



Legislation Text

File #: Res 2068-2013, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 2068

Resolution approving the decision of the City Planning Commission on an application submitted by the Department of Housing Preservation and Development, ULURP No. C 140019 HAK, approving the designation of property located at 16 Dupont Street (Block 2494, Lot 6) and 219 West Street (Block 2472, p/o Lot 32), Borough of Brooklyn, as an Urban Development Action Area, approving the project for the area as an Urban Development Action Area Project, and approving the disposition of such property to a developer selected by the Department of Housing Preservation and Development (L.U. No. 971; C 140019 HAK).

By Council Members Comrie and Levin

WHEREAS, the City Planning Commission filed with the Council on November 8, 2013 its decision dated November 6, 2013 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 197-c of the New York City Charter and Article 16 of the General Municipal Law of New York State regarding:

- a) the designation of property located at 16 Dupont Street (Block 2494, Lot 6) and 219 West Street (Block 2472, p/o Lot 32), as an Urban Development Action Area; and
- b) an Urban Development Action Area Project for such area; and

pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by the Department of Housing Preservation and Development to facilitate development of a mixed-use development including affordable housing and open space, Community District 1, Borough of Brooklyn (ULURP No. C 140019 HAK) (the "Application");

WHEREAS, the Application is related to applications N 140028 ZRK (L.U. No. 972), a Zoning Text Amendment to facilitate the development of affordable housing, open space, and a public school; N 140022 ZAK (L.U. No. 973), an Authorization by the City Planning Commission pursuant to 62-822(a) of the Zoning Resolution to modify location and dimension requirements of Section 62-50 for visual corridors and waterfront public access areas, and in conjunction therewith the rear yard requirements of Section 62-332 on Zoning Lot 5b-1; N 140020 ZAK (L.U. No. 974), an Authorization by the City Planning Commission pursuant to 62-822(a) of the Zoning Resolution to modify location, area and dimension requirements of Section 62-50 for visual corridors and waterfront public access areas; and Application No. 20145125 SCK (L.U. No. 990) a new, approximately 640-Seat primary/intermediate school facility to be located at the southwest corner of Franklin and Dupont Streets (Block 2494, Lot 1 in portion) in the Williamsburg section of Brooklyn;

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

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to

Article 16 of the General Municipal Law of New York State;

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council its recommendations regarding the Application on December 6, 2013 and December 10, 2013;

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision on December 5, 2013;

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

WHEREAS, the Council has considered the relevant environmental issues and the revised negative declaration (CEQR No. 14DCP004K) issued on November 6, 2013 (the "Revised Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised Negative Declaration.

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 approves the designation of the Disposition Area as an urban development action area pursuant to 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 Council approves the disposition of such property to a developer selected by the Department of Housing Preservation and Development.

The Project shall be developed in a manner consistent with the project summary dated December 9, 2013, submitted by HPD, a copy of which is attached hereto.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in this report, C 140019 HAK and incorporated by reference herein, the Council approves the Decision of the City Planning Commission, subject to the following conditions:

1. That HPD require, as a condition of sale of City-owned land that is the subject of this action, that development of the 431 units of affordable housing herein referred to as the "Points of Agreement units" or "POA units," or the appropriate phase of the POA units, and any and all development taking place directly on the City-owned land to be disposed of pursuant to this approval (Block 2494, Lot 6 and Block 2472, p/o Lot 32) comply with urban design guidelines attached as Attachment A to the City Planning Commission Report (C 140019 HAK).

2. That HPD require, as a condition of sale of the City-owned land that is the subject of this action, or the appropriate phase of such sale, that restrictive declarations, acceptable to Counsel to the City Planning Commission, be recorded by the developer against the sites of any buildings containing POA units, or a portion of the POA units associated with the a phase of the sale, ensuring, that upon construction of a certain number of the POA units, child care funding is provided by the developer to ACS for publicly provided child care vouchers. The terms for provision of child care funding required pursuant to the restrictive declarations are set forth in Attachment B attached to the City Planning Commission Report (C 140019 HAK) and will ensure that the development reflects the child care PCRE described in the Environmental Assessment Statement (14DCP004K) for this and the related actions.
3. That HPD require, as a condition of sale of the City-owned land that is the subject of this action that restrictive declarations, acceptable to Counsel to the City Planning Commission, be recorded by the developer against the sites of the buildings containing POA units (or the appropriate phase of the POA units) and the school, and that HPD impose deed restrictions or restrictive declarations on the City-owned properties to be conveyed, ensuring that proper construction techniques are employed for the construction of the school, the buildings containing the POA units, and any development taking place on the City-owned site to be disposed. Such construction techniques are set forth in Attachment C attached to the City Planning Commission Report (C 140019 HAK) and will ensure that the development reflects the construction PCRE described in the Environmental Assessment Statement (14DCP004K) for this and the related actions.
4. That HPD require, as a condition of sale of the City-owned land that is the subject of this action, or the appropriate phase of such sale, the provision of funding for transit improvements to ensure that the development reflects the transit PCRE described in the Environmental Assessment Statement (14DCP004K) for this and the related actions.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the disposition approval hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said disposition approval. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the authorization.

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 December 10, 2013, on file in this office.

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City Clerk, Clerk of The Council