

NEW YORK METHODIST HOSPITAL

STATEMENT OF FACTS
IN SUPPORT OF AN APPLICATION FOR A SPECIAL ORDER CALENDAR (SOC)
AMENDMENT TO APPROVAL

AFFECTED PREMISES:

505-525 6th Street

(Block 1084, Lots 39, 164, 1001, and 1002)

Community District No. 6, Brooklyn.

Kramer Levin Naftalis & Frankel LLP

1177 Avenue of the Americas

New York, New York 10036

March 20, 2014

I. Introduction

This is a Special Order Calendar application (“Application”) to reopen and amend the special permit granted by the Board on January 11, 1994, under BSA Cal. No. 142-92-BZ (the “Special Permit”). The Special Permit, together with a variance granted by the Board under the same calendar number, allowed the development of the New York Methodist Hospital (“NYM” or the “Hospital”) Medical Office Building (the “MOB”) on the Hospital’s main campus in Park Slope, Brooklyn. This Application is being made in connection with another application currently before the Board for a variance to allow the development of a new ambulatory care facility (the “Center for Community Health” or “Center”) on a development site adjacent to the MOB (BSA Cal. No. 289-13-BZ) (the “Proposed Variance”). As described in greater detail below, the development of the Center requires a modification to the parking calculations approved under the Special Permit, as shown on the approved drawings for the Special Permit and the related variance (the “MOB Variance”), to accommodate required accessory parking for the Center.

II. Background

The NYM campus is located on two adjacent blocks bounded by 7th Avenue, 5th Street, 8th Avenue, and 7th Street in Brooklyn. The Special Permit and MOB Variance were granted in connection with the development of the MOB, a five-story building with cellar fronting on 7th Avenue between 5th and 6th Streets. The MOB contains hospital-related facilities, ground-floor retail, and a 518-space below-grade accessory parking garage with surface parking (the “Existing Garage”). The MOB Variance waived provisions of the New York City Zoning Resolution (the “Zoning Resolution” or “ZR”) pertaining to height and setback (ZR § 33-431); location of entrance to a group parking facility accessory to commercial uses (ZR §§ 22-10, 77-12, and 77-332); required number of loading berths (ZR § 36-63); and enclosure of and location of entrance to loading berths (ZR §§ 22-10, 36-683, 77-12, and 77-332). The Special Permit, which was granted pursuant to Section 73-48 of the Zoning Resolution, allowed the number of accessory parking spaces in the Existing Garage to exceed 150.

The subject zoning lot of the Special Permit and MOB Variance (the “Existing Zoning Lot”) is located on the western portion of the NYM campus’s northern block. It consists of the parcels designated as Block 1084, Lots 164, 1001, and 1002.¹ The proposed Center for Community Health would be located on the eastern portion of the same block, on an irregular development site with frontages on 5th Street, 6th Street, and 8th Avenue (the “Development Site”). The Existing Zoning Lot would be expanded to include the Development Site in connection with the Proposed Variance (the Existing Zoning Lot, as so expanded, the

¹ At the time the Variance and Special Permit were granted, the component parcels of the Existing Zoning Lot were designated as Block 1084, Lots 1, 17, and 64. The tax lot boundaries and designations have since been amended in connection with the development of the MOB. The Existing Zoning Lot consists of Lots 164, 1001, and 1002. The proposed zoning lot will include new Lot 39, effective March 12, 2014, consisting of former Lots 25, 26, 28, 40-44, 46, 48, and 50-59.

“Combined Zoning Lot”). The Combined Zoning Lot would consist of the parcels designated as Block 1084, Lots 39, 164, 1001, and 1002.

The development of the proposed Center would require modifications to the approved parking calculations for the Existing Garage to reduce the number of permitted parking spaces under the Special Permit and accommodate required accessory parking spaces for the Center. As described in greater detail below, the proposed amendment would reduce the size of the parking waiver granted under the Special Permit and would not affect any of the waivers granted under the MOB Variance. The amended drawings included with this Application also indicate the Combined Zoning Lot and certain physical alterations to the Existing Garage that would be made in connection with the Proposed Variance and the construction of the Center, as described below.

III. The Existing and Combined Zoning Lots

The NYM main campus is located in Park Slope, Brooklyn, on two adjacent blocks bounded by 7th Avenue, 5th Street, 8th Avenue, and 7th Street. The Combined Zoning Lot comprises a majority of the northern block of the campus. There are a series of contiguous parcels fronting on 5th Street that are not part of the Combined Zoning Lot.

The Existing Zoning Lot, located on the western portion of the block, is occupied by the MOB and the Wesley House, a 12-story Hospital building containing hospital-related facilities and staff dwellings. The MOB includes the Existing Garage, which contains three below-grade parking levels and surface parking. Pursuant to the Special Permit, there are 518 parking spaces in the Existing Garage, consisting of 76 required parking spaces accessory to retail uses, 49 required parking spaces accessory to the Wesley House, and 393 permitted parking spaces accessory to hospital-related uses. As shown on the approved plans for the Variance and Special Permit, the Existing Garage is accessible by a midblock driveway with a vehicular entrance on 5th Street and a vehicular exit on 6th Street. The 5th Street entrance is currently obstructed by a temporary trailer, with the 6th Street curb temporarily serving as both an entrance and an exit to the driveway. The trailer is expected to be removed in the late spring/early summer of 2014, at which point vehicular access from 5th Street will be restored.

The Development Site is currently occupied by NYM-owned low-rise buildings, originally constructed as walk-up residences, and a parking lot, all of which would be demolished in connection with the construction of the Center. The parking lot, located on the southeast corner of the Development Site, serves NYM doctors and contains 79 spaces. The certificates of occupancy for the parking lot indicate a total of 49 spaces accessory to existing hospital uses. These 49 spaces are conservatively assumed to be spaces that are required under the Zoning Resolution.

The Combined Zoning Lot is located in three different zoning districts: an R6 district (a portion of which has a C1-3 commercial district overlay), an R6B district, and an R7B district. The Existing Zoning Lot is located entirely in the R6 district, and a portion thereof is located in the C1-3 commercial district overlay. The Development Site is located in all three residential districts but outside of the commercial district overlay.

IV. The Neighborhood

The area surrounding the Combined Zoning Lot contains primarily residential and community facility uses with ground floor retail uses along 7th Avenue. The majority of the residential buildings in the neighborhood are three- or four-story row houses, typically located on narrow streets. These include the seven row houses that are located on the out-parcels adjacent to the Combined Zoning Lot, on 5th Street. The townhomes in the neighborhood are typically set back from the street line farther than adjacent apartment buildings, and many feature tall stoops, enclosed paved front yards, vertically proportioned projecting window bays, decorative stonework, and cornices. Although the brownstones were generally constructed as one- or two-family dwellings, many of them have been converted to multi-family walk-up apartments. The area to the east of the Combined Zoning Lot contains many larger, five- to seven-story apartment buildings along 8th Avenue and Prospect Park West. To the west of the Combined Zoning Lot, 7th Avenue is generally lined with three- and four-story walk-up buildings with local retail establishments on the lower floors as well as with some taller buildings.

The community facilities and institutional uses in the neighborhood include the NYM buildings located to the immediate south of the Combined Zoning Lot, on the southern block of the NYM campus. This block contains six connected five- to eight-story buildings, referred to as MOBs, which contain various clinical and educational facilities. The main entrance to the Hospital is located across from the Combined Zoning Lot on 6th Street. The Emergency Department entrance and ambulance drop-off area are located on 7th Avenue.

The other community facility buildings in the surrounding area are predominately schools and religious institutions. St. Saviour Catholic Church is located at the southeast corner of 8th Avenue and 6th Street, diagonally across from the Combined Zoning Lot, with two affiliated schools located nearby: Saint Saviour High School, located in a building connected to the Church on 6th Street, and Saint Saviour Elementary School, located a block to the south on 8th Avenue. The largest school in the area, the former John Jay Educational Campus (which now contains the Secondary School for Law, the Secondary School for Journalism, Park Slope Collegiate, and Millennium Brooklyn High School) is located to the north of MOB, directly across 5th Street. Other religious institutions in the neighborhood include the Park Slope Methodist Church, All Saints Episcopal Church, the Church of Gethsemane, New York City Church of Christ, the Church of the Virgin Mary, Greenwood Baptist Church, Kingsboro Temple of 7th-Day Adventist, Congregation Beth Elohim, and Congregation B'nai Jacob of Park Slope. There is also a branch of the Brooklyn Public Library located on 6th Avenue, between 8th and 9th Streets, and a building housing the Brooklyn Society for Ethical Culture, located on Prospect Park West at 2nd Street.

The NYM campus is located across the street from the Park Slope Historic District and Park Slope Historic District Extension. The original Historic District, which the Landmarks Preservation Commission ("LPC") designated in 1973, is roughly bounded by Park Place to the north, Flatbush Avenue and Prospect Park West to the east, 14th Street to the south, and 6th, 7th, and 8th Avenues to the west. The Extension, which was proposed by the Park Slope Civic Council and designated in 2012, is roughly bounded by 7th Street to the north, 8th Avenue to the east, 16th Street to the south, and the west side of 7th Avenue to the west. The Historic District

and Extension contain, in addition the row houses described above, a mix of historic mansions, apartment houses, and institutional buildings.

V. BSA History

The Board granted the Variance and the Special Permit on January 11, 1994, to allow the development of the MOB on the Existing Zoning Lot (BSA Cal. No. 142-92-BZ). The Variance waived provisions of the Zoning Resolution pertaining to height and setback (ZR § 33-431); location of entrance to a group parking facility accessory to commercial uses (ZR §§ 22-10, 77-12, and 77-332); required number of loading berths (ZR § 36-63); and enclosure of and location of entrance to loading berths (ZR §§ 22-10, 36-683, 77-12, and 77-332). The Special Permit, which was granted pursuant to Section 73-48 of the Zoning Resolution, allowed the Existing Garage to contain 518 accessory parking spaces, in excess of the maximum permitted number of 150 spaces (ZR §§ 25-31 and 36-21). Pursuant to the Special Permit, these spaces consist of 76 required parking spaces accessory to retail uses, 49 required parking spaces accessory to the Wesley House, and 393 permitted parking spaces accessory to hospital-related uses.

The application for the Proposed Variance is currently pending before the Board (BSA Cal. No. 289-13-BZ). The Board held a public hearing on the Proposed Variance on February 11, 2014. The hearing is scheduled to be continued at the Board's public session on April 8, 2014.

VI. DOB Violations

The attached printouts from the DOB website show all open DOB and Environmental Control Board ("ECB") violations on the Combined Zoning Lot. Of the parcels comprising the Existing Zoning Lot, Lot 164, which is occupied by the Wesley House, has one open DOB violation and one open ECB violation, and Lots 1001 and 1002 (identified as Lot 7501 in DOB's online records), which are occupied by the MOB, have 18 open DOB violations and two open ECB violations. The open DOB violation on Lot 164 pertains to an elevator, and the open ECB violation on Lot 164 is for work without a permit. With respect to Lots 1001 and 1002, the open DOB violations generally pertain to boilers, elevators, and failure to file a benchmarking report of energy use, and the open ECB violations pertain to boilers. The Hospital will resolve the open violations on the Existing Zoning Lot as required by DOB.

There are a number of open DOB violations, but no open ECB violations, on the Development Site: 38 open violations on Lot 25, all pertaining to boilers; two open violations on Lot 39, pertaining to a boiler and an elevator, respectively; one open violation on Lot 40, pertaining to a boiler; five open violations on Lot 43, all pertaining to boilers; three open violations on Lot 56, all pertaining to boilers; and one open violation on Lot 57, pertaining to a boiler. These violations would all be cured in connection with the development of the Center for Community Health, in connection with which the existing buildings on the Development Site would be demolished.

VII. The Proposed Amendment

As discussed in the application for the Proposed Variance, the Hospital is proposing to develop the Center for Community Health, a new seven-story outpatient facility on the

Development Site that would contain an ambulatory surgery center; a new endoscopy suite; clinical institutes for physician practice care delivery; an urgent care center; conference rooms; and a below-grade parking facility (the "New Garage") with connections to the Existing Garage. The building would satisfy the Hospital's programmatic need for adequate and appropriately configured space for ambulatory care facilities, located on the Hospital's main campus.

The Center for Community Health would be served by a protected vehicular driveway, interior to the block and accessible by a curb cut on 6th Street, which would provide direct pick-up and drop-off access to the Center's lobby and central elevators. Vehicles that access the driveway from 6th Street would be able to continue along a loop and exit on 6th Street or directly access the New Garage, which would connect to the below-grade levels of the Existing Garage to the immediate west. This scheme is designed to keep vehicular circulation within the Combined Zoning Lot so as to minimize traffic activity on adjacent streets. It also directs vehicular entries and exits to 6th Street, adjacent to Hospital buildings and away from neighboring residences.

The proposed Center's loading berths would be located in an enclosed area over the eastern portion of the Existing Garage, to the west of the protected vehicular driveway and immediately adjacent to the Center's service elevators. The loading area would be accessible from an existing curb cut located toward the western end of 5th Street. The location of the loading area ensures that both truck maneuvering and loading activity occur off street and require access only from a curb cut that is not adjacent to any residences. The portion of the building located above the Existing Garage would have a second floor containing a boiler plant, and the roof above would be planted as a green space to provide a visual amenity to Hospital visitors.

The construction of the Center would result in the displacement of 38 existing parking spaces in the Existing Garage, as well as the 49 required parking spaces in the existing NYM doctors' parking lot on the Development Site. The New Garage would include 350 parking spaces, which is 67 fewer than the 417 accessory parking spaces required under the applicable provisions of the Zoning Resolution.

Since the Existing Garage, which will be connected to the New Garage, contains 393 permitted parking spaces (in addition to 125 required parking spaces), a number of these spaces may be redesignated to satisfy accessory parking requirements for other uses on the NYM campus. This Application proposes to modify the parking calculations for the Existing Garage as follows: (i) 67 spaces which are currently designated as permitted parking spaces accessory to hospital uses would instead be designated as required spaces accessory to the Center, and (ii) 49 such spaces would instead be designated as required spaces accessory to existing hospital uses, replacing the required spaces in the existing doctors' lot. The total number of spaces in the Existing Garage would also be reduced by 38 to reflect the displacement of these spaces by the construction of the Center's loading area. As described in the Environmental Assessment Statement submitted with the application for the Proposed Variance, the Combined Zoning Lot would contain 830 parking spaces following the development of the Center, which is more than sufficient to satisfy the anticipated peak parking demand of 661 spaces for the NYM campus.

The amended drawings included with this Application also reflect the creation of the Combined Zoning Lot and the construction of the loading area and a boiler plant over the Existing Garage. The development of the Center requires that the Existing Zoning Lot and

Development Site be merged into the Combined Zoning Lot because portions of the Center would be connected to or located above the Existing Garage. Because the amendment is integrally related to the Proposed Variance, we ask that the Board make this amendment contingent on NYM's exercise of the Proposed Variance.

VIII. Conclusion

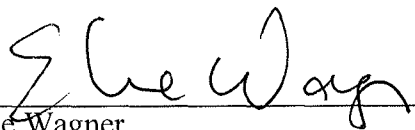
In summary, the construction of the Center for Community Health requires modifications to the parking calculations for the Existing Garage, as shown on the approved drawings for the Special Permit and MOB Variance, to reduce the number of permitted parking spaces under the Special Permit and accommodate required accessory parking spaces for the Center. The amended drawings also indicate the Combined Zoning Lot and reflect certain physical alterations to the Existing Garage that would be made in connection with the construction of the Center. The Center would satisfy the Hospital's programmatic need for adequate and appropriately configured space for ambulatory care facilities, located on the Hospital's main campus.

The requested modifications would reduce the size of the parking waiver granted under the Special Permit by reducing the number of permitted accessory parking spaces in the Existing Garage. As described in the Environmental Assessment Statement submitted with the application for the Proposed Variance, the total number of parking spaces on the Combined Zoning Lot following the development of the Center, including those in the Existing Garage and in the Center, would be more than sufficient to satisfy anticipated parking demand for the NYM campus. The proposed amendment would not affect any of the waivers granted under the MOB Variance.

For the foregoing reasons, we respectfully request that the Board approve this Application to reopen and amend the Special Permit.

Respectfully submitted,

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By:  _____
Elise Wagner

New York, New York
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