

# 73-99 Empire Boulevard Rezoning

NYC Council Subcommittee on Zoning and Franchises

ULURP Nos. 230309 ZMK & 230310 ZRK

April 23, 2025



If you are a member of the public who wishes to testify, please register on the City Council website at [council.nyc.gov](https://council.nyc.gov). Please visit the City Council website to watch livestreams of all City Council Meetings and find recordings of previously held meetings.

## **Applicant Team:**

- Applicant: Empire Boulevard Holdings LLC
- Applicant Representative: Davidoff Hutcher & Citron LLP
- Project Architect: S9 Architecture
- Environmental Consultant: AKRF

## **Actions Requested:**

- Zoning Map Amendment from C8-2, R6/C1-3 to C4-4D (R8A residential equivalent)
- Zoning Text Amendment to Appendix F to map MIH Options 1 and 2 over the proposed C4-4D District

## **Proposed Development:**

- The Proposed Actions would facilitate the development of a 13-story mixed use building containing 273,542 zoning sq. ft. of floor area (7.2 FAR) with 261 total dwelling units (183 market rate, 78 affordable) and 98,096 gross sq. ft. of commercial uses in the cellar, first and second floors at 73-99 Empire Boulevard in Crown Heights, Brooklyn Community District 9.

## ULURP Review

### Community Board 9:

- January 9, 2025- Disapproved with conditions

### Brooklyn Borough President:

- February 12, 2025- Approved with Condition
- “A C4-4D district, intended for “regional commercial centers” is a more appropriate zoning district for this portion of Empire Boulevard”

### City Planning Commission:

- March 19, 2025- CPC voted unanimously to approve the application
- “The height, density and mix of uses permitted by the C4-4D district are well suited to this location.”

# Project Benefits

- **Transform** under-utilized property
- **Revitalize** the streetscape with active retail uses
- **Enhance** the pedestrian experience
- **Create** much needed affordable housing
- **Reverse** urban decay
- **Stimulate** the local economy
- **Improve** safety and site aesthetics
- **Clean up** contaminated site through NYS Brownfield Cleanup Program

# Project Location

- Empire Boulevard, between McKeever Place and Bedford Avenue
- Block 1306, Lot 28
- Crown Heights South, Brooklyn, Community District 9
- CM Crystal Hudson, District 35



# Project Site and Surrounding Area

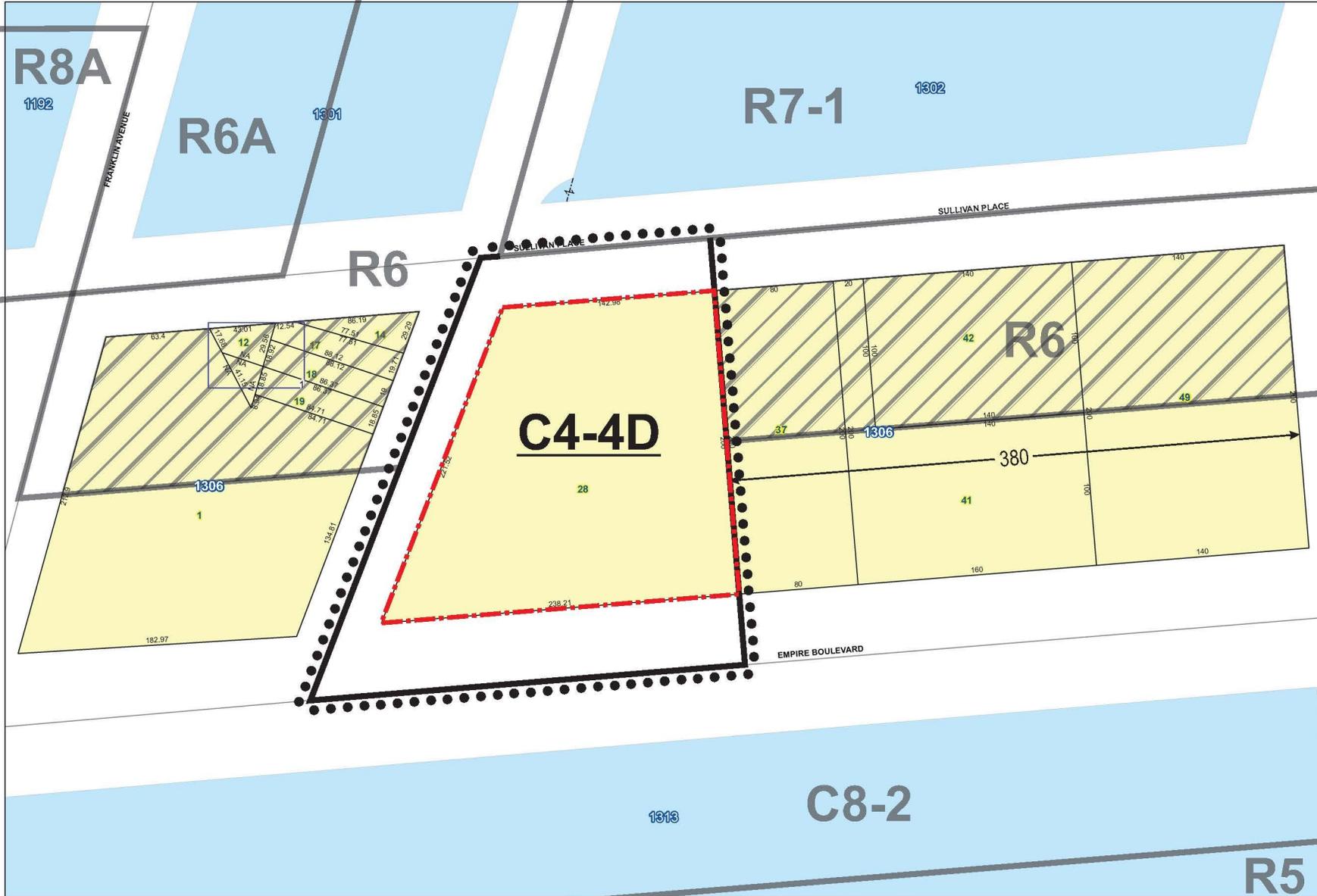


# 73-99 Empire Boulevard, Brooklyn



NYC Digital Tax Map

Effective Date : 07-19-2021 15:17:31  
 End Date : Current  
 Brooklyn Block: 1306

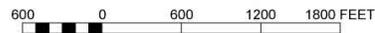
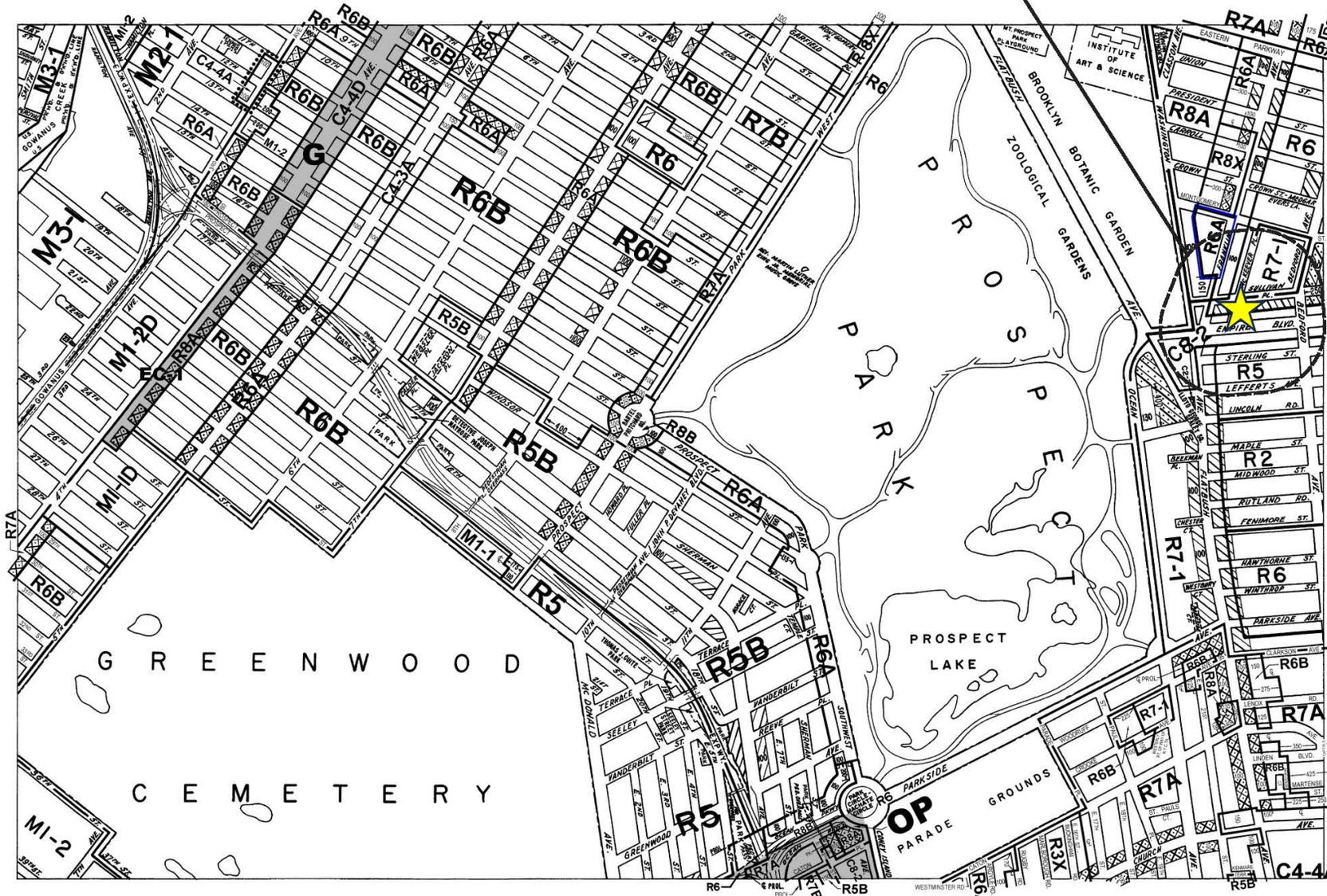


**Legend**

- Streets
- Miscellaneous Text
- ↓ Possession Hooks
- - - Boundary Lines
- ↓ Lot Face Possession Hooks
- Regular
- - - Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon

- - - Development Site
- Area Proposed to be Rezoned
- Existing Zoning District Line
- Proposed Zoning District Line
- C8-2** Existing Zoning District
- R6** Existing Zoning District
- ▨ Existing C1-3 Overlay
- C4-4D** Proposed Zoning District

Proposed Project Area



**ZONING MAP**

THE NEW YORK CITY PLANNING COMMISSION

**Major Zoning Classifications:**  
 The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

**SPECIAL PURPOSE DISTRICT**  
 The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

**AREA(S) REZONED**

**Effective Date(s) of Rezoning:**  
 12-09-2021 C 210119 ZMK

**Special Requirements:**  
 For a list of lots subject to CEQR environmental requirements, see APPENDIX C.  
 For a list of lots subject to "D" restrictive declarations, see APPENDIX D.  
 For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.

**MAP KEY**

16a	16c	17a
16b	<b>16d</b>	17b
22a	22c	23a

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ZONING MAP 16d

- C1-1
- C1-2
- C1-3
- C1-4
- C1-5
- C2-1
- C2-2
- C2-3
- C2-4
- C2-5

**NOTE:** Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

**NOTE:** Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: [www.nyc.gov/planning](http://www.nyc.gov/planning) or contact the Zoning Information Desk at (212) 720-3291.

# 73-99 Empire Boulevard, Brooklyn Area Map

Block: 1306, Lot: 28

## Project Information

-  600' Radius
-  Development Site
-  Area Proposed to be Rezoned

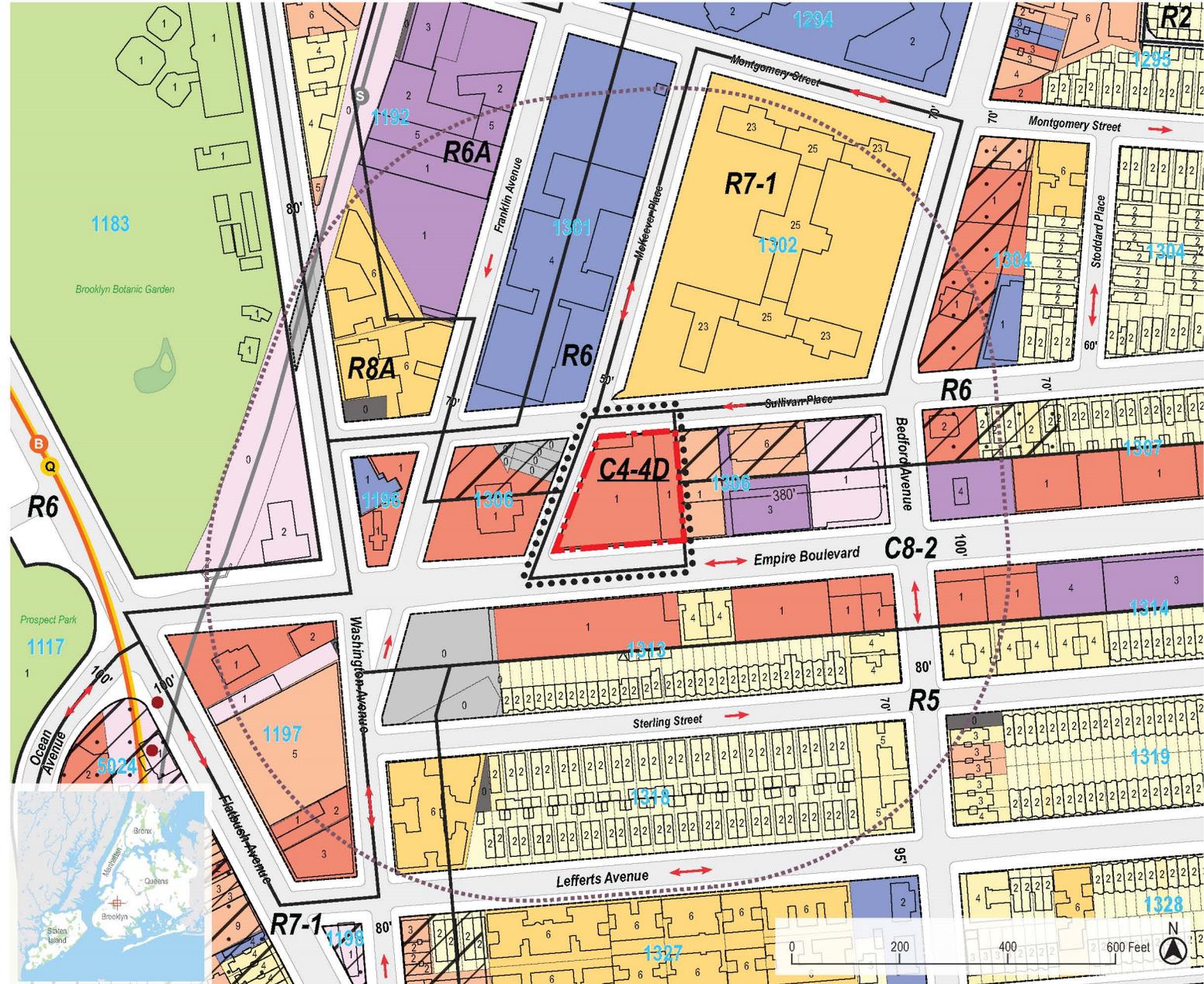
## Existing Commercial Overlays & Zoning Districts

- |  |  |   |
|--|--|---|
|  C1-1 |  C2-1 |  Zoning Districts  |
|  C1-2 |  C2-2 |  Special Districts |
|  C1-3 |  C2-3 |   |
|  C1-4 |  C2-4 |   |
|  C1-5 |  C2-5 |   |

-  Subway Entries
-  Block Numbers
-  Property Lines
-  Number of Floors

## Land Uses

-  One & Two Family Residential Buildings
-  Multi-Family Residential Buildings (Walk-up)
-  Multi-Family Residential Buildings (Elevator)
-  Mixed Residential & Commercial Buildings
-  Commercial/Office Buildings
-  Industrial/Manufacturing
-  Transportation/Utility
-  Public Facilities & Institutions
-  Open Space
-  Parking Facilities
-  Vacant Land
-  No Data/Other



October 2021

# Nearby Significant Public Transit Access



# View of Development Site facing northeast from Empire Boulevard



View of Development Site facing northwest from Empire Boulevard



View of Sidewalk along north side of Empire Boulevard facing east from McKeever Place



View of Sidewalk along the east side of McKeever Place facing north from Empire Boulevard



## View of Development Site facing east from McKeever Place



# View of Development Site at intersection of Sullivan Place and McKeever Place



View of Sidewalk along south side of Sullivan Place facing east from McKeever Place



# View of Development Site facing south from Sullivan Place



# Existing/As-of-Right Conditions

## ➤ 38,118 sq. ft. lot

- Approx. 21,440 sq. ft. in C8-2 portion of lot
- Approx. 16,678 sq. ft. in R6/C1-3 portion of lot

## ➤ R6/C1-3

- Approx. 9-story, 100-foot mixed-use building
- Approx. **40 market rate dwelling units**
- 22,900 gross sq. ft. retail uses
- 83 parking spaces
- No destination retail uses permitted

## ➤ C8-2

- 42,880 gross sq. ft. of commercial uses (2.0 FAR)
- 107 parking spaces
- No residential uses permitted







For illustrative purposes only to show approximate building massing and height within urban context.



For illustrative purposes only to show approximate building massing and height within urban context.

73-99 EMPIRE BOULEVARD, BROOKLYN, NY  
S9ARCHITECTURE

VIEW ON EMPIRE BOULEVARD LOOKING NORTH-EAST

08.15.2024 | P. 5



For illustrative purposes only to show approximate building massing and height within urban context.

73-99 EMPIRE BOULEVARD, BROOKLYN, NY  
S9ARCHITECTURE

EMPIRE BOULEVARD FACADE ELEVATION VIEW

08.15.2024 | P. 6

# Neighborhood Height Diagram

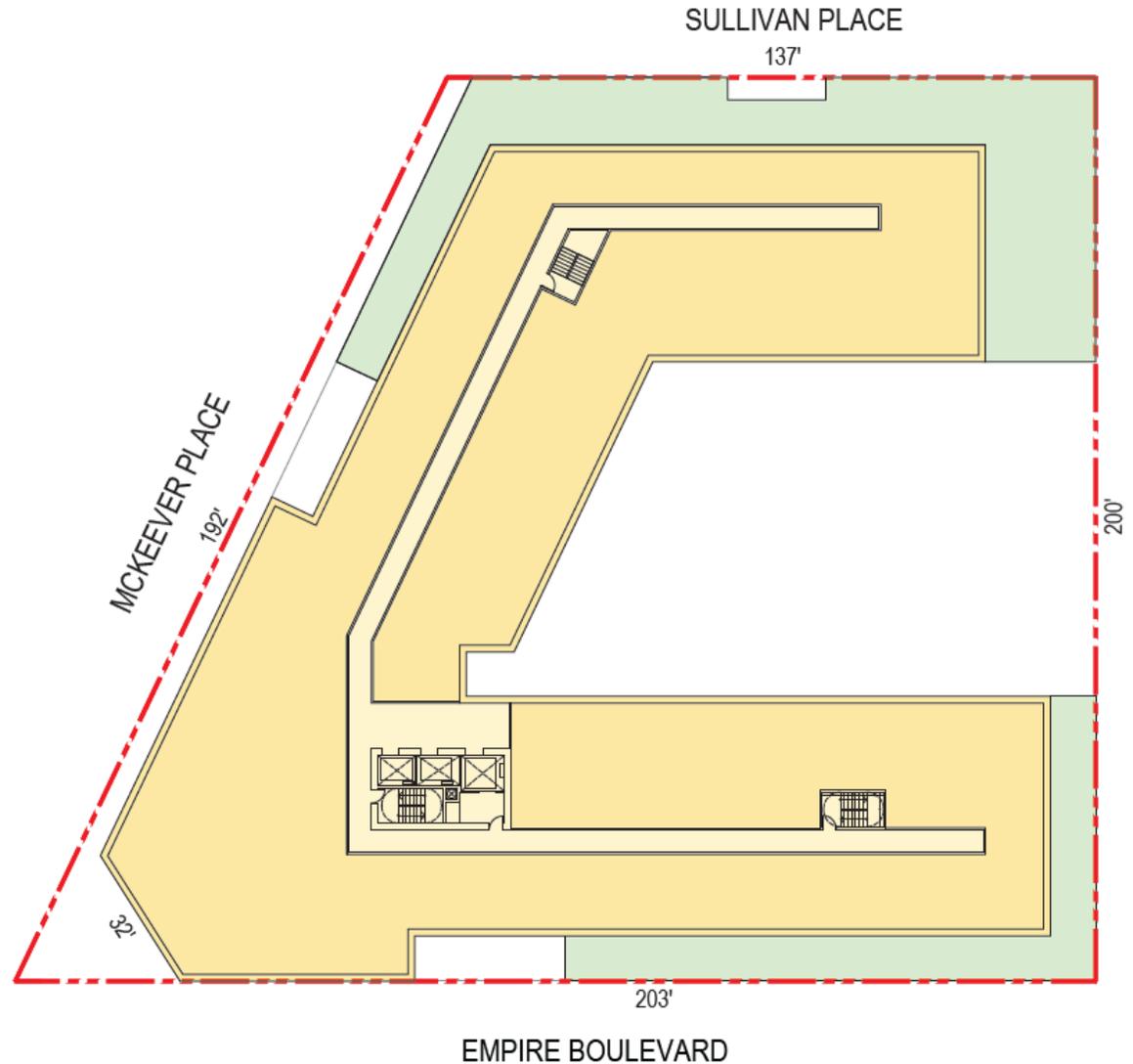


# Proposed Development

- C4-4D District across the entire site (R8A equivalent)
- 13-story, 145 feet
- Floor Area: 273,542 ZSF (7.2 FAR)
  - Commercial Retail: 63,235 ZSF/ (98,096 GSF)
  - Residential: 210,307 ZSF/ (242,623 GSF)
- Varying street wall heights and setbacks
- 5' sidewalk widening along McKeever Place
- Residential entrance from McKeever Place
- 190 parking spaces (even with CHO limiting the parking requirements for new residences at this site)
- Three loading berths

# Proposed Development (Original Proposal)

- 261 Total Dwelling Units
- 183 Market Rate; 78 Affordable (MIH Option 2)
- Anticipated Unit Breakdown:
  - 88 studios
  - 72 One-BR
  - 87 Two-BR
  - 14 Three-BR
- Under CHO, no change to FAR and height in proposed C4-4D District
- Applicant intends to provide limited residential parking as an amenity to building tenants



## Proposed Development- MIH Option 1/MiMi (New Proposal)

- In response to Council Member Hudson's Development Framework for Council District 35 and to our recent conversations with HPD, Applicant now proposing MIH Option 1 along with MiMi.
- Applicant applied for Mixed Income Market Initiative ("MiMi") HPD Program, which would provide additional 45% more affordable units for a total of **70% of dwelling units as affordable units.**
- Under MIH Option 1
  - 25% of residential floor area at an average of 60% AMI.
  - At least 10% of residential floor area at 40% AMI.

# Mixed Income Market Initiative (“MiMi”)- HPD Program

- Applicant applied for Program in February 2024
- Program requires that 70% of all dwelling units are affordable to households earning up to 120% AMI.
- At least 25% of units must be affordable to extremely low (0-30% AMI) and very low-income households (31-50% AMI), inclusive of units for formerly homeless people.
- All buildings required to have a minimum 15% homeless set aside
- If approved, project will provide 183 affordable units and 78 market rate units
  - 39 “Our Space” or Shelter Rent units- reserved for incomes earning no more than 40% AMI (includes the 15% homeless set aside)
  - 26 units at 47% AMI (\$72,991 for a family of four)
  - 117 units at 110% AMI (\$170,833 for a family of four)
- 183 affordable units would consist of 63 studios, 50 one-BR, 60 two-BR, 9 Three-BR and 1 super’s unit.

# Proposed Development- Designed to Reduce Shadows



# Shadows

## **Key Findings** (as prescribed by 2021 CEQR Technical Manual Guidelines):

- There has been considerable misinformation about the shadow impacts from the proposed development, which both the Borough President and CPC concluded was inaccurate when they approved the project.
- **No project-generated shadows** will fall on the **Brooklyn Botanic Garden, Jackie Robinson Playground, or the McKeever Place Garden Sitting Area.**
- Shadows **will only affect the Sullivan Place Seating Area** (which consists of a few benches and tables) and **the P.S. 375K running track/basketball court.** Shadows on P.S. 375K schoolyard will be cast for a few hours in the morning **during winter months**—when this space is least used due to cold weather.
- The basketball court and running track are **not open to the public** during these morning hours, as they are reserved for school use. By the time the public can access them, **all project-generated shadows will be gone.**
- **In spring, summer, and fall, when outdoor recreation is most frequent,** the basketball court/running track will **receive sunlight for the majority or entirety of the day.**
- An as-of-right residential building in existing R6 district would cast similar shadows to proposed development.

# Land Use Rationale

- **Revitalizes** a vacant site with development of commercial and residential uses on a site where increased density is appropriate.
- **Activates** the streetscape with retail uses and enhances the pedestrian experience.
- **Creates** much needed affordable housing.
- **Introduces** a zoning district that allows similar density to existing zoning districts within the immediate surrounding area
- **Facilitates** development that fits within context of surrounding built environment.
- **Located** near public transit and public open space amenities including Prospect Park and Jackie Robinson Playground.

# PLANNING TOGETHER FOR OUR FUTURE

OFFICE OF COUNCIL MEMBER  
**CRYSTAL HUDSON**

In partnership with HESTER<sup>ST</sup>

PUBLISHED FALL 2023

Development Framework  
for Council District 35

## Development framework

The findings from the prior sections will inform future development in District 35, ensuring new development meets community needs. Council Member Hudson will evaluate new development proposed through ULURP using the following framework.

This community-driven approach to land-use planning in NYC is the first of its kind and **seeks to inspire similar efforts** in other Council Districts.

Based on community feedback, the Council Member will support development projects that:

- **Exceed the minimum requirements for affordable housing** in order to provide housing that is affordable to residents living in each neighborhood (to rent and own)
- **Meet a baseline** of providing safe, healthy, accessible, and sustainable places to live
- **Provide fair compensation** to workers and support a local workforce
- **Provide amenities** that address neighborhood disparities through the design and programming of open space, housing units, and non-residential uses

# Following the Development Framework for District 35

## **Exceed the Affordability Criteria:**

- Applicant is working closely with HPD and Council Member Hudson towards achieving more affordable units at lower AMI levels while maintaining financial feasibility of the project.

## **Safe, Healthy & Accessible:**

- Project will have no shadow impact on Brooklyn Botanic Garden
- Universal Design: Project will be built in a way that is accessible to all people regardless of age or disability
- Enterprise Green Community: Project will meet design standards prescribed by program
- Pest Mitigation: Project will meet all NYC Pest Mitigation Plan Guidelines

## **Support Local Workforce:**

- Developer will endeavor to hire locally for both construction and operation jobs

## **Open Space & Community Amenities:**

- (i) Accessible streetscape with adequate lighting, even sidewalks, and proposed 5' sidewalk widening along McKeever Place;
- (ii) Heat mitigation and green infrastructure i.e. compliance with street tree zoning requirements and LL 92/94

# Following the Development Framework for District 35 (cont.)

## **Housing Upgrades:**

- (i) ADA accessibility beyond minimum requirements
- (ii) Passive House Construction

## **National Grocer + Local Retailers:**

- Developer in midst of negotiating with a national full-service grocery store to anchor the retail and will aim to provide space for local retailers

## **Community Space:**

- Applicant is working with Council Members Hudson and Joseph to identify non-profits that can operate a community space in the building geared towards children and/or senior citizens.

## **Union Labor:**

- Applicant in conversation with 32BJ regarding a project labor agreement to provide union jobs for building service workers.