
IN THE MATTER OF a modified application, under the provisions of Section 197-c of the New York City Charter, for selection and acquisition of a site, for the construction of an adult detention facility, to include the construction of a juvenile detention facility. The proposed site of the combined facility is bounded by Centre, Baxter, Walker and White Streets, Block 198, Lots 1, 10, 23, 24 and 26 in the Borough of Manhattan.

Background Information

An application for site selection and acquisition of a site for the construction of a 500-bed adult detention facility on property bounded by Centre, Baxter, Walker and White Streets, Block 198, Lots 1, 10, 23, 24 and 26 in the Borough of Manhattan was submitted by the Department of Correction (DOC) on January 26, 1982. On April 26, 1982, the City Environmental Quality Review (CEQR) issued a Notice of Completion of the Draft Environmental Impact Statement for this project. On April 26, 1982, the application was certified as complete by the City Planning Commission and referred to Manhattan Community Boards 1 and 3 and the Manhattan Borough Board.

Pursuant to Section 6.040 of the Uniform Land Use Review Procedure Guidelines, on August 5, 1982 a modified application (C 820687 PSM(A)) was submitted by the Departments of Correction and Juvenile Justice (DJJ) to include construction of a 156-bed juvenile detention facility on the same site. This modification was the subject of a Supplemental Draft Environmental Impact Statement, which received a Notice of Completion from CEQR on August 9, 1982. The modified application was referred to Manhattan Community Boards 1 and 3 and the Manhattan Borough Board. On September 24, 1982 CEQR issued a Notice of Completion of the Final Environmental Impact Statement.

The original application (C 820687 PSM) was withdrawn by the Department of Correction on October 4, 1982.

Project and Site Description

The proposed site has 52,200 square feet of privately-owned land in Community Board 1 in Manhattan and is zoned C6-4. A luxury apartment building is proposed to be built on the site. The site is located on the border of Chinatown immediately north of the justice center of Manhattan which contains several courts, the

former Manhattan House of Detention for Men or "Tombs", as it was commonly known, and the Federal Metropolitan Correctional Center. Adjacent areas to the north are zoned M1-5, to the east C6-1, to the south C6-4 and to the west M1-5.

The proposed structure will replace 500 beds at the House of Detention for Men on Rikers Island, which accommodates detainees awaiting trial in New York County Supreme and Criminal courts, and 156 beds at the Spofford Juvenile Center, which houses juveniles remanded by the courts in New York, Kings and Richmond counties. The two proposed replacement facilities are major elements of an overall plan to relieve the current conditions on Rikers Island and at Spofford.

Community Board Public Hearing

Community Board 1 held a public hearing on the original application on May 27, 1982 and on June 8, 1982 by a vote of 32 in favor, 1 against and 2 abstentions, adopted a resolution to oppose selection and acquisition of the proposed site. The Draft Environmental Impact Statement, in the Board's opinion, was deficient in its analysis justifying the White Street site acquisition and failed to consider the possibility of a combined adult and juvenile facility for the site.

Community Board 3 voted unanimously to endorse the action of Community Board 1 on June 22, 1982.

The Borough Board did not hold a public hearing or submit a recommendation on the application.

City Planning Commission Public Hearings

On August 11, 1982, Calendar Numbers 19 and 105 respectively, the Commission scheduled September 1, 1982 as the date for a public hearing on the original and modified applications. On September 1, 1982, Calendar Numbers 75 and 76, the public hearing was held. A public hearing was held simultaneously by the Departments of Environmental Protection and City Planning on the Draft and Supplemental Environmental Impact Statements for the proposed facilities. Because of the complex nature of the applications, the fact that a modification to the original application was proposed and the public concern expressed about the applications, the Commission continued the September 1, 1982 hearings to a special hearing on September 10, 1982. The CEQR hearing on the Draft Environmental Impact Statement was also continued to September 10, 1982. On September 10, 1982, Calendar Numbers 1 and 2, the continued hearing was duly held and closed. The Commission indicated that the record would remain open to receive further

written comments. The Environmental Impact Statement hearing was also closed on September 10, 1982.

At these hearings 25 witnesses spoke in favor of the proposal and 33 in opposition. Among those speaking in support of the application were the New York City Commissioners of Police, Corrections, Juvenile Justice and Probation, the Mayor's Coordinator of Criminal Justice, the Corporation Counsel, the Chairman of the New York City Board of Correction, the District Attorney of Bronx and Richmond Counties, a representative of the District Attorney of New York City, the Special Prosecutor for Narcotics, the Administrative Judge of the Criminal Court, the Supervising Judge of the Family Court, and the Administrative Judge of the Family Court. Also testifying in support were representatives of other city agencies, civic organizations and experts in the field of criminal justice and in the design and operation of correctional facilities.

Speakers in favor testified that it is vitally important for inmates to be located in facilities with easy access for lawyers and families, a situation that does not exist today for Manhattan detainees. About 60% of those remanded to DOC's custody remain for seven days or less before they are released on bail or other disposition of their case is reached. Increased accessibility to attorneys and families to speed the release process will significantly reduce the length of stay of inmates, freeing beds and reducing overcrowding and costs. Speakers in favor also discussed operational savings. The Department of Correction spends \$1.9 million each year for inmate transportation to Manhattan, a major portion of which could be reduced by construction of the proposed facility at White Street. Since the "Tombs" closed, the average length of stay for detainees has increased by more than 60%, from under 30 days to an average of 46 days, at a per diem cost of \$80 for each inmate. The appearance of inmates in court on time speeds the disposition process. The present location of the detention facilities on Rikers Island and at Spofford remote from the courts in Manhattan, Brooklyn and Staten Island makes this difficult.

Another cost factor cited was the time spent by judges, court and police officers and other staff awaiting the arrival of Rikers Island and Spofford detainees. For example, the transportation time from Spofford to the courts prompted the Mayor's Office of Operations to set "target arrival times". In fiscal year 1982, the

target set was 10:00 A.M. It was missed by more than half (53.5%) of the Spofford juvenile defendants. Furthermore, two of every five children (38.1%) did not reach the Brooklyn courts on time; most children destined for Staten Island courts were also late.

Those testifying in favor stressed the long hours children spent in court. Under present procedures, children must wait for the disposition of the last case before any of them are returned to Spofford. Children are detained over night or over the weekend because parents in whose custody they would be placed cannot get to Spofford to pick them up. Speakers noted that the new facilities would remedy the transportation problems which are costly, time-consuming, disruptive for the inmates, their families and the judicial system. In addition, elimination of transportation requirements would release police for other duties thereby improving security elsewhere in the city. The transportation system places a heavy demand for police time because of the increased opportunities for escape during transit.

Proponents also pointed out that the proposed site is vacant and would not require relocation of residential or commercial uses. Its adjacency to the "Tombs" would allow operational economies resulting from shared central support services for adults such as admittance, central receiving for supplies, joint kitchen and laundry.

Other economies could be realized from the co-location of the adult and juvenile facilities in one structure. Operational savings can result from joint heating and ventilation systems. A number of experts in the field of correctional facilities design testified that two facilities could occupy one physical structure while maintaining visual and sound isolation through provision of separate entrances, waiting rooms, elevator cars and other spaces.

Among those speaking in opposition were representatives of a Congressman and two state legislators from Manhattan as well as the Chinese Chamber of Commerce, the Chinatown Planning Council, the Chinese Consolidated Benevolent Association, the Chinese Methodist Church, the Chinese Apostolate of the New York Archdiocese, Local 23-25 of the International Ladies Garment Workers Union, Citizen's Committee for Children, the New York Coalition for Juveniles, Community Boards 1 and 3, Asian Americans for Equality, Chinatown Senior Citizens Center, the Chinatown Recreation Center and other organizations and individuals.

Many opponents expressed concern about having so large a number of inmates -- 426 adults in the remodelled "Tombs", 500 adults and 156 juveniles in the proposed White Street facility, a total of 1082 persons -- in close proximity.

They expressed concern about a number of items including the need for additional housing and commercial space for Chinatown, the impact on business and commercial activity, and possible local security consequences. They questioned the legality of locating both facilities in one physical structure.

Opponents of the proposal spoke of the need for additional low and moderate income housing in the area. Chinatown has been burgeoning in recent years and is spilling over into surrounding communities. Some contended that since the proposed site is the only large open space available in the Chinatown area, it should be used for housing and community facilities. Other felt that it should be used for economic expansion.

A number of speakers felt that the proposed project would also result in a loss of taxes or seriously erode the tax base. They spoke of adverse effects on businesses and jobs and the general economic health of Chinatown and its environs. They pointed out that Chinatown has changed over the years to a major manufacturing center for the fashion industry which has a critical need for more jobs and industrial space. Furthermore, they believed that construction of the proposed facility would place a major burden on already limited parking spaces to the detriment of local residents and businesses.

Various speakers indicated it was unfair to place the proposed facility in Chinatown, which had more than its share of detention capacity. They felt that locating the new facility at the White Street site would double the burden on the Chinatown community since the Metropolitan Correctional Center (MCC) and the Tombs are already there. They suggested that detention facilities be decentralized to other communities. Their concern was that law-abiding citizens would be victimized and stay at home at night. They felt that there would be a perception of a lack of safety which would have a negative impact on Chinatown as a thriving business and commercial center. Some mentioned that outsiders brought into the area by the detention facilities would have a blighting effect on nearby Columbus Park as well as other neighborhood facilities. These effects could result in many residents moving out of Chinatown. They suggested that the space be used for additional commercial space or community facilities.

Some questioned the co-location of a juvenile facility in the same structure as an adult facility. They cited federal legislation which requires that all juveniles be removed from adult jails and said that they believed that it would not be possible to maintain strict separation of juveniles and adults in one structure. Some also questioned whether adequate recreation space could be provided for juveniles in this structure.

A number of other issues were raised including a statement that the Draft Environmental Impact Statement was deficient and did not fully explore other nearby sites. The potential savings from use of a joint site and the economies to be derived from proximity to the courts were also questioned.

Consideration

Approximately 2,000 male adults remanded by the courts in New York County to the custody of the New York City Department of Corrections are housed in the House of Detention for Men on Rikers Island. Manhattan has been without a remand facility since the Manhattan House of Detention for Men was closed by the Federal District Court in 1975 for "inhumane" conditions. That facility, which held more than 2,000 men, is being renovated and upgraded for 426 persons. Reopening is scheduled for 1984.

A second remand facility for adults in Manhattan is a prerequisite to vacating the HDM on Rikers Island. Built over 50 years ago as the New York City Penitentiary for sentenced prisoners, the Rikers Island HDM is in decrepit condition. Because it was not designed for detainees, its continued use as a remand facility has led to security problems and raised constitutional issues. Its age and deterioration make it impossible to meet mandated minimum standards for sanitation, noise levels and access to natural light and air. Concentrations of large numbers of inmates in each cellblock strain the staff's escort capability for programs and services outside the housing areas, create security risks and breed tension among inmates and staff. As a result of numerous law suits, the City has entered into stipulations whereby it has agreed to vacate the HDM on Rikers Island by 1985. The facility proposed for the White Street site is a key element in the City's plan to meet the court-mandated deadline.

The Department of Juvenile Justice has planned construction of two new facilities to replace Spofford. One is the proposed 156 bed facility in lower Manhattan to house juveniles from Manhattan, Brooklyn and Staten Island; the other is

proposed to be located in the Bronx to house juveniles from the Bronx and Queens. A specific site for the second facility has not yet been determined. Secure detention for New York City juveniles is available now only at Spofford Juvenile Center in the South Bronx. Deficiencies in location and design are so severe that renovations, no matter how extensive, could not make it a suitable place for detention of juveniles. Spofford is remote from the 15 courts in which detained children appear. The facility has serious design flaws throughout: large groups of children are crowded into small spaces most of the day; visual surveillance is difficult; program spaces are dispersed over a wide area; interior light and air are limited. Security was neglected in the original design and, although modifications have reduced the risk of escape, they are far from satisfactory.

A number of studies over the past 20 years have documented these conditions. The report of the Committee on Public Safety of the Council of the City of New York in April 1978 concluded "... that the Spofford Juvenile Detention Center must be closed. Spofford is a dysfunctional institution and should be phased out of existence over the next three to five years."

After examining 12 potential sites for its second Manhattan detention facility, using 18 criteria, the Department of Correction found the White Street site to be the most appropriate and suitable location. Accessibility to the courts was a major criterion. The White Street site has the potential for direct, secure access to the Criminal Court Building which can eliminate a costly, time-consuming transportation system with serious security problems.

Two other sites in the vicinity of the Manhattan Courts were explored. Site Alternative 2, 80 Centre Street, offer a good potential. However, it is a New York State office building planned for renovation as relocation space for state agencies displaced from the World Trade Center. The state has declined to sell the building to the city.

DOC also considered Site Alternative 3 at 300 Broadway. This site, bounded by Broadway, Duane, Elk and Reade Streets, does not have potential for being connected directly to the Criminal Court Building. All inmates would have to be bussed to all courts, compared to only about 20 percent of the proposed White Street site inmates. In addition, this site does not have the potential for operating cost economies derived from adjacency to the "Tombs" which the White

Street site does.

Speakers testifying in opposition expressed concern about having more than a thousand inmates and detainees located in one neighborhood. The Commission notes, however, that the proposed combined facility will have half the number of inmates formerly housed in the "Tombs", which was designed to accommodate far fewer men than it held at its peak. Unlike the "Tombs", the renovated House of Detention and the proposed White Street facilities will be designed and built for the 1,082 inmates for which they are planned.

The Supervising Attorney of the Legal Aid Society testified in support of the adult jail and in opposition to the juvenile jail. Others testified against the plan to detain juveniles in the same building with adult inmates. The Commission also heard expert witnesses testify that co-location could be accomplished with structural separation between the two facilities. Both the Departments of Correction and Juvenile Justice stated that the two facilities would have complete physical, administrative and programmatic separation.

In response to the question of the desirability of detaining 156 juveniles in a single facility, the Commission notes that youngsters will live in group modules of 16, within which they will have all of their program activities. The smaller module areas will be designed to maximize supervision and staff contact and minimize unnecessary movement of the youngsters.

The Commission understands the concerns of community residents that the proposed facility not have an adverse impact on the economy of Chinatown. However, the diversified and dynamic nature of the Chinatown economic base, the expanding labor force and market for local goods and service, lead the Commission to conclude that the presence of the proposed facility would not reduce property values or cause economic decline. The Federal Metropolitan Correctional Center several blocks away on Pearl Street has not had this effect, nor has the Brooklyn House of Detention slowed the revitalization of Brooklyn Heights, Cobble Hill and Boerum Hill.

Chinatown residents testified to the need for additional commercial space and low and moderate income housing. While the Commission understands the concerns of the community, it should be noted that the proposed site is on the edge of Chinatown and that the only other proposal for the development of the site is luxury housing. The area has been used for criminal justice throughout the

history of the City, is contiguous with the Manhattan Civic Center, adjacent to the Manhattan courts and related structures. With appropriate design of the exterior, however, the facility can blend into the community fabric as successfully as the Federal Metropolitan Correctional Center, which is a jail most people do not realize is there.

Findings and Recommendations

As discussed earlier in this report, the proposal was the subject of a Draft Supplemental Impact Statement and Final Environmental Impact Statement. The Commission has considered those statements and impacts disclosed therein in reaching the following decisions and finds that consistent with social, economic and other considerations of state and city policy, from among the reasonable alternatives, the proposal avoids or minimizes adverse environmental effects to the maximum extent possible and that all practicable means will be taken in carrying out the proposal to avoid or minimize adverse environmental effects. This report is intended to serve as a statement of facts and conclusions pursuant to GNYCRR 617. 9(c)(3). The Commission finds that the proposed selection and acquisition of the site, bounded by White, Baxter, Walker and Centre Streets in the Borough of Manhattan, for a structure to house an adult detention facility and a juvenile detention facility is a suitable use of this site and the most appropriate location available for these facilities. Co-location of the two facilities in one building on the White Street site would result in a more efficient and economic criminal and juvenile justice system. It would make inmates more accessible to the courts and other governmental agencies as well as to their families, friends and lawyers. It is the Commission's understanding that adequate recreation space for adults and juveniles will be provided to meet federal and state requirements.

As originally conceived, the proposed Spofford decentralization plan called for the construction of four juvenile facilities in the Bronx, Brooklyn, Queens and Manhattan - with perhaps a smaller jail in Staten Island.

Faced with anticipated severe community opposition to locating four new juvenile facilities throughout the City - as well as the attendant high costs of separate facilities - the proposed plan actually eliminates three potential site conflicts by combining the adult jail with the juvenile facility housing youths from Brooklyn, Manhattan and Staten Island. A second juvenile facility would be constructed preferably adjacent to the Bronx Family Court; this would house

young persons before the Bronx and Queens courts.

The construction of two juvenile facilities, instead of the four originally planned, would result in lower site acquisition and construction costs. The plan would achieve much-needed economies of scale in the operation of the facilities.

As part of the plan to upgrade correctional facilities throughout the city, the present Spofford building would be reconstructed for use as an adult detention facility. Funds for these projects are committed in the City's capital budget and three-year capital program.

Cognizant of the need for additional space for commercial activities, the Commission recommends that the design of the proposed structure provide spaces for commercial use on the ground floor level. At the public hearing on September 10, 1982 the City's Commissioner of Correction agreed to explore this concept. An analysis of possible impacts related to this concept is included in the FEIS. Expert testimony has indicated that jails can be within mixed-used structures that house other activities. The Commission urges the Department of Correction to use this positive experience with mixed-use buildings for correctional facilities in its future planning. The north and east frontages -- facing Chinatown -- appear to be appropriate for commercial use. Approximately 25,000 square feet are available for this purpose. The President of the Public Development Corporation (PDC) has offered to implement and market the commercial space. The Department of Correction should welcome this opportunity to work with the PDC.

City Planning Resolution

Resolved that the City Planning Commission pursuant to Section 197-c of the New York City Charter, hereby approves the selection and acquisition of a 52,200 square foot site bounded by White, Baxter, Walker and Centre Streets, Block Number 198, Lots 1, 10, 23, 24, and 26 in the Borough of Manhattan for the building of a structure housing two facilities: a 500-bed adult detention facility for the Department of Correction and a 156-bed juvenile detention facility for the Department of Juvenile Justice.

The above resolution, duly adopted by the City Planning Commission on October 4, 1982, Calendar # 1 is hereby filed with the Secretary of the Board of Estimate.

HERBERT STURZ, Chairman

MAX BOND, JOHN P. GULINO, HOWARD H. HORNSTEIN,
R. SUSAN MOTLEY, THEODORE E. TEAH, Commissioners



CITY OF NEW YORK
COMMUNITY BOARD NO. 3

OFFICE OF THE
CHAIRMAN

JUL 27 1982

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July 15, 1982

cc. *Con Hoyle*
Larry Barnes
Sam Vongaris
Joe Ketas

Honorable Herbert Sturz, Chairman
City Planning Commission
2 Lafayette Street
New York, New York 10007

Re: ULURP Application # 820687 PSM
Proposed Detention Center
White and Baxter Streets

Dear Chairman Sturz:

At its monthly meeting of June 22, 1982, Community Board # 3 voted unanimously to endorse the resolution of Community Board # 1 on the abovementioned ULURP application, a copy of which is attached.

Our Board will take no further action on this matter. Please see that our position is noted for the record when the Commission deliberates on application.

Sincerely,

RICHARD F. ROPIAK
CHAIRMAN
COMMUNITY BOARD # 3

cc: Hon. Lloyd Merrill

CC - All Community Boards
S. V. Nuzzo
MARKS
J. COSTAS



The City of New York

CAROLE DE SARAM
Chairperson

COMMUNITY BOARD NO. 1
BOROUGH OF MANHATTAN

49-51 Chambers Street
Room 809
New York, N.Y. 10007
374-1421-2

Philip C. Nuzzo
District Manager

WHEREAS, the Department of Correction (DOC) draft Environmental Impact Statement (DEIS) has been found deficient in its analysis justifying the White Street site acquisition, and

WHEREAS, the DEIS fails to consider inclusion of two (2) proposed additional detention facilities for that same location,

NOW, Therefore, be it resolved that:

Community Board #1 opposes the acquisition of the above site by the DOC of the City of New York; and further requests that the City consider the recommendations and analysis set forth in the independent consulting report, date 7 June 1982, by C. P. Wolf, Ph.D., in making its final determination as to an appropriate use of the site for both the Community and the City.

APPROVED: In Favor 32 Opposed 1 Abstentions 2