



January 3, 2018 / Calendar No. 5

C 150349 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 510 West 145th Street (Block 2076, Lot 41) for continued use as a child care center, Borough of Manhattan, Community District 9.

This application was filed on April 29, 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 510 West 145th Street (Block 2076, Lot 41) as 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 West Harlem. ACS and its predecessor agency, the Human Resources Administration, have operated a child care center at this location since 1973. On September 13, 1994, a previous application (C 920056 PQM, Cal. No. 26) was approved by the City Planning Commission with a term of up to 20 years. The previous lease expired in April 2015, and the facility has been operating on a month-to-month license since the expiration of the lease. The proposed action would allow for the negotiation of a new lease for the continued use of the property as a child care center.

The surrounding area is predominantly residential in character, typified by three- to four-story brownstones and five- to six-story multi-family buildings, and has several institutional anchors, such as City College, Riverbank State Park and Jackie Robinson Park. The Hamilton Heights Historic District and several community facility uses, such as houses of worship, libraries and schools are also located in the vicinity of the child care center. The area is well served by mass transit; subway service is provided by the IND A, B, C and D lines at West 145th Street and St. Nicholas Avenue; by the IRT No. 1 line at Broadway and West 145th Street; and by several bus

lines that run on all major avenues. West 145th Street serves as a major east-west vehicle corridor that provides direct access to the Bronx via the West 145th Street Bridge.

The proposed acquisition site comprises a two-story, privately-owned building with a cellar and a rooftop play area. The building has 25,000 square feet of interior space and 7,000 square feet of rooftop play area. The ACS facility is the only occupant of the property.

There are two entrances to the building, both along 145th Street, each of which leads to a staircase that accesses all floors. The cellar has five classrooms, three additional related instruction rooms, offices, and a staff room. The first floor has four classrooms, administrative offices, and an entry and reception area. The second floor has five classrooms, administrative offices, and an entry and reception area. The facility also has a kitchen on the first floor and a rooftop play area. The building is equipped with fire control sprinklers.

The Lutheran Social Services of New York (LSSNY) Center No. 14 operates from the proposed acquisition site. LSSNY Center No. 14 can serve up to 150 children. Currently, 96 children are enrolled at the center. Children may attend 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 currently served by 14 professional, paraprofessional, and support staff.

ENVIRONMENTAL REVIEW

This application (C 150349 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 150349 PQM) was certified as complete by the Department of City Planning on August 7, 2017 and was duly referred to Manhattan Community Board 9 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 9 held a public hearing on this application (C 150349 PQM) on October 19, 2017, and on that day, by a vote of 31 in favor, none opposed, and none abstaining, adopted a resolution recommending approval of the application with the following conditions:

1. “That the City continue to use the site for child care facilities; and
2. That the City not sell or develop residential units on the property; and
3. That the City not sell or utilize any unused development rights associated with the property.”

Borough President Recommendation

This application (C 150349 PQM) was considered by the Manhattan Borough President, who on November 20, 2017, issued a recommendation to approve the application.

City Planning Commission Public Hearing

On November 29, 2017 (Calendar No. 3), the City Planning Commission scheduled December 13, 2017 for a public hearing on this application (C 150349 PQM). The hearing was duly held on December 13, 2017 (Calendar No. 23). Three speakers testified in favor of the application.

Two representatives from ACS spoke in favor of the application, stating that LSSNY had an exemplary record of providing child care services at this location and noting the continued demand for child care in this community. The representatives also provided an overview of the child care facility operations and ACS’s post-lease execution responsibilities; stated that all repairs to the roof and building interior would be carried out, as defined in the scope of work

(SOW); and that the facility's fire control sprinklers, which have been in place since the building's construction in the early 1970's, are functional.

The representative from DCAS, who also spoke in favor, gave an overview of DCAS's real estate transaction procedures to acquire and lease the proposed acquisition site.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the acquisition of property for continued use as a child center, located at 510 West 145th Street (Block 2076, Lot 41), is appropriate.

The center, currently managed by LSSNY, serves up to 150 children and provides daily meal service, supervised play time, and education focused on developmentally appropriate practices to enhance children's physical, cognitive, social, and emotional development.

The Commission notes the community board's concerns regarding the long-term use of this facility; that the City continue to use the site as a child care facility and not sell or develop residential units on the property (which is privately owned); and that no decision has yet been made concerning the future of this facility after expiration of the requested lease renewal. A child care center has occupied this space continuously since 1973, serving the community by providing needed child care services. Accordingly, the Commission urges ACS and DCAS to undertake a proactive, long-term assessment of child care services at this location, given the community's current and potential population demographics and neighborhood land use patterns.

The Commission also notes the importance of ensuring that the façades of these facilities are welcoming 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 streetscape and façade improvements to improve the center's appearance, making it a more welcoming and attractive neighborhood asset that better engages and activates the streetscape.

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, elected officials and the Commission itself about a general pattern of poor maintenance and repairs. The Borough President also expressed in her recommendation concerns regarding the building's plumbing and roof condition. In a meeting with the Borough President, ACS and DCAS stated that the renewed lease term will not begin until completion of all repairs, which include plumbing and roof repairs, as listed in the SOW, a document that describes all necessary building repairs as part of the lease agreement.

The Commission and Department staff have played a significant role in helping to ensure that 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 highlighting and addressing these issues, and the Commission will continue to have an oversight role in the direct lease of child care facilities.

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 510 West 145th Street (Block 2076, Lot 41) for continued use as a child care center, is approved for a period of 10 years, or without time limitation if acquired in fee.

The above resolution (C 150349 PQM), duly adopted by the City Planning Commission on January 3, 2018 (Calendar No. 5), 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, JOSEPH DOUEK,
RICHARD W. EADDY, CHERYL COHEN EFFRON,
HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARÍN, LARISA ORTIZ, Commissioners

Application #: **C150349 PQM**

Project Name: **LSSNY Center 14**

CEQR Number: Type II

Borough(s): Manhattan

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 #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 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 510 West 145th Street (Block 2076, Lot 41) for continued use as a child care center.

Applicant(s): Administration for Children's Services 150 William Street, 14th Floor New York, NY 10038	Applicant's Representative: Ana Corales (ACS) 212-341-2746
Recommendation submitted by: Manhattan Community Board No. 9	
Date of public hearing: 10/19/17 Location: Castle Gardens 625 W. 140th St New York, N.Y. 10031	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>	
Date of Vote: Thursday, October 19, 2017 Location: Castle Gardens 625 W. 140th St New York, N.Y. 10031	
RECOMMENDATION <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove </div> <div> <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions </div> </div>	
Please attach any further explanation of the recommendation on additional sheets, as necessary.	
Voting # In Favor: 31 # Against: 0 # Abstaining: 0 Total members appointed to the board: 47	
Name of CB/BB officer completing this form 	Title District Manager
Date 10/24/19	

**CB9M**

16-18 Old Broadway
New York, New York 10027
(212) 864-6200/Fax # 662-7396

COMMUNITY BOARD #9, MANHATTAN

Gale Brewer
President, Borough of Manhattan

October 24, 2017

Padmore John
Chair

Victor A. Edwards
First Vice-Chair

Carolyn Thompson
Second Vice-Chair

Anthony Q. Fletcher, Esq.
Treasurer

Barry Weinberg
Assistant Treasurer

Theodore Kovaleff, Ph.D.
Secretary

Alec Barrett
Assistant Secretary

Eutha Prince
District Manager

Hon. Marisa Lago
Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Hon. Larisa Ortiz
Commissioner
City Planning Commission
22 Reade Street
New York, NY 10007

Reso re: ULURP Application No. C150349 –510 W. 145th St. (with conditions) – LSSNY Day Care Center

Dear Chair Lago and Commissioner Ortiz:

At its regularly scheduled General Board meeting held on Thursday, October 19, 2017 Community Board No. 9 Manhattan approved the following **Reso re: ULURP Application No. C150349 –510 W. 145th St. (with conditions) – LSSNY Day Care Center** by a vote of 31 in favor, 0 opposed, and 0 abstentions.

Whereas, the New York City Department of Citywide Administrative Services (DCAS) and the Administration for Children's Services (ACS) has submitted ULURP Application 3C150349 PQM for the acquisition of property located at 510 West 145th Street (Block 2076, Lot 41) for continued use as a child care center; and

Whereas, the parcel in question is currently leased by DCAS and houses a child care center operated by Lutheran Social Services and the Nasry Michelen program; and

Whereas, the parcel in question has been in use as a child care center since the early 1970s; and

Whereas, ACS is requesting an acquisition of the property to ensure the continued provision of child care services; Therefore be it

Resolved, That Manhattan Community Board 9 supports ULURP Application 3C150349 to acquire the property located at 510 West 145th Street **WITH THE FOLLOWING STIPULATIONS:**

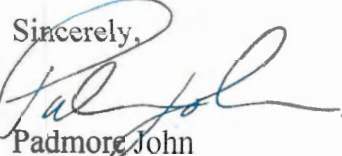
1. That the City continue to use the site for child care facilities; and
2. That the City not sell or develop residential units on the property; and

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Ms. Marisa Lago
Ms. Larisa Ortiz
October 24, 2017
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3. That the City not sell or utilize any unused development rights associated with the property;

If you have any questions please feel free to contact me or District Manager, Eutha Prince at (212) 864-6200.

Sincerely,

Padmore John
Chair

cc: Hon. Bill DeBlasio, Mayor
Hon. Adriano Espaillat, Congressman
Hon. Bill Perkins, State Senator
Hon. Marisol Alcantara, State Senator
Hon. Brian Benjamin, State Senator
Hon. Inez Dickens, Assembly Member
Hon. Daniel O'Donnell, Assembly Member
Hon. Herman D. Farrell, Jr., Assembly Member
Hon. Mark Levine, Council Member
Hon. Bill Perkins, Council Member

Borough President Recommendation

City Planning Commission
120 Broadway, 31st Floor New York, NY 10271
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: C 150349 PQM - LSSNY Center 14

Docket Description:

C 150349 PQM

IN THE MATTER OF an application submitted by the Administration for Child Services and the Department of Citywide Administrative Services pursuant to Sections 197-c of the New York City Charter, for the acquisition of property located on 510 West 145th Street (Block 2076, Lot 41) for continued use as a child care center

In the Hamilton Heights neighborhood, Community District 09, Borough of Manhattan.

COMMUNITY BOARD NO: 09


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

November 20, 2017
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
431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f
www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

November 9, 2017

**Recommendation on ULURP Application C 150349 PQM LSSNY – LSSNY Center 14
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 510 West 145th Street (Block 2076, Lot 41) in an R7D zoning district with a C2-4 commercial overlay in West Harlem, Community District 9, 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 32,000 square feet, including a rooftop play area, in a privately owned building located at 510 West 145th Street for Lutheran Social Services of Metropolitan New York, Inc. (“LSSNY”) Center 14, a child care center. The child care center is the sole tenant of the two-story building.

The LSSNY Center No. 14 serves 95 pre-school children ages 2 to 5 years old Monday through Friday from 8:00 AM to 6:00 PM. The services include breakfast, lunch, a snack, supervised playtime, supervised playtime, and education guided by the Creative Curriculum. LSSNY intends to increase the number of children they serve by adding 55 children in 5 classrooms located on the first floor of the building.

Background

ACS and its predecessor agency, Human Resources Administration (“HRA”), have operated a childcare center in the building since the building’s opening in 1972.

In 1991, an acquisition ULURP application was filed for continued use as a child care center. The application was certified in 1994. On September 13, 1994 the application was approved by the City Planning Commission (“CPC”) for an indefinite period, “if the site is acquired in fee” or for a period of 20 years if it is not; this lease expired in 2014. The City Council called the application up and approved it with restrictions on November 3, 1994.

A review of Department of Health and Mental Hygiene (“DOH”) inspections over the past three years reveals that the center has no observed violations since November 2014; that violation was corrected shortly after it was documented. The most recent inspection conducted by DOH took place on November 8, 2017. No violations were observed at that time. In preparation of 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 second floor ceiling. The need for repair to address leaks to the second floor 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 roof will be 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 ten 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. The 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.

The Department of Education (“DOE”) is expected to begin operating the child center in coordination with the city’s Universal Pre-K program. Migration from ACS to DOE will take place in March 2019. DOE assuming control of the programming will have no effect on the lease.

Area Context

The predominant surrounding land use is mixed commercial and residential buildings. The New York Public Library (“NYPL”) Hamilton Grange Branch is across the street from the LSSNY center on the north side of 145th Street. Most of the surrounding buildings range between three and six stories in height. The site block consists of two hotels, a laundromat, a deli, a hardware store, a locksmith, and a Banco Popular. Riverside State Park is located less than two blocks west from the site. The site is within a C2-4 commercial overlay which extends along the north and south sides of 145th St. between Amsterdam Avenue and Broadway. The commercial overlay permits the aforementioned businesses on the ground floor along the street.

The site is located within close proximity to several modes of transportation. It is less than 2 blocks from Riverside Drive and less than half a mile southeast of the nearest Henry Hudson Expressway entrance ramp. The Bx19 bus line route runs through 145th street and there are stops located on the east and west ends of the block. The M4 and M5 bus line routes run along Broadway and there is a stop located one block away between 145th St. and 146th St. The 1 subway line 145th St Station is located half a block west of the site on Broadway. The A, B, C, D 145th St Station is located two and a half blocks east of the site.

COMMUNITY BOARD RECOMMENDATION

At its Land Use Committee meeting on October 19, 2017, Manhattan Community Board 9 (“CB9”) voted to approve the application under the condition that the building be maintained for continued use as a childcare facility. The resolution further stated that the administration, DCAS and ACS not seek to use this property for residential development.

BOROUGH PRESIDENT’S COMMENTS

Childcare centers, like senior centers for the elderly, are an essential resource to the communities they serve; we have a responsibility to ensure they receive the support they need to provide their services. Spaces should be sought that offer long term stability. The proliferation of residential development in Harlem due to the increasing demand for housing places centers like LSSNY in jeopardy of displacement in the future. The site is under developed and sits between two lots that are also underdeveloped single use buildings. There is nothing preventing the owner of the LSSNY site or the owners of the adjacent sites from purchasing all three zoning lots and constructing a residential or mixed use building once the new lease expires. As a result, steps should be taken to provide a permanent location for day care services in this neighborhood during the new lease term.

LSSNY should also receive the support necessary to ensure it provides services at the highest standard. The physical defects observed during the walkthrough of the facility need to be addressed and continual maintenance of the building should be a priority. The children who are cared for and the staff that 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. I request that DCAS and ACS follow up with my office and the City Planning Commission (“CPC”) 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 150349 PQM.



Gale A. Brewer

Manhattan Borough President