



## CITY PLANNING COMMISSION

February 3, 2016 / Calendar No. 4

C 150168 POK

**IN THE MATTER OF** an application submitted by the Administration for Children's Services, the Department for the Aging, 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 1175 Gates Avenue (Block 3331, Lot 25) for continued use as a child care center and senior center, Borough of Brooklyn, Community District 4.

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The application for acquisition of property was filed on November 14, 2014 by the Department for the Aging (DFTA), the Administration for Children's Services (ACS), and the Department of Citywide Administrative Services (DCAS) to facilitate the continued use of a senior center and daycare center, at 1175 Gates Avenue (Block 3331, Lot 25) in Bushwick, Community District 4, Brooklyn.

### **BACKGROUND**

The Department for the Aging (DFTA), the Administration for Children's Services (ACS), and the Department of Citywide Administrative Services (DCAS) seek the acquisition of a building located at 1175 Gates Avenue (Block 3331, Lot 25) for continued use as a senior center and daycare center. The facility has been operating at this location since 1972. On December 16, 1992 (C 920212 POK Cal. No 24) an application to acquire the facility was approved by the City Planning Commission for a term of up to 20 years. The lease on the property expired on July 31, 2014.

The property proposed to be acquired is a privately-owned, five-story building with a total floor area of 47,804 square feet. The Roundtable Senior Center occupies 17,599 square feet on the third, fourth, and fifth floors. The LSSMNY Early Life Center 9 occupies 30,205 square feet of the cellar, first and second floors, and has a play area on the roof of the building.

Roundtable Senior Center provides services to senior citizens 60 years of age or older and is open daily from 8:00 am to 7:00 pm, Monday through Friday. Over 300 seniors are members of the center, and an average of 100 seniors use the center daily. On average, the facility

provides 25 breakfasts and 80 lunches per day as well as an array of recreational programs that promote health, fitness, the arts, and technology. In addition, the Center has programming for victims of elder abuse and seniors with dementia and provides assistance with basic social service needs, such as applying for entitlement programs.

The senior center has a lobby, TV lounge, activity room, and social worker offices on the third floor of the building. The fourth floor has a computer room, art room, game room, three activity rooms, and offices. The fifth floor has a kitchen and large dining hall. Members, staff, and visitors enter the facility through an entrance at grade located on Gates Avenue. An elevator is located near the building's entrance in order to accommodate members with wheelchairs or other physical disabilities.

The LSSMNY Early Life Center 9 child care center occupies 30,205 square feet of the cellar, first and second floors of the building. The cellar floor contains a multi-purpose room used as a play area. The first floor contains one universal pre-Kindergarten (UPK) 4 year-old classroom, two classrooms for 3 year-olds, four offices, and one kitchen. The second floor contains three UPK classrooms serving 4 year-olds, and 1 classroom for 2 year-olds. There are three play areas located on the roofs above the first, second and fifth floors, totaling 7,664 square feet.

The child care center serves up to 113 children, 89 pre-school children (ages 3-5) and 24 toddlers (ages 2-3) daily, between the hours of 8am and 6pm Monday through Friday. The center provides daily meal service (breakfast, lunch and snack), supervised playtime (indoor and outdoor), and education focused on physical, cognitive, social, and emotional development. The child care center staff consists of 27 professionals, para-professionals, and support staff.

The site is located in an R6 zoning district which allows day care and senior centers as-of-right. The surrounding area is generally developed with two to three-story rowhouses and four to six-story pre-war apartment buildings. The site is two blocks north of the Gates Avenue subway station (J, Z trains) and Q24 bus stop and directly adjacent to the B52 bus stop. Broadway, two blocks south, is a thriving commercial corridor.

## **ENVIRONMENTAL REVIEW**

The application (C 150168 PQQ) 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 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 150168 PQQ) was certified as complete by the Department of City Planning on September 8, 2015 and was duly referred to Community Board 4 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**

Community Board 4 held a public hearing on this application (C 150168 PQQ) on October 21, 2015 and on November 18, 2015, by a vote of 28 in favor, none opposed, and one abstaining, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application (C 150168 PQQ) was considered by the Borough President, who issued a recommendation approving the application on December 15, 2015. The Borough President recommended the following provisions for lease renewal:

1. That DCAS negotiate a 10-year lease with two five-year renewal terms and a provision for the right of refusal if the property is marketed for sale.
2. That DCAS work with DPR and DOT to implement streetscape improvements such as tree planting and street furniture.

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

On December 16, 2015 (Calendar No. 1), the City Planning Commission scheduled January 4, 2016 for a public hearing on this application (C 150168 PQQ). The hearing was duly held on January 4, 2016 (Calendar No. 1). There were six speakers in favor and none opposed.

A representative from the ACS Early Care and Education Division spoke in favor of the application. She described how the results of ACS' forthcoming needs assessment corroborate continued need for a child care center at this location. She also explained that the center is currently at 96% utilization for toddlers and 62% utilization for preschool children. To reach full capacity in the long-term, the center plans to "age-down" or transition toward enrolling younger students. A representative from the ACS Facilities Division also spoke in favor of the project.

A representative from the DFTA Facilities' Management Division spoke in favor of the application and described the senior center as a great resource to the community that DFTA hopes will stay in operation for many years to come. The Director of the Roundtable Senior Center for the Ridgewood Bushwick Senior Citizens Council also spoke in favor of the project, describing the facility's programs and services and the evolving economic conditions of the area's senior population.

Two representatives from DCAS' Leasing Division spoke in favor of the application, providing the status of lease negotiations. DCAS confirmed that they are currently negotiating a 5-year lease term, but will pursue renewal options as well, per the Borough President's recommendation. In response to the Borough President's recommendation to include a right of first refusal clause in the lease, DCAS explained that they review properties for purchase on a per transaction basis and in this case they have no reason to believe that the landlord has intent to sell.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the application for acquisition of City-owned property for continued use as a day care center and senior center, located at 1175 Gates Avenue (Block 3331, Lot 25) is appropriate.

The Roundtable Senior Center and LSSMNY Early Life Center 9 have utilized the space continuously since 1972, serving the community by providing day care services for children and recreational and social service programming for seniors. The use is permitted as-of-right in an R6 district. The site is well-served by transit. It is two blocks north of the Gates Avenue subway station (J, Z trains) and Q24 bus stop and directly adjacent to the B52 bus stop.

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 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 effective in resolving maintenance issues and the Commission believes it should continue to have an oversight role in direct lease day care facilities.

The Commission is also aware that ACS is currently conducting a needs assessment that will be finalized shortly and that no decision has yet been made concerning the long term future of this facility, which is why the lease term proposed is of a short, 5-year duration. 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 five 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, the Department for the Aging, and the Department of Citywide Administrative Services, pursuant to 197-c of the New York City Charter, for the acquisition of property located at 1175 Gates Avenue (Block 3331, Lot 25) for continued use as a child care center and senior center, is approved for a period of five years.

The above resolution (C 150168 PQQ), duly adopted by the City Planning Commission on February 3, 2016 (Calendar No. 4), 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.

**CARL WEISBROD**, *Chairman*

**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,**

**MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,**

**CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,**

**ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*



**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 #:** EARLY LIFE CENTER 9/ ROUNDTABLE SENIOR CENTER – 150168 PQK

In the matter of the application, submitted by the Administration for Children's Services (ACS), Department for the Aging (DFTA) and Department of Citywide Administrative Services (DCAS), requests the acquisition of property located at 1175 Gates Avenue within the Bushwick section of Brooklyn Community District 4. Approval will facilitate a lease renewal, for a five year term, to ensure continued provision of childcare services and senior center services.

COMMUNITY DISTRICT NO. 4

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

\_\_\_\_\_  
BOROUGH PRESIDENT

December 15, 2015

\_\_\_\_\_  
DATE

**RECOMMENDATION FOR EARLY LIFE CENTER 9/ ROUNDTABLE SENIOR CENTER –  
150168 PQK**

The Administration for Children's Services (ACS), Department for the Aging (DFTA) and Department of Citywide Administrative Services (DCAS), request the acquisition of property located at 1175 Gates Avenue within the Bushwick section of Brooklyn Community District 4. Approval will facilitate a lease renewal, for a five year term, to ensure continued provision of childcare services and senior services at this location.

On November 5<sup>th</sup>, 2015, the Borough President held a public hearing on the acquisition request. There were no speakers on this item.

The representative for ACS stated that this subsidized early learn childcare program is contracted for 113 seats which includes 24 seats for toddlers ages two to three and 89 seats for preschoolers ages three to five. The requirements for eligibility to the program are 200% below poverty level and adequate reason for care needs.

The representative for DFTA stated that this center serves about 100 persons per day. Outreach is done through local churches, housing programs, and local newspapers as well as word of mouth between the community's seniors.

The Borough President is concerned that city lease terms are not as long as they have been in the past, placing much needed neighborhood facilities like this one at risk for displacement. In response, the representative for ACS stated that this is a five year lease, a term that has been put in place by the prior administration in order to match the length of existing contracts at the time. Since this lease has been in place, the agreement is moving forward as both ACS and DCAS have not been able to change the term for some time. However, the new administration is moving towards longer lease terms and moving forward both ACS and DCAS expect longer lease terms for these types of neighborhood facilities. The DCAS representative stated that their focus at this time is to move forward with the five year term for the diligent purposes of securing a stabilized real estate situation with this landlord. Taking into consideration this building's location within a primarily residential neighborhood, the services provided and the landlord's interest in continued provision of such services, DCAS believes that there is opportunity in the very near future to continue under an extended lease term. DCAS assures that before the five year term is up, they will begin dialogue with the landlord in order to secure a longer lease term. The representative for DCAS will report back to the Borough President with any updates on such efforts.

In response to the Borough President's interest in furthering beautification of the streetscape fronting this building, the representative for DCAS informed that the lease document, given the duration, structure, and monetary value of the lease, is not an appropriate document to call for streetscape improvements. Using the lease as a document to do so would suggest that the lease is conditioned upon streetscape improvements and this is not the case with this particular ownership. In addition, street improvements typically involve a lengthy approval and construction process, conditioning the lease on such improvement would result in a delay to the actual lease renewal. Streetscape improvements could also prove challenging in this particular location as the bus stop is located directly outside of the center. If the agencies and the community are interested in creating the suggested improvements along the street, such efforts should involve the Department of Parks and Recreation (PDR) and the Department of Transportation (DOT). As such improvements are not governed by DCAS, DCAS is not in the position to make commitments

they cannot control. However, DCAS is happy to provide assistance to the agencies in facilitating dialogue with DPR and DOT to further streetscape improvements.

In response to the Borough President's interest in promoting locally-based hiring, the ACS representative stated that all hiring is done by the Early Learn Contracting Agency's board and senior leadership. ACS encourages that centers reach out to the Day Care Council of New York and similar entities to ensure quality hires. The childcare center performs outreach through local education programs of nearby colleges and institutes, including CUNY and SUNY schools. All positions within the center are also advertised through local community outreach. DFTA stated that the senior center reaches out to the local neighborhood when positions arise.

### **Considerations**

Community Board 4 (CB 4) unanimously voted to approve this application without conditions.

The facilities on this site have been operated by ACS and DFTA since the early 1970s. The childcare and senior center facilities are housed in a five story building which contains approximately 47,800sf of floor area, including three rooftop play areas. The center is conveniently accessible by multiple modes of public transportation, including the J, M, Z trains and Q24 and B52 buses. Through this acquisition and lease renewal, up to 113 children and over 200 seniors are expected to continue receiving services that promote education, social wellbeing and physical health.

The building was specifically design for childcare services. The childcare center occupies approximately 30,200 sf of the building, spread over the cellar and first and second floors as well as three rooftop play areas above the cellar, first floor, and fifth floor. The center provides a variety of activities, programs, and services such as meal service, supervised playtime and education. The childcare program staff consists of 27 professional, para-professional and support staff.

The senior center occupies approximately 17,600 sf of the building, spread over the third, fourth, and fifth floors. The center provides a meal service, serving about 25 breakfasts per day and 80 lunches per day. In some cases, the meal that seniors receive at the center will be the only hot meal they will receive all day. The center also provides social services, application assistance and social activities which consist of a wide range of educational and recreational programs and activities for the seniors, including health promotion and nutrition education. The senior center staff consists of approximately 40 employees.

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 113 children and 200 seniors will be able to continue receiving full-time educational and social programs.

In addition, this center serves an important role in the local economy by generating 67 local jobs. The continuation of this center will not only secure its current workforce, it will continue to enable the parents of the enrolled children 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 and senior community members to have easy access to community amenities such as daycare and senior services to take advantage of their locally-based facilities. He suggests that, as part of its outreach process,

Early Life Center 9 and Roundtable Senior Center consult with CB 4 and local elected officials to reach as many locally-based families as possible.

Though the Borough President is generally supportive of the proposed acquisition and lease renewal, he has concerns regarding the duration of the lease. Furthermore, he believes there are opportunities to improve the quality of the space fronting this center.

### **Lease Duration**

The Borough President is very adamant about protecting and preserving critical community space for the Brooklyn's young and young at heart, and is concerned about the short term leases for such facilities. As more areas of Brooklyn become magnets for real estate development, the Borough President is concerned that landlords might elect to pursue potentially more lucrative uses resulting in discontinuing use as child care and senior centers. The Borough President 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 new property owner of the Swinging Sixties Senior Center has recently attempted to displace the center – which has served the community for decades – for redevelopment opportunities that would without a doubt prove more lucrative. While the long-standing 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 the Borough President's policy for the City to secure fair lease-renewal terms which allow the City the ability to secure terms no less than ten years, inclusive of multiple shorter term leases and the right for renewal of the lease for an additional ten year term. Such term with multiple shorter term renewals allow landlords to facilitate building improvements 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 the community's partner, through securing facilities for such much needed programming. Whether provided directly through the City or through non-profits, the Bushwick community has a legitimate need for supportive services that work to enhance the lives of area residents.

The Borough President remains disappointed that nearly two years into the mayoral Administration actions taken by the previous Administration remain in place to dictate shorter term leases. He supports the efforts of ACS and DCAS to renegotiate for a longer term once the lease renewal is secured. He believes that a long-term lease guarantees that Friends of Crown Heights 26 Child Care Center would not fall victim to discretionary profit-seeking actions by the landlord and ensure the facility remain a community benefit for decades to come. Should DCAS be unsuccessful in negotiating a longer lease renewal provision, it should seek the inclusion of a provision for the right of first refusal within the lease if the property is marketed for sale.

### **Streetscape Improvement**

The Borough President's policy is to make neighborhoods more welcoming for the pedestrian through various street beautification and traffic calming measures that make streets safer, more aesthetically appealing, and create a sense of place. He believes that sidewalks with nominal landscaping are potential resources that should be transformed through planting additional trees, providing street planters, and/or street seating. Additional tree pits and planters provide tangible environmental benefits through

rainwater collection and improve air quality and appropriate placement of street furniture and street trees is important for the elderly as well as adults with small children as it provides for resting and socializing within a shaded, more welcoming, quality outdoor space. The Borough President supports the DOT's CityBench program and Downtown Brooklyn Partnership's Street Seats program. These programs aims to bring seating to areas where there are few options for resting, aiding the elderly and disabled, prioritizing areas around bus stops and those with high concentrations of senior citizens.

The Borough President believes that there may be opportunities for improving the quality of space fronting the center, especially considering there is a bus stop directly outside of the building. Some of the suggested improvements may include: introducing street trees with tree guards and tree pit plantings; providing street planters and/or street furniture; and/or creating a green wall along the façade of the building.

DCAS should consider which of these enhancements might be best achieved and/or maintained by the landlord pursuant to the lease agreement. Installation of the trees or planters would need to be coordinated with the DPR and DOT. Street furniture should be coordinated by DOT, utilizing the CityBench and Street Seats programs, which recently received additional funding to further their efforts throughout the city. All such enhancements should be considered in consultation with CB 4 and local elected officials. The Borough President encourages the agencies to reach out to his office for any help opening the dialogue with DOT or DPR and further coordinating on this matter.

### **Recommendation**

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 the land use action requested.

Be it further resolved that:

1. That soon after the execution of the lease, the Department of Citywide Administrative Services commence negotiate with the landlord in order to:
  - a. secure a right for renewal of the lease for an additional 10 year term, with two five year renewal terms and;
  - b. include a provision of the right of first refusal within the lease if the property is marketed for sale.
2. That the Department of Parks and Recreation give consideration to providing tree pit enhancements and/or additional street trees and/or plantings, and the Department of Transportation provide curb side seating, both in consultation with Community Board 4 and local elected officials.