



CITY PLANNING COMMISSION

February 24, 2016 / Calendar No. 8

C 150171 PQQ

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 20 Sutter Avenue (Block 3531, Lot 23) for continued use as a child care center, Borough of Brooklyn, Community District 16.

The application for acquisition of property was filed on November 20, 2014 by the New York City Administration for Children's Services (ACS) and the Department of Citywide Administrative Services (DCAS) to facilitate the continued use of a daycare center, at 20 Sutter Avenue (Block 3531, Lot 23) in the Brownsville section of Community District 16, Brooklyn.

BACKGROUND

The Administration for Children's Services (ACS) and the Department of Citywide Administrative Services (DCAS) seek the acquisition of a building located at 20 Sutter Avenue (Block 3531, Lot 23) for continued use as a daycare center. The facility has been operating at this location since the early 1970s. On December 18, 1991 (C900912PQK, Cal. No. 28) 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 January 6, 2014.

The property proposed to be acquired is a privately-owned, two-story building with 10,819 square feet of interior space and 3,024 square feet of exterior space on the roof. The Friends of Crown Heights 26 child care center occupies the cellar, first, and second floors of the building. The cellar floor contains three after-school classrooms and a multi-purpose room. The first floor contains four pre-school classrooms. The small second floor contains a staff lounge. The roof play area is located above the second floor.

The child care center serves up to 74 pre-school children and 60 school age children daily. The pre-school program runs from 8am to 6pm Monday through Friday and the after-school program runs from 2pm to 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 24 professionals, para-professionals, and support staff.

The site is located in an R6 zoning district with a C1-3 commercial overlay which allows day care centers as-of-right. The surrounding area is generally developed with one and two family houses and multi-family residential buildings. The site is one block east of the Sutter Avenue-Rutland Road subway station (3 train) and is served by the B12, B14, B15, and B46 buses. Sutter Avenue and East 98th Street, one block east, are active commercial corridors.

ENVIRONMENTAL REVIEW

The application (C 150171 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 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 150171 PQK) was certified as complete by the Department of City Planning on October 5, 2015 and was duly referred to Community Board 16 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 16 held a public hearing on this application (C 150171 PQK) on October 27, 2015 and, on that date, by a vote of 22 in favor, none opposed, and none abstaining, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 150171 PQK) was considered by the Borough President, who issued a recommendation approving the application on November 30, 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 DOT to implement street improvements such as bulb-outs at the intersection adjacent to the daycare center.

City Planning Commission Public Hearing

On January 6, 2016 (Calendar No. 1), the City Planning Commission scheduled January 20, 2016 for a public hearing on this application (C 150171 PQQ). The hearing was duly held on January 20, 2016 (Calendar No. 1). There were three speakers in favor and none opposed.

A representative from the Department of Citywide Administration's 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 stated that it will pursue other renewal options as well, as recommended by the Borough President. DCAS also stated that the landlord has agreed to perform routine maintenance and repairs at the facility prior to lease execution.

A representative from the ACS Early Care and Education Division spoke in favor of the application, stating that the results of ACS' forthcoming needs assessment corroborate the continued need for a child care center at this location. She also explained that there is currently a 91% utilization rate at this facility. A representative from the ACS Facilities Division also spoke in favor of the project.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the acquisition of City-owned property for continued use as a day care center, located at 20 Sutter Avenue (Block 3531, Lot 23), is appropriate.

A day care center has occupied this space continuously since the early 1970s, serving the community by providing needed services for the community. The use is permitted as-of-right

in an R6 district. The site is well-served by transit. It is one block east of the Sutter Avenue-Rutland Road subway station (3 train) and is served by the B12, B14, B15, and B46 buses.

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 20 Sutter Avenue (Block 3531, Lot 23) for continued use as a child care center, is approved for a period

of five years.

The above resolution (C 150171 POK), duly adopted by the City Planning Commission on February 24, 2016 (Calendar No. 8), 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*



E-mail/ Fax transmittal

TO: Community District 16 Distribution	FROM: Borough President Eric L. Adams
DATE: 11-30-15	CONTACT: Olga Chernomorets – Land Use Coordinator Phone: 718-802-3751 E-Mail: ochernomorets@brooklynbp.nyc.gov
ULURP Recommendation: FRIENDS OF CROWN HEIGHTS 26 CHILD CARE CENTER – 150171 PQK	NO. Pages, Including Cover: 6

Attached is the recommendation report for ULURP application 150171 PQK.
If you have any questions, please contact Olga Chernomorets at 718-802-3751.

Distribution

NAME	TITLE	OFFICE	E-MAIL
Carl Weisbrod	City Planning Commission Chair	212-720-3356	ygruel@planning.nyc.gov
Hon. Melissa Mark-Viverito	City Council Speaker	212-788-7207	mviverito@council.nyc.gov
Winston Von Engel	DCP – Director Brooklyn	718-780-8280	wvoneng@planning.nyc.gov
Anna Slatinsky	DCP – Deputy Director Brooklyn	718-780-8280	aslatin@planning.nyc.gov
Jackie Harris	DCP – Director of Land Use Review	212-720-3356	jharris@planning.nyc.gov
Raju Mann	Director City Council Land Use Division	212-788-7207	rmann@council.nyc.gov
Amy Levitan	City Council Land Use Division	212-788-7207	alevitan@council.nyc.gov
Darlene Mealy	Council Member- D 41	718-373-9673	dmealy@council.nyc.gov
Bettie Kollack Wallace	Chair- CB 16	718-385-0323	bk16@cb.nyc.gov
Viola Greene-Walker	District Manager – CB 16	718-385-0323	bk16@cb.nyc.gov
Randal Fong	Department of Citywide Administrative Services	212-386-0618	rfong@dcas.nyc.gov
Ana Colares	Administration for Children's Services	212-341-4810	ana.colares@acs.nyc.gov
Alyson Grant	Administration for Children's Services	212-393-5103	alyson.grant@acs.nyc.gov
Richard Bearak	Director – Land Use	718-802-4057	rbearak@brooklynbp.nyc.gov

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 26 CHILD CARE CENTER – 150171 PQK

In the matter of the application, submitted by the Administration for Children's Services (ACS) and Department of Citywide Administrative Services (DCAS), requesting the acquisition of property located at 20 Sutter Avenue, the Bushwick section of Brooklyn Community District 16. Approval will facilitate a lease renewal, for a five year term, to ensure continued provision of childcare services.

COMMUNITY DISTRICT NO. 16

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BOROUGH PRESIDENT

November 30, 2015

DATE

**RECOMMENDATION FOR FRIENDS OF CROWN HEIGHTS 26 CHILD CARE CENTER –
150171 PQK**

The Administration for Children's Services (ACS) and Department of Citywide Administrative Services (DCAS), request the acquisition of property at 20 Sutter Avenue within the Bushwick section of Brooklyn Community District 16. Approval will facilitate a lease renewal, for a five year term, to ensure continued provision of childcare services at this location.

On November 5th, 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 there are 74 contracted preschool seats. This is a child care program and requires eligibility of 200% below the poverty level, with reason for care. Current enrolment is at 88%, with nine vacancies.

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 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 concern for street safety given this facility's corner location, along a busy street, within close proximity to the train station, the representative for ACS stated that they support any effort that will improve safety for children and families. ACS is happy to collaborate with the Borough President and relevant agencies in order to promote the Borough President's Connecting Residents on Safer Streets (CROSS) Brooklyn initiative and other mechanisms to make this intersection safer for everyone. The Borough President's Office will reach out to the Department of Transportation (DOT) in order to open the dialogue on this matter to determine eligibility for funding.

In response to the Borough President's interest in promoting locally-based hiring, the ACS representative stated that the day care center reaches out to local education programs of nearby colleges and institutes. ACS encourages that day care centers reach out to the Day Care Council of New York and similar entities. All positions within the center are also advertised through local community outreach.

Considerations

Community Board 16 (CB 16) unanimously voted to approve this application without conditions.

The facilities on this site have been operated by ACS since the early 1970s. The childcare facilities are housed in a two-story privately owned building which contains approximately 13,850 sf of floor area, including approximately 3,000 sf of rooftop play area. The center is conveniently accessible by multiple modes of public transportation, located only a block from the Sutter Avenue-Rutland Road stop on the 3 train, and the B12 and B15 bus stops. Through this acquisition and lease renewal, up to 74 preschoolers and 60 school-age children are expected to continue receiving services that promote education, social wellbeing and physical health.

The above-grade floors contain classroom and activity spaces for preschoolers and the basement contains three afterschool classrooms. The roof is accessible for all children. The center provides a variety of activities, programs, and services such as meal service, supervised playtime and education. The childcare program staff consists of approximately 24 professional, para-professional and support staff.

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 134 children 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 24 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 to have easy access to community amenities such as daycare services to take advantage of their locally-based facilities. He suggests that, as part of its outreach process, the Fiends of Crown Heights 26 Child Care Center consult with CB 16 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 street safety.

Lease Duration

The Borough President is 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 Brownsville 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.

Advancing Vision Zero Policies

The Borough President is a supporter of the Mayor's Vision Zero strategy. One component of Vision Zero is to extend sidewalks into the roadway as a means of shortening the path where pedestrians cross in front of traffic lanes. These sidewalk extensions, also known as bulb-outs or neck-downs, make drivers more aware of pedestrian crossings and encourage drivers to slow down at intersections where pedestrians are present. It is the Borough President's policy to support DOT's Safe Routes for Seniors/to School programs. One component of these programs is for DOT to install traffic calming infrastructure, like bulb-outs or neck-downs at intersections where senior citizen centers and/or child daycare centers exist, to improve safety.

In 2015 the Borough President also launched his own initiative, Connecting Residents on Safer Street, or CROSS Brooklyn. This program supports the creation of curb extensions or bulb-outs at dangerous intersections in Brooklyn. During the program's first year, one million dollars was allocated to fund five dangerous intersections in Brooklyn. By installing more bulb-outs or neck-downs, seniors and children will benefit because more of their commute will be spent on sidewalks, especially near dangerous intersections. At the same time, all users of the roadway will benefit from a safer street. These improvements should be coordinated with DOT to first locate improvements at high crash locations and around schools and senior centers. In addition, improvements should be coordinated with the expansion of slow zones and to further installation of countdown clocks, at signalized intersections.

The Borough President believes that ACS should coordinate construction of these curb extensions with DOT, in consultation with CB16 and local elected officials. The Borough President encourages ACS to reach out to his office for any help opening the dialogue with DOT 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 Administration for Children's Services coordinate with the Department of Transportation, in consultation with Community Board 16 and local elected officials, to have bulb-outs constructed at the intersection adjacent to the Friends of Crown Heights 26 Child Care Center.