



# Land Use Review Application

Department of City Planning



## N130333ZCM

Received by Central Intake on May 20, 2013

City Planning will assign and stamp reference numbers here

APPLICATION NUMBER

APPLICATION NUMBER

APPLICATION NUMBER

### 1. APPLICANT AND APPLICANT'S REPRESENTATIVES

**Greater Harlem Nursing Home and Rehabilitation Center** ↓

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) \*

APPLICANT'S PRIMARY REPRESENTATIVE

STREET ADDRESS

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

CITY STATE ZIP

STREET ADDRESS

AREA CODE TELEPHONE # FAX#

CITY STATE ZIP

\* List additional applicants below:

AREA CODE TELEPHONE # FAX#

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) ADDITIONAL APPLICANT REPRESENTATIVE:

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.)

TELEPHONE # FAX #

### 2. SITE DATA (If the site contains more than one property complete the "LR Item 2. Site Data Attachment Sheet.")

**16/20 West 138<sup>th</sup> Street** ↓  
STREET ADDRESS

PROJECT NAME (IF ANY)

**South side of West 138<sup>th</sup> Street Between Lennox and 5<sup>th</sup> Avenues** ↓

DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

**R7-2** ↓  
EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY)

**6a** ↓  
ZONING SECTIONAL MAP NO(S).

**Block: 1735 Lot: 45** ↓  
TAX BLOCK AND LOT NUMBER

**Manhattan** ↓  
BOROUGH

**10** ↓  
COMM. DIST.

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO  YES  IF YES, IDENTIFY

### 3. DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

'see attached description'

### 4. ACTIONS REQUESTED AND FEES (Check appropriate action(s) and attach supplemental form)

\* No supplemental form required

- CHANGE IN CITY MAP.....MM \$ ↓
- ZONING MAP AMENDMENT.....ZM \$ ↓
- ZONING TEXT AMENDMENT..... ZR \$ ↓
- ZONING SPECIAL PERMIT.....ZS \$ ↓
- ZONING AUTHORIZATION.....ZA \$ ↓
- ZONING CERTIFICATION.....ZC \$ 2,040<sup>↓</sup>
- PUBLIC FACILITY, SEL./ACQ.....PF \$ ↓
- DISPOSITION OF REAL PROP.....PD \$ ↓
- URBAN DEVELOP=MENT ACTION.....HA \$ ↓
- URBAN RENEWAL PROJECT.....\* \$ ↓
- HOUSING PLAN & PROJECT.....\* \$ ↓
- FRANCHISE.....\* \$ ↓
- REVOCABLE CONSENT.....\* \$ ↓
- CONCESSION.....\* \$ ↓
- LANDFILL.....\* \$ ↓
- OTHER (Describe) CEQR<sup>↓</sup> \$ 110<sup>↓</sup>

- MODIFICATION ↓ \$ ↓
  - FOLLOW-UP ↓ \$ ↓
  - RENEWAL ↓ \$ ↓
  - OTHER ↓ \$ ↓
- APPLICATION NO. \_\_\_\_\_
- APPLICATION NO. \_\_\_\_\_
- SPECIFY \_\_\_\_\_
- TOTAL FEE (For all actions) \$ 2,150<sup>↓</sup>

Make Check or Money Order payable to Department of City Planning. If fee exemption is claimed check box below and explain.

↓

Has pre-application meeting been held?  NO  YES

If yes **Edwin Marshall** ↓ **1.5.10** ↓  
DCP Office/Representative Date of meeting



13 DCP 137 M

5. ENVIRONMENTAL REVIEW

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) LEAD AGENCY

Received by Central Intake on May 20, 2013

TYPE OF CEQR ACTION:

- TYPE II (checked), TYPE I, UNLISTED. Includes checkboxes for 'Has EAS been filed?' and 'If yes, Date EAS filed:'.



Has CEQR determination been made? Yes/No checkboxes.

If yes, what was determination? Negative Declaration, CND, Positive Declaration. Includes 'Date determination made:' field.

If Positive Declaration, has PDEIS been filed? [ ]

Has Notice of Completion (NOC) for DEIS been issued? [ ] If yes, attach copy.

If PDEIS has not been filed, has final scope been issued? [ ] If yes, date issued: [ ]

6. COASTAL ZONE MANAGEMENT

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No [x] Yes [ ]

7. RELATED ACTIONS BY CITY PLANNING

LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:

Table with columns: APPLICATION NO., DESCRIPTION/ DISPOSITION/STATUS, CAL. NO., DATE. Contains two rows of placeholder data.

8. RELATED ACTIONS BY OTHER AGENCIES

LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:

Table with columns: REFERENCE NO., DESCRIPTION/ DISPOSITION/STATUS, CAL. NO., DATE. Contains two rows of placeholder data.

9. FUTURE ACTIONS REQUIRED

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

Placeholder lines for future actions.

10. APPLICANT (Attach authorizing resolution(s), if applicable)

NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE: Greater Harlem Nursing Home and Rehabilitation Center. Includes fields for SIGNATURE OF APPLICANT and DATE.

11. CO-APPLICANTS (Attach authorizing resolution(s), if applicable)

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE. Includes fields for SIGNATURE OF CO-APPLICANT and DATE.

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS, CITY, STATE, ZIP, TEL.NO., FAX

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE. Includes fields for SIGNATURE OF CO-APPLICANT and DATE.

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS, CITY, STATE, ZIP, TEL.NO., FAX

ADMINISTRATIVE CODE

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE

THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.



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**Special Permit/Authorization/Certification. . . ZS/ZA/ZC**



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APPLICATION NO.

(If more than five actions are being requested, enter "see attached" below, and list ALL PROPOSED ACTIONS in the same format as below on a separate sheet titled "Proposed Zoning Special Permits/ Authorization/ Certifications.")

Action(s) requested pursuant to ZR (Check one box for each proposed action)	Special Permit (ZS)	Authorization (ZA)	Certification (ZC)	PURSUANT TO:		TO MODIFY: SECTION NO. (If applicable)
				ZONING RESOLUTION SECTION NUMBER	ZONING RESOLUTION SECTION TITLE	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	22-42	Certification of Certain Community Facility Uses	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			

HAS A DRAFT RESTRICTIVE DECLARATION BEEN INCLUDED WITH THIS APPLICATION? YES  NO

WILL ALL PARTIES IN INTEREST TO THE PROPERTY AGREE TO A RESTRICTIVE DECLARATION IF REQUIRED? YES  NO

**Property ownership/ interest**

CHECK APPLICABLE BOX(ES) (If more than one box is checked in the left column, please explain below).

- |   |  |
|---|--|
| APPLICANT:<br><input checked="" type="checkbox"/> IS OWNER OF SUBJECT PROPERTY<br><input type="checkbox"/> IS LESSEE OF SUBJECT PROPERTY<br><input type="checkbox"/> HAS CONTRACT TO LEASE/BUY SUBJECT PROPERTY<br><input type="checkbox"/> IS OTHER (explain real property interest below) | APPLICANT:<br><input type="checkbox"/> IS A CITY AGENCY<br><input type="checkbox"/> IS A STATE OR FEDERAL AGENCY |
|---|--|

**Discussion of findings**

**STATEMENT IN SUPPORT OF REQUIRED ZONING RESOLUTION FINDINGS/DECLARATION OF COMPLIANCE**  
(This is the same discussion/statement as in Attachment #11. If it fits below, it may be put here instead of in a separate attachment. If Attachment #11 has been completed, you may leave this area blank).

**GREATER HARLEM HEALTH-RELATED FACILITY**  
**16/20 West 138<sup>th</sup> Street**  
**New York, New York**

**LR ITEM 3, PROJECT DESCRIPTION**

Introduction

This application by Greater Harlem Nursing Home ("Applicant") seeks a certification from the City Planning Commission ("CPC") to the Department of Buildings ("DOB") pursuant to Section 22-42 of the Zoning Resolution of the City of New York ("ZR") that none of the findings which would require a special permit pursuant to Section 74-90 of the ZR applies in Community District 10 in the Borough of Manhattan. This certification would facilitate the development of a new six-story, 24,930 square foot health-related facility containing 30 beds at 16/20 West 138<sup>th</sup> Street (Block 1735, Lot 45) (the "Project Site") in the Harlem neighborhood of Manhattan in Community District 10.

Background

Greater Harlem Nursing Home, which was established in 1976, is a voluntary, non-profit, health-related facility located in the heart of Harlem. Its existing 200-bed facility located at 30 West 138<sup>th</sup> Street (Block 1735, Lot 47) is a not-for-profit, full-service short-term rehabilitation health-related facility that was constructed on a separate zoning lot in 1976 pursuant to an approval from the City Planning Commission under application number CP22326.

The proposed six-story, 24,930 square foot, Use Group 3 health-related facility building (the "Facility") will be constructed on a separate zoning lot from the existing health-related facility at 30 West 138<sup>th</sup> Street. The Facility will contain an entry lobby, reception area, public toilet and storage room on the first floor. The second floor will be comprised of accessory offices for the program. The third floor will contain the resident dining area with serving pantry, meeting and activity spaces, administration offices, janitor closet, resident laundry room and toilets.

The program will provide services to senior citizens such as nursing, medical care, housekeeping, and prepared meals.

The program and design of the Facility has been tailored response to changing needs of the greater Harlem community. While the demand for traditional nursing home, health-related facility level care has declined, there is a greater need for person-centered homelike health-related facilities such as the proposed development. In New York City as a whole, health-related facility occupancy (93.9% in 2008) has been well below the minimum level —97%— used to determine need. The more homelike setting of the facility will not reduce access for the frail elderly in need of this level of care. As a result of this project, the Harlem community will have an improved facility with

needed infrastructure improvements to ensure safety, to maximize privacy and dignity of the residents, and to enhance the quality of daily living.

### Area Description

The site of the proposed health-related facility is located on the south side of West 138<sup>th</sup> Street between Fifth and Lennox Avenues (the "Project Site"). Block 1735, on which the Project Site is located, is characterized primarily by residential and community facility uses. Immediately to the east of the Project Site at 10 West 138<sup>th</sup> Street, is the General Chauncey M Hooper Tower, a seven-story, home for the elderly. Immediately to the west at 30 West 138<sup>th</sup> street is the existing six-story, Greater Harlem Nursing Home. The Salvation Army and the United Congregation Church also operate facilities on Block 1735. The remainder of Block 1735 is comprised of four-story to seven-story apartment buildings located at or near the street line on the midblock and the avenue multiple dwellings. To the south, on Blocks 1733 and 1734 is the Harlem Hospital Center.

The Project Site is located in a medium-density R7-2 residential district. R7-2 districts permits a basic maximum FAR of 3.44 for both residential uses and the community facility uses, including health-related facilities. There is a C1-4 commercial overlay on Block 1735 which extends 100 feet from Fifth Avenue.

The area is well served by public transportation: the 2 and 3 subway lines run along Lennox Avenue, with a station at West 135<sup>th</sup> Street. Additionally, there are bus lines running along Lennox Avenue (the M7 and M102), Fifth Avenue (M1) and 135<sup>th</sup> Street (Bx33).

### Site Description

The Project Site is located (Block 1735, Lot 45) in the Harlem neighborhood of Manhattan. The Block is bounded by West 137<sup>th</sup> Street to the south, West 138<sup>th</sup> Street to the north, Fifth Avenue to the east, and Lennox Avenue to the west and is within an R7-2 zoning district, with a C1-4 commercial overlay within 100 feet of Fifth Avenue.

The Project Site comprises has a frontage of 76'-5" on West 138<sup>th</sup> Street, a depth of 99'-11" and a total zoning lot area of approximately 7,635 square feet. The Project Site is currently unimproved.

### Project Description

The proposed Use Group 3 health-related facility will have 30-beds. The Facility will incorporate the following features and amenities: a dedicated entrance lobby with reception area and elevator; a dining area and multiple lounge areas to meet current New York State DOH guidelines and provide variety for the health-related facility residents; 35 net square feet of dedicated dining and recreation

area for each resident; a serving pantry to support the implementation of a resident-centered food service program; home case staff office to support administrative activities and records associated with the provision of homecare services and to accommodate the care needs of residents; administration office for management of program; a lounge/sitting area centrally located on each resident floor; a laundry room for resident use.

Greater Harlem Nursing Home obtained a Certificate of Need ("CON") to construct the proposed building on September 8, 2010. Construction is expected to begin in the third quarter of 2013 and is expected to be completed in the fourth quarter of 2014, with move-in completed by the fourth quarter of 2014.

The six-story Facility will have a total floor area of 24,930 square feet or 3.26 FAR. R7-2 districts permit a maximum FAR of 3.44 for community facilities. The Facility will have a lot coverage of 4,231 or 55%. Pursuant to ZR § 24-11 the maximum lot coverage permitted within an R7-2 district is 65%. 10 off street accessory parking spaces will be provide in accordance with ZR § 25-25.

#### Requested Action

ZR § 22-42 requires that, prior to any development, enlargement, extension or change in use involving a health-related facility 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 ZR § 22-42 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 ZR § 74-90 is required for the development, extension or enlargement, or change of use. However, none of the conditions currently apply to Community District 10 in Manhattan, and therefore certification pursuant to § 22-42 is requested.

**GREATER HARLEM HEALTH-RELATED FACILITY**  
**16/20 West 138<sup>th</sup> Street**  
**New York, New York**

**ATTACHMENT #11, DISCUSSION OF FINDINGS**

**ZR § 22-42**

**Certification of Certain Community Facility Uses**

***R1 R2 R3 R4 R5 R6 R7 R8 R9 R10***

*In all #Residence Districts#, for any health-related facilities 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*

There is not a relative concentration of health-related facilities in Manhattan Community District 10. The latest data available from the Department of City Planning, as of February 2013, indicates that within Manhattan Community District 10 there are a total of 200 beds in health-related facilities and residential health care facilities to serve a population of 115,700, resulting in a ratio of 1.7 beds per 1,000 residences. This is below the citywide ratio of 5.5 beds per 1,000 residences. More specifically, the ratio for Manhattan is 4.2, where Community District 10 ranks 9 out of 12. The proposed building would result in an additional 30 beds. There are no additional beds currently proposed and approved within Community District 10.

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

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. According to the NYC Community Data Portal provided by the Department of City Planning as of 2012, Manhattan Community District 10 contained 251 vacant lots comprising 1,237,600 square feet of vacant land, which is 4.9% of the total of 25.5 million square feet of land in Community District 10. Community District 10 also included 223,700 square feet of parking facilities. 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 in Community District 10.

*(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 has been no construction of health-related facilities in the last three years in Manhattan Community District 10. There are only two nursing homes located within the Community District. They the aforementioned and adjacent Greater Harlem Nursing Home at 30 W 138 St (with 200 beds) and the Harlem Hospital Center at 506 Lenox Ave Hospital (with 286 beds).

*If the Commission finds that one or more of the conditions set forth in this Section applies to the Community District within which such #use# or #enlargement#, #extension# or change in such #use# is to be located, a special permit pursuant to Section 74-90 shall be required.*

None of the findings of ZR § 22-42 exist in Manhattan Community District 10 and a thus special permit is not required. Accordingly, we request that the City Planning Commission issue a certification pursuant to ZR § 22-42.



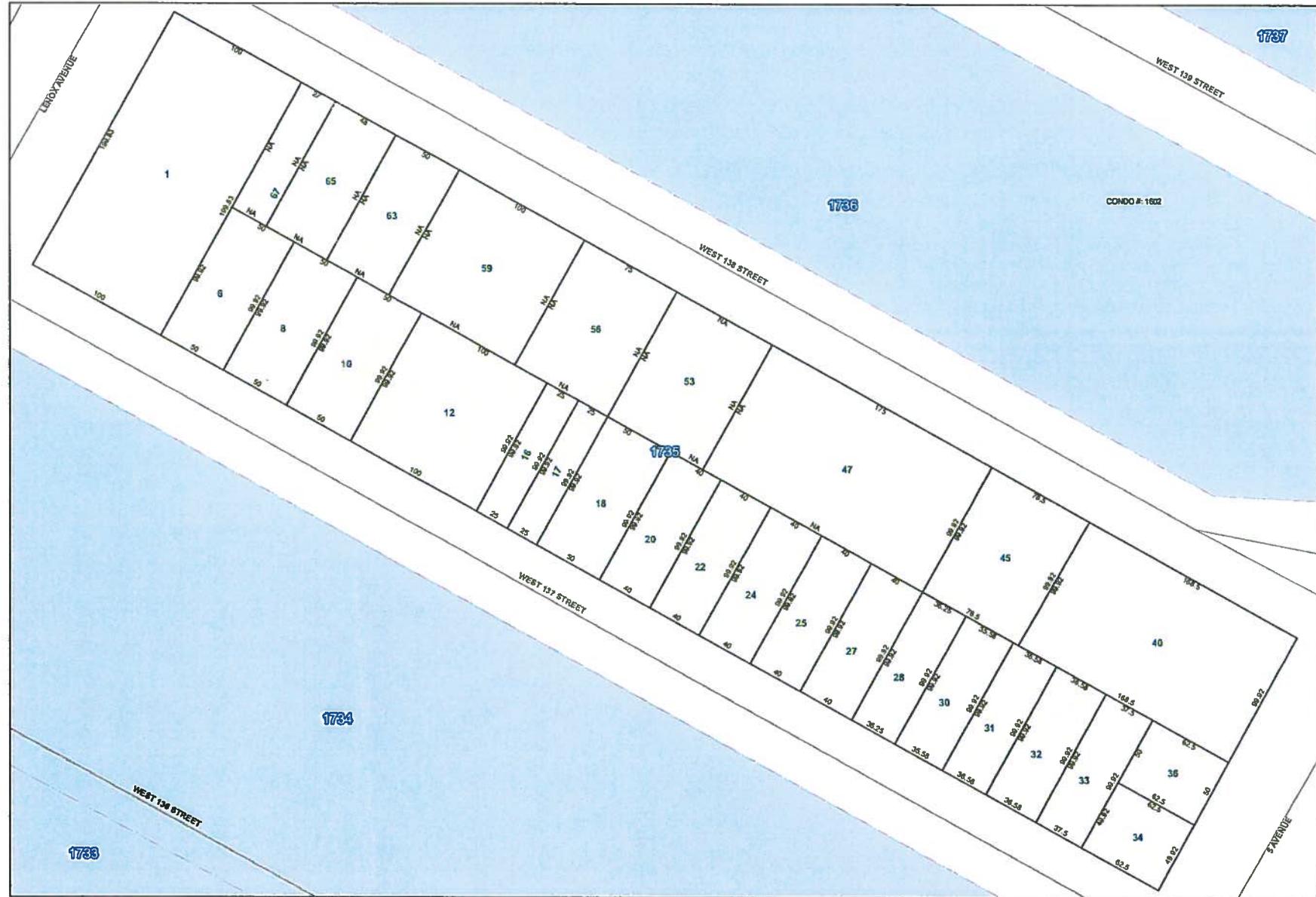
NYC Digital Tax Map

Effective Date : 05-02-2013 12:19:34  
End Date : Current  
Manhattan Block: 1735



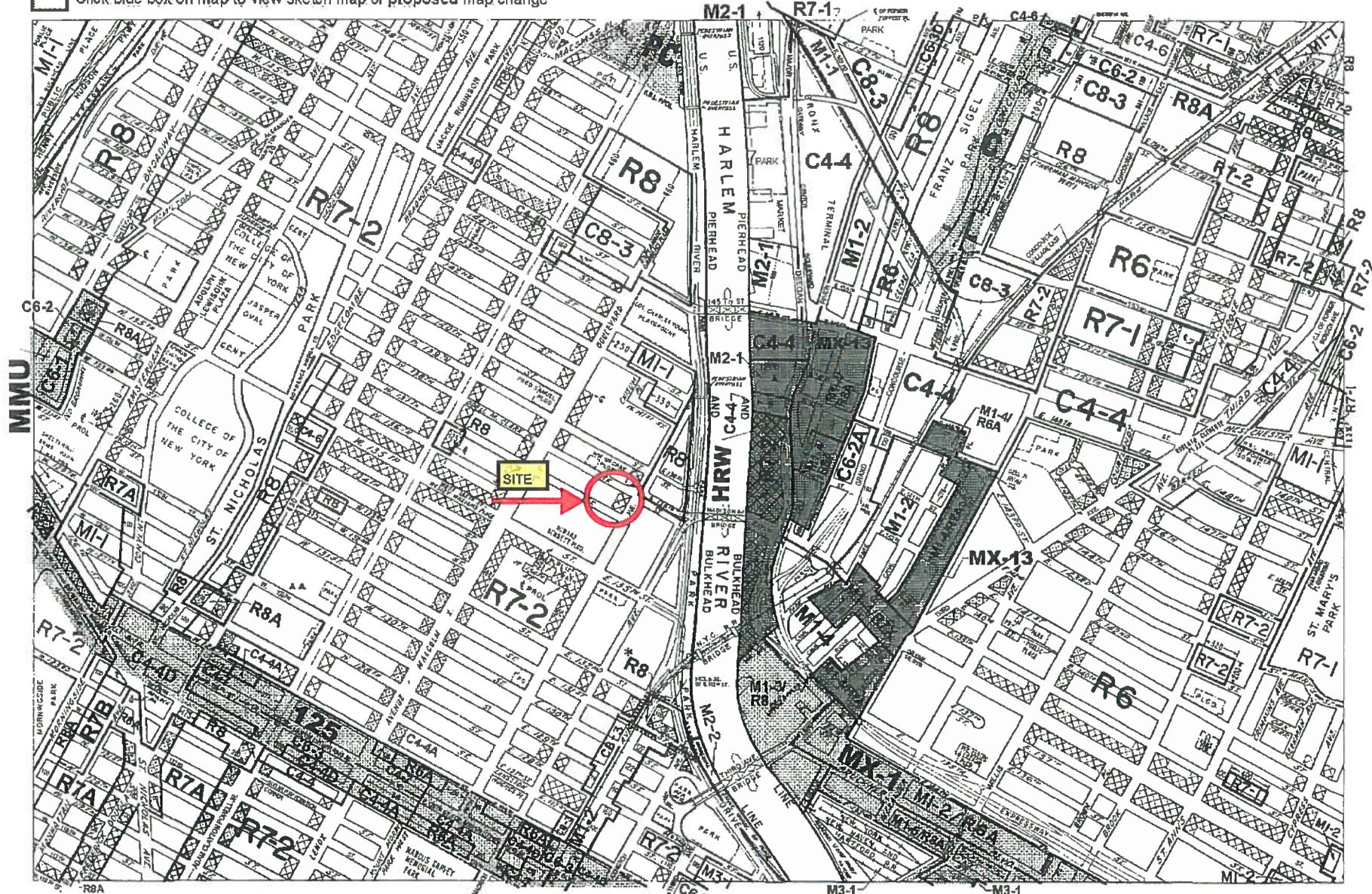
Legend

- Streets
- Miscellaneous Text
- ↓ Possession Hooks
- Boundary Lines
- ↓ Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon



0 510 20 30 40 Feet

Click blue box on map to view sketch map of proposed map change



## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

**Major Zoning Classifications:**  
 The number(s) and/or letter(s) that follows an R, C or M District designation indicates the bulk and other controls as described in the text of the Zoning Resolution.

- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- M - MANUFACTURING DISTRICT
- SPECIAL PURPOSE DISTRICT (The letter(s) which the shaded area designates the special purpose district as described in the text of the Zoning Resolution.)
- AREA(S) REZONED

**Effective Date(s) of Rezoning:**  
 ▲ C4-6-2011 C 11203/24R  
 ▲ C3-23-2011 C 110715 Z4R

**Special Requirements:**  
 For a list of lots subject to "C" environmental requirements, see APPENDIX C.  
 For a list of lots subject to "D" restrictive designations, see APPENDIX D.  
 For subsidiary zoning designated areas on this map, see APPENDIX E.

**CITY MAP CHANGE(S):**  
 ▲ 10-23-2011 C 112069 M4R  
 ▲ 09-03-2011 C 090166 M4R

MAP KEY

	3b	3d
5c	6a	6c
5d	6b	6d

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ZONING MAP 6a

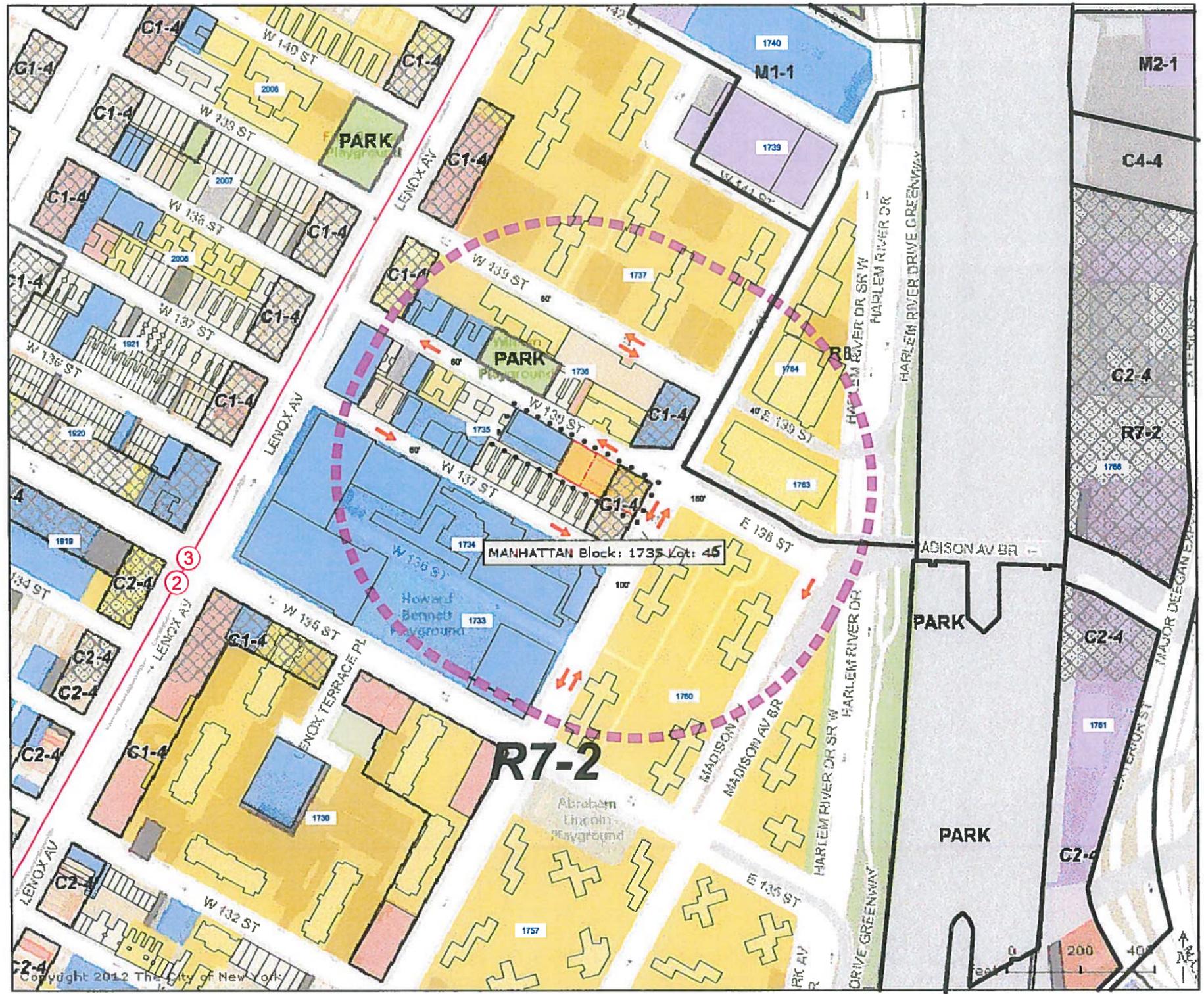


- C1-1
- C1-2
- C1-3
- C1-4
- C1-5
- C2-1
- C2-2
- C2-3
- C2-4
- C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: [www.nyc.gov/planning](http://www.nyc.gov/planning) or contact the Zoning Information Desk at (212) 720-2251.





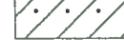
**Project Information**

-  600' Buffer
-  Development Site
-  Project Area

**Existing Zoning Districts**



**Existing Commercial Overlays**

-  C1-1
-  C1-2
-  C1-3
-  C1-4
-  C1-5
-  C2-1
-  C2-2
-  C2-3
-  C2-4
-  C2-5



Subway Entries



Property lines

01- One & Two Family Buildings

02- MultiFamily Walkup Buildings

03- MultiFamily Elevator Buildings

04- Mixed Commercial/ Residential Buildings

05- Commercial / Office Buildings

06- Industrial/ Manufacturing

07- Transportation Utility

08- Public Facilities & Institutions

09- Open Space

10- Parking Facilities

11- Vacant Lot

12- All Others or No Data



NORTH



0 200 400 Feet

BOROUGH: MANHATTAN

BLOCK: 1735

LOT: 45

DRAWING TITLE:

**AREA MAP**

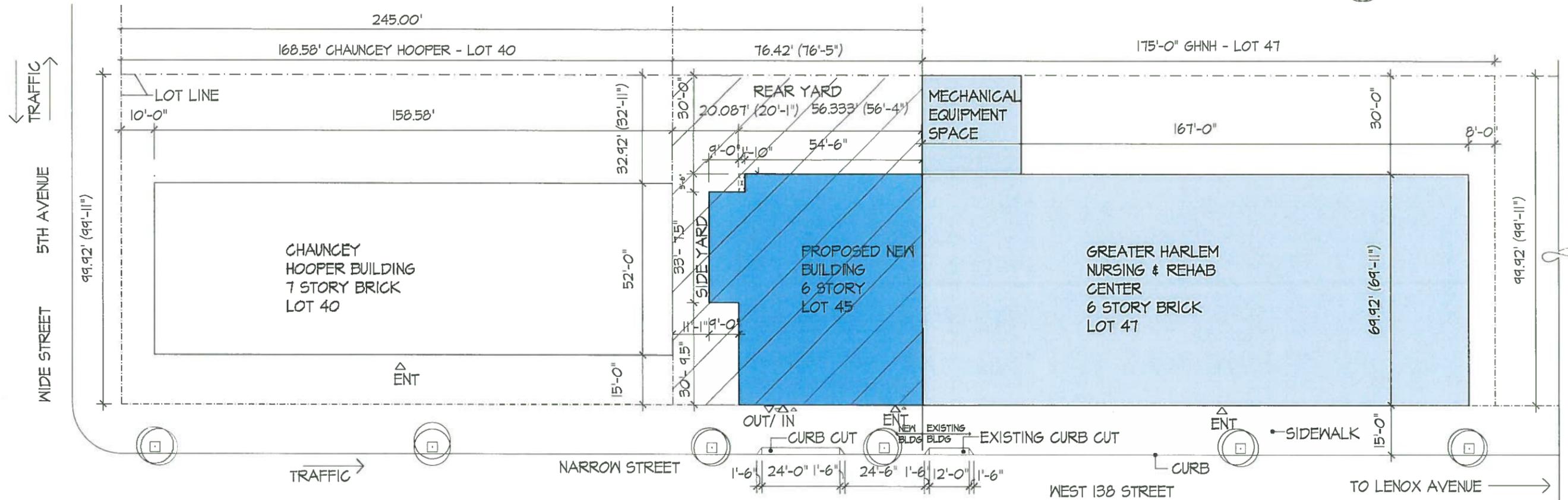
# GENERAL NOTES

1. "INFORMATION OUTSIDE OF THE BOUNDARIES OF THE ZONING LOT IS FOR ILLUSTRATIVE PURPOSES ONLY, AND MAY NOT BE EXACT. THE ARCHITECT BEARS NO RESPONSIBILITY FOR INACCURATE INFORMATION ON SURROUNDING PROPERTIES."

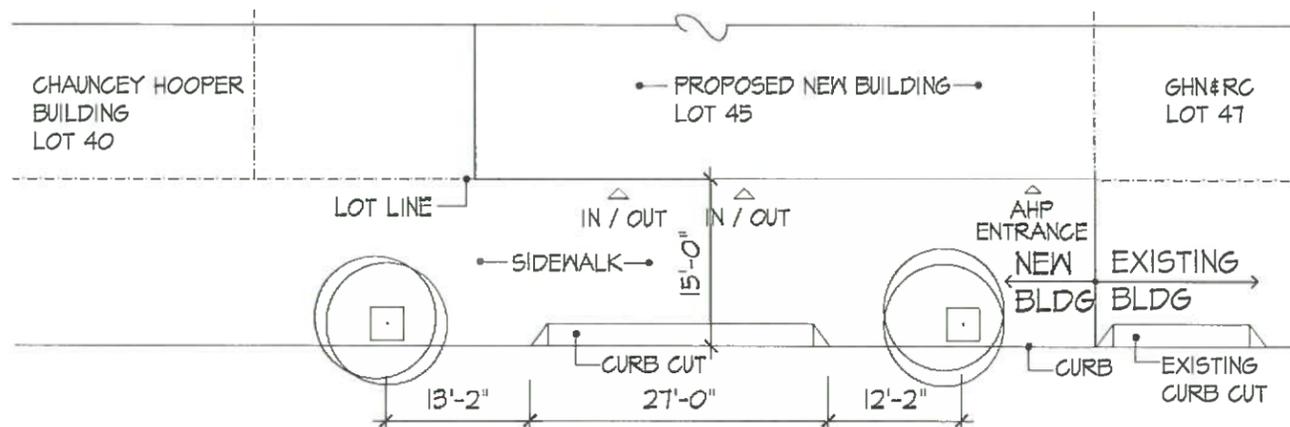
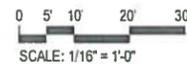
BOROUGH : MANHATTAN  
 BLOCK : 1735  
 LOT : 45  
 ULURP #:

# LEGEND

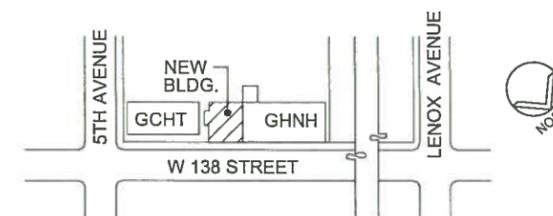
-  EXISTING 6 STORY BRICK BUILDING
-  PROPOSED 6 STORY BUILDING
-  BUILDING ENTRANCE
-  EXISTING 7 STORY BRICK BUILDING
-  ZONING LOT
-  TREE



## SITE PLAN



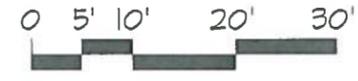
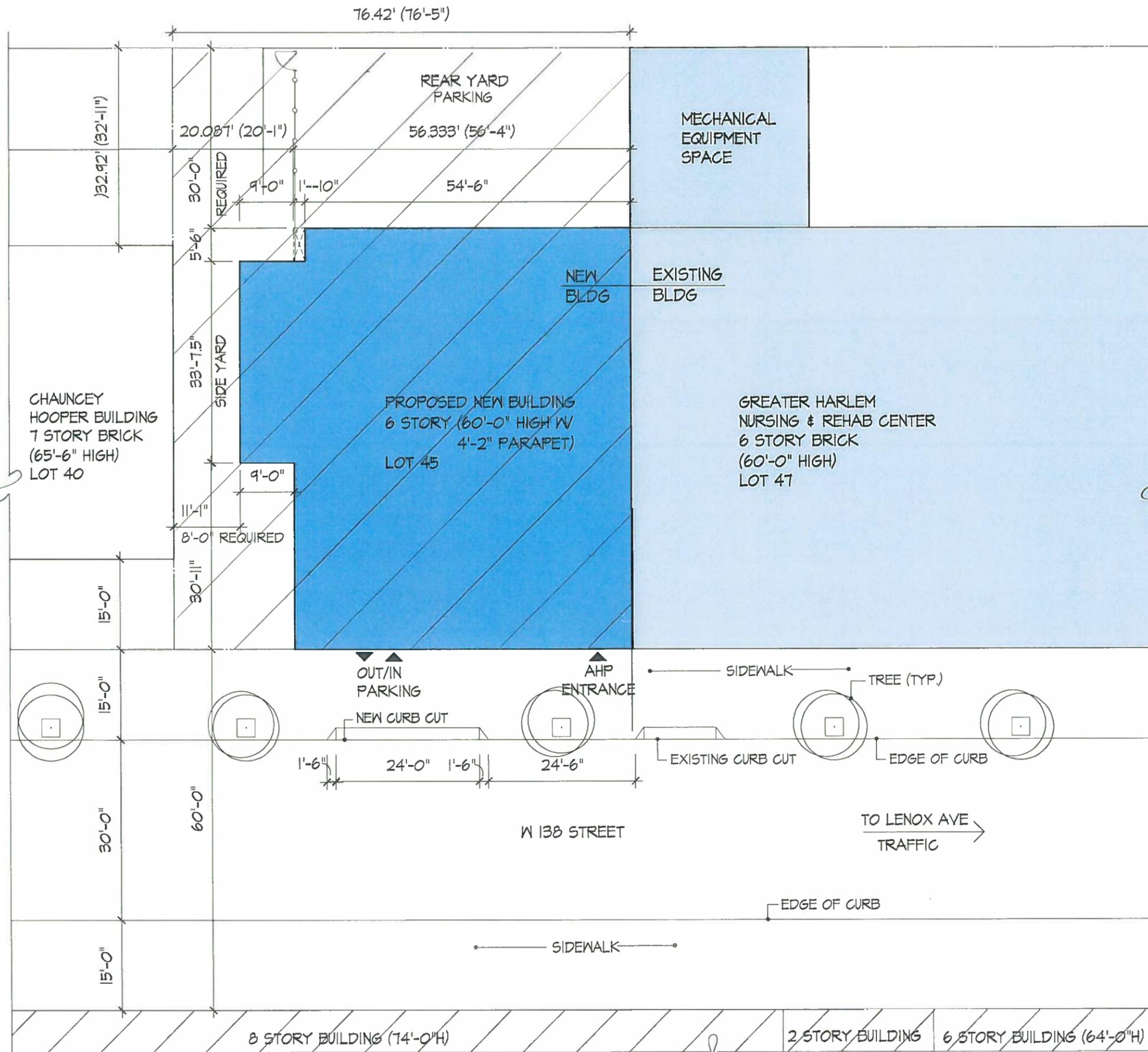
PART PLAN OF SIDEWALK AND CURB CUT  
 SCALE: 1/8" = 1'-0"



KEY PLAN  
 NTS

FOR USE BY DCP

PROJECT NO. : 2007-15 C:\Documents and Settings\Owner\My Documents\Projects\GH\HDCP Paperwork\06-28-13 Site Plans.dwg Jul 09, 2013 - 11:45am



SITE PLAN - LOT 45

FOR USE BY DCP