



CITY PLANNING COMMISSION

March 30, 2011, Calendar No. 8

C 110068 MMM

IN THE MATTER OF an application submitted by the New York City Housing Authority pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a cul-de-sac in West 129th Street west of Adam Clayton Powell Jr. Boulevard;
- the establishment of West 129th Street westerly thereof; and
- the modification of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 10, Borough of Manhattan, in accordance with Map No. 30226, dated November 8, 2010 and signed by the Borough President.

The application (C 110068 MMM) for an amendment to the City Map involving the elimination, discontinuance and closing of a portion of a cul-de-sac in West 129th Street west of Adam Clayton Powell Jr. Boulevard; the establishment of West 129th Street westerly thereof; and the modification of grades necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, was filed by the New York City Housing Authority on September 3, 2010, to facilitate the development of a Charter School.

BACKGROUND

The New York City Housing Authority (NYCHA) is proposing a change in the City Map to eliminate, discontinue and close a portion of cul-de-sac in West 129th Street and to establish West 129th Street between the cul-de-sac and Frederick Douglass Boulevard (8th Avenue) in order to facilitate the construction of a new charter school in Manhattan's Central Harlem neighborhood. The proposal would re-establish a portion of street that had been eliminated in the 1950's with the creation of NYCHA's Saint Nicholas Houses apartment complex (Block 1933, Lot 1).

West 129th Street currently dead-ends in a cul-de-sac near the center of the 14-acre Saint Nicholas Houses site. The street is City-owned, mapped to a width of 70 feet and is open to two-

way traffic. The applicant is proposing to reestablish, reconstruct and reopen West 129th Street between the existing cul-de-sac and Frederick Douglass Boulevard. The curb around the cul-de-sac would be removed since the turn-around area would no longer be needed once the street is rebuilt as a through-street. With the adoption of the proposed City Map change, the newly mapped street segment will be transferred to city ownership. The city-owned property in the eliminated portion of the cul-de-sac, located outside and to the north of the new street alignment, will be disposed as follows: 1,590 square feet will be disposed to NYCHA and will become part of the Saint Nicholas Houses property, while the remaining 487 square feet will be used by a new charter school.

A non-profit community-based organization, Harlem Children's Zone (HCZ), intends to construct a five-story 1,300-seat charter school for grades K-12 within the Saint Nicholas Houses development, just to the north and west of West 129th Street's current cul-de-sac. In order to reintegrate Saint Nicholas Houses into the surrounding neighborhood and to facilitate access to the school, West 129th Street will be extended westerly through the housing complex, and operate as a one-way westbound street between Adam Clayton Powell Jr. Boulevard and Frederick Douglass Boulevard. The area to be re-established as street is currently occupied by a 34-space NYCHA parking lot and a small playground. The parking spaces displaced by the new street will be relocated onto NYCHA's adjacent property (30 spaces to the south of West 129th Street and four spaces to the north). Construction of the street and the school is expected to begin in the spring of 2011 and will be completed in the summer of 2012 prior to the opening of the school in September 2012. The proposed school complies with the zoning height and setback regulations in relation to the proposed West 129th Street. However, the school would not comply with the height and setback regulations in relation to the existing cul-de-sac and does not comply with the zoning requirements regarding the minimum distance between buildings on the same zoning lot. Therefore, in this instance, the City is exercising its option not to be subject to its zoning requirements when performing the governmental function.

The newly-constructed street will include various design features to promote a high degree of safety for students and residents alike. The design features include neck-downs at both ends of the street, two permanent speed tables placed at intervals along the street, a limit of one travel

lane for vehicles, and on-street parking on both sides of the street.

The project site is located within an R7-2 zoning district. The surrounding area is comprised of medium- and high-density residential uses (some with local retail services on the ground floors), schools, houses of worship, and low-rise brownstone row-houses. The Saint Nicholas Houses was built in the Tower-in-the-Park design and consists of thirteen apartment buildings, each being 14-stories high, with several community facilities located on the ground floors. This housing complex also has two surface parking lots as well as various pedestrian pathways, landscaped areas and playgrounds.

In response to a polling-letter issued on September 10, 2010, no agencies or utilities expressed any objections to the proposal.

ENVIRONMENTAL REVIEW

This application (C 110068 MMM) 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 designated CEQR Number is 10CHA002M. The lead is the New York City Housing Authority. After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on July 8, 2010.

UNIFORM LAND USE REVIEW

This application (C 110068 MMM) was certified as complete by the Department of City Planning on November 15, 2010, and was duly referred to Community Board 10 and the Borough President of Manhattan 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 held a public hearing on this application (C 110068 MMM) on January 5, 2011, and on that day, by a vote of 31 to 1, with 2 abstentions, adopted a resolution

recommending disapproval of the application.

Although the Board acknowledged the benefits of reintroducing the closed street into the street grid, and stated its support of the mission of the Harlem Children's Zone, it recommended disapproval of the application based on the Community Board's limited engagement in the Federal disposition approval process utilized by NYCHA.

BOROUGH PRESIDENT RECOMMENDATION

This application (C 110068 MMM) was considered by the Office of the Borough President of Manhattan, which issued a recommendation approving the application on February 7, 2011, subject to the following condition:

That NYCHA and Harlem Children's Zone (HCZ) follow through on the commitments listed below and in their letters to the Borough President dated February 3, 2011:

Open Space Commitments:

1. HCZ and NYCHA will replace the 34 displaced parking spaces, and they will be available to permit holding NYCHA tenants only.
2. NYCHA will relocate the three community gardens on the site to be displaced by the new parking; one garden has already been relocated.
3. HCZ and NYCHA will work to improve the central open space ("the circle") in line with the plans submitted.
4. HCZ and NYCHA will create a tree replacement plan, which will result in no net loss of trees on the site.
5. HCZ commits to improving one of the playgrounds on the grounds of Saint Nicholas Houses. HCZ will work with residents to identify which playground to renovate and determine what improvements to make on that playground.
6. HCZ and NYCHA will restore all benches on the project site; there will be no net loss of benches.

Program and Access Commitments:

1. HCZ will offer free adult education, social and recreational programs weeknights and Saturdays. HCZ will design programs to meet the needs of the community and will consult with Saint Nicholas Houses residents to identify additional programs they would like offered.
2. HCZ will offer free after school and summer programs for children at Saint Nicholas Houses, regardless of whether they are enrolled in HCZ's Charter School.
3. HCZ will provide a preference for Saint Nicholas Houses residents in its Kindergarten lottery for Promise Academy I. Subsequent preferences in the

- lottery are, in order of preference: a) residents in School District 5 who qualify for free or reduced lunch; b) other residents in School District 5; and c) others who qualify for free or reduced lunch.
4. The project is expected to result in 100 new jobs. HCZ and NYCHA will use NYCHA's Resident Employment Services program to target residents from Saint Nicholas Houses to hire locally for positions as they become available. If qualified residents cannot be found, HCZ will fund skilled training for NYCHA residents.
 5. HCZ will continue to target 100 Saint Nicholas Houses youth annually for its summer employment program.

Construction Commitments

1. NYCHA and HCZ will establish monthly meetings for residents about the project, starting in February, and will continue to outreach throughout the construction period to both NYCHA residents as well as the community board.
2. HCZ will work with residents who have qualified medical conditions and need mitigation of air quality conditions during construction by providing air conditioners. NYCHA has committed to make necessary alterations to electric outlets to accommodate the installation of the air conditioners.

CITY PLANNING COMMISSION PUBLIC HEARING

On February 16, 2011 (Calendar No. 1) the City Planning Commission scheduled March 2, 2011 for a public hearing on this application (C 110068 MMM). The hearing was duly held on March 2, 2011 (Calendar No. 25).

There were 15 speakers in favor of the application and 8 speakers opposed. Among the speakers in favor were representatives from NYCHA, the Harlem Children's Zone, the Saint Nicholas Houses Tenants' Association, and the Borough President's office, as well as the applicant's consulting engineer, students from another school run by the Harlem Children's Zone, and residents of Saint Nicholas Houses and the surrounding neighborhood. Among the speakers in opposition were residents of the Saint Nicholas Houses and the surrounding neighborhood and representatives from Community Board 10.

The representatives from NYCHA described the application in detail and explained the agency's reasons for undertaking the project. The representatives from the Harlem Children's Zone (HCZ) explained their mission, their current and ongoing work within the community, and how the proposed project helps to further their goals in the neighborhood. The applicant's consulting

engineer explained the technical and planning considerations that led to the proposal of re-opening the street. The students of HCZ expressed their gratitude and admiration for the programs HCZ runs. The representative of the Tenants' Association stated that, although the proposal would create a loss of some open space, the Saint Nicholas Houses' most prominent design feature is an abundance of open space, to the extent that the loss created by the proposal is minor. One of the residents of the neighborhood stated that the existing dead-end street does not provide a feeling of safety for pedestrians, especially at night, due to the street's disconnection from the surrounding street-network.

Concerns from those in opposition included the increased traffic generated by re-opening the street, the speeding of vehicles along the street, the size of the proposed school, the noise and disruptions caused by construction, a lack of outreach and communication by NYCHA, and a lack of evidence that the street re-opening is necessary for the school or that the re-opening will improve the safety of local residents. One of the residents of the Saint Nicholas Houses presented an alternative site-plan showing an enlarged cul-de-sac in lieu of the re-opened street and showing the proposed school relocated to where West 129th Street is proposed to be re-established.

There were no other speakers and the hearing was closed.

CONSIDERATION

The City Planning Commission believes that the proposed amendment to the City Map is appropriate.

The City Planning Commission believes that the re-opening of the subject portion of West 129th Street as a through-street will help improve vehicular safety at an intersection which currently sees higher rates of automobile accidents compared to the streets immediately north and south of the site. The Commission notes that, because the subject portion of West 129th Street is currently a two-way street, unlike the surrounding streets, its intersection with Adam Clayton Powell Boulevard is an area of higher potential and statistical traffic conflict than it would be if West 129th Street were a one-way, west-bound street. The Commission therefore believes that re-

opening the street as a through-street with one lane of west-bound traffic could help to reduce vehicular accidents at this location.

The Commission recognizes the work of the Harlem Children's Zone and appreciates its high level of involvement and outreach in the community. The Commission also recognizes the concerns of the Saint Nicholas Houses residents and neighbors who spoke in opposition of the application at the Commission's public meeting. The Commission believes that the proposed school requires a fluid and non-confining street system which the existing cul-de-sac cannot provide. The Commission notes that multiple school buses will need to access the site at similar times and that the space required for the vehicles to maneuver safely and easily would not be met by the existing cul-de-sac.

The City Planning Commission acknowledges the Community Board 10's concerns, especially as they relate to NYCHA's outreach and consultation process. NYCHA submitted a memorandum dated March 10, 2011 to the Commission with a detailed chronology of approximately a dozen different outreach events and meetings between NYCHA and the various stake-holder groups including Community Board 10 and Saint Nicholas Houses residents prior to ULURP application. The Commission is satisfied that appropriate outreach efforts were conducted by NYCHA.

The Commission acknowledges the recommendations of the Borough President regarding open space, access, program, and construction commitments between the HCZ, NYCHA and the Saint Nicholas Houses. While the Commission recognizes that the subject application is solely for a change to the City Map to reestablish West 129th Street west of an existing cul-de-sac and to eliminate the portion of cul-de-sac outside of the new street alignment, and not for the review of a specific building or site plan, the Commission is pleased nonetheless that NYCHA, in its letter dated February 3, 2011 to the Borough President, has memorialized its current and future commitments to the residents of the Saint Nicholas Houses relating to the new street and school.

The City Planning Commission acknowledges that, since two east-bound streets immediately north and south of West 129th Street were eliminated in the early 1950s in order to facilitate the

construction of the Saint Nicholas Houses development, there has been a lack of east-bound streets surrounding this block. The Commission is satisfied with the explanations for the choice of traffic direction provided in a letter dated March 15, 2011 from the applicant's engineers. The City Planning Commission notes that the design of the re-established street will include safety features such as neck-downs and speed tables to reduce traffic congestion and improve pedestrian safety.

Therefore, the Commission believes that the elimination, discontinuance and closing of a portion of a cul-de-sac in West 129th Street west of Adam Clayton Powell Jr. Boulevard and the establishment of West 129th Street westerly thereof, is appropriate.

RESOLUTION

Therefore, the City Planning Commission, deeming the proposed amendment to the City Map and any related acquisition or disposition to be appropriate, adopts the following 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 and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code, that based on the environmental determination and the consideration described in this report, the application (C 110068 MMM) for the amendment to the City Map involving:

- the elimination, discontinuance and closing of a cul-de-sac in West 129th Street west of Adam Clayton Powell Jr. Boulevard;
- the establishment of West 129th Street westerly thereof; and
- the modification of grades necessitated thereby,

including authorization for any acquisition or disposition of real property related thereto, in Community District 10, Borough of Manhattan, in accordance with Map No. 30226, dated November 8, 2010 and signed by the Borough President, is approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the

City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED, that any public utility facilities or pipelines within the closed street may be maintained in place by the public utility and such facilities shall be governed by the same instrument which governs said facilities prior to the closing of the streets; and

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 30226, dated November 8, 2010, providing for the discontinuance and closing of a cul-de-sac in West 129th Street west of Adam Clayton Powell Jr. Boulevard, more particularly described as follows:

Starting at a Point of Beginning on the northeasterly line of West 129th street, said point being distant 283.59 feet from the corner formed by the intersection of the northwesterly line of Adam Clayton Powell Boulevard and the northeasterly line of West 129th Street, as said streets are shown on Map No. 30226 dated November 8, 2010;

1. Thence running northerly 39.77 feet, along a curve to the right, with a radius of 50.00 feet and a central angle of 45 degrees, 34 minutes and 23 seconds to a point of reverse curvature;
2. Thence running northwesterly 97.73 feet, on a curve to the left, with a radius of 50.00 feet and a central angle 111 degrees, 59 minutes and 42 seconds to a point on the proposed northeasterly line of West 129th Street;
3. Thence running southeasterly 117.24 feet along the proposed northeasterly line of West 129th Street, which line forms an interior angle of 66 degrees, 25 minutes and 1 second with the tangent line of the curve in the previously mentioned course, to the Point of Beginning.

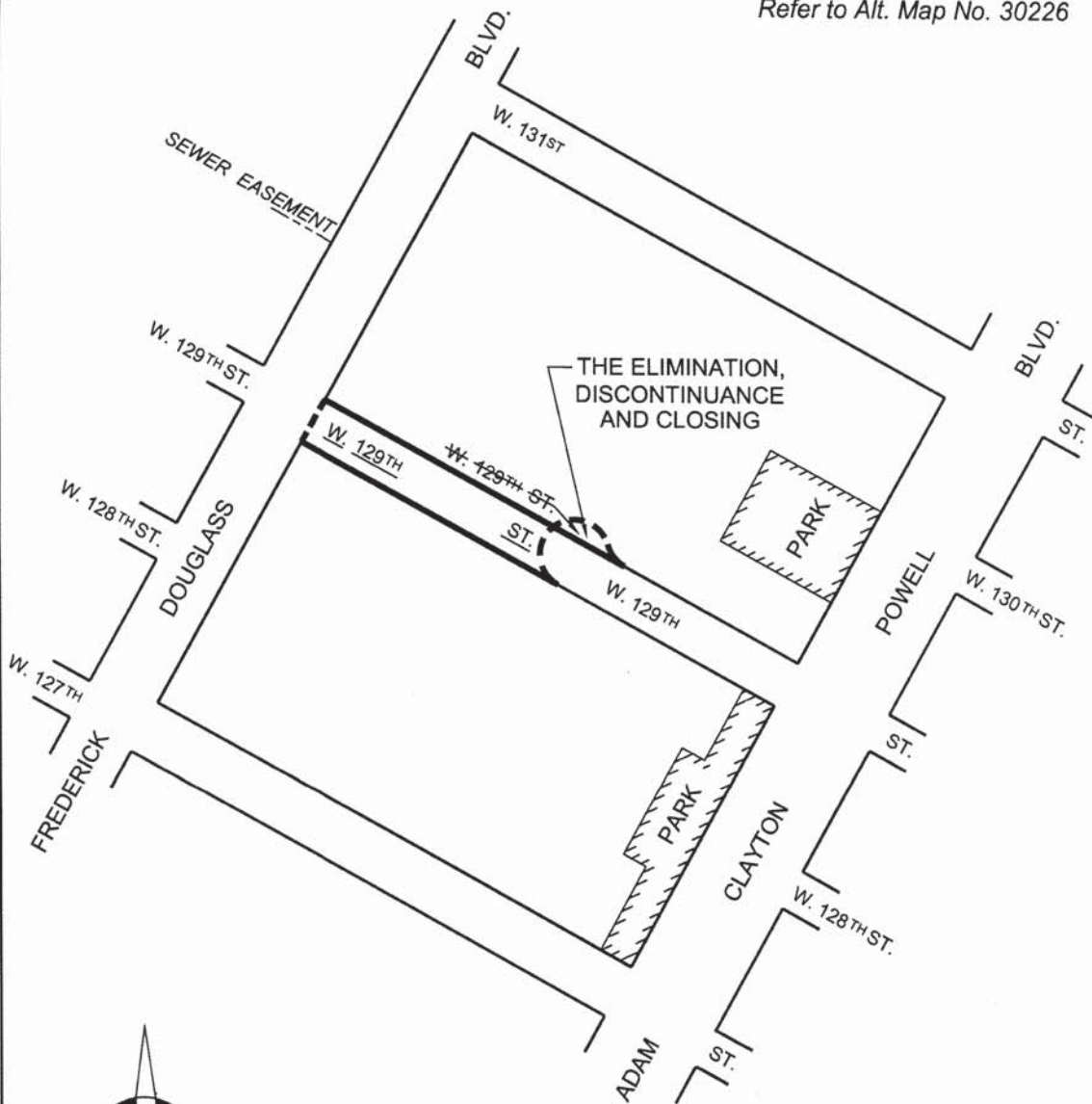
The described area contains 2062.06 square feet (0.0473 acre), more or less.

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 30226 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject amendment to the City Map shall not be filed with the appropriate agencies in accordance with condition “a” above until the applicant shall have executed a mapping agreement protecting the city's interest, approved as to form and sufficiency by the Corporation Counsel and accepted by the City Planning Commission (the “Mapping Agreement”). If such agreement is not accepted by the City Planning Commission within two years of the date of this resolution, the approved amendment to the City Map may be returned to the City Planning Commission for rescission;
- c. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law;
- d. Pursuant to Section 5-433, Subsection 1-a, of the New York City Administrative Code, public utility facilities within the subsurface of such street shall be maintained in place or relocated within or without such subsurface so that the maintenance in place or proposed relocation of such facilities is consistent with the proposed use of the closed portion of such subsurface and the requirements of other facilities located therein.

The above resolution (C 110068 MMM), duly adopted by the City Planning Commission on March 30, 2011 (Calendar No. 8), 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
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, *P.E.*,
ALFRED C. CERULLO, *III*, BETTY Y. CHEN,
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,
KAREN A. PHILLIPS, Commissioners



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
MAP CHANGE
ON SECTIONAL MAP

6a

BOROUGH OF
MANHATTAN

I. Sadko P.E.
I. Sadko, P.E.
Chief Engineer

New York, Certification Date
NOVEMBER 15, 2010



- NOTE:
- Indicates line of street legally adopted.
 - Indicates line of street proposed to be established.
 - - - Indicates line of street proposed to be eliminated.
 - ////// Indicates Park line heretofore established and hereby retained.
(Discontinuing and Closing is shown on Alt. Map No. 30226).

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



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

SCOTT M. STRINGER
BOROUGH PRESIDENT

February 7, 2011

Recommendation on
ULURP Application No. C 110068 MMM – West 129th Street Mapping/Demapping
by the New York City Housing Authority

PROPOSED ACTION

The New York City Housing Authority (“NYCHA”) seeks approval of a **change to the City Map**, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 of the New York City Administrative Code, at the Saint Nicholas Houses (Block 1933, Lot 1) in Manhattan Community District 10. NYCHA proposes to demap a portion of an existing cul-de-sac on West 129th Street west of Adam Clayton Powell, Jr. Boulevard and map an extension of West 129th Street in order to create a through westbound street to Frederick Douglass Boulevard. Related to the demapping/mapping action, NYCHA seeks approval for the **disposition of the City-owned property** (the demapped portion of the cul-de sac) to NYCHA and the **acquisition by the City** of property for the extension of West 129th Street.

PROJECT DESCRIPTION

NYCHA proposes a City Map amendment that would establish West 129th Street as a one-way, public street between Adam Clayton Powell, Jr. Boulevard and Frederick Douglass Boulevard. West 129th Street currently terminates in a cul-de-sac near the center of the Saint Nicholas Houses residential development just west of Adam Clayton Powell, Jr. Boulevard. The City Map change is proposed primarily to facilitate improved access to a new charter school on Saint Nicholas Houses to be occupied by Harlem Children’s Zone (“HCZ”). Saint Nicholas Houses is a planned residential public housing community, owned and operated by NYCHA. The development would be located on a superblock equivalent in size to four standard city blocks and bound by West 127th Street to the south, Adam Clayton Powell, Jr. Boulevard to the east, West 131st Street to the north, and Frederick Douglass Boulevard to the west.

Establishing West 129th Street as a through-street requires approval of a City Map change (demapping and mapping actions) and related disposition of City-owned property and acquisition by the City. In order to facilitate the street extension, the City must map and acquire 30,000 SF

of NYCHA property extending from the edge of the West 129th Street cul-de sac. Additionally, the portion of the cul-de-sac used by vehicles to turn around would be demapped. The application proposes to dispose the unneeded portion of the cul-de-sac (2,077 SF) to the Department of Education (“DOE”) and NYCHA.

Saint Nicholas Houses consists of thirteen 14-story apartment buildings situated on open space – a “tower-in-the-park” development. The majority of buildings are oriented along the perimeter of the site, with three buildings located towards the center of the property. The development contains 1,524 residential units and houses 3,389 registered residents. Community facilities and residential amenity space are located on the ground floor of several buildings and include a Head Start Center, a NYCHA Senior Center, a children’s health clinic, community centers, and two child care centers operated by the Utopia Children’s Center. The site also includes two surface parking lots with 60 spaces for use by residents.

The significant amount of open space that exists between the buildings on the site contains pedestrian pathways, benches, and landscaped areas. Near the center of the development is passive open space known as “the circle,” which is a 38,500-SF fenced landscaped area with benches along the perimeter. The site also contains active recreation spaces, with eight playgrounds located throughout the site. Two playgrounds are used by the Utopia Children’s Center; four playgrounds are for NYCHA residents, and two public playgrounds – Saint Nicholas North and South – are leased to the New York City Department of Parks and Recreation and are located along Adam Clayton Powell, Jr. Boulevard.

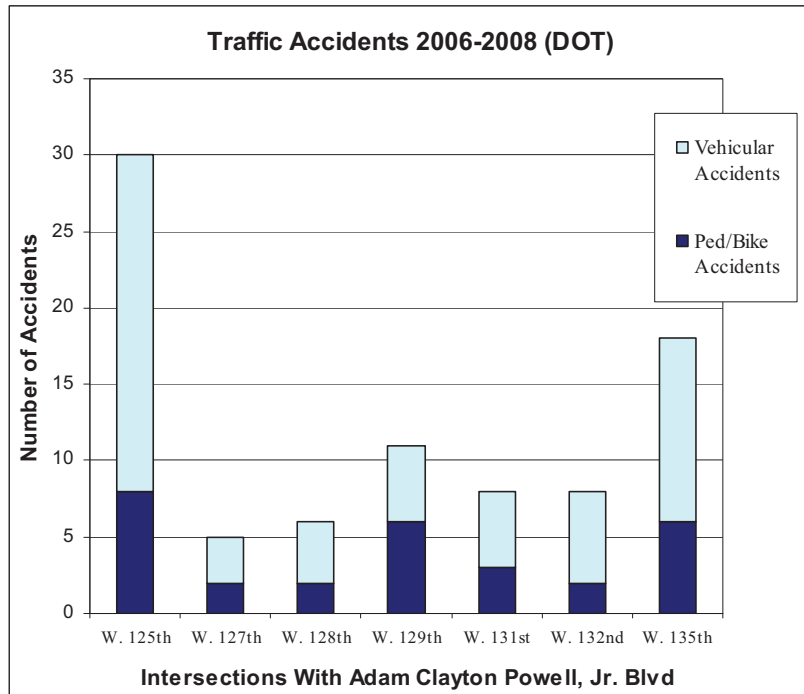
As proposed, West 129th Street will be a one-way, westbound street. It incorporates several traffic calming measures to slow traffic and create a safer pedestrian environment. The street would include curb extensions at the intersections (also known as “bulb outs”), speed bumps towards the center of the street, and a narrowed roadbed, created by widening sidewalks and permitting on-street parking. The newly mapped street segment, as a public City street, would be maintained by the New York City Department of Transportation (“DOT”). Twenty-eight trees will be planted along the street among the existing trees, which would be maintained by the New York Department of Parks and Recreation.

The proposed street extension area currently contains a NYCHA playground, a 34-car parking lot, and five trees. NYCHA proposes to relocate the majority of the affected parking spaces into two new 15-space parking lots to be located on the south side of the extended West 129th Street. The remaining four spaces will be accommodated in an existing onsite parking lot near Frederick Douglass Boulevard.

As mentioned above, the proposed action is primarily intended to facilitate access to a proposed school that would front on the extended portion of West 129th Street. The new school facility will generate additional vehicular and pedestrian activity at Saint Nicholas Houses. Consequently, without the proposed new street all traffic would be required to enter and exit the site at single access point – the intersection of West 129th Street and of Adam Clayton Powell, Jr. Boulevard – potentially causing congestion and unsafe conditions. The proposed action is intended to reintroduce the residential development back in the City’s street grid and would allow for the dispersion of vehicular traffic.

Currently West 129th Street operates as a two-way cul-de-sac with parking on both sides and intersects with Adam Clayton Powell, Jr. Boulevard. According to the most recent accident data from DOT, cited in the applicant’s Environmental Assessment Form, there were 11 accidents at this intersection between 2006 and 2008. Of these accidents, six involved pedestrians or cyclists. The West 129th Street cul-de-sac intersection had a higher number of accidents than all other intersections along Adam Clayton Powell, Jr. Boulevard, with the exception of those at West 125th Street and West 135th Street. Both West 125th Street and West 135th Street are major two-way east-west arterials while the other streets studied allow vehicular travel in one direction only.

NYCHA, as a state authority, does not require City approval to dispose property. In order to dispose land, NYCHA must seek approval from the United States Department of Housing and Urban Development (“HUD”) pursuant to Section 18 of the Federal Housing Act of 1937 (as amended). NYCHA received approval to dispose 30,000 SF for a new school on November 16, 2010. To facilitate the project, NYCHA will sell the development site to HCZ during the construction phase, and upon completion of the building, ownership will be transferred to the City and managed by DOE. The school will be completed in time for the 2012 academic year, with construction expected to begin in February 2011.



Currently, HCZ runs a community center for Saint Nicholas Houses at Salem Methodist Church. HCZ also operates two public charter schools serving kindergarten through grade twelve in three locations in the area, including a DOE facility. One of the schools, Promise Academy I, serves kindergarten through grade eleven at two separate locations and is nearing capacity. The new facility will allow Promise Academy I to consolidate its educational program into a single location.

The proposed new school will be a K-12, 1,300-seat charter school and community center. The school will be located in a new five-story building (130,000 SF) of approximately 78 feet in height. The building will have separate entrances for elementary and high school aged students and include 52 classrooms, an auditorium, a gymnasium, three science labs, a computer lab, two libraries, two art rooms, a cafeteria and kitchen, a student health center, and rooms for fitness and drama classes. Additional amenities include a 2,000-SF terrace to be located on the second floor for student use.

The school's design accommodates the programmatic needs of the school. While the majority of the school is as-of-right, NYCHA sought and received mayoral zoning overrides on November 10, 2010, to facilitate the development of the school building. Although the school is compliant with height and setback regulations for the new West 129th Street, it is not compliant with the existing cul-de-sac. As school construction will begin prior to the completion of this application, a zoning override is necessary for the portion of the school fronting the existing cul-de-sac. In addition, the proposed school would not comply with the required minimum distance between buildings on the same zoning lot (ZR § 23-711). The distances are less than the wall-to-wall (40 feet) and wall-to-window (50 feet) distances required between buildings on the same zoning lot. These distances, however, are within the minimum distance legally required between windows, walls, or lot lines (30 feet).

The school's footprint will be located on a 17,000 SF portion of the 38,500 SF "circle" open space area. The remaining "circle" area will be newly landscaped, have improved lighting, and the existing fence will be removed. In addition, 52 trees will be removed as part of the development of the school.

COMMUNITY BOARD'S RECOMMENDATION

At a full board meeting on January 5, 2011, Manhattan Community Board 10 voted to disapprove the application, with a vote of 31 in favor, 2 opposed and 2 abstentions.

The community board recommendation expressed a number of concerns, including the loss of open space and trees. The board's resolution included a specific request for legislation to be passed that requires NYCHA to obtain community board approval for the disposition and development of NYCHA property. In the absence of such legislation, the board requested that NYCHA commit to a community engagement process that goes beyond the Section 18 approval process and to seek approval from the board on disposition and development of NYCHA property. The board recognized the benefits of reintroducing a closed street into the street grid under the management of DOT and supported the mission of Harlem Children's Zone. It, however, issued a disapproval of the project based on fundamental problems with NYCHA's land use development process.

BOROUGH PRESIDENT'S COMMENTS

The partnership between NYCHA and HCZ presents a unique opportunity to provide tangible benefits to the residents of Saint Nicholas Houses. HCZ is a non-profit, community-based organization that operates educational, social-service and community-building programs for the residents of Central Harlem. The organization currently successfully operates a community center at Saint Nicholas Houses, which recently expanded to include a community room at nearby Salem United Methodist Church for additional activities. Further, HCZ has a reputation for providing high-quality education to traditionally underserved populations. Consequently, the school's program has the great potential of benefiting some of the youngest and most at need residents in Saint Nicholas Houses.

The proposed development plan requires multiple government approvals at the Federal, State, and local levels. However, the proposed City Map amendment (and related

acquisition/disposition) is the only approval requiring ULURP review. Federal and State approvals required for the disposition of NYCHA property and the development of the charter school were granted during the public review of the proposed street change.

At public hearings held prior to and during ULURP review, the community expressed a range of concerns regarding the street's potential traffic safety issues, the potential loss of open space as a residential amenity, the level of access that Saint Nicholas Houses residents would have to Harlem Children's Zone facilities, the impacts of construction activities, and NYCHA's general disposition process. In order for this project to be truly successful, it must be integrated into Saint Nicholas Houses and address community concerns where possible.

Traffic Safety

Generally, the proposed map change and acquisition/disposition of property will reintegrate Saint Nicholas Houses into the street grid. As the school can now be constructed without further public review, the potential new traffic must be accommodated. The proposed through street will allow vehicles to enter and exit the site through separate intersection, rather than accessing the site at a single intersection. Without the proposed action, it is likely that the applicant would construct an as-of-right private street that would not require public approval. Further, based on the Environmental Assessment Form ("EAF"), the new street should be a safer alternative to the existing cul-de-sac. The new street should operate similarly to West 127th Street, which has fewer accidents than the current West 129th Street cul-de sac.

In response to residents' concerns regarding traffic conditions, the new public street's design has been modified since first presented by incorporating several traffic calming measures. The curb extensions, speed bumps, and narrowing of the roadway (through the extension of the south sidewalk) will slow traffic flow through the site, including those vehicles turning off from Adam Clayton Powell, Jr. Boulevard and continuing along West 129th Street from the east. Curb extensions would also reduce the street crossing distance for pedestrians and, with the addition of the improved crosswalks, would increase pedestrian visibility.

In addition, HCZ and NYCHA are required by the EAF to conduct a follow-up traffic study to analyze the impacts of the change in the street and re-evaluate whether new or modified pedestrian safety measures are necessary. Finally, to encourage pedestrian safety during peak school hours, HCZ plans to place security and program staff along the major pedestrian routes from the subway to the school as it currently does for the other schools it operates in the neighborhood.

Open Space

Even though the proposed plan will likely increase traffic safety, it cannot be achieved without removing or relocating certain residential amenities, specifically a portion of "the circle" open space, a playground, trees, benches, and a parking lot. Additionally, the relocation of the parking lot will displace three community gardens on the site.

Few impacts will feel as direct and tangible to the residents of Saint Nicholas Houses as the loss of the open space and other residential amenities. The existing residential development is

configured in a “tower-in-the-park” design, and open space is a prominent feature of the site. HCZ and NYCHA have submitted plans that show the improvement to the open space. However, the improvement of this space, in the manner shown on the plans, is not technically a part of the public actions and as such not required. Further, while some amenities must be relocated, such as the public parking spaces, residents have raised concerns that the replacement space will not be comparable to existing space. In the case of parking, there is a concern that the new parking spaces will be utilized by the school and will actually represent a net loss for the community.

In response to the above-mentioned community concerns, NYCHA and HCZ have committed as part of this application to make a number of open space improvements in order to ensure that, where possible, facilities will be relocated and remain available to the residents of the Saint Nicholas Houses. NYCHA and HCZ have committed to relocate all the community gardens; one of which has already been relocated. Additionally, NYCHA and HCZ have committed to at minimum replacing any tree or bench lost due to the proposed development plan. Furthermore, the relocated parking spaces will remain available to permit-holding NYCHA tenants only.

Further, NYCHA and HCZ have committed to enhance existing Saint Nicholas Houses amenities to address the removal of affected amenities that cannot be relocated due to space constraints. Specifically, NYCHA and HCZ have committed to improve the remaining “circle” open space in a manner consistent with plans provided. Improvements include new landscaping, removal of the existing fence, improved lighting, and replacement seating. Similarly, the existing playground located in the proposed street bed cannot be replaced on site without the loss of other open space amenities on the site. To mitigate the loss of the playground, HCZ has committed to renovate an existing playground on the grounds of Saint Nicholas Houses. HCZ will work with the residents to select the appropriate playground and determine what improvements should be made.

Access to New Facilities

HCZ has a history of providing community-accessible amenities at its existing facilities. Several community members, however, have raised concerns that only HCZ students will be able to use the new facility and that even if the site is open to the larger community, all activities will be targeted to youth. Ensuring broad access to the facility is critical, because the new educational facility is intended to benefit not only its students, but also the existing residential community.

In response to these concerns, HCZ has agreed to provide access to residents and community members for its facilities, including the gymnasium and community center, on evenings and weekends at no cost. HCZ has also committed to providing extensive programming for Saint Nicholas Houses residents that is tailored to their needs. Services will be offered to residents of all ages, and after school programs and summer programs will be available to all youth in Saint Nicholas Houses regardless of their enrollment in the school. HCZ provides similar programming at its existing school on West 125th Street, and typical services offered include legal and financial consultation, family counseling referrals, tax preparation, after school programs, and classes for adult education, fitness and cooking/nutrition. HCZ has committed to working with local residents and adjust programming based on community feedback.

In addition, Harlem Children's Zone has committed to ensuring that Saint Nicholas Houses residents and the greater Harlem community benefit from the new school. HCZ has guaranteed Saint Nicholas Houses residents first priority in the school's lottery. After Saint Nicholas Houses, residents in School District 5 who qualify for free or reduced lunch will receive second priority. School District 5 encompasses a large portion of East, Central and West Harlem. Third priority will be provided to all other residents of School District 5. Only after those preferences are given will the lottery then be open to all residents of New York City who qualify for free or reduced lunch. There are currently 26 Saint Nicholas Houses residents that are students at HCZ schools and between five and nine additional students will be a part of the 2011 kindergarten class. Currently, HCZ is enrolling students for its 2012 kindergarten class. All the Saint Nicholas Houses residents who applied to enroll in HCZ – 33 children – were accepted. In total there were 34 children of eligible age in Saint Nicholas Houses, but one child's family chose not to apply for the lottery. As residents will receive first priority in the lottery, Saint Nicholas Houses parents can be assured that any child entering kindergarten who wishes to attend the new school will be enrolled.

HCZ has a mission of not only educating and providing social services, but also community building. Ensuring increased employment opportunities for nearby residents can provide significant community benefit. Such opportunities will not only advance HCZ's mission, but also further help integrate the project with the existing Saint Nicholas Houses community. HCZ has a demonstrated commitment to hire NYCHA residents and is working with NYCHA's Resident Employment Services to recruit residents for positions available at its existing locations. The new project is anticipated to create 100 new permanent jobs as well as construction jobs. HCZ has committed to target Saint Nicholas Houses residents for all available positions as they become open. In the event that HCZ is unable to meet the job hiring commitments, HCZ will fund skilled training for NYCHA residents. HCZ has agreed to provide such funding to NYCHA for the purposes of NYCHA administering the training. Furthermore, this year HCZ hired 100 Saint Nicholas youth for its summer youth employment program and has committed to target hiring 100 St. Nicholas youth for the program annually.

Construction

As with any development project, construction will likely be disruptive and impact the quality of life of residents. These impacts will most directly affect Saint Nicholas Houses residents but will also affect the larger community. Typically, impacts include street and sidewalk closures, noise, dust, and other disturbances. In particular, several residents were concerned about the impact of dust and pollutants exacerbating existing health conditions.

Although construction impacts cannot be avoided altogether, they can be mitigated as they arise. HCZ and NYCHA have committed to monthly construction meetings starting in February and continuing through the construction process with outreach to both NYCHA residents as well as the community board. This dialogue will allow residents to raise concerns and remain updated on construction activities. Further, HCZ has committed to work with residents, with qualified medical conditions, who need mitigation of air quality during construction by providing air conditioners. NYCHA has also committed to make alterations to electrical outlets required to accommodate air conditioners for these qualified residents.

General Process

The proposed modifications will significantly improve the proposed project. However, several residents and community members have expressed serious concerns over the process NYCHA has undertaken to dispose its property. Many felt they lacked a voice in determining whether or not the property should be disposed and, if disposed, what form it should take. The public process for this project did not allow for a comprehensive discussion of and community input on many aspects of the proposed development. While public meetings were held with residents and community members, the greatest opportunity for public comment has been primarily limited to one aspect of a larger proposal – the street mapping. The larger issue of the disposition of NYCHA property for the development of a school and the site plan had been resolved through the Section 18 process prior to the community board vote on the ULURP application. As such, some residents feel that they are unfairly losing open space for a community amenity they would not have chosen. Additionally, other community members have worked to create an alternative plan that modifies the footprint of the building, the overall size, and removes the public street. These residents have expressed frustration that the feasibility of this alternative is not being considered in this review process.

The concern over lack of public process was compounded by the inclusion of a 200-unit housing development in the applicant's environmental review documents. Many members of the community were surprised by its inclusion and were rightly concerned that the scope of this project was greater than originally presented. After the community board's formal review of the proposed application, it was brought to my office's attention that no approvals have been sought for the new residential development. Despite the fact that development is unlikely to occur in the near term, addressing the larger question of how and for what purposes should NYCHA dispose its property still remains important.

NYCHA is facing operating deficits due to a combination of chronic underfunding by federal operating and capital subsidies and growing non-discretionary costs. Significant efforts have been made to reduce this deficit, but it has yet to be eliminated. In fact, the operating deficit is predicted to range from \$42 to almost \$64 million per year for fiscal years 2011 through 2014.

Amid this fiscal crisis, NYCHA has understandably been looking for creative solutions – including the disposition of underutilized property – that help preserve existing NYCHA housing units. In 2008, my office released a report entitled, “Land Rich, Pocket Poor,” which uncovered that NYCHA had 30.5 million square feet of unused development rights in the borough of Manhattan. The potential impact of utilizing these development rights on neighborhood services, infrastructure, and neighborhood character is immeasurable. The Section 18 process, which is generically designed to apply to every state in the country, is clearly insufficient for a dense urban environment like Manhattan.

“Land Rich, Pocket Poor” recommended that NYCHA develop a comprehensive strategy if it planned to dispose publicly-owned land. Such a comprehensive plan should include conducting, and making public, a full inventory of development rights on all of NYCHA's properties. After such inventory is made, NYCHA should begin a consultation process with tenants and public officials to determine the best use of the property, with the goal of preserving public housing in perpetuity and exploring public goals and amenities that can be provided by any disposition.

Finally, NYCHA must create a robust planning process for any proposed dispositions and infill development. Any process created should provide tenants and the surrounding community with an opportunity to comment on the proposed disposition and mitigations for any negative impacts.

The frustration expressed by residents during this process makes even more apparent the need to rethink the way in which residents are engaged during creation of these development plans. The relevant City, State and Federal officials should consider appropriate legislation to create a comprehensive plan for NYCHA infill development and create a new standardized public process. In the interim of formulating a standardized public process for the disposition of NYCHA property, NYCHA should develop a more extensive and on-going engagement process with residents and the local community boards when considering these projects.

BOROUGH PRESIDENT’S RECOMMENDATION

The proposed street will likely improve traffic patterns and provide a safer alternative to the existing cul-de-sac. Additionally, HCZ and NYCHA have committed to ensuring a development plan that works with the community and addresses many concerns including open space improvements, ensuring access to the facility for Saint Nicholas Houses residents, local hiring, a construction committee, and mitigation of the air quality during construction. These commitments demonstrate that HCZ will work to make itself a part of the entire Saint Nicholas Houses community.

Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application No. C 110068 MMM, provided that NYCHA and HCZ follow through on the commitments provided below and in the attached letters.

Open Space Commitments:

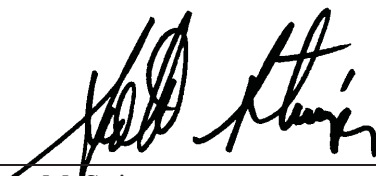
- **HCZ and NYCHA will replace the 34 displaced parking spaces, and they will be available to permit holding NYCHA tenants only.**
- **NYCHA will relocate the three community gardens on the site to be displaced by the new parking; one garden has already been relocated.**
- **HCZ and NYCHA will work to improve the central open space (“the circle”) in line with the plans submitted.**
- **HCZ and NYCHA will create a tree replacement plan, which will result in no net loss of trees on the site.**
- **HCZ commits to improving one of the playgrounds on the grounds of Saint Nicholas Houses. HCZ will work with residents to identify which playground to renovate and determine what improvements to make on that playground.**
- **HCZ and NYCHA will restore all benches on the project site; there will be no net loss of benches.**

Program and Access Commitments:

- **HCZ will offer free adult education, social and recreational programs weeknights and Saturdays. HCZ will design programs to meet the needs of the community and will consult with Saint Nicholas Houses residents to identify additional programs they would like offered.**
- **HCZ will offer free after school and summer programs for children at Saint Nicholas Houses, regardless of whether they are enrolled in HCZ's Charter School.**
- **HCZ will provide a preference for Saint Nicholas Houses residents in its Kindergarten lottery for Promise Academy I. Subsequent preferences in the lottery are, in order of preference: a) residents in School District 5 who qualify for free or reduced lunch; b) other residents in School District 5; and c) others who qualify for free or reduced lunch.**
- **The project is expected to result in 100 new jobs. HCZ and NYCHA will use NYCHA's Resident Employment Services program to target residents from Saint Nicholas Houses to hire locally for positions as they become available. If qualified residents cannot be found, HCZ will fund skilled training for NYCHA residents.**
- **HCZ will continue to target 100 Saint Nicholas Houses youth annually for its summer employment program.**

Construction Commitments

- **NYCHA and HCZ will establish monthly meetings for residents about the project, starting in February, and will continue to outreach throughout the construction period to both NYCHA residents as well as the community board.**
- **HCZ will work with residents who have qualified medical conditions and need mitigation of air quality conditions during construction by providing air conditioners. NYCHA has committed to make necessary alterations to electric outlets to accommodate the installation of the air conditioners.**



Scott M. Stringer
Manhattan Borough President



NEW YORK CITY HOUSING AUTHORITY
250 BROADWAY • NEW YORK, NY 10007

TEL: (212) 306-3000 • <http://nyc.gov/nycha>

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MICHAEL P. KELLY
GENERAL MANAGER

February 3, 2011

Mr. Scott M. Stringer
Manhattan Borough President
1 Centre Street
New York, NY 10007

Dear Borough President Stringer:

The New York City Housing Authority in collaboration with the Harlem Children's Zone, Inc. (HCZ) has committed to building a Charter School for 1,300 students on the grounds of the St. Nicholas Houses. To facilitate the building of this school, West 129th Street will be extended between Adam Clayton Powell Jr. and Frederick Douglass Boulevards.

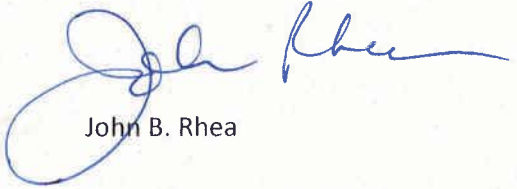
NYCHA acknowledges that the construction of the new school and street will greatly impact St. Nicholas Houses and its residents. In addition to the commitments HCZ has made, NYCHA confirms the following obligation to the residents of Saint Nicholas Houses:

- NYCHA will work to improve the central open space ("the circle") as specified in the submitted plans.
- A NYCHA parking lot with 34 spaces will be displaced to make way for the re-opened West 129th Street. Thirty parking spaces will be relocated to two smaller lots on the south side of the re-opened West 129th Street and four spaces will be added to the lot at Frederick Douglass Blvd and West 130th Street. The parking spaces will remain available to permit holding St. Nicholas residents only.
- In consultation with St. Nicholas resident gardeners, three gardens will be relocated to accommodate the project. Two gardens have already been relocated between 230 and 212 West 129th Street, and the other garden at 240 West 129th Street will be combined and relocated to the north of West 129th Street in front of 225 West 129th Street.
- NYCHA has a tree replacement plan that will replace any lost trees with at least an equal number of new trees, if not more. There will be no net loss of trees at the site.
- NYCHA will restore all of the benches on the project site. There will be no net loss of benches at the site.

- NYCHA will make necessary alterations to electric outlets to accommodate the installation of air conditioners for those residents adjacent to the construction site, who have a qualified medical condition and need mitigation of air quality conditions during construction.
- NYCHA's Resident Employment Services will work to identify residents from St. Nicholas Houses for job placement during construction and in the new school. In the event that the Developer fails to satisfy the NYCHA Hiring Requirement during construction, the Developer has agreed to fund skilled training for NYCHA residents. The Developer has agreed to provide such funding to NYCHA for the purposes of administering the training in the manner NYCHA sees fit.
- During construction NYCHA will hold monthly meetings for residents and will continue to outreach throughout the construction period to the residents at St. Nicholas and Community Board 10.

If you have any questions about the following commitments, please contact Ilene Popkin, Assistant Deputy General Manager at 212.306.4073.

Sincerely,

A handwritten signature in blue ink, appearing to read "John B. Rhea". The signature is fluid and cursive, with a large initial "J" and "R".

John B. Rhea



**Harlem Children's
Z O N E**

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Geoffrey Canada

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Employment & Tech. Center
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Family Development. Prog.
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Family Support Center
Tel: 212.666.7390
Harlem Children's Zone
Community Center
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Harlem Gems
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Harlem Gems Head Start
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Harlem Peacemakers – So. Zone
Tel: 212.234.6200
Harlem Peacemakers – No. Zone
Tel: 646.619.1004
Learn To Earn
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Midtown Family Place
Tel: 212.315.1707
The Baby College
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Truancy Prevention and
Project CLASS
Tel: 212.281.7000
TRUCE
Tel: 212.663.0555
TRUCE Fitness &
Nutrition Center
212.864.7159
Uptown Harlem Gems
Tel: 646.539.5898

February 3, 2011

Mr. John Rhea
Chairman
New York City Housing Authority
250 Broadway
New York, NY 10007

Mr. Scott M. Stringer
Manhattan Borough President
1 Centre Street
New York, NY 10007

Dear Chairman Rhea and Borough President Stringer:

Harlem Children's Zone, Inc. (HCZ) would like to confirm in writing the following commitments we are making to the community residents in and surrounding Saint Nicholas Houses, the New York City Housing Authority (NYCHA), and the Manhattan Borough President's Office in reference to our collaboration with NYCHA to build a new school facility, to construct an extension of West 129th Street between 7th and 8th Avenues, and to make site improvements on the property of Saint Nicholas Houses:

Program Commitments

- HCZ will offer free adult education, social, and recreation programs weeknights and Saturdays. HCZ will design programs to meet the needs of the community and will consult with St. Nicholas residents to identify additional programs they would like offered.
- HCZ will offer free after school and summer programs for children at St. Nicholas Houses, regardless of whether they are enrolled in HCZ's Charter School.
- HCZ will provide a preference for St. Nicholas residents in their Kindergarten lottery for Promise Academy I, which is held when children are three years old, two years before they enter Kindergarten. Subsequent preferences in the lottery are, in order of preference: a) residents in school district 5 who qualify for free or reduced lunch; b) other residents in school district 5; c) others who qualify for free or reduced lunch.

Open Space Improvements

- A NYCHA parking lot with 34 spaces will be displaced to make way for the re-opened West 129th Street. Thirty parking spaces will be relocated to two smaller lots on the south side of the re-opened West 129th Street and four spaces will be added to the lot at Frederick Douglass Blvd and West 130th Street. The parking spaces will remain available to permit holding NYCHA tenants only.
- In consultation with NYCHA residents, three gardens tended by residents will be relocated to accommodate the project. One garden has already been relocated further south of West 129th Street between 240 and 212 West 129th Street, and



**Harlem Children's
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PRESIDENT/CEO
Geoffrey Canada

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Nutrition Center
212.864.7159
Uptown Harlem Gems
Tel: 646.539.5898

the other two gardens will be combined and relocated to the north of West 129th Street in front of 225 West 129th Street.

- HCZ and NYCHA will work to improve the central open space (“the circle”) in line with the plans submitted.
- HCZ and NYCHA will create a tree replacement plan that will replace any lost trees with at least an equal number of new trees, if not more. There will be no net loss of trees at the site.
- HCZ commits to improving one of the playgrounds on the grounds of St. Nicholas Houses. HCZ will work with residents to identify which playground to renovate and to determine what improvements to make on that playground.
- HCZ and NYCHA will restore all of the benches on the project site. There will be no net loss of benches at the site.

Additional Commitments

- HCZ and NYCHA will work with residents, who have a qualified medical condition and need mitigation of air quality conditions during construction, to provide air conditioners.
- The new school facility will provide approximately 100 additional long-term jobs. HCZ will target residents from St. Nicholas Houses to hire locally for all available positions as they become available. HCZ is already working closely with NYCHA’s Resident Employment Services to outreach and recruit residents for positions that are currently available in other HCZ program locations.
- HCZ committed and hired 100 St. Nicholas youth for its summer youth employment program in 2010. HCZ will continue to target hiring 100 St. Nicholas youth annually for summer employment.
- NYCHA and HCZ will establish monthly meetings for residents about the project to take place at St. Nicholas, starting in February 2011, and will continue to outreach throughout the construction period to both the NYCHA residents as well as the community board.

If you have any questions about the following commitments, please do not hesitate to reach out.

Best Regards,

Geoffrey Canada
President/CEO
Harlem Children’s Zone, Inc.



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 10
215 West 125th Street, 4th Floor—New York, NY 10027
T: 212-749-3105 F: 212-662-4215

W. FRANC PERRY
Chairman

PAIMAAN LODHI
District Manager

January 6, 2011

**Resolution on
ULURP Application No. C 110068 MMM- West 129th Street City Map Change
by the New York City Housing Authority**

Whereas, the New York City Housing Authority (“NYCHA”) has submitted an application (C 110068 MMM) pursuant to Section 197-c and 199 of the New York City Charter, and Section 5-430, *et seq.* of the New York City Administrative Code, for an amendment to the City Map involving the elimination, discontinuance and closing of a cul-de-sac on West 129th Street west of Adam Clayton Powell Jr. Boulevard; the establishment of West 129th Street westerly to Fredrick Douglass Boulevard; and the modification of grades necessitated thereby;

Whereas, the application also includes the authorization for any acquisition or disposition of real property thereto, in Manhattan Community District 10, in accordance with Map No. 30226, dated November 8, 2010, and signed by the Borough President;

Whereas, NYCHA proposes to dispose of an approximately 30,000 square foot parcel of land within the St. Nicholas Houses property to the City, under the jurisdiction of the New York City Department of Transportation (“DOT”), for the operation of the proposed West 129th Street extension;

Whereas, the City proposes to dispose of an approximately 2,077 square foot parcel of land in the demapped portion of the cul-de-sac located outside the new street alignment, with 487 square feet of the demapped portion transferred to the New York City Department of Education (“DOE”), and the remaining 1,590 square feet disposed to NYCHA as part of the St. Nicholas Houses property;

Whereas, NYCHA proposes to dispose of an approximately 30,000 square foot parcel of land within the St. Nicholas Houses property to the Harlem Children’s Zone (“HCZ”) for the development of a LEED certified, 132,000 square foot, 1,300 seat charter school for grades K-12, constructed by HCZ in collaboration with Civic Builders, Inc;

Whereas, as studied in the Environmental Assessment Statement, NYCHA also proposes to dispose of an approximately 13,500 square foot parcel of land within the St. Nicholas Houses property to a private developer, through an RFP process, for the development of a 13-story, 175,500 square foot residential building with approximately 200 units of affordable housing with 49 accessory parking spaces below grade;

Whereas, the Environmental Assessment Statement also anticipates a loss of 100 trees (70 mature), 2 playgrounds and approximately 71,423 square feet of active and passive open space as a result of the overall proposed development plan;

Whereas, the St. Nicholas Houses property is zoned R7-2, which is a medium density residential district that permits a maximum of 6.5 FAR for community facility uses and a maximum of 3.44 FAR for residential uses;

Whereas, the proposed HCZ school building would not comply with all of the zoning regulations in the R7-2 District with respect to height and setback, and minimum distance between buildings;

Whereas, NYCHA requested and was granted a zoning override, from the Office of the Deputy Mayor for Education and Community Development, to allow the project to be developed in non-compliance with zoning requirements for height and setback, and minimum distance between buildings;

Whereas, Manhattan Community Board 10 supports the mission of the HCZ to educate children and improve the lives of families in the District and further supports the development of a new school and affordable housing in the community, but is sensitive to how the overall development will impact the quality of life for the approximately 3,389 St. Nicholas House residents;

Whereas, Manhattan Community Board 10 understands that the HCZ gymnasium will be made available to members of the public and will offset the loss of recreational open space as a result of the proposed development plan;

Whereas, Manhattan Community Board 10 understands that the HCZ school will offer first open preference to the children of the St. Nicholas Houses;

Whereas, Manhattan Community Board 10 understands that the DOT has designed sufficient safety measures (*i.e.*, speed bumps and neck downs) to ensure the proposed West 129th Street extension will be safe for residents and school children, and recognizes the importance of reintegrating 129th Street into the City's traffic system permitting it to be operated by the DOT, rather than being a private street operated by the HCZ;

Whereas, Manhattan Community Board 10 understands that its vote has been limited to the proposed action related to this ULURP; specifically, the mapping action of the West 129th Street extension;

Whereas, Manhattan Community Board 10 understands that it has been denied the opportunity to consider and vote on pertinent matters impacting upon this District and our community, including, but not limited to: the disposition of NYCHA property, the development of the HCZ school building, the development of the 13-story affordable housing building, and any zoning variances related thereto; and

Whereas, Manhattan Community Board 10 believes that this ULURP application highlights several problems with the regulations promulgated by the U.S. Department of Housing and

Urban Development (“HUD”) pursuant to Section 18 of the Housing Act of 1937 (“Section 18”) governing the disposition and development of NYCHA property.

Therefore, be it resolved that Manhattan Community Board 10 requests:

- The Office of the Mayor forbear from issuing zoning overrides which disenfranchise Community Boards responsible for land use issues pursuant to the City Charter and undermine community engagement;
- State and City elected officials pass legislation requiring NYCHA, a State of New York public benefit corporation operating in the City of New York, to seek and obtain Community Board approval for the disposition and development of NYCHA property;
- In the absence of such legislation, NYCHA commit to a more thorough community engagement process, beyond the Section 18 approval process mandated by HUD , including, but not limited to, seeking and obtaining Community Board approval for the disposition and development of NYCHA property;
- NYCHA commit to the construction of LEED certified green buildings whenever it disposes of or develops its property to, *inter alia*, offset the loss of trees and open space; and
- The NYC Department of Housing Preservation and Development, and all State and City agencies and entities, commit to obtaining Community Board approval for the disposition and development of NYCHA property.

Therefore, be it further resolved that Manhattan Community Board 10 votes to **disapprove** ULURP No. C 110068 MMM with a General Board vote of 31 in favor, 1 opposed and 2 abstentions.