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QUEENS CIVICS' COMMUNITY FACILITIES FORUM, 9/15, 7:30 PM

The next Queens Civic Congress meeting features "A Report on the Pending Community Facilities Zoning Resolution Text Change," Monday, September 15, 7:30 p.m. at the Union Plaza Nursing Home, 33-23 Union Street in Flushing, a few blocks north of Northern Boulevard, announced QCC President Sean M. Walsh. "Queens Civics and our members look to note the progress since our June 2002 forum on Community Facilities," advised Executive Vice President for Land Use and Development Patricia Dolan who testified in July 2003 on proposed changes in community facilities zoning. Corey B. Bearak, Executive Vice President for Legislative and Public Affairs notes that the Queens Civic Congress represents 100 civic, community, condo, cooperative, homeowner and tenant organizations. "Our membership represents almost every community in the borough," stated Mr. Walsh. The entire Queens Civic Congress Platform may be viewed on the internet at <http://www.queensciviccongress.org/platform/platform-2002-2003.php>.

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[Editor's Note: The July 21, 2003 Queens Civic Congress testimony to the City Council on Community Facilities follows]

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<http://www.queensciviccongress.org/platform/platform-2002-2003.php>.

QUEENS CIVIC CONGRESS STATEMENT ON COMMUNITY FACILITIES TEXT CHANGE

**City Council Subcommittee On Zoning And Franchises
City Hall, July 21, 2003**

Prepared and Presented by Patricia Dolan, Executive Vice-President

Thank you for this opportunity to comment on the proposed Community Facilities Text Change. I am Patricia Dolan and I am an executive vice-president of the Queens Civic Congress, a coalition of 105 community and neighborhood-based civic organizations representing homeowners, co-op and cooperative owners and tenants residing in every part of Queens. The Congress is part of the Citywide Coalition for Community Facility Reform.

New Yorkers live in residential neighborhoods that are not what they seem. Residents of almost any residential neighborhood can expect to one day find a house of worship, a medical office, community center, rehab center, group residence ---any one of a long list of so-called community facilities -- next door.

In some Queens neighborhoods, medical offices, clinics and outpatient treatment centers march in lock step down residential streets on blocks near hospitals, clinics and medical centers. Medical facilities in homes may also deprive the City of New York of revenue in these difficult times. They occupy one and two family houses without a change in the Certificate of Occupancy that would reclassify the premises as Class Four; if \$1,000 were paid in the taxes on the property, the real tax ought instead to be \$5,000 or more.

Expansions of social service agencies, schools, colleges and universities overwhelm still other neighborhoods.

In others, concentrations of houses of worship deprive their neighbors' of the privacy, peace and quiet that made them choose their homes and invest in Queens. The implacable development of these facilities, which often have little relation to the communities in which they are situated, are inextricably bound up with their neighbors' quality of life.

Expansions of social service agencies, "adult homes," shelters, schools, colleges and universities overwhelm still other neighborhoods.

For years, as medical offices, houses of worship and other so-called community facilities changed how they operated, New York City zoning regulations remained static. And residential neighborhoods suffered under an increasingly excruciating burden of traffic, displaced parking, garbage, noise, loss of privacy, and a general deterioration of residents' quality of life.

Today, medical offices treat patients who travel from miles away. Long gone and forgotten is the local practitioner who lived and worked in the same house and treated nearby residents. Houses of worship, sometimes serving few local residents, occupy small homes on narrow streets, with only on-street parking, and no handicap access or emergency egress. Often

they hold public social events, provide social services and sometimes operate as 24/7 social centers. These facilities are permitted, indeed encouraged, to expand as of right, doubling their size and encroaching into yards---permanently changing the character of the residential neighborhoods in which they are located.

There is not one single Queens residential neighborhood that does not feel the effects of these entities.

Now, ten years after the Planning Commission's exhaustive report on community facilities and years of tantalizing promises of reform of the forty year old community facilities regulations, the Council and the administration prepare to take the first, tentative step toward reform.

The Queens Civic Congress is pleased that the Council and Department of City Planning are jointly considering a text change that will address some of the most troublesome effects that burgeoning community facilities development have-particularly on low density, low-rise residential communities.

The draft text became available to the public only a few days ago leaving scant time for careful, studied analysis and consideration; the Queens Civic Congress recognizes this document becomes the basis for discussion as the City Charter mandated process for a zoning text change begins. The Queens Civic Congress will offer detailed and comprehensive comment, in consultation with the Congress's more than 105 member organizations, over the next weeks.

Meantime, the Queens Civic Congress offers a few specific comments: Allowing a BSA Special Permit for what in effect is a 10,000 square foot bulk bonus in lower density contextually zoned districts is troubling and we urge you to reconsider it. As the borough with the most contextually rezoned neighborhoods, the Queens Civic Congress is acutely aware of the impacts this could have on these communities and urges you to reexamine extending this BSA Special Permit bulk bonus to these zoning districts.

The Queens Civic Congress urges the Council to take this first, long overdue step in reforming the regulation of community facilities. The Congress looks forward to working with the Council and the Department of City Planning in advancing this first text change, modified as recommended by the Congress. We anticipate working with the Council and the Department in achieving more far reaching reforms in the future.

The Queens Civic Congress' position on Community Facilities from its 2002-2003 Platform:

COMMUNITY FACILITIES

As-of-right is not always right. The New York City Zoning Resolution defines many religious, medical and professional operations as "community facilities" and permits their siting in any zoning district as-of-right. Substantial changes in uses of community facility since 1961 adversely affect many neighborhoods. Religious facilities, for example, increasingly hold events

and turn to commercial uses to try to cover increasing operating costs, bringing extra traffic, noise, parking and congestion into otherwise quiet neighborhoods. Houses of worship occupy private homes in residential areas, often without adequate parking, necessary handicapped access and emergency egress. "Professional offices" originally included under this category aimed to provide communities with medical doctors, dentists or lawyers who lived there and dedicated a small walk-in office to provide services to local clients. More recently, residential neighborhoods experience the conversion of private houses to use by multiple professionals with substantial clinical practices.

Publicly and privately supported community facilities pose potential disruptions to our neighborhoods. Communities must be able to comment, evaluate and review the siting and operations of these entities.

Therefore, the Queens Civic Congress adopts the following:

1. Subject the siting, scoping and sponsoring of publicly funded facilities to ULURP regulations as a non-conforming use.
2. Base the siting of facilities on the need for the proposed service in the community.
3. Require the sponsoring federal, state or city agency to notify all elected officials, community boards and community-based civic organizations and neighborhood groups coincidentally with the promulgation of the Request for Proposal. Mandate that public notice must appear at the same time in community newspapers that circulate in the affected neighborhood(s).
4. Require, coinciding with the issuance of the initial Request for Proposal, full disclosure by the sponsoring federal, state or city agency and by any provider responding to the RFP:
 - a) verification of need in a sited neighborhood.
 - b) alternative sites.
 - c) choice of providers.
 - d) terms of the contract (including length).
 - e) establishment of a Community Compliance Review Board.
 - f) full financial disclosure by the provider.
 - g) environmental impact statement.
5. Rate objectively the effectiveness and impact on the community of any proposed program.
6. Create repository for public comment on facilities at NYC Department of Consumer Affairs.
7. Eliminate the community facilities bulk bonus in residential districts.
8. Require community facilities to obtain special permits when they seek to site in residential districts -- subject to public review with legislative oversight.
9. Impose parking requirements for all community facilities regardless of the zone, predicated on occupancy rather than the number of fixed seats.
10. Apply the Internal Revenue Code with respect to accessory uses on community facilities.
11. Require Department of Buildings review of any change in use of a community facility to determine continued eligibility for community facility bonuses or exemptions.

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