



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

Dear Community,

We write on behalf of the Manhattan Community Board 10 Committee on Land Use to address serious issues relating to our meeting on Thursday, December 17, 2010, and in advance of our General Board meeting on January 5, 2011. For your reference, attached please find a copy of the Draft Resolution passed at the meeting.

FIRST, the Committee's vote was limited to the sole issue of whether the extension of West 129th Street would become a City street, maintained by the NYC Department of Transportation, or a private street, maintained by NYCHA. The street will be built regardless of our vote in Committee, or at the General Board meeting.

SECOND, the Committee did not vote, and could not vote, on (1) the disposition of NYCHA property, (2) the building of the HCZ School, (3) the zoning variances, or (4) the extension of West 129th Street. These four issues already have been resolved and were never submitted for the Committee's, or the Board's, consideration. The attached Resolution expresses the Committee's grave concerns regarding the failure to properly engage it, the Board, and the Community in the process addressing these four issues.

We hope this information dispels any misunderstandings concerning the Committee's role or the status of the NYCHA/HCZ project. If you have any questions, please feel free to contact the Board office at (212) 749-3105.

All the best for a wonderful and safe New Year.

Regards,
Stanley N. Gleaton, Chair
Joshua S. Bauchner, Co-Chair
Committee on Land Use
Manhattan Community Board 10



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**DRAFT 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.