



# Department of Planning, Housing, & Community Development

**Mayor, Matthew T. Ryan**

*Tarik Abdelazim, Director*

## ***STAFF REPORT***

TO: Planning Commission Members  
FROM: Planning Housing and Community Development  
DATE: August 27, 2013  
SUBJECT: 169 Riverside Drive (Lourdes Road Temporary Parking Area); Series A Site Plan Review / Special Use Permit  
CASE: 2013-46

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### **A. REVIEW REQUESTED**

This application would provide for the conversion of a temporary parking area into a permanent parking area containing 63 spaces for Lourdes Hospital. The property is zoned C-3, Medical District. The Zoning Ordinance requires a Series A Site-Plan Review / Special Use Permit for parking areas in a C-3 District.

In 2008 the Planning Commission approved the construction of a 6,500 square foot emergency department, a 6,000 square foot lobby, a 6,200 square foot MRI /OR addition, a 54,000 square foot ambulatory care center and a 350 space parking garage. In 2009 the Planning Commission approved the subject temporary parking area located on Lourdes Road in order to off-set the temporary loss of parking due to construction staging. At the time, Lourdes indicated that the use of the temporary parking area would end in August 2011 to coincide with the estimated end date of construction. As of this date, all aspects of the construction project approved in 2008 have been completed except the parking garage. The applicant has indicated that construction of the garage will begin in the fall.

Currently the parking area is gravel and screened from the street by blue mesh sheeting. As proposed, the parking area would be improved with a combination of conventional and porous asphalt. Stormwater would be directed into a bioretention area located to the west of the parking. Landscaping and buffering would be provided in accordance with Article X of the Zoning Code. Specifically, six trees would be planted along the perimeter of the parking, eight shade trees would be planted in the interior of the site providing 56 percent canopy coverage at maturity, and 1,200 square feet of the interior of the parking area would be landscaped. Eight existing street trees would remain, although one is dead and should be replaced (see proposed conditions). Five foot wide buffer strips, planted with arborvitae for screening, would be located along the north and east property lines.

## B. STAFF COMMENTS

1. Staff has asked the applicant to calculate the number of parking spaces required for the hospital and other uses on site and provide a tally of all existing and proposed parking spaces. The Zoning Code states that no use other than one or two-family dwellings shall provide parking in excess of 110% of the minimum amount of required parking.
2. If the total of number of existing and proposed parking spaces exceeds the Zoning Code minimum parking requirement by more than 10% the Planning Commission should consider requiring the applicant to provide a parking study to justify the need for excess parking. A variance from the Zoning Board of Appeals would also be required.
3. The second street tree south of the northern line of the parking area is dead. The landscape plan should be revised to show that this tree will be replaced with a minimum 2.5 inch caliper tree. The tree species shall be chosen from the City's recommended street tree list.
4. The Planning Commission should consider requiring that the landscape plan be amended to include additional plant diversity in the form of flowering perennials, particularly along the street frontage, to further improve the aesthetics of the site when viewed from the street and the adjacent dwellings.

## C. STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Series A Site Plan application, the Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. These requirements are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment

for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.

3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 410-41, and egress and ingress to parking and loading areas are so designed as to minimize the number of curb cuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 410-24 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 410-41. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

#### **D. ADDITIONAL REVIEWS**

This project is subject to the landscaping requirements contained in Article X of the Zoning Code. The proposed landscape plan was forward to the Shade Tree Commission for review. The Commission found the project to be consistent with the tree planting requirements and recommended that the plan be approved, but suggested that two of the proposed shade trees be replaced with London Plane trees to add tree diversity.

The project is subject to the City's Urban Runoff Reduction Plan (URRP) requirements. The

submitted preliminary URRP was submitted to the City's Engineering Department for review. As of the writing, comments have not been received from Engineering. The proposed plan includes a bio retention area and a combination of porous and conventional asphalt.

## **E. SITE REVIEW**

Our Lady of Lourdes Hospital is situated at 169 Riverside Drive on a 35.1 acre parcel with 740 feet of frontage along Riverside Drive. The subject parking area is located on Lourdes Road. Land uses in the vicinity of the parking lot including single-family dwellings to the east, parking to the west, undeveloped land to the south, and a vacant dwelling to the north.

## **F. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY**

29 Lourdes Road: Lourdes Hospital received a Special Use Permit in 1988 to construct a child care center and adjoining fenced play area.

30 Lourdes Road: A Special Use Permit was granted to Lourdes Hospital in 1979 to use the property as a convent.

145 Riverside Drive: Rose Rivetts was granted an area variance of side yard setback requirements in 1999 for an existing shed.

151 Riverside Drive:

- The Zoning Board of Appeals granted a use variance to Dr. Anthony Palombaro and Dr. Timothy Farrell in 1987 to use the premises as professional office space.
- In 2000, two area variances regarding off-street parking requirements were granted to Palombaro, Farrell, and Hill to allow the construction of a two-story, 780 square foot addition to an existing dentist office.

160 Riverside Drive:

- The Danielle House Inc. received approved from the Zoning Board of Appeals in 2012 to Expand of a Non-Conforming Off-Street Parking Area in the R-1, Residential Single Unit Dwelling District and Area Variances for maximum lot coverage & minimum rear setback.
- The Danielle House Inc. received a use variance in 2001 from the Zoning Board of Appeals to operate a hospital hospitality house.
- Use and area variances of off-street parking requirements were granted to Anthony Manley in 1993 to allow the premise to be used as a dentist office.

169 Riverside Drive:

- In 2008 the Planning Commission approved the construction of a 6,500 square foot emergency department, a 6,000 square foot lobby, a 6,200 square foot MRI /OR addition, a 54,000 square foot ambulatory care center and a 350 space parking garage, and various other on-site improvements.
- A new three-story oncology building was approved by the Planning Commission in November

of 2002.

- Lourdes Hospital received approval from the Planning Commission in 1995 to extend Parking Lot “C” and create 59 additional spaces.
- In 1995, the Planning Commission granted a Special Use Permit to Lourdes Hospital to construct two underground concrete vaults on the west side of the hospital under the U-shaped Emergency Room Department driveway.
- The Planning Department approved a Series B Site Plan application in 1991 to construct a three-story medical office building with a basement.
- In 1990, the Planning Commission granted a Special Use Permit to Lourdes Hospital to construct a five-story addition to the front of the existing hospital to connect the Center and West Wings.
- Lourdes Hospital received approval in 1990 to construct a 1,200 square foot building for the storage of hospital waste, including regulated medical waste.
- Approval was granted to Lourdes Hospital in 1990 to construct a 3,200 square foot building to house a 1,300 KW nominal cogeneration system and to construct a 180 square foot addition to the existing gas meter building.
- The Planning Commission granted a Special Use Permit to Lourdes Hospital in 1988 to construct a two-story addition adjacent to the Seton Wing for storage and office space and to construct a 2,500 s.f. garage and maintenance building adjacent to the existing power plant.
- Approval was granted to Lourdes Hospital in 1985 to convert the upper three floors of the existing east wing of the hospital into a private medical office building.

#### 176 Riverside Drive:

- In 1988, the Zoning Board of Appeals denied a use variance request by Alan and Susan Jablon to convert a single-family residence to a dentist’s office and one residential unit.
- A use variance request by Alan and Susan Jablon to convert a single-family residence into a professional office was denied by the Zoning Board of Appeals in 1989.

#### 187 Riverside Drive:

- A Series B Site Plan application was approved by the Planning Department in 1988 to convert the out-patient cancer lodge to a convent/parish house.
- In 1978, Lourdes Hospital received approval from the Zoning Board of Appeals to use the property as an out-patient lodge for the temporary housing of ambulatory cancer patients.

183-187 Riverside Drive: The Planning Commission denied a request by the Unitarian Universalist Church in 1981 to construct an off-street parking area. An article 78 was filed, and the decision of the Planning Commission was overturned.

## **G. ENVIRONMENTAL IMPACT**

The construction project approved in 2008 was classified as SEQR Type I Action. The temporary lot, and consequently the current request to convert it into a permanent lot, is clearly related to the 2008 project and was likely a foreseeable need. Therefore, it should have been analyzed during the 2008 environmental review in order to avoid segmentation under SEQR. However, the 2008 project description contained in the environmental review documents does not

include the temporary lot or future parking along Lourdes Road. Segmentation is defined as the division of the environmental review of an action so that various activities or stages are addressed as though they were independent, unrelated activities needing individual determinations of significance.

As an individual parking lot, this action would typically be an Unlisted Action under SEQR. However, since this project is specifically related to, and could be called a result of, a project that was a Type I Action, the Planning Commission may choose to classify it as a Type I Action and have it reviewed in the context of the 2008 project.

The Planning Commission may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
  - a. **Type I**
  - b. Type II
  - c. Unlisted
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C-1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

## H. STAFF FINDINGS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. The Planning Commission must determine if the general requirements as set forth in

Section 410-40 for a Special Use Permit have been met.

**I. ENCLOSURES**

Enclosed are copies of the site plan, supplemental materials provided by the applicant and the application.

Prepared by:  
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