

APPLICANT: Rosenman and Colin, Esquires, for the Methodist Hospital, owner.

SUBJECT - Application August 31, 1992 - under Z.R. §72-21, §73-481 and §73-482, to permit in an R6 district and a C1-3 (R6) district, the proposed construction of a five (5) story and cellar building with hospital related facilities on floors two through five, retail uses in the cellar and on first floor; a group parking facility including one (1) loading bay with the entrance and exit in the residential district, accessory to the hospital and retail uses, (Use Groups 3, 4, and 6), which does not comply with the commercial district bulk and loading regulations and does not conform to residential use regulations.

PREMISES AFFECTED: 500 5th Street, 249/267 7th Avenue, and 491/503 6th Street, east side on 7th Avenue at the intersection formed by 5th Street, Block 1084, Lots 1, 17 and 64, Borough of Brooklyn.

COMMUNITY BOARD #6BK.

APPEARANCES -

For Applicant: Howard Zipser and Lyn S. Hill,
For Opposition: John K. Flynn,
For Administration: John Scrofani, Fire Department.

RECOMMENDATION OF COMMUNITY BOARD -
Favorable to the Application.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Silva, Commissioner Chen and Commissioner Palladino.....3
Negative:0
Absent: Vice-Chair Schlissel.....1

THE RESOLUTION -

WHEREAS, a public hearing was held on this application on August 10, 1993, after due notice by publication in the *Bulletin*, laid over to September 28, 1993, October 26, 1993, December 14, 1993 and then to January 11, 1994 for decision; and

WHEREAS, the decision of the Borough Superintendent, dated August 17, 1992, acting on N.B. Application #300142806, reads:

1. A group parking facility accessory to a hospital, hospital related facilities and retail use containing more than one hundred and fifty (150) off-street parking spaces requires a special permit from the Board of Standards and Appeals pursuant to Section 73-48 of the Zoning Resolution.
2. In a C1-3 district, a building used for community facility and commercial uses which has a 60 ft. high, five (5) story front wall within the initial setback distance complies as to height but exceeds the maximum number of stories by one (1) story contrary to Section 33-431 of the Zoning Resolution.
3. In an R6 district, entrance and exit to a group parking facility accessory to retail uses is contrary to Sections 22-10, 77-12 and 77-332 of the Zoning Resolution.
4. Providing only one (1) loading bay accessory to retail uses and locating that loading bay in an R6 district is contrary to Sections 22-10, 36-62, 36-683, 77-12 and 77-332 of the Zoning Resolution.

and

WHEREAS, the premises and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman Gaston Silva, R.A., Vice-Chair Norma L. Schlissel, P.E., Commissioner Arno Tamm, R.A., Commissioner Wellington Z. Chen and Commissioner Rosemary F. Palladino, J.D.; and

WHEREAS, Community Board No. 6, Brooklyn, has recommended approval of this application; and

WHEREAS, this is an application under Z.R. §72-21, §73-481 and §73-482 to permit in an R6 district and a C1-3 (R6) district, the proposed construction of a five (5) story and cellar building with hospital related facilities on floors two through five, retail uses in the cellar and first floor and an accessory group parking facility with more than one hundred and fifty (150) spaces for a hospital and related facilities, including one loading bay with the entrance and exit in an R6 district, which does not comply with the commercial district bulk and loading regulations and does not conform to residential use regulations; and

WHEREAS, the subject lot is a large blockfront, previously developed with an open accessory parking lot and a twelve (12) story building that provides staff housing for the Methodist Hospital, a private not-for-profit hospital with five hundred and thirty-two (532) beds located on a full city block across 6th Street from the premises; and

WHEREAS, it is proposed to construct a five (5) story building on the portion of the lot along 7th Avenue previously used for accessory open parking which exceeds the maximum permitted stories by one (1) story for the proposed uses, with four (4) stories of the building to be occupied by voluntary physicians offices affiliated with the Methodist Hospital and one ground level and one below grade level to be occupied by retail uses; and

WHEREAS, it is additionally proposed to construct a group parking facility and roof deck accessory to the hospital and related uses with five hundred and eighteen (518) parking spaces which exceeds the maximum number of off-street parking spaces, locates the entrance and exit to the accessory retail parking in the R6 district, allows the curb cut for and location of the loading berth for the retail use in the R6 district and provides one (1) loading berth for the retail use rather than the two (2) required; and

WHEREAS, the existing twelve (12) story building will remain on the lot; and

WHEREAS, the lot is located in two (2) zoning districts and is encumbered by significant sloping conditions including a change in grade varying from approximately 10 to 13 feet across the zoning lot rising from west to east and a change in grade from approximately 4 to 6 feet across the zoning lot rising from north to south; and

WHEREAS, the evidence in the record demonstrates the hospital's need for additional parking and demonstrates that, even with this proposal, Methodist will have a substantially lower ratio of parking spaces to beds than many hospitals in New York City; and

WHEREAS, the unique conditions inherent in the lot, including its slope, the existing building and the L-shaped portion of the lot remaining for development, create a practical difficulty in constructing a complying facility which will serve the programmatic needs of the hospital; and

WHEREAS, specifically, the evidence in the record demonstrates that an as-of-right complying building would be a mixed use building with irregular floor plates and a significantly reduced second story with two (2) separate garage entrances and additional curb cuts and loading bays which would increase traffic congestion and potential vehicular and pedestrian conflict in the area, duplicate vehicular circulation to and within the zoning lot and most significantly would no longer meet the hospital's programmatic needs; and

WHEREAS, a finding of financial hardship need not be demonstrated under Z.R. §72-21(b) because the owner of the lot is a not-for-profit hospital which intends to use the lot in furtherance of its not-for-profit purposes; and

WHEREAS, the evidence in the record demonstrates that this proposal will help alleviate parking congestion in the neighborhood; and

WHEREAS, the group parking facility has a drive-through with separate entrances and exits on both Sixth Street and Fifth Street to facilitate the flow of traffic into and out of the facility and thereby relieve congestion on the adjacent streets and the Board has determined that these streets will be adequate to handle the traffic generated by the proposed facility; and

WHEREAS, the Board has determined that the facility is located so as to draw a minimum of vehicular traffic to these local streets in the residential district; and

WHEREAS, the proposed garage has adequate reservoir space at the vehicular entrance to accommodate at least ten (10) automobiles; and

WHEREAS, the Board has determined that the addition of retail uses along Seventh Avenue will be consistent with the surrounding neighborhood that is characterized by nearly continuous at-grade retail uses on Seventh Avenue; and

WHEREAS, the design of the facility conforms with the existing neighborhood character, a uniform street wall along Seventh Avenue will be provided and vehicular entrances and exits to the facility will be placed along 5th Street across from John Jay High School and along 6th street across from the hospital; and

WHEREAS, with the exception of the proposed parking deck which will be screened by a decorative metal fence and a masonry wall, all of the parking is below grade so as to minimize the impact on the residential community; and

WHEREAS, the Board has further required, based on the recommendation of the New York City Landmarks Preservation Commission (LPC), that the applicant construct the proposed building with brick specifically approved by the LPC to be consistent with the historical context of the neighborhood; and

WHEREAS, evidence in the record demonstrates that the proposed facilities, as modified, will not alter the essential character of the neighborhood, or adversely affect development of adjacent properties; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the evidence in the record demonstrates that the proposed five (5) story building and accessory parking facility will better address the hospital's programmatic needs, is less expensive to construct, results in better traffic patterns and has substantially the same footprint and building envelope and amount of retail space as an as-of-right building; and

WHEREAS, accordingly, this proposal is the minimum necessary to meet the hospital's programmatic needs and afford the owner relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Section 72-21 of the Zoning Resolution; and

WHEREAS, the Board has conducted an environmental review of the proposed action, has determined it to be an unlisted action and has taken a "hard look" at all relevant areas of environmental concern including potential traffic and air quality impacts;

WHEREAS, the evidence in the record demonstrates no foreseeable significant environmental impacts that would require the preparation of an Environmental Impact Statement once the action is modified in accordance with the Conditional Negative Declaration issued herein; and

WHEREAS, therefore, the Board has determined that the proposed action, once modified, will not result in any significant environmental effects;

Therefore, it is Resolved that the Board of Standards and Appeals issues a Conditional Negative Declaration under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21, §73-481 and §73-482 and *grants* a variation in the application of the Zoning Resolution and special permits under Z.R. §73-481 and §73-482, limited to the objections cited, to permit, in an R6 district, the proposed construction of a five (5) story and cellar building with hospital related facilities on floor two through five, retail uses in the cellar and first floor and an accessory group parking facility with more than one hundred and fifty (150) spaces for a hospital and related facilities, including one (1) loading bay with the entrance and exit in the residential district, which does not comply with the commercial district bulk and loading regulations and does not conform to residential use regulations; *on condition* that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received February 1, 1993"- twelve (12) sheets and "November 9, 1993"- five (5) sheets; and *on further condition*;

THAT in accordance with a Conditional Negative Declaration signed on November 8, 1993 and duly published, the applicant has agreed to the following:

1. The project's proposed signal retiming mitigation at Seventh Avenue and Sixth Street for the weekday PM peak hour will be examined by the NYC DOT at the completion and occupancy of the project whereupon the NYC DOT will determine the need for implementation.

2. The applicant shall ensure that the proposed building (voluntary physicians' office and ground level retail stores) only uses bricks of the following specifications and color:

Norman-sized brick
produced by the Marseilles Brick Company
Vermillion, with a sanded face #10-817-04

THAT the applicant shall notify NYC DOT upon occupancy of the project for DOT to evaluate the proposed mitigation consistent with the traffic study submitted and environmental review conducted by BSA;

THAT the development, as approved, is subject to verification by the Department of Buildings for compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under the jurisdiction of the Department; and

THAT substantial construction shall be completed in accordance with Z.R. §72-23.

Adopted by the Board of Standards and Appeals,
January 11, 1994.

A true copy of resolution adopted by the Board of Standards and Appeals, January 11, 1994.

Copies sent
To Applicant
Fire Comm'r
Borough Supt.

3-3-54
1+D
2+D

Gaston Silva
Chairman.