CITY PLANNING COMMISSION

February 3, 2016/ Calendar No. 5 C 150262 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 2960 West 27th Street (Block 7052, Lot 34), for continued use as a child care center, Borough of Brooklyn, Community District 13.

The application for acquisition of property was filed on February 19, 2015 by the Administration for Children's Services (ACS), and the Department of Citywide Administrative Services (DCAS), to facilitate the continued use of 2960 West 27th Street as a child care center, in Community District 13 of the Borough of Brooklyn.

BACKGROUND

The Administration for Children's Services (ACS), and the Department of Citywide Administrative Services (DCAS) seeks the acquisition of property located at 2960 West 27th Street (Block 7052, Lot 34) to facilitate the continued use of the Coney Island Head Start 1 child care center. ACS and its predecessor agency, Human Resources Administration (HRA), have operated a child care center at 2960 West 27th Street since 1974. Initially, the site was owned by New York State, passed to quasi-private ownership in 1989 and was sold to a private entity in 2004. The City's tenancy continues under an executed License Agreement which does not have an expiration date, rather it continues until either party terminates the agreement or a lease is negotiated following an exercise of the Lease option provided in the Agreement.

The premises to be acquired is a portion of the ground floor of a 22-story privately-owned apartment complex at 2960 West 27th Street. The child care center occupies approximately 7,100 square feet of interior space and 5,100 square feet of outdoor at-grade play area. The facility includes four classrooms, three offices, one staff room, two pantries and a large kitchen.

The Coney Island Head Start 1 serves up to 74 preschoolers between the ages of 34 months and 5 years. Pre-school children may attend the program full time from 8am to 6pm Monday through Friday. The children are taken to and from the center by their parents, enabling the parents to work,

attend school, or acquire vocational training. 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. They include meal service, supervised playtime, group interaction and socializing activities, and educational instruction. 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 nineteen professional, para-professional, and support staff.

The site is located in an R6 zoning district with C1-2 overlay along Mermaid Avenue on the northern portion of the block. The surrounding land uses include New York City Housing Authority towers, private multi-family apartment buildings, senior care facilities, public facilities, a playground, and one-story retail along Mermaid 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 the Coney Island-Stillwell Avenue subway station (D, F, N, Q lines) approximately three-quarters of a mile away and two bus routes serving the area.

ENVIRONMENTAL REVIEW

The application (C 150262 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 150262 PQK) was certified as complete by the Department of City Planning on September 8, 2015, and was duly referred to Community Board 13 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 13 held a public hearing on November 18, 2015 and on that date, by a vote of 27 in favor, adopted a resolution recommending approval of this application.

Borough President Public Hearing

The Borough President held a public hearing on this application and on December 15, 2015 issued a recommendation to approve this application. The Borough President recommended the following provisions for lease renewal:

1. That the Department of Citywide Administrative Services commence negotiations with the landlord in order to a) secure a right to 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.

City Planning Commission Public Hearing

On December 16, 2015 (Calendar No. 2), the City Planning Commission scheduled January 4, 2016 for a public hearing for this application (C 150262 PQK). The hearing was duly held on January 4, 2016 (Calendar No. 2).

There were four speakers who testified in favor of the application and none opposed. The first speaker was representative from the Administration of Children's Services (ACS) who stated that the child care center currently provides services to 71 children, and has been operating on this site since 1973. The speaker also stated that the lease expired last year, and that the ACS facilities coordinator is working with the landlord to undertake minor renovations before the lease is renewed. The representative also stated that the facility was renovated after Hurricane Sandy, that funds remain for future mitigation measures and that the facility has evacuation and emergency plans, as is required by City regulations.

Another representative from ACS reiterated that the facility was renovated after Hurricane Sandy that there is a security camera at the kitchen egress.

A representative from the Department of Citywide and Administrative Services (DCAS) stated that the ability for the City to purchase the facility is highly unlikely, given its location at the base

of a privately-owned residential tower and that the terms of the proposed lease have been agreed upon, but that the lease has not yet been executed.

A representative from ACS stated that there was no prior application for acquisition of this facility, because the site was originally owned by the State, which is exempt from the ULURP process.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the acquisition of property located on 2960 West 27th Street (Block 7052, Lot 34), for continued use as a child care center, is appropriate.

The site has been continually occupied by a child care center since the 1970s, providing much needed day care services for the children of the Coney Island neighborhood. The day care center serves up to 88 children, providing meal service, supervised playtime, group interaction, socializing activities and education. An at-grade outdoor play area is available for use by the facility. The facility is well served by public transportation, being located three-quarters of a mile from the Coney Island-Stillwell Avenue station and served by two bus routes. The Commission further notes that the child care facility is located in an R6 zoning district where such uses are permitted as of right.

It should be noted that the Commission previously imposed restrictions on the use of 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 (C 150262 PQK) submitted by the Administration for Children's Services, and the Department of Citywide Administrative Services, pursuant to Sections 197-c of the New York Charter, for the acquisition of property located at 2960 West 27th Street (Block 7052, Lot 34), for continued use as a child care center is approved for a period of five years.

The above resolution (C 150262 PQK), is duly adopted by the City Planning Commission on February 3, 2016 (Calendar No. 5), 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, MICHELLE DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISSA ORTIZ *Commissioners*

NYCPLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 150262PQX**	Project Name: **Coney Island Family Head Start #1**
CEQR Number:	Borough(s): Brooklyn Community District Number(s): 13

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 Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 2960 West 27th Street (Block 7052, Lot 34) for use as a child care center.

Applicant(s):	Applicant's Representative:
Administration for Children's Services 150 William Street, 13th floor NY, NY 10038	Ana Colares 212-341-4810
Department of Citywide Administrative Services 1 Centre Street 20th floor South NY, NY 10007	Randal Fong 212-386-0618

Recommendation submitted by:

Date of public hearing: 11-18-2015 Location: Coney Island Hospital 2601 Ocean Pkwy Brklyn NY 11235

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: Nov. 18, 2015 Location:

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: 27 # Against: 0 # Abstaining: 0 Total members appointed to the board: 47

Name of CB/BB officer completing this form	Title	Date
Stephen Moran bs	Chairperson	11-19-2015

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 #: CONEY ISLAND HEAD START #1 – 150262 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 2960 West 27th Street, the Coney Island section of Brooklyn Community District 13. Approval will facilitate a lease renewal, for a five year term, to ensure continued provision of childcare services.

COMMUNITY DISTRICT NO. 13 BOROUGH OF BROOKLYN

RECOMMENDATION

☒ APPROVE
☐ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric Adams

BOROUGH PRESIDENT

December 15, 2015

DATE

RECOMMENDATION FOR CONEY ISLAND HEAD START #1 – 150262 PQK

The Administration for Children's Services (ACS) and Department of Citywide Administrative Services (DCAS), request the acquisition of property at 2960 West 27th Street within the Coney Island section of Brooklyn Community District 13. 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, serving children three to five years old. The four year olds at this program are all part of PreK for All. As of last week the program is at 89% and there are eight seats available.

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 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 13 (CB 13) 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 on the first floor of a 22-story privately-owned apartment complex, encompassing approximately 7,100 sf, with an at-grade play area of approximately 5,100 sf. The center is conveniently accessible by multiple modes of public transportation, located only a block from the B36 and B74 bus stops and the Coney Island-Stillwell Avenue station on the B, D, F, N, and Q lines is about three quarter of a mile away. Through this acquisition and lease renewal, up to 88 preschoolers are expected to continue receiving services that promote education, social wellbeing and physical health.

This building was specifically design for childcare services. The center includes four classrooms, three offices, one staff room, two pantries, and a large kitchen. The floors above the center contain residential apartments. The center provides a variety of activities, programs, and services such as meal service, group interaction and socializing activities, and education. The childcare program staff consists of approximately 19 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 88 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 19 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 Coney Island Family Head Start #1 consult with CB 13 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.

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 Coney Island 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.

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 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.