Legislation Details (With Text)

File #:	Res 1541-2021	**Version:** *	**Name:**	LU 711 - Landmarks, 110 Lenox Ave, Manhattan (20215013 HAM)
Type:	Resolution		**Status:**	Adopted
			In control:	Committee on Land Use
On agenda:	2/11/2021			
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 110 Lenox Avenue (Block 1599, Lot 70), 128 West 116 Street (Block 1825, Lot 49), 1971 7th Avenue (Block 1903, Lot 64), and 102 West 119 Street (Block 1903, Lot 38), 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. 711; 20215013 HAM).

Sponsors:

Indexes:

Attachments: 1. Res. No. 1541, 2. January 6, 2021 - Charter Meeting Agenda with Links to Files, 3. Calendar of the Subcommittee Meetings - January 20 and 26, 2021, 4. Hearing Transcript - Charter Meeting 1-6-21, 5. Calendar of the Subcommittee Meetings - February 9 and 10, 2021, 6. Land Use Calendar - February 11, 2021, 7. February 11, 2021 - Stated Meeting Agenda with Links to Files, 8. Hearing Transcript - Stated Meeting 2-11-21, 9. Minutes of the Stated Meeting - February 11, 2021, 10. Committee Report

Date	Ver.	Action By	Action	Result
2/11/2021	*	Committee on Land Use	Approved by Committee	
2/11/2021	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1541

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 110 Lenox Avenue (Block 1599, Lot 70), 128 West 116 Street (Block 1825, Lot 49), 1971 7th Avenue (Block 1903, Lot 64), and 102 West 119 Street (Block 1903, Lot 38), 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. 711; 20215013 HAM).

By Council Members Salamanca and Riley

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on January 4, 2021 its request dated January 4, 2021 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 110 Lenox Avenue (Block1599, Lot 70), 128 West 116 Street (Block 1825, Lot 49), 1971 7th Avenue (Block 1903, Lot 64), and 102 West 119 Street (Block 1903, Lot 38), Community District 10, Borough of Manhattan (the "Disposition Area or Exemption Area"):

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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 Exemption Area 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 January 20, 2021; 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 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 Project Summary that HPD has submitted to the Council on January 4, 2021, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, the Council approves an exemption of the Exemption 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

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(excluding those portions, if any, devoted to business, commercial use or community facility 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. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

PROJECT SUMMARY

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

2. **PROJECT:** 110 Lenox Avenue Cluster

3. LOCATION:

a. BOROUGH: Manhattan

b. COMMUNITY DISTRICT: 10

c. COUNCIL DISTRICT: 9

d. DISPOSITION AREA:

BLOCK	LOT	ADDRESS
1599	70	110 Lenox Avenue

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	1825	
49		128 West 116 Street
	1903	
38		102 West 119 Street
1903	64	1971 7th Avenue

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, the Land Debt or the City's capital subsidy may 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:** 4 Multiple Dwellings

7. **APPROXIMATE NUMBER OF UNITS:** 37 Cooperative Units and 18 affordable rental units

8. **HOUSING TYPE:** Cooperative and Rental. If the Cooperative units remain unsold at the end of the marketing period and HPD determines in writing that (i) 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 AND RENTS: 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. For the 18 units at 102 W 119th Street initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies.

10. **INCOME TARGETS:** The Disposition Area contains four partially occupied buildings which will be sold subject to existing tenancies, or rented in compliance with federal regulations, where applicable. 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

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household incomes up to 165% of the area median. Vacant units not subject to other aforementioned rental regulations will be rented to families with annual household incomes up to 165% of the area median.

11. **PROPOSED FACILITIES:** One (1) storefront commercial space at 128 West 116th Street, and three (3) commercial storefront spaces at 110 Lenox Avenue.

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

13. **ENVIRONMENTAL STATUS:** Type II

14. **PROPOSED TIME SCHEDULE:** Approximately 30 months from closing to cooperative conversion.

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 _____, 2021, on file in this office.

….....….
City Clerk, Clerk of The Council

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