

CITY PLANNING COMMISSION

June 3, 1998/Calendar No. 19

C 980443 PPK/C 980444 PQK

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services and the Deputy Mayor for Operations, pursuant to Section 197-c of the New York City Charter, for acquisition and disposition to the Dormitory Authority of the State of New York, and subsequent reacquisition and disposition to the Health and Hospitals Corporation, of property located at 451 Clarkson Avenue (Block 4829, Lot 1), Borough of Brooklyn, Community District 9, for continued use as a hospital.

The applications for acquisition and subsequent disposition were filed by the Department of Citywide Administrative Services on February 25, 1998, for the continued use of property located at 451 Clarkson Avenue (Block 4829, Lot 1), in Brooklyn, as a hospital.

BACKGROUND

The Department of Citywide Administrative Services and the Deputy Mayor for Operations propose a series of property transfers which would facilitate the modernization and redevelopment of a portion of Kings County Hospital, located at 451 Clarkson Avenue (Block 4829, Lot 1), in Brooklyn.

Kings County Hospital is one of the oldest municipal hospitals in the metropolitan area. It was founded in 1831 as a one-room infirmary and today consists of 24 buildings occupying about 37 acres. The current campus, located on Clarkson Avenue between New York and Albany avenues, was developed in 1931 and the existing buildings range in age from 40 to 65 years.

Much of the existing hospital is antiquated, deteriorated, functionally obsolete and many of the buildings have multiple code

violations. In response to these conditions, the Hospital has generated a four-phase redevelopment plan, to modernize and upgrade the facility, and it is now ready to proceed with the first two phases.

Phase I involves the construction of a new, approximately 230,000 square-foot, seven-story building (D Building) to be built over an existing parking lot. The new building will house 340 general care beds, including dedicated AIDS beds. In addition, the second-floor of an existing adjacent building (C Building) will be renovated as a rehabilitation medicine department.

Phase II requires the demolition of four small existing buildings (Buildings F, L, M, and R). These buildings will be replaced with an approximately 185,000 square-foot, five-story, emergency and diagnostic pavilion (S Building), an approximately 36,000 square-foot, two-story building for the Office of the Chief Medical Examiner, an approximately 10,000 square-foot, one-story ambulance station, and a new open parking lot. In addition, some services will be shifted from an existing adjacent building (E Building) to elsewhere on the campus to facilitate a new ambulatory care center.

The site is currently city-owned and leased to the Health and Hospitals Corporation (HHC), which operates the facility. Usually, construction involving a HHC facility is not subject to ULURP review. However, in this instance, ULURP is being generated by the

mechanisms being used to fund the new construction. Funding for the proposed project will be generated through a bond issued by the Dormitory Authority of the State of New York (DASNY). To create a credit support structure which is sufficiently secure to enable the sale of bonds, the following real estate transactions, which require ULURP, must occur:

1. Acquisition of the site by sublease from HHC by the City.
2. Direct disposition by sublease from the City to DASNY.
3. Re-acquisition of the site from DASNY by the City through a sublease.
4. Direct disposition of the site, via sublease, from the City, back to HHC.

Kings County Hospital is the predominant land-use presence in the area, occupying three superblocks, including the block on which the site is located. Kings County Psychiatric Center occupies a superblock located east of the hospital, across Albany Avenue. Wingate High School is located north of the site, across Winthrop Street, and P. S. 235 is located south of the hospital, across Clarkson Avenue. The rest of the surrounding area is predominately developed with two-story attached and semi-attached residences.

ENVIRONMENTAL REVIEW

These applications (C 980443 PPK and C 980444 POK) were 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 lead agency is the Dormitory Authority of the State of New York.

After a study of the potential environmental impact of the proposed actions, a negative declaration was issued on February 24, 1998.

UNIFORM LAND USE REVIEW

These applications (C 980443 PPK and C 980444 POK) were certified as complete by the Department of City Planning on March 16, 1998, and were duly referred to Community Board 9 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 9 held a public hearing on these applications (C 980443 PPK and C 980444 POK) on April 28, 1998 and, on that date, by a vote of 32 to 0 with no abstentions, adopted a resolution recommending approval of the application, subject to the following conditions:

- 1) DASNY shall obtain approval of all new buildings and site work proposed from the Art Commission of the City of NY prior to the start of construction. The aesthetic concerns of the community can only be achieved and guaranteed by such review as mandated by the New York City Charter.

- 2) The perimeter landscaping an(sic) new open space proposed by demolition of existing facilities in the various phases of implementation of the Master Plan shall be guaranteed to be accessible for community use. DASNY, HHC and KCHC shall coordinate the design of all open space within Community District 9.
- 3) Existing buildings planned to be demolished should be studied for "adaptive re-use" with regard to community needs. The adaptive re-use of any existing buildings scheduled for demolition should be coordinated with Community Board #9 Prior to demolition.

Borough President Recommendation

These applications (C 980443 PPK and C 980444 POK) were considered by the Borough President of Brooklyn, who issued a recommendation approving the applications on May 18, 1998.

City Planning Commission Public Hearing

On May 6, 1998 (Calendar No. 6), the City Planning Commission scheduled May 20, 1998 for a public hearing on these applications (C 980443 PPK and C 980444 POK). The hearing was duly held on May 20, 1998 (Calendar No. 12). Two persons spoke in favor of the application: a representative of Kings County Hospital and a representative of DASNY. There were no speakers in opposition and the hearing was closed.

CONSIDERATION

The Commission believes that the applications of the

Department of Citywide Administrative Services and the Deputy Mayor for Operations, for acquisition and disposition to the Dormitory Authority of the State of New York, and subsequent reacquisition and disposition to the Health and Hospitals Corporation, of property located at 451 Clarkson Avenue (Block 4829, Lot 1), Borough of Brooklyn, Community District 9, for continued use as a hospital, are appropriate.

Kings County Hospital is one of the oldest municipal hospitals in the metropolitan area. Much of the hospital infrastructure is antiquated, deteriorated, functionally obsolete and many of the buildings have multiple code violations. The proposed modernization is an important step in upgrading the facility to create a state-of-the-art acute care health center.

In its recommendation, the Community Board stated concerns regarding the aesthetics of the proposed buildings, community access to proposed new open space, and adaptive reuse of existing buildings proposed for demolition. In response to these concerns, in a letter to the Commission dated May 13, 1998, DASNY stated that:

The New York City Health and Hospitals Corporation (HHC) and the Dormitory Authority of the State of New York (DASNY) are public benefit corporations of the state of New York. As such, HHC and DASNY, on behalf of its client (HHC), are not subject to this specific provision of the *New York City Charter*, and, consequently, are not required to obtain the approval of the Art Commission for the design of any phase of the Kings County Hospital Center *Comprehensive Redevelopment Plan*.

The "perimeter landscaping and new open space" alluded to are not part of the *ULURP* application currently before

the City Planning Commission for Phase I and Phase II of the Kings County Hospital Center *Comprehensive Redevelopment Plan*. The *Comprehensive Redevelopment Plan* does not include the creation of new, public open space to serve the surrounding area in any of its four phases. However, during Phase IV, it does contemplate the creation of open-space facilities on the eastern portion of KCHC's campus on property that is not part of the Phase I and Phase II *ULURP* parcels. These open-space facilities would be available to hospital workers, patients, and visitors. The new lawns, landscaped areas, and walkways would be designed and created by the hospital primarily to meet the needs of the hospital community. At this time, HHC cannot represent that the space will be accessible for community use because final plans for the re-use of this space have yet to be developed.

Each of the Kings County Hospital Center *Comprehensive Redevelopment Plan* must receive Certificate of Need (CON) approval from the New York State Department of Health (NYSDOH). In addition to evaluating new construction alternatives as part of the CON application, KCHC and NYSDOH must evaluate an architectural alternative that considers the feasibility of re-use of extant facility buildings for related health care purposes.

It should be noted, however, that because the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has determined that the subject property meets the criteria for inclusion in the National Register of Historic Places, the project is subject to review by OPRHP in accordance with the New York State Parks, Recreation and Historic Preservation Law, Section 14.09... OPRHP, DASNY and HHC representatives are currently engaged in the Section 14.09 consultation process for Phase II which includes the proposed demolition of Buildings F, L, M, and R. While Phase IV of the *Comprehensive Redevelopment Plan* includes the proposed demolition of Buildings AA, G, H, J, N, K-5, PRC, and UCC, it will occur on a portion of the site that is not part of the parcels associate with the Phase I and Phase II *ULURP* application currently before the City Planning Commission. Additionally, there are no preliminary or final design plans for Phase IV. Alternative re-use of the affected Phase IV buildings will be explored at a later date, most likely during the NYSDOH CON application process.

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 of the New York City Charter, that based on the environmental determination and consideration described in this report, the applications (C 980443 PPK and C 980444 POK) submitted by the Department of Citywide Administrative Services and the Deputy Mayor for Operations, pursuant to Section 197-c of the New York City Charter, for acquisition and disposition to the Dormitory Authority of the State of New York, and subsequent reacquisition and disposition to the Health and Hospitals Corporation, of property located at 451 Clarkson Avenue (Block 4829, Lot 1), Borough of Brooklyn, Community District 9, for continued use as a hospital, are approved.

The above resolution, duly adopted by the City Planning Commission on June 3, 1998 (Calendar No. 19) is filed with the Office of the Speaker, City Council, and the Borough President of Brooklyn in accordance with the requirements of Section 197-d of the New York City Charter.

JOSEPH B. ROSE, Chairman
VICTOR G. ALICEA, Vice-Chairman,
ALBERT ABNEY, ANGELA M. BATTAGLIA, AMANDA M. BURDEN, A.I.C.P.,
IRWIN CANTOR, P.E., KATHY HIRATA CHIN, Esq., ALEXANDER GARVIN,
ANTHONY I. GIACOBBE, Esq., BRENDA LEVIN, EDWARD T. ROGOWSKY,
JACOB B. WARD, Esq., Commissioners.

WILLIAM GRINKER, Commissioner, Recused.