



October 4, 2017, Calendar No. 10

C 160207 PQM

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 180 Suffolk Street (Block 350, Lot 8) for continued use as a child care center, Borough of Manhattan, Community District 3.

This application for acquisition of property was filed on February 23, 2016 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 180 Suffolk Street (Block 350, Lot 8) as Escuela Hispana Montessori 2, a child care center.

BACKGROUND

ACS and DCAS are seeking the acquisition of an existing building to facilitate the continued operation of a child care center in the Lower East Side neighborhood of Manhattan, Community District 3. This site has been leased by the City for use as a child care center since 1973. A previous acquisition application (C920273 PQM) was approved by the City Planning Commission on October 21, 1992, for a period of up to 20 years, or without time limitation if the site were acquired in fee. The proposed action would allow for the negotiation of a 10-year lease renewal.

The facility is located on a through lot and has frontage on both Suffolk Street and Clinton Street, between East Houston Street and Stanton Street. The site is located within R8A and R7A zoning districts, with a C1-5 commercial overlay along the Clinton Street frontage. These districts allow day care centers as-of-right. The surrounding area is predominantly developed with four-to-six-story multifamily mixed-use residential buildings as well as public facilities and institutions. The child care center is well served by public transportation. The J, M, Z, and F trains stop at the Essex/Delancey Street Station, three blocks to the south of the site. Stops for the M9, M14, and M21 buses are also all within three blocks.

The ACS child care facility is located in a three-story, privately owned building at 180 Suffolk Street and occupies the entire building, including a cellar, two rooftop play areas, and a ground level play area in the rear. It includes a total of 31,498 square feet, comprising 22,075 square feet of interior space and approximately 9,423 square feet of rooftop and outdoor play area. The main entrance is located along Suffolk Street and leads to the ground floor. The secondary egress door is located on Suffolk Street, and there is a third egress door on Clinton Street.

The cellar level contains a mechanical room. The ground floor contains four classrooms, several offices, a commercial kitchen and pantry, a staff lounge, and meter and mechanical rooms. The outdoor at-grade play area is accessible from the ground floor. The second floor contains four classrooms, four offices, a mini gym, and a small rooftop play area located above portions of the ground floor. The third floor contains four classrooms, three offices, and a library. The roof above the third floor includes the main play area, two storage rooms, and the HVAC unit in a separate fenced area.

Escuela Hispana Montessori 2 Child Care Center has the capacity to serve up to 174 children ages two through five. Children may attend from 8 am to 6 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 54 professional, paraprofessional, and support staff.

ENVIRONMENTAL REVIEW

This application (C 160207 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 (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 160207 PQM) was certified as complete by the Department of City Planning on May 22, 2017, and was duly referred to Manhattan Community Board 3 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 3 held a hearing on June 14, 2017, and on the same day by a vote of 11 in favor, none opposed, and with no abstentions, adopted a resolution recommending approval of the application with conditions that “this application be approved only for use as a child care center, to allow Escuela Hispana Montessori 2’s continued operation” and that the City “explore any and all ways to preserve this vital affordable child care, including but not limited to either a longer lease or outright purchase of property.”

Borough President Recommendation

This application was considered by the Manhattan Borough President, who issued a recommendation approving the application on August 31, 2017, stating that “the center has requested a designated “No Parking During School Hours” zone to allow safe onboarding and disembarking of children and to permit bus parking during business hours. My office will work with the school and the Department of Transportation (DOT) to fulfill this request and I recommend that the City Planning Commission, coordinating on behalf of ACS and DCAS, do the same.”

City Planning Commission Public Hearing

On August 23, 2017 (Calendar No. 4), the City Planning Commission scheduled September 6, 2017 for a public hearing on this application (C 160207 PQM). The hearing was duly held on September 6, 2017 (Calendar No. 37). Two speakers testified in favor of the application and none in opposition.

A representative from ACS’s Division of Early Care and Education spoke in favor of the application, stating that the center is currently at about three quarters of its capacity. There are about 127 children with the expectation that the number will go up this month as it is the beginning

of the school semester. She stated that ACS was aware of the Borough President's concern and that the general practice was to defer to the program serving the site to work with the community and DOT directly regarding the requested "No Parking During School Hours" zone in front of the facility.

A representative from the Manhattan Borough President's office spoke in favor of the application, stressing the importance of ensuring stability and longevity for these types of necessary community resources, especially in Community Board 3, which has lost several such facilities over the last few years. She also said that the Borough President's office would work with the day care center and DOT regarding the request for a designated bus drop-off zone.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 160207 PQM), for the acquisition of property located at 180 Suffolk Street for continued use as a day care center, is appropriate.

A day care center has occupied this space continuously since the early 1970s, serving the community by providing needed services. The center has the capacity to serve up to 174 children ages two to five years old, and provides daily meal service, supervised play time, and appropriate education. The center enables parents of enrolled children to work, attend school, or acquire vocational training. The use is permitted as-of-right in R8A and R7A /C1-5 zoning districts. The site is well-served by transit, accessible by the J/Z/M/F trains (at the Essex/Delancey Street Station) and the M9, M14, and M21 buses.

The Commission supports the Borough President's recommendations for a "No Parking During School Hours" zone in front of the day care center to ensure safe boarding and disembarking of children during business hours and is pleased that the Borough President's office will work with the day care provider and DOT to create a designated drop-off zone.

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 about a general pattern of poor maintenance and repairs. The Commission and Department staff have played a significant role in helping these important facilities to 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 helping to address these issues and the Commission believes 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 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, pursuant to 197-c of the New York City Charter, for the acquisition of property located at 180 Suffolk Street (Block 350, Lot 8) for continued use as a child care center, is approved for a period of ten years.

The above resolution (C 160207 PQM), duly adopted by the City Planning Commission on October 4, 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, *Chair*

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

RAYANN BESSER, ALFRED C. CERULLO, III, MICHELLE DE LA UZ,

RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT,

ANNY HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, *Commissioners*



THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 3
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Phone (212) 533-5300
www.cb3manhattan.org - info@cb3manhattan.org

Jamie Rogers, Board Chair

Susan Stetzer, District Manager

July 31, 2017

Marisa Lago, Director
Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Dear Director Lago,

At its June 2017 monthly meeting, Community Board 3 passed the following resolution:

VOTE: Support for Application C160207 PQM property acquisition at 180 Suffolk Street for continued use as a child care center for Escuela Hispana Montessori 2

WHEREAS, the building at 180 Suffolk Street is privately owned, but has been leased by the City in continual use as a childcare center since 1973; and

WHEREAS, an acquisition ULURP application was filed on December 30, 1991, certified on June 8, 1992, and approved by City Planning Commission in October 1992; and

WHEREAS, Escuela Hispana Montessori 2 has the capacity to serve up to 174 children ages 2 to 5 years old under a license from the NYC Department of Health; and

WHEREAS, the center is licensed and subject to the established standards of the Administration for Children's Services (ACS) as well as Federal, State, and City regulations; and

WHEREAS, this application submitted by the Administration for Children's Services and the Department of Citywide Administrative Services includes a 10-year lease renewal for continued use as a child care center; so

THEREFORE BE IT RESOLVED, that Community Board 3 Manhattan recommends this application be approved only for use as a child care center, to allow Escuela Hispana Montessori 2's continued operation; and

THEREFORE BE IT FURTHER RESOLVED, that CB 3 urges the City, DCAS, and ACS to explore any and all ways to preserve this vital affordable child care, including but not limited to either a longer lease or outright purchase of property.

Please contact the community board office with any questions.

Sincerely,



Jamie Rogers, Chair
Community Board 3



MyPhuong Chung, Chair
Land Use, Zoning, Public and Private Housing Committee

Cc: Erica Baptiste, Office of Manhattan Borough President Gale Brewer
Xinyu Liang, Office of New York City Department of City Planning
Sheila Rodriguez, Office of New York City Council Member Rosie Mendez
Paola Ruiz, Mayor's Community Affairs Unit
Lester Siegal, Office of Management and Budget
Alyson Grant, Administration for Children's Services
Dale Lazerson, Department of Citywide Administrative Services

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 160207 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 180 Suffolk Street (Block 350, Lot 8) for continued use as a child care center.

COMMUNITY BOARD NO: 3

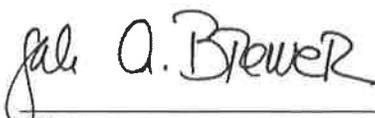
BOROUGH: Manhattan

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

August 31, 2017
DATE



OFFICE OF THE PRESIDENT
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THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

August 31, 2017

**Recommendation on ULURP Application C 160207 PQM – Escuela Hispana Montessori 2
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 a childcare center located within a privately owned commercial building located at 180 Suffolk Street (Block 350, Lot 8) in an R7-A and R7-B zoning district in the Lower East Side, Community District 3, Borough of Manhattan.

PROJECT DESCRIPTION

The NYC Administration for Children’s Services (ACS) and the NYC Department of Citywide Administrative Services (DCAS) are proposing their continued occupancy of 31,498 square feet, including two rooftop play areas, a ground level playing area and cellar space, in a privately owned building located at 180 Suffolk Street for Escuela Hispana Montessori 2, a child care center. The child care center is the sole tenant of the four-story building.

Through the Department of Health, the Escuela Hispana Montessori 2 serves 174 children between the ages of 2 and 5 years old Monday through Friday from 8:00 AM to 6:00 PM. The child care services include nutritious meal times, supervised playtime, and education guided by the Modern and Creative Curriculum Gold Version 5.

Background

The privately-owned building was constructed in 1926. In 1973, it became occupied by the ACS’s predecessor, NYC Human Resource Administration, as a daycare center. In 1991, an acquisition ULURP application was filed for continued use as the Puerto Rican Council Day Care Center. Manhattan Community Board Three (“CB3”)’s Executive Committee and the Manhattan Borough President, Ruth Messinger, recommended approval of the application. On October 21, 1992 the application was approved by the City Planning Commission (“CPC”) for an unlimited period “if the site is acquired in fee” or for a period of 20 years if it is not; this lease expired in 2012. At the time of the 1992 approval, CPC raised concerns regarding the physical condition and continued maintenance 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 Puerto Rican Council Day Care Center closed

due to the city's budget cuts in 2010 along with 15 other subsidized day care centers operated by ACS.

In a meeting with my office, the representatives from ACS and DCAS stated that they are requesting approval for continued use of the building for an unstated term in order to have flexibility in the event they are able to purchase the building. However, they informed our office that at this time, the building owner is only willing to pursue a 10 year lease.

Area Context

The predominant surrounding land use is mixed commercial and residential buildings primarily along the north side of East Houston Street and the east and west sides of Clinton Street. Most of the surrounding buildings range between three and six stories in height. The site block consists of two artist studios, four restaurants, a dessert bar, two cafes, a cigar shop, clothing store and a laundromat. The east side of the block and a portion of the building are within a commercial overlay area where the majority of the food establishments are located. Less than two blocks east of the site is ABC Playground which has variety of playground equipment for children and basketball courts.

The site is located just north of the Williamsburg Bridge entrance and east of the FDR Drive. The site is also well served by multiple modes of public transportation. The M9 and M21 bus line route stops are located north of site on East Houston Street; the J, Z and M subway lines are at the Essex Street Station located two and a half blocks east of the site; and the F subway line's Delancey Street stop is located two and half blocks south of the site. There is a Citibike station at the end of the block near the intersection of Suffolk and Stanton Streets.

COMMUNITY BOARD RECOMMENDATION

At its Land Use Committee meeting on June 14, 2017, Manhattan Community Board 3 (CB3) voted to approve the application under the condition that the Escuela Montessori 2 maintains continued use of the building as a daycare center. CB3 further stated that the administration, DCAS and ACS should explore ways to preserve affordable child care and consider longer leases for childcare facilities and as well as purchasing property for the daycare centers.

BOROUGH PRESIDENT'S COMMENTS

This location has been used as a day care center since 1973. These types of community facilities are important to the neighborhoods they serve. This is especially the case in this community which has lost several such facilities over the last few years due to the proliferation and pressure for, commercial uses. It is critical to ensure stability and longevity for these necessary community resources.

During a walk-thru of the facility by my staff, we learned that nearby construction has resulted in the parking of additional vehicles on this block, blocking entrance and egress to the daycare center. Children who disembark from the daycare's school buses are forced into the street and

exposed to danger from oncoming traffic. The center has requested a designated “No Parking During School Hours” zone to allow safe onboarding and disembarking of children and to permit bus parking during business hours. My office will work with the school and the Department of Transportation to fulfill this request and I recommend that the City Planning Commission, coordinating on behalf of ACS and DCAS, do the same. Additionally, with the approval of this renewal, the center will be able to use funding to replace the rubber roof tiles with a quick-drying roof. This will ensure children can continue to play in the facility’s three playgrounds.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 160207 PQM.



Gale A. Brewer
Manhattan Borough President