



IN THE MATTER OF an application submitted by Pulmonary and Sleep Medical, P.C. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23b, changing from an R2 District to an R3-2 District property bounded by a line 100 feet northerly of Avenue O, East 26th Street, Avenue O, and a line midway between East 26th Street and Bedford Avenue, Borough of Brooklyn, Community District 14, as shown on a diagram (for illustrative purposes only) dated August 26, 2019 and subject to the conditions of CEQR Declaration E-541.

This application for a zoning map amendment was filed by Pulmonary and Sleep Medical, P.C., on October 9, 2019 to change an R2 zoning district to an R3-2 zoning district along a portion of the northern side of Avenue O located at 2513-2523 Avenue O (Block 7679, Lot 1, 2, 3, 4) to facilitate the continued use of an existing non-complying medical office use on lots 1 and 2 in the Midwood neighborhood of Brooklyn, Community District 14.

BACKGROUND

The project area, which is coterminous with the rezoning area, is located at the northwest corner of Avenue O and East 26th Street and extends 100-feet west along the northern blockfront of Avenue O and 100-feet north on the western block front of East 26th Street (Block 7679, Lots 1, 2, 3, and 4). It was included in the 2006 Midwood Rezoning (C 060130 ZMK), which preserved the existing low-scale neighborhood character while encouraging higher density growth in appropriate locations. The neighborhood-wide rezoning changed the district of the project area from a R6 to R2. R2 zoning districts permit single-family detached buildings with a maximum floor area ratio (FAR) of 0.50 for residential uses and 1.0 for community facility uses. Buildings within R2 zoning districts must comply with a 0.15 open space ratio and a sky exposure plane beginning 25 feet above the front yard line. R2 zoning districts permit Use Groups 1, 3, and 4, with restrictions on Use Group 3 and 4 community facility uses. Ambulatory diagnostic and treatment health care facilities (Use Group 4) are not permitted in R2 districts.

Each of the four tax lots that comprise the project area has an area of 2,500 square feet, for a total area of 10,000 square feet, each tax lot is developed with a two-story semi-attached residential

building built in 1925. The project site occupies two of the four lots (Lots 1 and 2), which are owned by the applicant and built to 0.49 FAR and 0.52 FAR, respectively. The two buildings have been combined into a single medical office (ambulatory diagnostic and treatment health care facility) on the ground floor and one residential unit above. Lot 3 is owned by the applicant, built to 0.50 FAR, and is a single-family house. Lot 4 is privately owned by a separate owner, built to 0.47 FAR, and is also a single-family house.

The applicant purchased Lots 1 and 2 in 2013 and 2006, respectively, for medical office and residential use. The applicant maintains that the medical office use existed on the ground floor of both properties prior to being purchased and prior to the 2006 rezoning when the use was allowed as-of-right under the R6 zoning district. There is no certificate of occupancy available for either lot.

The neighborhood around the project area is predominantly within an R2 zoning district. R2 is predominantly developed one- and two-family detached and semi-detached houses and some multi-family apartment buildings. Kings Highway, a 140-foot-wide corridor located a block south of the project area, is zoned R7A and is primarily characterized by 4- to 6-story mid-density residential buildings. The area south of Kings Highway is zoned R3-2 and is characterized by a mix of detached and semi-detached one- and two-family residences, and 2-story attached multi-family buildings. Avenue O is a neighborhood residential corridor characterized by 2- to 6-story residential buildings with ground floor local retail and community facilities dispersed along the corridor. There are several community facilities in the surrounding area including two schools, P.S. 197 and James Madison High School, and the New York Community Hospital, which is directly across Avenue O.

The area is well served by several bus lines. The B7 and B82 buses stop one block south on Kings Highway, the B44 local and select bus service stops four blocks east on Nostrand Avenue, and the B49 bus stops approximately six blocks west along Ocean Avenue. The Kings Highway subway station, which services the B and Q lines, is .75 miles southwest of the project area.

To facilitate the legalization of the existing medical office use, the applicant proposes a zoning map amendment to change an R2 zoning district to an R3-2 zoning district. Under the existing zoning district ambulatory diagnostic and treatment health care facilities (UG 4) are not

permitted, rendering the medical office an illegal use. R3-2 districts permit use groups 1, 2, 3, and 4, allowing ambulatory diagnostic and treatment health care facilities as-of-right. The proposed zoning district allows detached, semi-attached, and attached single- and two-family homes and small multi-family apartment buildings with a maximum residential FAR of 0.50 and community facility FAR of 1.00. Buildings in R3-2 districts have a maximum 35% lot coverage, perimeter wall of 21 feet and building height of 35 feet.

The applicant proposes to legalize the existing medical office, a use that predates the 2008 Midwood Rezoning (C 060130 ZMK) and was allowed as-of-right under an R6 zoning district. The applicant previously combined the two semi-detached houses through interior renovations to utilize the combined ground floor as a single medical office and the combined second floor for use as a single-family residence. The existing medical office use would continue to occupy the ground floor and a residential unit would be located on the second floor. No expansion is planned for the proposed development.

ENVIRONMENTAL REVIEW

This application (C 190438 ZMK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 19DCP015K.

After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on August 23, 2019. To support the Negative Declaration, an (E) Designation (E-541) related to air quality and noise has been assigned to the project area in connection with the proposed action. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

UNIFORM LAND USE REVIEW

This application (C 190438 ZMK) was certified as complete by the Department of City Planning on August 26, 2019, and was duly referred to Brooklyn Community Board 14 and the Brooklyn

Borough President in accordance with Title 62 of the rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Brooklyn Community Board 14 held a public hearing on this application (C 190438 ZMK) on November 4, 2019, and on that date, by a vote of 19 in favor, eight opposed, and seven abstentions, the Community Board adopted a recommendation to disapprove the application.

Borough President Recommendation

The Brooklyn Borough President held a public hearing on this application (C 190438 ZMK) on November 13, 2019, and on December 5, 2019, issued a recommendation disapproving the application “unless the proposed R3-2 district is modified to R3-1...

Be it further resolved:

1. That the New York City Department of Transportation (DOT) evaluate parking and traffic patterns along the section of Avenue O between Bedford Avenue and East 26th Street, in collaboration with Community Board 14 (CB14) and local elected officials.”

City Planning Commission Public Hearing

On December 4, 2019 (Calendar No. 2), the Commission scheduled December 18, 2019 for a public hearing on this application (C 190438 ZMK). The hearing was duly held on December 18, 2019 (Calendar No. 26). One speaker testified in favor of the application and one in opposition.

The applicant’s representative described the existing medical office use, surrounding context, and requested zoning map change. He explained that the existing use was permitted as-of-right prior to the 2006 Midwood Rezoning (C 060130 ZMK), which changed the R6 zoning district to an R2 zoning district. He stated that the R7A zoning district along Kings Highway permits mid-density buildings and highlighted that the New York Community Hospital, which is located directly south, across Avenue O, is a heavily-used ambulatory diagnostic and treatment health care facility. He also noted that the existing semi-detached homes are non-conforming under the current R2 zoning district, and that the zoning map change would not only legalize the use but also bring these buildings into conformance.

When asked about the Borough President's recommendations to modify the proposed R3-2 zoning district to an R3-1 zoning district, the applicant's representative stated his belief that an R3-2 district better reflects the surrounding context and is appropriate given the nearby R3-2 zoning districts to the southeast and west. He also acknowledged that, if the district were to be modified, an R3-1 district would still facilitate the legalization and continued medical office use.

One speaker, who identified himself as the President of the East 26th Street-Avenue O Block Association, spoke in opposition, stating his concern that the zoning map amendment would set a precedent for legalizing ambulatory diagnostic and treatment health care facility uses not permitted under existing R2 zoning. He also noted the rezoning would adversely affect the character of the residential neighborhood by contributing to the traffic congestion on Avenue O and allowing a potential future expansion of the medical office use. He also stated that the property owner illegally combined two residential homes into a single medical office and built a two-story rear extension at 2517 Avenue O without permits.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a zoning map amendment (C 190438 ZMK) is appropriate.

The proposed zoning map amendment would change the existing R2 zoning district to an R3-2 zoning district in order to facilitate the legalization of an existing ambulatory diagnostic and treatment health care facility. The proposed zoning map amendment would bring an approximately 1,400 square-foot community facility use into compliance with zoning. The Commission notes that R2 zoning districts and R3-2 zoning districts both permit a maximum residential FAR of 0.50 and community facility FAR of 1.00, therefore the proposed change is not expected to result in any additional development.

The Commission believes that the continued use of the existing ambulatory diagnostic and treatment health care facility is appropriate at this location due to the surrounding context. A mid-density R7A residential zoning district is located across Avenue O and East 26th Street from the project area and along Kings Highway, a major commercial thoroughfare with a wide range

of building heights and diverse mix of uses. Directly across the street from the project area is the New York Community Hospital, a major ambulatory and treatment diagnostic health facility in the area. The proposed R3-2 zoning district, along the northern side of Avenue O between Bedford Avenue and East 26th Street, will allow for a range of low-density residential uses as well as community facility uses consistent with the surrounding context. R3-2 residential districts are mapped in the surrounding low density residential areas southeast of Kings Highway and two blocks west of the project area. The Commission also believes that mapping an R3-2 zoning district would be consistent with the existing land use patterns of the surrounding Midwood area, where there is a concentration of ambulatory diagnostic and treatment health care facilities throughout the residential neighborhood.

The Commission notes the recommendation of the Brooklyn Borough President to change the proposed R3-2 zoning district to an R3-1 zoning district. The Commission believes that the proposed R3-2 zoning district is appropriate at this location, due to the flexibility for future expansion beyond 1,500 square feet and the permitted building types reflective of the surrounding residential context. While R3-1 and R3-2 zoning districts have the same bulk regulations, the use regulations differ. R3-2 zoning districts permit detached, semi-detached, and attached single- and two-family houses, as well as multi-family buildings, whereas R3-1 zoning districts are more restrictive, permitting only detached and semi-detached single- and two-family homes. Additionally, R3-1 zoning districts limit ambulatory diagnostic and treatment health care facilities to 1,500 square feet while they are permitted as-of-right in R3-2 zoning districts.

The Commission recognizes that the applicant has undertaken an illegal combination of two semi-detached houses and the Department of Buildings (DOB) has issued violations for correction. Nevertheless, the zoning map amendment action is appropriate given an R3-2 zoning district brings the semi-detached buildings into conformance with zoning, facilitates the legalization of the medical office use, and reflects the surrounding context.

RESOLUTION

RESOLVED, that having considered the Environmental Assessment Statement (EAS), for which a Negative Declaration was issued on August 23, 2019 with respect to this application

(CEQR No. 19DCP015K), the City Planning Commission finds that the action described herein will have no significant impact on the environment.

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 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. 18a, by changing an R2 district to a R3-2 district bounded by a line 100 feet northerly of Avenue O, East 26th Street, Avenue O, and a line midway between East 26th Street and Bedford Avenue, Borough of Brooklyn, Community District 14, as shown on a diagram (for illustrative purposes only) dated August 26, 2019 and subject to the conditions of CEQR Declaration E-541.

The above resolution (C 190438 ZMK), duly adopted by the City Planning Commission on January 22, 2020 (Calendar No. 3), 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.

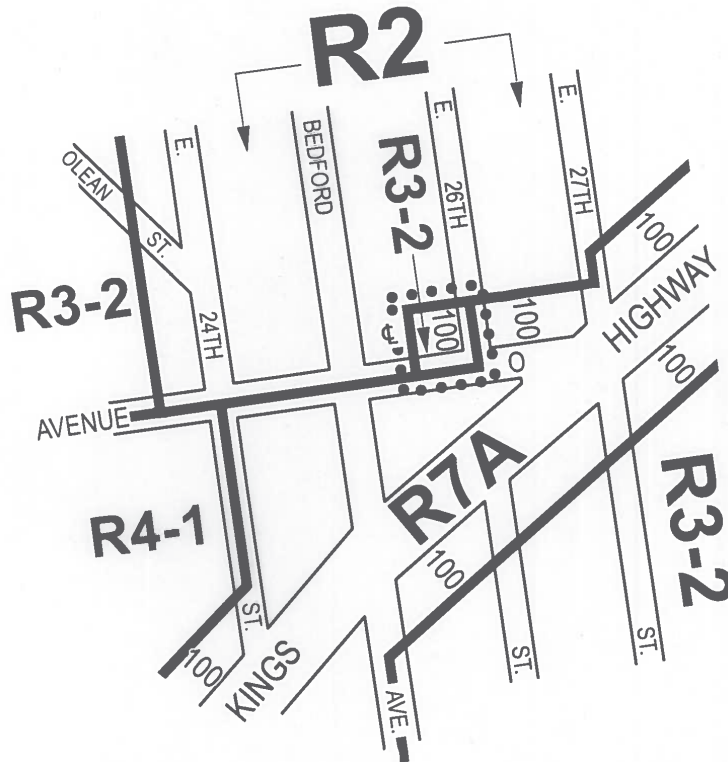
MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,

RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, RAJ RAMPERSHAD, *Commissioners*



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

23b
BOROUGH OF
BROOKLYN



New York, Certification Date:
August 26, 2019

S. Lenard, Director
Technical Review Division



NOTE:

- Indicates Zoning District Boundary
- The area enclosed by the dotted line is proposed to be rezoned by changing from an R2 District to an R3-2 District.

Application #: **C 190438 ZMK**

CEQR Number: 19DCP015K

Project Name: **2513-2523 Avenue O Rezoning**

Borough(s): Brooklyn

Community District Number(s): 14

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 Pulmonary and Sleep Medical, P.C. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 23b, changing from an R2 District to an R3-2 District property bounded by a line 100 feet northerly of Avenue O, East 26th Street, Avenue O, and a line midway between East 26th Street and Bedford Avenue, Borough of Brooklyn, Community District 14, as shown on a diagram (for illustrative purposes only) dated August 26, 2019 and subject to the conditions of CEQR Declaration E-541.

Applicant(s): Pulmonary and Sleep Medical, P.C. 2523 Avenue O Brooklyn, NY 11210		Applicant's Representative: Richard Lobel Sheldon Lobel, P.C. 18 East 41 st Street, 5 th Floor New York, NY 10017
Recommendation submitted by: Brooklyn Community Board 14		
Date of public hearing: October 28, 2019		Location: 810 East 16th Street, Brooklyn, NY 11230
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>
Date of Vote: November 4, 2019		Location: 1268 East 14th Street, Brooklyn, NY 11230
RECOMMENDATION <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input checked="" type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting # In Favor: 19 # Against: 8 # Abstaining: 7 Total members appointed to the board:		
Name of CB/BB officer completing this form Ms. Shawn Campbell	Title District Manager	Date 11/6/2019



Email/Fax Transmittal

TO: Brooklyn Community District 14 (CD 14) Distribution	FROM: Brooklyn Borough President Eric Adams
DATE: December 5, 2019	CONTACT: Inna Guzenfeld – Land Use Coordinator Phone: (718) 802-3754 Email: inna.guzenfeld@brooklynbp.nyc.gov
ULURP Recommendation: 2513-2523 AVENUE O – 190438 ZMK	NO. Pages, Including Cover: 5

Attached is the recommendation report for ULURP application 190438 ZMK. If you have any questions, please contact Inna Guzenfeld at (718) 802-3754.

Distribution

NAME	TITLE	OFFICE	EMAIL
Marisa Lago	Chair, City Planning Commission (CPC)	(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	wwoneng@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
Chaim Deutsch	Council Member, District 48	(718) 368-9176	cdeutsch@council.nyc.gov
Ed Powell	Chair, Brooklyn Community Board 14 (CB 14)	(718) 421-6077	info@cb14brooklyn.com
Shawn Alyse Campbell	District Manager, CB 14	(718) 421-6077	info@cb14brooklyn.com
Richard Lobel	Applicant's Representative, Sheldon Lobel PC	(212) 725-2727	rlobel@sheldonlobelpc.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

2513-2523 AVENUE O – 190438 ZMK

An application submitted by Pulmonary and Sleep Medical, PC pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment to change the southeast portion of a block on Avenue O between Bedford Avenue and East 26th Street in Brooklyn Community District 14 (CD 14), from an R2 to an R3-2 district. Such action would achieve zoning conformance and compliance for a property consisting of two combined, semi-detached homes, with a ground-floor ambulatory medical facility and a single-family residence above.

BROOKLYN COMMUNITY DISTRICT NO. 14

BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE
☐ APPROVE WITH
MODIFICATIONS/CONDITIONS

☐ DISAPPROVE
☒ DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BROOKLYN BOROUGH PRESIDENT

December 5, 2019

DATE

RECOMMENDATION FOR: 2513-2523 AVENUE O – 190438 ZMK

Pulmonary and Sleep Medical, PC submitted an application pursuant to Sections 197-c and 201 of the New York City Charter for a zoning map amendment to change the southeast portion of a block on Avenue O between Bedford Avenue and East 26th Street in Brooklyn Community District 14 (CD 14), from an R2 to an R3-2 district. Such action would achieve zoning conformance and compliance for a property consisting of two semi-detached buildings, including the building that contains a ground-floor ambulatory medical facility.

On November 13, 2019, Brooklyn Borough President Eric Adams held a public hearing on this zoning map amendment. There were three speakers on the item, all in support, including an employee of a community-based organization, a member of a local business association, and one of the applicant's regular patients. The speakers noted that the applicant provides an important service to the community and that his practice does not contribute to vehicular traffic in the area.

In response to Borough President Adams' inquiry as to what additional development rights would the buildings gain under the proposed R3-2 rezoning, the applicant's representative noted that R2 and R3-2 districts have very similar bulk regulations. In an R3-2 zone, community facilities are permitted as-of-right at a floor area ratio (FAR) of 1.0, but only at 0.5 FAR in an R2 zone, though 1.0 would be allowed by the granting of a special permit by the New York City Board of Standards and Appeals (BSA). Furthermore, in R2 districts, residential uses can be constructed in excess of 1.0 FAR with a BSA special permit, while R3-2 districts allow a maximum FAR of 0.6 for housing.

In response to Borough President Adams' inquiry as to what additional uses would be allowed according to the proposed rezoning, the representative stated that certain community facilities, including medical offices, are not permitted in R2 districts. Such uses would be permitted as-of-right in an R3-2 zone. The representative noted that non-profit or voluntary hospitals are allowed as-of-right in both R2 and R3-2 districts, and that New York Community Hospital owns one of the lots in the rezoning area.

In response to Borough President Adams' inquiry regarding the total existing square footage of community facility use located at the applicant's property, the representative stated that medical offices occupy 1,424 square feet (sq. ft.) of the ground floor.

In response to Borough President Adams' inquiry as to why R3-1, a zoning district meant for semi-detached residences that permits up to 1,500 sq. ft. of community facility use, was not proposed, the representative noted that R3-2 districts appear widely throughout the surrounding neighborhood. They also expressed that representatives of the New York City Department of City Planning (DCP) deemed the district appropriate due to an intensive medical use across Avenue O, which is a wide street. Finally, the representative noted that while an R3-1 district would legalize the existing medical offices, it would limit the applicant's ability to expand the use beyond 1,500 sq. ft.

During the hearing, the applicant's representative provided 82 signed letters from local residents in support of the application.

Subsequent to the hearing, Borough President Adams received a letter from a local resident and president of the East 26th Street – Avenue O Block Association in opposition to the application. The individual expressed concerns that approval would spur similar rezonings in the R2 district, contribute to traffic congestion, and permit future expansion on the site. The letter also noted that the applicant's two properties were illegally combined into a medical office, and argued that there was no such use on the lots prior to their purchase by the applicant.

Consideration

Brooklyn Community Board 14 (CB 14) has not taken a position on this application. However, on November 4, 2019, the board voted against the resolution of its land use committee to approve this application.

The proposed land use actions would affect four two-story, semi-detached buildings intended for residential occupancy. 2513 Avenue O is owned by New York Community Hospital of Brooklyn, Inc. 2517, 2519, and 2523 Avenue O are owned by an individual who is the principal for the applicant. Prior to 2006, the four properties, containing semi-detached single-family buildings, were located in an R6 district and were compliant as a building type and occupied by conforming uses. The buildings became non-compliant structures with non-conforming uses in 2006 when the adjacent R2 district was enlarged as part of an approximately 80-block rezoning of the Midwood neighborhood. This comprehensive rezoning, initiated by DCP, replaced R6-mapped areas that extended into East Midwood with a combination of reduced-density and height-limited zoning districts to better reflect the built context and allow greater density in specific locations. For 2519 and 2523 Avenue O, the change of the zoning from R6 to R2 assured that residential use would remain single-family, consistent with the predominantly residential occupancy in the R2 district north of Avenue O. While the current R2 zoning allows single family use, new residential development is restricted to detached homes. Moreover, while R2 districts permit some community facility uses, they do not allow ambulatory diagnostic and treatment health care facilities. The current ground floor occupancy of 2519 and 2523 Avenue O as ambulatory medical use is therefore non-conforming.

According to the application, the owner purchased 2523 Avenue O in 2000 and 2519 Avenue O in 2006. In 2016, the applicant performed interior work to open the wall between the buildings and create a combined ground floor for a medical facility. Though the applicant believes that the properties have a prior history of medical use, there is an absence of documentation that would render the current offices a legal, non-conforming use. Both properties lack a Certificate of Occupancy (C of O), or any other form of City records to verify legal use. Therefore, the medical use is, at present, operating as an illegal non-conforming use.

The requested R3-2 zoning would bring the applicant's medical facility into zoning conformance and the buildings themselves into zoning compliance. In addition to semi-detached homes, R3-2 zoning districts permit multi-family residential development, such as a row of attached homes as well as a single low-rise apartment building. R3-2 zones also permit a wide range of community facility uses, including Use Group 4 (UG 4) ambulatory diagnostic or treatment health care facilities (though for buildings containing residential use, community facility uses would be limited to the ground-floor level and below). A rezoning from R2 to R3-2 would change the existing community facility bulk regulations and broaden the range of uses that would achieve such rights. Additionally, under R3-2, the four properties could be combined into a single zoning lot to facilitate a community facility development of up to 10,000 sq. ft. as-of-right, whereas under R2, such action would require authorization from the BSA. Otherwise, development would be restricted to 5,000 sq. ft. if occupied for community facility use.

In consideration of those who have expressed support for maintaining the existing R2 zoning, it should be noted that R2 districts permit a limited number of community facilities such as libraries, non-profit hospital staff dwellings, houses of worship, and non-profit or philanthropic institutions. Borough President Adams has heard concerns about the presence of non-conforming medical uses within the R2 district, and quality-of-life issues stemming from ambulatory facilities in the area. However, as R2 districts permit non-profit and voluntary hospitals as-of-right, retaining the current zoning would not deter the eventual redevelopment of 2513-2523 Avenue O for such uses. Furthermore, while R2 permits have as much floor area as the requested R3-2 district for as-of-right non-profit and voluntary hospitals, New York City Zoning Resolution (ZR) Section 74-901 Certain Community Facility Uses in R1 and R2 Districts and Certain Commercial Districts provides an opportunity to obtain a special permit from the

City Planning Commission (CPC) for the grant of 1.0 FAR of floor area for such uses provided that certain findings are met.

Therefore, disapproval of the proposed rezoning would not provide assurance that these four properties would revert to exclusively residential occupancy. As three of the properties are in single ownership and the fourth is owned by New York Community Hospital of Brooklyn, Inc., maintaining R2 would not preclude eventual hospital expansion.

Borough President Adams generally supports appropriate land use actions that legalize non-complying and non-conforming uses. However, he believes that a zoning remedy for non-conformance should not undermine the existing contextual objectives. The requested R3-2 district would allow multi-family residences and attached homes, which is inconsistent with the 2006 rezoning. This would allow for detached and semi-detached residential building types. In addition, Borough President Adams believes there that traffic conditions along Avenue O warrant consideration to realize improvement.

Appropriate Zoning

The 2006 rezoning placed these lots within an R2 district, restricting the properties to single-family use. However, because R2 zoning only permits detached homes, pre-existing semi-detached residential buildings in the district, including the applicant's properties, were rendered non-compliant. Borough President Adams believes that the solution to the dual issue of non-compliance and non-conformance is an R3-1 district, which allows semi-detached buildings, and also permits up to 1,500 sq. ft. of ambulatory diagnostic and health treatment facilities; additional floor area for such uses would be permitted only by BSA authorization. As affirmed during Borough President Adams' hearing, the applicant's medical facility occupies 1,424 sq. ft. on the combined ground floor of 2519 and 2523 Avenue O. Therefore, an R3-1 district would be sufficient both to achieve compliant bulk for the existing semi-detached homes and legalize the ground-floor medical facility, as are the stated goals of this application. Therefore, Borough President Adams believes that the CPC and/or City Council should disapprove the requested R3-2 district unless it is modified to R3-1.

Addressing Avenue O Traffic

Borough President Adams acknowledges the long-standing concerns related to traffic along Avenue O including ambulatory vehicles, as well as parking, speeding, and traffic.

Avenue O serves as a westbound connection street for vehicles diverting from Kings Highway. This diversion occurs at one block west of New York Community Hospital. Such traffic is mixed with ambulances as well as ambulettes serving the facility. Other diagnostic and treatment centers also generate demand for ambulettes, which carry patients to and from these facilities, and park along this section of Avenue O, in proximity to a dispatch office located on the block. It has been represented that the traffic pattern along this section of Avenue O has been burdened by excessive speeding mixed with ambulatory vehicles. This is in contrast to the low-traffic East 25th and East 26th streets, characterized by detached single family homes.

CB 14 has been on record with New York City Department of Transportation (DOT) to change parking from parallel to angled on Avenue O along the hospital's building line so that ambulances do not have to double-park to offload patients. The board's request is apparently still pending with DOT.

Borough President Adams believes that it would be appropriate for DOT to evaluate the ongoing parking and traffic patterns along this section of Avenue O as a means of advancing Vision Zero and quality-of-life concerns. Such improvements might involve modifications of appropriate signage, curbside parking orientation, and/or street direction, as well as installation of speed-

deterrent devices. Such evaluation should be carried out in collaboration with CB 14 and local elected officials.

Recommendation

Be it resolved that the Brooklyn Borough President, pursuant to Section 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council disapprove this application unless the proposed R3-2 district is modified to R3-1.

Be it further resolved:

1. That the New York City Department of Transportation (DOT) evaluate parking and traffic patterns along the section of Avenue O between Bedford Avenue and East 26th Street, in collaboration with Community Board 14 (CB 14) and local elected officials.