

Section 22-42: Certification of Certain Community Facility Uses Certification Application Guidelines

Version: 1.9

Purpose

This document provides general guidance regarding the preparation of the drawings and other elements of an application for a certification pursuant to ZR 22-42. The application components are intended to inform the City Planning Commission in making the determinations required under ZR 22-42.

When to Use

Please use these guidelines when preparing an application for a certification by the City Planning Commission pursuant to Section 22-42 (Certification of Certain Community Facility Uses).

Exceptions and Modifications

These guidelines provide general guidance only. Depending on the specifics of the nursing home or health-related facility project, the DCP Project Team may require drawings and information in addition to or different from those described in the guidelines. At the Interdivisional Meeting, the DCP Project Team will discuss whether and to what extent preparation of the application requires exceptions to or modifications of these guidelines, in order to take account of site and project features. These exceptions and modifications will be noted in the Interdivisional Meeting Record.

Application Guidelines Overview

Certification by the City Planning Commission under ZR 22-42 is required prior to the filing of plans for a building permit to allow a nursing home or health-related facility use, enlargement, extension, or change of use, in any Residence District. In order to grant a certification, the Commission must determine that none of the conditions set forth in ZR 22-42 apply to the Community District within which the use, enlargement, extension or change of use is located. If the Commission finds that one or more of the conditions set forth in Section 22-42 applies to the Community District in which such use, enlargement, extension, or change of use is to be located; a special permit pursuant to Section 74-90 is required. Please refer to the Section 74-90 Application Guidelines for more information or consult with your assigned Lead Planner.

The following information can be used to help determine whether the proposed use, enlargement or extension involves a nursing home or a “health related facility” pursuant to 10 NYCRR 700.2(a), which is cited in ZR Section 22-42.

Section 700.2(a)(4) defines a “health related facility” as a facility, institution, intermediate care facility, or a separate or distinct part thereof, providing therein lodging, board and social and physical care, including but not limited to the recording of health information, dietary supervision and supervised hygienic services incident to such care to six or more residents not related to the operator by marriage or by blood within the third degree of consanguinity.

Section 700.2(a)(11) defines a “nursing home” as a facility, institution, or portion thereof, providing therein, by or under the supervision of a physician, nursing care and other health, health-related and social services as specified in this Chapter for 24 or more consecutive hours to three or more nursing

home patients who are not related to the operator by marriage or by blood within the third degree of consanguinity, including, but not limited to, an infirmary section which is identifiable as a nursing home unit in a special area, wing or separate building of a public or voluntary home or of a general or special hospital.

Nursing homes and health related facilities or programs may at times be sited with other facilities, such as Adult Care Facilities, as set forth in 18 NYCRR Section 485.2, and which are also regulated by the state. Listed below are examples of types of facilities and programs, and an explanation of when the certification would be needed.

ALP – Assisted Living Program – 18 NYCRR 485.2(s): An Assisted living program means an entity which is approved to operate pursuant to section 485.6(n) of this Part, and which is established and operated for the purpose of providing long-term residential care, room, board, housekeeping, personal care, supervision, and providing or arranging for home health services to five or more eligible adults unrelated to the operator. An “Assisted Living Program”, which is available in some Adult Homes and Enriched Housing Programs (see definitions below), combines residential and home care services. It is designed as an alternative to nursing home placement for individuals who historically have been admitted to nursing facilities for reasons that are primarily social, rather than medical in nature. **The presence of an “Assisted Living Program” within an Adult Care Facility such as an Adult Home (see below) triggers the need for the certification.**

AH – Adult Home – An adult home is established and operated for the purpose of providing long-term residential care, room, board, housekeeping, personal care and supervision to five or more adults unrelated to the operator. “Adult Home” is today’s equivalent to the now defunct “domiciliary care facility”, as such appears in the Zoning Resolution. An “Adult Home” with no “extra service option” does not require a Certification pursuant to 22-42 because although it is a Use Group 3 use, it is neither a nursing home nor a health-related facility. **However, if an Assisted Living Program is provided within an Adult Home, then a Certification pursuant to ZR section 22-42 is required.**

EHP – Enriched Housing Program – An enriched housing program is established and operated for the purpose of providing long-term residential care to five or more adults, primarily persons sixty-five years of age or older, in community-integrated settings resembling independent housing units. The program provides or arranges for the provision of room, board, housekeeping, personal care and supervision. **An Enriched Housing Program is considered Use Group 2 (residential) and thus if present in an Adult Care Facility, alone, does not trigger the certification.**

DCP recommends that applicants include elevation, site plan, and floor plan drawings, which they will need for presentation to the Commission.

Submission Requirements

Table A. Required Application Materials

Number	Application Requirements	Description	Relevant Zoning Section Numbers
1	LR Form	<ul style="list-style-type: none"> Pages 1-2 If the owner/applicant is not signing on page 2, include an owner's authorization letter 	<ul style="list-style-type: none"> Basic requirement of applications
2	LR Form Attachment 2: Site Data	<ul style="list-style-type: none"> Only required if the affected tax block and lots do not fit on LR Form page 1 	<ul style="list-style-type: none"> Basic Requirement of Applications
3	Supplemental Form ZS/ZA/ZC	<ul style="list-style-type: none"> Include the full title of the ZR Section Under TO MODIFY: these sections must be consistent with the zoning analysis guidelines entitled <i>Land Use Maps for ZC Actions</i> 	<ul style="list-style-type: none"> Basic requirement of applications
4	Official Zoning Sectional Map	<ul style="list-style-type: none"> Submit at 8.5x14" or 11x17" Maps can be accessed online here: http://www.nyc.gov/html/dcp/html/zone/zoned_ex.shtml 	<ul style="list-style-type: none"> Basic requirement of applications
5	DOF Tax Map(s)	<ul style="list-style-type: none"> DCP will accept maps printed from the Library of Tax Maps or a hard copy from the Department of Finance only. The maps can be accessed online and printed from here: Digital Tax Map Library - New York City Department of Finance 	<ul style="list-style-type: none"> Basic requirement of applications

Number	Application Requirements	Description	Relevant Zoning Section Numbers
6	Land Use Map	<ul style="list-style-type: none"> • The Map should show 600 feet beyond the proposed project area and the nursing homes and health-related facilities within that area • The development site should be depicted in the center of the drawing • The development site and all nursing homes and health-related facilities within the drawing's extent should be labeled • Use a number to label each nursing home and health facility. The same numbers will be used for each facility on the Nursing Home List. • A base map may be purchased from the DCP bookstore for convenience, but is not required • A map produced with ZOLA is acceptable. ZOLA can be accessed online here: http://gis.nyc.gov/doitt/nycitymap/template?applicationName=ZOLA • PLUTO data, which is available free from the Department of City Planning Website, can be used to make a map in GIS: http://www.nyc.gov/html/dcp/html/bytes/dwn_pluto_mappluto.shtml 	<ul style="list-style-type: none"> • 22-42(b) • 22-42(c)
7	Photos	<ul style="list-style-type: none"> • Follow the general DCP format guidelines for this document. 	<ul style="list-style-type: none"> • Basic requirement of applications

Number	Application Requirements	Description	Relevant Zoning Section Numbers												
8	Nursing Home List	<ul style="list-style-type: none"> • Lists the number of beds of the nursing home and health facilities shown within the 600' radius of the project area boundary on the Land Use Map. <ul style="list-style-type: none"> ○ The numbers used on the Nursing Home List should correspond with the Land Use Map • Each nursing home and health facility should be identified with the same number as on the Land Use Map, the name of the facility, and the number of beds • The name of and number of beds within each nursing home and health facility should be identified. The Selected Facility and Program Sites Database and Community District Profile page and PLUTO data, both available for free on DCP's website can provide this information • Sample format: <table border="1" data-bbox="548 1094 1109 1257"> <thead> <tr> <th>#</th> <th>Name of Facility</th> <th># of Beds</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> 	#	Name of Facility	# of Beds										<ul style="list-style-type: none"> • 22-42(a)
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9	LR Item 3: Description of Proposal	<ul style="list-style-type: none"> • Follow general DCP guidelines for this document • Under Area Description, include the name(s) and number of beds of other nursing homes or health-related facilities in the vicinity. 	<ul style="list-style-type: none"> • Basic requirement of applications 												
10	Discussion of Conditions	<p>This is a separate document and should be labeled as "Certification Pursuant to Section 22-42, Applicant's Discussion of Conditions."</p> <ul style="list-style-type: none"> • For condition (a) discuss the relative concentration of nursing home beds in the affected community district and the change to the affected community district's current bed to population ratio that would occur as a result of the proposed project. The latest bed 	<ul style="list-style-type: none"> • 22-42 (a) – (c) 												

Number	Application Requirements	Description	Relevant Zoning Section Numbers
		<p>to population data is maintained by the Department of City Planning’s Planning Coordination Division and can be requested from your Lead Planner.</p> <p>If the proposed project increases the bed to population ratio in the affected Community District above the current Citywide ratio or the bed to population ratio is already above the Citywide ratio, a Special Permit pursuant to Section 74-90 is required in addition to the Certification pursuant to Section 22-42.</p> <ul style="list-style-type: none"> • For condition (b) discuss the availability of land for general community purposes within the affected Community District. The number and total land area of vacant lots of within the affected Community District should be provided. Parks, streets, and land currently permitted for development should be excluded from this total. <p>In addition, within predominantly built up community districts, data regarding underdeveloped parcels such as parking facilities and other soft sites, and existing privately owned buildings and public facilities that currently house or could house community or public facilities should be provided. Sites approved for development under zoning regulations that permit community facility use should also be identified. In addition, data should be provided regarding whether new community facilities have been constructed on underdeveloped parcels and have newly occupied space within existing buildings, or have expanded within existing buildings in recent years, in order to determine whether opportunities have existed for the growth and expansion of community facilities. The Department should be consulted regarding relevant data sources and presentation format.</p> <p>The Community District Profile page available for free on DCP’s website; and PLUTO data, available on DCP’s website can provide a</p>	

Number	Application Requirements	Description	Relevant Zoning Section Numbers
		<p>background for addressing the availability of land for general community purposes within the affected Community District.</p> <ul style="list-style-type: none"> For condition (c) discuss the construction of nursing home or health related facilities over the past three years in the affected Community District. In the discussion, detail the number of nursing home facilities in the affected Community District, the number of beds in each facility and when each facility was constructed. In the event that there has been a significant amount of new facility construction in the prior three years, the location and distribution of these facilities, the number of beds added during the three year period relative to existing beds, and the potential for this increase to affect overall neighborhood character in the Community District, should be discussed. <p>The Selected Facility and Program Sites Database and Community District Profile page available for free on DCP’s website; and PLUTO data, available for purchase on DCP’s website can provide a background for addressing the construction of nursing home facilities over the past three years in the affected Community District.</p>	
	<p>ZR Section 74-90 Special Permit (if applicable)</p>	<ul style="list-style-type: none"> If the Commission finds one or more of the conditions set forth in Section 22-42 applies to the Community District within which such use, or enlargement, extension, or change of in such use is to be located, a special permit pursuant to Section 74-90 is required Please refer to the application guidelines for a Section 74-90 special permit for additional information 	

For More Information

Please contact your Borough Office Planner for additional information.

Related Documents

Document	Description
Section 74-90 Application Guidelines	Guidelines may be applicable if any one of the conditions of 22-42 is met.
Land Use Map Standard	Land Use Map required for most Certification actions and some Authorization actions.

Revision History

Date	Version	Description	Author
05/11/2012	1.0	First draft	Brendan Pillar
06/25/12	1.1	General format and content revisions	B. Estroff
8/08/12	1.2	Edits	D. Parish
06/18/13	1.3	Revisions following review with TRD	B. Budelman
08/16/2013	1.4	Final version for internal review	B. Budelman
04/24/14	1.5	Final Version for external review	D. Parish
06/24/14	1.6	General edits	D. Goodman
06/25/14	1.7	Final edits	D. Goodman
07/08/14	1.8	Edits from Counsel on Use Groups and need for Cert.	D. Parish and J. Lubin
07/10/14	1.9	Edits from Counsel	D. Parish