

Seward Park Mixed-Use Development

Resolution in support of ULURP and UDAAP applications relating to the Seward Park Mixed-Use Development: C120245 PPM, C120237 PQM, C120156 MMM, C120234 ZSM, C120235 ZSM, C120233 ZSM, C120226 ZMM, C120228 ZSM, C120229 ZSM, C120231 ZSM, C120227 ZRM, Z120230 ZAM, and C120236 HAM

WHEREAS, the Seward Park Urban Renewal Site has sat vacant for more than forty years; and

WHEREAS, in January 2011 Community Board 3, Manhattan (“CB3”) reached an historic milestone by unanimously approving the “Seward Park Guidelines” and in June 2011 approved “Design Principles” (collectively known as the “Guidelines”) for the project site (included in this resolution--see Appendix A); and

WHEREAS, the ULURP reflects CB3’s commitment to affordable housing and is in accordance with the affordable housing parameters below set forth in our guidelines; and

- Approximately 50 percent of all units should be available at market-rate values (i.e., for households with no income restrictions). ("Approximately" is defined as give or take one or two percent.)
 - Approximately 10 percent of all units must be reserved for middle-income households.
 - Approximately 10 percent of all units must be reserved for moderate-income households
 - Approximately 20 percent of all units must be reserved for low-income households.
 - Approximately 10 percent of all units must be reserved for low-income seniors;
- and

WHEREAS, the ULURP reflects Community Board 3’s commitment to the economic revitalization of the area and consistent with our guidelines calls for 40% of the FAR to be developed commercially; and

WHEREAS, consistent with the Community Board 3’s policy guidelines the project reflects the mixed-income nature of the neighborhood; and

WHEREAS, consistent with Community Board 3’s design guidelines the project reflects the mixed use nature of the neighborhood as well as the different contextual designs north and south of Delancey; and

WHEREAS, consistent with Community Board 3’s commitment to outdoor space the project includes a small park; and

WHEREAS, consistent with Community Board 3's principles all existing streets including those de-mapped currently will be preserved; and

WHEREAS, consistent with Community Board 3's principles all residential parking lots will be replaced in the new development; and

THEREFORE BE IT RESOLVED, the above named applications are approved by Community Board 3 ("CB3") subject to the conditions that follow.

BE IT FURTHER RESOLVED, that Community Board 3 forwards this approval but only with the following conditions to all of the elected officials representing this area, as well as to Deputy Mayor for Economic Development Robert K. Steele, Mr. Seth Pinsky, Economic Development Corporation of NYC, as well as the Departments of Housing Preservation and Development, and City Planning.

Conditions of Approval

RFP Creation and Monitoring

Consistent with our conditions for approval of this ULURP action, we maintain that the RFP must reflect the following:

- *Regarding the production of housing units*, if the SPURA projects proceed in phases as a result of the RFP process, each and every phase/project must incorporate a housing component, and the housing in each phase must be developed in the same proportions as required by the ULURP.
- *Regarding employment*, if the SPURA project proceeds in phases as a result of the RFP process, each and every phase/project must commit both in effort and in results to the local hiring provisions outlined elsewhere in this resolution.
- *Regarding the production of community spaces, open spaces, and other "amenities,"* if the SPURA project proceeds in phases as a result of the RFP process, these amenities cannot be "back-ended" to the final phases and the developer(s) must verify the provision of these amenities on a phasing schedule acceptable to CB3.
- *Community representation.* The City of New York must ensure that representatives selected by CB3 (no less than 3 members and no more than 7 appointed by the CB3 Chairperson) participate fully and transparently on a task force (similar to what was established for Manhattan Community Board 11 (CB11) on the E. 125th St. project) to provide input in the drafting of the RFP(s) which result from the ULURP action. This task force will meet at a minimum on a bi-monthly recurring basis with City officials.

- *Task force.* The Seward Park Mixed Use Development Project Task Force, “the task force,” will be led by and include the above mentioned CB3 members, as well as one representative from each of the members of the City Council Districts represented in CB3 and one from the Manhattan Borough President, as well as representatives of two local stakeholder groups as appointed by the CB3 Chair. The majority of members of the task force will be composed of CB3 members.
- *Task force participation process.* The City will commit to continuing its partnership with the community on the Seward park Mixed Use Development Project, including the community’s participation within the City’s RFP process as follows:
 - Prior to releasing the RFP, the City will meet with the Task Force designated by the Community Board to request their priority goals. This will include, but not be limited to, a discussion about preferences for ground-floor and retail uses. The Task Force will review final RFP goals and selection criteria prior to the City’s release of the RFP.
 - One of the selection criteria in the RFP will be that the Task Force preferences will be considered in final selection.
 - Upon receipt of developer proposals, the City will provide summaries—with identifying information removed—to the Task Force of viable responses and discuss the proposals. The Task Force will provide feedback as to which proposal(s) and aspects of proposal(s) it considers to best meet the community goals. As noted, this feedback will be formally considered as part of the selection criteria.
 - Prior to final selection, the City will discuss the proposed selection with the Task Force.
 - Issued RFPs will state that developers will be required to work with the task force during the development, construction, leasing and operation of the project phase(s) in order to ensure ongoing dialogue between the Developer and the community.

Local developer participation. Issued RFPs will require that all major developers must partner with local nonprofit developers, as has been agreed to by the City in other projects. In addition, those nonprofit partners must be required to build a substantial amount of affordable housing (not less than 20% of units).

- *Monitoring and training candidates for employment.* Issued RFPs will require that the winning developer(s) will provide \$##### per phase of development to the Lower East Side Employment Network to support the ongoing monitoring and training of local candidates. This is similar to CB11’s requirement on the E. 125th Street project.

- *Consistency with CB3 Project Goals and Guidelines.* The City of New York must ensure that the task force will have the ability to examine and review the RFP(s) regarding compliance with CB3 project goals. The task force will rank proposals in priority order and the City will make all diligent efforts to comply with those recommendations. In addition CB3 requires written assurances from the City that the RFP will be consistent with the conditions laid out within this approval and will include the attached original CB3 Guidelines passed in January 2011 and June 2011.
- *Quality of life issues.* The City of New York will respect any Memoranda of Understanding between CB3, the task force, and the selected developer should quality of life issues arise as a result of the development or agreed to changes in project goals be required during the implementation phase of development, e.g. double pane windows are needed for buildings adjacent to the project site or local hiring goals have peaked and are agreed to be reduced by the task force.
- *Multiple Developers.* The City shall select multiple developers. Preference must be given to Lower East Side and/or other local non-profit developers. The cumulative effect of their proposals and subsequent actions must result in a development that adheres to CB3's guidelines and underlying principles. A single developer will have too much leverage against the City and will be able to seek modifications of the RFP from the city as the negotiation process moves forward as seen in numerous other developments throughout NYC.
- *Dormitories.* The RFP will expressly prohibit dormitories. The City will not select a developer to develop dormitories.

Affordable Housing

Affordable Housing in Perpetuity. It is imperative that the affordable housing built as part of SPURA development be affordable in perpetuity. This is what was intended when Guidelines were agreed upon and passed CB3. The redevelopment of all nine sites including the Large Scale General Development (LSGD) Plan for the Seward Park Urban Renewal Area will have a tremendous impact on the surrounding community-- already subject to permanent demographic change and development pressures that favor and promote market rate housing and commercial uses that most long-time neighborhood residents cannot afford. The ULURP documents must guarantee that all subsidized housing produced in Seward Park is permanently affordable, thereby incorporating a "forever" commitment that the 50% affordable housing in the plan will remain accessible and affordable for generations to come.

All Buildings Should Be Mixed Income. The language of the ULURP documents must include a guarantee that each residential development built, (with the exception of

Housing for the Elderly), must have apartments to accommodate all income groups outlined in the plan. Additionally, all of the affordable units must be integrated with the market rate housing without discernible differentiation by location, unit mix, size, and material or design quality; there may, however, be differentiation by unit finishings.

The affordable housing may be built in stages, provided that the ratio of affordable units is never less than 50 percent of all residential units built in any phase. Therefore, the City must guarantee that they will not build only commercial development in any phase of construction.

Allocation of affordable units

The City commits that sufficient residential square footage will be set aside and reserved for residential use in order to develop 900 units. CB 3 requested at least 800 and preferably more than 1,000 housing units the guidelines for the site, to be allocated as follows:

- In total, not less than 10 percent of all units must be affordable to renters/buyers with household income between 131% and 165% percent of the area median income (“AMI”).
- Not less than 10 percent of all units must be affordable to renters/buyers with household income between 51% up to 130% of AMI.
- Not less than 20 percent of all units must be affordable to renters/buyers with household income below 50% percent of AMI.
- Not less than 10 percent of all units must be affordable to seniors with income below 50% of AMI.
- At least 50% of all affordable units are to be offered to CB3 area residents under community preference.

Big Box Stores

CB3 is steadfastly opposed to big box development on any of the sites within the SPURA plan. We firmly believe that such stores will threaten existing small businesses and will generally disrupt the community’s character. Our Guidelines passed in January 2011 said very directly “With the exception of a possible supermarket, no single retail tenant should exceed 30,000 square feet in size. “ The ULURP document not only allows for such development; in fact it includes an action which permits very large departments stores with a metropolitan focus to be built in the proposed C2-5 District on sites 3-6. *Without a special permit and a zoning text amendment to ZR Section 74-744 such stores could not be built in this zone.*

Essex Street Market

In accordance with our Guidelines, CB3 approves the Essex Street Market plan with the following conditions:

- Vendors must be charged approximately the same or similar rent that they are paying at the time of moving for the same amount of space in the new facility.
- Additionally, the City must provide financial assistance for the entire cost of moving all vendors who wish to move to the new building, and if the City will not pay these expenses, they must find other partners or otherwise make available additional resources so that the vendors will not be responsible for paying for their own moving costs.

Local Hiring / Living Wage

Preference for at least 50% of all jobs (during the construction period and permanent). Every effort must be made to reach a goal of 50% of all jobs being given to CB3 residents, with prevailing wages for construction jobs and living wage for permanent jobs. Of the 50%, 25% must be new positions, not positions transferred from other sites. Should such efforts be made in consultation with the task force and it appears that meeting the 50% goal is not achievable, agreement can be reached between the task force and the developer as to another reasonable goal.

Former Site Tenants

Opportunity must be provided to rent affordable units in the new development to qualifying SPURA former or present residents relocated as a result of the project.

The City in partnership with CB3, must conduct extensive and credible outreach to identify, locate and notify all qualifying former site tenants about the proposed new housing development on SPURA, their continued right to return to the site, and the application process for priority inclusion in the new housing that is built.

School

We find that there is a demonstrable need for a shared District 1 and District 2 Pre-K to 8th grade school to be built as part of the Seward Park Mixed Use Project Site. The project site straddles the current boundary of Community School Districts 1 and 2.

See Appendix B for a discussion of the case for a shared school.

Rear Yards on Sites 8, 9, and 10

CB3 recommends that this ULURP document include an action to waive the rear yard requirement for the three sites located north of Delancey Street. Although the document assumes that these three sites will produce approximately 100 residential units, they are very narrow, no deeper than 70 feet at the widest point, making them difficult to redevelop for residential use. Most of these three sites are in a C4-4A zone, which requires a rear yard. We fear that a building of only 40 or 50 feet in depth will be expensive to build, will make awkwardly designed dwelling units, or may never yield the desired housing. A waiver of the rear yard requirement would make these sites more suitable for housing development.

Appendix A: Seward Park Mixed Use Development Project's Community Board 3 Guidelines

January 2011 Seward Park Urban Renewal Area Guidelines CB3 Guidelines for Seward Park Sites Redevelopment

Presented below are recommended guidelines for consideration by Manhattan's Community Board 3 (CB 3). The CB 3 Land Use, Zoning, Public & Private Housing Committee prepared these guidelines. They are intended to guide the City of New York in its preparation of a plan and subsequent Requests for Proposals (RFP) to develop the Seward Park sites.

I. INTRODUCTION

1. Guiding Principles
 1. 1) The plan and subsequent RFP(s) for the Seward Park Sites must be in accordance with the principles laid out herein. Maximization of City revenue from the sale of the land should be a secondary consideration.
 2. 2) The City should select multiple developers, with additional consideration given to Lower East Side and/or other local non-profit developers. The cumulative effect of their proposals and subsequent actions must result in a development that adheres to these guidelines and underlying principles.
 3. 3) The City's conveyance of the land must include deed and other binding restrictions to assure that these principles are achieved.
2. Community Oversight
 1. 1) The City must communicate regularly with CB 3 and any CB 3 designated committee on all aspects of project development, from preparation of the RFP and the Uniform Land use Review Procedure (ULURP) process through tenant selection, inclusive of completion of all associated planning, programming and development.
 2. 2) There must be robust community participation in the planning and review process for the sites. This includes open information, widely distributed announcements and regularly scheduled public meetings distinct from public hearings.

II. LAND USE AND PROGRAM

A. Mixed-Use Development

- 1) The mixed-use, mixed-income character of the neighborhood must be reflected in the development plan for the sites.
- 2) Each phase of development must reflect the mixed-use, mixed-income guidelines indicated herein, except if federal regulations require senior housing to be separated from other uses and thus built as an independent phase or project element.

B. Commercial Development

1. 1) Full opportunity should be provided for economic development and local employment and entrepreneurship. Fifty percent of all on-site employment opportunities must at all times be filled by CB 3 residents; employers must make diligent efforts to advertise job openings locally. All employment opportunities should offer wages that take into consideration the cost of living in New York City, rather than the statewide minimum wage.
2. 2) Retail should be maximized in street-level building frontages along major streets (i.e., Delancey Street west of Clinton Street and Essex Street).
3. 3) Local service and convenience retail uses should predominate in street-level building frontages along side streets (i.e., Broome Street, Grand Street, Ludlow Street, Norfolk Street and/or Suffolk Street).

4. 4) Mid-box retail should be encouraged to locate predominantly on the second floors of buildings along major streets (i.e., Delancey Street and/or Essex Street). "Mid-box" retail is defined as stores equal to 10,000 to 30,000 square feet (sf).
5. 5) With the exception of a possible supermarket, no single retail tenant should exceed 30,000 sf in size. In addition, no more than three new liquor licenses within 500 feet of each other should be issued to establishments on the side streets, and no licenses can be established within 200 feet of any school or religious institution.
6. 6) There is a strong preference that the existing Essex Street Market remain on its current site. However, if the Market is to be relocated, it must remain public and be moved to a superior site on a major street to accommodate a larger market with more goods and services. The existing Essex Street Market must not be closed or demolished before the new, larger market is open. Every effort should be made to retain the then current tenants of the Essex Street Market during the change in location and facility. Such efforts should include providing special consideration as to rents (e.g., rent increases should be comparable to existing contracts), assisting tenants with moving and relocation costs (e.g., through the creation of a fund or by way of a requirement in the RFP), and assuring that the new market space is move-in ready before tenants are relocated.
7. 7) Every phase of retail development must provide a diversity of goods, services and price points.
8. 8) Non-retail, commercial development – including office, hotel and/or a movie theater – should be provided. A movie theater is a priority; this use could be a component of a multi- purpose performance space, including one in connection with civic uses (see #II.D). The final commercial uses and their floor areas will depend on market conditions at the time of development, as well as satisfactory proposals by development or operating entities.

C. Housing

1) The sites should be developed to optimize their aggregate residential potential. At least 800 and preferably more than 1,000 housing units must be provided. (This range should be refined following community engagement in connection with anticipated urban design analyses for the site.) However, the overall housing component should not comprise less than 60 percent of the total floor area of all sites, excluding floor area devoted to below- grade parking.

2) The mixed-income character of the neighborhood must be reflected in the development plan for the sites. Accordingly:

a. Approximately 50 percent of all units should be available at market-rate values (i.e., for households with no income restrictions). ("Approximately" is defined as give or take one or two percent.)

b. Approximately 10 percent of all units must be reserved for middle-income households.

c. Approximately 10 percent of all units must be reserved for moderate-income households.

d. Approximately 20 percent of all units must be reserved for low-income households.

e. Approximately 10 percent of all units must be reserved for low-income seniors.

f. Supportive housing for low-income individuals and/or families is permitted under any of the above allocations (see #II.C.2).

g. The household income definitions are as follows:

Percent of Area Income Range Median Income

Middle income 131 – 165 percent Moderate income 51 – 130 percent Low income < 50 percent

Maximum Income* \$130,000 \$100,000 \$ 40,000

* Income limits are 2010 approximations for a family of four based on the most recently available data and will change from year to year; they are shown here for illustrative purposes only.

h. Units should be affordable to a multitude of incomes within the above ranges (see #II.C.2.g), rather than to just the upper limits of each.

3) Every effort should be made to secure Federal, State and other outside funding to achieve the quantities of non-market-rate housing set forth above. The ability of respondent developers to maximize the number of non-market-rate units should be a major criterion of the RFP and in the selection of developers.

4) Developers must be encouraged to consider affordable homeownership and variant models (such as mutual housing).

5) In mixed-income buildings, the non-market-rate units should be integrated with the market-rate housing and be indistinguishable from the exterior in terms of material and design quality. Further, the non-market-rate component should have at least the same proportion of two- and three-bedroom apartments as the market-rate component; however, in all cases, at least 40 percent of all non-market-rate units should be two-bedrooms or larger. All non-market-rate units must comply with the NYC Department of Housing Preservation and Development (HPD) "Design Guidelines for New Construction," which includes standards for unit size and layout.

6) At least 50 percent of the non-market-rate housing units should be prioritized (in the following order) for residents who may be relocated as a result of planned development, Tenants at Title Vesting – the former site tenants – and qualifying residents of Community District 3. There should be a robust procedure for notifying Tenants at Title Vesting about their right to return, such as described in the Appendix (see below).

7) All non-market-rate units must remain affordable in perpetuity.

D. Civic Uses

1. 1) The site development must include community, cultural and/or institutional ("civic") uses and amenities that benefit residents of all ages.
2. 2) Full opportunity should be provided for civic uses and amenities. It is understood that such use(s) for each site will depend on project feasibility as well as a satisfactory proposal by a development or operating entity. Civic use is broadly defined to include a possible non- or limited-profit retail component and/or non-profit offices.
3. 3) The civic use obligation may in large measure but not entirely be satisfied by any one such use.
4. 4) Sufficient land and building capacity should be set aside for a public primary or secondary school. Ideally, students from both School Districts 1 and 2 should be allowed to attend the school, regardless of which district it is ultimately located in. (This will result in either new flexible district boundaries – as already exists at 14th Street – or a redistricting of the area to include the entire Seward Park development in District 1) The siting of the school should allow it to be oriented to a side street.
5. 5) An assisted living/nursing home is a preferred community facility use.
6. 6) Parks and open space must be a major feature of the final development program. A side street orientation is preferred for local neighborhood open space, such as a playground.
7. 7) Every effort should be made to include a non- or limited-profit retail or other commercial component in the final program. This use may substitute for either local service or convenience retail (see #II.B.3). It is understood that this use will depend on project feasibility as well as a satisfactory proposal by a development or operating entity.

III. SITE LAYOUT AND DEVELOPMENT

1. Site-Specific Concerns

If necessary, as a development plan approaches and enters the ULURP process, site-specific concerns (e.g., regarding program mix, affordability, urban design or other aspects) that arise should continue to be addressed by members of the Community Board, its designated committee and the City.

2. Commercial Overlay
The sites along Delancey Street and Grand Street should be rezoned to include a commercial overlay.
3. Urban Design
 1. 1) The final building and site plans must be in keeping with current planning principles of contextual design: e.g., building orientation and access should support and enhance the pedestrian realm and weave together the fabric of the neighborhood. Their final designs should consider successful models that have been employed in other cities around the nation and the world, especially as they pertain to mixed-income and mixed-use developments.
 2. 2) Existing streets, including those that have been de-mapped, should be preserved.
 3. 3) The development should exemplify good urban design and sound environmental principles. Environmental design solutions, such as passive and active energy and water use efficiencies, should be promoted. The development should comply with Enterprise Green Communities certification, which has been adopted by HPD as the standard for its new projects.
4. Parking
The development should include approximately the same amount of public parking as currently exists for cars (i.e., excluding commercial vehicles and trucks) that will be displaced as a result of development.

IV. Appendix

Model language/procedure for contacting former site tenants:

"Upon the initiation of the Environmental Impact Review, the City must mail a letter to all former site tenants and to all children of former site tenants apprising them of the planning process and assuring them that all former site tenants and all children of former site tenants will have first priority for all non- market units once housing is built on the site. Upon the award of the RFP(s), the City must mail a binding document to all former site tenants and all children of former site tenants informing them of their first priority for all non-market units on the site. In this same mailing, the City must also enclose a pre- application for this housing to guide the later tenant selection process."

June 2011 Design Principle Motions

MOTION 1:

WHEREAS, the Community Board 3 Land Use, Zoning, Public & Private Housing Committee is considering guidelines for the Seward Park Redevelopment Project Environmental Impact Study (EIS); so

THEREFORE, BE IT RESOLVED the committee supports the following Urban Design Principles for Sites 1-6 (those South of Delancey Street):

1. Height of all buildings. The buildings should be contextual in design, taking into account the unique crossroads of the two different urban design contexts presented by the area. As such, Sites 1, 3 and 6 should not exceed fourteen stories. Site 2 should not exceed 24 stories. Either Site 4 or 5 can be up to 24 stories, with the other not to exceed 14 stories.
2. School. If a school is developed (as preferred), it should be on Site 5, with the entrance on a side street and not Grand Street.

3. Commercial development. If commercial development is needed beyond the ground level and second floor (e.g., to comply with the guidelines), the extra commercial development should be placed on either Site 2 or Site 4, with a final determination following the EIS's study of the comparative impacts of the two alternative sites.
4. Public open space. Public open space of not less than 10,000 square feet should be provided on the north side of Site 5 or the south side of Sites 2, 3, or 4.
5. Pedestrian safety. A pedestrian overpass should be built over Delancey Street, between Site 2 and Site 9.
6. Parking. All future parking lots on any of the sites should be underground.
7. Street grid. The four streets in the grid should remain and be utilized.
8. Street life. The site area's design should be done so as to maximize street life.
9. Mixed-income quality. Assure that all of the buildings (with no exceptions) are mixed-income, so as to avoid the problem of uneven distribution of amenities, maintenance, and more; with the exception of senior housing that depends on federal funding that does not allow mixed-income.

Motion 2:

WHEREAS, the SPURA Guidelines approved by the Land Use, Zoning, Public and Private Housing Committee and unanimously by Community Board 3 in January 2011 specify that "with the exception of a possible supermarket, no single retail tenant should exceed 30,000 sf in size" and that "'mid-box' retail is defined as stores equal to 10,000 to 30,000 square feet (sf)"; and

WHEREAS, many chain stores achieve lower prices by paying inadequate wages to their employees; and

WHEREAS, chain stores may fail to provide adequate benefits to their employees; and

WHEREAS, the lower prices thus achieved may force out local small businesses the Guidelines encourage; so

THEREFORE, BE IT RESOLVED stores exceeding 15,000 sf (square feet) are required to hire locally, pay a living wage, and provide appropriate benefits.

Appendix B. Case for a school within the Seward Park Mixed Use Development

The Seward Park Mixed Use Project Site plan includes a potential 1,000 housing units. Of this total, at least 50 percent will be affordable housing. The entire development can be expected to attract families who will send their children to a local public school, for reasons of both affordability and quality. There is ample evidence, particularly in Manhattan and Brooklyn, that market rate residents are choosing to send their children to public schools rather than private schools as the quality of public schools and quality of life has improved under this administration¹

Even before adding the 1,000 planned units, an examination of data from the DOE 2007-2008 and 2008-2009 “*Blue Books*” shows that public school enrollment is growing faster in District 1 than in any other district in the entire city--by far--at 4.1 percent per year. The current enrollment growth shows no sign of abating. Indeed, there has been a double-digit percentage increase of over 12 percent in Kindergarten enrollment alone between 2009 and 2011. Moreover, the Department of City Planning anticipates overall population growth for Manhattan, with a 4.4% percentage change of school-age population from 2000-2030.² Birth data for Manhattan from 2000 to 2009 from the NYC Department of Health and Mental Hygiene shows a percentage change of .5% for the borough.

The enrollment increases are already contributing to rising class sizes, with 52 percent of District 1 General Education, Gifted and Talented, and CTT Kindergarten classes exceeding the benchmark of 19.9 students in K-3 in the City’s Contract for Excellence Plan (established by law to settle the Campaign Fiscal Equity lawsuit in 2007) with 20.1 students in the 2011-2012 school year. The possibility of 30 children per class exists for District 1 schools in 2012-2013. Further contributing to space constraints is the infusion of charter schools into the community, which reduces the availability of classrooms as well as much-needed spaces for purposes such as cluster rooms, therapy areas for special education students, and libraries, all of which are vital to delivering a quality education. The district’s significant percentages of special education and ELL pupils already create specific educational needs and will continue to do so. According to one projection, the number of special education students alone is expected to double, comprising over 16 percent of the total elementary and junior high enrollment by 2018. The district currently has approximately 14 percent English Language Learners. It is a priority for schools to meet these students’ needs.

Over the last decade, School District 1 has seen the greatest improvement of any district in the city in terms of student achievement, despite an economically and

¹ Coplon, Jeff. “Five Year Olds at the Gate: Why are Manhattan’s Elementary Schools Turning Away Kindergarteners? How the Bloomberg Administration Missed the Baby Boom it Helped Create.” *New York Magazine*, May 24, 2009. Web: <http://nymag.com/print/?/news/features/56942/>

² “New York City Population Projections by Age/Sex and Borough, 2000-2030,” New York City Department of City Planning, December 2006. Web: http://www.nyc.gov/html/dcp/pdf/census/projections_briefing_booklet.pdf

ethnically diverse population, in large part because of two critical factors: the provision of full-day pre-Kindergarten and small class sizes in the early grades. These are the only two education reforms that have been proven through rigorous evidence to narrow the achievement gap.

If residential growth in CB3 is allowed to continue without any planning for a school, the schools in District 1 and 2 will likely lose their Pre-K programs, and class sizes will continue to increase in size to far above optimal levels. The 2,400 children on waiting lists (as of May 22, 2012) for their zoned Kindergarten both this year and last are testament to a severe lack of planning for large scale residential development.

Also, in grades 4-8, class sizes have increased in District 1. They rose from 20.1 students in a class on average in 2009-2010, to 20.6 in 2010-2011, and then jumped to 23 in 2011-2012. This now tops the Contract for Excellence Plan's goal of 22.9 for grades 4-8. It is worth noting that while the "Blue Book" assumes a class size of 28 in grades 4-8, this capacity number is not aligned with the City's own state-mandated Contract for Excellence Plan of an average class size of 23. The disconnect between policy and school construction is stark.

Unfortunately, the DOE cannot be relied upon to accurately forecast the need for school space. It is alarming to compare actual data to the DOE's own 2009 Grier report, which projected a five-year enrollment growth for District 1 of 7.6 percent from a 2008 baseline: the actual increase of 4.1 percent in 2008-2009 alone already surpassed the half-way point of the five-year projection. The consistent discrepancies in DOE's projections and actual enrollments have been documented in several reports, including studies by the Manhattan Borough President, NYC Comptroller, and other non-profit and industry analysts.

District 1 and District 2 are growing at a comparable rate. While District 2 suffers from extreme overcrowding, new schools are being built; yet this is not expected to satisfy the population increase in District 2 based on housing start projections. According to the NYC School Construction Authority's projected new housing starts, which are used for the 2010-2014 Capital Plan, enrollment projection show an additional 1,880 housing units between 2009 and 2018 for District 1.³ While housing starts had declined following the recession in 2007, the US Census Bureau and the Manhattan Borough President's office have reported on an increase in Manhattan since 2009.⁴

Therefore, for the reasons cited above as well as based on data gleaned by multiple governmental and industry reports, the need for a dual District 1 and District 2 Pre-K to 8th grade school on the Seward Park Mixed Use Project site is critical. A dual district

³ "Projected New Housing Starts as Used in the 2009-2018 Enrollment Projection 2010-2014 Capital Plan," New York City School Construction Authority. Web: <http://www.nycsca.org/Community/CapitalPlanManagementReportsData/Housing/2009-2018HousingWebChart.pdf>

⁴ "School Daze: Fuzzy Numbers Mean Overcrowded Schools," Office of Manhattan Borough President Scott M. Stringer, September 2009. Web: http://mbpo.org/uploads/policy_reports/schooldaze.pdf

school would provide flexibility and consistency with the Department of City Planning's own recommendations for responsible planning around new residential developments.⁵ The school should also be considered part of District 1's "District of Choice" policy whereby any District 1 student can rank the new school as their top choice school to enroll into and any child from District 2 who resides within CB3's boundaries can request to enter this school over their zoned school, yet will be able to attend the latter should a lottery system be employed at the new school and the child cannot attend the new school on the Seward Park Mixed Use Project site. This school would preferably serve CB3 children primarily within an approximate ½ mile radius of the school site with a 50/50 mix of District 1 and District 2 children as the first priority for acceptance. CB3 and the City shall work with the State legislature to amend the current boundaries to allow for this dual district system.

⁵ "Community Facilities and Services: Developing Mitigation," CEQR Technical Manual, January 2012 edition, Page 6-15. Web: http://www.nyc.gov/html/oec/downloads/pdf/2012_ceqr_tm/2012_ceqr_tm_ch06_community_facilities_and_services.pdf