



IN THE MATTER OF an application submitted by Fort Hamilton, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 22a and 22c:

1. changing from an R5 District to an R6 District property bounded by a line 100 feet northwesterly of Fort Hamilton Parkway, 53rd Street, Fort Hamilton Parkway, and a line 120 feet southwesterly of 54th Street; and
2. establishing within the proposed R6 district a C1-3 District bounded by a line 100 feet northwesterly of Fort Hamilton Parkway, 54th Street, Fort Hamilton Parkway, and a line 120 feet southwesterly of 54th Street;

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated October 20, 2014, and subject to the conditions of CEQR Declaration E-341

An application for an amendment to the zoning map was filed by Fort Hamilton, LLC on February 21, 2014 to change portions of two blocks from an R5 district with a C1-3 overlay to an R6 district with a C1-3 overlay, in order to facilitate the construction of a six-story, 50,669 square-foot community facility and commercial development located on the southwest intersection of Fort Hamilton Parkway and 54th Street (Block 5673, Lots 42 & 50) in the Borough Park neighborhood of Brooklyn, Community District 12. The proposed development will contain an ambulatory and diagnostic treatment facility with medical offices and a birthing center, along with a ground floor partially used for retail use.

BACKGROUND

The applicant is proposing to change portions of two blocks (Block 5673, Lots 41, 42 & 50 and Block 5666, Lot 20) from an R5 district with a C1-3 overlay to an R6 district with a C1-3 overlay. The proposed rezoning area is generally bounded by 53th Street to the north, Fort Hamilton Parkway to the east, a depth of 120 feet south of 54th Street to the south and a depth

of 100 feet west of Fort Hamilton Parkway to the west. The surrounding area is zoned R5 and R6, and can be characterized as being a low- to moderate-density residential neighborhood, consisting predominantly of two- to three-story semi-detached buildings and row houses and three- to four-story apartment buildings. Fort Hamilton Parkway, a wide street, is predominantly mapped with a C1-3 overlay allowing for mixed use buildings with ground floor retail and residences above. Commercial uses in the immediate vicinity of the rezoning area include grocery stores, restaurants and other local retail establishments. In addition, there are several community facilities, including the Monastery of the Precious Blood, a portion of which is located in the rezoning area, the United Talmudic Academy, which is located across from the applicant's proposed development, and Maimonides Medical Center, which is to the north on Fort Hamilton Parkway. Rappaport Park, an active and passive open space, is located two blocks north of the rezoning area.

The existing R5/C1-3 district permits a maximum 2.0 FAR for Community Facility uses and 1.0 FAR for Commercial uses. The proposed R6/C1-3 district permits a maximum of 4.8 for Community Facility uses and 2.0 for Commercial uses. The maximum building height for non-residential uses is determined by sky exposure plane in both districts. Parking requirements remain the same in a C1-3 overlay, one per 400 square feet of floor area for commercial and community facility uses.

The proposed zoning change would facilitate the development of a new, six-story ambulatory and diagnostic treatment facility on the southwest intersection of Fort Hamilton Parkway and 54th Street (Block 5673, Lots 42 & 50). The new building will have medical offices and a birthing center, with a ground floor partially used for retail use. Lot 42 has 101.82 feet of frontage on Fort Hamilton Parkway and 100 feet of frontage on 54th Street. It is improved with a vacant and former one-story automotive service station constructed in the 1960's. Lot 50 is immediately south of Lot 42 and has 20.33 feet of frontage on Fort Hamilton Parkway and is a vacant three-story building. All structures on Lots 42 and 50 will be demolished to facilitate the new construction. Also within the rezoning area and adjacent to the development site, Lot 41 is developed with an existing 3-story residential building, which will remain.

The Monastery of the Precious Blood (Block 5666, Lot 20) is a four-story building that rises to a height of 79 feet and is built to an FAR of 0.28. It is mostly located within the existing R6 district, but a portion along Fort Hamilton Parkway is zoned R5. As part of this application, the portion of the Monastery within the R5 district will be rezoned to R6, which allows for a Community Facility FAR of 4.8. This will bring all of the Monastery within the R6 zone, since it more closely complies with the R6 district regulations.

The new proposed building would be built to 4.54 FAR with a total of 50,669 square feet of floor area, including 45,055 square feet of community facility space and 5,614 square feet for ground floor commercial retail. The development site has a building footprint of 11,167.5 square feet. The proposed building includes a cellar floor for related medical office functions and three sub-cellar levels for parking. Pursuant to the Zoning Resolution, a total of 150 accessory parking spaces will be provided in an automated parking garage with an elevator and attendant. The proposed building will rise to a total height of six stories or 66 feet, with a four-story street wall with a height of 44 feet, which drops to 33 feet at the corners to provide a contextual transition to adjacent buildings. Currently, there are two, approximately 20' wide curb cuts along Fort Hamilton Parkway, approximately 10 and 70 feet from the corner of 54th Street, and one, approximately 15' wide curb cut along 54th Street, approximately 20 feet from the corner. The applicant's proposal will eliminate and replace all existing curb cuts with a single 17 foot, 8 inch curb cut on 54th Street, 64 feet from the corner, to vehicular access to the proposed development.

In regards to public transit access, the rezoning area is located approximately three blocks west from the 50th Street and 55th Street "D" subway line and approximately eight blocks north from the Fort Hamilton Parkway Station for the "N" subway line. Bus routes servicing this section of the Borough Park neighborhood include the B16, which runs north-south along Fort Hamilton Parkway to 56th and 57th Streets, and the B11, which runs east-west along 49th and 50th Streets. The B70 runs north-south parallel to Fort Hamilton Parkway along 8th Avenue in the Sunset Park neighborhood between Bay Ridge Avenue and 39th Street.

ENVIRONMENTAL REVIEW

This application (C 140288 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 designated CEQR number is 14DCP135K. The lead is the City Planning Commission.

A Conditional Negative Declaration was issued on October 17, 2014. The Conditional Negative Declaration included an (E) designation (E-341) affecting Lots 42 and 50 on Block 5673, for air quality, noise and hazardous materials to avoid the potential for significant adverse impacts, as described below.

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

Any new residential and/or commercial development on the above-referenced property must use natural gas for HVAC systems to avoid any potential significant adverse air quality impacts.

The text for the (E) designation related to noise is as follows:

To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum OITC rating of 28 dBA window/wall attenuation to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning. For commercial uses, the requirement would be 5 dBA lower, or 23 dBA.

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

Task 1 – Sampling Protocol

The fee owner of the lots restricted by this (E) designation is required to submit to OER, for review and approval, an updated 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. No sampling shall 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 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 OER determines that remediation is necessary based on test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owner of the lots must complete such remediation as determined necessary by OER. The fee owner of the lots shall then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan must be submitted to OER for approval and then 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.

With the implementation of the above (E) designations (E-341), no significant adverse impacts related to air quality, noise and hazardous materials would occur.

The lead agency has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

The applicant, Fort Hamilton, LLC, agrees via restrictive declaration to contact the New York City Department of Transportation (NYCDOT) within six months after the completion of this project and to inform them of the need to implement the following traffic mitigation measures:

- A three second signal timing shift at the intersection of 54th Street and Fort Hamilton Parkway in order to restore overall acceptable operating levels for the eastbound approach during the PM peak hour.

- A revision to the current on-street parking regulations on an approximately 120-foot stretch of the west side of Fort Hamilton Parkway between 54th Street and the mid-block between 54th Street and 55th Street from the existing “No Parking 8:30-10 AM Monday” to “No Standing 7AM-7PM Monday to Friday except Authorized Vehicles, Ambulettes.” This revision will ensure that traffic flow along Fort Hamilton Parkway will not be impeded.

It is fully agreed and understood that if the foregoing conditions, modification, and alterations are not fully incorporated into the proposed action, this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal. The applicant signed and recorded the aforementioned Restrictive Declaration on October 17, 2014.

The applicant signed the Conditional Negative Declaration on October 17, 2014. The Conditional Negative Declaration was published in the City Record and in the New York State Environmental Notice Bulletin on October 29, 2014. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed.

No comments were received and the Conditional Negative Declaration was issued on February 2, 2015.

UNIFORM LAND USE REVIEW

This application (C 140288 ZMK) was certified as complete by the Department of City Planning on October 20, 2014 and was duly referred to Community Board 12 and 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

Community Board 12 held a public hearing on this application (C 140288 ZMK) on November 24, 2014 and a vote on November 25, 2014 to adopt a resolution recommending approval of the application with 33 in favor, none opposed and none abstaining.

Borough President Recommendation

This application (C 140288 ZMK) was considered by the Borough President, who issued a recommendation approving the application on December 31, 2014, with the following conditions:

1. That the applicant:
 - a. Establishes a legally enforceable mechanism that guarantees nonresidential development with height not to exceed six stories.
 - b. Provides for affordable parking rates to neighborhood residents, and that access to the parking garage is extended to area facilities such as the banquet facility and yeshiva.
 - c. Retains Brooklyn-based contractors and subcontractors, especially those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation), as well as to apprise the Borough President with quarterly reports of such participation.
 - d. Notes, prior to the vote by the City Council, the extent of commitment to incorporating blue/green roof installations, geothermal and heat recovery systems and well, as paving sections of the roof surface with white pavers and to incorporate bio-swales for both the Fort Hamilton Parkway and 54th street frontages.
2. That the City Council has such stipulations incorporated into such agreements prior to granting its approval.
3. That the Department of City Planning and Department of Transportation include the following in its restrictive declaration executed with the applicant:
 - a. That the applicant will retain a consultant to conduct a post-opening traffic study within one-year in consultation with the Department of Transportation, Community Board 12, and local elected officials with the intent to facilitate adequate movement from 54th Street and along Fort Hamilton Parkway to determine whether additional modifications are warranted to the following:
 - i. traffic control at Fort Hamilton Parkway and 54th Street and/or curbside daylighting; and
 - ii. Fort Hamilton Parkway curb length of "No Standing 7 a.m. through 7 p.m. Monday through Friday Ambulances and Other Authorized Vehicles" signage.
 - b. That funding be appropriated, if warranted, to provide for adjustments to the traffic control equipment and any installation and/or reprogramming of signage and lane demarcation that are directly attributed to improving access to and from the medical office building.

City Planning Commission Public Hearing

On December 17, 2014 (Calendar No. 3), the City Planning Commission scheduled January 7, 2015 for a public hearing on this application (C 140288 ZMK). The hearing was duly held on January 7, 2015 (Calendar No. 15).

An attorney representing the applicant spoke in favor, summarizing the proposed project and the requested action. She explained that traffic mitigation measures will be implemented and further impacts will be studied after the opening of the proposed development. She also said that the applicant will use environmentally sustainable methods to develop and operate the building, such as using a geothermal heating and cooling system, implementing green and blue roofs to manage storm water, and installing bioswales along both street frontages. In addition, the applicant's representative said that the Brooklyn Birthing Center is a development partner on the project and it is the intention for the proposed birthing center to occupy 10,000 square feet or one floor of the proposed building, which will be complemented by medical offices in other portions of the building. Finally, she indicated that state-based funding for brownfield remediation has not been renewed during the time of the public hearing, and as a result, the applicant may only pursue funding from city-based brownfield remediation programs.

The Executive Director of the Brooklyn Birthing Center spoke in favor, describing that an ambulatory surgical center is planned to occupy the first floor and the birthing center intends to occupy the fifth floor to maximize privacy. She explained that a birthing center gives women an alternative birthing location that can serve as a bridge between hospital and home births with a goal of providing minimal medical intervention.

The project architect spoke in favor, describing that windows of the proposed development located near adjacent buildings will be designed to be translucent to bring light and air into the facility while maintaining privacy for staff, patients and other building users. He also described environmentally sustainable features of the proposed building and indicated that the applicant is seeking a LEED silver designation.

The applicant from Fort Hamilton, LLC also spoke in favor and said that the building is being designed to appeal to medical professionals with different backgrounds and areas of specialization. He stated their intention to partner with nearby hospitals and medical facilities and local physicians serving residents within the Borough Park community

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application (C 140288 ZMK) for an amendment to the zoning map is appropriate.

The project area is adjacent to an existing R6 zoning district and the surrounding area predominantly consists of medium-density residential buildings with a mix of uses along Fort Hamilton Parkway, including local retail uses and various community facilities, such as Maimonides Medical Center, a large medical institution providing healthcare services to residents of Brooklyn. The Commission believes that the proposed action would allow the site (Block 5673, Lots 42, 50 and a portion of Lot 41) to be developed as a six-story community facility building in a manner consistent with the physical character of Fort Hamilton Parkway and the surrounding area. In addition, the R6 zoning district would bring the existing 4-story, 79 foot street wall of the Monastery of the Precious Blood (Block 5666, Lot 20) into greater compliance with the zoning regulations.

Although the application is only for the change in zoning, and not for a specific building or use, the Commission is nevertheless pleased that the proposed setback on the top two floors of the proposed building and a four-story street wall that drops to the height of adjacent buildings, will provide a transition that matches the character of neighboring adjacent properties. Further, the proposed building is designed with windows that balance a desire for privacy with access to light and air, as well as techniques to reduce storm water runoff and conserve energy usage, as part of seeking LEED silver designation.

In response to the Brooklyn Borough President’s recommendations, the applicant stated in a letter to the Brooklyn Borough President dated December 22, 2014, that he is committed to the building’s proposed massing, agreed to implement traffic mitigation measures before the building’s completion, and will undertake a “post-opening” traffic study. Further, the applicant stated an intention to develop and operate the building in an environmentally sustainable manner and use commercially reasonable efforts to hire residents of Brooklyn and retain borough-based sub-contractors, particularly establishments designated as minority or women-owned enterprises (MWBE).

In regards to the condition by the Borough President, that users of area facilities and local residents be given access to parking spaces in the proposed development, the Commission believes that the parking provided is the minimum for required accessory parking and must be consistent with restrictions on use of accessory off-street parking spaces.¹

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. The applicant, Fort Hamilton, LLC, agrees via restrictive declaration to contact the New York City Department of Transportation (NYCDOT) within six months after the completion of this project and to inform them of the need to implement the following traffic mitigation measures:
 - A three second signal timing shift at the intersection of 54th Street and Fort Hamilton Parkway in order to restore overall acceptable operating levels for the eastbound approach during the PM peak hour.
 - A revision to the current on-street parking regulations on an approximately 120-foot stretch of the west side of Fort Hamilton Parkway between 54th Street and the mid-block between 54th Street and 55th Street from the existing “No Parking 8:30-10 AM Monday” to “No Standing 7AM-7PM Monday to Friday except Authorized Vehicles, Ambulettes.” This revision will ensure that traffic flow along Fort Hamilton Parkway will not be impeded.

¹ This paragraph was edited from the original report.

The proposed mitigation measures, including signal timing and parking modifications, would fully mitigate the potential impacts at this intersection. DOT has also agreed to investigate the feasibility of implementing the mitigation measures once the project is built and occupied. Consequently, no adverse impacts related to traffic would occur.

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 and 22c:

1. changing from an R5 District to an R6 District property bounded by a line 100 feet northwesterly of Fort Hamilton Parkway, 53rd Street, Fort Hamilton Parkway, and a line 120 feet southwesterly of 54th Street; and
2. establishing within the proposed R6 district a C1-3 District bounded by a line 100 feet northwesterly of Fort Hamilton Parkway, 54th Street, Fort Hamilton Parkway, and a line 120 feet southwesterly of 54th Street;

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated October 17, 2014, and subject to the conditions of CEQR Declaration E-341.

The above resolution (C 140288 ZMK), duly adopted by the City Planning Commission on February 4, 2015 (Calendar No. 5), 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.

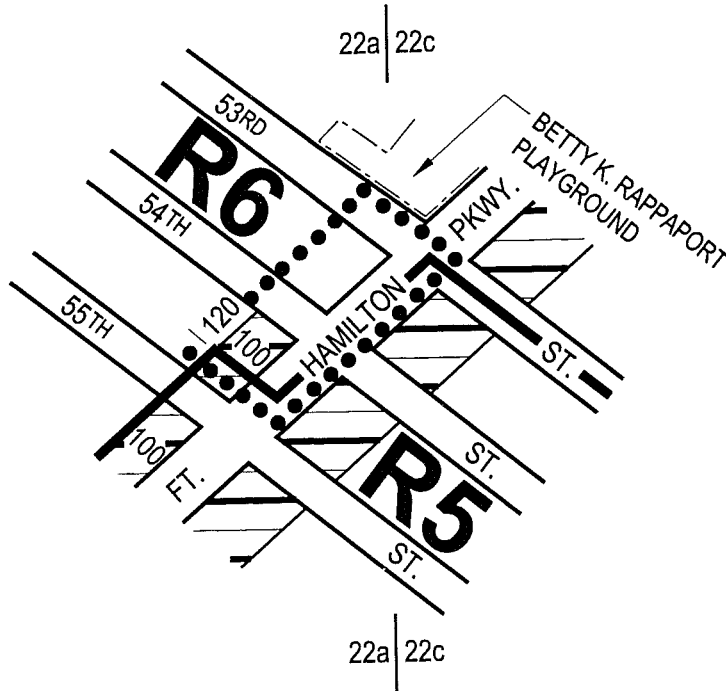
CARL WEISBROD, Chairman

KENNETH J. KNUCKLES, ESQ., Vice Chairman

IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ,

JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON,

ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, Commissioners



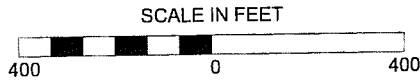
CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
22a & 22c
 BOROUGH OF
BROOKLYN






New York, Certification Date
 OCTOBER 20, 2014

J. Miraglia

J. Miraglia, Director
 Technical Review Division



NOTE:

-  Indicates Zoning District Boundary.
-  The area enclosed by the dotted line is proposed to be rezoned by changing an R5 District to a R6 District, and by establishing within the proposed R6 District a C1-3 District.
-  Indicates a C1-3 District.



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #:	Project Name:
CEQR Number:	Borough(s):
	Community District Number(s):

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" ~~XXXXXXXXXX~~
 - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
 - FAX:** (212) 720-3356 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:

Applicant(s):		Applicant's Representative:	
Recommendation submitted by:			
Date of public hearing:		Location:	
Was a quorum present? YES <input 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:		Location:	
RECOMMENDATION			
<input type="checkbox"/> Approve		<input type="checkbox"/> Approve With Modifications/Conditions	
<input 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:	# Against:	# Abstaining:	Total members appointed to the board:
Name of CB/BB officer completing this form		Title	Date



E-mail/ Fax transmittal

TO: Community District 12 Distribution	FROM: Borough President Eric L. Adams
DATE: December 31, 2014	CONTACT: Richard Bearak – Director of Land Use Phone: 718-802-4057 E-Mail: rbearak@brooklynbp.nyc.gov
ULURP Recommendation: 5402 Fort Hamilton Parkway – 140288 ZMK	NO. Pages, Including Cover: 11

Attached is the recommendation report for ULURP application 140288 ZMK.
If you have any questions, please contact Richard Bearak at 718-802-4057.

Distribution

NAME	TITLE	FAX	E-MAIL
Carl Weisbrod	City Planning Commission Chair	212-720-3356	ygruel@planning.nyc.gov
Hon. Melissa Mark-Viverito	City Council Speaker	212-788-7207	mviverito@council.nyc.gov
Winston Von Engel	Director DCP Brooklyn	718-596-2609	wvoneng@planning.nyc.gov
Jackie Harris	DCP - Director of Land Use Review	212-720-3356	jharris@planning.nyc.gov
Raju Mann	Dir. City Council Land Use Division	212-788-7207	rmann@council.nyc.gov
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Deirdre Carson, Esq	Applicant Representative	212-805-5555	carsond@glaw.com
Richard Bearak	Director – Land Use		rbearak@brooklynbp.nyc.gov

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
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 #: 140288 ZMK – 5402 Fort Hamilton Parkway

In the matter of an application submitted by Fort Hamilton, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section Nos. 22a and 22c:

- 1) Changing from an R5 District to an R6 District property bounded by a line 100 feet northwesterly of Fort Hamilton Parkway, and a line 120 feet southwesterly of 54th Street; and
- 2) Establishing within the proposed R6 district a C1-3 District bounded by a line 100 feet northwesterly of Fort Hamilton Parkway, 54th Street, Fort Hamilton Parkway, and a line 120 feet southwesterly of 54th Street;

to facilitate the development of a new 6-story, healthcare center for women, including a "birthing center" for a midwifery facility, with ground floor retail, containing 50,669 square feet of floor area and 150 parking spaces accessible from 54th Street.

COMMUNITY DISTRICT NO.12

BOROUGH OF BROOKLYN

RECOMMENDATION

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED

BOROUGH PRESIDENT

December 31, 2014

DATE

**RECOMMENDATION FOR THE PROPOSED 5402 FORT HAMILTON PARKWAY
REZONING 140288 ZMK**

The applicant, Fort Hamilton LLC., is seeking a zoning map boundary line change between existing R5 and R6 districts to include two block fronts along Fort Hamilton Parkway in the R6 district, where a C1-3 commercial overlay district would not change. The rezoning would facilitate the development at 5402 Fort Hamilton Parkway of a new six-story medical office building with 5,600 square feet (sf) of ground floor retail and 150 automated parking spaces within the Borough Park neighborhood of Community District 12 (CD 12).

On December 4, 2014, the Borough President held a public hearing on the proposed rezoning. The representative for the applicant noted that the requested rezoning would allow a medical facility that will be six stories with a height of 76 feet to the top of the bulkhead with 50,669 sf of zoning floor area, plus an additional 9,900 sf of medical use in the cellar and 160 automated parking spaces. The building will serve primarily as a women's birthing center, replacing an existing facility that would be relocating from Sheepshead Bay. The existing curb cuts would be eliminated and replaced with a single curb cut along 54th Street.

The requested zoning permits residential development that is several stories taller than proposed building. In response to the question by the representative of the Borough President as to whether there might be a mechanism that would guarantee that a medical building would be constructed, the applicant's representative responded that a restrictive declaration is something that the applicant can volunteer to enter into to affect the property.

Anticipating that the rezoning may result in traffic congestion that could be attributed to this medical facility, the representative noted that there is an ongoing dialogue with the Department of Transportation (DOT) to modify the signal timing at the intersection of Fort Hamilton Parkway and 54th Street, as well as a "no standing" signal/sign from 7 a.m. to 7 p.m. Monday through Friday that would permit ambulances and other authorized vehicles to pull up to the curb. There would also be "no standing" in immediate proximity of the 54th Street entrance to the accessory parking garage. These improvements would be achieved through a restrictive declaration.

The design is believed to be consistent with the Borough President's policy to promote the use of sustainable and renewable resources. Sustainable aspects of the design might include geothermal wells, as it is viewed as the most efficient and cost-effective clean energy source. The design includes heat recovery. The upper roof would have a storm water detention blue roof. Other sections of the roof would contain white pavers to repeal the sun's heat while facilitating storm water detention. A partial blue/green roof would be incorporated on the terrace. Bio-swailes are intended to be incorporated on both the Fort Hamilton Parkway and 54th Street frontages. The architect is designing for Silver LEED status and/or certification.

The developer has not yet selected a contractor, though most likely a Brooklyn firm would be retained and be willing to speak to the contractor to use best efforts to hire

local MWBE and LBE sub-contractors. As the focus of the building is a birthing center and women's health care services, it is generally expected that these offices would be staffed largely by female doctors and support staff.

CONSIDERATION

Community Board 12 (CB 12) approved the application.

The Borough President supports efforts that facilitate the creation or growth of Brooklyn-based businesses, including rezonings that promote redevelopment of a vacant automotive service station and a vacant, three-story, mixed residential-ground floor retail building.

The Borough President supports expanding medical services throughout Brooklyn, as not all neighborhoods have adequate access to health care services. Among his priorities is to have accessible, affordable and state-of-the-art medical services available in all neighborhoods of Brooklyn. The resulting rezoning would increase the maximum permitted floor area ratio (FAR) for community facility use from 2.0 FAR to 4.8 FAR. The resulting healthcare center is intended to provide a broad spectrum of medical services to women, including a "birthing center" for a midwifery facility, though it would not have beds for inpatient services. Midwife delivery is a trend that is growing. In addition to increased demand for midwifery births at hospitals, those seeking non-hospital settings will be denied the opportunities for delivery in those settings. This facility would triple the capacity of the existing center now located in Sheepshead Bay. The birthing center would feed into nearby Maimonides Medical Center (MMC) for those cases that could not be handled on an outpatient basis. The healthcare center would serve medical practices that would benefit from the sharing of resources, technology and medical equipment. In addition to MMC, which is spread across five blocks between 47th and 49th Streets along Fort Hamilton Parkway, the neighborhood includes other community facility uses.

This healthcare facility becomes feasible through the increased floor area pursuant to the rezoning and is consistent with the Borough President's policy to promote access to health care. This includes facilities that provide a multitude of healthcare services for women in a single building readily accessible to a major medical center. The Borough President believes that this consolidated model of medical services represents the future under the Affordable Healthcare Act.

The rezoning request is consistent with the Borough President's Faith-Based Property Development Initiative as 24,000 sf. of additional residential air-rights would result for the adjacent monastery.

The Borough President believes that the proposed commercial space provides an additional opportunity to activate the Fort Hamilton Parkway streetscape while offering an opportunity to contain a use complimentary to healthcare services, such as a pharmacy. Development of the healthcare center would replace an existing eye-sore by eliminating a gap in the streetscape while resolving environmental concerns that historically arise in connection with former gas station sites.

As presented, the proposed development is generally consistent with the Borough President's policy to promote the use of sustainable and renewable energy resources.

The Borough President understands the concerns that have been shared with regard to this rezoning at the CB 12 hearing, particularly regarding limitations on parking spaces, school buses being double parked and resulting traffic matters. In addition, the Borough President has concern that the proposed rezoning does not guarantee the presented use and building height. Furthermore, he seeks accountability that the construction would promote MWBE and/or LBE participation and that the developer would indeed include the described sustainable aspects as described.

Guarantee of Height and Use

The Borough President is an advocate for contextual development. The building would have four-story street walls along both Fort Hamilton Parkway and 54th Street, with a required setback on each frontage to a total height of six-stories. Should development proceed as depicted by the applicant, development would be covering much of the lot and the floor area would be utilized in a height contextual to the Yeshiva and apartment buildings on the opposite side of Fort Hamilton Parkway and the monastery on the same side of Fort Hamilton Parkway as the proposed medical building. The height is also consistent with two nearby low-income housing developments for the elderly, the six-story David Minkin Residence and the six-story Msgr. Joseph F. Stedman residence.

According to the requested R6 Residence District, although the property can be developed for or with residential use and with a much smaller building footprint as compared to the proposed ambulatory medical office building, development can already achieve 12 or more stories. The Borough President is concerned that the requested zoning does not in itself guarantee that such a residential tower would not be constructed in lieu of the presented ambulatory medical building.

In addition, when considering residential zoning requests, the Borough President is committed to providing opportunities for Brooklyn's working families to have access to affordable housing. It is the Borough President's policy for new residential developments, subject to ULURP, to provide a minimum of 20 percent affordable units. Because this project is being presented as a medical building, the applicant is not presenting any obligation regarding affordable housing.

As the requested rezoning allows as-of-right development opportunities that conflict with the Borough President's policies regarding contextual development and providing for affordable housing, he believes approval of the proposed rezoning should be pursuant to the establishment of a legally enforceable mechanism that guarantees non-residential development with height not to exceed six-stories.

In a letter sent to the Borough President dated December 22, 2014 (attached), the applicant has expressed a commitment to memorialize through the submitted letter for the proposed building's massing to be in substantial conformance with the plans submitted with the application.

Prior to the vote by the City Council, the applicant should demonstrate that it has established a legally-enforceable mechanism subject to the adoption of the proposed rezoning.

Providing Access of the Parking Facility to the Neighborhood

The medical office would include an automated accessory parking garage to meet its parking requirement pursuant to the Zoning Resolution. According to Section ZR 36-46, use is primarily for the occupants, employees, customers, and visitors; though, it appears that these spaces may be rented to non-users of the building's uses.

According to the environment assessment statement, there are hours where it is not likely to find curbside parking. In addition, at the hearing of CB 12, several people noted that there are times that it is difficult for area residents to secure on-street parking. The nearby yeshiva and banquet establishment bring cars at various times to the neighborhood as well that likely increase the competition for on-street parking. It is possible that those seeking parking in association with the uses in the medical facility might at times utilize open street spaces rather than wait to have their car taken by an attendant to be parked by the automated system – which is capable of handling one car every three minutes.

Because the neighborhood already has moments where securing conveniently-located parking is a challenge, the Borough President believes that it would be beneficial to community residents to have access to the parking facility at affordable rates. In addition, the garage operator should coordinate with the yeshiva and banquet facility to have surplus fee-based parking made available to those facilities.

Jobs

The Borough President is concerned that too many residents of Brooklyn are unemployed or underemployed. It is his policy to promote economic development as a means of creating more employment opportunities as well as promoting Brooklyn-based businesses, including those that qualify as MWBE and Locally-Based Enterprises (LBE). As new construction, this development provides an opportunity for the developer to retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs, consistent with section 6-108.1 of the City's Administrative Code, and MWBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation). With the intended development, the Borough President believes that the developer should keep his office aware with quarterly reports. Therefore, prior to the vote of the City Council, the applicant should provide a stipulation of such commitment prior to granting its approval.

In a letter sent to the Borough President dated December 22, 2014 (attached), the applicant has expressed a commitment to ask its contractor to use commercially reasonable efforts to pursue the hiring of Brooklyn residents and prioritizing retaining Brooklyn-based subcontractors, especially those that are designated MWBE. Furthermore, the applicant will update the BBPO with quarterly updates.

Advancing Sustainable Energy and Storm Water Management Policies

The Borough President seeks opportunities to utilize solar panels and/or blue/green roofs. In addition to aligning with the Borough President's sustainable energy policy, such modification would reduce the facility's carbon footprint and reduce energy costs annually. In addition, blue/green roofs and bio-swales would defer storm water from entering the City's water pollution control plants. Considering the relative low height of surrounding structures that support this location's exposure to direct sunlight, incorporating roof top renewable energy features would be an advantageous usage of often unused roof surfaces.

While the developer is not considering solar installation, the Borough President considers the combination of white paving blocks applied to the sections of the roof that facilitate rain water detention and the intended geo-thermal and heat recovery systems to be consistent with his policies. The Borough President seeks assurances that the actual construction would incorporate such features.

In a letter sent to the Borough President dated December 22, 2014 (attached), the applicant has expressed intent to develop and operate the building in a sustainable manner and has proposed various methods of treatments pertaining to energy use and storm water control.

Traffic

In connection with the environmental review, DOT identified certain transportation improvements that would be needed to mitigate impacts identified in the analysis. These pertain to parking restrictions along a section of Fort Hamilton Parkway and 54th Street and traffic control timing adjustments. The intent is to have these mitigation measures achieved through the filing of a restrictive declaration recorded against the property at least eight days prior to the City Planning Commission's ULURP hearing or else the application would be terminated.

It should be noted that traffic studies developed as part of the required environmental assessment are more theoretical than exact. Environmental assessments serve as predictive tools, whereas actual conditions will demonstrate a more valid view on the impacts that development have on a community. The Borough President is concerned that initial mitigation might not address actual established use of the medical building. Even with the recommended mitigation, congestion still might result at the intersection of 54th Street due to double parking along Fort Hamilton Parkway.

In order to best maximize the area's capacity to handle traffic, especially in light of the expected increase of traffic with more commercial development, the Borough President believes that in addition to the implementation of the proposed mitigation, a post-opening traffic analysis study should be conducted as the only way to determine whether the initial mitigation is satisfactory or whether further mitigation is necessary and what additional mitigation should be

implemented by DOT based on analysis of actual travel patterns.

Therefore, the Borough President calls upon DOT and DCP to include in the restrictive declaration executed with the developer retaining a consultant to perform a traffic analysis, with the intent to facilitate adequate movement from 54th Street and along Fort Hamilton Parkway to determine whether additional modifications, such as modifying the signal timing and/or curbside daylighting (including the Fort Hamilton Parkway curb length of "No Standing 7 a.m. through 7 p.m. Monday through Friday Ambulances and Other Authorized Vehicles" signage) are warranted, in conjunction with DOT, CB 12 and its local elected officials to determine the actual impacts on the Borough Park community within one year after the opening of the primary tenant. If the study reveals that this project contributes to additional traffic, the restrictive declaration should obligate the applicant to provide funds for any additional traffic improvements deemed necessary to provide for adjustments to the traffic control equipment and any installation and/or reprogramming of signage and lane demarcation that are directly attributed to improving access to and from the medical office building.

In the attached letter dated December 22, 2014, the applicant provided a commitment to implement a traffic study after the building has been operating for one year and would provide the results to DOT.

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 and City Council, approve the land use action requested according to the following conditions:

A. That the applicant:

1. Establishes a legally enforceable mechanism that guarantees non-residential development with height not to exceed six stories.
2. Provides for affordable parking rates to neighborhood residents, and that access to the parking garage is extended to area facilities such as the banquet facility and yeshiva.
3. Retains Brooklyn-based contractors and subcontractors, especially those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation), as well as to apprise the Borough President with quarterly reports of such participation.
4. Notes, prior to the vote by the City Council, the extent of commitment to incorporating blue/green roof installations, geothermal and heat recovery systems and well, as paving sections of the roof surface with white pavers and to incorporate bio-swales for both the Fort Hamilton Parkway and 54th street frontages.

- B. That the City Council has such stipulations incorporated into such agreements prior to granting its approval.
- C. That the Department of City Planning and Department of Transportation include the following in its restrictive declaration executed with the applicant:
1. That the applicant will retain a consultant to conduct a post-opening traffic study within one-year in consultation with the Department of Transportation, Community Board 12, and local elected officials with the intent to facilitate adequate movement from 54th Street and along Fort Hamilton Parkway to determine whether additional modifications are warranted to the following:
 - a) traffic control at Fort Hamilton Parkway and 54th Street and/or curbside daylighting; and
 - b) Fort Hamilton Parkway curb length of "No Standing 7 a.m. through 7 p.m. Monday through Friday Ambulances and Other Authorized Vehicles" signage.
 2. That funding be appropriated, if warranted, to provide for adjustments to the traffic control equipment and any installation and/or reprogramming of signage and lane demarcation that are directly attributed to improving access to and from the medical office building.

FORT HAMILTON, LLC
PO Box 467
CEDARHURST, NEW YORK 11516

December 22, 2014

Hon. Eric L. Adams, Brooklyn Borough President
Borough Hall
209 Joralemon Street
Brooklyn, NY 11201

Re: 5402 Fort Hamilton Parkway (Brooklyn Block 5673, Lots 42 & 50) (the "Property")
Zoning Map Amendment
Application No. 140288ZMK (the "Application")

Dear Borough President Adams:

This letter responds to requests and questions presented by Richard Bearak, Director of Land Use, at the public hearing on the Application held on December 4, 2014.

Fort Hamilton LLC, the owner of the Property (the "Owner"), has applied for a zoning map amendment to rezone portions of two blocks, including the Property, in an existing R5/C1-3 district along Fort Hamilton Parkway to an R6/C1-3 district, in Community District 12, to facilitate the development of a new 6-story, community facility building with ground floor retail and 50,669 square feet of floor area (which equals a floor area ratio of 4.54) (the "Proposed Building"), which would serve as a medical facility with a focus on women's healthcare. The facility would include a birthing center.

The Owner is providing this letter to memorialize its commitment that the Proposed Building's massing will be in substantial conformance with the plans submitted with the Application.

The Owner has also agreed to implement certain traffic mitigation measures (the "Measures") identified in the Environmental Assessment Statement dated October 17, 2014 and designated CEQR No. 14DCP135K submitted in connection with the Application and devised in consultation with the Department of Transportation ("DOT") within six (6) months of completion of the Proposed Building pursuant to a restrictive declaration to be effective upon the City Planning Commission's ("CPC") approval of the Application (the "Traffic Declaration"). A copy of the draft declaration is enclosed. The Owner will undertake a traffic study after the Proposed Building has been in operation for one (1) year to ascertain whether the Measures are having the desired effect and will provide the results to DOT.

It is the Owner's intention that the Proposed Building be developed and operated in an environmentally sustainable manner. Methods being proposed include utilizing geothermal wells with heat pumps for both heating in the winter and cooling in the summer, implementing a "blue roof" and a "green roof," automatic occupancy sensors to reduce electricity use, and a

Borough President Eric Adams
December 22, 2014

pervious sidewalk paving treatment and bioswale, which would both have a positive effect on storm water runoff.

Finally, during the construction process, the Owner will ask its contractor to use commercially reasonable efforts to pursue the hiring of Brooklyn residents and prioritizing retaining Brooklyn-based subcontractors, especially those that are designated "MWBE" establishments to meet or exceed standards per Local Law 1 (not less than twenty percent participation). We will update your office quarterly as construction proceeds concerning such hiring efforts.

With this statement of the Owner's plans regarding development of the Proposed Building, we respectfully request a favorable recommendation on our Application to CPC. Thank you for your attention and consideration.

Sincerely,

FORT HAMILTON, LLC

By: 

Name:

Title:

cc: Richard Bearak (via e-mail)
Deirdre A. Carson, Esq. (via e-mail)