Legislation Details (With Text)

File #:	Res 0785-2011	**Version:**	*	**Name:**	LU 349 - Zoning, Concerning the Inclusionary Housing Program. (N110165ZRM)
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Land Use
On agenda:	4/6/2011				
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Title: Resolution approving the decision of the City Planning Commission on Application No. N 110165 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning the Inclusionary Housing Program (L.U. No. 349).

Sponsors:

Indexes:

Attachments: 1. Committee Report, 2. Hearing Transcript - Stated Meeting 4-6-11

Date	Ver.	Action By	Action	Result
4/5/2011	*	Committee on Land Use	Approved by Committee	
4/6/2011	*	City Council	Approved, by Council	Pass

THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 785

Resolution approving the decision of the City Planning Commission on Application No. N 110165 ZRM, for an amendment of the Zoning Resolution of the City of New York, concerning the Inclusionary Housing Program (L.U. No. 349).

By Council Members Comrie and Levin

WHEREAS, the City Planning Commission filed with the Council on March 4, 2011 its decision dated March 2, 2011 (the "Decision"), pursuant to Section 201 of the New York City Charter, regarding an application submitted by the New York City Department of Housing Preservation and Development, for an amendment of the text of the Zoning Resolution of the City of New York, to facilitate the development of 9, 11-17 Second Avenue, a 12-story project with commercial space pursuant to the Inclusionary Housing Program (Application No. N 110165 ZRM), Community District 3, Borough of Manhattan (the "Application");

WHEREAS, the Application is related to Applications C 110140 HAM (L.U. No. 311), designation of an urban development action area and project, and disposition of city-owned property; and C 110141 PQM (L.U. No. 312), an application for acquisition of privately-owned property;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 4, 2011;

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

Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on October 20, 2010 (CEQR No. 11HPD004M);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in this report, N 110165 ZRM, incorporated by reference herein, the Council approves the Decision.
The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

23-962

Additional requirements for homeownership affordable housing

The additional requirements of this Section shall apply to #homeownership affordable housing# on a #generating site# for the entire #regulatory period#.

* * *

(f) Optional provisions for certain #new construction homeownership affordable housing#.
In Community District 3, Borough of Manhattan, #HPD# may modify the requirements for #new construction homeownership affordable housing# to facilitate #development# on a site that has been disposed of pursuant to Article 16 of the General Municipal Law as set forth in this paragraph (f), inclusive.

(1) #HPD# may permit a #household# to occupy a #new construction homeownership affordable housing unit# as rental #affordable housing# if:

(i) no more than 120 days prior to the #regulatory agreement date#, such #household# occupied a #dwelling unit# or #rooming unit# in a #building# located on the #zoning lot# of such #new construction homeownership affordable housing#, pursuant to a lease or occupancy agreement to which one or more members of such #household# was a party or pursuant to a statutory tenancy; and

(ii) no more than 120 days prior to the #regulatory agreement date#, the average rent for all occupied #dwelling units# or #rooming units# in such #building# did not exceed 30 percent of the #low income limit# divided by 12; and

(iii) after the #regulatory agreement date#, such #building# is demolished and replaced with "new construction homeownership affordable housing#.

(2) #HPD# may permit a #household# that is not an #eligible buyer#, but that meets the requirements of paragraph (f)(1) of this section, to purchase a #new construction homeownership affordable housing unit# at #sale#, provided that such #household# is a #low income household#, #moderate income household# or #middle income household#, as applicable.

Where a #new construction homeownership affordable housing unit# is purchased at a nominal price, the #appreciated price# for such #homeownership affordable housing unit# shall be the product of the #initial price# of such #homeownership affordable housing unit# and the #appreciation index# applicable at #resale# as specified in the #guidelines#.

(~~f~~g) Special requirements for #homeownership preservation affordable housing#

* * *

(~~g~~h) Special requirements for #homeownership substantial rehabilitation affordable housing#

* * *

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 April 6, 2011, on file in this office.

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

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