



CITY PLANNING COMMISSION

May 6, 2015/ Calendar No. 8

C 150121 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 110 West 146th Street (Block 2014, Lot 36), for the continued use as a child care center, Borough of Manhattan, Community District 10.

This application (C 150121 PQM) for acquisition of property was filed on September 29, 2014 by the Administration for Children's Services (ACS) and the Department of Citywide Administrative Services (DCAS) to facilitate the continued operation of a child care center, known as the Early Life Center 11 at 110 West 146th Street, Manhattan, Community District 10.

BACKGROUND

The Administration for Children's Services (ACS) and the Department of Citywide Administrative Services (DCAS) seek the acquisition of approximately 40,915 square feet of privately-owned property at 110 West 146th Street (Block 2014, Lot 36) for continued use as a child care center.

The center has been operating at this location since the early 1970s. On December 18, 1991 (Calendar No. 20), the City Planning Commission approved an application (C900608 PQM) to acquire the property for a period up to 20 years. The lease on the property expired on September 13, 2013.

The subject site is improved with a two-story building located on the south side of West 146th Street. The property is located within a C8-3 zoning district within the Central Harlem neighborhood of Manhattan. The childcare center occupies approximately 26,799 square feet of

area on a portion of the first floor, the entire second floor and a rooftop play area. The Early Life Center 11 is co-located with a Department for the Aging (DFTA) senior center, A. Phillip Randolph, which occupies the remaining 14,116 square feet on the first floor of the building.

The Early Life Center 11 serves up to 75 preschool children who attend the program fulltime, Monday through Friday, from 8 a.m. to 6 p.m. The daycare center provides a variety of activities and programs based on the child's age, developmental stage and the number of hours spent in the center. ACS provides children with a nutritionally balanced breakfast, lunch and snack daily. The center is licensed and subject to the established standards of ACS as well as federal, state and city regulations. The program is staffed with approximately 20 professional, paraprofessional and support staff.

During a site visit by staff from DCP, DCAS and ACS, it was noted that the building's conditions were fair; there were no noticeable maintenance and repair issues. However, the conditions of the building were documented by ACS and DCAS, as part of the lease renewal process, so that a Scope of Work could be prepared and shared with the landlord to ensure continued and routine maintenance of the building.

The surrounding area is characterized by a mix of residential, commercial and community facility uses. The subject site located one block north of 145th Street, which is the nearest commercial corridor and is characterized by predominantly mixed-use buildings containing ground floor retail and residential uses. The site is accessible by public transportation with the number 3 train at West 145th Street and the M7, M2, M102 and M10 buses that traverse Adam

Clayton Powell Jr, Boulevard and Lenox Avenue. The Jackie Robinson Park and Recreation Center is located west of the subject site.

ENVIRONMENTAL REVIEW

This application (C 150121 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 New York 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 150121 PQM) was certified as complete by the Department of City Planning on December 1, 2014, and was duly referred to Community Board 10 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

Community Board 10 chose not to hold a public hearing on this application (C 150121 PQM) or submit a recommendation.

Borough President Recommendation

This application (C 150121 PQM) was considered by the Manhattan Borough President who issued a recommendation approving the application on March 10, 2015.

City Planning Commission Hearing

On March 4, 2015 (Calendar No. 2), the Commission scheduled March 18, 2015 for a public hearing on this application (C 150121 PQM). The hearing was duly held on March 18, 2015 (Calendar No. 10). There were six speakers in favor and none in opposition.

Two DCAS representatives spoke about the terms of the lease and the submitted scope of work. They informed the Commission that this property had been recently sold and the new owner, at this point in time, was only willing to enter into a short term lease that would expire in December 2018. They further explained the scope of work outlines the City's and the landlord's maintenance obligation for the duration of the lease. Three representatives from ACS spoke about the challenges associated with finding and securing childcare centers in evolving communities. Additionally, they spoke about the disparity associated with the location of these centers throughout the City, where some communities are saturated and others are deficient in childcare services. A representative from the Borough President's office iterated the Borough President's favorable recommendation.

CONSIDERATION

The Commission believes that the acquisition of property located at 110 West 146th Street (Block 2014, Lot 36) by the Administration for Children's Services (ACS) and the Department of

Citywide Administrative Services (DCAS), is appropriate.

A daycare center has operated from this site since the early 1970s, providing much needed services to approximately 75 preschoolers daily in the Central Harlem neighborhood of Manhattan Community District 10. The facility is well served by public transportation and is located to serve the current residential community of Central Harlem.

The Commission acknowledges that a number of daycare and senior centers went through the lease renewal process 20 years ago, and that many of those facilities had issues regarding the building's physical condition and on-going maintenance. As many of these facilities are now returning through the public review process for lease renewal, the Commission continues to be concerned about this issue. The Commission is pleased to note that the Early Life Center 11 and A. Phillip Randolph were visited by staff from DCP, DCAS and ACS who confirmed that there are no signs of current disrepair. The Commission encourages the involved agencies to develop an oversight plan to ensure routine maintenance and repairs to the building are provided.

The Commission recognizes that DCAS and ACS are seeking a short term lease for this property, and while a short term lease may be appropriate at this time, it is important that planning begin now for continued provision of needed daycare in the long term, in space that is optimally designed and built out for modern programmatic needs. The Commission was pleased to learn that ACS is currently assessing its needs and properties across the city to better plan for the future. The Commission strongly encourages ACS to lead a robust inter-agency effort with other city agencies, including the Department of City Planning and the Department of Housing Preservation and Development, to identify future development opportunities and other planning

resources that can support the provision of subsidized childcare.

RESOLUTION

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of New York City Charter, that acquisition of property located at 110 West 146th Street (Block 2014, Lot 36), for continued use as a childcare center, Borough of Manhattan, Community District 10, in an application submitted by the Administration for Children's Services (ACS) and the Department of Administrative Services (DCAS), dated September 29, 2014, is approved.

The above resolution (C 150121 PQM), duly adopted by the City Planning Commission on May 6, 2014 (Calendar No. 8), is filed with the office of the Speaker, City Council, and the Borough President of Manhattan in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, Chairman

**RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ, JOSEPH DOUEK,
RICHARD W.EADDY, CHERYL COHEN EFFRON, BOMEJ JUNG,
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Gale A. Brewer, Borough President

March 10, 2015

**Recommendation on ULURP Application Nos. Early Life Center 11 – 150121 PQM /A. Phillip Randolph Senior Center - 150122 PQM
By Administration for Children’s Services, Department for the Aging, and the Department of Citywide Administrative Services**

PROPOSED ACTION

The Administration for Children’s Services, Department for the Aging, and the Department of Citywide Administrative Services (“the applicants”) seek the acquisition of property located at 108-110 West 146th Street in order to secure privately owned space for an operating day care center and senior center currently located within an existing building. The programs are currently housed on four floors within a privately-owned commercial building on Block 2014, Lot 36, in a C8-3 zoning district in Community District 10, Manhattan.

PROJECT DESCRIPTION

The NYC Department of Citywide Administrative Services (DCAS), the NYC Administration for Children’s Services (ACS) and the NYC Department for the Aging (DFTA) are proposing to continue to occupy 40,915 square feet of space in a privately owned building located at 108-110 West 146th Street for the use of a senior center and child care center. The senior center is located on the first floor of the building and uses approximately 14,116 square feet. The child care facility uses a portion of the first floor and the entire second floor. When combined with a rooftop playground, the child care facility uses approximately 26,799 square feet of space.

The building is privately owned, and was built in 1970. It was occupied shortly thereafter by the NYC Human Resource Administration (HRA) and used in the provision of child care services. The lease start date coincides with, at the time, a sudden citywide demand for space that would accommodate many new Head Start facilities in response to newly available federal funding. The lease was renewed once before in 1995 after more than 20 years of occupancy. The current proposal would allow the City of New York to enter into a new legal agreement with the land owner for another three years after which the site may be redeveloped.

Both of the programs that are housed in 108-110 West 146th Street serve a well-defined need in the Harlem Community. The area is dominated by multi-family residential buildings and major transportation infrastructure. The building itself is across the street from the recently completed Mother Clara Hale New York City Transit Bus Depot that stores and maintains Metropolitan Transportation Authority buses. The new facility replaced an antiquated trolley barn with a modern facility that features environmental

controls and a great deal more capacity to keep laid-over buses inside of the depot as opposed to parked on West 146th and 147th streets directly to the north and south. The 108-110 West 146th Street facility is also less than four blocks away from the Harlem Rail Yard, which is also the terminal station for the 3 Train.

The closest 3 Train station is less than a block away on West 145th Street and Lenox Avenue. The facility's close proximity to the bus depot and major avenues provides excellent connections to the east and west sides of Manhattan via the M1, M2, M7 and M102 buses. The Bx19 runs along West 145th Street to the Botanical Garden in the Bronx via West 145th Street and Southern Boulevard.

Background

In 1995, after the first two decades in operation, the city sought to renew the day care and senior center lease for another 20 year term to continue the existing services of that time. The application to enter into another 20 year lease was met with conditions from the Manhattan Borough President, Ruth Messinger. She recommended approval with the following condition: “the implementation of an asbestos remediation plan prior to the initiation of any renovation work in the center and on the introduction of worker training to ensure that building staff avoid disturbing any of the in-place asbestos containing material before remediation commences.” Community Board 10 did not comment.

Over the length of the proposed lease, the repairs and building upgrades that are agreed upon by New York City and the landowner are listed in document called a “Scope of Work” (Exhibit “B”). Upon executing the previous lease, the landlord was given a short period of time to organize the repairs and upgrades into a schedule that detailed the long-term schedule for completion of the work. This is known as the “Phasing Schedule” and each agency must approve the schedule according to its programmatic and scheduling needs. DCAS, ACS, and DTFA reported to this office that all repairs and upgrades from the 1994 lease agreement's scope were made and that there are no outstanding items from the work phasing schedule. The Scope Of Work of the lease that was signed in 1995 shows that the land owner was required to “Provide recognized Certificate that leased premises is free of asbestos.”

Proposed Project

DCAS is still in the process of negotiating a new legal agreement with the landowner. According to the Office of the City Register, the property was recently sold to a new owner in 2014. It is reported that the new property owner does not want to enter into a lease agreement that exceeds three years. This shorter lease agreement will make any major capital improvements unlikely as the lessor will not be able to amortize the cost over a long period of time. A representative from DCAS said that the agency will seek an agreement that provides the necessary tenant protections and day-to-day maintenance obligations that the facilities require for the duration of the lease agreement.

BOROUGH PRESIDENT’S COMMENTS

DCAS is currently negotiating a significant number of renewals because the wave of senior citizen and child care center leases negotiated in the mid-1990s are up for renewal again. Their efforts along with those of ACS and DFTA should be applauded as these facilities are crucially important to our communities. The end-users of these efforts are the seniors and children. Because these centers are so critical for the communities they serve, it is our responsibility to ensure, when reviewing these applications, that the facilities are in the best of conditions and are maintained that way throughout the lease cycle.

This is the second lease renewal in the current fiscal year cycle for a facility that houses both a child care facility and a senior care facility. Our dealings with DCAS, ACS, and DFTA as a part of the review process were greatly improved as compared to the previous application. DCAS has largely taken the lead in this application in terms of coordinating between the three agencies. All requests for information from all agencies were attended to in a timely fashion.

The expected duration of the lease will be extremely short in comparison with the multiple 20 year leases that are *de rigueur* for similar facilities and were certainly the lease terms sought in the past for this site. The shortened period is troubling and more importantly, largely out of the hands of the City of New York at this point. If the currently projected lease period is any indicator of the future, property owners of under-built, single use facilities have a strategic interest to consider the redevelopment of their property as interest in market rate residential and commercial units continues to grow in Harlem. Earlier this year, the Borough President stated in a previous report for a similar facility located at 2322 Third Avenue (Block 1775, Lot 33) in Manhattan, that:

“As the City embarks on an aggressive campaign to increase the amount of affordable housing, it should consider the placement of similar critical social programs in new developments built on public land, rather than in leased space. In fact, many of the future potential development sites will likely be in mid-block lots that are not covered by a commercial overlay, reserving community facility floor area as the only alternative to dwelling units. On larger development sites, building community facility space for child care, senior care, or cultural programs would diversify the income stream to the building by having the city as a tenant and moving these programs away from commercial corridors could enhance their effectiveness as they would be embedded into the neighborhoods they serve.”¹

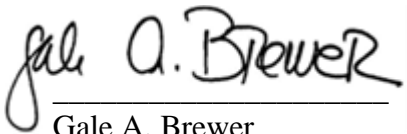
Indeed, in markets where the pressure to redevelop parcels becomes more lucrative as the demand for market rate housing increases, even purpose-built structures may become potential development sites. Without the assistance of the Department of City Planning (DCP) as the lead agency for a citywide strategy to provide new leasing options for these neighborhood programs, DCAS, ACS, and DFTA can only hope to react to the changing preferences of property owners in the face of a lucrative development alternative. As DCP considers how to best construct and preserve 200,000 residential units, thought

¹ Borough President’s Recommendation on ULURP Application No. 140352 PQM – UBA Beatrice Lewis Senior Center/Addie Mae Collins 3 Child Care Center By Administration for Children’s Services, Department for the Aging, and the Department of Citywide Administrative Services.

should also be given to the effects of hot, developing, and emerging markets on vulnerable populations that inhabit the opposite ends of the age spectrum and the development pressures on these privately-owned buildings in which the city operates essential services for these populations. For this particular facility, the City should ensure that the appropriate steps are taken now to find a new home for both the day care and senior center facility and that a framework is put in place now to ensure community involvement in that process.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application Nos. 150121 PQM and 150122 PQM.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Gale A. Brewer
Manhattan Borough President