New York State Urban Development Corporation
d/b/a Empire State Development

FOUNTAIN AVENUE
Land Use Improvement and Residential Project
Modified General Project Plan
August 2016

TABLE OF CONTENTS

I. Background 3

II. Development Site Location and Context 4

III. Project Description, Schedule, and Zoning 5

IV. The Project's Economic Impact and Public Benefit 6

V. NYS Participation 7

VI. Public Use, Benefit and Purpose 10

VII. Environmental Review 11

VIII. Essential Terms of the Transaction 11

IX. Code Requirements 13

X. Non-Discrimination and Contractor Diversity 13

LIST OF EXHIBITS

EXHIBIT A. Site Key Plot Plan

EXHIBIT B. Development Site Map

EXHIBIT C. Design Guidelines

EXHIBIT D. Zoning Override Table

New York State Urban Development Corporation
d/b/a Empire State Development

FOUNTAIN AVENUE
Land Use Improvement and Residential Project

Modified General Project Plan
August 2016

I. Background

New York State is disposing of surplus State owned properties, including mental health facilities and correctional facilities. At the request of the Governor's Office, a committee of agency heads and staff from the NYS Office of General Services, the Division of Budget, and New York State Urban Development Corporation d/b/a Empire State Development ("ESD"), among others, has engaged in discussions focused on disposition of these large institutional properties. These deliberations verified that many of the facilities require creative approaches to transfer them from State ownership and to avoid the continued carrying costs and potential liabilities associated with depreciating properties. Some of the facilities can be sold in the marketplace for productive private use, while others can be dedicated to more specific economic development purposes consistent with ESD's mission and the needs of the surrounding community.

The Brooklyn Developmental Center ("Property") consists of an approximately 35-acre site in the Spring Creek neighborhood of the East New York section of Brooklyn in New York City. The Property is owned by the People of the State of New York acting through the Dormitory Authority of State of New York ("DASNY") and is operated by the New York State Office for People with Developmental Disabilities ("OPWDD"). The Property served as a residential center for people with developmental disabilities from 1974 through 2015. As part of the State's ongoing transition to supporting individuals with developmental disabilities in the community, the residential portion of the Brooklyn Developmental Center closed on December 31, 2015, and it is currently used for OPWDD administrative offices. There is no current redevelopment plan for the Property other than what is proposed for the Development Site described below. A portion of the Property, comprised of two non-contiguous, primarily undeveloped parcels totaling approximately 6.7 acres, has been deemed as surplus property ("Development Site" or "Site"). The Development Site is described in more detail in Section II below, "Development Site Location and Context".

ESD has been asked to assist OPWDD and DASNY in disposing of the Development Site. ESD issued a Request for Proposals ("RFP") in June 2013 seeking proposals for the purchase and redevelopment of the Development Site. The RFP invited Respondents to submit proposals for a high quality residential development with affordable and supportive housing components, including supportive housing units for people with intellectual and developmental disabilities who receive support and services funded or provided by OPWDD. Commercial uses were also considered, but responses were required to include an affordable and supportive housing program.

In June 2015, ESD signed a Memorandum of Understanding ("MOU") with, and conditionally designated, the Fountain Seaview Limited Partnership, an affiliate of the Arker Companies and the Disability Opportunity Fund, which had responded to the RFP, as the developer ("the Initial Developer") of the development Site. The Initial Developer proposed an approximately 1.248 million square foot residential development with ground floor retail, commercial and/or community facility space that is 100% affordable to households earning no greater than 60% of the area median income ("AMI") as defined by the US Department of Housing and Development . At the election of OPWDD, a preference in the selection of up to 20% of the unit count will be given to people with intellectual and developmental disabilities, subject to the legally required public review process. Depending on the financing, all of the units will be made affordable for at least thirty (30) or fifty (50) years and will be subject to a regulatory agreement with the involved public housing finance agency or agencies. In March 2016, the MOU was amended to include approximately 200 units of senior housing for households earning up to 60% AMI. The obligation to provide senior units is independent of and in addition to the units for OPWDD, although the senior units would not be subject to the OPWDD preference. In March 2016, the Initial Developer assigned all of its interests to a housing corporation, also formed by the Arker Companies, the Fountain Seaview One Housing Development Fund Corporation, Inc. ("Developer"). Developer is primarily comprised of principals of the Arker Companies.

II. Development Site Location and Context

The Property is located in Brooklyn Community District 5 and is adjacent to Gateway Center to the West, Betts Creek to the East and the Belt Parkway to the south. The Property is bound by Erskine Street to the West, Fountain Avenue to the East, Vandalia Avenue to the North and Seaview Avenue to the South.

The Property consists of seven buildings. Buildings 2, 3 and 4 previously served as residential facilities. Building 5 was the main administration, program and support building that includes space used as the gymnasium, a swimming pool, security, maintenance, in-patient care, and kitchen and dining spaces. Building 1 is a combination of a residential facility, offices and day care. Building 6 is the power plant that serves all campus buildings and building 7 is a storage and grounds facility. A Site Key Plot Plan is attached as Exhibit A.

The Development Site consists of Block 4586, Lots 500 and 501 ("Parcel A") and Lot 200 ("Parcel B"). Parcel A contains a total of 2 acres and is located on the southeast corner of Seaview Avenue and Erskine Street. Parcel B contains a total of 4.7 acres and is located along the south block-front of Vandalia Avenue between Erskine Street and Fountain Avenue. Both Parcels A and B are currently primarily unimproved, predominantly level and at grade. A Development Site Map is attached as Exhibit B.

III. Project Description, Schedule, and Zoning

The project ("Project") will be constructed in approximately five phases and will consist of the design, development, construction, and operation of multiple improvements at the Development Parcel By Developer, all in accordance with this General Project Plan ("GPP") including but not limited to the following:

Parcel A:
Development of Parcel A will consist of approximately 415,595 square feet of development totaling and inclusive of approximately 286,297 square feet of residential for approximately 332 units of housing affordable to families with incomes at 60% AMI or less with approximately 44,756 square feet of ground floor retail, commercial and/or community facility space and approximately 84,542 square feet of parking, equivalent to parking for 35% of the dwelling units and parking for the commercial space. Depending on the financing, all of the units will be made affordable for at least thirty (30) or fifty (50) years and will be subject to a regulatory agreement with the involved public housing finance agency or agencies. Parcel A will also include supportive housing spaces if requested by OPWDD, laundry rooms and on-site parking for bicycles. Construction of Parcel A will commence before Parcel B.

Parcel B:
Parcel B will consist of multifamily residential buildings totaling approximately 833,246 square feet of development totaling and inclusive of approximately 686,490 square feet of housing including approximately 200 units of affordable senior housing and approximately 637 units of family housing, all of which will be affordable to households earning incomes at 60% AMI or less, with approximately 60,704 square feet of ground floor retail, commercial space and/or community facility space and approximately 86,052 square feet for parking, equivalent to parking for 35% of the non-senior dwelling units as well as parking for the commercial space. Depending on the financing, all of the units will be made affordable for at least thirty (30) or fifty (50) years and will be subject to a regulatory agreement with the involved public housing finance agency or agencies. Parcel B will also include supportive housing spaces, laundry rooms and on-site parking for bicycles.

Schroeders Walk:
The Project will include a new privately-owned publicly accessible open space called Schroeders Walk which will be a pedestrianized extension of Schroeders Avenue through the Site.

OPWDD:
At the election of OPWDD, a preference in the selection of up to 20% of the non-senior unit count will be given to people with intellectual and developmental disabilities, subject to the legally required public review process. Depending on the financing, all of the units will be made affordable for thirty (30) or fifty (50) years and will be subject to a regulatory agreement with the involved public housing finance agency or agencies. Parcel A and Parcel B will also have administrative space for the operator of the units. Such space will be determined in consultation with OPWDD and the operator of the space. In addition, at OPWDD's discretion, the Developer will construct improvements to the perimeter fence and

improvements to the internal roadway on the Property. Such improvements would result in a reduction in the purchase price of up to $700,000. Such determination would be made by OPWDD prior to closing on the Property.

When completed, the total Project will be approximately 1,248,841 square feet comprised of approximately: 972,787 square feet of residential space totaling approximately 1,169 units of housing for households earning up to 60% AMI including approximately 200 senior units, 105,460 square feet of retail, commercial or community facility space and 170,594 square feet of parking.

Schedule

It is anticipated that the Developer will commence the construction of the entire Parcel A or Phase 1 promptly after Developer's closing on the purchase of the Development Site from ESD ("Closing") and the subsequent closing on construction financing. Developer will use best efforts in a good faith attempt to substantially complete Phase 1 construction within 30 months (two and a half years) of Closing, subject to force majeure. Depending on market conditions and the availability of financing, the construction of Parcel B, which is comprised of four phases, Phases 2 through 5, will be built by 2028.

Design Guidelines and Zoning

In order to construct the Project consistent with the attached "Design Guidelines," (Exhibit C) ESD will override certain local zoning regulations pursuant to the UDC Act (Exhibit D). These zoning overrides will permit development that approximately conforms to an R7-A zoning equivalency with a C4-2 commercial overlay zone. The resulting development will be compatible with adjacent R6 medium-density zoned residential development in the area surrounding the Development Site. The City has been advised and has provided input on the proposed overrides, pursuant to UDC Act Section 16(1).

IV. The Project's Economic Impact and Public Benefit

The Project will help fulfill a tremendous unmet need for affordable housing in both the primary (East New York) and secondary (New York City) markets. The results from the 2011 New York City Housing and Vacancy Survey ("HVS"), conducted by the U.S Census Bureau, were released in February 2012 and revealed the continuation of a very tight New York City housing market. The survey showed that the NYC vacancy rate is 3.12%, which is within the threshold to be considered a housing emergency, according to the annual report issued by the New York City Rent Guidelines Board ("RGB"). Brooklyn had the lowest vacancy rate in the city, at 2.61%, according to the RGB. The RGB also reported that city-wide vacancy rates were tightest for the lower end of the housing affordability spectrum, and the housing supply was further impacted by fewer new housing units coming on line.

The Development Site is located in the Spring Creek neighborhood in the East New York section of Brooklyn within Brooklyn Community District 5 ("CD 5"). The total population in CD 5 grew by 5.6% from the 2000 to 2010. The total population of 182,896 is 51.6% Black/African American non-Hispanic and 36.7% Hispanic origin. Over half the population lives below the poverty line and receives some form of public assistance. Affordable housing still remains the number one priority in the district according to the annual statement of need issued by the Community Board.

Estimated Project Costs and Proposed Funding Sources

SOURCES

Construction		**Parcel A**		**Parcel B**		**Total**
Tax-Exempt Bonds	$	42,000,000	$	104,980,000	$	146,980,000
Conventional Bank Loan	$	16,000,000	$	50,000,000	$	66,000,000
2nd Mortgage	$	17,355,000	$	39,730,000	$	57,085,000
3rd Mortgage	$	9,000,000	$	14,000,000	$	23,000,000
4% Federal Tax Credit Equity	$	4,076,536	$	11,584,271	$	15,660,807
9% Federal Tax Credit Equity	$	5,109,224	$	14,906,446	$	20,015,670
State Tax Credit Equity	$	395,810	$	1,696,500	$	2,092,310
Deferred Developer's Fee	$	11,160,000	$	29,430,000	$	40,590,000
TOTAL SOURCES	**$**	**105,096,570**	**$**	**266,327,217**	**$**	**371,423,787**

Permanent		**Parcel A**		**Parcel B**		**Total**
Tax-Exempt Bonds	$	14,480,000	$	37,700,000	$	52,180,000
Conventional Bank Loan	$	4,090,000	$	13,590,000	$	17,680,000
2nd Mortgage	$	17,355,000	$	39,730,000	$	57,085,000
3rd Mortgage	$	10,680,000	$	33,730,000	$	44,410,000
4% Federal Tax Credit Equity	$	35,960,901	$	75,064,800	$	111,025,701
9% Federal Tax Credit Equity	$	17,158,284	$	51,474,852	$	68,633,136
State Tax Credit Equity	$	1,364,864	$	5,850,000	$	7,214,864
Deferred Developer's Fee	$	4,007,521	$	9,187,565	$	13,195,086
TOTAL SOURCES	**$**	**105,096,570**	**$**	**266,327,217**	**$**	**371,423,787**

USES		**Parcel A**		**Parcel B**		**Total**
Acquisition Cost	$	6,250,000	$	3,750,000	$	10,000,000
Construction Cost	$	68,199,000	$	180,681,000	$	248,880,000
Soft Cost	$	17,447,570	$	46,996,217	$	64,443,787
Developer's Fee	$	13,200,000	$	34,900,000	$	48,100,000
Total Uses	**$**	**105,096,570**	**$**	**266,327,217**	**$**	**371,423,787**

V. NYS Participation

OPWDD

OPWDD currently has programmatic jurisdiction over the Property and operated it to provide residential services to persons with developmental disabilities in accordance with its statutory authority under the

Mental Hygiene Law. OPWDD consents to the conveyance of the Development Site in return for the right to receive a preference by the Developer of up to 20% of the units for persons with developmental disabilities and the provision of space for on-site support services within the Project.

DASNY

Pursuant to the Facilities Development Corporation Act, as amended by the Community Mental Health Reinvestment Act of 1993, DASNY has the power to "convey for fair value any right, title or interest of the people of the state of New York in and to such real property to any appropriate state agency, or public corporation… for other public use or for sale, lease or other disposition in accordance with law . . . provided further that any such conveyance shall be subject to, and consistent with the terms and objectives of, any plan developed by the state interagency council on mental hygiene property utilization." N.Y. Unconsol. Laws § 4405(13). Accordingly, DASNY shall transfer to ESD title to and possession of the Development Site, as described in Section VIII ("Essential Terms of the Transaction") below.

ESD

Pursuant to the NYS Urban Development Corporation Act ("UDC Act"), ESD was created to implement the "policy of the state to promote a vigorous and growing economy, to prevent economic stagnation and to encourage the creation of new job opportunities…". UDC Act, Section 2. To that end, ESD is empowered, pursuant to UDC Act Section 10(c), to undertake a "Land Use Improvement Project" upon finding:

> (1) That the area in which the project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality;
>
> (2) That the project consists of a plan or undertaking for the clearance, replanning, reconstruction and rehabilitation of such area and for recreational and other facilities incidental or appurtenant thereto; [and]
>
> (3) That the plan or undertaking affords maximum opportunity for participation by private enterprise, consistent with the sound needs of the municipality as a whole.

The Development Site, in its current condition, is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of New York City and in particular the East New York section of Brooklyn. DASNY does not have the need or resources to improve the Development Site; OPWDD does not have the need to improve the Development Parcel and has in fact ended its use of the Brooklyn Development Center on the balance of the Property for a housing facility and otherwise providing assistance for people with developmental disabilities. The Development Site has been largely vacant for years and the proposed Project will create 1.248 million square feet of

affordable residential housing and commercial space. Accordingly, without the Project, the Development Site would be in danger of becoming an abandoned, substandard area which would impair the sound growth and development of New York City.

The Project will clear, replan, reconstruct and rehabilitate the Development Site with affordable housing, and will maximize the participation of the privately owned Developer, who will be responsible for the purchasing the Development Site, planning, designing, building, renting and operating the Project, and paying all costs associated with the Project, consistent with New York City's need for affordable housing.

ESD is also empowered, pursuant to UDC Act Section 10(a), to undertake a "Residential Project" upon finding:

> (1) That there exists, in the area in which the project is to be located, or in an area reasonably accessible to such area, a need for safe and sanitary housing accommodations for persons or families of low income, which the operations of private enterprise cannot provide; [and]
>
> (2) That the project has been approved as a project of a housing company pursuant to the provisions of the private housing finance law.

As discussed above in Section IV ("The Project's Economic Impact and Public Benefit"), there exists in the Project area a tremendous need for safe and sanitary housing accommodations for low income households. Affordable housing is the number one priority in the Project's community district, according to the annual statement of need issued by the Community Board. Developer, a private enterprise, would not complete the Project absent ESD assistance. Developer is an approved Housing Development Fund Corporation created pursuant to Article XI of the Private Housing Finance Law.

The City of New York has been advised of ESD's participation in the Project.

In order for the Project to be developed, ESD:

A. is serving as lead agency pursuant to the State Environmental Quality Review Act ("SEQRA") and is responsible for preparing an Environmental Impact Statement ("EIS") analyzing the potential environmental impacts of the Project; and

B. will acquire the Development Site currently owned by the People of the State of New York through DASNY and dispose of the Development Site in its entirety, to Developer via Deed, with Restrictive Declaration and other related documents, upon the terms set forth above and under Section VIII below ("Essential Terms of the Transaction") pursuant to Sections 6 and 7 of the UDC Act.

Developer also will be required, among other things: (1) to pay all costs of acquiring the Development Site; (2) to reimburse ESD for all ESD third-party, out-of-pocket expenses incurred in connection with development of the Development Site, including legal and other consultant fees; and (3) to pay to ESD at Closing a one-time fee to defray ESD's internal costs associated with the Project and in lieu of further ESD participation in Project income and appreciation.

The significant public benefits to be derived from the Project are described below in Section VI, "Public Use, Benefit and Purpose". A failure to implement the Project, of course, is likely to mean, at a minimum, that such public benefits will not accrue in any timely or complete fashion, and such failure is likely to retard the growth of substantial economic development and opportunity in the Spring Creek neighborhood and in the wider community.

ESD is coordinating the Project with:

Dormitory Authority of the State of New York
Office for People with Developmental Disabilities
Homes and Community Renewal
New York City Department of City Planning
New York City Housing Preservation and Development

VI. Public Use, Benefit and Purpose

The Project will provide multiple public benefits, including but not limited to:

A. Elimination of blight.

Absent a project to use the property, the Development Site would remain largely vacant and underutilized. Such conditions would hamper or impede sound economic growth and development and impair or arrest the sound growth of the area surrounding the Development Site. The Project will eliminate substandard and insanitary conditions at the Development Parcel and any future danger of such conditions.

B. Job retention and creation.

The Project is expected to directly create approximately 2,200 construction jobs and 375 permanent jobs.

C. Affordable housing.

The Project will significantly contribute to meeting local demands for quality affordable housing for low-income households.

D. Enhancement of tax bases.

As a direct result of an improved physical structure which will provide increased employment opportunity, the Project will increase tax revenue to be derived from the Development Site, including real property taxes, sales taxes and employee income taxes, particularly when compared to current tax receipts derived from the Development Site, which are nil.

E. Interim construction benefits.

Construction of the Project will create direct benefits resulting from expenditures on labor, materials and services, and indirect benefits due to expenditures by material suppliers, construction workers and others involved in the Project.

F. Sustainable Green Programs.

The project will be built as a high performance, environmentally-responsible structure expected to substantially limit energy and water consumption. The Developer will build and certify the Project as an Enterprise Green Communities development.

VII. Environmental Review

ESD, acting as lead agency pursuant to the requirements of SEQRA and the implementing regulations of the New York State Department of Environmental Conservation, determined that an Environmental Impact Statement ("EIS") was necessary to be prepared for the Project. The EIS for the Project is a comprehensive document that includes extensive technical analyses of potential impacts on the environment and proposes measures to mitigate identified potential significant adverse impacts of the proposed Project.

The EIS was prepared by environmental consultants STV and has been reviewed by ESD staff and outside environmental counsel. The Draft EIS ("DEIS") was circulated and filed as required by SEQRA with the opportunity for the public and involved and interested parties to review and comment on the document at a duly-noticed public hearing and a 30-day public comment period. All substantive comments received by ESD on the DEIS were addressed in the Final EIS. Upon adoption of the SEQRA Findings, ESD will have concluded the SEQRA process for the project.

VIII. Essential Terms of the Transaction

A. Acquisition

ESD will acquire title to the Development Site from DASNY and then immediately convey the Development Site to Developer.

B. Project Location

See Section II ("Development Site Location and Context") above.

C. Project Schedule

See Section III ("Project Description, Schedule, and Zoning") above.

D. Financial Terms

a. ESD to DASNY. ESD will convey to DASNY the full Purchase Price, less costs and fees, for deposit into the Mental Health Reinvestment Fund.

b. Developer to ESD. Developer will pay ESD an all cash, non-contingent payment of ten million dollars ($10,000,000) ("Purchase Price") for the fee simple interest in the Site. ESD currently holds a 10% deposit from Developer which will be applied to the Purchase Price at Closing.

Further:

c. Developer will fund all out-of-pocket, third-party expenses incurred by ESD in connection with the Project, including consultant, counsel and environmental expenses. Developer has executed a Cost Agreement with ESD committing to fund these expenses, and Developer has deposited funds with ESD which ESD is holding in an imprest account as security for payment of these expenses.
d. Developer shall be responsible for all costs of due diligence and other preliminary work by Developer.
e. Developer will pay to ESD at Closing a one-time, all cash, non-contingent administrative fee equal to $650,000.
f. Developer shall be responsible for any and all Development Site preparation costs.
g. Developer will use its best efforts to diligently apply for financing from both private and public sources in such amounts and types as are necessary in Developer's sole discretion to develop and construct the Project consistent with this GPP.
h. If at OPWDD's election, improvements to the perimeter fence and improvements to the internal roadway are requested at or before closing by OPWDD, a credit of up to $700,000 will be given to Developer on the Purchase Price.

E. Construction

a. Developer will commence construction of Phase 1 promptly after Closing.
b. Developer will use best efforts in a good faith attempt to substantially complete Phase 1 within 30 months (two and a half years) of Closing.
c. Once construction commences, Developer will use best faith efforts to diligently pursue construction of the Project through substantial completion.
d. The Project development and building construction will be Enterprise Green Communities Certified.

F. Deed and Restrictive Declaration

ESD shall convey fee title to the Development Site to the Developer pursuant to a quitclaim deed. In addition the parties will enter into a restrictive declaration ("Restrictive Declaration"), which will contain a mutually agreed upon right of reversion. Such right of reversion will provide that at such time as Developer enters into a regulatory agreement with a responsible governmental agency to obtain public financing for a particular Phase of the Project and otherwise in conformity with this GPP, ESD will release that portion of the Development Site relating to said Phase from said reverter covenant.

Developer will design, develop, construct, and operate the Project at the Development Site in conformity with the Restrictive Declaration requiring Developer to design, develop, construct, and

operate the Project as described in this General Project Plan and with mitigation and other environmentally protective measures identified in the EIS. The Restrictive Declaration will be recorded against the Development Parcel and run with title to the land.

IX. Code Requirements

The construction of the Project, inclusive of all buildings and improvements, shall conform to the New York City Building Code and the New York City Noise Code.

X. Non-Discrimination and Contractor Diversity

Pursuant to New York State Executive Law Article 15-A, ESD recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified Minority- and Women-owned businesses ("MWBEs") in the performance of ESD projects. Accordingly, ESD's Non-Discrimination and Contractor & Supplier Diversity policies will apply to the Project. Developer and its affiliates and/or partners shall be required to solicit and utilize MWBEs for any contractual opportunities generated in connection with the Project and to use Good Faith Efforts (5 NYCRR §142.8) to achieve an overall MWBE Participation Goal of 23% in relation to the total value of the Project. The aforementioned goal shall be divided to include a Minority Business Enterprise ("MBE") Participation Goal of 13% and a Women Business Enterprise ("WBE") Participation Goal of 10%, both related to the total value of the Project.

EXHIBIT A

SITE KEY PLOT PLAN

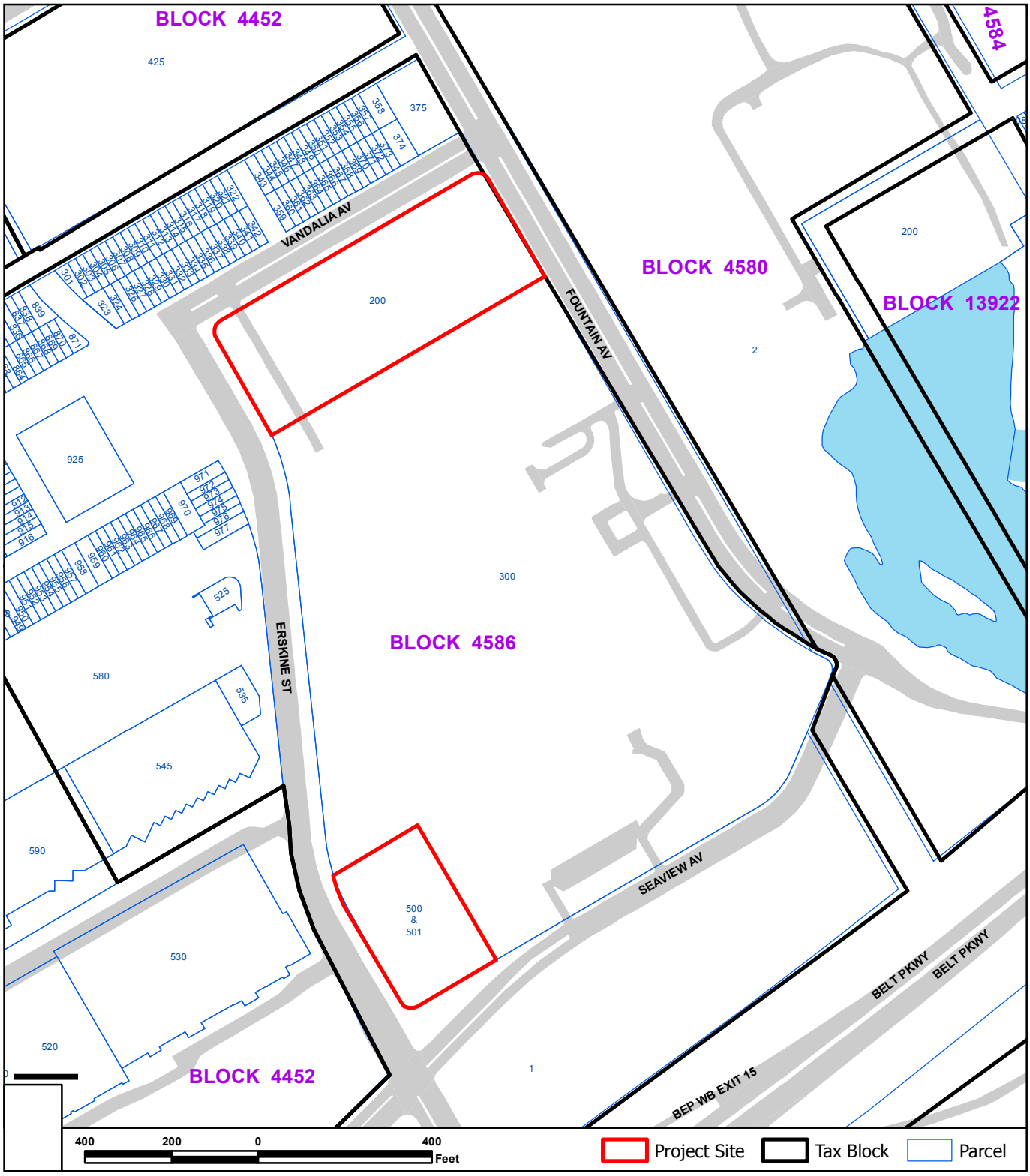
Exhibit A

Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community; STV Incorporated, 2015.

EXHIBIT B

DEVELOPMENT SITE MAP

Exhibit B



Source: New York City Department of City Planning, MapPLUTO 15v1, 7/20/2015.

EXHIBIT C

DESIGN GUIDELINES

Fountain Avenue Land Use Improvement and Residential Project

AUFGANG ARCHITECTS

AUGUST 2016
Design Guidelines

TABLE OF CONTENTS

SITEWIDE DESIGN GUIDELINES

1. Introduction
1.1 Definitions
1.2 Parcel Plan
1.3 Permitted Uses
1.4 Bulk
1.5 Floor Area
1.6 Maximum Building Height
1.7 Required Street Wall
1.8 Minimum Distance Between Windows and Walls
1.9 Roof Mechanical Screening
1.10 Parking
1.11 Curb cut Zones
1.12 Building Entrance Zones
1.13 Private Open Space
1.14 Publicly Accessible Walks
1.15 Streets and sidewalks
1.16 Retail Design Guidelines.
1.17 Sign Guidelines
1.18 Fence Design

LIST OF FIGURES

II-1 Parcel Plan
II-2 Land Use Plan
II-3 Bulk Controls, Parcel A
II-3.1 Bulk Controls, Parcel B1,B2
II-4 Circulation, Parcel A
II-4.1 Circulation, Parcel B1,B2
II-5 Open Space Controls
II-6 Streetscape Controls, Parcel A
II-6.1 Streetscape Controls, Parcel B1,B2
II-7 Grade Level Controls, Parcel A
II-7.1 Grade Level Controls, Parcel B1,B2
II-8 Building Envelope, Parcel A (view from South)
II-8.1 Building Envelope, Parcel A (view from North)
II-8.2 Building Envelope, Parcel B1 (view from South)
II-8.3 Building Envelope, Parcel B1 (view from North)
II-8.4 Building Envelope, Parcel B2 (view from North)
II-8.5 Building Envelope, Parcel B2 (view from East)
II-9 Sign Location Plan
II-9.1 Commercial and Retail Use Streetscape Signage
II-9.2 Parking Facility Streetscape Signage
II-9.3 Parcel and Building Footprint Diagram

LIST OF TABLES

III-A Summary of Program, Bulk and Use Controls

1. SITE WIDE DESIGN GUIDELINES

The Project shall be developed in conformance with the General Project Plan (GPP) and the Design Guidelines outlined herein, which shall apply in lieu of the New York City Zoning Resolution. The construction of all buildings and public improvement shall conform to all other applicable statutory or regulatory requirements, including the New York City Building Code, Multiple Dwelling Law and federal Fair Housing Act.

Certain terms and concepts used in these Design Guidelines are based upon and are intended to have the same meaning as similar terms and concepts contained in the NYC Zoning Resolution, and where so identified, those provisions of the NYC Zoning Resolution shall be incorporated by reference in these Design Guidelines.

1.1 DEFINITIONS

The diagrams complement the text; the diagrams are as binding as if fully described in the text.

1.1.a Rules for Construction of language

The word "shall" or "required" is always mandatory and not discretionary. The work "may" or "permitted" is discretionary.

1.1.b Definitions

Terms which require definition are indicated in *italics* in the text and are listed below.

Accessory use: a use conducted on the same *parcel* as the principal use to which it is related; and it is a use which is clearly incidental to, and customarily found in connection with, such principal use.

Building entry zone: required primary building entrance location, with additional points of entry permitted.

Commercial use: non-residential uses including retail, community facility, office space, daycare use and associated back-of-house spaces.

Curb cut zone: portion of a sidewalk where vehicular curb cuts are permitted.

Curb level: the mean level of the curb adjoining a *parcel* on each *street.* Height and setback regulations based upon *curb level* shall apply separately on each *street* on which the *parcel* fronts.

Floor area: the sum of the gross areas of the several floors above grade of a building measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings. In particular, *floor area* includes:

(1) elevator shafts or stairwells at each floor;

However, the *floor area* of a building shall not include:

(1) cellar space

(2) elevator or stair bulkheads, *accessory* water tanks, or cooling towers;

(3) uncovered steps;
(4) floor space in open or roofed terraces;
(5) floor space used for *accessory* off-street parking;
(6) floor space used for *accessory* off-street loading berths;
(7) floor space used for mechanical equipment.

Height control line: a line defining the boundaries of each *maximum building height* zone. A building wall is permitted, but not required, to occur along the *height control line* and may be built to a height not exceeding the height restriction specified. A *height control line* may coincide with a *required street wall*.

Lot: see *parcel.*

Lot line: a line defining the boundary of a tract of land intended for development. A *lot line* may coincide with a *required street wall* or *height control line.*

Maximum building height: the maximum height permitted, measured from the adjacent *street curb level*.

Parcel: a tract of land intended for development, defined by *lot lines* or street lines. Refer to Figure II-1, Parcel Plan, and Table III-A, Summary of Program, Bulk and Use Controls.

Private open space: an area within the *lot lines* of *parcels A & B*, which is located at or above *curb level*, which is open from its lowest level to the sky, except for permitted obstructions, and is accessible to and usable by all persons occupying an apartment on the *parcel.* Private open space in permitted parcels A & B with ESD approval

Required street wall: a wall or portion of a wall of a building facing a *street* or *Walk* which can be as high as the building height shown in Fig. II-8 thru Fig. II-8.5

Residential use: uses listed in Use Group 1 and 2 in the NYC Zoning Resolution. *Residential uses* may include apartments for either families or seniors and associated back of house and *accessory* spaces.

Story: that part of a building between the surface of a floor (whether or not counted for purposes of computing *floor area)* and the ceiling immediately above. However, a cellar is not a *story.*

Street: a way shown on the City Map.

Streetwall: a wall or portion of a wall of a building facing a *street* or W*alk*

Walk: an open area, located on privately owned land, designated to encourage public pedestrian circulation and other appropriate public uses.

1.2 PARCEL PLAN

The GPP establishes 3 parcels for the Project as indicated in Figure II-1, Parcel Plan. Table III-A, Summary of Program, Bulk and Use Controls provides a summary by parcel of: lot area, program floor area for

residential, commercial; the number of required parking/loading spaces, maximum building height, and open space requirement.

1.3 PERMITTED USES

The GPP establishes the permitted uses for the Project as indicated in Figure II-2.

1.4 BULK

The GPP establishes the overall bulk controls for the Project. The GPP controls are made more specific herein by providing plan dimensions for the street wall height, setback distances, building heights and required street walls on each parcel.

1.5 FLOOR AREA

For permitted floor area on each parcel as established in the GPP refer to Table III-A, Summary of Program, Bulk and Use Controls.

The commercial program of 95,705 square feet established in the GPP for the Project shall not be exceeded. The distribution of floor area as indicated in Table III-A, Summary of Program, Bulk and Use Controls, may be modified subject to review and approval by ESD.

1.6 MAXIMUM BUILDING HEIGHT

For permitted maximum building height on each parcel as established in the GPP refer to Fig II-8 thru Fig II-8.5 and Bulk Controls Plan Fig II-3 and Fig II-3.1. The following are permitted obstructions which may penetrate the maximum building height by 30 feet unless otherwise indicated: chimney or flues; elevator and stair bulkheads, roof water tanks or cooling towers (including enclosures); parapet walls of not more than 4’-4”; transparent fences; mechanical rooms, mechanical equipment and energy renewable devices.

1.7 REQUIRED STREET WALL

Design intent: required street walls define the scale and character of the pedestrian environment.

Building Entries, Accessory parking & loading entries, & Exits are permitted not to exceed 1’-6” recess from street wall.

Height of required street walls shall be as noted on Figure II-8 thru Figure II-8.5.

1.8 MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS

The minimum distances between buildings shall be in conformance with Figure II-3 and Figure II-3.1.

1.9 ROOF MECHANICAL SCREENING

Roof mechanical equipment: shall be screened; materials and design to be consistent with the building architecture. Chain link fence is not permitted.

1.10 PARKING

For the minimum number of required parking spaces per parcel see Figure III-A.

1.11 CURB CUT ZONES

The maximum width of a curb cut zone shall be 15’ for one-way traffic and 25’ for two way traffic. A maximum of 3 curb cuts are permitted per curb cut zone. These curb cut requirements shall be in addition to any other applicable City rules or regulations concerning driveway curb cuts. When permitted, curb cuts are to be kept to a minimum size and number. For all parcels, no curb cuts shall be permitted within 50’-0” of the intersection of two street lines. For all specific locational requirements refer to Figure II-4 and Figure II-4.1.

1.12 BUILDING ENTRANCE ZONES

For all specific locational requirements refer to Figure II-4 and Figure II-4.1 for primary building entrance.

1.13 PRIVATE OPEN SPACE

Design Intent: a private open space is intended to be a “rear yard” providing light; and air to apartments on the interior of the parcel, secure, primarily passive, recreational open space for resident adults and play space for children. The minimum amount of open space is listed in Table III-A.

Private open space shall be located on the second floor. It shall be two and one-half feet below the sill level of all legally required windows opening on such roof area. It shall be directly accessible to all residents on the parcel through a lobby connecting to an elevator core. Such spaces shall be accessible to the handicapped.

Permitted obstruction which occurs in the private open space may include steps and ramps for handicap access, bulkheads or other mechanical equipment projecting not more than 5’-0”, recreational equipment, arbors, trellises, eaves gutter or downspouts.

Play areas shall not be located within 20’ of a residential unit.

Vents, bulkheads or other mechanical equipment penetrations shall be located so as not to obstruct access to and usefulness of the private open space.

All landscaping should have a provision for drainage.

Furnishings may be fixed or movable.

1.14 PUBLICLY ACCESSIBLE WALKS

A continuous area, located on privately owned land, designated for and designed to encourage public pedestrian circulation and other appropriate public uses. The walk area shall include lighting, A.D.A. access, seating, grass areas and trees.

Until such time as a City or State agency takes over all or part of the Walk the building owner shall be responsible for the maintenance of this space to include, but not be limited to, the confinement of permitted obstructions, litter control, and the care and replacement of vegetation within the parcel and in the street sidewalk area adjacent to the parcel.

1.15 STREETS AND SIDEWALKS

Developer is required to provide the finished streetscape including the sidewalk paving, trees and other items and to prepare a final Builders Pavers Plans (BPP) consistent with these guidelines for design review submission to NYC DOT and D.O.B., as required, for approval. Trees shown on the BPP need to be approved by ESDC and be in compliance with DOT guidelines. All other sidewalk furnishing to be designed to be compliant with DOT guidelines and approved on BPP by the Responsible city agency.

1.16 RETAIL DESIGN GUIDELINES

Street walls of retail spaces shall provide a 50% of glazing surface from the curb elevation up to 10' height. And 50% of such glazing shall be translucent material. Entrance and egress doors to the retail spaces can encroach 1'-6" into the legal right of way when open. Recess from the street wall are allowed to provide entrances, egresses and articulation.

1.17 SIGN GUIDELINES

Developers are required to provide building identification signage for the predominant use of the building, and may provide additional signage as indicated. Advertising signage is prohibited. Illuminated signs are permitted five times street or walk frontage, not to exceed 500 SF each. It shall be flush and not to be located higher than the elevation below the sill of the lowest residential window. See figure II-9 and II-9.1. Illuminated flushing signs are not permitted.

> <u>Commercial use streetscape signage</u>: The signage should be differentiated from typical residential use and commercial use signage conditions. Main sign at any major entry, one main sign is permitted above the entry. It shall be flush with the façade of the building and it shall have only one face. Methods not permitted are flashing or animated signs. (See Fig. II-9.1)
>
> <u>Residential use streetscape signage</u>: The signage should be differentiated clearly between residential use application as opposed to commercial use or retail use ones. One main sign is permitted above the entry as part of the marquee or canopy above the entry and projecting over the sidewalk. Permitted messages are: name of building (if applicable) and address of building. The maximum area for graphics is 12" tall. Paint or dimensional letters may be used. Methods not permitted are flashing or animated signs. Additional signs a total of not more than one (1) may be used, on one side of the entry and not to exceed 2 square feet.

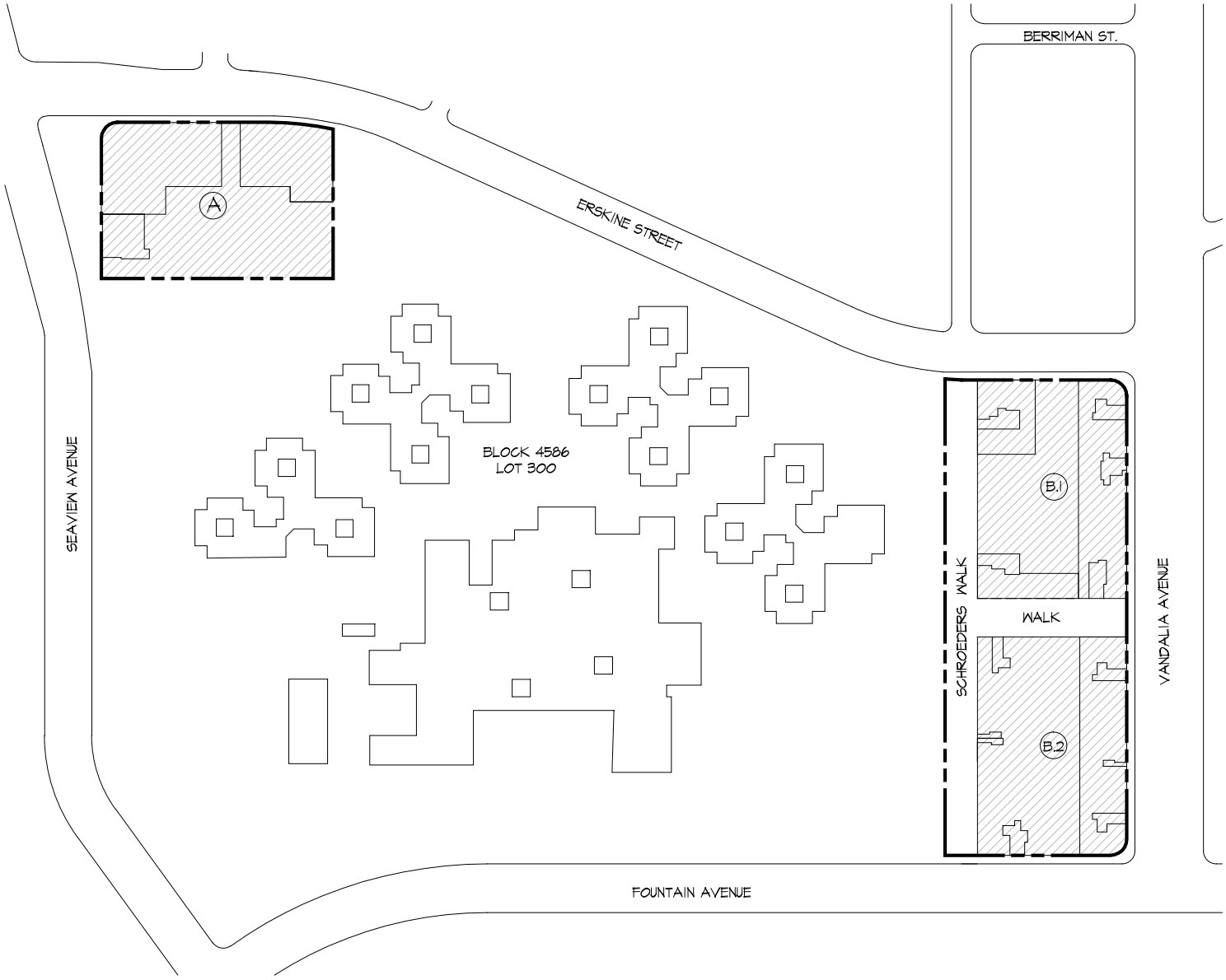
Parking signage: To provide a consistent identifier at the street scape. Flush mounted overhead sign: one (1) sign may be placed above the entry. This sign shall be mounted flush with the surface of the building and shall have only one face. The maximum height of letters on this sign shall be 34”. The width shall not exceed the width of the garage entry and the sign shall be centered over the garage entry. Methods not permitted are flashing, animated and internally illuminated. (See Fig. II-9.2)

Retail Storefront signage: Tenants shall be required to design, fabricate, install and maintain storefront signs which exhibit compatibility with adjacent storefronts. Signage shall be limited to trading name and logo only. No brand names, product names or phrases may be used on storefront signs or in any area visible from public areas without written approval from the Owner. Tenant shall be allowed to install one sign, located on the storefront fascia, as a primary exterior trading identity. The sign shall not exceed 500 square feet in size. (See Fig. II-9.1)

Rooftop signage: Signage including Billboards and other forms of paid advertising are not permitted on residential buildings.

1.18 FENCE DESIGN

All fences to be decorative privacy fences equal or greater than 50% opaque. Chain link fence is not permitted.



Parcel Plan
Parcel A, B.1, B.2:

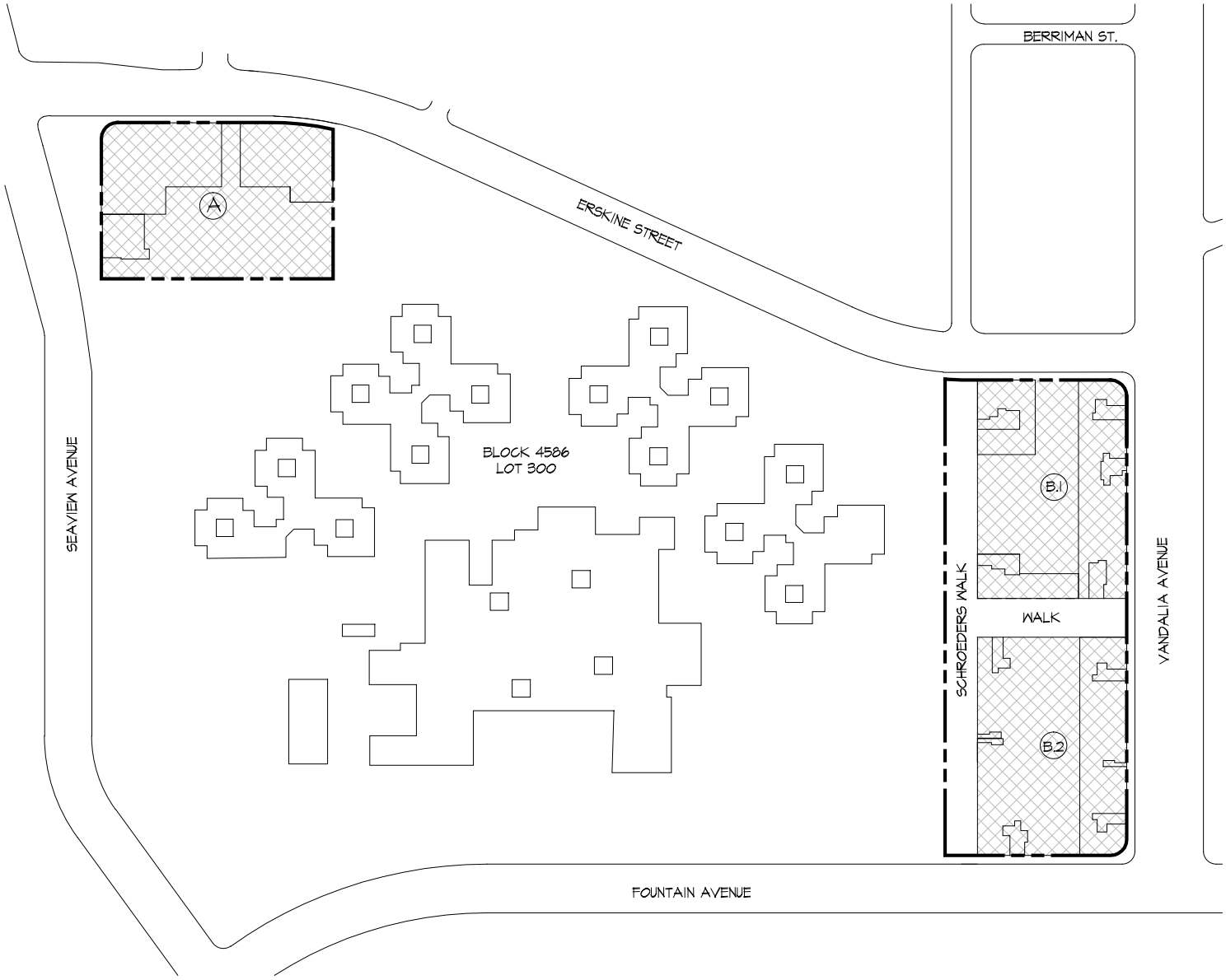
0 40 120 200

Figure II-1

A	Parcel Indication		Lot Line
B.1	Parcel Indication		Building Outline
B.2	Parcel Indication		

N

AUFGANG ARCHITECTS



Land Use
Parcel A, B.1, B.2:

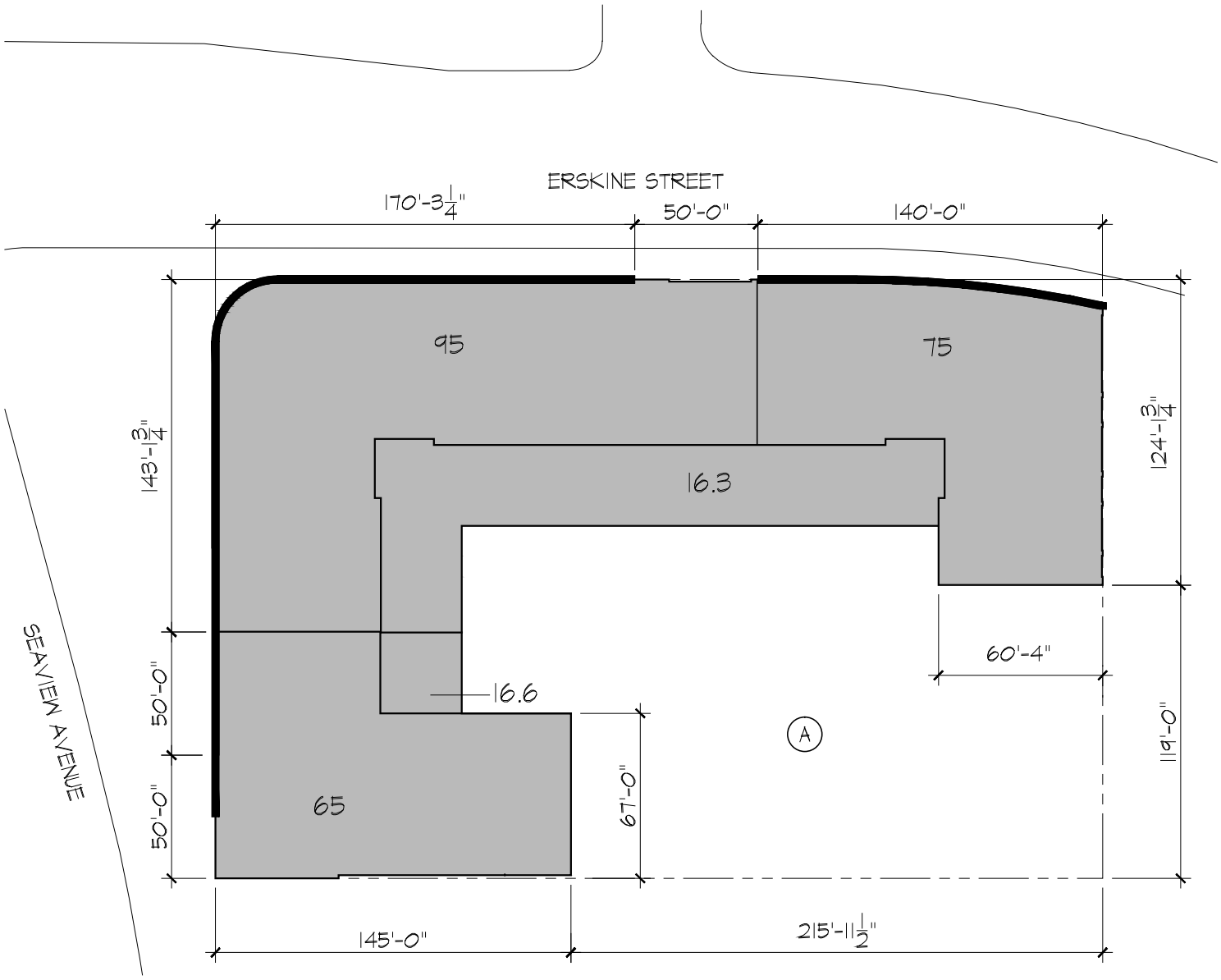
0 40 120 200

Figure II-2

A	Parcel Indication		Lot Line
B.1	Parcel Indication		Mixed Use Area (Residential and Commercial uses)
B.2	Parcel Indication		Building Outline

N

AUFGANG ARCHITECTS



Parcel A:
Bulk Controls

Figure II-3

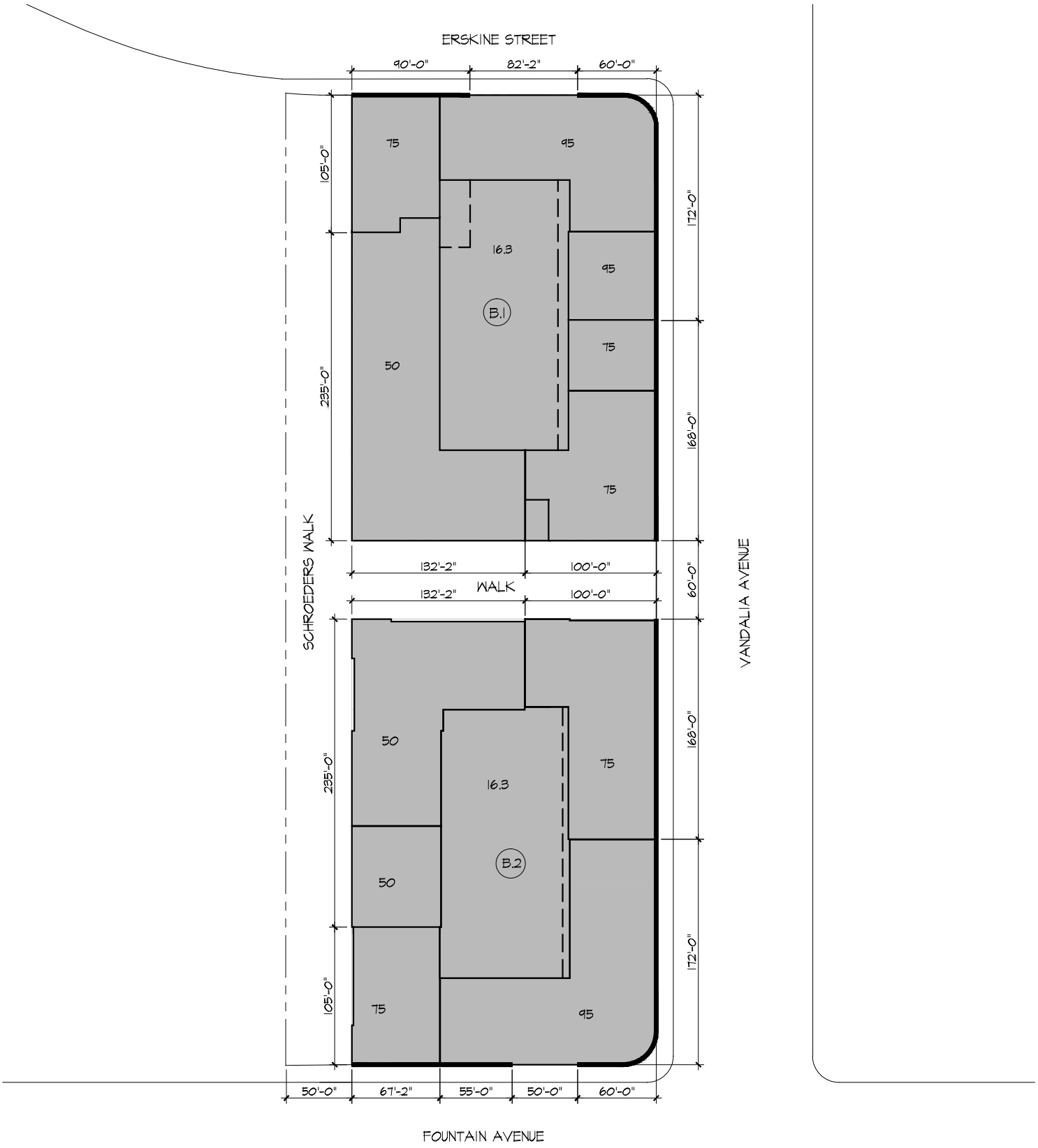
Ⓐ Parcel Indication

Required Street Wall

Lot Line

N

AUFGANG ARCHITECTS



Parcel B:
Bulk Controls

B.2 Parcel Indication

Required Street Wall

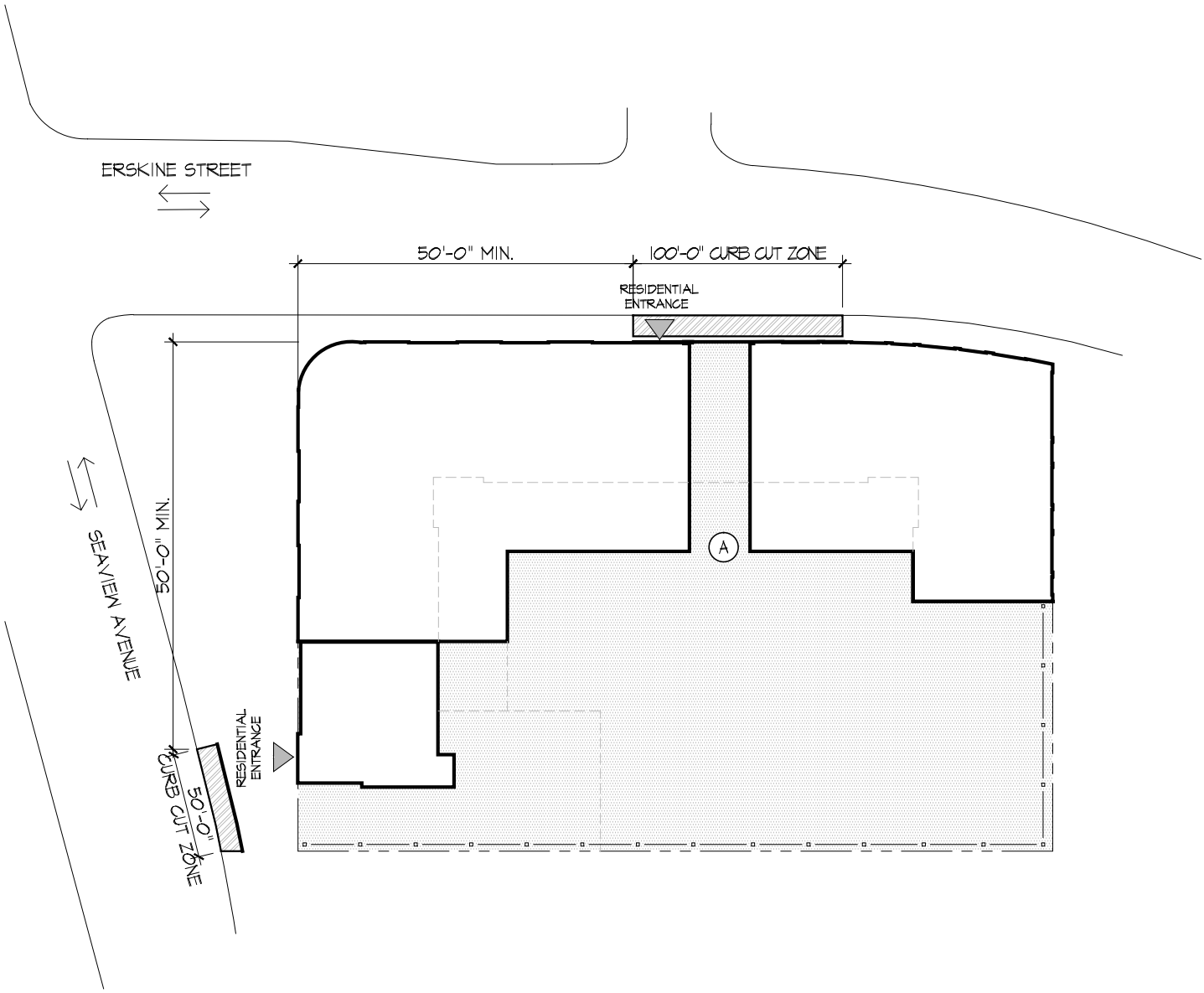
Lot Line

0 10 30 50

Figure II-3.1

N

AUFGANG ARCHITECTS



0 10 30 50

Parcel A:
Circulation Controls

Figure II-4

Curb Cut Zone

Lot Line

Parcel Indication

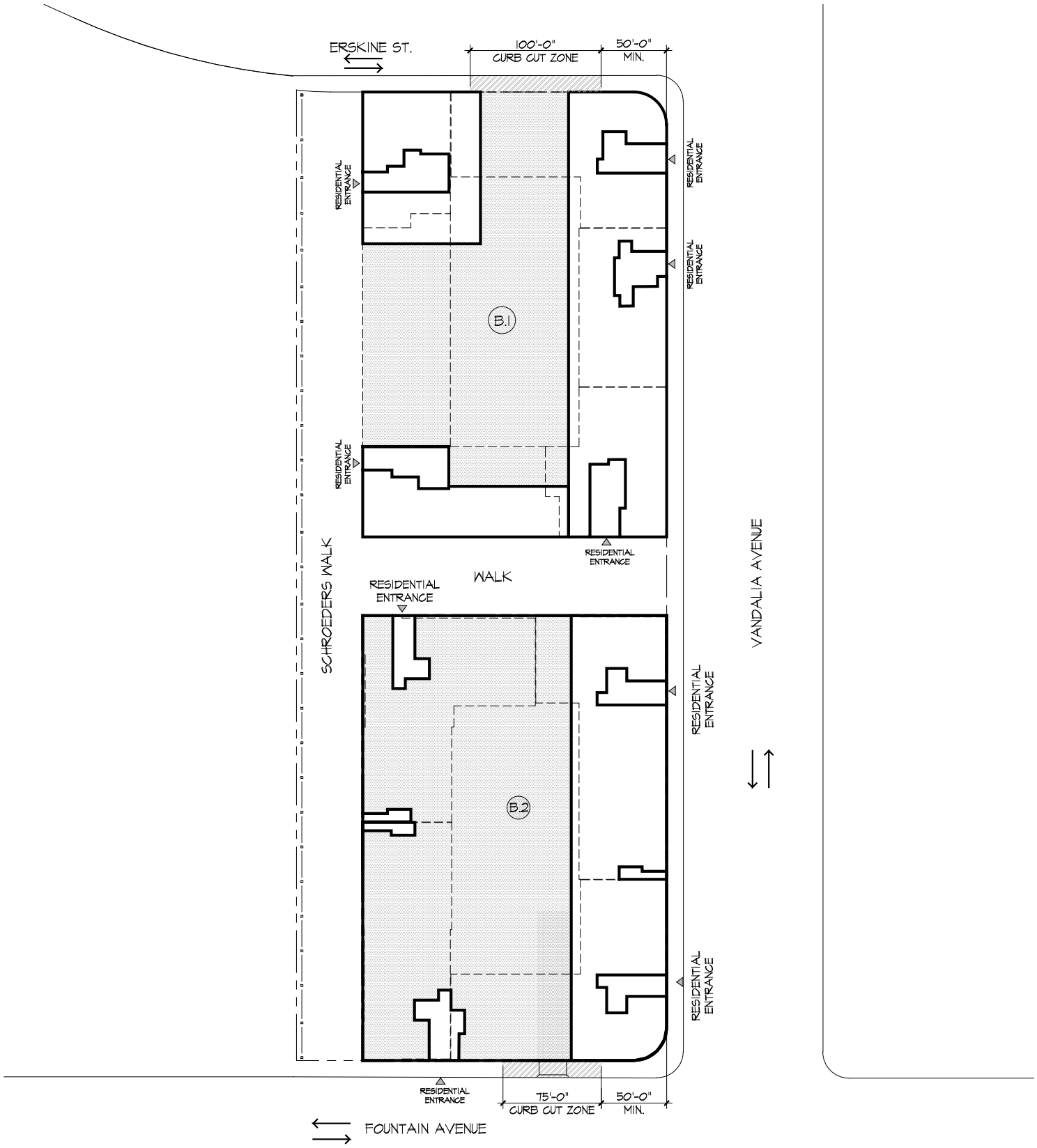
Required Primary Building Entrance

Vehicular Traffic Direction

50% Opaque Privacy fence

N

AUFGANG ARCHITECTS



Parcel B:
Circulation Controls

0 10 30 50

Figure II-4.1

Curb Cut Zone

Lot Line

B.2 Parcel Indication

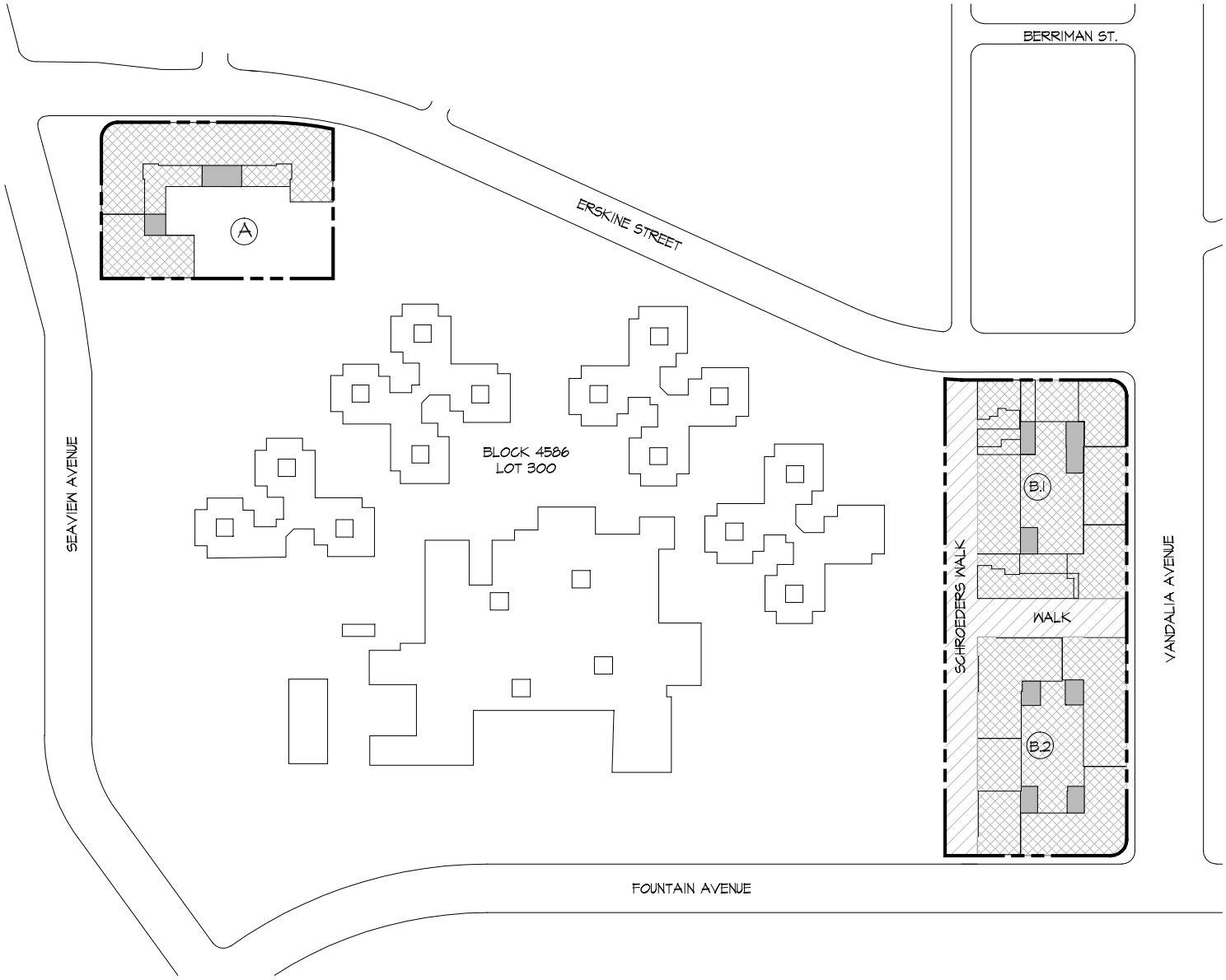
Required Primary Building Entrance

Vehicular Traffic Direction

50% Opaque Privacy fence

N

AUFGANG ARCHITECTS



Open Space Controls
Parcel A, B.1, B.2:

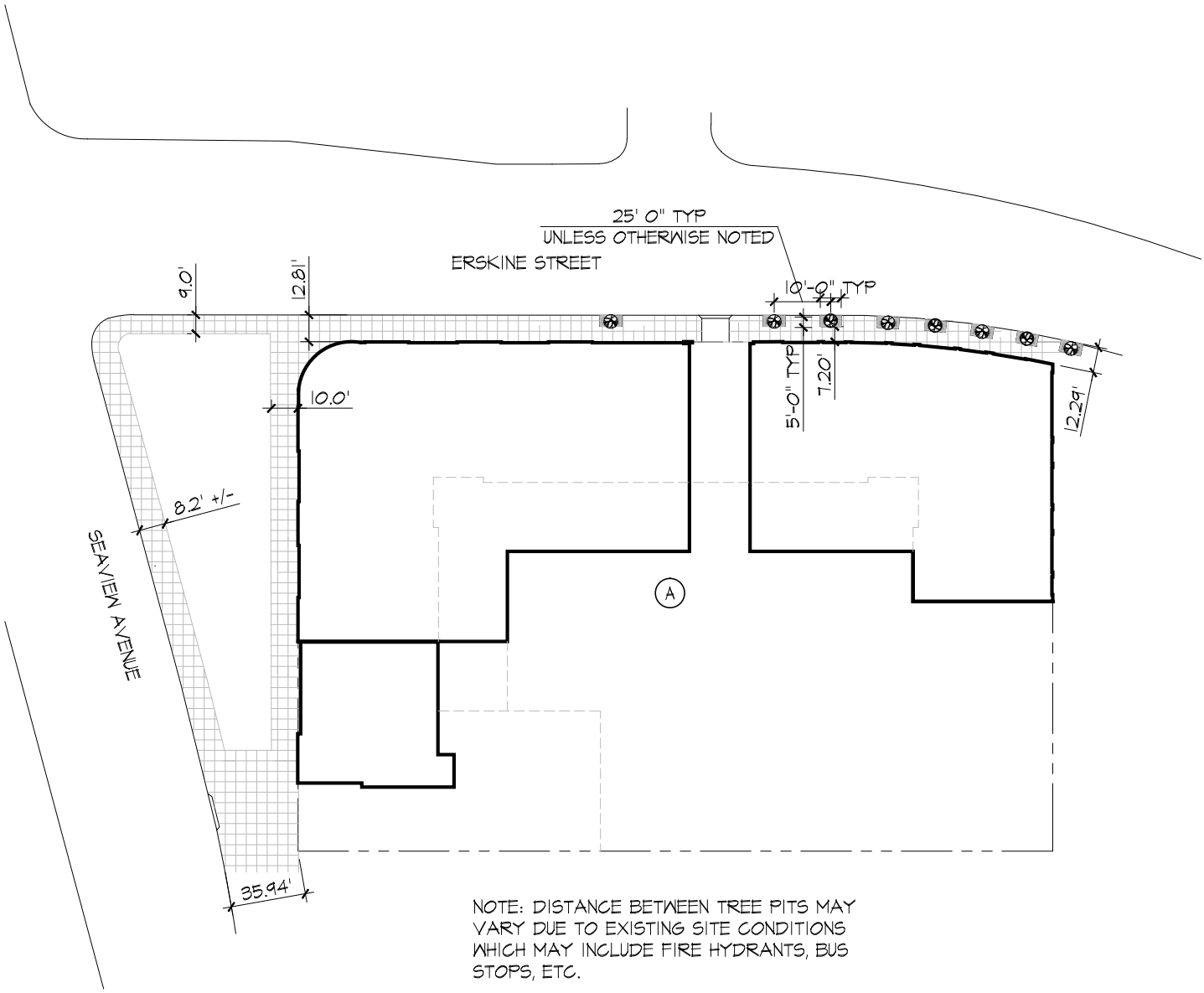
0 40 120 200

Figure II-5

A	Parcel Indication		Parking Area		Lot Line
B.1	Parcel Indication		Walk Area		Roof Area
B.2	Parcel Indication		Private Outdoor Area		

N

AUFGANG ARCHITECTS



0 10 30 50

Figure II-6

Parcel A:
Streetscape Controls

Lot Line

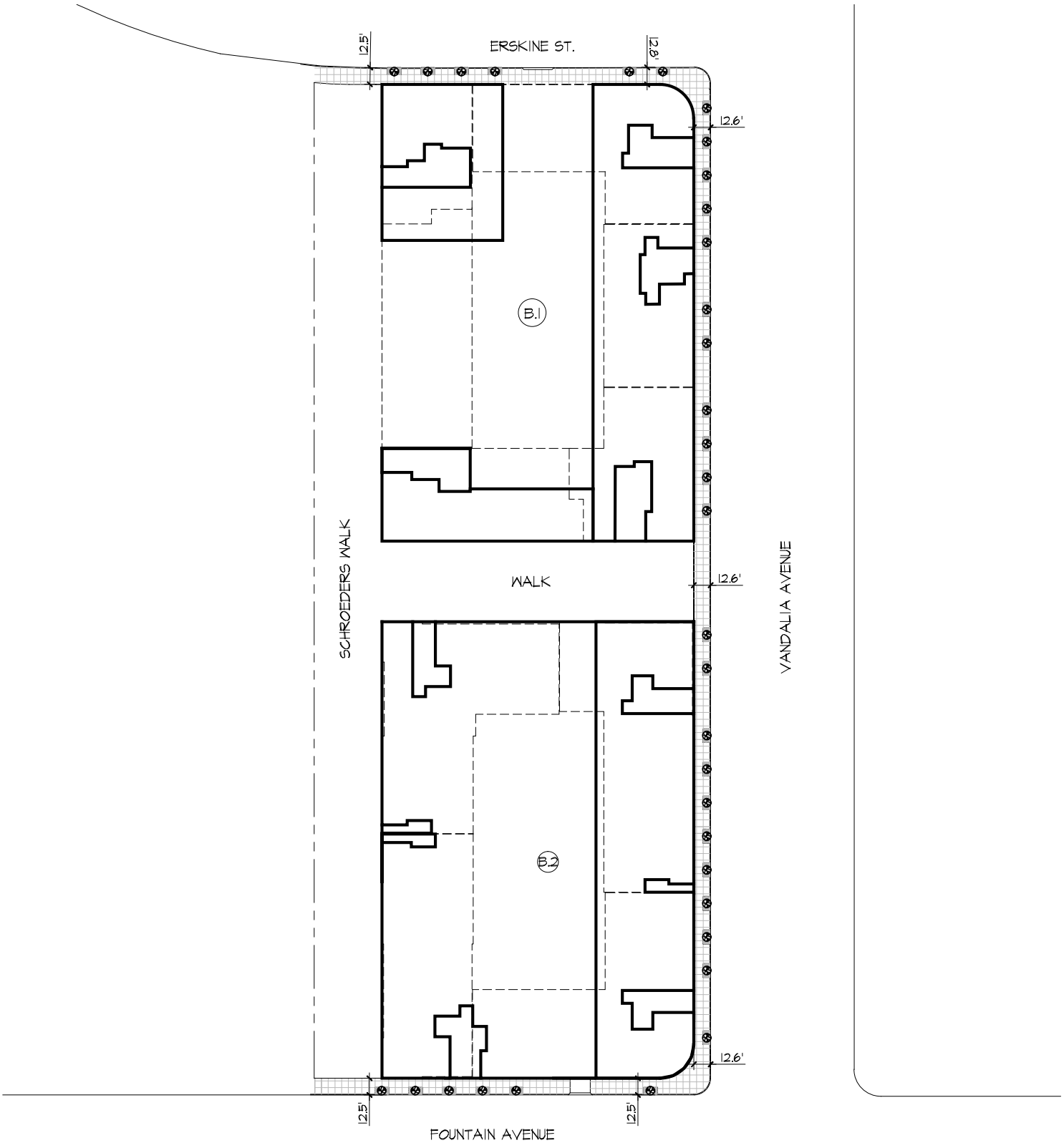
Sidewalk

Residential Street Tree

Parcel Indication

N

AUFGANG ARCHITECTS



Parcel B:
Streetscape Controls

0 10 30 50

Figure II-6.1

Lot Line

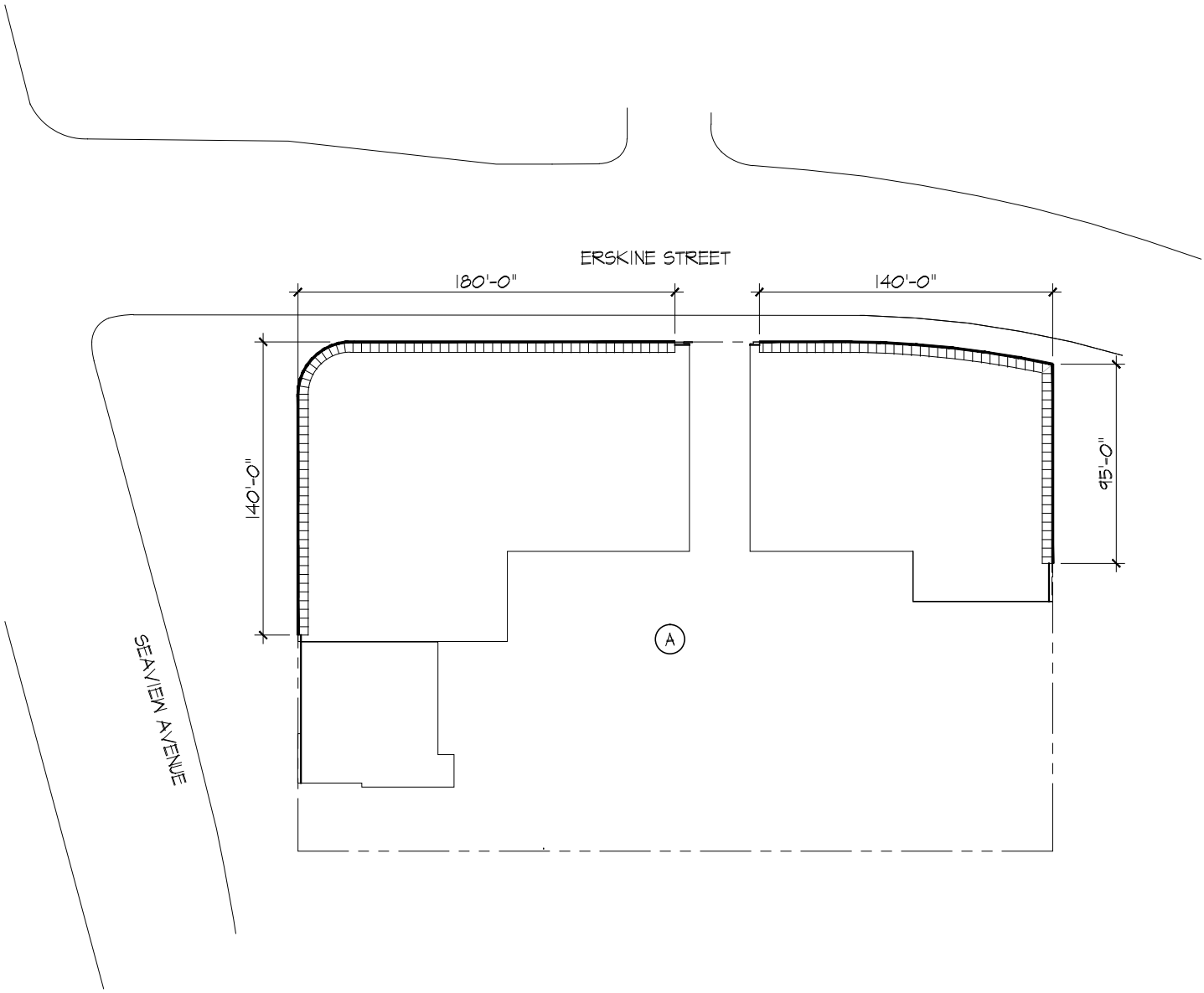
Sidewalk

Residential Street Tree

B.1 Parcel Indication

N

AUFGANG ARCHITECTS



0 10 30 50

Parcel A:
Grade level Controls

Figure II-7

Permitted Retail Storefront

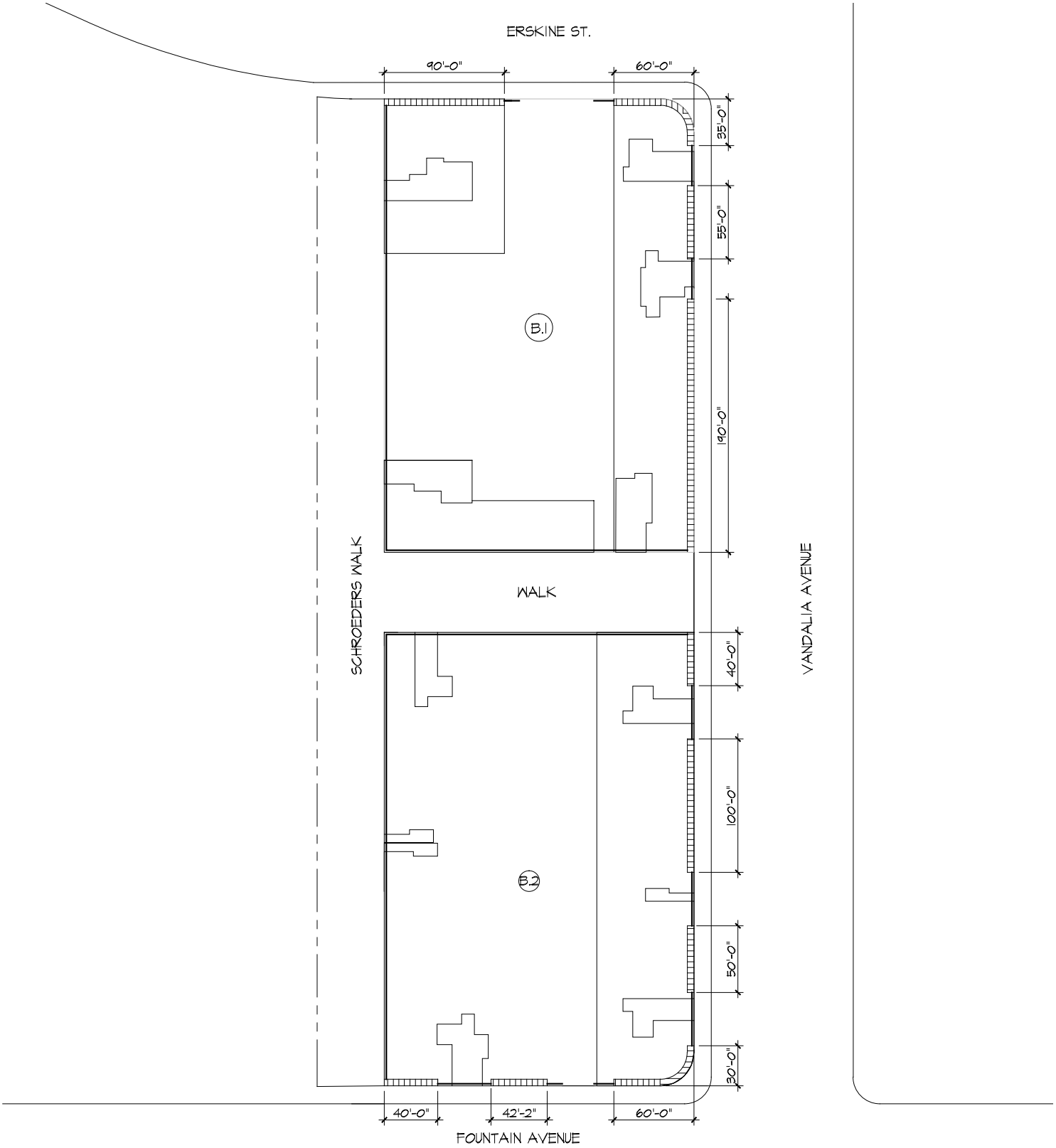
Required Retail Storefront

A Parcel Indication

Lot Line

N

AUFGANG ARCHITECTS



Parcel B:
Grade level Controls

0 10 30 50

Figure II-7.1

Permitted Retail Storefront

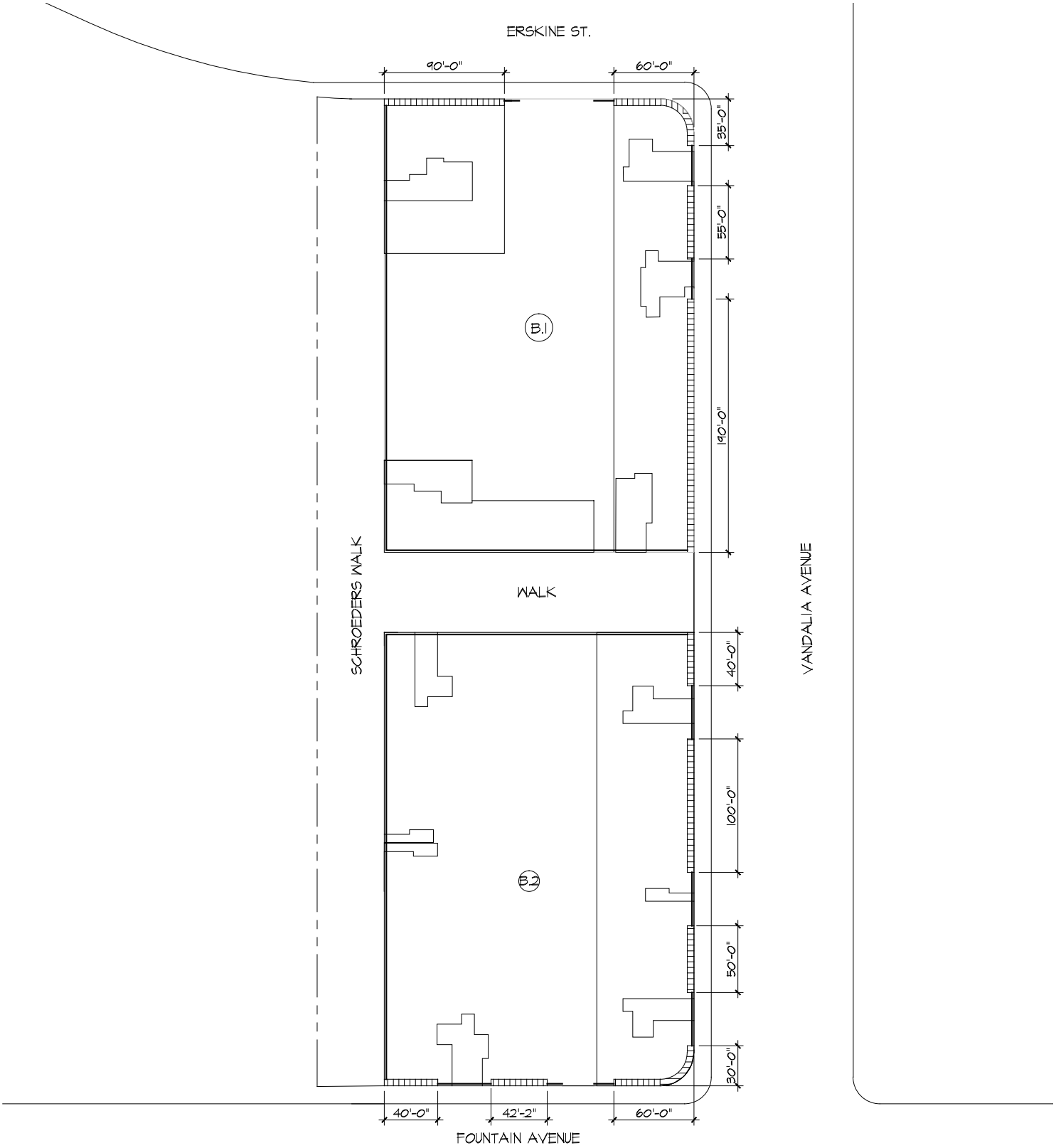
Required Retail Storefront

B.2 Parcel Indication

Lot Line

N

AUFGANG ARCHITECTS



Parcel B:
Grade level Controls

0 10 30 50

Figure II-7.1

Permitted Retail Storefront

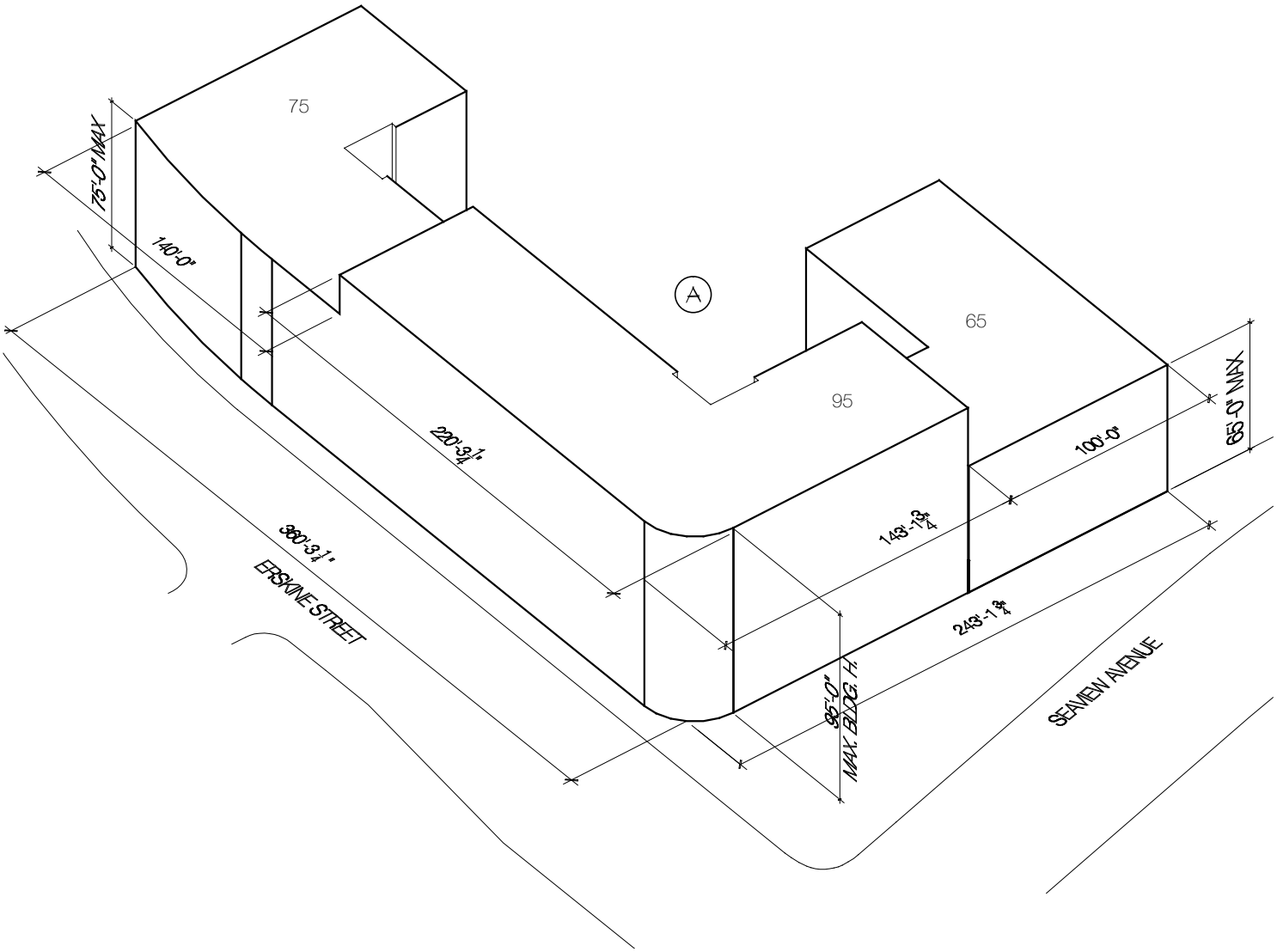
Required Retail Storefront

B.2 Parcel Indication

Lot Line

N

AUFGANG ARCHITECTS



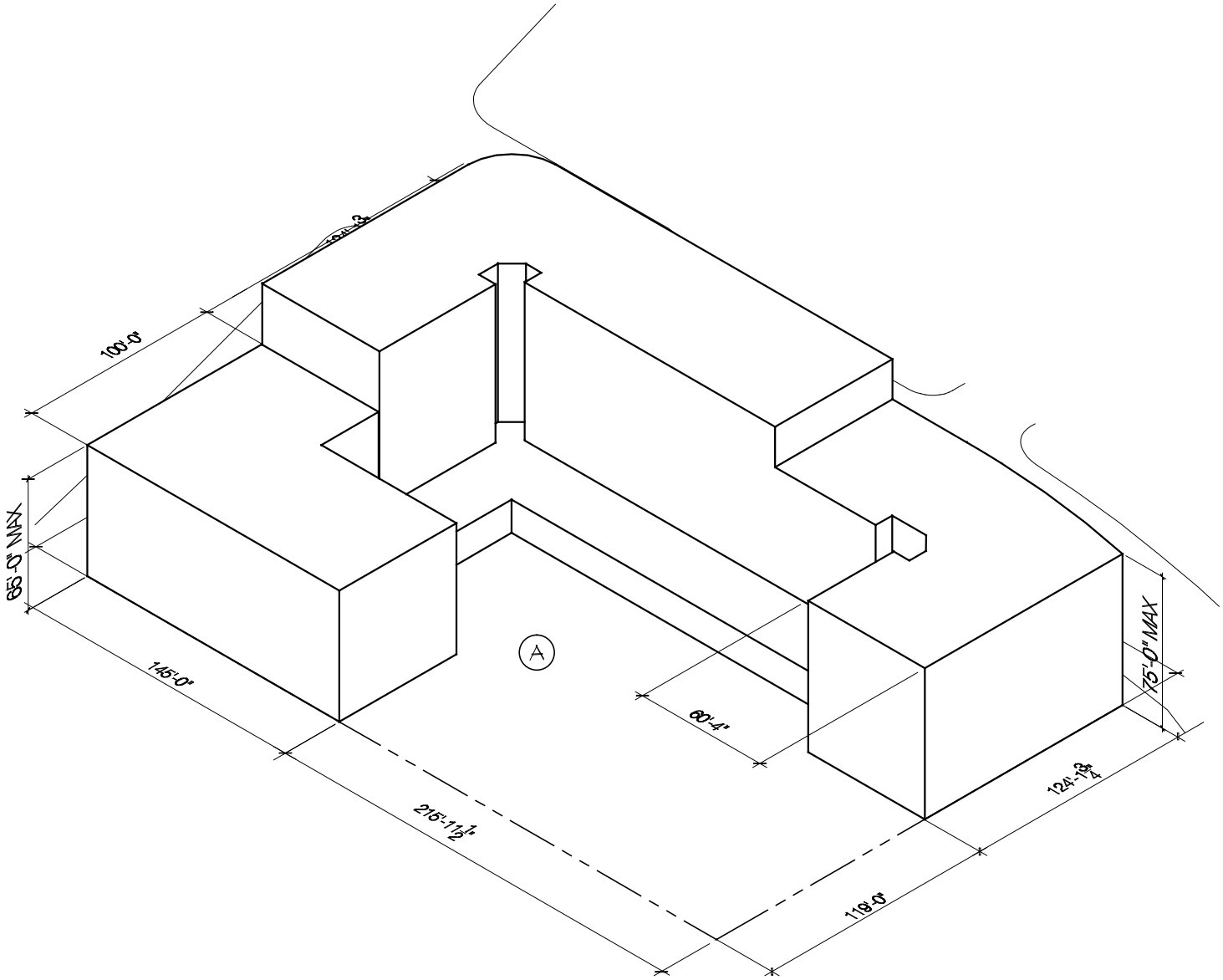
Parcel A:
Building Envelope Controls - View from South

Figure II-8

95	Maximum Building Height (feet)
—-·—	Lot Line
Ⓐ	Parcel Indication

N

AUFGANG ARCHITECTS



Parcel A:
Building Envelope Controls - View from North

Figure II-8.1

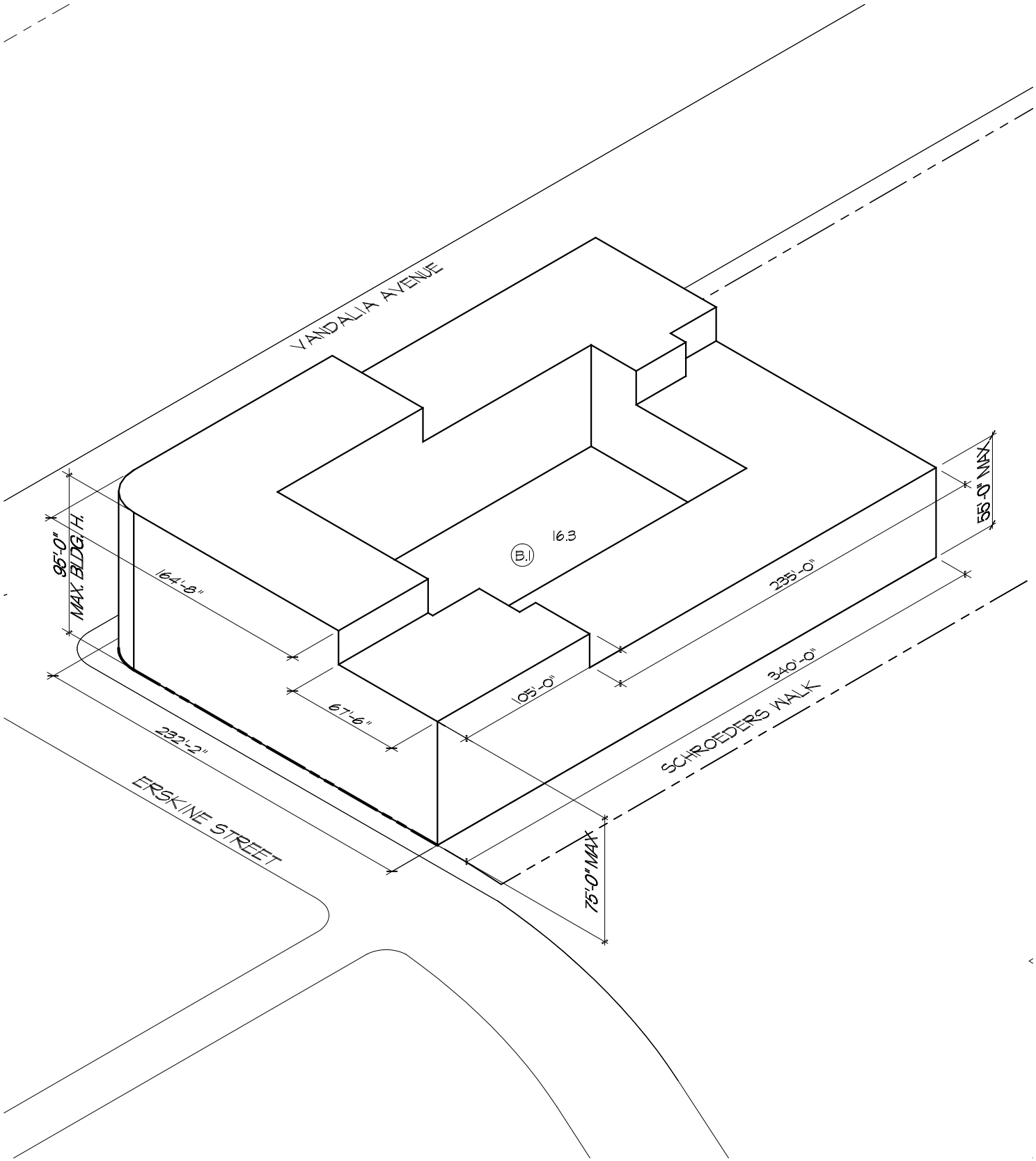
95 Maximum Building Height (feet)

—--— Lot Line

Ⓐ Parcel Indication

N

AUFGANG ARCHITECTS



Parcel B.1:
Building Envelope Controls - View from South

Figure II-8.2

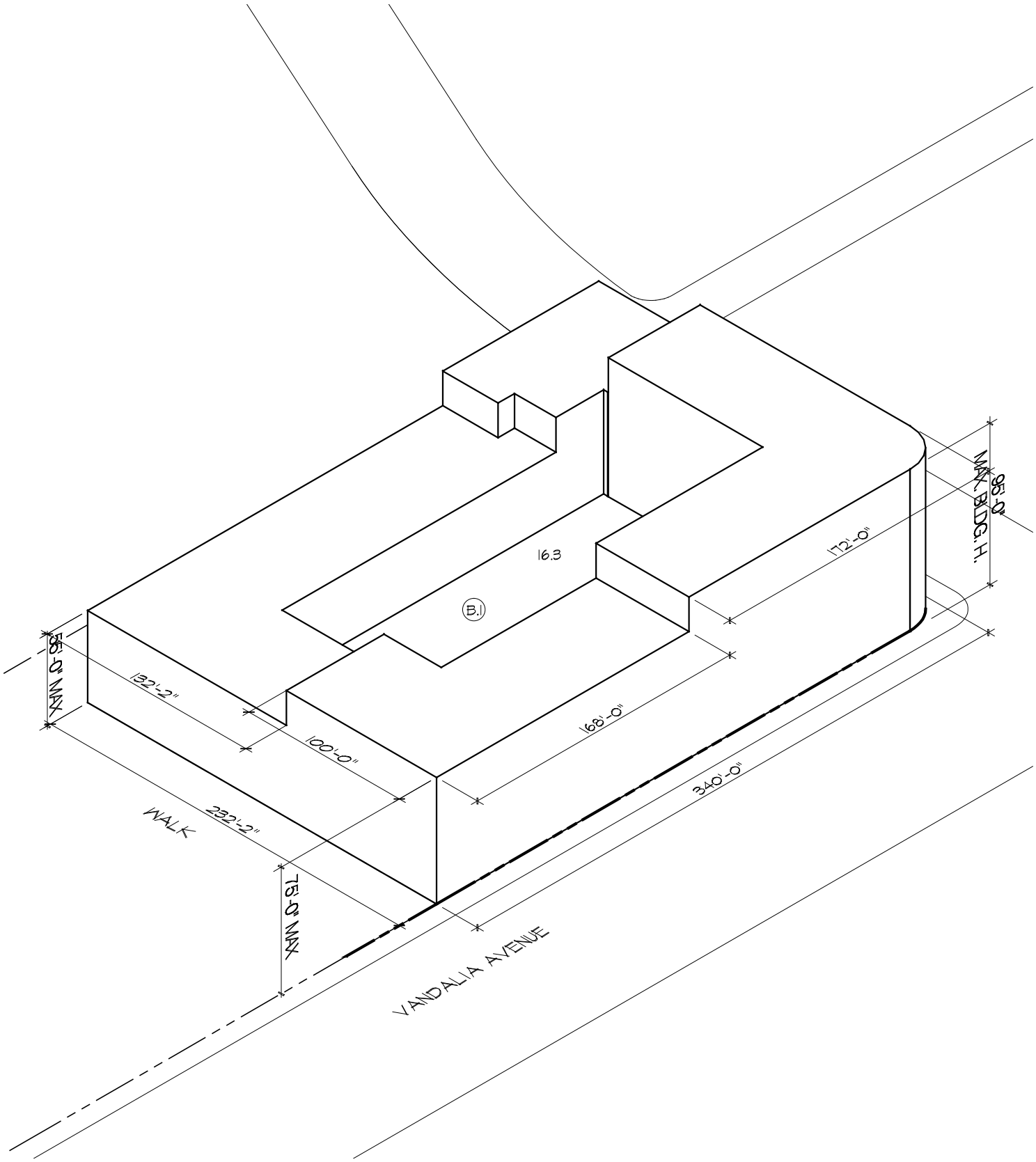
95 Maximum Building Height (feet)

B.1 Parcel Indication

Lot Line

N

AUFGANG ARCHITECTS



Parcel B.1:
Building Envelope Controls - View from North

Figure II-8.3

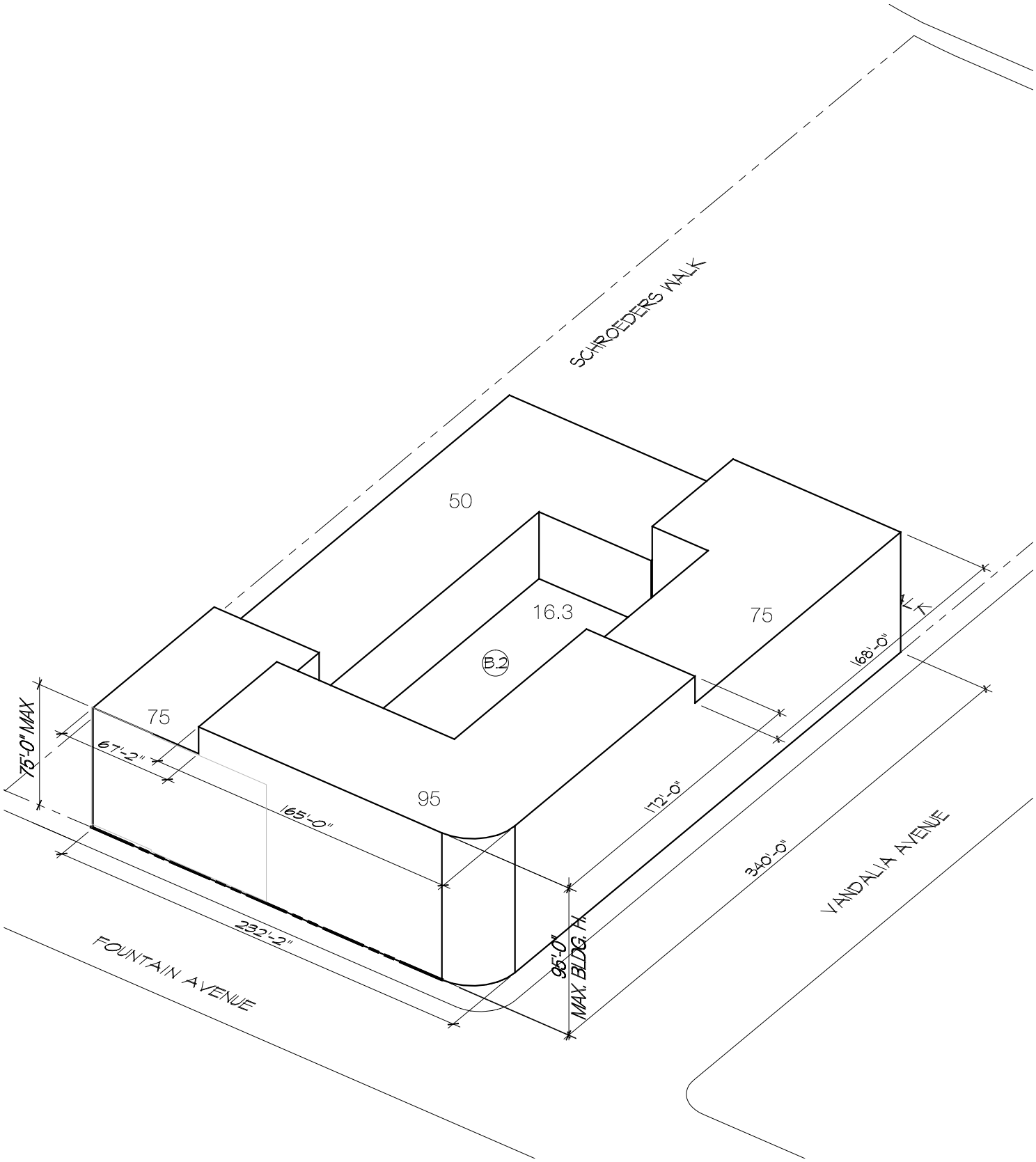
95 Maximum Building Height (feet)

B.1 Parcel Indication

Lot Line

N

AUFGANG ARCHITECTS



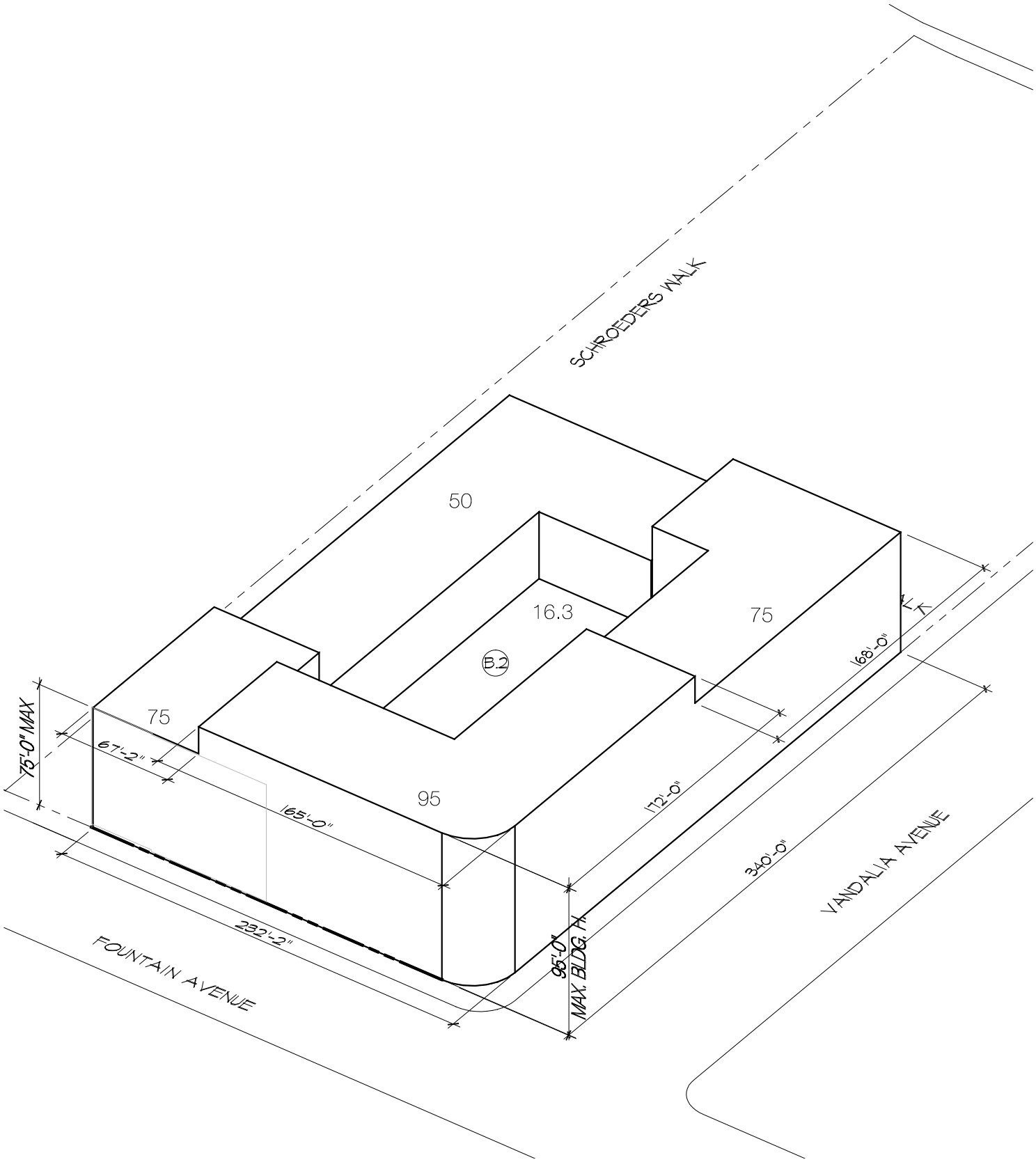
Parcel B.2:
Building Envelope Controls - View from North

Figure II-8.4

95	Maximum Building Height (feet)
B.2	Parcel Indication
—·-·—	Lot Line

N

AUFGANG ARCHITECTS



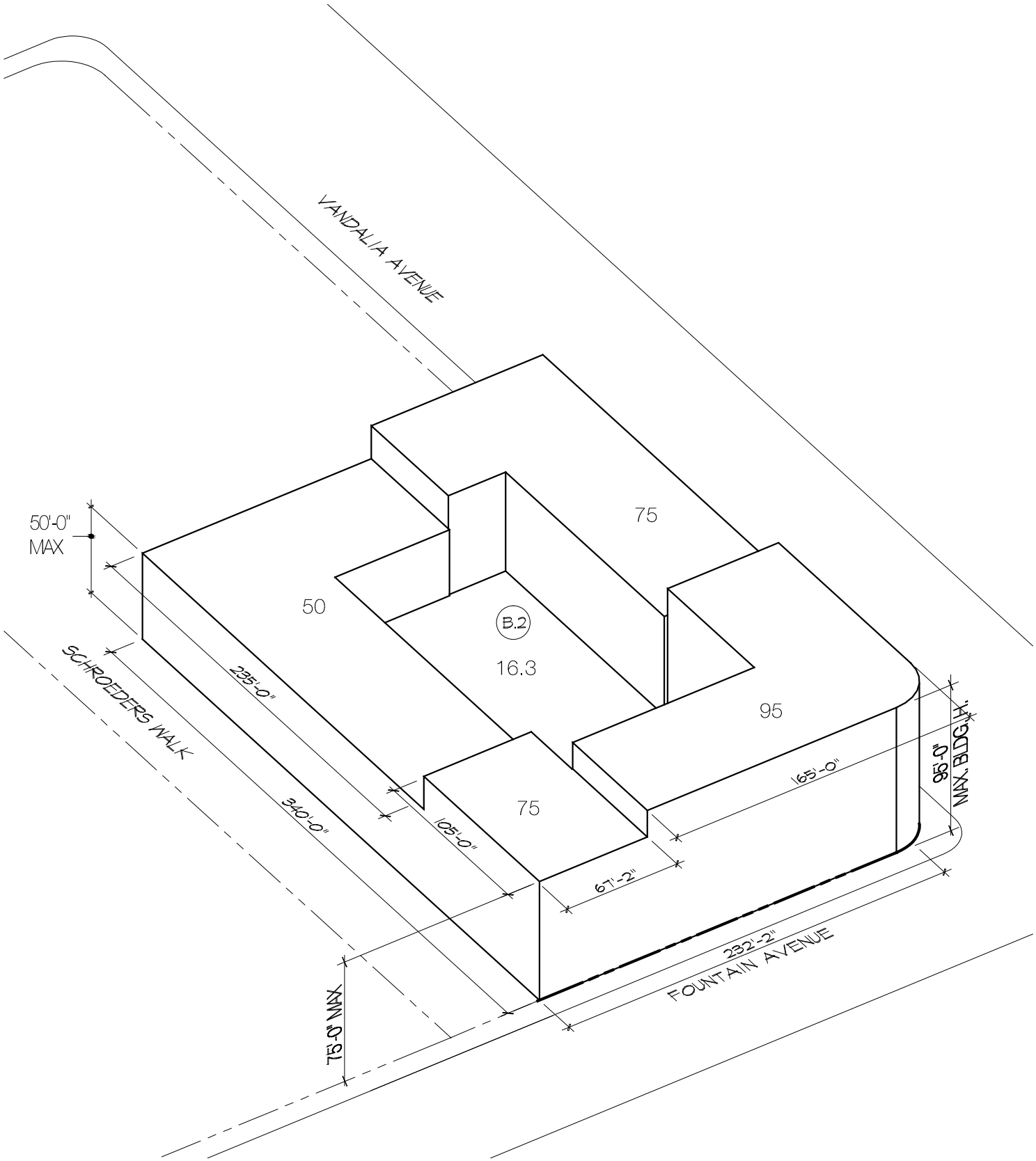
Parcel B.2:
Building Envelope Controls - View from North

Figure II-8.4

95	Maximum Building Height (feet)
B.2	Parcel Indication
—·-·—	Lot Line

N

AUFGANG ARCHITECTS



Parcel B.2:
Building Envelope Controls - View from the East

Figure II-8.5

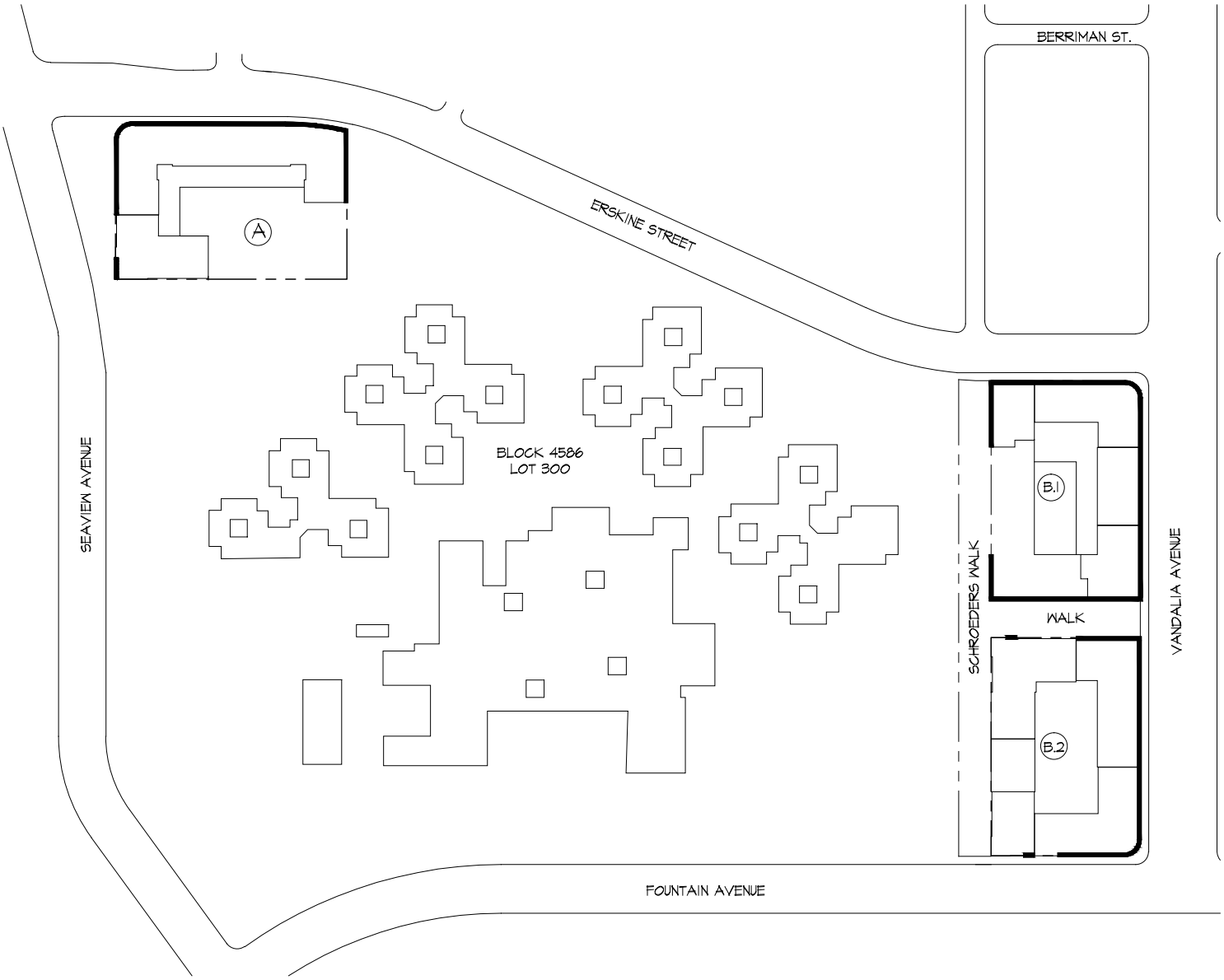
95 Maximum Building Height (feet)

B.2 Parcel Indication

Lot Line

N

AUFGANG ARCHITECTS



Sign Location Plan
Parcel A, B.1, B.2:

0 40 120 200

Figure II-9

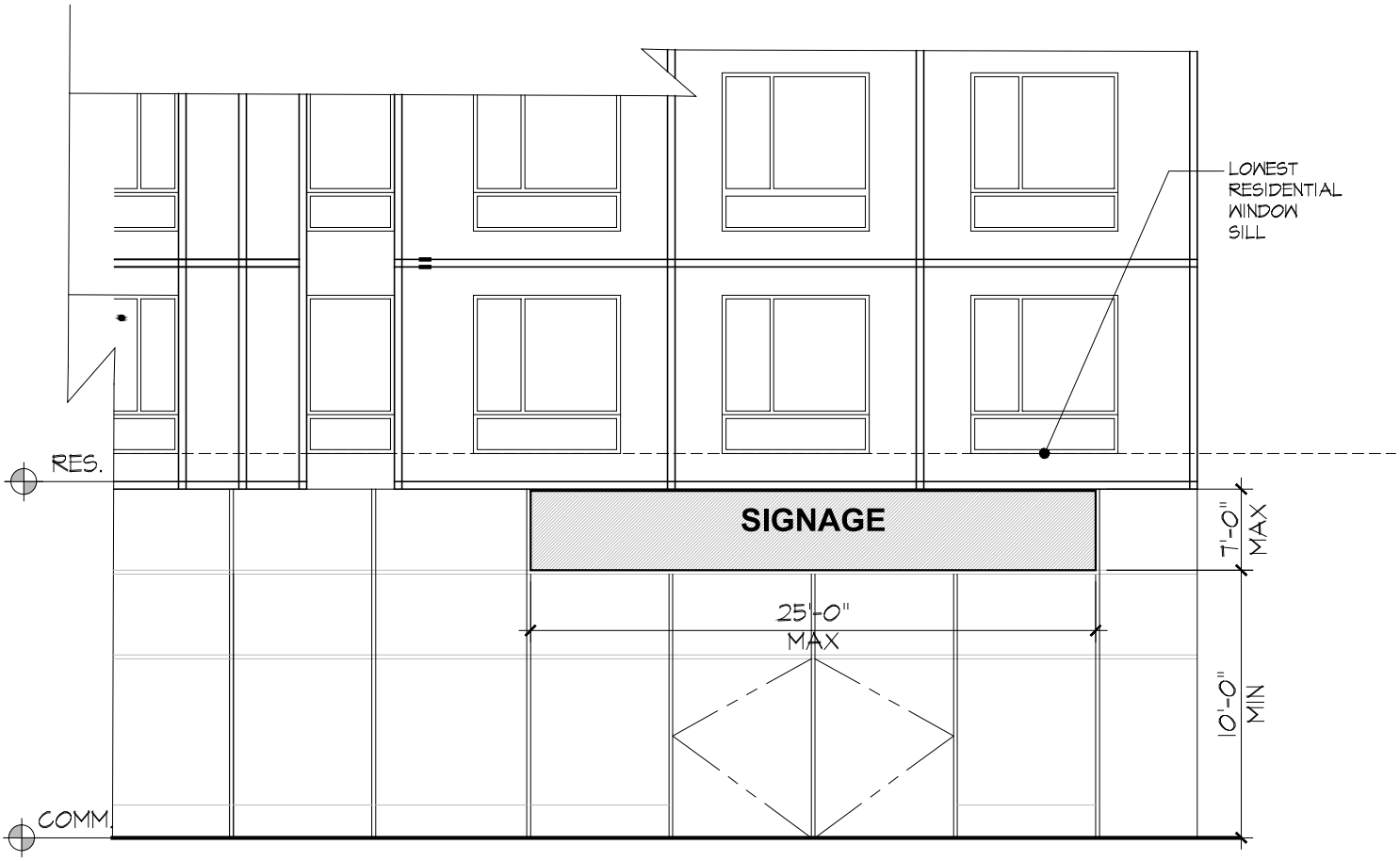
A Parcel Indication
B.1 Parcel Indication
B.2 Parcel Indication

Lot Line

Permitted Illuminated signs over "permitted commercial use storefront, residential entrances, and garage entrances.

N

AUFGANG ARCHITECTS

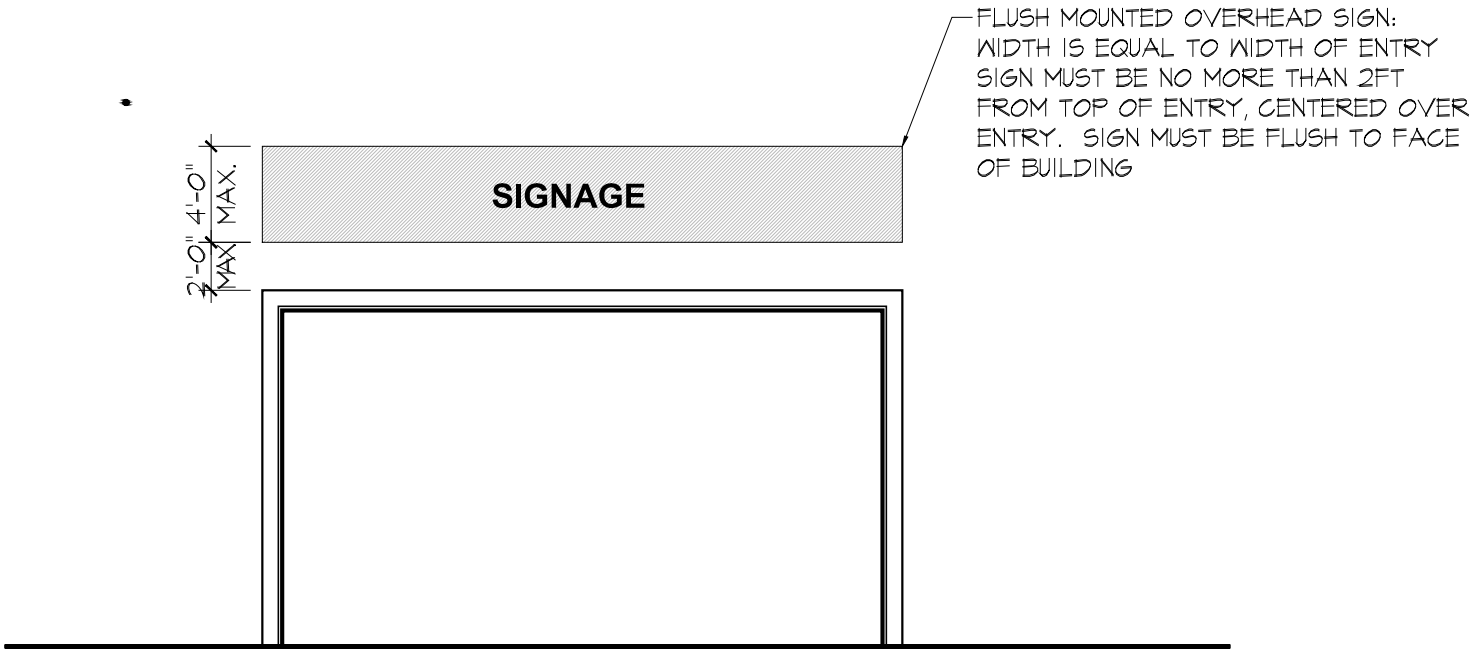


Commercial and Retail Use Streetscape Signage
Parcel A, B.1, B.2

0 10 30 50

Figure II-9.1

SIGNAGE Flush Signage

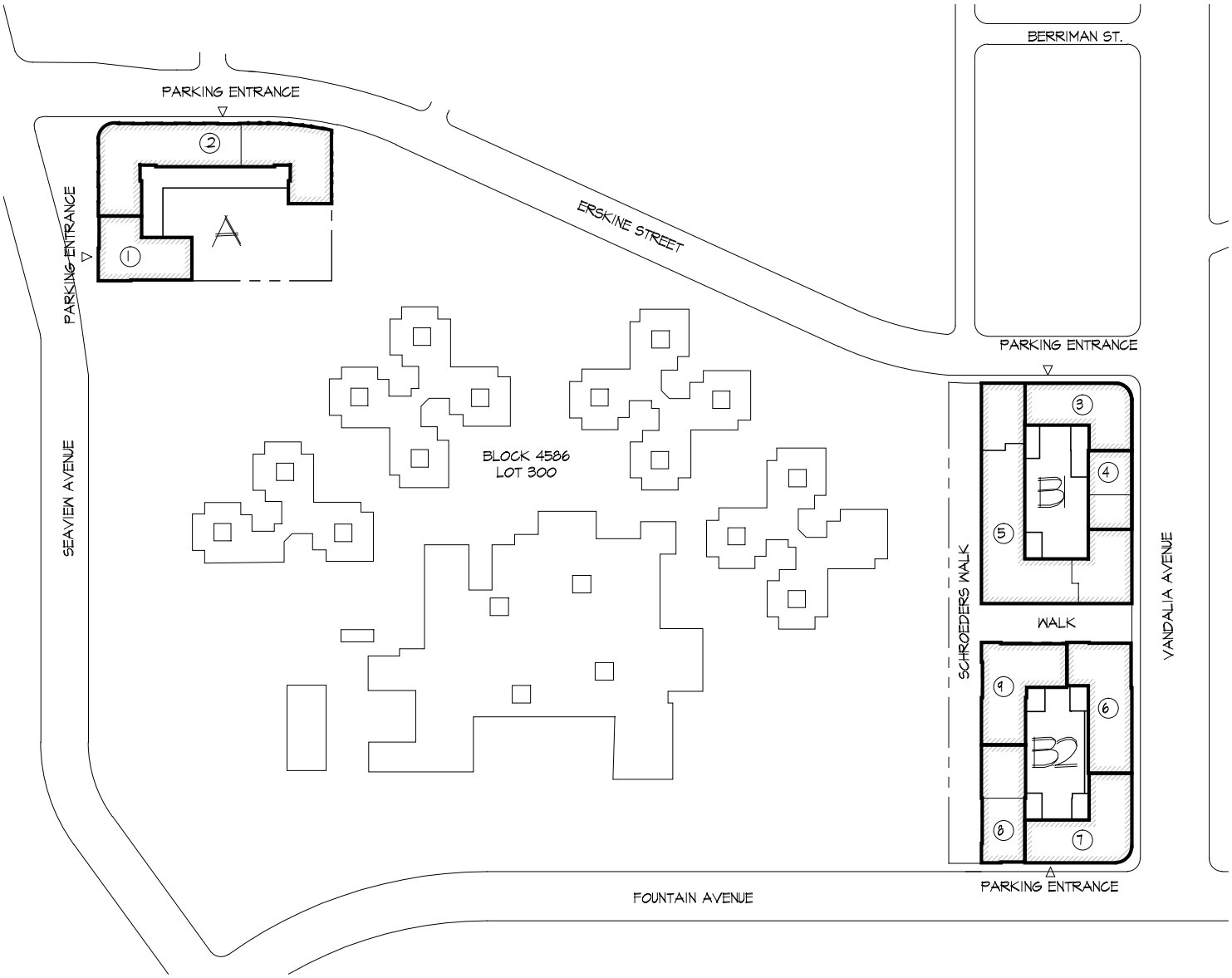


Parking Facility Streetscape Signage
Parcel A, B.1, B.2

0 10 30 50

Figure II-9.2

SIGNAGE Flush Signage



PARCEL AND BUILDING
FOOTPRINT DIAGRAM

Parcel A, B.1, B.2:

Parcel A = BUILDINGS 1+2
Parcel B1 = BUILDINGS 3+4+5
Parcel B2 = BUILDINGS 6+7+8+9

0 40 120 200

Figure II.9.3

N

AUFGANG ARCHITECTS

GENERAL PROJECT PLAN
Table III-A
Parcel Descriptions
Proposed Program, Bulk and Use Controls

PARCEL	APPROX. LOT AREA	RESIDENTIAL FLOOR AREA	COMMERCIAL FLOOR AREA (1)(3)	MAXIMUM BUILDING HEIGHT	MIN. PARKING SPACES (4)	PRIVATE OPEN SPACES	OTHER REQUIREMENTS
A1	17,094 SF	62,050 SF	N/A SF	65	23	1,210 SF	
A2	70,026 SF	213,872 SF	34,538 SF	95	197	2,663 SF	
A - TOTAL	87,120 SF	275,922 SF	34,538 SF		220	3,873 SF	
B1	78,800 SF	336,500 SF	36,528 SF	95	127	3,300 SF	
B2	78,800 SF	349,990 SF	24,639 SF	95	127	4,400 SF	
B - TOTAL	157,600 SF	686,490 SF	61,167 SF		254	7,700 SF	
A & B - TOTAL	244,720 SF	962,412 SF	95,705 SF		474	11,573 SF	
WALK	50,959 SF	N/A	N/A	N/A	N/A	N/A	SEE SECTION 1.14
TOTAL	295,679 SF	962,412 SF	95,705 SF		474	11,573 SF	

(1) Suggested retail program
(2) Total Floor Area is all floor area above grade, excluding parking and mechanical space (3% residential and 5% commercial).
(3) Community Facility use also permitted
(4) Parking located on 1st floor of A1 is assigned by easement to A2 for Commercial/ Retail use. Parking for A1 is in the cellar only

EXHIBIT C

DESIGN GUIDELINES

Exhibit D

ZONING RESOLUTION	REGULATION	OVERRIDE
22-10: USES PERMITTED AS OF RIGHT	Use Group 1-4 Permitted	to permit Use Group 1-10
23-011 Quality Housing Program (Applicability, we want to use this section in R3-2)	Quality Housing Program permitted in R6-R10 only	to allow use of Quality Housing Program in R3-2
22-32 Permitted Non-Illuminated Accessory Signs	Accessory non-illuminated signs permitted	to permit illuminated, non-flashing signs and to permit signage accessory to commercial use
23-141(b) Open Space and Floor Area Regulations in R1, R2, R3, R4 or R5 districts	Maximum Lot Coverage 35%	to permit 100% coverage for Commercial / Residential Corner 80% / Residential Interior or Thru 65%
23-141(b) Open Space and Floor Area Regulations in R1, R2, R3, R4 or R5 districts	Minimum Residential Open Space 65%	to allow proposed Lot Coverage to govern
23-141(b) Open space and floor area regulations in R1, R2, R3, R4 or R5 districts	Maximum floor area ratio (FAR) 0.5	to allow a maximum floor area ratio (FAR) of 4.06
23-141(d) Open Space and Floor Area Regulations in R1, R2, R3, R4 or R5 districts	50% of open space must have minimum dimension of 12’	to allow proposed design to govern
23-22 Maximum Number of Dwelling Units or Rooming Units	870 Dwelling Unit Factor	to allow 680 Dwelling Unit Factor
23-45 Minimum Required Front Yards	15’ Required	to permit development without front yards
23-451 Planting Requirement	50% of front yard to be planted	to waive planting requirement since front yard not provided
23-462 Side Yards for All Other Buildings Containing Residences	(2) @ 8’ Minimum or 10% of Street Wall	to permit development without side yards
23-463 Maximum Aggregate Width of Street Walls	125’ Max	to permit maximum street wall width to exceed 125
23-47 and 33-26 Minimum Required Rear Yards	30’ Required for residential use and 20’ for commercial use	to permit reduced or no rear yards
23-49 Special Provisions for Side Lot Line Walls	Building may abut adjacent buildings built at the same time providing only 1 side yard	to permit proposed design to govern with no side yards
23-531 Excepted Thru Lots	No rear yard for thru lots less 110’ from street to street	to permit no rear yards on any portion of any thru lot
23-631 Height and Setback in R1, R2, R3, R4 and R5 Districts	21’ max street wall/sloping plane and ridge diagram max	to permit 95’ Street Wall/95’ Building height Max. No Setback required above base height. Proposed design to govern.