



## **CITY PLANNING COMMISSION**

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September 22, 2004/Calendar No. 15

C 040357 ZSQ

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**IN THE MATTER OF** an application submitted by the New York City Health and Hospitals Corporation and the Margaret Tietz Nursing and Rehabilitation Center pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to allow a 40-bed nursing home use within an existing 10-story building on a zoning lot located at 82-68 164<sup>th</sup> Street (Block 6858, Lot 1), in an R4 District, Borough of Queens, Community District 8.

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The application for the special permit and authorization was filed by New York City Health & Hospitals Corporation, Department of Citywide Administrative Services, and the Margaret Tietz Nursing and Rehabilitation Center on March 19, 2004, to facilitate the development of the Skyline Commons on the Queens Hospital Center Campus in Jamaica, Queens Community District 8.

### **RELATED ACTIONS**

In addition to the special permit and authorization which are the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following which are being considered concurrently with this application:

1. C 040356 PPQ      Disposition of city-property located at 82-68 164<sup>th</sup> Street pursuant to zoning.
2. N 040358 ZAQ      Authorization for the modification of the height and setback requirements.

### **BACKGROUND**

The Queens Hospital Center campus is bounded by Grand Central Parkway, 164<sup>th</sup> Street, Parsons Boulevard, Goethals Avenue, 82<sup>nd</sup> Drive and 161<sup>st</sup> Street in Jamaica, Queens. The hospital center

includes 848,934 square feet of lot area with a total of 10 buildings. All existing buildings are used for hospital purposes.

The Skyline Commons is a proposed life care retirement community to be located within Building T. Building T was constructed in 1938. It has 10 floors and is 136 feet in height, with a floor area of 238,012 square feet. The building is bounded by Parsons Boulevard, Goethals Avenue and 82<sup>nd</sup> Drive. Portions of Building T are currently used by HHC for administrative offices and for outpatient clinic and psychiatric services, the remaining portions are unused. The proposed project includes substantial rehabilitation of the interior of Building T, 12,355 square feet to be added to the building for a total of 250,367 square feet, excluding mechanical space. The height of the building will remain unchanged.

Margaret Tietz Nursing and Rehabilitation Center, a local not-for-profit provider of nursing care and other ancillary services, is the sole member of MTC Senior Housing, Inc. (MTC). MTC proposes to convert the building to an age-restricted life care retirement community, consisting of independent apartments, enriched housing and skilled nursing units, plus a range of ancillary services and amenities.

The proposed project will consist of approximately 154 independent living units, 29 units of enriched housing and 40 skilled nursing beds, accommodating 296 residents and a staff of 120. The independent living units will be located on the upper floors with the enriched housing, skilled nursing beds, and community center on the lower floors. There will be a community

center, a dining room, library, arts and crafts room, exercise room, and an auditorium. The proposed project is also expected to include an adult day care program and a dialysis center to be housed at the basement and first floor levels and intended to serve residents of the community.

There will be approximately 10,000 square feet of open space for both passive and active recreation. Residents will be provided local transportation to points of interest on a scheduled basis in a dedicated shuttle van. One hundred parking spaces will be provided on-site for residents and staff; an additional 51 parking spaces will be made available to guests.

The applicant is seeking a special permit pursuant to Section 74-90 of the Zoning Resolution to facilitate the development of this proposed project. Pursuant to Z.R. Section 32-32 nursing homes in Community Districts designated in Z.R. Section 74-903 are permitted only by CPC special permit. The need for this special permit is determined by the ratio of nursing home beds per 1,000 population as it relates to the citywide ratio. In Queens Community District 8, presently there are 1,483 approved nursing home beds or 11.4 per 1,000 population. This is above the 5.8 beds per 1,000 population citywide threshold.

### **C 040356 PPQ**

The City currently owns the Queens Hospital Center site and leases it to the Health and Hospitals Corporation. Skyline Commons intends to enter into a sublease with HHC. In the event that HHC no longer leases the property from the city, disposition is necessary to allow Skyline Commons to occupy the site.

## **N 040358 ZAQ**

The applicant is seeking an authorization pursuant to Section 23-631(h) of the Zoning Resolution to allow penetration of the height and setback regulation set forth in paragraph (b) of Section 23-631 to facilitate the Skyline Commons. Pursuant to Section 23-631(b) the maximum building height in an R4 zoning district is 35 feet. The total height of the building, including mechanical space, is approximately 160 feet in height. On the eighth and ninth floors, the project calls for the addition of 2,989 square feet on each floor to accommodate five of the independent apartments. The height of the building will remain unchanged. On each of these floors, the additional floor space will be created through the enclosure of existing roof space.

## **ENVIRONMENTAL REVIEW**

This application (C040357 ZSQ ), in conjunction with the application for the related action (C040356 PPQ), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. And the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 03HHC001Q. The lead agency is the Health and Hospitals Corporation.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on April 29, 2004.

## **UNIFORM LAND USE REVIEW**

This application (C040357 ZSQ), in conjunction with the application for the related action (C040356 PPQ), was certified as complete by the Department of City Planning on May 24, 2004, and was duly referred to Community Board 8 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 8 held a public hearing on this application on June 24, 2004, and on July 14, 2004, by a vote of 25 to two with one abstention, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on August 3, 2004.

### **City Planning Commission Public Hearing**

On August 11, 2004 (Calendar No. 5), the City Planning Commission scheduled August 25, 2004, for a public hearing on this application (C040357 ZSQ). The hearing was duly held on August 25, 2004 (Calendar No. 6), in conjunction with the public hearing on the application for the related action (C040356 PPQ). There was two speaker in favor of the application.

The first speaker, the Director of Facilities for the Queens Hospital campus discussed the goals of the master plan of the hospital campus. The next speaker, a representative from the New Life

Management & Development, Inc., discussed the nature of a continuum of care facility, such as Skyline Commons.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of this special permit, and the related authorization and disposition of city property are appropriate.

The proposed special permit will facilitate the development of the Skyline Commons, a proposed life care retirement community. The special permit is necessary because Community District 8 exceeds the citywide ratio for nursing home beds per 1,000. The project, thus requires a special permit pursuant to Zoning Resolution Sections 74-90.

The proposed development will not require any significant additions to the neighborhood's supporting services. The proposed project is a full service residential facility for an elderly population, the majority of the needs of residents will be met by facilities and services included as part of this project. The nursing home residents would not use neighborhood schools or day care facilities. The residents will make little use of neighboring parks as active and passive recreation space and programs will be provided on site.

There would not be a significant increase in the traffic on any of the streets providing access to

the site. The residents of the proposed project are not expected to require frequent emergency care, and to the extent emergency care is needed, the proximity of Queens Hospital Center is expected to minimize ambulance trips affecting the surrounding residential areas. The Commission believes that the streets providing access to the proposed project are adequate to handle the traffic that will be generated.

The Commission believes that the proposed project will result in significant benefits to the surrounding community. The purpose of a life care community is to provide a continuum of care for senior adults on one campus. The number of existing facilities and beds identifies a shortage of service-oriented senior housing in the study area. This unmet need for additional independent and enriched housing accommodations will be partially served by the proposed project. The proposed project is expected to include an adult day care program and dialysis center which are intended to serve residents of the community.

The Commission understands that the disposition is necessary to allow Skyline Commons to occupy the site in the event that HHC no longer leases the site from the city. The Commission believes that the disposition of this city-owned property is appropriate.

The Commission notes that the authorization pursuant to Section 23-631(h) of the Zoning Resolution is necessary to facilitate this development and believes that it is appropriate.

The Commission believes that the proposed rehabilitation, site improvements, and landscaping

will serve a growing need in the community and the city.

## **FINDINGS**

The City Planning Commission hereby makes the following 74-90 and 23-631 (h) findings pursuant to Sections of the Zoning Resolution:

### **74-90 (Use and Bulk Modifications for Certain Community Facilities)**

- (a) That the architectural landscaping treatment and the height of the proposed building containing such uses blends harmoniously with the topography of the surrounding area;
- (b) that the proposed development will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c) that the streets providing access to such use are adequate to handle the traffic generated thereby or provision has been made to handle such traffic;
- (d) that the disadvantages to the community imposed by the concentration of these facilities in the Community District are outweighed by the benefits derived from the proposed use;
- (e) Not applicable

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application of New York City Health & Hospitals

Corporation, Department of Citywide Administrative Services, and the Margaret Tietz Nursing and Rehabilitation Center for the grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to allow a 40-bed nursing home use within an existing 10-story building on a zoning lot located at 82-68 164<sup>th</sup> Street (Block 6858, Lot 1), in an R4 District, Borough of Queens, Community District 8, is approved, pursuant to Sections 74-90 and 23-631(h) of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application (C 040357 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by SLCE Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-1	Building Sections and Maps	August 3, 2004
A-9	Typical 8 <sup>th</sup> thru 9 <sup>th</sup> Floor Plan	March 8, 2004
L-1	Site Landscaping Plan	August 3, 2004
Z-1	Site Plan & Drawing List	August 3, 2004

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its

construction, operation and maintenance.

4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
  
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit and authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit and authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit and authorization hereby granted.
  
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in

accordance with the provisions of this special permit and authorization.

The above resolution (C 040357 ZSQ), duly adopted by the City Planning Commission on September 22, 2004 (Calendar No. 15), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP., Chair**  
**KENNETH J. KNUCKLES, Esq., Vice-Chairman**  
**IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI,**  
**RICHARD W. EADDY, JANE D. GOL, CHRISTOPHER KUI,**  
**JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**