

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



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

**CORRESPONDENCE FOR
ERIC ADAMS' SIGNATURE**

NO. OF LETTERS TO BE SIGNED:

\$ 1

**IF THIS IS A MAIL MERGE, HOW MANY LETTERS
TOTAL?**

SUBJECT MATTER:

Friends of Crown Heights 29
LILUPP

**TODAY'S
DATE:**

1-9-17

**DATE
OF
LETTER**

1-27-17

MANAGER'S REVIEW

DATE: Jan 9, 2017

TIME: 1:10 PM

INITIALS: RLJ

ASSIGNED EDITOR'S REVIEW

1ST REVIEW DATE: 1/10/2017 10:53 AM **INITIALS:** [Signature]

2ND REVIEW DATE: 1/10/2017 4:21 PM **INITIALS:** [Signature]

FINAL DATE: 1/20/2017 5:08 PM **INITIALS:** [Signature]

5:40 PM

RECEIVED
ERIC ADAMS
1/20/2017

COMPOSER OF DOCUMENT:

Olga Chernomoretz

Notes:

APPROVED [Signature]

SUGGESTIONS:

Once letter is approved and signed by the BP:

1. Attach this form to copy for filing.
2. Write in additional cc/bcc's (if required).