



Legislation Details (With Text)

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**In control:** Committee on Land Use

**On agenda:** 6/13/2019

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

**Title:** Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 135 West 132 Street; 406 Lenox Avenue; and 422, 424, 426, 428, and 432 Lenox Avenue, Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 10, Borough of Manhattan (L.U. No. 399; 20195470 HAM).

**Sponsors:** Rafael Salamanca, Jr., Adrienne E. Adams

**Indexes:**

**Attachments:** 1. Resolution, 2. April 18, 2019 - Stated Meeting Agenda with Links to Files, 3. Land Use Calendar - Week of May 13, 2019 - May 17, 2019, 4. REVISED - Land Use Calendar - Week of May 13, 2019 - May 17, 2019, 5. Hearing Transcript - Stated Meeting 4-18-19, 6. Land Use Calendar - Week of June 3, 2019 - June 7, 2019, 7. Hearing Testimony - Landmarks 5-14-19, 8. Hearing Transcript - Landmarks 5-14-19, 9. Hearing Transcript - Landmarks 6-6-19, 10. Hearing Transcript - Land Use 6-11-19, 11. June 13, 2019 - Stated Meeting Agenda with Links to Files, 12. Hearing Transcript - Stated Meeting 6-13-19, 13. Minutes of the Recessed Meeting of May 29, 2019 Held on June 13, 2019, 14. Minutes of the Stated Meeting - June 13, 2019, 15. Minutes of the Recessed Meeting of June 13, 2019 Held on June 18, 2019, 16. Minutes of the Recessed Meeting of June 13, 2019 Held on June 19, 2019, 17. Committee Report

Date	Ver.	Action By	Action	Result
6/11/2019	*	Committee on Land Use	Approved by Committee	
6/13/2019	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 947**

**Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 135 West 132 Street; 406 Lenox Avenue; and 422, 424, 426, 428, and 432 Lenox Avenue, Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 10, Borough of Manhattan (L.U. No. 399; 20195470 HAM).**

**By Council Members Salamanca, Jr. and Adams**

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on March 8, 2019 its request dated March 7, 2019 that the Council take the following action regarding the proposed Urban Development Action Area Project (the “Project”) located at 135 West 132 Street; 406 Lenox Avenue; and 422, 424, 426, 428, and 432 Lenox Avenue, Community District 10, Borough of

Manhattan (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 of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the 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 an exemption of the project from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, 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 May 14, 2019; and

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 designation requirement of the Disposition Area as an Urban Development Action Area 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, and based on the record before the Council.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on March 8, 2019, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, and based on the record before the Council, the Council approves an exemption of the Disposition Area from real property taxes 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.

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 June 13, 2019, on file in this office.

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City Clerk, Clerk of The Council

**PROJECT SUMMARY**

1. **PROGRAM:** AFFORDABLE  
NEIGHBORHOOD COOPERATIVE PROGRAM

2. **PROJECT:** Lenox Avenue  
Cluster (ANCP)

3. **LOCATION:**

a. **BOROUGH:** Manhattan  
b. **COMMUNITY DISTRICT:** 10  
c. **COUNCIL DISTRICT:** 9

d. **DISPOSITION AREA:**

<u>LOT</u>	<u>BLOCK</u> <u>ADDRESS</u>
16	1917 135 West 132 Street
2 Avenue	1728 406 Lenox
101 Avenue	1729 422 Lenox
2 Avenue	1729 424 Lenox
3 Avenue	1729 426 Lenox
103 Avenue	1729 428 Lenox
172 Avenue	1729 432 Lenox

4. **BASIS OF DISPOSITION PRICE:** Nominal (\$1.00 per building). The Sponsor will also deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of up to sixty (60) years following conversion, the Land Debt will be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven in the final year of that period.

5. **TYPE OF PROJECT:** Rehabilitation

6. **APPROXIMATE NUMBER OF BUILDINGS:** 7 Multiple Dwelling

7. **APPROXIMATE NUMBER OF UNITS:** 53

8. **HOUSING TYPE:** Cooperative. If units remain unsold at the end of the marketing period and HPD determines in writing that (r) sale is not feasible within a reasonable

time, and (ii) a rental fallback is the best available alternative, then Sponsor may operate the building as rental housing in accordance with the written instructions of HPD.

**9. ESTIMATE OF INITIAL**

**PRICE:** The cooperative interests attributable to occupied apartments will be sold to the existing tenants for \$2,500 per apartment. The cooperative interests attributable to vacant apartments will be sold for a price affordable to families earning no more than 165% of the area median income.

**10.**

**INCOME TARGETS:** The Disposition Area contains seven (7) occupied building which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 165% of the area median.

**11.**

**PROPOSED FACILITIES:** Storefront commercial space at 406, 422, 424, 426, and 428 Lenox Avenue

**12.**

**PROPOSED CODES/ORDINANCES:** None

**13.**

**ENVIRONMENTAL STATUS:** Type II Determination

**14.**

**PROPOSED TIME SCHEDULE:** Approximately 36 months from closing to cooperative conversion.