

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

**ULURP/Land Use Committee Meeting Minutes**  
**March 11, 2025**

**Attendance (Board Members):** Suwen Cheong, Joshua Thomas Serrano, Theresa Westerdahl, Max Davidson

**Attendance (Community Resident Members)** Nichola Cox, Hector Robertson, Cheryl Bernard

**Absent (Board Members)** N/A

**Absent (Committee Resident Members):** Esteban Giron, John Craver

**Guests:** Meon Graham; Rod Herbert; Eric Llenas; Benny Rosenberger

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

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1. Approval of Jan 2025 and Feb 2025 minutes
  - a. Corrections – corrected versions attached
  - b. Vote: Jan 2025 minutes – all in favor of corrected version, 0 against, 0 abstaining
  - c. Vote: Feb 2025 minutes – all in favor of corrected version, 0 against, 0 abstaining
2. Recap of 73-99 Empire Boulevard rezoning
  - a. BP Recommendation issued (2/12)
    - i. Concern about shadows on P.S. 375k – asked if there was a way to mitigate shadows without reducing the number of units
    - ii. Didn't mention affordability levels
  - b. CPC Public Hearing (2/19 ) and Commission Follow-up (3/3 )
    - i. Commissioners were asking the developer whether the 73-99 Empire project should be used as a template for the rest of Empire Blvd – this was our concern
    - ii. BP and commissioners putting too much weight on developers' opinion over the community
    - iii. The discussion didn't include all the locations where the shadows could hit
    - iv. A project on Kings Highway was discussed on the same day as Empire Blvd, and the developer had many conversations with the community and made changes in response to their feedback, for example, reducing the height of the building to 7 stories from 9. We don't get the same level of respect because we are a community of color, and our elected officials don't stand up for us.

- v. Developers said they were talking to HPD about using the Mix & Match Program to address community concerns about insufficient proposed affordability levels. However, the [program term sheet](#) allows for AMI levels at 80-120% of AMI, while CB9's resolution calls for at least 30% of units at or below 40% of AMI.
  - vi. The developer has proposed alternate massing to reduce shadows by moving some bulk to the south of the site, away from PS 375K. DCP has not yet evaluated the new design.
- c. CPC Vote scheduled 3/19
- d. **Motion: The ULURP committee is requesting that the office send a letter to Councilmember Crystal Hudson demanding that the developer of 73-99 Empire Boulevard, whom we understand is still negotiating affordability levels, use only the 40% AMI deep affordability MIH option. We are also requesting that CM Hudson attend the next ULURP committee meeting on April 8.**  
**Vote: 6 in favor, 1 opposed.**
- 3. **Vice Chair Election: Cheryl Bernard nominates Theresa Westerdahl; second by Nichola Cox. Vote: All in favor, 0 opposed, 0 abstained.**
- 4. Likely future developments in Community Board 9
  - a. Fully permitted and greater than 50 units (about 2200 units)
    - i. Some almost-completed construction
    - ii. Some have not started construction/permits have expired
  - b. Upzoned or otherwise authorized for greater development (1851 units)
    - i. CB9 rezoning at 529 Empire, Vital Brooklyn
  - c. Other large as of right sites > 15,000 sf. (271)
    - i. Some have permits filed (but not fully permitted)
    - ii. Some were acquired by supportive housing developers
  - d. **In total 4,465 units**
    - i. **2,190 affordable/income restricted at or below 80% AMI.**
      - 1. **1,985 low-income and supportive housing.**
  - e. We are gathering this information because the city council's 2021 Fair Housing Framework will be setting targets for housing and affordable housing production and preservation by district, starting in 2025. We should get ahead of that by making the case for what we think our district needs. (Suki)
  - f. We have done and are doing our fair share of housing production to meet both our own and the city's needs for current and expected future population growth (Suki, Nichola, Hector)
    - i. We should look to define both "fair share" of overall housing production and "fair share" of homeless shelters and supportive housing (Max)
    - ii. Why do we need a study to tell us we are doing our fair share when we all agree? Can't we just stand together and say no? (Hector)

- iii. Our primary power as a community board is persuasive so it helps to have data to make our case. It would help to identify a need such as what AMI's housing should be, and have the data to back it up (Ethan)
- g. We could say we've done our fair share because we've done a ton more than a lot of other districts, or acknowledge that the city still has challenges and we have to look at applications on a case-by-case basis and define what our criteria would be (Joshua)
- h. We started defining our criteria with our zoning framework and should continue to expand on that (Nichola, Joshua)
  - i. The existing zoning resolution is very focused on aesthetic criteria but doesn't address affordability or small business support (Max)
  - ii. It would be helpful to have a study on what AMI needs
- i. As part of the Charter Revision Commission there will be an enforcement mechanism for fair share requirements (Max)
- j. Fair Share should mean that every district produces an equal number of the new units this city needs - does the rest of the city agree with us? (Suki)
- k. We are the community board of "no" – when was the last time we said "yes" to any development application? We shouldn't have a blanket rejection, we should engage. (Joshua)
  - i. We haven't rejected rezonings just because they are housing or affordable housing – we rejected them because they were asking for too much upzoning and they didn't need it. (e.g. 777 Rutland was a church-owned site already zoned R6 for multifamily housing, was using subsidies for 100% affordable, and still wanted a 200% upzoning for 13 stories) They chose not to accept our feedback and keep working with us, probably because certain types of low-income and supportive housing get as of right up zonings under ZQA and now the City of Yes (Suki)
  - ii. We did a lot of engagement with the Bedford Union armory (city-owned land) and didn't just say no, it should have been 100% affordable housing and it wasn't (Hector, Alicia)
- l. Everybody knows we don't need more market-rate housing; the city has 100k people in shelter and we're not building any housing for them. (Hector)
- m. If we want to limit new market-rate housing construction (which can take place as of right due to mismatched zoning) and build housing for the formerly homeless then we need to downzone most of the district and look for sites to build 100% affordable housing; in our experience private developers and landowners won't want to do this in most of the district so we'd have to focus on state and city-owned land or possibly land owned by religious institutions (assuming they're willing to give the land for free) (Suki)
- n. The city will never give us any downzoning (Hector, Nichola)
  - i. This is because the city is always looking for places to put more development and when we don't say no, it's easy to let all the development

happen in our district because it's allowed as of right and there are a handful of districts that would prefer not to have any development and where it's not allowed. A majority of districts need to agree on what is a fair share.

- ii. Any kind of "study" gives city planning the "greenlight" to upzone our communities. (Alicia)

## **5. Community Fair & Other Community Engagement Activities**

- a. Suggestion by a board member at last meeting for a survey of community residents on land use preferences
  - i. Most people don't know what different zoning categories mean, but we could ask for preferences about whether people want to expand their homes or would object to their neighbors doing so
  - ii. There was a community resident who came to the last board meeting saying he needed to expand his home so his adult children could live with him
  - iii. How would we translate the results into a policy when there isn't likely to be 100% agreement on most blocks?
  - iv. How would we ensure that the results are accurate and reflect community resident rather than non-resident opinions?
    - 1. Would need to hand out surveys or mail surveys door to door for homeowners
    - 2. This is tricky and labor-intensive
- b. Suggestion to have a public townhall about the city of yes
- c. For community fair - Educate residents about development that is happening in their area with posterboard/map, and record a video explaining what is happening.
- d. Engage residents in creating a vision of what their neighborhood will look like in the future
- e. Community fair should be in a more central place for the district
- f. Committee members will come back next month with more ideas.