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Gale A. Brewer, Borough President

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Testimony of Manhattan Borough President Gale A. Brewer to the NYC Council Subcommittee on Landmarks, Public Siting and Maritime Uses - Borough Based Jails Hearing

Good Morning Chair Adams and members of the Subcommittee on Landmarks, Public Siting and Maritime Uses.

Thank you for this opportunity to testify on the Borough Based Jail ULURP applications. Despite opposition to the siting and scale of the proposed Manhattan Borough jail, there is widespread agreement that the Rikers Island jail complex must close. As the Lippman Commission stated, it is a "stain" on our City. I support a borough-based jail system; it's an important step, **ALTHOUGH NOT THE ONLY STEP**, in moving toward a fair justice system.

At the same time the imperative to close Rikers and build a borough-based jail cannot justify our failure to fully mitigate the effects of this development on the vulnerable surrounding community. The Chinatown community, which for decades has endured a lack of investment, the construction of additional jail facilities, and the effects of 9/11 is now being asked to accept more years of disruption due to the construction of this facility. We must plan carefully and implement mechanisms to protect the people who live and work in Chinatown.

In my recommendation, I outlined my concerns (and there are many) as well as ways to make this plan better. Today, I am highlighting my main concerns.

The City is asking for 30% more floor area ratio (FAR) than what is allowed under current zoning, and they have provided no justification or explanation for it. When compared to jail facilities using the most progressive design standards like Las Colinas in San Diego, the Manhattan facility is twice the size. As of today, there is no proposed design, and no rationale for why such a large building is needed. That approach is unfair to the community, which is owed more than a concept before the project is approved.

My next major concern involves the effect of this project on the Chung Pak Complex adjacent to the proposed development. This complex not only contains several small businesses, but also a day care center and a senior residence that houses over 100 elderly people, many of whom have limited mobility. This is a highly vulnerable population. The effects of demolition and construction on Chung Pak residents may well be devastating. The risk of poor air quality, dust, and excessive noise is high. We must do whatever is necessary to protect the residents of the senior building. But everyone in the immediate vicinity of the proposed development must also be protected from the project's harmful effects.

Chung Pak LDC, the leaseholder for the complex, will also face an economic hardship. 6,300 square feet of their revenue-generating retail space will be annexed by the City for the new facility. That will result in a loss of income that supports their work within the community. The

City needs to commit to a program that helps mitigate the effects of those losses and ensures Chung Pak's stability going forward. To achieve this, I propose:

1. Chung Pak LDC 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.
2. 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.
3. 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.

The greater Chinatown community is also at risk due to the proposed development. The horrific effects of 9/11 on the Chinatown community created long-term challenges, many of which they are still working through. Businesses closed and never reopened. Most of the federal funding for 9/11 recovery was not made available to the residents and business owners in Chinatown. Streets were closed off, and some remain closed nearly 20 years later. Besides Chung Pak, small businesses are perhaps the group most vulnerable to the problems related to demolition and construction, including noise, dust, and street and sidewalk closures. Many of these businesses are already surviving month to month, and this development could force them to close. Overall, this project as proposed threatens another devastating blow to the Chinatown economy through reduced access, business closings and job loss; to date we have seen nothing to indicate that the City recognizes this threat or has a plan to mitigate it.

My staff identified **303 small businesses** operating with approximately **950 employees**. **On Baxter Street alone, which fronts the proposed site, they observed 11 businesses with approximately 50 employees** that are perhaps the most vulnerable to the effects of demolition and construction.

I recommend that the City protect the small businesses in Chinatown by:

- Installing real-time air quality and dust monitoring, and noise and vibration mitigation;
- Providing assistance in way-finding and advertising for small businesses surrounding the proposed development site;
- Making grant funding available to help businesses manage adverse impacts during construction;
- Creating safe sidewalks and passageways, and providing notification of street closures or major events related to demolition and construction at least one week in advance ;
- Re-opening Park Row to vehicular traffic;
- Offering new retail space within the proposed development to local small businesses at stabilized below-market rents.

In addition, these measures should also apply as needed to the Chinatown community outside the DEIS study area.

One extremely vital asset to the Chinatown community is barely mentioned in the DEIS. Columbus Park, located just over 50 feet from the proposed development, is a major social hub for Chinatown residents, including those who live in Chung Pak, and children who utilize the play fields. If you were to visit the park at this moment, you would find hundreds of residents congregating and socializing. The park also serves as an important symbolic setting for the veneration of Cantonese history and culture in both China and America.

Yet despite the park's proximity to the noise and dust of the proposed development there has been very little attention to their impact on the park and its role in sustaining the neighborhood's communal life and identity.

We need a plan to prevent this. And as part of the mitigation for impacts to the community, upgrades to Columbus Park should be made in consultation with residents.

Unfortunately, the City, especially when it comes to Chinatown, has a poor track record of keeping its word. That is one of the reasons for so much opposition to this plan. What happened with White Street is just one of many examples of broken promises. Instead of the public open space that had been promised to the community nearly 40 years ago, it is a parking lot for the Department of Correction.

We are embarking on a massive overhaul of our justice system. It will not only impact those who have been incarcerated. Substantial commitments will be owed to communities affected by the creation of borough-based jails. We must be committed to avoid new injustices in our effort to overcome older ones.

The promised closure of Rikers marks an important moment in our city's recognition that it has been a poor steward of its responsibility to those held on Rikers Island.

But we cannot lose site of the imperative to create a new and better facility through improved design and zoning. If and when 125 White Street is built, the following conditions must be met:

1. The building should be contextual;
2. Its design must provide a humane, safe, and rehabilitative environment for detainees, their families and correction officers; and community space designed in consultation with the neighborhood;
3. Small businesses must not be harmed;
4. Chung Pak and the seniors must be protected;
5. A working group to monitor the project during demolition and construction, and get solutions to problems in real time must be created;
6. The development of the borough-based jails must include a legally binding agreement to close Rikers Island permanently.

Thank you.