HERKIMER-WILLIAMS EIS
Chapter 2: Land Use, Zoning, and Public Policy

A. INTRODUCTION

Under 2021 *City Environmental Quality Review* (CEQR) *Technical Manual* guidance, a land use analysis evaluates the uses and development trends in the area that may be affected by a proposed action and determines whether the proposed action is compatible with those conditions or may affect them. Similarly, the analysis considers a proposed action's compliance with, and effect on, the area's zoning and other applicable public policies.

As described in **Chapter 1, "Project Description,"** the Applicant is seeking CPC approval of discretionary actions, including: (i) a Zoning Map Amendment to rezone the Project Area from an M1-2 zoning district to C6-4 and M1-6 zoning districts; (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* (ZR) to distribute floor area across the LSGD and to modify rear yard and height and setback regulations, respectively; (iii) a ZR Section 74-161 special permit to allow Use Group VI retail uses in excess of 20,000 sf of floor area in the proposed Ml-6 zoning district; (iv) Zoning Text Amendments to (a) ZR Appendix F to designate a Mandatory Inclusionary Housing ("MIH") Area over the C6-4 zoning district-portion of the Project Area and (b) ZR Section 74-742 with respect to the contiguity of ownership of zoning lots in an LSGD when there is an intervening elevated rail line; and (v) a combination acquisition and site selection of real property by the City to construct a publicly accessible open space at 1519 Herkimer Street (also known as Parcel 1; Block 1555, Lot 19) within the LSGD (collectively, the "Proposed Actions"). The New York City Department of Citywide Administrative Services (DCAS) is applicant and the New York City Economic Development Corporation (NYCEDC) is co-applicant only for the combination acquisition and site selection action.

Approval of the Proposed Actions would facilitate the development of five new buildings and potentially, a small retail kiosk on the projected development sites in the Project Area. The new mixed-use development on the projected development sites would either contain a combined total of approximately 1,589,202 gross square feet (gsf) under the Proposed Development, or a combined total of approximately 1,620,348 gsf under the Alternate Community Facility Scenario. A Reasonable Worst Case Development Scenario (RWCDS) has been established for the Proposed Actions for an analysis year of 2036. Both the Proposed Development and the Alternate Community Facility Scenario are assessed herein.

B. PRINCIPAL CONCLUSIONS

No significant adverse impacts on land use, zoning, or public policy are anticipated in the future with the Proposed Actions in the primary or secondary study areas in the 2036 analysis year. The Proposed Actions would not directly displace any land uses so as to adversely affect surrounding land uses, nor generate land uses that would be incompatible with existing land uses, zoning, or public policy in the secondary study area. The Proposed Actions – under both the Proposed Development and the Alternate Community Facility Scenario – would facilitate a multi-building mixed-use development containing residential, community facility, commercial, and light industrial uses in an area of the City that is well-served by existing infrastructure and public transportation. Additionally, the Proposed Actions, through the introduction of commercial (office and retail) and light industrial uses, would support economic

development opportunities adjacent to both the East New York Industrial Business Zone (IBZ) and the East Brooklyn Business Improvement District (BID).

In the future with the Proposed Actions, the uses and bulk of both the Proposed Development and the Alternate Community Facility Scenario would be compatible with adjacent development projects, including the 2440 Fulton Street project that will introduce commercial office and retail spaces. The Proposed Actions would permit residential use in the primary study area, aiding in the expansion of the City's housing supply, including the supply of available affordable housing. The Proposed Actions would also create opportunities for additional non-residential uses, including community facility, commercial, and light industrial uses. Therefore, the Proposed Actions would result in new mixed-use development that, in addition to being appropriate for the primary and secondary study areas, would complement and improve the diverse, mixed-use land use character of the secondary study area.

Furthermore, the Proposed Actions would not result in development that would conflict with adopted, applicable public policies in both the primary and secondary study areas. Rather, the Proposed Actions would be consistent with the following public policies: OneNYC 2050, New York Works, *Get Stuff Built*, *Housing Our Neighbors: A Blueprint for Housing and Homelessness*, *Where We Live NYC Plan*, and the FRESH program.

C. METHODOLOGY

The purpose of this chapter is to examine the effects of the Proposed Actions on land use, zoning, and public policy and determine whether they would be compatible with those conditions or whether they may adversely affect them. The analysis methodology is based on the guidance of the 2021 *CEQR Technical Manual* and examines the Proposed Actions consistency with land use patterns and development trends, zoning regulations, and other applicable public policies.

According to the 2021 *CEQR Technical Manual*, a detailed assessment of land use, zoning, and public policy may be appropriate when a change in land use and zoning would occur, and a preliminary assessment cannot succinctly describe land use conditions in the study area. As the Proposed Actions include Zoning Map and Text Amendments that would result in changes to permitted community facility, commercial, and manufacturing uses and bulk, as well as permit residential use in an area where residences are not currently permitted, a detailed assessment is necessary to provide a sufficient description and assessment of the effects of the Proposed Actions. In addition, a detailed assessment is needed to sufficiently inform other technical reviews and determine whether changes in land use could affect conditions analyzed in those technical areas. Therefore, this chapter includes a detailed assessment that involves a thorough description of existing land uses in the directly affected area and the broader study area. Following the guidance of the 2021 *CEQR Technical Manual*, the detailed assessment describes existing and anticipated future conditions in the 2036 analysis year to a level necessary to understand the relationship of the Proposed Actions to such conditions, assesses the nature of any changes on these conditions that would be created by the Proposed Actions, and identifies those changes, if any, that could be significant or adverse.

Analysis Year

As described in **Chapter 1, "Project Description,"** 2036 is the analysis year for the Proposed Actions. The analysis year is predicated on the completion of the CEQR and ULURP processes in 2026, and a period of approximately 10 years for construction of a total of five new buildings and potentially, a small retail kiosk.

The 2036 analysis year reflects a reasonable estimate of the time needed for the Applicant to demolish the existing buildings and structures at Projected Development Sites 1A through 1E, as well as Projected Development Site 2, and construct all new buildings and structures in multiple stages. Therefore, the future No-Action condition accounts for land use and development projects, zoning initiatives, and public policy proposals that are expected by 2036.

Study Area Definition

To identify and assess the direct and indirect effects of the Proposed Actions, this analysis has defined two study areas within which the Proposed Actions would have the potential to affect land use or land use trends. Following guidance provided in the 2021 *CEQR Technical Manual*, these include a primary study area, consisting of the Project Area subject to the requested discretionary actions which would be directly affected by the Proposed Actions, and a secondary study area encompassing properties that have the potential to experience indirect effects because of the Proposed Actions. According to the 2021 *CEQR Technical Manual*, the appropriate size of the secondary study area for land use, zoning, and public policy is related to the type and size of the project, as well as the location and context of the area that could be affected by the project. Study area boundaries vary according to these factors, with suggested study areas ranging from 400 feet for a small project to 0.5-miles for a large project. Given the geographic scope of the Proposed Actions, affecting all or portions of four blocks, and the scale of the project relative to the density of the surrounding area (the Proposed Development would measure approximately 1.6 million gsf), a quarter-mile radius from the Project Area has been selected as the secondary study area instead of the standard 400-foot radius utilized in land use, zoning, and public policy analyses. As shown in **Figure 2-1**, the secondary study area extends to include tax lots within an approximate quarter-mile radius of the Project Area and is generally bound by portions of Bushwick Avenue and Eastern Parkway to the north, Mother Gaston Boulevard to the west, Glenmore Avenue to the south, and New Jersey Avenue to the east.

Data Sources

Existing land uses were identified through review of a combination of sources including 2024 field surveys and primary sources, including the City's 2024 Primary Land Use Tax Lot Output (PLUTO™) data files and New York City's Zoning & Land Use (ZoLa) Map (ZoLa; https://zola.planning.nyc.gov/). Other publications and approved environmental review documents that have been completed for projects in the area were also consulted, many of which are discussed in the "Public Policy" section, below. New York City Zoning Maps and the ZR were consulted to describe existing zoning districts in the study areas and provided the basis for the zoning evaluation of the future No-Action and With-Action conditions. Relevant public policies, recognized by the New York City Department of City Planning (DCP) and other City agencies were utilized to describe existing public policies pertaining to the study areas.

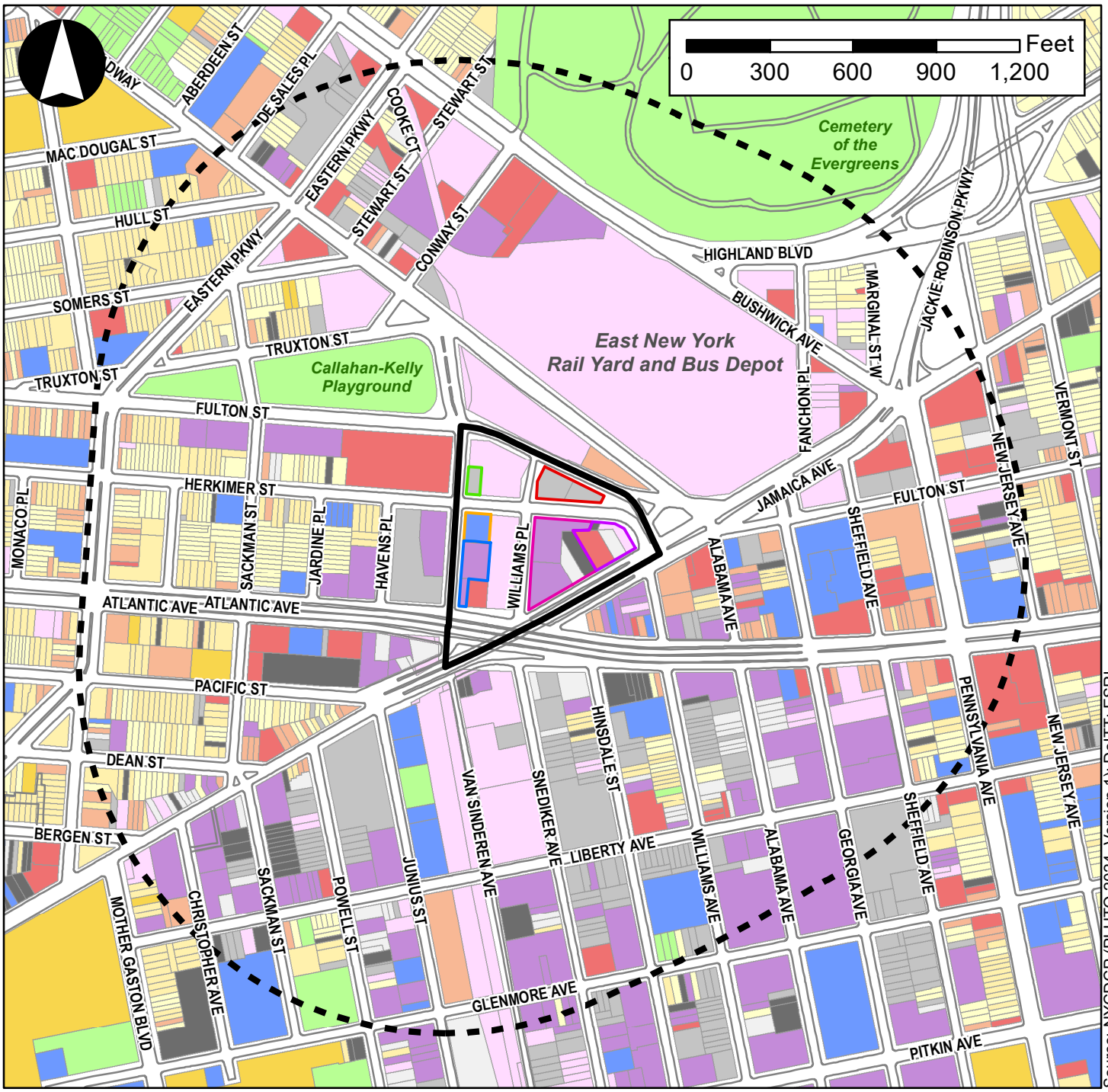
D. DETAILED ASSESSMENT

Existing Conditions

Land Use

PRIMARY STUDY AREA

Primary and Secondary Study Areas - Land Use



Legend

- Primary Study Area (Project Area)
- Secondary Study Area (Quarter-Mile Radius)
- Projected Development Site 1A
- Projected Development Site 1B
- Projected Development Site 1C
- Projected Development Site 1D
- Projected Development Site 1E
- Projected Development Site 2
- One & Two Family Buildings
- Multi-Family Walkup Buildings
- Multi-Family Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

As shown in **Figure 2-1**, the primary study area encompasses a total of approximately 190,474 sf of lot area and contains the entirety of three tax blocks (i.e., Blocks 1555, 1576, and 1577), with frontages generally bounded by Fulton Street (80-feet-wide) to the north, Van Sinderen Avenue (70-feet-wide) to the west, Atlantic Avenue (120-feet-wide west of Havens Place and greater than 120-feet-wide between Havens Place and Williams Avenue) to the south, and East New York Avenue (115-feet-wide) to the east. The primary study area is bifurcated in the east-west direction by Herkimer Street (70-feet-wide) and in the north-south direction by Williams Place (60-feet-wide).

As described in **Chapter 1, "Project Description,"** the primary study area contains several projected development sites. The projected development sites are Projected Development Site 1A (Block 1555, Lot 19), Projected Development Site 1B (Block 1576, Lots 1 and 34), Projected Development Site 1C (Block 1577, Lots 17 and 26), Projected Development Site 1D (Block 1577, Lots 32, 35, 51, and 53), and Projected Development Site 1E (Block 1577, Lots 1, 7, 56, and 58). Additionally, Projected Development Site 2 comprises Block 1576, Lot 9. Projected Development Sites 1A through 1E are under the ownership or control of the Applicant and are coterminous with the LSGD. Projected Development Site 2 is owned by Calvary Church and is not under the ownership or control of the Applicant and is not included within the LSGD. Within the primary study area, no redevelopment would occur on the non-Applicant-owned Block 1555, Lot 1 and Block 1576, Lots 13 and 32 as a result of the Proposed Actions; therefore, these non-Applicant-owned lots are not considered projected development sites. The projected development sites, as well as the non-Applicant-owned three lots where no redevelopment would occur, are further described below.

Projected Development Sites

Projected Development Site 1A

Projected Development Site 1A is comprised of Block 1555, Lot 19 and is owned by the Applicant. Projected Development Site 1A is currently unimproved and is on a short-term lease to an MTA contractor rehabilitating subway tracks (0.0 FAR). Formerly, Projected Development Site 1A has been used as unenclosed parking and storage space. There is one existing, 20-foot-side curb cut along Projected Development Site 1A's southern-facing frontage along Herkimer Street (approximately 30 feet east of Van Sinderen Avenue).

Projected Development Site 1B

Projected Development Site 1B is comprised of Block 1576, Lots 1 and 34. Lots 1 and 34 are owned by the Applicant. Lot 1 is improved with a two-story manufacturing building containing approximately 8,800 gsf (8,000 zsf) of light industrial uses (0.61 FAR) and Lot 34 is improved with a three-story commercial building containing approximately 9,000 gsf (8,182 zsf) of office uses (3.32 FAR). There is one existing 20-foot-wide curb cut along Projected Development Site 1B's Van Sinderen Avenue frontage; the curb cut is along the east side of Van Sinderen Avenue approximately 160 feet north of Atlantic Avenue.

Projected Development Site 1C

Projected Development Site 1C is comprised of Lots 17 and 26 on the northern portion of Block 1577. Lots 17 and 26 are owned by the Applicant. Projected Development Site 1C is unimproved and used for parking and dead storage of vehicles (0.0 FAR). There are three existing curb cuts along Projected Development Site 1C's Fulton Street and Herkimer Street frontages. Specifically, there is one, 36-foot-wide curb cut along the north side of Herkimer Street (approximately 90 feet east of Williams Place); one 25-foot-wide curb cut along the south side of Fulton Street (approximately 50 feet east of Williams Place); and one 25-

foot-wide curb cut along the south side of Fulton Street (approximately 160 feet east of Williams Place).

Projected Development Site 1D

Projected Development Site 1D is comprised of Lots 32, 35, 51, and 53 on the southern portion of Block 1577. Lots 32, 35, 51, and 53 are owned by the Applicant. Within Projected Development Site 1D, Lots 32 and 51 are unimproved, vacant, and used for temporary parking (0.0 FAR each); Lot 35 is improved with a one-story auto repair shop containing approximately 2,640 gsf (2,400 zsf) of light industrial uses (0.49 FAR); and Lot 53 is improved with a one-story building containing approximately 990 gsf (900 zsf) of light industrial uses (0.08 FAR). There are seven existing curb cuts along Projected Development Site 1D's East New York Avenue and Herkimer Street frontages. Specifically, there are three curb cuts of variable width along the north side of East New York Avenue and four curb cuts of variable width along the south side of Herkimer Street.

Projected Development Site 1E

Projected Development Site 1D is comprised of Lots 1, 7, 56, and 58 on the southern portion of Block 1577. Lots 1, 7, 56, and 58 are owned by Mystic Display Co., Inc. and currently leased to the MTA. According to the MTA Lease Agreement that was executed in September 2015, Mystic Display Co., Inc. and the MTA agreed to a 10-year term set to expire in 2025, with a single five-year renewal option that could be exercised by the MTA to remain in place until 2030. The MTA-leased sites are currently utilized as warehouses, parking, shop, and offices for NYCT's Automated Fare Collection (AFC) and Electronic Maintenance Division (EMD). Within Projected Development Site 1E, Lot 1 is improved with a one-story maintenance facility containing approximately 17,224 gsf (15,658 zsf) of light industrial uses (0.91 FAR); Lot 7 is improved with a one-story (plus mezzanine) maintenance facility containing approximately 20,768 gsf (18,880 zsf) of light industrial uses (1.00 FAR); and Lots 56 and 58 are currently improved with an unenclosed surface parking lot that provides access to the adjacent Lots 1 and 7 (0.0 FAR each). There are seven existing curb cuts along Projected Development Site 1E's East New York Avenue, Herkimer Street, and Williams Place frontages. Specifically, there are two curb cuts of variable width along the north side of East New York Avenue, two curb cuts of variable width along the south side of Herkimer Street, and three curb cuts of variable width along the east side of Williams Place.

Projected Development Site 2

Projected Development Site 2 is comprised of Block 1576, Lot 9 and is owned by Calvary Church. Projected Development Site 2 is improved with a two-story building containing approximately 12,904 gsf (11,731 zsf) of community facility (house of worship) uses (1.33 FAR). There is one existing 25-foot-wide curb cut along Projected Development Site 2's Herkimer Street frontage; the curb cut is along the south side of Herkimer Street approximately 30 feet east of Van Sinderen Avenue.

Out Parcels

Block 1555, Lot 1 and Block 1576, Lot 13 are both owned by the MTA and improved with elevated subway structures and an at-grade parking lot (0.0 FAR). Block 1576, Lot 32 is owned by Amba Mata Inc. and improved with a six-story hotel building containing approximately 18,476 gsf (16,796 zsf) and 40 keyed-rooms (2.43 FAR). The above three lots are referred to, collectively, as the "Out Parcels."

The primary study area is within a Transit Zone and is extremely well-served by mass transit, including the Broadway Junction Subway Station complex serving five subway lines (i.e., the A/C/J/L/Z lines), several bus lines, and the East New York Station serving the LIRR's Atlantic Branch. Several elevated MTA rail lines

– including the elevated L (a.k.a. the 14th Street-Canarsie line) and J/Z (a.k.a. the Jamaica line) – cut through the primary study area: the elevated L line runs north-south and bifurcates the primary study area, whereas the elevated J/Z line runs southeast-northwest along Broadway and Jamaica Avenue just north and east of the primary study area. The A/C/J/L/Z lines converge at the Broadway Junction Subway Station complex, one block north of the primary study area. The Atlantic Avenue (L) Subway Station is also located directly south of the primary study area. Additionally, the Alabama Avenue (J/Z) Subway Station is located east of the primary study area. In terms of commuter rail, the East New York station is located in the southern portion of the primary study area, providing access to Downtown Brooklyn- and Long Island-bound service along the LIRR's Atlantic Branch. In addition, the primary study area is well-served by bus routes, with stops on the B12, B20, B25, B83, Q24, and Q56 all within a one-block radius of the primary study area. The B12 (connecting Prospect Lefferts Gardens and East New York) runs along East New York Avenue directly southeast of the primary study area; the B20 (connecting East New York, Brooklyn and Ridgewood, Queens) runs along Fulton Street and Broadway directly north of the primary study area; the B25 (connecting Fulton Landing with East New York) runs along Fulton Street directly north of the primary study area; the B83 (connecting Spring Creek/Gateway Center Mall with East New York) runs along Fulton Street and Broadway to the north and Jamaica Avenue to the east; the Q24 (connecting Jamaica, Queens with Bedford-Stuyvesant, Brooklyn) runs along Fulton Street and Broadway to the north and Jamaica Avenue to the east; and the Q56 (connecting Jamaica, Queens with East New York, Brooklyn) runs along Fulton Street and Broadway to the north and Jamaica Avenue to the east. There are also three Citi Bike docking stations located near the primary study area, one at the intersection of Somers Street and Broadway, one at the intersection of Van Sinderen Avenue and Truxton Street, and one at the intersection of Van Sinderen Avenue and Atlantic Avenue. Collectively, these transit options provide access to and from the primary study area from much of Brooklyn, Manhattan, and beyond.

SECONDARY STUDY AREA

The secondary study area encompasses areas that have the potential to experience indirect effects because of the Proposed Actions. The secondary study area includes portions of 63 blocks and extends to portions of Bushwick Avenue and Eastern Parkway to the north, Mother Gaston Boulevard to the west, Glenmore Avenue to the south, and New Jersey Avenue to the east. Located near Broadway Junction, one of the largest transit centers in New York City, the secondary study area encompasses portions of several Brooklyn neighborhoods, including East New York, Brownsville, Ocean Hill, Bushwick, Bedford-Stuyvesant, and Cypress Hills.

The neighborhoods surrounding Broadway Junction and encompassing the secondary study area began to be developed approximately 150 years ago, when railroad access expanded into the secondary study area. Due to the rail expansion, the development of commercial offices, manufacturing facilities, and residential properties (all of which housed or employed a predominantly immigrant population) ensued, aiming to take advantage of convenient connections to Manhattan, Queens, and greater Long Island. These development trends were also aided by nearby Atlantic Avenue, which provides access for commercial and personal vehicles traveling to and from the secondary study area. Today, the secondary study area has retained its diverse mixture of land uses and is characterized by its earlier development during the 19th century.

With the loss of manufacturing jobs in the latter half of the 20th century, newcomers to the neighborhoods of the secondary study area (predominantly African Americans and Puerto Ricans) were unable to find stable work. Because of this disinvestment, as well as predatory practices by real estate agencies, the neighborhoods comprising the secondary study area underwent a prolonged period of concentrated poverty and neglect, with many properties left abandoned and vacant. To this end, planning efforts in

recent years have focused on revitalizing the neighborhoods comprising the secondary study area into economic and residential hubs of Brooklyn. These planning efforts have included the designation of the East New York Industrial Business Zone (IBZ) in 2006, which supports the retention of industrial jobs and prevents the rezoning of manufacturing areas within its boundaries[1], as well as the East New York Community Plan, passed in 2016, which sought to preserve and create affordable housing, promote jobs and economic opportunities, and invest in community resources. The East New York Community Plan was to be achieved largely through upzoning portions of East New York, Cypress Hills, and Ocean Hill and allowing for more mixed-use development in areas largely dominated by low-density manufacturing zoning districts. Encompassing a total of 190 blocks in the East New York, Cypress Hills, and Ocean Hill neighborhoods, the East New York Community Plan encompassed blocks immediately to the west and east of the primary study area but did not directly affect any of the blocks and lots in the primary study area.

As shown in **Figure 2-1** and **Table 2-1**, the secondary study area is comprised of a mixture of residential, commercial/office, and industrial/manufacturing land uses. Residential land uses account for approximately 40.9 percent of the lots, approximately 15.6 percent of the total lot area, and approximately 21.9 percent of the total building area in the secondary study area. Many of the residential lots in the secondary study area are situated to the west of Havens Place and south of Broadway, as well as to the east of Sheffield Avenue, and are characterized by one- and two-family buildings and multi-family walkup buildings on narrow lots. However, there are several multi-family elevator buildings located in the secondary study area, such as the eight-story building located at 2377 Pacific Street (Block 1436, Lot 32). Similarly, there are several mixed commercial/residential buildings located in the eastern portion of the secondary study area, primarily along Atlantic, Jamaica, and Pennsylvania avenues, which account for approximately 7.1 percent of the lots, approximately 5.3 percent of the total lot area, and approximately 14.5 percent of the total building area in the secondary study area. Although many of these buildings are low-rise, prewar buildings with ground-floor commercial space and second- and third-floor residential space, there are several newer, larger mixed-use commercial/residential developments such as 91 Junius Street (Block 3696, Lot 7501), 2353-2365 Pacific Street (Block 1436, Lot 36), and 62 Pennsylvania Avenue (Block 3669, Lot 7501). Therefore, although the buildings containing residential land uses in the secondary study area are largely characterized by smaller, older prewar buildings, larger and newer residential and mixed commercial/residential buildings have been constructed in the secondary study area because of sundry planning initiatives in the past two decades.

As shown in **Figure 2-1** and **Table 2-1**, the secondary study area also contains many commercial/office buildings. Although commercial/office buildings comprise a small portion of the total lots (approximately 5.1 percent) in the secondary study area, commercial/office buildings constitute approximately 7.9 percent and 14.5 percent of the total lot area and total building area, respectively. Most of the commercial/office buildings are located in the northern and eastern portions of the secondary study area, with the exception of one lot at 2440 Fulton Street (Block 1554, Lot 16), which is occupied by a six-story commercial building whose primary tenant will be the New York City Human Resources Administration or Department of Social Services (HRA/DSS). Other recently completed commercial/office buildings in the secondary study area include 2384 Atlantic Avenue (Block 1437, Lot 1) and 43 Jamaica Avenue (Block 3482, Lot 1). However, many of the secondary study area's commercial/office buildings are comprised of

[1] Although the East New York IBZ is located in the southern portion of the secondary study area, it does not encompass any part of the primary study area. The East New York IBZ is bound by Atlantic Avenue and East New York Avenue to the north, Mother Gaston Boulevard and Powell Street to the west, Sutter Avenue to the south, and Sheffield Avenue to the east (refer to **Figure 2-3**).

small, older legacy buildings, chain restaurants with drive-thrus, and auto-oriented businesses (e.g., autobody shops, car washes, and junk and salvage yards).

TABLE 2-1
Existing Land Uses in the Secondary Study Area

Land Use	Number of Lots	Percentage of Total Lots (%)	Lot Area (sf)	Percentage of Total Lot Area (%)	Building Area	Percentage of Total Building Area (%)
Residential	396	40.9%	851,954	15.6%	1,311,757	21.9%
One- and Two-Family Buildings	*210*	*21.7%*	*384,667*	*7.0%*	*388,750*	*6.5%*
Multi-Family Walkup Buildings	*182*	*18.8%*	*443,750*	*8.1%*	*808,736*	*13.5%*
Multi-Family Elevator Buildings	*4*	*0.4%*	*23,537*	*0.4%*	*114,271*	*1.9%*
Mixed Commercial/Residential Buildings	69	7.1%	290,471	5.3%	872,766	14.5%
Commercial/Office Buildings	49	5.1%	433,010	7.9%	777,904	13.0%
Industrial/Manufacturing	88	9.1%	887,581	16.2%	1,083,144	18.0%
Transportation/Utility	64	6.6%	1,402,046	25.6%	556,516	9.3%
Public Facilities & Institutions	36	3.7%	354,062	6.5%	818,332	13.6%
Open Space	9	0.9%	248,772	4.5%	8,160	0.1%
Parking Facilities	149	15.4%	677,478	12.4%	569,331	9.5%
Vacant Land	52	5.4%	167,414	3.1%	0	0.0%
All Others or No Data	57	5.9%	160,895	2.9%	7,067	0.1%
Total	***969***	***100.0%***	***5,473,683***	***100.0%***	***6,004,977***	***100.0%***

Sources: New York City 2024 PLUTO™ data files, 2024 field visits.

As shown in **Figure 2-1** and **Table 2-1**, industrial/manufacturing land uses encompass a significant portion of the secondary study area, accounting for approximately 9.1 percent of the lots, approximately 16.2 percent of the total lot area, and approximately 18.0 percent of the total building area. The presence of industrial/manufacturing uses reflects the secondary study area's historical reputation as a center of industrial/manufacturing employment. The preservation of industrial/manufacturing uses in the secondary study area has also been achieved through the implementation of the East New York IBZ, which is mapped in the secondary study area south of Atlantic and East New York avenues between Powell Street and Sheffield Avenue. At an average size of approximately 10,086 sf, industrial/manufacturing lots in the secondary study area are relatively large. Industrial/manufacturing lots are typically occupied by one- to-three-story buildings and structures occupied by a wide array of industrial/manufacturing businesses, including HVAC installation and repair businesses, contractors, as well as steel, wood, iron, and glass manufacturers.

As shown in **Figure 2-1** and **Table 2-1**, transportation/utility land uses account for approximately 25.6 percent of the total lot area in the secondary study area. Most of the transportation/utility uses are MTA-owned or occupied, containing elevated subway tracks, a communication repair center (Block 1547, Lot 25), and the largest transportation/utility use in the secondary study area – the East New York Rail Yard and Bus Depot (Block 3476, Lot 10), occupying approximately 716,404 sf of lot area. Additionally, there are private bus, including school bus, storage and service facilities concentrated along Van Sinderen Avenue in the southern portion of the secondary study area.

As shown in **Figure 2-1** and **Table 2-1**, public facilities and institutions account for a significant share of land uses in the secondary study area, accounting for approximately 13.6 percent of the total building area. Many public facilities and institutions, such as those occupying the northern portion of Block 3668, the eastern portion of Block 3679 along Junius Street, and 116 Williams Avenue (Block 3699, Lot 1), are occupied by healthcare facilities. Other public facilities and institutions include a large USPS facility at 2645 Atlantic Avenue (Block 3670, Lot 1), a shelter at 2402 Atlantic Avenue (Block 1437, Lot 8), and a religious center at 1466-1474 Herkimer Street (Block 1574, Lots 11, 12, 13, 14, and 15). The Trey Whitfield School, a private elementary school, is also located at 17 Hinsdale Street (Block 3682, Lot 33).

As shown in **Figure 2-1** and **Table 2-1**, the secondary study area contains nine lots occupied by open space.[2] Callahan-Kelly Playground (Block 1546, Lot 1 and Block 1545, Lot 1) is located in the northwestern portion of the secondary study area and is the largest open space in the secondary study area, comprising approximately 3.25 acres. Additional open spaces include TLC Sculpture Park (0.17 acres), Houston Playground (0.92 acres), and McLeod's Community Garden (0.11 acres).

As shown in **Figure 2-1** and **Table 2-1**, the secondary study area contains a substantial number of parking facilities, vacant land, and miscellaneous unclassified land uses, which together constitute approximately 26.6 percent of total lots and approximately 18.4 percent of the total lot area in the secondary study area. Many of the parking facilities, vacant land, and miscellaneous unclassified land uses are located either within or adjacent to the East New York IBZ in the southern portion of the secondary study area. Notably, in the secondary study area, East New York contains the City's highest concentration of class Z9 buildings, which are miscellaneous buildings that do not fit into any other building classification. Accounting for many of the lots that fall under the "All Others or No Data" land use classification, Z9 buildings in the secondary study area are mostly comprised of vehicle storage facilities.

In sum, land uses in the secondary study area are highly diverse and reflective of a broad pattern of transportation-related land uses, such as auto-oriented businesses (e.g., autobody shops, car washes, and junk and salvage yards), parking facilities, bus and vehicle storage facilities, and MTA facilities like the East New York Rail Yard and Bus Depot. Although the predominant land uses in the immediate vicinity of the primary study area are industrial/manufacturing and transportation/utility, residential land uses located in the western and eastern portions of the secondary study area reflect the secondary study area's status as a mixed-use area of Brooklyn. And, although many low-rise, low-density residential and commercial/office buildings are a legacy of the secondary study area's prewar development and growth, newer development resulting from the 2016 East New York Community Plan has begun to shift the character of the neighborhoods encompassing the secondary study area towards higher density mixed-use developments.

Zoning

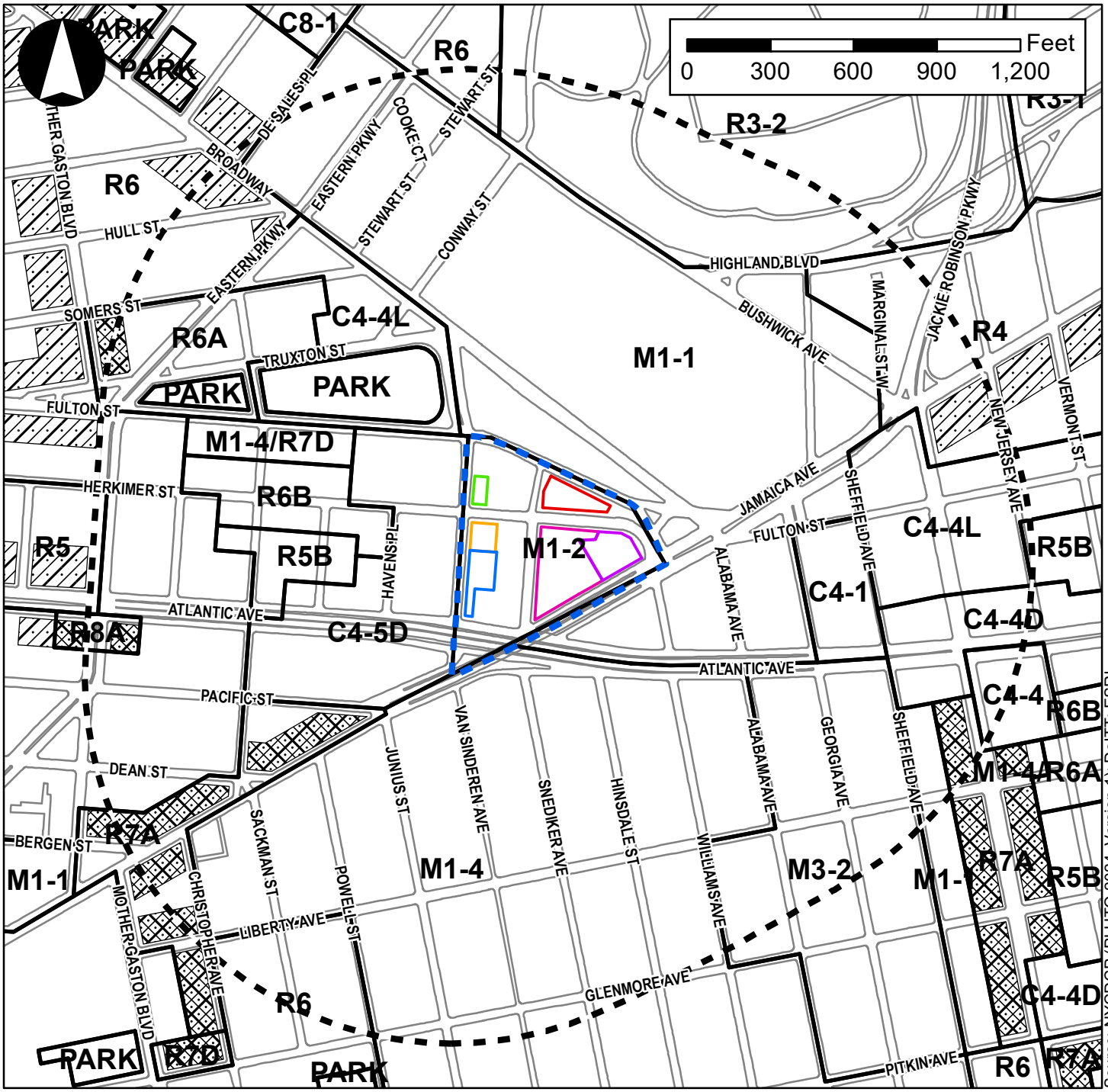
PRIMARY STUDY AREA

As shown in **Figure 2-2**, the primary study area is in an M1-2 zoning district, which is coterminous with the primary study area and is mapped along Van Sinderen Avenue to the west, East New York Avenue to the south, Fulton Street to the north, and Herkimer Street to the east. An M1-2 zoning district is a low-density manufacturing district that has high performance standards and typically serves as industrial front yards or buffers between heavier M2 and M3 zoning districts and residential and commercial zoning districts. M1 zoning districts usually include light manufacturing uses such as woodworking shops, repair shops, and wholesale services. High performance industrial uses are allowed, as well as a range of commercial uses. Pursuant to the M1 Hotel Text Amendment, hotels are only permitted by special permit. Additionally, some community facility uses are allowed in M1 districts by special permit.[3] Residential use

[2] It is important to note that although a significant portion of the Cemetery of the Evergreens is partially in the secondary study area, it was excluded in the analysis of land use because it does not contain at least 50 percent of its lot area within the quarter-mile radius boundary. Forming the southern end of the "Cemetery Belt" of Brooklyn and Queens, Cemetery of the Evergreens encompasses approximately 225 acres.

[3] Pursuant to ZR Section 42-11, Use Group IIIA containing health facilities and houses of worship are permitted as-of-right and do not require a special permit; Use Group I (which includes agriculture and open uses such as cemeteries, golf courses, and public parks are not permitted as-of-right and thus, would require a special permit.

Primary and Secondary Study Areas - Zoning



Legend

- Primary Study Area (Project Area)
- Secondary Study Area (Quarter-Mile Radius)
- Projected Development Site 1A
- Projected Development Site 1B
- Projected Development Site 1C
- Projected Development Site 1D
- Projected Development Site 1E
- Projected Development Site 2
- M1-2 Zoning District Boundaries
- C2-3 Commercial Overlay
- C2-4 Commercial Overlay

is generally not permitted as-of-right in M1 zoning districts. M1-2 zoning districts have a maximum floor area ratio (FAR) of 2.0 for manufacturing and commercial uses and 4.80 for community facility uses. Buildings in M1-2 zoning districts are governed by the sky exposure plane, which begins 60 feet above the street line. Within M1-2 zoning districts, off-street parking is required and varies by use.

SECONDARY STUDY AREA

Zoning classifications in the secondary study area, which are also shown in **Figure 2-2** and listed in **Table 2-2**, consist of a range of residential, commercial, and manufacturing zoning districts which are representative of the mixed-use landscape of the secondary study area. While manufacturing zoning districts predominate in the southern portion of the secondary study area (i.e., in the boundaries of the East New York IBZ), the eastern and western portions of the secondary study area were rezoned as part of the 2016 East New York Community Plan and are therefore reflective of the City's goals of transforming significant portions of the secondary study area into denser mixed-use areas.

TABLE 2-2
Existing Zoning Districts in the Secondary Study Area

Name	Definition/General Use	Maximum FAR
	Residential Districts	
R3-2	R3-2 zoning districts are residential districts that allow a variety of housing types, including low-rise attached houses, small multifamily apartment houses, and detached and semi-detached one- and two-family residences.	R: 0.60 or 0.75 (Standard) or 1.0 (Qualifying Residential Sites); C: 0.0; CF: 1.0; M: 0.0
R4	R4 zoning districts allow all types of housing at a slightly higher density than permitted in R3-2 zoning districts. These zoning districts usually produce buildings with three story homes with pitched roofs.	R: 1.0 (Standard) or 1.5 (Qualifying Residential Sites); C: 0.0; CF: 2.0; M: 0.0
R5	R5 zoning districts allow a variety of housing at a higher density than permitted in R3-2 and R4 zoning districts and typically produce three- and four-story attached houses and small apartment houses. R5 zoning districts provide a transition between lower- and higher-density neighborhoods.	R: 1.5 (Standard) or 2.0 (Qualifying Residential Sites); C: 0.0; CF: 2.0; M: 0.0
R5B	R5B contextual residential districts are low-density residential districts typically mapped in three-story rowhouse districts, such as Windsor Terrace or Bay Ridge in Brooklyn.	R: 1.5 (Standard) or 2.0 (Qualifying Residential Sites); C: 0.0; CF: 2.0; M: 0.0
R6	R6 zoning districts are medium-density residential districts widely mapped in built-up, medium-density areas that allow residential and community facility uses.	R: 2.2 or 3.0 (Standard Residences) or 3.9 (Qualifying Affordable or Senior Housing); C: 0.0; CF: 4.8; M: 0.0
R6A	R6A contextual zoning districts are medium-density residential districts that allow residential and community facility uses.	R: 3.0 (Standard Residences) or 3.9 (Qualifying Affordable or Senior Housing); C:0.0; CF: 3.0; M: 0.0
R6B	R6B contextual zoning districts are medium-density residential districts and are often traditional rowhouse zoning districts.	R: 2.0 (Standard Residences) or 2.4 (Qualifying Affordable or Senior Housing); C: 0.0; CF: 2.0; M: 0.0
R7A	R7A contextual zoning districts are medium-density residential districts that allow residential and community facility uses.	R: 4.0 (Standard Residences) or 5.01 (Qualifying Affordable or Senior Housing); C: 0.0; CF: 4.0; M: 0.0
R7D	R7D contextual zoning districts are medium-density residential districts that promote new development along transit corridors.	R: 4.66 (Standard Residences) or 5.6 (Qualifying Affordable or Senior Housing); C: 0.0; CF: 4.66; M: 0.0

TABLE 2-2 (Cont.)
Existing Zoning Districts in the Secondary Study Area

Name	Definition/General Use	Maximum FAR
Residential Districts		
R8A	R8A contextual residential districts encourage mid-rise apartment buildings of roughly 12- to 14-stories, set at or near the street line. On wide streets, buildings must have a continuous street wall along the width of the lot.	R: 6.02 (Standard Residences) or 7.2 (Qualifying Affordable or Senior Housing); C: 0.0; CF: 6.5; M: 0.0
Commercial Districts		
C2-3 & C2-4 Commercial Overlays	C2 commercial overlays are mapped within residential zoning districts along streets that serve local retail needs. In mixed-use buildings, commercial uses are limited to one or two floors and can share the same floor as residential units.	R & CF: same as underlying R district; C: 1.0 within R1-R5 zoning districts & 2.0 within R6-R12 zoning districts; M: 0.0
C4-1	Most retail establishments are permitted in C4 zoning districts. C4-1 zoning districts (R5 equivalent) are mostly mapped in outlying areas that require a large amount of parking.	R: 1.5 (Standard) or 2.0 (Qualifying Residential Sites); C: 1.0; CF: 2.0; M: 0.0
C4-4	C4 zoning districts are mapped in regional commercial centers that are located outside of central business districts. C4-4 zoning districts (R7-2 equivalent) are mapped in more densely built areas. Typical uses include department stores, theaters, and commercial office uses.	R: 3.44 or 4.0 (Standard) or 5.01 (Qualifying Residential Sites); C: 3.4; CF: 6.5; M: 0.0
C4-4D	C4-4D zoning districts are contextual commercial zoning districts which allow a wide variety of commercial and community facility uses. Due to the contextual nature of the zoning district, residential buildings in C4-4D zoning districts are subject to Quality Housing bulk regulations, with a residential district equivalent of R8A.	R: 6.02 (Standard Residences) or 7.2 (Qualifying Affordable or Senior Housing); C: 3.4; CF: 6.5; M: 0.0
C4-4L	C4-4L zoning districts are contextual commercial districts which allow a wide variety of commercial and community facility uses. Due to the contextual nature of the zoning district, residential buildings in C4-4L zoning districts are subject to Quality Housing bulk regulations, with a residential equivalent of R8A. They are typically mapped in outlying, transit-accessible areas.	R: 6.02 (Standard Residences) or 7.2 (Qualifying Affordable or Senior Housing); C: 4.0; CF: 4.0; M: 0.0
C4-5D	C4-5D zoning districts are contextual commercial districts which are subject to Quality Housing bulk regulations. This zoning district has a residential FAR equivalent of R7D. Like other C4 zoning districts, this zoning district is typically mapped along main streets in outlying areas.	R: 6.02 (Standard Residences) or 7.2 (Qualifying Affordable or Senior Housing); C: 4.2; CF: 4.2; M; 0.0
Manufacturing Districts		
M1-1	M1-1 and M1-4 zoning districts are high performance manufacturing districts. M1 zoning districts are often buffers between M2 and M3 zoning districts and adjacent residential or commercial zoning districts. Building heights are governed by sky exposure planes. Parking requirements vary with use.	R: 0.0; C: 1.0; CF: 2.4; M: 1.0
M1-4		R: 0.0; C: 2.0; CF: 6.5; M: 2.0
M3-2	M3 zoning districts are designated for heavy industries that generate noise, traffic, or pollutants, such as power plants, recycling plants, and fuel supply depots. Because of their potential to create nuisances, M3 zoning districts are typically buffered from residential zoning districts.	R: 0.0; C: 2.0; CF: 0.0; M: 2.0
Special Ocean Hill Mixed Use District (MX-16)		
M1-4/R7D	M1-4/R7D is a mixed use (MX) zoning district that pairs M1-4, a manufacturing district that supports a mixture of low-density commercial and manufacturing uses with R7D, a medium-density contextual residential zoning district. Commercial, community facility, and manufacturing uses are subject to the M1-3 zoning district bulk controls, expect that community facilities are subject to residential FAR limits. MX zoning districts also have special regulations that enable residential, and certain manufacturing uses, to be located either side by side or within the same building.	R: 4.66 (Standard Residences) or 5.6 (Qualifying Affordable or Senior Housing); C: 2.0; CF 6.5; M: 2.0

Source: *Zoning Resolution of the City of New York*.
Notes: R=Residential; C=Commercial; CF=Community Facility; M=Manufacturing

Special Enhanced Commercial District (EC)

On April 20, 2016, as part of the East New York Community Plan (2016), the New York City Council approved Zoning Map and Text Amendments to establish the Special Ocean Hill (EC-5) and East New York (EC-6) Enhanced Commercial Districts on portions of an approximately 191-block area in the East New York, Cypress Hills, and Ocean Hill neighborhoods of Brooklyn CDs 5 and 16. The EC-6 is generally bounded by Sheffield Avenue to the west, Lincoln Avenue to the east, Fulton Street to the north, and Pitkin Avenue to the south); and the EC-5 is generally bounded by Eastern Parkway Extension to the west, Van Sinderen Avenue to the east, Broadway to the north, and East New York Avenue to the south. The intention of the EC-5 and the EC-6 are to foster a safe and engaging pedestrian experience along portions of the Atlantic Avenue, Pitkin Avenue, Fulton Street, and Pennsylvania Avenue corridors by establishing regulations requiring non-residential ground-floor uses, requiring minimum levels of transparency on the ground-floor, limiting curb cuts, and requiring setbacks along corridors with elevated trains. The EC-5 is mapped in the western and eastern portions of the secondary study area, while the EC-6 is mapped in the eastern portion of the secondary study area.

Public Policy

In addition to zoning, officially adopted and promulgated public policies also describe the intended use applicable to an area or site(s) in New York City. These include Urban Renewal Plans, 197-a Plans, Industrial Business Zones (IBZs), the New York City Comprehensive Waterfront Plan, the Criteria for the Location of City Facilities ("Fair Share" criteria), the Solid Waste Management Plan, Business Improvement Districts (BIDs), the New York City Landmarks Law, the New York City Waterfront Revitalization Program (WRP), and *OneNYC 2050: Building a Strong and Fair City*. Some of these public policies have regulatory status, while others describe general policy goals. They can help define the existing and future context of the land use and zoning of an area.

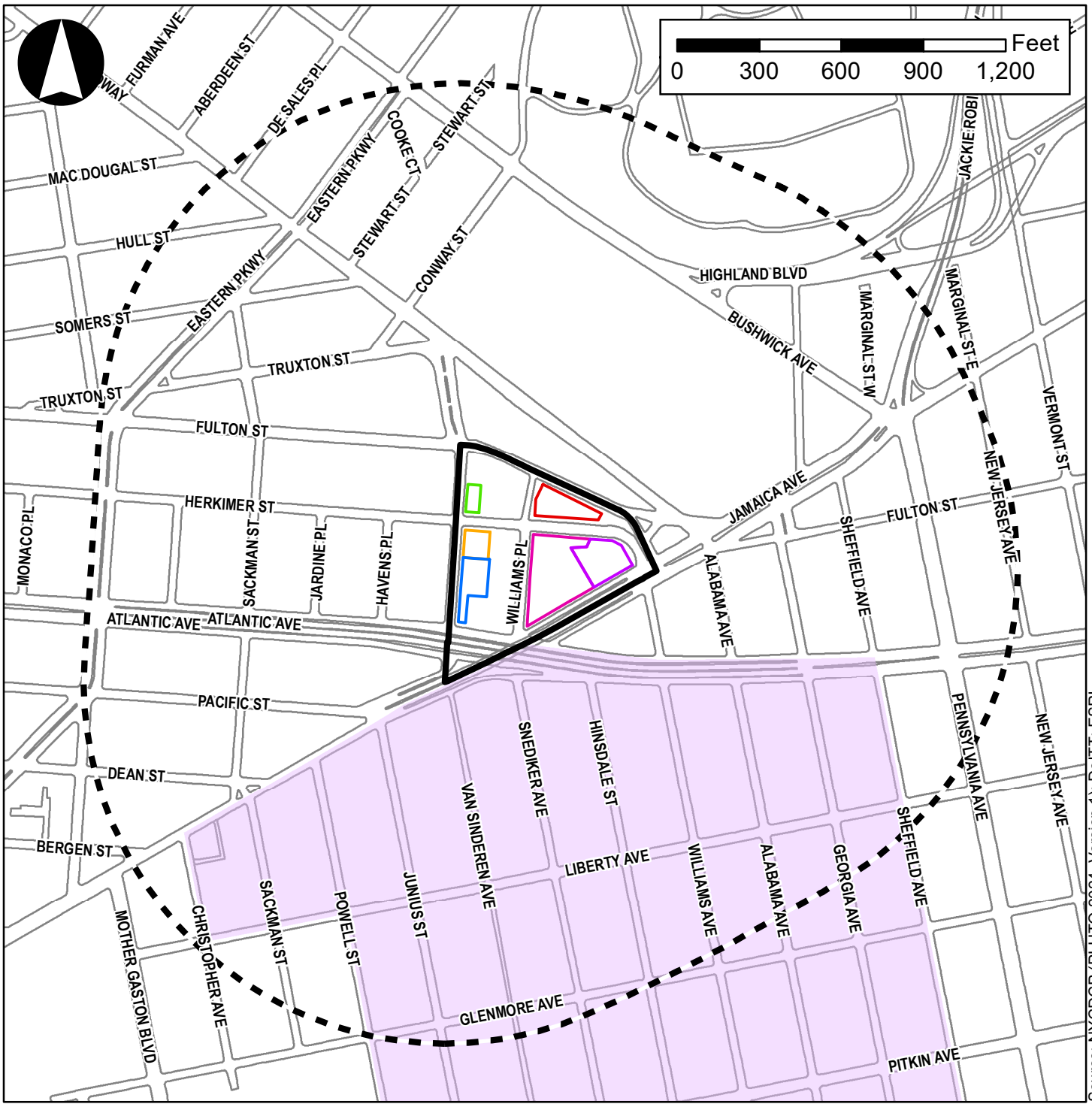
Public policies applicable to the primary and secondary study areas are discussed below. The Proposed Actions consistency with each of these public policies is assessed in the "The Future with the Proposed Actions (With-Action Condition)" section of this chapter.

EAST NEW YORK INDUSTRIAL BUSINESS ZONE

As shown in **Figure 2-3**, the southern portion of the secondary study area is located in the East New York IBZ. One of the City's smallest IBZs, the East New York IBZ encompasses approximately 57 blocks (or portions thereof) in the East New York, Brownsville, and New Lots neighborhoods of Brooklyn, and is generally bounded by East New York and Atlantic avenues to the north, Sheffield Avenue to the east, a boundary approximately 200 feet south of Newport Street to the south, and Powell Street and Christopher Avenue to the west. It should be noted that the main portion of the East New York IBZ is bounded by Sutter Avenue to the south before continuing to Newport Street along the Van Sinderen Avenue corridor. In 2006, the Mayor's Office for Industrial and Manufacturing Businesses ratified the establishment of 16 IBZs in which the City provides expanded assistance services to industrial firms in partnership with local development groups. Since 2006, additional IBZs have been established and the boundaries of select IBZs have been modified. There are currently 21 IBZs throughout the City. Usually built upon pre-existing In-Place Industrial Parks, IBZs offer various incentives to prevent industrial uses from relocating outside of the City and are subject to current City policies not to rezone properties within IBZs for residential use.

Planning studies are performed to determine changes that can be made to improve business efficiency in the City's IBZs. These changes can include traffic and parking monitoring, the clustering of similar

East New York Industrial Business Zone



Source: NYCDCP (PLUTO 2024, Version 1); DoITT; ESRI

Legend

- Primary Study Area (Project Area)
- Secondary Study Area (Quarter-Mile Radius)
- Projected Development Site 1A
- Projected Development Site 1B
- Projected Development Site 1C
- Projected Development Site 1D
- Projected Development Site 1E
- Projected Development Site 2
- East New York Industrial Business Zone

businesses, and IBZ-specific marketing. Higher regulation and steeper penalties for illegal conversions, as well as a guarantee not to rezone to residential zoning districts, help to alleviate real estate uncertainty. Tax incentives also encourage new industrial users to move to the City's IBZs.

Within an IBZ, Industrial Business Solutions Providers offer industrial businesses guidance on accessing appropriate financial and business assistance programs, navigating and complying with regulatory requirements, developing workforces, and ensuring the neighborhood is well-maintained.

EAST BROOKLYN BUSINESS IMPROVEMENT DISTRICT

A BID is an area where local stakeholders oversee and fund the maintenance, improvement, and promotion of their commercial district. Their services can include street cleaning and maintenance, public safety and hospitality, marketing and events, capital improvements, beautification, advocacy, and business development. Each BID is run by a not-for-profit organization with a Board of Directors. BID programs and services are funded by a special assessment billed to property owners within a BID.

As shown in **Figure 2-4**, the southern portion of the secondary study area is located in the East Brooklyn BID (EBBID). The EBBID comprises approximately 40 blocks and is bounded by Atlantic and East New York avenues to the north, Sheffield Avenue to the east, Sutter Avenue to the south, and Powell Street to the west. One of the first BIDs established in the City, the EBBID was founded in 1983 by local property owners and works to enrich East New York through economic development while promoting its cultural diversity. The EBBID promotes local businesses with public events, provides public safety and sanitation services, and other policy and planning efforts. Additionally, the EBBID works closely with the East New York IBZ to ensure that the goals of both organizations are met simultaneously.

ONENYC 2050: BUILDING A STRONG AND FAIR CITY

In April 2019, the former Mayor de Blasio administration released *OneNYC 2050: Building a Strong and Fair City* ("OneNYC 2050"), a strategic plan for inclusive growth and climate action in New York City. Building upon its predecessor, *One New York: The Plan for a Strong and Just City* ("OneNYC"), OneNYC 2050 brings new attention to the fundamental link between climate action and inclusive growth with a focus on creating good-paying jobs, ensuring equitable access to natural resources, guaranteeing the right to quality healthcare and education, and promoting justice by recognizing and repairing the damage caused by historic oppression.

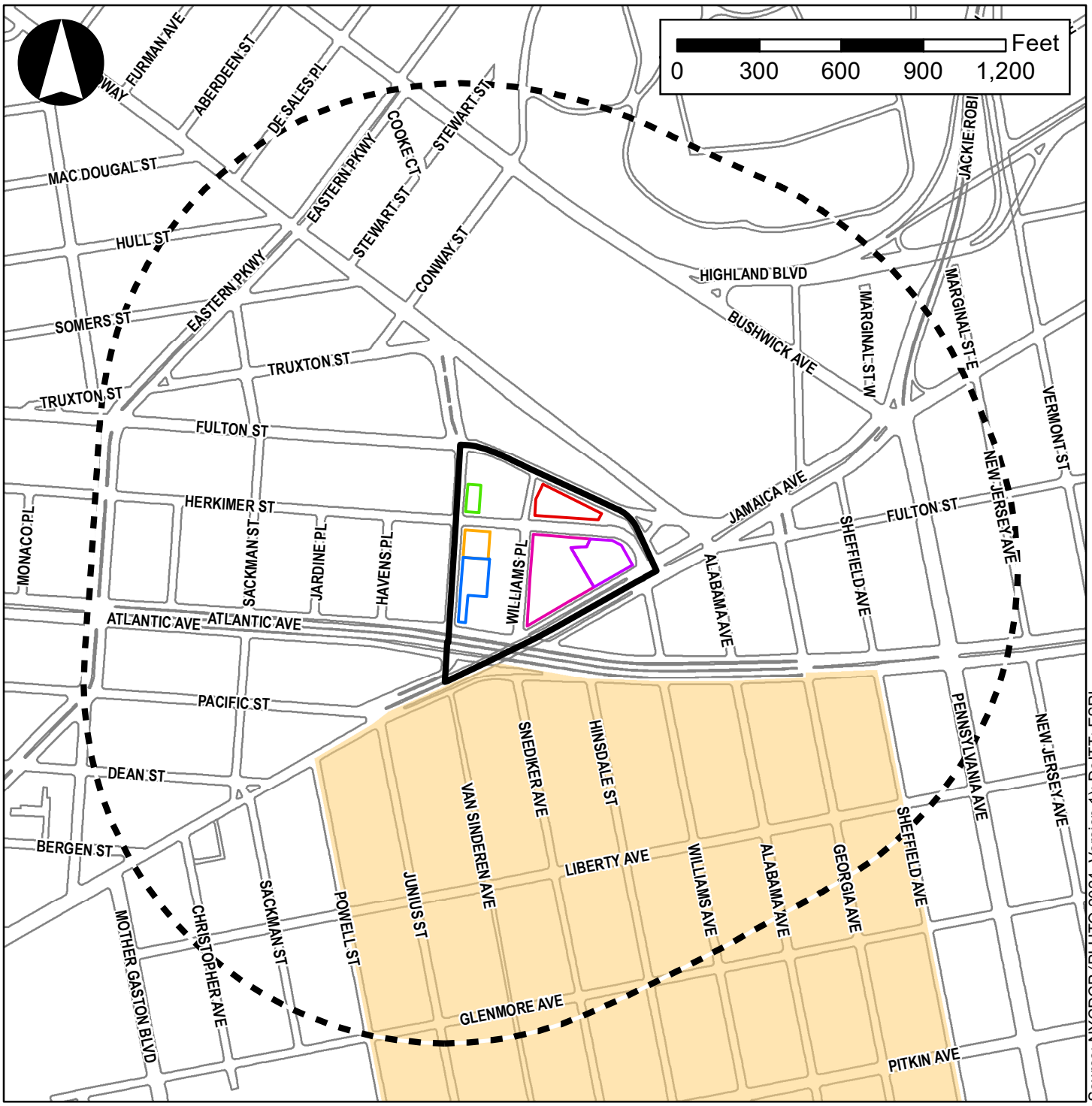
OneNYC 2050 includes progress realized since 2015, saluting the success of OneNYC's growth, sustainability, resiliency, and equity initiatives. However, the plan emphasizes that there is still much to be done to address critical challenges like climate change, increasing unaffordability, and failing infrastructure. The plan's eight goals lay the foundation for transformational change:

- **A Vibrant Democracy**, where every New Yorker is welcomed into the City's civic and democratic life.

- **An Inclusive Economy**, where economic growth creates opportunities for New Yorkers and safeguards the American Dream.

- **Thriving Neighborhoods**, where all communities have safe, affordable housing and are well-served by parks, cultural resources, and other shared public spaces.

East Brooklyn Business Improvement District



Source: NYCDCP (PLUTO 2024, Version 1); DoITT; ESRI

Legend

- Primary Study Area (Project Area)
- Secondary Study Area (Quarter-Mile Radius)
- Projected Development Site 1A
- Projected Development Site 1B
- Projected Development Site 1C
- Projected Development Site 1D
- Projected Development Site 1E
- Projected Development Site 2
- East Brooklyn Business Improvement District

- **Healthy Lives**, where health inequities based on race and ethnicity are eliminated, and all residents have equal access to health care, clean air, and healthy food.

- **Equity and Excellence in Education**, where diverse and fair schools provide a quality education for every student, and New York serves as a model for educating children of all backgrounds.

- **A Livable Climate**, where we no longer rely on fossil fuels and have mitigated the risks posed by climate change.

- **Efficient Mobility**, where affordable, reliable, safe, and sustainable transportation options mean no New Yorker needs to rely on a car.

- **Modern Infrastructure**, where reliable physical and digital infrastructure allows New Yorkers to flourish.

OneNYC 2050 articulates a global perspective on the long-term needs of the City and how the City must grow responsibly and sustainably while supporting the well-being of all New Yorkers. The plan is referred to as New York City's Green New Deal, and progress reports will be released yearly.

NEW YORK WORKS

New York Works is a plan implemented in 2017 with the intent to create 100,000 good-paying jobs (with an annual income of at least $50,000) over the next 10 years. The plan includes three main goals: to invest in the creation of middle-class jobs, ensure said jobs are accessible to New Yorkers, and prepare for the jobs of the future in Tech, Life Sciences and Healthcare, Industrial and Manufacturing, Creative and Cultural Sectors, and Space.

GET STUFF BUILT

Get Stuff Built: A Report of the Building and Land Use Approval Streamlining Taskforce was released in December 2022 and makes 111 recommendations to improve the CEQR, ULURP, and New York City Department of Buildings (DOB) permitting process with the goals of increasing the speed of compliant projects while decreasing costs, ensuring environmental protection and meaningful public participation, promoting an increase in affordable housing and environmental sustainability, and reducing risk for entrepreneur businesses and emerging developers by improving predictability of the development process. These recommendations are intended to reduce building timelines and costs by up to 50 percent.

HOUSING OUR NEIGHBORS: A BLUEPRINT FOR HOUSING AND HOMELESSNESS

On June 14, 2022, the Mayor Adams administration released *Housing Our Neighbors: A Blueprint for Housing and Homelessness*, a comprehensive plan intended to cover the entire spectrum of New Yorkers' housing needs and options, including City-subsidized affordable housing, public housing, private market-rate housing, and greater supportive housing. The plan is the result of an extensive stakeholder and community engagement process, which included direct engagement with New Yorkers who are experiencing or have experienced homelessness and outlines major steps the Mayor Adams administration will take, including:

- Significantly expand affordable homeownership opportunities and help communities build and maintain wealth;

- Accelerate the creation of supportive housing by completing the 15,000 supportive homes promised by 2030 two years ahead of schedule;

- Transform the New York City Housing Authority (NYCHA) by both delivering much needed resources for repairs and improving and streamlining the services NYCHA provides residents and the processes by which they do so;

- Break down government siloes to bolster transparency and address the full scope of the homelessness crisis, adding to the City's homeless count while creating a more even playing field to give more New Yorkers in the City's shelter systems access to critical services and resources; and

- Get New Yorkers into safe, high-quality, affordable homes faster and without forcing them to relive past trauma by eliminating unnecessary paperwork and obstacles to obtaining housing.

WHERE WE LIVE NYC PLAN

Through the *Where We Live NYC Plan*, the City has developed a plan to take bold, transformative action to break down barriers to opportunity and build more integrated, equitable, and inclusive neighborhoods throughout New York City. The plan recognizes that intentional policies and practices have created segregation and inequity across the country and in New York City, and that it will take concerted effort from all levels of government, as well as partners in the private and non-profit sectors, to undo legacies of segregation and inequity. The plan is separated into six key goals that will guide the City's work in advancing fair housing through 2025:

- Goal 1 – Combat persistent, complex discrimination with expanded resources and protections;

- Goal 2 – Facilitate equitable housing development in New York City and the region;

- Goal 3 – Preserve affordable housing and prevent displacement of long-standing residents;

- Goal 4 – Enable more effective use of rental assistance benefits, especially in amenity-rich neighborhoods;

- Goal 5 – Create more independent and integrated living options for people with disabilities;

- Goal 6 – Make equitable investments to address the neighborhood-based legacy of discrimination, segregation, and concentrated poverty.

FRESH PROGRAM

The Food Retail Expansion to Support Health (FRESH) program was developed in response to a citywide study, *Going to Market*, conducted by DCP in 2008, which highlighted the widespread shortage of neighborhood grocery stores providing fresh food options in several communities of New York City. The FRESH program offers zoning incentives and financial benefits in these underserved communities. Its goal is to encourage the development and retention of convenient, accessible stores that provide fresh meat, fruit and vegetables, and other perishable goods in addition to a full range of grocery products. The program offers a set of zoning incentives that provide additional floor area in mixed-use buildings, reduces the amount of required parking for food stores and permits larger grocery stores as-of-right in light

manufacturing zoning districts. The financial benefits, administered by the New York City Industrial Development Agency, exempt or reduce certain taxes for qualifying FRESH food stores.

In 2021, the City modified and expanded the FRESH program (ULURP No. Z 210380 ZRY) into 10 additional neighborhoods in the Bronx, Brooklyn, Queens, and Staten Island, introduced a mechanism to prevent saturation of FRESH supermarkets, included a modification to the glazing requirement for conversions, changed parking regulations, and made other zoning text clarifications to the FRESH program.

As shown in **Figure 2-5**, the primary study area and much of the secondary study area are located within an area designated for both zoning and discretionary tax incentives pursuant to the FRESH program. To utilize the incentives applicable to the FRESH program, an applicant must demonstrate that the primary business of the commercial use is associated with the FRESH program, and the FRESH food store must provide at least 6,000 sf toward the FRESH food store use. In addition, a percentage of the ground-floor street wall must be glazed and transparent.

The Future without the Proposed Actions (No-Action Condition)

Land Use

PRIMARY STUDY AREA

In the 2036 future without the Proposed Actions, the primary study area would remain as under existing conditions.

SECONDARY STUDY AREA

In the 2036 future without the Proposed Actions, there are 13 known development projects anticipated to be completed in the secondary study area. These development projects are shown in **Figure 2-6** and summarized in **Table 2-3**.

TABLE 2-3
No-Action Condition Developments in Secondary Study Area

Map Number[1]	Address	Residential (gsf)	Total DUs	Affordable DUs	Commercial (gsf)	Hotel (keyed rooms)	Community Facility (gsf)	Shelter Beds	Parking Spaces
1	156 Somers Street	7,570	10	0	0	0	0	0	0
2	158 Somers Street	7,307	10	0	0	0	0	0	0
3	39 Truxton Street	46,920	93	0	0	0	0	0	0
4	2246 Fulton Street	83,450	123	31	526	0	0	0	46
5	2440 Fulton Street	0	0	0	333,424	0	0	0	323
6	2384 Atlantic Avenue	0	0	0	0	105	0	0	6
7	2396 Atlantic Avenue	0	0	0	0	75	0	0	9
8	2435 Pacific Street	185,522	236	236	6,963	0	0	0	0
9	51 Sheffield Avenue	0	0	0	0	69	0	0	0
10	55 Sheffield Avenue	0	0	0	0	69	0	0	0

11	120 Liberty Avenue	10,277	13	0	0	0	0	0	0
12	114 Snediker Avenue	0	0	0	0	0	0	200	11
13	1882 Broadway	45,684	66	0	8,164	0	4,518	0	33
Total		***386,730***	***551***	***267***	***349,077***	***318***	***4,518***	***200***	***428***

Notes:
[1] Keyed to **Figure 2-6**.
[2] These numbers represent the most recent filing with DOB from June 2024.
Sources: DOB Building Information System (BIS); Articles from *CityRealty*, *Curbed NY*, *The Real Deal*, and *YIMBY*.

In sum, the 13 known development projects are anticipated to introduce approximately 1,078,665 gsf of total building space to the secondary study area, including 386,730 gsf (551 total DUs, including 267 affordable DUs) of residential space, 349,077 gsf of commercial space, 318 hotel rooms, 4,518 gsf of community facility space, a 200-bed shelter, and 428 parking spaces. As evidenced by the 14 known development projects in the secondary study area, land use development trends in the No-Action condition include residential projects, hotel and shelter construction, commercial retail and office development, and the construction of mixed-use buildings, although the southern portion of the secondary study area (i.e., in the boundaries of the East New York IBZ) would continue to be dominated by industrial/manufacturing buildings and land uses and their associated economic activity.

In addition, NYCEDC is planning public realm improvements at the Broadway Junction Subway Station complex. As currently contemplated, the public realm improvements are planned to include two new public plazas introducing approximately 25,000 sf of new open space, as well as streetscape and pedestrian safety improvements (lighting, signage, street furniture, and bike infrastructure) on Van Sinderen Avenue between Atlantic Avenue and Fulton Street.[4] The ULURP application for the two new public plazas was certified on April 21, 2025 (CEQR No. 25NYP001K; ULURP No. 2025K0339). The public realm improvements are anticipated to commence construction in 2029 and complete construction by 2031.

Zoning and Public Policy

There are no known or anticipated proposals to alter existing zoning districts or zoning regulations in the secondary study area. Additionally, there are no known or planned changes to public policy applicable to either the primary or secondary study areas in the future without the Proposed Actions.

The Future with the Proposed Actions (With-Action Condition)

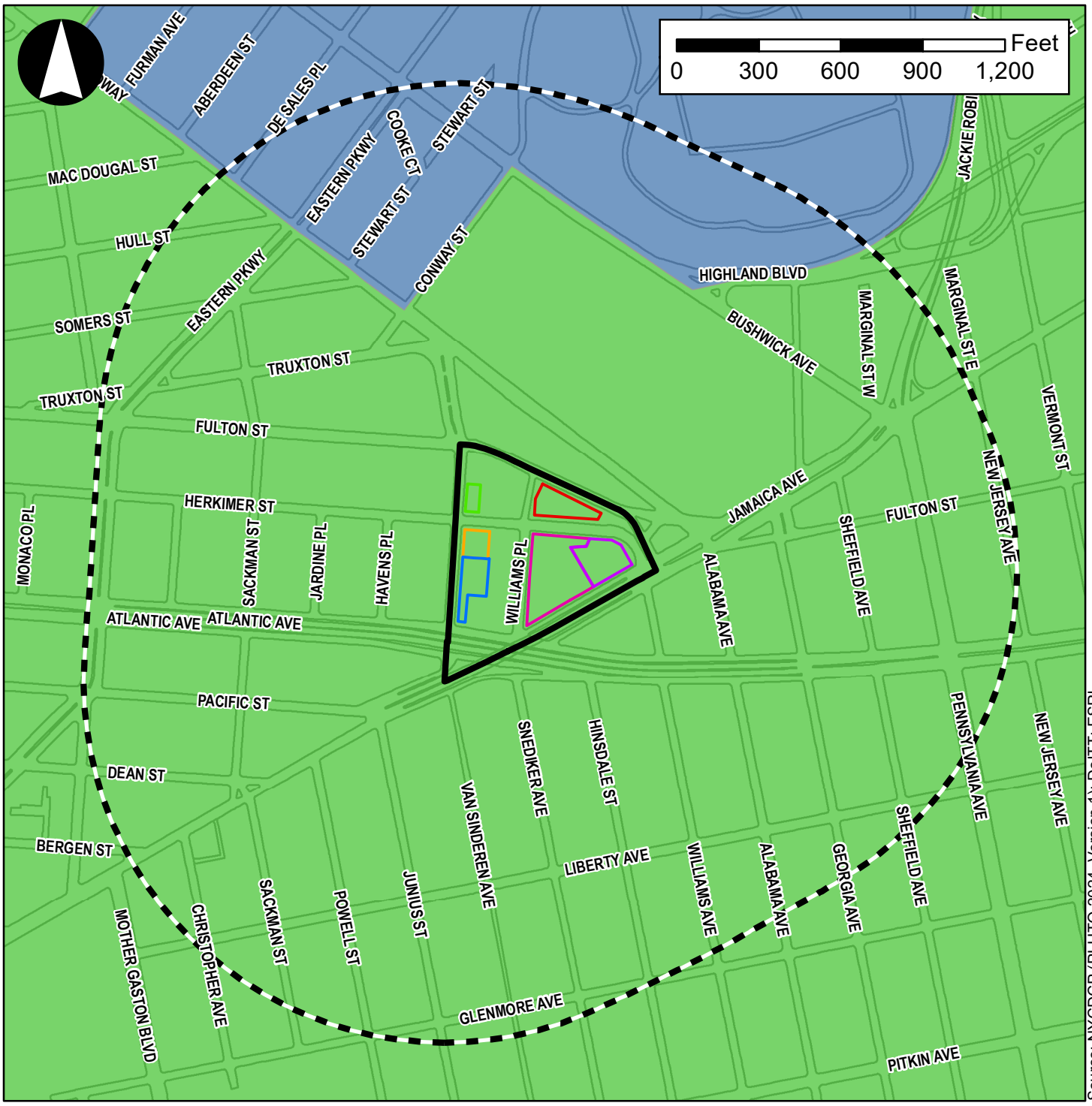
In the 2036 future with the Proposed Actions, the Proposed Actions would be approved and Projected Development Sites 1A through 1E and Projected Development Site 2 in the primary study area would be redeveloped with either the Proposed Development or the Alternate Community Facility Scenario.

Land Use

PRIMARY STUDY AREA

The Proposed Actions would result in changes to permitted community facility, commercial, and manufacturing uses and bulk, as well as permit residential use in the primary study area where residences

[4] https://edc.nyc/project/broadway-junction-east-new-york



Legend

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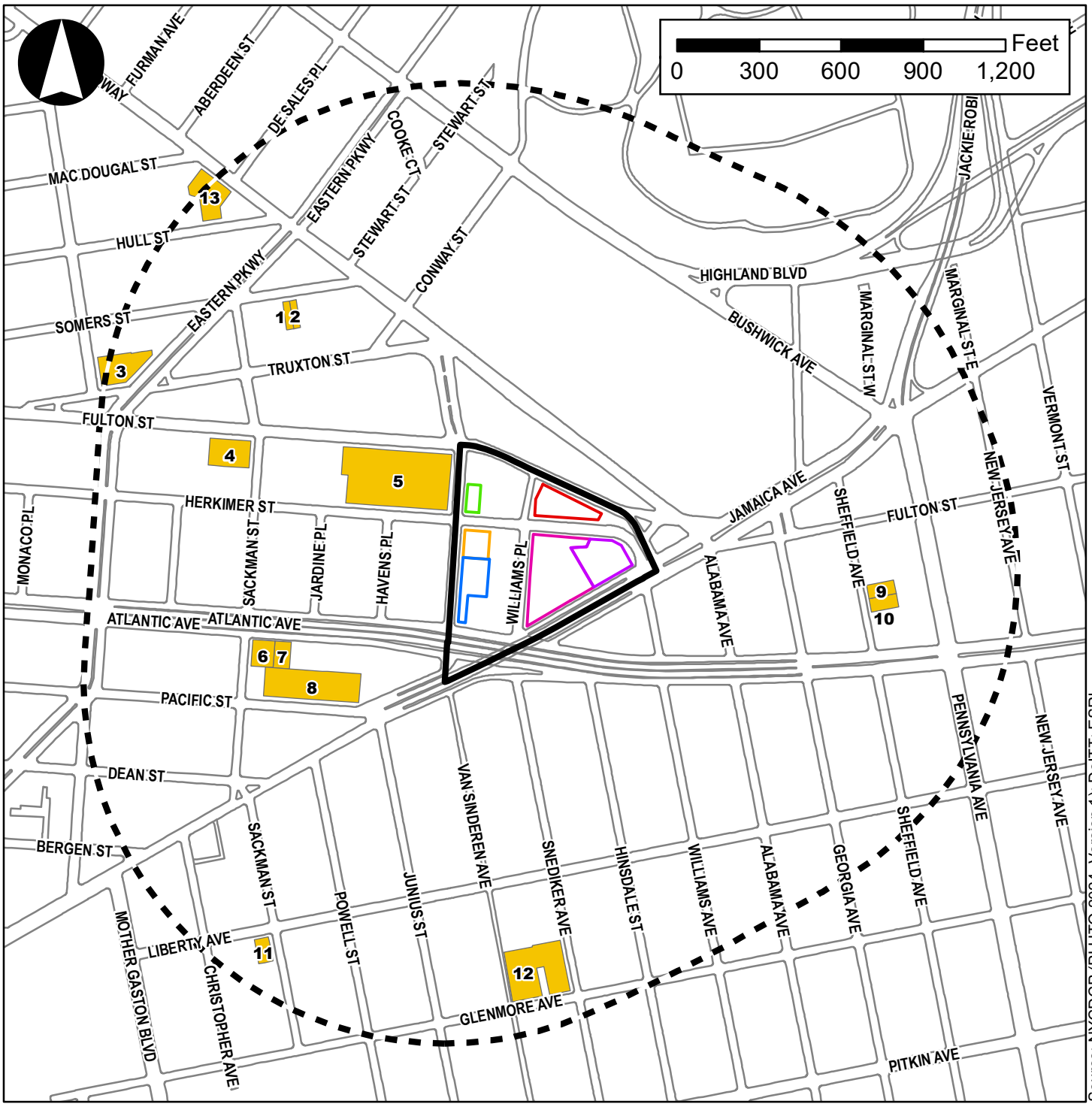
- Projected Development Site 1A
- Projected Development Site 1B
- Projected Development Site 1C
- Projected Development Site 1D
- Projected Development Site 1E
- Projected Development Site 2

FRESH Program

- Discretionary tax incentives
- Zoning and discretionary tax incentives
- Zoning incentives



Source: NYCDCP (PLUTO 2024, Version 1); DoITT; ESRI

Legend

- Primary Study Area (Project Area)
- Secondary Study Area (Quarter-Mile Radius)
- Projected Development Site 1A
- Projected Development Site 1B
- Projected Development Site 1C
- Projected Development Site 1D
- Projected Development Site 1E
- Projected Development Site 2
- 1 No-Action Development Projects (refer to Table 2-3)

are not currently permitted. Compared to the No-Action condition, the Proposed Actions would result in changes to some land uses in the primary study area. Overall, the Proposed Actions would introduce new residential land use to the primary study area, while also introducing additional non-residential land uses, including community facility, commercial, and light industrial uses.

Proposed Development

Table 2-4 provides a comparison of the No-Action and With-Action conditions under the Proposed Development for the primary study area. As shown in **Table 2-4**, the incremental (net) change that would result from the Proposed Development would be the net addition of approximately 834,763 gsf of residential space (1,112 DUs, of which approximately 222-334 units would be designated as permanently affordable pursuant to MIH), 426,766 gsf of commercial office space, 113,760 gsf of retail space, 48,061 gsf of light industrial space, 10,081 gsf of community facility (house of worship) space, 143 off-street parking spaces, and 20,080 sf of PAA space in the primary study area.

TABLE 2-4
2036 RWCDS No-Action and With-Action Land Uses – Primary Study Area (Proposed Development)

Land Use	No-Action Condition	With-Action Condition	Increment
Land Use			
Residential	0 gsf	834,763 gsf	**+834,763 gsf**
Total Units	*0 DUs*	*1,112 DUs*	***+1,112 DUs***
Market Rate Units	*0 DUs*	*778-834 DUs*	***+778-834 DUs***
Affordable Units	*0 DUs*	*222-334 DUs*	***+222-334 DUs***
Commercial	9,000 gsf	549,526 gsf	**+540,526 gsf**
Office	*9,000 gsf*	*435,766 gsf*	***+426,766 gsf***
Retail	*0 gsf*	*113,760 gsf*	***+113,760 gsf***
Community Facility	12,904 gsf	22,985 gsf	**+10,081 gsf**
House of Worship	*12,904 gsf*	*22,985 gsf*	***+10,081 gsf***
Light Industrial	50,422 gsf	98,483 gsf	**+48,061 gsf**
Open Space[1]	0 sf	20,080 sf	**+20,080 sf**
Parking	31 spaces	174 spaces	**+143 spaces**
Populations[2,3]			
Residents	0	3,225	**+3,225 residents**
Workers	125	2,299	**+2,174 workers**

Notes:
[1] It should be noted that references to With-Action condition open spaces are those that are identified as PAA spaces only; as such, the Proposed Actions would result in the increment of up to approximately 20,080 sf of PAA space but would not result in any gain or loss of publicly owned open space.
[2] The No-Action and With-Action worker estimates are based on the following assumptions: one worker per 250 sf of commercial office space; three workers per 1,000 sf of retail space; three workers per 1,000 sf of community facility space; one worker per 1,000 sf light industrial space; one worker per 25 DUs, and one worker per 50 attended parking spaces. The worker generation rates have been sourced from the *Gowanus Neighborhood Plan FEIS* (CEQR No. 19DCP157K).
[3] The No-Action and With-Action residential population is based on 2020 Census data for the average household size for dwelling units in Brooklyn CD 5 (i.e., 2.90 persons per household).

Alternate Community Facility Scenario

Table 2-5 provides a comparison of the No-Action and With-Action conditions under the Alternate Community Facility Scenario for the primary study area. As shown in **Table 2-5**, the incremental change that would result from Proposed Actions under the Alternate Community Facility Scenario would be the net addition of approximately 688,065 gsf of residential space (911 DUs, of which 182-273 units would be designated as permanently affordable pursuant to MIH), 452,749 gsf of commercial office space, 137,026

gsf of retail space, 61,511 gsf of light industrial space, 101,787 gsf of community facility space (of which, approximately 10,081 gsf would consist of house of worship space, and up to approximately 91,706 gsf would consist of academic university space), 169 off-street parking spaces, and 20,080 sf of PAA space in the primary study area.

TABLE 2-5
2036 RWCDS No-Action and With-Action Land Uses – Primary Study Area (Alternate Community Facility Scenario)

Land Use	No-Action Condition	With-Action Condition	Increment
Land Use			
Residential	0 gsf	688,065 gsf	**+688,065 gsf**
Total Units	*0 DUs*	*911 DUs*	***+911 DUs***
Market Rate Units	*0 DUs*	*638-683 DUs*	***+638-683 DUs***
Affordable Units	*0 DUs*	*182-273 DUs*	***+182-273 DUs***
Commercial	9,000 gsf	598,775 gsf	**+589,775 gsf**
Office	*9,000 gsf*	*461,749 gsf*	***+452,749 gsf***
Retail	*0 gsf*	*137,026 gsf*	***+137,026 gsf***
Community Facility	12,904 gsf	114,691 gsf	**+101,787 gsf**
House of Worship	*12,904 gsf*	*22,985 gsf*	***+10,081 gsf***
Academic University	*0 gsf*	*91,706 gsf*	***+91,706 gsf***
Light Industrial	50,422 gsf	111,933 gsf	**+61,511 gsf**
Open Space[1]	0 sf	20,080 sf	**+20,080 sf**
Parking	31 spaces	200 spaces	**+169 spaces**
Populations[2,3]			
Residents	0	2,642	**+2,642 residents**
Workers	125	2,755	**+2,629 workers**

Notes:
[1] It should be noted that references to With-Action condition open spaces are those that are identified as PAA spaces only; as such, the Proposed Actions would result in the increment of up to approximately 20,080 sf of PAA space but would not result in any gain or loss of publicly owned open space.
[2] The No-Action and With-Action worker estimates are based on the following assumptions: one worker per 250 sf of commercial office space; three workers per 1,000 sf of retail space; three workers per 1,000 sf of community facility space; one worker per 1,000 sf light industrial space; one worker per 25 DUs, and one worker per 50 attended parking spaces. The worker generation rates have been sourced from the *Gowanus Neighborhood Plan FEIS* (CEQR No. 19DCP157K).
[3] The No-Action and With-Action residential population is based on 2020 Census data for the average household size for dwelling units in Brooklyn CD 5 (i.e., 2.90 persons per household).

SECONDARY STUDY AREA

The Proposed Actions are not expected to affect land use patterns in the secondary study area. The secondary study area would not undergo any land use changes because the Proposed Actions are limited to the primary study area. The Proposed Actions' consistency with the secondary study area's land uses is discussed in the "Assessment" section below.

Zoning

PRIMARY STUDY AREA

To facilitate the Proposed Development and/or the Alternate Community Facility Scenario, the Applicant is seeking CPC approval of discretionary actions, including: (i) a Zoning Map Amendment to rezone the primary study area from an M1-2 zoning district to C6-4 and M1-6 zoning districts; (ii) special permits within an LSGD pursuant to ZR Sections 74-743(a)(1) and (2) to distribute floor area across the LSGD and to modify rear yard and height and setback regulations, respectively; (iii) a ZR Section 74-161 special

permit to allow Use Group VI retail uses in excess of 20,000 sf of floor area in the proposed Ml-6 zoning district; (iv) Zoning Text Amendments to (a) ZR Appendix F to designate an MIH Area over the C6-4 zoning district-portion of the primary study area and (b) ZR Section 74-742 with respect to the contiguity of ownership of zoning lots in an LSGD when there is an intervening elevated rail line; and (v) a combination acquisition and site selection of real property by the City to construct a publicly accessible open space at 1519 Herkimer Street (also known as Parcel 1; Block 1555, Lot 19) within the LSGD.

Zoning Map Amendment

A Zoning Map Amendment to Zoning Map 17c is proposed that would rezone portions of the primary study area from an M1-2 zoning district to C6-4 and M1-6 zoning districts. Specifically, the proposed C6-4 zoning district would include all of Block 1555, Lots 1 and 19; all of Block 1576, Lots 1, 9, 13, 32, and 34; all of Block 1577, Lots 17, 26, 32, 35, 51, and 53; and a portion of Block 1577, Lot 7. The proposed M1-6 zoning district would include all of Block 1577 Lots 1, 56, and 58, and a portion of Lot 7. The C6-4 zoning district would facilitate the development of new retail, office, residential, community facility, and open space, while the M1-6 zoning district would help to preserve permitted manufacturing and industrial uses in the primary study area.

Zoning Text Amendments

A Zoning Text Amendment is proposed to modify Appendix F of the ZR to map an MIH Area coterminous with the boundaries of the proposed C6-4 district. The Applicant is interested in pursuing either Option 1 or Option 2 of the City's MIH program. Pursuant to Option 1 of the MIH program, up to 25 percent of the residential floor area would be required to be set aside for permanently affordable housing at or below 60 percent AMI. Pursuant to Option 2, up to 30 percent of the residential floor area would be required to be set aside for permanently affordable housing at or below 80 percent AMI. In addition to Options 1 and 2, Option 3 is available. Pursuant to Option 3, up to 20 percent of the residential floor area would be required to be set aside for permanently affordable housing at or below 40 percent AMI.

A Zoning Text Amendment is proposed to amend ZR Section 74-742 with respect to the contiguity of ownership of zoning lots in an LSGD when there is an intervening elevated rail line. Specifically, the Zoning Text Amendment would allow the elevated rail line to be considered a "street" for the purposes of the contiguity of the ownership arrangement of the LSGD, as required by its ZR Section 12-10 definition. The Zoning Text Amendment would allow the uniformity of LSGD bulk controls across the lots within the LSGD (Projected Development Sites 1A through 1E in the primary study area), even though Projected Development Sites 1A and 1B are physical separated by publicly-owned lots with elevated rail lines from Projected Development Sites 1C, 1D, and 1E. The Zoning Text Amendment would permit Projected Development Sites 1A through 1E to be established as an LSGD, and to permit various zoning modifications including the distribution of floor area without regard for zoning lot lines and relief from height, setback, and rear yard requirements within the various lots. The MTA's elevated tracks and platform on Block 1555, Lot 1 and Block 1576, Lot 13, which pursuant to the Zoning Text Amendment, would be treated as a street for the purposes of LSGD contiguity, are not within the projected development sites nor contribute floor area to the LSGD.

LSGD Special Permit

A special permit under the LSGD pursuant to ZR Sections 74-743(a)(1) and (2) is proposed, which will be applicable to Projected Development Sites 1A through 1E in the primary study area, to distribute floor area across the LSGD and to modify rear yard and height and setback regulations. In total, the proposed height and setback waivers improve the LSGD's site plan and relationship between buildings and adjacent

streets and surrounding development because these waivers allow for a more varied built form throughout Projected Development Sites 1A through 1E within the LSGD.

Retail Special Permit

A special permit under ZR Section 74-161 is proposed to allow Use Group VI retail and service use with floor area greater than 20,000 sf within the proposed M1-6 zoning district-portion of the building proposed on Projected Development Site 1E in the primary study area. With the proposed Zoning Map Amendment, Projected Development Site 1E would be split between M1-6 and C6-4 zoning districts. C6-4 zoning districts permit Use Group VI retail and service uses greater than 10,000 sf of floor area, but M1-6 zoning districts do not. Under the retail special permit, up to 75,992 sf of Use Group VI retail and service uses would be permitted on the first and second floors of the portion of the building proposed on Projected Development Site 1E in the M1-6 zoning district to match the large retail uses permitted within the C6-4 zoning district-portion of the LGSD (as well as elsewhere in the primary study area). All other uses permitted in the M1-6 zoning district-portion of the building proposed on Projected Development Site 1E would not require a use special permit and would be limited to as-of-right uses.

Combination Acquisition and Site Selection of Real Property by the City

DCAS and NYCEDC, as co-applicants and representative entities of the City, seek a combination acquisition and site selection. The acquisition of Projected Development Site 1A at 1519 Herkimer Street (also known as Parcel 1; Block 1555, Lot 19), which is contemplated to be in the form of an easement, would be for the purposes of access and construction of the PAA space on Projected Development Site 1A. As discussed above, the City, through NYCEDC, has committed to financial investments to make public realm improvements in and around the Broadway Junction Subway Station complex. These investments include, but are not limited to, the development of two new public plazas — one of which would be located immediately north of and adjacent to Projected Development Site 1A at 1519 Herkimer Street (also known as Parcel 1; Block 1555, Lot 19) on a portion of Block 1555, Lot 1. The proposed acquisition would enable NYCEDC to construct the PAA space on Projected Development Site 1A utilizing capital funding and plan for its design such that it functions harmoniously with the adjacent future public plaza to the north, in a manner that permits the two sites to operate as a single public open space. Construction of the PAA space on Projected Development Site 1A within the similar context of the Broadway Junction public realm improvements will complement the City's investment in public open space and pedestrian amenities in the surrounding area, while simultaneously facilitating the creation of an entranceway from the Broadway Junction Subway Station complex to the Proposed Development and neighborhoods to the east and south. Additionally, as noted above, the Applicant and the City intend to enter into an agreement for continued maintenance of the PAA space on Projected Development Site 1A by the Applicant following initial construction.

SECONDARY STUDY AREA

The secondary study area would not undergo any zoning changes because the Proposed Actions are limited to the primary study area. The Proposed Actions' consistency with the secondary study area's zoning is discussed in the "Assessment" section below.

Public Policy

No changes to public policies applicable to the primary and secondary study areas are proposed as part of the Proposed Actions. The Proposed Actions' consistency with public policies applicable to the primary and secondary study areas is discussed in the "Assessment" section below.

Assessment

Land Use

PRIMARY STUDY AREA

The Proposed Actions would not result in significant adverse impacts to land use in the primary study area. The Proposed Actions would not directly displace existing land uses in such a way as to adversely affect surrounding land uses. The Proposed Actions would significantly increase residential, community facility, commercial, and manufacturing bulk in a transit-rich area of Brooklyn, which is in alignment with the City's goal of increasing opportunities for new mixed-use development near mass transit.

Despite the passage of the East New York Community Plan in 2016, which aimed to revitalize portions of the secondary study area through the introduction of higher density land uses and affordable housing, new construction in the areas of the secondary study area affected by the East New York Community Plan has been slow to date. Although there has been some limited new development since 2016 in the secondary study area (such as the commercial project at 2440 Fulton Street), such new development has not been sufficient in scope to transform the areas of the secondary study area affected by the East New York Community Plan. Therefore, the introduction of up to approximately 1.6 million gsf of residential, commercial, community facility, and light industrial space facilitated by the Proposed Actions would produce new development that would achieve land use goals in alignment with the aim of the 2016 East New York Community Plan. The Proposed Actions would result in new, higher density development that would provide new opportunities for housing, employment, and economic opportunity in the primary study area. In this way, the Proposed Actions would facilitate the development of new residential, commercial, community facility, and light industrial space in an area of the City where there is unmet demand for these land uses.

Furthermore, the Proposed Actions would expand housing opportunities in an area of the City where a strong demand for income-restricted and market-rate housing exists. The Proposed Actions include a Zoning Text Amendment to modify Appendix F of the ZR to map an MIH Area coterminous with the boundaries of the proposed C6-4 zoning district. The Proposed Development would introduce up to approximately 1,112 total DUs to the primary study area, of which up to 20-30 percent or approximately 222-334 units would be designated as permanently affordable at an average of 40-80 percent AMI depending on the selected MIH Option. In addition to the approximately 222-334 permanently affordable units pursuant to MIH, as described in **Chapter 1, "Project Description,"** the Applicant intends to work with the New York City Department of Housing and Preservation (HPD) to allow 100 percent of the proposed DUs in the Proposed Development to be designated as affordable units as well. The introduction of new income-restricted housing units into the primary study area would provide ample affordable housing opportunities for an evolving neighborhood and help combat the City's ongoing housing shortage.

SECONDARY STUDY AREA

The Proposed Actions would not result in significant adverse impacts on land use in the secondary study area. The secondary study area, which includes a diverse assortment of existing land uses, would not undergo any direct land use changes because of the Proposed Actions, as the Proposed Actions are limited

to the primary study area. The new residential, commercial, community facility, and light industrial land uses facilitated by the Proposed Actions would be complementary to the existing mixed-use land use character of the secondary study area. Furthermore, the mixed-use development facilitated by the Proposed Actions in the primary study area would be consistent with, and complementary to, the 13 known development projects in the secondary study area, which are planned to introduce new residential, commercial, and community facility land uses into the secondary study area. As such, the Proposed Actions would not conflict with existing land use trends in the secondary study area and would not introduce any new land uses that would be incompatible with existing and planned secondary study area land uses.

Zoning

PRIMARY STUDY AREA

According to the criteria set forth in Section 410 in Chapter 4 of the 2021 *CEQR Technical Manual*, the Proposed Actions would not result in significant adverse impacts on zoning in the primary study area. As described on page 2-21 and shown in **Table 2-6**, in the With-Action condition, most of the primary study area would be rezoned from M1-2 to C6-4, while a smaller portion of the primary study area would be rezoned from M1-2 to M1-6.

The proposed Zoning Map Amendment would increase the allowable bulk and permit new use groups in the primary study area, including high-performance manufacturing use groups. As shown in **Table 2-6**, the proposed C6-4 zoning district (R10 equivalent) would permit residential development up to 12.0 FAR, as well as expand the allowable community facility and commercial bulk and use groups (up to 10.0 FAR). The proposed M1-6 zoning district would expand the allowable community facility, commercial, and manufacturing FAR to 10.0. While the proposed C6-4 and M1-6 zoning districts would facilitate development at a higher density than what is currently allowed pursuant to the primary study area's existing and No-Action M1-2 zoning district, the higher density zoning districts and associated increased bulk would be appropriate, given the primary study area's proximity to existing infrastructure and public transportation, frontage along wide streets (i.e., Fulton Street, Atlantic Avenue, and East New York Avenue), as well as the proposed zoning districts consistency with the C4-5D and C4-4L zoning districts mapped adjacent to the primary study area.

TABLE 2-6
Comparison of Existing and Proposed Zoning – Primary Study Area

	Existing	Proposed	
	M1-2	**C6-4**	**M1-6**
Use Group	I, III-X[1]	I-X[1]	I, III-X[1]
Maximum Permitted FAR			
Residential	Not Permitted	12.0[2,3]	Not Permitted
Community Facility	4.8	10.0	10.0
Commercial	2.0	10.0[2]	10.0
Commercial and Community Facility	4.8	10.0	10.0
Manufacturing	2.0	Not Permitted	10.0
Overall Maximum Permitted	4.8	12.0[2,3]	10.0

Source: *Zoning Resolution of the City of New York*.
Notes:
[1] Certain uses permitted subject to size, locational, special permit, and other restrictions and conditions, as specified in the ZR.
[2] Plus up to 20 percent increase for a public plaza bonus.
[3] Up to 12.0 FAR for qualifying affordable or senior housing in an MIH Area.

As discussed above, the proposed Zoning Text Amendment to modify Appendix F of the ZR to map an MIH Area coterminous with the boundaries of the proposed C6-4 district would require compliance with the City's MIH program. The Applicant is interested in pursuing either Option 1 or Option 2 of the City's MIH program. Pursuant to Option 1 of the MIH program, up to 25 percent of the residential floor area would be required to be set aside for permanently affordable housing at or below 60 percent AMI. Pursuant to Option 2, up to 30 percent of the residential floor area would be required to be set aside for permanently affordable housing at or below 80 percent AMI. Additionally, the Applicant intends to work with HPD to allow 100 percent of the proposed DUs in the Proposed Development to be designated as affordable units as well. In addition to Options 1 and 2, Option 3 is available. Pursuant to Option 3, up to 20 percent of the residential floor area would be required to be set aside for permanently affordable housing at or below 40 percent AMI.

As discussed in greater detail below, the Proposed Actions would create new affordable housing units that would be compatible with the goals set forth in *Housing Our Neighbors: A Blueprint for Housing and Homelessness* and *Where We Live NYC Plan*, two public policies that aim to create and preserve affordable housing throughout New York City. Under the Proposed Development, the Proposed Actions could result in the construction of approximately 278 permanently affordable DUs (pursuant to Option 1), approximately 334 permanently affordable DUs (pursuant to Option 2), or approximately 222 permanently affordable DUs (pursuant to Option 3).

The proposed Zoning Text Amendment to amend ZR Section 74-742 would allow the elevated rail line to be considered a "street" for the purposes of the contiguity of the ownership arrangement of the LSGD, as required by its ZR Section 12-10 definition. The proposed Zoning Text Amendment to amend ZR Section 74-742 would allow the uniformity of LSGD bulk controls across the lots within the LSGD (Projected Development Sites 1A through 1E in the primary study area), even though Projected Development Sites 1A and 1B are physical separated by publicly-owned lots with elevated rail lines from Projected Development Sites 1C, 1D, and 1E. Allowing for contiguity of the various parcels comprising Projected Development Sites 1A through 1E despite the location of intervening streets and publicly-owned MTA rail structures is consistent with the stated goal of large-scale development, which is to "allow greater flexibility for the purpose of securing better site planning, while safeguarding the present or future use and development of the surrounding area." The proposed Zoning Text Amendment to amend ZR Section 74-742 would permit Projected Development Sites 1A through 1E to be established as an LSGD, and to permit various zoning modifications including the distribution of floor area without regard for zoning lot lines and relief from height, setback, and rear yard requirements within the various lots. The MTA's elevated tracks and platform on Block 1555, Lot 1 and Block 1576, Lot 13, which pursuant to the proposed Zoning Text Amendment to amend ZR Section 74-742, would be treated as a street for the purposes of LSGD contiguity, are not within the projected development sites nor contribute floor area to the LSGD.

The proposed special permit under the LSGD pursuant to ZR Sections 74-743(a)(1) and (2) would improve the LSGD's site plan and relationship between buildings and adjacent streets and surrounding development because these waivers allow for a more varied built form throughout Projected Development Sites 1A through 1E within the LSGD that draws attention to the prominent aspects of the Proposed Development and/or Alternate Community Facility Scenario (e.g., the proposed PAA spaces and pedestrian corridor on Herkimer Street east of Williams Place). The range of envelope variety would enhance the LSGD's unique and distinct context amongst its own buildings and the surrounding neighborhood character, supporting its establishment as a regional mixed-use hub adjacent to ample mass transit options, and thereby resulting in better urban design and better site planning for Projected Development Sites 1A through 1E in the primary study area.

The proposed special permit under ZR Section 74-161 would allow Use Group VI retail and service use with floor area greater than 20,000 sf within the proposed M1-6 zoning district-portion of the building proposed on Projected Development Site 1E in the primary study area. The proposed retail special permit would allow the Applicant flexibility to locate large retail spaces throughout the building proposed on Projected Development Site 1E and the LSGD, including across zoning district boundaries, and would further facilitate the establishment of the Proposed Development and/or Alternate Community Facility Scenario as a regional, mixed-use hub in an area of the City that is rich in mass transit options.

The acquisition of Projected Development Site 1A (also known as Parcel 1), which is contemplated to be in the form of an easement, would be for the purposes of access and construction of the PAA space on Projected Development Site 1A. As discussed above, the City, through NYCEDC, has committed to financial investments to make public realm improvements in and around the Broadway Junction Subway Station complex. These investments include, but are not limited to, the development of two new public plazas — one of which would be located immediately north of and adjacent to Projected Development Site 1A (Parcel 1) on a portion of Block 1555, Lot 1. By acquiring this easement from the Applicant, NYCEDC would be able to construct the PAA space on Projected Development Site 1A utilizing capital funding and plan for its design such that it functions harmoniously with the adjacent future public plaza to the north, in a manner that permits the two sites to operate as a single public open space. Construction of the PAA space on Projected Development Site 1A within the similar context of the Broadway Junction public realm improvements will complement the City's investment in public open space and pedestrian amenities in the surrounding area, while simultaneously facilitating the creation of an entranceway from the Broadway Junction Subway Station complex to the Proposed Development and neighborhoods to the east and south. Additionally, as noted above, the Applicant and the City intend to enter into an agreement for continued maintenance of the PAA space on Projected Development Site 1A by the Applicant following initial construction.

Although the Proposed Actions would permit greater bulk than surrounding, existing zoning districts, the Proposed Actions would be consistent with the goals of the 2016 East New York Community Plan by permitting higher density mixed-use development and activating underutilized corridors along Atlantic Avenue, East New York Avenue, and Fulton Street. Both the Proposed Development and the Alternate Community Facility Scenario are in alignment with the City's goals of encouraging the development of new residential use (including affordable residential units) alongside higher density community facility, commercial, and manufacturing uses and acknowledging the site constraints that such higher density mixed-use development may entail. Therefore, the Proposed Actions would not result in significant adverse impacts on zoning in the primary study area.

SECONDARY STUDY AREA

The Proposed Actions would facilitate the development of residential, community facility, commercial, and light industrial uses in the primary study area. Although the Proposed Actions would expand the allowable bulk and uses in the primary study area, these changes would be appropriate given the context of zoning in the secondary study area. Given that the eastern and western portions of the secondary study area were rezoned as part of the 2016 East New York Community Plan to permit denser mixed-use areas, the proposed zoning districts for the primary study area would be compatible with the existing mapped secondary study area zoning districts. Consistent with the goals of the 2016 East New York Community Plan, both the Proposed Development and the Alternate Community Facility Scenario would occupy either the entirety of, or a majority of, each respective projected development site in the primary study area, creating continuous and engaging, active street walls.

In addition, the increase in permissible bulk and expansion of allowable use groups facilitated by the Proposed Actions are appropriate given the surrounding transportation infrastructure. The primary study area is situated at the nexus of three wide streets – Fulton Street (80 feet), East New York Avenue (115 feet), and Atlantic Avenue (120 feet). The primary study area is within a Transit Zone and is extremely well-served by mass transit, including the Broadway Junction Subway Station complex serving five subway lines (i.e., the A/C/J/L/Z lines), several bus lines, and the East New York Station serving the LIRR's Atlantic Branch. Therefore, the Proposed Actions would facilitate the development of new housing, including hundreds of units of new income-restricted housing in an area of the City where strong demand exists for permanently affordable housing, alongside non-residential uses that would create new job opportunities in an area well-served by both mass transit and the City's street network.

The Proposed Actions would therefore be compatible with zoning in the secondary study area and would not affect the zoning relationship between the primary and secondary study areas. Therefore, the Proposed Actions would not result in significant adverse impacts on zoning in the secondary study area.

SPECIAL ENHANCED COMMERCIAL DISTRICT (EC)

As discussed above, while the primary study area is not mapped within either the EC-5 nor the EC-6, the EC-5 is mapped in the western and eastern portions of the secondary study area, while the EC-6 is mapped in the eastern portion of the secondary study area. The intention of the EC-5 and the EC-6 are to foster a safe and engaging pedestrian experience along portions of the Atlantic Avenue, Pitkin Avenue, Fulton Street, and Pennsylvania Avenue corridors by establishing regulations requiring non-residential ground-floor uses, requiring minimum levels of transparency on the ground-floor, limiting curb cuts, and requiring setbacks along corridors with elevated trains. The Proposed Actions would fulfill the goals of the EC-5 and the EC-6 through the introduction of new development that would enhance the pedestrian experience of the primary study area through the inclusion of ground-floor non-residential uses, including transparent retail, community facility, and office lobby spaces. The Proposed Actions' consistency with the goals of the EC-5 and the EC-6 would also include streetscape and open space improvements in the primary study area, which would create a welcoming environment for pedestrians, businesses, and storefronts, thereby generating consistent pedestrian traffic into the primary study area. Many of these non-residential ground-floor uses would utilize street-facing windows, thereby creating a continuous and engaging pedestrian streetscape. Additionally, curb cuts servicing either the Proposed Development or the Alternate Community Facility Scenario would be limited, with most of the planned curb cuts proposed along the primary study area's East New York Avenue frontage – where no active, transparent retail, community facility, and office lobby spaces are proposed. Therefore, the Proposed Actions would meet the goals of the EC-5 and the EC-6 by creating a safe, engaging, and relatively uninterrupted pedestrian environment in the primary study area.

Public Policy

EAST NEW YORK INDUSTRIAL BUSINESS ZONE

As discussed above, the East New York IBZ encompasses the southern portion of the secondary study area; the primary study area is not in the East New York IBZ. The Proposed Actions are compatible with the goals of the East New York IBZ as they would encourage mixed-use development on underutilized and underdeveloped land. Compared to the No-Action condition, the Proposed Development would result in the net addition of approximately 48,061 gsf of light industrial space to the primary study area, while the Alternate Community Facility Scenario would result in the net addition of approximately 61,511 gsf of light industrial space to the primary study area. The introduction of new, modern light industrial space, in

addition to the new commercial office and retail spaces included in both the Proposed Development and the Alternate Community Facility Scenario, would result in a minimum net addition of approximately 2,629 employees (under the Alternate Community Facility Scenario) into to the primary and secondary study areas. The development of significant commercial and light industrial space on underutilized and underdeveloped properties aids in achieving the East New York IBZ's goals of economic development, modernization, and job opportunity for the East New York neighborhood. Therefore, the Proposed Actions would be consistent with the goals of the East New York IBZ.

EAST BROOKLYN BUSINESS IMPROVEMENT DISTRICT

Like the East New York IBZ, the primary study area is adjacent to, but not within the East Brooklyn BID. Nevertheless, the opportunities for economic development facilitated by the Proposed Actions support the goals of the East Brooklyn BID insofar as they introduce additional community facility, commercial, and light industrial uses into the secondary study area. Additionally, both the Proposed Development and the Alternate Community Facility Scenario would activate streetscapes in the primary study area — particularly along both sides of Herkimer Street east of Van Sinderen Avenue — and enhance the pedestrian experience adjacent to currently underutilized and underdeveloped blocks that support largely automotive related uses with little to no pedestrian activity, making the primary study area more desirable as a retail and shopping destination. The positive impact on the pedestrian experience of the primary study area facilitated by the Proposed Actions would be compounded by its proximity to numerous mass transit options, thereby making the primary study area a more regional economic driver. Therefore, the Proposed Actions would be consistent with the goals of the East Brooklyn BID.

ONENYC 2050: BUILDING A STRONG AND FAIR CITY

The Proposed Actions are consistent with the City's sustainability goals, including those outlined in OneNYC 2050. Notably, the Proposed Actions would support the policy's land use goals of concentrating higher density development in areas that are served by mass transit; increasing walk-to-work opportunities; creating jobs in proximity to established and/or growing residential neighborhoods; fostering walkable retail destinations; and increasing the availability of publicly available open space. The Proposed Actions are expected to facilitate either the Proposed Development or the Alternate Community Facility Scenario, both mixed-use developments containing residential, community facility, commercial, and light industrial uses. The Proposed Development or the Alternate Community Facility Scenario would be near the Broadway Junction Subway Station complex serving five subway lines (i.e., the A/C/J/L/Z lines), several bus lines, and the East New York Station serving the LIRR's Atlantic Branch. Additionally, both the Proposed Development and the Alternate Community Facility Scenario would introduce approximately 20,080 sf (0.46 acres) of PAA space into the primary study area, thereby increasing the availability of publicly available open space. Therefore, the Proposed Actions would be consistent with the applicable goals and objectives of OneNYC 2050.

NEW YORK WORKS

The Proposed Actions would result in the net addition of up to approximately 753,073 gsf of community facility, commercial, and light industrial space (under the Alternate Community Facility Scenario). The construction of additional community facility, commercial, and light industrial space would promote economic development in the primary and secondary study areas, introducing new employment opportunities for residents. Therefore, the Proposed Actions would be consistent with the goals of New York Works.

GET STUFF BUILT

The Proposed Actions would result in the net addition of up to approximately 1,112 new units of housing, of which approximately 222-334 units would be designated as permanently affordable pursuant to the City's MIH program. If the recommendations of *Get Stuff Built* are implemented, the new residential development facilitated under the Proposed Actions may benefit from these policy changes, thereby allowing for expedited development of new housing, including affordable housing. Therefore, the Proposed Actions would be consistent with the goals of *Get Stuff Built*.

HOUSING OUR NEIGHBORS: A BLUEPRINT FOR HOUSING AND HOMELESSNESS

The Proposed Actions would support the policies and goals of *Housing Our Neighbors: A Blueprint for Housing and Homelessness* by allowing residential development in the primary study area and establishing an MIH Area over the C6-4 zoning district-portion of the primary study area, which would require future residential development in the primary study area to include permanent income-restricted housing units (IRHUs). An MIH Area requires compliance with one of the income-restricted housing options provided in ZR Section 23-154(d)(3). Depending on the MIH option selected by the Applicant, the proposed Zoning Text Amendment to designate the C6-4 zoning district-portion of the primary study area as an MIH Area would result in the construction of approximately 222-334 affordable units (under the Proposed Development), or approximately 182-273 affordable units (under the Alternate Community Facility Scenario) reserved for families earning 40-80 percent AMI. The income-restricted units provided at the projected development sites in the primary study area would help foster a diverse and livable neighborhood as well as preserve affordability and quality of housing stock in the primary and secondary study areas. Therefore, the Proposed Actions would support the City's effort to increase the overall supply of housing, including affordable housing options, and would be consistent with the policy goals and objectives of *Housing Our Neighbors: A Blueprint for Housing and Homelessness*. Additionally, as mentioned above, the Applicant intends to work with HPD to allow the proposed DUs in the Proposed Development (or the Alternate Community Facility Scenario) to be designated as 100 percent affordable units as well.

WHERE WE LIVE NYC

Compared to the future without the Proposed Actions, the future with the Proposed Actions would support Goal 2 of the *Where We Live NYC Plan* by establishing an MIH Area over the C6-4 zoning district-portion of the primary study area, which would require future residential development in the primary study area to include permanent IRHUs. Compared to the No-Action condition, in which no permanent IRHUs would be required or provided, the With-Action condition would result in the creation of approximately 222-334 affordable units (under the Proposed Development), or approximately 182-273 affordable units (under the Alternate Community Facility Scenario) reserved for families earning 40-80 percent AMI. An MIH area requires compliance with one of the income-restricted housing options provided in ZR Section 23-154(d)(3). The final MIH option will be selected by the City Council during ULURP. Therefore, the Proposed Actions would be consistent with Goal 2 of the *Where We Live NYC Plan*.

FRESH PROGRAM

The Proposed Actions would facilitate the creation of new ground-floor commercial spaces in both the Proposed Development and the Alternate Community Facility Scenario. Within the primary study area, FRESH program discretionary tax and/or zoning incentives would be available for qualifying FRESH food stores in the primary study area. Therefore, the Proposed Actions would be consistent with the FRESH program.