

Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
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INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Applications: C 190340 ZSM, C190341 PQM, C 190333 PSY, C 190252 MMM

Docket Description:

C 190340 ZSM

IN THE MATTER OF an application submitted by NYC Department of Correction and the Mayor's Office of Criminal Justice pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-832 of the Zoning Resolution to modify:

- a. The floor area ratio requirements of Section 33-10 (Floor Area Regulations);
- b. The height and setback requirements of Section 33-40 (Height and Setback Regulations);
- c. The loading berth requirements of Section 36-60 (Off-Street Loading Regulations);

to facilitate the construction of a borough based jail facility, on property located at 124-125 White Street (Block 167, Lot 1, Block 198, Lot 1) and the demapped portions of White Street between Centre Street and Baxter Street), in a C6-4 District Borough of Manhattan, Community District 1.

(See Continued)

COMMUNITY BOARD NO: 1

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached



BOROUGH PRESIDENT

July 5, 2019
DATE

C190341 PQM

IN THE MATTER OF an application submitted by NYC Department of Correction, the Mayor's Office of Criminal Justice, and the Department of Citywide Administrative Services, pursuant to 197-c of the New York City Charter, for the acquisition of property located at 124 White Street (Block 198, Lot 1) for a borough-based jail facility.

C 190333 PSY

IN THE MATTER OF an application submitted by NYC Department of Correction and the Mayor's Office of Criminal Justice pursuant to Sections 197-c of the New York City Charter for the site selection of property located at:

1. 124 White Street (Block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Manhattan Community District 1

C 190252 MMM

IN THE MATTER OF an application submitted by NYC Department of Correction and the Mayor's Office of Criminal Justice pursuant to Sections 197-c of the New York City Charter for the change to the City Map to allow the elimination, discontinuation, and closing of volume above the portion of White Street that is between Centre Street and Baxter Street.



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Gale A. Brewer, Borough President

July 5, 2019 (Updated July 8, 2019)

Recommendation on ULURP Application Nos. C 190340 ZSM, N 190334 ZRY, C190252MMM, C190341PQM, and C 190333 PSY– Borough-Based Jail System

By NYC Department of Correction, Mayor’s Office of Criminal Justice

Summary of Recommendations

This recommendation is in response to the City's land use applications to replace Rikers Island with a system of borough-based Jails. Specifically, for Manhattan, this application calls for the construction of a 1,145,000 square foot jail facility at 125 White Street, currently the site of the Manhattan Detention Center north and south towers. There is substantial and understandable opposition to this project from the surrounding Chinatown community which has spent the greater part of two decades attempting to recover from the effects of security measures in the wake of the September 11, 2001 terrorist attacks. However, because leaving a jail on Rikers Island is not an option, a solution must be found for a Manhattan jail in proximity to the courts while taking strong measures to mitigate adverse impacts on the neighboring community.

Former New York State Chief Judge Jonathan Lippman, the head of the Independent Commission on New York City Criminal Justice and Incarceration Reform, stated in the Commission's report that "Rikers Island is a stain on our great City" which cannot be fixed but rather must be eliminated and replaced. This recommendation is premised on the closure of Rikers Island as a moral and governmental imperative which is best achieved through a borough-based jail system.

The responsibility for eliminating harmful impacts on the Chinatown community must include strong cooperation with local stakeholders not only during construction of the proposed facility but especially during the planning and design stages when community input is critical. The City bears a strong moral obligation to mitigate any further cultural and economic harm to the Chinatown community because of the permanent damage suffered by residents and businesses after 9/11: a 9% loss of population, while security measures reduced tourism by half, harming local businesses.¹

A thriving Chinatown community is essential to the well-being of the residents as well as the downtown economy. Fortunately, the implementation of criminal justice reforms that we support and recommend as part of the closure of Rikers, such as bail reform and enhanced support services, will significantly reduce the number of persons to be housed at the proposed facility.

¹ <https://www.nydailynews.com/new-york/chinatown-garment-biz-shrivels-tourist-traffic-dwindles-lasting-blow-9-11-article-1.954982>

This smaller population will in turn make possible a reduction in the scale and bulk of a new detention center, and help minimize adverse community impacts.

Reaching these goals will require a process of on-going project review by city agencies, local elected officials, criminal justice experts, and community stakeholders. Among its responsibilities will be to provide transparency and accountability from concept to construction; mitigate local impacts; and ensure that the design of the new facility reflects the goals of criminal justice reform.

We recommend that the closure and replacement of Rikers be viewed not simply as a project to construct new jails or even reduce our jail population. The design of borough-based jails is an unprecedented opportunity to address the injustices of mass incarceration, and re-imagine a system designed for punishment with another system focused on humane practices and rehabilitation. To this end:

This recommendation outlines an extensive list of conditions that are necessary to the closure of Rikers Island, and the replacement of our current system of incarceration with one that is humane and rehabilitative. This can be accomplished while protecting the surrounding neighborhood from deleterious impacts. We have to achieve this as a package in order to bring about the substantive change that we seek. These conditions are grouped into the following categories:

- I. Building a new facility which will both reflect a new vision of incarceration and protect the surrounding community from negative impacts;
- II. Ensuring a transparent process through continuing community input to make certain these goals are met;
- III. Making additional commitments to reforming our system of incarceration to ensure that the replacement of Rikers Island goes way beyond physical change;
- IV. Closing Rikers Island.

In addition, we make the following specific recommendations:

Building a new facility which will both reflect a new vision of incarceration and protect the surrounding community from negative impacts

1. Every effort must be made to reduce the proposed height and bulk of the building. Revisions to the application to further reduce height and bulk through additional criminal justice reform legislation are expected, reducing the need for the allowable 450 foot maximum height and the 1,145,000 square foot bulk. Before the proposed height and bulk are approved, there must be an accurate estimate of the future number of detainees at the facility. Further review is critical to ensuring that the facility reflects a reformed vision for incarceration and to protect the surrounding community. Other cities that have taken on the redesign of their jails have managed to create facilities that meet the same

goals using half the square footage planned for borough-based jails. The City needs to consider this and propose more realistic and contextual facilities.

2. The design of the proposed development should be adaptable and facilitate the decommissioning of currently planned detainee housing units as further reductions in the population are achieved. Planning for this adaptive reuse should be part of the Request for Proposals for the design of the facility.
3. The entrance to the parking lot for the proposed facility should be moved from Baxter Street to Centre Street.
4. More information is needed to understand why the four loading berth requirement under the current zoning would encumber the site before a special permit is considered. We understand more berths may result in more curb cuts, but fewer berths may result in trucks idling in the street waiting to unload. We would like to see corroborating information that supports the request for two berths.
5. White Street must become an open-air plaza accessible 24/7 for pedestrian use, and designed with community input and approval with funds allocated for the maintenance of the space in perpetuity.
6. Chung Pak LDC, the leaseholder of the site adjacent to the proposed development, should be given the option to purchase the land beneath the complex for well below market rate, with a deed restriction to guarantee current uses remain in perpetuity.
7. Chung Pak LDC, as well as the businesses and employees that will be displaced as a result of the City recapturing this leasehold, should be financially compensated. The businesses being displaced should be offered temporary spaces within the area to relocate to and offered right of return in the new retail spaces of the proposed development.
8. The City should provide assistance in wayfinding and advertising for small businesses surrounding the proposed development site. Grant funding should also be made available to assist these businesses as they manage adverse impacts during construction.
9. Chung Pak Complex and its proximity to the proposed development should be protected during demolition and construction by:
 - Installing real-time air quality and dust monitoring
 - Mitigating noise and vibration impacts
 - Protecting the complex from any compromise of its structural integrity
 - Creating safe sidewalks and passageways
10. Park Row should be reopened to vehicular traffic. Prior to construction, city agencies, including but not limited to the New York City Department of Transportation, should study the impacts of the new facility on surrounding streets – including pedestrian safety - during construction.

11. On site community facility space should be increased from 20,000 to 40,000 square feet. Ground floor retail space should be excluded from this calculation.
12. Retail space within the proposed development should be rented below market rate to local small businesses and should be rent stabilized in perpetuity.
13. Off-site community facility space should be provided. Suggested sites include but are not limited to: 2 Howard Street, which the city would need to acquire from the federal government, and 137 Centre Street. The City should also provide funding for the redevelopment of these sites into community facilities.

Ensuring a transparent process through continuing community input to make certain these goals are met

1. The City must be transparent about its decision making throughout the pre-construction, demolition, and construction process.
2. All communication to the community must be made available in the languages spoken by those in the community including but not limited to: English, Mandarin, Cantonese, and Spanish.
3. A community advisory group should be created and meet regularly to address all phases of development from design to post-construction operation of the new facilities. The Manhattan Borough President's Office created a Rikers Task Force in 2018. The office recently merged the Task Force with the Neighborhood Advisory Committee convened by the City. This proposed community advisory group should be comprised of similar stakeholders.
4. The applicants, alongside New York City Department of Design and Construction and all other relevant agencies, should also hold standing monthly presentations with both CB1 and CB3 to provide regular updates on all phases of development and allow opportunity for Q&A.
5. The community must be notified in real-time of any pre-construction environmental testing and remediation.
6. At least 30% of the design must be completed before any construction commences under design-build.
7. A demolition and construction plan, including timelines and target dates, must be created and shared with the community.
8. The community must be notified at least one week in advance of any street closures or major events related to demolition and construction.

9. A construction hotline must be created and operated 24/7 during demolition and construction in order for community members to report unsafe conditions or activities or other concerns. The hotline should be staffed by a live person during all hours of construction. The number for this hotline should be posted prominently on the construction site.
10. The Design Advisory Group, which the applicants have convened and consists largely of city agencies and elected officials, must include community representation (ideally from the suggested community advisory group, CB1, and CB3) as well as designers and architects with experience in designing facilities in urban environments. The group should also include members who have been incarcerated in order to provide perspective on how the interior of the facility should be designed.

Making additional commitments to reforming our system of incarceration to ensure that the replacement of Rikers Island goes way beyond physical change

1. Changes must be made within the New York City Department of Correction (DOC) to ensure that the existing culture of violence and abuse does not recur in the new jail system.
2. DOC staff must be required to have training in dealing with persons with mental health and/or substance abuse issues as well persons with disabilities. Staff must also be trained on gender preferences in order to respect the dignity of the detainees they are tasked with supervising.
3. DOC must commit to providing social workers or to incentivize staff to pursue higher education and/or training in social work in order to become more effective at managing and supporting detainees.
4. The City must continue to fund social service programs that seek to divert people from the criminal justice system and continue to pass legislation and implement reforms that seek further reductions in the jail population. Policy recommendations released by the Independent Commission on New York City Criminal Justice and Incarceration Reform, the Close Rikers Coalition, and other criminal justice reform advocates, should be considered and implemented, specifically the recommendations that focus on investment in communities that have been impacted by mass incarceration.

Closing Rikers Island

1. The new women's facility, currently planned for Queens, should be sited in Manhattan. It has been announced recently that the Lincoln Correctional Facility located in Manhattan Community Board 10 will be decommissioned. This offers a potential opportunity to have a women's facility in a more centralized location and may allow the women's facility on Rikers Island to close sooner.

2. Buildings which are no longer in use on Rikers Island, such as the George Motchan Detention Center, should be demolished immediately. As more buildings are decommissioned, they should be demolished.
3. There should be binding commitments to guarantee the full closure of Rikers Island. Allocation of capital funds should be made before the end of this current administration for the redevelopment of Rikers as a city asset which generates broad public benefit for all New Yorkers.
4. There must be a deed restriction placed on Rikers Island to permanently ban its use for any residential or correctional purpose.

Proposed Actions

The New York City Mayor's Office of Criminal Justice (MoCJ) and Department of Correction (DOC) (collectively the "Applicant") propose to close the detention facilities currently located in Rikers Island and implement a "borough-based jail system" that will include the construction of four new jails in Manhattan, Queens, Brooklyn, and the Bronx. One of the tenets of the borough-based system is that the jails would be situated in closer proximity to each borough's courthouses, so as to minimize travel and wait times for detainees. In this system detainees will also be closer to their home communities, families, and support systems. The proposal requires zoning approvals, public facility siting approvals, changes to the City Map, among other actions.

The land use actions required to facilitate the proposed Manhattan facility are outlined in the table below

N190334ZRY	Amendment to ZR § 74-00 to establish a Borough-Based Jail System Special Permit which would allow for use, bulk, floor area ratio (FAR) related to courthouse and prison use and also allow accessory public parking and loading
C190340ZSM?	Special Permit pursuant to the new above-referenced mechanism, which would: <ul style="list-style-type: none"> • Increase the overall FAR from 10.0 to 13.12 (ZR § 33-10) • Increase building base height from 85 feet to 449 – 453 feet (ZR § 33-40) • Allow two loading berths with entrance on Centre Street and exit on Baxter Street
C190333PSY	Site selection for a public facility which will enable the current Manhattan Detention Facility to be replaced with a new borough-based jail and will expand the capacity on the site <ul style="list-style-type: none"> • This action requires a Fair Share Analysis
C190252MMM	Change to the City Map to allow the elimination, discontinuation, and closing of volume above the portion of White Street that is between Centre Street and Baxter Street. The City Map change will reestablish White Street with upper and lower limiting planes. The width of this portion of White Street will decrease from 50 feet to 35 feet.

C190341PQM	Acquisition for the leasehold interest for a 6,333 retail space in MDC North that is currently held by Walker Street-Chung Pak Local Development Corporation
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Project and Site Description

The Applicant proposes to build a 1,437 bed jail at 124 and 125 White Street (Block 198, Lot 1 and Block 167 Lot 1) “(the “Proposed Development”). The proposed development will have a floor area ratio (FAR) of 13.2 and a total of 1,145,000 zoning square feet. Approximately 1,125,000 zoning square feet will serve to house and provide support services to detainees. The remaining 20,000 zoning square feet will be dedicated to a community facility and/or retail space. The Applicant proposes to include 125 parking spaces in a below-grade facility on the site.

The proposed development would have a base that is approximately 125 feet in height with three wings that extend to the east. There will also be a pedestrian corridor between Center Street and Baxter Street that will complement the community facility and/or retail space. An above-ground pedestrian bridge will connect the proposed development to the Manhattan Criminal Court Building at 100 Centre Street. Because the Applicant has chosen to do a design-build development, there are limited details on the design of the proposed development.

The proposed development will be constructed on the current site of both the Manhattan Detention Center South and Manhattan Detention Center North facilities. The site itself comprises 157,184 square feet (as outlined below) and is located at the intersection of the Civic Center, Chinatown, and TriBeCa.

Table 1: Proposed Development Square Footage at Grade

Manhattan Criminal Court	76,543 SF
Proposed Development - Manhattan Detention Center South	42,238 SF
Proposed Development - Manhattan Detention Center North	30,646 SF
Re-established White Street Volume	7,757 SF
TOTAL	157,184 SF

Background

In her 2016 State of the City address, New York City Council Speaker Melissa Mark-Viverito called for fundamental criminal justice reform. She then announced the creation of an independent Commission to explore the reduction of the Rikers Island population. The Speaker appointed former New York State Chief Judge Jonathan Lippman to chair what became known as the Independent Commission on New York City Criminal Justice and Incarceration Reform (“Commission”). Twenty seven commissioners were selected from the business community, academia, law, and social services. The Commission also contained individuals with personal experience being held on Rikers Island. Throughout the process non-profit and private sector

organizations were engaged to provide research and strategic support. In order to ensure its independence, the Commission took no money from government or political entities.

The Commission spent more than one year studying the City's criminal justice system and Rikers Island. The process involved interviews and public forums with relevant actors and stakeholders, including formerly incarcerated, and members of the general public.

In April 2017, the Commission issued its report entitled, *A More Just New York City*. It contained a set of recommendations for improving New York City's criminal justice system as well as the data supporting the conclusion. In detailing research conducted on the futility of the current jail system and changes in the criminal justice system leading to historic reductions in jail population, the Commission made a compelling social, ethical, and economic case for the closure of Rikers Island's jail complex and the creation of a borough-based jail system. The Commission recommended a phasing out of the Rikers complex over ten years. Borough-based jails would replace the Rikers Island complex. They would be designed to provide 5,745 beds to accommodate a daily population of 5,000, down from the 15,000 person capacity of Rikers Island. This borough-based system would strengthen connections to families, attorneys, courts, medical and mental health care, and faith and community-based organizations. Being closer to home and transit would enhance the network of support systems for people who are detained, and help prevent future returns to jail.

To ensure that criminal justice reform takes place in both form and substance, the Commission recommended changes in building design that facilitates healthier and safer interactions between detainees and jail employees, reforms in Department of Correction practices, and immediate delivery of medical, mental health, and educational services. The design of the new jail facilities would be designed in a "cluster housing" model which provides free movement and improved sightlines. This model is intended to strengthen interactions between staff and detainees by improving communication and identifying problems before they escalate. The Commission also called for a state-of-the-art training facility and doubling of the training for all DOC staff, but it also acknowledges that lasting change requires a "renewed sense of mission".

The report also contained recommendations for community engagement and building design. The Commission called for a fair, transparent process that is responsive to community concerns. They recommended early conversations with communities concerning potential location as well as community integration in both building design and ground floor uses. As an added community benefit, the Commission recommended that there be commercial and community facility space for local businesses and service providers included in the new buildings. According to the applicants, the guiding design principle for the proposed development is neighborhood integration.

The proposed development will be designed with the needs of the community in mind to encourage positive community engagement. In order to engage the communities in which the facilities are proposed to be sited, this administration convened a Neighborhood Advisory Committee (NAC) in each borough. These committees, comprised of community stakeholders, were created to receive updated information about the borough-based jail plan, express community concerns around the development, build consensus on neighborhood investments,

and develop a list of Design Principles and Guidelines to be incorporated in the design of the proposed developments. These committees met between October 2018 and March 2018 to produce these lists which will be incorporated into the Request for Proposals for the design and construction for the proposed facilities if these applications are approved.

Area Context

The study area is characterized by public institution uses, which are located on the lots immediately surrounding the project site, commercial office buildings to the north and south, and mixed-use residential and commercial buildings in the northwestern and northeastern portions of the study area. Primary commercial arterial roads include Canal Street, the southern boundary of the SoHo neighborhood, Broadway, the western boundary of the Tribeca neighborhood, the Bowery, which is the eastern boundary of the Chinatown neighborhood, and the Brooklyn Bridge ramp to the south, which forms a boundary with the neighborhoods that constitute Downtown Manhattan. The study area has a wide range of unique uses, from industrial and residential to institutional.

The block immediately to the north of the project site contains a 13-story residential building with senior housing units, known as Everlasting Pine (or Chung Pak, its Cantonese equivalent) with ground-floor retail spaces. Canal Street contains a mix of old and new office buildings containing ground-floor retail uses, which forms the northern edge of the Chinatown neighborhood. North of Canal Street, larger parcels with commercial uses predominate along the northern edge of the study area. Four- to five-story cast-iron buildings (some with light industrial uses) make up the southern boundary of the SoHo District. To the northeast, along the border with the Little Italy neighborhood, mixed-use residential buildings with commercial ground floors (primarily restaurants) predominate.

The blocks immediately to the west of the project site contain an 11-story building which houses the New York City Civil Court (south of White Street), as well as several mixed-use commercial retail and office buildings (north of White Street). South of the MDC south tower is 100 Centre Street, a 24-story building which houses the Manhattan Criminal Court. The block south of 100 Centre contains the nine-story, approximately 640,000-gsf Louis J. Lefkowitz State Office Building at 80 Centre Street. the Manhattan District Attorney, Office of the City Clerk, Manhattan Marriage Bureau, the New York County Family Court, the Federal Bureau of Investigation (FBI), the Internal Revenue Service (IRS), the New York City Police Department (NYPD), the Department of Buildings (DOB), and the Department of Records (DOR), commercial office buildings and retail.

Farther south, along the study area boundary, City Hall Park contains the Tweed Courthouse and City Hall. To the southeast of the project site, there is a complex of institutional and civic uses bounded by Park Row (which is closed to public traffic), Worth Street to the north, Centre Street to the west, and the approach to the Brooklyn Bridge. This complex contains State court facilities, such as the New York County Supreme Court and Thurgood Marshall Court House, the Metropolitan Correctional Center at 150 Park Row, a federal detention facility with

approximately 800 people in detention, the New York City Police Department headquarters, the David Dinkins Municipal Building, and the U.S. District Court for the Southern District of New York (the Daniel Patrick Moynihan US Courthouse). Residential apartment buildings are also located in the vicinity, such as the 25-story Chatham Towers, located between Worth Street and Park Row.

The block immediately to the east of the project site contains mixed-use, five- to seven-story commercial and residential buildings, with ground-floor retail that form the core of the Chinatown neighborhood. Columbus Park, which includes multiple sports fields and a pavilion, is located east of the project site and south of Bayard Street. Multi-family buildings with commercial retail ground floors are concentrated between Baxter Street and the Bowery. Heavier commercial office uses are located further north along Canal Street. Further east, along the eastern boundary of the study area, 1 Bowery contains apartments funded through the state's Mitchell-Lama program.

Notable uses found throughout the study area include the multiple court and government office uses discussed above, various parks, schools, and the former AT&T Long Lines Building, located at the intersection of Thomas and Church Streets, which still contain critical wiring uses. Parks include Collect Pond Park, directly to the west of the project site; Columbus Park to the east; Thomas Paine Park and Foley Square, southwest of the project site; and City Hall Park near the southern edge of the study area. Schools are also located near the southwestern edge of the study area, including Transfiguration School—a Catholic school between Mulberry and Mott Streets, and Quad Manhattan, a preparatory school located at the intersection of Broadway and Reade Street.

The study area is very well-served by public transit, including four subway stations and nine subway lines. These include the Canal Street station at Broadway that is served by the N, Q, R, and W lines; the Canal Street station at Lafayette Street that is served by the Nos. 6 and 4 lines (late-night only); the Canal Street station served by the J and Z lines; the Brooklyn Bridge-City Hall station that is served by the Nos. 4, 5, 6, and J and Z lines.

Approximately 16 local public parking facilities, with an approximate capacity for 2,200 vehicles, are located throughout the study area. These include Chun Pak Parking Corp; 62 Mulberry Parking Corp; SP Plus Corporation; Edison NY Parking, LLC; Quik park MIA Garage LLC; 170 Park Row Parking Corp; 95 Worth, LLC; 44 Elizabeth Street Parking; 106 Mott Street Parking Corp; Leonard Street Parking, LLC; Champion Parking 700, LLC; Champion Confucius, LLC; MPG Kings Parking; MTP 10 St. Parking Corp.; MTP Henry Operating Corp.; and MTP Madison St. Parking Corp.

According to the current use condition of White Street between Centre and Baxter, it is a parking lot occupied by DOC. This above- and below-ground portion of White Street is proposed to be de-mapped to facilitate the construction of the new prison facility, converting the street into an arcade. Yet, in the 1980s, this portion of White Street was intended to be a community give-back in the form of a public plaza when the City expanded the existing jail. Public space that was once promised to the community through a concession for a pedestrian car-free zone has since been taken over by correction officers for parking. The public space was part of the 1% For Art

project, which included paving, mesh wire columns, tree designations. However, DOC painted lines over the pavement to create parking lot spaces, losing artwork in the process.

Community Board Recommendations

Manhattan Community Board 1 (CB1) held a public hearing on April 8, 2019 at Southbridge Towers Community Room (90 Beekman Street). Over 150 people attended this hearing and many members of the public spoke in favor and against the applications being proposed. On May 13, 2019, additional consideration through the board's Land Use, Zoning, and Economic Development Committee took place. The committee reviewed the applications and discussed their concerns. The committee voted to adopt the recommendations outlined in their resolutions and the full board adopted these recommendations at their public meeting held May 28, 2019.

The board believes the administration's process has not been transparent enough and believes that the applications should be withdrawn and resubmitted with significant reductions and modifications in FAR, height, base and setback requirements, and sky exposure plane regulations. While the current C6-4 zoning allows for the proposed height, the board believes it should be reduced to be more contextual with the buildings surrounding the site. CB1 also believes the City should consider an alternate proposal which would only require the replacement of the MDC north tower, allowing the south tower to remain intact with major interior renovations to meet the design principles of a facility that aims to address needs under a more equitable and restorative community based jail system. The board expressed concerns about the decreased number of loading berths and whether or not it would be suitable for the planned capacity for the site.

The board also expressed concern about the City's decision to de-map and narrow White Street and about the impact of this action on the Chinatown community. It would obstruct this street as a view corridor and would replace the open-air walkway as described with a tunnel-like passage due to the planned bulk of the building and the overhead walkway. CB1 also calls for a full discussion of compensating amenities that are memorialized in writing as a legally binding document. The board also calls for a community advisory group truly reflecting the composition of the community and its stakeholders. It should be consulted about design, construction, post-construction operations and community space programming.

While the proposed development is sited in CB1, Manhattan Community Board 3 (CB3) is adjacent to the development site and many of its members will be impacted by this project. On April 24, 2019, CB3 voted and passed a resolution that was sent to Manhattan Community Board 1 outlining their concerns over the current proposal. CB3 echoes Manhattan Community Board 1's concerns about the height and bulk of the proposed development and believes it is grossly out of scale with the surrounding area. They recommend off-site treatment for mental health and substance abuse to reduce the size of the facility.

CB3 also expressed concern regarding the low-income senior housing residence located adjacent to the proposed development. The property is currently leased from the City by Chung Pak Local

Development Corporation (Chung Pak LDC). CB3 calls for mitigation measures, including air quality and dust monitoring to protect residents and staff. They also call for safety measures for sidewalks around the proposed development site during construction as they are vital paths to local amenities such as Columbus Park, local businesses, and greater Chinatown. The loss of the commercial space at 124 White Street, which Chung Pak LDC leases, will also reduce the revenue generated from this space that supports the operation of the senior building.

CB3 has also expressed concerns about the impact of this development on small business. In addition to the stores at 124 White Street that would be displaced, CB2 identified 15 other businesses along Baxter Street that they believe will face adverse impacts as a result of street closures, scaffolding, and the current facility staff temporarily leaving the area due to construction. They have proposed measures they believe will help in stabilizing these businesses, as additional wayfinding and advertising and grant funding.

I would like to thank Manhattan Community Board 1 for their thoughtful consideration of the applications, as well as their willingness to serve as a proxy for Manhattan Community Board 3 to allow their concerns to be heard in this process.

As this application will impact the three other boroughs, we want to note what other Community Boards have said with regard to this project. Queens Community Board 9 disapproved the application in a resolution dated March 12, 2019. They cited lack of transparency and community involvement in the process of site selection as well as fair share issues and the sizing of the facilities in proportion to the borough's detained population as reasons to disapprove. They also state that the proximity of the proposed Queens facility, which is a site that previously had a detention facility and is close to the Queens Courthouse, is also near-by the residential communities of Kew Gardens and Briarwood. They believe its proximity to a residential community goes against the principles of the Commission report which states that jails should be situated near courthouses in civic centers rather than residential neighborhoods.

On June 12, 2019, Brooklyn Community Board 2, by a vote of 32 in favor, two opposed, and four abstaining, voted to recommend disapproval of the proposed Brooklyn facility, with conditions. The Brooklyn proposal calls for a jail with a maximum zoning height of 395 feet that would replace the current Brooklyn Detention Complex at 275 Atlantic Avenue, which currently has 815 beds. The board requested that the FAR of the jail be limited to a maximum of 10.0, and that the number of beds correspondently be reduced from 1,437 to 875. The significant reduction, the board stated, provides an opportunity to reallocate funding to affordable housing, educational programs, and public health initiatives. In its resolution, the board also recommended more community courts, ongoing support and social services for individuals detained at Rikers and at the current Brooklyn Detention Complex, as well as training for correction officers to ensure the safety of detainees.

The Bronx proposal calls for a 1,437 bed facility located at 745 East 141st Street, a city-owned property that is operated as a tow pound. This proposal is the only one to include an affordable housing commitment: 235 units would be built—all of which the Applicant has assumed would be affordable. The proposed facility would have a maximum zoning height of 145 feet. On May 23, 2019, Bronx Community Board 1 voted to recommend disapproval of the proposal. One of

the major points raised in public hearings is the fact that the proposed jail would not be near the borough's courthouses, but rather approximately two miles away. Local elected officials and residents have called for a site at East 161st Street.

Borough President Hearing

The Manhattan Borough President's public hearing to discuss the Borough-Based Jail ULURP occurred on June 11, 2019 at Pace University from 6 to 10PM. There were approximately 230 public attendees. The public hearing began with the Mayor's Office of Criminal Justice (MoCJ)'s presentation of the proposed ULURP actions. The presentation was followed by public testimony by 65 people. The Manhattan Borough President's public comment period remained open after the public hearing and concluded on June 27, 2019.

Borough President Comments

In spite of opposition to the siting and scale of the proposed Manhattan Borough jail, there is widespread agreement that the Rikers Island jail complex must close. Constructed on the site of a city dump in the 1930s, it was unfit for habitation from its beginning, and it became a place notorious for its isolation and inhumane treatment, and where generations of people in poverty have been disproportionately punished. In 2014, the Department of Justice released a report to the de Blasio administration and DOC detailing excessive use of force on minors incarcerated on Rikers Island, including children subjected to violence by other detainees, but also at the hands of DOC officers and their supervisors. This report came as a shock to some. But to criminal justice advocates and members of the community who have had family members detained at Rikers, or who were themselves incarcerated there, this report reaffirmed what they have been saying for decades: conditions at Rikers are appalling, and reflect a broken criminal justice system designed to be punitive and violent rather than restorative and transformative.

In 2016 then-City Council Speaker Melissa Mark-Viverito, created an independent Commission, chaired by Judge Jonathan Lippman, to analyze the Rikers Island jail complex and facilitate its closure. *A More Just New York City*, the report released by the Commission in March 2017, recommends reforms to the criminal justice process that would in turn reduce the daily jail population; establish new jail facilities; and transform Rikers Island into an infrastructure site to support a sustainable future.

Among the inefficiencies and inequities of our criminal justice process highlighted by the report, the majority of the individuals incarcerated on Rikers have not been convicted of a crime. Instead, they are being held because they lack the money to post bail and will be detained until their cases are resolved— which, because of inefficiencies in the justice system, can take up to several years. A large majority of these individuals are Black and Latino men who, while awaiting trial, continue to be deprived of their liberty because they are indigent.

The Commission report also identifies Rikers Island itself as the source of significant and costly logistical challenges that contribute to court backlogs, and limit the access of detainees to family visits, legal representation, and other essential services. Due to the island's remoteness from each of the city's criminal courts, it is not uncommon for detainees to be awakened at 3 or 4 a.m. to be transported to a courthouse in time for their appearance. Nonetheless, detainees frequently arrive late to their hearing, which contributes to case delays, prolongs their incarceration, and imposes significant human and monetary costs.

Transporting detainees to mental health services that cannot be offered on the island is also a frequent challenge. According to the Commission report, over the course of just a few months in 2016, an average of nearly 10,000 appointments for mental health services were missed, often preventing timely evaluation or treatment, and causing an increased rate of recidivism among those whose care was interrupted or postponed.

The condition of the facilities on Rikers is abysmal, putting the health and safety of detainees and DOC employees at unnecessary risk. According to the Commission, the average age of the buildings in the Rikers jail complex is greater than 40 years; one building is over 80 years old. Detainee housing lacks proper ventilation; heating and cooling systems often malfunction; mold, leaks, and flooding as well as sewage backups, are common. The Commission highlighted a direct link between the disorderly and degraded environment and the jail's infamous culture of violence, abuse, and neglect. The age and non-standard design of the Rikers facilities makes upgrading them costly and difficult, while the island's underlying landfill contributes to an unhealthy environment for detainees and DOC employees.

Since the publication of the Commission report, the de Blasio administration has made great strides in reducing the city's jail population from a daily average of 20,000 in the 1990s² to 7,346 today.³ To accomplish this, advocates and community groups have worked to shift the goal of the local criminal justice process from a focus on incarceration to factors that contribute to crime such as poverty, mental health, and substance abuse. These and other changes, such as bail reform, have helped give New York the lowest incarceration rate among large American cities.

The recommendation to create a system of borough-based jails is the linchpin of the Commission report. It will enable the closure of the Rikers jail complex, but also help transform our local criminal justice system by locating new jails closer to the borough courthouses, re-imagining them as community-based facilities designed to be contextual and welcoming, and able to provide services to the victims of crime; to members of the bar and public; and to detainees and their families while incarcerated, including services emphasizing rehabilitation and re-entry to the community upon release.

Issues of Process and Transparency

² <http://www.archives.nyc/blog/2019/4/19/riots-rebellion-and-the-citys-second-attempt-to-sink-rikers-island>
³ <https://data.cityofnewyork.us/Public-Safety/Daily-Inmates-In-Custody/7479-ugqb>

In forming the conclusions and recommendations listed below, the staff of the Office of the Manhattan Borough President has reviewed the application, listened carefully to public testimony, and conducted outreach to residents, businesses, community-based organizations, criminal justice advocates, elected officials, and other stakeholders. Their voices inform our findings, including critical steps that the administration must take to ensure that the new Manhattan borough facility is not just a modern, Rikers Island-style jail of enormous size imposed on the neighboring Chinatown community. Instead, in scale, functionality, and appearance it must respect the residents and character of the Chinatown and Lower Manhattan neighborhoods, and in its design reflect a more humane, just, and fairly administered criminal justice process, while serving the public and the families of detainees.

The administration's initial effort to achieve these goals was disappointing. Community members and representatives objected that the City's design and planning process for a new jail lacked transparency, and it offered little or no opportunity to shape the outcome. In response to these concerns the Office of the Manhattan Borough President convened a Rikers Task Force in early 2018. It brought together community members, criminal justice advocates, and representatives of the de Blasio administration to work cooperatively and transparently toward the siting and design of borough-based jails. When the City's own borough-based jails plan was released in August 2018, it was largely a surprise because it had been created without community input. But the selection of the 80 Centre Street site came as a shock. It had not been discussed publicly as an option.

Although the proposal for 80 Centre Street was withdrawn in favor of 124 and 125 White Street, the seeds of community mistrust had been sown, harming the efforts of criminal justice advocates and those in the administration who had worked with them in good faith. Going forward, enhanced transparency and community involvement are essential, and the Office of the Manhattan Borough President is fully committed to an ongoing dialogue about the planned closure of Rikers, the development of borough-based jails, and the topic of criminal justice reform. To that end, the original Rikers Task Force has merged with the City's Neighborhood Advisory Committee to create a new working group, *Jails, Justice, and Community*. It will meet regularly to update community members, criminal justice advocates, and city agencies, and to engage them on a range of issues including borough-based jails and criminal justice reform.

In addition to the *Jails, Justice, and Community* working group, a Community Advisory Group should be created to provide a forum for community input and oversight during the planned development. Composed of a cross section of the community, it would meet regularly to address issues arising from the design, demolition and construction phases of the project, as well as post-construction and ongoing operation of the new facilities. The applicants should also commit to standing monthly presentation dates with both CB1 and CB3 to update the boards on the proposed development's progress and allow opportunity for Q&A and feedback.

The Proposed Development

There is nearly total agreement among local residents and advocates that the proposed facility is too tall, bulky, non-contextual, and grossly out of scale with the surrounding buildings and adjacent Chinatown neighborhood. Specifically, this application seeks 30% more floor area ratio (FAR) than what is allowed under current zoning. Some increase in FAR may be reasonable for a facility designed to provide more space for detainees and program activities than in the city's existing jails. However, no evaluation can be made about the need for a proposed huge increase in height and bulk in the absence of even a preliminary design, concept drawings of typical floor plans, or hard estimates of the future jail population.

In this regard, recently enacted criminal justice reforms, meant to address the legacy of mass incarceration policies, are now codified at the state level. These changes are expected to achieve further permanent reductions in the city's jail population. Yet the application has not been amended to reflect these new realities, nor has any clear rationale been provided to justify the applicant's request for large increases in height and bulk to a jail facility intended to house a much smaller population than in the past. In the absence of that rationale and detailed plans, there is no factual basis on which to evaluate the applicant's request for an increased FAR.

In addition to these concerns, 125 White Street is a landmark-eligible site. The community would like to have a full feasibility study of a plan for 125 White Street that avoids demolition of the existing building. Instead, the interior would be gutted and renovated to create a facility designed to further the goal of a culturally and humanely re-engineered justice system. If feasible, this approach would significantly lessen the physical and psychological impact of a "new" jail on the community; eliminate the proposed massive increase in height and bulk; preserve a handsome building of historic value; and reward the city with a facility whose character and scale are in keeping with the existing jail and court complex.

Returning to the application at hand, the requested reduction of required loading berths from four to two raises concern. The size of the proposed facility suggests a need for more loading berths, not less. Again, we are left to speculate about the applicant's intent. Reducing the number of berths is unlikely to reduce commercial traffic to and from the proposed facility. It may well have the opposite effect, creating a logjam of vehicles waiting to load and unload. The application fails to demonstrate why only two berths are adequate, or justify its assertion that four berths, as presently required, would encumber the site.

At minimum, on-site parking must be adequate to meet the needs of DOC and support staff who often work shifts that make the use of public transportation difficult. Currently, an acute shortage of parking spaces site has contributed to placard abuse and illegal parking at the site. The proposed underground parking facility should help alleviate these problems. Because Barrow Street is narrow but heavily used by local residents to access Columbus Park and other parts of the neighborhood, the entrance to the proposed parking lot should be moved to Centre Street.

In 1982, as part of the Manhattan Detention Center expansion, the dedication of White Street as a car-free public plaza was one of many points of negotiation between the City and the community. The City failed the community by allowing DOC to co-opt the plaza as a parking

lot. The proposed development is an opportunity to keep the promise made 40 years ago and return the public plaza to the community. However, proper design of this space is critical to its success and must include community input and approval. We are concerned that the de-mapping and narrowing of White Street to accommodate elevated pedestrian walkways may create a tunnel effect at ground level rather than a welcoming, open air pedestrian plaza. In addition, we support the NAC's recommendation that White Street remain open to the public 24/7, and that funding for maintenance of the space be guaranteed in perpetuity.

Chung Pak LDC and Greater Chinatown Community

Chung Pak Local Development Corporation (Chung Pak LDC) is the leaseholder of 96 Baxter Street, located adjacent 124 White Street. They are also the leaseholder of the ground-floor retail space at 124 White Street, which will be acquired as part of the proposed development. This site, and the creation of the Chung Pak LDC, were central to the negotiations with the Chinatown community over expansion of the Manhattan Detention Center in the 1980s. Chung Pak was given a 49-year lease to plan and develop the site to serve and benefit the community. However, no funds were allocated to assist the development, and the Chinatown community created the Chung Pak Complex with its own funds.

The complex consists of Everlasting Pine, a HUD Section 202 housing development for low-income seniors, which abuts 124 White Street. There are 88 units of housing with 105 residents, and the Complex also includes a day care center and local retail establishments along Walker Street. According to Charlie Lai, Executive Director of Chung Pak LDC, the majority of the residents are in their mid-80s and 90s and becoming frailer and less mobile. This site has the highest concentration of seniors over 100 years of age in any HUD Section 202 in the entire country. A precious resource, it cannot meet the need for affordable senior housing in Chinatown; 4,600 seniors are on its waiting list.

The proposed development of a massive jail complex threatens the gains achieved through tireless work by the Chung Pak LDC and the greater Chinatown community. It endangers the well-being of an extremely vulnerable senior population by exposing it to the hazards and stresses of excessive noise and vibration, poor air quality, and through the disruption of life routines caused by the closure and obstruction of streets and sidewalks during construction of the proposed development. The Chung Pak complex must be fully protected from any compromise of its structural integrity. Safe sidewalks and passageways must be created and maintained for residents of the senior housing and the community at large, and full mitigation of these and other health and quality of life impacts must be required of the jail site developer, including robust air quality and dust monitoring to ensure the long-term health concerns of residents, the general public, and DOC and court staff in nearby buildings.

If the proposed development is approved, Chung Pak LDC will lose 6,300 square feet of retail they are currently leasing from the City. This space provides essential revenue for the operation of their senior housing. Given the importance of the Chung Pak complex for housing, childcare, and economic development, Chung Pak LDC should be given the option to purchase the land beneath the complex, to do so at well below market rates, and with a deed restriction to guarantee that current or related uses remain in perpetuity. Additionally, Chung Pak LDC, as

well as the businesses and employees that would be displaced as a result of the City recapturing this leasehold, should be financially compensated and offered a right of return in the new retail spaces of the proposed development.

Beyond the threats posed to the Chung Pak complex and its residents by a new jail facility, there are broader concerns about the economic vitality and physical well-being of the greater Chinatown area. This community has only partially recovered from reduced tourism, significant business closures, and a loss of jobs after 9/11. Much of this hardship is attributable to a lack of federal aid, and data show that ten years after 9/11 the area still had not regained its former vitality. Permanent street closures related to increased security in and around the government center have reduced access to the area for tourists and created hardships for businesses in receiving and making deliveries.³

Chronic traffic congestion in the Chinatown area and around the proposed new jail complex must be addressed before additional impacts from construction occur. The permanent closure of Park Row to private vehicles after 9/11 worsened long-standing traffic congestion in the area. In preparing this document we heard from Chinatown residents in buildings such as Chatham Tower who expressed serious concerns about the overcrowded condition of local streets impeding emergency vehicles. Worth Street, located approximately 1000 feet south of the proposed development site, is a key two-way thoroughfare running east-west from Chatham Square to Hudson Street, and the only remaining two-way east-west through street between Chambers Street and Canal Street.

However, Worth Street has been closed to two-way traffic since May 2016 due to extensive infrastructure work. At present, traffic flows one-way westbound from Chatham Square, further restricting vehicle access to Chinatown. Worth Street construction is estimated to continue at least another 6 months but will likely last longer.⁴ There are also pedestrian safety concerns at intersections along Canal Street, which connects the Holland Tunnel and Manhattan Bridge and already carries a very heavy volume of cars and trucks.

Construction of the proposed development will likely close additional streets for years, imposing new burdens on an already-impacted Chinatown community. In mitigation, the reopening of Park Row should be seriously considered, and prior to the start of construction on a new jail facility, several traffic studies must be undertaken: one focused on impacts to local businesses, and another to identify additional pedestrian safety enhancements at nearby intersections along Canal Street. To offset a loss of trade during construction, the City should make grant funding and emergency assistance available to small businesses around the proposed development site. New York City's Small Business Services should also assist by helping promote these businesses and with new and enhanced temporary signage and wayfinding aids.

³ <https://www.nydailynews.com/new-york/chinatown-garment-biz-shrivels-tourist-traffic-dwindles-lasting-blow-9-11-article-1.954982>

⁴ <https://tribecacitizen.com/2019/02/11/construction-update-part-two-worth-street/comment-page-1/>

Community Facility and Retail Space

Our office concurs with the concerns of stakeholders from various constituencies that the planned 20,000 square feet of community facility space and ground floor retail is not enough to provide a significant resource and should be increased. The retail overlay should be enlarged, and the community facility space within the building increased to 40,000 SF. In addition, the floor plan of the jail facility should be designed to be flexible or modular so that, for example, some detainee housing units can be reconfigured to serve as program or community space if jail populations are reduced further.

City ownership of the new jail complex will make it possible for local small businesses displaced from their location, such as the storefronts at 124 White Street, to be offered first right of return to the newly constructed retail spaces. Any new retail space not reoccupied by displaced businesses should be offered to local small businesses. As in other new projects receiving substantial funding from the City— for example, the recent Inwood Rezoning— all retail space constructed as part of the new jail complex should have its rent set below market rate, and additionally be protected by a provision for limited rent increases going forward. As a City project intended to provide a significant public benefit, the new jail complex should be envisioned as an opportunity to increase economic development in the surrounding community.

When the proposed development was originally sited for 80 Centre Street, 124 and 125 White Street were expected to be made available for use as a community facility. With the change in the site plan, that opportunity has been lost. Our staff has identified the following nearby locations as potential community facility space to be developed with City funding.

Table 2: Possible Sites for Off-Site Community Facility⁵

Address	Owner	Current Use	Lot Area	Zoning/FAR
2 Howard Street	United States General Services Administration	Parking Lot (7 Story)	12,716 SF	M1-5B
137 Centre Street	City of New York	Office Building	5,100 SF	C6-4

Construction Process and Design-Build

The proposed development will use a design-build method. It is a departure from the traditional construction project design where architects and their consultants work in a different silo from the contractor. The drawings for construction are generated, a contractor bids on the work, and any unforeseen conditions or necessary changes often result in cost overruns and delays. Design-

⁵ <https://zola.planning.nyc.gov/>

build aims to eliminate this inefficiency by having the architect and contractor and their consultants and subcontractors working together as a single contracted team from the start of the project. The City was just recently granted the authority by the State to use this method and the borough-based jail system is one of the projects that will use design-build if approved. Although this is a method that has been used across the country and in other parts of New York State for some time, there is concern because this method has not yet been used by City agencies for construction.

Through my involvement in the NAC and from what we have heard at both CB1 and CB3 meetings, there are many unanswered questions regarding design-build. The New York City Department of Design and Construction (DDC) and all relevant agencies must work on an outreach plan for the surrounding community prior to construction. This plan must be shared with all community stakeholders, made available in several languages including English, Mandarin, Cantonese, and Spanish. DDC and all related agencies should also meet with CB1 and CB3 regularly with updates to the process and answers to their questions. The Community Advisory Group that I have suggested should be created as well as the 24/7 hotline for construction issues and be incorporated into this outreach plan

A Design Advisory Group, of which I am a member, has been convened to seek feedback and advice on the design guidelines that will inform this design-build process. It is comprised of many City agencies and local elected officials. However, I believe the group lacks community representation as well as experienced architects and designers who can provide practical knowledge in designing facilities in urban environments. These stakeholders and experts should be included in this group. Former detainees should also be a part of this group, to inform decisions regarding the structure and programming inside the new facility.

Women's Facility

There is a planned separate women's facility that is currently sited in Queens. While a single facility will be most ideal in addressing the much smaller women's population in detention than dispersing them throughout the boroughs, there is still a concern that the location of the site may not be the most accessible. Women's justice advocacy groups have called for the facility to be sited in Manhattan as it is more central. The Lippman Commission report notes that many women who are detained are the sole heads of their households and ensuring proximity to their children and other family members is key to rehabilitation, reentry, and reducing the chances of recidivism. Land constraints do not allow for this facility to be sited at the proposed development site on white Street. However, it was recently announced by New York State that the Lincoln Correctional Facility, located in upper Manhattan (Manhattan Community Board 10) would be decommissioned.

This is an opportunity to further reduce the impact of this development in Queens as well as allow the women's facility at Rikers, the Rose M. Singer Center, to potentially close sooner than expected if the Lincoln Correctional facility is deemed a feasible site for the new women's facility. I ask that this be thoroughly investigated and will offer my assistance in facilitating this.

Future of Rikers Island

There is great mistrust about what the future holds for Rikers Island once the jails are closed. It is believed by many that the site will be made available to real estate developers for luxury housing. The environmental conditions on the site are not fit for any habitation, including the current detention of people in jails. The Lippman Commission and Regional Planning Association have called for Rikers Island to be repurposed into a site for infrastructure, where green measures can be implemented and existing infrastructure across the boroughs can be relocated, freeing up land for other uses. There is also concern that there are no concrete plans for the future of the site nor are there any legally binding agreements to mandate the closure of all the jails on the site. While some facilities on Rikers Island, such as George Motchan Detention Center, have been closed, their structures remain, which further casts doubt on whether the jails on Rikers Island will permanently close.

It is imperative that the buildings that have been closed be demolished immediately and as other buildings are decommissioned, they too are demolished. There needs to be a legally binding commitment to permanently close all jails and ancillary buildings on Rikers Island once the proposed borough jail developments proceed. A plan for the allocation of capital funding budgeted for infrastructure on the site devoted to the future of a more sustainable New York City. Additionally, there must be restrictions placed on the land in perpetuity to prevent future redevelopment for any residential or correctional facility use.

Department of Correction and Continued Criminal Justice Reform

New facilities that are conducive to a more restorative criminal justice system do not address concerns about the culture within DOC. Incidents of abuse, violence and neglect have been widely reported. While new facilities may reduce such incidents, and DOC has been working on these issues, deeper reforms are necessary.

Additional training in treating mental health issues, substance abuse, gender preferences, and individuals with disabilities must be implemented throughout the department. DOC should seek to hire more trained social workers as correction officers, parole officers, and other staff. Staff who desire to pursue higher education and advanced training should be encouraged and incentivized as they become more effective in addressing the issues facing detainees.

In addition to borough-based facilities, we must continue to fund diversion programs and advocate for legislation to achieve further reduce the jail population. The Lippman Commission, Close Rikers Coalition, and other criminal justice reform advocates have worked extensively to create policy recommendations to reach this goal. These recommendations, especially those that invest in communities impacted by mass incarceration, must be implemented in concert with reductions in jail population and more enlightened treatment during incarceration.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application Nos. C 190340 ZSM N 190334 ZRY C190252MMM and C 190333 PSY, only if the following conditions are met:

Building a new facility which will both reflect a new vision of incarceration and protect the surrounding community from negative impacts

1. Every effort must be made to reduce the proposed height and bulk of the building. Revisions to the application to further reduce height and bulk through additional criminal justice reform legislation are expected, reducing the need for the allowable 450-foot maximum height and the 1,145,000 square foot bulk. Before the proposed height and bulk are approved, there must be an accurate estimate of the future number of detainees at the facility. Further review is critical to ensuring that the facility reflects a reformed vision for incarceration and to protect the surrounding community. Other cities that have taken on the redesign of their jails have managed to create facilities that meet the same goals using half the square footage planned for borough-based jails. The City needs to consider this and propose more realistic and contextual facilities.
2. The design of the proposed development should be adaptable and facilitate the decommissioning of currently planned detainee housing units as further reductions in the population are achieved. Planning for this adaptive reuse should be part of the Request for Proposals for the design of the facility.
3. The entrance to the parking lot for the proposed facility should be moved from Baxter Street to Centre Street.
4. More information is needed to understand why the four loading berth requirement under the current zoning would encumber the site before a special permit is considered. We understand more berths may result in more curb cuts, but fewer berths may result in trucks idling in the street waiting to unload. We would like to see corroborating information that supports the request for two berths.
5. White Street must become an open-air plaza accessible 24/7 for pedestrian use and designed with community input and approval with funds allocated for the maintenance of the space in perpetuity.
6. Chung Pak LDC, the leaseholder of the site adjacent to the proposed development, should be given the option to purchase the land beneath the complex for well below market rate, with a deed restriction to guarantee current uses remain in perpetuity.
7. Chung Pak LDC, as well as the businesses and employees that will be displaced as a result of the City recapturing this leasehold, should be financially compensated. The businesses being displaced should be offered temporary spaces within the area to relocate to and offered right of return in the new retail spaces of the proposed development.

8. The City should provide assistance in wayfinding and advertising for small businesses surrounding the proposed development site. Grant funding should also be made available to assist these businesses as they manage adverse impacts during construction.
9. Chung Pak Complex and its proximity to the proposed development should be protected during demolition and construction by:
 - Installing real-time air quality and dust monitoring
 - Mitigating noise and vibration impacts
 - Protecting the complex from any compromise of its structural integrity
 - Creating safe sidewalks and passageways
10. Park Row should be reopened to vehicular traffic. Prior to construction, city agencies, including but not limited to the New York City Department of Transportation, should study the impacts of the new facility on surrounding streets – including pedestrian safety - during construction.
11. On site community facility space should be increased from 20,000 to 40,000 square feet. Ground floor retail space should be excluded from this calculation.
12. Retail space within the proposed development should be rented below market rate to local small businesses and should be rent stabilized in perpetuity.
13. Off-site community facility space should be provided. Suggested sites include but are not limited to: 2 Howard Street, which the city would need to acquire from the federal government, and 137 Centre Street. The City should also provide funding for the redevelopment of these sites into community facilities.

Ensuring a transparent process through continuing community input to make certain these goals are met

1. The City must be transparent about its decision making throughout the pre-construction, demolition, and construction process.
2. All communication to the community must be made available in the languages spoken by those in the community including but not limited to: English, Mandarin, Cantonese, and Spanish.
3. A community advisory group should be created and meet regularly to address all phases of development from design to post-construction operation of the new facilities. The Manhattan Borough President's Office created a Rikers Task Force in 2018. The Office recently merged the Task Force with the Neighborhood Advisory Committee convened by the City. This proposed community advisory group should be comprised of similar stakeholders.

4. The applicants, alongside New York City Department of Design and Construction and all other relevant agencies, should also hold standing monthly presentations with both CB1 and CB3 to provide regular updates on all phases of development and allow opportunity for Q&A.
5. The community must be notified in real-time of any pre-construction environmental testing and remediation.
6. At least 30% of the design must be completed before any construction commences under design-build.
7. A demolition and construction plan, including timelines and target dates, must be created and shared with the community.
8. The community must be notified at least one week in advance of any street closures or major events related to demolition and construction.
9. A construction hotline must be created and operated 24/7 during demolition and construction in order for community members to report unsafe conditions or activities or other concerns. The hotline should be staffed by a live person during all hours of construction. The number for this hotline should be posted prominently on the construction site.
10. The Design Advisory Group, which the applicants have convened and consists largely of city agencies and elected officials, must include community representation (ideally from the suggested community advisory group, CB1, and CB3) as well as designers and architects with experience in designing facilities in urban environments. The group should also include members who have been incarcerated in order to provide perspective on how the interior of the facility should be designed.

Making additional commitments to reforming our system of incarceration to ensure that the replacement of Rikers Island goes way beyond physical change

1. Changes must be made within the New York City Department of Correction (DOC) to ensure that the existing culture of violence and abuse does not recur in the new jail system.
2. DOC staff must be required to have training in dealing with persons with mental health and/or substance abuse issues as well persons with disabilities. Staff must also be trained on gender preferences in order to respect the dignity of the detainees they are tasked with supervising.
3. DOC must commit to providing social workers or to incentivize staff to pursue higher education and/or training in social work in order to become more effective at managing and supporting detainees.

4. The City must continue to fund social service programs that seek to divert people from the criminal justice system and continue to pass legislation and implement reforms that seek further reductions in the jail population. Policy recommendations released by the Independent Commission on New York City Criminal Justice and Incarceration Reform, the Close Rikers Coalition, and other criminal justice reform advocates, should be considered and implemented, specifically the recommendations that focus on investment in communities that have been impacted by mass incarceration.

Closing Rikers Island

1. The new women's facility, currently planned for Queens, should be sited in Manhattan. It has been announced recently that the Lincoln Correctional Facility located in Manhattan Community Board 10 will be decommissioned. This offers a potential opportunity to have a women's facility in a more centralized location and may allow the women's facility on Rikers Island to close sooner.
2. Buildings which are no longer in use on Rikers Island, such as the George Motchan Detention Center, should be demolished immediately. As more buildings are decommissioned, they should be demolished.
3. There should be binding commitments to guarantee the full closure of Rikers Island. Allocation of capital funds should be made before the end of this current administration for the redevelopment of Rikers as a city asset which generates broad public benefit for all New Yorkers.
4. There must be a deed restriction placed on Rikers.
5. Island to permanently ban its use for any residential or correctional purpose.



Gale A. Brewer
Manhattan Borough President