



Legislation Details (With Text)

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**In control:** Committee on Land Use

**On agenda:** 11/28/2018

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**Title:** Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 451 East 159th Street (Block 2381, Lot 43) and 3120 Park Avenue (Block 2418, Lot 6), Community Districts 1 and 3, Borough of the Bronx (L.U. No. 232; 20195065 HAX).

**Sponsors:** Rafael Salamanca, Jr., Ben Kallos

**Indexes:**

**Attachments:** 1. September 26, 2018 - Stated Meeting Agenda with Links to Files, 2. Land Use Calendar - Week of October 22, 2018 - October 26, 2018, 3. Hearing Testimony - Planning 11-1-18, 4. Hearing Transcript - Planning 10-23-18, 5. Land Use Calendar - Week of November 12, 2018 - November 16, 2018, 6. Land Use Calendar - November 20, 2018, 7. November 28, 2018 - Stated Meeting Agenda with Links to Files, 8. Committee Report, 9. Resolution, 10. Hearing Transcript - Stated Meeting 11-28-18, 11. Minutes of the Stated Meeting - November 28, 2018

Date	Ver.	Action By	Action	Result
11/20/2018	*	Committee on Land Use	Approved by Committee	
11/28/2018	*	City Council	Approved, by Council	Pass

**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 644**

**Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a new real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 451 East 159<sup>th</sup> Street (Block 2381, Lot 43) and 3120 Park Avenue (Block 2418, Lot 6), Community Districts 1 and 3, Borough of the Bronx (L.U. No. 232; 20195065 HAX).**

**By Council Members Salamanca and Kallos**

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council September 10, 2018 its request dated September 6, 2018 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 451 East 159<sup>th</sup> Street (Block 2381, Lot 43) and 3120 Park Avenue (Block 2418, Lot 6), Community Districts 1 and 3, Borough of the Bronx (the "Disposition Area or Exemption Area"):

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. Approve the designation of the Disposition Area as an Urban Development Action Area pursuant to

Section 693 of the General Municipal Law;

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 Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

WHEREAS, the application is related to previously approved City Council Resolution No. 939 (L.U. No. 406) dated June 27, 2007 as amended by Resolution No. 262 (L.U. No. 103) dated May 25, 2010;

WHEREAS, upon due notice, the Council held a public hearing on the Project on November 1, 2018; 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 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 Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on September 10, 2018, 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. For the purposes hereof, the following terms shall have the following meanings:
  1. "Company" shall mean Park and Elton Apt. Owners, LLC or another entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  2. "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  3. "Exemption" shall mean the exemption from real property taxation provided hereunder.

4. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2381, Lot 43 and Block 2418, Lot 6 on the Tax Map of the City of New York.
  5. "Expiration Date" shall mean 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, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  6. "HDFC" shall mean HP Park and Elton Apartments Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  7. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  8. "Owner" shall mean, collectively, the HDFC and the Company.
  9. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Notwithstanding any provision hereof to the contrary:
1. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption 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, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, 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 therein, the Exemption shall prospectively terminate.
  2. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a permanent certificate of occupancy or a

temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.

3. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity in a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

d. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits 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.

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 November 28, 2018, on file in this office.

City Clerk, Clerk of The Council

**PROJECT SUMMARY**

<b>1.</b>	<b>PROGRAM:</b> Construction Program	Neighborhood
<b>2.</b>	<b>PROJECT:</b> Apartments	Park and Elton
<b>3. LOCATION:</b>		
	<b>a. BOROUGH:</b>	Bronx
	<b>b. COMMUNITY DISTRICTS:</b>	1 and 3
	<b>c. COUNCIL DISTRICT:</b>	17
	<b>d. DISPOSITION AREA:</b>	
	<u>LOTS</u>	<u>BLOCK</u> <u>ADDRESSES</u>

43 2381  
Street 451 E. 159<sup>th</sup>  
  
6 2418  
Avenue 3120 Park

4. **BASIS OF DISPOSITION PRICE:** Nominal.  
Sponsor will pay one dollar per tax lot and deliver a 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 will 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:** 2
7. **APPROXIMATE NUMBER OF UNITS:** 38 (including one superintendent unit)
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS:** Rents will be established with tiers affordable to families earning between 27% and 90% of AMI. All units will be subject to rent stabilization.
10. **INCOME TARGETS:** Between 30% and 110% of AMI.
11. **PROPOSED FACILITIES:** None
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Negative  
Declaration
14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction