



October 17, 2018 / Calendar No. 9

C 150263 PQM
CORRECTED¹

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 474 West 159th Street (Block 2108, Lot 23) for continued use as a child care center, Borough of Manhattan, Community District 12.

This application for acquisition of property was filed on February 19, 2015 by the Administration for Children’s Services (ACS) and the Department of Citywide Administrative Services (DCAS) to facilitate the continued use of property located at 474 West 159th Street (Block 2108, Lot 23), within Manhattan Community District 12, as a child care center.

BACKGROUND

ACS and DCAS are seeking the acquisition of property to facilitate the continued operation of the United Federation of Black Community Organizations Child Care Development Center, which is located in Washington Heights. This site has been used to provide child care since 1974, and was the subject of a previous acquisition, approved by the Commission on July 27, 1994 (C 920567 PQM, Cal No. 33) for a term of 20 years. The previous lease expired and the facility has operated since then under a month-to-month license agreement.

The project site is located in an R7-2 zoning district, which allows child care centers as-of-right. The surrounding area is predominantly residential in character, typified by five- to six-story multi-family buildings. The area has several institutional anchors, such as the historic Jumel Mansion, Audubon Terrace and Highbridge Park, and several community facility uses, such as houses of worship, libraries and schools. Stops for the A and C subway lines are located at West 163rd Street and Amsterdam Avenue, which is three blocks away. A stop for the 1 line is located at Broadway and West 157th Street, which is four blocks away. The neighborhood is also served by several bus lines that run on all major avenues.

¹ The report (C 150263 PQM) has been administratively corrected on November 5, 2018. The original report inadvertently omitted the phrase “or longer” from the approval period.

The proposed acquisition site, which operates as an existing ACS facility, is located in a four-story, privately-owned building at 474 West 159th Street. The building has 22,320 square feet of interior space, including a basement, and 4,464 square feet of rooftop play area. The facility also has an at-grade play area that occupies the building's side yard, comprising 1,870 square feet of lot area. The ACS facility is the only occupant of the property.

The United Federation of Black Community Organizations Child Care Development Center is contracted to serve 117 preschool-aged children. Pre-schoolers may attend the program full-time, 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 to enhance children's physical, cognitive, social, and emotional development. The center is staffed by approximately 37 professional, paraprofessional, and support staff.

ENVIRONMENTAL REVIEW

This application (C 150263 PQM) 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 150263 PQM) was certified as complete by the Department of City Planning on May 21, 2018, and was duly referred to Manhattan Community Board 12 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Manhattan Community Board 12 held a public hearing on this application (C 150263 PQM) on June 18, 2018, and on June 26, 2018, by a vote of 43 in favor, none opposed, and none abstaining,

the board adopted a resolution recommending approval of the application with the following conditions:

“Community Board 12, Manhattan urges the Department of Citywide Administrative Services to ensure that the lease renewal obligates the landlord to make various improvements to the facility, including but not limited to the roof, the elevator, the boiler, HVAC system, windows, the exterior, sidewalks and sprinklers, and to install new equipment or items to the maximum degree possible;

Community Board 12, Manhattan urges the Department of Citywide Administrative Services and the Administration for Children’s Services to consult with the United Federation of Black Community Organizations on the scope of work for the building improvements and to keep the Executive Director and the Board informed throughout the negotiation process and afterwards as the arrangements are made for the building improvements;

Community Board 12, Manhattan urges the Department of Citywide Administrative Services to ensure that the lease includes provisions to require the building improvements be undertaken in full compliance with all applicable laws, rules and regulations, using quality materials and workmanship, and additionally provides for all costs associated with the building improvements to be reviewed independent of the landlord or its agents, and obligates the landlord to provide satisfactory upkeep, repair and maintenance of the Site and the building during the term of the lease.”

Borough President Recommendation

This application (C 150263 PQM) was considered by the Manhattan Borough President, who on September 4, 2018 issued a recommendation to approve the application.

City Planning Commission Public Hearing

On August 22, 2018 (Calendar No. 11), the City Planning Commission scheduled September 5, 2018 for a public hearing on this application (C 150263 PQM). The hearing was duly held on September 5, 2018 (Calendar No. 24). One speaker testified in favor of the application.

A representative from ACS spoke in favor of the application, describing the facility’s physical space and stating that the facility has a budgeted capacity of up to 117 children and is presently 84 percent enrolled. The representative also explained that the rooftop play area has been repaired and is being used. The representative noted that new sprinklers will be installed throughout the facility and that the new lease term will begin upon completion of all repairs.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that the acquisition of City-owned property for continued use as a child care center located at 474 West 159th Street (Block 2108, Lot 23) is appropriate.

A child care center has occupied this space continuously since the 1970s, serving the community by providing much-needed services. There are currently 89 children enrolled in the center's program. The center provides daily meal service and supervised play time, and educates the children as part of the Early Learn and Universal Pre-K programs. The child care also gives parents of enrolled children time to work or attend school. The use is permitted as-of-right in the R7-2 district. The site is well-served by public transit, located near several bus lines and within five blocks of two subway stations.

The Commission notes the importance of ensuring that the façades of these facilities are warm 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 pursue additional streetscape and façade improvements to improve the center's appearance, such as those suggested by the Department of City Planning's Urban Design Division to improve the rooftop play area's fencing, making it a more welcoming and attractive neighborhood asset that better engages and activates the streetscape.

The Commission applauds ACS for its plans to include the installation of a fire sprinkler system, and notes that repairs requested by the Community Board are already being planned by the agency. The Commission also notes that the public review process for the continued use of this facility has been effective in highlighting any maintenance or repair issues that need to be addressed.

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, pursuant to 197-c of the New York City Charter, for the acquisition of property located at 474 West 159th Street (Block 2108, Lot 23) for continued use as a child care center, is approved for a period of ten years or longer, with additional renewal options, or without time limitation if acquired in fee.

The above resolution (C 150263 PQM), duly adopted by the City Planning Commission on October 17, 2018 (Calendar No. 9), 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*

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

ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,

MICHELLE de la UZ, JOSEPH I. DOUEK, RICHARD W. EADDY,

CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ, *Commissioners*



Community Board 12 - Manhattan Washington Heights & Inwood

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Shahabuddeen A. Ally, Esq., Chairperson
Ebenezer Smith, District Manager

June 29, 2018

Hon. Marisa Lago, Chairperson
NYC Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Resolution Supporting The Land Use Review Application Submitted by The Administration For Children Services (ACS) and The Department Of Citywide Administrative Services (DCAS) to Enter Into a New Lease for The UFBCO Day Care Center at 474 West 159th Street.

Dear Chairperson Lago:

At the General Meeting, of Community Board 12 Manhattan held on Tuesday, June 26, 2018 the following resolution passed with a vote of 43 in favor, 0 opposed, 0 abstention.

Whereas: Pursuant to the New York City Charter, acquisition, including leasing, of property by the City of New York requires a Uniform Land Use Review Procedure ("ULURP") action. In February 2015 the Department of City Planning ("DCP") received a ULURP application ("Application C150263 PQM" or the "ULURP Application") filed by the Administration for Children's Services ("ACS") and the Department of Citywide Administrative Services ("DCAS") (collectively, the "Applicants") for the acquisition of property located at 474 West 159th Street, between St. Nicholas Avenue and Edgecombe Avenue, (Block 2108 / Lot 23) (the "Site") for continued use as a child care facility. The acquisition consists of a new lease of up to 20 years; terms of the lease are to be negotiated. On May 21, 2018 the Application was certified by DCP as complete. The period for Community Board 12, Manhattan ("CB12M") to review the ULURP Application began on May 30, 2018 and must be completed by July 30, 2018; and

Whereas: The Site is an approximately 7,300 square foot privately-owned zoning lot that is improved by a four-story 28,684 square foot building (the "Building"). The Site has been used as a child care center since 1974, when the City of New York first leased the Site. The child care center occupies the entire Site and Building and consists of approximately 22,300 square feet of interior space, 4,460 square feet of rooftop play area, and 1,870 square feet of a play area in a side yard (the "Child Care Center" or the "Center"); and

Whereas: The Center is operated by the United Federation of Black Community Organizations ("UFBCO"), which was founded in the 1960s around issues of social justice. Its founders were community-minded social workers, educators and activists who saw the value of educating children and supporting families. UFBCO submitted an application with the Human Resources Administration, ACS' predecessor agency, to establish a day care center serving Harlem and Washington Heights and has operated the Center since it opened in 1974; and

Whereas: The Center is licensed and subject to standards established by ACS as well as federal, state and city regulations. It provides comprehensive day-time programs to assist with family life and enable parents

~~the opportunity to work, attend school, and/or acquire job training. It is contracted to serve up to 117 pre-school children (two to five years old) and 100 school-age children (five to 12 years old). Pre-school age children may attend the program full-time from 8:00 AM to 6:00 PM. Services provided encompass a variety of age- and developmentally- appropriate programs in addition to meals (breakfast, lunch, and snacks). The Center is open on holidays when public schools are not in session in order to be of service to working parents; and~~

Whereas: On June 18, 2018 the Executive Committee of CB12M (the "Executive Committee") held a Public Hearing (the "Public Hearing") to obtain public comment on the ULURP Application. Presentations were made by representatives of DCAS, ACS, UFBCO and DCP. The Applicants seek to enter into a new lease of up to 20 years to permit continued use of the Site as a child care facility operated by UFBCO. DCAS and ACS will require the new lease to obligate the landlord to undertake a range of interior and exterior building improvements (the "Building Improvements"), including but not limited to reroofing, drainage issues in the at-grade play area, building mechanical systems, structural repairs, elevator upgrades, a new sprinkler system, and cosmetic improvements to the appearance of the Building. DCAS will also require that new lead and asbestos testing and reports be undertaken by qualified third parties. Building Improvements will be performed after hours and on weekends in order to have minimal impact on the Center's operations; and

Whereas: UFBCO's representatives stated that the Center has provided services to multiple generations of families and that parents and former students have gone on to play active roles at the Center. They expressed concern that DCAS and ACS failed to provide notice to UFBCO that the Application was filed, learning of the filing through CB12M's outreach, and has not conferred with it on the proposed Building Improvements; and

Whereas: DCP's representative stated that many leases for day-care facilities pre-date the implementation of ULURP in 1976, initially were approved by the Board of Estimate, and were routinely renewed by DCP with limited review. As of 2015 DCP changed its policies and now requires a thorough review of lease renewals for child care facilities with emphasis on the physical condition of facilities. This change in policy, and the number of transactions subject to the new policy, account for the delay between the filing of the ULURP Application in 2015 and its certification in 2018, and

Whereas: The Executive Committee and other CB12M Board members emphasized the importance of DCAS ensuring that the scope of the proposed Building Improvements be extensive and that particular attention be given to upgrading or replacing the elevator, mechanical and ventilation systems including the boiler, fire and life safety systems, and windows; and

Whereas: There is high demand for a variety of programs and services in Washington Heights and Inwood, including child care and pre-school programs. CB12M's 2018 Statement of District Needs cites the demand for Pre-K slots outpacing availability as well as the demand for child care services to assist working parents, and calls upon the City to focus on creating more Pre-K resources in the district. Maintaining existing child care services in the district is vital. The Center is one of approximately only eight publicly-supported child care centers serving Washington Heights and Inwood; now, therefore, be it

Resolved: Community Board 12, Manhattan supports the ULURP Application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services for the acquisition of property located at 474 West 159th Street (Block 2108 / Lot 23), through a new lease of up to 20 years, for continued use as the UFBCO Child Care Center; and be it further

Resolved: Community Board 12, Manhattan urges the Department of Citywide Administrative Services to ensure that the lease renewal obligates the landlord to make various improvements to the facility, including but

Hon. Marisa Lago

June 29, 2018

Page 3

not limited to the roof, the elevator, the boiler, HVAC system, windows, the exterior, sidewalks and sprinklers, and to install new equipment or items to the maximum degree possible; and be it further

Resolved: Community Board 12, Manhattan urges the Department of Citywide Administrative Services and the Administration for Children's Services to consult with the United Federation of Black Community Organizations on the scope of work for the Building Improvements and to keep the Executive Director and Board informed throughout the negotiation process and afterwards as arrangements are made for the Building Improvements; and be it further

Resolved: Community Board 12, Manhattan urges the Department of Citywide Administrative Services to ensure that the lease includes provisions to require the Building Improvements be undertaken in full compliance with all applicable laws, rules and regulations, using quality materials and workmanship, and additionally provides for all costs associated with the Building Improvements to be reviewed independent of the landlord or its agents, and obligates the landlord to provide satisfactory upkeep, repair and maintenance of the Site and the Building during the term of the lease.

Sincerely,



Shahabuddeen A. Ally, Esq.
Chairperson

cc: Hon. Bill de Blasio, Mayor
Hon. Gale Brewer, Manhattan Borough President
Hon. Scott M. Stringer, Comptroller
Hon. Letitia James, Public Advocate
Hon. Adriano Espaillat, Congressman
Hon. Brian Benjamin, State Senator
Hon. Marisol Alcantara, State Senator

Hon. Alfred Taylor, Assembly Member
Hon. Carmen De La Rosa, Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member
Hon. Edith Hsueh, Director NYC Planning
Aissatou Bey-Grecia, UFBCO Board Member
Dale Lazerson, Asst. Director, Leasing Real Estate, DCAS

Borough President Recommendation

City Planning Commission
120 Broadway, 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 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 150263 PQM**

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 474 West 159th Street (Block 2108, Lot 23) for continued use as a child care facility.

COMMUNITY BOARD NO: 12

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)

See Attached.


BOROUGH PRESIDENT

September 4, 2018

DATE



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

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Gale A. Brewer, Borough President

September 4, 2018

**Recommendation on ULURP Application C 150263 PQM United Federation of Black Community Organizations – Child Day Care
By Administration for Children’s Services and the Department of Citywide Administrative Services**

PROPOSED ACTION

The City of New York Administration for Children’s Services (ACS) and the Department of Citywide Administrative Services (DCAS) (“the applicants”) seek the acquisition of property in order to continue operating a child-care center located within a privately owned commercial building located at 474 West 159th Street (Block 2108, Lot 23) in an R7-2 zoning district in Washington Heights, Community District 12, Borough of Manhattan.

PROJECT DESCRIPTION

The NYC Administration for Children’s Services and the NYC Department of Citywide Administrative Services are proposing their continued occupancy of approximately 28,654 square feet, including a rooftop play area, in a privately owned building located at 474 West 159th Street for United Federation of Black Community Organizations (UFBCO) Child Development Center. The child-care center is the sole tenant of the four-story building.

The UFBCO Child Development Center serves 113 toddlers and preschoolers. Preschoolers may attend the program full time Monday through Friday from 8:00 AM to 6:00 PM. The children are taken to and from the center by their parents. The child-care services include breakfast, lunch, a snack, supervised playtime, and education guided by the Early Learning Program.

BACKGROUND

The City has operated a child-care center in the building since 1974. In 1994, an acquisition ULURP application was filed for continued use as the UFBCO Child Day Care Center. Manhattan Community Board Twelve (CB12)’s Executive Committee and the Manhattan Borough President recommended approval of the application. On July 27, 1994 the City Planning Commission (CPC) approved the application for an unlimited period “if the site is

acquired in fee” or for a period of twenty years if it is not; a twenty year lease was agreed upon. At the time of the 1994 approval, CPC raised concerns regarding the physical condition and continued maintenance and security of the day care center. HRA submitted a summary of the work required to upgrade the building which the landlord had to comply with as part of the Mayor’s Lease Renewal Upgrade Program.

The facility has maintained good standing with the Department of Health and Mental Hygiene (DOH). This year the DOH conducted three inspections. There were no violations observed in the initial inspection conducted on February 23, 2018. A subsequent inspection was conducted on May 24, 2018. During that inspection five violations were observed, but they were immediately remedied. On the last inspection no violations were observed.

In preparation for my recommendation on the instant land use application, my staff conducted a walk-through of the facility. We found small physical defects in need of repair in addition to significant leaking from the roof to the ceilings in several classrooms. We were also informed that the building’s elevator was routinely in need of repair. The need for elevator repair has also been noted by the Department of Buildings (DOB). A fine has been paid by the landlord, but the status of the violation will remain “active” until a Certificate of Correction is filed with the DOB Administrative Enforcement Unit (AEU). Repairs to the elevator and the roof are included in the new rental agreement if this Land Use Application is approved, and the lease term will not begin until the repairs are completed.

In a meeting with my office, the representatives from ACS and DCAS stated that they are requesting approval for continued use as a child-care center in the building for a term of twenty years. The lease term period is consistent with previous leases over the past four decades. The new lease will not contain an option to purchase as the current owner of the building is not interested in selling the property. The lease term will begin upon completion of the repairs contained in the scope of work, a document listing the necessary repairs needed as part of the lease agreement.

Area Context

The site is within an R7-2 zoning district. The blocks immediately surrounding the facility do not contain ground floor commercial uses although the lots fronting Amsterdam Avenue fall within a C1-4 commercial overlay. Ground floor commercial use is prevalent, however, one block west on Amsterdam Avenue. Most of the surrounding buildings range between five and six stories in height.

The UFBCO site is in close proximity to open space and some of the city’s most revered historical sites. The southern portion of Highbridge Park is located less than one block east from the site. That portion of the park contains the famed Coogan’s Bluff, known for its use as a grandstand for on-lookers watching New York Giant’s baseball games, and the John T. Brush Stairway, a pedestrian pathway that once connected Giants fans to the Polo Grounds’ ticket booths. Two blocks north lies the Morris-Jumel Mansion where George Washington planned for the Battle of Harlem Heights, the Continental Army’s first victory during the Revolutionary War.

The site is located within close proximity to several modes of transportation. It is less than two blocks from the C subway line 155th Street station and four blocks from the 1 subway line 157th Street station. The M2 bus line route begins one block north, and there are M3 and M101 bus line stops less than one block west on Amsterdam Avenue. The 1 subway line at the 145th Street station is located half a block west of the site on Broadway.

COMMUNITY BOARD RECOMMENDATION

At its Land Use Committee meeting on June 26, 2018, CB12 voted to approve the application under the condition that the lease obligates the landlord to make improvements to the facility, and that DCAS and ACS consult with UFBCO to create the scope of work for the facility improvements.

BOROUGH PRESIDENT'S COMMENTS

Child-care centers are an essential resource to the communities they serve; they are especially essential in communities where demand is outpacing availability like in Washington Heights. UFBCO needs to find a permanent location in which to operate. The proliferation of residential development in Northern Manhattan due to the increasing demand for housing places centers like UFBCO in jeopardy of displacement. The site has less floor area and height than permitted under the current zoning, and it can potentially be converted into a residential or mixed use development once the new lease expires. As a result, concrete action should be taken to provide a permanent location for day care services in this neighborhood over the next twenty years.

UFBCO should also receive the support necessary to ensure it provides services at the highest standard. The physical defects observed during the walk-through of the facility need to be addressed immediately and continual maintenance of the building should be a priority. The children who are cared for and the staff who cares for them deserve a safe and healthy environment. I have been assured that the roof and plumbing in the building will be repaired prior to the execution of the new lease. It is good to see that a new sprinkler system and fire system have been incorporated into the scope of work. I am requesting that DCAS and ACS follow up with my office and CPC regarding these improvements and repairs, and send relevant certificates of completion as they become available.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 150263 PQM.