

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 CHILD CARE CENTER 2 – 150282 POK

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 671 Prospect Place within the Crown Heights section of Brooklyn Community District 8 (CD 8). Approval will facilitate continued provision of child care services at the site.

BROOKLYN COMMUNITY DISTRICT NO. 8

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

BROOKLYN BOROUGH PRESIDENT

October 20, 2017

DATE

RECOMMENDATION FOR: FRIENDS OF CROWN HEIGHTS CHILD CARE CENTER 2 – 150282 PJK

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 671 Prospect Place within the Crown Heights section of Brooklyn Community District 8 (CD 8).

On September 13, 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 Deputy Brooklyn Borough President Diana Reyna's inquiry regarding the number of contracted seats at Friends of Crown Heights 2 and the criteria for selecting children to fill such seats when vacancies arise, the ACS representative stated that the current contract provides for 142 seats, including eight infants, 30 toddlers, and 104 preschool children, aged three to five. The child care center is an EarlyLearn NYC provider funded through ACS and the New York State Office of Children and Family Services (OCFS) Childcare Development Fund. In order to qualify for subsidized child care through EarlyLearn NYC, families must earn no more than 130 percent of the federal poverty level and have a reason for care.

In response to Deputy Borough President Reyna's inquiry regarding the child care center's capacity, the ACS representative quoted the EarlyLearn program enrollment as 130 children, with eight infants, 28 toddlers, and 90 preschoolers. The representative clarified that ACS does not track the number of private, uncontracted seats at Friends of Crown Heights 2.

In response to Deputy Borough President Reyna's inquiry regarding the number of uncontracted seats available at Friends of Crown Heights 2 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 2 administration for this information.

In response to Deputy Borough President Reyna's inquiry regarding the terms of the proposed acquisition, the DCAS representative stated that the most recent lease started in 1995 and expired in 2015. A short-term contract would ensure child care facility occupancy through April 2020 and would be replaced when a long-term lease is implemented. In order to effectuate a long-term lease, both ACS and DCAS would have to complete certain steps, including due diligence on the property. Once the application is approved, ACS will conduct the due diligence and DCAS will negotiate any work that needs to be done. The representative clarified that DCAS is requesting approval for continued use; if the New York City Planning Commission (CPC) approves the application without conditions, DCAS will not return for a subsequent ULURP.

In response to Deputy Borough President Reyna's inquiry regarding the incorporation of streetscape improvements and stormwater management best practices, including rain gardens, the DCAS representative clarified that such improvements would be imbedded in a future long-term lease or a capital process with ACS, as part of the agency's due diligence efforts. The representative noted that the child care center's front yard on Prospect Place provides opportunities for installation of street furniture.

In response to Deputy Borough President Reyna's inquiry regarding the process for filling hiring opportunities at Friends of Crown Heights 2, 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 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.

In response to Deputy Borough President Reyna's inquiry regarding outstanding New York City Department of Buildings (DOB) violations at Friends of Crown Heights 2, and what steps would be taken to resolve such violations prior to the negotiation of a new lease, the ACS representative confirmed that the landlord is working with DOB to address the violations, which concern the elevator and fire systems at the child care center.

Consideration

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

The facility is leased to Friends of Crown Heights, which operates the site as Friends of Crown Heights 2, under a contract with ACS. The facility is the sole occupant of a two-story privately-owned building, located within an R6B zoning district, and designed specifically for the provision of child care services. The building is situated on a 20,500 square foot (sq. ft.) lot with two frontages: a main entrance, with an at-grade play area and a lawn on Prospect Place, as well as a service entrance with a driveway and parking lot on Bedford Avenue.

The EarlyLearn NYC program is administered by ACS and offers subsidized quality child care for qualifying families. The facility is licensed for 156 children, from two months to four 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 leases approximately 40,500 sq. ft. at 671 Prospect Place, which includes approximately 32,150 sq. ft. of interior space and an 8,380-sq. ft. rooftop play area. The facility is subdivided into various activity spaces, including classrooms, libraries, and offices. In all, the building contains nine classrooms: six on the first floor for children aged two months to four years, and three in the cellar for schoolchildren aged five to 12.

Friends of Crown Heights 2'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. Most of the children served begin in the infant and toddler program and remain until they age out of the school-age program. Child care services at Friends of Crown Heights 2 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 51 professional, para-professional, and support staff.

Friends of Crown Heights 2 is conveniently accessible via public transportation, including subway and buses. The closest subway station is Park Place, served by the Franklin Avenue Shuttle. The Lexington Avenue Express 4 and 5 trains, as well as the Seventh Avenue Express 2 and 3 trains stop at Franklin Avenue and Nostrand Avenue stations five blocks south. The child care center is served by five bus lines, including the B44, B45, B49, and the B44 Select Bus Service (SBS).

Borough President Adams supports the continuation of Friends of Crown Heights 2, 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 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 Friends of Crown Heights Child Care Center 2 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 that would ensure the City has an opportunity to purchase the property if it is marketed for sale.

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 Improvements and Stormwater Management Policies

Borough President Adams' policy is to make neighborhoods more welcoming for the pedestrian through various 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 rain gardens. 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 rain garden 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 rain gardens as part of a more comprehensive green stormwater management strategy. It should be noted that rain gardens would require maintenance commitment and attention from the landlord, and/or the

child care center. Maintenance includes cleaning out debris and litter, which 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 the Department of Parks and Recreation (NYC Parks) and the New York City Department of Environmental Protection (DEP) for consideration regarding the installation of more trees and possible inclusion of a rain garden. 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. Borough President Adams encourages ACS and DCAS to reach out to his office for help in opening and coordinating dialogue with DEP, DOT, and/or NYC Parks 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 that would ensure the City has 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. DCAS coordinate with the landlord to determine maintenance obligation should street tree plantings and/or a rain garden be installed along the sidewalk in front of the building on Prospect Place
4. ACS and/or DCAS coordinate with New York City Department of Parks and Recreation (NYC Parks) and New York City Department of Environmental Protection (DEP) regarding the provision of additional street trees, and/or installation of a rain garden, in consultation with Brooklyn Community Board 8 (CB 8) and local elected officials