

Brooklyn Community Board 9
890 Nostrand Avenue
Brooklyn, New York 11225
ULURP/Land Use Committee Meeting Minutes

Feb 13, 2024
Meeting ID: 818 5078 7125

Attendance (Board Members): Suki Cheong, Committee Chair; Rabbi Yaacov Behrman; John Woefling

Attendance (Community Resident Members): Nichola Cox; Esteban Giron; Tom Thomas

Absent (Board Members): Pat Moses

Absent (Committee Members): John Craver

Guests: Nicolas Almonor; Andrew Magnus; Felice Robertson; Rod Herbert; Alicia Boyd; Lauree Johnson; Michael Hollingsworth

CB9 Staff: Mia N. Hilton, Assistant District Manager

I. Call to Order

- a. Meeting called to order 7:07pm

II. Community Concerns

- a. Will public be able to participate in all committee discussions – A. Boyd
 - i. Yes – all will be allowed to speak during main discussion session when hand is raised. Community concerns section is time set aside for community members to raise land use topics that might not be on agenda – Chair Cheong
 - ii. On Rutland Road btw rogers and Nostrand developers are buying up and demolishing houses. We have tried reaching out to homeowners to see if they need help paying for their house instead of selling to developers but it’s not working. This is a problem on many blocks. We need help to fight this. – L. Johnson

III. Committee Updates

- a. City of Yes for Economic Opportunity
 - i. City planning commission held public hearing on Jan 29. Several CB9 residents/board members attended and testified in opposition
 - ii. Don’t know yet when city planning commission will vote; possibly end of Feb, then it will move to city council
- b. Green Fast Track CEQR Rule Change

- i. Not a ULURP process because claimed to be a ministerial change that would not affect significant legal rights of residents. Will not be voted on by city council
 - ii. City planning commission held public hearing on Feb 7, CB9 residents testified in opposition; will vote on Feb 22
- c. City of Yes For Housing Opportunity Subcommittee
 - i. Part 3 of citywide zoning code overhaul, expected to enter public review process in mid-April. Public info session on Jan 30
 - ii. Would add significant housing density citywide and in CB9
 - 1. City planning says it is designed to “add a little more housing everywhere”
 - 2. However, in CB9 it would add a lot more housing density because you are incentivizing developers to come into the community. The R6 and R7 zoning that is common in our community is targeted for higher zoning increases than the contextual zones.
 - iii. Would worsen problems with demolition on blocks like Rutland btwn Rogers and Nostrand because R6 zones slated for 60% increase in density
 - 1. Would only increase density a little more than AIRS (affordable independent residences for seniors) density bonus that was passed in 2015 ZQA legislation.
 - 2. However, AIRS program was halted in Jul 2021 by HPD over fair housing concerns so city of yes increases are new.
 - iv. Opposition to density increases in CB9
 - 1. Concern about small homes being demolished for 5 story condo buildings on R6 narrow streets
 - 2. Concern about large lots that could be developed into towers/hundreds of units on wide streets
 - 3. Concern about small buildings and rent stabilized buildings being emptied because zoning allows developers to add extra floors or demolish buildings, which is one of few remaining loopholes to remove rent stabilization.
 - v. Opposition to elimination of parking mandates – we need more parking

IV. **Old Business**

- a. Continued Discussion of CB9 Land Use Framework Road Map (in gray is previous comments, in black is current month discussion)
 - i. Local preference
 - ii. Subject to wider community needs
 - 1. District
 - 2. City/State
 - a. Discussion of what constitutes “sufficient housing” in light of Mayors goal of 100k new units by 2040 and 119k units already permit for building citywide

- i. Issue is not housing per se, but affordable and low-income housing
 - b. Vacancy rates < 5% considered a “housing emergency”, but 5% vacancy rate required to maintain rent stabilized housing.
 - c. Latest HPD housing & vacancy survey shows 1.4% vacancy rate citywide
 - i. Good for rent stabilized tenants
 - d. Has method/timing of survey changed since 2023 census shows continuing declines in population
 - e. Affordable housing
 - i. Housing under \$1500 has almost no vacancy
 - ii. Make AMI more local
 - iii. Affordable housing being lost due to increase in substantial rehabilitation claims by landlords of rent stabilized buildings.
- iii. Other Zoning Resolution factors –
 - 1. Sufficient commercial space; Tax Revenue; Open space; Limit congestion by regulating density and bulk of buildings; provide off-street parking; “Protect, light, air and privacy; Protect property values; Protect city’s economic base; Protect public health and safety; Protect residential areas and commercial centers from traffic congestion; Limit heights in history areas; Encourage attractive and economical architecture; Protect neighborhood character; Promote stability in residential and commercial development; Community facilities in residential areas - (educational, religious, recreational, health and similar facilities)

b. FAIR SHARE

- i. Reasons for rejecting housing market– black and brown communities are not just exclusionary nimby’s – they are negatively affected by new developments that displaces them.
 - 1. Discussion of Secondary displacement due to rezonings even with affordable housing component o
- ii. **NYC Charter Sec 203** – “designed to further the fair distribution among communities of the burdens and benefits associated with city facilities, consistent with community needs for services and efficient and cost-effective delivery of services and with due regard for the social and economic impacts of such facilities upon the areas surrounding the sites”
 - a. Disclosure requirements of where facilities located and ratio of shelter beds/general population; not a requirement of equal distribution among districts
 - b. Crown Heights not able to bring fair share lawsuit for shelter on Rogers Ave but did get permanent affordable housing instead of some shelter units

- c. Homeless shelters often proposed by city agencies to scare communities into accepting upzoning for more affordable housing
 - d. Comptroller did audit and found city not complying with fair share reporting requirements; we have to stay on top of this.
 - iii. **Intro 1031A – NYC Fair Housing Framework** would require HPD and DCP to create a citywide fair housing assessment and plan every five years, coordinated with the federal Fair Housing Act. The city would assess long-term citywide housing needs, set five-year housing production targets for each local community district, and create a strategic equity framework reporting on obstacles and strategies for achieving them.
 - 1. Not set to begin until 2025
 - 2. Our district is already overcrowded and oversaturated with new construction; we would like to “spread the wealth” to other parts of the borough
 - 3. We don’t have enough resources for current population, e.g. 71st precinct response times are slowest in the borough
 - 4. We need to do more integrated planning for land use and infrastructure needs, i.e. transportation networks, rather than just zoning.
 - a. Suitability (aka “highest and best use”)
 - b. Other laws
 - i. Constitution
 - ii. Environmental Law
 - iii. Racial Impact Law
 - iv. Landmarks Law

V. **New Business**

- a. 962-972 Franklin Ave rezoning
 - i. Developer looking to present to ULURP in March
 - ii. Has not filed final scope of work for EIS or dram EIS yet; no changes to proposal for upzoning to R8A and 475 units from R6A and 168 units. Better time could be after DEIS is complete
 - i. Now could be time for community to negotiate with developer if they want
 - ii. Need to negotiate before application is certified (this will be after draft and final EIS)
 - iii. BP says there is a new proposal; we should hear it
 - iv. Mia to work with Dante to contact developer to say we are open to hearing presentation in March
- b. What can we do to help community members facing demolition of homes
 - i. Use lawn signs saying these are single family homes; some blocks in PLG do this and in one neighborhood in Georgia this helped reduce speculator activity
 - ii. Downzoning and landmarking are most effective solutions
- c. Community Fair activities

- i. June date; CB9 committees and city agencies invited to table with information /activities to engage the public
 - ii. ULURP will present poster boards showing zoning map of 4 quadrants of community and also photos/diagrams showing what kind of development possible in each different zone
 - iii. Would like to have iPads available to show ZOLA website so people can look up their zoning
 - iv. **District Office to provide poster boards and iPads.**
 - v. **John Woelfling volunteers to do color Printing of maps at his office**
 - vi. **John and Suki volunteer to create maps**
- d. Summer Zoning Workshops from CUP (Center for Urban Pedagogy)
- i. They have reached out to district office to ask if we want to partner to host zoning workshops for public over the summer. They produce an educational zoning booklet; have attended past workshops involve small groups sitting around a board and placing blocks. Can workshops be customized? ii. We don't want rezoning workshop by non-profit because this is the first step towards rezoning, and we won't allow that
 - iii. Knowledge is power for community; we should share our knowledge with public who may not understand zoning.
 - iv. No need for outside organization to present basic zoning information that we can present ourselves
 - v. Committee will not request zoning workshops from CUP.

VI. Adjournment

- a. Meeting was adjourned at 9:23pm