



CITY PLANNING COMMISSION

December 8, 2004/Calendar No. 10

C 020573 ZMK

IN THE MATTER OF an application submitted by Lutheran Medical Center and Shore Park Properties, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for **an amendment of the Zoning Map, Section No. 22a:**

1. **changing from an M3-1 District to an R6 District property bounded by** Second Avenue, 57th Street, a line 125 feet northwesterly of Second Avenue, and 56th Street; and
2. **establishing within the proposed R6 District a C1-3 District bounded by** Second Avenue, 57th Street, a line 125 feet northwesterly of Second Avenue, and 56th Street, Borough of Brooklyn, Community District 7,

as shown on a diagram (for illustrative purposes only) dated August 23, 2004.

The application for an amendment of the Zoning Map was filed by Lutheran Medical Center and Shore Park Properties, Inc. on April 30, 2002, to extend an R6/C1-3 district line one block south of 56th Street to a depth of 125 feet west of Second Avenue in Community District 7, Brooklyn.

RELATED ACTIONS

In addition to an amendment of the Zoning Map which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which is being considered concurrently with this application:

C 030020 PPK Removing the “Community Facility Use Only” restriction on a portion of Block 836, Lot 19.

BACKGROUND

Lutheran Medical Center requests a zoning map amendment to change an M3-1 district to an R6 district with a C1-3 overlay (C 020573 ZMK) and the removal of a “Community Facility Use Only” restriction (C 030020 PPK) on a former city-owned property on the western side of Second Avenue, between 56th and 57th Streets, in Sunset Park, Brooklyn, Community District 7. These two actions would allow Lutheran to develop a three-story building to house medical examination rooms and a commercial pharmacy, known as the “Family Health Center.”

On October 10, 1990 (Cal. No. 43) the City Planning Commission approved an application from the Department of Citywide Administrative Services (C 900433 PPK) for disposition of Block 836, Lot 19, part of which is within the area proposed for rezoning. As part of its approval, the Commission placed a community facility use restriction on the disposition. Since locating a commercial pharmacy to this site is prohibited by this restriction, DCAS is requesting the removal of the community facility restriction from the portion of Block 836, Lot 19 (related action C 030020 PPK).

The area proposed for rezoning, located on Second Avenue between 56th and 57th Streets, is currently used as surface parking by Lutheran with 400 spaces. The property is zoned M3-1, allowing light-, medium- and heavy-intensity industrial uses and most commercial uses of up to 2.0 FAR. No residential or community facility uses are permitted under the current zoning designation. Other uses on the subject block include parcels owned by Lutheran for vocational training and storage of medical records, as well as lots used for manufacturing, auto repair and

residences.

The Sunset Park waterfront industrial area, located between Upper New York Harbor and the Third Avenue/Gowanus Expressway corridor between 15th and 65th Streets, is predominantly zoned for manufacturing uses, with M3 heavy- and M2 medium-intensity industrial zoning districts generally mapped near the waterfront and M1 light industrial zoning districts located near the Third Avenue/Gowanus Expressway corridor to the east.

Uses in the area generally reflect the zoning designations, with heavy industrial uses such as a meat packing plant and railyards located on the waterfront within M3 and M2 zoning districts, warehouses, auto repair shops and some limited pre-existing, non-conforming residences located within M1 districts.

R6, R6B and R6A zoning districts, some with C1-3 commercial overlays, surround the Lutheran Medical Center between First and Third Avenues and 54th and 57th Streets. These zoning districts were mapped by the City Planning Commission in 1991 (C 900145 ZMK) to facilitate the development of a senior residence and in 1972 (CP-21812) to facilitate the conversion of a vacant manufacturing building for use as Lutheran's hospital facility. Uses within the R6 and R6/C1-3 areas are predominantly community facility and residential, including the Lutheran Medical Center hospital, a nursing home, elderly housing and some low-rise private residences. The proposed rezoning would extend an existing R6/C1-3 district line south to 57th Street, allowing up to 4.8 FAR for community facilities, 2.0 for commercial uses and 3.0 for residential

development under the Quality Housing regulations (for the portion of the rezoning area within 100 feet of Second Avenue). The C1-3 commercial overlay would allow the Use Group 6 local retail uses, including a commercial pharmacy, which is proposed for the site.

The rezoning allows the proposed three-story family health center to be built. The proposed building would be approximately 38,000 square feet, with a ground floor pharmacy, two floors of medical examination rooms and a cellar. The services offered in the proposed building would allow Lutheran to relocate several outpatient clinics, relieving the crowded conditions in the primary hospital building to the north across 56th Street. There would be approximately 35 accessory parking spaces.

ENVIRONMENTAL REVIEW

This application (C 020573 ZMK), in conjunction with the application for the related action (C 030020 PPK), 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 designated CEQR number is 02DCP049K. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration was issued on November 1, 2004, stating the following:

- 1) The applicant for the zoning map amendment, the Lutheran Medical Center, agrees via

a restrictive declaration to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

2) The restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property.

UNIFORM LAND USE REVIEW

This application (C 020573 ZMK), in conjunction with the application for the related action (C 030020 PPK), was certified as complete by the Department of City Planning on August 23, 2004, and was duly referred to Community Board 7 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 7 held a public hearing on this application on September 13, 2004, and on September 22, 2004, by a vote of 30 to three with no abstentions, adopted a resolution recommending approval of the application with the condition that

Enough parking stackers are placed in the parking lot (the remainder of Block 836, Lot 19) to double the capacity.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on October 29, 2004.

City Planning Commission Public Hearing

On October 20, 2004 (Calendar No. 4), the City Planning Commission scheduled November 3, 2004, for a public hearing on this application (C 020573 ZMK). The hearing was duly held on November 3, 2004 (Calendar No. 13), in conjunction with the public hearing on the application for the related action (C 030020 PPK).

There were four speakers in favor of the application and none in opposition. Speaking in favor were the applicant's land use attorney, the architect and two administrators of Lutheran Medical Center. The applicant's representatives briefly outlined the functions of and need for the proposed family medical center and pharmacy.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with the application for the related action (C 030020 PPK), was reviewed by the Department of City Planning 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 13, 1999 and by the New York State Department of State on May 28, 2002, 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 04-109.

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

Revitalization Program.

CONSIDERATION

The Commission believes that proposed rezoning (C 020573 ZMK) from M3-1 to R6/C1-3 and removal of a use restriction (C 030020 PPK) on former city-owned property is appropriate.

The Commission notes that the proposed R6/C1-3 zoning district is consistent with adjacent residential and commercial zoning designations and uses. Further, lifting the “Community Facility Use Only” restriction would permit the proposed commercial pharmacy on the site. The restriction was originally placed on the property when it was approved for disposition (C 900433 PPK) to ensure a medical or other community facility use as requested by Community Board 7 and the Brooklyn Borough President. The Commission notes that the property was acquired and is now owned by Shore Park Properties, Inc., the real estate holding company of Lutheran Medical Center. Lutheran’s plans for the property are consistent with both the intent the community articulated at the time of the original disposition approval and with supporting Lutheran’s provision of medical services to the Sunset Park and surrounding communities. The rezoning and the removal of the use restriction would facilitate development of a new building containing medical examination rooms that would reduce crowding in Lutheran’s emergency room and other departments of the hospital.

Currently, there are 400 parking spaces within the existing parking lot. There will be approximately 260 parking spaces remaining after construction of the three-story family health

center. The Community Board requested that “enough parking stackers are placed in the parking lot (the remainder of Block 836, Lot 19) to double the capacity.” In response to the Community Board’s recommendation that the applicant increase capacity at the current surface parking lot, the Commission notes that a letter from the applicant’s attorney dated November 17, 2004, states that Lutheran is “committed to installing parking stackers on the existing parking lot which will remain on Block 836.”

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment subject to the following conditions:

1) applicant agrees, via a restrictive declaration, to prepare a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

2) In addition, the restrictive declaration also restricts the manner in which the property may be developed or redeveloped, by requiring the sampling protocol and remediation measures to serve as a condition precedent to any change of use in any such development or redevelopment of the property;

and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal

Commission, has reviewed the waterfront aspects of this application and finds that the proposed action 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 No. 22a:

1. **changing from an M3-1 District to an R6 District property bounded by Second Avenue, 57th Street, a line 125 feet northwesterly of Second Avenue, and 56th Street; and**
2. **establishing within the proposed R6 District a C1-3 District bounded by Second Avenue, 57th Street, a line 125 feet northwesterly of Second Avenue, and 56th Street, Borough of Brooklyn, Community District 7,**

as shown on a diagram (for illustrative purposes only) dated August 23, 2004.

The above resolution (C 020573 ZMK), duly adopted by the City Planning Commission on December 8, 2004 (Calendar No. 10), 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.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman
ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,
RICHARD W. EADDY, JANE D. GOL, CHRISTOPHER KUI,
JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners