



## **CITY PLANNING COMMISSION**

February 18, 2015/ Calendar No. 11

C140352 PQM

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IN THE MATTER OF an application submitted by the Administration of Children's Services, the Department for the Aging, and the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for acquisition of property located at 2322 Third Avenue (Block 1775, Lot 33) for continued use as a child care center and senior center, Community District 11, Borough of the Manhattan.

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This application for acquisition of property was filed on April 7, 2014 by the Administration of Children's Services (ACS) , the Department for the Aging and the Department of Citywide Administrative Services (DCAS) to facilitate the continued operation of a child care center, currently known as the Addie Mae Collins Day Care Center, and senior center, currently known as the Beatrice Lewis Senior Center, at 2322 Third Avenue, in Community District 11 of the Borough of Manhattan.

### **BACKGROUND**

The Administration of Children's Services (ACS), the Department for the Aging (DFTA) and the Department of Citywide Administrative Services (DCAS) seek the acquisition of approximately 35,212 square feet of privately-owned property at 2322 Third Avenue (Block 1775, Lot: 33) for continued use as a child care center and senior center.

Both centers have been operating from this location since 1974. On June 15, 1994 (Cal. No. 36), the City Planning Commission approved an application (C920568 PQM) to acquire the property for up to 20 years. The lease on the property expired on August 4, 2014.

The subject site is developed with a five-story building located on Third Avenue between East 126<sup>th</sup> and East 127<sup>th</sup> streets. The property is located in an R7-2/C1-4 zoning district. The child

care center occupies approximately 14,000 square feet in parts of the cellar, first and second floor of the building and has 6,000 square feet of outside play areas located at two at-grade playgrounds behind the building and one playground on the second floor.

The Addie Mae Collins Day Care Center serves up to 130 pre-school children a day. Pre-school children may attend the program full time from 8 am to 6 pm, Monday through Friday. The daycare services encompass a variety of activities and programs, which are determined by the child's age, developmental stage and hours in day care. ACS provides children with a nutritional breakfast, lunch and a snack daily. The program staff at the center is comprised of 30 professionals, para-professionals and support staff.

The Beatrice Lewis Senior Center occupies approximately 15,212 square feet of area on the second floor. The senior center has an average daily attendance of approximately 125 persons. There are three staff members serving the program. Program services include approximately 110-125 nutritional lunches daily, at a suggested voluntary contribution. The center provides a variety of social, recreational and educational activities geared toward improving the mental and physical health of the center's clientele. The center also assists the elderly and their families through the aging network, informing them of entitlements, benefits and services. The rest of the building is occupied by the Human Resources Administration (HRA) offices, which are not part of this application.

The Beatrice Lewis Senior Center also has intergenerational interaction with the on-site daycare center, several high schools in the community and with a program for developmentally disabled

young adults.

The site is surrounded by a mix of uses which include churches, commercial uses and vacant property. Residential uses are primarily located west of the facility. Two blocks south of this facility is the 125<sup>th</sup> Street corridor which is a vibrant commercial district. The building is also located within the East Harlem Triangle Urban Renewal Area and is partially within Site 5. The uses are consistent with the Urban Renewal Plan.

The facility is accessible by public transportation via the 4, 5, and 6 Lexington subway line. There are also several bus lines that serve this immediate area, including the M 100, M 101, M 102, M 35 and the Bronx BX 15 bus line.

### **ENVIRONMENTAL REVIEW**

This application (C140352PQM) 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 of Children's Services. This application was determined to be a Type II action which requires no further environmental review.

### **UNIFORM LAND USE REVIEW**

This application (C140352 PQM) was certified as complete by the Department of City Planning

on September 29, 2014, and was duly referred to Community Board 11 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 11 held a public hearing on this application on December 16, 2014, and on that date, by a vote of 27 in favor, with 5 opposed, with 5 abstentions, adopted a resolution recommending approval of the application, with the condition that it receives a series of reports back from the applicant, along with the phasing schedule for all repairs included in the scope of work and lease.

### **Borough President Recommendation**

This application (C140352 PQM) was considered by the Manhattan Borough President, who issued a recommendation approving this application on January 7, 2015, with the following conditions:

1. The major roof repairs are included in an amended scope of work and placed on the phasing schedule; and
2. That the phasing schedule is made available to Community Board 12, the Manhattan Borough President, and the Councilmember Inez Dickens as soon as it becomes available.

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

On January 7, 2015, (Calendar No. 8), the City Planning Commission scheduled January 21,

2015, for a public hearing on this application (C140352 PQM). The hearing was duly held on January 21, 2015 (Calendar No. 28). There were five speakers in favor and none opposed. Representatives from the Agency for Children Services (ACS) and Department For The Aging (DFTA) spoke in favor of the application, describing their respective facilities in the building. Two representatives from the Department of Citywide Administrative Services (DCAS) also spoke in favor of the application and described the condition of the building and on-going maintenance. They described that conditions are looked at three years ahead of the expiration of a lease and that it is a team of architects and engineers that go out to inspect existing conditions with program directors and building managers. A representative from the Manhattan Borough President's office also spoke in support of the project reiterating the Borough President's recommendations.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the acquisition of property located at 2322 Third Avenue (Block 1775, Lot 33) by the Administration for Children's Services, the Department For The Aging (DFTA) and the Department of Citywide Administrative Services (DCAS) is appropriate.

A day care center and senior center has operated from this site since 1974, providing much needed services to approximately 130 pre-school children and approximately 125 seniors daily in

the East Harlem neighborhood of Community District 11. The facility is well served by public transportation, being in close proximity to the 4, 5 and 6 Lexington Avenue subway lines, as well as the M 100, M 101, M 102, M 35 and BX 15 bus lines. The Commission believes that the facility is well located to serve the growing residential community of East Harlem.

The Commission is aware that a number of day care centers and senior centers went through the lease renewal process 20 years ago, and that many of those facilities had issues regarding the physical condition and continued maintenance. As many of these facilities are now returning through the land use process for lease renewal, the Commission continues to be concerned about the physical condition and continued maintenance of the buildings, particularly as it relates to safety of the children and adult users. The Commission is pleased to note that the Addie Mae Collins day Care Center was visited by staff of the Administration for Children’s Services and the Department For The Aging who have confirmed that there are no signs of current neglect and that the building appeared to be functional with only minor repair issues. The Commission is pleased to be informed that the Beatrice Lewis Senior Center has an intergenerational connection to the on-site daycare and several neighborhood high schools, and is part of a program for the developmentally disabled young adults in this community.

DCAS has reported that any future lease is dependent upon approval of a scope of work. The new scope of work for this facility includes provisions for an upgraded HVAC system and repositioning of radiators to maximize coverage, and adding more sensitive heat controls. The new system would be installed in a manner that eliminates the need for window air conditioning

units. The result will be a building that uses fewer resources in the heat of the summer and cold in the winter.

The Commission believes that these improvements would create an improved environment for those residents of this East Harlem neighborhood who take advantage of the programs offered at this facility. The Commission believes that the acquisition of this property will allow the existing day care and senior center to continue to provide much needed educational, recreational, social and nutritional programs for the children and the elderly in this community. The Commission has noted that the senior center and the daycare center are named after historical people, both nationally and locally and that there should be a commemorative plaque installed on site, in their honor.

## **RESOLUTION**

**RESOLVED**, that this application submitted by the Administration of Children’s Services, the Department For The Aging (DFTA) and the Department Of Citywide Administrative Services (DCAS), pursuant to Sections 197-c of the New York Charter, for the acquisition of property located at 2322 Third Avenue (Block 1775, Lot 33), for continued use as a child care center and senior center, is approved.

The above resolution (C140352 PQM), duly adopted by the City Planning Commission on February 18, 2015 (Calendar No. 11), 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, Chair**  
**KENNETH J. KNUCKLES, ESQ., Vice Chairman**  
**RAYANN BESSER, IRWIN G. CANTOR, P.E.**  
**ALFRED C. CERULLO, III, MICHELLE DE LA UZ, JOSEPH I. DOUEK,**  
**RICHARD EADDY; CHERYL COHEN EFFRON,**  
**ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, Commissioners**





## Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: 140352 PQM

Project Name: UBA Beatrice Lewis/Addie Mae

Collins

CEQR Number:

Borough: **Manhattan**

*Please use the above application number on all correspondence concerning this application*

### RECOMMENDATION: Approve with the following conditions:

Community Board 11 supports Land Use App. No. 140352 PQM on the condition that it receives a series of report backs from the applicant along the phasing schedule for all repairs included in the scope of work and lease.



Matthew S. Washington  
Chairman

Angel D. Mescaín  
District Manager

## COMMUNITY BOARD ELEVEN

BOROUGH OF MANHATTAN  
1664 PARK AVENUE  
NEW YORK, NEW YORK 10035  
TEL: (212) 831-8929/30  
FAX: (212) 369-3571  
www.cb11m.org

January 6, 2015

Carl Weisbrod  
Chairman  
Department of City Planning  
22 Reade Street  
New York, NY 10007

*RE: Land Use Review Application # 140352PQM*

Dear Mr. Weisbrod,

Community Board 11 supports Land Use App. No. 140352 PQM on the condition that it receives a series of progress reports from the applicant along the phasing schedule for all repairs included in the scope of work and lease. The application, as jointly submitted by the New York City Administration of Children's Services (ACS), New York City Department for the Aging (DFTA), and the New York City Department of Citywide Services (DCAS), pursuant to Section 197-c of the New York City Charter, seeks the acquisition of property located at 2322 Third Avenue (Block 1775, Lot 33) for continued use as a child care center and senior care center.

Our members are concerned that all necessary repairs identified in the scope of work are done in accordance with the terms of the lease, including, but not limited to the following:

- the playing surfaces in both playgrounds are in disrepair and require replacement
- the barbed wire along the fencing of the street level play area is inappropriate in an environment used by young children
- the recurrence of leaks in the ceiling of the senior care center need to be addressed
- necessary electrical work and upgrades must be done
- any necessary bed bug remediation and air quality assessments must be done and written documentation be provided to the Board

While the Board is satisfied that DCAS has taken all the necessary steps to ensure that all needed repairs are done in a timely and professional manner, we also ask that the applicants provide reports to us, along the phasing schedule, on the status of repair work identified in the scope of work.

If you have any questions or require any additional information, please feel free to contact Angel Mescaín, our District Manager, at 212-831-8929.

Sincerely,

Matthew S. Washington  
Chairman  
Community Board 11

# Borough President 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 one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application: 140352 PQM

### Docket Description:

#### 140352 PQM

**IN THE MATTER OF** an application submitted by NYC Department of Citywide Administrative Services, NYC Administration for Children's Services, and NYC Department for the Aging pursuant to Sections 197-c and 201 of the New York City Charter to acquire space at 2322 Third Avenue for the continued use of an ACS child care center and a DFTA senior center.

Borough of Manhattan, Community District 11.

(See Continued)

COMMUNITY BOARD NO:

11

BOROUGH: Manhattan

## RECOMMENDATION

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

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

1. The major roof repairs are included in an amended scope of work and placed on the phasing schedule; and
2. That the phasing schedule is made available to Community Board 11, the Manhattan Borough President, and the Councilmember Inez Dickens as soon as it becomes available.

*John A. Brewer*

BOROUGH PRESIDENT

1/7/2015  
DATE



OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN  
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007  
(212) 669-8300 p (212) 669-4306 f  
163 West 125th Street, 5th floor, New York, NY 10027  
(212) 531-1609 p (212) 531-4615 f  
[www.manhattanbp.nyc.gov](http://www.manhattanbp.nyc.gov)

Gale A. Brewer, Borough President

January 7, 2015

**Recommendation on ULURP Application No. 140352 PQM – UBA Beatrice Lewis Senior Center/Addie Mae Collins 3 Child Care Center  
By Administration for Children’s Services, Department for the Aging, and  
the Department of Citywide Administrative Services**

**PROPOSED ACTION**

The Administration for Children’s Services, Department for the Aging, and the Department of Citywide Administrative Services (“the applicants”) seek the acquisition of property located at 2322 Third Avenue in order to exercise the renewal of a 20-year lease for an existing day care center and senior center currently located within the existing building. The programs are currently housed on four floors within a privately-owned commercial building on Block 1775, Lot 33 in a R7-2/C1-4 zoning district in Community District 11, Manhattan.

**PROJECT DESCRIPTION**

The NYC Department of Citywide Administrative Services (DCAS), the NYC Administration for Children’s Services (ACS) and the NYC Department for the Aging (DFTA) are proposing to continue to occupy 35,212 square feet of space in a privately owned building located at 2322 Third Avenue for the use of a senior center and child care center. The space is currently occupied by the UBA Beatrice Lewis Senior Center and the Addie Mae Collins 3 Child Care Center, operated by DFTA and ACS, respectively. The remainder of office space in the building is leased by the NYC Human Resources Administration (HRA) and is not part of this ULURP application.

The building is privately owned, and was built in 1974. It was occupied shortly thereafter by HRA and used in the provision of city services. The lease start date coincides with, at the time, a sudden citywide demand for space that would accommodate many new Head Start facilities. The lease was renewed once before, in 1994, after approximately 20 years of occupancy. The current proposal would allow the City of New York to enter into a new lease agreement with the land owner for another 20 years, setting the next potential renewal date sometime in 2035.

Both of the programs that are housed in 2322 Third Avenue serve a well-defined need in the East Harlem Community. The area is dominated by multi-family residential buildings and the 125<sup>th</sup> Street corridor is host to multiple large developments that will bring additional residential and commercial capacity to the service area. Of note, the East Harlem Multimedia, Entertainment and Culture Center project on the abutting block could create hundreds of new housing units in the next decade.

## **Background**

In 1994, after the first two decades in service, the city sought to renew the lease for another 20 year term to continue the existing services of that time. The application to enter into another 20 year lease was met with conditions from both Community Board 11 and the Manhattan Borough President, Ruth Messinger. The community board was clear in their desire for the children to have a safe, sanitary and modern play area. The Borough President's comments called to question the ability of the Department of General Services, now DCAS, to properly enforce the terms of the lease, as the building was described to be in poor condition as there were signs of "neglect" and "degradation." Borough President Messinger's recommendation was to eschew a new 20 year lease and instead approve a 10 year lease with a two year escape clause.

A great deal changed in 20 years. After this ULURP was certified by City Planning, staff from Community Board 11 and the Office of the Manhattan Borough President visited both facilities that are housed in 2322 Third Avenue. On that visit, there were no signs of current neglect or degradation. The building appeared to be a functional facility with only minor visible issues. Presumably, the scope of work that the landowner made to secure the previous 20 year lease brought the building into a much better state.

Over the length of the 20 year lease, the repairs and building upgrades that are agreed upon by New York City and the landowner are listed in document called a "Scope of Work." Upon executing the lease, the landlord is given a short period of time to organize the repairs and upgrades into a schedule that details the long-term schedule to do the work. This is known as the "Phasing Schedule" and each agency must approve the schedule according to their programmatic and scheduling needs. DCAS, ACS, and DTFA reported to this office that all repairs and upgrades from the 1994 lease agreement's scope were made and that there are no outstanding items from the work phasing schedule.

## **Proposed Project**

Currently, DCAS has already negotiated the new lease agreement with the landowner to govern the conditions moving forward for the existing senior center and day care facilities. Among a long list of work items, the new scope of work includes several costly items such as an upgraded HVAC system and a repositioning of radiators to maximize coverage, while adding more sensitive heat controls. The new HVAC system will be installed in a manner that eliminates the need for window air conditioning units. The result will be a building that uses fewer resources in the heat of the summer and cold of the winter.

The lease contains a very standard set of "teeth" that can be employed to compel the landowner to adhere to the continued good upkeep of the building according to the standards set in the lease agreement. An example of one of the teeth is if the landowner does not comply with the phasing schedule for a prescribed amount of time, DCAS will be able to terminate the lease upon 30-days' notice. Furthermore, if DCAS maintains its tenancy past the prescribed period, it will begin to receive rent credits equivalent to \$2,000 per day for each day that the Substantial Completion of Work was delayed.

### **COMMUNITY BOARD RECOMMENDATION**

On December 6, 2014 Community Board 11 voted to approve the application by a vote of 27 in the affirmative, 5 in the negative, and 5 abstentions on the condition that the board receives a series of reports back from the applicant along with the phasing schedule for all repairs included in the scope of work and lease.

### **BOROUGH PRESIDENT'S COMMENTS**

DCAS is negotiating a huge number of new leases for the current 20 year wave of senior citizen and child care centers. Their efforts along with those from ACS and DFTA should be applauded as these facilities are crucially important to our communities. The end-user of these efforts are the seniors and children. Because these centers are so critical for the communities they serve, it is our responsibility to ensure, when reviewing these applications, that the facilities are in the best of conditions and are maintained that way throughout the lease cycle.

Because this is the first of a wave of such lease renewal applications to be reviewed by this office I use this as an opportunity to suggest a process for presenting information relating to the facilities and leases that allows for optimal review and oversight. Because of the history of the conditions and inconsistent repair cycle, the Manhattan Borough President's Office requested historical documents and directed questions to all three agencies involved. There was some difficulty in gathering all of the relevant information as it did not appear that there was any one agency that was championing the application. The three applicant agencies should better coordinate their dealings with the Community Board, Borough Presidents, and City Councilmembers and provide, as a package for review, any existing lease documents, exhibits and phasing schedules to allow for complete oversight during the ULURP process. Finally, all co-applicants should expect to meet with Borough President's staff together to review the proposed lease agreement and respond to any questions.

Of additional concern is ensuring all potential major infrastructure repairs for the building are included. For this project, Article 13 of the Lease states that the landlord is responsible for the maintenance and repair of the roof, but given the age of the current roof it is likely that there will be major work to be done to portions of the roof during the next lease period. The current roof was installed in the late 1990s and assuming a 20 year lifespan, it would need to be replaced before the end of this decade. Its absence on the scope of work is conspicuous. The phasing schedule is currently being assembled by the landowner and will need to be approved by DCAS, ACS and DFTA. If it is not part of the scope of work, then it stands to reason that it would not be in the phasing plan, in which case there would be no predictable timeline when the tenant agencies and those whom they serve could expect such an invasive, but necessary, amount of work to be completed. For the sake of providing seamless service to those who need it most, all major work must be included on the phasing plan.

The Beatrice Lewis Senior Center and the Addie Mae Collins Child Care Center provide an incredible amount of services to the communities that they serve as do other centers that will be the subject of similar lease renewals over the coming year. However, in looking toward the future, as the City embarks on an aggressive campaign to increase the amount of affordable housing, it should consider the placement

of similar critical social programs in new developments built on public land, rather than in leased space. In fact, many of the future potential development sites will likely be in mid-block lots that are not covered by a commercial overlay, reserving community facility floor area as the only alternative to dwelling units. On larger development sites, building community facility space for child care, senior care, or cultural programs would diversify the income stream to the building by having the city as a tenant and moving these programs away from commercial corridors could enhance their effectiveness as they would be embedded into the neighborhoods they serve.

**BOROUGH PRESIDENT'S RECOMMENDATION**

**Therefore, the Manhattan Borough President recommends approval of ULURP Application No. 140352 PQM on the conditions that:**

- 1. The major roof repairs are included in an amended scope of work and placed on the phasing schedule; and**
- 2. That the phasing schedule is made available to Community Board 11, the Manhattan Borough President, and the Councilmember Inez Dickens as soon as it becomes available.**

  
Gale A. Brewer  
Manhattan Borough President