**THE COUNCIL OF THE CITY OF NEW YORK**

**RESOLUTION NO. 351**

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 220340 HAM, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 705 10th Avenue (Block 1077, Lot 29), Borough of Manhattan, Community District 4, to a developer selected by HPD (L.U. No. 106; C 220340 HAM).**

**By Council Members Salamanca and Louis**

WHEREAS, the City Planning Commission filed with the Council on September 2, 2022 its decision dated August 24, 2022 (the “Decision”), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 705 10th Avenue (Block 1077, Lot 29), (the “Disposition Area”), approving:

a) pursuant to Article 16 of the General Municipal Law of New York State the designation of the Disposition Area as an Urban Development Action Area;

1. pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the “Project”); and
2. pursuant to Section 197‑c of the New York City Charter the disposition of the Disposition Areato a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related actions would facilitate the construction of an eight-story mixed-use development containing approximately 157 permanently affordable dwelling units along with approximately 6,128 square feet of community facility space and approximately 0.58 acres of publicly accessible open space to be operated by the New York City Department of Parks and Recreation (DPR) at 705 Tenth Avenue in the Clinton/Hell’s Kitchen neighborhood of Manhattan, Community District 4 (ULURP No. C 220340 HAM) (the “Application”);

 WHEREAS, the Application is related to applications C 220337 ZSM (L.U. No. 104), a special permit to allow development over a railroad-right-of-way; C 220338 ZSM (L.U. No. 105), a special permit pursuant to Zoning Resolution Section 96-104 to allow for modifications to Article IX, Chapter 6 (Special Clinton District) regulations; and G 220017 XAM (L.U. 107), a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law;

 WHEREAS, the request made by HPD is related to a previously approved City Council Resolution No. 2324 (L.U. No. 1261) dated December 21, 2009 (the “Original Resolution”);

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197‑d of the City Charter;

WHEREAS, by letter dated September 1, 2022 and submitted to the Council on September 1, 2022, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on September 20, 2022;

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Application; and

 WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued March 23rd, 2022 (CEQR No. 21HPD031M) (the “Negative Declaration”).

RESOLVED:

 The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Section 197‑d of the New York City Charter, based on the environmental determination and the consideration described in the report C 220340 HAM and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of New York State, based on the environmental determination and the consideration described in the report C 220340 HAM and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Disposition Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

**PROJECT SUMMARY**

**1. PROGRAM:** MIXED INCOME PROGRAM: MIX & MATCH

**2. PROJECT:** Rialto West – 705 Tenth Avenue (DEP Site)

**3. LOCATION:**

 **a. BOROUGH:** Manhattan

 **b. COMMUNITY DISTRICT:** 4

 **c. COUNCIL DISTRICT:** 3

 **d. DISPOSITION AREA:** BLOCK LOTS ADDRESS

1077 p/o 29 719 Tenth Avenue

 (Tentative (Tentative 509 West 48th

 New Lot 29) Street)

 **e. EASEMENT AREA:** BLOCK LOTS ADDRESS

 1077 p/o 29 719 Tenth Avenue

 (Tentative (Tentative 707-719 10th

 New Lot 35) Avenue)

 **f. PROJECT AREA:** BLOCK LOTS ADDRESS

 1077 29 719 Tenth Avenue

 (Tentative (Tentative 509 West 48th

 New Lots 29 Street and 707-719 10th

 and 35) Avenue)

 **4. BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver enforcement note(s) and mortgage(s) for the remainder of the appraised value of the land and development rights (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt or City’s capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.

 **5. TYPE OF PROJECT:** New Construction

 **6. APPROXIMATE NUMBER OF BUILDINGS:** 1

 **7. APPROXIMATE NUMBER OF UNITS:** 157 dwelling units (plus one superintendent unit)

 **8 HOUSING TYPE:** Rental

 **9. ESTIMATE OF INITIAL RENTS** Rents will be affordable to families with incomes between 47% and 120% of AMI. Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All units will be subject to rent stabilization.

 **10. INCOME TARGETS** Between 30% and 140% of AMI.

 **11. PROPOSED FACILITIES:** Approximately 6,377 square feet of community facility space, and approximately 25,265 square feet of open space and potential DEP structure(s).

 **12. PROPOSED CODES/ORDINANCES:** None

 **13. ENVIRONMENTAL STATUS:** Negative Declaration

 **14. PROPOSED TIME SCHEDULE:** Approximately 30 months from closing to completion of construction

Adopted.

Office of the City Clerk, }

The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on \_\_\_\_\_\_\_\_\_\_, 2022, on file in this office.

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City Clerk, Clerk of The Council