous acquisition, approved by the Commission on October 6, 1992 (C 920276 PQK, Cal. No. 20). 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 R6A zoning district, which allows day care centers as-of-right. The surrounding area is generally developed with one- and two-family homes and multi-family apartment buildings. C2-4 commercial overlays are mapped nearby, along Rogers and Nostrand avenues, which are generally developed with mixed-use buildings having commercial uses on the ground floor and residences above. Nearby community facilities include the Carmel Christian School one block to the east, and the Brooklyn Children’s Museum four blocks north of the center. The area is accessible via public transportation. The 2, 3, and 4 trains stop at

Eastern Parkway and Nostrand Avenue three blocks south. The B44 and B44 SBS buses run along Rogers and Nostrand avenues and have stops one block southwest and two blocks southeast of the center respectively. The B45 runs along St. Johns Place and has a stop one block southwest and one block southeast of the center.

Friends of Crown Heights 9 is located on an 14,900 square-foot lot on the north side of Sterling Place, between Rogers and Nostrand avenues. It is located within a privately-owned two-story building that has approximately 27,600 square feet of interior space and approximately 10,000 square feet of outdoor play area.

Friends of Crown Heights 9 has a primary entrance on Sterling Place, and three additional egress/service doors located on Sterling Place. The cellar contains a meter room. The first floor contains a vestibule, multi-purpose room, offices, maintenance closets, restrooms, storage rooms, dumbwaiter, and five classrooms. The second floor contains six classrooms, kitchen, six offices, a staff lounge, mechanical rooms, restrooms, and storage closets. The rooftop has an outdoor play area, one restroom, one storage room, and two doors leading into a fenced play area.

Friends of Crown Heights 9 is contracted by ACS to serve up to 165 children ages two- to five-years old. Children may attend from 8:00 AM to 6:00 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 39 professional, para-professional and support staff.

## **ENVIRONMENTAL REVIEW**

This application (C 190181 PQQ) 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 190181 PQQ) was certified as complete by the Department of City Planning on November 13, 2018 and duly referred to Brooklyn Community Board 8 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 8 held a public hearing on this application (C 190181 PQQ) on January 3, 2019, and on January 10, 2018, by a vote of 32 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 190181 PQQ) on January 7, 2019, and on February 21, 2019 issued a recommendation approving the application.

### **City Planning Commission Public Hearing**

On February 13, 2019 (Calendar No. 7), the City Planning Commission scheduled February 27, 2019 for a public hearing on this application (C 190181 PQQ). The hearing was duly held on February 27, 2019 (Calendar No. 26). 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 to serve up to 165 children. A representative of DCAS stated that the entire building is sprinklered.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the acquisition of property located at 813 Sterling Place (Block 1240, Lot 56) for continued use as a day care center is appropriate.

A day care center has occupied this space continuously since 1971, 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 R6A 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 fire sprinkler systems are installed throughout the building. 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 813 Sterling Place (Block 1240, Lot 56) 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 190181 PQK), duly adopted by the City Planning Commission on March 27, 2019 (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,**

**MICHELLE DE LA UZ, JOSEPH DOUEK,**

**HOPE KNIGHT, ANNA HAYES LEVIN,**

**LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*



**Brooklyn Borough President Recommendation**  
CITY PLANNING COMMISSION  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
[CalendarOffice@planning.nyc.gov](mailto: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 #:** 813 STERLING PLACE CHILD CARE CENTER – 190181 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 813 Sterling Place in Brooklyn Community District 8 (CD 8). Such actions would facilitate the continued provision of child care at this site according to a lease.

COMMUNITY DISTRICT NO. 8

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

\_\_\_\_\_  
BROOKLYN BOROUGH PRESIDENT

February 21, 2019

\_\_\_\_\_  
DATE

**RECOMMENDATION FOR: 813 STERLING PLACE CHILD CARE CENTER – 190181 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 813 Sterling Place in Brooklyn Community District 8 (CD 8). 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 813 Sterling Place 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 165 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 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 regarding what consideration has been given to incorporating streetscape improvements to existing features, such as involving a community arts organization to create a mural, adding a street bench as part of the New York City Department of Transportation (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. The representative also alluded to a collaboration with an arts program at Pratt Institute.

In response to Borough President Adams’ inquiry regarding the process for filling hiring opportunities at the child care center, the ACS representative stated that child care center operators often post 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 8 (CB 8) voted to approve this application on January 10, 2019.

The child care center is operated as an EarlyLearn NYC program administered by ACS according to a contract with Friends of Crown Heights Educational Centers. It is housed in a two-story, privately-owned building located at 813 Sterling Place, in the Crown Heights section of CD 8. The prior DCAS lease facilitates occupancy of 27,615 square feet (sq. ft.) of interior space and approximately 10,000 sq. ft. of rooftop play area. The child care center is subdivided into various activity spaces, including accessory spaces, 11 classrooms, and offices. The facility has its main and service entrances on Sterling Place.

The child care center offers subsidized quality child care for qualifying families. The facility serves up to 165 children, aged two to five years. The current enrollment is at 70 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 39 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.

813 Sterling Place is convenient to public transportation, with the nearest subway station located three blocks south of the child care center. The Nostrand Avenue station is accessible via the Seventh Avenue Express 3 train. The Seventh Avenue Express 2 and the Lexington Avenue Express 5 trains stop two blocks further south at President Street. The Long Island Rail Road (LIRR) provides additional transportation at Atlantic and Nostrand avenues, six blocks north of the child care center. The B44, B45, and B49 buses are available within one block of the facility.

Borough President Adams supports the continuation of the 813 Sterling Place Child Care Center, 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 8 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 Crown Heights 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 813 Sterling Place Child Care Center 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 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, 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 on Sterling Place. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 8 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 8 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 813 Sterling Place 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 8 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 and 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.

Therefore, as part of the execution of the lease, and as part of DCAS's negotiations with the landlord, Borough President Adams encourages engagement with a local arts organization to facilitate the building's beautification through a mural in consultation with CB 8 and local elected officials, and to help identify an appropriate community arts group to undertake such a project. If no such locally-based organization steps forward to facilitate a mural, ACS should engage in promoting the City's Publicolor's Fresh Coat 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:**

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 in consultation with Brooklyn Community Board 8 (CB 8) and local elected officials
  - d. Encourage the landlord to engage with a local arts organization to facilitate the building's beautification through a mural in consultation with CB 8 and local elected officials, to help identify an appropriate community arts group to undertake such a project
  
2. That ACS should pursue the following:
  - a. 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 Sterling Place, in consultation with CB 8 and local elected officials
  - b. Engage DOT to consider utilizing its CityBench and/or Street Seats programs adjacent to 813 Sterling Place
  - c. If no locally-based organization steps forward to facilitate a mural, engage in promoting the City's Publicolor's Fresh Coat initiative