

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: MAY 28, 2019

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	35 In Favor	0 Opposed	0 Abstained	1 Recused

RE: Borough Based Jail System Plan & Manhattan Detention Center Complex
Uniform Land Use Review Procedure (ULURP) Applications

WHEREAS: In 2016 the New York City Council created the Independent Commission on New York City Criminal Justice and Incarceration Reform, chaired by former New York Court of Appeals Chief Judge Jonathan Lippman (the Lippman Commission), to study conditions and possible reforms in the City’s criminal justice system and particularly the jails of Rikers Island; and

WHEREAS: The Lippman Commission issued its report in March 2017, entitled *A More Just New York City*, which among other things called for “reforms at multiple stages of the criminal justice process: arrest, arraignment, case processing, and sentencing” to reduce the daily jail population to less than 5,000. The Lippman Commission’s report concluded that, with those reforms and the resulting reduction in the daily jail population, the City should phase the full closure of Rikers Island over 10 years while “developing state-of-the-art jails in each of the five boroughs with a much smaller system bed capacity.” Specifically regarding “Community Involvement,” the Lippman Commission’s Report advised, “Conversations with local communities concerning potential locations for the jails must begin early and the City must ensure that the process is as fair, transparent, and responsive to community concerns as possible. The new jails should be integrated into their surrounding neighborhoods, both in terms of design and uses;” and

WHEREAS: Mayor Bill de Blasio announced at that time that New York City would commit to closing Rikers Island within 10 years, on the assumption that the population of incarcerated individuals could be reduced to 5,000, but the commitment offered no detailed plans; and

WHEREAS: On February 14, 2018, the Mayor announced plans to build a system of borough based jails (BBJs) in each borough except Staten Island in place of Rikers, including a “new, modified or renovated” facility at the site of the existing Manhattan Detention Complex (MDC) at 125 White Street. In an August 15, 2018 follow-up announcement, the Mayor revealed publicly, for the first time and without explanation, that the City changed the Manhattan site selection to 80 Centre Street; and

WHEREAS: Manhattan Community Board 1 (CB1), jointly with Manhattan Community Board 3 (CB3) which includes the Chinatown neighborhood directly East of the proposed 80 Centre Street site, held a public meeting on September 6, 2018 at 1

Centre Street where administration officials presented their BBJ plans and community board members and the public posed questions and comments;

WHEREAS: The City began the legally-required environmental review process, including scoping meetings and a public hearing to identify potential environmental impacts from the planned BBJ project, and the City extended the comment period for the draft scope of work for the environmental impact statement until October 29, 2018; and

WHEREAS: CB1 adopted a resolution dated September 25, 2018 (copy attached), objecting to the administration's "opaque site selection and lack of community input" for the 80 Centre Street site and calling for a "renewed process to look at a variety of sites that serve both the local community impacted and satisfy the goals of an improved justice system"; and

WHEREAS: Following the community's outcry and what the administration characterized as "challenges associated with relocating various offices at 80 Centre Street," the City announced on November 28, 2018 its intention to return to earlier plans to build the Manhattan BBJ at the site of the existing MDC at 124-125 White Street. The City, however, did not conduct a further scoping meeting or public hearing with regard to the different site selected; and

WHEREAS: The South tower of the MDC, known as the "Tombs," forms part of the Manhattan Criminal Courts Building, built by Wiley Corbett and Charles B. Meyers in 1938-1941, and is a NYC Landmark eligible and NY State Registry eligible building; and

WHEREAS: The City issued a Draft Environmental Impact Statement (DEIS) in March 2019, which identified the proposed facility at 124-125 White Street as consisting of a single-tower facility with approximately 1.27 million gross square feet, built to a maximum zoning height of 450-feet tall using a design-build project method; and

WHEREAS: The NYC Department of Correction (DOC), the Mayor's Office of Criminal Justice (MOCJ) and the NYC Department of Citywide Administrative Services (DCAS) as co-applicants submitted to the New York City Department of City Planning (DCP) two Land Use Review Applications (the "Applications")¹ dated March 18, 2019: one a systemwide Application related to the creation of a BBJ system and selection of the four borough sites, and the second a Manhattan-specific Application for actions requested to create the Manhattan BBJ site; and

WHEREAS: These Applications are procedurally unprecedented as this is the first design-build project to go through the ULURP process. Since this is a proposed design-build project, the Applications have much less information and detail than is customary during the ULURP process. Therefore, CB1 has been tasked with evaluating and making recommendations on a significantly impactful

¹ The co-applicants submitted to DCP additional borough-based applications for specific actions related to proposed sites in Queens, Brooklyn, and the Bronx. Those borough-specific applications are not before CB1 as an affected community board.

proposal and has been provided only information up to the maximum possible building envelope; and

WHEREAS: The systemwide Application describes the BBJ proposal as a system to “provide approximately 5,748 beds to accommodate an average daily population of 5,000 people, while allowing space for population-specific housing requirements, such as those related to safety, security, physical and mental health, among other factors, and fluctuations in the jail population.” The systemwide Application includes a “Fair Share Analysis,” dated March 28, 2019, which among other things regarding the Manhattan site states that “the Community District’s 26.6 bed/population ratio (per 1,000 population) for correctional facilities is ranked second-highest in the city and exceeds the citywide ratio (2.1).” The systemwide Application requests the following land use actions for the overall BBJ project:

- A public facility-site selection to approve the siting of the four BBJs, and;
- A zoning text amendment to create a new special permit for borough-based jails to allow modification of zoning regulations related to ground floor use; bulk, including an increase in floor area ratio (FAR) related to courthouse and prison use; and accessory and public parking and loading;
- However, the city has not adequately explained how the average daily prison population can consistently be maintained at a maximum of 5,000 people

WHEREAS: The Manhattan-specific Application describes the proposed project and “preliminary illustrative design,” and it requests the following land use actions the co-applicants claim are necessary to facilitate the Manhattan BBJ:

- A special permit to modify the existing commercial FAR from 10.0 to a total of 13.12 FAR;
- A special permit to modify the existing height requirement, existing 85-foot base setback requirement, and existing sky exposure plane regulations to allow for a maximum base above street level (without setbacks) to between 449.10 and 453.43 feet and an overall maximum building height of 489.10 to 493.43 feet;
- A modification of loading regulations (which require four loading berths) to allow for only two loading berths;
- A City map change narrowing the street right-of-way of White Street from 50 to 35 feet and eliminating, discontinuing and closing a volume of a portion of White Street above and below vertical limiting planes, and;
- An acquisition by DCAS of leases for approximately 6,300 square feet of space in MDC North held by Walker Street-Chung Pak Local Development Corporation.

WHEREAS: DCP certified the Applications for public review on March 25, 2019 and provided notice to CB1 as an affected community board; and

WHEREAS: CB1 notified the public of the Applications and held a public hearing on April 8, 2019, beginning at 6:00 p.m., at the Southbridge Towers Community Room at 90 Beekman Street in Manhattan, where over 150 people attended and dozens of members of the public spoke against or in favor of the Applications; and

WHEREAS: CB1 also received and reviewed hundreds of pages of written comments and testimonies from various organizations and members of the public, both in favor of and against the Applications; and

WHEREAS: Manhattan CB3, which covers the Chinatown neighborhood directly East of the proposed 124-125 White Street site, adopted a resolution on April 23, 2019 which set forth numerous “recommendations [that] must be incorporated into the proposal for the Manhattan detention facility at 124-125 White Street.” CB3’s resolution enumerated many concerns regarding the scale and capacity of the project, its impact on seniors and other residents in the area, impacts to small businesses, construction impacts, eventual community benefits, *etc.*, and CB3 offered thoughtful recommendations for ensuring that all recommended mitigations are realized; and

WHEREAS: According to news reports in early May 2019, the administration promised to further reduce the size of the four proposed BBJs owing to state-level criminal justice reforms, including bail reform and expected parole reforms, which the City predicted will further reduce the jail population figures and therefore require less space in the detention facilities; and

WHEREAS: CB1’s Land Use, Zoning and Economic Development Committee held a public meeting at the offices of the Manhattan Borough President on May 13, 2019, beginning at 6:00 p.m., during which the Committee reviewed the Applications and discussed various concerns and issues. Representatives from the co-applicants presented at the meeting and confirmed the news that the City expected further downward adjustments in the jail population projections, but they were unprepared to expand on what that news might mean, generally or specifically, for any reductions in the size, bulk and height of the proposed Manhattan BBJ. After discussion of the Applications, the Committee voted to adopt the recommendations set forth in this resolution; and

WHEREAS: CB1 thereafter held a public meeting at the Borough of Manhattan Community College on May 28, 2019, beginning at 6:00 p.m., during which the full board of CB1 reviewed the Applications and voted to adopt the recommendations set forth in this resolution; now

THEREFORE
BE IT
RESOLVED

THAT: While CB1 supports the goals of criminal justice reform and the conclusions of the Lippman Commission’s report, for the reasons set forth above and below, pursuant to Section 197-c(e) of the New York City Charter and Section 2-03(f) of

the ULURP Rules promulgated by the NYC City Planning Commission (CPC), ***CB1 recommends the CPC disapprove the Applications unless the following modifications and conditions are satisfied:***

- CB1 is on record objecting to the administration’s “opaque site selection and lack of community input” for the Manhattan BBJ project, and CB1 continues to believe the administration should reconsider its selection of the Manhattan site in conjunction with a process of meaningful community engagement on site selection;
- CB1 believes the Applications should be withdrawn in light of recent news of significant reductions in the projected daily jail population, as confirmed by the co-applicants at the Committee’s meeting, and the projects (and resulting ULURP applications) should be refiled with a reduction in the requested modifications for allowed FAR, height, base and setback requirements, and sky exposure plane regulations;
- As the City’s “Fair Share Analysis” states, this community’s bed-to-population ratio “is ranked second-highest in the city and exceeds the citywide ratio,” meaning that any further reductions in the projected daily jail population must be spread more fairly to other facilities, including by establishing a facility in the borough of Staten Island, thereby reducing the need for an over-zoned facility in Manhattan;
- The City must present an alternative proposal which analyzes razing and replacing only the MDC North tower, while keeping the MDC South tower of the four-tower Manhattan Criminal Court Complex intact with interior renovations for MDC South. This alternative would allow for the called-for reduction of size, reduction of anticipated significant environmental impacts, and preservation of the historic architectural complex of the Manhattan Criminal Courts;
- CB1 believes the Manhattan BBJ project as currently proposed is grossly out of scale, being more than 30% bigger and bulkier than the zoning allows, and any design for the proposed Manhattan BBJ site should respect the current C6-4 zoning and character of the surrounding area by recognizing a minimum of 30-40% reduction in bulk with no modification of existing base and setback requirements. While the proposed height would be allowed under the current zoning, CB1 believes that it should also be significantly reduced in order to be more in context with the surrounding built environment;
- The City must establish and show precedent for the proposed action of reducing the required loading berths from four to two, including demonstrating in the Applications exactly how only two loading docks can accommodate the needs of a 1.27 million square-foot facility with over 1,000 detainees and hundreds of staff and service providers in any given shift and indicating how sanitation and sidewalk parking violations can be mitigated and prevented in an area where, currently, sidewalk parking by

DOC transport busses and staff vehicles is rampant;

- The proposed City map action to narrow any width of White Street should be rejected because this important view corridor and connection between Tribeca/Civic Center and Chinatown will otherwise be further overshadowed by the bulk of the surrounding building and overhead walkway, effectively making the proposed pedestrian open space a tunnel and not an open-air walkway;
- The proposed compensating amenities to the community from these adverse land use actions are insufficient and are not particularized in any specific way. They must be further discussed and concretely enumerated and agreed, memorialized in writing, and guaranteed by a written instrument signed by a City official with the ability to bind the co-applicants and the administration;
- The City must establish a task force to more closely study the precise environmental, landmark/historic preservation, archaeological, and business displacement impacts of the proposed Manhattan BBJ project and report the findings and recommendations of the task force to CB1 and the public at large;
- The City must define and document how the proposed design-build delivery will allow for required oversight, assuring qualitative urban planning and architectural design for a project of this scale and complexity. If design-build is found to be an acceptable approach, then the City must establish a post-ULURP process for review and input by CB1 of the specific building and site designs, demolition and construction mitigation plans, and environmental impact and mitigation plans;
- The City must define and document how its “guiding urban design principle” of “neighborhood integration,” according to the Applications, is being achieved;
- The City must adopt, with ongoing community input, a robust plan approved by the community pre-demolition to protect the residents of the Chung Pak senior housing facility, the children and families utilizing the Chung Pak Day Care Center, and other patrons of the Chung Pak community facilities abutting the South building of the current MDC during demolition and construction;
- The City must establish a community advisory board or council, which must reflect a fair and true cross-section of the neighboring communities, to represent the communities immediately adjacent to the proposed Manhattan BBJ site and to provide consultation and feedback on the design, construction, post-construction operations and community space programming of the Manhattan BBJ site; and

- The City must provide a detailed analysis of the costs and timing involved in the completion of this proposal.