



July 25, 2018 / Calendar No. 16

C 170047 ZMK

IN THE MATTER OF an application submitted by PHD Summit LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, changing from an M1-1 district to an R6B district property bounded by a line 200 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 100 feet northwesterly of Columbia Street and Summit Street, Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only) dated February 26, 2018, and subject to the conditions of CEQR Declaration E-466.

This application for a zoning map amendment of the Zoning Map was filed by PHD Summit LLC on August 5, 2016 to change an M1-1 zoning district to an R6B zoning district on five adjacent lots (Block 352, Lots 48, 49, 50, 51, and 52) on the north side of Summit Street between Columbia and Van Brunt streets. This application, in conjunction with the related action, would facilitate a residential development at 55-61 Summit Street in the Columbia Street Waterfront neighborhood of Community District 6, Brooklyn.

RELATED ACTION

In addition to the zoning map amendment (C 170047 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 170046 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 R6B zoning district on five adjacent lots (Block 352, Lots 48, 49, 50, 51, and 52) on the north side of Summit Street between Columbia and Van Brunt streets in Brooklyn Community District 6. The project site is in an area of the Columbia Street Waterfront neighborhood that is generally bounded by the New York Harbor

waterfront to the west, the Brooklyn–Queens Expressway to the east, the Toll Plaza and Portals to the Brooklyn–Battery Tunnel to the south, and Atlantic Avenue to the north.

The proposed rezoning area, located at 55-63 Summit Street, consists of five adjacent midblock lots, each 100 feet deep with approximately 20 feet of frontage on Summit Street, totaling approximately 10,000 square feet. The applicant’s proposed development site consists of four lots at 55-61 Summit Street (Block 352, Lots 49, 50, 51, and 52). These lots are currently vacant (Lots 51 and 52) or improved with a one-story unoccupied commercial building (Lots 49 and 50). The easternmost lot in the proposed rezoning area (Lot 48) consists of a one-story, automotive-related building and surface parking lot.

The neighborhood around the proposed rezoning 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, four- to seven-story apartment buildings. The majority of the area’s commercial uses line its principal retail corridor, Columbia Street. These are mostly ground floor retail uses in attached mixed-use (residential–commercial) buildings three to four stories high. 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 area’s 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. This area includes nonconforming residential uses, including properties directly to the south of the proposed rezoning area.

The rezoning area is bordered on three sides by an R6B zoning district, a medium-density district that allows buildings with FARs up to 2.0 (2.2 with MIH) and a 50-foot height limit (55 feet if meeting the qualifying ground floor condition, in which the start of the second story is 13 feet or more above the level of the sidewalk). C2-4 commercial overlay zoning districts are mapped along Columbia Street to a depth of 100 feet. 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. An M2-1 district, which allows an FAR of up to 2.0, is mapped on the west side of Van Brunt Street along the area's waterfront.

The rezoning area is moderately well 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 located 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 from the Greenpoint to Bay Ridge neighborhoods.

Scattered throughout the surrounding area are a number of community gardens and parks. A community garden known as The Backyard occupies a portion of the subject block fronting on

Hamilton Avenue (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 Columbia Street Urban Renewal Area (URA) (C 080115 HUK) is close to the rezoning area but does not include the subject sites of this application. The Columbia Street URA regulations are scheduled to expire in September 2019.

Since the late 1800s, the five 20- by 100-foot tax lots within the proposed project area (Lots 48-52) 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 neighborhood corridor. Through the 1970's, 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 1980's and mid-2000's, 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, the block immediately to the north, have been the subject of several zoning changes and Board of Standards and Appeals (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), adjacent to the area proposed for rezoning in this application, 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 a portion of the subject block (Lot 53) 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 December 2007, the BSA granted a variance (BSA Cal. No.: 33-07-BZ) to permit the conversion of the upper floors of an existing five-story manufacturing building in an M1-1 zoning district to residential use, affecting the building at 25 Carroll Street (Block 347, Lot 54).

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 established R6B as the prevailing zoning district in the area.

In April 2011, two zoning map amendments affecting both the southerly and northerly sides of Carroll Street were approved: first, 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 second, an extension of the R6B district along the south side of Carroll Street (C 110118 ZMK) 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 brought the R6B zoning district boundary to the easterly end of the development site.

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 CPC on November 16, 2016, but subsequently denied by the City Council.

The applicant proposes to develop a five-story mixed-use building with approximately 17,600 square feet of floor area comprising 14 residential units, including four permanently affordable units, and ground floor community facility space. As proposed, the development would include a qualifying ground floor and to rise to 55 feet with a 15-foot setback at the fifth floor level. The building would also include approximately 450 square feet of ground floor community facility

space, as well as off-street parking for five cars. The development would include a 30-foot rear yard.

The proposed zoning map amendment would map an R6B district over the rezoning area. R6B districts allow buildings with FARs up to 2.0, or 2.2 with MIH, and generally yield attached homes or small apartment houses. Building heights are regulated by a required base height of 30-40 feet, followed by a mandatory 10- or 15-foot setback (for wide or narrow streets, respectively), and a maximum building height of 50 feet, or 55 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 60 percent for interior and through lots, and 80 percent for corner lots. Off-street parking is required in R6B districts for 50 percent of all dwelling units, except for income-restricted housing units.

The proposed zoning text amendment would designate an MIH area mapped with Options 1 and 2 coterminous with the rezoning area. 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 170047 ZMK), in conjunction with the application for the related action (N 170046 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 agency is the City Planning Commission. The designated CEQR number is 18DCP072K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on February 26, 2018.

The Negative Declaration includes an (E) designation (E-466) related to hazardous materials and air quality to avoid the potential for significant adverse impacts, as described below.

The (E) designation requirements related to hazardous materials would apply to:

Projected Development Site 1:

Block 352, Lots 49, 50, 51, 52

Projected Development Site 2:

Block 352, Lot 48

The (E) designation text related to hazardous materials is as follows:

Task 1-Sampling Protocol

The applicant submits to the Mayor's Office of Environmental Remediation, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

The (E) designation text related to air quality is as follows:

Block 352, Lots 49, 50, 51, 52 (Projected Development Site 1):

Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water system to avoid any potential significant adverse air quality impacts. Stack shall be located at the highest tier, or at a minimum of 58 feet above grade to avoid any potential significant adverse air quality impact.

Block 352, Lot 48 (Projected Development Site 2):

Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC) and hot water system to avoid any potential significant adverse air quality impacts. Stack shall be located at the highest tier, or at a minimum of 58 feet above grade to avoid any potential significant adverse air quality impact.

UNIFORM LAND USE REVIEW

This application (C 170047 ZMK) was certified as complete by the Department of City Planning on February 26, 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 170046 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 170047 ZMK) on March 29, 2018. On April 24, 2018, the Community Board voted 34 in favor, one opposed, and with none abstaining to recommend approval of the application with the following conditions:

- “That the applicant is required to make available for accurate schematics of the proposed development
- The applicant must answer whether utilities will be placed on the roof

- The applicant must not include front facing balconies on the final version of the proposed building.”

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 170047 ZMK) on April 17, 2018, and on June 15, 2018 issued a recommendation of approval of the application with the following conditions:

1. “That the 55-63 Summit Street development be pursuant to the MIH program, and that he established value of the MIH funds reflect the most recent residential sales prices in the Columbia Street Waterfront District
2. That prior to considering the application, the City Council obtain commitments, in writing, from the developer, PHD Summit LLC, that clarify how it would memorialize the extent to which it would:
 - a. Commit to utilizing one or more locally-based housing development non-profits to serve as the administering agency, and play a role in promoting affordable housing lottery readiness
 - b. Continue to 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
 - c. Retain Brooklyn-based contractors and subcontractors, especially those that are designated Local Business Enterprises (LBEs) consistent with section 6-108.1 of the City’s Administrative Code, and Minority- and Women-Owned Business Enterprises (MBWEs) 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.

Be it Further Resolved:

1. That the New York City Department of Housing Preservation and Development (HPD) mandate that the MIH funds for this project be applied to the Columbia Street New Infill Homeownership Opportunities Program (NIHOP) sites cluster and that the cluster be developed as a shared-equity affordable development.”

City Planning Commission Public Hearing

On June 13, 2018, (Calendar No. 4), the City Planning Commission scheduled June 27, 2018 for a public hearing on this application (C 170047 ZMK) and the related application (N 170046 ZRK). The hearing was duly held on June 27, 2018 (Calendar No. 18). One speaker testified in favor of the application.

The applicant’s representative summarized the proposed development. He noted that the area proposed for rezoning under this application had been previously proposed for rezoning to R6 in the 45 Summit Street Rezoning application (C 060477 ZMK), but the 55-63 Summit Street properties were removed from that rezoning due to community concerns about the impact of creating non-conformance for a pet boarding business that was operating on the site at that time. That business has since relocated and its former commercial space is now vacant. The representative also stated that the proposed development would include affordable units in compliance with the MIH program under Option 1. He clarified terms of an agreement that the applicant has made with a local non-profit organization.

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

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 170047 ZMK), in conjunction with the related application (N 170046 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 13-093.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The City Planning Commission believes that this application for a zoning map amendment (C 170047 ZMK), in conjunction with the related zoning text amendment (C 170047 ZMK), is appropriate.

The proposed zoning map amendment would extend an existing R6B zoning district boundary across a 100-foot wide project area, along the north side of the Summit Street frontage, regularizing and rationalizing the existing zoning district boundary, and would facilitate the redevelopment of five vacant and underutilized lots with a new five-story mixed-use residential and community facility building. Extension of the surrounding R6B district across the site would be consistent with the goals of the Carroll Gardens/Columbia Street rezoning, would maintain the context of the surrounding three- to four-story built character, and would match the immediately-surrounding residential uses. The proposed development would be consistent with the surrounding uses and of a similar bulk and height as the residential buildings directly adjacent to the project site.

The proposed zoning text amendment (N 170046 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 consistent with the requirements of Option 1 or Option 2. The applicant has stated a commitment to constructing MIH units on site pursuant to Option 1. In a letter provided to the Commission on July 3, 2018, the representative confirmed this commitment to mapping and developing in accordance with MIH. The letter also confirmed that the applicant commits to designing the rear yard and parking area to minimize the impact of vehicles on adjacent properties.

Regarding the conditions of the Community Board concerning the building's appearance and utilities configuration, these matters are outside the scope of the requested actions, but the Commission notes that the applicant has updated the proposed building plans to remove front-facing balconies and to move the elevator machine room, boiler room, and electrical room above the ground floor. Regarding the Borough President's condition that the applicant consider additional resiliency and sustainability measures, these matters are also outside the scope of the requested actions, but the Commission notes that the applicant representative has stated that the applicant has committed to including LED light fixtures, low-flow plumbing, high efficiency appliances, energy efficient doors and windows, low-VOC paints and adhesives, and locally sourced materials in the proposed development.

The Borough President also requests that the applicant develop the site pursuant to the MIH program and that the Department of Housing Preservation and Development (HPD) direct any MIH fee-in-lieu generated by this project to support HPD's current affordable homeownership development project in the Columbia Street Waterfront District. The Commission notes that the applicant's representative has stated the applicant's intention to develop the project pursuant to MIH by providing affordable units on site. The Borough President's recommendations on specific uses of a fee-in-lieu are beyond the scope of the actions before the Commission. Additionally, the Borough President notes the applicant's agreement to contribute financially to a local community-based organization should the proposed development fall below the MIH applicability thresholds. Such agreements are outside the scope of the Commission's purview and explicitly not a consideration in its deliberations. In approving the MIH program, the Commission has found the applicability threshold to be an appropriate citywide standard that reflects the practical challenges of achieving mixed-income development in a range of smaller building types.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement, for which a Negative Declaration was issued on February 26, 2018 with respect to this application (CEQR No. 18DCP072K), 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 further amended by changing the Zoning Map, Section 16a, changing from an M1-1 District to an R6B District property bounded by a line 200 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 100 feet northwesterly of Columbia Street and Summit Street, Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only) dated February 26, 2018, and subject to the conditions of CEQR Declaration E-466.

The above resolution (C 170047 ZMK), duly adopted by the City Planning Commission on July 25, 2018 (Calendar No. 16), 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*

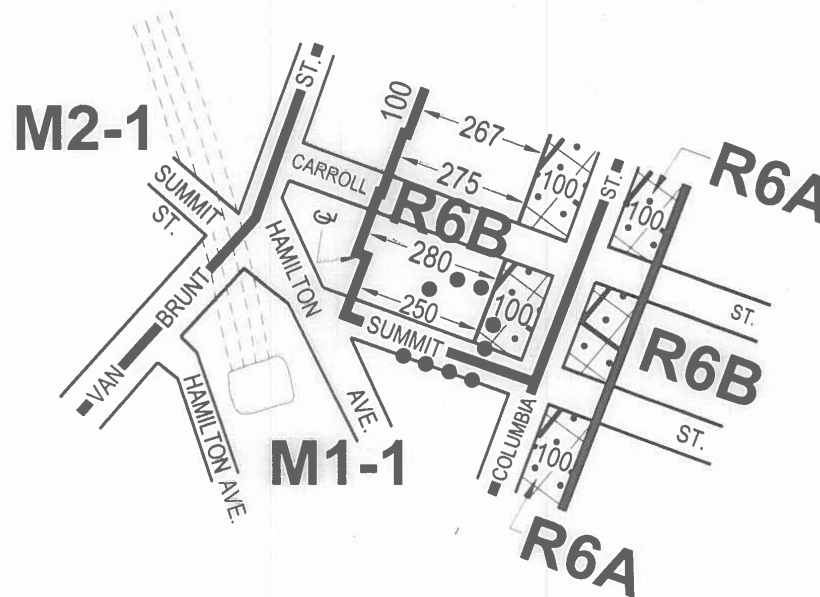
KENNETH J. KNUCKLES, *Esq.*, *Vice-Chairman*

ALLEN CAPPELLI, ALFRED C. CERULLO, III, JOSEPH I. DOUEK,

RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT,

ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, *Commissioners*

MICHELLE DE LA UZ, *Commissioner*, Recused



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

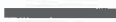
BOROUGH OF
BROOKLYN

New York, Certification Date
FEBRUARY 26, 2018

[Signature]
S. Lenard, Director
Technical Review Division

SCALE IN FEET
300 0 300

NOTE:

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

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



Eric Adams
Borough President

THE CITY OF NEW YORK COMMUNITY BOARD SIX

Sayar Lonial
Chairperson

May 2, 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 April 24, 2018 general meeting, Brooklyn Community Board Six took action on a motion from its Land Use committee regarding application C 170047 ZMK at 55-63 Summit Street, Block 352, Lots 48-52 in the Columbia Street Waterfront District of Brooklyn – an amendment to the Zoning Map section no. 16a, changing the lots in question from an M1-1 district to an R6B district to permit development of a 5-story, 12-unit residential building.

C 170047 ZMK; 55-63 Summit Street, Block 352, Lots 48-52

Approval, with the following conditions:

- ❖ *The applicant is required to make available more accurate schematics of the proposed development.*
- ❖ *The applicant must answer whether utilities will be placed on the roof.*
- ❖ *The applicant must not include front facing balconies on the final version of the proposed building.*

At the time of the vote, the applicant had adhered to each of the stipulations in question. Our full board ratified this conditional approval by a vote of thirty-four Yeas, one Nay, and zero Abstentions.

As always, thank you for the opportunity to comment.

Sincerely,

Sayar Lonial
Chairperson



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 170047 ZMK**

Project Name: **55-63 Summit Street Rezoning**

CEQR Number: **18DCP072K**

Borough(s): **Brooklyn**

Community District Number(s): **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:

IN THE MATTER OF an application submitted by PHD Summit LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16a, changing from an M1-I District to an R6B District property bounded by a line 200 feet northwesterly of Columbia Street, a line midway between Carroll Street and Summit Street, a line 100 feet northwesterly of Columbia Street and Summit Street, Borough of Brooklyn, Community District 6, as shown on a diagram (for illustrative purposes only), dated February 26, 2018, and subject to the conditions of CEQR Declaration E-466.

Applicant(s): PHD Summit LLC c/o Horrigan Companies 13 West 36th Street New York, NY 10018		Applicant's Representative: Adam W. Rothkrug Rothkrug Rothkrug & Spector, LLP 55 Watermill Lane Great Neck, NY 11021	
Recommendation submitted by: Brooklyn Community Board 6			
Date of public hearing: <u>MARCH 29, 2018</u> Location: <u>NYPO 78 POT; 65 6TH AVE 11217</u>			
Was a quorum present? YES ☒ NO ☐ 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: <u>APRIL 24, 2018</u> Location: <u>PS 32; 317 Hoyt St. 11231</u>			
RECOMMENDATION ☐ Approve ☒ Approve With Modifications/Conditions ☐ Disapprove ☐ Disapprove With Modifications/Conditions			
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting # In Favor: <u>34</u> # Against: <u>1</u> # Abstaining: <u>0</u> Total members appointed to the board: <u>47</u>			
Name of CB/BB officer completing this form <u>Ty BEATTY</u>		Title <u>ASSISTANT DISTRICT MANAGER</u>	Date <u>2018 05 07</u>



Email/Fax Transmittal

TO: Brooklyn Community District 6 (CD 6) Distribution	FROM: Brooklyn Borough President Eric L. Adams
DATE: June 15, 2018	CONTACT: Inna Guzenfeld – Land Use Coordinator Phone: (718) 802-3754 Email: iguzenfeld@brooklynbp.nyc.gov
ULURP Recommendation: 55-63 SUMMIT STREET REZONING – 170046 ZRK, 170047 ZMK	NO. Pages, Including Cover: 11

Attached is the recommendation report for ULURP application 170046 ZRK, 170047 ZMK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

Distribution

NAME	TITLE	OFFICE	EMAIL
Marisa Lago	Chair, New York City Planning Commission	(212) 720-3356	ygruel@planning.nyc.gov
Corey Johnson	Speaker, City Council	(212) 564-7557	speakerjohnson@council.nyc.gov
Winston Von Engel	Director, Brooklyn, New York City Department of City Planning (DCP)	(718) 780-8280	wvoneng@planning.nyc.gov
Alex Sommer	Deputy Director, Brooklyn, DCP	(718) 780-8271	asommer@planning.nyc.gov
James Merani	Director, Land Use Review, DCP	(212) 720-3356	jmerani@planning.nyc.gov
Raju Mann	Director, Land Use Division, City Council	(212) 788-7207	rmann@council.nyc.gov
Amy Levitan	Land Use Division, City Council	(212) 788-7207	alevitan@council.nyc.gov
Brad Lander	Council Member, District 39	(718) 499-1090	lander@council.nyc.gov
Sayara Lonial	Chair, Brooklyn Community Board 6 (CB 6)	(718) 643-3027	info@brooklynpcb6.org
Michael Racioppo	District Manager, CB 6	(718) 643-3027	info@brooklynpcb6.org
Adam Rothkrug	Applicant's Representative, Rothkrug, Rothkrug & Spector, LLP	(516) 487-2252	adam@rrslawllp.com
Richard Bearak	Director, Land Use, BBPO	(718) 802-4057	rbearak@brooklynbp.nyc.gov

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

55-63 SUMMIT STREET REZONING – 170046 ZRK, 170047 ZMK

Applications submitted by PHD Summit LLC for zoning map and text amendments to a portion of a block on the north side of Summit Street between Columbia Street and Hamilton Avenue, in the Columbia Street Waterfront District neighborhood of Brooklyn Community District 6 (CD 6). The amendments modify the M1-1/R6B district boundary line to place five lots within the R6B zoning district and establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area. Such actions facilitate the development of a five-story, mixed-use building with 14 residential units and a community facility space on the ground floor. The development will also provide voluntary off-street parking for five cars.

BROOKLYN COMMUNITY DISTRICT NO. 6

BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE

☒ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE

☐ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

A handwritten signature in black ink, appearing to read "Eric Adams".

BROOKLYN BOROUGH PRESIDENT

June 15, 2018

DATE

RECOMMENDATION FOR: 55-63 SUMMIT STREET REZONING – 170046 ZRK, 170047 ZMK

PHD Summit LLC submitted applications for zoning map and text amendments for a portion of a block on the north side of Summit Street between Columbia Street and Hamilton Avenue, in the Columbia Street Waterfront District neighborhood of Brooklyn Community District 6 (CD 6). The amendments seek to modify the M1-1/R6B district boundary line to place five lots within the R6B zoning district and establish a Mandatory Inclusionary Housing (MIH) area coterminous with the rezoning area. Such actions facilitate the development of a five-story, mixed-use building with 14 residential units and a community facility space on the ground floor. The development will also provide voluntary off-street parking for five cars.

On April 17, 2018, Brooklyn Borough President Eric L. Adams held a public hearing on this acquisition request. There were two speakers in opposition to the item, representing residents of an adjacent building, who expressed concerns about the scale of the proposed development, the available transit infrastructure in the neighborhood, and current quality-of-life conditions at the site.

In response to Borough President Adams' inquiry regarding the qualifying income range for prospective households based on household size, the anticipated rents based on the number of bedrooms, and the distribution of units by bedroom size, the applicant's representative confirmed that 55-63 Summit Street would provide affordable housing pursuant to Mandatory Inclusionary Housing (MIH) Option 1. The representative also stated that according to 2017 data, at 60 percent Area Median Income (AMI), rents would be \$760 for a studio unit, \$962 for a one-bedroom unit, \$1,165 for a two-bedroom unit, and \$1,338 for a three-bedroom unit. At 40 percent AMI, as required for 10 percent of the total development's floor area, the rents would be \$475 for a studio unit, \$605 for a one-bedroom unit, \$736 for a two-bedroom unit, and \$843 for a three-bedroom unit.

The applicant is engaged in discussions with the New York City Department of Housing Preservation and Development (HPD) regarding the appropriate number of units and floor area configuration to satisfy MIH requirements. The developer has also agreed to enter into a community benefits agreement with the Brooklyn Community Foundation (BCF) in the event that MIH affordable housing is not provided on site. The agreement would require the applicant to contribute approximately three million dollars, based on current figures, as payment in lieu to an affordable housing fund. The representative stated intent to follow up with information regarding income levels by household size, and the unit distribution for the project.

In response to Borough President Adams' inquiry as to whether one of the community's affordable housing administering agents would be used in the tenant selection process in order to ensure the highest level of participation from CD 6, the representative stated that the applicant is committed to working with a local non-profit, and has commenced talks with the Fifth Avenue Committee (FAC).

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 stated that the developer has a history of constructing environmentally sensitive buildings. The applicant is open to incorporating sustainable features in the development.

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 (LBEs) in the construction process, the representative stated that the developer has a history of working with local contractors and is open to ideas from the borough president's office to conduct outreach to MWBE and LBE firms.

Consideration

Brooklyn Community Board 6 (CB 6) approved this application on April 24, 2018 with the conditions that the applicant would not include Summit Street-fronting balconies in the final design, and would indicate whether utilities will be placed on the roof in updated schematic drawings to the board.

The proposed actions would affect four lots, with a total area of 8,000 square feet (sq. ft.) and an additional 2,000 sq. ft. lot not owned by the applicant. The resulting project will comprise approximately 17,600 sq. ft. with 14 residential units, community facility space, and bicycle and vehicle parking. The development will utilize MIH Option 1 to provide approximately four affordable units to households at an average 60 percent AMI.

The site is currently zoned M1-1, and was most recently occupied by a manufacturing use. The five zoning lots were removed from a prior rezoning of Summit Street properties to the west. The proposed rezoning area is adjacent to 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.

Under the current zoning, residential development is not permitted on the site. If approved, the proposed R6B/MIH rezoning would permit a residential Floor Area Ratio (FAR) of 2.2. Development on the 55-63 Summit Street site would be permitted to rise to a height of 50 feet, the maximum permitted in an R6B district. The proposed development would be required to provide a setback of 15 feet from the street line at the fifth story, though the New York City Zoning Resolution's (ZR) dormer provision would allow a portion of the setback area to be built to the full building height at the building line.

The project site is located on the southern edge of the Columbia Street Waterfront District, which is bounded 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. Higher-density buildings of five stories and above have been built along the Brooklyn-Queens Expressway to the east. 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 area is not well-served by public transportation. The closest subway stop is at Smith-9th Street, served by the 6th Avenue Local F and the Brooklyn-Queens Crosstown Local G trains. Local residents rely on the B61 bus, which runs along Columbia Street and provides connections to Downtown Brooklyn. The major roadways in the neighborhood, including Columbia Street, Hamilton Avenue, Hicks Street, and Van Brunt Street, are all designated truck routes by the New York City Department of Transportation (DOT).

Borough President Adams supports the development of underutilized land and vacant properties for productive uses that address the City's need for additional affordable housing. Borough President Adams supports rezoning when paired with the ZR MIH program as a means to achieve permanently affordable housing units. The affordability options of the MIH program extend housing opportunities to a broad range of incomes, consistent with Borough President Adams' objective to target affordable housing to households at various AMI bands.

This proposed development would result in some permanent affordable housing according to MIH. The rezoning would be consistent with Mayor Bill de Blasio's goal of achieving 300,000 affordable housing units over the next decade according to "Housing New York: A Five-Borough, Ten-Year Plan," as modified in 2017.

Borough President Adams is generally supportive of the proposed development. However, he believes that there are opportunities to improve the proposal by ensuring participation in the MIH program, or payment in lieu into an affordable housing fund that would support affordable housing development on City-owned sites in the neighborhood. The development could also further a range of his policies, which include maximizing community participation in the affordable housing lottery, advancing resiliency, sustainability, and stormwater management, and promoting job creation through MWBE and local hiring.

Ensuring Participation in MIH and Establishing the Value of the MIH Funding Contribution

According to MIH, developments with at least 12,500 square feet must comply by either providing new affordable housing units or making payment to a yet-to-be established fund. Though the as-of-right zoning does not automatically trigger an obligation to participate in MIH, the Brooklyn Borough Board Resolution regarding MIH had called for financial participation for developments with as few as three units. Therefore, Borough President Adams' support for this rezoning is contingent on participation in MIH. Given the nominal scale of the development, Borough President Adams believes that if the affordable housing were not addressed on site that contribution to the fund would be an appropriate alternative. He calls on the City Council to obtain a legally-enforceable commitment from the applicant that the development be pursuant to MIH.

While the amount that would be contributed to the affordable housing fund in lieu of providing affordable housing on site has not yet been worked out with the City, it is important to be cognizant of the existing strong market in the neighborhood in the determination of such an amount. The proposed rezoning would change the permitted use from commercial and manufacturing to residential development, allowing the applicant to take advantage of the neighborhood's strong real estate market. Therefore, the developer's contribution into the City's affordable housing fund should be reflective of such value.

In a letter to Borough President Adams dated May 18, 2018, the applicant, PHD Summit LLC, expressed intent to provide affordable housing on-site, pursuant to MIH Option 1. In the event that 55-63 Summit Street does not meet the threshold for MIH, the applicant would enter into an agreement with BCF to make payment in lieu, toward the provision of affordable housing in CD 6.

By looking at property sale prices within the Columbia Street Waterfront District, the Office of the Brooklyn Borough President was able to calculate that similar types of residential units sell, on average, for approximately \$350,000 each, with an approximate range between \$250,000 and \$500,000 within the last year. Borough President Adams believes such estimates should be considered as evidence of value in the consideration of the MIH funds allocation, further adjusted to reflect the most recent market of the neighborhood. He therefore calls on HPD to establish the City's affordable housing fund as an amount reflective of the most recent residential sales prices in the Columbia Street Waterfront District.

Maximizing Community Participation of the MIH Affordable Housing

The ZR requires the affordable housing units to be overseen by a non-profit administering agent, unaffiliated with the for-profit developing entity, except when otherwise approved by HPD. Such administering non-profit becomes responsible for ensuring that the affordable housing remains in accordance with its regulatory agreement, which governs the development's affordable housing

plan. These tasks include verifying a prospective tenant household's qualifying income, and approving the rents of such affordable housing units. The administering non-profit is responsible for submitting an affidavit to HPD attesting that the initial lease-up of the affordable housing units is consistent with the income requirements, and for following up with annual affidavits to ensure conformity.

Various non-profits have proven track records of successfully marketing affordable housing units within the host community of this development, as well as promoting affordable housing lottery readiness through educational initiatives. It is Borough President Adams' policy to advocate for affordable housing non-profits to play a contributing role in maximizing community participation in neighborhood affordable housing opportunities, including serving as non-profit administering agents for new developments involving affordable housing. Borough President Adams recognizes that CD 6 is served by non-profit housing advocates, including FAC, and by the developer as an entity it had contacted to serve in such a role. FAC has a proven record of marketing affordable housing units and promoting lottery readiness through educational initiatives.

Borough President Adams believes that prior to considering the application, the City Council should obtain in writing from the developer, PHD Summit LLC, commitments that clarify how it would memorialize utilizing one or more locally-based affordable housing development non-profits to serve as the administering agent, and how it would play a role in promoting affordable housing lottery readiness.

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. Bioswales, blue/green roofs, and permeable pavers would deflect stormwater from the City's water pollution control plants. According to the "New York City Green Infrastructure 2016 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.

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

In a letter to Borough President Adams dated May 18, 2018, the applicant, PHD Summit LLC, expressed intent to explore and incorporate sustainable design elements such energy-efficient windows, high-efficiency mechanical equipment, and LED light fixtures.

Borough President Adams believes that prior to considering the application, the City Council should obtain commitments, in writing, from PHD Summit LLC, to memorialize exploration of additional resiliency and sustainability measures such as incorporating bioswales, blue/green/white roof treatment, passive house construction principles, 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 that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBEs 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, PHD Summit LLC, to memorialize retention of Brooklyn-based contractors and subcontractors, especially those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code and MWBEs 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.

Applying the MIH Funds to the Columbia Street New Infill Homeownership Opportunities Program (NIHOP) Cluster and Developing the Columbia Street NIHOP Cluster as Shared-Equity Permanently Affordable Housing

Borough President Adams' office has identified several HPD sites within the NIHOP program in close proximity to the proposed development site. These NIHOP sites have a designated developer though the status of appropriate funding. In order to move forward, it is necessary to secure residential zoning for one or more of the sites in this cluster. The aforementioned amount that would be allocated by the applicant to either BCF or the City's affordable housing fund could potentially help to improve the level of affordability for future units at these NIHOP sites. At minimum, the funds could help realize the financing sooner so that these sites are completed in a timely manner in order to meet the City's growing housing needs.

Borough President Adams believes that the MIH funds allocation should be specifically designated to these currently vacant NIHOP sites, in order to move forward with development and potentially increase affordability. He calls on the City Council to obtain a commitment from HPD to designate the applicant's contribution to the City's affordable housing fund toward development of affordable housing within the Columbia Street Waterfront District in CD 6.

Creating affordable housing units is only part of the citywide initiative. Maintaining these units as affordable must be a part of our collective efforts, or these gains will be short-lived. It should be the City's policy to minimize the loss of affordable housing by requiring that such units remain affordable in perpetuity. Given the scarcity of government-owned land, it is important for HPD to not only adopt a policy of "affordable forever" but to also ensure that such policy be implemented

for ownership units. Otherwise, the accomplishments of today are lost before future generations get to share in the benefit of housing affordability. Without being affordable in perpetuity, ownership unit developments benefit merely one household before becoming market-rate housing. Once sold, these units are no longer subsidized, as purchasers pay whatever the market demands.

Permanent affordability would help address these issues. As New York State law does not allow condominium units to remain permanently affordable, cooperative ownership would be necessary to realize permanent affordability. For NIHOP sites, HPD should be using the land disposition agreement to require that the resale price be affordable to a household with a similar income. Original purchasers would not need to reimburse the City for the subsidies and lien on the land. These subsidies would be retained in perpetuity.

Permanently affordable homeownership housing, known as "shared equity," provides the benefits of building wealth for the homeowner while assuring that the home remains an affordable housing resource when sold. Resale restrictions could be based on several existing models such as subsequent resales of the homeownership unit being indexed to standards as defined by the City's voluntary Inclusionary Housing (VIH) program.. Other methods are noted in documents produced by the Center for Housing Policy, including the Consumer Price Index. Establishing permanent affordable homeownership housing would recycle initial subsidies and while making these housing units affordable for future generations of Brooklynites.

Typical terms of disposition call for full repayment of government subsidies including the assessed value of the land, for sales within the first five years of initial occupancy, with the amount reduced in 10 percent increments over years six through 15. The combination of owing a lesser amount of subsidy and increased market value creates an incentive for the initial occupant to obtain substantial equity at the cost of eliminating the unit as part of the city's affordable housing stock.

Therefore, Borough President Adams believes that HPD should mandate that the Columbia Street NIHOP cluster be developed as a shared-equity permanently affordable development.

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 (CPC) and City Council approve this application with the following conditions:

1. That the 55-63 Summit Street development be pursuant to the MIH program, and that the established value of the MIH funds reflect the most recent residential sales prices in the Columbia Street Waterfront District.
2. That prior to considering the application, the City Council obtain commitments, in writing, from the developer, PHD Summit LLC, that clarify how it would memorialize the extent that it would:
 - a. Commit to utilizing one or more locally-based housing development non-profits to serve as the administering agent, and play a role in promoting affordable housing lottery readiness
 - b. Continue to 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

- c. Retain Brooklyn-based contractors and subcontractors, especially those that are designated Local Business Enterprises (LBEs) consistent with section 6-108.1 of the City's Administrative Code, and Minority- and Women-Owned Business Enterprises (MBWEs) 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

Be it Further Resolved:

1. That the New York City Department of Housing Preservation and Development (HPD) mandate that the MIH funds for this project be applied to the Columbia Street New Infill Homeownership Opportunities Program (NIHOP) sites cluster and that the cluster be developed as a shared-equity permanently affordable development.

ROTHKRUG·ROTHKRUG & SPECTOR, LLP

Attorneys at Law
55 Watermill Lane, Suite 200
Great Neck, New York 11021

ADAM W. ROTHKRUG
SIMON H. ROTHKRUG, LLM
DOUGLAS M. SPECTOR

Telephone: (516) 487-2252
(718) 343-0069
Facsimile: (516) 487-2439
Email: adam@rrslawllp.com

NEAL S. FRIEDMAN
TODD DALE

May 18, 2018

Borough President Eric L. Adams
Office of the Brooklyn Borough President
Borough Hall
209 Joralemon Street
Brooklyn, NY 11201

Re: App. Nos. N 170047 ZMK and N 170046 ZRK
55/63 Summit Street
Brooklyn

Dear Borough President Adams:

Reference is made to the above applications filed by PHD Summit LLC, the owner of the subject site, seeking a zoning map amendment to change the zoning designation of the subject site to R6B from the existing M1-1 designation (N 170047 ZMK), and for a corresponding zoning text amendment to establish a Mandatory Inclusionary Housing Area coterminous with the rezoning area in accordance with the City's Mandatory Inclusionary Housing policy (N 170046 ZRK)

At the hearing conducted by your office, representatives of your office raised issues pertaining to sustainability measures and local and MWBE hiring, and affordable housing. In response to the issues raised, please be advised that PHD Summit LLC is committed to exploring and incorporating sustainable design elements as appropriate, including:

- LED light fixtures
- High recycled content finishes for woodwork, floors and wall coverings
- Energy efficient windows and doors
- High efficiency appliances and mechanical equipment (including hot water heaters, boilers and kitchen appliances.
- Low voc content adhesives and paints
- No use of rainforest wood

Chris Horrigan, principal of PHD Summit is a resident of Park Slope and has used local Brooklyn material suppliers and sub-contractors, including MWBE companies, including the project architect, Christa Horrigan, who is principal of a MWBE firm. Local subcontractors they have used

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for past projects in Brooklyn include their cabinet maker in South Slope and an Iron Shop in Sunset Park and many other local subcontractors and employees.

Finally, we are in the process of entering into an agreement with the Brooklyn Community Foundation, which will insure that in the event PHD Summit elects to proceed with construction of a project that is exempt from the provisions of the MIH program, that they will be obligated to make a payment in lieu to the Foundation, to be used toward providing affordable housing within Community Board #6. Notwithstanding the proposed agreement, PHD Summit has repeatedly announced their intention to provide on-site affordable housing, in compliance with Option 1 (25%) of the MIH program, and they are currently in discussions with HPD with respect to enrolment and application of the program.

Should any additional information be required, please contact our office accordingly.

Yours truly,

A handwritten signature in black ink, appearing to read "Adam Rothkrug", with a stylized flourish at the end.

ADAM W. ROTHKRUG

ROTHKRUG·ROTHKRUG & SPECTOR, LLP

Attorneys at Law
55 Watermill Lane, Suite 200
Great Neck, New York 11021

ADAM W. ROTHKRUG
SIMON H. ROTHKRUG, LLM
DOUGLAS M. SPECTOR

Telephone: (516) 487-2252
(718) 343-0069
Facsimile: (516) 487-2439
Email: adam@rrslawllp.com

NEAL S. FRIEDMAN
TODD DALE

July 2, 2018

NYC Department of City Planning
Attn.: Sara Avila, Central Intake
120 Broadway
New York, NY 10271

Re: N170046ZRK
170047ZMK
55-63 Summit Street
Brooklyn

To Whom it May Concern:

Reference is made to the above applications currently pending with the Department of City Planning. In response to questions raised by the Commission at the hearing on June 27th, 2018, please be advised of the following:

1. The application currently proposes mapping of MIH Options 1 and 2. The Developer is currently proposing to build pursuant to MIH Option 1 as is indicated in the application materials.
2. The Developer plans on installing a 100% opaque material in the rear yard so that headlights from cars parking at the rear of the property will not be visible to the properties located to the rear of the subject premises. No final determination as the material has been made at this time.

Please contact the undersigned in the event any additional information is required.

Yours truly,



ADAM W. ROTHKRUG