



Legislation Text

File #: Res 0275-2022, Version: *

**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 275**

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 220236 HAQ, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of properties located at Block 15852, Lots 64 and 68; Block 15851, Lots 33, 35, 40 42, 44, 58, and 59; Block 15850, Lot 6; Block 15849, Lots 6, 8, 9, 10, 17, 18, 19, 20, 27, 28, and 29; Block 15848, Lots 52, 54, 55, 57, 58, 60, 62, 63, 65, and 67; Block 15847, Lots 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, and 89; demapped roadbed of Beach 39th Street between Blocks 15848 and 15847; and demapped roadbed of Beach 43rd Street between Blocks 15852 and 15851, Borough of Queens, Community District 14, to a developer selected by HPD (L.U. No. 70; C 220236 HAQ).

By Council Members Salamanca and Louis

WHEREAS, the City Planning Commission filed with the Council on May 20, 2022 its decision dated May 11, 2022 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned properties located at Block 15852, Lots 64 and 68; Block 15851, Lots 33, 35, 40 42, 44, 58, and 59; Block 15850, Lot 6; Block 15849, Lots 6, 8, 9, 10, 17, 18, 19, 20, 27, 28, and 29; Block 15848, Lots 52, 54, 55, 57, 58, 60, 62, 63, 65, and 67; Block 15847, Lots 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, and 89; demapped roadbed of Beach 39th Street between Blocks 15848 and 15847; and demapped roadbed of Beach 43rd Street between Blocks 15852 and 15851, (the “Project Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the "Project"); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related actions would facilitate a long-term land-use, development, and neighborhood strategy responding to the area’s flood risk on 166 acres of property generally bounded by Beach 35th Street, Rockaway Freeway, Rockaway Beach Boulevard, Beach 51st Street, and Jamaica Bay in the Edgemere neighborhood of Queens, Community District 14 (ULURP No. C 220236 HAQ) (the "Application");

WHEREAS, the Application is related to applications C 220232 ZMQ (L.U. No. 67), a zoning map amendment to eliminate C1-2 and C2-2 districts, change R4, R4-1, R5, C3 and C8-1 Districts to R3A, R4-1,

R6A, and C3A Districts and establish C2-4 Districts and a Special Coastal Risk District (CR); N 220233 ZRQ (L.U. No. 68), a zoning text amendment to establish an MIH Area and Special Coastal Risk District (CR-5); C 220235 PPQ (L.U. No. 69), a disposition of city-owned property; and C 220237 HUQ (L.U. No. 71), an amendment to the Edgemere Urban Renewal Plan (URP);

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

WHEREAS, by letter dated May 24, 2022 and submitted to the Council on May 24, 2022, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on June 7, 2022;

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, including the Positive Declaration issued December 18th, 2020 (CEQR No. 21HPD009Q) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on April 29, 2022, in which potential significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-655) on the project site. The original application as analyzed in the FEIS identified significant adverse impacts related to community facilities (early childhood programs), open space (active recreation), transportation (traffic, transit, and safety), air quality (mobile sources), and construction (noise) at certain locations, and the identified significant adverse impacts and proposed mitigation measures are summarized in Chapter 19, “Mitigation” and Chapter 20, “Alternatives” of the FEIS.

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, those mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 220236 HAQ and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination and the consideration described in the report C 220236 HAQ and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the 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 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 and subject to the terms and conditions of the Project Summary.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

PROJECT SUMMARY

1.	PROGRAM: Construction Finance Programs	New
2.	PROJECT: Edgemere	Resilient
3. LOCATION:		
	a. BOROUGH:	Queens
	b. COMMUNITY DISTRICT:	14
	c. COUNCIL DISTRICT:	31
		d. DISPOSITION AREA:
		<u>BLOCK</u>
		<u>LOT</u>
	15852	64
	15852	68
	15851	33
	15851	35
	15851	40
	15851	42
	15851	44

15851	58
15851	59
15850	6
15849	6
15849	8
15849	9
15849	10
15849	17
15849	18
15849	19
15849	20
15849	27
15849	28
15849	29
15848	52
15848	54
15848	55
15848	57
15848	58
15848	60
15848	62
15848	63
15848	65
15848	67
15847	79
15847	80
15847	81
15847	82
15847	83
15847	84
15847	85
15847	86
15847	87
15847	88
15847	89

demapped roadbed of Beach 39th Street between Blocks 15848 and 15847
demapped roadbed of Beach 43rd Street between Blocks 15852 and 15851

4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver an enforcement note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, 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 at the end of the term.
5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 5 multifamily residential and/or mixed-use buildings
7. **APPROXIMATE NUMBER OF UNITS:** 530
8. **HOUSING TYPE:** Rental and/or Cooperative Units.

For cooperative units, if any affordable homeownership unit remains unsold at the end of the marketing period and HPD determines in writing that (i) a sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then Sponsor may operate units as rental housing in accordance with the written instructions of HPD.

- 9.** **ESTIMATE OF INITIAL RENTS/PRICES:** Rents will be affordable to households with annual household incomes between 30% and 120% of the area median income (AMI). All affordable rental units will be subject to rent stabilization.
- any cooperative units will be affordable to families with annual household incomes between 80% and 130% of AMI.
- 10.** **INCOME TARGETS:** For rental units, 30% to 130% of AMI
- For cooperative units, 80% to 130% of AMI
- 11.** **LIENS FOR LAND DEBT/CITY SUBSIDY:** For any cooperative units, each of the Land Debt and the amount of any construction financing provided through loans from the City ("City Subsidy") will be secured by a mortgage on the Disposition Area. Upon conversion to a cooperative, the HDFC cooperative will repay the Land Debt and City Subsidy, if any, attributable to the property by delivering a note and mortgage and/or conditional grant agreement to the City. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program's restrictions.
- 12.** **PROPOSED FACILITIES:** Up to approximately 54,665 square feet of commercial and/or community facility space
- 13.** **PROPOSED CODES/ORDINANCES:** None
- 14.** **ENVIRONMENTAL STATUS:** Environmental Impact Statement
- 15.** **PROPOSED TIME SCHEDULE:** To be developed in phases. Approximately 10 years from the first closing to the final completion of construction

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 _____, 2022, on file in this office.

City Clerk, Clerk of The Council