



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 421 East 161st Street (Block 2383, Lot 12) for continued use as a child care center, Borough of Bronx, Community District 3.

This application was filed on January 22, 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 421 East 161st Street (Block 2383, Lot 12) as the Iola Jordan Day Care Center, 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 Melrose neighborhood of Bronx, Community District 3. This site has been used to provide child care since the early 1970s. It was the subject of a 20-year lease approval by the City Planning Commission on December 15, 1993 (C 920569 PQX, Calendar No. 27). It has been operating under a month-to-month license agreement since the expiration of the lease. 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 mapped with an R8/R7-2/C1-4 zoning district, which allows day care centers as of right. The surrounding area is generally developed with residential, commercial, and public facility uses. To the south, across 161st Street, is the Melrose Commons Urban Renewal Area. To the west of the site is the Bronx Criminal Court, the Concourse Plaza mall, Bronx Borough Hall, and the new Yankee Stadium. Boricua College is a neighborhood landmark to the east of the day care center.

The child care center occupies the entire two-story property, which has 19,050 square feet of interior floor space and a 7,628-square-foot rooftop play area. The main entry point is along the 161st Street frontage; there is also an accessible entrance at 162nd Street, to the rear of the center. The second story has six classrooms, one for toddlers and five for preschoolers. The main floor has three classrooms for preschoolers and one classroom for school-aged clients. The facility is equipped with fire control sprinklers. A City-owned parcel adjacent to the facility is used by the center as an outdoor play area. This property is not subject to the proposed action.

The program has the capacity to serve as many as 154 preschoolers and 25 after school clients. Program hours are from 8AM until 6PM, Monday through Friday. Most of the children are dropped off and picked up by parents or caregivers. No parking is provided.

Program offerings include the daily preparation of a nutritionally balanced breakfast, lunch, and snack. Age-appropriate supervised play time is provided. The center works with the Early Learn program as its major educational template. It involves age-appropriate language skills, arts and crafts, science and math, and nutrition. All City, State, and Federal regulations are met or exceeded.

The program staff includes a total of 40 child care professionals, administrative, and maintenance workers

ENVIRONMENTAL REVIEW

This application (C 150232 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 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 150232 PQX) was certified as complete by the Department of City Planning on July 24, 2017, and was duly referred to Bronx Community Board 3 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

Bronx Community Board 3 held a public hearing on September 13, 2017, and recommended approval of this application (C 150232 PQX) by a vote of 23 in favor and 1 abstention. A favorable recommendation was submitted dated September 22, 2017.

Borough President Recommendation

The Bronx Borough President submitted a letter dated October 12, 2017 recommending approval of this application (C 150232 PQX).

City Planning Commission Public Hearing

On November 1, 2017 (Calendar No. 1), the City Planning Commission scheduled November 15, 2017 for a public hearing on this application (C 150232 PQX). The hearing was duly held on November 15, 2017 (Calendar No. 15). Three speakers testified in favor of the application.

The first speaker represented the program/service arm of ACS. The speaker addressed the procedures used to identify and resolve maintenance issues, including those facing the Iola Jordan facility. The speaker stated that repair concerns are identified by either a complaint/work order by the facility operator or by an ACS staff member. ACS staff generally makes site visits to each facility every six to eight weeks, or more frequently if issues of concern are identified. Once a repair need is identified, either the landlord or DCAS, per prior agreement, will make the necessary repairs. The speaker noted that safety is the primary concern, and that the continued operation of the Iola Jordan facility indicates that none of the pending repairs impacts on the overall safety of the facility. All child care facilities are also licensed and regulated by the NYC Department of Health and Mental Hygiene.

The second speaker briefly spoke about the overall safety of the facility and steps ACS takes to reconfirm each child care program's safety needs.

A representative of DCAS spoke about the leasing and site selection procedures associated with all lease renegotiations. The speaker noted that as a lease nears its end, DCAS and ACS will consider whether the facility has been operated successfully, whether market conditions in the area have changed, and whether the facility serves a specific neighborhood or a wider regional client base. Based on these and other considerations, a decision is made to either re-negotiate a lease or to seek another location. The speaker also noted that, in certain locations, landlords may want to redevelop or may not want to contract with the city. The speaker stated that month-to-month arrangements can sometimes backfire on the City, eliminating a viable site, resulting in potential disruption of the lives of client families. For these reasons, the applicants seek approval of the lease renewal.

The speaker also stated that the lease agreements would include a cancellation option as well as renewal options, giving the City flexibility to consider new spaces. Finally, the speaker noted that ACS has been meeting, and will continue to meet, with the Department of Housing Preservation and Development (HPD) to identify areas where new buildings might be able to provide space for ACS programs.

CONSIDERATION

The Commission believes that the acquisition of property for continued use as a +child care center, located at 421 East 161st Street (Block 2383, Lot 12), is appropriate.

A child care center has occupied this space continuously since the early 1970s, serving the community by providing needed services. The center provides daily meal service, supervised play time, and education using the Early Learn program as a guide. The site is well-served by transit, accessible by the Bx6 and Bx41 bus lines although most children are dropped off by walking parents or caregivers. The use is permitted as-of-right in the R8/R7-2/C1-4 zoning districts within which the facility is located.

The Commission notes that there are fire control sprinklers installed in this facility. The Commission is concerned about the number and duration of maintenance requests that are included in the Scope of Work (SOW) associated with the lease negotiations. However, the Commission

notes that the applicants have indicated that the SOW will be linked to the lease terms in a manner that guarantees prompt completion of existing and future repairs. ULURP review has been effective in resolving maintenance issues and the Commission will continue to have an oversight role in the direct lease of day care facilities.

The Commission also notes that the subject building was not originally designed to accommodate a child care facility, and that the recent development of new mixed-use buildings in the neighborhood might create opportunities for more architecturally appropriate child care facilities. The Commission acknowledges that the current proposed lease, with its cancellation clauses and extension options, will give the applicants the flexibility to consider all options for use of the facility, including acquisition of or relocation from the site. The Commission also notes that the applicants have indicated that they will continue to coordinate with HPD to identify opportunities for the creation of childcare facilities in new publicly subsidized buildings.

The Commission notes the critical importance of ensuring that the exterior appearance of these facilities is welcoming and inviting in light of their role as critical neighborhood resources. Here, the Commission notes that the façade has not been well maintained and does not contribute to a welcoming environment for its clients or neighborhood residents. The Commission encourages DCAS and ACS to pursue streetscape and façade improvements to enhance the center's appearance, making it a more welcoming and attractive neighborhood asset that better engages and activates the streetscape.

The Commission is 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 demographic and neighborhood land use patterns.

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 421 East 161st Street (Block 2383, Lot 12) for continued use as a child care center, is approved for a period of ten years or without time limitation if acquired in fee.

The above resolution (C 150232 PQX), duly adopted by the City Planning Commission on December 13, 2017 (Calendar No. 13), 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*

**RAYANN BESSER, MICHELLE R. DE LA UZ, RICHARD W. EADDY,
CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARIN, LARISA ORTIZ** *Commissioners*

**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.

APPLICATIONS NOS: C 150232 PQX

DOCKET DESCRIPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. #3

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 #C 150232 PQX
IOLA Jordan DCC**

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 to 197-c of the New York City Charter, for the acquisition of property located at 421 East 161st Street (Block 2383, Lot 12) for continued use as a child care center.

BACKGROUND

Approval of this application will facilitate the signing of a lease agreement by the Administration for Children's Services, on behalf of IOLA Jordan DCC, in order that the daycare center located at 421 East 161st Street can continue functioning at this location. The site is situated on the north side of East 161st Street (Block 2383, Lot 12) between Melrose Avenue on the west, and Elton Avenue on the east, in Bronx Community District #3. The location is zoned R8, R7-2/C1-4. The building in which this daycare center is located was at one time a movie theater.

IOLA Jordan DCC accommodates up to 154 preschoolers and 25 school age children. The facility operates Monday through Friday, from 8:00 a.m. to 6 p.m. Transportation to the center is the responsibility of the individual child's family.

The building in which IOLA Jordan DCC is located leases approximately 19,050 square feet of interior space to the center. This includes four classrooms on the first floor plus six classrooms on the second floor. A recreational area located on the roof of this building offers 7,628 square feet of space for play activities. Taken together, this yields a total of 26,678 square feet. Two vacant lots situated adjacent to 421 East 161st Street, which are secured by fencing, provide outdoor locations for active recreation.

Programming includes:

- Nutritional breakfast, lunch and daily snack. Supper is also offered to the school age children.
- Supervised recreational activities overseen by professional staff. This recreational time is specifically designed to encourage the social skills of the participating youngsters.
- IOLA Jordan DCC participates in the Early Learn program. As such, language arts, science, math and social study programming are provided.

IOLA Jordan DCC employs 42 people which include professional, paraprofessional and support staff.

Residential development in the surrounding community includes mid-rise and high-rise residences. Active commercial venues are situated on 161st Street and on Melrose Avenue. The daycare facility is well served by bus transportation, which includes the recently activated SBS-6 route which operates on 161st Street. Subway access however, is located approximately five blocks west of the site.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

This application was reviewed pursuant to SEQR and CEQR and received a Negative Declaration, meaning the proposed use poses no threat to the environment. The City Planning Commission certified this application as complete on July 24, 2017.

COMMUNITY BOARD PUBLIC HEARING

Bronx Community Board #3 held a public hearing on this application on September 13, 2017. A vote recommending approval of this application was 23 in favor, one opposed and zero abstaining.

BRONX BOROUGH PRESIDENT'S PUBLIC HEARING

A public hearing was convened by the Bronx Borough President on October 11, 2017. Representatives of the applicant were present and spoke in favor of this application. There being no other members of the public in attendance, the hearing was closed.

BOROUGH PRESIDENT'S RECOMMENDATION

Daycare programming for preschoolers and elementary-school age youngsters is proven to be essential for a child's long-term development. We know that learning goes beyond knowing the alphabet and numbers, but also must include understanding how to interact with others, be they adults or children. I am therefore very pleased to recommend that this application be approved, in order that the IOLA Jordan DCC can continue to operate at their location on East 161st Street.

I recommend approval of this application.