



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:

1. changing from an M1-1 District to an R7A District property bounded by a line midway between Carroll Street and Hamilton Avenue, a line midway between Carroll Street and Summit Street, a line 350 feet westerly of Columbia Street, Summit Street, Hamilton Avenue, and a line perpendicular to the northeasterly street line of Hamilton Avenue distant 70 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Summit Street and the northeasterly street line of Hamilton Avenue; and
2. establishing within the proposed R7A District a C2-4 District bounded by a line midway between Carroll Street and Hamilton Avenue, a line midway between Carroll Street and Summit Street, a line 350 feet westerly of Columbia Street, Summit Street, Hamilton Avenue, and a line perpendicular to the northeasterly street line of Hamilton Avenue distant 70 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Summit Street and the northeasterly street line of Hamilton Avenue;

Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only) dated September 24, 2018, and subject to the conditions of CEQR Declaration E-504.

This application for a zoning map amendment of the Zoning Map was filed by 41 Summit Street, LLC on March 22, 2018. The applicant proposes to change an M1-1 zoning district to an R7A zoning district on three adjacent lots on the north side of Summit Street and Hamilton Avenue, between Columbia and Van Brunt streets. This application, as modified, in conjunction with the related action, would facilitate a residential development at 41 Summit Street in the Columbia Street Waterfront neighborhood of Community District 6, Brooklyn.

RELATED ACTION

In addition to the zoning map amendment (C 180294 ZMK) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 180295 ZRK Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

The applicant proposes to change an M1-1 zoning district to an R7A district on three adjacent lots (Block 352, Lots 1, 3, and 60) on the north side of Summit Street and Hamilton Avenue in Brooklyn Community District 6. The project site is in an area of the Columbia Street Waterfront neighborhood generally bounded by the New York Harbor waterfront to the west, the Brooklyn-Queens Expressway to the east, the Hugh Carey (Brooklyn Battery) Tunnel to the south, and Atlantic Avenue to the north.

The rezoning area, 41 Summit Street and 75-79 Hamilton Avenue, comprises approximately 10,500 square feet. Lot 1 (79 Hamilton Avenue), which has frontage on both Hamilton Avenue and Summit Street, is improved with a two-story commercial building, currently operating as a bank, and an accessory parking lot. Lot 3 (75 Hamilton Avenue) is improved with a three-story mixed-use building with a vacant ground floor commercial space and two non-conforming residential units. Lot 60 (41 Summit Street) contains a two-story light industrial building formerly used as a warehouse, which has been vacant for approximately three years.

The surrounding area is characterized by a wide variety of land uses, including single- and multi-family residential, commercial, manufacturing, transportation/utility, and automotive/parking uses as well as several parks, community gardens, and vacant lots. Residential building types include attached three- to four-story townhouses and larger apartment buildings, generally four to six stories high. Commercial uses line the area's principal retail corridor, Columbia Street, with ground floor retail spaces in attached mixed-use buildings. Manufacturing, transportation/utility, and automotive-related uses are mostly located to the south and west of the rezoning area,

including the west side of Van Brunt Street along the waterfront, which includes the Red Hook Container Terminal and is part of the Southwest Brooklyn Industrial Business Zone.

The development site is currently mapped with an M1-1 zoning district. M1-1 districts have a maximum floor area ratio (FAR) of 1.0 for manufacturing and commercial uses and a 2.4 for community facility uses. M1 districts generally allow one- or two-story warehouses for light industrial uses, including repair shops, wholesale service and storage facilities. M1 districts are intended for lighter uses, but heavier industrial uses are permitted as long as they meet the strict performance standards set forth in the Zoning Resolution. Building heights are regulated by a sky exposure plane beginning at 30 feet (or two stories) above the street line. Off-street parking and loading facilities are required in M1-1 districts according to the type and size of the use on the property. Certain community facility uses are allowed as-of right (such as churches) or by special permit (such as hospitals). No new residential uses are permitted.

This M1-1 district extends south of the proposed rezoning area, across Hamilton Avenue and the entrance to the Hugh Carey (Brooklyn Battery) Tunnel, into the Red Hook neighborhood, and northward along the east side of Van Brunt Street into the northern portion of the Columbia Street Waterfront District. The area includes nonconforming residential uses, including properties directly to the south of the proposed rezoning area.

The applicant proposes a zoning map amendment to change the M1-1 zoning district to an R7A district to facilitate the development of a seven-story residential building of approximately 10,000 square feet. The development would include seven apartments. It would be approximately 65 feet tall and provide a 39-foot rear yard.

R7A districts allow buildings with FARs up to 4.0, or 4.6 with MIH, and generally produce high lot coverage, seven- to nine-story apartment buildings. Building heights are regulated by a required base height of 40-65 feet (75 feet with a qualifying ground floor or inclusionary housing), followed by a mandatory setback, and a maximum building height of 80 feet (85 feet with a qualifying ground floor) or 90 feet with MIH (95 feet with a qualifying ground floor). No front or side yards are required, but a rear yard of 30 feet is required. The maximum lot coverage is 65 percent for

interior and through lots, and 100 percent for corner lots. Off-street parking is required in R7A districts for 50 percent of all market-rate dwelling units, but the requirement is waived when 15 or fewer parking spaces are required.

The proposed zoning map amendment would also map a C2-4 commercial overlay over the rezoning area. C2-4 districts allow commercial retail uses such as retail and restaurants on the ground floors of residential buildings at an FAR of 2.0.

The rezoning area is bordered to the east by an R6B zoning district, a medium-density district that allows buildings with FARs up to 2.0 (2.2 with MIH). Building heights are regulated by a required base height of 30-40 feet (45 feet with a qualifying ground floor, in which the start of the second story is 13 feet or more above the sidewalk level), followed by a mandatory setback, and a maximum building height of 50 feet (55 feet with a qualifying ground floor).

C2-4 commercial overlay zoning districts are mapped along Columbia Street to a depth of 100 feet. C2-4 districts allow commercial uses such as retail and restaurants on the ground floors of residential buildings at an FAR of 2.0. An M2-1 district, which allows an FAR of up to 2.0 for light industrial uses less appropriate for adjacency to residences or community facilities, is mapped on the west side of Van Brunt Street along the area's waterfront.

The rezoning area is moderately served by public transit. The B61 bus line runs north-south along Columbia Street, connecting the area with the Downtown Brooklyn Central Business District to the north and the Red Hook neighborhood to the south. The Carroll Street subway station is approximately one-half mile to the east, with service by the F and G trains connecting the area to Manhattan and points north and south in Brooklyn.

The rezoning area is also close to a completed portion of the Brooklyn Waterfront Greenway, which runs along portions of Van Brunt Street near Carroll Street. The Brooklyn Waterfront Greenway is a partially completed 14-mile bicycle path with adjacent open space in select areas. When completed, the Greenway will run between the Greenpoint and Bay Ridge neighborhoods.

Scattered throughout the surrounding area are a number of community gardens and parks. A community garden known as the Backyard Garden occupies a portion of the subject block adjacent to the rezoning area on Hamilton Avenue (Block 352, Lots 4-9). Other community gardens and parks on the surrounding blocks include the Amazing Garden northeast of the subject block, the Summit Street Community Garden east of the subject block, the Harold Ickes Playground southwest of the subject block, and a park known as the Urban Meadow two blocks north of the site.

The rezoning area is within the project boundary of the Columbia Street Urban Renewal Area (URA), but is not among the Columbia Street URA Acquisition Parcels and is therefore not governed by land use, height, or other controls included in the URA Plan. The Columbia Street URA Plan was last amended in 2008 (C 080115 HUK) and is scheduled to expire in September 2019.

By the late 1800s, the three lots within the proposed rezoning area were improved with medium-density row houses, as was the majority of the block. In 1961, large swaths of this traditionally mixed-use neighborhood were mapped with an M1-1 zoning district, with an R6 zoning district mapped along the Columbia Street corridor. Through the 1970s, many of the residential row houses on this block were demolished and could not be rebuilt due to the M1 zoning district's restrictions on residential uses, in combination with the lots' small size, which limited the opportunity for their redevelopment as modern commercial or industrial facilities. Between the early 1980s and mid-2000s, through a series of rezonings and Board of Standard and Appeals (BSA) variances, the residential zoning district along Columbia Street was gradually pulled westward, reknitting the four blocks between Sackett and Summit streets closer to their historic land use patterns. The subject block and Block 347, immediately to the north, have been the subject of several zoning changes and BSA variances to permit residential development and bring existing residential uses in the mapped M1-1 area into conformance with zoning.

In March 2007, the 37-39 Carroll Street Rezoning (C 060018 ZMK) rezoned a portion of Block 347 (Lots 48 and 49) from M1-1 to R6 to facilitate the development of two new residential buildings. In October 2007, the 45 Summit Street Rezoning (C 060477 ZMK) rezoned of a portion

of the subject block (Lot 53), adjacent to the area proposed for rezoning in this application, from M1-1 to R6 to facilitate the development of a 35-unit residential building on a site previously occupied by a one-story warehouse and plant nursery.

In October 2009, the Carroll Gardens/Columbia Street Rezoning was approved (C 090462 ZMK), affecting 86 blocks in the Carroll Gardens and Columbia Street neighborhoods. This rezoning pulled the residential zoning district along Columbia Street further westward and introduced contextual zoning in recognition of the low- to mid-rise residential character of the Carroll Street and Columbia Street neighborhoods. While this rezoning did not affect the area proposed for rezoning in this application, it created contextual districts in the surrounding area and adjacent lots.

In April 2011, two zoning map amendments affecting both the southerly and northerly sides of Carroll Street were approved: an extension of the R6B district on the north side of Carroll Street (C 090225 ZMK) facilitated the development of new residential buildings and brought an existing residential building into conformance, and an extension of the R6B district along the south side of Carroll Street (C 110118 ZMK), including lots adjacent to the area proposed for rezoning in this application, facilitated the development of a residential building at Block 352, Lot 21 and brought the existing residential buildings along Carroll Street into conformance. The second rezoning extended the R6B zoning district boundary along the easterly end of the proposed development site.

In September 2018, a zoning map amendment extended the R6B designation and designated an MIH area over five midblock lots at 55-63 Summit Street (C 170047 ZMK). These lots had been preserved as M1-1 during the Carroll Gardens/Columbia Street Rezoning due to community members' concerns about rendering a pet boarding business at that location non-conforming under zoning. The business had since relocated, and the 55-63 Summit Street Rezoning was approved to facilitate proposed residential and community facility construction.

A rezoning application for 14-18 Carroll Street (Block 352, Lots 16, 17 and 18) (C150360 ZMK and N160379 ZRK), which proposed to extend the existing R6B along Carroll Street and designate

an MIH area, was approved by the City Planning Commission on November 16, 2016, but subsequently denied by the City Council.

The proposed zoning text amendment would designate an MIH area mapped with Options 1 and 2 coterminous with the rezoning area. The MIH program requires provision of affordable housing units or in-lieu payment when developments meet a threshold minimum of 12,500 square feet or 10 residential units. Option 1 requires that at least 25 percent of the residential floor area be provided as housing permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to residents with household incomes at an average of 40 percent of the AMI, with no unit targeted to households with incomes exceeding 130 percent of the AMI. Option 2 requires that 30 percent of residential floor area be devoted to housing units affordable to residents with household incomes at an average of 80 percent of the AMI. No more than three income bands can be used to average out to the 80 percent, and no income band can exceed 130 percent of the AMI.

ENVIRONMENTAL REVIEW

This application (C 180294 ZMK), in conjunction with the application for the related action (N 180295 ZRK), 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 is 18DCP123K.

After a study of the potential environmental impact of the proposed action in an Environmental Assessment Statement (EAS), a Negative Declaration was issued on September 24, 2018. The Negative Declaration included an (E) designation (E-504) to avoid the potential for significant adverse impacts related to hazardous materials, air quality or noise. The requirements of the (E) designation are described in the EAS and Negative Declaration.

On February 21, 2019, a Revised EAS was issued, which describes and analyzes modifications to the proposed actions (described below). The Revised EAS concluded that the modifications would not result in any new or different significant adverse environmental impacts. A Revised Negative Declaration was issued on February 25, 2019. The Revised Negative Declaration reflects the modifications to the proposed actions and supersedes the Negative Declaration issued on September 24, 2018.

The City Planning Commission has determined that the proposed action will have no significant effect on the environment.

UNIFORM LAND USE REVIEW

This application (C 180294 ZMK) was certified as complete by the Department of City Planning on September 24, 2018, and was 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), along with the related action (N 180295 ZRK), which was duly referred in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Brooklyn Community Board 6 held a public hearing on this application (C 180294 ZMK) on October 25, 2018. On November 14, 2018, the Community Board voted 28 in favor, none opposed, and with none abstaining to recommend disapproval of the application.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 180294 ZMK) on November 27, 2018, and on January 14, 2019 issued a recommendation to approve the application with the following modifications:

- “1. That in lieu of the proposed R7A/MIH residence district, the replacement of the existing M1-1 manufacturing district, including the C2-4 commercial overlay, shall be a R6B residence district.

“2. That prior to considering the application, the City Council obtain commitments in writing from the developer, 41 Summit Street, LLC, that clarify how it would memorialize the extent that it would:

- a. Explore additional resiliency and sustainability measures such as incorporating bioswales, blue/green/white roof treatment, passive house construction principles, and solar panels in the development
- b. Retain Brooklyn-based contractors and subcontractors, especially those that are designated Local Business Enterprises (LBE) consistent with section 6-108.1 of the City’s Administrative Code and Minority- and Women-Owned Business Enterprises (MWBE) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency.”

City Planning Commission Public Hearing

On December 19, 2018 (Calendar No. 3), the City Planning Commission scheduled January 9, 2019 for a public hearing on this application (C 180294 ZMK) and the related application (N 180295 ZRK). The hearing was duly held on January 9, 2019 (Calendar No. 36). Two speakers testified in favor of the application.

The applicant’s land use attorney described the history of private and public applications for rezoning in this area and the largely residential immediate surrounding built context. He stated that the buildings within the proposed rezoning area are currently vacant or underbuilt, and confirmed that former residential units on the non-applicant controlled property at 75 Hamilton Avenue are not occupied. He described the orientation of the proposed rezoning area toward the intersection of Hamilton Avenue and Summit Street, Harold Ickes Playground open space, and the Hugh Carey Tunnel exhaust facility as a rationale for higher-density development in this location. He noted that the Zoning Resolution’s Transition Rule limits building height on the applicant’s site to 65 feet due to the site’s adjacency with an R6B zoning district. He also noted that an R6B district would represent a decrease in allowable FAR for community facility uses compared to the existing M1-1 district. He said that shadows on the nearby garden would be generated in morning hours

and reduced in the afternoon and that the longest duration of shadow on the garden area would occur in winter, not during the growing season.

The applicant's land use consultant provided additional information on the applicant's proposed rationale for an R7A district at this location. He stated that the sites' location at the intersection of Hamilton Avenue and Summit Street provides opportunity for the development of needed housing and affordable housing without encroaching inappropriately on the adjacent R6B built context. He noted that R7A is mapped adjacent to R6B at other locations, including along Fourth Avenue in Brooklyn.

Fourteen speakers testified against the application. Several individuals identified themselves as members of Columbia Waterfront Neighbors, a group formed in response to this proposed rezoning. Twelve of the speakers described concerns about the bulk and height that would be allowed under the proposed rezoning to R7A, including the applicant's proposed building and potential development on the non-applicant controlled sites. Several speakers described the allowed height and density as deviating from the existing adjacent context, which is primarily row homes of up to 3 or 4 stories. Some expressed concern that mapping an R7A district at this location would conflict with goals of the neighborhood's previous public planning process, the 2009 Carroll Gardens/Columbia Street Rezoning, which resulted in R6B zoning mapped adjacent to the development site. Speakers stated that residential development at the scale of adjacent buildings would be developed and occupied quickly if it were allowed under zoning, and that higher density is not necessary to address concerns about vacant buildings.

Some speakers expressed concern that residential development at the density proposed could increase stress on existing resources, such as local schools and limited on-street parking, without providing neighborhood amenities or affordable housing. Five of the speakers expressed concern about additional residential density at this location due to the area's limited access to public transportation and hazardous traffic conditions at the corner of Hamilton Avenue.

Seven speakers stated that shadows from development that would be allowed under the proposed zoning would affect the neighborhood and the adjacent Backyard Garden. Neighbors and

individuals involved with management of the garden described it as an important community amenity designed to provide space for both planting and community activities, such as art displays and performances. Two speakers shared information about the garden's original design to maximize sunlight for growing food in the garden's eastern area adjacent to the proposed rezoning area, with the western tree-shaded portion reserved for community activities. The speakers stated that the garden could not be reconfigured to adjust for an increase in shade on the eastern horticultural portion.

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

Post-Hearing Correspondence

In response to concerns raised at the public hearing, the applicant provided materials to the Commission on January 24, 2019. In those materials, the applicant described dimensional constraints on the non-applicant-controlled lots within the rezoning area that would limit the height of future construction below the maximum allowed under R7A zoning and stated that R7A districts were commonly located adjacent to lower-density districts. The applicant's architect provided elevations and building programs for the applicant's site under alternative R6B and R6A zoning scenarios for comparison to the proposed development.

The applicant's architect also provided alternative shadow analyses for buildout of the rezoning area under R6B zoning and with present-day as-of-right development of a 35-foot building under M1-1 zoning. The applicant's land use attorney stated that the shadow studies indicate the eastern planted portion of the Backyard Garden would experience similar shadows resulting from adjacent buildout at an M1-1, R6B, or R7A scale.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 180294 ZMK), in conjunction with the related application (N 180295 ZRK), 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 15-079.

This action was determined to be consistent with the policies of the WRP.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 180294 ZMK), as modified herein, in conjunction with the related zoning text amendment (N 180295 ZRK), is appropriate.

The extension of residential and local commercial uses across this rezoning area is appropriate. These uses reflect both the historic mixed-use fabric of the Columbia Street Waterfront District and the existing conditions and uses allowed under recent Commission and BSA actions in the adjacent neighborhood. The area was developed with rowhouses and local commercial uses from the 1800s through the time it was mapped with the M1-1 zoning district in 1961. The manufacturing zoning designation resulted in vacancies in this area, as many narrow or otherwise constrained lots similar to the three lots in the proposed rezoning area could not be redeveloped to accommodate modern commercial or industrial facilities in accordance with zoning. Several rezoning actions, including the 2009 Carroll Gardens/Columbia Street Rezoning, have corrected misplaced manufacturing zoning and set height limits in line with existing medium-density rowhouse development by mapping contextual districts.

The mapping of a C2-4 overlay reflects the area's mixed-use character and will allow, but not require, local retail and services at this intersection that is close to activity from the nearby residential neighborhood and community garden as well as the commercial waterfront. Based on the area's history of uses and its present adjacency to a residential neighborhood, a community garden, and a public park, rezoning to ensure a future of residential, commercial, or community facility uses at this location, including a C2-4 overlay, is rational and appropriate.

The Commission acknowledges the concern of the Borough President and the testimony of area residents that the building bulk allowed under the proposed R7A zoning district could facilitate

development at a scale that is markedly out of context with the adjacent neighborhood. R7A allows buildings up to 95 feet (with a qualifying ground floor and MIH), which would be more than double the height of the recent adjacent contextual development on Summit Street. While the existing tunnel infrastructure across Hamilton Avenue provides some context of additional height, that building is distinctly set back from the street and located within the open space of the Harold Ickes Playground, which reduces the effect of its height.

Therefore, the Commission herein modifies this application to change the proposed R7A zoning district to an R6A district. The applicant discussed potential development under R6A regulations in its post-hearing follow-up materials, described above. R6A is a medium-density zoning district that allows buildings with FARs up to 3.0 (3.6 with MIH). Building heights are regulated by a required base height of 40-60 feet (65 feet with a qualifying ground floor or inclusionary housing), followed by a mandatory setback, and a maximum building height of 70 feet (75 feet with a qualifying ground floor) or 80 feet with MIH (85 feet with a qualifying ground floor). On the applicant's site, the Zoning Resolution's Transition Rule would limit building height to 55 feet under R6A zoning due to the site's adjacency with an R6B district. This zoning map amendment, as modified, would more likely facilitate the development of a five-story residential building of approximately 7,500 square feet that is approximately 50 feet tall, provide a 39-foot rear yard, and contain approximately five apartments, according to illustrative plans provided by the applicant team following the public hearing. On the non-applicant-controlled lots, totaling approximately 8,500 square feet in area, future development would not be expected to maximize height in the building envelope due to floor area limitations and irregular lot dimensions.

Under R6A/C2-4 zoning rules, the reduction in floor area and resultant height would reduce the anticipated extent of shadow compared to development under R7A rules, although some new shadows could still be expected compared to existing conditions. The Commission notes that the applicant has offered to assist the community group managing the Backyard Garden in reorientation of the garden or other preparation for new shadow extents if possible.

The Commission acknowledges that both the Borough President and area residents who testified at the Commission's public hearing recommended modification of the proposed zoning R7A

district to R6B to extend the existing midblock zoning. However, that is not possible because modifying this application to an R6B district would be outside of the scope of the application that was certified and subject to public review. More specifically, the current FAR for community facility uses in the M1-1 district is 2.4, while the FAR of R6B for community facility uses is 2.0, a reduction that was not subject to public review. Further, the R6A district allows development at a scale appropriate to the rezoning area's location and orientation, while the Transition Rule ensures appropriate stepdown to the existing midblock context.

The proposed zoning text amendment (N 180295 ZRK) is appropriate. As applied here, any residential developments, enlargements, and conversions of over 12,500 square feet or 10 units within the MIH area must provide permanently affordable housing or in-lieu payment consistent with the requirements of Option 1 or Option 2. The applicant has stated that dimensional constraints preclude development large enough to trigger MIH requirements on the 2,500-square-foot site. There is, however, potential for development that contributes to the city's critical stock of affordable housing on 79 Hamilton Avenue or under a possible assemblage of 75 and 79 Hamilton Avenue, where MIH could be triggered.

Regarding the recommendations by the Borough President that the applicant explore additional resiliency and sustainability measures, hire locally, and use minority- and women-owned businesses in contracting, the Commission notes that these measures are outside the scope of the proposed land use actions, but encourages the applicant to use best practices for building construction, management, and maintenance.

RESOLUTION

RESOLVED, that having considered the Revised Environmental Assessment Statement, for which a Revised Negative Declaration was issued on February 25, 2019 with respect to this application (CEQR No. 18DCP123K), the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, the City Coastal Commission finds that the 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 and 200 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 hereby amended by changing the Zoning Map, Section 16a:

1. changing from an M1-1 District to an R6A District property bounded by a line midway between Carroll Street and Hamilton Avenue, a line midway between Carroll Street and Summit Street, a line 350 feet westerly of Columbia Street, Summit Street, Hamilton Avenue, and a line perpendicular to the northeasterly street line of Hamilton Avenue distant 70 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Summit Street and the northeasterly street line of Hamilton Avenue; and
2. establishing within the proposed R6A District a C2-4 District bounded by a line midway between Carroll Street and Hamilton Avenue, a line midway between Carroll Street and Summit Street, a line 350 feet westerly of Columbia Street, Summit Street, Hamilton Avenue, and a line perpendicular to the northeasterly street line of Hamilton Avenue distant 70 feet northwesterly (as measured along the street line) from the point of intersection of the northerly street line of Summit Street and the northeasterly street line of Hamilton Avenue;

Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only) dated September 24, 2018, modified by the City Planning Commission on February 27, 2019, and subject to the conditions of CEQR Declaration E-504.

The above resolution (C 180294 ZMK), duly adopted by the City Planning Commission on February 27, 2019 (Calendar No. 17), 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.

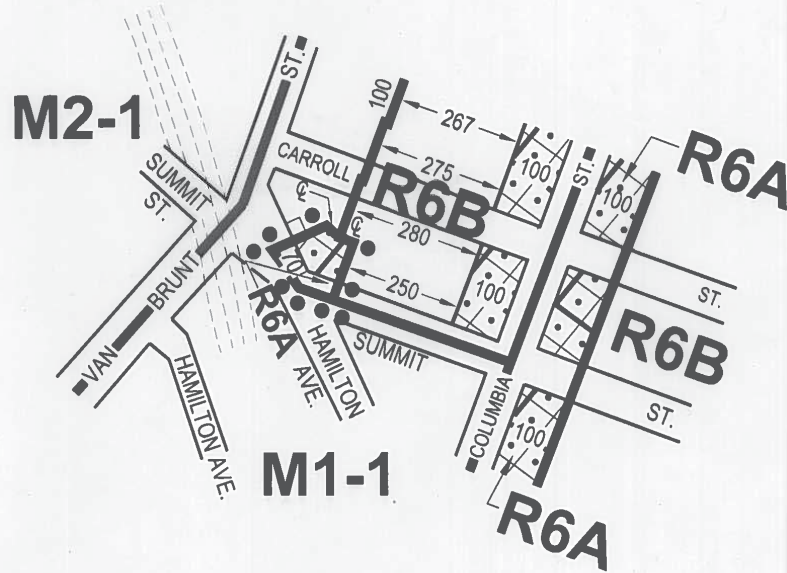
MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, *Esq.*, *Vice-Chairman*

ALLEN CAPPELLI, *Esq.*, **ALFRED C. CERULLO, III**, **HOPE KNIGHT**,
ORLANDO MARIN, **LARISA ORTIZ**, **RAJ RAMPERSHAD**, *Commissioners*

ANNA HAYES LEVIN, *Commissioner*, *Abstaining*

MICHELLE DE LA UZ, *Commissioner*, *Recused*



CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
16a

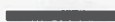


BOROUGH OF
BROOKLYN

[Signature]
 S. Lenard, Director
 Technical Review Division

New York, Certification Date:
 SEPTEMBER 24, 2018
 Modified by CPC:
 FEBRUARY 27, 2019



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by changing an existing M1-1 District to an R6A District and by establishing a C2-4 District within the proposed R6A District.
-  Indicates a C2-4 District.



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **80294 ZMK**

Project Name: **41 Summitt Street**

CEQR Number:

Borough(s): Brooklyn

Community District Number(s): Brooklyn, 6

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

Brooklyn Community Board 6 took action on a on a recommendation from our Landmarks committee regarding an application to the Department of City Planning for 41 Summit Street, along with, 75 and 79 Hamilton Avenue, to be rezoned from an M1-1 district to an R7A/C2-4 district in order to facilitate development of a seven-story residential building at 41 Summit Street.

41 Summit Street & 75 and 79 Hamilton Avenue, Brooklyn, NY 11231

Application Disapproved.

The disapproval was ratified with a vote of twenty-eight Yeas, zero Nays, and one Abstention.

Applicant(s):		Applicant's Representative:	
Recommendation submitted by: Brooklyn Community Board 6			
Date of public hearing: October 25, 2018		Location: PS 15 Auditorium 71 Sullivan Street Brooklyn, NY 11231	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: November 14, 2018		Location: 78th Precincy	
RECOMMENDATION			
<input type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions		
<input checked="" type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions		
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting			
# In Favor: 28	# Against:	# Abstaining:	Total members appointed to the board: 48
Name of CB/BB officer completing this form		Title	Date
Michael Racioppo		District Manager	1/5/2019



THE CITY OF NEW YORK COMMUNITY BOARD SIX

Eric Adams
Borough President

Sayar Lonial
Chairperson

Craig Hammerman
District Manager

November 20, 2018

Marisa Lago, Chair
Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271

Dear Chairperson Lago:

I am writing to advise you that at its November 14th 2018 General Board Meeting, Brooklyn Community Board 6 took action on a on a recommendation from our Landmarks committee regarding an application to the Department of City Planning for 41 Summit Street, along with, 75 and 79 Hamilton Avenue, to be rezoned from an M1-1 district to an R7A/C2-4 district in order to facilitate development of a seven-story residential building at 41 Summit Street.

41 Summit Street & 75 and 79 Hamilton Avenue, Brooklyn, NY 11231

Application Disapproved.

The disapproval was ratified with a vote of twenty-eight Yeas, zero Nays, and one Abstention.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Sayar".

Sayar Lonial
Chairperson



Email/Fax Transmittal

TO: Brooklyn Community District 6 (CD 6) Distribution	FROM: Brooklyn Borough President Eric L. Adams
DATE: January 14, 2019	CONTACT: Inna Guzenfeld – Land Use Coordinator Phone: (718) 802-3754 Email: iguzenfeld@brooklynbp.nyc.gov
ULURP Recommendation: 41 SUMMIT STREET REZONING – 180294 ZMK, 180295 ZRK	NO. Pages, Including Cover: 7

Attached is the recommendation report for ULURP application 180294 ZMK, 180295 ZRK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

Distribution

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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 – 180294 ZMK, 180295 ZRK

Applications submitted by 41 Summit Street, LLC pursuant to Sections 197-c and 201 of the New York City Charter for zoning map and text amendments to change from an M1-1 to an R7A district a portion of a block bounded by Carroll, Columbia, and Summit streets, and Hamilton Avenue, in Brooklyn Community District 6 (CD 6), establish a C2-4 commercial overlay within the R7A zone, and designate the project area a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of a 10,000 square feet (sq. ft.) seven-story residential building with seven units. No accessory parking spaces would be provided as part of the development.

BROOKLYN COMMUNITY DISTRICT NO. 6

BOROUGH OF BROOKLYN

RECOMMENDATION

- APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

- DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

January 14, 2019

DATE

RECOMMENDATION FOR: 41 SUMMIT STREET REZONING – 180294 ZMK, 180295 ZRK

41 Summit Street, LLC submitted applications pursuant to Sections 197-c and 201 of the New York City Charter for zoning map and text amendments to change from an M1-1 to an R7A district a portion of a block bounded by Carroll, Columbia, and Summit streets, and Hamilton Avenue, in Brooklyn Community District 6 (CD 6), establish a C2-4 commercial overlay within the R7A zone, and designate the project area a Mandatory Inclusionary Housing (MIH) area. Such actions would facilitate the development of a 10,000 square foot (sq. ft.) seven-story residential building with seven units. No accessory parking spaces would be provided as part of the development.

On November 27, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on these zoning map and text amendments. There were twenty-one speakers in opposition to the item, representing neighborhood residents who expressed concerns about the following issues: the potential adverse impacts on the Backyard Community Garden and neighboring properties, the scale of the development with regard to prevailing density on the block, the lack of affordable housing in the proposal, and the compatibility of the rezoning with the adjacent R6B zoning district.

In response to Borough President Adams' inquiry as to how the applicant would respond to community residents concerned with the proposed height if the neighboring Chase Bank building property is redeveloped with the resulting impact on the Backyard Community Garden, the applicant's representative referenced the project's shadow study, which examined the potential shading impacts of buildings that would be constructed under the as-of-right and rezoning scenarios. The representative noted that under either scenario, the garden would not receive substantial shade in the afternoon and expressed a willingness to discuss compensatory mitigation measures, such as special lighting that would extend the garden's growing period.

In response to Borough President Adams' inquiry as to what consideration was given to participating in the City's affordable housing fund pursuant to obtaining the requested rezoning, the representative noted that other developers in the area have made such arrangements and expressed that the applicant would be open to such a discussion with Council Member Brad Lander.

In response to Borough President Adams' inquiry as to what consideration was given to extending the existing R6B district to the applicant's property rather than propose an R7A designation that necessitated the inclusion of the adjacent property, elevating community concerns, the applicant stated that the R7A zoning reflects the proposed development's location on the block in proximity to Hamilton Avenue, a street in which the proposed rezoning has substantial frontage, as well as the less residential context of manufacturing buildings and open space located across the street.

In response to Borough President Adams' inquiry regarding the incorporation of sustainable features such as blue, green, or white roof coverings, passive house design, permeable pavers, rain gardens, and/or solar panels, the representative expressed that the applicant would consider installing a green roof on the limited roof space, and discuss other measures with the architect.

In response to Borough President Adams' inquiry regarding the inclusion and participation of Minority- and Women-Owned Business Enterprises (MWBEs) and Locally-Owned Business Enterprises (LOBEs) in the construction process, the representative stated that the applicant is a local developer and is open to participating in MWBE hiring.

Subsequent to the hearing, Borough President Adams met with local residents on December 6, 2018, regarding their concerns about the proposed development. The residents expressed the view that the rezoning undermines the existing R6B fabric of the area without providing public benefit to the neighborhood. They expressed that the R6B district should be extended to the area proposed to be

rezoned. On December 10, 2018, the residents provided Borough President Adams with a petition stating opposition to the project, with approximately 150 signatories from the community.

Consideration

Brooklyn Community Board 6 (CB 6) disapproved this application on November 14, 2018.

The proposed zoning map and text amendments would affect a 2,500 sq. ft. development lot at 41 Summit Street, and two non-applicant lots at 75 and 79 Hamilton Avenue, with a total area of 7,977 sq. ft. The indicated seven-story building would not be required to provide affordable housing pursuant to MIH. According to New York City Zoning Resolution (ZR) Section 23-154, developments of up to 10 dwelling units and 12,500 sq. ft. of residential floor area are exempt from MIH regulations. Such developments are also not required to participate in New York City Department of Housing Preservation and Development (HPD)'s affordable housing fund, which accepts contributions in-lieu of providing affordable housing, and earmarks such payments for use within the same community district.

The area proposed for rezoning is currently zoned M1-1, and does not permit new residential development. The developer's site, 41 Summit Street, is occupied by a two-story, 3,500 sq. ft. warehouse that has been vacant for several years. The additional properties to be rezoned include 75 and 79 Hamilton Avenue. 75 Hamilton Avenue is improved with a three-story, 2,400 sq. ft. mixed-use building with a commercial ground-floor and two non-conforming residential units above. 79 Hamilton Avenue contains a two-story, 4,300 sq. ft. bank building and an accessory parking lot. This site is owned by Chase Bank, and has been operated as such for several decades. While it has been represented that the 41 Summit Street development would not contain commercial use, the proposed rezoning includes a C2-4 overlay as a means to retain legal-conforming use status for the commercial ground floors at 75 and 79 Hamilton Avenue.

The intended rezoning area is located on the southern edge of the Columbia Street Waterfront District, delineated by Hamilton Avenue. The neighborhood is defined by a mix of residential and commercial uses, with some extant warehousing activity. In recent years, the area has transitioned from light manufacturing to residential use. The residential fabric is generally older row houses with some new contextual development, generally built to three stories. Such buildings share side and rear property boundaries with the area proposed to be rezoned. Higher-density buildings of five to seven stories have been built nearby along and east of Columbia Street, and further north, such taller buildings are along the Brooklyn-Queens Expressway, opposite Lower Van Voorhees Playground and Tiffany Place. There are a number of underutilized and vacant lots in the neighborhood, some of which are owned and designated for affordable housing development by HPD. The neighborhood has several community gardens, including the Backyard Community Garden, which abuts 75 Hamilton Avenue.

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. The rezoning was intended to prevent out-of-scale development by limiting height and bulk in a predominantly low-rise neighborhood. The areas along Summit Street, including lots adjacent to 41 Summit Street, were subsequently rezoned as an enlargement of the R6B district established in 2009. The property adjacent to 41 Summit Street has been recently developed to four stories.

The proposed R7A MIH zoning district permits a maximum floor area ratio (FAR) of 4.6 and a height of up to 95 feet, provided that the height of the second floor is at least 13 feet above the sidewalk. However, as the 41 Summit Street property does not extend beyond 25 feet of the adjacent proposed R7A/R6B zoning district boundary line, development at 41 Summit Street would be restricted to a maximum building height of 65 feet, excluding its bulkhead.

If rezoned to R7A/MIH, the two non-applicant sites on Hamilton Avenue could be redeveloped individually or combined into a single zoning lot. Under the first scenario, the 1,842 sq. ft. 75 Hamilton Avenue lot would produce a development of less than 10,000 sq. ft., which would be exempt from MIH regulations, while the 6,135 sq. ft. Hamilton Avenue lot would yield approximately 28,220 sq. ft., which would trigger MIH development on site comprising approximately eight to 10 units. Depending on the selection of MIH Option 1, which sets aside 25 percent of residential floor area for households at an average of 60 percent AMI, or MIH Option 2, which sets aside 30 percent of residential floor area for households at an average of 80 percent AMI) if the provided residential floor area were at least 25,000 sq. ft.; if more than 3,220 sq. ft. of the ground floor were utilized for commercial development then there would be an option of an in-lieu contribution to the affordable housing fund. Neither building would be expected to provide parking, as they would not result in enough market-rate units to trigger the parking requirement under R7A zoning. In the combined development scenario, the two lots would generate over 36,000 sq. ft. of floor area, which could be developed as fully residential, or inclusive of ground-floor commercial floor area. Under MIH Options 1 or 2, such a project could yield approximately 11 to 13 residential units, though these numbers would be slightly reduced to the extent that the ground floor would be designed to accommodate commercial use. A combined development would also likely waive the parking requirement by not exceeding 30 market-rate housing units.

Where residential development would be at least 12,500 sq. ft., though less than 25,000 sq. ft., according to the option to provide a direct payment in lieu of including permanent affordable housing floor area on site, HPD would have an opportunity to utilize this financial contribution to advance other affordable housing opportunities within CD 6 including on its portfolio of City-owned sites. While there is no timeline for the development of 75 and 79 Hamilton Avenue, there might be an opportunity to utilize such funds for the anticipated Columbia Street New Infill Homeownership Opportunities Program (NIHOP) scattered sites or as part of the pending New York City Housing Authority (NYCHA) NextGen Wyckoff Houses site. If development of the Hamilton properties would not occur in time for any realized contribution to the affordable housing fund, future alternatives for utilizing funds might be available as part of the awaited Gowanus Green/Public Place development or other NextGen sites that might be conceived at the other NYCHA developments within CD 6.

Borough President Adams supports the redevelopment of underutilized land and vacant properties for productive uses, including permanent affordable housing. However, he has concerns regarding the appropriateness of mapping the proposed R7A density and height at this location. In addition, he calls on the developer to implement resilient and sustainable measures at the site, and promote job creation through local and MWBE hiring, consistent with his policies.

Appropriate Zoning

Moving beyond the antiquated manufacturing district designation for this site includes considering the proposed rezoning as well as anticipating a subsequent zoning map change request north of Hamilton Avenue. The appropriateness of establishing an R7A zoning district designation should not merely be based on proximity to wide streets but also access to adequate transit options. The area is, in fact, not well-served by public transportation, which is a perennial quality of life concern in the community. The closest subway stop is at Smith-9th Street, which is served by the Sixth Avenue Local F and the Brooklyn-Queens Crosstown Local G trains. Local residents rely on the B61 bus, which runs along Columbia Street for connections to Downtown Brooklyn and other subway service options. In recent years, the area has gained new ferry service to Lower Manhattan, located at the Atlantic Basin, several blocks southwest of Summit Street. However, the community has been unsuccessful in reinstating the B77 bus, which was curtailed in 2010 due to budget cuts.

An additional public policy concern is the inadequacy of realized public benefit of the requested rezoning. As opposed to a more modest rezoning, such as changing an R6A (3.6 FAR) to R7A (4.6 FAR), upzoning from an M1-1 district with no residential FAR to an R7A/MIH district with its maximum 4.6 FAR results in a windfall of development rights beyond the standard public benefits attributed to MIH. Were R7A to be appropriate density, the ZR lacks leverage to induce a sufficient amount of affordable housing floor area as a corresponding public benefit, proportionate to the increase in floor area. As such, when compared to an upzoning that provides a smaller increase in development rights, the proposed rezoning would substantially enrich resulting development sites with market-rate floor area without the opportunity to derive an appropriate degree of public benefit (such as affordable housing) from the non-applicant properties. Moreover, given that these lots are not held in common ownership, there is no guarantee that any residential floor area that would result from the redevelopment of 75 Hamilton Avenue would advance affordable housing.

Borough President Adams shares the concern expressed by local residents regarding likely shading impacts on a portion of the Backyard Community Garden based on what would be the permitted height at 75 and 79 Hamilton Avenue, should the requested R7A zoning be approved. Additionally, he agrees that such development, even when regulated by the proximity to the R6B boundary, permits heights that are not in context with the intent of the 2009 rezoning and more recent enlargements of the R6B zoning district.

Given the issues expressed above, Borough President Adams believes the application before him does not, on its own, merit the requested upzoning to nine stories. Given that the surrounding area contains various lower-density contextual districts, he believes that in lieu of the proposed R7A/MIH residence district, including the C2-4 commercial overlay, the existing M1-1 manufacturing district should be rezoned to restrict development to five stories.

Therefore, The City Council and/or City Planning Commission should approve a change of the M1-1 to R6B/C2-4.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability (Mayor's Office of Sustainability), the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) at each project site. Such modifications tend to increase energy efficiency and reduce a development's carbon footprint. Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to incorporate permeable pavers and/or establish bioswales that advance the New York City Department of Environmental Protection's (DEP) green infrastructure strategy. Blue/green roofs, permeable pavers, and rain gardens would deflect stormwater from the City's water pollution control plants. According to the "New York City Green Infrastructure 2017 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous economic, environmental, and social co-benefits.

Borough President Adams believes it is appropriate for the developer to engage government agencies such as the Mayor's Office of Sustainability, NYSERDA, and/or NYPA, to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per square foot of green roof, up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the developer to reach out to his office for any help in opening dialogue with the aforementioned agencies and to further coordinate on this matter.

41 Summit Street offers opportunities to explore resiliency and sustainability measures such as incorporating blue/green/white roof finishes, passive house construction principles, rain gardens, and solar panels in the development.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, in writing, from 41 Summit Street, LLC to memorialize exploration of additional resiliency and sustainability measures such as incorporating blue/green/white roof treatment, passive house construction principles, rain gardens, and solar panels in the development.

Jobs

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses including those that qualify as LBE and MWBE is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBEs who meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments in writing from the applicant, 41 Summit Street, LLC to memorialize retention of Brooklyn-based contractors and subcontractors, especially those that are designated Locally-Owned Business Enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code and Minority- and Women-Owned Business Enterprises (MWBE) as a means to meet or exceed standards per Local Law 1 (no less than 20 percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission and City Council approve this application with the following conditions:

1. That in lieu of the proposed R7A/MIH residence district, the replacement of the existing M1-1 manufacturing district, including the proposed C2-4 commercial overlay, shall be a R6B residence district.
2. That prior to considering the application, the City Council obtain commitments in writing from the developer, 41 Summit Street, LLC, that clarify how it would memorialize the extent that it would:
 - a. Explore additional resiliency and sustainability measures such as incorporating bioswales, blue/green/white roof treatment, passive house construction principles, and solar panels in the development
 - b. Retain Brooklyn-based contractors and subcontractors, especially those that are designated Local Business Enterprises (LBE) consistent with section 6-108.1 of the City's Administrative Code and Minority- and Women-Owned Business Enterprises (MWBE) as a means to meet or exceed standards per Local Law 1 (no less than 20

percent participation), as well as coordinate the oversight of such participation by an appropriate monitoring agency