

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

ULURP/Land Use Committee Meeting Minutes
March 10, 2026

Attendance (Board Members): Suwen Cheong; Theresa Westerdahl; Binyomin Rosenberger; Joshua Thomas Serrano; Isaiah Pecou; Zlati Mochkin; Max Roland Davidson; Eve Chavi Cohen; Abigail Timm

Attendance (Committee Resident Members): Nichola Cox; Cheryl Bernard; Hector Robertson; Janice Grannum; Esteban Giron; Cheryl Sealey; Amy Lin; Marc Mann

Absent (Board Members): None

Absent (Committee Resident Members): None

Guests: Juanita Scarlett; Alexander Cutrona; Nica Williams; Aaron Yin; Steve Speletor; Jesse Warll; Brian Ezma; Joseph Mochkin

CB9 Staff: Mia N. Hilton, Assistant District Manager

1. **1550 Bedford Ave presentation** – Avery Hall Investments
 - a. 19,200 sf site currently zoned C8-2 commercial only. AH seeking residential rezoning to R9A (9 FAR, 18 floor height max) with ground floor retail overlay C2-4.
 - b. Project was former gas station, previous developer tried to build hotel and was stalled for many years after digging very deep foundation; AH bought the project out of bankruptcy. Prior owners remediated the site but walked away in the middle of construction and AH has secured and de-watered the site
 - c. AH is primarily a housing developer, has built several mixed income rental projects in Gowanus and downtown Brooklyn.
 - d. They believe it is a good location for high density residential development because there are several transit lines, benefits from proximity to residential amenities like Prospect Park and Botanic Gardens and Bedford Armory recreation center, pedestrian promenade on Eastern Parkway, Grand Army Plaza farmers market
 - e. Looking at daily needs retail like pharmacy, grocery store or café for the ground floor commercial to serve the surrounding residential population
 - f. Height and density are appropriate because Eastern Parkway is a very wide street at 210 ft, Bedford is also wide 80 ft. There are several similarly tall buildings within a half mile radius such as 54 Crown, Ebbets Field, 1101 President, Tivoli Towers

- g. The character of Eastern Parkway is residential, the C8-2 zoning is an anomaly.
- h. 254 total apartments with 77 Mandatory Inclusionary Housing units (30%).

2. 1550 Bedford Q&A

- a. Q: Which MIH option are you choosing? A: Not determined yet
- b. Q: How does this align with CB9's Zoning Framework passed in 2024, which calls for infill buildings to be the same height as other buildings where there is a consistent streetscape, for example on this stretch of Eastern Parkway buildings are 6 stories tall? A: We need a certain amount of height and density to build a viable development; zoning allows a maximum of 95 feet on other stretches of Eastern Parkway. The C8-2 zoning on this site has no explicit height limit
- c. Q: How does this impact CB9 Zoning Framework's concern about causing land speculation through large unzoning's? A: The as of right C8-2 zoning allows up to 4.8 FAR with community facility so it is not such a big upzoning. In Gowanus we acquired land ahead of the rezoning, we did make a bet, but we stuck with the site through COVID and a complicated neighborhood wide rezoning and built the projects out over several years. We haven't flipped any of our projects after rezoning. We are also the managing and leasing agent for our buildings, and we intend to hold them for many years.
- d. Q: Can you explain why you requested zoning that is so out of alignment with any other zoning on Eastern Parkway? I don't see another R9A zoning. This section of Eastern Parkway doesn't have 14-story buildings. A: There is a good amount of precedent for the height, not terribly far away. The other new buildings are R8X and R7-2 zoning. It's in context by height of building, though not density. There is 12 story and 14 story building on Eastern Parkway near Grand Army Plaza
- e. Q: How much parking will you be building? We need parking! Have you seen this neighborhood? There is not enough parking space anywhere! A: We haven't proposed parking, it is not our preference, but we are open to discussing it. **Land Use Chair Note: Unlike CB8, CB9 is within the OUTER transit zone, where an R9 district must have 12% as many parking spaces as market rate dwelling units. Additionally, a C2-4 retail development requires 1 parking space per 1000 sf of commercial floor area. Assuming a full ground floor of commercial, **the proposed building would require a total of 40 parking spaces for the residential and commercial spaces.***
- f. Q: What's the minimum zoning that you need to build residential with affordable units? Can you do with a lower zoning than R9A? Why did you answer that the building would not result in a greater than 35 ft increase in height? A: The as of right C8-2 zoning does not have a height limit so we could possibly build something as tall as 18 stories.
- g. Q: There's an empty school building on the other side of Bedford Avenue? Who's going to develop it? Would you buy it? A: No, we're not looking at that now.
- h. Q: What is your as of right development scenario if you are not granted a rezoning? A: It would have to be one of the approved commercial uses for a C8-2

zone, plus community facility. It is a priority for us to have an active ground floor commercial use with residential.

- i. Q: We've seen our share of residential buildings; I'd be inclined to leave this one commercial. The affordable will not really be affordable for people in this community who have incomes of \$40k-\$60k. The building will create more gentrification. Anyone building is getting so many perks – tax incentives, rezonings, etc. that make a lot of money for you. We want to hear about deep affordability. A: We're not at the stage of committing to anything yet but want to get feedback.
- j. Q: There's a glut of market rate apartments in this district. There are a lot of vacant apartments in the new construction buildings, people can't afford them. The affordable units are all full. We're looking for deeply affordable housing, so our neighbors don't have to leave. A: In our other buildings, we don't hold units off the market, we rent at market rate. We think there is demand for housing in Brooklyn in all different neighborhoods.
- k. Q: I live across the street from the new buildings on Franklin and there are a lot of empty units because they are too expensive for people in the neighborhood. The committee will always be looking for more affordability. Something similar to MIH Option 1 is not going to cut it.
- l. Q: Is there anything that can be done during construction to make the bike lanes and sidewalk safer? A: We would like to open the sidewalk and push the fence back, but we need to fill the trench between the foundation and the sidewalk and deal with old violations
- m. Q: Can you discuss the community benefits from previous spot rezonings you worked on? A: These were part of the Gowanus neighborhood rezoning; they were not spot rezonings
- n. Q: Generally, I'm supportive of more housing, but it should be deeper affordability than MIH Option 1. This really feels excessively large for the area. Help us understand why the scale you're proposing is necessary. We appreciate your coming at this early stage - where are you in the process? A: We are in the pre-application phase with city planning and working on an EAS. There is a high cost of building housing and huge risk despite the tax abatements. We don't make money on the affordable housing. It is very hard to make these projects work without the extra density.
- o. Q: How does your project compare to the Arch at the Bedford Armory? One of the reasons this rezoning got approved was that there was a community benefit. BFC partners did not want to touch the 1550 Bedford site. Is there something wrong with it? A: The site did not allow residential. A rezoning is very risky. There were a lot of claims against the property from the hotel developers. These were wiped out by the bankruptcy, but the DOB hasn't cleared the violations yet.
**Land Use chair note: In addition to the C8-2 zoning there was a covenant running with the land attached by the gas station owner restricting the land to*

commercial only use. This was lifted in Aug 2025 by agreement with the new developers.

p. Why does this developer get permission to build 200 plus apartments? Why not give us permission to build extra floors on our houses to build an extra 500 units?

q. Q: We would like something to be built here, and we know you have to make a profit, but we want to see something that is not so out of bounds, that we can negotiate with. Of all the things that are important to us, nothing is checking the box. A: We want to hear about all your priorities, some of which are in tension with other priorities, but we're open to talking about parking and AMI levels and what the commercial spaces should be. The density is very important to us.

R. Q: This is not an apples-to-apples comparison with Gowanus because you're not displacing an existing population. This is a dense, old residential neighborhood. How do you move forward without us moving out? A: This is why we think residential use is contextual here. There is no displacement from this property which was a gas station and was a vacant unproductive site. We acknowledge the serious tensions but there's only so much we can do, we are building permanently affordable housing, so we don't look at it as displacing.

Q: This R9A zoning is so grossly out of context with anything and everything around it. It gives you the biggest bang for your buck. Did you even consider an alternate plan or is this take it or leave it? A: We never said that. We know that the priorities would probably be diverse.

Q: In the EAS, are you looking at the shadows cast on the Eastern Parkway mall? Even with the required 30 ft setback, anything taller than 6 stories could completely shadow the pedestrian malls. What about the shadowing on the adjacent Eastern Parkway buildings? This has caused displacement of apartment building residents with past developments. A: We are looking at the shadows, compared with the as of right C8-2 it would be an increase in the shadows but not that much.

2. Approval of the January minutes and February 2026 minutes by common consent.
3. Committee member updates from around the district
 - a. 73-99 Empire lawsuit and temporary restraining order continues, and next hearing is on Mar 18. It was supposed to be part of the brownfield cleanup program. The city assumed it would be cleaned up, and it hasn't been.
 - b. 962-972 Franklin Avenue site is starting excavation without permits
 - i. There was a restrictive declaration attached as part of the rezoning which requires (1) noise abating storm windows for adjacent buildings during construction, (2) renovations to Jackie Robinson playground with approval of community board and public design commission to mitigate shadows and (3) \$500k payment to BBG BEFORE building permit can be issued.
 - c. Commercial building across the street from 111 Montgomery is starting demolition/construction. Zoning R8A –

- d. Demolition and excavation is underway at Kingsboro Psych site. No word from AG on community impact hearing.
- e. Member Lin and neighbors of the 331 Maple street proposed 12 story development at st francis of assissi site have over 600 people throughout PLG supporting their petition for contextual zoning for the neighborhood. There are 2 story homes on hawthorne, Winthrop, fenimore being demolished and surrounded on all sides by 6-8 story new buildings. People are tired of the destruction and being shadowed. Have met with elected officials who are trying to negotiate with church . All of these areas have non contextual R6 and R7 zoning.
- f. Member Sealey helped her block get the most recent historic district in PLG. It took 6 years. There were threats from deed theft and developers who wanted to knock down a house to use as a driveway to get to a new development on Clarkson.
 - i. There was a long vacant apartment building between Winthrop and Parkside which did renovations without building permits and they are using the building as an SRO for CityFHEPS voucher holders. The cops are always being called there and the management is unhelpful.
 - ii. There is a proposed 11 story building on Parkside and Bedford Avenue and a proposed 10 story building at Bedford and Fenimore using the new City of Yes UAP bonus They haven't recorded a restrictive declaration for permanent affordable housing.

4. Charter Revisions – Affordable Housing Fast Track. Public Testimony on Rulemaking DUE APRIL 1

- a. Districts which produced the least Affordable Housing
 - i. “Affordable Housing” isn’t well defined. Should we allow higher AMI units to be counted?
 - 1. Under old 421a, a lot of high AMI units were built. But in future under 485x the income restricted units would have to be at either 60% or 80% AMI average. MIH also allows some higher income units, but they must average to a lower level. Maybe just require that the units conform with a particular affordable program.
 - 2. The language does seem to reference government programs and units “subject to a regulatory agreement or restrictive declaration”.
 - ii. Method of counting total number of housing units starting with census data should be compared with the city’s PLUTO databas. We found a difference of thousands of units between the census and PLUTO in our district.
 - iii. “Affordable Housing building” should include preservation units where there is an expiring affordability agreement within the five year cycle. There are 421a buildings with 10-15 year affordability agreements that are expiring now.

- iv. “Affordable Housing building” should include units in existing buildings which are currently free market and can be converted to income restricted/rent stabilized units
 - v. It should be up to the district to count permitted units towards a future cycle when they actually start marketing, or in the current cycle, but not double count.
 - 1. Who would decide? The council member? The community board?
 - 2. The statute says “permitted” units.
 - 3. The district manager of a community board could submit the recommendations to HPD after consulting with community board.
 - vi. Will community boards opinions still matter? How will it affect the timelines? Will it allow large developers to bypass ULURP? Don’t community boards know their districts best? Will we know about any development that qualifies for the fast track procedure before it happens? Vital Brooklyn deed reverter public hearing was pushed under the rug in the middle of the summer. We are concerned about public transparency.
 - vii. **Resolution on CPC Fast Track: (see attached)** – 8 in favor, 3 opposed, 1 abstain.
- b. **BSA Fast Track** – Publicly financed HDFC development can get a variance as long as HPD certifies the development is compliant with affordable housing standards and the requested variance is necessary to build. Will consider neighborhood character.
- i. HDFC’s are non profit corporations formed exclusively for the benefit of affordable housing tenants or co-op shareholders. AMI can be up to 130%
 - ii. Is there any way this could be abused? It sounds like a good thing
 - iii. Chair Cheong’s proposals:
 - 1. To improve public transparency the BSA should post all fast track applications in the CPC zoning application portal as well as community board and BSA determinations. You can’t find variance applications on the BSA website – you have to foil for them.
 - 2. BSA variances usually have detailed criteria – to prevent abuse, should require that fast track applicants show
 - a. that they’ve applied for all available subsidies and if they have been rejected, then HPD and applicant must certify.
 - b. The size of the site must be reasonable relative to the intended number of units. Should not be relying on massive upzoning to make the site economics work – should purchase appropriate site.
 - c. In line with BSA requirements for other variances, the requested modification to zoning should be the MINIMUM necessary to build the affordable housing project.
 - 3. Most of us haven’t had enough time to review and understand the BSA Fast Track rules, not ready to vote on this yet.

5. ULURP Town Hall

a. We previously agreed on 2 events, one in May in the western half of the district and one in June in the Eastern half of the district. Hybrid/zoom events. Need space for about 50 people.

b. Resolution: Proposed Budget for Event

i. \$500 food, water, printing and office supplies

ii. \$1000 professional workshop facilitator (to be further discussed by committee, need at least one additional special meeting)

iii. Vote: Approved by common consent

6. Adjournment