

CITY PLANNING COMMISSION

February 10, 1992/Calendar No. 1

C 900925 POK

IN THE MATTER OF an application submitted by the Human Resources Administration and the Department of General Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 60 Harrison Avenue (Block 2220, Lot 38), Community District 1, Borough of Brooklyn, for continued use as a day care center.

This application (C 900925 POK) was filed on June 22, 1990 by the Human Resources Administration (HRA) and the Department of General Services (DGS) for the continued use of property located at 60 Harrison Avenue, Community District 1, Borough of Brooklyn, as a day care center.

BACKGROUND

The Human Resources Administration (HRA) and the Department of General Services propose to continue to occupy 11,500 square feet of space in a privately owned building located at 60 Harrison Avenue (Block 2220 Lot 38), for use as a day care center. The space is currently occupied by the Bedford-Harrison Avenue Day Care Center. A day care center has operated at this location continuously since 1972, under a 20 year lease that will expire on March 22, 1992. HRA intends to acquire the site either by renewal of the lease for a term of up to twenty years, or by purchase or condemnation.

The site is located in an R6 zoning district, and is developed with a one-story and a basement building with a roof top play area, which is in use. The roof was leaking and has recently been repaired. Although the roof is not leaking at this time some staining of the ceiling tiles is still evident from the previous

leaks. The Bedford-Harrison Day Care Center occupies the entire building.

The site is located in the Williamsburg section of Brooklyn. The surrounding area is characterized by attached four- and five-story multiple dwellings. An apartment building fronts on Harrison Avenue across from the site. A private school and I.S. 71 are located on the block immediately south of the site, and an armory is located on the block south of the school. The block north of the site is developed with attached residential buildings.

The Bedford-Harrison Avenue Day Care Center operates Monday through Friday, from 8:00 A.M. to 6:00 P.M., and provides a variety of social, nutritional, educational and cultural programs for children. Children are also provided with lunch and two snacks daily.

Most parents walk their children to the facility from the surrounding community at the beginning of the work day. The site is located close to public transportation, including the B 47 bus which run on Harrison Avenue in front of the site. The Hewes Street station of the BMT J and M trains is located two blocks from the site.

ENVIRONMENTAL REVIEW

This application (C 900925 POK) 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 New York City Environmental Quality Review (CEQR) procedures set forth in

Executive Order No. 91 of 1977.

This application was determined to be a Type II action, which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 900925 POK) was certified as complete by the Department of City Planning on September 4, 1991, and was duly referred to Community Board 1 and the Brooklyn Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 1 held a public hearing on this application on September 25, 1991 on this application, and on October 8, 1991 by a vote of 37 in favor, none in opposition and no abstentions, adopted a resolution recommending approval of the application.

Borough President Review

This application (C 900925 POK) was considered by the Office of the President of the Borough of Brooklyn, which issued a recommendation approving this application on December 12, 1991, subject to the following conditions:

"That the recommendations included in the reports released by the Brooklyn Borough President and Mayor's Office for families and children be implemented expeditiously;

That prior to the execution of the lease, HRA together with DGS and the City Administration

take steps to arrange for immediate repair of the roof;

That HRA instruct DGS not to execute a lease for this facility unless such lease provides for periodic inspections of the premises by the City to ascertain whether deficiencies requiring action by the landlord exist and provisions for timely appropriate repair of deficiencies including penalties for non-compliance;

That HRA instruct DGS not to execute a lease for this facility unless such lease provides for periodic renewal options for the City and includes provisions for sanctions or penalties to ensure the landlord's performance of the terms and conditions for the lease;

That the administration investigate the feasibility of establishing a separate unit to maintain day care centers and enforce day care center leases.

That HRA and the Department of City Planning conduct a comprehensive analysis of day care center needs throughout the City in relation to the location of existing facilities and eligible population in need of day care services."

City Planning Commission Public Hearing

On December 4, 1991 (Calendar No. 2), the City Planning Commission scheduled December 18, 1991 for a public hearing on this application. The hearing was duly held on December 18, 1991 (Calendar No. 13). There were no speakers, and the hearing was closed.

Consideration

The City Planning Commission believes that the application of the Human Resources Administration (HRA) and the Department of

General Services for the continued use of property located at 60 Harrison Avenue (Block 2220, Lot 38), as a day care center, is appropriate.

The proposed use is permitted as-of-right in the R6 zoning district.

The Human Resources Administration (HRA) has utilized the space continuously since 1972, serving the community by providing needed day care services for children, including educational, recreational and nutritional programs. It is located within the community it serves and most parents walk their children to the facility at the beginning of the work day. It is also close to public transportation, including the B 47 bus which runs on Harrison Avenue, and the Hewes Street station of the BMT J and M trains is located two blocks from the site.

Direct-lease day care centers have been established in neighborhoods where demographic characteristics, such as income and social eligibility, demonstrate need for such services.

The Commission shares the Borough President's concerns regarding the physical condition of the building. HRA has assured the Commission that the building will be repaired and properly maintained. In response to the Commission's concerns, HRA will submit a summary of the "Scope Report" for this facility, describing the work required to upgrade the building. Under its Lease Renewal Upgrade Program, HRA requires that the landlord prepare plans for the renovation of the facility to comply with the requirements of scope including roof repairs. The plan for repairs

shall be submitted to the Agency For Child Development (ACD) for approval as specified in ACD's Policy and Procedures Protocol.

The Commission notes that the City Charter provides for the business terms of the proposed lease, including any conditions governing maintenance and repair, will be the subject of a second public hearing.

RESOLUTION

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and consideration described in this report, the application (C 900925 POK) of the Human Resources Administration for acquisition of property located at 60 Harrison Avenue (Block 2220, Lot 38) Community District 1, Borough of Brooklyn, for continued use as a day care center, is approved for a period of up to twenty years, or without time limitation if it is acquired in fee.

The above resolution, duly adopted by the City Planning Commission on February 10, 1992 (Calendar No. 1), is filed with the Office of the Speaker, City Council, and the Borough President of Brooklyn in accordance with the requirements of Section 197-d of the New York City Charter.

RICHARD L. SCHAFFER, Chairman
VICTOR G. ALICEA, Vice Chairman,
EUGENIE L. BIRCH, ANTHONY I. GIACOBBE, MAXINE GRIFFITH,
RONALD SHIFFMAN, JACOB B. WARD, Commissioners

AMANDA M. BURDEN, JAMES C. JAO, R.A., BRENDA LEVIN,
JOEL A. MIELE Sr., P.E., EDWARD T. ROGOWSKY, Commissioners
Voting "No"

KEN 44AS

**Community/Borough Board
Recommendation**

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

INSTRUCTIONS

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

APPLICATION # C 900925 POK

(Please use this number on all correspondence concerning this application)

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 60 Harrison Avenue (Block 2220, Lot 38), Borough of Brooklyn, Community District 1, for continued use as a day care center (Bedford-Harrison Day Care Center).

CEQR #

orig: J. Barnes ✓
cc: Brooklyn office
Z. Edwards
P. Sperling

COMMUNITY BOARD NO. 1
BOROUGH Brooklyn

BOROUGH BOARD _____

PUBLIC HEARING HELD

DATE September 25, 1991

LOCATION 211 Ainslie Street

WAS QUORUM PRESENT? YES NO

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE October 8, 1991

LOCATION 211 Ainslie Street

RECOMMENDATIONS (Attach additional sheets if necessary)

SEE ATTACHED

91 NOV 29 5M 3:40
DEPT OF CITY PLANNING

VOTING

IN FAVOR 37 AGAINST 0 ABSTAINING 0

TOTAL MEMBERS APPOINTED TO BOARD 48

Vincent V. Abate Chairman

COMMUNITY/BOROUGH BOARD OFFICER TITLE

10/9/91

DATE

33

25

60 HARRISON AVENUE DAY CARE LEASE RENEWAL

This is a request by the NYC Human Resources Administration (the Applicant) to renew the lease or acquire the site of a building situated at 60 Harrison Avenue that houses a day care center. This facility has been utilized for this purpose for the last 20 years via a direct leasing arrangement. The City's principal present intent is to renew the lease for a period of no more than 20 years, an action that requires ULURP review.

After careful consideration, we recommend that this proposal should be APPROVED.

We take this position for the following reasons:

1. Long experience clearly indicates that utilization of 60 Harrison Avenue represents an appropriate land use. Beyond this, the importance of day care to the low income and working poor families of our community also makes it a desirable land use.

2. Rejection of this proposal will require a search for an alternate site that would be time consuming, expensive and - given the appropriateness of this site - thoroughly unnecessary.

3. Our review of the pertinent inspection reports indicates that this facility is well maintained and will pose no hazard to the health and safety of the attending children.

For these reasons, we recommend that this proposal be APPROVED.

DEPT OF CORRECTIONS
91 NOV 29 AM 8:40

26

**Borough President
Recommendation**

CITY PLANNING COMMISSION
22 Rende Street, New York, NY 10007
FAX# (212) 720-3358

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 representative as indicated on the Notice of Certification.

APPLICATION # 900925 POK

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Human Resources Administration pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 63 Harrison Avenue (Block 2220, Lot 38), Borough of Brooklyn, Community District 1, for continued use as a day care center (Bedford-Harrison Day Care Center).

COMMUNITY BOARD NO. 1

BOROUGH BROOKLYN

RECOMMENDATION

- APPROVE
 APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
 DISAPPROVE

EXPLANATION OF RECOMMENDATION - MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

SEE ATTACHED RECOMMENDATION REPORT

Howard Golden
BOROUGH PRESIDENT

12/12/91
DATE

REDFORD-HARRISON DAY CARE
(900925 POK)
RECOMMENDATION REPORT BY THE
PRESIDENT OF THE BOROUGH OF BROOKLYN

Background

The Human Resources Administration (HRA) proposes either to renew a lease for twenty years, or acquire a privately owned building located at 60 Harrison Avenue (Block 2220, Lot 38) for the continued use as a day care center, in the Williamsburg section of Community District 1. HRA has used this building continuously since 1972, in accordance with a 20 year lease which will expire on March 22, 1991.

The site is zoned R-6. The surrounding community is residential.

The Bedford-Harrison Day Care Center provides a variety of recreational, educational and cultural activities to approximately 105 pre-school children. Breakfast, lunch and two snacks are served daily.

Borough President's Hearing

On October 30, 1991 the Borough President held a public hearing on the application. There were two speakers representing the Human Resources Administration (HRA).

The Borough President began the hearing by announcing that on November 7, 1991 there would be a public hearing at Borough Hall regarding the problems of day care facilities which are part of the direct lease system. At that time, the Commissioners of the Human Resources Administration and the Department of General Services as well as the Director of the Mayor's Office for Children and Families were present to hear testimony about conditions at day care facilities. The Borough President indicated that building deficiencies previously identified throughout the day care system appear to be consistent; roof leaks, air conditioning and heating deficiencies and issues related to outdoor play areas. He was hopeful the Commissioners would be able to shed some light on the City's plans to remedy the overwhelming problems confronting day care program facilities.

The Borough President stated that the Bedford-Harrison Day Care Center has had recurring roof leaks for five to six years. Although the landlord patched the roof, the leaks persist and the City continues to pay rent for the unused roof play area. The Borough President suggested that the City create a fund with rent withheld from landlords for not making repairs, and that this fund be used to execute repairs and to purchase necessary appliances.

The representative from HRA indicated that day care centers have suffered years of neglect, but that the agency is now focused on these problems and no new leases, whether short or long, would be executed without the necessary mechanisms to cure these long standing problems. Lease Renewal Upgrade (LRU) plans detailing the scope of repairs to be

performed would be furnished to the Department of General Services (DCS) and incorporated into the lease terms and conditions.

HRA indicated that the LRU for Bedford-Harrison was not yet complete but that the facility suffered deficiencies similar to that of other centers throughout the City. The representative indicated that facility problems would be addressed in detail within the scope of repairs to be developed by HRA's consultants. The representative further stated that the center's roof will not be replaced until the lease is executed. The new lease will include a provision requiring the landlord to make repairs during the term of the lease.

The Borough President asked whether the new leases establish schedules for landlords to perform repairs, and include provisions ensuring the quality of repairs, periodic building inspections, and correction of building deficiencies not cited in the scope of work. The Borough President also expressed concern that new leases include a provision that allows the City to reduce rent if a landlord is non-compliant with the lease.

The HRA representative indicated that the new leases are stronger than the old and include schedules for implementing repairs. In addition these leases provide remedies for non-compliance such as allowing the City to execute repairs and recoup rent, or as last resort, to cancel the lease. In response to the Borough President's concern about lease enforcement, HRA stated that insufficient resources and staff reductions were the reasons for enforcement failures in the past. Should the

reduction of resources continue, the agency will have the same problems despite the new stronger lease language.

The HRA representatives further stated that the agency has initiated procedures to assure that repairs at day care centers will be accomplished and lease provisions are enforced. There will be a reorganization within the agency to ensure that this occurs.

The Borough President stated that new leases must include automatic dates for facility inspections, provisions to enable the City to cease and abate rent, and provisions for the agency to make repairs if the landlord fails to perform. The representatives indicated that new leases offer these protections and this language will be provided to the Borough President.

In conclusion, the Borough President stated that nothing positive has been accomplished for these day care centers due to the involvement of numerous city agencies. He suggested that the administration investigate the feasibility of establishing a separate unit to enforce leases and maintain day care centers.

Consideration

In June and July 1991, the Brooklyn Borough President and the Mayor's Office for Children and Families released reports critical of the system of direct leasing of day care centers. Both of these reports offered a series of similar recommendations to improve the present system.

On October 4, 1991, staff inspected the Center and met with the director. This day care center serves 105 pre-school children.

The director of the day care center indicated that the roof of this facility has leaked for the past six years. The landlord has routinely patched problem areas but leaks persist. Approximately six months ago the Agency for Child Development (ACD) advised the program to stop using the roof for recreation purposes. The program therefore has no outdoor play space available, and is in need of two new front doors.

On October 8, 1991, Community Board 1 unanimously recommended approval of this application.

The Borough President believes that continued use of this site as a day care center is appropriate. However, the Borough President is concerned that serious building deficiencies exist at this facility. He is also concerned about the existing inter-agency system which is responsible for negotiating and enforcing day care leases, as well as the system's ability to provide a safe and secure environment for our children.

Recommendation

Whereas, on October 8, 1991, Community Board 1 unanimously recommended approval of this application; and

Whereas, there are approximately 105 pre-school children presently served by this day care center; and

Whereas, this site has been used for this purpose since 1972; and

Whereas, there is an acknowledged need for day care services throughout the entire City of New York and in the Borough of Brooklyn; and

Whereas, reports have been released by the Brooklyn Borough President and the Mayor's Office for Families and Children recommending reform of the direct lease system; and

Whereas, significant deficiencies in the condition of this day care center have been identified by the Borough President; and

Whereas, frequent and updated information regarding the condition of day care centers would be advantageous to maintaining facilities and enforcing lease provisions; and

Whereas, the Borough President has expressed his concern that long term leases may be a disincentive to landlords to properly maintain these facilities; and

Whereas, the existing multi-agency system responsible for maintaining day care facilities and enforcing leases is cumbersome, fragmented and inefficient.

Whereas, there is a need for a comprehensive analysis of day care needs in relation to the location of existing facilities, and the

location of the eligible population in need of day care services, now, therefore, be it

Resolved, that the President of the Borough of Brooklyn, pursuant to Section 197-c of the New York City Charter, that based on the consideration described in the report, recommends that approval of this application by the City Planning Commission subject to the following conditions:

That the recommendations included in the reports released by the Brooklyn Borough President and the Mayor's Office for Families and Children be implemented expeditiously;

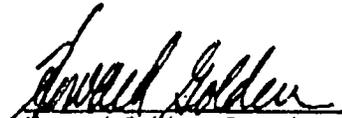
That prior to the execution of the lease, HRA together with DGS and the City Administration take steps to arrange for the immediate repair of the roof;

That HRA instruct DGS not to execute a lease for this facility unless such lease provides for periodic inspection of the premises by the City to ascertain whether deficiencies requiring action by the landlord exist and provisions for timely appropriate repair of deficiencies including penalties for non-compliance;

That HRA instruct DGS not to execute a lease for this facility unless such lease provides for periodic renewal options for the City and includes provisions for sanctions or penalties to ensure the landlord's performance of the terms and conditions for the lease.

That the administration investigate the feasibility of establishing a separate unit to maintain day care centers and enforce day care center leases.

Be it further resolved, that the Borough President recommends that HRA and the Department of City Planning conduct a comprehensive analysis of day care needs throughout the City in relation to the location of existing facilities and the eligible population in need of day care services. Such analysis shall be based on the Guidelines for the Siting of City Facilities pursuant to Section 203 of the New York Charter.


Howard Golden, President of
the Borough of Brooklyn