



CITY PLANNING COMMISSION

October 22, 2003/Calendar No. 23

C 020286 ZSX

IN THE MATTER OF an application submitted by Providence Rest Nursing Home 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 4-story enlargement to an existing nursing home with no increase in the total number of beds on property located at 1150, 1200 and 1208 Stadium Avenue a.k.a. 3310 Campbell Drive (Block 5409, Lots 2, 84, 100 and 133), in an R2 District, Community District 10, Borough of The Bronx.

The application for the special permit was filed by the Providence Rest Nursing Home on January 3, 2002, to allow the enlargement of an existing nursing home with 200 beds in a Community District where such uses are not permitted as-of-right. The project site is located on the east side of the corner formed by the intersection of Stadium Avenue and Campbell Drive. The eastern boundary of the property overlooks Eastchester Bay.

RELATED ACTIONS

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

N030140MEX Elimination of three sewer easements

BACKGROUND

Providence Rest Nursing Home is a 200-bed non-profit skilled nursing home facility located in an R2 zoning district in the Country Club neighborhood of the Bronx, Community District 10. The site consists of four contiguous lots (Block 5409, Lots 2, 100, 84 and 133), with a total area of nearly 508,331 square feet (including land under water). Existing uses on the site include two Providence Rest nursing facilities, the Memorial Building, built in 1956, and the Pavilion Building, built in 1980. Other uses include a convent

building and three other smaller buildings related to services provided by the Sisters of St. John the Divine. The property is landscaped with manicured lawns, mature trees, ornamental plantings, statuary, and a walkway with benches overlooking the bay and pathways that connect existing buildings.

Currently the Providence Rest Nursing Home contains 123 beds in the Pavilion Building and 77 beds in the Memorial Building, totaling 200 beds. The proposed expansion will not result in any additional beds. Under the proposal, a new four-story building (42 feet in height) will be constructed which will contain 123 beds. A new ancillary one-story non-resident building will also be constructed that will connect the Pavilion building and the new wing. The Pavilion Building will be renovated and converted from a 123-bed to a 77-bed facility. The Memorial Building will be renovated and reconfigured to be used for non-resident services, and a small addition will be built for use as lounge and nursing station space. There will be no increase in the number of beds as a result of the proposed action. Thirty new on-site parking spaces will be provided although the proposed enlargement is expected to result in, at most, an increase of seven employees.

Surrounding land uses are residential, including one-family dwellings to the north and west (zoned R2), and six-story multifamily residences to the south (zoned R4). The landscaping buffers the nursing home facilities from the surrounding residential development. The neighborhood is served by the Bronx #14 bus.

The total area of the site is 11.7 acres, 4.7 acres (508,331 square feet) of which consists of land under water. The total floor area of the existing buildings is 124,064 square feet. The proposed nursing home expansion will add 69,876 square feet of floor area (193,940 total), resulting in an FAR of 0.381, below the maximum allowable FAR of 0.5. A total of 24 parking spaces is required; thirty (30) new on-site parking spaces will be provided, which will bring the total number of parking spaces on the property to 109.

The applicant is seeking approval of a special permit pursuant to Section 74-90 of the Zoning Resolution

for the development, enlargement or extension of nursing homes in community districts where one of the findings of Section 22-13 exists. Community District 10 in The Bronx has a nursing home bed to population ratio of 7.9 per 1,000 compared to the City average of 5.9 per 1,000. This indicates that a relative concentration of nursing home facilities exists in Community District 10, and a special permit pursuant to Section 74-90 of the Zoning Resolution is required.

In addition, in an application that is being considered concurrently with this application, the applicant requests the elimination of three sewer easements that are presently shown on the City map (N030140MEX). The easements are located on the property between Stadium Avenue and Eastchester Bay. One 20-foot wide sewer easement runs from Potter Place (now eliminated) to Eastchester Bay; its establishment was approved by the Board of Estimate on February 8, 1924. On March 31, 1950 (application CP-6008), the Board of Estimate approved the elimination of Potter Place and Waterbury Avenue and the establishment of a 10-foot wide easement which runs in a U-shape within the bed of the eliminated streets. It also approved the establishment of a 35-foot wide sewer easement which was located approximately 170 feet south of Campbell Drive running from Stadium Avenue to Eastchester Bay. On March 10, 1955, the Board of Estimate approved application CP-11238 which provided for the relocation of this sewer easement to its present location 100 feet south of Campbell Drive along the northern portion of the site running from Stadium Avenue to Eastchester Bay (this easement is located in the proposed area of expansion of the nursing home). With respect to the present action to eliminate these sewer easements, a polling letter was sent out and no agencies have raised any objections.

ENVIRONMENTAL REVIEW

This application (C 020286 ZSX), in conjunction with the application for the related action (N030140MEX) 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 02DCP032X. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on June 2, 2003.

UNIFORM LAND USE REVIEW

This application (C 020286ZSX) was certified as complete by the Department of City Planning on June 2, 2003, 2001, and was duly referred to Community Board 10 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules, along with the application for the related action (N030140MEX), which was referred for information and review.

Community Board Public Hearing

The Community Board held a public hearing on the application (C 020286ZSX) on September 9, 2003, and on September 18, 2003, by unanimous consensus of the members present, adopted a resolution recommending approval of the application with the following comments:

We wish to support an expansion of Providence Rest Nursing Home and realize the importance of this facility to its clients and community. In doing so, we noted testimony from the local Civic Association, however, that raises zoning issues dealing with bulk and density. Community Board members present want to support additional space for the Home, but also are intent upon preserving the integrity of the surrounding R2 community. It appears that many complicated questions require further clarification and conciliation. We ask that your agency weigh these issues seriously.

However, the Community Board's recommendation is non-complying since the Public Hearing and recommendation was held after the Community Board's 60-day review period elapsed.

Borough President Recommendation

This application (C 020286ZSX) was considered by the Borough President, who issued a recommendation on September 11, 2003 approving the application with the following conditions:

- (1) Special care be given to minimize noise and dirt associated with construction
- (2) No chain link fencing be installed where it is visible to the public
- (3) Exterior lighting not interfere with neighboring properties
- (4) Landscaping be used to shield the facility's planned parking areas from adjacent homes
- (5) Exterior facade detail will include window treatment work compatible [with] the homeowner-character of the surrounding community.

City Planning Commission Public Hearing

On September 10, 2003 (Calendar No.1), the City Planning Commission scheduled September 24, 2003, for a public hearing on this application (C 020286 ZSX). The hearing was duly held on September 24, 2003 (Calendar No. 9). There were six (6) speakers in support of the application, and three (3) in opposition. An additional twenty-eight (28) people signed up to testify in support of the application but elected not to speak.

The speakers in favor included the applicant's counsel, who described the project and stated that the purpose of the nursing home expansion is to modernize the facilities so that the level of care to provided to residents and other patients meets current standards. He also noted that the applicant met with the community in early 2002 and modified the site plan in response to the community's concerns, including lowering the height of the building elevation fronting Campbell Drive. The administrator of the Providence Rest Nursing Home spoke of the need for increased space to accommodate specialized beds, medical equipment, and program needs, and that the expansion will improve the quality for residents and working conditions for the nurses and volunteers. She also noted that the expansion will be phased in an effort to

minimize the disruption of services to residents. The project architect stated that in response to community concerns the original plans were modified to decrease the height of the proposed building to 42 feet, and that the sloping grade from Campbell Drive to the building site helps to create an illusion of building height continuity with surrounding residential development, and that neighborhood residents will still be able to get a view of Eastchester Bay. Architectural elements such as shuttered fenestration, a sloping roof, and decorative railing were incorporated in the building design in order to make it more compatible with adjacent residences. In addition, he noted that evergreen plantings will be provided along the Campbell Drive frontage.

Three community residents testified that the nursing home expansion will benefit the patients, the sisters, and the community.

Two representatives of the Country Club Civic Association and one resident spoke in opposition. They stated that while they supported the need for expansion, they objected to the bulk, height and siting of the proposed building. They noted that property under water, totaling about five acres, is counted in floor area calculations, which they feels results in an overscale building. They objected to the siting of the building only 27 feet from Campbell Drive and expressed their wish to see oriented differently on the site. The community resident objected to the siting of the 71-car parking lot, which she felt would be adjacent to existing homes and would destroy landscaped grounds.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

The application (C 020286 ZSX), in conjunction with the related application (N 030140 MEX) was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982

(Calendar No. 17), pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 02-013.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the grant of this the special permit is appropriate.

Providence Rest Nursing Home provides a wide range of services, including short-term rehabilitation, long-term care, adult day care, Alzheimer treatment, and attention to the residents' spiritual and religious needs. Its services have evolved over the years as the nature of the resident-patient population has changed. Today there are fewer long-term chronically ill or terminally ill patients. Rather there is now a greater emphasis on rehabilitative services so that residents can become well enough to return to their communities. Over the years Providence Rest Nursing Home's facilities have become functionally obsolescent as the needs of its resident population have changed and as standards have evolved. The enlargement and renovations are designed to modernize the facilities in order to improve functionality, to enhance the quality of life of the residents, as well as to make the nursing home a nicer place to work for its staff. There will be minimal impact on the surrounding community, and the new construction will not result in a greater number of nursing beds, but rather in a more efficient operation of the entire facility.

The proposed additions to the existing nursing home are the same height or lower than the existing building. Overall, the building will maintain its scale in relation to the neighboring community, which contains some buildings of greater height. The fenestration will match the residential character of the neighborhood. The building is curved to soften the elevation and massing on Campbell Drive. The building is a similar scale to the houses on Campbell Drive which are the dwellings in the greatest proximity to the subject site.

The overall configuration of the floor plan is highly conducive for the supervision functions necessary for this type of structure. However, the height and landscaping make this structure fit in with the homes of the neighborhood. The additions will be faced with brick and other treatments that will harmonize with the existing building, which is faced with the same material. Most critically, the grounds will remain extensively landscaped.

The proposed enlargement entails an increase in floor area but no increase in beds. It is anticipated that the addition of merely seven employees will create no burden on the supporting services in the neighborhood. The addition of thirty new on-site parking spaces will reduce the demand for curbside parking in the surrounding area.

The proposed enlargement will result, at most, in an increase of seven employees, while adding thirty accessory parking spaces on-site. The only traffic increase would be from the seven new employees. The proposed project would not be expected to cause a net increase of even ten additional vehicle trips during any of the peak weekend hours. There will not be a significant increase in the traffic on the surrounding streets providing access to the site.

Inasmuch as the proposed enlargement does not involve any increase in the number of beds, it will not change the concentration of nursing home beds in the Community District.

The Commission notes the concerns expressed by the Country Club Civic Association regarding the bulk, height and siting of the proposed building. The applicant has worked with the community board and neighborhood residents to address these concerns, as well as construction and noise related concerns. The Commission encourages continued communication between the applicant and the community.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-90 (Use and Bulk Modification for Certain Community Facilities) of the Zoning Resolution:

Section 74-90 Use and Bulk Modifications for Certain Community Facility Uses

(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; and

(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, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; 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 the Providence Rest Nursing Home for the grant of a special permit pursuant to Section 74-90 of the Zoning Resolution to allow a 4-story enlargement to an existing nursing home with no increase in the total number of beds on property located at 1150, 1200 and 1208 Stadium Avenue a.k.a. 3310 Campbell Drive (Block 5409, Lots 2, 84, 100 and 133), in an R2 District, Community District 10, Borough of the Bronx, is approved pursuant to Section 74-90 of the Zoning Resolution, subject to the following terms and conditions:

1. The property that is the subject of this application shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by David Lawrence Mammina, Architect, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-1	Zoning Analysis	September 5, 2002
A-2	Site Plan	September 5, 2002
A-3	Proposed Elevations	September 5, 2002
A-4	Street Wall Elevations	September 5, 2002

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 and the attached restrictive declaration 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 hereby granted.
5. 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.

The above resolution (C 020286 ZSX) duly adopted by the City Planning Commission on October 22, 2003 (Calendar No. 23), 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 KNUCKLES, ESQ., Vice-Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ANGELA CAVALUZZI, R.A., RICHARD EADDY,
ALEXANDER GARVIN, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,
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