Brooklyn Borough President Recommendation

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 applicants representatives as indicated on the Notice of Certification.

APPLICATION #  140351 PQK
Shirley Chisholm 5 Advent Child Care Center

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 acquisition of property located at 265 Sumpter Street (Block 1520, Lot 51) and continued use as a child care center.

COMMUNITY DISTRICT NO.  16  BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE

BOROUGH PRESIDENT

August 4, 2014
DATE
RECOMMENDATION FOR THE PROPOSED ACQUISITION OF PROPERTY FOR THE SHIRLEY CHISHOLM 5 CHILD CARE CENTER

PUBLIC HEARING

The applicant, the Administration of Childhood Services (ACS), is seeking approval to acquire property that would facilitate continued use as a daycare center.

On July 8, 2014, the Borough President held a public hearing on the proposed land use action. The representative for the applicant shared that this facility has been serving the community for many years, presently with 55 slots, two of which are private slots, for families with income in excess of the City standards. Parents are solicited to have their children secure openings through various forms of community outreach. Agencies such as the Fire Department and the Police Department provide vouchers to permit the children of agency personnel to attend with reduced payment.

There was one speaker, the chair of Community Board 16 (CB 16) who testified in favor. The Chair reiterated the importance of this facility to the community and expressed CB 16’s conditions of approval which included the installation of safety tiles in the play area on the roof as well as the need for a tree to be planted in the tree pit fronting the property.

In response to the Deputy Borough President noting the Borough President’s policy to maximize job opportunities for Brooklynites, the representative explained that the day care provider accomplishes hiring through citywide contracting services. In terms of staffing affiliated with Universal Pre-K, hiring is administered by the Department of Education, with candidates vetted by a selective process.

The Deputy Borough President noted the Borough President’s vision to make Brooklyn’s streets more welcoming in a variety of ways, including the planting of trees to beautify the neighborhood. She also noted the fact that a vacated tree pit existed in front of the daycare center. The representative stated that his agency will contact the Department of Parks and Recreation to pursue having a tree planted.

Regarding the lease, in contrast from the previous 20-year lease term, the representative stated that they are applying for a 5-year lease renewal, with an option to renew for 5 more years as a means to provide more flexibility. The Deputy Borough President noted that this practice of shorter terms could be detrimental based on community concerns regarding a facility in Williamsburg, where the landlord is attempting to discontinue vital services.

The Deputy Borough President noted the Borough President’s policy to promote the use of sustainable and renewable sources of energy and noted the possibility of utilizing parts of the roof structure that is not play area for
such purposes. She also raised CB 16’s concerns regarding the play surface tiles. The representative stated that options promoting the use of sustainable and renewable resources have not been investigated though would be further studied as part of the lease renewal process. In terms of fixing loose tiles, the representative said they will be addressed as part of the lease negotiation.

**CONSIDERATION**

Community Board 16 approved the application with conditions that call for funding to rehabilitate the play area to include new safety floor tiles and play equipment and for a street tree to be planted in the existing tree pit in front of 265 Sumpter Street.

The Borough President supports development that is appropriate for the context of the neighborhood and supports the needs of the community.

The Borough President generally supports land use actions that seek to support the continuation of businesses and community facilities that provide services to all Brooklynites. Through this land acquisition and lease renewal, up to 55 preschoolers will be able to continue receiving a full-time education program.

In addition, this child care center serves an important role in the local economy through the approximately 15 jobs that it generates. The continuation of this day care will not only secure its current workforce, it will continue to enable the parents of those children enrolled to maintain their own employment with the understanding that their children are being provided for during the workday.

The Borough President believes it is vital for households in the vicinity of amenities such as daycare services to have maximum opportunity to take advantage of locally-based facilities. He suggests that, as part of its outreach process, the Shirley Chisholm 5 Child Care Center consults with Community Board 16 and local elected officials to reach as many locally-based families as possible.

Though the Borough President is generally supportive of the proposed development, he has concerns regarding the duration of the lease, the condition of the roof’s playground surface, the absence of a street tree and the lack of incorporation of sustainable and/or renewable resources in regards to energy consumption and storm water management.

**Lease Duration**

Subsequent to the hearing ACS contacted the Brooklyn Borough President’s Office to advise that long term leases would require extensive building renovation including replacement of building systems. A short term five year agreement will keep existing rental rate with all provisions, terms and conditions in existing lease agreement unchanged.
The Borough President is concerned that this term is too short to be in the best interest of the City. As more and more sections of Brooklyn are becoming prime real estate, the Borough President is concerned that the landlord might elect to discontinue having a child care use at this location because the landlord would rather pursue what might then be deemed more valuable land usage. Already the Borough President has witnessed the challenge for the Williamsburg community, where the new property owner has attempted to displace the Swinging Sixties Senior Center from a building that has served the community for decades because the property owner believes redeveloping the lot would be more lucrative.

As the Brownsville-Ocean Hill communities have a legitimate need for supportive services provided directly through the City or through non-profits that work to enhance the lives of area residents, it is imperative that the City take actions through its land use process to adequately demonstrate to the community that the City is truly the community’s partner. Placing necessary child care services at risk through the pursuit of an inadequate leasing term is not sound public policy. The Borough President believes the City should only pursue lease negotiations that allow the City the opportunity to secure terms no less than twenty years inclusive of multiple shorter term leases and give the City the right to renew. He calls on the City Council to obtain a commitment from the Administration for such a lease arrangement prior to its approval of this land use action.

Condition of the Roof Playing Surface
Community Board 16’s recommendation called out the need to address the condition of the playing surface tiles because it is believed to be a hazardous condition. Parents should never have a concern of ever being informed that their child was injured in a child care center due to faulty building conditions. Subsequent to the hearing ACS contacted the Brooklyn Borough President’s Office to advise that the condition of the play tiles require resetting and it is in the process of having its integrity be re-evaluated as part of the evaluation of the roof and the tiles would be cleaned. The Borough President is seeking a formal commitment that this would be definitively addressed as part of the lease agreement. He believes that the condition of the roof playground’s tiled surface should be improved to be in good working order and/or replaced as warranted no later than within the first 90 days of the execution of the lease. The City Council should insist on such a commitment prior to its approval of this land use action.

Street Trees
CB 16 in its recommendation noted the opportunity to plant a street tree in the vacated tree pit in front of 265 Sumpter Street. The Borough President supports CD 16 as it is consistent with his policy to make neighborhoods more welcoming through beautification measures and to reduce the urban “heat island” effect in canopy deficient areas of Brooklyn. He believes that vacated tree pits are a potential resource that should be transformed through the planting of trees. Therefore, a new street tree should be
planted, with installation coordinated by ACS and/or DCAS with the Department of Parks and Recreation (DPR), with the tree being maintained by the landlord pursuant to the lease agreement. Subsequent to the hearing ACS contacted the Brooklyn Borough President’s Office to advise that a request was made to DPR on July 30 through 311 and a service request confirmation was issued for a new tree request which would be planted by DPR. The City Council should verify the status of such a commitment prior to its approval of this land use action.

**Advancing Sustainable Energy and Storm Water Management Policies**

The Borough President sees opportunities to utilize solar panels and/or green roofs on the roof. In addition to aligning with the Borough President’s sustainable energy policy, such modification would reduce the facility’s carbon footprint and reduce energy costs annually. In addition, green roofs would defer storm water from entering the City’s water pollution control plants. Considering the amount of open space not being used for the children’s play area, and its exposure to direct sunlight, such measure would be an advantageous usage of an otherwise unused surface.

He believes that the Administration should endorse the Borough President’s policy of advancing sustainable and renewable resources and storm water management, such as advancing opportunities to incorporate solar panels and/or green roofs, as part of long term lease renewals of private properties that house public functions such as the provision of affordable day care. DCAS should coordinate the assessment of the feasibility of such installations for all daycare facilities pending lease renewal and report such findings to the Borough President and City Council.

Subsequent to the hearing ACS contacted the Brooklyn Borough President’s Office to advise that in the case of a major renovation ACS will pay attention to green/LEED improvements.

**Recommendation**

Therefore, be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve this site acquisition/lease renewal application, according to the following conditions:

1. That the Department of Citywide Administrative Services and/or the Administration for Children’s Services shall enter into a lease that provides for the following:

   a) The City shall have the right to lease the building for a term of twenty years, inclusive of multiple shorter term leases giving the City the right to renew.
b) The condition of roof playground tiled surface shall be improved to be in good working order and/or replaced as warranted not later than within the first 90 days of the execution of the lease.

c) That a new street tree, whose installation would be coordinated by the Administration for Children’s Services and/or the Department of Citywide Administrative Services with the Department of Parks and Recreation, would be maintained by the landlord pursuant to the lease agreement.

2. That the Administration endorse a policy of advancing sustainable and renewable resources and storm water management, such as the incorporation of solar panels and/or green roofs, as part of long term lease renewals of private properties that house public functions such as the provision of affordable day care.