

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

March 12, 2024  
Meeting ID: 818 5078 7125

**Attendance (Board Members):** Suki Cheong, Committee Chair; Rabbi Yaacov Behrman; Beverly Newsome; John Woelfling

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

**Absent (Board Members):** Pat Moses

**Absent (Committee Members):** John Craver

**Guests:** Nicolas Almonor; Brittny Ellington; Andrew Magnus; Felice Robertson; Rod Herbert; Alicia Boyd; Lauree Johnson; Henry Hoffman; Michael Hollingsworth; Emily Humes, NYC Parks; Andre Robinson, Council Member Crystal Hudson; Josh Vogel, DCP;

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

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**I. Call to Order** at 7:05pm

**II. Committee Updates**

**a. City of Yes for Economic Opportunity**

- i. Voted on and approved by the Department of City Planning
- ii. Concerns were expressed by commissioner about in-home occupations; 1 commissioner from Brooklyn voted to disapprove
- iii. Next step is City Council; Date is unclear at this time

**b. Green Fast Track** - Was laid over at the commission's last meeting - Unclear when a vote will be taken

**c. City of Yes for Housing Opportunity subcommittee**

- i. AMI levels that are being proposed are high
  1. 80% Ami fir \$100K for family of 3
  2. District median income is \$77K , approx. 60% of AMI
    - a. \$40-50K for 40-50% of AMI
  3. Lowest vacancy rates are for low income/rent units.
- ii. Universal Affordability Program is going to result in a surge of development in the district because of the amount of unrestricted R-6 in the district
- iii. Low density housing - Legalization of Basement units; backyard units, SRO's

1. Already common in Brooklyn
2. Way for homeowners in financial distress to earn income
3. It's a red herring - no affordability requirements, therefore, will not meet city's needs for low-income housing
4. Concerns around modifications needed to make these units safe,
5. if not registered with HPD what protections will there be for tenants from substandard conditions. Difference in quality of life when family members live in basements versus tenants.
6. Allowing separate units in all single-family homes conflicts with single family covenant in Lefferts Manor

**d. Housing Programs Announced**

- i. Faith-based affordable Housing Act is currently at the NYS State Assembly/Senate level
- ii. Mayor and City Council have both announced capital to fund affordable housing
  1. HPD program - grants for building co-ops at 80%-130% AMI
  2. HPD program for the restoration of stabilized housing
  3. Mayor's/ Building trades congress fund for building workforce multifamily housing
  4. Offers alternatives to the 421-A tax credit that expired and was used to out together financing

**III. Old Business**

**a. 962-972 Franklin Avenue - Upzoning from R6A to R8A MIH requested;**

- i. 373,800 sf residential (475 DUs, 119 MIH at 60% AMI) at 14 stories vs "as of right" 177,716 sf (168 units, 0 income restricted), 7 stories
- ii. Parking waiver (reduction from 143 to 71 parking spaces), C1 commercial overlay
- iii. Applicant has requested to present at April 9 ULURP meeting, hoping for a certification by then.
- iv. As per DCP, anticipated certification in the next 60-days (\*However if certification takes place in June, CB review period will be 90 days)
- v. Andre Robinson from CM Hudson's office says she opposes any development at 962 Franklin that will jeopardize Brooklyn Botanic Garden. She urges DCP not to certify if this is the case .
- vi. EAS shows the building could shadow BBG
- vii. Open Discussion
  1. We shouldn't deviate from the 1990's contextual rezoning; if we don't it would lead to a huge influx of new rezoning applications

b. **Community Fair Activities** - June 1 in local park

- i. ULURP Committee table with two poster boards with color printed zoning maps and photos of possible development, two iPads for public to look up their zoning district, printed handouts on City of Yes.
- ii. \$100 budget for supplies/backup for printing
- iii. **Vote: 6 in favor, 0 against, 0 abstain.**

**IV. New Business :**

a. **Community Concerns about Environmental Effects of Construction** - several construction projects ongoing around Franklin/Washington Ave/Empire area.

- i. Dust, noise, sidewalks blocked off, street parking is “reserved” overnight, street collapses, asbestos being removed without proper abatement, concrete poured down drains affects sewers, worried about health effects.
- ii. These developments should be staggered to mitigate environmental impact. **What can DEP do? They are not proactive.** Fines are ignored
- iii. Is there a requirement for DCP to do cumulative environmental impact studies within a half mile radius?
  1. **DCP** (Josh Vogel) - EIS does address noise and traffic on large rezonings, but it sounds like the projects you are talking about are as of right developments so **DOB would enforce these rules**
  2. No - the Franklin Ave buildings were rezoning. Focus on **city council members** who vote for rezoning.
- iv. Agree that **Mis should work with affected residents and board members to compile a google doc** with all complaints and tracking status with relevant agencies. We will use this to write a future letter to elected officials and agencies to request a broader mitigation plan

b. **73-99 Empire Boulevardd - Upzoning from R6/C8-2 to C4-4D/R8A request**

- i. Initial application and EAS filed
- ii. Proposed 13-story, 208,616 residential sf (258 DU, 86 MIH), vs "as of right" 72,000 sf commercial at 40 ft high OR 34,000 residential and 38,000 commercials
- iii. (MIH) Option 1 or 2 (Option 2 is 30% at 80% AMI)
- iv. Proposed 65,828 commercial sf at grade, about 25,000 below grade
- v. 191 parking spaces
- vi. **Open Discussion on Upzoning Proposal**
  1. We must keep C8 zoning, otherwise many other large lots on Empire would request rezoning and would be redeveloped, e.g. Western Beef. Amount of development would be massive.

2. Residential development is as of right on the north side of Empire Boulevard because half of the lot is in R6 zoning.
  - a. 1730 Bedford/Empire is building 50 units + supermarket, as of right under R6/C8 zoning.
3. Development on Empire would impact private homes that border Empire Blvd - would affect foundations and sewers.
4. EAS shows shadows would hit Ebbets Field and Jackie Robinson playground, but not Sterling street
5. Empire Boulevard is a place where we could add affordable housing - this site would add 26 units at 40% of AMI, this is a good place for mixed commercial and residential why waste the opportunity
6. It's inconsistent that we complain there is no affordable housing, but we insist on no rezoning
  - a. We should negotiate the maximum amount of affordable housing, more than required
7. We should negotiate for the unit/bedroom mix we want, publicly accessible open spaces and green spaces to help absorb stormwater to address concerns about sewers
8. We don't need more free open spaces in this area - we have three parks in walking distance including BBG.
9. We have 8 new buildings between Empire and Union and there are fewer than 150 apartments for people making less than \$50k. Some union members start out at \$28k. They don't make 6 figures.
10. We've done our fair share in this neighborhood, there are already three buildings going up on Franklin.
11. We need to preserve affordability of existing housing, maintain housing, make sure apartments are not being warehoused.
12. There are clear benefits to limiting development and rejecting broad up zonings - our median rent levels and eviction rates are lower than in CB8 and other areas where they did a lot of up zonings. Affordable units should be equal to, or more than, the number of residents displaced.
13. Rent stabilized landlords are trying to get rid of low paying tenants by creating SRO's; they see how new buildings can get much higher rents.
14. We don't have enough resources to sustain this amount of development - schools, hospitals
15. Empire Boulevard should be maintained as a commercial district to provide jobs and manufacturing. Atlantic Avenue was already converted to housing.
16. Community has not done anything for economic revitalization of this corridor; site has been empty and for rent since 2014, it doesn't make sense to keep things as they are.

17. Owners have deliberately kept commercial spaces empty waiting for residential rezoning, or built place holders like storage units.
18. Community did a visioning session several years ago for commercial possibilities on Empire.
19. There is a need for uses such as auto services that are only allowed in C8 or M1 zones because they are too traffic intensive or noisy to be on corridors where people live.
20. Would like to see destination retail so we don't have to drive to Gowanus or downtown Brooklyn.
21. Mixed use could be okay if the amount of housing and height was much smaller; haven't heard objections to 1730 Bedford.
22. Maintain the C8 portion of mixed zoning, consider affordable housing for the R6 portion.
23. There's no justification for these up zonings, developers are just out to make a buck and they have no concern for the negative impacts on our communities.
24. Developer is asking for upzoning to 3 times the current density - this is way too much - how many units will this bring to the area? will this be more than the overall number of units we want to add? CD 9 already has 3000 units in the pipeline plus 3500 units already built since 2010
25. Stopping rezoning helps to keep neighborhood affordable and preserve black and brown communities
26. Racial Impact Law requires analysis of effects of rezoning on majority minority communities.
27. Negotiations with developers always fail developer always gets an AMI level that is above what community can afford.
28. We can't negotiate with a private developer for what we want if we can't offer them anything.
29. Housing programs announced by the city (see above) offer financing/grants to developers in exchange for affordability. Upzonings are an inefficient way to lower development costs compared with financing - leads to enormous upzoning in exchange for limited amount of affordable housing.

vii.        **285-291 Eastern Parkway Tenants To Be Displaced**

1. Landlord trying to demolish occupied 4 story rent stabilized buildings to build luxury 8 story housing.
2. Landlord only needs to show plans and money to build

viii.       **Adjournment**

1. Meeting adjourned at 9:18pm