

**341 39th Street – 73-19 Special Permit to allow:
Proposed Use Group 3 Charter School in an M1-2 Zoning District
Presentation by Brooklyn Prospect Charter School
BSA Application 2021-56-BZ, CEQR # 22-BSA-009K**

Tresha Ward – CEO, Brooklyn Rise Charter School
Dana Mulwanda – Principal, Brooklyn Rise Charter School
Hillary Prince – CFO, Brooklyn Rise Charter School
Richard Lobel – Sheldon Lobel, PC – Land Use Counsel
Michael Rose – Hill West Architects
Kevin Williams – Equity Environmental Engineering - Environmental Planner
Fayanne Betan – Sheldon Lobel

Background

1. Land Use Committee to review application for a BSA Special Permit to convert three stories of existing building, Cellar, 1st and 2nd Floors, at a 7-story commercial building at 341 39th Street, located midblock between 3rd and 4th Aves. Special Permit granted by BSA allows for waiver of zoning for a Use Group 3 school within a manufacturing zoning district. This location is not within the Southwest Brooklyn Industrial Business Zone.
2. Tresha Ward, CEO of Brooklyn Prospect Charter School. School founded 13 years ago, intentionally diverse charter network serving CSD15. International focus. They recruit faculty and student body that reflects diversity of neighborhoods they serve. They operate 6 schools currently in CSD13 and CSD15, 2200 students, 400+ educators
3. K-12 program centered on International Baccalaureate curriculum, social emotional learning focus, intentionally diverse community and inclusive teaching model. Elementary program has a conceptually-driven math curriculum and thematic interdisciplinary English Language Arts. Strong parent/teacher relationships, active PTS organizations.
4. High School at Fort Hamilton Parkway, Middle School at 40 Flatbush Ave Extension, moving to 17th Street in Fall 2022, Clinton Hill Middle School, Downtown Elementary at 80 Willoughby. Long term plan is to set up series of K-8 schools to feed into the High School at Fort Hamilton Parkway.
5. Growth trajectory – intend to start new location 2022/2023 school year with three grades, K-2, with 55 children each grade. Add 55 child cohorts each successive year to 2027/2028 to reach K-5 max capacity of 330 students.
6. Premises is Block 704, Lot 54 within M1-2 zoning district. Site footprint is 18,031 sf with 180 feet of frontage onto 39th Street. Site backs up to rail spur leading into MTA tunnel to east. Existing buildings are 7 stories and 10 stories, joined internally.
7. Within 1000 feet of four other schools. Special permit requires premises to be within 400' of existing residential district, which it is. Across 39th St, proposed site faces a row of non-conforming residential apartments and houses.
8. Michael Rose, architect from Hill West, 341 39th St was gut renovated in 2017 and converted to commercial office tenancies. Included new insulated windows, overhaul of mechanical systems. School will comprise 36,000 sf of interior space. 1st Floor main entry on southeast side, K-2 grade classrooms typically 625 sf each, natural light, 9' to 11' high spaces. 2nd Floor 3-5th grade classrooms and specialized art/science, library spaces. Setback on northeast corner of floor provides a 2200' outdoor playspace surrounded by 10' high fence. Cellar has cafeteria and multi-purpose gym space, with north facing windows open to lower rail yard. Classrooms have individual indoor air handlers with thermostat control, proposing MERV 13 filters for ventilation, fully sprinklered spaces.

9. Special permit is not a variance. Specific and narrow findings must be met. Four findings: school must have conducted extensive search of locations within service district, but could not find a practical option available for a feasible site that works for school's requirements; must be within 400' of residential district; must be able to provide adequate separation from noise, air and traffic so students and faculty are not adversely affected; and DOT must find street traffic is acceptable to locate school use.
10. Feasibility of site measured against following requirements: newly renovated space, location with CSD15, budgetary and time constraints, within Sunset Park community.
11. Kevin Williams from Equity Environmental noted that noise attenuation windows will be installed. School recognizes Gowanus Expressway as an air quality concern. However, air quality analysis conducted per CEQR standards passed screening and detailed analysis assessments. Airborne particulate matter measured at this site falls under state environmental requirements.
12. Acknowledged community issues with Last-Mile Truck issues in CB7, as well as traffic from the 39th Street exit off the Gowanus Expressway. They consulted with DOT six months ago to develop plans. However, DOT revealed 2 months ago their intent to move freight/bus movements to 39th Street corridor. School is still evaluating how to respond to this.
13. Reviewed intersection crash data for past three years, 39th/3rd Ave and 39th/4th Ave intersections are not considered high-crash intersections. But school intends to enhance safety with high-visibility crossings where necessary, installing tactile ped ramps, work with DOT to propose bulb-outs, propose shifting existing parking lane onto north side adjacent to school location. DOT requires parking impact study, may remove 4 spaces to create no-standing zone for school drop off. Curb utilization study of adjacent parking lot and auto painting shop shows very little industrial traffic will conflict with school operations.

Discussion

1. John Fontillas asked if they considered flipping the high school location with this one? Hillary Prince said the high school serves 600 students and requires much more square footage than this site can provide.
2. Joan Botti is the chair of CB7's Site Selection Committee. They reviewed this site previously for a possible DOE school site and noted truck and two bus routes traffic on this corridor. Site was discussed by CB7 with SCA at a previous meeting, but her committee took the site off the list. She would consider this site if this was a high school vs. a location for younger kids
3. Nick Azadian asked how the school is addressing truck traffic concerns? Kevin Williams said traffic analysis showed 350 vehicles pass the site per hour, similar to other school locations. Number of trucks are 35, comparable to other DOT reviewed sites. Real question is what will be last-mile truck additions? No DOT comprehensive study data is available. 39th St is currently identified as a secondary route. DOT plans for additional truck traffic routed onto 39th Street have only come up in past two months. Kevin Williams noted that school's response is centered on an operational arrival and departure plan, which includes multiple caregivers and personnel to control children's movements, from busses to entry. Children will be attended and walked to school entry in groups. He also noted that school arrivals and dismissals are off-peak. Most traffic goes up street in clumps because 39/3 Ave traffic signal may be off-phase - a lot of traffic volume travels up street in chunks, then times with very little traffic. Plan is to assign personnel to directly manage children, review possible alternative drop-offs on 4th Avenue, new wide sidewalks in front of school are a benefit, 4th Ave corners already have a lot of student traffic to traveling to other schools nearby.
4. Nick Azadian asked if they would consider adding HEPA vs. MERV13 to filter outside air? HEPA is better to keep out highway particulate matter. Could they preference air intake on sides of building away from Gowanus Expressway? Michael Rose to confer with mechanical consultants to get answer to these questions, although he believes air is being drawn from north and south sides, not coming from west side towards Gowanus.

5. Cindy Vandenbosch asked how many students with disabilities are served? School responded that 20% of students have learning disabilities in their system, 20% of students at the elementary school have IEP's, ensure inclusive model incorporating students into community mix and support teachers with training for IEP learning.
6. Julio Pena concerned about recent conversion of 20th St to one-way truck traffic and DOT routing trucks to 39th Street. Compounds traffic issue. Also B35 and B70 bus routes relied on by large part of community, and busses traveling to and from Jackie Gleason MTA Bus Depot, many not in service, nearly all South Brooklyn bus routes travel along 39th Street to get to Depot. In his view as a resident, he sees the street as very busy. What conversations has school had with DOT? Kevin Williams said DOT did not provide this information while they were analyzing the traffic conditions, at this time they have no estimated travel data they can project with. However, Kevin Williams has captured bus traffic in their analysis.
7. Cynthia Felix asked about Firehouse on 39th Street. Kevin Williams had to FOIA data for firehouse operations. Typically, schools coordinate with fire departments when they are completed. School will use staff to control and manage traffic if there is a fire emergency. New elementary school at this location may affect other school enrollment. Tresha Ward replied that school will pull from entire CSD15 and they will recruit specifically from the local community.

Public Comment

1. Maria Roca asked what are percentage of students from Sunset Park and how many come via private bus and public transportation? Currently, 10% are from Sunset Park, 24% travel via OPT/DOE busses, but they project 15% auto, 3.3% subway, 1.7% bus, 25% walk, 55% yellow bus. K-5 will be provided at the proposed site, the middle school will be located on 17th Street. Children will start at Sunset Park, then 17th Street for middle school, then high school in Windsor Terrace. What are growth projections? 55 student cohorts each year to 330 max capacity. She sees conflicts with trucks and motorized two-wheeled vehicles.
2. Andrew Lang works for BPCS and has a son at the school. He believes the school has served his son very well and the school is very community oriented. Kids are being walked to school by parents. The community still needs schools and BPCS will be a good neighbor.
3. Audrey Tsai is a parent of the founding class at BPCS. She noted the administration of the school has done an incredible job to take care of their children during Covid-19 and trusts that the school will keep the kids safe.
4. Erin Dennis is a parent of the founding elementary class at BPCS. She noted that it was very scary for children starting last year and the school responded in an amazing way. They are very supportive of her son and all of the school's kids. She believes the school would be a gift to students in the community.
5. Angela Kurzawa is a parent of children in three of the network schools. She believes in the structure and integrity of the school. Attendees to the elementary are young kids, but they are always accompanied by an adult or use DOE busses like other schools. It would be ideal to have a common location to bring together CSD15 kids, there are advantages to being a district-wide school instead of a zoned school. Many families are already experienced in commuting with kids, it allows them to teach street safety at a very young age. IEP kids are well-supported, therapy on-site, even during Covid resources were augmented to address IEP programs. Sunset Park is very special place for their family and they are excited to be in the community for school.
6. Tresha Ward responded to Julio Pena's question that the existing elementary school now at Windsor Terrace will be relocating to this site in Sunset Park.
7. Maria Roca asked if there is potential for the school to take additional space at 39th Street? Tresha Ward said the max area is 36,000 sf for 330 students. Rich Lobel noted that the school would have to do another BSA application if they wanted to expand beyond the area they have designated. Maria was also concerned about the number of school seats coming on line in next

two years. Has this been taken into consideration regarding the school's growth projections? Tresha Ward said they intend to serve the Sunset Park community and will recruit a student enrollment representative of the community. They currently have a waitlist and hope to fill their seats without cannibalizing other school populations.

8. Kate Staff is a parent at the school, and notes that there are a lot of kids in Brooklyn and it is a great benefit to have a choice of a really good school in the neighborhood. The school has been able to support her son and addresses his specific needs.
9. Andrew Lang asked if CB7 has population density projections and believes that the district will need more schools. He also noted BPCS offers Mandarin and Spanish which address community attributes.
10. The Committee requested the school provide student enrollment data by zipcode, possible response of school to DOT data, mechanical system HEPA filtration and 4th Avenue air intake, more description of arrival/departure protocol and student safety plan, additional information on site selection process.

Committee Comments

1. Zach Jasie said we should take into account the average speed of vehicles, slower movement of traffic due to purposeful stoplight sequencing, all traffic moving only about 10 mph. Traffic conditions might not be as bad as if it were on the avenues.
2. Joan Botti concerned that emissions from 38th Street off-ramp, especially during bumper to bumper conditions. She cannot support this application due to the traffic issue. If the Site Selection Committee has already reviewed this site for a DOE school and removed it from consideration, this may be a precedent that should factor into this review. Joan also noted that many of the B35 busses are articulated tandem busses, which are significantly longer than regular city busses.
3. Julio Reyes wanted to know the demographic race, ethnicity breakdown of school population since Windsor Terrace community is very different than Sunset Park.
4. Cynthia Felix noted yellow OPT bus system is the same for DOE and charter schools, students entitled due to distance. If only 10% from Sunset Park, means other 90% traveling via bus from other locations. We expect 1000 new seats to open soon, but CSD15 seeing easing of overcrowding in local elementary schools. Overcrowding in middle/high schools or specialized schools maybe more critical in near future. Concerned that a new charter school may pull from other CSD15 schools. Building utilization rate at PS24 is only 82%.
5. Nick Azadian thinks main issue is traffic. School should present data and plan to make sure kids will get there safely. Air quality issue is just a money/budget issue. In comparison, you can't fix traffic issues because of the location. He believes they have not demonstrated how to address a 30-40% increase in truck traffic and how to mitigate it. Maybe applicant must advocate DOT to change 39th St away from a truck route.
6. Zach Jasie said the city is not thinking proactively to reduce truck traffic in Sunset Park, 39th Street truck route is the biggest issue, but it is important to have more seats for kids in the district regardless. Overcrowded conditions will return, so get ahead of the issue. We looked at this site for the high school in 2005.
7. Sandra Alfonso noted for kids with physical disabilities, bus transfer operations may take longer for kids in wheelchairs along sidewalk curb.
8. Cynthia Felix agreed with idea for high school at this site as a greater need to address enrollment trends. Capacity for elementary schools has eased, high schoolers are a greater number but may not need busses as much.

9. Pat Ruiz asked for the definition of IEP. Cynthia Felix said IEP's are individual education plans for students requiring specialized support, disabilities not necessarily physical, it is a continuum of services available to students to assist in learning.
10. John Fontillas suggested a deck over the 38th Street railway, two full blocks of land to use for public purpose. But cost is prohibitive.
11. John Fontillas polled the committee and asked if more information could be provided by applicant:
 - a. Arrival/departure protocol
 - b. Alternatives to bus drop-offs
 - c. Improvements to sidewalk environment
 - d. Response to ventilation and filtration
 - e. Clarify IEP % currently enrolled, and number of kids with physical disabilities
 - f. Official response to 20th St truck route conversion
 - g. Impact on enrollment at other adjacent schools
 - h. Is a High School infeasible for this site?
 - i. Race/ethnicity demographic breakdown
 - j. More description of site selection process
 - k. Average speed of traffic on block
12. Committee will push a Land Use vote to late November/December after receipt of this info and to schedule the Full Board vote to December meeting.