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of this application was approved by the City Planning Commission (CPC) on February 27, 2019, but was subsequently withdrawn during the ULURP process due to community opposition against the proposed R7A/C2-4 district.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 refiling due to scoping concerns.