



## **CITY PLANNING COMMISSION**

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April 22, 2009/Calendar No. 12

C 090228 HAX

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**IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of property located at 404 Claremont Parkway (Block 2896, Lot 96) as an Urban Development Action Area; and
  - b. an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate an expansion of the playground for the Carl C. Icahn Charter School, Borough of the Bronx, Community District 3.

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Approval of three separate matters is required:

1. The designation of properties located at 404 Claremont Parkway (Block 2896, Lot 96) as an Urban Development Action Area;
2. An Urban Development Action Area Project for such area; and
3. The disposition of property located at 404 Claremont Parkway (Block 2896, Lot 96) to a developer selected by HPD.

The application for the Urban Development Action Area designation and project approval and disposition of city-owned property was submitted by the Department of Housing Preservation and Development (HPD) on December 2, 2008.

Approval of this application would facilitate the expansion of the Carl C. Icahn Charter School playground.

The Department of Housing Preservation and Development states in its application that:

The Project Area consists of underutilized vacant property that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The Project Area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

## **BACKGROUND**

The Department of Housing Preservation and Development (HPD) seeks approval of an Urban Development Action Area Project (UDAAP) designation, project approval, and disposition of one city-owned property located at 404 Claremont Parkway (Block 2896, Lot 96). The site is located on the south side of Claremont Parkway between Webster and Brook avenues in the Claremont section of Bronx Community District 3.

The site is a 2,811 square foot trapezoid-shaped vacant lot which had been previously occupied by a residential building that was demolished approximately three years ago. The site is located between a four-story residential building with ground floor commercial use and the Carl C. Icahn charter school. The site also abuts the existing playground for the school. The remainder of the block contains a parking lot which belongs to the Children's Fund. A church is adjacent to the parking lot. The surrounding area is a mixture of mid-rise apartment buildings with the Housing Authority's Webster Houses located to the south of the proposed site. Across Webster Avenue, west of the site is Claremont Park. The area to the north consists of residential buildings with ground floor commercial uses. The block to the east of the site contains a homeless shelter for

women and the Icahn Charter middle school.

The Charter school has been at its current location since 2001 with 180 students in grades kindergarten through four and the school's charter was amended to add a middle school located across Brook Avenue with an additional 140 students for a total enrollment of 320 students. The school has an existing playground behind its building which would be expanded onto the subject property.

### **ENVIRONMENTAL REVIEW**

This application (C 090228 HAX) 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 Department of Housing Preservation and Development.

This application was determined to be a Type II action which requires no further environmental review.

### **UNIFORM LAND USE REVIEW**

This application (C 090228 HAX) was certified as complete by the Department of City Planning on December 15, 2008, and was duly referred to Bronx Community Board 3 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 3 held a public hearing on February 10, 2009, and on that date, by a vote of 25 in favor, 0 opposed, and 0 abstentions adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Bronx Borough President who, on March 10, 2009, issued a recommendation approving the application with the following condition:

That the Department of Parks and Recreation work with Carl C. Icahn Charter School administrators to identify appropriate locations for street tree plantings.

### **City Planning Commission Public Hearing**

On March 4, 2009 (Calendar No. 1), the City Planning Commission scheduled March 18, 2009 for a public hearing on this application (C 090228 HAX). The hearing was duly held on March 18, 2009 (Calendar No. 1). There were three speakers in favor of the application.

A representative from HPD spoke in favor of the proposed project. He described the project and answered questions regarding the ownership of the Charter School. He also informed the Commission about a 99 year deed restriction specific to the site and also stated that the school administrators agreed to provide street trees. The architect described the design of the expanded playground and its relation to the school. A representative from the charter school elaborated on the need for the expansion of the playground and informed the Commission that her group operates two other charter schools.

There were no other speakers on the application and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the application for UDAAP Designation, Project Approval and disposition of city-owned property located at 404 Claremont Parkway (Block 2896, Lot 96) for the expansion of the Carl C. Icahn Charter School playground, is appropriate.

The proposed site is a vacant city-owned parcel that is irregularly shaped and would be difficult to develop. The proposed action would allow the Carl C. Icahn School to provide additional recreation space for its students.

The Commission notes that the Bronx Borough President approved the application with the condition that the Department of Parks and Recreation and the Icahn Charter School Administrators identify locations for the planting of street trees. The Commission also notes that at its Public Hearing, a representative of HPD stating that the school has agreed to provide the street trees.

## **RESOLUTION**

**WHEREAS**, the Department of Housing Preservation and Development has recommended the designation of property located at 404 Claremont Parkway (Block 2896, Lot 96) in Community District 3, Borough of the Bronx, as an Urban Development Action Area; and

**WHEREAS**, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

**THEREFORE**, be it further **RESOLVED**, that the City Planning Commission, after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act:

- a) the designation of properties located at 404 Claremont Parkway (Block 2896, Lot 96) as an Urban Development Action Area; and
- b) an Urban development Action Area Project for such area; and

the City Planning Commission recommends that the New York City Council find that :

- a) The present status of the area tends to impair or arrest sound development of the municipality;
- b) The financial aid in the form of tax incentives to be provided by the municipality pursuant to Section 696 of the Urban Development Action Area Act, is necessary to enable the project to be undertaken; and
- c) The project is consistent with the policy and purposes stated in the Section 691 of the Urban Development Action Area Act, and

**BE IT FURTHER RESOLVED**, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development, for the disposition of city-owned properties located at 404 Claremont Parkway (Block 2896, Lot 96) in Community District 3, Borough of the Bronx, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 090228 HAX).

The above resolution (C 090228 HAX), duly adopted by the City Planning Commission on April 22, 2009 (Calendar No. 12), 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.

**AMANDA M. BURDEN, FAICP, Chair**

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

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**JOHN MEROLO, KAREN A. PHILLIPS, Commissioners**