



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 1435 Prospect Place (Block 1361, Lot 66) for continued use as a child care center, Borough of Brooklyn, Community District 8.

This application for acquisition of property was filed on October 13, 2015 by the New York City Administration for Children's Services (ACS) and the Department of Citywide Administrative Services (DCAS) to facilitate the continued use of property located at 1435 Prospect Place (Block 1361, Lot 66) as Friends of Crown Heights 29, a child care center.

BACKGROUND

ACS and DCAS are seeking the acquisition of an existing building to facilitate the continued operation of a child care center in the Crown Heights North neighborhood of Brooklyn. This site has been used to provide child care since 1972, and was the subject of a previous acquisition, approved by the Commission on October 12, 1994 (C 910538 PQK, Cal. No. 26). The previous lease expired on October 31, 2015. The proposed action would allow for the negotiation of a new lease 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 multi-family residential buildings and some mixed commercial and residential buildings along Utica Avenue. The project area is conveniently accessible by public transportation, with an A/C train stop at Utica Avenue eight blocks away; the 3/4 trains at Crown Heights/Utica Avenue, six blocks away; the B46 bus line, which runs along Utica Avenue adjacent to the facility; the B45 bus line, which runs along St. Johns Place, three blocks away; the B65 bus line, which runs along Bergen and Dean Streets, two blocks away; and the B15 bus line, which also runs on Bergen Street.

The facility is located in a two-story privately-owned building at 1435 Prospect Place (Block 1361, Lot 66) between Rochester Avenue and Utica Avenue. The ACS child care facility occupies the entire two-story building, including a cellar level and three rooftop play areas. It includes a total of approximately 25,133 square feet, comprising 18,393 square feet of interior space and approximately 6,740 square feet of rooftop play area. There are three lots (70,71 and 169), adjacent to the facility that are used as accessory play areas by the child care center, but they are not open to the general public, nor are they part of this application.

There are four sets of entry gates along Prospect Place. On the right is the primary entrance to the building, through a set of doors leading to the first floor via a set of stairs. Two center entrances lead down to the cellar level, and the entrance gate on the far left is used as a secondary means of egress. In the cellar level, there are two classrooms for an after-school program, a large meeting room, a library, a science room, a woodworking room, and bathroom facilities. The first floor contains two classrooms for 3½ to 4 year olds. The second floor contains one classroom for 2- to 3-year-olds, two classrooms for 3-to-4 year olds, and a staff lounge. The roof above the second floor is entirely a play area, and there are two additional play areas accessible from the second floor.

Friends of Crown Heights 29 has 76 children currently enrolled. Children can 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 focused on developmentally appropriate practices to enhance children's physical, cognitive, social, and emotional development. The center is served by 20 professional, paraprofessional, and support staff.

ENVIRONMENTAL REVIEW

This application (C 160072 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 the Administration for Children's Services (ACS). This application was determined to be a Type II action, which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 160072 PQK) was certified as complete by the Department of City Planning on October 17, 2016, and was 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 hearing on this application (C 160072 PQK) on December 1, 2016, and on December 8, 2016, by a vote of 27 in favor, none opposed, with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 160072 PQK) on December 20, 2016 and issued a recommendation approving the application on January 26, 2017. The Borough President recommended the following:

1. As part of the execution of the lease, the Department of Citywide Administrative Services (DCAS) commence negotiations with the landlord in order to:
 - a. Secure a right of renewal of the lease with the addition of two five-year renewal terms
 - b. Include a provision of the right of first refusal within the lease if the property is marketed for sale to the City 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 plantings and/or a Right of Way Bioswale be installed along the sidewalk fronting the building, and
2. ACS and/or DCAS coordinate with New York City Department of Parks and Recreation (DPR) and New York City Department of Environmental Protection (DEP) regarding the provision of additional street trees, and/or the installation of a Right of Way Bioswale, in consultation with Community Board 8 (CB8) and local elected officials

City Planning Commission Public Hearing

On January 18, 2017 (Calendar No. 1), the City Planning Commission scheduled February 1, 2017 for a public hearing on this application (C 160072 POK). The hearing was duly held on February 1, 2017 (Calendar No. 28). Two speakers testified in favor of the application and none in opposition.

A representative from ACS spoke in favor of the application, and noted the high-quality care given by this site's provider. The representative also said that enrollment is in line with historic patterns

A representative from DCAS spoke in support of the application, and stated that the site will be improved upon by landlord, including some maintenance and repair comprising roof improvements related to play tiles and fences.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the acquisition of a lease of property for continued use as a day care center, located at 1435 Prospect Place (Block 1361, Lot 66), is appropriate.

A day care center has occupied this space continuously since the early 1970s, serving the community by providing needed services. The center serves up to 95 preschool-aged children and provides daily meal service, supervised play time, and education using the Teaching Strategies Goals as a guide. The day care center gives parents of enrolled children time to work, attend school, or acquire vocational training. The use is permitted as-of-right in an R6 district.

The site is well-served by transit, accessible by the A/C train (Utica Avenue), the 3 and 4 trains (at Crown Heights/Utica Avenue), and the B45, B65 and B15 buses. The Commission also

supports the Borough President's recommendations for an activated streetscape via planting, and provision of a bioswale.

It should be noted that the Commission previously imposed restrictions on the use of this and other day care facilities, as a result of continuing concerns expressed by local community boards, borough presidents and the Commission itself, about a general pattern of poor maintenance and repairs. The Commission and Department staff have played a significant role in ensuring these important facilities remain in a state of good repair through Commission oversight and taking a 'second look' at the progress made on the outstanding repairs and maintenance issues raised during the public review process. ULURP review has been effective in resolving these issues and the Commission believes it should continue to have an oversight role in direct lease day care facilities.

The Commission is also aware that no decision has yet been made concerning the long-term future of this facility. The Commission believes that its unique role in planning for the orderly growth and future development of the City will complement ACS's needs assessment in determining whether this facility is at an appropriate location given future population demographics and neighborhood land use patterns. The Commission has therefore determined that this use would be suitable for a period of ten years.

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 1435 Prospect Place (Block 1361, Lot 66) for continued use as a child care center, is approved for a period of ten years.

The above resolution (C 160072 PQQ), duly adopted by the City Planning Commission on March 8 (Calendar No. 10), 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.

KENNETH J. KNUCKLES, ESQ., Vice Chairman

RAYANN BESSER, IRWIN G. CANTOR, P.E.

ALFRED C. CERULLO, III, MICHELLE DE LAUZ,

JOSEPH DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON,

HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, Commissioners

MARISA LAGO, Chair, *abstaining*



Community/Borough Board Recommendation
Pursuant to the Uniform Land Use Review Procedure

Application # C160072 PQQ	Project Name: Friends of Crown Heights CCC 29
CEQR Number	Borough(s): Brooklyn Community District Number(s): 8

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 #C10000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- 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 1435 Prospect Place (Block 1361, Lot 66) for continued use as a child care center.

Applicant(s): Administration for Children's Services 150 William Street 14th floor NY NY 10038 Department of Citywide Administrative Services 1 Centre Street 20th floor South NY, NY 10007	Applicant's Representative: Mitch Gipson 212-341-2746 Randy Fong 212-386-0618	
Recommendation submitted by: Brooklyn Community Board 8		
Date of public hearing: 12/11/16	Location: 727 Classon Ave, 11238	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members</small>	
Date of Vote: 12/8/16	Location: 158 Buffalo Ave 11213	
RECOMMENDATION		
<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions	
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting		
# In Favor: 27 # Against: 0 # Abstaining: 0 Total members appointed to the board: 46		
Name of CB/BB officer completing this form: Michelle George	Title: Dist. Manager	Date: 12/12/16



Email/Fax Transmittal

TO: Brooklyn Community District 8 Distribution	FROM: Brooklyn Borough President Eric L. Adams
DATE: January 27, 2017	CONTACT: Olga Chernomorets – Land Use Coordinator Phone: (718) 802-3751 Email: ochernomorets@brooklynbp.nyc.gov
ULURP Recommendation: FRIENDS OF CROWN HEIGHTS CHILD CARE CENTER 29 – 160072 PQK	NO. Pages, Including Cover: 6

Attached is the recommendation report for ULURP application 160072 PQK. If you have any questions, please contact Olga Chernomorets at (718) 802-3751.

Distribution

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Richard Bearak	Director, Land Use, BBPO	(718) 802-4057	rbearak@brooklynbp.nyc.gov

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
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 CHILD CARE CENTER 29 – 160072 PQK

In the matter of the application, submitted by the New York City Administration for Children's Services (ACS) and the New York City Department of Citywide Administrative Services (DCAS), seeking the acquisition of property located at 1435 Prospect Place within the Crown Heights section of Brooklyn Community District 8 (CD 8). Approval will facilitate a lease renewal, for a 10-year term, to ensure continued provision of child care services.

BROOKLYN COMMUNITY DISTRICT NO. 8

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

January 26, 2017

DATE

RECOMMENDATION FOR: FRIENDS OF CROWN HEIGHTS CHILD CARE CENTER 29 – 160072 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 property located at 1435 Prospect Place within the Crown Heights section of Brooklyn Community District 8 (CD 8) for continued use as a child care center.

On December 20, 2016, Brooklyn Borough President Eric L. Adams held a public hearing on the acquisition request. There was one speaker on this item who asked for clarification regarding the language in the application with regard to the phrase "acquisition of property" and the qualifications for placement within this child care program.

The representative for ACS stated that this subsidized EarlyLearn NYC child care program is contracted for 90 seats for preschoolers, ages three to five, with current enrollment at 72. The requirements for eligibility to the program are being 200 percent below poverty level and having adequate reason for care needs.

In response to Borough President Adams' inquiry to public accessibility of the adjacent playground, the representative stated that generally, for child health and safety reasons, such playgrounds are only used for the center. In the past, allowing outside access to the playgrounds has led to litter and rodent problems.

Deputy Brooklyn Borough President Diana Reyna noted that recent lease terms for child care centers have not been as long as they had been in the past and expressed concern that such terms place these much-needed neighborhood facilities at risk for displacement. In response, the representative for ACS stated that both ACS and the City are dedicated to keeping day care centers open, therefore, this is a 10-year lease, from the landlord's completion of the required improvements.

In response to Borough President Adams' interest in furthering beautification of the streetscape fronting this building, including the introduction of bioswales as a stormwater management practice, the representative stated that the agency will explore engaging the landlord, the New York City Department of Environmental Protection (DEP), and the New York City Department of Parks and Recreation (NYC Parks) regarding potential street improvements.

In response to Borough President Adams' interest in promoting locally-based hiring, the ACS representative stated that all hiring is assisted by Day Care Council of New York. ACS encourages all their centers to reach out to Day Care Council of New York to ensure quality hires.

Consideration

Brooklyn Community Board 8 (CB 8) approved this application without conditions.

ACS and its predecessor agency, New York City Human Resources Administration (HRA), have operated a child care center at 1495 Prospect Place in Brooklyn since 1972. ACS and DCAS are seeking approval to ensure the continued provision of child care services at this privately-owned property according to a 10-year lease term.

Friends of Crown Heights Child Care Center 29 serves up to 90 children ages three to five. The children are taken to and from the center by parents, enabling the parents to work, attend school, or acquire vocational training.

The facility completely occupies a two-story building that is conveniently accessible by public transportation, including the 3 Seventh Avenue Express and 4 Lexington Avenue Express trains at the Crown Heights/Utica Avenue station six blocks away, as well as the A Eighth Avenue Express and C Eighth Avenue Local trains at the Utica Avenue station eight blocks away. The building consists of a total of 25,133 square feet. The center currently uses 18,400 square feet of interior space on the first and second floors and 6,750 square feet of rooftop space as a play area. The center also uses three adjacent lots as accessory play areas, not open to the public and not part of this application. There is direct access from the building to the accessory play area.

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 center provides the following services to the children: education, meal service, and supervised playtime. The center's program staff consists of 20 para-professional, professional, and support staff.

Borough President Adams supports the continuation of Friends of Crown Heights Child Care Center 29 at this location. Moving forward, he believes that ACS and DCAS should take steps to secure the opportunity to lease the site for more years than proposed, and should investigate opportunities for streetscape enhancements, including those that assist in the management of stormwater runoff.

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. He has already witnessed this profit-seeking practice in other parts of Brooklyn. Examples of such cases include the Swinging Sixties Senior Center and the Bushwick United Learning Center, both located in Williamsburg. The most recent property owner of the Swinging Sixties Senior Center has been attempting to displace the center — which has served the community for decades — for redevelopment opportunities that would prove more lucrative, while the longstanding Bushwick United Learning Center, which served on average 110 children of low-income families, was recently shut down after an overdrawn eviction battle with the landlord when their 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 Friends of Crown Heights Child Care Center 29 would remain 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 for the right of first refusal within the lease if the property is marketed for sale.

Streetscape Improvements and Stormwater Management Policies

Borough President Adams' policy is to make neighborhoods more welcoming for the pedestrian through various street beautification measures that make streets more aesthetically appealing, while introducing best practices to manage stormwater runoff. He believes that sidewalks with nominal landscaping are potential resources that should be transformed through planting additional trees, providing street planters, and incorporating bioswales. Such measures provide tangible environmental benefits through rainwater collection and improved air quality.

Borough President Adams believes that there appear to be opportunities for improving the quality of the sidewalk area fronting the center. Possible improvements might include: improving the existing tree pits, introducing street seating, providing additional street trees with tree guards and tree pit plantings, or introducing a Right of Way Bioswale that might incorporate the existing tree pits. Planting street trees provides for shade on days of excessive heat, as well as other aesthetic, air quality, and stormwater retention benefits. Tree plantings can be consolidated with Right of Way Bioswales as part of a more comprehensive green stormwater management strategy. It should be noted that Right of Way Bioswales would require maintenance commitment and attention from the landlord, and/or the center, as the tenant. Maintenance includes cleaning out debris and litter, as it may clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during hot and dry periods, and weeding to keep the plants healthy and uncongested for proper water absorption.

Borough President Adams believes that ACS and/or DCAS should consult with DEP and DPR for consideration regarding the installation of more trees and possible inclusion of a Right of Way Bioswale. ACS and DCAS should pursue lease provisions to clarify any maintenance obligation associated with such improvement as part of the lease agreement. 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.

Recommendation

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

Be it further resolved that:

1. As part of the execution of the lease, the New York City Department of Citywide Administrative Services (DCAS) commence negotiations with the landlord in order to:
 - a. Secure a right for renewal of the lease with the addition of two five-year renewal terms

- b. Include a provision of the right of first refusal within the lease if the property is marketed for sale to the City on behalf of the New York City Administration for Children's Services (ACS), and
 - c. Coordinate with the landlord to determine maintenance obligation should street tree plantings and/or a Right of Way Bioswale be installed along the sidewalk fronting the building
2. ACS and/or DCAS coordinate with New York City Department of Parks and Recreation (DPR) and New York City Department of Environmental Protection (DEP) regarding the provision of additional street trees, and/or the installation of a Right of Way Bioswale, in consultation with Brooklyn Community Board 8 (CB 8) and local elected officials