

2. I have worked in City government for 29 years and have been a planner with DCP for 23 years. Since 1993, I have served as a Team Leader in the Manhattan Borough Office, where I coordinate the review of urban renewal, housing and commercial development projects located in Upper Manhattan.

3. In collaboration with DCP policy makers and senior staff, I work with City agencies and other public applicants to review preliminary land use proposals for public presentation, and provide informal comments prior to commencement of the formal public review process under the City's Uniform Land Use Review Procedure ("ULURP"). Once the ULURP process has commenced, I work to advance the application through the public review process. Throughout the process, I maintain close contact and communicate on a regular basis with the applicant(s), the local Community Board(s), the office of the Borough President and the local members of the City Council. I also communicate with the affected stakeholders in the project area.

4. I have been closely involved with the East 125th Street Project (the "Project") since its inception, and served as the DCP project manager for the Project since 2006. In that capacity, I performed each of the functions outlined above, from the period prior to initiation of the public review process to its recent completion.

Petitioners' Claim

5. I understand that Petitioners claim that Block 1790, Lot 44 was removed from the East 125th Street Project Site and, thus, that the property is not subject to the 15th Amendment to the Harlem-East Harlem Renewal Plan. Pet. at ¶ 76. However, this parcel is, and always has been, part of the Project Site and the Urban Renewal Area as amended under the 15th Amendment to the Harlem-East Harlem Urban Renewal Plan.

6. The Parcel was identified as part of the Project in the ULURP application. R. at Ex. 10. It was also clearly identified as included within the Fifteenth Amendment to the Harlem-East Harlem Urban Renewal Plan. R. at Ex. 1, at 22 and attached maps.

7. The Fifteenth Amendment, which includes Block 1790, Lot 44, was approved in the City Planning Commission Resolution set forth in CPC Final Report for C 080332 HUM. R. at Ex. 15. Lot 44 was also approved as part of an Urban Development Action Area and approved for disposition, as set forth in the City Planning Commission Resolution included in CPC Final Report for C080331 HAM and Council Resolution No. 1649. See R. at Ex. 26.

8. I understand that Block 1790, Lot 44 was omitted from a list of lots set forth in the background section of one of the CPC Reports. R. at Ex. 15 at 3.

9. However, the inadvertent omission of Block 1790, Lot 44 from the background section of a CPC Report has no legal or programmatic consequence. The purpose of the background section of a CPC Report is to provide a narrative description of a project. However, it is the CPC's Resolution, set forth at the end of the CPC Report, that sets forth the actual decision and determination of the CPC.

10. In this regard, on August 27, 2008, the CPC Resolution approved the 15th Amended Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area, submitted by HPD on March 17, 2008 ("15th Amendment"). R. at Ex. 15 at 50. As stated above, the 15th Amendment, adopted by the CPC under the CPC Resolution, includes Block 1790, Lot 44, which is identified as part of Urban Renewal Site 12. Ex. 1, at 22. Therefore, Block 1790, Lot 44 is included in the 15th Amended Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area and is part of the Project Site.

11. Further, the CPC Resolution governing the Urban Development Action Area, C 080331 HAM, provides that Urban Renewal Site 12 is designated as part of the Urban Development Action Area and Project. R. at Ex. 16.

12. The Council Resolution, passed on October 7, 2008 approving the 15th Amendment, ULURP Application No. C 080332 HUM, also designates Block 1790, Lot 44 as part of the Site. As stated above, the 15th Amendment includes Block 1790, Lot 44, which is identified as part of Urban Renewal Site 12. R. at Ex. 15.

13. In addition, the Council Resolution, passed October 7, 2008, approving Application No. C 080331 HAM, clearly designates Block 1790, Lot 44 as part of the East 125th Street Project Site. R. at Ex. 26.

14. It is clear from the overall documentation of the Project approvals, as set forth in the CPC and Council Resolutions, that Block 1790, Lot 44 is part of the Project and included in the 15th Amendment to the Urban Renewal Plan for the Harlem-East Harlem Urban Renewal Area, is designated as part of an Urban Development Action Area, and is authorized for disposition. It is thus clearly part of the Project Site.

125th Street Corridor Rezoning

15. I understand that Petitioners also allege that the 125th Street Corridor Rezoning, approved in April 2008, was segmented from the East 125th Street Project. Pet. ¶ 243. As explained below, the East 125th Street Project and Corridor Rezoning are separate projects with different goals and objectives.

16. The two projects are separate initiatives undertaken and approved by different City bodies, the 125th Street Corridor Rezoning by DCP and the East 125th Street by

NYCEDC, and the environmental reviews of the projects were appropriately conducted separately.

17. In fact, the City could not have treated these two distinct projects as one because the 125th Street Corridor Rezoning Project was approved before an application was even submitted to CPC to begin the land use review process for the East 125th Street Project. The 125th Street Corridor Rezoning was approved by the City Council on April 30, 2008. The East 125th Street Project was not submitted to CPC for review until August 27, 2008.

18. Neither do the physical boundaries of these projects overlap. The East 125th Street Project Site is comprised of approximately 5.5 acres within an area generally bounded by East 125th and East 127th Streets, and Second and Third Avenues in Manhattan. The Project Site also includes the southeast corner of Third Avenue and East 125th Street, and abuts the Special 125th Corridor District.

19. Specifically, Parcel A of the Project is bounded north and south by 127th and 126th Streets respectively; and east and west by Second and Third Avenues respectively.

20. Parcel B of the Project is bounded north and south by 126th and 125th Streets respectively; and east and west by Second and Third Avenues respectively.

21. Parcel C is the lot on the southeast corner of Third Avenue and East 125th Street and consists of vacant land owned by the City.

22. The 125th Street Corridor Rezoning area, on the other hand, did not include any land parcels that are included in the Project Site. The Corridor Rezoning area includes 24 blocks in East, Central, and West Harlem, generally bounded by 124th Street, 126th Street, Broadway, and Second Avenue. The rezoning area spans the West, Central and East Harlem neighborhoods of Manhattan and includes parts of Manhattan Community Districts 9, 10

and 11. See Exhibit A, attached herein, for a description of the parcels included in the rezoning (taken from the 125th Street Corridor Rezoning Final Environmental Impact Statement.)

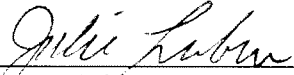
23. While both projects aim to support the ongoing revitalization of Harlem, these two projects are complementary, yet different. Their similar goals do not dictate that both projects be considered as one.

24. Therefore, the 125th Street Corridor Rezoning and the East 125th Street Project have always been separate and distinct development projects.



EDWIN MARSHALL

Sworn to before me
this 30th day of March, 2009.



Notary Public

JULIE LUBIN
Notary Public, State of New York
No. 02-LU6038183
Qualified in New York County
Commission Expires March 6, 2010 