

**\*CORRECTION**

**The resolution adopted on June 17, 2014, under Calendar No. 142-92-BZ and printed in Volume 99, Bulletin No. 25, is hereby corrected to read as follows:**

**142-92-BZ**

APPLICANT – Kramer Levin Naftalis & Frankel LLP, for New York Methodist Hospital, owner.

SUBJECT – Application March 20, 2014 – Amendment of a previously approved special permit (§73-48) for a community facility (*New York Methodist Hospital*). The application seeks to amend the approved plans to accommodate required accessory parking in a new ambulatory care facility (BSA Cal #142-92-BZ)

PREMISES AFFECTED – 473-541 6th Street aka 502-522 8th Avenue, 480-496 & 542-548 5th Street & 249-267 7<sup>th</sup> Avenue, Block 1084, Lot 36, 164, 1001/1002, Borough of Brooklyn.

**COMMUNITY BOARD #6BK**

**ACTION OF THE BOARD** – Application granted on condition.

**THE VOTE TO GRANT** –

Affirmative: Chair Srinivasan, Vice Chair Collins, Commissioner Ottley-Brown, Commissioner Hinkson and Commissioner Montanez .....5  
Negative:.....0

**THE RESOLUTION** –

WHEREAS, this is an application for a reopening and an amendment of a previous approval, which, pursuant to ZR § 73-48, allowed the construction of 518 parking spaces contrary to ZR §§ 25-31 and 36-21; the proposed amendment seeks to: (1) enlarge the subject zoning lot; (2) reduce and reclassify certain parking spaces authorized under the special permit; and (3) permit other alterations related to the redevelopment of the site; and

WHEREAS, a public hearing was held on this application on April 8, 2014, after due notice by publication in *The City Record*, with a continued hearing on April 29, 2014, and then to decision on June 17, 2014; and

WHEREAS, at the April 29, 2014 public hearing, the Board set a May 20, 2014 decision date; and

WHEREAS, however, subsequent to the April 29, 2014 hearing, a representative of Preserve Park Slope communicated with Board staff and NYM about its request for supplemental documents from NYM; the Board declined to request the documents and NYM declined to provide the documents directly; and

WHEREAS, Preserve Park Slope then sought judicial relief to obtain the documents in New York State Supreme Court by Order to Show Cause; and

WHEREAS, the court issued a stay which prohibited the Board from closing the hearing and

rendering a decision as scheduled on May 20, 2014; on June 4, 2014, the court lifted the stay but did not issue a ruling on the subpoena request, which is pending; and

WHEREAS, a companion application for a variance pursuant to ZR § 72-21 required for development of the site was filed under BSA Cal. No. 289-13-BZ and decided at the same hearing; and

WHEREAS, the premises and surrounding area had site and neighborhood examinations by Chair Srinivasan, Vice-Chair Collins, Commissioner Montanez, and Commissioner Ottley-Brown; and

WHEREAS, this application is brought on behalf of New York Methodist Hospital (“NYM”), a non-profit hospital, research, and educational facility; and

WHEREAS, the subject site comprises the majority of Block 1084; it includes Tax Lots 164, 1001, and 1002, and has frontages along Fifth Street, Sixth Street, Seventh Avenue, and Eighth Avenue; the applicant notes that when the subject special permit was granted, the site comprised Lots 164, 1001, and 1002, however, at the time the lots were designated as Lots 1, 17, and 64; as for Lot 39, it was formed by the merger of former Lots 25, 26, 28, 40-44, 46, 48, and 50-59; and

WHEREAS, the site is located partially within an R6 (C1-3) zoning district, partially within an R6 zoning district, and partially within an R7B zoning district; and

WHEREAS, the site has approximately 510 feet of frontage along Fifth Street, approximately 696 feet of frontage along Sixth Street, 200 feet of frontage along Seventh Avenue, 200 feet of frontage along Eighth Avenue, and 120,569 sq. ft. of lot area; and

WHEREAS, the Board has exercised jurisdiction over the site since January 11, 1994, when, under the subject calendar number, the Board granted, pursuant to ZR §§ 72-21, 73-481, and 73-482, a variance and special permit to allow the construction of a five-story mixed commercial and medical office building (“MOB”) and a parking garage for 518 automobiles, contrary to ZR § 33-431 (height and setback), ZR §§ 22-10, 77-12, and 77-332 (location of entrance to a group parking facility accessory to commercial uses, ZR § 36-63 (required number of loading berths), ZR §§ 22-10, 36-683, 77-12, and 77-332 (enclosure of and location of entrance to loading berths), and ZR §§ 25-31 and 36-21 (maximum number of parking spaces); and

WHEREAS, the site is occupied by the MOB, a 12-story hospital building containing hospital-related facilities and staff dwellings (the “Wesley House”), the subject parking garage, which consists of three-below grade parking levels and surface parking, a surface parking lot on the southeast corner of the site, and a series of townhouses; and

WHEREAS, the applicant notes that, under the special permit, the parking spaces are designated required accessory spaces for retail uses (76 spaces), required accessory to the Wesley House (49 spaces), and permitted accessory spaces to hospital-related uses (393

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spaces); and

WHEREAS, the applicant states that NYM seeks a variance to construct a new seven-story ambulatory care facility (the "Center for Community Health" or the "Center") on adjacent Lot 39; the applicant states that, in connection with that proposal, it requests an amendment to the prior approval to allow: (1) enlargement of the subject zoning lot; (2) reduction and reclassification of parking spaces authorized under the special permit; and (3) other alterations to the site plan and to the existing garage related to the construction of the Center for Community Health; and

WHEREAS, as to the enlargement of the zoning lot, the applicant states that Lot 39 will be combined with the lots that are the subject of the prior variance and special permit (Lots 164, 1001, 1002) and the Center will be built on that portion of the new zoning lot; and

WHEREAS, as to the reduction and reclassification of parking spaces, the applicant states that 60 of the 393 permitted accessory parking spaces will be reclassified as required accessory parking for the Center, 49 of the 393 permitted accessory parking spaces will be reclassified as accessory to existing hospital uses within the MOB, and 38 of the 393 permitted accessory spaces will be eliminated to allow the construction of the Center's loading area; the result will be a decrease in the total number of permitted accessory parking spaces within the garage from 393 to 246 and an increase in the total number of required accessory spaces for new and existing hospital and ambulatory care facility uses from 0 to 109; the designations for the required accessory parking for the retail (76 spaces) and the Wesley House (49 spaces) will not change; accordingly, the proposal reflects a net reduction in the total number of spaces authorized under the special permit from 518 to 480; and

WHEREAS, the applicant also notes that an additional parking garage will be constructed on the site to accommodate the 350 accessory spaces required in connection with the Center; and

WHEREAS, finally, as to the alterations to the site plan, the applicant states that portions of the existing garage must be demolished in order to accommodate the loading areas for the Center; and

WHEREAS, as addressed in BSA Cal. No. 289-13-BZ, the Board agrees with the applicant that the proposed changes to the existing parking garage and the proposed development of the Center for Community Health are in furtherance of NYM's programmatic

needs as a non-profit teaching hospital and will not alter the essential character of the neighborhood, substantially impair the appropriate use or development of adjacent property, or be detrimental to the public welfare; and

WHEREAS, based upon its review of the record, the Board finds the requested amendments to the plans are appropriate with certain conditions as set forth below.

*Therefore it is Resolved* that the Board of Standards and Appeals *reopens*, and *amends* the resolution to permit the noted modifications; *on condition* that any and all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked 'Received June 13, 2014' – eight (8) sheets; and *on further condition*:

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s);

THAT DOB must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code, and any other relevant laws under its jurisdiction irrespective of plan(s)/configuration(s) not related to the relief granted."

Adopted by the Board of Standards and Appeals, June 17, 2014.

**The resolution has been amended to add "and ambulatory care facility uses" to the 18<sup>th</sup> WHEREAS.**

**Corrected in Bulletin No. 26, Vol. 99, dated July 2, 2014.**

**A true copy of resolution adopted by the Board of Standards and Appeals, June 17, 2014.**

**Printed in Bulletin No. 25, Vol. 99.**

**Copies Sent**

**To Applicant**

**Fire Com'r.**

**Borough Com'r.**

