



THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
DIVISION OF PLANNING AND PIPELINE DEVELOPMENT

MELROSE COMMONS

**URBAN
RENEWAL
PROJECT**

N060540HCX

**URBAN RENEWAL PLAN, MAY 1994
SECOND MINOR CHANGE, JUNE 2006**

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

MELROSE COMMONS
URBAN RENEWAL PLAN

Borough of the Bronx
Community Districts 1 and 3

May 1994
Second Minor Change
June 2006

HISTORY OF APPROVALS

Original (May 1994)

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City Council: June 16, 1994 (Reso. 435)
Mayor: June 29, 1994 (Cal. No. 36)

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City Planning Commission:

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A: URBAN RENEWAL AREA

1. LEGAL AUTHORITY

The City of New York ("City"), acting by and through its Department of Housing Preservation and Development ("HPD"), has established the Melrose Commons Urban Renewal Area ("Area") pursuant to Section 504 of Article XV ("Urban Renewal Law") of the General Municipal Law of the State of New York ("State").

2. BOUNDARY

The Melrose Commons Urban Renewal Area ("Area") is located in Community Districts 1 and 3, in the Borough of The Bronx. The Area is generally bounded by (i) East 163rd Street on the north, (ii) Third Avenue, St. Ann's Avenue and Brook Avenue on the east, (iii) East 156th Street, East 157th Street, East 158th Street and East 159th Street on the south, and (iv) Melrose Avenue, Courtlandt Avenue and Park Avenue on the west ("Project Boundary").

The Project Boundary is described in Exhibit A ("Project Boundary Description") and is shown on Map 1, dated May, 1994 ("Project Boundary Map").

The Project Boundary Map also shows all thoroughfares and street rights-of-way. The major streets include: East 161st Street, Melrose Crescent/East 163rd Street, Park Avenue, Melrose Avenue, Third Avenue, Brook Avenue, Courtlandt Avenue and Elton Avenue.

3. SITES

The properties located within the Project Boundary which have been or will be acquired by the City for redevelopment pursuant to this Plan ("Acquisition Parcels") 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 are within the Area and 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.

A: URBAN RENEWAL AREA (continued)

5. ELIGIBILITY

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

- a. Vacant, substandard, and/or deteriorating buildings with high levels of code violations.
- b. Safety hazards due to the presence of obsolescent and vacant buildings.
- c. Vacant, unfenced, and unsanitary lots.
- d. Incohesive neighborhood due to an inappropriate mixture of uses adjacent to residential development.
- e. Obsolete and dilapidated buildings and structures characterized by defective construction, outmoded design, physical deterioration, lack of proper sanitary facilities, and/or inadequate fire or safety protection.
- f. Insufficient light and ventilation.
- g. Illegal uses.
- h. Inadequate maintenance.
- i. Abandoned or underutilized properties.
- j. Hazardous or detrimental industrial uses.
- k. Poorly or improperly designed street patterns and intersections.
- l. Impractical street widths, sizes, and shapes.
- m. Blocks and lots of irregular form or shape or of insufficient size, width, or depth.
- n. Unsuitable topography, subsoil, or other physical conditions.

B: URBAN RENEWAL PLAN

1. LEGAL AUTHORITY

The City, acting by and through HPD, has established this Melrose Commons Urban Renewal Plan ("Plan") for the redevelopment of the Area pursuant to Section 505 of the Urban Renewal Law.

2. STATEMENT 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

The acquisition of air rights over portions of the Penn Central railroad right-of-way is necessary to permit the assemblage of feasible redevelopment sites.

d. Proposed Methods Or Techniques Of Urban Renewal

See Section D.

e. Proposed Public, Semi-Public, Private Or Community Facilities Or Utilities

Adjustments in utilities and community facilities are contemplated, as set forth in Section D.

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

No changes are proposed.

g. Proposed Program Of Code Enforcement

See Section D.

B: URBAN RENEWAL PLAN (continued)

h. Proposed Time Schedule For Effectuation Of Plan

| <u>Project Activity</u> | <u>Estimated Commencement Date</u> | <u>Estimated Completion Date</u> |
|-------------------------------|------------------------------------|----------------------------------|
| Land Acquisition | 6/1994 | 6/1994 |
| Relocation of Site Occupants | 9/1994 | 12/2001 |
| Demolition and Site Clearance | 6/1995 | 3/2002 |
| Land Disposition | 12/1995 | 6/2002 |
| Project Completion | | 6/2004 |

3. OBJECTIVES

This Plan seeks to:

- a. Eliminate blight and maximize appropriate land use;
- b. Remove substandard and insanitary structures;
- c. Remove impediments to land assemblage and orderly development;
- d. Strengthen the tax base of the City by encouraging development;
- e. Provide new and/or rehabilitated low, moderate, and/or middle income housing exhibiting good design in terms of privacy, light, air, and open space;
- f. Provide convenient community facilities, parks and recreational uses, local commercial activities, parking.
- g. Redevelop the Area in a comprehensive manner, removing blight and restoring the residential character of the Area, with appropriate support facilities.
- h. Encourage the upgrading of housing quality in the immediate vicinity.

Following the completion of construction, the projected redevelopment and the surrounding area will have reasonable protection from decay, will constitute a stable environment, and will have a beneficial influence on abutting public and private developments.

C: LAND USE CONTROLS

1. LAND USE PLAN

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

2. LAND USE PROVISIONS AND BUILDING REQUIREMENTS

Unless expressly stated otherwise, 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 Amendment 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"). Within this Section C, terms so defined are indicated in bold type.

The zoning of the Area will be as set forth in the Zoning Resolution. The proposed amendments to the Zoning Map set forth in Section D.6 will have no force or effect until they are approved pursuant to Sections 200 and 197-c of the City's Charter ("Charter") and become a part of the Zoning Resolution. The predominant zoning of the Area at present is residential (R-6), commercial (C4-4) and manufacturing (M1-1). 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, 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 recreational, open space, and community facilities. Except for Site 45, local commercial uses will be permitted in accordance with the Zoning Resolution. Site 45 will be limited to residential uses or parking accessory to commercial uses.

(2) Commercial

Uses are those commercial uses permitted in C1-4 or C4 zones in accordance with the Zoning Resolution.

C: LAND USE CONTROLS (continued)

(3) Public Park

Permitted uses in mapped parks include active and passive recreational uses.

(4) Public Open Space

Permitted uses shall include active and passive recreation for public purposes.

(5) Community Facility

Uses are limited to permitted community facility uses in accordance with the Zoning Resolution.

b. Additional Regulations, Controls, and Restrictions

(1) Urban Design Controls

The applicable zoning district regulations apply except as modified by the following urban design controls. Proposals by redevelopers will be subject to the review and approval of HPD as set forth in Section E.

In this Section C.2.b(1) the term block shall be defined as set forth in Section 12-10 of the Zoning Resolution, except that for blocks 2366E and 2367, the boundaries shall be the existing mapped streets and proposed to be demapped portions of Brook Avenue, East 161st Street and East 162nd Street.

(a) Density

For each sub-area, new construction shall achieve at least the following number of dwelling units (see Map 3).

| <u>Sub-area</u> | <u>Block Numbers</u> | <u>Minimum Number of New Dwelling Units</u> |
|-----------------|--|---|
| 1 | 2364N, 2364S, 2378E 2379E, 2380E, 2381E | 320 |

C: LAND USE CONTROLS (continued)

| <u>Sub-area</u> | <u>Block Numbers</u> | <u>Minimum Number of New Dwelling Units</u> |
|-----------------|---|---|
| 2 | 2378W, 2379W, 2380W 2381W, 2404, 2405 2406, 2418, 2419S | 640 |
| 3 | 2382W, 2383W, 2384W 2407, 2408S, 2408N | 400 |
| 4 | 2367 | 110 |

(b) Location of Street Walls and Building Walls

1. Except for frontages along East 161st Street, for any building containing residential dwelling units on the ground floor or within 5 feet of curb level, the street walls containing legally required windows in all residential portions of that building shall be set back a minimum of 5 feet from street lines.
2. For all frontages along Park Avenue and along Courtlandt Avenue north of East 161st Street, and for the frontage of Site 33 on East 160th Street, required street walls pursuant to Section C.2.b(1)c shall not be set back more than 20 feet from the street line. For all other frontages, required street walls pursuant to Section C.2.b(1)c shall not be set back more than 10 feet from the street line. However, up to 25% of the aggregate length of required street walls along any one block frontage may be exempt from these requirements provided that such street wall fronts on an outer court. In no case shall the width of outer court exceed 50 feet.
3. The lengths of building walls fronting onto the driveway described in Section C.2.b(1)(e)5 and subject to the requirements of Section C.2.b(1)c shall be located between 30 and 35 feet from the centerline of that driveway.

C: LAND USE CONTROLS (continued)

(c) Minimum Street wall and Building Wall Lengths and Heights*

1. At least 85% of the aggregate length of the developable frontages of the following blocks shall comprise street walls of a minimum height of 4 stories.

| <u>Frontage</u> | <u>Block Numbers</u> |
|-----------------------------------|--|
| Third Avenue | 2378E, 2379E 2380E, 2381E |
| Melrose Avenue | 2378W, 2379W, 2380W 2384W, 2405, 2406 2407 |
| East 161st Street | 2382W, 2408S (excluding Site 57) |
| Elton Avenue/East 163rd Street | 2367 (including Site 59) |

2. At least 70% of the aggregate length of the developable frontage of the following block shall comprise street walls of a minimum height of 4 stories.

| <u>Frontage</u> | <u>Block Numbers</u> |
|-----------------|----------------------|
| Melrose Avenue | 2408N |

3. At least 50% of the aggregate length of the developable frontage of the following block shall comprise street walls of a minimum height of 4 stories.

| <u>Frontage</u> | <u>Block Numbers</u> |
|-----------------|----------------------|
| Third Avenue | 2364S, 2364N |

4. At least 85% of the aggregate length of the developable frontages of the following blocks shall comprise street walls of a minimum height of 3 stories.

*Frontage of Properties Not To Be Acquired, frontage occupied by easements (including subsurface easements), frontage occupied by Sites designated as Public Open Space or Community Facility use only and frontage occupied by the driveway within Site 43 described in Section C.2.b(1)(e)5 shall be excluded in calculating the aggregate length of the developable frontage of a block. Where the driveway within Site 43 intersects the Elton Avenue frontage of block 2382W, the length of that frontage, which may be excluded for the purposes of this calculation, shall not exceed 25 feet either side of the centerline of that driveway.

C: LAND USE CONTROLS (continued)

| <u>Frontage</u> | <u>Block Numbers</u> |
|---|---|
| Park Avenue | 2418, 2419S |
| Courtlandt Avenue | 2405, 2406 2408N (including Melrose Crescent*/East 163rd Street), 2408S (excluding Site 57), 2418, |
| Elton Avenue | 2378E, 2378W, 2379W 2380E, 2380W, 2381E |
| Melrose Crescent*/ East 163rd Street | 2383W (excluding Site 53) |

5. At least 70% of the aggregate length of the developable frontages of the following blocks shall comprise street walls of a minimum height of 3 stories.

| <u>Frontage</u> | <u>Block Numbers</u> |
|--|----------------------|
| Elton Avenue | 2382W |
| Melrose Crescent/ East 163rd Street | 2384W |
| Courtlandt Avenue | 2419S |

6. At least 50% of the aggregate length of the developable frontage of the following block shall comprise street walls of a minimum height of 3 stories.

| <u>Frontage</u> | <u>Block Numbers</u> |
|-----------------|----------------------|
| Brook Avenue | 2364S |

7. At least 85% of the aggregate length of the developable frontages of the following blocks shall comprise street walls of a minimum height of 2 stories.

| <u>Frontage</u> | <u>Block Numbers</u> |
|-------------------|-------------------------|
| Third Avenue | 2366E and 2367 together |
| East 157th Street | 2379E |

* As proposed to be established

C: LAND USE CONTROLS (continued)

8. At least 70% of the aggregate length of the developable frontages of the following blocks shall comprise street walls of a minimum height of 2 stories.

| <u>Frontage</u> | <u>Block Numbers</u> |
|-------------------|---------------------------|
| East 157th Street | 2378E, 2378W, 2379W, 2404 |
| East 158th Street | 2364N, 2380E, 2404, 2405 |
| East 159th Street | 2380W, 2418, 2419S |
| East 162nd Street | 2408S |

9. At least 60% of the aggregate length of the developable frontages of the following blocks shall comprise street walls of a minimum height of 2 stories.

| <u>Frontage</u> | <u>Block Numbers</u> |
|-------------------|---------------------------|
| East 156th Street | 2378W |
| East 158th Street | 2379E, 2379W, 2380W, 2418 |
| East 159th Street | 2406 |

10. At least 50% of the aggregate length of the developable frontages of the following blocks shall comprise street walls of a minimum height of 2 stories.

| <u>Frontage</u> | <u>Block Numbers</u> |
|-------------------|----------------------|
| East 160th Street | 2406 |
| East 162nd Street | 2384W |

11. At least 85% of the aggregate length of the boundary of block 2382W along the driveway described in Section C.2.b(1)(e)5 shall comprise building walls of a minimum height of 2 stories.

C: LAND USE CONTROLS (Continued)

(d) Building Height Limit

Except for obstructions permitted in accordance with the applicable zoning district regulations:

1. In R7-2 districts, no building shall exceed a height of 45 feet above curb level, except for Site 44.
2. In R8 districts, no building shall exceed a height of 85 feet above curb level.
3. In C4-4 districts, no building shall exceed a height of 90 feet above curb level.

e (d) Curb-cuts, Parking and Driveways

1. No parking shall be located between any building wall and the street line from which it is required to be set back in Section C.2.b(1)(b).
2. No Curb cuts shall be permitted on Park Avenue, Courtlandt Avenue, Melrose Avenue, Washington Avenue, Brook Avenue, East 161st Street, Melrose Crescent/East 163rd Street or East 163rd Street. No curb cuts shall be permitted on Elton Avenue South of East 159th Street. No curb cuts shall be permitted on Third Avenue south of the proposed to be demapped portion of East 162nd Street.
3. For each block frontage permitted curb cuts and having a mapped length including Designated Sites and Parcels Not To Be Acquired of 300 feet or greater, there shall be no more than 4 curb cuts with a total aggregate width of 60 feet, excluding splays.
4. For each block frontage permitting curb cuts and having a mapped length including Designated Sites and Parcels Not To Be Acquired of less than 300 feet, there shall be no more than 2 curb cuts with a total aggregate width of 30 feet, excluding splays.
5. A driveway approximately coincident with the former bed of the proposed to be demapped portion of East 160th Street shall run in an east-west direction between Elton Avenue and the remaining mapped portion of East 160th Street east of Melrose Avenue. It must be sized to accommodate on site parking for Site 43 and emergency vehicles access to buildings fronting it. No portion of any building shall be constructed above any portion of the driveway.

C: LAND USE CONTROLS (continued)

(f) Dwelling Unit, Open Space and Recreation Space Standards

All new residential construction shall comply with the following Quality Housing Program Sections of the Zoning Resolution:

- Section 28-12 (Street Tree Planting)*
- Section 28-21 (Size of Dwelling Units)
- Section 28-31 (Types of Recreation Space)
- Section 28-32 (Required Indoor and Outdoor Recreation Space)
- Section 28-33 (Location of Recreation Space)
- Section 28-34 (Standards for Recreation Space)
- Section 28-351 (a) (Location of Required Planting)*
- Section 28-352 (a) (Standards for Planting)
- Section 28-352 (b) (Standards for Planting)

In addition, for Sites containing residential development, at least 50 percent of any individual development Site which is not lot coverage shall be planted. Pedestrian pathways and paved areas required to meet the standards of Section 28-34 may be included in this required planted area. Each such development Site shall contain in the required planted area at least one tree per 3,500 square feet of Site area.

For Site 48, no portion of any building shall be located in the beds of the proposed to be demapped portions of Brook Avenue and East 161st Street. For the remaining portion of Site 48, lot coverage shall not exceed 60 percent.

(2) Underground Utility Lines

Any existing utility lines in the Area will be removed and relocated underground and all new or additional utility lines will be placed underground, unless HPD determines that such placement underground either is not necessary or is not feasible.

(3) EASEMENTS

Easements will be provided as shown on Map 2

*Such planting will not be located in easement areas.

C: LAND USE CONTROLS (continued)

c. Environmental Review

All projects for the redevelopment of the Area are subject to the requirements of Article 8 ("SEQRA") of the State's 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 Block Grant, Rental Rehabilitation, or Housing 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 quality, 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 in accordance with the State's Eminent Domain Procedure Law.

b. Properties Acquired or to be Acquired Pursuant To This Plan

Those properties in the Area 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.

All properties acquired with Federal and State assistance will be subject to (i) HUD approval of the redeveloper, (ii) the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601), as amended ("Uniform Relocation Act"), and (iii) State disposition requirements. However, such properties will not be subject to NEPA unless their redevelopment involves a future discretionary act of the Federal government. All other properties, as identified on the Land Use Plan, have been or will be acquired with City funds, without Federal or State assistance.

D: RENEWAL ACTIONS (continued)

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 residents is anticipated.

- a. HPD will relocate site occupants 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 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 (including streets) 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.

D: RENEWAL ACTIONS (continued)

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 may 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 198, 199 and 197-c of the Charter.

- a. The following actions will be taken to form new streets, developable land, mapped park or open space:

the elimination, discontinuance and closing of:

The northeasterly portion of the intersection of Third Avenue and Washington Avenue;

the northeasterly portion of the intersection of Brook Avenue and Third Avenue;

Brook Avenue from East 161st Street to East 163rd Street;

East 161st Street from Third Avenue to Brook Avenue;

East 162nd Street from Third Avenue to the proposed Melrose Crescent;

East 163rd Street from Brook Avenue to the proposed Melrose Crescent;

D: RENEWAL ACTIONS (continued)

b. the elimination, discontinuance and closing of portions of:

Washington Avenue from Elton Avenue to East 161st Street;

East 161st Street from Elton Avenue to Washington Avenue;

East 160th Street from Elton Avenue to a line approximately 71 feet east of Melrose Avenue,

and the establishment of pedestrian ways in the remaining portions thereof.

c. the elimination of:

A Public Place (O'Neill Square) bounded by Elton Avenue, Washington Avenue and East 161st Street.

d. the establishment of:

Melrose Crescent between East 161st Street/Elton Avenue and East 163rd Street at a width of 60 feet;

e. the widening of:

The southerly portion of the intersection of Courtlandt Avenue and East 163rd Street;

Elton Avenue from Brook Avenue to East 163rd Street and

East 163rd Street from Washington Avenue to Brook Avenue.

f. the realignment of:

The southeasterly intersection of Elton Avenue and East 161st Street.

g. the establishment of two parks:

Generally on the westerly half of the block bounded by East 159th Street, Melrose Avenue, East 160th Street, and Elton Avenue and;

Generally bounded by Elton Avenue, the westerly line of the proposed to be established Washington Avenue Pedestrian Way and the northerly line of the proposed to be established East 161st Street Pedestrian Way.

8. UTILITIES

Sewers, water lines, street lighting, electrical and gas services and appurtenant facilities will be installed removed and or relocated 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. The drainage plan for the are will be amended in accordance with the development proposal.

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

The predominant land use of the Area will be residential. However, land or space may be made available for 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

New parks will be established as indicated on Land Use Plan, Map 2.

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.

E: REDEVELOPER OBLIGATIONS (Continued)

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 local 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.

E: REDEVELOPER OBLIGATIONS (Continued)

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.

10. ARCHEOLOGICAL INVESTIGATION

Prior to the disposition and development of any parcels identified in Exhibit D, HPD shall contact the Landmarks Preservation Commission ("LPC") and determine the appropriate scope of work related to the documentary research and detailed field investigation plan for the proposed disposition and development. HPD shall either fulfill, or ensure the fulfillment of, the requirements contained herein as conditions of the applicable disposition agreements. All documentary and field investigations shall be conducted by a professional certified by the Society of Professional Archaeologists (SOPA). Upon LPC's approval of the field investigation plan, the findings will be presented to LPC, which will then determine the extent of any necessary research and excavation.

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").

E: REDEVELOPER OBLIGATIONS (Continued)

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 development site is marketable and developable in accordance with this Plan and with all applicable laws, codes, ordinances, and regulations. HPD shall demonstrate in a form satisfactory to the Department of City Planning that any merger and/or subdivision of a development site within a block shall be done in a manner which provides that when development of that block is completed, such development shall comply with the Land Use Controls described in Section C of this Plan. 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 mergers and/or subdivisions 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, except as provided in Section E.

EXHIBIT A

PROJECT BOUNDARY DESCRIPTION

Beginning at the corner formed by the intersection of the westerly line of Park Avenue with the northerly line of East 158th Street;

1. Running thence northerly, along the westerly line of Park Avenue and its prolongation to the northerly line of East 161st Street;
2. Thence westerly along the northerly line of East 161st Street to the westerly line of Tax Lot 73 in Bronx Tax Block 2409 as shown on the Tax Map of the City of New York for the Borough and County of the Bronx as said Tax Map existed on May 1, 1994;
3. Thence northerly along the westerly line of Tax Lot 73 to the southerly line of East 162nd Street;
4. Thence southeasterly, along the southerly line of East 162nd Street to the easterly line of Courtlandt Avenue;
5. Thence northerly, along the easterly line of Courtlandt Avenue to the northerly line of Melrose Crescent/East 163rd Street;
6. Thence easterly, along the northerly line of Melrose Crescent/East 163rd Street to an angle point on the southerly line of Tax Lot 5 in the Bronx Tax Block 2391;
7. Thence easterly across Brook Avenue to a point on the easterly line of Brook Avenue located 433.887 feet southeasterly of the intersection of said easterly line of Brook Avenue with the southerly line of East 164th Street;
8. Thence southerly and easterly across Tax Lots 3 and 1 in the Tax Block 2385 along a line curving to the left along a circular curve having a radius of 100.00 feet, an arc of 53 degrees 13 minutes 44.6 seconds and a length of 92.902 feet to a point on the easterly projection of the northerly line of East 163rd Street as such line is mapped between Washington Avenue and Third Avenue;
9. Thence easterly across Tax Lots 1, 59 and 55 (and thus including all of Tax Lot 57) in the Tax Block 2385 along said projection of the northerly line of East 163rd Street and continuing along the northerly line of East 163rd Street to the intersection of said northerly line of East 163rd Street with the westerly line of Third Avenue;
10. Thence southerly, along the westerly line of 3rd Avenue and across the bed of 3rd Avenue and continuing southerly, along the westerly line of Saint Ann's Avenue to the northerly line of East 159th Street;
11. Thence westerly, along the northerly line of East 159th Street and its prolongation to the westerly line of Brook Avenue;
12. Thence southerly, along the westerly line of Brook Avenue to the northerly line of East 156th Street;

PROJECT BOUNDARY DESCRIPTION (continued)

13. Thence westerly, along the northerly line of East 156th Street to the westerly line of Tax Lot 37 in the Bronx Tax Block 2403;
14. Thence northerly, along the westerly line of Tax Lot 37 to the northerly line of Tax Lot 37;
15. Thence easterly, along the northerly line of Tax Lot 37 to the Westerly line of Tax Lot 31;
16. Thence northerly, along the westerly line of Tax Lot 31, 29 and 25 to the southerly line of East 157th Street;
17. Thence westerly, along the southerly line of East 157th Street to the easterly line of Courtlandt Avenue;
18. Thence northerly, along the easterly line of Courtlandt Avenue to the northerly line of East 158th Street;
19. Thence westerly, along the northerly line of East 158th Street to the westerly line of Park Avenue, to the point or place of beginning.

The above described area is known as part of Section 9 as shown on the Tax Map of the City of New York for the Borough and County of the Bronx as said Tax Map existed on May 1, 1994.

EXHIBIT B

PROPERTIES ACQUIRED AND TO BE ACQUIRED FOR DEVELOPMENT

| <u>Site</u> | <u>Block</u> | <u>Lot(s)</u> |
|-------------|--------------|---|
| 1 | 2364 | 2*,3*,4*,5*,7*,9*,15*,17*,19*,21*,23*, 24* |
| 2 | 2364 | 13* |
| 3 | 2378 | 49*,50*,51*,53*,54*,p/o55,62,64,65,66* |
| 4 | 2378 | 21*,24*,26*,27 |
| 5 | 2378 | 1*,3*,4,7*,9*,12*,13*,17*,31*,34*,36*, 37*,38*,40*,42* |
| 6 | 2403 | 37 |
| 7 | 2403 | 25*,26*,27*,29*,31* |
| 8 | 2364 | 25* |
| 9 | 2379 | 40*,41*,42*,44*,49*,50*,51,52,53,54*, 55*,56*,57*,60* |
| 10 | 2379 | 20*,22*,24* |
| 11 | 2379 | 15*,16,30* |
| 12 | 2379 | 1*,6*,7*,9*,12*,34*,35*,36,37,38* |
| 13 | 2404 | 13*,14*,15*,16*,25*,26*,28*,31*,32* |
| 14 | 2404 | 9*,10*,34*,35*,36*,37* |
| 15 | 2404 | 1,2 |
| 16 | 2360 | 92* |
| 17 | 2364 | 45,49*,55*,56*,60*, 61*,70*,Air rights 15'-10" minimum clearance from the top of rail of lot 58 |
| 18 | 2380 | 40*,41*,42*,44*,45*,46*,47*,51*,55*,59*, 60*,65*,66*,67* |

p/o: Portion of Tax Lot
*City-owned property

PROPERTIES ACQUIRED AND TO BE ACQUIRED (continued)

| <u>Site</u> | <u>Block</u> | <u>Lot(s)</u> |
|-------------|---------------------------------|---|
| 19 | 2380 | 2*,4*,6*,7,8*,9*,10,11*,12*,13*,15*,16*, 17*,19*,21*,23*,24*,25*,26*,27*,29*,31*, 32*,34*,35,36,38* |
| 20 | 2405 | p/o19,21*,22*,26,27*,28* |
| 21 | 2405 | 1*,3,4*,5*,7*,8*,17*,30*,31*,32,33*,34*, 35*,36*,37,38* |
| 22 | 2418 | 2*,3*,4,10,12*,14*,16*,18*,25,26*, 28*,29,31,32,33*,34* |
| 23 | 2418 | 6* |
| 24 | 2365 | 23 |
| 25 | 2365 | 25,26*,27 |
| 26 | 2365 | 9,12*,14*,Air rights 15'-10" minimum clearance from the top of rail of lot 15 |
| 27 | Bed of Street to be demapped | The northeasterly portion of the intersection of Washington Avenue and Third Avenue. |
| 28 | 2381 | 52*,56*,58*,59*,60 |
| 29 | 2381 | 64* |
| 30 | 2381 | 47* |
| 31 | 2381 | 43 |
| 32 | 2381 | 1,6,7*,9,10*,11*,12*,13,14*,15*,34*,35, 36*,37*,38*,39,40*,70* |
| 33 | 2406 | p/o16,21*,24* |
| 34 | 2406 | 28,29* |
| 35 | 2406 | 31*, |
| 36 | 2406 | 11,12* |
| 37 | 2406 | 4*,5,6,7,8,9,36* |
| 38 | 2419 | 4*,19,20*,23*,24*,25*,26* |
| 39 | 2419 | 17* |

PROPERTIES ACQUIRED AND TO BE ACQUIRED (continued)

| <u>Site</u> | <u>Block</u> | <u>Lot(s)</u> |
|-------------|---------------------------------|--|
| 40 | 2419 | 14,15 |
| 41 | 2419 | 13* |
| 42 | 2419 | 10*,11 |
| 43 | 2382 | 7,12*,13,16,20*,22*,23*,24*,25*,27,28*, 30*,31*,32*,33*,34*,35* |
| 44 | 2407 | 18,23*,27,28* |
| 45 | 2407 | 31*,32* |
| 46 | 2407 | 5,8,10,11,12 |
| 47 | Bed of Street to be demapped | The northeasterly portion of the intersection of Brook Avenue and Third Avenue. |
| 48 | 2366 | 21*,22*,23*,25*,27*,32*,33*,34*,37,38, 39,40* |
| | 2367 | p/o1*,26*,28,29*,30*,31*,32*,p/o33*, p/o34*,p/o35*,p/o36*,p/o37*,p/o38*,55*, p/o60* |
| 49 | 2366 | 1* |
| 50 | 2383 | 61* |
| 51 | 2383 | p/o24*,25*,27*,29*,p/o30*,p/o31* |
| 52 | 2383 | p/o19 |
| 53 | 2383 | p/o33*,p/o35*,37*,39* |
| 54 | 2383 | 48* |
| 55 | 2383 | 8*,11* |
| 56 | 2408 | 6*,7*,8*,9*,10,p/o12,13*,14*,p/o16,20, 25*,27,28,29,31 |
| 57 | 2408 | 1* |
| 58 | 2409 | 73* |
| 59 | 2367 | 20,21,22,24 |
| 60 | 2367 | p/o1*,p/o3,p/o6*,p/o8,p/o10*,p/o11*, p/o12*,14*,15*,16*,p/o33*,p/o34*,p/o35*, p/o36*,p/o37*,p/o38*,p/o50*,p/o60* |

PROPERTIES ACQUIRED AND TO BE ACQUIRED (continued)

| <u>Site</u> | <u>Block</u> | <u>Lot(s)</u> |
|-------------|--------------|--|
| 61 | 2384 | 25*,28*,32*,33*,34*,p/o38*, p/o43,61*,Air rights 15'-10" minimum clearance from the top of rail of lot 23 |
| 62 | 2384 | 1*,5*,p/o7*,9*,10*,12*,p/o13*,p/o14, p/o16,p/o20,p/o48,51,53,54,57*,58*,59*, 60* |
| 63 | 2384 | p/o7* |
| 64 | 2408 | p/o35,p/o41*,45,46*,49,51*,52,53 |
| 65 | 2408 | 33* |
| 66 | 2381 | 19 |

**PROPERTIES ACQUIRED AND TO BE ACQUIRED FOR THE ESTABLISHMENT OR THE WIDENING
OF NEW STREETS:**

| <u>Block</u> | <u>Lot(s)</u> |
|--------------|---|
| 2367 | p/o3,p/o6*,7,p/o 8,p/o10*,p/o11*, p/o12*,p/o50* |
| 2383 | p/o19,22*,23,p/o24*,p/o30*,p/o31*, p/o33*,p/o35* |
| 2384 | p/o13*,p/o14,p/o16,p/o20,p/o38*,p/o43, p/o48 |
| 2385 | p/o1*,p/o3*,p/o55*,57*,p/o59* |
| 2408 | p/o8,p/o35,p/o41* |

THE ELIMINATION, DISCONTINUANCE, AND CLOSING OF THE FOLLOWING STREETS:

The northeasterly portion of the intersection of Third Avenue and
Washington Avenue;

the northeasterly portion of the intersection of Brook Avenue and
Third Avenue;

Brook Avenue from East 161st Street to East 163rd Street;

East 161st Street from Elton Avenue to Washington Avenue;

East 161nd Street from Third Avenue to Brook Avenue;

Washington Avenue from East 161st Street to Elton Avenue;

East 162nd Street from Third Avenue to the proposed Melrose
Crescent;

PROPERTIES ACQUIRED AND TO BE ACQUIRED (continued)

East 163rd Street from Brook Avenue to the proposed Melrose Crescent;

East 160th Street from Elton Avenue to a line approximately 71 feet east of Melrose Avenue and;

Public Place (O'Neill Square) bounded by Elton Avenue, Washington Avenue and East 161st Street.

PROPERTIES ACQUIRED AND TO BE ACQUIRED FOR THE ESTABLISHMENT OF NEW PARKS:

| <u>Block</u> | <u>Lot(s)</u> |
|--------------|---|
| 2381 | 1,6,7*,9,10*,11*,12*,13,14*,15*,34*,35,36*,37*,38*,39,40*,70* |
| 2383 | 61* |

EXHIBIT C

PROPERTIES NOT TO BE ACQUIRED

| <u>Block</u> | <u>Lot(s)</u> |
|--------------|---|
| 2360 | 80,89,97,109 |
| 2364 | 1,6,8,10,22,51,52 |
| 2365 | 1*,17,20*,22,24,29,35* |
| 2367 | 17,18,25, _ |
| 2378 | 19*,46,48,p/o 55,60,61,67,29,30 |
| 2379 | 14,17,18,19,26,28*,32*,45,48,58 |
| 2380 | 1*,33,37,48 |
| 2381 | 23,24,25,26,27,29,33,45,49,51* 62,63,65,129* |
| 2382 | 1,5*,14,15,37,38,39*,48 |
| 2383 | 1,3*,5,12,15,16*,17,18,43,44, 45*,46 |
| 2384 | 8,55,56 |
| 2403 | 35* |
| 2404 | 3,5,6,7,8,12,17,18,22,24,33 |
| 2405 | 9,11,12,13*,14*,16,18,p/o19,25, 29 |
| 2406 | 1,3,10,13,14,15,p/o 16,33,34,35 |
| 2407 | 1,13,14,15,16,25*,29 |
| 2408 | 2,5,p/o12,p/o16,17,34,43,44 |
| 2418 | 1,5,8,9*,20,21,22*,23,24 |
| 2419 | 1*,7,8,12,16,18,28,30,36 |

Property located below the air rights to be acquired above Block 2364, lot 58
Property located below the air rights to be acquired above Block 2365, lot 15
Property located below the air rights to be acquired above Block 2384, lot 23

EXHIBIT D

POTENTIAL ARCHAEOLOGICAL LOCATIONS

TABLE 1

MELROSE COMMONS URA POTENTIAL ARCHAEOLOGICAL PREHISTORIC
RESOURCE LOCATIONS UNDISTURBED BY PAST DEVELOPMENT
LIKELY TO BE DISTURBED UNDER THE PROPOSED ACTION

| BLOCK | LOT(S) | Description of Area |
|-------|---------|---|
| 2360N | 92 | Open space covering center of lot |
| | 97 | Narrow strip near south end of lot |
| 2364N | 49 | Yard at eastern end |
| | 56 | Rear yard adjacent to Railroad |
| 2365W | 12 | Rear yard adjacent to Railroad |
| | 17 | Rear yard adjacent to Railroad |
| | 20 | Rear yard adjacent to Railroad |
| | 20 - 24 | Rear yard adjacent to Railroad |
| | 25 - 26 | Rear yard adjacent to Railroad |
| 2366E | 38 | Portion of rear yard |
| 2367 | 3 | Northern half of rear yard |
| | 6 | Narrow strip along easterly half of southern lot line |
| | 10,11 | Northern ends of rectangular rear yards |
| | 12 | Side yard at center of west side |
| | 25 | Narrow strip along southerly side of rear yard |
| | 38 | Northwest corner of rear yard |
| | 50 | Northern end of rectangular rear yard |
| | 29 | Rear yard |
| 2384W | 43 | Southwestern third of rear yard |

TABLE 2

MELROSE COMMONS URA POTENTIAL HISTORIC ARCHAEOLOGICAL
RESOURCE LOCATIONS UNDISTURBED BY PAST DEVELOPMENT
LIKELY TO BE DISTURBED UNDER THE PROPOSED ACTION

| BLOCK | LOT(S) | Description of Area |
|-------|--------|--|
| 2360N | 97 | Narrow strip near center of lot |
| 2366E | 38 | Portion of rear yard |
| 2367 | 25 | Narrow strip along southerly side of rear yard |
| 2380E | 44,45 | Rear yard except for part of northside |
| | 55 | Under one-story stores along eastern half of lot |
| 2380W | 6,7,8 | Rear yard |
| 2381E | 47 | Southern half of lot |
| 2382W | 7,12 | Under two story building except southwest corner |
| | 20 | Rear yard except southern end |
| 2384W | 25 | Rear yard and southwest end of side yard |
| 2404 | 35 | Rear yard |
| 2405 | 4,5 | Rear yard |
| 2419 | 17 | Rear yard |

DATE: MAY 1994

URBAN RENEWAL AREA

MAP 1

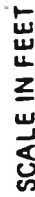
 PROJECT BOUNDARY

BLOCK NUMBER



1

✱



THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION
AND DEVELOPMENT
DATE: MAY 1994

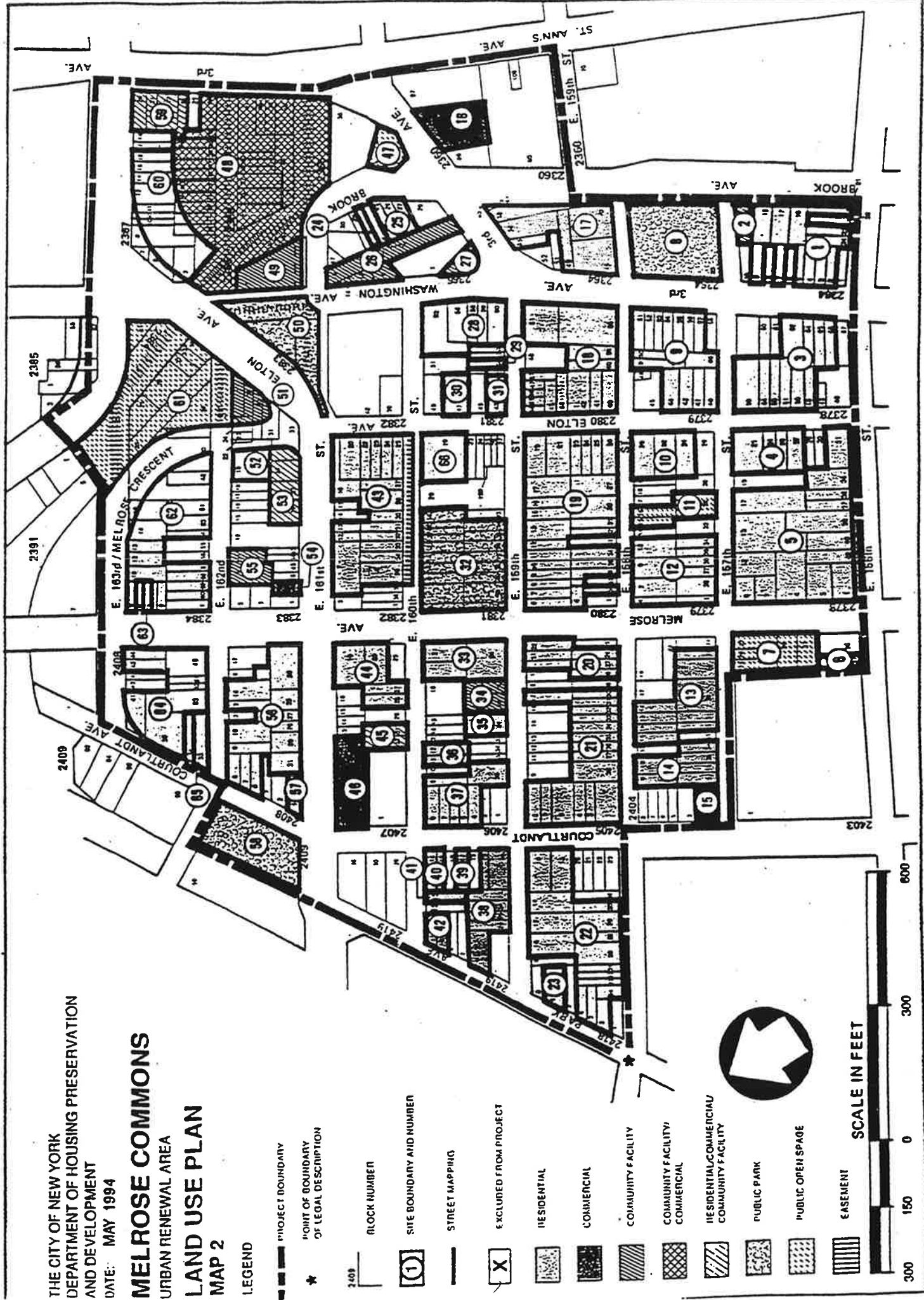
MELROSE COMMONS URBAN RENEWAL AREA **LAND USE PLAN** MAP 2

LEGEND

- PROJECT BOUNDARY
- POINT OF BOUNDARY OF LEGAL DESCRIPTION
- BLOCK NUMBER
- SIDE BOUNDARY AND NUMBER
- STREET MAPPING
- EXCLUDED FROM PROJECT

- RESIDENTIAL
- COMMERCIAL
- COMMUNITY FACILITY
- COMMUNITY FACILITY/COMMERCIAL
- RESIDENTIAL COMMUNITY FACILITY
- PUBLIC PARK
- PUBLIC OPEN SPACE
- EASEMENT

SCALE IN FEET



THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION
AND DEVELOPMENT
DATE: MAY 1994

MELROSE COMMONS URBAN RENEWAL AREA **SUB AREAS & BLOCK NUMBERS** MAP 3

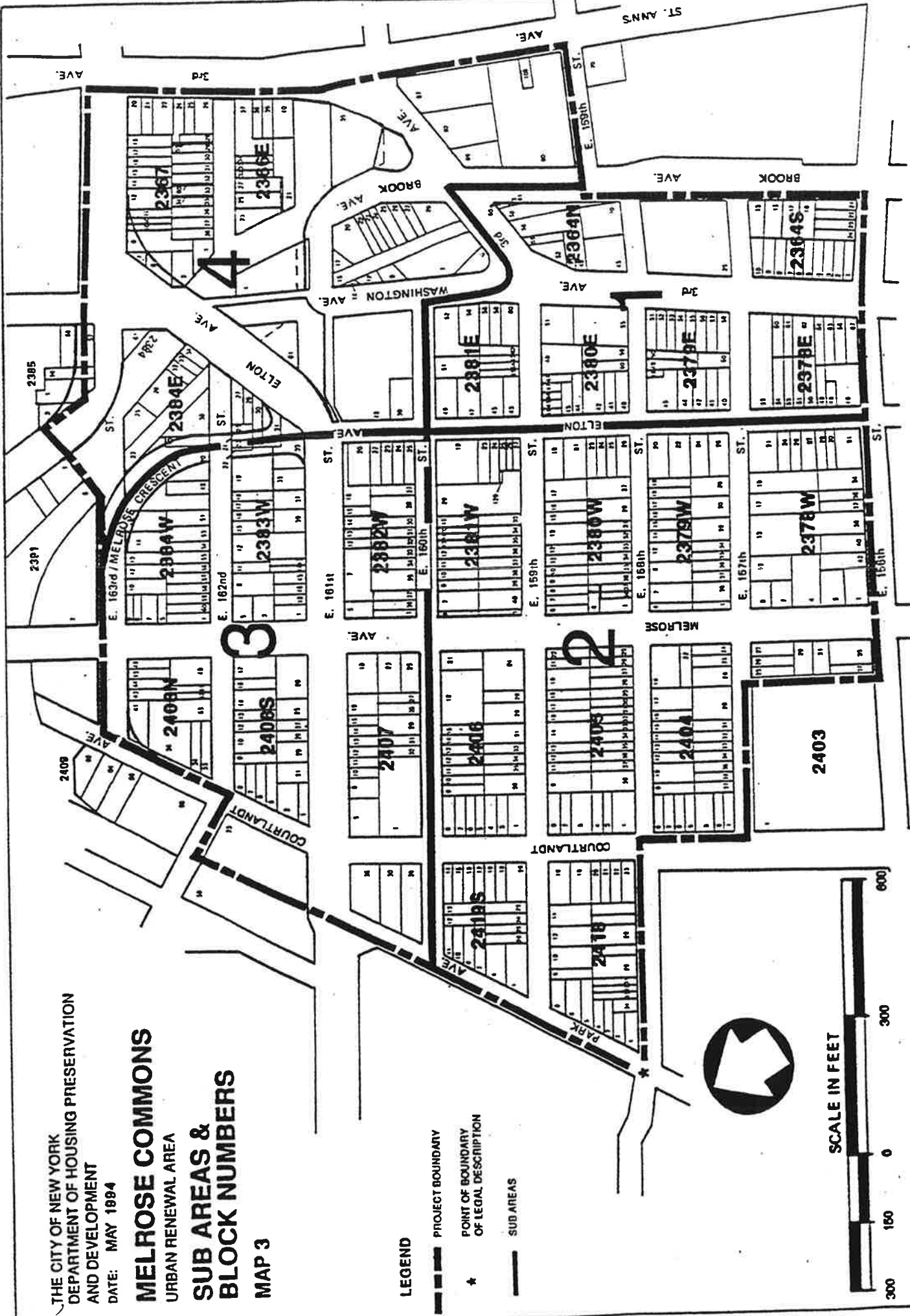
LEGEND

PROJECT BOUNDARY

* POINT OF BOUNDARY
OF LEGAL DESCRIPTION

SUB AREAS

SCALE IN FEET



END OF URBAN RENEWAL PLAN