CITY PLANNING COMMISSION

September 3, 2014/ Calendar No. 4 C 140351 PQK

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 265 Sumpter Street (Block 1520, Lot 51), for continued use as a child care center, Borough of Brooklyn, Community District 16.

The application for acquisition of property was filed on April 7, 2014 by the Administration for Children's Services (ACS), and the Department of Citywide Administrative Services (DCAS), to facilitate the continued use of 265 Sumpter Street as a child care center, in Community District 16 of the Borough of Brooklyn.

BACKGROUND

The Administration for Children's Services (ACS), and the Department of Citywide Administrative Services (DCAS) requests the acquisition of property located at 265 Sumpter Street (Block 1520, Lot 51) to facilitate the continued use of the site as a day care center. The subject building is currently occupied by the Shirley Chisholm 5 Advent Child Care Center. This location has served as a child care center continuously since 1973.

The site is located in an R6 zoning district with C1-3 and C2-3 overlays on Fulton Street, Broadway, and parts of Rockaway and Saratoga Avenues. The surrounding land use is largely residential with two and three story rowhouses and small apartment buildings. Local retail such as delis and salons can be found along Thomas Boyland Street and Saratoga Avenue. The day care center is a community facility use (Use Group 4) and is permitted as-of-right in the R6 district.

The site is accessible by public transportation with a C station at Rockaway Avenue three blocks to the south and several bus routes serving the area.

The premises to be acquired is a two story building located at 265 Sumpter Street between Thomas S. Boyland Street and Saratoga Avenue. The building includes a basement as well as a

rooftop play area and grade play area. The child care program occupies approximately 8,249 square feet of interior space, with 2,774 square feet of roof play area and 1,600 square feet of grade play area, totaling approximately 12,623 rentable square feet.

The Shirley Chisholm 5 Advent Child Care Center serves 55 pre-schoolers in three classrooms. Pre-school children may attend the program full time from 8am to 6pm Monday through Friday. The day care services encompass a variety of activities and programs, which are determined by the child's age, developmental stage and hours in day care and include supervised playtime, group interaction and socialization activities, and educational instruction. The center provides meals including a nutritionally balanced lunch and two snacks daily. Meals are prepared in a kitchen on site and accommodate students' religious and medical dietary needs. The center is licensed and subject to the established standards of ACS as well as federal, state, and city regulations. The program staff consists of approximately fifteen professional, para-professional, and support staff.

On July 7, 1993 (Cal. No. 33), the City Planning Commission approved an application (C 920241 PQK) to acquire the subject property for a lease term of up to 20 years.

ENVIRONMENTAL REVIEW

The application (C 140351 PQK) was reviewed pursuant to the New York State Environmental Quality Review (SEQRA), and 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 of Children's Services (ACS). This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

The application (C 140351 PQK) was certified as complete by the Department of City Planning on May 16, 2014, and was duly referred to Community Board 16 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

Community Board Public Hearing

Community Board 16 held a public hearing on June 24, 2014 and on that date, by a vote of 29 in favor with one abstention, adopted a resolution recommending approval of this application, with the conditions that the Administration for Children's Services rehabilitate the roof play area to include new safety floor tiles and play equipment and that a tree be planted in the existing tree pit in front of the building.

Borough President Public Hearing

The Borough President held a public hearing on this application and on August 4, 2014 issued a recommendation to approve this application, with the following conditions:

1. That the Department of Citywide Administrative Services and/or the Administration for Children's Services enter into a twenty year lease for the building; improve the condition of the playground tiled surface; and coordinate the planting of a street tree in front of the building.

2. That the Administration endorse a policy of advancing sustainable and renewable resources and storm water management as part of long term lease renewals.

City Planning Commission Public Hearing

On July 23, 2014 (Calendar No. 3), the City Planning Commission scheduled August 6, 2014 for a public hearing for this application (C 140351 PQK). The hearing was duly held on August 6, 2014 (Calendar No. 8). Four speakers testified in favor of the application and none opposed.

A representative from the Administration of Children's Services (ACS) testified that the child care center provides services to 55 children and has been operating on this site for 40 years. Additionally, another representative from ACS testified that they have visited the building and found the roof to be in good condition. The roof tiles and gutters need regular maintenance which is done by the child care operator. A representative from the Shirley Chisholm 5 Advent Child Care Center testified that the roof of the building is in good repair and that the landlord is very responsive to maintenance and repair needs. A representative of the landlord testified that they check on the physical condition of the building frequently and that to their knowledge, the roof is in good condition.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the acquisition of property located on 265 Sumpter Street (Block 1520, Lot 51) by the Administration for Children's Services (ACS), and the Department of Citywide Administrative Services (DCAS), for continued use as a child care center, is appropriate.

The Commission notes that the site has been continually occupied by a child care center since 1973, providing much needed day care services for the children of the Ocean Hill Community. The day care center serves up to 55 children, providing meal service, supervised playtime, group interaction, socializing activities and education. An outdoor playground is available for use by the facility in addition to the rooftop play area. The facility is well served by public transportation, being in close proximity to the C subway line and numerous buses. The Commission further notes that the child care facility is located in an R6 zoning district where such uses are permitted as of right.

The Commission is pleased to receive testimony from ACS representatives as well as representatives of the child care center operator and the landlord that the facility, particularly the roof, is maintained in good condition. Furthermore, in a letter to the Department of City Planning dated August 15, 2014 ACS provided additional detail regarding the division of repair and maintenance responsibilities between the building owner and the tenant as well as ACS's Work Order Tracking System to manage building work needs. The Commission believes that the building and its roof are in good condition and properly maintained.

The Commission notes that ACS, in response to the Community Board and Borough President's, concerns, has submitted a request to the Parks Department that a tree be planted in the tree pit in front of the child care center. ACS has also expressed interest in exploring sustainable building practices such as green roofs or solar panels.

The Commission believes that the acquisition of this property will allow the existing child care center to continue to provide much needed educational, recreational, social and nutritional programs to the children of this community.

RESOLUTION

RESOLVED, that this application (C 140351 PQK) submitted by the Administration for Children's Services (ACS), and the Department of Citywide Administrative Services (DCAS), pursuant to Sections 197-c of the New York Charter, for the acquisition of property located at 265 Sumpter Street (Block 1520, Lot 51), for continued use as a child care center, Borough of Brooklyn, Community District 16, is approved.

The above resolution is duly adopted by the City Planning Commission on September 3, 2014 (Calendar No. 4), is filed with the Office of Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, *Chairman*
KENNETH J. KNUCKLES, *Esq., Vice Chairman*

RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, CHERYL COHEN EFFRON, JOSEPH I. DOUEK, BOMEE JUNG, ANNA HAYES LEVIN, ORLANDO MARIN, *Commissioners*

LARISA ORTIZ, *Commissioner, Abstaining*

Community/Borough Board Recommendation

Pursuant to the **U**niform **L**and **U**se **R**eview **P**rocedure

Application #: **C 140351PQK**	Project Name: **Shirley Chisholm 5 Advent CCC**
CEQR Number:	Borough(s): Brooklyn Community District Number(s): 16

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

1. 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 #C100000ZSQ"
   - **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"
2. 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 Services, pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 265 Sumpter Street (Block 1520, Lot 51) for continued use as a child care center.

Applicant(s):	**Applicant's Representative:**
Administration for Children's Services 150 Williams Street, 15th Floor New York, New York 10038	Mary Anne Szabo 212-341-0922
Department of Citywide Administrative Services 1 Centre Street-20th Floor South New York, New York 10007	Randy Fong 212-386-0618

Recommendation submitted by:

Brooklyn Community Board 16

Date of public hearing: June 24, 2014 **Location:** 444 Thomas S. Boyland Street

Was a quorum present? **YES** ☒ **NO** ☐ *A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.*

Date of Vote: June 24, 2014 **Location:** 444 Thomas S. Boyland Street

RECOMMENDATION

☐ Approve ☒ Approve With Modifications/Conditions

☐ Disapprove ☐ Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting

 # In Favor: 29 **# Against:** **# Abstaining:** 1 **Total members appointed to the board:** 47

Name of CB/BB officer completing this form	*Title*	*Date*
Bettie Kollock-Wallace	Chairperson	7/3/2014

EXPLANATION OF COMMUNITY BOARD # 16'S APPROVAL
FOR ULURP APPLICATION # C 140351PQK

By a majority vote, Community Board #16 approves the acquisition of property located at 265 Sumpter Street (Block 1520, Lot 51) for the continued use a child care center.

Community Board #16 requests that the Administration for Children's Services provide needed funds to rehabilitate the roof play area to include new safety floor tiles and play equipment.

In addition, Community Board #16 recommends that a tree be planted by the NYC Department of Parks and Recreation in an existing tree pit in front of 265 Sumpter Street.

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

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.