

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.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: MARCH 24, 2020

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	9 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Borough Based Jails and Manhattan Detention Complex

WHEREAS: In May 2019 Manhattan Community Board 1 (CB1) adopted a resolution regarding the Borough Based Jail System Plan & Manhattan Detention Center Complex Uniform Land Use Review Procedure (ULURP) applications. The CB1 resolution recommended that the City Planning Commission (CPC) disapprove the applications unless a series of recommended modifications and conditions were satisfied (see attached); and

WHEREAS: In March 2020 CB1 received an update on the Borough Based Jails/Manhattan Detention Complex project at the Land Use, Zoning & Economic Development Committee. Representatives attended from the Mayor's Office of Criminal Justice, the NYC Department of Correction, the NYC Department of Design & Construction and the Mayor's Community Affairs Unit; and

WHEREAS: Many issues were raised at the March 2020 meeting, particularly surrounding issues of transparency and communication related to the Borough Based Jails, specifically the Manhattan Detention Complex project. This is highly problematic because this is the first design-build project to go through ULURP and most project decisions will be made after ULURP has concluded. During ULURP review, the City promised a transparent, communicative and collaborative process after the conclusion of ULURP, but that has yet to come to fruition; and

WHEREAS: For instance, the City organized a design workshop for the Manhattan site that was held on February 11, 2020. Though the City reportedly spent \$20,000 on the workshop, the City's pre-workshop outreach effort failed and the attendees included only about 13 members of the community; and

WHEREAS: In fact, members of the community-based organization Neighbors United Below Canal (NUBC) specifically emailed City representatives before the February 2020 workshop, asking to be added to future correspondence about potential design workshops, which a representative in the Mayor's Community Affairs Unit specifically acknowledged and represented the City would do. Despite the request and the City's promise, the City never notified NUBC of the February 2020 design workshop; and

WHEREAS: While CB1 received an invitation to the workshop, it was not noted that the public was welcome to attend and there was no follow-up or coordination from the City to share the invitation and conduct outreach; and

WHEREAS: Though the City acknowledged that the February 2020 design workshop went poorly and that outreach failed, the City does not plan to host a replacement workshop; and

WHEREAS: City representatives have stated that a technical memo is being submitted for an amendment to the ULURP that would move the previously approved Baxter Street curb cut to Centre Street, and that, as long as there are no adverse effects according to the Final Environmental Impact Statement, the CPC can approve this change. Members of CB1 and the public expressed great concern over any amendments to the ULURP after it has been approved; now

THEREFORE

BE IT

RESOLVED

THAT: CB1 has critical concerns of transparency and engagement as it relates to the Borough Based Jails/Manhattan Detention Complex project which have only been intensified given the fact that these issues persist after continuous reassurance by the City that a plan will be put in place and these problems will be resolved. We urge the City to accommodate these requests:

- 1) The City must provide CB1 with answers to all unfulfilled points raised by CB1's May 28, 2019 resolution regarding the Borough Based Jails/Manhattan Detention Complex project.
- 2) The February 11, 2020 design workshop must be reheld in a way that truly engages the local community. The City must work with CB1 and neighborhood organizations to maximize local input on the Manhattan Detention Center project.
- 3) The City must establish a singular point of contact for the community who can liaise between the numerous involved agencies to act as a single, consistent stream of information.
- 4) The City, and its project representative / manager AECOM, should utilize neighborhood based organizations to help with outreach and streaming information. At a minimum, this outreach cannot exclude any community person or organization who specifically requests to be consulted, such as in the NUBC example noted above.
- 5) The City should establish a calendar of public community engagement meetings, preferably monthly, with the community and heads of the relevant City agencies involved in the project, so as to avoid the City missteps in transparency and communication which have plagued this project since the beginning, but especially now post-ULURP. CB1 urges the City to post notices of these meetings *via* social media, including through social media accounts of local elected officials, and *via* press release to local news publications in multiple languages. CB1 further urges these public meetings to be livestreamed and recorded by audio-visual means made available to the public.
- 6) The City should also establish a public-facing web page that contains all relevant information, including at a minimum, full access to the project's designs and a calendar with the project schedule, upcoming steps and milestones, and community engagement dates and opportunities (including the above-mentioned public engagement meetings).
- 7) Any Technical Memo or amendment to the ULURP must be brought before CB1 so that it may be publicly reviewed by the community before going to CPC for a decision.
- 8) The City should regularly report back to CB1 on the status of unfulfilled community requests, including those within this resolution and within the original May 2019 resolution.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 21, 2021

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	12 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	40 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Manhattan Detention Complex Construction Update & Sally Port Public Design Commission Application

WHEREAS: A Public Design Commission application is before Manhattan Community Board 1 (CB1) for an interim sally port at the Manhattan Criminal Courthouse building at 100 Centre Street; and

WHEREAS: The applicants have stated that the sally port is required to continue transporting detainees to court during the demolition of the existing detention facility, and construction of the new detention facility. The interim sally port is anticipated to be in place until 2027 when the new detention facility is completed; and

WHEREAS: In the interim facility, the buses will back into the sally port. The buses will release the people in custody who will be taken by ramp into the court building; and

WHEREAS: The sally port's proposed location is directly in front of the north tower of the New York Criminal Court Building, a NYS National Registry eligible building, determined to merit Landmark review by the NYC Landmarks Preservation Commission in 2019. The sally port is where people in custody are taken into the building and the sally port will get them from drop-off into the facility itself; and

WHEREAS: The sally port will also contain a bail payment center in order to fulfill a legal requirement for citing this service within ½ mile from the courthouse ; and

WHEREAS: The materials will be primarily metal panel and glass. The glass has a privacy film on it for discretion during bail payment. The metal panels are specifically chosen to work with granite at the base of the existing facility. The glass itself has a Level 3 ballistic rating; and

WHEREAS: The interim sally port is planned to be constructed prior to the start of demolition of the existing detention facility; and

WHEREAS: The sally port will extend 29' onto the sidewalk and leave 13' of clearance. CB1 members and members of the public have expressed great concern over the significant loss of sidewalk space due to the sally port, but also maneuvering space for vehicles coming in and out of the sally port. Detailed information was not provided to CB1 regarding how many vehicles will be entering and exiting

per day, how much space will be needed for vehicles to maneuver, and if/what vehicular safety measures would be implemented, or how the project will be implemented in the context of the ongoing work across Centre Street. There is concern over both the loss of space for pedestrians, and also the safety of pedestrians; and

WHEREAS: The proposed sally port is 16'-11" high and will obscure a portion of the north entry to the Criminal Court, the windows on the ground level of the north tower and will incorporate over a 1/4 of the of the interior space in the north entrance hall to the court;

WHEREAS: Detailed architectural drawings were not provided to CB1 in advance. Some architectural drawings were shown during the meeting upon request. During the 12/13 Land Use, Zoning & Economic Development Committee meeting the applicants agreed to send CB1 the architectural drawings that they could after a vetting for security, but they were not received by CB1 until 90 minutes before the full board meeting on 12/21, giving members no time to review the updated materials before voting on this proposal; and

WHEREAS: CB1 and community members have expressed that the presentation and materials provided for review in connection with this PDC application are woefully incomplete and do not provide enough information to comment on the application at this time. The presentation to the community included no architectural site plan, architectural floor plan or architectural details; and

WHEREAS: Additionally, CB1 and members of the public also expressed that they are not equipped to comment on the PDC application for the sally port without having information on the demolition of the detention facility as there will be further obstructions and impacts on the sidewalk and immediate area; and

WHEREAS: CB1 members and members of the public did not support the design of the interim sally port itself, noting that it was "bland," "sad" and "depressing," and that in no way respected the context and beauty of the criminal courthouse that serves as its backdrop; and

WHEREAS: Members from the public, including residents, business owners and community organizations, reported that no outreach has been done among the community regarding the plan for the interim sally port or broader demolition plans; and

WHEREAS: The presentation did not include information on ADA access for detainees and family members, or for the bail payment center; and

WHEREAS: This proposal is in violation of the Borough Based Jails Points of Agreement (POA) section on preservation of sidewalk and trees; and

WHEREAS: At this time, applicants plan to go to PDC for review on January 18, 2021; now

THEREFORE

BE IT

RESOLVED

THAT : CB1 urges PDC to delay taking action on this application until the applicant returns to CB1 with a full presentation including details on design, vehicular use and impacts from demolition. If PDC chooses to proceed with this application, CB1 urges PDC to reject the application based on the overwhelming opposition expressed by the community at this stage of review; and

BE IT

FURTHER

RESOLVED

THAT: If the application is not delayed to satisfy the above request, in the absence of full information needed in order to consider and opine on this PDC application, CB1 fully opposes the proposal for the interim sally port.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: DECEMBER 21, 2021

COMMITTEE OF ORIGIN: NEW BUSINESS

BOARD VOTE: 39 In Favor 0 Opposed 1 Abstained 0 Recused

RE: Public Design Commission Application for Preserving Existing Art at Manhattan Detention Complex Site

WHEREAS: A Public Design Commission (PDC) application is before Manhattan Community Board 1 (CB1) for the Manhattan Detention Complex (MDC) Artwork Removal Plan; and

WHEREAS: The dismantling of the existing MDC facility is expected to begin in 2022 and be completed by mid-2023. The new facility design/construction is expected to begin in the first quarter of 2023 and be completed in 2027; and

WHEREAS: There are seven pieces of public art that are part of the existing MDC facility:

1. Solomon's Throne - Kit-Yin Snyder (1992): Sculpture on roof of pedestrian bridge
2. The Seven Columns of the Temple of Wisdom - Kit-Yin Snyder (1992): Seven sculptures on terrace and sidewalk
3. Pavement Design (Upright) - Kit-Yin Snyder (1992): Paving pattern on White Street
4. Immigration on the Lower East Side of New York - Richard Haas (1989-1997): Seven painted mural panels on second story of building exterior
5. The Judgements of Solomon and Pao Kung - Richard Haas (1989): Four cast cement relief medallions at exterior corners of pedestrian bridge
6. Enlightenment - Rene Chambellan (1940): Cast bronze relief panel
7. Arms of the City of New York - Rene Chambellan (1940): Cast bronze relief panel

WHEREAS: In 1982, Local Law 65, the Percent for Art Law was passed, which states that 1% of the capital funds appropriated for newly constructed or reconstructed City-owned buildings or sites must be allocated for works of art; and

WHEREAS: Some of these existing artworks are in poor condition. Regarding the Kit-Yin Snyder piece Pavement Design (Upright), viewing the artwork is impeded by parked cars and yellow spray painted demarcations, and there are missing pavers. The design is compromised by non-conforming pavers throughout and pink

pavers are randomly scattered among gray pavers outside of the original artwork design; and

WHEREAS: The piece by Richard Haas, Immigration on the Lower East Side of New York, is fading, damaged, and flaking paint. There is also atmospheric soiling, some staining, some hairline cracks and some concrete spills and damage from tree abrasions; and

WHEREAS: Also, by Richard Haas, the piece titled Judgements of Solomon and Pao Kung has faded paint, grime and biological growth, staining, and peeling caulk; and

WHEREAS: Of the Rene Chambellan pieces, the bronze Arms of the City of New York has been painted over with dark paint. With the Enlightenment piece, oxidation on bronze surface has created a greenish patina; and

WHEREAS: The artwork removal planning and review process entails: archival research and documentation, consulting with artists, consulting with art conservator investigators, review by the Community Board, and finally review and determination by the Public Design Commission; and

WHEREAS: The proposed artwork removal and storage plan involves removing and storing the five artworks that can be removed from the site intact and reinstalled later, as part of the new Borough Based Jails (BBJ) Manhattan site, or at a suitable alternative location. These five pieces include: Solomon's Throne, The Seven Columns of the Temple of Wisdom, The Judgements of Solomon and Pao Kung, Enlightenment, and Arms of the City of New York; and

WHEREAS: The applicants propose that the remaining artworks, Immigration on the Lower East Side of New York, and Pavement Design (Upright), are thoroughly documented and deaccessioned; and

WHEREAS: The applicants have stated that after consideration, the removal and reinstallation of the Immigration on the Lower East Side of New York mural in its current form was determined not to be feasible due to the following reasons: the material is brittle and cannot be detached without breaking it, removal would require extracting the entire building wall assembly, the size and shape of the mural panels limits the adaptability of the panels to other spaces, there is significant potential for damage or destruction of the mural during attempted extraction, the cost would be significantly more than the artwork after removal, and, in consultation with the artist or artist's estate, it was determined that the design could be recreated by others again in the future; and

WHEREAS: The applicants have stated that after consideration, salvage of the pavers that make up the existing Pavement Design (Upright) installation is not proposed for the following reasons: the materials used to create the design are standard, are of

little value on their own, and were not created by the artist; the pavers are in poor condition overall; the City is in possession of the artist's original design drawings with dimensions and in consultation with the artist or the artist's estate, the design could be recreated in the future; and the artist supports reproducing the design in new materials instead of salvaging the existing pavers; and

WHEREAS: The timeline for new Percent for Art artworks involves: meeting with the Community Board, temporary artwork to include the community, first artist-selection panel to select artists, second artist-selection panel to review proposals, and presenting the selected proposal to the Community Board; and

WHEREAS: PDC Preliminary review of artwork removal and storage proposal is expected to occur December 2021 - January 2022. Artwork removal is expected to take place between January - April 2022. The selected Design-Builder's conservator will be responsible for managing the careful removal, crating and labeling of the pieces approved for salvage and overseeing their transport to storage. Between 2022-2027, the artworks will be stored in custom crates inside of a shipping container on City property on Rikers Island. Between 2023-2027, the City will consider opportunities for reinstalling some or all artworks on site or at alternative locations, and new artworks will be commissioned for the facility through the Percent for Art Program. In 2027, artworks approved by PDC for reinstallation will be cleaned and restored by professional conservators before being installed at the new Manhattan facility or at an alternative location; and

WHEREAS: Because this project is being built under a design-build model, there is not yet a design for the building. While conceptual guidelines have been prepared, the City is in the process of procuring teams that will ultimately design and construct the facility. The design-build process presents major challenges, as it is impossible to consider segments of the plan like this without the larger context of the dismantling process or information on design and programming of the future building; and

WHEREAS: The applicants have stated that the term "dismantle" is being used intentionally as opposed to "demolish," as the dismantling will be a slower, floor-by-floor process in an enclosed environment that minimizes noise and dust and will recycle as many materials as possible. The applicant team has offered to attend a January CB1 meeting to present the specific dismantling plans; and

WHEREAS: There was resounding response from both Community Board members and the public that there has been insufficient engagement and notice surrounding the plan for the art, and the broader plans for dismantling which are inextricably linked, and that it is not possible to comment on segmented pieces of this project without full contextual knowledge of all components and how they work together; and

WHEREAS: CB1 understands that there are only two Percent for Art art pieces in Chinatown, and that they will be removed via the proposed project; and

WHEREAS: Kim Snyder, daughter of artist Kit-Yin Snyder, attended CB1's December 2021 full board meeting to provide a statement including the following: Artist Kit-Yin Snyder was contracted for her art pieces in 1987 for the new detention facility. Kit-Yin Snyder has been greatly saddened that the public artwork she created is soon to be dismantled and the possibility that it won't be incorporated in the newly designed building. She spent many years designing, building and installing the sculpture. The artworks create a spatial and thematic environment for the site as well as a bridge between different communities. The pavement artwork has been "butchered" by the parking lot. It is unclear if the art pieces will be worked into the new facility, but it is their hope that it will be; and

WHEREAS: Artist Richard Haas also attended the December 2021 full board meeting. Mr. Haas said that both he and Kit-Yin Snyder are upset and saddened by the loss of the art. Also, he does not want to see his art end up in a parking lot, or on Rikers Island in storage; and

WHEREAS: CB1 is deeply disheartened by how the art has been neglected and left to deteriorate. Or in the case of Pavement Design (Upright), actively destroyed by parking lot use; and

WHEREAS: More time is needed for engagement with those within the facility, those who work and utilize the facility, residents and community groups to assess what the purpose of the art is, and whether it fits the new proposed facility; and

WHEREAS: More discussion is also needed to review and consider whether the exterior architectural sculptural panels by Rene Chambellan on the north tower of the Criminal Court Building (the Tombs), a building which is eligible for Landmark status, must be removed; and

WHEREAS: Applicants have indicated that they plan to go to PDC for review on January 18, 2021 and have thus far declined to delay the project in order to pursue more engagement. Overwhelming sentiment among Community Board members and the public is that this project is being rushed through and that there has not been sufficient engagement; now

THEREFORE
BE IT
RESOLVED

THAT: For these reasons, CB1 opposes the proposal for art at the Manhattan Detention Complex site as presented and requests the following:

- 1) This project must be paused until the community has ample opportunity to review and understand the various plans related to the dismantling and rebuild of the jail facility, and to consider these art pieces and where they should go.
- 2) The “dismantling” process has been described as being a slow and intentional process meant to minimize disruption and potential damage, yet no plans have been provided as to how this will be accomplished. Consistent with this interest in “dismantling”, CB1 urges that none of the art should be destroyed, and there should be maximum preservation and restoration of the art.
- 3) The artists should be considered, deeply involved in the process and integral to any decision-making.
- 4) Art installed in the new site should be maintained and not disrespected by future use. CB1 requests a plan on how art installed in the new facility will be maintained and preserved.
- 5) If relocated, the art should remain in the immediate community.
- 6) CB1 requests more specificity on where/how the art will be stored, how the art will be protected while in storage, and whether the amount of time in storage can be reduced.
- 7) CB1 requests a review of whether the art can be used currently on different sites, and what those sites are.

COMMUNITY BOARD 1 – MANHATTAN
RESOLUTION

DATE: JANUARY 25, 2022

COMMITTEE OF ORIGIN: EXECUTIVE

COMMITTEE VOTE:	12 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	0 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	41 In Favor	0 Opposed	0 Abstained	1 Recused

RE: Borough Based Jails/Manhattan Detention Complex

WHEREAS: Community Board 1 (CB1) voted unanimously to disapprove the Borough Based Jail (BBJ) Plan and Manhattan Detention Complex (MDC) application during the ULURP review on May 28, 2019 ([see resolution here](#)); and

WHEREAS: CB1 calls for an immediate pause on funding and work on the proposed demolition of the existing MDC at 124 and 125 White Street, and a pause on funding and work on the design-build plans to construct a 777,000 gross sq ft, 295 foot high tower for a new jail at this site; and

WHEREAS: The Lower Manhattan community accepts the closing of Rikers Island and has long accepted the location of the Manhattan Detention Complex, a city jail and the Metropolitan Correctional Center, a federal prison in the heart of our Civic Center/Chinatown neighborhood. This call to pause is not a call to relocate the jail. Rather, it is a call for this new administration to create time in which to reevaluate what we have long believed to be a deeply flawed and incomplete plan; and

WHEREAS: CB1 strongly believes the portion of the estimated \$8.3 billion BBJ budget earmarked for the demolition of the existing MDC and the construction of a new 30 story jail in Lower Manhattan is egregiously wasteful, and is in fundamental contradiction to the Lippman Commission's Report advocating for smaller and more humane buildings for detainees across the city; and

WHEREAS: CB1 believes the current BBJ plan in no way addresses the root problems which afflict detainees at Rikers Island and the existing city jails. Without incorporating plans to address these critical issues and without considering all alternatives, there is no way to assess whether this enormous expenditure is the best use of public funds to advance the needed reforms in criminal and social justice; and

WHEREAS: CB1 urges our new Mayor, Eric Adams, to consider alternatives that assure that a large part of this estimated \$11 billion BBJ jail budget be spent on critically needed mental health services, job training, after school programs and affordable

housing in Lower Manhattan that are closely aligned with the new administration's laudable commitment to criminal and social justice reform and environmental sustainability; and

WHEREAS: CB1 continues to strongly oppose the demolition (now imminent) of the north tower of the New York Criminal Court, (the south tower of the "Tombs") which is a NYC Landmark eligible and NY State Registry eligible building. CB1 urges that any and all alternatives to preserve and renovate the tower be carefully reviewed with robust community engagement prior to allowing for its demolition; and

WHEREAS: There has been woefully insufficient public engagement on this proposal with many questions left unanswered, and requests for information unfulfilled. Certain requests for information pertaining to BBJ contracts and RFPs have needed to be subject to FOIL requests, and there have also been discrepancies and inaccuracies in certain presentations and exchanges; and

WHEREAS: To date, almost none of the ULURP recommendations put forth by former Manhattan Borough President Gale Brewer in July 2019 have been met, including: promised monthly multi-lingual meetings with the community; requests for review of schematic plans of the new jail; review of alternatives showing potential adaptive re-use of the existing MDC; alternatives showing the safeguarding of the north tower of the landmark eligible Criminal Court building; the review of using city and federally owned buildings near the existing MDC (such as 137 Centre Street and 2 Howard Street) to fulfill any of the jail's current programming requirements; and

WHEREAS: On December 31, 2021, an article was published in the *New York Times* titled 'Behind the Violence at Rikers, Decades of Mismanagement and Dysfunction'¹ which detailed the rampant corruption, dysfunction and management at the Rikers Island correctional facility. CB1 is extremely concerned about the prospect of spending billions of dollars on new correctional facilities, only to transplant existing problems with the Department of Corrections (DOC) culture into the new facilities. In the reconsideration of this plan, the City must incorporate plans for reform and training programs for DOC Correctional Officers as well as judiciary and other reforms that will reduce the numbers of detainees and their incarceration time before the BBJ plan is finalized and implemented; and

WHEREAS: To date, no design review has been done reflecting any new vision of incarceration, nor sufficient plans developed on how to protect the community from the substantial adverse impacts that are confirmed in the Environmental

¹ Ransom, J., & Pallaro, B. (2021, December 31). Behind the Violence at Rikers, Decades of Mismanagement and Dysfunction. *New York Times*. Retrieved January 21, 2022, from <https://www.nytimes.com/2021/12/31/nyregion/rikers-island-correction-officers.html>.

Assessment and Impact Statements and the recent environmental probe reports for the proposed demolition of the two existing towers and the construction of the new jail; now

THEREFORE
BE IT
RESOLVED

THAT: CB1 urges Mayor Eric Adams to take immediate action to put the proposed demolition of the MDC and the proposed construction of a 30- story jail at 124-125 White Street on pause. Given that the City remains in the throes of this historic pandemic, it is essential to allow time for City officials and the public to further review the proposed BBJ proposal, estimated to cost NYC taxpayers an estimated 11 billion dollars, until the following is provided:

- Projected daily jail population analysis and evaluation of updated potential detainee population reduction.
- The City's "Fair Share" analysis is reviewed again to consider a more equitable spread to other facilities, including establishing a facility in the borough of Staten Island, reducing the need for an over-one facility in Manhattan.
- Alternative proposals requested by CB1 and CB3 in March 2019 which show the cost-benefit analysis of razing and replacing 124 White Street and renovating the north tower of the Criminal Court complex (at 100 Centre Street) preserving its exterior (a city-eligible landmark), and an alternative showing the use of neighboring city or federal owned properties if additional space is confirmed to be required.
- Opportunity for community to review and provide input on specific building and site designs, complete demolition and construction mitigation plans and environmental impact mitigation plans.
- Updated traffic study which includes accurate current street conditions and impacts of congestion pricing.
- Plan of what occurs if after demolition, hazardous materials are found such that the site will be designated a Brownfield site.

And that the following promised documents are provided to CB1 immediately:

- Original RFP
- Pre-Construction Plan
- Environmental Remedial Action Plan, including specifics on how asbestos and lead abatement will be addressed, and a plan on how the underground 10,000 gallon diesel fuel tank will be removed and remediated
- Community Air Monitoring Plan
- Construction Health Plan
- Construction Waste Plan
- Evacuation plan in case of emergency and accident (as occurred when the crane fell on Worth Street in 2016)

- Demolition plan submission provided to the Department of Building, now pending approval
- Breakdown of capital costs of entire proposal (demolition and construction) in today's dollars, and cost of renovation of existing buildings (as compared to demolition and construction)