



CITY PLANNING COMMISSION

June 29, 2009/Calendar No. 4

C 070546 ZSR

IN THE MATTER OF an application submitted by Sisters of Charity Health Care System Nursing Home, Inc. d/b/a St. Elizabeth Ann's Health Care & 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 5-story enlargement of an existing 4-story nursing home, on property located at 91 Tompkins Avenue (Block 534, Lots 120, 150 and 200), in an R3-2 District, Borough of Staten Island, Community District 1.

The application for the special permit was filed by Sisters of Charity Health Care System Nursing Home, Inc. d/b/a St. Elizabeth Ann's Health Care & Rehabilitation Center on June 18, 2007, in order to facilitate the enlargement of St. Elizabeth Ann's Health Care & Rehabilitation Center.

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:

C 070547 ZSR Special permit pursuant to Section 74-902 to permit the allowable community facility floor area ratio of Section 24-11(Maximum Floor Area and Percentage of Lot Coverage) to apply.

BACKGROUND

The applicant is seeking the grant of special permit pursuant to Section 74-90 of the Zoning Resolution to permit the enlargement of an existing nursing home, Saint Elizabeth Ann Health Care and Rehabilitation Center (SEA Center) located in an R3-2 district in Community District 1, Staten Island. The existing 228 bed nursing home was constructed pursuant to a special permit (C 900620 ZSR) approved by the City Planning Commission and the City Council in 1990. A total of 300 beds are licensed to the SEA Center by New York State Department of Health.

The existing SEA Center, located at 91 Tompkins Avenue (Block 534, Lot 120), is a four-story building with a floor area of 129,197 square feet and a height of 44 feet.

The project site is a 232,837 square-foot interior zoning lot with 234 feet of frontage on Tompkins Ave. In addition to SEA Center, the project site contains the Chait building a four-story building with a floor area of 23,602 square feet constructed in 1935. The Chait building houses two NYS Office of Mental Health licensed congregate community residences. The existing buildings on the project site (SEA and Chait) require a total of 29 on-site parking spaces. The existing project site provides a total of 227 on-site parking spaces.

The surrounding area is characterized by a mix of residential and institutional uses. Immediately north of the project site are detached single and two-family homes. The adjacent lots to the south include the New York Foundling's Stephen's House, a four-story residential facility for youth; the Hungerford School, a public school; and the Vanderbilt Nursing Home, a private nine-story building accessed from Vanderbilt Avenue. Directly to the west of the project site and across Tompkins Avenue, is Public School 14, a neighborhood of attached homes and the Stapleton branch of the U.S. Post Office.

The adjacent lot to the east is under ownership of Saint Vincent Medical Catholic Charity Centers of New York and is referred to as the Bayley Seton Campus. Saint Elizabeth Ann leases a portion of Building One on the adjacent Bayley Seton Campus in order to house 72 neuro-behavioral beds which are currently unable to be accommodated in the existing SEA Center building.

The applicant is proposing to construct a 79,550 square feet enlargement to the existing SEA Center building. The enlargement will result in a five-story building with a height of 72 feet and a floor area of 208,747 square feet. The zoning lot, which contains both SEA Center and the Chait building, will have a total floor area of 232,349 square and a total FAR of 1.0. The required number of parking spaces for the enlarged SEA Center and the Chait building is 37 on-site parking spaces. The project site will provide 201 on-site parking spaces.

The enlargement to the existing SEA Center will accommodate 72 beds which will be transferred from the adjacent Bayley Seton Campus in order to allow development on that site of the Kroc

Center, a proposed 120,000 square feet community center funded by an endowment from the family of Ray Kroc. The licensed number of 300 beds will be maintained with 228 residential health care facility beds in the existing SEA Center building and 72 neuro-behavioral beds in the proposed enlargement.

Requested Actions

Special Permit pursuant to Section 74-90 (C 070546 ZSR)

Pursuant to Section 22-42 nursing homes in community districts designated in Section 74-903 are permitted only by special permit. pursuant to Section 74-90. 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 Staten Island Community District 1, presently there are 8.1 nursing home beds per 1,000 population, which is above the 5.7 beds per 1,000 population citywide threshold.

Special Permit pursuant to Section 74-902 (C 070547 ZSR)

Pursuant to Section 24-111 nursing homes in R3 Districts have a maximum .5 FAR. The applicant requests a special permit pursuant to ZR Section 74-902 to allow SEA Center to be developed to an FAR of 1.0.

ENVIRONMENTAL REVIEW

This application (C 070546 ZSR), in conjunction with the application for the related action (C 070547 ZSR) 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 09DCP050R. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on April 20, 2009.

A revised Negative Declaration was issued on June 29, 2009 in order to correct a minor typographical error in the original Negative Declaration issued on April 20, 2009.

UNIFORM LAND USE REVIEW

This application (C 070546 ZSR) in conjunction with the application for the related action (C 070547 ZSR), was certified as complete by the Department of City Planning on April 20, 2009, and was duly referred to Community Board 1 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 1 held a public hearing on this application on May 4, 2009, and on May 12, 2009, by a vote of 33 to 0, 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 May 13, 2009.

City Planning Commission Public Hearing

On June 3, 2009 (Calendar No. 2), the City Planning Commission scheduled June 17, 2009 for a public hearing on this application (C 070546 ZSR) and related application (C 070547 ZSR). The hearing was duly held on June 17, 2009 (Calendar No. 30) in conjunction with the public hearing on the related application (C 070547 ZSR).

There were five speakers who spoke in favor and none in opposition. The applicant's primary representative briefly described the proposal. The nursing home's executive director, the architect and two environmental consultants also appeared in favor.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 070546 ZSR) for grant of a special permit and the related application (C 070547 ZSR) are appropriate.

The proposed special permit will facilitate the enlargement of Saint Elizabeth Ann's Health Care Rehabilitation Center in order to accommodate the transfer of 72 beds from the adjacent Bayley Seton Campus. The enlargement will not result in an increase to the number of nursing home beds as the number of 300 beds will be maintained.

The proposed Saint Elizabeth Ann enlargement will result in a five-story, 72 foot high building. The Commission notes that the proposed enlargement will be of similar or lesser height to the surrounding buildings, including Public School 14, the seven-story 90 feet high main Bayley Seton Campus building, the adjacent Foundling Hospital building, and the nine-story Vanderbilt Nursing Home building.

The Commission notes that the Saint Elizabeth Ann enlargement provides extensive landscaping which results in a development that will be sympathetic to the surrounding area. Landscaped buffers consisting of both trees and dense shrubs will be provided along the side, rear and front lot lines.

The Commission notes that the proposed enlargement will not result in an increase in nursing home beds but a transfer of 72 existing beds from the adjacent Bayley Seton Campus. The Commission believes, therefore, that the proposed enlargement will not require additions to the neighborhood's supporting services. Additionally, the Commission believes that there will not be a significant increase in the traffic on any of the streets providing access to Saint Elizabeth Ann's and that the streets providing access to the proposed project will continue to be adequate to handle the traffic that will be generated.

Additionally, the Commission notes that the 201 on-site parking spaces being provided exceed

the 39 on-site parking space requirement. The Commission believes the proposed 201 on-site parking spaces will be sufficient to meet the needs of both the staff and visitors and will not result in an increase in curbside parking.

Further, the Commission notes that the distribution of bulk of the total development will not unduly obstruct the access of light and air to adjoining properties or public access. The proposed Saint Elizabeth Ann enlargement will be setback 50 feet from the street line on Tompkins Avenue which will complement the existing SEA Center setback of 40 feet, thereby maintaining an overall pattern of open space and access to light and air along Tompkins Avenue.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Sections 74-90 of the Zoning Resolution:

- 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 provisions 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, 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 Sisters of Charity Health Care System Nursing Home, Inc. d/b/a St. Elizabeth Ann’s Health Care & Rehabilitation Center for the grant of a special permit to allow a five-story the enlargement of an existing 4-story nursing home, on property located at 91 Tompkins Avenue (Block 534, Lots 120, 150 and 200), in an R3-2 District, Borough of Staten Island, Community District 1, is approved pursuant to Section 74-90 of the Zoning Resolution, subject to the following terms and conditions:

1. That the property that is the subject of this application (C 070546 ZSR) in conjunction with (C 070547 ZSR) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Rampulla Associates Architects, L.L.P., and the Landscape

Plan prepared by MKW + Associates, LLC. filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Drawing Title</u>	<u>Latest Revision Date</u>
CPC-1	Site Plan & Zoning	10/30/2008
CPC-2	Zoning Data	10/30/2008
CPC-3	Zoning Data	10/30/2008

CPC-4	Sky Exposure Plane	10/30/2008
CPC-5	Sections A, B, & C	11/10/2008
CPC-6	North & East Elevations	10/30/2008
CPC-7	South & West Elevations	7/15/2008
CPC-8	Streetscape	10/30/2008
CPC-9	Streetscape Across from SEA	10/30/2008
CPC-10	Area Map	7/24/2008
Attachment #3	Landscape Plan	10/27/2008

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for modifications specifically granted in this resolution and shown on the plans listed above which has 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 hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. 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 conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application or modification, cancellation or amendment of the special permit 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.

The above resolution (C 070546 ZSR), duly adopted by the City Planning Commission on June 29, 2009 (Calendar No. 4), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman,
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, NATHAN LEVENTHAL,
SHIRLEY A. MCRAE, Commissioners