



Legislation Details (With Text)

File #: Res 1117-2003 **Version:** * **Name:** LU 542 - UDAAP, In Rem Action #47, CB #2, 3, 4, 6, 7, 8, 16 & 17, Brooklyn (20045215HAK)
Type: Resolution **Status:** Adopted
In control: Committee on Land Use

On agenda: 10/15/2003

Enactment date: **Enactment #:**

Title: Resolution approving an Urban Development Action Area Project located at 2170 Atlantic Avenue (Block 1433/Lot 28), 2185 Pacific Street (Block 1433/Lot 43), 217 50 Street (Block 781/Lot 75), 79 Hanson Place (Block 2114/Lot 32); 42 Patchen Avenue (Block 1622/Lot 42); 35 East 95 Street (Block 4598/Lot 79), 1035 Rutland Road (Block 4598/Lot 57), 1842 Prospect Place (Block 1464/Lot 25), 295 Saratoga Avenue (Block 1440/Lot 8), 1964 Bergen Street (Block 1453/Lot 19), 851 Rogers Avenue (Block 5105/Lot 1); 348 Sumpter Street (Block 1528/Lot 23), 510 Chauncey Street (Block 1517/Lot 2); 450 Madison Street (Block 1826/Lot 22), 408 Marcus Garvey Boulevard (Block 1847/Lot 37), 327 Putnam Avenue (Block 1823/Lot 73); 195 Sumpter Street (Block 1519/Lot 53), 500 Marion Street (Block 1522/Lot 33), 274 Mac Dougal Street (Block 1534/Lot 24), 516 Chauncey Street (Block 1517/Lot 7), 214 Mac Dougal Street (Block 1533/Lot 30); 771 Monroe Street (Block 1638/Lot 74), 767 Monroe Street (Block 1638/Lot 76); 102 Patchen Avenue (Block 1637/Lot 37); 133 Malcolm X Boulevard (Block 1632/Lot 2), 64 Patchen Avenue (Block 1627/Lot 48), 579 Macon Street (Block 1667/Lot 72); 984 Putnam Avenue (Block 1485/Lot 15), 988 Putnam Avenue (Block 1485/Lot 17), 994 Putnam Avenue (Block 1485/Lot 20), 353 Chauncey Street (Block 1508/Lot 53), 333 Chauncey Street (Block 1508/Lot 65); 81 Bleecker Street (Block 3296/Lot 67), 384 Evergreen Avenue (Block 3295/Lot 16), 1330 Hancock Street (Block 3399/Lot 15), 856 Knickerbocker Avenue (Block 3430/Lot 27), 866 Knickerbocker Avenue (Block 3430/Lot 32), 305 Grove Street (Block 3317/Lot 39), 261 Stanhope Street (Block 3258/Lot 40); 1116 Willoughby Avenue (Block 3209/Lot 12), 161 Bleecker Street (Block 3297/Lot 40), 257 Wyckoff Avenue (Block 3311/Lot 3), 1351 Greene Avenue (Block 3289/Lot 44), 272 Jefferson Street (Block 3175/Lot 13), 172 Suydam Street (Block 3218/Lot 19), 283 Linden Street (Block 3326/Lot 49), 1262 Bushwick Avenue (Block 3401/Lot 37), 195 Stockholm Street (Block 3246/Lot 38), 200 Stockholm Street (Block 3257/Lot 25), 68 George Street (Block 3157/Lot 11), 24 St. Nicholas Avenue (Block 3189/Lot 20); 177 Rogers Avenue (Block 1254/Lot 6), 295A Bainbridge Street (Block 1683/Lot 79), 233 Ralph Avenue (Block 1508/Lot 6), 759 Monroe Street (Block 1638/Lot 78); 96 Brooklyn Avenue (Block 1208/Lot 47); 666 6 Avenue (Block 885/Lot 46), 670 6 Avenue (Block 885/Lot 48), 4707 4 Avenue (Block 765/Lot 6), 219 50 Street (Block 781/Lot 74), 451 48 Street (Block 765/Lot 56); 221 Van Brunt Street (Block 518/Lot 7), 584 Pacific Street (Block 928/Lot 23), 4112 5 Avenue (Block 719/Lot 45); Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 542; 20045215 HAK).

Sponsors: Melinda R. Katz

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting

Date	Ver.	Action By	Action	Result
10/9/2003	*	Committee on Land Use	Approved by Committee	
10/15/2003	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1117

Resolution approving an Urban Development Action Area Project located at 2170 Atlantic Avenue (Block 1433/Lot 28), 2185 Pacific Street (Block 1433/Lot 43), 217 50 Street (Block 781/Lot 75), 79 Hanson Place (Block 2114/Lot 32); 42 Patchen Avenue (Block 1622/Lot 42); 35 East 95 Street (Block 4598/Lot 79), 1035 Rutland Road (Block 4598/Lot 57), 1842 Prospect Place (Block 1464/Lot 25), 295 Saratoga Avenue (Block 1440/Lot 8), 1964 Bergen Street (Block 1453/Lot 19), 851 Rogers Avenue (Block 5105/Lot 1); 348 Sumpter Street (Block 1528/Lot 23), 510 Chauncey Street (Block 1517/Lot 2); 450 Madison Street (Block 1826/Lot 22), 408 Marcus Garvey Boulevard (Block 1847/Lot 37), 327 Putnam Avenue (Block 1823/Lot 73); 195 Sumpter Street (Block 1519/Lot 53), 500 Marion Street (Block 1522/Lot 33), 274 Mac Dougal Street (Block 1534/Lot 24), 516 Chauncey Street (Block 1517/Lot 7), 214 Mac Dougal Street (Block 1533/Lot 30); 771 Monroe Street (Block 1638/Lot 74), 767 Monroe Street (Block 1638/Lot 76); 102 Patchen Avenue (Block 1637/Lot 37); 133 Malcolm X Boulevard (Block 1632/Lot 2), 64 Patchen Avenue (Block 1627/Lot 48), 579 Macon Street (Block 1667/Lot 72); 984 Putnam Avenue (Block 1485/Lot 15), 988 Putnam Avenue (Block 1485/Lot 17), 994 Putnam Avenue (Block 1485/Lot 20), 353 Chauncey Street (Block 1508/Lot 53), 333 Chauncey Street (Block 1508/Lot 65); 81 Bleecker Street (Block 3296/Lot 67), 384 Evergreen Avenue (Block 3295/Lot 16), 1330 Hancock Street (Block 3399/Lot 15), 856 Knickerbocker Avenue (Block 3430/Lot 27), 866 Knickerbocker Avenue (Block 3430/Lot 32), 305 Grove Street (Block 3317/Lot 39), 261 Stanhope Street (Block 3258/Lot 40); 1116 Willoughby Avenue (Block 3209/Lot 12), 161 Bleecker Street (Block 3297/Lot 40), 257 Wyckoff Avenue (Block 3311/Lot 3), 1351 Greene Avenue (Block 3289/Lot 44), 272 Jefferson Street (Block 3175/Lot 13), 172 Suydam Street (Block 3218/Lot 19), 283 Linden Street (Block 3326/Lot 49), 1262 Bushwick Avenue (Block 3401/Lot 37), 195 Stockholm Street (Block 3246/Lot 38), 200 Stockholm Street (Block 3257/Lot 25), 68 George Street (Block 3157/Lot 11), 24 St. Nicholas Avenue (Block 3189/Lot 20); 177 Rogers Avenue (Block 1254/Lot 6), 295A Bainbridge Street (Block 1683/Lot 79), 233 Ralph Avenue (Block 1508/Lot 6), 759 Monroe Street (Block 1638/Lot 78); 96 Brooklyn Avenue (Block 1208/Lot 47); 666 6 Avenue (Block 885/Lot 46), 670 6 Avenue (Block 885/Lot 48), 4707 4 Avenue (Block 765/Lot 6), 219 50 Street (Block 781/Lot 74), 451 48 Street (Block 765/Lot 56); 221 Van Brunt Street (Block 518/Lot 7), 584 Pacific Street (Block 928/Lot 23), 4112 5 Avenue (Block 719/Lot 45); Brooklyn, and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, pursuant to Sections 693 and 694 of the General Municipal Law (L.U. No. 542; 20045215 HAK).

By Council Members Katz and Martinez

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 18, 2003 its request dated August 15, 2003 that the Council take the following actions regarding the following Urban Development Action Area Project (the "Project") located at 2170 Atlantic Avenue (Block 1433/Lot 28), 2185 Pacific Street (Block 1433/Lot 43), 217 50 Street (Block 781/Lot 75), 79 Hanson Place (Block 2114/Lot 32); 42 Patchen Avenue (Block 1622/Lot 42); 35 East 95 Street (Block 4598/Lot 79), 1035 Rutland Road (Block 4598/Lot 57), 1842 Prospect Place (Block 1464/Lot 25), 295 Saratoga Avenue (Block 1440/Lot 8), 1964 Bergen Street (Block 1453/Lot 19), 851 Rogers Avenue (Block 5105/Lot 1); 348 Sumpter Street (Block 1528/Lot 23), 510 Chauncey Street (Block 1517/Lot 2); 450 Madison Street (Block 1826/Lot 22), 408 Marcus Garvey Boulevard (Block 1847/Lot 37), 327 Putnam Avenue (Block 1823/Lot 73); 195 Sumpter Street (Block 1519/Lot 53), 500 Marion Street (Block 1522/Lot 33), 274 Mac Dougal Street (Block 1534/Lot 24), 516 Chauncey Street (Block 1517/Lot 7), 214 Mac Dougal Street (Block 1533/Lot 30); 771 Monroe Street (Block 1638/Lot 74), 767 Monroe Street (Block 1638/Lot 76); 102 Patchen Avenue (Block 1637/Lot 37); 133 Malcolm X Boulevard (Block 1632/Lot 2), 64 Patchen Avenue (Block 1627/Lot 48), 579 Macon Street (Block 1667/Lot 72); 984 Putnam Avenue (Block 1485/Lot 15), 988 Putnam Avenue (Block 1485/Lot 17), 994 Putnam Avenue (Block 1485/Lot 20), 353 Chauncey Street (Block 1508/Lot 53), 333 Chauncey Street (Block 1508/Lot 65); 81 Bleecker Street (Block 3296/Lot 67), 384 Evergreen Avenue (Block 3295/Lot 16), 1330 Hancock Street (Block 3399/Lot 15), 856 Knickerbocker Avenue (Block 3430/Lot 27), 866 Knickerbocker Avenue (Block 3430/Lot 32), 305 Grove Street (Block 3317/Lot 39), 261 Stanhope Street (Block 3258/Lot 40); 1116 Willoughby Avenue (Block 3209/Lot 12), 161 Bleecker Street (Block 3297/Lot 40), 257 Wyckoff Avenue (Block 3311/Lot 3), 1351 Greene Avenue (Block 3289/Lot 44), 272 Jefferson Street (Block 3175/Lot 13), 172 Suydam Street (Block 3218/Lot 19), 283 Linden Street (Block 3326/Lot 49), 1262 Bushwick Avenue (Block 3401/Lot 37), 195 Stockholm Street (Block 3246/Lot 38), 200 Stockholm Street (Block 3257/Lot 25), 68 George Street (Block 3157/Lot 11), 24 St. Nicholas Avenue (Block 3189/Lot 20); 177 Rogers Avenue (Block 1254/Lot 6), 295A Bainbridge Street (Block 1683/Lot 79), 233 Ralph Avenue (Block 1508/Lot 6), 759 Monroe Street (Block 1638/Lot 78); 96 Brooklyn Avenue (Block 1208/Lot 47); 666 6 Avenue (Block 885/Lot 46), 670 6 Avenue (Block 885/Lot 48), 4707 4 Avenue (Block 765/Lot 6), 219 50 Street (Block 781/Lot 74), 451 48 Street (Block 765/Lot 56); 221 Van Brunt Street (Block 518/Lot 7), 584 Pacific Street (Block 928/Lot 23), 4112 5 Avenue (Block 719/Lot 45), Community Districts 2, 3, 4, 6, 7, 8, 16, 17, Borough of Brooklyn (the "Transfer Area");

1. Find that the present status of the Transfer 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. Approve the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law; and
4. Approve an exemption of the Project from real property taxes pursuant to Sections 577 of Article XI of the Private Housing Finance Law; and Section 696 of the General Municipal Law (the "Tax Exemption");

WHEREAS, the Project is to be developed on land that is now a municipally-owned area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple 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 October 7, 2003;

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 Transfer 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 of the Transfer Area as an urban development action area under 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.

The Project shall be disposed of and developed upon the terms and conditions set forth in the Project Summary that HPD has submitted to the Council, a copy of which is attached hereto.

The Council approves the Tax Exemptions as follows:

1. Pursuant to Section 577 of the Private Housing Finance Law as follows:

a. All of the value of the property in the Transfer Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date conveyance of the Transfer Area to the transferee ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fortieth anniversary of the Article XI Commencement Date, (ii) the date of reconveyance of the Transfer Area to an owner which is not a housing development fund company, or (iii) the date upon which the owner of the Transfer Area voluntarily surrenders and revokes such exemption by written notice to the Department of Finance ("Article XI Expiration Date").

b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI of Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the Article XI Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

c. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Transfer Area.

2. Pursuant to Section 696 of the General Municipal Law as follows:

a. All of the value of the buildings, structures, and other improvements situated on the Transfer Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of twenty years commencing on the Article XI Expiration Date ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.

b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Transfer Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect; provided, however, that the owner of the Transfer Area may (i) voluntarily surrender and revoke the UDAAP Exemption at any time by written notice to the Department of Finance, and (ii) following the effective date of the surrender and revocation stated in such written notice, utilize any Alternative Tax Benefit for the Transfer Area.

c. The UDAAP Exemption shall terminate with respect to all or any portion of the Transfer Area if the Department of Housing

Preservation and Development ("HPD") determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of non compliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than ninety (90) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.

d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed forty (40) years.

e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Transfer Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Transfer Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Transfer Area.

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 October 15, 2003, on file in this office

City Clerk, Clerk of The Council

Page 6 of 6
20045215 HAK
Res. No. 1117 (L.U. No. 542)