



**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 963 Park Place (Block 1235, Lot 58) for continued use as a child care center, Borough of Brooklyn, Community District 8.

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This application for acquisition of property was filed on June 1, 2016 by the Administration for Children’s Services (ACS) and the Department of Citywide Administrative Services (DCAS) to facilitate the continued use of property located at 963 Park Place (Block 1235, Lot 58), in Brooklyn Community District 8, as a child care center.

**BACKGROUND**

ACS and DCAS are seeking the acquisition of property to facilitate the continued operation of the Friends of Crown Heights 16 child care center, in the Crown Heights neighborhood of Brooklyn. This site has been used to provide child care since 1976, and was the subject of a previous acquisition, approved by the City Planning Commission on March 1, 1995 (C 930294 PQK, Cal No. 13). The previous lease expired and the facility has operated since then under a month-to-month license agreement. The proposed action would allow the negotiation of a new lease.

The project site is located in an R6 zoning district, which allows day care centers as-of-right. The surrounding land use is predominantly residential, with one- and two-family as well as multi-family buildings. There are several community facility uses nearby, including the Brooklyn Children’s Museum, located one block to the east. The project area is well-served by public transportation. The “3” subway line runs along Eastern Parkway, approximately five blocks from the project site, and is accessible from stations at Kingston Avenue and at Nostrand Avenue. The B43, B44, B45 and B65 bus lines also run within a few blocks of the facility.

The facility is located on a privately-owned lot on Park Place between New York Avenue and Brooklyn Avenue. The one-story building sits on a 10,275-square-foot lot, and includes a total floor area of 12,300 square feet, all of which is used by the day care center.

The Friends of Crown Heights 16 child care center serves up to 80 preschool-aged children. Preschoolers may attend the program full-time, from 8 am to 6 pm, Monday through Friday. The center provides daily meal service (breakfast, lunch, and a snack), supervised playtime (indoor and outdoor), and education focused on developmentally appropriate practices to enhance children's physical, cognitive, social, and emotional development. The center is staffed by 18 professional, paraprofessional, and support staff.

### **ENVIRONMENTAL REVIEW**

This application (C 160363 PQK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the 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 Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is ACS. This application was determined to be a Type II action, which requires no further environmental review.

### **UNIFORM LAND USE REVIEW**

This application (C 160363 PQK) was certified as complete by the Department of City Planning on May 21, 2018, and was duly referred to Brooklyn Community Board 8 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**

Brooklyn Community Board 8 held a public hearing on this application (C 160363 PQK) on June 14, 2018, and on June 14, 2018, by a vote of 29 in favor, none opposed, and two abstaining, the board adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

The Brooklyn Borough President held a public hearing on this application (C 160363 PQQ) on July 11, 2018 and issued a recommendation approving the application on August 3, 2018.

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

On August 8, 2018 (Calendar No. 4), the City Planning Commission scheduled August 22, 2018 for a public hearing on this application (C 160363 PQQ). The hearing was duly held on August 22, 2018 (Calendar No. 39). Two speakers testified in favor of the application.

A representative from ACS's Division of Child and Family Well-Being spoke in favor of the application, describing the facility's physical space and stating that the facility has a budgeted capacity of up to 80 children and is presently 75 percent enrolled. The representative also explained that the metal bars fronting the windows would be removed as part of the work to upgrade the building and that ACS is collaborating with other city agencies to enhance the design. While the rooftop play area is closed for renovations, the representative explained that children play in neighborhood parks, the multi-purpose room and an outdoor area in the building's rear yard. A representative from ACS's Facilities Division and DCAS's Leasing and Real Estate Services Group elaborated further that the rooftop play area is closed due to leaking.

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 963 Park Place (Block 1235, Lot 58), is appropriate.

A day care center has occupied this space continuously since the 1970s, serving the community by providing much-needed services. There are currently 80 children enrolled in the center's program. The center provides daily meal service and supervised play time, and educates the children as part of the Early Learn and Universal Pre-K programs. The day care also gives parents of enrolled children time to work or attend school. The use is permitted as-of-right in the

R6 district. The site is well-served by public transit, located near several bus lines and within five blocks of two subway stations.

The facade of the building is generally welcoming, with some greenery and good signage. The Commission notes the importance of ensuring that the façades of these facilities are warm and inviting in light of their role as critical neighborhood resources. While outside the scope of the actions directly before it, the Commission encourages DCAS and ACS to pursue additional streetscape and façade improvements to improve the center's appearance, such as by removing the metal bars on the entrance and windows, making it a more welcoming and attractive neighborhood asset that better engages and activates the streetscape.

The Commission notes that this facility does not have a fire sprinkler system, and urges ACS to explore installing fire control sprinklers in its day care facilities as a proactive policy. The Commission also notes that the public review process for the continued use of this facility has been effective in highlighting any maintenance or repair issues that need to be addressed.

## **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 and the Department of Citywide Administrative Services, pursuant to 197-c of the New York City Charter, for the acquisition of property located at 963 Park Place (Block 1235, Lot 58) for continued use as a child care center, is approved for a period of ten years, with renewal options, or without time limitation if acquired in fee.

The above resolution (C 160363 PQQ), duly adopted by the City Planning Commission on September 26, 2018 (Calendar No. 17), 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.

**MARISA LAGO**, *Chair*  
**KENNETH J. KNUCKLES, Esq.**, *Vice-Chairman*  
**ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO, III,**  
**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  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
calendaroffice@planning.nyc.gov



**INSTRUCTIONS**

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

**APPLICATION #:** FRIENDS OF CROWN HEIGHTS 16 – 160363 PQK

An application submitted by the New York City Administration for Children's Services (ACS) and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of a child care center located at 963 Park Pace in Brooklyn Community District 8 (CD 8). Such actions would facilitate the continued provision of child care services at this site according to a lease.

COMMUNITY DISTRICT NO. 8

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

A handwritten signature in black ink, appearing to be "Eric Adams".

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BROOKLYN BOROUGH PRESIDENT

August 3, 2018

\_\_\_\_\_  
DATE

**RECOMMENDATION FOR: FRIENDS OF CROWN HEIGHTS 16 – 160363 POK**

The New York City Administration for Children’s Services (ACS) and the New York City Department of Citywide Administrative Services (DCAS) submitted an application, pursuant to Section 197-c of the New York City Charter, for the acquisition of a child care center located at 963 Park Place in Brooklyn Community District 8 (CD 8). Such actions would facilitate the continued provision of child care services at this site according to a lease.

On July 11, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on the acquisition request. There were no speakers on the item.

In response to Borough President Adams’ inquiry regarding the number of contracted seats at Friends of Crown Heights 16 and the criteria for selecting children to fill such seats when vacancies arise, the ACS representative confirmed that the center is contracted for 80 seats. The representative clarified the eligibility criteria as a parent or guardian having income no more than 100 percent of the federal poverty level and having a reason for care, which includes working, being in school or at a job training program, seeking work for up to six months, or not having a permanent home.

In response to Borough President Adams’ inquiry regarding the terms of the proposed acquisition, the DCAS representative clarified that ACS is seeking a 10-year lease as the base term, with one five-year renewal option, according to what the landlord was willing to accept. It was represented that the landlord did not provide an option to purchase the property.

In response to Borough President Adams’ inquiry regarding what consideration has been given to incorporating streetscape improvements to existing features, such as adding a street bench as part of the New York City Department of Transportation (DOT)’s CityBench initiative, and introducing tree planting as part of a rain garden as a means to advance best stormwater management practices, the DCAS representative expressed intent to initiate dialogue with DOT and the New York City Department of Parks and Recreation (NYC Parks).

In response to Borough President Adams’ inquiry regarding the process for filling hiring opportunities at the child care center, the ACS representative stated that Friends of Crown Heights 16 advertises openings on the New York Day Care Council website. Such openings may also be found on the websites of schools that offer early childhood education programs.

**Consideration**

Brooklyn Community Board 8 (CB 8) approved this application on June 12, 2018.

The facility is leased to Friends of Crown Heights Educational Centers, which operates the site as Friends of Crown Heights 16, under a contract with ACS. Friends of Crown Heights Education Center is ACS’ largest EarlyLearn New York City contractor, with 19 centers citywide.

The facility is the sole occupant of a one-story, privately-owned building, located in the Crown Heights section of CD 8. Friends of Crown Heights 16 leases approximately 11,700 square feet (sq. ft.) of interior space and uses the entire building for child care services. The facility is subdivided into various activity spaces, including five classrooms, a multi-purpose room, and offices.

The facility has its sole frontage on Park Place, with a back door leading to the rear yard. The building provides recreational space on the roof, which contains a 5,924 sq. ft. rooftop playground.

Friends of Crown Heights 16 is an EarlyLearn NYC program provider. This program is administered by ACS and offers subsidized quality child care for qualifying families. The facility serves up to 80 preschoolers, aged two to five years. Current enrollment at the child care center is at 89 percent of capacity.

Child care services encompass a variety of activities and programs, which are determined by the child's age, developmental stage, and hours in child care. Friends of Crown Heights 16 provides educational services, meal services, and supervised playtime, with 18 professional, para-professional, and support staff. The child care center's operation enables parents to work, attend school, or acquire vocational training while their children receive care. It operates from 8:00 AM to 6:00 PM, providing full-day services during school breaks and in the summertime.

963 Park Place is located within the Crown Heights Phase II historic district and is regulated by the New York City Landmarks Preservation Commission (LPC). Friends of Crown Heights 16 is accessible via public transportation, including the Seventh Avenue Express 3 train at Kingston Avenue and Nostrand Avenue stations, and the nearby B43, B44, B45, and B65 buses.

Borough President Adams supports the continuation of Friends of Crown Heights 16, which is a valuable community asset. Moving forward, Borough President Adams believes that ACS and DCAS should take steps to secure, at minimum, the expressed 15-year lease term for the site, inclusive of the one five-year renewal. He still believes that ACS should seek a second five-year renewal term as well as achieve the opportunity to purchase in the future. The agencies and landlord should also investigate opportunities to advance stormwater management practices and streetscape enhancements, in consultation with CB 8 and local elected officials.

### **Lease Duration**

Borough President Adams is adamant about preserving and protecting critical community space for Brooklyn's young people, and has expressed concerns about the short-term leases associated with prior child care center site acquisition applications. As more areas of Brooklyn become magnets for real estate development, Borough President Adams remains concerned that landlords might elect to pursue potentially more lucrative uses resulting in discontinuing use as child care. Borough President Adams has already witnessed this profit-seeking practice in other parts of Brooklyn; examples of such cases include the Bushwick United Learning Center and the Swinging Sixties Senior Center, both located in Williamsburg. The prior property owner of the Swinging Sixties Senior Center had been attempting to displace the center — which had served the community for decades — for more lucrative redevelopment opportunities. Fortunately, after five years of uncertainty for the home of Small World Child Care and the Swinging Sixties Senior Center, neighborhood non-profit St. Nicks Alliance, along with the Conselyea Street Block Association, closed on acquisition of the building, thereby avoiding the fate of the former Bushwick United Learning Center, which served, on average, 110 children of low-income families. The center was recently shut down after an extended eviction battle with the landlord when the center's most recent 10-year lease ran out, and the City failed to complete proper lease renewal paperwork in a timely manner.

It is Borough President Adams' policy for the City to secure lease-renewal terms that allow the City the ability to secure initial terms of no fewer than 10 years, exclusive of multiple shorter term leases, and include the right for renewal of the lease to secure the child care center use for up to 20 years. Such terms, inclusive of multiple shorter term renewals, allow landlords to facilitate building improvements, when needed, while providing ACS with a check and balance that the facility remains in good working order. It is imperative that the City take actions through its land use process to adequately demonstrate to the community that the City is truly their partner,

through securing facilities for such much-needed services. Whether provided directly through the City or through non-profits, the Crown Heights community has a legitimate need for supportive services that work to enhance the lives of area residents.

Borough President Adams applauds the latest efforts of ACS and DCAS to negotiate for longer lease terms with a preferential opportunity to purchase with terms, conditions, and qualifications to be negotiated and subsequently memorialized in the lease. He believes that an initial long-term lease with a built-in right to renew that achieves a 15-year duration, while not fully consistent with his policies, would provide a level of guarantee that Friends of Crown Heights 16 remains a community asset for moving forward. Borough President Adams believes that the DCAS-negotiated lease should include two five-year renewal terms. Additionally, he believes that the DCAS-negotiated lease terms should include a provision that would ensure the City has an opportunity to purchase the property if it is marketed for sale.

In order to afford the City the greatest flexibility in securing the site for the continued provision of child care services, Borough President Adams calls on the City Planning Commission (CPC) to approve the application without a specific duration of time.

### **Streetscape Improvement Policies**

Borough President Adams' policy is to make neighborhoods more welcoming for the pedestrian through various beautification measures that make streets more aesthetically appealing. He believes that sidewalks with nominal landscaping are potential resources that should be transformed through planting additional trees, providing street planters, and incorporating rain gardens according to his stormwater management policies. In addition, he seeks opportunities to provide seating. Planting street trees provides for shade on days of excessive heat, as well as other aesthetic, air quality, and stormwater retention benefits.

Borough President Adams supports DOT's CityBench program, which aims to increase the amount of public seating on New York City's streets, particularly in areas with high concentrations of senior citizens. These benches make streets more comfortable for pedestrians and transit riders, especially those who are disabled or elderly. Borough President Adams believes that the provision of street seating at child care centers through DOT programs is justified by the City's investment in leasing and improving such facilities. Furthermore, street seating is beneficial for congregations during drop-off and pick-up periods, when sidewalks outside child care centers become very crowded.

Borough President Adams believes that street furniture should be coordinated by ACS with DOT, utilizing the CityBench and Street Seats programs, which recently received additional funding to further their efforts throughout the city.

ACS should consult with the New York City Department of Environmental Protection (DEP) and the New York City Department of Parks and Recreation (NYC Parks) for consideration of the placement of a tree pit and street tree placement. Where appropriate, such placements could also be integrated with the construction of a rain garden.

ACS and DCAS should pursue lease provisions to clarify any maintenance obligation associated with such improvements as part of the lease agreement based on whether these enhancements might be best achieved and/or maintained by the landlord or the operator, Friends of Crown Heights 16. All such enhancements should be considered in consultation with CB 8 and local elected officials prior to agreeing to take action. Borough President Adams encourages ACS and

DCAS to reach out to his office for help in opening and coordinating dialogue with NYC Parks and/or DOT on such matters.

### **Stormwater Management Policies**

Borough President Adams' policy is to introduce best practices to manage stormwater runoff. He believes that sidewalks with nominal landscaping and/or adjacent roadway surfaces are potential resources that could be transformed through the incorporation of rain gardens, which provide tangible environmental benefits through rainwater collection, improved air quality, and streetscape beautification. Tree plantings can be consolidated with rain gardens as part of a more comprehensive green infrastructure strategy.

Such modification would reduce the development's carbon footprint and mitigate energy costs. In addition, blue/green roofs, permeable pavers, and rain gardens would divert stormwater from the City's water pollution control plants. According to the "NYC Green Infrastructure 2017 Annual Report," green infrastructure plays a role in addressing water quality challenges and provides numerous economic, environmental, and social benefits.

Borough President Adams' believes that the perimeter of the sidewalk area fronting the center provides an opportunity for the construction of a rain garden. Such a rain garden might be integrated with street tree plantings, as there are no trees in front of the child care center. The planting of street trees would enhance stormwater retention benefits. It should be noted that a rain garden would require maintenance commitment and attention from the landlord, and/or the child care center. Maintenance includes cleaning out debris and litter that can clog the inlet/outlet and prevent proper water collection, regular inspection to prevent soil erosion, watering during dry and hot periods, and weeding to keep the plants healthy and uncongested for proper water absorption.

Borough President Adams believes that ACS and/or DCAS should consult with DEP and NYC Parks for consideration regarding the inclusion of a rain garden with the integration of street trees. ACS and DCAS should pursue lease provisions to clarify any maintenance obligation associated with such improvement as part of the lease agreement. Where the agencies have interest in implementing an enhancement, consultation should be initiated with CB 8 and local elected officials prior to agreeing to take action.

### **Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to Section 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application.

Be it further resolved that:

1. As part of the execution of the lease, the New York City Department of Citywide Administrative Services (DCAS) commence negotiations with the landlord in order to:
  - a. Secure a right for renewal of the lease with the addition of two five-year renewal terms

Include a provision that would ensure the City has an opportunity to purchase the property if it is marketed for sale on behalf of the New York City Administration for Children's Services (ACS)

2. The City Planning Commission (CPC) approve the application without a specific duration of time to ensure that ACS and DCAS will not need to file another ULURP application to sign a long-term lease
3. ACS and/or DCAS coordinate with the New York City Department of Environmental Protection (DEP), the New York City Department of Parks and Recreation (NYC Parks), and the New York City Department of Transportation (DOT) regarding the installation of CityBenches, a rain garden, and a street tree, in consultation with Brooklyn Community Board 8 (CB 8) and local elected officials