



BROOKLYN COMMUNITY BOARD 9

BROOKLYN COMMUNITY BOARD 9 RESOLUTION 73-99 EMPIRE BOULEVARD REZONING ([C230309ZMK](#))

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WHEREAS, the application for 73-99 Empire Boulevard (ULURP Number C230309ZMK) was filed on June 7, 2024 and certified for public review by the City Planning Commission on November 4, 2024; and

WHEREAS, CB9 conducted a public hearing on November 12, 2024 on the 73-99 Empire Boulevard application with a quorum in accordance with the Uniform Land Use Review Procedure; and

WHEREAS, Brooklyn Community Board 9 (CB9) through its ULURP Committee conducted reviews of the application; and

WHEREAS, there are concerns on any influx of market rate housing in the district and the potential to create upward pressure on current housing stock rental pricing; and

WHEREAS, on June 24, 2024, Brooklyn Community Board 9 (CB9) adopted a framework of zoning principles for Community District 9; and

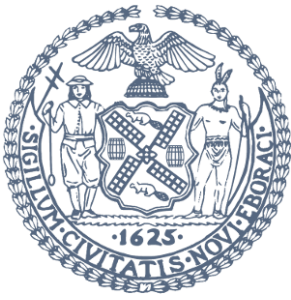
WHEREAS, the framework recommends that height limits should be calibrated to the context of the community; and

WHEREAS, two existing residential buildings on the block of Sullivan Place where the proposed development is located are respectively 5 stories tall and 7 stories tall; and

WHEREAS, the framework recommends that shadow and visual impacts for sunlight sensitive public resources should be considered; and

WHEREAS, though the project is not expected to cast shadows on the Brooklyn Botanic Gardens, the Environmental Assessment Statement for the proposed 130 ft tall development shows an incremental shadow impact of up to up to 4 hours on the P.S. 375K basketball courts, and also would affect Jackie Robinson School (PS 375) and Exceed Upper Charter School at 46 McKeever Pl, the Jackie Robinson School play areas at 19 Sullivan Pl and 10 McKeever Pl, the Children's Garden at 48 McKeever Pl, the Community Park Triangle at 11 Sullivan Pl (corner of Sullivan Pl and Franklin Avenue), and the Ebbets Field Apartments; and

WHEREAS, there are concerns that all affordable housing options under Mandatory Inclusionary Housing (MIH) are insufficient given a significant portion of the community district earns less than 60%-80% of AMI.



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THEREFORE, it is **RESOLVED**, that the recommendation of Brooklyn Community Board 9 is to **DISAPPROVE** the application for 73-99 Empire Boulevard (ULURP Number C230309ZMK) with conditions; and

It is **ALSO RESOLVED**, that Brooklyn Community Board 9 supports the developer's proposal for retail commercial development with parking at up to 2.0 FAR (or two full floors) and requests that affordable public parking be considered as part of the project by the applicant; and

It is **ALSO RESOLVED**, that lower income levels and a higher percentage of affordable units than proposed under MIH Option 1 or 2 must be a requirement for the project to proceed with at least 30% of the units at 40% of AMI or less; and

It is **ALSO RESOLVED** that residential zoning heights should not exceed the lower of 60 feet or a height that would not cast significant shadows on the P.S. 375K outdoor recreation areas or other sunlight sensitive public resources, consistent with the Community District Zoning Framework adopted by Brooklyn Community Board 9 on June 24, 2024 (appended); and

It is **ALSO RESOLVED** that Brooklyn Community Board 9 recommends the inclusion of commercial space at affordable rents for small local businesses; and

It is **FURTHER RESOLVED** that any changes to the current zoning for the site should not be deemed as precedential in the consideration of any other potential developments on the Empire Boulevard corridor.

ADOPTED: January 9, 2025