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January 12, 2012

BY HAND

Maurice Spreiregen
Land Use Review, Central Intake
Department of City Planning
22 Reade Street, Room 2E
New York, NY 10007-1216



CITY OF NEW YORK

Received by Central Intake on January 12, 2012

DEPARTMENT OF
CITY PLANNING

Re: Jewish Home Lifecare / Manhattan
125 West 97th Street
New York, New York
Block 1852, Lot 5
ULURP Application 120043 ZCM

REVISED

Dear Mr. Spreiregen:

Here are fourteen (14) copies of the following revised materials in connection with the referenced application for a certification under Section 22-42 of the Zoning Resolution:

- Form LR Item 3, Project Description,
- Statement of Findings

The Project Description has been revised to reflect the applicant's decision to remove from the building certain uses, such as Adult Day Care and offices, that are not directly related to the nursing home facility. This results in a reduction in the height of the building from 24 to 20 stories. The Statement of Findings has been revised to include information from the City Planning Commission report creating this certification process.

Please let us know if you require any further information.

Sincerely,

Handwritten signature of Elise Wagner in cursive script.
Elise Wagner

EW:ar
Enclosures

KRAMER LEVIN NAFTALIS & FRANKEL LLP

Maurice Spreiregen

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cc: Calvin Brown – Manhattan Office, Department of City Planning
Sarah Goldwyn – Planning Coordination, Department of City Planning
Mark Diller, Community Board No. 7
Audrey Weiner – Jewish Home Lifecare
Michael T. Sillerman – Kramer Levin Naftalis & Frankel LLP

JEWISH HOME LIFECARE/MANHATTAN CAMPUS
125 WEST 97TH STREET
NEW YORK, NEW YORK

LR ITEM 3, PROJECT DESCRIPTION

Introduction

This application by Jewish Home Lifecare seeks a certification by the City Planning Commission to the Department of Buildings pursuant to Section 22-42 of the Zoning Resolution of the City of New York ("Z.R.") that none of the findings which would require a special permit pursuant to Section 74-90 of the Z.R. applies in Community District 7 in the Borough of Manhattan. This certification would facilitate the development of a skilled nursing facility to be located on a site on the north side of West 97th Street between Columbus and Amsterdam Avenues (Block 1852, Lot 5) on the Upper West Side of Manhattan in Community District 7.

Background

Jewish Home Lifecare, Manhattan, which was established in 1848, is a non-profit pioneer in caring for elders in New York City. Its 514-bed skilled nursing facility, located on West 106th Street between Columbus and Amsterdam Avenues (the "Manhattan Campus"), is the founding division of Jewish Home Lifecare, the largest multi-site senior living provider in New York State. Jewish Home Lifecare provides services to 9,000 people annually, with three skilled nursing facilities (in Manhattan, the Bronx, and Westchester County) and an extensive homecare and senior housing network. Its continuum of care also includes research centers for aging, vision loss, Parkinson's and Alzheimer's diseases; training programs and internships for people entering geriatric medicine and the allied health professions; palliative care; adult day care

programs; telehealth initiatives; low- and moderate-income housing for older adults; and geriatric case management.

The Manhattan Campus now stands at a critical crossroads. Its physical plant – parts of which date back to 1883 – has grown increasingly inefficient and exceedingly costly to operate. It has become imperative that the facility be rebuilt in order to sustain Jewish Home’s critical services in Manhattan. Jewish Home Lifecare is deeply committed to continuing to serve the community that has been its home for 162 years.

Area Description

The site of the proposed skilled nursing facility is located on the north side of West 97th Street between Amsterdam and Columbus Avenues (the “Project Site”). The Project site is within the Park West Village residential complex and is on the same block as two other residential buildings and a number of community facilities, including Public School 163, Happy Warrior Playground, the Riverside Health Center operated by the New York City Department of Health and Mental Hygiene, the Bloomingdale Branch of the New York Public Library and Trinity Lutheran Church. The surrounding blocks are predominantly residential with ground floor retail along Amsterdam Avenue and Columbus Avenue, and also contain a number of community facility uses.

The Project Site is located on a superblock which, together with the superblock to the east, comprises Park West Village. These superblocks, which were created by the West Park Urban Renewal Area, are zoned R7-2, with C1-5 overlays along the avenues between West 97th and 100th Streets. To the west, the blocks are zoned R8 along Amsterdam Avenue and R8B in

the midblock. To the south, the midblocks are zoned R9 and the avenue are zoned C2-8 along Amsterdam Avenue and C1-9 along Columbus Avenue.

There are two other residential complexes in proximity to the Project site: the superblock to the east between Columbus Avenue and Central Park West is occupied by the eastern part of Park West Village, and the superblock to the north includes the Frederick Douglass Houses. The blocks to the south and west of the Project Site contain multi-family apartment buildings typical of the Upper West Side. Nearby open space resources include the Frederick Douglas playground, and Central Park is located a block to the east. Educational facilities in the area include Holy Name School at 207 West 96th Street, De La Salle Academy at 202 West 97th Street, Mandell Nursery School at 795 Columbus Avenue, Solomon Schechter School at 805 Columbus Avenue, Chabad Early Learning Center at 166 West 97th Street, Montclare Children's School at 747 Amsterdam Avenue, and West Side High School at 140 West 102nd Street. The Ryan Community Health Center is located at 110 West 97th Street. In addition, two religious institutions, Church of the Holy Name of Jesus and St. Michael's Church, are located to the west of the site across Amsterdam Avenue. There are two individual landmarks in the area: the East River Savings Bank building at 743 Amsterdam Avenue and the New York Free Circulating Library, Bloomingdale Branch building at 206 West 100th Street.

The area is well served by public transportation: the 1, 2, and 3 lines run along Broadway one block to the west, with stations at West 96th Street and West 103rd Street. In addition, there are bus lines running along Columbus Avenue (the M7 and M11 buses), Central Park West (M10) and West 96th Street (M96 and M106).

Site Description

The Project Site is located on a zoning lot consisting of lots 5, 9, 12, 20, 31, 40, and 1101-1113 in Block 1852. The block is bounded by West 97th Street to the south, West 100th Street to the north, and Columbus Avenue to the east, and is zoned R7-2, with a C1-5 overlay within 100 feet of Columbus Avenue. The zoning lot is occupied by four buildings: three 16-story residential towers (784, 788, and 792 Columbus Avenue) built as part of the original Park West Village project in the late 1950's and a 29-story mixed-use building (808 Columbus Avenue) that was added to the campus in 2009. The zoning has a lot area of 308,475 s.f. and has an existing floor area of 1,076,443, including 1,022,701 s.f. of residential floor area, 52,825 s.f. of commercial floor area and 917 s.f. of community facility floor area. There is currently 240,331 s.f. of open space on the zoning lot. The new skilled nursing facility (the "New Building") will occupy a portion of the zoning lot that is currently an accessory parking lot for the residential buildings.

Project Description

Jewish Home Lifecare is planning to build an eldercare residence in Manhattan that is radically different from a traditional nursing home. The facility will be developed in conjunction with The Green House Project, a progressive care model that focuses on the elders, maintaining individuality and autonomy despite inherent clinical needs. The Green House model of long term care creates independent "houses," each of which has its own a common area, a kitchen and other shared facilities. The New Building will contain up to 414 beds, a reduction from the current 514-bed facility. In addition to long term care, it will include a therapy center for short-stay rehabilitation as well as outdoor and indoor public spaces. Jewish Home Lifecare

obtained a Certificate of Need ("CON") for a replacement residential health care facility to be located at its West 106th Street site in September, 2008. On June 3, 2010, Jewish Home Lifecare obtained a modification of that CON for a 408 bed replacement residential health care facility to be located at a site on West 100th Street. Jewish Home Lifecare plans to apply in the first quarter of 2012 for a CON for an approximately 414 bed replacement residential health care facility to be located on the Project Site, and expects to receive the CON by December 2012. Construction is expected to begin in the first quarter of 2014 and is expected to be completed in the third quarter of 2016, with move-in completed by the second quarter of 2017.

The New Building is designed to conform to zoning and to harmonize with the existing built form of Park West Village. The New Building will contain approximately 356,580 sq. ft. of floor area and will rise to 20 stories. The zoning lot will provide 230,726 s.f. of "open space" as defined in the Zoning Resolution. The New Building will be located a minimum of 58.4 feet from 788 Columbus Avenue to the north and a minimum of 64 feet from 784 Columbus Avenue to the east, in compliance with the minimum distance between building regulations. No off street parking will be provided; two loading bays will be provided. Primary access to the New Building will be located on its north side, accessed from the driveway to the east of the Project Site.

Requested Action

Section 22-42 Z.R. requires that, prior to any development, enlargement, extension or change in use involving a nursing home or health related facility in a residence district, the City Planning Commission must certify to the Department of Buildings that none of the findings set forth in Section 22-42 Z.R. exist in the Community District within which such

use is to be located. If any of the findings are found to exist, a special permit pursuant to Section 74-90 Z.R. is required for the development, extension or enlargement or change of use.

JEWISH HOME LIFECARE/MANHATTAN CAMPUS
125 WEST 97TH STREET
NEW YORK, NEW YORK

ATTACHMENT #11, DISCUSSION OF FINDINGS

22-42

Certification of Certain Community Facility Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all #Residence Districts#, for any nursing homes and health-related facilities or #enlargement#, #extension# or change in #use# thereof, the City Planning Commission shall certify to the Department of Buildings, prior to the filing of any plans by the applicant for a building permit for such #use#, that none of the following conditions applies to the Community District within which such #use# or #enlargement#, #extension# or change in such #use# is to be located:

- (a) *the ratio between the number of beds for such #uses# in existence, under construction or approved toward construction by the appropriate Federal or State governmental agency, to the population of the Community District compared to such ratio for other Community Districts shows a relative concentration of facilities covered in this Section in the affected district; or*

The statistics show that there is not a relative concentration of residential health care facilities in Community District 7. According to statistics provided by the Department of City Planning for 2008 (the last year of available data), Manhattan Community District 7 contains 1,034 beds in nursing homes and residential health care facilities to serve a population of 207,700, resulting in a ratio of 5.0 beds per 1,000 residents. This is below the city-wide average of 5.7 beds per 1,000 residents. This figure includes the 514 beds currently provided at the Manhattan Campus. Since the New Building will contain approximately 100 fewer beds than the existing campus, the ratio of beds per 1,000 residents in Community District 7 will be reduced from 5.0 to approximately 4.5, which is further below the citywide average.

(b) *a scarcity of land for general community purposes exists; or*

The City Planning Commission report creating this finding indicates that it was intended to preclude competition between nursing homes and other community facilities in neighborhoods where there was a proliferation of nursing homes:

The proliferation of these facilities has increased the competition between land uses for general community purposes throughout the City and threatens to disrupt the land use balance in certain communities.

CP-2249A, January 7, 1974

As noted in finding (c) below, there are only two nursing homes in Community District 7, including the Jewish Home Lifecare facility. Thus, there has been no competition for land between nursing homes and other community uses, and the underlying basis for this finding is not present in this Community District.

Further, there is no general scarcity of land for community purposes in Community District 7. Development of land for general community purposes may consist of a new building on a vacant site or on an underdeveloped parcel, such as a one story retail building or a parking lot or garage. In addition, it may include the purchase or lease of existing buildings or portions of existing buildings.

Community District 7 is within the "Manhattan Core" as defined in the Zoning Resolution: Community Districts 1 through 8 (the portion of Manhattan located south of 110th Street on the West Side and 96th Street on the East Side). The Manhattan Core is characterized by high levels of development and a relatively small number of undeveloped parcels. According to the NYC Community Data Portal provided by the

Department of City Planning as of June, 2011, the last month of available data, Community District 7 contained 48 vacant lots comprising 1.5 million square feet of vacant land, which is 4% of the total of 37.7 million square feet of land in Community District 7.¹ Community District 7 also included 524,000 s.f. of parking facilities. (The Portal does not contain data on the number of other underdeveloped parcels.) In addition, many community facilities seek to locate within existing buildings since they do not have the ability to obtain financing for new construction and may have immediate space needs that cannot await the completion of a new building. In this context, there is no scarcity of land for community purposes in Community District 7.

- (c) *the incidence of construction of facilities for the last three years warrants review over these facilities because they threaten to disrupt the land use balance in the community.*

According to the Department of City Planning's Land Use & CEQR Application Tracking System (LUCATS), there have been no applications pursuant to Section. 22-42 Z.R. in Community Board 7 submitted to the CPC since January, 2002. The Kateri Residence at 150 Riverside Drive, operated by Catholic Charities, is the only other residential health care facility for seniors within CD7. Therefore there is no need for review over these facilities.

¹ The 1.5 million square feet of vacant land in Community District 7 includes 1,250,000 s.f. attributable to Riverside South, of which 1,170,000 are future open space and streets and 80,000 s.f. is Site K.

In summary, none of the findings of Section 22-42 Z.R. exist in Community District 7. Accordingly, we ask that the City Planning Commission issue a certification pursuant to Section 22-42 Z.R.