



CITY PLANNING COMMISSION

June 8, 2022 / Calendar No. 5

C 200317 ZMK

IN THE MATTER OF an application submitted by 41 Summit Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment to the Zoning Map, Section No. 16a, changing from an M1-1 District to an R6B District property bounded by a line midway between Carroll Street and Summit Street, a line 350 feet northwesterly of Columbia Street, Summit Street, and a line 380 feet northwesterly of Columbia Street, Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only) dated January 18, 2022, and subject to the conditions of CEQR Declaration E-658.

This application (C 200317 ZMK) for a zoning map amendment was filed by 41 Summit Street LLC on April 20, 2020. The proposed action would facilitate the development of a four-story residential building at 41 Summit Street (Block 352, Lot 60), in the Columbia Street Waterfront neighborhood of Brooklyn, Community District 6.

BACKGROUND

The applicant requests a zoning map amendment to change an M1-1 zoning district to an R6B zoning district along a mid-block portion of a block bounded by Summit Street to the south, Carroll Street to the north, Van Brunt Street and Hamilton Avenue to the west, and Columbia Street to the east.

The project area consists of the development site at Block 352, Lot 60, a 2,500 square-foot lot occupied by a two-story vacant industrial building, in addition to a sliver portion of Lot 1, a 6,135 square-foot lot improved with a former two-story commercial bank.

The project area is located along Summit Street, a 60-foot-wide street running east-west within the Columbia Street Waterfront neighborhood. The land uses in the surrounding area include a mix of industrial, commercial, and residential uses. The area to the west of the project area generally consists of one- to two-story industrial and transportation-related buildings, and non-conforming two- to four-story residential and mixed-use buildings. The area directly north and east of the project area is predominantly residential and characterized by two- to five-story one- and two-family homes and multi-family residential buildings. Columbia Street, located less than

one block to the east, serves as a local retail corridor with ground-floor commercial use and residential above. In addition, there are several public parks within the surrounding area, including Mother Cabrini Park, Harold Ickes Playground, and Backyard Garden, while one block to the west is the Red Hook Container Terminal, a freight terminal operated by the Port Authority of New York and New Jersey.

The project area is located within an M1-1 zoning district, a low-density manufacturing zoning district that permits industrial and commercial uses with a maximum floor area ratio (FAR) of 1.0 and certain community facility uses with a maximum FAR of 2.4. Buildings in M1-1 zoning districts can rise up to 30 feet or two stories along the street wall, after which, building heights are governed by the sky exposure plane. Off-street parking requirements for M1-1 zoning districts vary by use and generally require one space for every 300 square feet of commercial use and one space for every 1,000 square feet of industrial use.

The surrounding area is located within the Transit Zone. Public transit options include the F and G subway lines, located approximately one-half of a mile from the project area, as well as the B61 bus line, which runs between Downtown Brooklyn and South Park Slope, with two stops approximately one block from the project area.

Directly east of the project area is an R6B zoning district, a contextual residential district that allows up to 2.0 FAR for residential and community facility uses, base heights between 30 and 40 feet, and building heights up to a maximum of 50 feet or 55 feet with a Qualifying Ground Floor (QGF). As part of the Department-sponsored area-wide rezoning of Carroll Gardens in 2009 (C 090462 ZMK), portions of Block 352 were rezoned from R6 to R6B to preserve the neighborhood character and scale. Subsequently, two private applications seeking rezonings from M1-1 to R6B to facilitate residential developments were approved on Block 352, including the 20/30 Carroll Street Rezoning (C 110118 ZMK) in 2011 and the 55-63 Summit Street Rezoning (C 170047 ZMK, N 170046 ZRK) in 2018. Portions of the Columbia Street corridor, located to the east of the project area, are zoned R6A/C2-4, a contextual district that allows up to 3.0 FAR for residential and community facility uses and 2.0 FAR for commercial uses, along with base heights between 40 and 60 feet and a maximum building height of 75 feet with a QGF.

The applicant for this application previously sought a zoning map amendment from M1-1 to R7A/C2-4 and a zoning text amendment to map a Mandatory Inclusionary Housing (MIH) Area, which was certified by the Department of City Planning in 2018 (C 180294 ZMK, N 180295 ZRK). Under the prior proposal, the applicant sought to develop a seven-story residential building based on the R7A district regulations, which allows a residential FAR of 4.6, base heights between 40 and 75 feet, and a maximum building height of 95 feet with a QCF. Moreover, the prior proposal encompassed a larger project area geography, including the full portion of Lot 1 and Lot 3, an adjacent tax lot fronting Hamilton Avenue. During public review, the City Planning Commission approved the application with a modification of the proposed zoning to R6A/C2-4 in an effort to ensure the proposal more closely matches the surrounding built context. Subsequently, during the City Council's review, the application was withdrawn due to remaining concerns regarding height and density.

The proposed development would be a four-story residential building with approximately 5,000 square feet of floor area (2.0 FAR) with a total of four dwelling units and a height of 40 feet with no setback. No parking spaces will be provided, as the development would waive out of the off-street parking required.

In order to facilitate the proposed development, the applicant seeks a zoning map amendment from an M1-1 zoning district to an R6B zoning district, which would extend an existing R6B district over the development site and a sliver portion of Lot 1 by 30 feet to a distance 280 feet west of the R6A/C2-4 boundary along Summit Street.

Due to the limited increase in residential density resulting from the zoning map amendment, in which new residential development is limited to an amount below the MIH threshold of 12,500 square feet of residential floor area or at least 10 dwelling units, the applicant is not seeking a zoning text amendment to map an MIH area.

ENVIRONMENTAL REVIEW

The application (C 200317 ZMK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New

York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number of 21DCP005K.

After a study of the environmental impact of the proposed actions, a Negative Declaration was issued on January 18, 2022.

WATERFRONT REVITALIZATION PROGRAM

This application (C 200317 ZMK) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 21-073. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

UNIFORM LAND USE REVIEW

This application (C 200317 ZMK) was certified as complete by the Department of City Planning on January 18, 2022 and duly referred to Brooklyn Community Board 6 and the Brooklyn Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

On February 24, 2022, Brooklyn Community Board 6 held a public hearing on this application (C 200317 ZMK) and on March 9, by a vote of 28 in favor, one opposed, and one abstaining, adopted a recommendation to approve the application.

Borough President Recommendation

The Brooklyn Borough president held a public hearing on March 10, 2022 on the application (C 200317 ZMK), and issued a recommendation on April 27, 2022 to disapprove the application.

City Planning Commission Public Hearing

On April 27, 2022 (Calendar No. 1), the City Planning Commission scheduled May 11, 2022 for a public hearing on this application (C 200317 ZMK). The hearing was duly held on May 11, 2022 (Calendar No. 15). One speaker testified in favor of the application and none in opposition.

A representative of the applicant spoke in favor the application, describing the project site, the surrounding area, the difference between the current and previous proposal, and the rationale for the proposed rezoning. He stated that the block's character is predominantly residential, totaling 22 out of 28 lots on the block, including non-conforming residential uses that pre-date the M1-1 zoning and recently constructed housing on the R6B portion of the block. He further stated that maintaining industrial on the development site would be inconsistent with the block's residential character and that extending the R6B district to the project area would not serve as a precedent for residential use within the broader M1-1 geography in the Columbia Street Waterfront area, which spans multiple blocks that vary in character.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 200317 ZMK) is appropriate. The action would facilitate a four-story residential building with approximately 5,000 square feet of floor area (2.0 FAR) and a total of four dwelling units.

The Commission believes that the proposed extension of an R6B zoning district by 30 feet is consistent with the block's predominantly residential character and scale of existing buildings, complementing the 2009 Carroll Gardens Rezoning and its objective of preserving the low-rise, row-house character on mid-blocks across the neighborhood. The Commission also notes the proposal matches the approved rezonings located at 20/30 Carroll Street in 2011 and at 55-63 Summit Street in 2018. The Commission supports new opportunities to accommodate housing growth and believes that the project area is an appropriate location for residential due to the block's existing character, which is distinct from portions of neighboring blocks within the M1-1 zoning district that contain active industrial and commercial uses.

The Commission acknowledges the applicant's previous application, which sought a higher density zoning district that was subsequently withdrawn during public review, and notes that the

current application reflects a concerted effort by the applicant to address concerns raised by local residents and community stakeholders.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on January 18, 2022, with respect to this application (CEQR No. 21DCP005K), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16a, changing from an M1-1 District to an R6B District property bounded by a line midway between Carroll Street and Summit Street, a line 350 feet northwesterly of Columbia Street, Summit Street, and a line 380 feet northwesterly of Columbia Street, Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only) dated January 18, 2022, and subject to the conditions of CEQR Declaration E-658.

The above resolution (C 200317 ZMK), duly adopted by the City Planning Commission on June 83, 2022 (Calendar No. 5), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

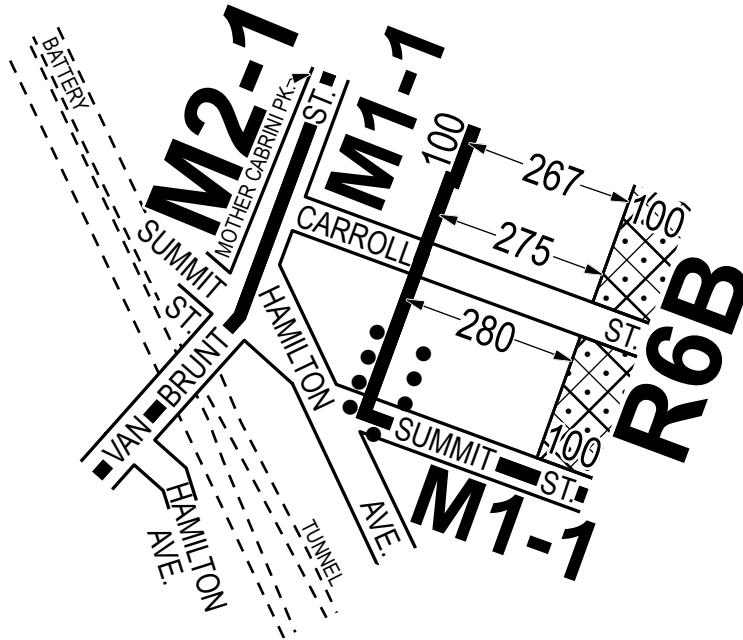
DANIEL R. GARODNICK, Esq. *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

DAVID J. BURNEY, ALFRED C. CERULLO, III, JOSEPH DOUEK,

LEAH GOODRIDGE, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ,

RAJ RAMPERSHAD, *Commissioners*



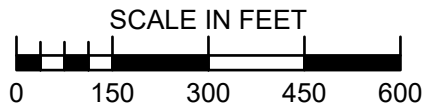
CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP

16a
 BOROUGH OF
BROOKLYN



New York, Certification Date:
 January 18, 2022

S. Lenard
 S. Lenard, Director
 Technical Review Division



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by changing from an existing M1-1 district to an R6B district.
- Indicates a C2-4 District



BROOKLYN COMMUNITY BOARD SIX

Peter D. Fleming
Chairperson

Michael Racioppo
District Manager

March 10, 2022

Daniel Garodnick, Chair
Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Dear Chairperson Garodnick:

I am writing to advise you that during our March 9th, 2022, Full Board Board Meeting, Brooklyn Community Board 6 took action on a ULURP application to the Department of City Planning.

The application is to amend the zoning map to rezone 41 Summit Street Brooklyn, NY 11231 (Block 352, Lot 60 and p/o Lot 1) from an M1-1 to R6B zoning district to facilitate the development of a Use Group 2 four-story plus basement residential building with a total floor area of 5000 sq. ft. (2.0 FAR) and four dwelling units.

By a vote of twenty-eight in favor, one in opposition, and one in abstention,
Brooklyn Community Board 6 recommends approval of this application.

Thank you for the opportunity to comment.

Sincerely

Peter D. Fleming
Chairperson



Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

120 Broadway, 31st Floor, New York, NY 10271

calendaroffice@planning.nyc.gov

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION

41 SUMMIT STREET REZONING – 200317 ZMK

Application submitted by 41 Summit Street, LLC pursuant to Section 197-c of the New York City Charter for a zoning map amendment to change from an M1-1 to an R6B district a portion of a block bounded by Carroll, Columbia, and Summit streets, and Hamilton Avenue, in Brooklyn Community District 6 (CD 6). This action would facilitate the development of an approximately 5,000 square feet (sq. ft.) four-story plus cellar residential building with four units.

BROOKLYN COMMUNITY DISTRICT NO. 6

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

April 27, 2022

DATE

RECOMMENDATION FOR: 41 SUMMIT STREET REZONING – 200317 ZMK

Application submitted by 41 Summit Street, LLC pursuant to Section 197-c of the New York City Charter for a zoning map amendment to change Block 452, Lot 60 from an M1-1 to an R6B district a portion of a block bounded by Carroll, Columbia, and Summit streets, and Hamilton Avenue, in Brooklyn Community District 6 (CD 6). This action would facilitate the development of an approximately 5,000 square feet (sq. ft.) four-story plus cellar residential building with four units.

A prior iteration of this application was approved by the City Planning Commission (CPC) on February 27, 2019, but was subsequently withdrawn during the ULURP process due to community opposition against the proposed R7A/C2-4 district. This rezoning and mapping of a Mandatory Inclusionary Housing (MIH) area would have resulted in a seven-story, seven-unit residential building.

Brooklyn Borough Antonio Reynoso held a public hearing on this Uniform Land Use Review Procedure (ULURP) application on March 10, 2022. There were no speakers on this item.

In response to Borough President Reynoso's inquiry as to why this applicant did not seek a variance from the Board of Standards and Appeals (BSA), the applicant responded that the findings for a variance would be difficult to meet since there are no unique characteristics about that site that would rise to the level of a hardship.

In response to Borough President Reynoso's inquiry as to the rationale for this iteration of the application versus the previous, the applicant responded that the previous application extended the boundary over two neighboring properties. Due to significant opposition, the application was withdrawn because modifying the application to map an R6B zoning district was not in scope.

Community Board Position

Community Board 6 approved this application on March 9, 2022.

Disapproval Rationale

The proposed zoning map amendment would affect a 2,500 sq. ft. lot at 41 Summit Street. The lot is currently developed with an approximately 3,500 sq. ft. two-story former light industrial (warehouse) building that has been vacant for approximately four years. The area proposed for rezoning is currently zoned M1-1, and does not permit new residential development.

The proposed rezoning area borders the Carroll Gardens/Columbia Street rezoning, adopted in 2009, which mapped R6A and R6B contextual districts over 86 blocks of CD 6 that were mapped with an R6 zoning district. The rezoning was intended to prevent out-of-scale development by limiting height and bulk in a predominantly low-rise neighborhood. The Carroll Gardens/Columbia Street rezoning did not extend to the entirety of Block 352, and the rezoning boundary cut through various, irregular mid-block points through the blocks between Sackett Street and Hamilton Avenue west of Columbia Street. This neighborhood-wide contextual rezoning did not rezone any existing manufacturing land to residential use.

It is important for the Borough President to note that incremental, piecemeal land use changes from the existing M1-1 manufacturing district to R6B have continued to take place across Block 352 and adjacent blocks in recent years, including six ULURP applications and three Board of Standards and Appeals (BSA) approvals. Two lots on the north side of Carroll Street were rezoned in March 2007 (C060018ZMK); four lots on the north side of Summit Street were rezoned in October 2007 (C060477ZMK); two lots on the north side of Carroll Street were rezoned in April 2011 (C090225ZMK); six lots on the south side of Carroll Street were rezoned in April 2011 (C110118ZMK); a rezoning for three lots on the south side of Carroll Street was approved by CPC in November 2016 but disapproved by City Council (C150360ZMK); and five lots on the north side of Summit Street were rezoned in

September 2018 (C170047ZMK). Additionally, the BSA has issued several land use approvals on this and adjacent blocks to permit the construction of residential uses in an M1-1 manufacturing district. Approvals for three separate projects were issued in September 2005, December 2007, and April 2008.

While Borough President Reynoso supports the redevelopment of underutilized land and vacant properties for productive uses, he has concerns regarding the way development has taken place across this and surrounding blocks. The zoning rationale described in this application cites that extending the R6B district across the Project Area will rationalize and align the R6B boundary to make it coterminous with the existing boundary line located to the north. While this is true for the existing condition today, this rationale is predicated on other one-off land use approvals and rezonings over the last 17 years that have created this condition. Instead of a comprehensive look at these blocks and reexamining the Carroll Gardens/Columbia Street rezoning boundary and purpose, this rezoning is relying on precedent, not planning.

The Borough President is concerned that this rezoning will be used as precedent to incite future rezonings from manufacturing to residential use in this area. This parcel abuts a substantial M1-1 district that continues into Red Hook, and that M1-1 district is adjacent to an M2-1 district that runs along the waterfront. Most of the blocks in these M1-1 and M2-1 districts retain their industrial character and are home to many local manufacturing, industrial, and warehousing businesses. Additionally, the Red Hook Container Terminal, a main entry point for cargo into the city, resides in the M2-1 district. With the ongoing concerns about Last Mile distribution and warehousing facilities, and global supply chain considerations that have reinvigorated discussions around locally produced goods, the Borough President is increasingly concerned that the cycle of justifying a new boundary will result in continued encroachment on our scarce manufacturing land—a fixed resource because the City has historically declined to create more land dedicated exclusively for this use. The Borough President has seen this dangerous precedent in north Brooklyn, where small rezonings gradually eroded the character of manufacturing districts, each one serving as precedent for the next. Borough Hall remains committed to retaining manufacturing land for job-creating uses—as it has been noted in countless prior rezonings across the borough, once manufacturing land is rezoned to residential, those manufacturing and industrial uses will not return.

Further, the Borough President does not see a clear public purpose for this rezoning, as is required for any exercise of police powers. The redevelopment of 41 Summit Street will produce no new units of affordable housing or a contribution to the affordable housing fund because MIH will not be mapped. Like with all prior rezonings and land use approvals in the surrounding area, the public will not receive affordable housing while property owners realize a windfall in land value and development potential resulting from a public approval converting manufacturing land to residential. As a public corporation within the meaning of General Construction Law § 66(1) and (2), the City must exercise its police power such as discretionary approval of rezoning applications for a public purpose. In this vein, the Borough President highlights Article XVIII of the New York State Constitution as well as the definition of public purpose in Section 21 of the General City Law. In failing to advance the state constitutional mandate of expanding low rent housing for persons of low income represented by MIH, while also foreclosing the possibility of job opportunities with the elimination of manufacturing land, the proposed rezoning appears to facilitate a single development project rather than broader planning goals.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Sections 197-c of the New York City Charter, recommends that the City Planning Commission and City Council disapprove this application.

Be It Further Resolved:

That the Department of City Planning critically examine how applications are modified, to reduce the need for refileing due to scoping concerns.