

GROSS AREA = 2900
 ZONING FLOOR AREA = 2360

USE GROUP 4
 OCCUPANCY B

WALL DEDUCTIONS TAKEN AS PER ZR 12-10
 WHERE EXTERIOR WALL THICKNESS IS
 DEDUCTED UP TO 8" AS PER FLOOR AREA
 DEFINITIONS (12)(i), (ii) (1) and (2)

100' - 0"

6 1ST FLOOR /FRCE BSA
 1" = 10'-0"



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2619 EAST 16TH STREET

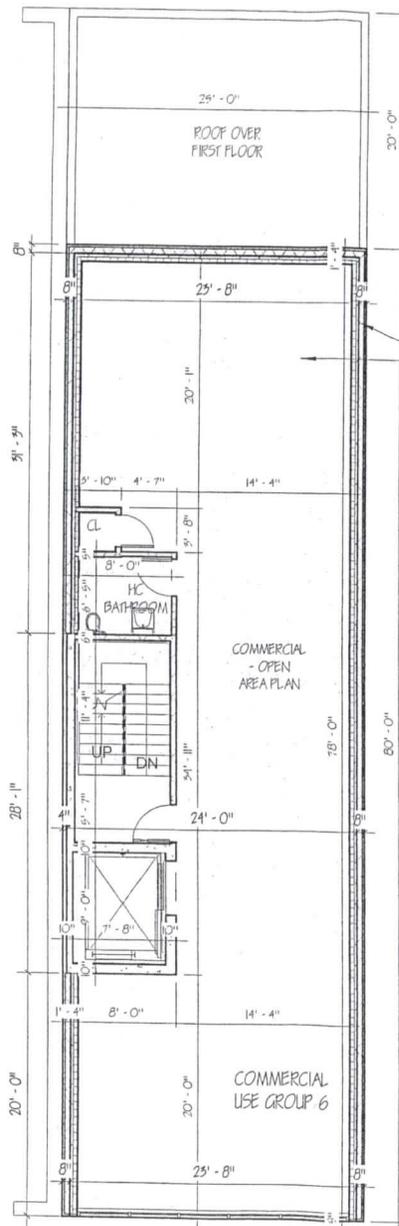
2619 EAST 16TH STREET
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PROPOSED
 FLOOR AREA
 PLANS



Igor Zaslavsky

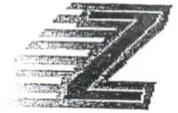
BSA-005



GROSS AREA = 2000
 ZONING FLOOR AREA = 1887
 USE GROUP 6
 OCCUPANCY B

4 3RD FLOOR BSA
 1" = 10'-0"

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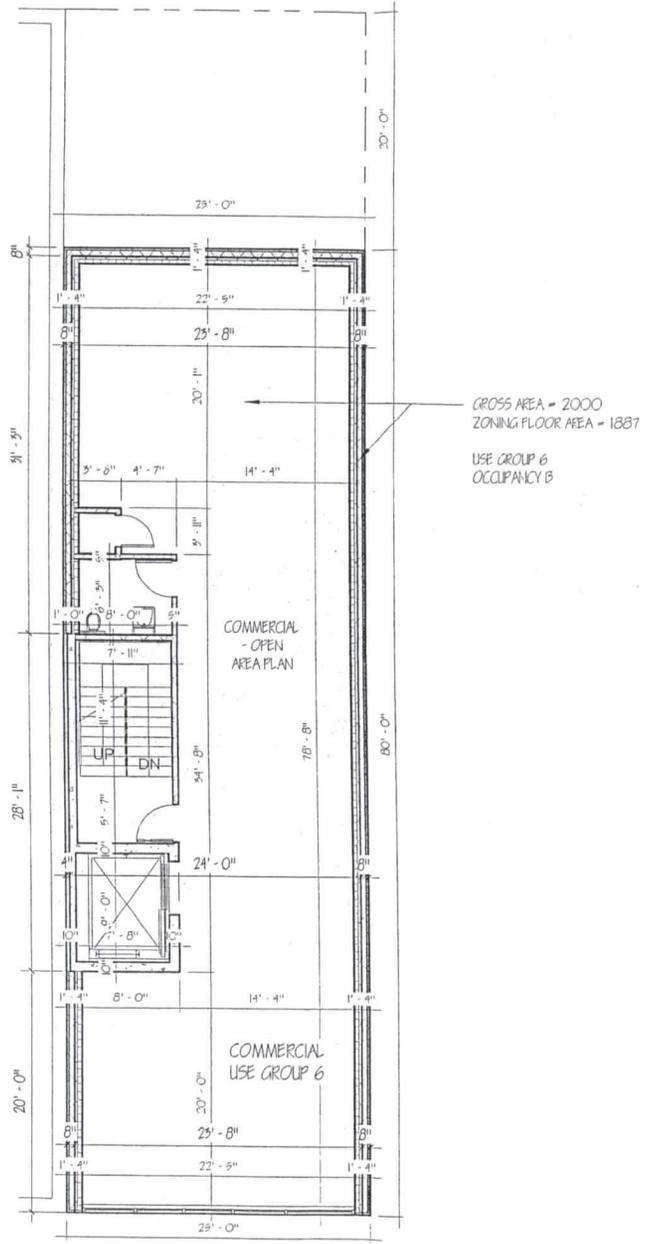
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PROPOSED
 FLOOR PLANS



Igor Zaslavsky

BSA-007



GROSS AREA = 2000
 ZONING FLOOR AREA = 1887
 USE GROUP 6
 OCCUPANCY B

① 4TH FLOOR BSA
 1" = 10'-0"



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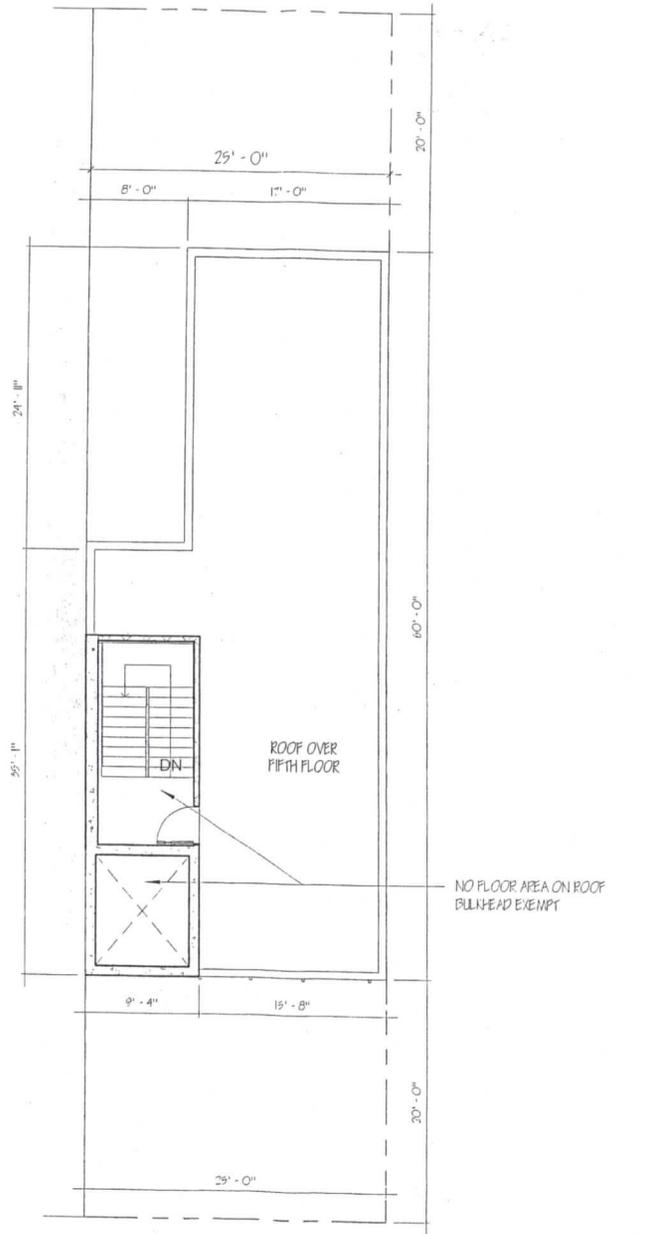
PROPOSED
 FLOOR AREA
 PLANS



Igor Zaslavsky

BSA-008

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① ROOF BSA
1" = 10'-0"

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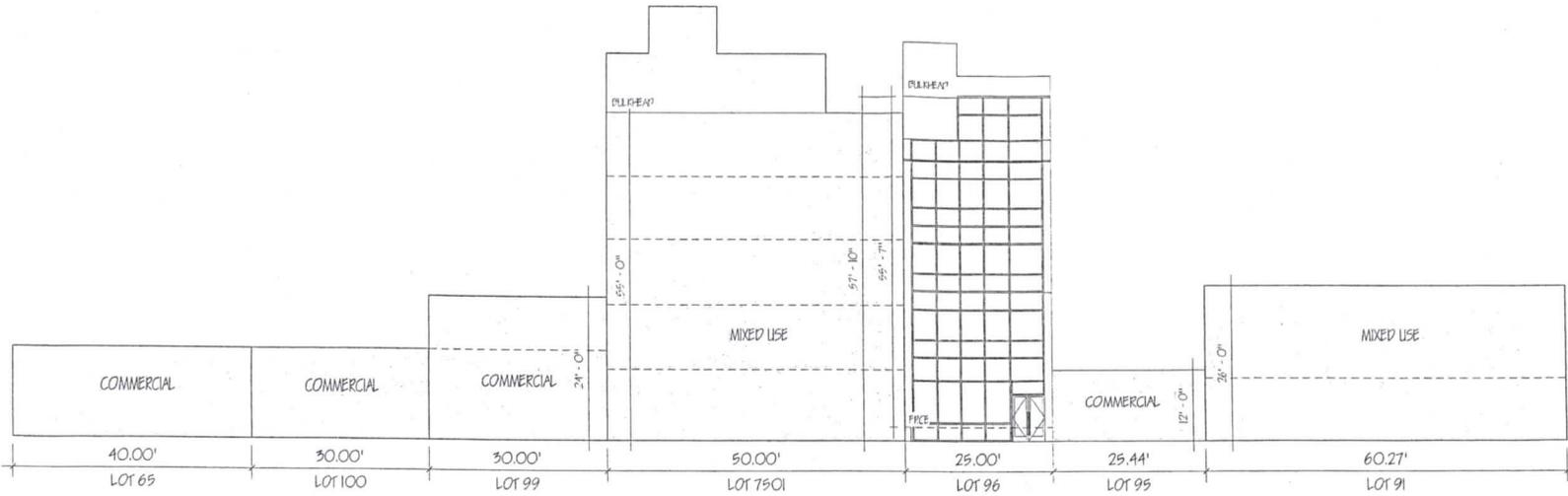
PROPOSED
FLOOR AREA
PLANS



Igor Zaslavsky

BSA-010

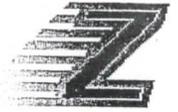
AVE Z



① BSA FRONT ELEVATION
1" = 20'-0"

EAST 16TH STREET
BLOCK 7460

SHEEPSKIND BAY ROAD



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FRONT
ELEVATION
STREETSCAPE



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BSA-011



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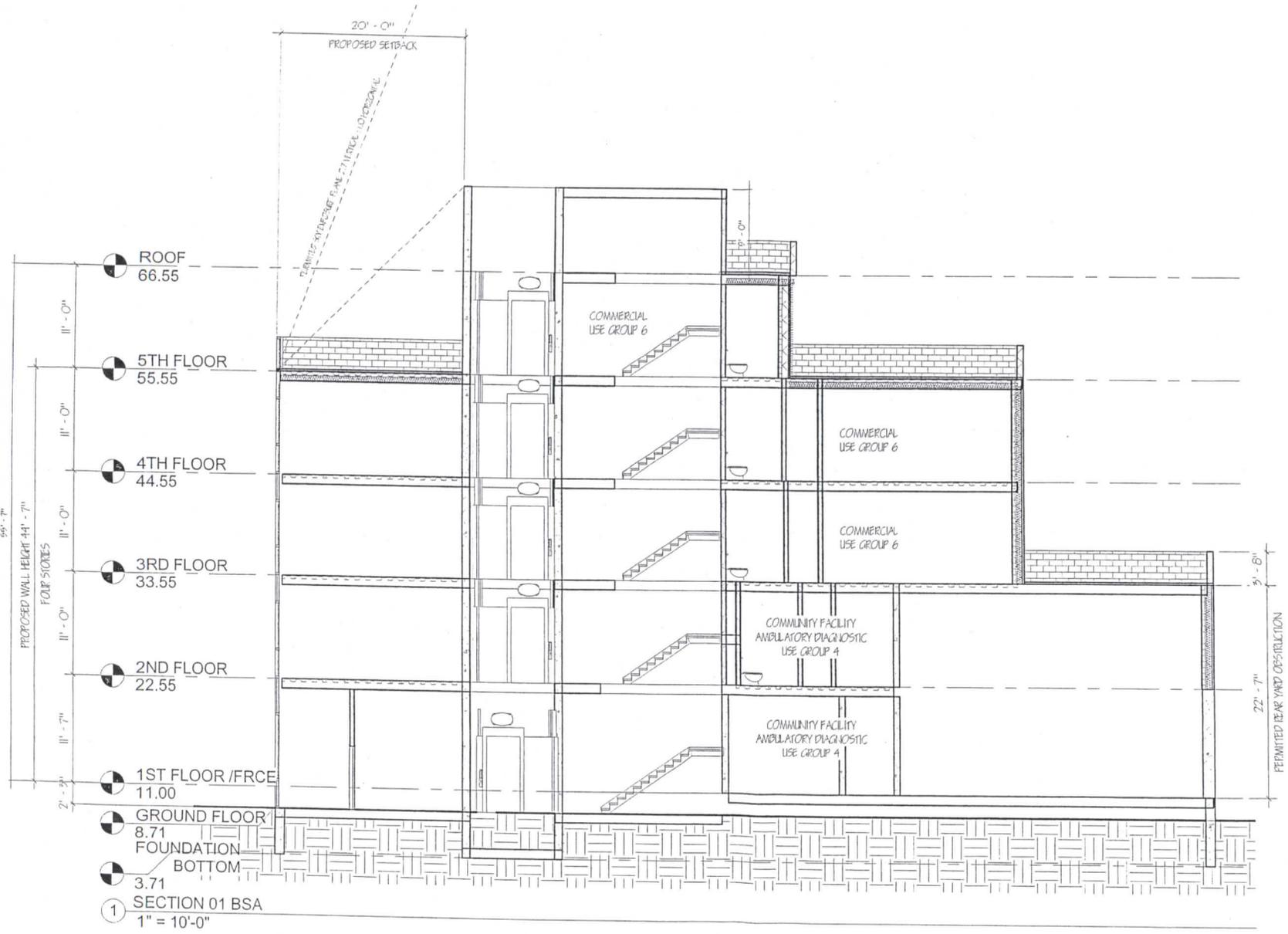
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SECTION 01

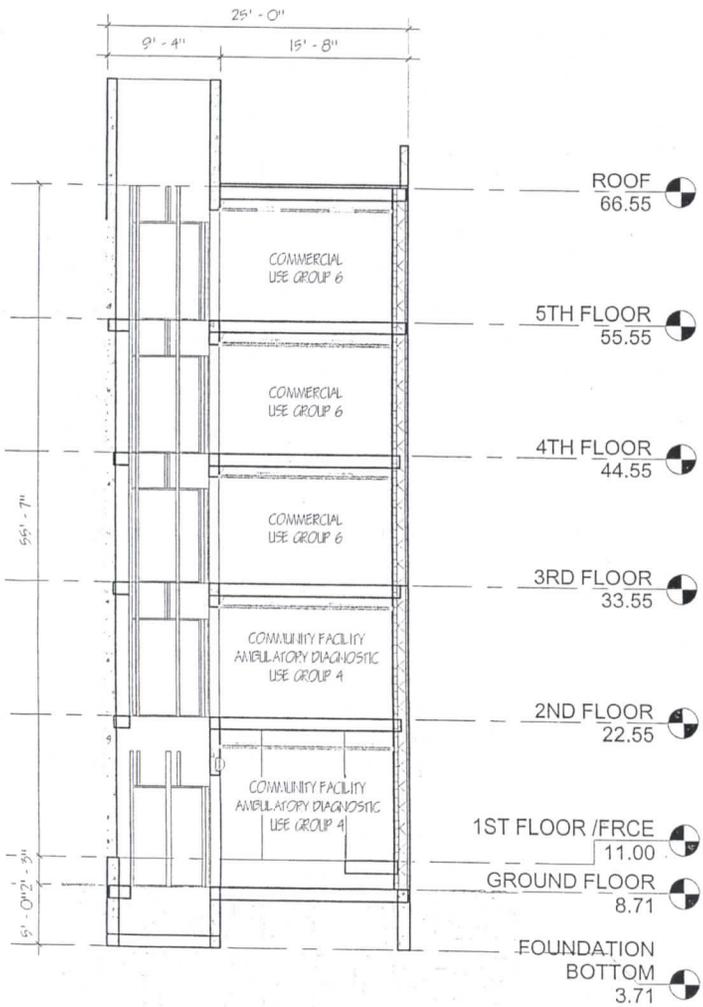


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BSA-012



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1 SECTION 02 BSA
1" = 10'-0"



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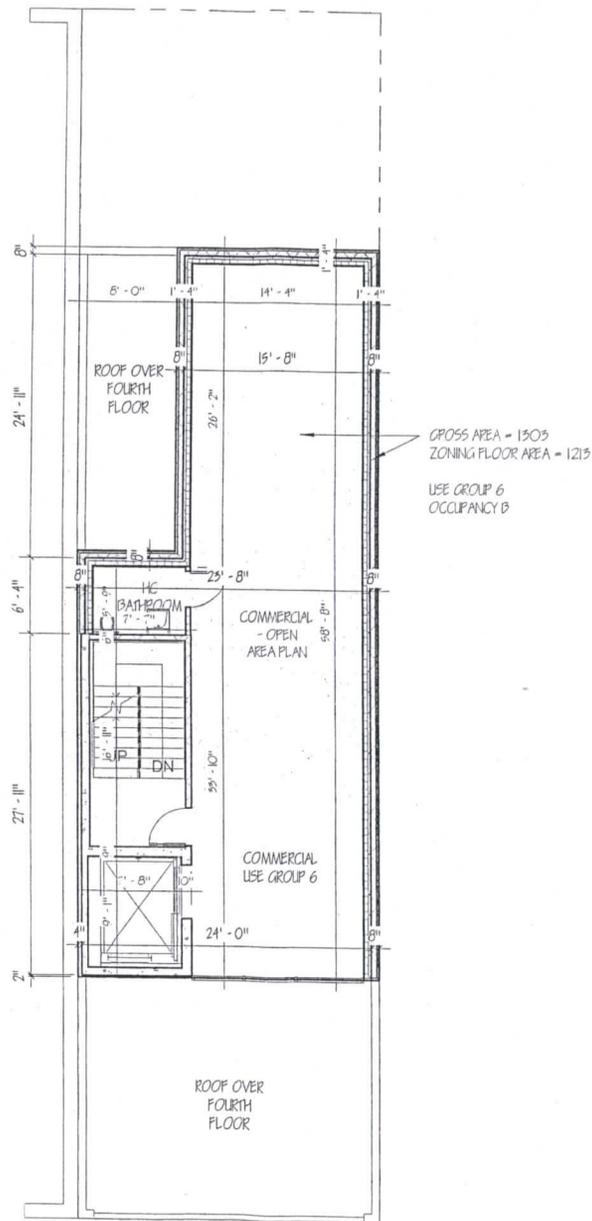
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SECTION 02



Igor Zaslavsky

BSA-013



① 5TH FLOOR BSA
1" = 10'-0"



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2619 EAST 16TH STREET

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PROPOSED
FLOOR AREA
PLANS



Igor Zaslavskiy

BSA-009

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February 2, 2016

REVISED STATEMENT OF FACTS AND FINDINGS

**Premises: BSA Cal. No.: 258-15-BZ
 2619 East 16th Street
 Block: 7460, Lot: 96
 Brooklyn, New York (the “Premises”)**

INTRODUCTION

The instant application requests a Special Permit pursuant to Section 73-44 and Section 73-03 of the Zoning Resolution of the City of New York, as amended (hereinafter “ZR”) to vary ZR Section 36-21 to reduce the number of required accessory off street parking spaces from thirty (30) to fifteen (15) at the proposed eight thousand nine hundred and ninety one (8,991) square foot, five (5) story new building in a C4-2 zoning district.

The proposed new building will seek to waive the remaining fifteen (15) spaces pursuant to ZR § 36 - 231 at the Department of Buildings. As discussed below, your Board has previously approved such applications and *“takes no position as to whether approval of the subject special permit application qualifies the site for a parking waiver pursuant to ZR § 36-231, which is a determination subject to review by the Department of Buildings (“DOB”)*” (BSA Cal. No. 55-10-BZ).

The proposed new building will have UG 4 ambulatory diagnostic or treatment health care facilities on floors one (1) and two (2). It will have Use Group 6 PRC B1 uses on floors three (3) through five (5). The proposed building will have zero parking spaces.

ERIC PALATNIK, P.C.

The applicant agrees to condition the approval on the following conditions as well as any other appropriate conditions with regard to the design and method of operation of the proposed development:

- **THAT** DOB shall review the proposal to determine whether the site qualifies for a waiver of the required number of parking spaces pursuant to ZR § 36-231;
- **THAT** in the event DOB determines that the site does not qualify for a parking waiver under ZR § 36-231, the location and configuration of the fifteen (15) required parking spaces shall be subject to review and approval by DOB.

Pursuant to ZR § 73-44 (“*Reduction of Parking Spaces for Ambulatory Diagnostic or Treatment Facilities Listed in Use Group 4 and Uses in Parking Requirement Category B1*”) your Board may permit the reduction of required accessory parking spaces to one (1) space per six hundred (600) square feet of floor area for the proposed UG 4 ambulatory diagnostic or treatment health care facilities and the Use Group 6 PRC B1 uses in the underlying C4-2 zoning district.

As discussed below, and demonstrated on the enclosed Parking Demand and Supply Analysis (“Parking Study”) the instant application provides a sufficient basis to make each of the required findings pursuant to ZR § 73-44 and ZR § 73-03. As The proposed fifteen (15) parking spaces will be sufficient to meet the demand that will be generated by the proposed uses at the Premises.

Accordingly, plans were filed with the Department of Buildings in order to permit the proposed new building and parking reduction. On September 22, 2015, acting under Job. No.: 421205555 the following objection was issued:

“Proposed Development is Contrary to ZR Section 36-21 and Requires a Special Permit Pursuant to ZR Section 73-44”

ERIC PALATNIK, P.C.

EXISTING CONDITIONS

The Premises is located at 2619 East 16th street between Avenue Z and Sheepshead Bay Road in the Borough of Brooklyn. The Premises is located on a 2,500 square foot interior lot with 25 feet of frontage on East 16th Street and a depth of 100 feet. It is identified on the New York City Tax Map as Block 7460, Lot 96. It is located in Brooklyn Community Board 15. The Premises is in a C4-2 zoning district. East 16th Street is a one way, one lane street with parking lanes on both sides.

The Premises is well served by mass transit. It is located approximately one block away from the B and Q trains at the Sheepshead Bay Road Station and the B36, B4 and B49 bus stations are located on Avenue Z between East 16th and East 17th, approximately one block away from the Premises.

The Premises is currently improved upon with a two story and attic building. The structure is proposed to be demolished as part of the new building application for the proposal.

THE PROPOSED NEW BUILDING

The proposed new five (5) story UG 4 ambulatory diagnostic or treatment health care facility and Use Group 6 PRC B1 building is depicted in the enclosed plan sheets. As demonstrated therein, this well designed structure has been created to adhere to the floor area, height, yard, and setback requirements of the underlying C4-2 zoning district. As stated above, the Premises is located on a 2,500 square foot lot. It is proposed to develop the Premises with a 8,991 square foot, five (5) story building. A full explanation of the design, uses, and parking is provided below.

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Uses PerFloor

| Floor | Use | Square Feet |
|--------|---|-------------|
| First | Ambulatory Diagnostic or Treatment Health Care Facilities | 2,360 |
| Second | Ambulatory Diagnostic or Treatment Health Care Facilities | 1,644 |
| Third | Use Group 6 PRC B1 Commercial | 1,887 |
| Fourth | Use Group 6 PRC B1 Commercial | 1,887 |
| Fifth | Use Group 6 PRC B1 Commercial | 1,213 |
| Total | | 8,991 |

Comparison of As-Of Right and Reduced Parking Totals:

Pursuant to ZR § 36-21 UG 4 ambulatory diagnostic or treatment health care facilities and Use Group 6 PRC B1 uses both require one (1) parking space per three hundred (300) square feet of floor area. Accordingly, based on the total floor area of eight thousand nine hundred and ninety one (8,991) square feet, forty nine (30) parking spaces are required at the premises ($8,991 / 300 = 29.96$).

Pursuant to ZR § 73-44 (“*Reduction of Parking Spaces for Ambulatory Diagnostic or Treatment Facilities Listed in Use Group 4 and Uses in Parking Requirement Category B1*”) your Board may permit the reduction of required accessory parking spaces to one (1) space per six hundred (600) square feet of floor area for the proposed UG 4 ambulatory diagnostic or treatment health care facilities and the Use Group 6 PRC B1 uses in the underlying C4-2 zoning district. Accordingly, this will reduce the number of required parking spaces to fifteen (15) ($8,991 / 600 = 14.98$)

A side by side comparison is provided below:

ERIC PALATNIK, P.C.

| Floor | Use Group | Spaces per ZR § 36-12 | Spaces per ZR § 73-44 |
|--------|---------------------------|-----------------------|-----------------------|
| First | U.G. 4 (health care fac.) | 2,360 / 300 = 7.87 | 2,360 / 600 = 3.93 |
| Second | U.G. 4 (health care fac.) | 1,644 / 300 = 5.47 | 1,644 / 600 = 2.74 |
| Third | U.G. 6 (PRC B1) | 1,887 / 300 = 6.29 | 1,887 / 600 = 3.14 |
| Fourth | U.G. 4 (PRC B1) | 1,887 / 300 = 6.29 | 1,887 / 600 = 3.14 |
| Fifth | U.G. 4 (PRC B1) | 1,213 / 300 = 4.04 | 1,213 / 600 = 2.02 |
| Total | | 29.96 | 14.98 |

The proposed new building will seek to waive the remaining fifteen (15) spaces pursuant to ZR § 36 - 231 at the Department of Buildings.

ZR § 36 - 231 allows the accessory parking requirements of ZR § 36-21 to be waived when the total number of required spaces falls below a certain total that varies depending on the zoning district.

36-231

In districts with high, medium, or low parking requirements

C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3 C7 C8-1 C8-2

In the districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), and except as otherwise provided in Section 36-27 (Waiver for Certain Small Zoning Lots), the parking requirements set forth in Sections 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to #commercial uses# in parking requirement category A, B, B1, C, D, E, or H, or to permitted #community facility uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

| Number of Spaces | Districts |
|------------------|------------------------------|
| 10 | C1-1 C2-1 C3 C4-1 |
| 15 | C1-2 C2-2 C4-2 C8-1 |
| 25 | C1-3 C2-3 C4-2A C4-3 C7 C8-2 |

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The Premises is located in a C4-2 zoning district. Accordingly, a parking waiver will be available at the Premises should your Board approve the instant application to reduce the number of accessory parking spaces to fifteen (15).

Your Board has granted similar applications on in the past, as documented in enclosed BSA resolutions for calendar number 55-10-BZ. As in the instant matter, the referenced calendar number allowed for the elimination of all required parking due to the fact that the reduced proposed parking totals fell below the totals required to trigger the waiver provision. The instant application seeks a similar result.

The applicant agrees to condition the approval on the following conditions as well as any other appropriate conditions with regard to the design and method of operation of the proposed development:

- **THAT** DOB shall review the proposal to determine whether the site qualifies for a waiver of the required number of parking spaces pursuant to ZR § 36-231;
- **THAT** in the event DOB determines that the site does not qualify for a parking waiver under ZR § 36- 231, the location and configuration of the fifteen (15) required parking spaces shall be subject to review and approval by DOB.

ZR § 73-03 FINDINGS

(a) ZR § 73-03(a) provides:

The Board shall make all of the findings required in the applicable sections of this Chapter with respect to each such special permit #use# or modification of #use#, parking or #bulk# regulations and shall find that, under the conditions and safeguards imposed, the hazards or disadvantages to the community at large of such special permit #use# or modification of #use#, parking or #bulk# regulations at the particular site are outweighed by the advantages to be derived by the community by the grant of such special permit. In each case the Board shall determine that the adverse effect, if any, on the privacy, quiet, light and air in the neighborhood of such special permit #use# or modification of #use#, parking or #bulk# regulations will be minimized by appropriate conditions governing location of the site, design and method of operation.