



February 14, 2018 / Calendar No. 12

C 150187 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 995 Carroll Street (Block 1280, Lot 54) for continued use as a child care center, Borough of Brooklyn, Community District 9.

This application was filed on December 11, 2014 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 995 Carroll Street (Block 1280, 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, currently known as Friends of Crown Heights 11, in the Crown Heights neighborhood of Brooklyn Community District 9. This site has been used to provide child care since the early 1970s and was the subject of a previous acquisition action approved by the Commission on June 15, 1994 (C 910443 PQK, Cal. No. 34). The previous lease expired on July 19, 2014, 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 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, as well as mixed-use buildings along Franklin and Bedford avenues. Many public facilities are nearby, including P.S. 375 Jackie Robinson, located directly southwest of the project site; Medgar Evers College, one block to the south; Clara Barton High School to the west of the project site; and WEB Dubois Academic High School, two blocks northwest of the project site. Jackie Robinson Playground is located one block southwest. The area is well served by

transit, including the MTA 2, 3, 4, 5 subway lines and a Franklin Avenue Shuttle stop at Eastern Parkway and Franklin Avenue, four blocks north of the project site. Stops for the B48 and B49 bus lines are located two blocks away.

The facility is located on an 8,580-square-foot privately-owned lot (Block 1280, Lot 54) on Carroll Street, midblock, between Franklin and Bedford avenues. Friends of Crown Heights 11 has three sets of doors on Carroll Street; the door closest to Bedford Avenue serves as the primary entrance while the remaining doors serve as secondary exit points. The center occupies the entire two-story building, including a cellar level and rooftop play area. It comprises a total of approximately 27,763 square feet, including 21,136 square feet of interior space and approximately 6,627 square feet of rooftop play area. In the cellar, there are several classrooms. The first floor contains the main entrance and reception area, and three classrooms. The second floor contains four classrooms. Fire control sprinklers have been installed in the building. There are play areas outdoors behind the first floor, in the rear portion of the second floor, and on the rooftop.

Friends of Crown Heights 11 serves up to 77 children in ACS' Early Learn program. 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 and Universal Pre-School programs, focused on developmentally appropriate practices yearlong to enhance children's physical, cognitive, social, and emotional development. The center is staffed by 20 professional, para-professional, and support staff.

ENVIRONMENTAL REVIEW

This application (C 150187 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 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 150187 PQQ) was certified as complete by the Department of City Planning on October 2, 2017, and was duly referred to Brooklyn Community Board 9 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 9 held a public hearing on this application (C 150187 PQQ) on November 14, 2017, and on November 28, 2017, by a vote of 25 in favor, one opposed, and no abstentions, the board adopted a resolution recommending approval of the application.

Borough President Recommendation

On November 27, 2017, the Brooklyn Borough President held a public hearing on this application (C 150187 PQQ). On January 10, 2018, the Borough President submitted a recommendation approving the application.

City Planning Commission Public Hearing

On January 3, 2018 (Calendar No. 2), the City Planning Commission scheduled January 17, 2018 for a public hearing on this application (C 150187 PQQ). The hearing was duly held on January 17, 2018 (Calendar No. 25). Two speakers testified in favor of the application and none in opposition.

A representative from ACS testified in favor of the application, providing information on the day care center's services and describing its role as an affordable day care provider to low-income families in the community. The representative stated that the facility is budgeted for 77 children but has a licensed capacity up to 125 children. A representative of DCAS also spoke in favor of the application, providing an overview of the lease terms and the lease renewal and building purchase options.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the acquisition of City-owned property located at 995 Carroll Street (Block 1280, Lot 54) for continued use as a day care center is appropriate.

A day care center has occupied this space continuously since the early 1970s, serving the community by providing needed services. The center provides daily meal service, supervised play time, and educates the children using the Creative Curriculum and the Universal Pre-School programs as a guide. 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 sprinklers installed in this facility. The use is permitted as-of-right in an R6 zoning district. The site is well-served by transit, accessible by the MTA 2, 3, 4, 5 subways and the Franklin Avenue Shuttle, which stops at Eastern Parkway and Franklin Avenue. The child care center is also served by the B48 and B49 bus lines, with stops two blocks away.

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. While outside the scope of the actions directly before it, the Commission encourages DCAS and ACS to continue to pursue streetscape and façade improvements keeping the center's inviting appearance, making it a more welcoming and attractive neighborhood asset that activates the streetscape. Here, the Commission notes that the inclusion of planted tree pits and planters enhances the attractiveness of 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 helpful addressing these issues and the Commission will continue to have an oversight role in the direct leasing of day care facilities.

To address concerns and questions raised at the public hearing, ACS provided a letter to the Commission dated January 26, 2018, responding to two areas of concern: budgeted capacity and the number of City-sponsored day care centers near this location. ACS reiterated that the facility is licensed for 125 children, but the budgeted capacity for the ACS Early Learn program is 77 seats. The balance of the licensed capacity (48 seats) serves other contracts held by the provider, including the Department of Education and private-pay enrollees. The letter also stated that there are seven City-sponsored day care programs within 0.8 miles of 995 Carroll Street.

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 995 Carroll Street (Block 1280, Lot 54) for continued use as a child care center, is approved for a period of up to 20 years, or without time limitation if the site is acquired in fee.

The above resolution (C 150187 PQQ), duly adopted by the City Planning Commission on February 14, 2018 (Calendar No.12), 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, ALFRED C. CERULLO, III, MICHELLE DE LA UZ,
JOSEPH DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT,
ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*

Application #: **C150187 PQK**

CEQR Number: Type II

Project Name: **Friends of Crown Hgts 11 Day Care**

Borough(s): Brooklyn

Community District Number(s): 9

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 995 Carroll Street (Block 1280, Lot 54) for continued use as a child care center.

Applicant(s): Administration for Children's Services 150 William Street, 13th Floor New York, NY 10038		Applicant's Representative: Ana Colares (ACS) 212-341-2746	
Recommendation submitted by: <i>Michael Liburd, Chair, UHURP / Land Use Committee</i>			
Date of public hearing: <i>November 14, 2017</i>		Location: <i>Crown Heights, 1185 Carroll Street Brooklyn NY 11225</i>	
Was a quorum present? YES <input checked="" 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: <i>November 28, 2017</i>		Location: <i>M.S. 61, 400 Empire Blvd, Bklyn NY 11225</i>	
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: <i>25</i> # Against: <i>1</i> # Abstaining: <i>0</i> Total members appointed to the board: <i>44</i>			
Name of CB/BB officer completing this form <i>Michael Liburd @ML</i>		Title <i>Chair UHURP/Land Use</i>	Date <i>12/11/17</i>

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

FRIENDS OF CROWN HEIGHTS 11 – 150187 PQQ

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 995 Carroll Street within the Crown Heights section of Brooklyn Community District 9 (CD 9). Approval will facilitate continued provision of child care services at the site.

BROOKLYN COMMUNITY DISTRICT NO. 9

BOROUGH OF BROOKLYN

RECOMMENDATION

☒ APPROVE
☐ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE
☐ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

January 10, 2018

DATE

RECOMMENDATION FOR: FRIENDS OF CROWN HEIGHTS 11 – 150187 POK

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 995 Carroll Street within the Crown Heights section of Brooklyn Community District 9 (CD 9) in order to execute a new lease between the City and the landlord.

On November 27, 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 then-Deputy Brooklyn Borough President Diana Reyna's inquiry regarding the number of contracted seats at Friends of Crown Heights 11 and the criteria for selecting children to fill such seats when vacancies arise, the ACS representative stated that the current contract provides for 77 seats, for children aged two to five. The center contains seven classrooms, with five currently occupied by ACS, one used by the New York City Department of Education (DOE), and one vacant.

The child care center is an EarlyLearn NYC provider funded through ACS and the New York State Office of Children and Family Services (OCFS) Child Care Development Fund. In order to qualify for subsidized child care through EarlyLearn NYC, families must be certified as dual eligible, which means they must earn no more than 130 percent of the federal poverty level and have a reason for care such as working, being in school, being in a training program, having no home, or actively seeking work for six months.

In response to then-Deputy Borough President Reyna's inquiry regarding the child care center's capacity, the ACS representative quoted current EarlyLearn program enrollment as 63 pre-school children. There are 18 children in the DOE classroom, with an after-school program of 25 students.

In response to then-Deputy Borough President Reyna's inquiry regarding the number of uncontracted seats available at Friends of Crown Heights 11 to the community, specifically families that do not meet federal income criteria, the ACS representative expressed intent to reach out to the Friends of Crown Heights 11 administration for this information.

In response to then-Deputy Borough President Reyna's inquiry regarding the terms of the proposed acquisition, the ACS representative stated that the current lease expired in 2014. DCAS is seeking a 10-year lease on terms to be determined that will take effect once building improvements are completed, according to a scope of work, approximately 18 months after the signing date.

In response to then-Deputy Borough President Reyna's inquiry regarding the incorporation of streetscape improvements at 995 Carroll Street, such as a bench in the front yard or a mural project, the representative expressed that ACS has been working with the New York City Department of City Planning (DCP) to include sidewalk beautification in its scope of work for improvements to child care centers.

In response to then-Deputy Borough President Reyna's inquiry regarding the process for filling hiring opportunities at Friends of Crown Heights 11, the ACS representative clarified that Friends of Crown Heights Education Centers is ACS' largest EarlyLearn New York City contractor, with 19 centers citywide, and does its own hiring. The representative 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 9 (CB 9) approved this application on December 14, 2017.

The facility is leased to Friends of Crown Heights, which operates the site as Friends of Crown Heights 11, under a contract with ACS. The facility occupies a two-story privately-owned building, located within an R6 zoning district and used exclusively for the provision of child care services. The building is situated on an 8,580 square-foot (sq. ft.) lot and set back several feet from Carroll Street.

Friends of Crown Heights 11 is part of EarlyLearn NYC, a program administered by ACS that offers subsidized quality child care for qualifying families. The facility is licensed for 125 children, from two to five years of age. Qualification for Early Learn NYC requires a pre-enrollment certification process. However, new children may be approved to fill ACS-contracted seats on a rolling basis.

Friends of Crown Heights 11 leases approximately 27,750 sq. ft. of the facility, which includes approximately 21,150 sq. ft. of interior space and 6,600 sq. ft. of outdoor play area, concentrated largely on the roof. Currently, the building contains seven classrooms: three on the first floor for four-year old children, and four on the second floor for children aged two to four years. ACS occupies six of the classrooms, while the remaining classroom is utilized by DOE. There are three additional classrooms in the basement, reserved for a future after-school program.

Friends of Crown Heights 11'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 summertime. Child care services at Friends of Crown Heights 11 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 service, and supervised playtime, with 20 professional, para-professional, and support personnel on staff.

Friends of Crown Heights 11 is conveniently accessible via public transportation, including the Franklin Avenue Shuttle, the Lexington Avenue Express 4 and 5 trains, and the Seventh Avenue Express 2 and 3 trains. The child care center is also served by the B48 and B49 buses.

Borough President Adams supports the continuation of Friends of Crown Heights 11, which is a valuable community asset. Moving forward, Borough President Adams believes that ACS and DCAS should take steps to secure the opportunity to lease the site for more years than proposed, and investigate opportunities for streetscape enhancements.

Lease Duration

Borough President Adams is adamant about preserving and protecting critical community space for Brooklyn's young people, and has expressed concerns about the short-term leases associated with prior child care center site acquisition applications. As more areas of Brooklyn become magnets for real estate development, Borough President Adams remains concerned that landlords might elect to pursue potentially more lucrative uses resulting in discontinuing use as child care. Borough President Adams has already witnessed this profit-seeking practice in other parts of Brooklyn; examples of such cases include the Bushwick United Learning Center and the Swinging Sixties Senior Center, both located in Williamsburg. The prior property owner of the Swinging Sixties Senior Center had been attempting to displace the center — which had served the community for decades — for more lucrative redevelopment opportunities. Fortunately, after five years of uncertainty for the home of Small World Child Care and the Swinging Sixties Senior Center, neighborhood non-profit St. Nicks Alliance, along with the Conselyea Street Block Association, closed on acquisition of the building, thereby avoiding the fate of the former Bushwick United Learning Center, which served, on average, 110 children of low-income families. The center was recently shut down after an extended eviction battle with the landlord

when the center's most recent 10-year lease ran out, and the City failed to complete proper lease renewal paperwork in a timely manner.

It is Borough President Adams' policy for the City to secure lease-renewal terms that allow the City the ability to secure initial terms of no fewer than 10 years, exclusive of multiple shorter term leases, and include the right for renewal of the lease to secure the child care center use for up to 20 years. Such terms, inclusive of multiple shorter term renewals, allow landlords to facilitate building improvements, when needed, while providing ACS with a check and balance that the facility remains in good working order. It is imperative that the City take actions through its land use process to adequately demonstrate to the community that the City is truly their partner, through securing facilities for such much-needed services. Whether provided directly through the City or through non-profits, the 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 and encourages the lease terms to be inclusive of two five-year lease renewal terms. He believes that an initial long-term lease with a built-in right to renew to achieve 20 years of duration would adequately guarantee that the Friends of Crown Heights 11 child care center remains as a community benefit for decades to come. Additionally, Borough President Adams believes it is appropriate for DCAS to seek the inclusion of a provision that would ensure the City has an opportunity to purchase the property if it is marketed for sale.

Therefore, as part of the lease negotiations for 995 Carroll Street, ACS and DCAS should provide a commitment to the City Council to secure a right for lease renewal with the addition of two five-year renewal terms, and include a provision ensuring the City an opportunity to purchase the property if it is marketed for sale on behalf of ACS.

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.

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 seeks opportunities to provide artwork, beneficial landscaping — including those that incorporate rain gardens — and seating enhancements.

Borough President Adams believes that a portion of the Friends of Crown Heights 11 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 9 and local elected officials, to help identify an appropriate community arts group to undertake such a project. If no such locally-based organization steps forward, ACS should pursue the City's promotion of Publicolor's Fresh Coat initiative, which transforms neglected schools and neighborhood facilities through vibrant murals and organized collaboration. The program uses painting projects to teach participants important and transferable work habits such as arriving on time, having a good attitude, taking initiative, being a team player, and leading by example.

Borough President Adams supports initiatives 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 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.

The sidewalk fronting Friends of Crown Heights 11 is occupied by grates that preclude the installation of a New York City Department of Environmental Protection (DEP) rain garden or the provision of street seating pursuant to the New York City Department of Transportation (DOT) CityBench and Street Seats programs. However, the sidewalk adjoins a paved front yard for the entire length of the buildable block, which is partly occupied by several portable planting tubs. This additional paved width provides an alternative means to realize seating in the building's front yard. Borough President Adams believes that the procurement and placement of such seating should be achieved through the leasing agreement between ACS and DCAS and the landlord.

Therefore, ACS and DCAS should pursue lease provisions to secure the provision of seating in the building's front yard by the landlord. Placement of such an enhancement should be considered in consultation with CB 9 and local elected officials prior to agreeing to take action.

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 lease renewal with the addition of two five-year renewal terms
 - b. Include a provision ensuring the City 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)
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. That ACS and/or DCAS coordinate with the property owner to:
 - a. Encourage engagement with a local arts organization for the creation of a mural in consultation with CB 9 and local elected officials. If no such locally-based organization steps forward, ACS should pursue the City's Publicolor initiative
 - b. Provide seating in the building's front yard with the landlord and placement of such enhancement in consultation with CB 9 and local elected officials