



**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 343 Warren Street (Block 391, Lot 56) for continued use as a child care center, Borough of Brooklyn, Community District 2.

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This application (C 160006 PQQ) was filed by the Administration for Children's Services (ACS) and the Department of Citywide Administrative Services (DCAS) on July 10, 2015, requesting approval for the acquisition of a property located at 343 Warren Street (Block 391, Lot 56) to facilitate the continued use of the building as the Warren Street Center for Children and Families, 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 Boerum Hill neighborhood of Brooklyn, Community District 2. This site has been used to provide child care services since 1974, and was the subject of a previous acquisition approved by the Commission on December 14, 1994 (C 930164 PQQ, Cal. No. 21). The previous lease expired on May 18, 2015 and has been operating under a licensing agreement since. 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 (Block 391, Lot 56) is located on Warren Street, between Smith and Hoyt Streets, in an R6B zoning district, which allows medium density residential and community facility uses up to a maximum floor area ratio (FAR) of 2.0, and maximum building heights of up to 55 feet, or five stories. The surrounding land uses are predominantly residential buildings, including three- to five-story row houses and multi-family buildings, mixed-use residential buildings with commercial uses on the ground floor, as well as public facilities and institutions. The project site is located across the street from Boerum Park and the Cobble Hill School of American Studies. The child care facility is accessible by public transportation, including the F and G subway lines at the Bergen Street station located one block north of the site, and the B57

and B65 bus routes, stopping at the corner of Warren Street and Smith Street, half a block to the west.

The child care facility occupies the entirety of a two-story, privately owned building, including access to the cellar level and rooftop area, and comprises a total of 29,732 square feet, with 21,732 square feet of interior space and approximately 3,000 square feet of outdoor play areas. The first floor contains classrooms for infants and toddlers, offices for staff, a kitchen, storage rooms, and bathroom facilities. The second floor contains additional classrooms, used primarily for two- to five-year olds, bathroom facilities, and a staff lounge. The cellar contains classrooms for an after school program, a multipurpose room, and a computer lab. A 3000 square foot at-grade play area is located in the rear of the building and is directly adjacent and accessible to classrooms on the first floor. As an additional outdoor play area, the facility utilizes Boerum Park (Block 397, Lot 18), a Department of Parks and Recreation and Board of Education jointly-operated park located directly across the street from the facility. Children are accompanied and supervised by the childcare staff in the park, and it also serves the Cobble Hill High School for American Studies, located immediately to the west.

The Warren Street Center for Children and Families serves up to 120 preschool-aged children. Pre-schoolers may attend the program full-time, 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 focused on developmentally appropriate practices to enhance children's physical, cognitive, social, and emotional development. The center has 21 professional, para-professional, and support staff.

## **ENVIRONMENTAL REVIEW**

This application (C 160006 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 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 160006 PQK) was certified as complete by the Department of City Planning on June 19, 2017, and was duly referred to Brooklyn Community Board 2 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 2 submitted a letter waiving review of this application (C 160006 PQK) on July 10, 2017, citing that the facility is a valuable neighborhood asset and that the Community Board 2's District Office has received no complaints regarding the facility.

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 160006 PQK) on July 25, 2017, and issued a recommendation approving the application on August 9, 2017.

Within the recommendation, the Borough President made the following comments:

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
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 5 (CB5) and local elected officials"

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

On August 9, 2017 (Calendar No.3), the City Planning Commission scheduled August 23, 2017 for a public hearing on this application (C 160006 PQQ). The hearing was duly held on August 23, 2017 (Calendar No. 20). Two speakers testified in favor of the application and none opposed.

Representatives from ACS's Division of Early Care and Education and DCAS spoke in favor of the application, noting the enrollment figures and programmatic child care the facility offers for low-income families.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the acquisition of property for continued use as a day care center, located at 343 Warren Street (Block 391, Lot 56), is appropriate.

A child care facility has occupied this space continuously since 1974, providing much-needed services to the surrounding community, including daily meal service, supervised play time, and educational activities using the Creative Curriculum as a guide. The childcare facility is a permitted use within the R6B zoning district, and the building remains conforming to bulk and envelope regulations. The facility is well-served by transit, including the F and G subway lines at the Bergen Street station, one block to the north of the site, and the B57 and B65 buses stopping at the corner of Warren Street and Smith Street half a block to the west.

As is the case with many neighborhood childcare facilities dating from this time period, the Commission notes that the façade and building entrances are generally uninviting and detract from the overall quality of the streetscape. 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 and better engaging and activating the streetscape. The Commission concurs with the Borough President's comments regarding exterior improvements, including introducing plantings, furniture, and the provision of bioswales where appropriate and in coordination with

the NYC Department of Transportation and the NYC Department of Environmental Protection. The Commission is pleased with DCAS's intention to facilitate discussions between ACS, the property owner, and other agencies as appropriate, for the implementation of façade and streetscape improvements.

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, over a general pattern of poor maintenance and repairs. The Commission and Department staff have played a significant role in ensuring 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 in addressing maintenance issues and the Commission believes that it should continue to have an oversight role in direct lease of 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 10 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 for the acquisition of property located at 343 Warren Street (Block 391, Lot 56) for continued use as a child care center, Borough of Brooklyn, Community District 2, is approved for a period of ten years.

The above resolution (C 160006 PQQ), duly adopted by the City Planning Commission on September 19, 2017 (Calendar No.2 ), 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*

**RAYANN BESSER, ALFRED C. CERULLO, III, MICHELLE DE LA UZ,**

**JOSEPH DOUEK, CHERYL COHEN EFFRON, HOPE KNIGHT,**

**ANNA HAYES LEVIN, ORLANDO MARÍN**, *Commissioners*



CITY OF NEW YORK  
**Community Board No. 2**

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ERIC ADAMS  
*Borough President*

SHIRLEY A. M<sup>c</sup>RAE  
*Chairperson*

ROBERT PERRIS  
*District Manager*

July 10, 2017

Marisa Lago, Chair  
City Planning Commission  
120 Broadway, 31st Floor  
New York, New York 10271

Dear Chair Lago:

Community Board 2 has received a copy of application C 160006 PQK for the acquisition by the Administration for Children's Services of 29,732 square feet of space at 343 Warren Street (Block 391, Lot 56), in the Borough of Brooklyn.

As I wrote your predecessor following receipt of the submitted application in July 2015, 343 Warren Street has been used as a child care center since 1974 and is currently operated by NYU Lutheran as the Warren Street Center for Children and Families. The center provides free and low-cost child care and academic enrichment to approximately 120 children a year. Located near the Gowanus and Wyckoff public housing developments, the Warren Street Center is a valuable community asset.

The community board's district office had received no complaints about the Warren Street Center when I wrote my earlier letter and that has continued to be the case. In consideration of this and the other facts set forth above, Community Board 2 waives its opportunity to review application C 160006 PQK.

Thank you for the opportunity to comment.

Sincerely,

Shirley A. M<sup>c</sup>Rae

cc: see following page

Marisa Lago, Chair  
City Planning Commission  
July 10, 2017

cc: Hon. Eric L. Adams  
Brooklyn Borough President  
Hon. Stephen Levin  
New York City Council  
Assistant Commissioner Ana Colares  
Kenneth Robinson, Esq.  
Administration for Children's Services  
Assistant Commissioner Randal Fong  
Department of Citywide Administrative Services  
Winston Von Engel, Brooklyn Borough Director  
Anand Amin, City Planner  
Department of City Planning  
Sayar Lonial, Chairperson  
Brooklyn Community Board 6  
Nixsa Singh, Educational Director  
Warren Street Center for Children and Families

SAM<sup>c</sup>:RP





### Email/Fax Transmittal

<b>TO:</b> Brooklyn Community District 2 Distribution	<b>FROM:</b> Brooklyn Borough President Eric L. Adams
<b>DATE: August 9, 2017</b>	<b>CONTACT:</b> Richard Bearak – Land Use Director Phone: (718) 802-4057 Email: rbearak@brooklynbp.nyc.gov
<b>ULURP Recommendation:</b> WARREN STREET– 160006 PQK	<b>NO. Pages, Including Cover: 6</b>

Attached is the recommendation report for ULURP application 160006 PQK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

### Distribution

NAME	TITLE	OFFICE	EMAIL
<b>Marisa Lago</b>	Chair, City Planning Commission (CPC)	(212) 720-3356	ygruel@planning.nyc.gov
<b>Melissa Mark-Viverito</b>	Speaker, City Council	(212) 788-7207	mviverito@council.nyc.gov
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<b>Stephen Levin</b>	Council Member, District 33	(718) 875-5200	slevin@council.nyc.gov
<b>Shirley McRae</b>	Chair, Brooklyn Community Board 2 (CB 2)	(718) 596-5410	cb2k@nyc.rr.com
<b>Robert Perris</b>	District Manager, CB 2	(718) 596-5410	cb2k@nyc.rr.com
<b>Ana Colares</b>	Administration for Children's Services (ACS)	(212) 341-4800	ana.colares@acs.nyc.gov
<b>Randal Fong</b>	New York City Department of Citywide Administrative Services (DCAS)	(212) 386-0618	rfong@dcas.nyc.gov
<b>Richard Bearak</b>	Director, Land Use, BBPO	(718) 802-4057	rbearak@brooklynbp.nyc.gov

**Brooklyn Borough President Recommendation**  
CITY PLANNING COMMISSION  
2846 Linden Boulevard Street Brooklyn, New York 11208  
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 #:** WARREN STREET- 160006 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 343 Warren Street (Block 391, Lot 56) for continued use as a child care center. Approval will facilitate a lease renewal to ensure continued provision of child care services.

COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

August 9, 2017

DATE



## **RECOMMENDATION FOR: WARREN STREET– 160006 PQK**

The New York City Administration for Children's Services (ACS) and its predecessor agency, the New York City Human Resources Administration (HRA), have operated a child care center at 343 Warren Street in Brooklyn since 1974. ACS and the New York City Department of Citywide Administrative Services (DCAS) are seeking approval to ensure the continued provision of child care services at this location for a 10-year term.

On July 25, 2017, Brooklyn Borough President Eric L. Adams held a public hearing on the acquisition request. There were no speakers on this item.

In response to Deputy Brooklyn Borough President Diana Reyna's inquiry regarding the lease terms, the ACS representative stated that the lease is for a 10-year term with no current option for renewal, and without the right of first refusal for ACS. The representative noted that DCAS is engaged in negotiations and will re-engage the landlord two years before the lease runs out, as is the agency's standard procedure.

The applicant stated that in January 2017, the City added homelessness as a reason for care under the Child Care Block Grant funding. In the future, homeless families will be able to access early learning programs such as the Warren Street Center for Children and Families without having to satisfy education or employment requirements.

In response to Deputy Borough President Reyna's inquiry regarding possible streetscape improvements at 343 Warren Street, given that the property is located in the stormwater drainage area where the Gowanus Canal receives overflow, the representative stated an intent to follow up with information about specific actions.

In response to Deputy Borough President Reyna's interest in promoting inclusion of Local Business Enterprises (LBE) and Minority- and Women-Owned Business Enterprises (MWBE) in the hiring process, the applicant expressed that ACS is not directly involved in hiring employees of the child care center, but its programs may access HireNYC or other opportunities. The representative stated that ACS provides guidance regarding the appropriate level of training for the various teaching positions, and 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 2 (CB 2) waived its opportunity to review this application, citing no change in its position since 2015.

The facility is leased to the Sunset Bay Community Services/NYU Langone Hospital – Brooklyn, which operates the site as the Warren Street Center for Children and Families. The facility is the sole occupant of a two-story privately-owned building, located within an R6A zoning district and designed specifically for the provision of child care services. It leases approximately 29,700 square feet (sq. ft.), which includes approximately 21,700 sq. ft. of interior space and 8,000 sq. ft. of roof and ground level play areas. The facility is subdivided into various activity spaces, including classrooms, libraries, and offices.

The Warren Street Center for Children and Families is an EarlyLearn NYC program provider. This program is administered by ACS and offers subsidized quality child care for qualifying families. The facility serves and is licensed for 170 children, from birth to 12 years of age. It serves 30 children aged zero to two years old, who are enrolled in the infant and toddler program, 55 children ranging



from two to six years old, who participate in the preschool program, and 85 children from five to 12 years old, who attend the afterschool care program. It is used by 57 children who reside in public housing. Due to high need in the community, its day-to-day attendance and enrollment always reach capacity. Moreover, there are 250 children on its waiting list at any given time.

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. It provides for educational services, meal service, and supervised playtime, though program staff consists of 21 professional, para-professional, and support staff.

Its operation enables the 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. Most of the children served begin in the infant and toddler program and remain until they age out of the school-age program.

The facility is situated mid-block on Warren Street, between Hoyt and Smith streets. The Warren Street Center for Children and Families is conveniently accessible via public transportation, including the F Sixth Avenue Local and G Crosstown Local lines at the Bergen Street and Smith-Ninth Streets stations, and the nearby B57 and B65 bus routes.

Borough President Adams supports the continuation of the Warren Street Center for Children and Families, 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, 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 discontinued use of community facilities for child care and senior services. Borough President Adams 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 had been attempting to displace the center — which has served the community for decades — for more lucrative redevelopment opportunities. Fortunately, after five years of uncertainty for the home of the Swinging Sixties Senior Center and Small World Child Care, neighborhood non-profit St. Nicks Alliance, along with the Conselyea Street Block Association, closed on acquisition of the building. It avoided 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 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 of no fewer than 10 years, exclusive of multiple shorter term leases that include the right for renewal 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 a way to ensure that the facility remains in good working order. It is imperative that the City take actions through its land use process to adequately demonstrate that it is truly a partner to the community by securing facilities for much-needed child care services. Whether provided directly through the City or through non-profits,



the surrounding diverse 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 longer lease terms and encourages the lease terms to be inclusive of two five-year lease renewal options. He believes that an initial long-term lease with a built-in right to renew for a total duration of 20 years is necessary to ensure that the Warren Street Center for Children and Families remains a community asset 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 pedestrians through various street beautification measures that make streets more aesthetically appealing while introducing best practices for stormwater management. Sidewalks with nominal landscaping are potential resources that should be transformed through the addition of tree pits and Right of Way Bioswales. Tree plantings can be consolidated as part of a more comprehensive green stormwater management strategy. He believes that sidewalks adjacent to child care centers with nominal landscaping and limited seating are potential resources that should be transformed through planting, providing street planters, and incorporating bioswales and/or street seating. 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 attention from the landlord, a maintenance commitment, and/or retaining the child care operator 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. Appropriate placement of street furniture is important for adults with small children as it provides for resting and socializing. Borough President Adams supports the New York City Department of Transportation (DOT) CityBench program, which aims to bring seating to areas where there are few options for resting, aiding the disabled and elderly while prioritizing areas around bus stops and those with high concentrations of senior citizens.

In investigating the site, it was observed that there is no awning or signage identifying the building as the Warren Street Center for Children and Families. In addition, there appears to be opportunities to introduce seating and enhanced landscaping in a manner that would better facilitate stormwater management.

Borough President Adams believes that there may be opportunities to improve the quality of space fronting the facility. These might include an awning, improved signage, introducing a street bench, and modification of the existing tree pits into a Right of Way Bioswale.

Borough President Adams believes that street furniture should be coordinated by ACS with DOT, utilizing the CityBench and Street Seats programs, which recently received additional funding to further their efforts throughout the city. ACS should consult with the New York City Department of Parks and Recreation (NYC Parks) and the New York City Department of Environmental Protection (DEP) for consideration of the possible integration of the existing tree pits through the 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 based on whether these enhancements might be best achieved and/or maintained by the landlord or operator pursuant to the lease agreement. All such enhancements should be considered in consultation with CB 2 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 the dialogue with DEP, DOT, or NYC Parks for further coordination on this matter.

**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 in the lease terms for the incorporation of a maintenance obligation for either the landlord or the Warren Street Center for Children and Families' operator to enter into such a standard maintenance obligation should a Right of Way Bioswale be installed along the sidewalk fronting the building
  
2. ACS coordinate with the New York City Department of Transportation (DOT) regarding the provision of a street bench through the CityBench program, and the New York City Department of Parks and Recreation (NYC Parks) and New York City Department of Environmental Protection (DEP) regarding the installation of a Right of Way Bioswale, in consultation with Brooklyn Community Board 2 (CB 2) and local elected officials.