

**Brooklyn Community Board 9**  
**890 Nostrand Avenue**  
**Brooklyn, New York 11225**

**ULURP/Land Use Committee Meeting Minutes**  
**Dec 10, 2024**

**Attendance (Board Members):** Suki Cheong, Committee Chair; Rabbi Yaacov Behrman; Max Davidson; Joshua Thomas-Serrano; Theresa Westerdahl

**Attendance (Community Resident Members)** Nicola Cox; John Craver; Esteban Giron; Hector Robertson

**Absent (Board Members)** None

**Absent (Committee Resident Members):** Yisroel Lehrer

**Guests:** Brian Allaway; Re. Reginald Bachus; Zac Churchill; Isaiah Pecou

**CB9 Staff:** Mia N. Hilton, Assistant District Manager

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1. Call to Order
    - a. Meeting called to order at 7:05 pm
    - b. Rules of Order
  2. CB9 Comprehensive Housing Framework
    - a. Fair Housing Framework passed in Jan 2021 would set housing and affordable housing production and preservation targets for every district in the city - To be implemented by HPD starting 2025
    - b. Zoning Resolution directs us to ensure sufficient housing and commercial space for present and expected future populations.
      - i. Current CB9 population – American community survey through 2023-citywide and district-wide population decline since the 2020 census.
      - ii. Demographic projections through 2040 from the Congressional budget office and academic demographic studies.
      - iii. Demographic data related to income and rents from the Equitable Development Data Explorer
        1. 40% of CB9 households make less than \$50k/year
        2. We don't have sufficient housing for this category although the majority of existing units are affordable below 80% of AMI.
    - c. CB9 ULURP Committee to break into working groups by quadrant (divided at Empire Blvd and New York Ave) as different areas of the district could have very different housing needs and preferences. All groups are to look at the following factors by the next meeting
      - i. Quantity of units that can be built as of right

- ii. Quantity of units desired
- iii. Quantity of existing affordable/income-restricted units
- iv. Quantity of existing affordable/income-restricted units desired
- v. Level of AMI desired to meet community needs
- vi. Quantity of existing opportunities for homeownership
- vii. Identify targets for affordable housing preservation (i.e. empty or derelict buildings)

### **3. 73-99 Empire Rezoning**

- a. Currently 38,000 sf site is split between C8-2 commercial zoning and R6 residential with C1 retail overlay. Vacant 1 story former industrial and laundry between Empire, Sullivan, Washington, and Bedford just south of Ebbets Field apartments and Jackie Robinson playground.
- b. As of right, it could allow for up to 76,000 sf of commercial space or 40,000 sf of commercial space and 40 market-rate apartments.
- c. Rezoning proposal to R8A/C4-4D to allow for 13 story building with 280 units of housing (MIH Option 1 or 2 at 60% or 80% of AMI) and 63,000 sf of commercial space, Increase of 325% in allowable building square feet from 2.2 to 7.2
- d. Discussion:
  - i. Proposal for recommendation to rezone to C4-5D/R7D MIH, would allow up to 4.2 commercial FAR out of 5.6 total, height limit 125 ft/12 stories.
    - 1. Proposed Amendment to ensure more than 50% of units are affordable at or below 40% AMI (\$56k for a family of 3)
    - 2. Proposed Amendment to ensure height/density/residential conversion limits on the other commercial blocks of Empire (south side between Wash and Bedford, both sides between Bedford and Rogers) and surrounding blocks; measures to mitigate existing density increases from previous rezonings
    - 3. Vote deadlocks 5-5 due to belief that we cannot enforce the two amendments
  - ii. Some committee members support C4-4A/R7A MIH zoning, height limit of 115 ft/11 stories, 5.0 FAR
  - iii. Some committee members are looking to maximize affordable housing units.
  - iv. Some committee members looking to stay with as of right zoning because there is too much density already – 2018 Franklin Ave rezoning plus spice factory rezoning plus as of right buildings on Franklin, Montgomery, empire
  - v. Some committee members believe that this site is unique in being able to support heights taller than 9 stories because of the context adjacent to Ebbets field which is 20 stories and on a commercial block without

residential; others believe taller heights would impact smaller homes a block away on Sullivan and sterling and shadows would impact JR playground and Ebbets field residents.

- vi. Some committee members are concerned that taller heights and densities even on one site will set a precedent for future rezonings on other sections of Empire Boulevard that are adjacent to smaller homes and would introduce a lot more density.
- vii. All committee members support new commercial/retail development on this site
- viii. Most committee members want to see greater affordability than provided by MIH
  - 1. How can council member negotiate greater affordability?
    - a. Combination of subsidies/tax credits and increases in height/density through rezoning
    - b. 100% affordable is usually through low-income rental programs that target specific populations (i.e. seniors. Supportive housing, formerly homeless)
  - 2. How can greater affordability than MIH be enforced (apart from program term sheets)
    - a. CB8 created a nonprofit corporation to enforce deed restrictions
- e. **Resolution: No with explanation - While we strongly support the developer's proposal for a retail commercial development with parking over the whole site, up to 2.0 FAR, we reject the rezoning request for the following reasons**
  - (1) the mandatory inclusionary housing options available under a residential rezoning do not provide great enough or deep enough affordability to meet our community's needs
  - (2) we would like to see a 9-story overall height limit.

**Vote: 6 in favor, 4 opposed, no abstentions**

#### **4. 967 Nostrand Avenue**

- a. Developer presentation:
  - i. Currently 15,700 sf vacant lot; R7 zoning with C2-3 overlay
  - ii. Proposal for 26-story building with one-story community museum devoted to the history of Clove Road and surrounding areas; floors 1-8 affordable rentals and floors 9-26 market-rate condos
  - iii. The rezoning proposal has not yet been submitted to city planning
- b. Comments:
  - i. As of right development could be up to 62,800 sf market rate under Quality Housing with 8 story height limit, additional 15,700sf with 12

story height limits available if affordable at 60% of AMI. Why would we grant additional height and density?

- ii. The proposed building is very tall
- iii. Affordable housing rules require the affordable units to be spread over 75% of the building, and cannot be concentrated on the bottom third.

**5. Vital Brooklyn – Kingsboro Psychiatric site**

- a. The site is a 7-acre former state-owned hospital and grounds which is proposed for an 1100-unit development including a new building for the former 364-bed men's homeless shelter and additional supportive and low-income housing including for mentally ill and chemically addicted and 1199 SEIU healthcare workers. NYS Empire State Development is in charge of the plan and has passed a General Project Plan. It is not going through ULURP because state-owned properties can override municipal zoning. However, there is a clause in the deed stating that if the land is not ever used for hospital purposes, then it reverts to the NYC ownership at which point it would have to go through ULURP and CB9 would have a say.
- b. Community members are extremely concerned about the added density with no parking and the concentration of supportive housing.
- c. CB9 previously passed a resolution opposing the development until sufficient parking is provided.
- d. **Resolution:** The committee requests that the office send letters to the following:

**CM Crystal Hudson, CM Rita Joseph, Atty Gen Letitia James, NYC Corp Counsel, and NYS ESD asking them to investigate and give an opinion on whether the community has a right to a public hearing and whether the city council will vote on the extinguishing of the deed reverter for the Kingsboro Psychiatric site, and also requesting that the above make time to attend a future meeting of community board 9 to answer community questions on the issue, and that any future public meetings or townhalls on this issue not be held on a Saturday as it excludes numerous residents who observe Saturdays as a day of worship. Vote: 8 in favor, 2 opposed**