41 SUMMIT STREET REZONING
APRIL 9, 2020

1. INTRODUCTION

The applicant, 41 Summit Street, LLC, seeks a zoning map amendment to rezone 41 Summit Street, Block 352, Lot 60 and p/o Lot 1, (the "Proposed Project Area"), in the Columbia Street Waterfront District of Brooklyn within Community District 6, from an M1-1 zoning district to an R6B zoning district. The proposed zoning map amendment will facilitate the development of a Use Group ("UG") 2 four-story plus cellar residential building with a total floor area of approximately 5,000 square feet (2.0 FAR) and four dwelling units at 41 Summit Street , Block 352, Lot 60 (the "Proposed Development Site").

2. BACKGROUND

The area surrounding the Proposed Development Site has been subject to a number of land use approvals which have facilitated residential development and have brought existing residential and commercial uses into conformance.

The Carroll St Rezoning application (C 060018 ZMK), approved by the City Planning Commission ("CPC") on February 28, 2007, and adopted by the City Council on March 28, 2007, rezoned two lots on the north side of Carroll Street, between Columbia Street and Van Brunt Street, from an M1-1 zoning district to an R6 zoning district to facilitate the construction of two, four-unit residential buildings on Block 347, Lots 48 and 49.

The 45 Summit Street Rezoning application (C 060477 ZMK), approved by the CPC on September 19, 2007, and adopted by the City Council on October 29, 2007, rezoned four lots on the north side of Summit Street, between Columbia Street and Hamilton Avenue, from an M1-1 zoning district to an R6 zoning district to facilitate the construction of a 35-unit residential building on Block 352, Lot 53.

The Carroll Gardens & Columbia Street Rezoning application (C 090462 ZMK), approved by the CPC on September 23, 2009, and adopted by the City Council on October 28, 2009, rezoned an approximately 86 block area of the Carroll Gardens and Columbia Street neighborhoods from an R6 zoning district to contextual zoning districts, including R6A, R6B, and R7A districts, to preserve the neighborhood character and scale. This rezoning also established C2-4 overlays along Columbia Street to support and promote the local, vibrant retail corridors, while protecting the residential character of the nearby side streets.

The Carroll Street Rezoning application (C 090225 ZMK), approved by the CPC on March 16, 2011, and adopted by the City Council on April 29, 2011, rezoned two lots on the north side of Carroll Street, between Columbia Street and Van Brunt Street, from an M1-1 zoning district to an R6B zoning district to facilitate the construction of an 8-unit residential building on Block 347, Lot 50.

The 20-30 Carroll Street Rezoning application (C 110118 ZMK), approved by the CPC on March 16, 2011, and adopted by the City Council on April 29, 2011, rezoned six lots on the south side of Carroll Street, between Columbia Street and Van Brunt Street, from an M1-1 zoning district to an R6B zoning district to bring existing residential structures into conformance and compliance.

The 14-18 Carroll Street Rezoning application (C 150360 ZMK) sought to rezone three vacant lots on the south side of Carroll Street, between Columbia Street and Van Brunt Street, from an M1-1 zoning district to an R6B zoning district. This application entered the public review process but was subsequently disapproved by the City Council.

The 55-63 Summit Street Rezoning application (C 170047 ZMK, N170046 ZRK), approved by the CPC on July 25, 2018, and adopted by the City Council on September 12, 2018, rezoned several parcels located on the subject block on the north side of Summit Street between Columbia and Van Brunt Streets, located just east of the Proposed Project Area, from an M1-1

zoning district to an R6B zoning district and mapped a MIH Designated Area to facilitate the construction of a new five-story residential and community facility building on Block 352, Lots 48, 49, 50, 51, and 52.

The 41 Summit Street rezoning application (C 180294 ZMK, 180295 CRK) approved by the CPC on February 27, 2019, sought to rezone Block 352, Lots 60, 1 and 3 from an M1-1 zoning district to an R6A/C2-4 zoning district and map a MIH Designated Area. This application was subsequently withdrawn during the ULURP process.

In addition, the Board of Standards and Appeals ("BSA") has issued land use approvals in the area surrounding the Proposed Project Area. On December 11, 2007, the BSA granted a variance pursuant to ZR § 72-21, under BSA Cal. No. 33-07-BZ, to allow the conversion of the upper four floors of an existing five-story manufacturing building at 25 Carroll Street (Block 347, Lot 54) to residential use. On September 13, 2005, the BSA granted a variance pursuant to ZR § 72-21, under BSA Cal. No. 302-04-BZ, to permit the construction of a residential building on a vacant lot, located in am M1-1 zoning district, at 40 Woodhull Street (Block 363, Lot 20). On April 8, 2008, the BSA granted a variance pursuant to ZR § 72-21, under BSA Cal. No. 311 thru 313-06-BZ, to allow the construction of three, four-story residential buildings with a total of six dwelling units at 300/302/304 Columbia Street (Block 357, Lots 38, 39, 40), located in an M1-1 zoning district.

3. DESCRIPTION OF THE SURROUNDING AREA

The Proposed Project Area is located in the Columbia Street Waterfront District of Brooklyn within Community District 6.

Zoning

The area within a 600-foot radius of the Proposed Development Site (the "Surrounding Area") is zoned M1-1, M2-1, R6A/C2-4, R6B, and R6B/C2-4.

M1-1 districts are manufacturing districts which permit light industrial uses, including woodworking shops, repair shops, and wholesale service and storage facilities. All permitted industrial uses must meet M1 performance standards. Within an M1-1 district, the maximum permitted Floor Area Ratio ("FAR") is 1.0 for industrial and commercial uses and 2.4 for certain community facility uses.

M2-1 districts are manufacturing districts which occupy the middle ground between light and heavy industrial uses. Industrial uses are permitted within M2 districts; however, hotels and certain commercial uses, as well as community facility uses are prohibited. Within an M2-1 zoning district, the maximum permitted FAR is 2.0.

C2-4 districts are commercial overlay districts mapped within residence districts along streets that serve local retail needs. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 districts permit a slightly wider range of uses than C1 districts, including funeral homes and repair services. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When commercial overlays are mapped in R1 through R5 districts, the maximum commercial FAR is 1.0; when mapped in R6 through R10 districts, the maximum commercial FAR is 2.0.

R6A districts are contextual residential districts where the Quality Housing bulk regulations are mandatory. These regulations produce high lot coverage, six- or seven-story apartment buildings set at or near the street line. The maximum FAR in an R6A district is 3.0, or 3.6 with inclusionary housing. Above a maximum base height of 60 feet, a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street, before rising to a maximum height of 70 feet. Off-street parking is required for 50% of all dwelling units, or can be waived if five or fewer spaces are required.

R6B districts are also contextual districts where the Quality Housing bulk regulations are mandatory. With a maximum permitted FAR of 2.0, or 2.2 with inclusionary housing, R6B

districts typically consist of four- to five-story apartment buildings and four-story attached buildings. The base height must be between 30 and 40 feet, a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street, and the maximum permitted height is 50 feet. Off-street parking is required for 50% of all dwelling units, or can be waived if five or fewer spaces are required.

Land Uses and Prevailing Built Form

The land uses with the Surrounding Area consist of a wide variety of uses including industrial/manufacturing, commercial, and both conforming and non-conforming residential uses including single- and multi-family residential building. There are also several parks, community gardens and vacant lots located within the Surrounding Area.

The prevailing built form in the area to the south, west and northwest of the Proposed Project Area generally consists of one- and two-story industrial/manufacturing and transportation/utility buildings, vacant land, and two- to four-story residential and mixed-use residential and commercial buildings within the area's M1-1 and M2-1 zoning districts. The area to the north, northeast and east of the Proposed Development Site generally consists of one-, two- and multi-family family residential buildings and mixed-use residential and commercial buildings ranging from two to five stories within the area's R6A/C2-4, R6B, and R6B/C2-4 zoning districts.

Columbia Street serves as a local retail corridor with ground-floor commercial uses and residences above. Two five- and seven-story multi-family residential elevator buildings are also located with the Surrounding Area, with the five-story building located on the north side of Carroll Street, between Columbia Street and Van Brunt Street, and the seven-story building located on Columbia Street between Carroll Street and President Street.

There are also a few properties owned and operated by the NYC Department of Parks and Recreation, including Mother Cabrini Park, Harold Ickes Playground and Backyard Garden, a community garden located to the west of the project area on Block 352. One block to the west is the Red Hook Container Terminal, an intermodal freight terminal operated by the Port Authority of New York and New Jersey (PANYNJ).

Mass Transit

The Proposed Project Area is located near the Gowanus Expressway and the entrance to the Hugh L. Carey Tunnel. The Surrounding Area is also accessible by bus service. The B61 line, which runs between Downtown Brooklyn and South Park Slope, stops directly on Columbus Street, one block northeast of the Proposed Project Area, at the Columbia Street/Carroll Street stop. The F and G subway lines are located approximately one-half mile from the Proposed Project Area.

Other Zoning Designations

The Surrounding Area is also located within a FRESH Program area that provides discretionary tax incentives.

4. DESCRIPTION OF THE PROPOSED PROJECT AREA

The Proposed Project Area consists of 41 Summit Street and a portion of 79 Hamilton Avenue, Block 352, Lot 60 and p/o Lot 1, in the Columbia Street Waterfront District of Brooklyn Community District 6. The Proposed Project Area is zoned M1-1, a low-density light industrial district with a maximum permitted FAR of 1.0 for commercial and industrial uses.

41 Summit Street (Lot 60), the Proposed Development Site, is applicant controlled. Lot 60 has a total lot area of 2,500 square feet and is improved with a former two-story light industrial (warehouse) building with a total floor area of approximately 3,500 square feet (1.40 FAR). The existing building located on Lot 60 is currently vacant and has been vacant for approximately four years.

79 Hamilton Avenue (Lot 1) has a lot area of approximately 6,135 square feet and is improved with a two-story commercial building (bank) with a total floor area of approximately 4,300 square feet (0.70 FAR), and an accessory commercial parking lot.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Proposed Development Site is 41 Summit Street, Block 352, Lot 60. The Proposed Development Site is an interior lot located approximately 53 feet east of the corner of the intersection formed by Summit Street and Hamilton Avenue. The Proposed Development Site has a lot width of 25 feet, a depth of 100 feet, and a total lot area of 2,500 square feet. The Proposed Development Site is improved with a former two-story light industrial building (warehouse) with a total floor area of approximately 3,500 square feet (1.40 FAR) and a total height of 26'-6". The existing building located on Lot 60 is currently vacant and has been vacant for approximately four years. The Proposed Development Site does not provide any accessory parking spaces or open space. A curb cut is located along Summit Street.

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed rezoning will facilitate the development of a UG 2 four-story plus cellar residential building with approximately 5,000 square feet of floor area (2.0 FAR) and a total of four dwelling units at the Proposed Development Site. The Proposed Development will be built to the street line, conterminous with the street wall of the existing building located on Lot 1, will provide an approximately 49-foot rear yard, and will rise to a total height of 40'-0" with no setback. The Proposed Development will not provide any parking spaces, as pursuant to ZR § 25-241 the minimum required parking spaces for the Proposed Development is two spaces, and these spaces are waived pursuant to ZR § 25-261 as less than 15 spaces are required.

The Proposed Development is consistent with the built character of the Surrounding Area. As shown on the Area Map, the neighborhood surrounding the Proposed Development Site is mixed-use and increasingly residential in nature, with residential use located directly adjacent to the Proposed Development Site to the east, and residential and mixed-residential and commercial buildings as the primary built form to the north and east.

6. ACTION NECESSARY TO FACILITATE THE PROPOSAL

The action necessary to facilitate the proposal is a zoning map amendment to rezone the Proposed Project Area from an M1-1 zoning district to an R6B zoning district.

This application seeks to rezone the Proposed Project Area from an M1-1 zoning district to an R6B zoning district. R6B districts are contextual residential zoning districts designed to encourage the development of Quality Housing buildings with a maximum permitted FAR of 2.0, or 2.2 with inclusionary housing. The proposed zoning map amendment will extend the existing R6B zoning district over the Proposed Project Area, rationalizing the existing R6B zoning district boundary by making it coterminous with the existing boundary line located to the north. The proposed zoning map amendment will facilitate residential use within the Proposed Project Area consistent with existing uses on the subject block and at a scale consistent with the built character of the neighborhood, while eliminating a light manufacturing use which is inconsistent with existing uses on the subject block.

As discussed above, several rezonings and BSA variances have been approved within the Surrounding Area to facilitate new residential development and bring existing residential uses into conformance. Extension of the existing R6B district over the Proposed Project Area is (1) consistent with the goals of the Carroll Gardens/Columbia Street Rezoning, as well as the recently-approved 55-63 Summit Street Rezoning, (2) will maintain the context of the surrounding three- to four-story built character, and (3) will match the immediately-surrounding residential uses.

The proposed rezoning to an R6B zoning district will enable the applicant to develop the Proposed Development Site, an underutilized, vacant site, with a residential building consistent with the built character of the Surrounding Area and of similar bulk and height as the adjacent residential buildings. The proposed four-story residential building with 5,000 square feet of floor area (2.0 FAR) is consistent with the built character of the neighborhood as well as the built character of the subject block.

7. CONCLUSION

As discussed above, 41 Summit Street, LLC proposes a zoning map amendment to rezone the Proposed Development Site from an M1-1 zoning district to an R6B zoning district. The proposed zoning map amendment will facilitate the construction of a new four-story plus cellar residential building with four dwelling units at the Proposed Development Site.