

LETTER OF RESOLUTION

Among

**The New York State Office of Parks, Recreation and Historic Preservation,
New York State Division of Housing and Community Renewal, New York State Housing
Trust Fund Corporation, New York City Department of Housing Preservation &
Development, and Catholic Charities Progress of Peoples Development Corporation**

**Regarding the Proposed Development of
the Our Lady of Loreto Family Apartments**

08PR01135

DHCR SHARS # 20086040

WHEREAS, the New York State Division of Housing and Community Renewal ("DHCR") and the New York State Housing Trust Fund Corporation ("HTFC") sent conditional award letters for and the New York City Department of Housing Preservation & Development ("HPD") and Catholic Charities Progress of Peoples Development Corporation are funding or developing the construction of low-income family housing (the "Modified Project") contiguous to the site of the former Our Lady of Loreto Church in Brooklyn, New York; and

WHEREAS, Our Lady of Loreto Church was closed and determined (i.e., relegated) by Decree of the Diocese of Brooklyn dated October 30, 2009 to be unfit for divine worship. The former school building on the site was demolished in 2007; and

WHEREAS, in connection with the relegation of the Church, Catholic Charities Progress of Peoples Development Corporation has determined that the area in which the Church Complex is located is a viable and central location for much needed low-income family housing in the Brownsville section of Brooklyn; and

WHEREAS, on February 27, 2008, Catholic Charities Progress of Peoples Development Corporation, in an effort to fill the pressing need for quality low-income family housing in this neighborhood, made an application to DHCR and HTFC for low-income housing tax credits and an HTFC award to develop the former Church site to build 88 units of low-income family housing (the "Original Project" or the "Original Proposal"); and

WHEREAS, the February 27, 2008 application included a copy of a February 14, 2008 Project Review Cover Form that Catholic Charities Progress of Peoples Development Corporation submitted to the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP"), in its role as State Historic Preservation Office ("SHPO"); and

WHEREAS, on June 30, 2008 DHCR and HTFC sent award letters to Catholic Charities Progress of Peoples Development Corporation. The award letters notified Catholic Charities Progress of Peoples Development Corporation that further information and conditions must be met to complete the funding process and that activities funded under the proposal could not commence until an environmental review had been conducted by DHCR and HTFC; and

WHEREAS, the HTFC and DHCR environmental review commenced on October 9, 2008 and includes the requisite consultation process outlined in Section 14.09 of the Parks, Recreation and Historic Preservation Law and OPRHP's implementing Regulations (9 NYCRR Part 428); and

WHEREAS, on June 15, 2009 SHPO sent a letter to Catholic Charities Progress of Peoples Development Corporation regarding the 14.09 review that is necessitated by DHCR's HTFC award. SHPO stated that the proposal could only move forward after a thorough exploration of alternatives is completed. This letter also noted that SHPO had received and considered further information regarding the Church Complex from members of the community; and

WHEREAS, on December 18, 2009 Catholic Charities Progress of Peoples Development Corporation submitted to SHPO an alternatives analysis to consider other options that would potentially avoid or minimize the impacts to the former Church complex as a result of the proposal. Catholic Charities Progress of Peoples Development Corporation supplemented its alternatives analysis in a submittal to SHPO on February 18, 2010. This supplemental alternatives analysis addressed a proposal by the North East Brooklyn Housing Development Corporation (NEBHDCo), even though NEBHDCo does not have an ownership interest in the former Church Complex and DHCR was not considering the NEBHDCo proposal for funding nor had an application for funding for that project even been made to DHCR or HTFC; and

WHEREAS, HPD anticipates partially funding construction of the Modified Project and has notified SHPO that an HPD award for the proposal necessitates that HPD also participate in the on-going Section 14.09 consultation process regarding the Church Complex; and

WHEREAS, HPD would be responsible for the preparation of an Environmental Assessment Statement ("EAS") under the State Environmental Quality Review Act ("SEQRA") and City Environmental Quality Review ("CEQR") required for City funding of the Modified Project, and would issue an environmental determination; and

WHEREAS, as a result of further discussions with SHPO and others, on May 14, 2010, Catholic Charities Progress of Peoples Development Corporation advised DHCR, HTFC, HPD and SHPO that it was modifying its Original Proposal to remove the demolition of the former Church building and reduce the size of the low-income housing complex from 88 to 64 units ("Modified Project"). The Modified Project is substantially similar to alternative 3 in the alternatives analysis noted above. Catholic Charities subsequently submitted the site plan for the Modified Project to DHCR and HTFC on July 29 and DHCR forwarded the site plan to SHPO on August 13, 2010. Additional architectural plans are to be submitted to DHCR as outlined in the Low Income Housing Tax Credit Deadline Extension Submittals Schedule; and

WHEREAS, in connection with this plan to provide low-income family housing, Catholic Charities Progress of Peoples Development Corporation has entered into a lease for the entire former Church Complex, but that at or soon after closing of the funding for the Modified Project, Catholic Charities Progress of Peoples Development Corporation will subdivide the former Church building from the remaining property to be developed for the Modified Project by obtaining a tax lot subdivision; and

WHEREAS, the Modified Project will now only require the demolition of the former Roman Catholic Church Rectory located at 124 Sackman Street and will require that the Register-eligible church building be protected from damage during construction, as discussed in Stipulation 3; and

WHEREAS, the demolition of the former Church Rectory, which is part of the Church Complex, would constitute an Adverse Impact under Section 14.09 of New York State Parks, Recreation and Historic Preservation Law; and

WHEREAS, as demonstrated in the alternatives analysis described above it has been determined that no feasible and prudent alternatives exist that would avoid the Adverse Impact associated with the demolition of the former Church Rectory;

WHEREAS, a May 27, 2010 determination letter from SHPO states that while the demolition of the former Church rectory is an Adverse Impact, "the preservation of the church is a significant and welcome effort to minimize the overall impacts of this project."

NOW, THEREFORE, in accordance with the New York State Parks, Recreation and Historic Preservation Law, the OPRHP, New York State Division of Housing and Community Renewal, New York State Housing Trust Fund Corporation, New York City Department of Housing Preservation & Development, and Catholic Charities Progress of Peoples Development Corporation agree that the Modified Project will result in an adverse impact to the National Register eligible Our Lady of Loreto Church Complex, in particular the Church Rectory, but may proceed with the demolition of such rectory, subject to the following Stipulations:

STIPULATIONS:

1. It is the understanding of all signatories that the primary mitigation for the demolition and alterations at the former Our Lady of Loreto Church Complex is the survival of the 1906 church building. As such, as part of the project proposed by the Catholic Charities Progress of Peoples Development Corporation to build 64 units of low-income family housing, the Church itself shall not be demolished, reconstructed, or damaged. In fact, the former Church building is not on the portion of the site of the Modified Project.
2. Prior to the demolition of the former Church Rectory and site preparation, the Church Rectory building will be documented using the attached standards (Attachment A).
3. Prior to work beginning on any portion of the Modified Project site, including pre-demolition removal of asbestos-containing materials from the Rectory, Catholic Charities Progress of Peoples Development Corporation, in consultation with SHPO and, as applicable, DHCR and HTFC, shall prepare a construction protection plan for the protection of the Church building itself. The plan shall require Catholic Charities Progress of Peoples Development Corporation to identify potential risks and protective measures during construction for the Register-Eligible Church building. In addition, the plan shall specifically include the following measures to protect the former Church building: (a) at the completion of

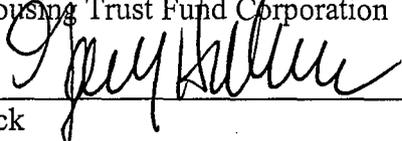
construction of the Modified Project, locked fencing shall be installed around the Church building to deter entry from trespassers; (b) minor temporary patching shall be performed on the Church's roof to prevent further water damage into the Church building; and (c) plexiglass or plywood shall be installed over the windows. The construction protection plans will meet the requirements specified in the New York City Department of Buildings ("NYCDOB") Technical Policy and Procedure Notice #10/88 concerning the procedures for avoidance of damage to historic resources during demolition and construction, and shall comply with other New York City Building Code regulations.

4. During construction, Catholic Charities Progress of Peoples Development Corporation shall regularly monitor the effectiveness of these protective measures, and will identify any damage which has occurred and additional corrective steps to be taken if such damage occurs, in consultation with DHCR, HTFC and SHPO, prior to the initiation of any additional corrective steps.
5. In addition to this plan, Catholic Charities Progress of Peoples Development Corporation shall make good faith efforts to preserve the former Church Building for community or residential use should funding become available for its restoration.
6. Catholic Charities Progress of Peoples Development Corporation will also provide SHPO with an opportunity to comment on its future proposals for the former church building, including any plans to demolish.

Execution of this agreement and implementation of its stipulations evidences that the New York State Division of Housing and Community Renewal, the New York State Housing Trust Fund Corporation and New York City Department of Housing Preservation & Development, have offered OPRHP the opportunity to comment on this undertaking and consider its impacts pursuant to Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law of 1980.

Signatories

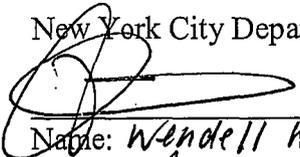
New York State Division of Housing and Community Renewal
New York State Housing Trust Fund Corporation



Name: Gary Hallock
Deputy Commissioner, DHER
President, HTFC

10/27/10
Date:

New York City Department of Housing Preservation & Development



Name: Wendell Walters
Assistant Commissioner

10/20/10
Date:

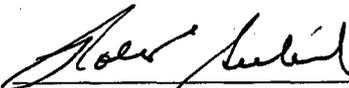
New York State Office of Parks, Recreation and Historic Preservation



Name: Ruth L. Pierpont ~~ANDY BEERS, ACTING COMMISSIONER~~

10/26/10
Date:

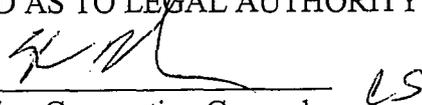
Catholic Charities Progress of Peoples Development Corporation



Name: Robert Siebel
CEO

10/20/10
Date:

APPROVED AS TO FORM AND
CERTIFIED AS TO LEGAL AUTHORITY.

By: 
Acting Corporation Counsel

Attachment A

RECORDATION OF HISTORIC STRUCTURES

In consultation with the OPRHP, Applicant shall document the former Church Rectory (124 Sackman Avenue) through a Historic American Building Survey (HABS) Level 2 photographic documentation and accompanying narrative in accordance with the Secretary of the Interior's Guidelines for Architectural and Engineering Documentation.

- a. Two sets of black and white photographs (4" x 5" prints on archival paper) and one set of 4" x 5" negatives that record the exterior appearance and major interior spaces as well as a representative example of the apartment spaces. Digital color images will also be taken at the same time as the traditional black and white photography. Digital images should be taken at a high resolution and stored on a CD in TIF uncompressed format. Two sets of CDs of the images will be provided.
- b. Measured drawings are not required, but a good faith effort shall be made to locate original elevations and floor plans of the building in local parish or Diocesan repositories. Copies of these documents, if located, are to be included in the documentation submission.
- c. A brief historic narrative pertaining to the history of the structure to illustrate the historic and architectural significance.
- d. Copies of historic photographs and documents relating to this building, if extant in local parish or Diocesan repositories should be included in the documentation submission.
- e. Two copies of the report are required: one copy of the report will be submitted to the SHPO for forwarding to the State Archives (which will include the archival negatives) and one copy of the report will be submitted to an appropriate local repository (library or historical society).