



CITY PLANNING COMMISSION

March 2, 2011 / Calendar No. 21

N110165ZRM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning the Inclusionary Housing Program.

The application for an amendment of the Zoning Resolution was filed by the Department of City Planning on November 3, 2010. The requested action, in conjunction with the related actions, would facilitate the development of 9, 11-17 Second Avenue, a 12-story mixed-use residential project with commercial space, pursuant to the Inclusionary Housing Program.

RELATED ACTIONS

In addition to an amendment to the Zoning Resolution, which is the subject of this report (N110165ZRM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

C 110140HAM: Designation of an Urban Development Action Area and Project, and disposition of city-owned property

C 110141PQM: Acquisition of privately-owned property

N 110124ZCM: Special Transit Land Use District Certification

BACKGROUND

A full background discussion and description of the proposed zoning text amendment and the 9, 11-17 Second Avenue development project appears in the report for the related application for the Designation of an Urban Development Action Area and Project, and disposition of city-owned property (C110140HAM).

ENVIRONMENTAL REVIEW

This application (N110165ZRM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New

York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 11HPD004M. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential impact of the proposed action, a Negative Declaration was issued on October 20, 2010.

PUBLIC REVIEW

This application (N110165ZRM) was referred to Community Board 3, along with the related non-ULURP application (N110124ZCM), and in conjunction with the application for the related actions (C110140HAM, C110141PQM), which were certified as complete by the Department of City Planning on December 13, 2010, and duly referred to Community Board 3 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 3 held a public hearing on this application in conjunction with the related applications on December 8, 2010, and on December 21, 2010, by a vote of 36 in favor and 0 opposed, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (N110165ZRM), in conjunction with the related applications (C110140HAM, C110141PQM, N110124ZCM), was considered by the Borough President, who issued a recommendation approving the application on February 10, 2011.

City Planning Commission Public Hearing

On January 26, 2011 (Calendar No. 8), the City Planning Commission scheduled February 16, 2011, for a public hearing on this application (N110165ZRM). The hearing was duly held on February 16, 2011 (Calendar No. 30), in conjunction with the hearing on the application for the related actions (C110140HAM, C110141PQM).

There were a number of speakers, as described in the report on the related application (C110140HAM), and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment of the Zoning Resolution, in conjunction with the related actions, is appropriate.

A full consideration and analysis of the issues, and reasons for approving this application, appears in the related application for the Urban Development Action Area, and the Urban Development Action Area Project and the Disposition of City-Owned property (C110140HAM).

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further 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#.

(fg) Special requirements for #homeownership preservation affordable housing#

* * *

(gh) Special requirements for #homeownership substantial rehabilitation affordable housing#

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The above resolution (C110165ZRM), duly adopted by the City Planning Commission on March 2, 2011 (Calendar No. 21), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
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