



Legislation Details (With Text)

**File #:** Res 0906-2015      **Version:** \*      **Name:** LU 291 - Planning, FSG CLUSTER/CD 40, 72 Lott St, 74 Lott St and 83 East 18th St, Brooklyn (20165171 HAK)

**Type:** Resolution      **Status:** Adopted

**In control:** Committee on Land Use

**On agenda:** 11/10/2015

**Enactment date:**      **Enactment #:**

**Title:** Resolution approving an Urban Development Action Area Project located at 165 Park Avenue (Block 2031, Lot 57), 368 Lafayette Avenue (Block 1948, Lot 28), 802 Washington Avenue (Block 1173, Lot 53), and 840 Washington Avenue (Block 1176, Lot 98), Borough of Brooklyn; waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure pursuant to Article 16 of New York General Municipal Law; and granting a tax exemption pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 291; 20165170 HAK).

**Sponsors:** David G. Greenfield, Inez E. Dickens

**Indexes:**

**Attachments:** 1. Land Use Calendar - November 9, 2. November 10, 2015 - Stated Meeting Agenda with Links to Files, 3. Committee Report, 4. Project Summary, 5. Hearing Transcript of the Stated Meeting - November 10, 2015, 6. Minutes of the Stated Meeting - November 10, 2015

Date	Ver.	Action By	Action	Result
11/9/2015	*	Committee on Land Use	Approved by Committee	
11/10/2015	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 906

Resolution approving an Urban Development Action Area Project located at 165 Park Avenue (Block 2031, Lot 57), 368 Lafayette Avenue (Block 1948, Lot 28), 802 Washington Avenue (Block 1173, Lot 53), and 840 Washington Avenue (Block 1176, Lot 98), Borough of Brooklyn; waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure pursuant to Article 16 of New York General Municipal Law; and granting a tax exemption pursuant to Section 577 of the Private Housing Finance Law (L.U. No. 291; 20165170 HAK).

By Council Members Greenfield and Dickens

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 6, 2015 its request dated September 14, 2015 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 165 Park Avenue (Block 2031, Lot 57), 368 Lafayette Avenue (Block 1948, Lot 28), 802 Washington Avenue (Block 1173, Lot 53), and 840 Washington Avenue (Block 1176, Lot 98), Community Districts 2 and 8, Borough of Brooklyn (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal

Law;

2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to said Section;
3. Waive the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve the exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law (the "Tax Exemption").

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, and consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 9, 2015;

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

RESOLVED:

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 waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 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.

The Project shall be developed in a manner consistent with the terms and conditions of the Project Summary that HPD submitted to the Council on October 6, 2015, a copy of which is attached hereto.

The Council approves an exemption of the Project from real property taxes pursuant to Section 577 of the Private Housing Finance Law as follows:

- a. All of the value of the property in the Disposition Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and

the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area (“Effective Date”) and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company (“Expiration Date”).

- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, or (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state or federal law, rule or regulation.
- d. The Exemption shall apply only to buildings in the Disposition Area that exist on the Effective Date.

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 November 10, 2015, on file in this office.

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City Clerk, Clerk of The Council