



## CITY PLANNING COMMISSION

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September 19, 2017 / Calendar No. 10

C 160132 PQK

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**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 317 Rogers Avenue (Block 1296, Lot 1) for continued use as a child care center, Borough of Brooklyn, Community District 9.

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This application was filed on December 16, 2015 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 property located at 317 Rogers Avenue (Block 1296, Lot 1) as All My Children Daycare and Nursery School 11, a child care center.

### **BACKGROUND**

ACS and DCAS are seeking the acquisition of property to facilitate the continued operation of a child care center in the Crown Heights neighborhood of Brooklyn, Community District 9. This site has been used to provide child care since 1974, and was the subject of a previous acquisition approved by the Commission on April 28, 1994 (C 920582 PQQ, Cal. No. 32). The most recent lease expired in 2015 and has since operated under a license agreement. The proposed action would allow for a new lease to be negotiated for the continued use of the property as a child care center.

The project 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 homes and multi-family buildings, as well as mixed-use buildings along Rogers Avenue. There are also many public facilities nearby, including Medgar Evers Preparatory School, a middle school and high school, one block to the north; PS 161, one block east; and Medgar Evers College, one block to the west. Dodger Playground, a 0.29-acre park, is located one block to the south. The surrounding area is well-served by public transit, including the B47 and B49 bus lines and the 2 and 5 subway trains, which stop at President Street and Nostrand Avenue, three blocks northeast of the site.

The facility is located on a 2,775-square-foot privately-owned lot (Block 1296, Lot 1) on Rogers Avenue at its intersection with Montgomery Street. The center has two sets of doors on Rogers Avenue, the door closest to the adjacent building serves as the primary entrance while the remaining door enters the office, and another door on Montgomery Street, which serves as a second means of egress. The three-story building comprises 9,952 square feet of interior space and three rooftop play areas totaling approximately 2,474 square feet. In the cellar, there are several offices, a kitchen and utility rooms, along with a dumbwaiter that can transfer food between floors. The first floor contains the main entrance and reception area, administrative offices, and one classroom for two- to three-year olds. The second floor contains two classrooms for two- to three-year olds, while the third floor has two classrooms for three- to four-year olds. The fourth floor contains all three rooftop play areas.

All My Children Daycare and Nursery School 11 serves up to 80 preschoolers between ages two and four under a license agreement. Children may attend from 8:00 am to 6:00 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 yearlong to enhance children's physical, cognitive, social, and emotional development. The operator has an open policy of ongoing communication and collaborative partnership with parents and the community. The center is currently served by 16 professional, para-professional, and support staff.

## **ENVIRONMENTAL REVIEW**

This application (C 160132 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 (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 160132 PQQ) was certified as complete by the Department of City Planning on June 5, 2017, and was duly referred to Brooklyn Community Board 9 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 9 submitted a letter dated August 7, 2017, waiving review of this application (C 160132 PQQ).

### **Borough President Recommendation**

On August 15, 2017, the Brooklyn Borough President submitted a letter dated August 10, 2017, waiving review of this application (C 160132 PQQ).

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

On August 23, 2017 (Calendar No. 3), the City Planning Commission scheduled September 6, 2017 for a public hearing on this application (C 160132 PQQ). The hearing was duly held on September 6, 2017 (Calendar No. 36). There was one speaker in favor and none in opposition.

A representative from ACS's Division of early care and education spoke in favor of the application, providing information on the day care's current enrollment and role it serves as an affordable day care provider for low-income families.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the acquisition of a lease of property for continued use as a daycare center, located at 317 Rogers Avenue (Block 1296, Lot 1), is appropriate.

A daycare center has occupied this space continuously since the early 1970s, serving the community by providing needed services. The center serves up to 80 preschool-aged children and provides daily meal service, supervised play time, and education using the High Scope Curriculum

as a guide. It promotes developmentally appropriate practices yearlong to enhance children's physical, cognitive, social, and emotional development. It has an open policy of ongoing communication and collaborative partnership with parents and the community. The use is permitted as-of-right in R6/C1-3 zoning districts within which the facility is located. The site is well-served by transit, accessible by the B47 and B49 bus lines and the 2 and 5 subway trains, which stop at President Street and Nostrand Avenue.

The Commission notes the importance of ensuring that the façade of these facilities are welcoming 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 continue to pursue streetscape and façade improvements keeping the center's inviting appearance, making it a more welcoming and attractive neighborhood asset which activates the streetscape.

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 that 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 helpful in addressing maintenance issues and the Commission believes that it should continue to have an oversight role in direct leases of day care facilities.

The Commission is also aware that no decision has yet been made concerning the long-term future of this facility. 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 10 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 and the Department of Citywide Administrative Services for the acquisition of property located at 317 Rogers Avenue (Block 1296, Lot 1) for continued use as a child care center, is approved for a period of ten years.

The above resolution (C 160132 POK), duly adopted by the City Planning Commission on September 19, 2017 (Calendar No. 10), 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**, *Chairman*

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

**RAYANN BESSER, ALFRED C. CERULLO, III,**

**MICHELLE DE LA UZ, JOSEPH DOUEK,**

**CHERYL COHEN EFFRON, HOPE KNIGHT,**

**ANNA HAYES LEVIN, ORLANDO MARIN**, *Commissioners*



OFFICE OF THE  
CHAIRPERSON

AUG 15 2017

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OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

**ERIC L. ADAMS**  
President

August 10, 2017

Marisa Lago  
Chair  
City Planning Commission  
120 Broadway  
31<sup>st</sup> Floor  
New York, NY 10271

Re: Lease renewal at 317 Rogers Avenue

Dear Chair Lago:

All My Children Day Care & Nursery Schools, located at 317 Rogers Avenue, serves an important role in a community bereft of affordable day and child care resources. In Brooklyn Community Board 9 (CB 9)'s Draft 2017 Community Needs Assessment, the board indicates that "there has been and continues to be a major need for additional day care slots...to meet the needs of this growing segment of our population."

In neighborhoods such as Crown Heights, which are facing increasing gentrification pressures and where commercial properties are becoming more and more expensive, it is absolutely critical that we preserve affordable day care facilities for low-income families. Without affordable, high quality daycare options, parents struggle to maintain employment and children face developmental disadvantages.

This letter reiterates and is consistent with my past ULURP recommendations surrounding day care facilities in the borough, which include, but are not limited to, lease preferences that include a right-of-first-refusal, 10-year terms, and two five-year options to renew.

Thank you in advance for this consideration, and I hope to see this important service and resource preserved in this high-need community.

Sincerely,

Eric L. Adams

ELA/rl



# COMMUNITY BOARD NO. 9

**Eric Adams**  
Borough President

**Musa Moore**  
Chairman

**Vacant**  
District Manager

**August 7, 2017**

**Kevin Kraft**  
City Planner, Department of City Planning  
16 Court Street, 7<sup>th</sup> Fl.  
Brooklyn, N.Y. 11241-0103

**Re: Application No. C160132PQK**  
**All My Children Daycare/Nursery**  
**317 Rogers Avenue, Brooklyn, NY 11225**

**Dear Kevin:**

**Hope this note finds you well.**

**The ULURP committee reviewed this application and found that it doesn't seem to include any zoning changes. It appears to be a continuation of business as usual for All My Children Daycare/Nursery at the site.**

**Community Board 9 will not meet again until the end of September. As such, it won't have time to formally respond within the ULURP timetable. As a result, Community Board 9 waives its right to formally review, vote, and respond to application C160132PQK.**

**Thank you,**

**Michael Liburd,**  
**CB 9 Land Use/ULURP Chair**

**cc: M. Moore, Chair CB9**  
**CB 9 Members**  
**Land Use/ULURP Committee**  
**Marisa Lago, City Planning**  
**W. Von Engel, City Planning**  
**BP Eric Adams**  
**Council Member Cumbo**