

Monthly Newsletter

John W. Baumgarten Architect, P.C.

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John Baumgarten
R.A., AIA, NCARB, LEED

Do You Know That...?

- As of December 2005, the International Code Council's (ICC) International Plumbing Code (IPC) is the new governing plumbing code in New York City. Further, NYC legislation will be enacted this year to adopt other ICC Codes, most prominently the International Building Code (IBC) and the International Residential Code (IRC).

Contact us:

Principal

John W. Baumgarten, R.A.
john@jwbarch.com

Director of Architecture

Anthony Hatzioannou, R.A.
anthony@jwbarch.com

John W. Baumgarten
Architect, P.C.
366 North Broadway
Suite 207
Jericho, NY 11753

T – (516) 939-2333
F – (516) 939-0033
jwbarch.com



Zoning Changes – How do they affect your future plans?

Health care and senior care facilities are classified as community facility uses by the New York City Zoning Ordinance. Outpatient facilities are classified as Use Group 4. Residential care facilities are classified as Use Group 3.

From the 1970s through the mid 1980s skilled nursing facilities were being heavily developed throughout New York City and the surrounding counties. In response to a perceived glut of nursing homes, the New York City Planning Commission down zoned these facilities, making it necessary in most cases to obtain a variance or special permit in order to expand a facility. Hospitals and outpatient facilities were not substantially affected by these zoning changes.

Recent zoning changes have made it more difficult to expand a nursing home in a residential zone but easier to develop an outpatient facility. Past regulations permitted a portion of a nursing home to encroach into a required rear yard. This is no longer permitted in low density residential zones (R1 to R5) and is limited to those sites within 100 feet of a wide cross street in R6 to R10 zones. A wide street is at least 70 feet wide.

Until recently, the major impediment to outpatient facility development was that these Group 4 uses were limited to ground floor (or below grade) locations, where rents are higher and the available pool of space limited.

Outpatient facilities, which already enjoy a higher permitted floor area than nursing homes, are also now permitted to be located above the ground floor level, making it much easier for organizations to find affordable space. Outpatient facilities are also no longer permitted to encroach into required rear yards, in most cases.

The special permit process, which usually takes 12 to 14 months, involves a series of environmental and land use reviews. It is also subject to the scrutiny and approval of multiple city agencies and community organizations. Consequently, it is important for a facility to retain an experienced zoning attorney to take a co-leadership role with the project architect in navigating the special permit process.

John W Baumgarten Architect, P.C.: Innovative & Experienced

- Specialists in the planning of complex, phased health care projects.
- Over 40 years of combined health care design excellence.
- We feature principal and associate level management.
- The majority of our clients utilize our services on a continuing basis.
- We have earned a solid reputation with State and Local Health Agencies.
- A full service team with a personal approach.
- We understand how your business works and will serve as a strategic planning partner.
- A reputation for bringing in projects on-time and on-budget.
- An integrated multidisciplinary design approach focusing on the total project.
- We offer project management as a value added service -- coordinating the efforts of a professional consulting team.
- LEED Certified Professional Services.