Herkimer-Williams
Project Description
May 2025

1. Introduction

This is an application made by Broadway Junction Partners LLC (the "Applicant"), and the co-applicants, the New York City Economic Development Corporation ("EDC") and New York City Department of Citywide Administrative Services ("DCAS"), as representative agency of the City of New York, in connection with the redevelopment of portions of four blocks in the Broadway Junction area of East New York, Brooklyn in Community District 5. The Applicant is seeking (i) a zoning map amendment from an M1-2 district to a C6-4 and M1-6 district (the "Rezoning"), (ii) special permits within a large-scale general development ("LSGD") pursuant to Sections 74-743(a)(1) and (2) of the Zoning Resolution of the City of New York (the "Zoning Resolution" of "ZR') to distribute floor area across the LSGD and to modify rear yard and height and setback regulations, respectively (the "LSGD Special Permit"), (iii) a special permit pursuant to ZR 74-161 to allow Use Group VI retail uses in excess of 20,000 sf of floor area in the Ml-6 district (the "Retail Special Permit"), (iv) a zoning text amendment to (a) ZR Appendix F to designate a Mandatory Inclusionary Housing ("MIH") area co-terminus with the proposed C6-4 district and (b) ZR 74-742 with respect to the contiguity of ownership of zoning lots in an LSGD when there is an intervening elevated rail line (the "Text Amendment"), and (v) a combined site selection and acquisition of real property by the City to develop a publicly accessible open space for one of the zoning lots within the LSGD (the "Site Selection/Acquisition Action"; together with the Text Amendment, Rezoning, LSGD Special Permit, and Retail Special Permit, the "Proposed Actions"). DCAS is applicant and EDC is co-applicant only for the Site Selection/Acquisition Action.

The Proposed Actions would facilitate the mixed-use development of four buildings (plus the potential for the construction of a kiosk in one of the proposed publicly-accessible open spaces) on five zoning lots on four blocks, totaling approximately 1.23 million square feet of floor area, up to approximately 690,000 square feet for 988 units (of which all are intended to be affordable housing),[1] up to approximately 485,000 square feet of commercial uses (inclusive of commercial office, local retail, and destination retail), and up to approximately 59,000 square feet of light industrial uses, along with approximately 20,000 square feet of publicly accessible open space (PAA), (hereinafter the "Proposed Development"). In addition, the Proposed Actions will permit an alternate development that includes a maximum of up to approximately 83,000 square feet of community facility use and up to approximately 56,000 square feet of additional commercial office space, which would take the place of a portion of the proposed residential space. However, in the event some or all uses in this alternate development were to be included in the development, the maximum amount of overall floor area would still be capped at approximately 1.23 million square feet of floor area.

[1] At minimum, depending on the MIH Option selected, approximately 222-334 units would be required to be affordable housing.

2. Background

Historically, East New York was first laid out as farmland in 1835 and a year later, the Long Island Rail Road opened its first section running an elevated line along Atlantic Avenue between the Brooklyn waterfront and Jamaica, Queens (with the East New York station—adjacent to the Project Area—opening in 1843). Cypress Hills and East New York grew further with the extension of elevated transit lines in the 1880's and 1890's that connected neighborhoods of Queens with Downtown Brooklyn and Manhattan. The area continued to grow in the first half of the 20th century, attracting a large European immigrant population to the many small factories and other industrial jobs in East New York. However, in the 1960's and 1970's, the population of Cypress Hills and East New York declined significantly, accompanied by private disinvestment and abandonment of property. However, beginning in the 1980's, City investment and grassroots initiatives have helped East New York and Cypress Hills stem their decline and begin a recovery that continues to this day.

Between 2011 and 2013, a federally-funded collaborative planning effort led by the Department of City Planning, together with community residents, stakeholders, elected officials, and local organizations resulted in the Sustainable Communities East New York (SCENY) study. This study examined opportunities for transit-oriented development capitalizing on East New York's robust transportation assets including a regional rail station and numerous city transit stations—particularly Broadway Junction. When the SCENY report was issued in 2014 it recommended, amongst other things, increased density for mixed-use development along key neighborhood corridors that would help cultivate a regional destination with larger-scale uses around Broadway Junction.

Building upon SCENY, in late 2014, DCP selected East New York to undergo a comprehensive neighborhood planning study with extensive community engagement, aimed at the ultimate goal of supporting affordable housing development not only through changes to zoning, but through coordinated investments and programs to support economic development and provide enhanced neighborhood amenities. DCP led a ten-month community planning process that resulted in the East New York Community Plan—which, in turn, served as the basis for the 2016 East New York Neighborhood Rezoning (C 160035 ZMK, et. al.)—the first neighborhood-wide rezoning in the City to designate an MIH area.

However, while the 2016 rezoning resulted in zoning changes to nearly 190 blocks in East New York and residential areas surrounding the Project Area in Ocean Hill, the Project Area at Broadway Junction was notably left unchanged. In 2019, the NYC Economic Development Corporation ("EDC") released "*Broadway Junction: A Vision for the Future*". The report noted that Broadway Junction continues to be a major transit hub in Brooklyn with significant untapped development potential. The area is home to three subway stations: Broadway Junction (one block from the Development Site (defined below), Alabama Avenue, and Atlantic Avenue; and the East New York LIRR station (adjacent to the Development Site). Broadway Junction is the largest of the three subway stations in the area and serves more than 100,000 people every weekday, making it the third-busiest station in Brooklyn. Yet, most commuters use the station only to transfer between lines, which represents, as noted in the EDC report, a "missed opportunity to bring new job-dense uses, retail, and attractions to the area to serve transit riders and strengthen East Brooklyn's local economy." The Broadway Junction Work Group was established, which set forth

a vision to create a more accessible and dynamic transit hub and economic center to offer quality-of-life improvements and more economic development opportunities to the surrounding neighborhoods and the city at large.

To help realize the goals of the 2019 EDC report, EDC has committed to make approximately $95 million in public realm improvements in and around the Broadway Junction subway station. This investment includes (among other things) the development of two new public plazas (commonly proposed to be known as Broadway Junction Gateway Plaza and Van Sinderen Plaza)—of which Van Sinderen Plaza will be located immediately north of and adjacent to Parcel 1 of the LSGD (defined below) on a portion of 2458 Fulton Street (Block 1555, Lot 1)—and streetscape and pedestrian safety improvements along Van Sinderen Avenue between Fulton Street and Atlantic Avenue. Additionally, in 2020, the City and EDC sought an application for a site selection by the Human Resources Administration (HRA) to facilitate the development of a new 6-story, 325,000 sf-building, of which 275,000 sf of rentable office space at 2440 Fulton Street would be for HRA (N 210008 PXK), bringing new employees and activity to the area.

The Proposed Development would support the affordable housing goals of the East New York Neighborhood Plan, as well as facilitate the creation of new economic development and job opportunities centered around the heavily-utilized and vitally-important Broadway Junction transit hub, as identified in the in the SCENY and 2019 EDC report.

3. Description of Surrounding Area

The Project Area consists of four blocks near Broadway Junction in East New York, Brooklyn in Community District 5, bisected by Herkimer Street running east to west and Williams Place running north to south. The Broadway Junction area is located at the nexus of six Brooklyn neighborhoods, including East New York, Bushwick, Bedford-Stuyvesant, Crown Heights, Brownsville, and Cypress Hills, and is proximate to the East New York Industrial Business Zone, which is located to the south.

The area within 600 feet (i.e. approximately two-three blocks) of the Project Area (the "Surrounding Area") is primarily characterized by a wide variety of manufacturing/industrial, commercial, residential, community facility, and transportation/utility land uses and various building types. Along Fulton Street, East New York Avenue, Atlantic Avenue, Williams Place, Van Sinderen Avenue, and Broadway lots are largely occupied by either manufacturing/industrial or transportation/utility uses. Some residential and mixed-use commercial and residential buildings can be found to the east of the Project Area, within the area east of East New York Avenue and north of Atlantic Avenue. Residential uses in the surrounding area mostly consist of low- to mid-density, multi-family residential buildings, with building heights ranging between two- to four-stories. Higher density multi-family residential/mixed-use buildings located just beyond the surrounding area include 2377 Pacific Street (southwest of the Project Area), a recently constructed, eight-story multi-family elevator building with 136 apartments, and 62 Pennsylvania Avenue (east of the Project Area), a recently constructed nine-story mixed-use residential and commercial building containing 218 apartments. Additionally, the New York City Housing Authority's (NYCHA) Ocean Hill Houses, which consist of three, 14-story residential buildings containing a total of 238 apartments, and Howard Houses, which consist of 10 residential buildings ranging from seven- to 13-stories and containing a combined total of approximately 815

apartments, are located approximately 0.3 miles northwest and southwest of the Project Area, respectively.

Commercial and mixed-use commercial and residential buildings are generally located along Atlantic Avenue and East New York Avenue, and are generally low- to mid-rise, ranging from one- to four-stories in height. Commercial uses within the surrounding area are primarily hotels, local retail (such as eating and drinking establishments, pharmacies, beauty salons, clothing stores, and convenience stores), and local service uses (such as wholesale, grocery, and hardware stores). Industrial uses in the surrounding area are generally contained in one- to two-story buildings and include warehouses, storage facilities, and distributors.

Immediately to the north of the Project Area is Block 1547, which is a long triangular block with two tax lots improved with two one-story manufacturing buildings, a two-story commercial building, and a four-story commercial building containing an auto body repair shop and two take-out eateries. Further north is Block 3476, which is a large superblock that is owned and operated by the MTA as the East New York Rail Yard. It is used for open storage of subway cars and contains one-story and two-story maintenance facilities. The three blocks east of the Project Area between East New York Avenue and Atlantic Avenue are Blocks 3663, 3666, and 3667, which collectively contain about 50 tax lots with a wide range of uses, including vacant lots, one-story commercial buildings, two- and three-story residential buildings (with and without commercial ground floors), and four-story buildings.

To the south, Block 3679 is improved with several one-story manufacturing buildings, two-story commercial buildings, and open parking for school buses and other vehicles. Block 3680 is improved with one-story manufacturing buildings, two-story commercial buildings, and large areas of open parking for school buses. Block 3681 is improved with three-story residential buildings, one-story commercial/manufacturing buildings, and a five-story school. Block 3682 is improved with one- story manufacturing buildings, three-story residential buildings, and large areas of open parking for school buses. Further, there are four blocks to the west of the Project Area with a variety of uses—though primarily commercial and industrial. Block 1546 is a park: the newly renovated Callahan-Kelly Playground. The northern portion of Block 1437 is improved with four-story commercial buildings; the southern portion is vacant; and the eastern portion is improved with one-story storage sheds and open areas for glass and metal recycling. Block 1575 contains a one- story manufacturing building, open parking and vehicle storage. The eastern portion of Block 1554 is improved with a two-story charter school, and is currently under construction to house a six-story, approximately 90’-6” tall building for the future offices for the City’s HRA pursuant to an RFP issued by EDC. The western portion of Block 1554 is improved with nine three-story residential buildings and a large two-story commercial and manufacturing building.

a. Zoning Districts

The Surrounding Area generally contains ten zoning districts: R5B, R6B, R7A, R7A/C2-4, C4- 4L, C4-5D, Ml-1, Ml-2, Ml-4, and Ml-4/R7D districts, as well as an Enhanced Commercial District (“EC-5”) and a Special Mixed-Use District (“MX-16”), which were mapped as part of the East New York Neighborhood Rezoning in order to create affordable housing, stimulate economic growth, and improve community resources.

The R5B, R6B, and R7A districts, which are mapped several blocks west and southwest of the Project Area, are medium-density residential districts that permit Use Group II residential and Use Group III community facility uses, but do not permit commercial and manufacturing uses. For residential use, these districts have maximum FARs of 2.0 (if a qualifying residential site), 2.4 (with qualifying affordable housing) and 5.01 (with qualifying affordable housing), respectively. For community facility uses, the maximum FARs are 2.0, 2.0, and 4.0 respectively. R5B districts permit a maximum base height of 45 feet and maximum building height of 55 feet (if a qualifying residential site). R6B districts permit a maximum base height of 45 feet and a maximum building height of 65 feet (with qualifying affordable housing). R7A districts permit a maximum base height of 85 feet and a maximum building height of 115 feet (with qualifying affordable housing).

The R7A/C2-4, C4-4L (R7A equivalent). and C4-5D (R7D equivalent) districts, which are mapped immediately west of the Project Area, are medium density residential districts with commercial overlays, or commercial districts with residential equivalents. They permit Use Group II residential and Use Group III and Use Group IV community facility, and permitted commercial uses include Use Group I agriculture and open uses, Use Group VI retail and service uses, Use Group VII offices and laboratories, Use Group VIII recreation, entertainment and amenity uses and Use Group X production uses (subject to certain size and locational restriction). The R7A/C2-4 district permits up to 5.01 FAR for residential (with qualifying affordable housing), 4.0 FAR for community facility use, and 2.0 for commercial use. The C4-4L district permits up to 5.01 FAR (with qualifying affordable housing) for residential use and 4.0 FAR for commercial and community facility uses. The C4-5D district permits up to 6.0 FAR (with qualifying affordable housing) and 4.2 FAR for commercial and community facility uses. C4-4L districts permit a maximum base height of 85 feet and a maximum building height of 115 feet (with qualifying affordable housing), and C4-5D districts permit a maximum base height of 95 feet and a maximum building height of 125 feet (with qualifying affordable housing).

The M1-1, M1-2, and M1-4 districts, which are mapped immediately north, east, and south of the Project Area, are light manufacturing districts that date back to the original 1961 Zoning Resolution. These districts permit most commercial uses as well as industrial uses that must meet high performance standards. Residential use is not permitted. Commercial and light manufacturing uses are permitted up to a maximum 1.0 FAR and community facility uses have a 2.4 FAR in the M1-1 district; 2.0 FAR for commercial/manufacturing uses and 4.8 FAR for community facility uses in the M1-2 district; and 2.0 FAR for commercial/manufacturing uses and 6.5 FAR for community facility uses in the M1-4 district. M1-1 districts permit developments with maximum base heights of up to 30 feet, which are thereafter subject a Sky Exposure Plane ("SEP") with a vertical-to-horizontal ratio of both 1 to 1 on narrow and wide streets, while M1-2 and M1-4 districts permit developments with maximum base heights of up to 60 feet, which are thereafter subject to an SEP of 2.7 to 1 on narrow streets and 5.6 to 1 on wide streets. Tower regulations are applicable only in M1-4 districts.

The EC-5 Enhanced Commercial Special District, which is mapped just west of the Project Area across Van Sinderen Avenue (and over C4-5D and M1-4/R7D mixed-use districts), is a special district created to promote a lively and engaging pedestrian experience. Specifically, the goal of the district is to enhance the vitality of emerging commercial districts by limiting the ground floor presence of inactive street wall frontages. Generally, the special district regulations encourage stronger commercial streetscapes and street walls on main commercial thoroughfares.

The M1-4/R7D (MX-16) Special Mixed-Use District, which is mapped a half block west of the Project Area, permits a mix of residential, community facility, commercial and manufacturing uses—subject to special locational and performance regulations to control the compatibility of the adjacency of such uses. The district permits a maximum 6.0 FAR for residential uses (with qualifying affordable housing) up to 4.2 FAR for community facility use, and 2.0 FAR for commercial and manufacturing uses. The MX-16 district also permits a maximum base height of 95 feet and a maximum building height of 125 feet.

b. Major Thoroughfares

There are no arterial highways in the vicinity of the Project Area. However, the Department of Transportation ("DOT") truck route map categorizes Atlantic Avenue as a "Through Truck Route" and Broadway, Jamaica Avenue, and Pennsylvania Avenue as "Local Truck Routes." Those portions of Van Sinderen Avenue between Fulton Avenue and Herkimer Street, and Herkimer Street between Van Sinderen Avenue and East New York Avenue, also function as local truck routes.

c. Mass Transit

The surrounding area is exceptionally well-served by mass transit. It is located at the nexus of five subway lines, a regional commuter rail station, and several bus lines and within the "Outer Transit Zone" as defined by the Zoning Resolution. These transit options include a subway station serving five elevated subway lines, several bus lines, and a LIRR commuter rail station located just beyond the Project Area. The MTA's elevated A, C, J, Z, and L lines converge at the Broadway-Junction subway station, located one block north of the Project Area, with elevated tracks running above and next to Williams Place and bifurcating the LSGD into east and west portions. Subway trips to Manhattan typically take 20-25 minutes. The LIRR East New York station is located at grade and below the Atlantic Avenue express lanes. Its northern stair entrances are located along the southern boundary of the LSGD and across Atlantic Avenue. From this station, the LIRR brings passengers west to Atlantic Terminal (a large transportation hub in downtown Brooklyn) and east to Jamaica Station (a large transportation hub in Queens with connections to both local airports), of which each trip takes approximately 10 minutes, and to points further east on Long Island. The B20, B25, B83, and Q24 buses run east/west along Fulton Street, with multiple stops within one block of the Project Area, while the B12 runs down East New York Avenue to points west in Brooklyn. The Q56 runs along East New York Avenue to points east in Queens.

In relation to the Project Area, the nearest entrance to the Broadway Junction station is one block north along Van Sinderen Avenue. Due to the proximity of these subway lines and infrastructure, in accordance with Article VI, Chapter 6 of the Zoning Resolution and the Zoning for Accessibility Text Amendment, the Project Area is a "primary transit-adjacent site" and required confirmation from the Metropolitan Transit Authority (MTA) as to whether a transit easement volume must be reserved within the Project Area. Pursuant to a letter dated August 1, 2023, the MTA determined that no such easement volume is required.

d. Major Institutions and Schools

Institutional uses in the Surrounding Area include the WIN Junius and Liberty Residences, which both provide transitional housing services for formerly unhoused families, as well as several houses of worship, including the Sacred Fellowship Ministries and Glorious Praise Baptist Church, the Kingdom Life Center, and the Kingdom Life Christian Center. The Trey Whitfield School is also at the comer of Atlantic Avenue and Williams Avenue.

e. Open Space, Parks, and Notable Features

There are two parks in the Surrounding Area: the Callahan Kelly Playground/Park located one block northwest of the Project Area and Jewel Square, which is a small landscaped, triangular median adjacent to the southeast corner of the Project Area. Callahan Kelly Playground/Park totals 3.25 acres and contains passive and active recreation, including handball and basketball courts, spray showers, dog runs, fitness equipment and playgrounds, as well as the main Broadway Junction subway station entrance. As one of the key goals of the East New York Neighborhood Plan, in 2023, Callahan-Kelly was recently upgraded with the reconstruction of the playground, spray shower, perimeter sidewalks and walls, basketball courts, adult fitness equipment and sitting areas, as well as the inclusion of a newly-constructed skate park.[2] Jewel Square contains passive uses such as seating, walking paths, planting beds, and trees. It lies just south of the East New York Bus Depot.

f. East New York Industrial Business Zone

Across East New York Avenue from the Project Area is the East New York Industrial Business Zone (IBZ). The IBZ covers 57 blocks (or portions thereof) in the East New York, Brownsville, and New Lots neighborhoods. Like other industrial business zones designated throughout the City, the IBZ is built upon pre-existing in-place industrial uses, and offers various incentives to prevent industrial uses from relocating outside of the City and represent a commitment by the City not to rezone these areas for residential uses.

4. Description of Project Area

The Project Area consists of four blocks near Broadway Junction in East New York, Brooklyn in Community District 5. The Project Area consists of the Development Site (Block 1555, Lot 19; Block 1576, Lots 1 and 34; Block 1577, Lots 1, 7, 17, 26, 32, 35, 51, 53, 56, and 58), and several outparcels (Block 1555, Lot 1; and Block 1576, Lots 9, 13 and 32) that would not be included in the LSGD. It is essentially a triangular area generally surrounded by Van Sinderen Avenue (approximately 70' wide) to the west, Fulton Street (approximately 80' wide, but generally varying in width) to the north, and East New York Avenue (approximately 115' wide) (with a small portion bounded by Atlantic Avenue, which is approximately 280' wide adjacent to the Project Area) to the south, and bisected by Herkimer Street (approximately 70' wide) running east to west

[2] The MTA and NYC Department of Parks and Recreation have also recently filed a joint application for an amendment of the City Map to facilitate expansion of the Broadway Junction subway station complex, which requires the elimination of a portion of Sackman Street, and elimination and replacement of a portion of Callahan-Kelly Playground on such de-mapped portion of Sackman Street portion (Application No. 230375 MMK).

and Williams Place (approximately 60' wide) running north to south. The Project Area has a total area of approximately 190,474 square feet and would, in its entirety, be subject to the Rezoning.

Lots within the Project Area, but not part of the Development Site,[3] include two properties that are owned by the MTA (Block 1555, Lot 1 and Block 1576 Lot 13), 2473 Atlantic Avenue (Block 1576, Lot 32) and 1530 Herkimer Street (Block 1576, Lot 9; the "Calvary Church Site"). The MTA-owned sites are improved with elevated subway structures and an at-grade parking lot for MTA and employee vehicles. 2473 Atlantic Avenue contains a six-story, 40-room hotel building with approximately 16,796 square feet of zoning floor area (zsf). The Calvary Church Site contains a two-story house of worship containing approximately 11,731 zsf and owned by the Calvary Baptist Church.

The Project Area is located entirely within an M1-2 zoning district. As noted above, M1-2 districts are light manufacturing districts which permit most commercial uses as well as industrial uses that meet high performance standards. Residential use is not permitted.

Portions of the Project Area are improved with elevated subway structures and rail lines. The structures generally run through the Project Area over Williams Place for the elevated "L" train (a/k/a the 14th Street-Canarsie line) with connecting tracks to the "J/Z" train (a/k/a the Jamaica line). The elevated L train runs north-south and bifurcates the Project Area, while the elevated J/Z train runs southeast-northwest along Broadway and Jamaica Avenue just north and east of the Project Area. Supports for these elevated structures have been erected within the MTA-owned sites, as well as on sidewalks on both sides of Williams Place.

5. Description of the Development Site

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

Parcel 1 is located on the northwestern block of the Development Site, and consists of Block 1555, Lot 19, which is located at the northeast corner of the Herkimer Street/Van Sinderen Avenue intersection and is owned by the Applicant. It is an approximately 4,900-sf rectangular lot that is currently unimproved and vacant, and formerly used as unenclosed parking and storage space. The latest certificate of occupancy of record does not identify the number of parking spaces on the parcel, and there is an existing curb cut along the Herkimer Street frontage.

Parcel 2 is located on the southwestern block of the Development Site and consists of Block 1576, Lots 1 and 34. The parcel is owned by the Applicant and is an approximately 15,577-sf lot located nearest the northeast corner of the Van Sinderen Avenue/Atlantic Avenue intersection. Lot 1 is improved with a two-story building containing approximately 8,000 sf for light industrial and is currently occupied by truck storage, a product distributor and studio space on the second floor. Lot 34 is improved with a three-story commercial office building containing approximately 8,182 sf. The latest certificate of occupancies of record do not identify the number of parking spaces on the parcel, and there is an existing curb cut along the Van Sinderen Avenue frontage.

[3] The LSGD and Development Site are coterminous.

Parcel 3 is the entire northeastern block of the Development Site and consists of Block 1577, Lots 17 and 26. It is bounded by Herkimer Street, Williams Place, and Fulton Street. It is owned by the Applicant and has a lot area of approximately 17,057 sf. Lots 17 and 26 are currently unimproved and used for parking for more than five vehicles and storage of vehicles. There is one existing curb cut along the Herkimer Street frontage and two existing curb cuts along the Fulton Street frontage.

Parcel 4 is the eastern zoning lot of the southeastern block of the Development Site and consists of Block 1577, Lots 32, 35, 51, and 53. It bounded by Herkimer Street to the north, which curves to the intersection with East New York Avenue, which borders the site to the south. Parcel 4 is owned by the Applicant and has a lot area of 22,620 sf. It is occupied as a used-car auto dealership with several small buildings related to the dealership use spread over the sites. The latest certificate of occupancies of identify 68 parking spaces on Lot 35, and there are four existing curb cuts along the Herkimer Street frontage and three existing curb cuts along the East New York Avenue frontage.

Parcel 5 is the western zoning lot of the southeastern block of the Development Site, consisting of Block 1577, Lots 1, 7, 56, and 58. It is bounded by Herkimer Street to the north, Williams Place to the west and East New York Avenue to the south. These lots are owned by Mystic Display Co., Inc. and utilized as warehouses, parking, shop, and offices for NYCT's Automated Fare Collection (AFC) and Electronic Maintenance Division (EMD). Parcel 5 has a lot area of approximately 51,397 sf. Lot 1 and 7 are each improved with one story plus mezzanine buildings used for the MTA maintenance facility, and Lots 56 and 58 are currently improved with an unenclosed surface parking lot that provides access to the adjacent Lots 1 and 7.[4] The certificate of occupancy of record does not identify the number of parking spaces on the parcel, and there are two existing curb cut along each street frontage.

6. Description of Proposed Development

The Proposed Development is a four building (plus the potential for the construction of a kiosk in one of the proposed publicly-accessible open spaces) new mixed-use development to be spread across four blocks and five zoning lots, consisting of the LSGD. The project would total approximately 1.23 million square feet of floor area (11.08 FAR), up to approximately 690,000 square feet of residential floor area (6.19 FAR) for 988 units (of which all are intended to be affordable housing),[5] up to approximately 485,000 square feet of commercial floor area (inclusive of commercial office, local retail, and destination retail) (4.35 FAR), and up to approximately 59,000 square feet of light industrial floor area (0.53 FAR), along with approximately 20,000 square feet of PAA space.[6] The LSGD, described further below, would involve the construction of

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[4] While Mystic Display Co., Inc. is not the Applicant for the Proposed Action, they have (or will) authorize the Applicant to seek the Proposed Action, inclusive of the LSGD Special Permit and Retail Special Permit affecting their lots, and has (or will) enter into a restrictive declaration in connection with the subject application for the Proposed Action.

[5] See Footnote 1.

[6] In addition, the Proposed Actions will permit an alternate development that includes a maximum of up to approximately 83,000 square feet of community facility use and up to approximately 56,000 square feet of

Buildings B, C, D, and E on the five zoning lots comprising the Development Site (Parcels 1, 2, 3, 4, and 5).

Parcel 1 would primarily consist of a 4,904-square-foot open space, defined as PAA-1.[7] Pursuant to the Site Selection/Acquisition Action, the City of New York (with DCAS anticipated to hold jurisdiction) would access and construct PAA-1 using capital funds with the intent that the space be designed such that it functions harmoniously with the adjacent Van Sinderen Plaza that would be constructed immediately to the north. Following completion of construction of Van Sinderen Plaza and PAA-1, it is anticipated that the Applicant would maintain them as a single space pursuant to a maintenance agreement with the City.

Parcel 2 would include Building B and the existing building on Lot 34. Building B would be developed with an approximately 186,000-square-foot, mixed-use building primarily intended for affordable housing. Building B would be permitted to have its street wall rise to a base height of up to 95 feet along Van Sinderen Avenue, followed by an initial set back of 10 feet, then rise to an overall maximum height of 265 feet (plus a 30-foot bulkhead). The building would have approximately 263 affordable housing units on the upper floors, 4,250 sf of ground floor local retail use, and, as an alternative, the option for up to 47,887 sf for light manufacturing and other commercial or public service uses.[8] In the event light manufacturing and/or public institution tenants seek to occupy the lower portions of the building, floor plates on the lower levels may be extended to the rear lot line as the building rises up to a height of 95 feet. The plans would include the potential for a 23 foot, 3 inch curb cut along Van Sinderen Avenue (approximately 98 feet, 7 inches feet north of Atlantic Avenue) for 26 permitted accessory parking spaces located in the cellar.[9] Additionally, the three-story commercial office building on Lot 34 would remain and be subject to the LSGD.

Parcel 3 would include Building C and be developed with an approximately 250,000 square foot, mixed-use residential and local retail building. Along Herkimer Street, portions of Building C would be allowed to rise up to a base height of 55 feet at the street line, then setback at varying depths due to the triangular geometry of the lot, and ultimately rise to an overall maximum height of 300 feet (plus a 30-foot bulkhead); while other portions would rise from grade to the overall height without setback. Along Fulton Street, the building street wall would be slightly setback at grade (ranging from 2 feet, 5 inches to 5 feet, 11 inches on one portion, and 10 feet, 11 inches to 12 feet, 2 inches on another portion)—allowing for a wider sidewalk along Fulton Street— and for articulation, a portion of the street wall would rise to a base height of 55 feet, set back another 5 feet, then rise to the overall building and bulkhead height. Along Williams Place, the building street wall would have varying at grade setbacks to accommodate a sidewalk widening (ranging from 5

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additional commercial office space, which would take the place of a portion of the proposed residential space. However, in the event some or all uses in this alternate development were to be included in the development, the maximum amount of overall floor area would still be capped at approximately 1.23 million square feet of floor area.

[7] The Applicant notes that, as indicated in the EIS, there is the potential to develop a one-story kiosk within PAA-1. However, development of such a kiosk would require design changes to the plans submitted herewith and be subject to further review and approval by DCP and/or the City Planning Commission.

[8] At minimum, depending on the MIH Option selected, approximately 52-79 units of the approximately 263 units proposed in Building B would be required to be affordable housing.

[9] As mentioned here and throughout this Project Description, all accessory parking in the Proposed Development is "permitted" and not "required".

feet to 11 feet, 2 inches) before rising to the 55-foot base height closer to Herkimer Street, or directly up to the overall building height closer to Fulton Street. The building would have approximately 341 units of affordable housing and up to approximately 18,000 square feet of retail on the lower floors.[10] Open space on Parcel 3 (PAA-3) would consist of sidewalk widenings along Williams Place and Fulton Street, with more centralized meeting and gathering spaces along Herkimer Street and near the corner of the site towards the junction of Herkimer Street, Fulton Street, and East New York Avenue. The use of sidewalk widenings promotes increased pedestrian usability and walkability along the frontages where located, while the PAA-3 space would contain several planters, seating options (i.e. bench seating with and without backs, movable tables/chairs, wall seating), and PAA signage that will serve the public as a new meeting area. The open space here would help to enhance the pedestrian experience along Herkimer Street heading towards the junction with Fulton Street and East New York Avenue. Overall, PAA-3 would contain approximately 4,190 sf of open space.

Parcel 4—which shares a street block with Parcel 5, but is a separate zoning lot--would be developed with an approximately 278,000 square foot, mixed-use building with the intention of affordable residential, community facility, and retail uses (Building D). The building would be situated nearest the East New York Avenue/Herkimer Street intersection, east of Parcel 5 (described below). The Building D street walls would be setback at grade at various distances on its two street frontages to accommodate a variety of sidewalk widening areas and open spaces, as well as to allow for façade articulation. Along East New York Avenue, the building would be set back approximately 6 feet at grade to provide a sidewalk widening, then rises to a height of 230 feet. On the western part of the parcel, starting at a height of 230 feet, the building would then gradually step down as it moves away from East New York Avenue and towards Herkimer Street, ending up at a height of 55 feet. Conversely, on the easter portion of the parcel, starting at a height of 230 feet, the building street wall would set back an additional 5 feet, then rise to an overall maximum height of 350 feet (plus a 30-foot bulkhead). This massing would result in a tower-like form juxtaposed to the lower-scale building portion to the west. Overall, the building would have up to approximately 384 units of affordable housing, up to approximately 21,000 sf of retail space on the first and second floor.[11] Additionally, in an alternate development scenario, there is the potential for this building to contain up to 83,000 sf on the first through eighth floors for community facility use (likely for a large institutional tenant, such as a college or university), resulting in less residential use. Along East New York Avenue, an 18 foot, 8 inch curb cut would be provided for access to 68 permitted accessory parking spaces located in the cellar, and a 22 foot, 7 inch curb cut for access to one accessory loading berth would be provided. Open space on this parcel (PAA-4) would primarily consist of small pocket meeting/gathering spaces along Herkimer Street as it curves towards the Fulton Street/East New York Avenue junction point. Three such spaces would line the curvature of Herkimer Street with amenities including planters, trees, various seating options (i.e. bench seating with and without backs, movable tables/chairs, wall seating), and PAA signage. PAA-4 would complement both PAA-5A to the west and PAA-3 located across Herkimer, establishing a corridor of open spaces for the public on both sides of the street and

[10] At minimum, depending on the MIH Option selected, approximately 68-102 units of the approximately 341 units proposed in Building C would be required to be affordable housing.
[11] At minimum, depending on the MIH Option selected, approximately 77-115 units of the approximately 384 units proposed in Building D would be required to be affordable housing.

improving the overall pedestrian experience by activating both frontages. Total open space in PAA-4 would be 3,689 sf.

Parcel 5 would be developed with an approximately 514,000 square foot commercial and light industrial building (Building E) primarily massed along Williams Place (and the elevated rail structure) and East New York Avenue. Building E would be situated on a two-story retail podium (approximately 76,000 sf) with up to a maximum base height of up to approximately 55-59 feet, then would set back at various depths along Herkimer Street. Above the base, the street wall frontages would be oriented towards Williams Place and East New York Avenue, setting back 5 feet and 6 feet at grade from both streets, respectively—allowing for a widened sidewalk on both frontages. Street walls here would rise up to 207 feet along Williams Place and 209 feet on East New York Avenue, followed by 5-foot setbacks, with an overall maximum building height of up to 284 feet (plus a 40-foot bulkhead). The at-grade set back increases closer to the Williams Place/East New York Avenue intersection to accommodate the new open space at the corner, and the building adjacent to this open space would rise from grade to the overall permitted height.

On the upper floors, Building E would contain up to approximately 380,000 square feet of commercial office and/or up to approximately 59,000 square feet of light industrial and/or other permitted M1-6 manufacturing uses. Along East New York Avenue, an 18 foot, 8 inch curb cut would be provided for access to up to 119 permitted accessory parking spaces located in the subcellar, and a 77 foot, 7 inch curb cut for access to six required accessory loading berths would be provided. Parcel 5 would contain open space in the form of sidewalk widenings on Williams Place and East New York Avenue, a triangular meeting and gathering area at the corner (PAA-5B), and a larger meeting and gathering space along the south side of Herkimer Street (PAA-5A, and collectively with PAA-5B, PAA-5). PAA-5B at Williams Place/East New York Avenue would contain small planters, linear seating, and PAA signage, and is intended to be an outdoor space primarily for employees and users of the commercial office and light manufacturing use in Building E. To the north, PAA-5A along Herkimer Street would provide amenities including planters, trees, various seating options (i.e. bench seating with and without backs, movable tables/chairs, wall seating), and PAA signage. Once the LSGD is fully constructed, PAA-5A and PAA-4 would function as a single, cohesive space. This new open space on the south side of Herkimer Street would further enhance pedestrian experience in this area of the Development Site. Overall, total open space would be 7,297 sf.

The Applicant intends that the LSGD will be developed in several stages. While the Applicant has not determined what order the various parcels in the LSGD will be developed, with respect to the construction of the PAA spaces—with the exception of PAA-1, the timing of completion of which would be determined by the City—the Applicant would commit that regardless of the order of construction of the LSGD, the PAA on each parcel shall be completed in conjunction with the attendant building on same parcel. More specifically, PAA-3 would be substantially complete before Building C accepts a temporary certificate of occupancy; PAA-4 would be substantially complete before Building D accepts a temporary certificate of occupancy; and PAA-5 would be substantially complete before Building E accepts a temporary certificate of occupancy. With respect to Parcel 1/PAA-1, as noted above, EDC would construct PAA-1 pursuant to Site Selection/Acquisition Action. Design development of PAA-1 would be undertaken by EDC with the intent that it functions harmoniously with the proposed Van Sinderen Plaza to be located immediately to the north. Additionally, once the LSGD is fully constructed, the PAA-5 and PAA-

4 open spaces along the south side of Herkimer Street would function as a single, cohesive space. The Applicant anticipates that development of each parcel would take approximately two to three years to complete, but overall the total construction timeline would be approximately 10 years.

7. Actions Necessary to Facilitate the Proposed Development

In order to facilitate the Proposed Development, the Proposed Actions, as described individually below, would, together, be required. Such actions are as follows:

a. Zoning Map Amendment

The Applicant seeks a change to Zoning Map 17c to rezone the Project Area from an Ml-2 zoning district to a C6-4 and M1-6 zoning district. The bulk and density of the C6-4 (R10 equivalent) and M1-6 districts are necessary and appropriate to facilitate the construction of the Proposed Development on underutilized lots in one of Brooklyn's most transit-rich areas. Equivalent zoning districts are mapped at key transportation hubs and downtown clusters in Brooklyn, Manhattan, and Queens (e.g. East Midtown, Hudson Yards/Penn Station, Times Square/Theater District and portions of Lower Manhattan/Financial District in Manhattan; and Downtown Brooklyn and Downtown Jamaica in Queens).

C6-4 districts are high-density, commercial districts generally mapped in central locations that are well-served by mass transit. C6-4 districts permit Use Group II residential use, Use Group III community facility uses (such as houses of worship, schools and colleges), Use Group IV public service uses (such as fire stations or police stations), most commercial uses (such as Use Group VI local retail and service) and light industrial uses that meet high performance standards. With respect to FAR, the maximum for residential use is 12.0 (in MIH areas), and 10.0 for commercial and community facility uses. No front yards or side yards are required (but if a side yard is provided, it must have minimum 8-foot width for commercial use and 5-foot width for residential use); and minimum 20-foot residential rear yards (up to a building height of 75 feet, after which it increases to a minimum of 30 feet) and 20 foot commercial/community facility rear yards are required on interior lots, and no rear yard is required within 100 feet of a corner or on lots occupying an entire street block. For buildings that provide "qualifying affordable housing", height and setback regulations allow for a minimum base height of 60 feet, a maximum base height of 155 feet, and a maximum building height of 235 feet.[12] However, on "eligible sites", the maximum building height is 355 feet.[13] Tower regulations are also applicable in C6-4 districts. For residential use, no accessory parking is required for affordable housing units while parking is required for 40% of any market rate units; and no accessory parking is required for commercial use. Additionally, the number of accessory loading berths required depends on the use proposed and floor area provided for such use.

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[12] "Qualifying Affordable Housing" is defined by ZR 12-10, in part, as "MIH developments in Mandatory Inclusionary Housing areas."

[13] "Eligible Sites" are identified in ZR 23-434(a) and include (among others) zoning lots with "transportation-infrastructure adjacent frontage" and zoning lots with an area of at least 20,000 sf or that occupy an entire street block.

M1-6 districts are high-density, light manufacturing districts which permit most commercial uses (such as Use Group VI retail (subject, in many cases, to size restrictions) and Use Group VII office use), as well as industrial uses that meet high performance standards. Residential use is not permitted. The maximum permitted FAR is 10.0 for commercial use and community facility use. No front yards or side yards are required; and minimum 20' rear yards are required on interior lots and no rear yard is required within 100 feet of a corner. Height and setback regulations allow for a maximum front wall height of 85 feet or 6 stories (whichever is less), followed by a minimum initial setback of 15 feet along wide streets and 20 feet along narrow streets, and thereafter buildings may rise subject to a sky exposure plane with a vertical-to-horizontal ratio of 2.7:1 along wide streets and 5.6:1 along narrow streets. Tower regulations are also applicable in M1-6 districts. For nearly all uses (such as those intended in the M1-6 district portion of the Proposed Development), accessory parking is not required, and the number of accessory loading berths required depends on the use proposed and floor area provided for such use.

The proposed zoning districts are a recognition of the special characteristics of the Broadway Junction area. The C6-4 district—which will cover all parcels except Parcel 5—will facilitate the development of new residential uses, destination retail and open spaces that will draw people out of the subway system at this key interchange in order to activate the Broadway Junction neighborhood. New retail, office space and housing, particularly affordable housing, will provide jobs and living options for local residents who are in significant need of both opportunities. The C6-4 district offers some flexibility to respond to evolving market conditions at this critical transit hub, which provides an enormous opportunity for transited-oriented, job intensive uses at Broadway Junction.

In addition, retention of the existing M1 district in a portion of the Project Area nearly entirely co-terminus with Parcel 5 (except for the portion of Parcel 5 that is PAA-5A which is within the C6-4 district) will both reflect the continued mixed commercial/industrial character of the area and will help to ensure commercial and manufacturing uses continue to be welcome in the Proposed Development. Retaining an M1 district while increasing the maximum floor area from 2.0 FAR to 10.0 FAR is appropriate for this western portion of the Parcel 4/Parcel 5 block as it sits immediately-adjacent to the elevated subway line to the west and fronts on the commercially-characterized East New York Avenue.

b. Text Amendments

- MIH-Designated Area

The Applicant seeks changes to Appendix F of the Zoning Resolution to create an MIH area. The MIH program requires the provision of permanently affordable housing in new residential developments within mapped Mandatory Inclusionary Housing areas. The Proposed Actions include a zoning text amendment to establish an MIH area that covers the entire C6-4 district within the Project Area. Within the MIH area, all developments, enlargements, and conversions that provide residential floor area will be subject to MIH Options 1 and 2 program requirements. MIH Option 1 mandates that 25 percent of the total residential floor area be affordable to households at an average of up to, but not to exceed, 60 percent of the Area Median Income ("AMI"), with no more than three income bands, and no unit targeted at a level exceeding 130 percent of AMI. MIH Option 2 provides that 30 percent of the total residential floor area by

affordable at an average of no more than 80 percent of AMI. The Applicant proposes to map both MIH Options 1 and 2 over the Project Area.

- ZR 74-742 – Contiguity of Ownership of LSGD Parcels

The Applicant seeks an amendment of the provisions of ZR 74-742 to 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 12-10 definition. This text amendment would allow the uniformity of LSGD bulk controls across the lots within the Development Site, even though the various parcels comprising the Development Site are physically separated by publicly-owned lots with elevated rail lines. Allowing for contiguity of the Development Site parcels 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 subject text amendment would permit the Development Site 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. It would allow for the floor area transfer from Parcel 1 to zoning lots to the east, resulting in the development of PAA-1 as—in conjunction with the City's proposed public realm improvements—a gateway to the Proposed Development from Callahan-Kelly Park, the Broadway Junction subway station and Van Sinderen Avenue. The development of PAA-1, which is a byproduct of the subject text amendment, would improve connectivity between the park, the subway station entrance and the new buildings to be constructed to the south along Van Sinderen Avenue and east along Herkimer Street within the Development Site. The MTA's elevated tracks and platform on Block 1555, Lot 1 and Block 1576, Lot 13, which pursuant to the subject text amendment, would be treated as a street for the purposes of LSGD contiguity, are not within the Development Site nor contribute floor area to the LSGD.

c. LSGD Special Permit

The Applicant seeks a special permit under the LSGD pursuant to ZR 74-743 for the following:

- Pursuant to ZR 74-743 (a)(1) to allow the distribution of floor area without regard zoning lot and district boundary lines.
- Pursuant to ZR 74-743 (a)(2) to modify rear yard regulations per ZR 23-34, 33-26, 33-28, 43-26 and 43-28.
- Pursuant to ZR 74-743(a)(2) to modify height and setback regulations per ZR 23-432, 23-433 and 43-43.

<u>Floor Area Distribution</u>

Floor area is proposed to be distributed throughout the LSGD without regard for internal zoning district boundaries and zoning lot lines. Specifically, floor area would be shifted from Parcel 1, which would be underbuilt by approximately 58,000 square feet, to Parcels 2, 3 and 4. Depending on the selected mix of uses, the maximum permitted floor area on Parcel 2 would be increased by approximately 7,000 square feet; on Parcel 3 by

approximately 45,000 square feet; and on Parcel 4 by approximately 15,000 square feet; provided, however, the overall distribution from Parcel 1 would not exceed approximately 58,000 square feet.[14] No floor area would be distributed to Parcel 5. The distribution of floor area as proposed promotes the creation of new public open spaces, new affordable housing, and supports building design focused on the importance of Herkimer Street as a location intended for increased pedestrian activity running through the Development Site.

Rear Yards

The Applicant proposes to locate portions of Buildings B, D, and E within the required rear yards. In C6-4 districts, on interior lots, a minimum 20 foot residential rear yard is required up to a height of 75 feet, above which a 30 foot residential rear yard is required; and 20 foot commercial/community facility rear yards are required. However, one-story building portions not exceeding heights of 23 feet and used for commercial or community facility use may be located in the commercial or community facility required rear yard. Rear yards are not required for portions of zoning lots within 100 feet of a corner, or for zoning lots that occupy entire street blocks. In C6-4 districts, no rear yard is required on through lots; and in M1-6 districts, on through lot portions which extend more than 110 feet, a rear yard equivalent is required and may be provided along the full length of the side lot line for a minimum depth of 20 feet (among other options), excepting for a one-story building portion with a height up to 23 feet may be a permitted obstruction in such rear yard equivalent.

Parcel 2 is a corner lot with interior lot portions, of which Building B would be constructed on the interior lot portion of the site and be subject to such interior lot rear yard regulations stated above. For Building B, the required 20/30 foot required rear yard for all uses would be waived in its entirely up to a height of 95 feet, at which point the minimum rear yard depth would be increased to 30 feet. This waiver facilitates the potential to include up to approximately 23,600 square feet of community facility use and up to approximately 12,000 square feet of light industrial uses on several lower floors in the building. It would promote a better site plan and better relationship between nearby development because it would provide for larger floorplates on lower portions of the building—adjacent to the elevated rail—where it would be more appropriate to locate such community facility and/or light industrial uses. The ability to offer building floor plates that are attractive to community facility and light industrial tenants is beneficial to the site planning and overall programming because their presence in the project would help support the Proposed Development as a regional, mixed-use hub that fosters new economic and job opportunities.

Parcel 4 is also a corner lot with interior lot portions, of which Building D would be subject to the interior lot rear yard requirements identified above. For Building D, the required

[14] The total floor area distributed from Parcel 1 to Parcels 2, 3 and 4 would, overall, not exceed approximately 58,000 square feet. However, depending on the proposed programming for the potential development on each of the parcels, the amount transferred to each individual parcel may vary. Notwithstanding, such floor area amounts transferred to individual parcels would not exceed the amounts specified herein, nor would the maximum aggregate proposed floor area distribution exceed approximately 58,000 square feet from Parcel 1.

20/30 foot required rear yard would be waived incrementally where the building steps down from 230 feet along East New York Avenue to 55 feet near the rear lot line with Parcel 5 and adjacent to the large meeting and gathering open spaces on the south side of Herkimer Street. In this portion of the building, residential and/or community facility use would be located on the first through eight floors of this portion of the building, with residential apartments located on the ninth through 17th floors—as the building steps up toward East New York Avenue. The rear yard waiver promotes a better site plan and better relationship to surrounding development because it allows design flexibility to permit the building to step up gradually from the Herkimer Street open space to the East New York frontage. Underlying rear yard regulations would not permit this gradual, articulated building to step-up in height, but rather permit only a single-story building portion in this area and, in turn, force the added building density into Building D's tower portion and increase its height. The rear yard waiver here results in a better distribution of bulk across Parcel 4 and a more appropriate relationship of building density to the PAA-4 and PAA-5 open spaces on Herkimer Street and stronger, vertical street wall on East New York Avenue

Parcel 5 is also a corner lot with through lot portions, of which Building E—a commercial and manufacturing building—would be required to comply with M1-6 district regulations in which a 20-foot-wide rear yard equivalent would be required along the entire side lot line of the zoning lot (excepting for a one-story building portion with a height up to 23 feet may be a permitted obstruction in such rear yard equivalent). Building E would be constructed to the lot line with Parcel 4 and rise to a height of 59 feet to accommodate the two-story base proposed for large retail use. Accordingly, because a two-story building base would be constructed, a rear yard waiver from grade up to 59 feet for the entire rear yard would be necessary. Similar to Building B, this waiver supports a better site plan because it facilitates the development of large floor plates in the two-story building base that allows for a proposed large, destination retail use to be located at this site, of which such use further contributes to the positioning of the Proposed Development as a regional, mixed-use commercial, retail, residential and light industrial hub.

Height and Setback

Height and setback waivers are being requested for the buildings on Parcels 2, 3, 4, and 5. The modifications are to provide varying building forms, articulate the street walls, frame public open spaces, and respond to certain irregular block configurations. Similar to the distribution of floor area, larger envelopes are located closer to wide streets, major junctions and the bisecting elevated rail structures—each of which can handle the additional height and density. These waivers, in turn, facilitate creation of a variety of PAAs throughout the development that all serve important, purposes integral to enhancing the pedestrian experience in the LSGD. As such, the variation in building envelopes facilitated by these waivers results in a unique and distinct built form that supports good urban design and a better site plan.

In C6-4 districts in MIH designated areas, height and setback regulations typically require minimum base heights of 60 feet (on wide and narrow streets), maximum base heights of 155 feet and permit an overall height of 235 feet. For sites that are "eligible sites"—such as zoning lots with "transportation-infrastructure-adjacent frontages", or on zoning lots

with areas greater than 20,000 square feet or that occupy an entire street block—the permitted overall height may be increased to 355 feet. Initial minimum setbacks at the base height are 10 feet on wide streets and 15 feet on narrow streets.

M1-6 districts allow for a maximum front wall height of 85 feet or 6 stories (whichever is less), followed by a minimum initial setback of 15 feet along wide streets and 20 feet along narrow streets, and thereafter may rise subject to a sky exposure plane with a vertical-to-horizontal ratio of 2.7:1 along wide streets and 5.6:1 along narrow streets.

For Building B, where a 15-foot initial setback is required, a waiver of 5 feet is requested to provide a 10-foot setback; and where a maximum building height of 235 feet is permitted, a waiver of 60 feet is requested to allow the maximum building envelope to be 295-feet-tall. The height and setback waivers allow for a stronger, vertical street wall closer to the street line along Van Sinderen Avenue. The waiver is also necessary to accommodate the added density shifted from Parcel 1—and, in turn allow for an open space critical to the Proposed Development to be constructed in the form of PAA-1. The massing of the building pursuant to the waiver is appropriate in light of the elevated rail structure located along the site's rear lot line.

For Building C, where a minimum 15-foot initial setback is required along all frontages. setback relief is requested along all frontages to various degrees. More specifically, along Fulton Street, above the maximum base height of 155 feet, setback relief ranging from 12 feet, 8 inches to 9 feet, 1 inch up to a height of 260 feet in order to provide setbacks ranging 2 feet, 4 inches to 5 feet, 11 inches between such heights is requested; and above such height, setback relief ranging from 7 feet, 8 inches to 2 feet, 10 inches up to the maximum proposed envelope height in order to provide setbacks ranging 7 feet, 4 inches to 12 feet, 2 inches between those heights is requested. Along Williams Place, above the maximum permitted base height of 155 feet, setback relief ranging 3 feet, 7 inches to 9 feet, 9 inches up to the proposed envelope height in order to provide setbacks ranging 11 feet, 5 inches to 5 feet, 3 inches in various locations is requested. Further, along Herkimer Street, where the depth of the 20-foot-high base shrinks below a depth of 15 feet and the tower begins to rise sheer from the street, setback relief ranging from 0 feet to 15 feet above the maximum base height of 155 feet up to the proposed envelope height would be requested. Moreover, along both Willams Place and Herkimer Street as they near intersection, where a 60-foot minimum base height is required, a 40-foot minimum base height waiver would be needed to allow the base in that part of the site to only rise to 20 feet.

Due to the irregular shape of the lot, the street widening depths and setback encroachments vary along Williams Place and Fulton Street to allow for better, more rectangular floorplates for residential use (as opposed to more narrow floorplates that comply with the setback regulations off of these angled streets). The setback relief along Herkimer Street also facilitates a more—though not perfectly—rectangular tower above the base which is more suitable for residential layouts. Additionally, the minimum base height relief near the Williams Place/Herkimer Street intersection facilitates less bulk near that corner which, in turn, allows more light and air to fill Herkimer Street and its new pedestrian spaces. The height and setback and minimum base height waivers for Building C promote a building with greater streetwall articulation and design interest and are necessary to accommodate

the added density—the most received by any parcel. Additionally, the waivers allow the building massing to be pushed towards the center of the block, thereby permitting construction of PAA 3 in the form of sidewalk widenings on Williams Place and Fulton Street, and two new meeting and gathering spaces near the eastern point of the site.

For Building D, where a 15-foot minimum setback is required along Herkimer Street and 10-foot minimum setback is required along East New York Avenue, minor setback relief is requested on those frontages. To accommodate the variety of open spaces provided on Parcel 4 (and as discussed above), the building is set back at grade from Herkimer Street at various depths (e.g. 23 feet, 3 inches along Herkimer Street before its curvature, and 14 feet, 6 inches as it nears the East New York Avenue intersection) before rising vertically to up to 350 feet (near the curvature of Herkimer Street) or to a 230-foot base (near the intersection). In two locations, as the street curves, a waiver of the required 15-foot minimum setback down to 2 feet, 7 inches and 3 feet, 2 inches would be required above the maximum base height as the façade oscillates in and out compared to the street line. Near the corner, along Herkimer Street, a six inch setback waiver is requested, to provide a 14.5-foot setback above the maximum base height up to 230 feet. Along East New York Avenue, a waiver of 4 feet of the required 10-foot setback would be requested above the maximum base height, up to a height of 230 feet. This would allow Building D to setback 6 feet at grade, then rise to a height of 230 feet. The waivers are necessary to promote better site planning and design by allowing for building façade articulation at the most prominent point of the Proposed Development, a sidewalk widening on East New York Avenue and three unique passive open spaces along Herkimer Street which enhances the pedestrian experience on that street.

Building E, which is required to comply with regulations for maximum front wall height of 85 feet or 6 stories (whichever is less), followed by a minimum initial setback of 15 feet along wide streets and 20 feet along narrow streets, and a sky exposure plane with a vertical-to-horizontal ratio of 2.7:1 along wide streets and 5.6:1 along narrow streets. The building is massed towards the Williams Place/East New York Avenue) and would require setback waivers along both streets. At grade, a five-foot and six-foot sidewalk widening is provided along Williams Place and East New York Avenue, respectfully (culminating at PAA-5's corner open space), and both street walls then rise without setback up to 207 and 209 feet, respectively, contrary to minimum 15 and 20-foot setback requirements above the maximum base height. Additionally, on all street frontages—including Herkimer Street—the building would penetrate the sky exposure plane as it rises to the overall height. The waivers here support the sidewalk widenings along Williams Place and East New York Avenue—which connects to the sidewalk widening adjacent to Building D—the meeting/gathering open spaces at the Williams Place/East New York Avenue intersection, and along the new open spaces dotting Herkimer Street, and allows the majority of the building envelope to be shifted towards the elevated rail structure and the wide East New York Avenue where it is better handled.

As mentioned throughout the project description, the open spaces on Parcels 1, 3, 4 and 5 (all of which are facilitated by the shifting of bulk within the Development Site) help to significantly improve the pedestrian experience in the area—which will further be bolstered EDC's proposed public realm improvements, inclusive of the Van Sinderen Plaza

immediately north of Parcel 1. These new open spaces will serve as a new link for the neighborhood residents between the Broadway Junction subway station, the Proposed Developments and points east in Cypress Hills and East New York, which the Applicant anticipates and desires will help improve public transit access and usage.

In sum, the proposed height and setback waivers improve the LSGD's site plan and relationship between buildings and adjacent streets and surrounding development because they allow for a more varied built form throughout the Development Site that draws attention to the prominent aspects of the project (e.g. the new open spaces 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 the Development Site.

d. Retail Special Permit

The Applicant seeks a special permit under ZR 74-161 to allow Use Group VI retail and service use with floor area greater than 20,000 square feet within the proposed M1-6 district--and Building E. With the Rezoning, Parcel 5 would be primarily in an M1-6 which does not allow Use Group VI retail use over 10,000 square feet of floor area per establishment. Under the proposed special permit, up to 75,992 square feet of Use Group VI retail and service uses would be permitted on the first and second floors of the portion of Building E in order to match the large retail uses permitted within the C6-4 district-portion of the Project Area. All other uses permitted in the M1-6 district-portion of Building E would not require a use special permit and would be limited to as-of-right uses. This special permit, if approved, would allow the Applicant flexibility to locate large retail spaces throughout Building E and the LSGD, and would further facilitate the establishment of the Proposed Development as a regional, mixed-use commercial, retail, residential and light industrial hub in an area rich in mass-transit options.

e. Site Selection/Acquisition Action

EDC and DCAS, as co-applicants and representative entities of the City, seek a site selection and acquisition of real property for the purposes of access to and construction of PAA-1. As discussed above, the City has committed to financial investments to make public realm improvements in and around the Broadway Junction subway station. This investment includes (among other things) the development of two new public plazas, Van Sinderen and Broadway Junction Gateway Plazas—of which the former would be located immediately north of and adjacent to Parcel 1. The proposed acquisition/site selection would allow EDC to construct PAA-1—potentially via acquiring a construction and access easement—utilizing capital funding and plan for its design such that it functions harmoniously with the adjacent Van Sinderen Plaza to the north and creates the feel of two sites operating as a single open space. Construction of PAA-1 within the similar context of the Broadway Junction Public Realm Improvements will complement the City's investment in public space and pedestrian amenities in the area, while simultaneously facilitating the creation of an entranceway from the Broadway Junction subway station 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 PAA-1 by the Applicant following initial construction.

8. Conclusion

The Proposed Actions would facilitate the Proposed Development—a mixed-use development of four buildings (plus the potential for the construction of a kiosk in one of the proposed publicly-accessible open spaces) on five zoning lots on four blocks, totaling approximately 1.23 million square feet of floor area, up to approximately 690,000 square feet for 988 units (of which all are intended to be affordable housing), up to approximately 485,000 square feet of commercial uses and up to approximately 59,000 square feet of light industrial uses, along with approximately 20,000 square feet of PAA—all of which would be supported by a host of nearby mass-transit options In addition, the Proposed Actions will permit an alternate development that includes a maximum of up to approximately 83,000 square feet of community facility use and up to approximately 56,000 square feet of additional commercial office space, which would take the place of a portion of the proposed residential space. By providing additional residential and commercial space on-site, the Proposed Actions could reshape the Project Area's role as a new regional central mixed-use residential and business district in an appropriate, transit-rich area, creating much needed job opportunities and affordable housing. Furthermore, the proposed PAAs would further enhance the pedestrian experience in the Proposed Development by providing widened sidewalks and multifaceted passive recreation spaces, while also creating a natural link to EDC's proposed nearby public realm improvements—including direct connection to Van Sinderen Plaza.

The proximity to mass transit at Broadway Junction is a critical component to the success of job creation both locally and regionally. The importance of mass transit in the area has been directly acknowledged the SCENY report, the 2016 East New York Neighborhood Rezoning and the 2019 EDC report. More recently, in May 2023, MTA announced a $500 million renovation of the Broadway Junction area, including upgrades to public spaces and accessibility improvements at the subway station. Work is expected to be completed by 2030. Furthermore, the State continues to explore the creation of the Interborough Express connecting Brooklyn and Queens. Broadway Junction is one of the major nodes within the Interborough Express, heightening the need for the Proposed Development as a gateway for neighboring residents and businesses. The proposed density and thoughtful design flexibility, new affordable housing creation and combined with the commercial mandate, makes the Proposed Development uniquely appropriate for this destination, while fulfilling many years of public policy promises in this area.

To date, the lack of effective zoning that supports new development for job-dense uses and retail in the Broadway Junction area that could strengthen East New York's economy has been a "missed opportunity". The Applicant believes that approval of the Proposed Actions and construction of the Proposed Development would establish the Broadway Junction area as a regional, mixed-use, hub in a transit-rich area.