

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KIT-YIN SNYDER AND RICHARD HAAS,

Plaintiffs,

Case No. 1:22-cv-3873

v.

**DECLARATION OF KERRI
CULHANE IN SUPPORT**

ERIC ADAMS, Mayor of the City of New York, in his official capacity, **THE CITY OF NEW YORK, NEW YORK CITY DEPARTMENT OF DESIGN AND CONSTRUCTION, NEW YORK CITY DEPARTMENT OF CULTURAL AFFAIRS, NEW YORK CITY DEPARTMENT OF CORRECTION, NEW YORK CITY PUBLIC DESIGN COMMISSION**

Defendants.

I, KERRI CULHANE, declare under penalty of perjury that:

1. I am an independent architectural historian with over twenty years of professional experience focused on the documentation, conservation, and restoration of architecturally and culturally significant buildings, structures, and sites. My particular specialty is the urban history of the immigrant neighborhoods of New York City’s Lower East Side, Chinatown, Little Italy, and the Bowery. This declaration is based upon my personal knowledge. If called to testify, I could and would testify competently to the facts contained herein.

2. I respectfully submit this Declaration in support of Plaintiffs’ motion, brought by order to show cause, for a temporary restraining order (“TRO”) and a preliminary injunction enjoining Defendants Mayor Eric Adams, the City of New York, New York City Department of Design and Construction, New York City Department of Cultural Affairs, New York City

Department of Correction and New York City Public Design Commission (“PDC”) (collectively, “Defendants”) from taking any actions to destroy, distort, mutilate and/or modify the long-standing works of visual art (the “Artwork”) installed by Plaintiffs Kit-Yin Snyder and Richard Haas (collectively, “Plaintiffs”) located at or around the Manhattan Detention Center, 124-125 White Street, New York, New York (the “MDC”) in violation of 17 U.S.C. § 106A (the “Visual Artists Rights Act”) and copyright law.

3. I hold a master of arts degree in architectural history with a focus on historic preservation and planning from Virginia Commonwealth University, and I am currently a PhD candidate in architecture at Bartlett, University College London. My doctoral thesis examines the spatial history of New York’s Chinatown and the roles immigration law and the economy have played in shaping Chinatown’s built environment from 1882 to the present.

4. In 2010, my nomination of Chinatown and Little Italy to the National Register of Historic Places was recognized by the New York State Office of Parks, Recreation, and Historic Preservation with the New York State Historic Preservation Award. To support this nomination, I undertook a building-by-building documentation of Chinatown and Little Italy’s built environment as well as an analysis of their socio-cultural history.

5. As an independent consultant, I am qualified as a historic preservation professional and architectural historian consistent with the United States Secretary of the Interior’s Professional Qualification Standards (36 CFR 61).

6. As an expert with particular knowledge of the history and significance of Chinatown, and of professional practice in cultural resources more generally, I am providing this affidavit *pro bono* in support of the Verified Complaint and the relief sought therein.

7. Throughout its history, from establishment in the 1870s to present, Chinatown has been a cultural home for the Chinese diasporic community of New York City and beyond, all while facing repeated threats of demolition, dispossession, and inappropriate development.

8. Chinatown's cultural character is linked with its architectural setting and context; its "sense of place" serves to preserve its unique and authentic culture, heritage, and living memory, and is also an economic driver that goes hand-in-hand with tourism, which has been critical to the Chinatown economy for 150 years.

9. Chinatown has been subjected to government actions that have had negative impacts, including the construction of the South Tower of the existing jail, located at 124-125 White Street and bordered by Centre and Baxter Streets.

10. The South Tower of the existing jail was unwanted due to its scale and the feeling in Chinatown of an incompatible use encroaching on the community. Over the objections of the community, it was nevertheless completed in 1983. Even before the South Tower was completed, the City proposed two additional jail buildings just north of White Street, between Centre, Baxter, and Walker Streets. After a major public outcry, during which Chinatown expressed its critical need for housing and commercial space, the City partially relented. It constructed one jail building (the North Tower) on a portion of this site north of White Street and leased the remainder of the site to the Chung Pak Local Development Corporation ("Chung Pak") for senior housing and retail, and also leased retail space in the North Tower to Chung Pak.

11. In addition, the City promised that White Street between Centre and Baxter Streets would be a pedestrian only public plaza space. The City commissioned Plaintiffs Kit-Yin Snyder and Richard Haas to create artwork for the plaza space, including decorative paving

elements and sculptures, as well as friezes and sculpture on the aerial walkway connecting the North and South Towers.

12. Through research conducted in the archives of the PDC, I discovered the original Percent for Art White Street Plaza plans and scope of work demonstrated Plaintiff Kit-Yin Snyder's intent to incorporate symbols of Chinese culture and folklore into the plaza as a gesture to the community. Materials from the Public Art Commission archives that show the design of the public plaza, a narrative description, and the approval of the Art Commission of the City of New York for the plaza are annexed hereto as **Exhibit A**.

13. The destruction and mutilation of Plaintiffs' Artwork represents the alienation of public space and threatens further erasure of Chinatown's unique character. The Artwork was meant to better integrate the existing jail into the Chinatown community; however, the City has already begun taking back the promises and commitments it made. For example, the City partially transformed the pedestrian plaza—what was intended to be a community asset—into a private parking lot for the Department of Corrections after the events of September 11, 2001. Bollards preventing vehicular access were removed and yellow lines were painted over Plaintiff Kit-Yin Snyder's artwork "Upright," a paving pattern located on White Street.

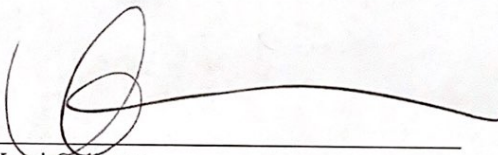
14. After conducting research in the PDC Archives in the spring of 2019, I contacted then executive director Justin Garrett Moore by email on June 19, 2019, inquiring whether the PDC was aware of the damage to the Artwork they had approved removal of and what was the recourse. I received no response. PDC records show that the Artwork was to be supported by a maintenance budget, yet now the City argues the Artwork is unsalvageable, suggesting a willful demolition by neglect.

15. I spoke of the importance of the Artwork to the community, to the history of Chinatown, and the pattern of abuse the community has experienced at the hands of the City during the April 2022 hearing held before the PDC regarding the plan to remove the Artwork (the "Removal Plan"). My comments were disregarded and the PDC approved the Removal Plan anyway.

16. The community, as well as the artists, will be irreparably harmed if Defendants are permitted to continue with the Removal Plan and the Artwork is destroyed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 3rd day of May 2022



Kerri Culhane