



CITY PLANNING COMMISSION

April 5, 2006/Calendar No. 11

C 060233 ZSM

IN THE MATTER OF an application submitted by Village Care of New York pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a proposed approximately 54,014 square-foot, 6-story nursing home (U.G. 3A), on property located at 214-218 West Houston Street a.k.a. 50-56 Downing Street (Block 528, Lot 12) in an R6 District, Borough of Manhattan, Community District 2.

The application for the special permit was filed by Village Care of New York on November 22, 2005 in order to facilitate the construction of a 100-bed nursing facility to replace an existing 200-bed facility.

RELATED ACTION

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:

N 060234 ZCM Certification pursuant to Section 22-42 of the Zoning Resolution that none of the findings which are a precondition of designation pursuant to Section 74-903 exist in Community District 2, Manhattan.

BACKGROUND

Village Care intends to construct a 100-bed nursing home on the site of an existing one-story garage. The proposed nursing home would replace their existing 200-bed facility located at Hudson and West 12th streets which Village Care states is obsolete and inadequate both in terms of current consumer demands and the requirements of skilled nursing care, which operates with significant regulatory waivers from the State, mostly relating to insufficient space. However,

rather than constructing another 200-bed facility, Village Care is proposing a network of smaller nursing homes which they believe will be able to provide a better level of care to the residents. The subject 100-bed facility would be the first of this new model.

The project site is an irregularly-shaped through-block site located on the north side of West Houston Street between Sixth Avenue and Varick Street and extending through the block to the south side of Downing Street. The project site consists of approximately 11,253 square feet and is occupied by a one-story parking garage and is zoned R6.

The surrounding area is characterized by a mix of residential, commercial and institutional uses. The north side of Houston Street between Sixth Avenue and Varick Street, to the east of the site, is developed with three- to five-story residential buildings with a 13-story residential building located at the corner of Sixth Avenue. A mix of one- to three-story residential and commercial buildings are located to the west of the site on the north side of Houston Street. The western half of the south side of Houston Street between Sixth Avenue and Varick Street is developed with a 12-story building occupied by the Association for the Help of Retarded Children. The eastern half of the block is split between three- to four-story row houses with a seven-story residential building located at the corner of Sixth Avenue.

The western portion of Downing Street between Sixth Avenue and Varick Street contains commercial uses and the eastern portion of the block contains residential uses. The majority of the block is developed with four- to five-story residential buildings with the exception of an 11-story residential building located immediately opposite the site on the north side of Downing Street.

The proposed 54,014 square foot facility would rise without any setbacks to a height of approximately 77 feet (six stories). The main building entrance, service entrance, and loading dock would be located on West Houston Street. The building would extend to the lot line on both Houston and Downing Streets. A landscaped courtyard that would be accessible to the occupants of the nursing home would extend along the eastern side of the building.

Nursing homes are limited to the residential floor area ratio (FAR). The R6 district allows a 2.43 FAR for residential development, therefore the maximum floor area permitted as-of-right for the subject nursing home in the R6 zoning district would be approximately 27,345 square feet. With the requested special permit, the site could be developed at the 4.8 FAR allowed for community facilities.

In conjunction with this application (C 060233 ZSM), the applicant is also seeking a certification that no special permit is required for a property to be used as a nursing home in Community District 2. For certification under Section 22-42 of the Zoning Resolution, the proposed project must not meet the three findings found in ZR 22-13: that the ratio of nursing home beds to total population in the District shows a relative concentration of beds compared to other Community Districts; that there is a scarcity of land for general community purposes; or that construction of such facilities should be reviewed because a large number have been built over the last three years and they now threaten to disrupt local land use balance.

According to the June 2005 bed-to-population ratios, Community District 2 currently has 200 beds for 93,100 persons for a ratio of 2.1 beds per 1000 persons - well below the city average of 5.7 beds per 1000 persons. With the additional 100 beds from the proposed facility, the ratio would be reduced from 2.1 to 1.07 beds per 1000 persons. At 1.07 beds per 1000 persons, Community District 2 would be well below the city average of 5.7 beds per 1000 persons.

The proposed facility is served by several bus routes and is located less than one block from a subway station. The M5 and M6 buses travel northbound on Sixth Avenue and the M20 bus travels southbound on Seventh Avenue. The M21 bus travels east-west on Houston Street. The West Houston Street station stop on the IRT subway line is located at the intersection of Houston Street and Seventh Avenue.

On November 15, 2005, the applicant was granted a bulk variance (83-05-BZ) from the Board of Standards and Appeals (BSA) to modify height, setback, and rear yard requirements. Village Care has stated that it could not meet its state mandated physical plant and programmatic needs without both the subject special permit and the BSA variance.

ENVIRONMENTAL REVIEW

This application (C 060233 ZSM) 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 05BSA118M. The lead agency is the Board of Standards and Appeals.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on November 15, 2005.

UNIFORM LAND USE REVIEW

This application (C 060233 ZSM), in conjunction with the application for the related action was certified as complete by the Department of City Planning on December 19, 2005, and was duly

referred to Community Board 2 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 2 held a public hearing on this application on January 12, 2006, and on January 19, 2006, by a vote of 31 to 0, with 0 abstentions and one recusal, adopted a resolution recommending approval of the application with the following conditions:

BE IT FURTHER RESOLVED, That CB#2, Man. requests that the applicant continue to meet with the community to address the outstanding issues and to work with the community on the design of the facade to make it more contextual with the neighborhood, And

BE IT FURTHER RESOLVED, That CB#2, Man. requests that the applicant minimize the rooftop mechanical equipment and the noise it generates, And

BE IT FURTHER RESOLVED, That CB#2, Man. requests regular construction coordination meetings with the community as this project progresses, And

BE IT FURTHER RESOLVED, That CB#2, Man. requests that every effort be made to minimize the impacts of construction and that the contractor must carefully inspect the subsurface excavation and use seismic monitors to protect the surrounding buildings.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on March 2, 2006.

City Planning Commission Public Hearing

On February 22, 2006 (Calendar No. 6), the City Planning Commission scheduled March 8, 2006, for a public hearing on this application (C 060233 ZSM). The hearing was duly held on March 8, 2006 (Calendar No. 21). There were six speakers in favor of the application and no speakers in opposition.

Six representatives of the applicant spoke in favor of the application. The applicant's attorney presented the project and described the requested special permit. The Village Care President and Chief Executive Officer explained the programmatic mission of Village Care and the specific role of the proposed facility. The project architect described the proposed building and how the design of the building was intended to reflect the scale and context of the surrounding West Village neighborhood. A representative of the Environmental Simulation Center appeared in support of the application. The Director of Land Use from the Borough President's office and the chair of the Zoning and Housing Committee of Community Board 2 respectively reiterated the Borough President's and Community Board 2's support of the project. The chair of the Zoning and Housing Committee noted how the project had been significantly redesigned in response to the concerns raised by the community.

There were no other speakers and the hearing was closed.

CONSIDERATION

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

The proposed special permit, in conjunction with the related action (N 060234 ZCM) will facilitate the development of a 100-bed nursing facility in the West Village neighborhood in Manhattan, Community District 2.

The proposed special permit is necessary in order to accommodate the project's proposed bulk, which will exceed the current permitted floor area ratio (FAR). The R6 zoning district allows a FAR of 2.43. The special permit would allow use of the community facility FAR of 4.8 for the proposal.

The distribution of the bulk of the total development would not unduly obstruct the access of light and air to adjoining properties or public access. The proposed building would provide a 51-foot long, 1,630 square foot landscaped courtyard along the building's eastern side that would create open space along the centerline of the block. The courtyard would provide light and air to the interior of the block and the rear yards of buildings facing onto it. The walls of the courtyard would be constructed of a light-colored brick to maximize the reflectivity of those surfaces.

While the proposed building would abut four buildings, to the extent possible, no lot line windows would be blocked. The four buildings either have no windows facing the proposed building, or the windows open onto the aforementioned landscaped courtyard. To the east of the proposed building on West Houston Street is a five-story residential building with three lot line windows facing the proposed building. Two of the windows would abut the landscaped courtyard and the third window would be blocked. This is the only lot line window that would be blocked as a result of the new building.

The bulk and height of the proposed six-story nursing facility would create a satisfactory relationship with the scale of the surrounding buildings on both West Houston and Downing Streets. While approximately two-thirds of the buildings on the north side of West Houston Street adjacent to the site are between one-and four-stories, the majority are between three-and five-stories and the remaining one-third of the block's frontage consists of a thirteen-story tower. Approximately half of the south side of West Houston Street is occupied by a twelve-story loft building located opposite the site. The remaining frontage is split between three- and four-story rowhouses and a seven-story apartment building.

On the Downing Street side, the site is adjacent to a three-story building to the west and a five-story building to the east. The majority of the block consists of four- to five-story residential

buildings, located on both the north and south sides of the street, with the exception of an eleven-story apartment house opposite the site.

At a height of six stories, the nursing home facility would serve as a bridge between the area's taller eleven- through thirteen-story taller buildings and the numerous three- to five-story buildings.

The proposed development would not require any significant additions to the supporting services of the neighborhood. The proposed facility would provide virtually all necessary clinical and therapeutic services on-site, minimizing the need for residents to travel for care. Further, the building would provide 24-hour-seven-day-a-week nursing. Residents would leave the facility only for more extensive treatments or diagnostic services (such as MRI or dialysis), the need for which does not occur with great frequency. It is projected that the proposed facility would generate an average of two to three ambulance/ambulette trips per day.

The streets providing access to the proposed facility will be adequate to handle the traffic generated thereby. It is anticipated that the facility would produce a total of 26 vehicular trips between 8 AM and 6 PM; consisting of 11 vehicle trips during the AM peak hour (8:00 to 9:00 AM), eight trips during the midday peak hour (12-1:00 PM), and seven trips during the PM peak hour (5:00 to 6:00 PM). It is anticipated that most people working at or visiting the facility would utilize mass transit.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-902 of the Zoning Resolution:

74-902 (Certain Community Facility Uses in R3 to R9 Districts and Certain Commercial Districts)

- (a) that the distribution of the bulk of the total development will not unduly obstruct the access of light and air to adjoining properties or public access, and will result in satisfactory site planning and satisfactory urban design relationships of buildings to adjacent streets and surrounding developments,
- (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; and
- (c) that the streets providing access to such use will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

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 Village Care of New York pursuant to Sections 197-c and 200 of the New York City Charter for the grant of a special permit pursuant to Section 74-902 of the Zoning Resolution to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area and Percentage of Lot Coverage) to apply to a proposed approximately 54,014 square-foot, six-story nursing home (U.G. 3A), on property located at 214-218 West Houston Street, a.k.a. 50-56 Downing Street, (Block 528, Lot 12) in an R6 District, Borough of Manhattan, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 060233 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and

zoning computations indicated on the following plans, prepared by Perkins Eastman Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1	Zoning Analysis, Floor Area Calculations	June 13, 2005
Z-4	Site Plan	November 3, 2005

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. 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 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 or 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.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice Chairman

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