



CITY PLANNING COMMISSION

January 6, 2016/ Calendar No. 4

C 150058 PQX

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS) and the Administration for Children's Services (ACS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1113 Colgate Avenue (Block 3736, Lot 1) for continued use as a day care center, Borough of the Bronx, Community District 9.

This application was submitted by the Department of Citywide Administrative Services (DCAS) and the Administration for Children's Services (ACS) on July 23, 2014 for the continued use of property located at 1113 Colgate Avenue (Block 3736, Lot 1) as the East Bronx Day Care Center.

BACKGROUND

DCAS and ACS are proposing to acquire a 20,270 square foot, one-story, privately-owned building, for continued occupancy by the East Bronx Day Care Center. This facility has been in operation since the 1970's. The continued use of this day care center had been previously approved by the City Planning Commission on June 15, 1994 (C 910446 PQX). The proposed action would facilitate a five-year renewal of the lease.

East Bronx Day Care Center is located in the Soundview section of Bronx Community District 9 within an R6 zoning district. The area is generally developed with residential buildings ranging in height from six to eight stories, with some buildings under the jurisdiction of the New York City Housing Authority.

The East Bronx Day Care Center is a one-story building with a basement and roof top play area. It has approximately 20,270 square feet of interior floor space and 7,500 square feet of outdoor play area on the roof. The first floor also contains the day care classrooms, a reception area, offices, and a kitchen. Classrooms for the school age children are in the basement of the building. The center provides a variety of activities and programs, which are determined by the child's age, developmental stage, and hours in day care, including:

1. Meal service: Provides preschool children with a nutritionally balanced breakfast, lunch, and snack daily.
2. Supervised playtime: Under the supervision of a child care worker, children are encouraged to become active in indoor and outdoor play activities that are appropriate to their age and stage of development, including music and motor skills.
3. Education: The center participates in the Head Start program. It also promotes developmentally appropriate practices to enhance children's physical, cognitive, social and emotional development.
4. The center is licensed and subject to the established standards of ACS as well as federal, state, and city regulations.

Staff conducted a site visit with representatives from DCAS, ACS and the program director of the day care center and found this facility to be in a state of good repair. East Bronx Day Care Center serves up to 70 preschoolers and 36 school age children. Pre-school children may attend the program full time from 8:00 A.M. to 6:00 P.M., 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 program staff consists of approximately 16 professional, paraprofessional and support staff.

ENVIRONMENTAL REVIEW

This application (C 150058 PQX) 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.

On June 24, 2014 this application was determined to be a Type II action which required no further environmental review.

UNIFORM LAND USE REVIEW PROCEDURE

This application (C 150058 PQX), was certified as complete by the Department of City Planning on September 8, 2015, and was duly referred to Bronx Community Board 9 and the Bronx 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 9 held a public hearing on this application on October 15, 2015, and on that date, by a vote of 25 in favor, 0 opposed with no abstentions, adopted a resolution recommending approval.

Borough President Recommendation

The Borough President held a public hearing on this application on November 10, 2015, and issued a recommendation on November 16, 2015, approving the application.

City Planning Commission Public Hearing

On November 18, 2015 (Calendar No. 1), the City Planning Commission scheduled December 2, 2015 for a public hearing on this application (C 150058 PQX). The hearing was duly held on December 2, 2015 (Calendar No. 9).

There were three speakers who testified in favor of the application. The first two speakers were representatives from the Administration for Children's Services (ACS) who stated that there is a dire need for day care in this area and wants to move forward with the lease since the lease renewal started during the Bloomberg administration. In response to questions regarding capacity and current enrollment at the facility, a representative from ACS stated that the agency is in the process of finalizing a needs assessment, which will assist in determining the target child demographic most in need of services in the area.

They also stated that the building does not need to comply with the Americans with Disabilities Act (ADA) because it was built in the 1970's before ADA legislation was in place, and that, in cases where day care centers do not have elevators, children with severe disabilities are referred to other centers that are within one mile of the center which are ADA compliant.

The last speaker was a representative from DCAS, who informed the Commission that the facility is still under the ownership of the original landlord. She stated that the current application would facilitate a leasing of the building for an approximate five year term. She further noted that acquisition approval by the Commission would permit the on-going negotiations of future leases without re-entering the ULURP process. She also informed the Commission that the Department of Health is the regulatory body responsible for setting forth regulations for the physical conditions of day care centers.

CONSIDERATION

The Commission believes that the application for acquisition of City-owned property for continued use as a day care center, located at 1113 Colgate Avenue (Block 3736, Lot 1), is appropriate.

The East Bronx Day Care Center has utilized the space continuously since 1972, serving the community by providing day care services for children, including educational, recreational and nutritional programs. The use is permitted as-of-right in an R6 district. It is well 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 BX 4 and the BX 54 busses which run on Story Avenue, three blocks south of the site, and the # 6 train which stops at the Elder Avenue station, three blocks northeast of the site.

The Commission is pleased that the representative from ACS, in response to the Bronx Borough President's comment about the exterior appearance of the building, testified that work has been done on the fence that is located on the roof and that they will be providing additional street trees, benches, and a bus drop off in front of the facility.

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 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, 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 submitted by the Department of Citywide Administrative Services (DCAS) and the Administration for Children's Services (ACS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property

located at 1113 Colgate Avenue (Block 3736, Lot 1) for continued use as a day care center, Borough of the Bronx, Community District 9, is approved for a period of five years.

The above resolution (C 150058 PQX), duly adopted by the City Planning Commission on January 6, 2016 (Calendar No. 4), 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, *Chairman*

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

RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,

MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,

CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ *Commissioners*

Application #: C 150058PQX	Project Name: East Bronx Day Care Center
CEQR Number:	Borough(s): Bronx
	Community District Number(s): 9

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

SUBMISSION INSTRUCTIONS

- 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 #C10000ZSQ"
 - 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"
- 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 1113 Colgate Avenue (Block 3736, Lot 1) for continued use as a day care center.

Applicant(s): Administration for Children's Services 150 William Street, 13th floor NY, NY 10038 Department of Citywide Administrative Services 1 Centre Street 20th floor South NY, NY 10007	Applicant's Representative: Ana Colares 212-341-4810 Randal Fong 212-386-0618
Recommendation submitted by: CB9 - Maribel Mercado, Community Associate	
Date of public hearing: 10/15/15 Location: Kips Bay Boys & Girls Club	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: Location:	
RECOMMENDATION <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.	
Voting # In Favor: 25 # Against: 0 # Abstaining: 0 Total members appointed to the board: 27	
Name of CB/BB officer completing this form William Rivera	Title District Manager
	Date 10/15/15

**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 # C 150058 POX

DOCKET DESCRIPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

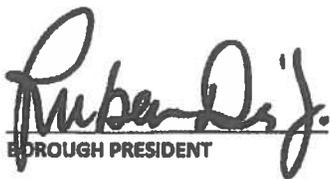
COMMUNITY BOARD NO. 9

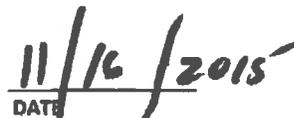
BOROUGH: BRONX

RECOMMENDATION

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

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary): PLEASE SEE ATTACHMENT FOR THE BOROUGH PRESIDENT'S RECOMMENDATION


BOROUGH PRESIDENT


DATE

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NO: C 150058 PQX
EAST BRONX DAYCARE CENTER
November 10, 2015**

DOCKET DESCRIPTION

IN THE MATTER OF AN application submitted by the Administration for Children's Services (ACS) and the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1113 Colgate Avenue (Block 3736, Lot 1) for continued use as a day care center.

BACKGROUND

Approving this application will facilitate the continued use of a daycare facility for children located at 1113 Colgate Avenue, (Block 3736, Lot 1). Known as the East Bronx Day Center, (the daycare center) the site being considered by this application has been used by this daycare provider since the 1970's. The daycare center is located in Bronx Community District #9, and the building in which this center is located is zoned R6. Approval for the use of this facility was initially reviewed and approved for a period of 20 years in 1994, ULURP Application Number C 910446 PQX. At this time the lease agreement being considered by this application is valid for five years.

The East Bronx Daycare Center provides educational and recreational activities for approximately 70 pre-school age children and 36 children of school age. This facility operates Monday through Friday, commencing at 8:00 a.m. and concluding at 6:00 p.m. Children are taken to the center in the morning by their parents or guardians and are picked up in the same manner at the end of the day. As such, this facility offers the families it serves an essential service, allowing those who work ample scheduling-flexibility.

Daily activities include providing youngster with a full and balanced breakfast, lunch and snack. Supervised playtime which affords the children ample exercise is offered both indoors and out. Educational programming pursuant to the Head Start program is also provided.

The East Bronx Daycare Center is located in a two-story building, the total square footage of which is 27,770. This sum includes 20,270 square feet of interior space and a roof area used for outdoor recreational functions consisting of 7,500 square feet. A free-standing, open-air shelter also occupies a portion of the roof facilitating space that is sheltered from direct sunshine. The entire roof area is also fenced with chain-link to assure safety. The interior activity rooms are well lit and appropriately maintained. A staff of sixteen people oversee the full operation of this daycare facility. Among others, this staff consists of four teachers, four assistant teachers and a family advocate. As the teaching staff leads the day's activities, it is the family advocate that reaches out to the family if a youngster is absent from the center or requires any kind of special assistance. This facility is NOT handicapped accessible.

Development of the surrounding community is typified by one and two-family homes and low-rise multi-family buildings. Commercial activity and access to bus transportation are available on Bruckner Boulevard, approximately two blocks from the site.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application has been reviewed pursuant to SEQR and CEQR and received a Type II Designation. The City Planning Commission certified this application as complete on September 8, 2015.

COMMUNITY BOARD PUBLIC HEARING

A public hearing was called by Bronx Community Board #9 on October 25, 2015. A unanimous vote recommending approval of this application was 25 in favor, zero opposed and zero abstaining.

BRONX BOROUGH PRESIDENT'S PUBLIC HEARING

The Bronx Borough President convened a public hearing on November 10, 2015. Representative of the applicant were present and spoke in favor of this application. No other members of the public were in attendance and the hearing was closed.

BOROUGH PRESIDENT'S RECOMMENDATION

It is now an accepted fact that pre-school age children benefit significantly as a consequence of their participation in activities provided by daycare facilities such as those offered at the East Bronx Daycare Center. We know that the interaction between youngsters and exposing them to organized playtime and educational activities stimulates young minds and prepares them for entry into elementary school. I am especially pleased that the programming offered at this location satisfy Head Start requirements.

It is very apparent that the building in which the East Bronx Daycare Center operates is well maintained and offers youngsters a comprehensive array of indoor and outdoor programming venues. It is unfortunate however that the exterior of this facility fails to offer an inviting site for those who live in the surrounding neighborhood, work at the daycare center, or participate in the activities that take place here. The building lacks any esthetic character as it offers nothing but a dark-brick façade, interrupted by small windows, while the parapet wall is defined by a black chain link fence topped off with what appears to be wire. I do urge the property owner and tenant to consider ways by which this building can be a visual asset to the neighborhood as well as a vital destination for those young people attending the daycare programming that is so well provided.

I recommend approval of this application.