HERKIMER-WILLIAMS
PROJECT ID: 2021K0450
FAIR SHARE ANALYSIS

Project Description

Broadway Junction Partners LLC (the "Applicant"), and the co-applicants, the New York City Economic Development Corporation ("EDC") and New York City Department of Citywide Administrative Services ("DCAS"), as representative agency of the City of New York, are seeking several land use actions in connection with the redevelopment of portions of four blocks in the Broadway Junction area of East New York, Brooklyn in Community District 5. The Applicant is seeking (i) a zoning map amendment from an M1-2 district to a C6-4 and M1-6 district (the "Rezoning"), (ii) special permits within a large-scale general development ("LSGD") pursuant to Sections 74-743(a)(1) and (2) of the Zoning Resolution of the City of New York (the "Zoning Resolution" of "ZR") to distribute floor area across the LSGD and to modify rear yard and height and setback regulations, respectively (the "LSGD Special Permit"), (iii) a special permit pursuant to ZR 74-161 to allow Use Group VI retail uses in excess of 20,000 sf of floor area in the Ml-6 district (the "Retail Special Permit"), and (iv) a zoning text amendment to (a) ZR Appendix F to designate a Mandatory Inclusionary Housing ("MIH") area co-terminus with the proposed C6-4 district and (b) ZR 74-742 with respect to the contiguity of ownership of zoning lots in an LSGD when there is an intervening elevated rail line (the "Text Amendment").

In addition, the co-applicants are seeking a combined site selection and acquisition of real property by the City to develop a publicly accessible open space ("PAA-1") for one of the zoning lots within the LSGD, specifically Block 1555, Lot 19 (the "Selection/Acquisition Action;" together with the Text Amendments, Rezoning, LSGD Special Permit, and Retail Special Permit, the "Proposed Actions"). DCAS is applicant and EDC is co-applicant only for the Selection/Acquisition Action, which is the action requiring the preparation of this Fair Share Analysis.

The Proposed Actions would facilitate the mixed-use development of four buildings on five zoning lots on four blocks, totaling approximately 1.23 million square feet of floor area, up to approximately 690,000 square feet for 988 units (of which all are intended to be affordable housing), up to approximately 494,000 square feet of commercial uses (inclusive of commercial office, local retail, and destination retail), and up to approximately 59,000 square feet of light industrial uses, along with approximately 20,000 square feet of publicly accessible open space (PAA), (hereinafter the "Proposed Development"). In addition, the Proposed Actions will permit an alternate development that includes a maximum of up to approximately 83,000 square feet of community facility use and up to approximately 48,000 square feet of additional commercial office space, which would take the place of a portion of the proposed residential space. However, in the event some or all uses in this alternate development were to be included in the development, the maximum amount of overall floor area would still be capped at approximately 1,23 million square feet of floor area.

Broadway Junction Station is one of Brooklyn's major transit centers, serving an estimated 100,000 commuters every weekday across five subway lines, which renders the station the third-

busiest subway station in Brooklyn. In addition to subway service, Broadway Junction is also served by six local bus routes and a regional rail station served by the Long Island Rail Road (LIRR). As such, the area surrounding Broadway Junction is accessible to employment centers and residential communities in Downtown Brooklyn, Lower Manhattan, Jamaica, and Long Island.

In May 2023, Mayor Eric Adams and the Metropolitan Transportation Authority (MTA) announced a $500 million public investment in Broadway Junction, including $400 million from the MTA for ADA accessibility upgrades at Broadway Junction Station, which will deliver long-standing priorities for the Station including seven new elevators serving each subway line, new escalators, and a new station entrance along Van Sinderen Avenue. The remainder is a $95 million investment to reclaim public land for public use by creating approximately one acre of new public open space, including an extension of Callahan-Kelly Playground near the northwest corner of Fulton Street and Van Sinderen Avenue known as Broadway Junction Gateway Plaza, as well as a new public open space known as Van Sinderen Plaza near the southeast corner of Fulton Street and Van Sinderen Avenue. Other planned amenities include critically needed street safety improvements along Van Sinderen Avenue between Fulton Street and the Atlantic Avenue Service Road for pedestrians, cyclists, and all road users, including raised crosswalks, new streetlights, trees, and other sidewalk furniture. These improvements planned for Broadway between Truxton Street and Jamaica Avenue are partially funded through a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant, which secured an additional $35M through a combination of RAISE grant funding and City funding to the project.

As described herein, pursuant to the Selection/Acquisition Action, the Applicant would grant the City of New York (with DCAS anticipated to hold jurisdiction) an easement to access and construct a new public open space on Block 1555, Lot 19 using capital funds with the intent that the new public open space be designed such that it functions harmoniously with the adjacent planned Van Sinderen Plaza that would be constructed immediately to the north. Construction of the new public open space on Block 1555, Lot 19 within the similar context of the Broadway Junction public realm improvements will complement the City's investment in public space and pedestrian amenities in the area.

Development Site

The Development Site is divided into five parcels: Parcels 1, 2, 3, 4, and 5. Overall, the Development Site has a total lot area of 111,551 square feet.[1]

Parcel 1 is located on the northwestern block of the Development Site, and consists of Block 1555, Lot 19, which is located at the northeast corner of the Herkimer Street/Van Sinderen Avenue intersection. It is owned by the Applicant an approximately 4,900-sf rectangular lot that is currently unimproved and vacant, and formerly used as unenclosed parking and storage space. The

[1] Parcel 2 is located on the southwestern block of the Development Site and consists of Block 1576, Lots 1 and 34. Parcel 3 is the entire northeastern block of the Development Site and consists of Block 1577, Lots 17 and 26. Parcel 4 is the eastern zoning lot of the southeastern block of the Development Site and consists of Block 1577, Lots 32, 35, 51, and 53. Parcel 5 is the western zoning lot of the southeastern block of the Development Site, consisting of Block 1577, Lots 1, 7, 56, and 58.

latest certificate of occupancy of record does not identify the number of parking spaces on the parcel, and there is an existing curb cut along the Herkimer Street frontage. The Site Selection/Acquisition Action would only affect Parcel 1.

Parcel 1 would primarily consist of a 4,904-square-foot open space, defined as PAA-1. Pursuant to the Selection/Acquisition Action, the City of New York (with DCAS anticipated to hold jurisdiction) would access and construct PAA-1 using capital funds with the intent that the space be designed such that it functions harmoniously with the adjacent Van Sinderen Plaza that would be constructed immediately to the north. Following completion of construction of Van Sinderen Plaza and PAA-1, it is anticipated that the Applicant would maintain them as a single space pursuant to a maintenance agreement with the City.

Fair Share Analysis

The following analysis describes how the proposed construction of publicly-accessible open space on Parcel 1 in the form of PAA-1 responds to New York City's Fair Share Criteria. The analysis balances many factors, including community needs for service, cost-effective delivery of service, and effects on the surrounding neighborhood.

ARTICLE 4: CRITERIA FOR SITING OR EXPANDING FACILITIES

Article 4 of the Fair Share Rules applies to the siting of all new facilities other than administrative offices and data processing facilities.

> **Section 4.1 The sponsoring agency and, for actions subject to the Uniform Land Use Review Procedure (ULURP) or review pursuant to Section 195 of the Charter, the City Planning Commission, shall consider the following criteria:**

4.1 (a) Compatibility of the facility with existing facilities and programs, both city and non-city, in the immediate vicinity of the site.

The area immediately surrounding Parcel 1 (400-foot radius) has a varied land use character including residential, commercial/office, industrial/manufacturing, transportation/utility, public facilities and institutions, open space, and parking facility land uses.

Residential land uses in the 400-foot radius are situated near the intersection of Herkimer Street and Havens Place, and are characterized by multi-family walkup buildings on narrow lots.

Commercial/office land uses are sporadic in the 400-foot radius and generally located along major thoroughfares including Atlantic Avenue, East New York Avenue, and Fulton Street. Commercial/office buildings are generally low- to mid-rise, ranging in height from one- to six-stories. Commercial/office buildings in the surrounding area include a hotel, a used-car auto dealership, and a soon-to-be completed six-story office building at 2440 Fulton Street. The development located at 2440 Fulton Street is to be occupied by offices for the New York City Department of Social Services (DSS), in addition to private-market commercial office and retail

space.

Industrial/manufacturing land uses in the 400-foot radius are primarily situated to the south of Parcel 1, below Herkimer Street, and include one- to three-story buildings and structures occupied by contractors, distributors, manufacturers, and warehouses.

Transportation/utility land uses in the 400-foot radius are primarily situated to the north and south of Parcel 1 and primarily include MTA-owned or occupied properties containing elevated subway tracks and a communication repair center.

Public facilities and institutions in the 400-foot radius include a church located at 1520 Herkimer Street. In addition, the New York City Police Department (NYPD) Transit Bureau's 33rd District is located within Callahan-Kelly Playground. NYPD Transit Bureau's 33rd District is one of four transit district stations and personnel serving Brooklyn.

Callahan-Kelly Playground is an approximately 3.25-acre public park located in the 400-foot radius. Callahan-Kelly Playground is bound by Truxton Street to the north, Fulton Street to the south, Van Sinderen Avenue to the east, and Eastern Parkway Extension to the west. Pedestrian access to Callahan-Kelly Playground is provided from the aforementioned streets.

Parking facilities and vacant land are also present and sporadic in the 400-foot radius.

City and non-City facilities within the 400-foot radius, as shown in **Figure 1**, are listed in **Table 1**.

Table 1
Facilities Within a 400-Foot Radius of the Project Sites

Map ID	Facility Name	Address	Facility Type	Facility Group
1	Callahan-Kelly Playground	2399 Fulton Street	Community Park	Parks And Plazas
2	NYPD Transit Bureau's 33rd District	Corner of Fulton Street and Van Sinderen Avenue	Police Station	Public Safety
3	NYCT Substation and Structures	2022 Broadway	Transit Facility	Transportation
4	Calvary Free Will Baptist Church	1520 Herkimer Street	Food Pantry	Human Services

Source: New York City Department of City Planning (DCP); City Planning Facilities Database (FacDB), 2024.

The development of PAA-1 on Parcel 1 would be compatible with the surrounding area's mixed-use character and would not introduce a land use that differs substantially from those already present in the surrounding area. The development of PAA-1 on Parcel 1 would be located near an existing public park (Callahan-Kelly Playground), and immediately adjacent to a planned public open space (Van Sinderen Plaza) on a part of Block 1555, Lot 1, and is intended to be designed and constructed such that if functions harmoniously with such open space. The development of Parcel 1's PAA-1 would serve as – along with the City's proposed public realm improvements along Van Sinderen Avenue – a gateway to the Proposed Development from Callahan-Kelly Playground, Broadway Junction Station, and Van Sinderen Avenue. PAA-1 would improve connectivity between Callahan-Kelly Playground, Broadway Junction Station, and the new

buildings to be constructed as part of the Proposed Development to the south along Van Sinderen Avenue and east along Herkimer Street within the Development Site. The development of PAA-1 on Parcel 1 would improve the streetscape of the surrounding area by better linking existing infrastructure, including Broadway Junction Station, public sidewalks, and planned public open spaces at Callahan-Kelly Playground and Van Sinderen Plaza. Therefore, development of PAA-1 is not expected to conflict with any of the facilities or programs within the immediate vicinity of Parcel 1.

4.1 (b) Extent to which neighborhood character would be adversely affected by a concentration of city and/or non-city facilities.

The intent of this criterion is to avoid undue concentration of non-neighborhood service facilities that may adversely affect neighborhood character. The development of PAA-1 on Parcel 1, a 4,904-square-foot public open space, is a proposed neighborhood-serving facility that would not adversely affect neighborhood character.

4.1 (c) Suitability of the site to provide cost-effective delivery of the intended services. Consideration of sites shall include properties not under city ownership, unless the agency provides a written explanation of why it is not reasonable to do so in a particular instance.

Parcel 1 is a suitable location for public open space given its proximity to Callahan-Kelly Playground and Broadway Junction Station, particularly station access points and compatible neighboring uses, such as the planned Van Sinderen Plaza on a part of Block 1555, Lot 1, as well as the soon-to-be completed office building at 2440 Fulton Street, which will be anchored by DSS. Also, the introduction of new public open space on Parcel 1 is intended to advance the City's goals of strengthening the area as a transit hub and mixed-use center by improving pedestrian circulation, enhancing safety, providing amenities for the surrounding area's worker, residential, and commuter populations.

4.1 (d) Consistency with the location and other specific criteria for the facility identified in the Statement of Needs, or, if the facility is not listed in the Statement, in a subsequent submission to a Borough President.

The proposed public open space was not identified in the *Citywide Statement of Needs for Fiscal Years 2026-2027*[2] (published in February 2025). However, a 204(g) letter was submitted by EDC to the Brooklyn Borough President on April 18, 2025.

4.1 (e) Consistency with any plan adopted pursuant to Section 197-a of the Charter.

There is no adopted 197-a plan for Parcel 1 of the Development Site.

Section 4.2: Procedures for Consultation

[2] https://www.nyc.gov/assets/planning/download/pdf/about/publications/son_26_27.pdf

In formulating its facility proposals, the sponsoring agency shall:

4.2 (a) Consider the Mayor's and Borough President's strategic policy statements, the Community Board's Statement of District Needs and Budget Priorities, and any published Department of City Planning land use plan for the area.

In May 2022, Mayor Adams released the *Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery*. The report identifies Broadway Junction as a strategic location to leverage long-term City space-leases to bring commercial development and create neighborhood jobs. In general, the development of PAA-1 on Parcel 1 is consistent with Mayor Adams's generally stated policy goals to govern more effectively and efficiently, protect public safety, and upgrade and modernize the City's infrastructure to meet current and projected demands.

The Brooklyn Borough President's Comprehensive Plan for Brooklyn released in October 2023 identifies Broadway Junction as a key public realm improvement project. The Brooklyn Borough President, Antonio Reynoso, has expressed his support for Broadway Junction's upgrades in several press releases as well.

The *Statements of Community District Needs and Community Board Budget Requests for Brooklyn Community Board 5 Fiscal Year 2021*, published February 2020, which is the most recently available from the Brooklyn Community Board 5 website, did not include any recommendations specific to public open space. Community Board 5 expressed recognition of the need for economic development and the revitalization of commercial corridors in East New York. However, the Community Board 5 takes issue with the plan to develop Broadway Junction for commercial use because of it not centered around the needs of existing residents. Community Board 5 participated in the Broadway Junction working group, which identified the need for public realm improvements in the area to support an ADA accessible Broadway Junction Station. Recommendations included lighting improvements and enhanced connectivity between the subway station and surrounding streets. As the development of PAA-1 on Parcel 1 involves a new facility--the public open space--that would serve local and surrounding neighborhoods with amenities and services, it is responsive to the Community Board 5's concerns about serving the needs of local existing residents.

The *Statements of Community District Needs and Community Board Budget Requests Brooklyn Community Board 16 Fiscal Year 2024*, published February 2023, which is the most recently available from the Brooklyn Community Board 16 website, requested additional maintenance and recreation staff for CD 16's network of public open space, including playgrounds and parks. In addition, it identifies the need to improve the accessibility of the Broadway Junction Station. Community Board 16 also participated in the Broadway Junction working group alongside Community Board 5, which identified the need for public realm improvements in the area to support an ADA accessible Broadway Junction Station.

In February 2025, Genese T. Morgan, the chairperson of Community Board 16, issued a statement expressing the community board's support for the planned streetscape and public realm improvements adjacent to Broadway Junction Station, citing the potential benefit the planned

improvements will have on the neighborhood experience. The Community Board 16 chairperson also cited the community board's involvement in planning efforts with community members, elected officials, and government agencies.[3]

Therefore, in consideration of the identification and general support for public realm improvements and publicly accessible open space in the surrounding area, siting of PAA-1 on Parcel 1 would not be inconsistent with any identified public policy goals and needs.

4.2 (b) Consider any comments received from the Community Boards or Borough Presidents and any alternative sites proposed by a Borough President pursuant to Section 204(f) of the Charter, as well as any comments or recommendations received in any meetings, consultations or communications with the Community Boards or Borough Presidents. If the Statement of Needs has identified the community district where a proposed facility would be sited, then, upon the written request of the affected Community Boards, the sponsoring agency should attend the Board's hearing on the Statement. If the community district is later identified, then the sponsoring agency shall at that point notify the Community Board and offer to meeting with the board or its designee to discuss the proposed program.

The public open space has been presented informally to the local community board, which supported its location and development.

Article 5: Criteria for Siting or Expanding Local/Neighborhood Facilities

Article 5.1 (a): Need for the facility or expansion in the community or local service delivery district. The sponsoring agency should prepare an analysis which identifies the conditions or characteristics that indicate need within a local area and which assesses relative needs among communities for the service provided by the facility. New or expanded facilities should, wherever possible, be located in areas with low rations of service supply to service demand.

The public open space planned at Parcel 1 of the Development Site is in alignment with the City's plan to improve the public realm in the area surrounding Broadway Junction Station. The new, approximately 4,904-square-foot public open space would be beneficial to people who live and work in the area as it would create new public open space. The new public open space would further enhance Broadway Junction Station by creating new spaces for the public to convene and would activate the surrounding streets outside of the heavily utilized transit hub and mixed-use area in this part of Brooklyn.

Article 5.1 (b): Accessibility of the site to those it is intended to serve.

The new public open planned at Parcel 1 of the Development Site is planned to be at-grade and thus accessible. Its proposed location, immediately-adjacent to the proposed Van Sinderen Plaza and adjacent to a heavily utilized intermodal transit hub—an area traversed by thousands of

[3] https://edc.nyc/press-release/nycedc-council-member-nurse-announce-major-progress-east-new-york-broadway-junction

pedestrians daily—would render the new public open space accessible to existing and new residents, workers, and commuters.

Article 5.2: A Community Board may choose to designate or establish a committee to monitor selected local facilities after siting approval pursuant to these criteria. Following site selection and approval for such a facility, the sponsoring agency and Community Board shall jointly establish a mutually acceptable procedure by which the agency periodically reports to the committee regarding plans and procedures that may affect the compatibility of the facility with the surrounding community and responds to community concerns.

N/A.