



THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION & DEVELOPMENT
OFFICE OF DEVELOPMENT

REVISED

R E C E I V E D
JAN 11 1996
CENTRAL INTAKE
DEPT. OF CITY PLANNING

960205HUK

FRESH CREEK

**URBAN
RENEWAL
PROJECT**

SECOND AMENDED URBAN RENEWAL PLAN

JANUARY 1996

THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
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SECOND AMENDED
URBAN RENEWAL PLAN

FRESH CREEK
URBAN RENEWAL AREA

Brooklyn

Community District No. 5

January __, 1996

HISTORY OF PRIOR APPROVALS

Original

Dated: October, 1967 (#20013)
City Planning Commission: November 21, 1967 (Cal. No. 1)
Board of Estimate: December 21, 1967 (Cal. No. 11)

Amendments

First:

Dated: October, 1981 (#820749HUK)
City Planning Commission: June 16, 1982 (Cal. No. 85)
Board of Estimate: July 23, 1982 (Cal. No. 24)

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A: URBAN RENEWAL AREA

1. LEGAL AUTHORITY

The City of New York ("City") has designated the Fresh Creek Urban Renewal Area ("Area") pursuant to Section 504 of Article 15 ("Urban Renewal Law") of the General Municipal Law. The Department of Housing Preservation and Development ("HPD") represents the City in carrying out the provisions of the Urban Renewal Law pursuant to Section 502(5) of the Urban Renewal Law and Section 1802(6)(e) of the City Charter.

2. BOUNDARY

The Area is located in Community District No. 5 in the Borough of Brooklyn and is generally bounded by (i) Flatlands Avenue on the north, (ii) Fountain Avenue on the east, (iii) Shore Parkway on the south, and (iv) Schenck Avenue/Hendrix Creek on the west ("Project Boundary"). The Project Boundary is described in Exhibit A ("Project Boundary Description") and is shown on Map 1 ("Project Boundary Map"). All thoroughfares, street rights-of-way, parks and easements are shown on Map 1. The major streets include: Flatlands Avenue, Vandalia Avenue, Elton Street, Erskine Street, Fountain Avenue, Gateway Drive and Seaview Avenue.

3. SITES

The properties located within the Project Boundary which have been or will be acquired by the City ("Acquisition Parcels") for redevelopment pursuant to this Second Amended Fresh Creek Urban Renewal Plan ("Plan") are indicated on the Project Boundary Map and are listed in Exhibit B ("Properties Acquired And to be Acquired"). The properties located within the Project Boundary which will not be acquired by the City for redevelopment pursuant to this Plan ("Exempt Parcels") are listed in Exhibit C ("Properties Not to be Acquired").

4. AREA

The Acquisition Parcels listed in Exhibit B comprise the entire Area and, as such, are the only properties to be redeveloped pursuant to this Plan. The Exempt Parcels listed in Exhibit C are not part of the Area and are not subject to the provisions of this Plan, notwithstanding the fact that they are located within the Project Boundary.

5. ELIGIBILITY

The Area is eligible for designation as an urban renewal area pursuant to the Urban Renewal Law. The following unsanitary and substandard conditions adversely affect the quality of life in the Area and its immediate vicinity:

- a. Vacant, unfenced, and unsanitary lots.
- b. Inadequate infrastructure to serve existing development.
- c. Abandoned or underutilized properties.
- d. Poorly or improperly designed street patterns and intersections.
- e. Blocks and lots of irregular form or shape.
- f. Unsuitable topography, subsoil, or other physical conditions including susceptibility to flooding and unstable soil conditions.
- g. Lack of storm water and sanitary sewer connections to serve existing development.

B: URBAN RENEWAL PLAN

1. LEGAL AUTHORITY

The City has established this Plan for the redevelopment of the Area pursuant to Section 505 of the Urban Renewal Law.

2. STATEMENTS OF COMPLIANCE

This Plan complies with Section 502(7) of the Urban Renewal Law, as more particularly set forth in the statement below:

a. Proposed Land Uses

See Section C.

b. Proposed Land Acquisition, Demolition, And Removal of Structures

See Section D.

c. Proposed Acquisition Of Air Rights And Concomitant Easements Or Other Rights Of User Necessary For The Use and Development Of Such Air Rights

Not applicable.

d. Proposed Methods Or Techniques Of Urban Renewal

See Section D.

e. Proposed Public, Semi-Public, Private Community Facilities and Institutions or Utilities

See Section D.

- f. Proposed New Codes And Ordinances And Amendments To Existing Codes And Ordinances As Are Requires Or Necessary To Effectuate The Plan

No changes are proposed.

- g. Proposed Program Of Code Enforcement

See Section D.

- h. Proposed Time Schedule For Effectuation Of Plan

| <u>Project Activity</u> | <u>Estimated Commencement Date</u> | <u>Estimated Completion Date</u> |
|--|------------------------------------|----------------------------------|
| Land Acquisition | 12/1967 | 5/1968 |
| Relocation of Site Occupants | 12/1967 | 6/1968 |
| Demolition and Site Clearance | 4/1968 | 6/1968 |
| Site Preparation (Including Installation of Site Improvements) | 4/1968 | 6/1/97 |
| Land Disposition | 7/1968 | 6/1/97 |
| Project Completion | | 12/2000 |

3. OBJECTIVES

This Plan seeks to:

- a. Eliminate blight and maximize appropriate land use;
- b. Strengthen the tax base of the City by encouraging development and employment opportunities in the Area;
- c. Provide new housing exhibiting good design in terms of privacy, light, air, and open space;
- d. Provide convenient community facilities, parks and recreational uses, local and regional commercial uses, and parking;
- e. Redevelop the Area in a comprehensive manner, removing blight and establishing both a residential and regional commercial character for the Area, with appropriate support facilities.

C: LAND USE CONTROLS

1. LAND USE PLAN

The projected land uses in the Area are shown on Map 2 ("Land Use Plan").

2. LAND USE PROVISIONS AND BUILDING REQUIREMENTS

The meaning of the technical terms used in this Plan to establish controls on development (including, but not limited to, permitted uses, limits on building bulk, and required off-street parking and loading) will be as defined in the Comprehensive Amendments to the Zoning Resolution of the City, as published in the City Record on November 10, 1960 and approved by resolution of the City's Board of Estimate on December 15, 1960, as amended ("Zoning Resolution").

The zoning of the Area will be as set forth in the Zoning Resolution. The proposed amendments to the Zoning Map will have no force or effect until they are approved pursuant to Sections 200 and 197-c of the City's Charter ("Charter") as set forth in Section D.5 and become a part of the Zoning Resolution. The predominant zoning of the Area at present is residential (R6 and R3-2) and commercial (C2-4 and C4-2). With respect to any property acquired or to be acquired in accordance with this Plan, in any case in which a specific control of the Plan conflicts with a provision of the Zoning Resolution, the Zoning Resolution will govern until acquisition and the more restrictive of the two will govern after acquisition.

a. Permitted Land Uses

As shown in the Land Use Plan (Map 2), the following uses will be permitted in the Area in accordance with the additional regulations, controls, and restrictions set forth in this Plan, and all other uses will be excluded:

(1) Residential

Residential and accessory uses, including appurtenant recreation, open space, community facilities and parking areas as permitted in an R6 general residential district in accordance with the Zoning Resolution.

(2) Local Service Commercial and Community Facility

Local service commercial, community facility and accessory uses as permitted in C2-4 zones in accordance with the Zoning Resolution.

(3) General Commercial

General commercial and accessory uses as permitted in C4-2 and accessory zones in accordance with the Zoning Resolution.

(4) Park

Permitted uses shall be playgrounds, parks, ball fields and similar open space for active and passive recreational purposes.

(5) Public and Semi-Public Uses

Uses permitted in accordance with Use Group 3 and 4 of the Zoning Resolution. Such uses may include NYS Office of Mental Health facilities, community or child care centers, schools, parks, playgrounds, clinics, libraries, and other public and semi-public uses as deemed appropriate.

b. Additional Regulations, Controls and Restrictions

(1) Building Bulk and Parking

Building bulk (including, but not limited to, zoning room, lot coverage, floor area, open space, height, and setback requirements) and parking requirements will be as required by the Zoning Resolution, except as is more restrictively set forth below. Proposals by redevelopers will be subject to the review and approval of HPD as set forth in Section E.

(2) Urban Design Objectives

To develop a new urban residential neighborhood with supporting local commercial, institutional and community facility uses.

To develop a regional retail center with accessory parking spaces and off-street loading facilities.

To link the new urban neighborhood to the regional center by means of a elevated pedestrian connection.

To privately develop a major mapped park.

To establish an overall neighborhood character and scale by controlling the location of uses and the density, height and coverage of structures.

To achieve the compatible joint use of the site by neighborhood residential, regional retail, park and institutional uses.

These objectives are based on the following urban design principles:

New residential buildings for family housing should consist of low to mid-rise structures.

New multi-family mid-rise structures of up to six stories should be restricted to parcels with frontage on either Flatlands Avenue, Vandalia Avenue, Fountain Street or Elton Street.

New residential buildings for the elderly of up to eleven stories should be located in the south central portion of the residential area.

All other residential buildings for family should consist of low rise structures of up to three stories.

New regional retail uses should be separated from the residential neighborhood and oriented toward the Shore Parkway. Accessory parking areas for the regional retail center should be south of the center and contain trees and other appropriate plantings. The main vehicular access to the retail center parking areas should be from a new interchange on the Shore Parkway. Trucks servicing the regional retail center should be limited to routes on Gateway Drive, Lower Erskine Street, Seaview and Fountain Avenues only. The regional retail center should be linked to the local commercial uses on Elton Street by means of an elevated pedestrian connection.

New park development should provide both passive and active recreation facilities to the new residential neighborhood and the surrounding community with separate facilities targeted to the needs of various age groups and types of activity.

The park should also be separated from the Shore Parkway and Hendrix Creek by natural areas. A continuous bikeway/walkway should be incorporated in the peripheral park with provision for future connections to the bikeway/walkway planned to parallel the Shore Parkway.

New local commercial and public and semi-public uses should be limited to locations on Elton Street and the areas immediately adjacent to Elton Street on Flatlands Avenue, Vandalia Avenue and Fountain Street, and to the town center at the terminus of Elton Street where they will form the central spine of the neighborhood easily accessible to the entire community. The local commercial uses should be linked to the regional retail center by means of an elevated pedestrian connection.

New mapped streets should be developed in a hierarchial manner with Gateway Drive and Vandalia, Fountain and Seaview Avenues and Elton, Fountain and Erskine Streets being the major collector thoroughfares.

All streets should be bounded by trees and other appropriate plantings and separated from adjacent open uses. Curb cuts should be minimized on major streets.

(3) Urban Design Controls

- (a) Parcel Density Limits: The density on individual parcels shown on Map 2 shall not exceed the unit count or floor area as provided in Table A. The overall density for the project shall not exceed 2,385 residential units, 640,000 s.f. of

regional retail, and 65,000 s.f. of local commercial and community facility space (the total of individual parcel maximum unit counts as developed cannot exceed the overall density limit as provided herein).

- (b) Parcel Height Limits: The height of buildings on individual parcels shown on Map 2 shall not exceed the number of stories as provided in Table A.
- (c) Parcel Coverage Limits: The building coverage on individual parcels shown on Map 2 shall be as required by the Zoning Resolution but shall in no event exceed fifty percent (50%).
- (d) Curb Cuts, Parking and Buffering:
 - (i) Group parking facilities accessory to residential uses shall be separated from mapped streets by an area containing trees and other appropriate plantings of at least 4 feet in depth. Part or all of such area may be located along the street line within the right-of-way. Such areas shall contain a minimum of one tree of at least 3 inch caliper for every 20 parking spaces but in no event shall the placement of such trees deviate from Department of Parks and Recreation minimum spacing standards.
 - (ii) The regional retail center (parcel 13h) shall be separated from surrounding uses on all its boundaries as follows: (i) on mapped streets by a planted area containing trees and other appropriate plantings of at least 30 feet in depth and (ii) on all other boundaries by a wall to

ensure an exterior sound level at grade at the nearest non-commercial structures no greater than 65 dba. The regional retail center shall be separated from adjoining residential uses by at least 25 feet (parcels 13f and 13g) with such area containing trees and other appropriate plantings.

- (iii) Curb cuts on Vandalia, and Seaview Avenues, Gateway Drive and Elton, Fountain and Erskine Streets shall be limited to an average of 1 per 200 feet of continuous curb length. No individual residential curb cut on these streets shall be wider than 38 feet and no two curb cuts shall be closer to one another than 50 feet.

(4) Underground Utility Lines

Any existing overhead telecommunications, fiber optic, electrical and cable television lines in the Area will be removed and relocated underground and all new or additional telephone and electrical lines will be placed underground, unless HPD determines that such placement underground either is not necessary or is not feasible.

(5) Easements

Easements will be provided as show on Map 1.

c. Environmental Review

All projects for the redevelopment of the Area are subject to the requirements of Article 8 ("SEQRA") of the Environmental Conservation Law. SEQRA is implemented in the City by Executive Order 91 of 1977, the City Environmental Quality Review ("CEQR").

Any project for the redevelopment of the Area which requires a future discretionary act (including, but not limited to, the decision to provide funding) by the United States ("Federal") government will also be subject to the requirements of the National Environmental Policy Act at 42 U.S.C. 4321 ("NEPA"). NEPA is implemented through (i) regulations at 40 CFR 1500-1508 governing all Federal projects, (ii) supplementary regulations at 24 CFR 50 governing projects funded by the Federal Department of Housing and Urban Development ("HUD"), and (iii) supplementary regulations at 24 CFR 58 governing projects using Federal Community Development Grant funds. The Federal environmental review process must consider, where applicable, criteria, standards, policies, and regulations concerning noise impact, historic properties, flood plains, wetlands, coastal zones, air qualities, water quality, wildlife, endangered species, and solid waste.

D: RENEWAL ACTIONS

1. ACQUISITION

a. Legal Authority

All properties to be acquired in accordance with this Plan will be acquired pursuant to Section 506 of the Urban Renewal Law and, if necessary, the Eminent Domain Procedure Law.

b. Properties Acquired or to be Acquired Pursuant to this Plan

The properties located within the Project Boundary which have been or are to be acquired by the City pursuant to this Plan are listed in Exhibit B and are shown on Map 1.

c. Properties Acquired Through Other Means

Acquisition Parcels acquired by the City through authority other than that set forth in this Plan will be subject to the restrictions of this Plan and will be developed in accordance with this Plan. Exempt Parcels acquired by the City will not be subject to the restrictions of this Plan.

d. Properties Not to be Acquired

The properties located within the Project Boundary which will not be acquired by the City pursuant to this Plan are listed in Exhibit C. Such properties will not be redeveloped pursuant to this Plan and will not be subject to the land use controls imposed pursuant to this Plan.

2. RELOCATION

Relocation of residential and commercial occupants is not anticipated.

- a. HPD will relocate site occupants, if any, in compliance with all applicable laws and regulations, including, but not limited to, Section 505 (4)(e) of the Urban Renewal Law. Occupants of sites acquired or to be redeveloped with Federal funding, if any, will alternatively receive benefits and services pursuant to the Uniform Relocation Act.
- b. There is a feasible method for the relocation of families and individuals displaced from the Area, if any, into decent, safe, and sanitary dwellings, which are or will be provided in the Area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such families or individuals, and reasonably accessible to their places of employment.

3. DEMOLITION AND/OR REHABILITATION

The structures on properties acquired in accordance with this Plan will either be demolished and cleared for new construction or retained for rehabilitation in accordance with the objectives and requirements of this Plan.

4. LAND DISPOSITION

Properties acquired will be disposed of for redevelopment in accordance with this Plan, including the provisions set forth in Section E.

5. CODE ENFORCEMENT

Throughout the Area, there will be a continuous program of enforcement of applicable existing laws, codes, ordinances, and regulations of the City, the State, and any other governmental authority having jurisdiction. All properties will be required to meet at least the minimum standards contained in all applicable laws, codes, ordinances, and regulations of the City, the State, and any other governmental authority having jurisdiction.

6. ZONING MAP AMENDMENTS

Zoning Map Amendments will be necessary to implement the land use and redevelopment proposals of this Plan. Such rezonings will be undertaken pursuant to Sections 200, 201 and 197-c of the Charter.

7. STREET MODIFICATIONS

To meet the objectives of this Plan, streets within the Area may be mapped, demapped, or modified to improve or limit access of vehicular traffic in order to enhance pedestrian and vehicular circulation and site development. All street modifications, including, but not limited to, closings and openings of new streets, will take into consideration the objectives of this Plan and the policies and requirements of City agencies and public utility companies. Such remapping of streets will be contingent upon the approval of all governmental agencies involved and will be undertaken pursuant to Sections 202 and 197-c of the Charter.

(A) The following streets and easements will be eliminated:

Schenck Avenue from Flatlands Avenue to Shore Parkway.

Walker Street from Schenck Avenue to the proposed Fountain Street.

Seaview Avenue from Van Siclen Avenue to Erskine Street.

Elton Street from Seaview Avenue to the proposed Fountain Street.

Seaview Loop south of Seaview Avenue.

Vandalia Avenue from Schenck Avenue to the proposed Gateway Drive.

Two sewer easements adjacent to Seaview Avenue from Schenck Avenue to Walker Street.

Portions of sewer easement 200 feet north of and parallel to Vandalia Avenue between Fountain Avenue and Schenck Avenue.

Sewer easement between Seaview Loop and Seaview Avenue and extending north of Seaview Avenue approximately 25 feet.

Two sewer easements adjacent to Shore Parkway between Schenck Avenue and Fountain Avenue.

(B) The establishment of new streets, widenings and/or realignment of streets are as follows:

Establish Gateway Drive from Flatlands Avenue to the proposed Erskine Street.

Widen portions of Erskine Street between Seaview Avenue and Vandalia Avenue.

Establish Erskine Street from Vandalia Avenue to Flatlands Avenue.

Establish Erskine Street from Seaview Avenue to Shore Parkway.

Establish Fountain Street from the proposed Gateway Drive to Erskine Street.

Widen a portion of Seaview Avenue between Erskine Street and Fountain Avenue.

Realign Walker Street from the proposed Fountain Street to Vandalia Avenue.

Establish Lower Ashford Street from the proposed Fountain Street to the Flatlands Avenue.

Realign Elton Street from the proposed Fountain Street to Flatlands Avenue.

Establish Linwood Street from Flatlands Avenue to the proposed Old Vandalia Street.

Establish Essex Street from the proposed Fountain Street to Flatlands Avenue.

Establish Berriman Place from the proposed Fountain Street to Vandalia Avenue.

Establish Walker Place from the proposed Walker Street to the proposed Lower Ashford Street.

Establish Ashford Place from the proposed Walker Street to the proposed Lower Ashford Street.

Establish Elton Place from the proposed Elton Street to Erskine Street.

Establish Erskine Place from the proposed Elton Street to Erskine Street.

Establish Shepherd Place from the proposed Elton Place to the proposed Erskine Place.

Establish Old Vandalia Street from the proposed Lower Ashford Street to Fountain Avenue.

Establish Flatlands Place from the proposed Lower Ashford Street to Elton Street.

Establish Cleveland Place from the proposed Old Vandalia Street to the proposed Flatlands Place.

Establish Montauk Place from the proposed Old Vandalia Street to Vandalia Avenue.

Establish Milford Place from the proposed Old Vandalia Street to Vandalia Avenue.

Establish Logan Place from the proposed Old Vandalia Street to Vandalia Avenue.

Establish Fountain Place from the proposed Old Vandalia Street to Vandalia Avenue.

(C) The delineation of new easements, widenings and/or realignments of easements are as follows:

Delineate four sewer corridors between the proposed Gateway Drive and Hendrix Creek.

Delineate three sewer corridors from the proposed Gateway Drive to Shore Parkway.

Delineate two public access easements from the proposed Lower Ashford Street to the proposed Elton Street.

8. UTILITIES

Sewers, water lines, street lighting, and electrical and gas services will be installed as required. Water supply will be provided in accordance with the requirements of the City's Department of Environmental Protection ("DEP"). Sanitary and storm sewers will conform to the requirements contained in the "Rules and Regulations Governing the Construction of Private Sewers and Drains" of DEP's Bureau of Sewers.

9. PUBLIC, SEMI-PUBLIC, AND PRIVATE COMMUNITY FACILITIES AND INSTITUTIONS

The predominant land use of the Area will be residential. However, land or space may be made available for public schools and public or non-profit institutions providing community services. In addition, some new housing may have incorporated within it private community facilities for the use of residents.

10. MAPPED PARKS

To meet the objectives of this Plan, portions of existing mapped parks within the Area may be demapped and new parks and/or park additions mapped. Such demapping and remapping of parks will be

contingent upon the approval of all governmental agencies involved and will be undertaken pursuant to Sections 202 and 197-c of the Charter.

(A) The following portions of a park will be demapped:

Portion of park bounded by Seaview Avenue, Walker Street, the southerly line of the proposed Gateway Drive and Seaview Loop.

Portion of park included in the proposed widening of Seaview Avenue at the southeasterly intersection of Seaview Avenue and Erskine Street.

Portion of park included in the proposed Erskine Street between Seaview Avenue and Shore Parkway.

(B) The following parks and park additions will be mapped:

Two park additions south and west of the proposed Gateway Drive.

Park addition east of the proposed Erskine Street.

Park bounded by the proposed Walker Street, Ashford Place, Lower Ashford Street and Walker Place.

Park bounded by the proposed Lower Ashford Street, Old Vandalia Street, Cleveland Place and Flatlands Place.

Park bounded by the proposed Essex Street, Erskine Place, Shepherd Place and Elton Place.

E: REDEVELOPER OBLIGATIONS

1. RECORDABLE AGREEMENTS

The disposition instruments for any land in the Area to be redeveloped in accordance with this Plan will contain (i) covenants which incorporate this Plan by reference and require compliance with the terms and restrictions set forth herein, and (ii) covenants running with the land which require compliance with Section E.4.

2. LAND USE RESTRICTION

Each redeveloper will be required to devote the land solely to the uses specified in this Plan.

3. TIMELY PERFORMANCE

Each redeveloper will be required to begin and complete the redevelopment and construction of the improvements mandated by this Plan and agreed upon in the disposition instruments within a reasonable time.

4. NON-DISCRIMINATION

Each redeveloper, its successors and assigns of the land conveyed or any part thereof, and any lessee of the land conveyed or any part thereof (i) will not enter into any agreement, lease, conveyance, or other instrument whereby such land or any part thereof is restricted upon the basis of race, color, national origin, ancestry, alienage status, religion, creed, age, sex, marital status, sexual orientation, or disability in the sale, lease, or occupancy thereof, and (ii) will comply with all applicable Federal, State, and City laws in effect from time to time prohibiting discrimination or segregation by reason of race, color, national origin, ancestry, alienage status, religion, creed, age, sex, marital status, sexual orientation, or disability in the sale, lease, or occupancy of the property.

5. DESIGN REVIEW

Prior to commencement of construction, each redeveloper will be required to submit site plans, landscape plans, architectural drawings, outline specifications, and schedules of materials and finishes for the construction of improvements on the land, all in sufficient detail to permit determination of compliance with the intent and controls of this Plan and the design and character of proposed construction, for the review and approval of HPD. Each redeveloper will submit any material change thereafter proposed for the review and approval of HPD prior to commencement of construction of such change. Final working drawings will be submitted before construction begins.

6. RESTRICTION ON TRANSFER PRIOR TO COMPLETION

No redeveloper will be permitted to sell, lease, or otherwise transfer land at any time prior to completion of the redevelopment thereof without prior written consent of HPD, except as set forth in the disposition instruments.

7. COOPERATION WITH HPD

Each redeveloper will be required to expeditiously submit all documents required by HPD for the approval and processing of the redevelopment project.

8. COOPERATION WITH OTHER CITY AGENCIES

Each redeveloper will be required to cooperate fully with the appropriate City agencies in realizing the specific objectives of this Plan.

9. CERTIFICATE OF COMPLETION

Each redeveloper will be required to provide HPD with current revised drawings as required by HPD, including, but not limited to, descriptions reflecting substantial changes during construction.

HPD will use these drawings and descriptions, together with materials submitted prior to commencement of construction, for final determination of compliance and issuance of a Certificate of Completion in accordance with the terms of the disposition instruments.

F: MODIFICATION OF PLAN

1. AMENDMENTS

The City may amend this Plan at any time pursuant to Section 505 of the Urban Renewal Law and Section 197-c of the Charter.

2. MINOR CHANGES

Where literal enforcement of the restrictions set forth in this Plan would result in unnecessary hardship, would involve practical difficulties, or would constitute an unreasonable limitation beyond the intent and purpose of this Plan, HPD may authorize such minor changes of the terms of these restrictions as conform with the intent and purpose of this Plan; provided, however, that (i) no variations or modifications will be less restrictive than applicable Federal, State, and City laws, codes, ordinances, and regulations, and (ii) concurrence is obtained from the City Planning Commission ("CPC").

3. MERGERS AND SUBDIVISIONS

The merger and/or subdivision of any of the development sites in the Area will be permitted where HPD determines in writing that (i) the site plan complies with the intent and provisions of this Plan, and (ii) the unused portion of the subdivided development site, if any, is marketable and developable in accordance with this Plan and with all applicable laws, codes, ordinances, and regulations. The merger and/or subdivision of a development site will not require review or approval by CPC, but the Urban Renewal Plan, as modified to indicate such merger and/or subdivision, will be filed with the Department of City Planning for information purposes.

G: DURATION OF PLAN

This Plan will remain in effect for a period of forty (40) years from the date of the original approval of this Plan or any modification thereto as provided in Section F.

EXHIBIT A

PROJECT BOUNDARY DESCRIPTION

**DESCRIPTION OF REVISED
FRESH CREEK URBAN RENEWAL AREA**

ALL THAT certain plot, piece or parcel of land, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, more particularly bounded and described as follows:

BEGINNING at a point on the northerly side of Flatlands Avenue distant the following four (4) courses and distances from the point formed by the intersection of the southerly side of Flatlands Avenue with the westerly side of Fountain Avenue;

1. Westerly along the southerly side of Flatlands Avenue, 404.86 feet;
2. Westerly along the southerly side of Flatlands Avenue and along the arc of a curve bearing to the right having a radius of 239.65 feet and a delta angle of 18 degrees 45 minutes 42 seconds, a distance along said curb of 78.48 feet;
3. Westerly still along the southerly side of Flatlands Avenue 520.46 feet to the point formed by the intersection of the southerly side of Flatlands Avenue with the extension of the easterly side of Atkins Avenue;
4. Northerly perpendicular to the last course 120.11 feet to the point of intersection of the northerly side of Flatlands Avenue and the easterly side of Atkins Avenue, the true point or place of BEGINNING;

RUNNING THENCE from said point or place of beginning westerly along the northerly side of Flatlands Avenue to the westerly edge of Schenck Avenue Extension;

THENCE southerly along the westerly edge of Schenck Avenue Extension, and along the eastern edge of Hendrix Basin to the northerly edge of Shore Parkway;

THENCE easterly along the northerly edge of Shore Parkway to the westerly boundary of Fountain Avenue;

THENCE northerly along Fountain Avenue to a point distant 327.51 feet southerly from the corner formed by the intersection of the westerly side of Fountain Avenue with the southerly side of Flatlands Avenue;

THENCE westerly perpendicular to the last course 980.89 feet to the extension of the easterly side of Atkins Avenue;

THENCE northerly along said extension 590.57 feet to the point or place of BEGINNING.

EXHIBIT B

PROPERTIES ACQUIRED AND TO BE ACQUIRED

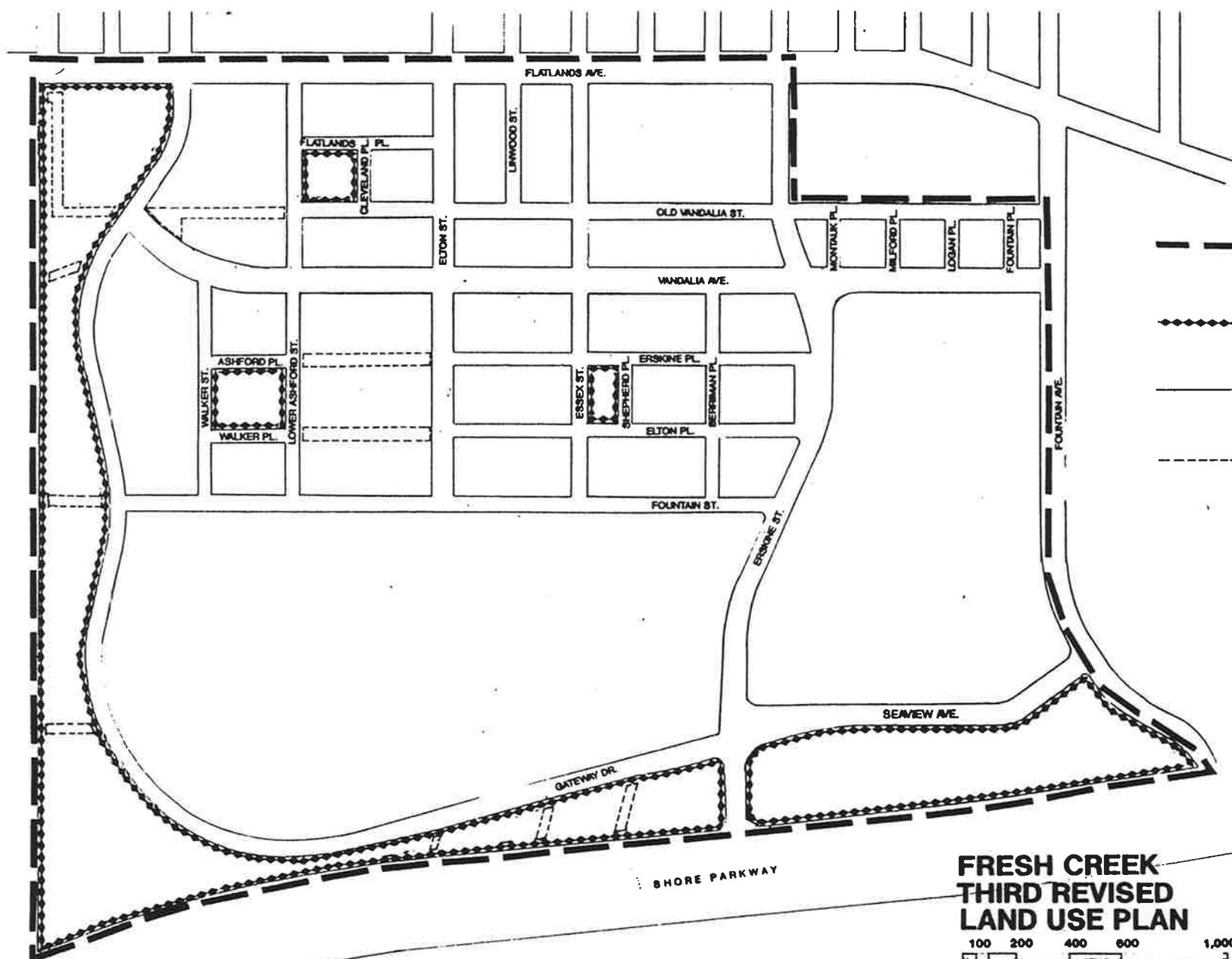
| <u>Block</u> | <u>Lot(s)</u> |
|--|----------------------|
| 4443 (including p/o Vandalia Avenue) | 1 |
| 4444 (including p/o Vandalia Avenue) | 1 |
| 4445 | 1 |
| 4446 | 1 |
| 4447 | 1 |
| 4448 | 1 |
| 4449 (including p/o Elton Street) | 1 |
| 4450 | 1 |
| 4451 | 1 and 401 |
| 4452 (including p/o Vandalia Avenue, p/o Walker Street/ p/o Seaview Avenue, p/o Elton Street, p/o Seaview Loop and p/o Park) | 170 and 400 |
| 4580 | p/o 2 |
| 4586 (including p/o Seaview Avenue, p/o Vandalia Avenue, p/o Seaview Loop, p/o Erskine Street and p/o Park) | 1 |

EXHIBIT C

PROPERTIES NOT TO BE ACQUIRED

| <u>Block</u> | <u>Lot(s)</u> |
|---------------------|----------------------|
| 4586 | 300 |

MAP 1

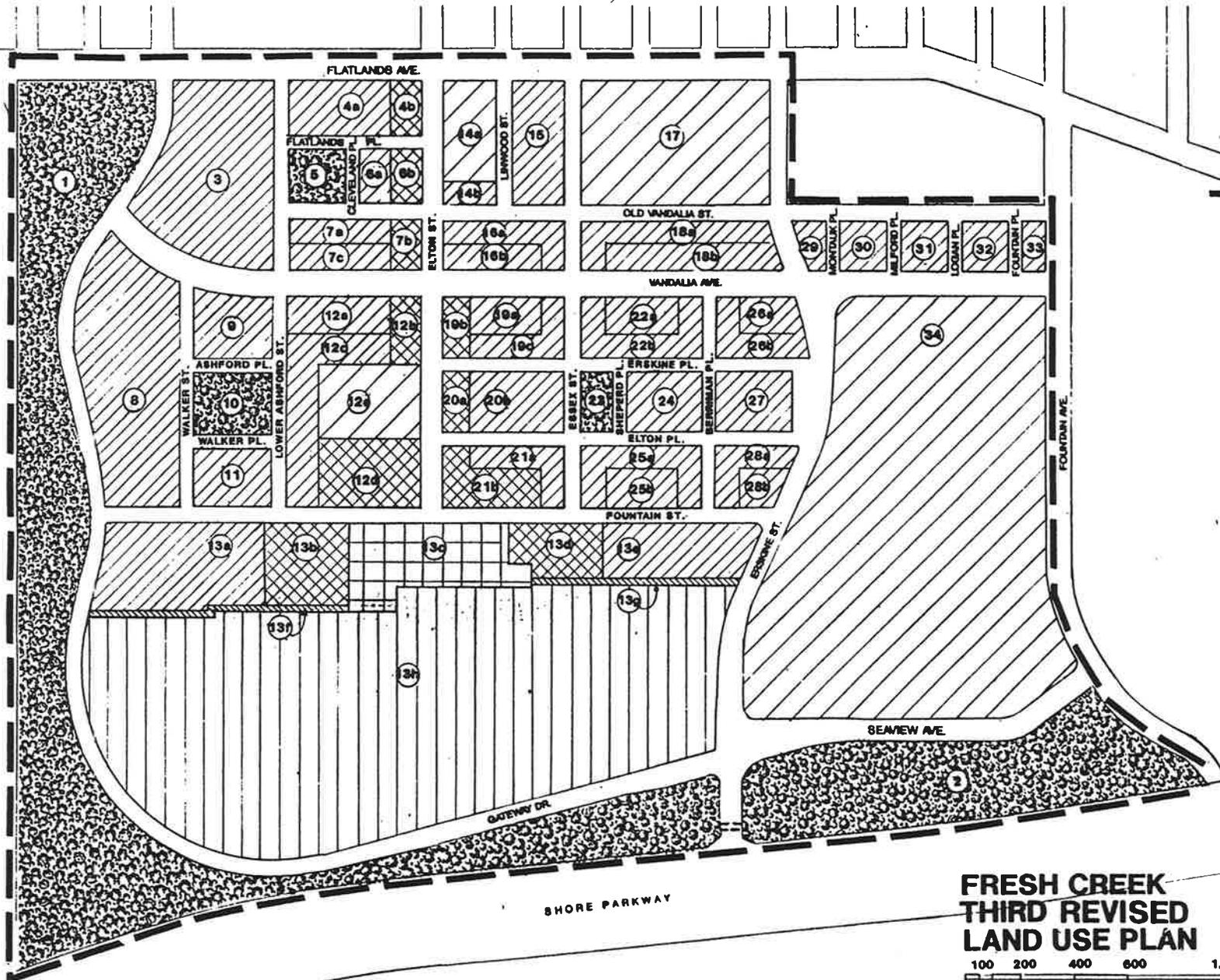


-  URBAN RENEWAL BOUNDARY
-  BOUNDARY OF MAPPED PARK
-  STREET LINE
-  CORRIDOR/EASEMENT LINE

FRESH CREEK THIRD REVISED LAND USE PLAN

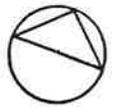
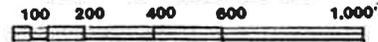


MAP 2



-  URBAN RENEWAL BOUNDARY
-  PUBLIC and SEMI-PUBLIC
-  MAPPED PARK
-  RESIDENTIAL
-  RESIDENTIAL and LOCAL COMMERCIAL
-  LOCAL COMMERCIAL and COMMUNITY FACILITY
-  REGIONAL COMMERCIAL
-  LANDSCAPED BUFFER ZONE

FRESH CREEK THIRD REVISED LAND USE PLAN



FRESH CREEK URP
SEPTEMBER, 1995

TABLE A

URBAN DESIGN CONTROLS - DENSITY, HEIGHT, COVERAGE

| Parcel Number | Use | Acreage | Maximum Height | Maximum Density |
|---------------|----------------------------------|---------|----------------|----------------------------|
| 1 | Park | 30.79 | N/A | N/A |
| 2 | Park | 12.15 | N/A | N/A |
| 3 | Residential | 7.28 | 3 | 253 du |
| 4a | Residential | 1.97 | 3 | 105 du |
| 4b | Residential and local commercial | .57 | 6 | 46 du (13,000 sf comm.) |
| 5 | Park | .98 | N/A | N/A |
| 6a | Residential | .50 | 3 | 27 du |
| 6b | Residential and local commercial | .50 | 6 | 27 du (8,000 sf comm.) |
| 7a | Residential | .83 | 3 | 39 du |
| 7b | Residential and local commercial | .48 | 6 | 24 du (8,000 sf comm.) |
| 7c | Residential | .83 | 6 | 39 du |
| 8 | Residential | 8.50 | 3 | 254 du |
| 9 | Residential | 1.67 | 3 | 84 du |
| 10 | Park | 1.57 | N/A | N/A |
| 11 | Residential | 1.60 | 3 | 84 du |
| 12a | Residential | 1.42 | 6 | 45 du |

| Parcel Number | Use | Acreage | Maximum Height | Maximum Density |
|---------------|---|---------|----------------|-----------------------------|
| 12b | Residential and local commercial | .71 | 6 | 49 du (13,000 sf comm.) |
| 12c | Residential | 2.30 | 3 | 114 du |
| 12d | Residential and local commercial | 2.15 | 11 | 151 du (17,000 sf comm.) |
| 12e | Public and Semi-Public (school) | 2.35 | 3 | N/A |
| 13a | Residential | 4.82 | 3 | 159 du |
| 13b | Residential and local commercial | 1.77 | 11 | 130 du (17,000 sf comm.) |
| 13c | Local commercial and community facility | 3.63 | 2 | 60,000 sf |
| 13d | Residential and local commercial | 1.33 | 11 | 110 du (17,000 sf comm.) |
| 13e | Residential | 2.35 | 3 | 90 du |
| 13f | Landscaped buffer | .57 | N/A | N/A |
| 13g | Landscaped buffer | .45 | N/A | N/A |
| 13h | Regional commercial | 46.97 | 2 | 640,000 sf |
| 14a | Public and Semi-Public (school) | 1.77 | 3 | N/A |
| 14b | Residential | .45 | 3 | 13 du |
| 15 | Residential | 2.27 | 3 | 55 du |
| 16a | Residential | 1.22 | 3 | 33 du |
| 16b | Residential | .81 | 6 | 36 du |
| 17 | Public and Semi-Public (H.S. Field) | 7.84 | N/A | N/A |
| 18a | Residential | 1.81 | 3 | 45 du |

| Parcel Number | Use | Acreeage | Maximum Height | Maximum Density |
|---------------|----------------------------------|----------|----------------|-----------------------------|
| 18b | Residential | 1.45 | 6 | 69 du |
| 19a | Residential | .78 | 6 | 27 du |
| 19b | Residential and local commercial | .65 | 6 | 44 du (11,300 sf comm.) |
| 19c | Residential | 1.05 | 3 | 28 du |
| 20a | Residential and local commercial | .64 | 6 | 35 du (10,000 sf comm.) |
| 20b | Residential | 1.79 | 3 | 42 du |
| 21a | Residential | .98 | 3 | 26 du |
| 21b | Residential and local commercial | 1.50 | 11 | 127 du (17,000 sf comm.) |
| 22a | Residential | .87 | 6 | 36 du |
| 22b | Residential | 1.64 | 3 | 44 du |
| 23 | Park | .73 | N/A | N/A |
| 24 | Residential | 1.46 | 3 | 38 du |
| 25a | Residential | 1.63 | 3 | 44 du |
| 25b | Residential | .87 | 3 | 30 du |
| 26a | Residential | .67 | 3 | 24 du |
| 26b | Residential | 1.09 | 3 | 29 du |
| 27 | Residential | 1.46 | 3 | 38 du |
| 28a | Residential | .97 | 3 | 25 du |
| 28b | Residential | .47 | 3 | 12 du |
| 29 | Residential | .37 | 3 | 9 du |
| 30 | Residential | .83 | 3 | 22 du |
| 31 | Residential | .83 | 3 | 22 du |
| 32 | Residential | .83 | 3 | 22 du |

| Parcel Number | Use | Acreage | Maximum Height | Maximum Density |
|---------------|---|---------|----------------|-----------------|
| 33 | Residential | .41 | 3 | 11 du |
| 34 | Public and Semi-Public (existing NYS facility) | 34.88 | N/A | N/A |