

A. INTRODUCTION

This chapter of the Final Environmental Impact Statement (FEIS) summarizes and responds to substantive comments received during the public comment period for the Draft Environmental Impact Statement (DEIS), issued on March 22, 2019, for the proposed NYC Borough-Based Jail System.

City Environmental Quality Review (CEQR) requires a public hearing on the DEIS as part of the environmental review process. The DEIS public hearing was held on July 10, 2019, at the John Jay College of Criminal Justice Theater, 524 West 59th Street, New York, NY at 10:00 AM. The comment period remained open through Monday, July 22, 2019.

Section B contains a summary of relevant comments on the DEIS and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DEIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. Commenters who expressed general support or general opposition but did not provide substantive comments on the DEIS are listed at the end of Section B. A list of organizations and individuals who commented can be found in Section C. All written comments are included in Appendix K, “Written Comments Received on the Draft Environmental Impact Statement.” Where relevant, in response to comments on the DEIS, changes have been made and are shown with double underlines in the FEIS.

B. COMMENTS AND RESPONSES**COMMUNITY ENGAGEMENT AND PUBLIC PARTICIPATION****Comment 1:**

CB1 is on record objecting to the administration’s “opaque site selection and lack of community input” for the Manhattan BBJ project, and CB1 continues to believe the administration should reconsider its selection of the Manhattan site in conjunction with a process of meaningful community engagement on site selection. (CB1_015)

The Kew Gardens community was only informed of the proposed jail facility by the August 15 press release. The City has failed to undertake community and neighborhood engagement in Queens. (CB9_018)

¹ This chapter is new to the FEIS.

Before any sites are considered, there has to be meaningful dialogue with all community stakeholders with consensus there has to be agreement about the size and scale of any facility that would meet the goals of maintaining the connection between the incarcerated and their families. (Katz_021)

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. (Brewer_019)

I ask you to call a town hall meeting in every borough with a transparent plan. (Oliver_031)

Communities citywide are outraged by the lack of community participation in the planning stages and the rush by the mayor and City Council speak to start the ULURP process before the facts are known. The City must fully involve the surrounding communities in the planning and design process (Balboza_042)

The process hasn't been transparent. (Brandston_309)

This plan has been well discussed among residents in this area. Mayor should not make decisions only by himself and ignoring people's voices against the project. (Yang_495)

I am just wondering why Kew Gardens residents were not informed of this hearing. And why only the "activist" group hired by developers were informed and was there in full force. Here is a post from an online blog: Bill Sidis July 11th 2019. Exactly what notice gets sent to local residents of these hearings? NONE. The lobbying jail group gets notices direct and one has to wonder if they have jobs or most are on public assistance so that wasting an entire day is no problem for them. And if you've been to any of the hearings, these people are given first chance to speak so it is usually hours until any local person affected has a chance to talk. Let's be honest. This is just a charade and it's why the Mayor's office didn't care one iota to prioritize neighborhood residents. (Brown_499)

The Queens Borough President has requested that the planning process for the Borough Based jail be started over again, from the beginning, to allow for sufficient community involvement and input, which has not been provided by the City. The Borough President's request for the planning process to be started again, should be granted. The City Planning Commission should not approve a plan that has not had adequate community involvement and input. The City Council Member representing the City Council District in which the jail is proposed, expressed her support of the proposed jail before the plan for that jail was

made known to the community. She has persisted in her support for the proposed jail despite and throughout the period when her constituents were unanimously expressing opposition, asking questions and getting no answers. This clear case of unresponsiveness to community involvement regarding the building of a huge structure in the community should not be endorsed by the City Planning Commission. (Brown_643)

Riker's Island can be modernized, but the Mayor has not commissioned a transparent process to consider this option. (Doyle_657)

The plan was approved without the proper process, and with little regard for our community's safety, well-being or best interests. (Fortson_688)

This plan is neither well-thought-out nor was the community involved until it was in place. (Kurz_773)

The community was never asked or included in any mayors office research about building the jail and simply ignored on various meetings with the mayor and mayors office representatives. (L_540)

We oppose the Borough-based jails because the entire process has: 1. no transparency and little/no engagement with the community; 2. constantly evolving data and information, but insufficient to have meaningful discussion on direction, design and/or plans; 3. many questions relating to mitigation plans and/or EIS; or analyses associated with recent projected impacts of Criminal Justice reform legislation/policies received a standard answer: "we are studying it and once we have the information, we will provide it". (Lai_528)

The lack of transparency and input prior to the decision being made to place a jail at the tow pound site shows a complete lack of respect for the community, our worth and our efforts over the past twenty two years. For the reasons stated herein, we oppose the City's plan to site a jail at 320 Concord Avenue and ask that the City Planning Commission vote no and work with the Borough President's office to select a viable alternative site for the Bronx jail. (Parks_067)

I strongly object to lack of input by local citizens, should be voted on, after thorough detail of the project (Quinn_705)

We are opposed to the City's plan to locate a jail on this site because of the manner in which the City rushed through SCOPING and EIS and consolidated separate developments in four boroughs into single ULURP process, which effectively deprives the local community critical scrutiny over the plan's actual effectiveness and potential harm, as well as exploration of better alternatives. And it deprives all of NYC's citizens in all five boroughs, except for four community boards, the opportunity to have their voices heard by their local community board representatives

on an issue that affects all of us—closing Rikers Island. This ULURP is fake public participation! (Reicher_464)

Everything the mayor and the city has said about the jail completely ignored the concerns of the community. (Sinaw_721)

The Lippman report also stated that communities must be engaged in the site selection of the BBJs, however in this case, there was a total lack of community engagement in the site selection. (Sung_064)

We urge you to hold the city accountable by demanding that the process be rolled back, specifically, restart SCOPING and EIS with full community engagement as well as accurate site address (not 80 Center Street as a stand-in for 125 White Street) and abide by the democratic principle of one review process per construction site.. (Tsai_082, Tsai_742)

The city rushed through SCOPING and EIS and consolidated separate developments in four boroughs into one single ULURP process, which effectively deprived the public of critical scrutiny over the plan's actual effectiveness and potential harm, as well as exploration of fiscally more responsible alternatives. (Tsai_742)

One of the major flaws of the assessment of Section 5.13 is the use of words such as assumed, potential, perhaps, moderate, rare, significant, etc. the definition of these terms is in the eyes of the beholder and as the authors of this document have had no contact with the community (as was mandated by the Lippman Report). Plans for this massive Jail had been made, consultants hired and paid- years before the Communities of Kew and Briarwood became aware of the "Plan". From September to November there were no attempts to engage the communities - so called Queens Neighborhood Meetings were a farce. It is difficult to imagine how the decisions reached in this section were reached, certainly not by any visits with community members to our home, Kew Gardens. There was no attempt to really study the communities of Kew Gardens, Briarwood and Forest Hills and no attempt to engage with the people who will be most affected by this huge jail complex. There was also no communication with the communities before the plans were already on the drawing board and being circulated. (Wilson_060)

This process took away the opportunity for each neighborhood to be evaluated on its own merits in a timeline appropriate for that community. (Wollner_417)

There has been very little community engagement and input in the development of this plan. It has been foisted on the community as a near 'fait accompli' with little time to notify, evaluate and respond. This is particularly disturbing. (Chin_507)

During our NAC meetings, we requested residents and businesses directly impacted to be engaged. No information has been shared and our concerns remain for the affected businesses and the respective people involved. (Kong_078)

This project did not take the consideration or input of the community. (Cho_714)

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. (Brewer_019)

In order to further community engagement, I believe that there is a need to build on these efforts, and expand the scope of such input. I believe that a community advisory group involving local elected officials, Community Board 2, as well as neighborhood and business organizations should be established now, to meet regularly with the responsible City agencies. This group would provide ongoing feedback throughout the design, construction, and operations stages, on matters such as building volume, exterior materials, use of the Atlantic Avenue community space, use of the State Street streetbed, vehicular access, and ongoing operational logistics that might have quality-of-life impacts in the community. (Adams_022)

I sat before this Commission at 120 Broadway and listened to Dana Kaplan talk on September 24 and announced that they'd been a significant amount of communication, both open and closed, to the communities. And I looked around and I thought, nothing has happened. Nobody approached the Community Board. Nobody approached any of the associations. (Hack_TS1_803)

If it wasn't secret, it was very closed door, it was very exclusive, elitist. And I think fundamentally undemocratic. (Vernon_TS1_837)

I was part of the so-called neighborhood advisory committee process. And the only reason I heard about it was because a neighbor in the adjoining neighborhood of Kew Gardens told me about it. The City did no outreach. I think really no meaningful outreach to any of the neighborhoods before that and really I feel that that was kind of a check at the boxes kind of approach. (Vernon_TS1_837)

Response 1:

The City has complied with all SEQRA/CEQR procedures in providing for public review during the environmental review process for the proposed project. For the scoping process, the City held four public

meetings to receive comments on the Draft Scope of Work and extended the public comment period. In addition, the proposed project is undergoing review through the City's ULURP process and a public hearing on the DEIS was held on July 10, 2019. Public comments were accepted from March 22, 2019 through July 22, 2019.

Separate and apart from the CEQR process, the City has actively engaged the potentially affected communities in several ways. First, the Neighborhood Advisory Committees (NACs) were formed as a community-driven process to provide community members with concrete opportunities to voice concerns, receive updates, provide feedback and to help shape the new facilities. The NACs are comprised of community leaders and have made a list of recommendations ("Guidelines and Principles") regarding community investments/needs; ways to improve how these facilities will be integrated into the surrounding neighborhood, including a memorialization of top community concerns; and how to use the community-related facility space within each borough jail. The NAC's list of recommendations ("Guidelines and Principles") are a public document available on the Close Rikers project webpage and shared with all parties involved in the ULURP review process—Community Boards, Borough Presidents, City Planning Commission, and City Council—as an advisory document and incorporated as a chapter in the master plan. Second, the City is continuing to meet with community-based organizations, elected officials, and Community Boards to discuss criminal justice reform and conduct robust public engagement for all proposed sites so that potentially affected communities can weigh in and have their voices heard.

The City is also committed to ongoing community engagement after the completion of ULURP and throughout the proposed project's construction period. The City intends to continue community engagement during the construction process, and will appoint a community liaison for each site to address community concerns during the construction period. The City intends to consult with community groups and key stakeholders as part of the preparation of design guidelines over the next year, including through the Neighborhood Advisory Committees and Manhattan Joint Task Force. Once design is underway, the proposed project would undergo review by the Public Design Commission, which includes additional community engagement and review.

Community Engagement Overview

Since the City issued its Roadmap to close the jails on Rikers Island in June 2017 and the start of the master planning process in January 2018, the applicant team has followed a coordinated and purposeful engagement plan involving three parallel tracks.

- The first track is the Justice Implementation Task Force (JITF), which informed the master planning team's approach and formed the broad-based recommendations about design principles that were part of a much larger process that has informed the proposed jail facilities.
- The second track involved focus groups of stakeholder and program user groups, including formerly incarcerated people, families, visitors, service providers and staff, which informed the programming. Feedback from these groups helped guide key decisions such as the creation of a dedicated women's facility, the nature and quantity of space for service providers, as well as the best integration of technology into the facilities.
- The third track focused on direct engagement with neighborhood residents. The applicant team worked closely with the Mayor's Community Affairs Unit and in consultation with the local elected official to convene and meet with Neighborhood Advisory Committees (NACs) that consisted of community leaders tasked with developing recommendations regarding the facilities and surrounding community needs. Neighborhood outreach was critical in developing urban design and programming considerations for each site, including programming for the community spaces, planning principles for White Street in Manhattan, location of the community space in the Bronx and transport concerns on State Street in Brooklyn.

Justice Implementation Task Force (JITF)

In June 2017, the City announced the Roadmap to closing the jails on Rikers Island that relies on three key strategies: (1) reducing the jail population, (2) improving the culture inside City jails by increasing support for corrections officers and everyone in the City's custody, and (3) building a smaller borough-based jails system with humane facilities for those who live and work in them. To help guide this process, the City convened the JITF which represents 75 organizations inside and outside of City government.² Within the JITF, three working groups were formed to carry out each of the three strategies detailed above: the Jail Population Reduction Working Group, Culture Change Working Group, and Design Working Group. All three strategies, guided by the Working Groups, have advanced significantly in the two years since issuing the Roadmap to close the jails on Rikers Island.

Notably, the Design Working Group brought together architects, designers, environmental psychologists and other design experts

² The membership list is available on the project [website](https://rikers.cityofnewyork.us/implementation-task-force/): <https://rikers.cityofnewyork.us/implementation-task-force/>.

with knowledge of the criminal justice system to review conceptual plans. A subcommittee of the Design Working Group³ produced the Guiding Principles on Design (“Principles”) and briefed the master planning team on the Principles. This document has informed the master planning and conceptual designs as detailed below. The Design Working Group continues to meet and provide feedback on plans as they develop and will continue in this role following ULURP and through the duration of the term of the Design Working Group, which extends through 2021.

Focus Groups

Expanding on the work produced by the JITF Design Working Group, the Perkins Eastman and City teams conducted 13 focus groups with more than 100 participants and over 40 different organizations that included staff, daily service providers, occasional service providers, previously incarcerated individuals, families of incarcerated individuals, defense attorneys and advocates, Department of Correction (DOC) staff, educators, and healthcare professionals. The feedback from these focus groups informed both the program and conceptual design of the facilities.

For example, the City conducted numerous focus groups with previously incarcerated women, women in custody, staff and service providers to determine if women should be housed throughout the four facilities or centralized in one facility. Based on the feedback heard throughout the process, the City changed its original plans and decided to centralize women in one facility. Housing women in a centralized location allows for dedicated intake, visiting, and programming space, which focus group participants emphasized as critically important.

The master plan team conducted site visits beyond the City’s detention system to see other examples of positive and negative design interventions. The site visits to Bedford Hills and Sing Sing presented a positive example of how to better provide spaces for children visiting

³ The subcommittee that drafted the Guiding Principles on Design was composed of the following people: Kwan-Lamar Blount-Hill (Mayor’s Office of Criminal Justice - MOCJ), Margaret Castillo (Department of Design and Construction - DDC), Ifeoma Ebo (MOCJ), Dan Gallagher (NADAAA Architecture and Design Firm), Quilian Riano (DDC), Rosalie Genevro (Architectural League), Purnima Kapur (Department of City Planning *ex officio*), Jessica Lax (Van Alen Institute), Feniosky Pena-Mora (Columbia University and former DDC Commissioner), Stanley Richards (The Fortune Society), David Van der Leer (Van Alen Institute), and Patricia Yang (Correctional Health Services).

loved ones in detention. Both of these facilities had designated play areas with tables, chairs, games, book, and activities to help foster positive visiting experiences for both children and parents.

Neighborhood Advisory Committees (NACs)

During public engagement in the summer and early fall of 2018, a key theme emerged: a request for more community engagement. As a result, the City established an NAC in each borough to increase transparency around the City's work and to provide a formal and regular forum to address the issues of concern in each neighborhood. Over the course of approximately six months, the City met with each of the NACs five to seven times.

Each NAC is comprised of local community leaders. The purpose of the NACs is to provide the master planning team with a better understanding of each community's concerns, keep community leaders informed on the master planning process, and develop recommendations regarding the facilities and surrounding community needs called "NAC Guidelines and Principles." The NAC meeting materials and final Guidelines and Principles are publicly available online⁴ and have been provided to Community Boards, Borough Presidents, the City Planning Commission and City Council.

Conversations within each of the NAC and the development of the NAC Guidelines and Principles resulted in important changes to the master planning process in each borough. Across all communities, height and bulk were major concerns and therefore the master plan team has worked to reduce the size of the buildings. The team lowered the height of each facility by a minimum of 30' between the scoping meetings and certification and is continuing to study how to reduce the building size.

The City's site selection criteria for the proposed project are discussed in DEIS Chapter 1, "Project Description."

Comment 2:

While we have only just begun ULURP, the City's Department of Design and Construction announced on April 22 a \$107.4 million contract with AECOM-Hill to create four separate design-build management teams, one for each of the new borough-based jails. Yet, so far not one "of the voting groups," let alone the most decisive voting entity, the City Council, has yet to vote, let alone hold a hearing. (CB9_018)

Throughout this process, DOC has eschewed public review and input, and continues to violate CEQR by putting out Requests for Design Build

⁴ <https://rikers.cityofnewyork.us/nyc-borough-based-jails/nac-meeting-materials/>

of the BBJ Project when no approvals for the Project have been granted. (Richmond_069)

Response 2:

DDC has selected a program management consultant. Neither the RFP nor the RFQ has been issued for the design-build teams for the detention facilities. In order for the City to be prepared to deliver the proposed project on the timeframe for closing the jails on Rikers Island by 2026, DDC has hired a program management consultant to begin the work of planning for future design and construction. Early preparation is particularly important given the opportunity of delivering the proposed project under the City's design-build authorization by New York State.

Comment 3:

On March 25, 2019, the City Planning Commission certified as complete the application of the New York City Department of Correction and the Mayor's Office of Criminal Justice to build four jails, one each in the Bronx, Brooklyn, Manhattan and Queens. All four jails were certified as a single ULURP, an action we believe is unique in the history of ULURP. (CB9_018)

The City rushed through scoping and EIS and consolidated separate developments in four boroughs into one single ULURP process, which effectively deprived the public of critical scrutiny over the plan's actual effectiveness and potential harm, as well as exploration of fiscally more responsible alternatives. (Tsai_040)

The City provided examples of bundled ULURPs but it inadequately compares to the scope, size and impact of this proposal. If a private developer was applying, it is certain, their plan would have required 4 separate ULURPs. The City should be held to the same standards. (Kong_078)

The combination of four land use actions in four different boroughs into a single Uniform Land Use Review Procedure is arbitrary, capricious, and an abuse of discretion. The unprecedented consolidation of four land use actions serves no legitimate public purpose, and is prompted solely by political motivations. (Richmond_069)

The precedent exists to defer the Bronx site for further analysis while the closing of Rikers Island can proceed. The City has the power to alter the ULURP. For example, CPC can split one application into multiple applications to address community concerns. We implore the City to give the same consideration to community concerns around this proposed Bronx site. (Diaz_025)

Response 3:

The borough-based jails system project is a proposal to close a citywide network of facilities, the jails on Rikers Island and borough jail facilities. To address the needs of the City's future jail population and have capacity

to close the jails on Rikers Island, the City cannot propose one jail without the others—that approach would not ensure the closure of the jails on Rikers Island. The City structured the application as a single site selection to maximize transparency (all the boroughs can see what is happening in the others), efficiency (agencies are only preparing and reviewing one application), and fairness (all of the boroughs are treated the same procedurally). The single ULURP application allows for the City to act as quickly as possible to close the jails on Rikers Island and to provide new safe and humane facilities for those who will be in city custody. Overall, a single consolidated ULURP process for the proposed borough-based jail system allows for a more efficient and consolidated review, including assessment of the project’s potential environmental impacts consistent with requirements under CEQR/SEQRA, while also ensuring a rigorous and comprehensive process for public input. The borough-based jails system project is a proposal to close a citywide network of facilities, the jails on Rikers Island and borough jail facilities. To address the needs of the City’s future jail population and have capacity to close the jails on Rikers Island, the City cannot propose one jail without the others—that approach would not ensure the closure of the jails on Rikers Island. The City structured the application as a single site selection to maximize transparency (all the boroughs can see what is happening in the others), efficiency (agencies are only preparing and reviewing one application), and fairness (all of the boroughs are treated the same procedurally). The single ULURP application allows for the City to act as quickly as possible to close the jails on Rikers Island and to provide new safe and humane facilities for those who will be in city custody.

Comment 4: Moreover, this City Planning Commission application was certified as a “concept.” We question how you certify a concept, an action which is a dramatic departure from established land use process. (CB9_018)

The DEIS also makes claims about the design of the buildings when no designs currently exist. The DEIS cannot have it both ways. One cannot claim that there are no plans at one point and point to possible conceptual plans at another point. (Pollock_071)

Response 4: The ULURP applications identify the proposed discretionary actions for the proposed project and define a maximum zoning envelope within which the proposed detention facilities could be constructed. The proposed actions do not define a specific building massing or design because specific plans for the detention facilities have not been created. However, to provide for a conservative analysis, the DEIS analyses are based on the maximum zoning envelope for each site. Where appropriate, illustrative building massings that would fit within the maximum zoning envelope are provided. Consistent with legislation approved by the New

York State Legislature, designs for the individual detention facilities will be drafted and the facilities constructed after a design/build team is selected at the completion of a competitive process. As a result of public comment and modifications from the City Planning Commission (CPC), the proposed actions and maximum zoning envelopes for each site have been further refined and assessed in the FEIS.

ANALYSIS FRAMEWORK

Comment 5: The Queens neighborhood is already impacted by mentally unstable homeless people with the new hotels on the boulevard near the courthouse. (Fried_004)

Response 5: The DEIS technical analyses begin with an assessment of existing conditions, which serves as a starting point for the projection of future conditions both with and without the proposed project and the analysis of impacts. Thus, the DEIS accounts for conditions resulting from new hotels and/or homeless shelters in the vicinity of the Queens site as appropriate in each technical area.

Comment 6: The City must establish a task force to more closely study the precise environmental, landmark/historic preservation, archaeological, and business displacement impacts of the proposed Manhattan BBJ project and report the findings and recommendations of the task force to CB1 and the public at large. (CB1_015)

Response 6: The potential environmental impacts of the proposed project at the Manhattan site, including potential impacts related to historic and cultural resources, archaeological resources, and direct and indirect business displacement have been assessed and disclosed in the DEIS in accordance with the guidance of the *CEQR Technical Manual*. As discussed in the FEIS, the proposed project at the Manhattan site could result in significant adverse impacts related to historic and cultural resources, but would not result in significant adverse impacts due to business displacement. Furthermore, additional archaeological investigations are recommended to evaluate areas of potential archaeological sensitivity on the Manhattan Site. As discussed in FEIS Section 4.15, "Mitigation-Manhattan," the Applicant will consult with LPC to develop and implement appropriate mitigation measures to partially mitigate the potential for the potential significant adverse impacts to historic and cultural resources. For architectural resources, mitigation measures are expected to include Historic American Buildings Survey (HABS) documentation of the architectural resource including sufficient information about 100 Centre Street, to which it is connected, as well as

the implementation of a Construction Protection Plan (CPP). For archaeological resources, additional archaeological analysis in the form of Phase 1B archaeological testing or monitoring would be completed in consultation with LPC for those archaeologically sensitive portions of the White Street streetbed that would be disturbed by the proposed project.

Comment 7:

The city has not addressed the relocation of the use of the tow pound in any manner. The likelihood is that its relocation would wind up in another yet-to-be-determined community. We are still in the dark concerning the size, whereabouts, and cost that this additional undertaking would entail, in contrast to my alternative where all facets are properly controlled. (Diaz_020)

Actions caused by the proposed action, including the relocation of the City's Tow Pound in the Bronx, are missing from the project description and subsequent environmental review. How have the environmental impacts of relocating the Tow Pound been incorporated into the environmental review? We believe that they have not been. How is deferring studying the environmental impacts of relocating the Tow Pound not segmentation? (Janes_062)

Response 7:

As discussed in DEIS Chapter 1, "Project Description," the City intends to relocate the NYPD Bronx Tow Pound prior to construction of the proposed detention facility on the Bronx Site. After a site is identified, the relocation of the tow pound would be subject to a future planning and public review process, including separate approvals and environmental review as warranted.

Comment 8:

It is a menace to public safety to kickstart some "design and build" projects without due diligence, such as properly assessing the risks of unsafe construction, soil condition shifting foundations, damage to Canal Street Sewer causing sewer leakage into Chinatown, Tribeca, Little Italy, and Soho, the dangers posed to surrounding buildings, harm to local residents, etc. (Tsai_040)

Response 8:

The DEIS assesses the potential environmental impacts of the proposed project in accordance with the *CEQR Technical Manual*, including potential impacts related to construction and water and sewer infrastructure.

Comment 9:

While not a part of the environmental review, the DOC disclosed at the Bronx Borough President's public hearing on June 25 that this action will involve the closing of the Vernon C. Bain Correctional Center. This facility houses some 800 inmates, has hundreds of employees, and its closure is not insignificant; it is well over half the capacity of the new

Bronx jail. How has its closing and the relocation of the services provided by that facility been incorporated into the environmental review? If not, why not? (Janes_062)

Response 9:

As discussed in DEIS Chapter 1, “Project Description,” the EIS does not evaluate the potential reuse or redevelopment of the Vernon C. Bain Center as part of the proposed project. Any future proposal for the reuse of Vernon C. Bain Center, should it move forward, would be subject to future planning and public review processes, including a separate approval and environmental review process as necessary. With the completion of the proposed project, the City would close and decommission the Vernon C. Bain Center; the City’s population of people in detention would then be housed at the four borough-based detention facilities.

Comment 10:

The DEIS fails to describe and/or detail the “Zoning Text Amendment” that it states is required for the overall BBJ project, other than to assert that it would “establish[] a special permit allowing use, bulk, parking and loading modifications, for borough-based jails” (see DEIS at 1-1, at Table 1-2). While the project itself is “site specific,” the Zoning Text Amendment is “generic,” and requires a different analysis (see *CEQR Technical Manual* at 2-2) (Richmond_069)

DOC must also address issues including other projected or potential sites that are susceptible to development pursuant to the Zoning Text Amendment, and then develop and publicly present a Reasonable Worst-Case Development Scenario (see *CEQR Technical Manual* at 2-10 to 2-11). To begin with, DOC should clarify whether the Zoning Text Amendment could apply to projects other than the four that are under consideration. (Richmond_069)

Response 10:

As noted in DEIS Chapter 1, “Project Description,” the proposed zoning text amendment would create a special permit that would only be available for the borough-based jail system and would not be available for other applicants or sites. Therefore, a conceptual analysis of its possible use at other sites is not necessary.

Comment 11:

Because all four currently proposed detention facility sites would result from the Zoning Text Amendment, their impacts must be cumulatively assessed under SEQRA. Indeed, DOC has presented the BBJ Project as one project under ULURP, and should have considered the cumulative impacts of all four proposed detention centers for purposes of SEQRA/CEQR, in addition to consideration of impacts on a site-specific basis. The BBJ Project is part of a city-wide plan to close Rikers Island Jail. The four proposed jails are being held out as complementary

components of the city-wide plan. As such, consideration of the combined effects of the four jails is required. (Richmond_069)

Response 11:

The proposed project would be located at geographically disparate sites and would not have the potential to result in cumulative impacts with respect to most areas of analysis in the *CEQR Technical Manual*. For instance, traffic to the proposed sites would affect the local street network around a site, but would not have the potential to combine with traffic from other sites to result in cumulative traffic impacts. Where appropriate, such as for the analysis of greenhouse gas emissions and climate change, the analysis presents the potential cumulative impacts of the proposed project. FEIS Chapter 1, "Project Description," has been updated to explain why there is no potential for cumulative impacts in most technical areas.

Comment 12:

The 400 foot study area boundary is woefully inadequate to analyze the effects on the entire Chinatown community. Major commercial and residential uses are excluded as well as the spirit of a community perpetually struggling to maintain its character and identity. This arbitrary study area does not even include Mott Street or Bayard Street as if they are not contiguous with the study site. The study zone does not even include the entirety of the Chatham Towers Residential Cooperative which is composed of two buildings. The study area bifurcates this property, excluding one of the two buildings housing 240 families. (Freid_061)

State the reasons as to how a 400 sq. ft radius perimeter was chosen as the study area for each BBJ. Explain why the study area cannot/should not be expanded to a 1,000 sq ft or more radius. (Sung_064)

Response 12:

It is assumed that the commenter is referring to the 400-foot boundaries provided on the CEQR EAS forms. A 400-foot radius was provided in accordance with the instructions provided on the CEQR EAS forms, which request a 400-foot radius for context on figures. The 400-foot radius does not represent the study areas for all of the technical analyses. As discussed throughout the DEIS, study areas vary depending on the technical area. The study areas were developed based on the guidance of the *CEQR Technical Manual* and in consultation with the lead agency and MOEC, and generally range from 400 feet for some analyses to up to a ½-mile radius for other analyses. For instance, the analyses of land use, zoning, and public policy; socioeconomic conditions; open space; and neighborhood character used a ¼-mile study area.

CEQR PROCESS

Comment 13: Given the inchoate and evolving character of the BBJ project, it is unfortunately unsurprising that the DEIS completely fails to identify and take the requisite “hard look” at the intense and severe significant adverse environmental impacts that it poses both in the short term and the long term. With all due respect, it is misleading to even refer to the document as a DEIS, since it is so lacking in the essential elements that would allow the lead reviewing agency and the public to rationally identify, consider, assess, and comment upon all potential significant adverse environmental impacts resulting from the project. (Richmond_069)

Response 13: The EIS was prepared in conformance with all applicable laws and regulations, including SEQRA, the City’s Executive Order No. 91 (August 24, 1977), and CEQR regulations, and consistent with the guidance and methodologies in the *CEQR Technical Manual*.

Comment 14: The entire DEIS for the MDC is fatally flawed by DOC’s failure to strictly comply with SEQRA’s procedural requirements with respect to issuing a Positive Declaration and Scoping. The Positive Declaration requiring the preparation of the DEIS and the Draft Scope of Work for the DEIS concerned a different location for the project than the Site (see DEIS at 1-16 “The Manhattan Site at 80 Centre Street was identified in the Draft Scope of work, but was subsequently removed from consideration after further evaluation and public review.”) As such, the Positive Declaration and the Draft Scope of Work fail to rationally “address[] the interplay between the proposed [P]roject *in its particular location* and conditions in the surrounding area.” (see *CEQR Technical Manual* at 4-14 (emphasis added).)

Moreover, in violation of SEQRA, the Scoping Session here did not actually cover the proposed action that is the subject of the DEIS. See 6 NYCRR § 617.2(ag) (defining “scoping” as the “process by which the lead agency identified the potentially significant adverse impacts related to the *proposed action* that are to be addressed in the draft EIS” (emphasis added)). In fact, the Draft Scope of Work circulated to the public violates the basic objective of a Draft Scope of “describ[ing] the proposed project with sufficient detail about the proposal *and its surroundings* to allow the public and interested and involved agencies to understand the environmental issues.” (see *CEQR Technical Manual* at 1-11 (emphasis added)). The Site that is the subject of the DEIS poses distinct potential significant adverse impacts from the site that was the subject of the Positive Declaration and Draft Scope of Work, and DOC failed to identify

these impacts because of its effort to engage in an improper procedural short cut.

Here, by holding a scoping session on the wrong location, DOC violated its most basic obligation to present the location of the project. (See *CEQR Technical Manual*, at 2-8 (stating that for “site specific” actions, “[t]he location and physical dimensions of the project must be presented, including the blocks and lots affected (or, if relevant, GIS shapefiles may also be provided)”; see generally *CEQR Technical Manual* at 2-1 (stating that “site specific” projects “are those proposed for a specific location where approvals specific to the site are required to allow a particular project to proceed.”). (Richmond_069)

"The original scoping for the project was for a different physical site in Manhattan. After the site was changed from 80 Centre Street to 124-125 White Street, there should have been a new scoping and DEIS prepared. The planners simply crossed out the 80 Centre St. address and inserted 124-125 White Street!" (Chin_507)

Response 14:

While the City originally considered 80 Centre to be a suitable site, the complexity and cost of moving 80 Centre’s multiple occupants and disruption to court operations ultimately made this site not viable. Additionally in response to public comments provided on the Draft Scope of Work and through the City’s community engagement process, the City is now proposing to site the Manhattan borough-based jail facility at 124-125 White Street.

Comment 15:

Due to the DOC’s failure to hold a scoping hearing for the actual Manhattan site that is under consideration, the DEIS provides little if any meaningful analysis on how the Project would affect the tenements on and around Baxter, Bayard, and Mulberry Streets, Columbus Park, Transfiguration School, Chatham Towers, and other residential buildings, or the seniors who reside at Chung Pak, including but limited to how these residents, children, and seniors would be impacted by the effects of this massive demolition and construction project. The DEIS’ failure to seriously consider the potential air, noise, hazardous materials exposure and other impacts that could foreseeably result from the construction of the Project is particularly egregious with respect to the vulnerable seniors who reside in Chung Pak. Moreover, as the result of the DOC’s procedural violation, the DEIS also fails to consider the potential impacts to Chung Pak and other affected residents once the Project is constructed. Chung Pak residents, for example, have access to and regularly use a roof garden, which the project would place in shadows for much of the year. Similarly, as a result of the lack of scoping for the subject site, the DEIS fails to fully identify and rationally consider the

Project's potentially significant impacts on the residents, businesses, and buildings right across from the site on Baxter Street. The DEIS fails to consider the impacts of project construction on these residents, businesses, and buildings, as well as the impact of the project on them following construction. The DEIS, for example, fails to identify and rationally address the potential construction vibration impacts to these building, which are in the Chinatown and Little Italy Historic District, notwithstanding the specific protections afforded to these defined Adjacent Historic Structures. Indeed, the DEIS also does not rationally address how pile driving on the site, which is located on the former Collect Pond and is affected by "unstable soils," (see DEIS at 4.5-8) could be conducted in compliance with Department of Buildings Technical Policy and Procedure Notice (TPPN) #10/88, or how, if pile driving is prohibited by TPPN #10/88, the project could be constructed. (Richmond_069)

Response 15:

The DEIS presents a full and complete analysis of the potential impacts resulting from the proposed project at the Manhattan Site at 124-125 White Street, and accounts for the residential uses, open spaces, and other sensitive uses in proximity to the site in the relevant technical analyses for both construction and operation of the proposed project. In particular, the DEIS analysis accounts for residents and sensitive receptors at Chung Pak and along Baxter Street as appropriate in the air quality, noise, transportation, and construction analyses. The Chung Pak roof garden is not assessed in the shadows analysis because private rooftop open spaces are outside the scope of a CEQR shadows assessment. The project is expected to use drilled piles and not include impact pile driving, resulting in less noise and/or vibration during pile installation. As noted in DEIS Section 4.5, "Historic and Cultural Resources-Manhattan," to avoid inadvertent construction-related impacts, construction protection measures would be set forth in a Construction Protection Plan (CPP) that would be developed in consultation with LPC and implemented in coordination with a licensed professional engineer. The CPP would describe the measures to be implemented to protect the Criminal Courts Building at 100 Centre Street and other affected architectural resources during construction of the proposed project. The CPP would follow the guidelines set forth in Section 522 of the *CEQR Technical Manual* and LPC's *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark* and *Protection Programs for Landmark Buildings*. The CPP would also comply with the procedures set forth in the New York City Department of Buildings (DOB)'s *Technical Policy and Procedure Notice (TPPN) #10/88*. Please refer to the response to Comment 14-35 regarding the DEIS analysis of vibration during construction of the proposed project.

Comment 16: Even the scoping conducted for 80 Centre Street was flawed. We understand that many members of the public were prevented from attending and otherwise denied the opportunity to meaningfully participate in the scoping process because the location of that scoping session reached overcapacity for fire safety purposes. (Richmond_069)

Response 16: The public was provided multiple opportunities to participate in the scoping process by providing written comments on the Draft Scope of Work during an extended public comment period and participating in any of the four public scoping meetings that were held, or by attending three other public scoping meetings in the Bronx, Brooklyn, and Queens, respectively.

Comment 17: Where, as here, new relevant information or analyses are developed and/or there are changes proposed for a project subsequent to the filing of a DEIS, a supplemental environmental impact statement (SEIS) containing this information must be circulated to provide the public and relevant agencies with the opportunity to review and comment upon it. Of particular relevance here, DOC cannot evade public review by inserting the voluminous missing materials into a final environmental impact statement. (Richmond_069)

Response 17: Comment noted. In general, a supplemental EIS is used to supplement or amend a previously prepared and circulated EIS and to provide decision-makers, interested and involved agencies, and the public with information about significant adverse environmental impacts not previously addressed or inadequately addressed in an EIS. In the event a project is modified between the DEIS and FEIS, as sometimes occurs during the public review process on the DEIS or during City's ULURP process, and does not result in new or different impacts from those already disclosed in the DEIS, a supplemental EIS is generally not necessary.

Comment 18: The DEIS acknowledges, "detailed plans for the proposed detention facility and detailed construction logistics ... are not known at this time" (see DEIS at 4.14-2). The lack of information about the project prevents the DEIS from providing reasonable assessments about its potential significant adverse impacts, but also violates the public's right to informed decisionmaking that incorporates public input. DOC's decision to initiate public review of a DEIS so lacking in basic information violates the public's right to due process. (Richmond_069)

The DEIS's statement that "[a]s the design-build process is initiated, an updated assessment of traffic conditions would be made in coordination with OCMC and DOT as necessary in order to identify feasible measures that could mitigate any potential disruptions" (DEIS at 4.14-10) is just

another example of the DEIS' improper effort to shield critical assessments and discussions of mitigation measures from the public in violation of SEQRA. (Richmond_069)

Response 18:

The DEIS presents an analysis of the potential construction impacts of the proposed project based on conceptual construction schedules, manpower and truck estimates, and equipment lists developed a Construction Manager with experience constructing buildings of comparable size in New York City in consultation with the New York City Department of Design and Construction (DDC). Although detailed plans for the proposed detention facilities and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the City is committed to implementing a robust Construction Transportation Monitoring Plan (CTMP) during construction. The CTMP would include transportation data collection as well as traffic and pedestrian analyses. A traffic management plan for the project would be developed as part of the CTMP in order to address the effect of construction-related activity on transportation systems and verify the need for implementing construction-related mitigation measures identified in this EIS or additional measures if warranted. The CTMP would be submitted to DOT and OCMC for review and approval and would be an on-going process for addressing the effects of construction. The CTMP would be part of Design-Build contracts with the City.

Comment 19:

The City violated the City Charter and its implementing regulations by failing to include Community Boards 2 and 3 in the land use review process. A portion of Block 167, Lot 1 is located in Community Board 3. Even though the Project Site constitutes land in two community districts (1 and 3), Community Board 3 was not given the same opportunity as Community Board 1 to participate in the land use review process. (Richmond_069)

Has the City provided proper notification and allowed proper time for Community Board 3 to respond considering block 167, Lot 1 is partially located within Community Board 3? (Freid_061)

The impact of 1,270,000 square feet; 490 feet tall; and a 1,437-person jail affects not only residents and business owners in CB1 but also CB2 and 3. The scope of this project is not bound by community board district lines. CB1, 2 and 3 are all adversely affected by the noise, debris and traffic resulting from the demolition and construction of this jail. The DEIS indicates traffic impact on Canal Street, which is CB2, as well as, borders with CB3. All 3 CBs should have the right to submit a resolution

because they are all directly impacted. The process needs to re-engage all affected parties. (Kong_078)

Response 19: Although a small portion of Manhattan Tax Block 167, Lot 1 is located in Community Board 3, the proposed project is not located on that portion of the lot. Adjacent community boards were welcome to submit a resolution during the ULURP process, as was done by Queens Community Board 8 and Manhattan Community Board 3. In addition, during the ULURP process Manhattan Community Board 3 held a public hearing at which the Applicant team made a presentation, responded to community board questions, and heard public testimony.

Comment 20: Why was there never an EAS for 124 and 12S White Street? This should be required to proceed to the EIS. (Freid_061)

Response 20: For the proposed project, it was clear that an EIS would be required based on the EASs conducted for the other borough sites. Therefore an additional EAS for 124-125 White Street was not necessary. Furthermore, the *CEQR Technical Manual* notes that a lead agency may waive the requirement for an EAS if a DEIS is prepared or submitted, as was done for the proposed project.

PURPOSE AND NEED

Comment 21: With the new smaller borough jails there will be no room for expansion if the crime rate should go up again. (Lee_009)

What assurances can be made that the numbers of Detainee's will always be 5,000 or less. Describe where will the overage be detained if the population increases to more than what the BBJs can hold. (Sung_064)

Response 21: As noted in DEIS Chapter 1, "Project Description," the proposed project has been developed to provide surplus capacity to allow space for population-specific housing requirements, such as those related to safety, security, physical and mental health, among other factors, and fluctuations in the jail population. As discussed in the FEIS, since the issuance of the DEIS and in response to public comments, the City has evaluated and refined the design and programming for each of the proposed detention facilities. The average daily population to be accommodated in the proposed detention facilities has been reduced from 5,000 to 4,000 people due in part to the recent passage of bail reform by New York State. The proposed project is now expected to provide approximately 4,600 beds to accommodate an average daily population of 4,000 people.

Comment 22: If the goal of borough-based jails is to eliminate transporting inmates from Rikers to courts and to bring inmates closer to their relatives, why are you proposing a massive structure in Queens to house 1,500 inmates when 2/3 of the inmates will come from the other boroughs? Doesn't that defeat the objective of eliminating transporting inmates to Court in other boroughs and bringing inmates closer to their relatives? (Picot_001)

Response 22: The proposed project's detention capacity is equally distributed among the four boroughs because this creates four detention facilities of sufficient size to efficiently achieve the goals and objectives of the proposed project. Smaller detention centers that incorporate the programmatic elements of the proposed project would be more costly and would be operationally inefficient, as they would need to provide redundant facility programming to serve smaller populations. Compared to Rikers Island, the proposed locations are more accessible by transit and are closer to existing courts.

Comment 23: There is no connection between these jails and Rikers. The plan offers nothing but empty rhetoric to shutter Rikers Island, no binding commitment, and no strategy. (Alexander_218)

Dana Kaplan, from the Mayor's Office of Criminal Justice, via omission, clearly indicated to the Commissioners on July 10 in response to Commissioner Levin's question, that the Plan includes no guarantee that Rikers Island will close. It would, respectfully, be irresponsible for the Commission to approve a plan that has so fundamentally neglected to achieve one of its central purposes. This is especially true because what Applicants propose will dramatically upend New York City and commit tens of billions of dollars to a failed criminal justice strategy. (Williams_173)

The current plan does not include a legally binding requirement to close Rikers—it allows a future administration to potentially build new jails without closing existing facilities. (Ben-Menachem_346)

If you look at the plan, there is no legal guarantee to close Rikers. The only part of the plan that is about closing Rikers is the title. The actual plan says, I'm going to put this off for 10 years, when the next mayor can keep it open indefinitely. There is no legal guarantee that Rikers will close. This plan has nothing to do with closing Rikers; it's about building four new jails. (Bermin_186)

We must shut down Rikers Island and NOT build new jails in order to end the systemic violence that Rikers represents. this time, money, and these resources should be invested in communities to help all New Yorkers stay afloat and stay safe and healthy, THAT is how we will "truly

end the era of mass incarceration” (to borrow DeBlasio’s words). housing, education, mental health care, should all come BEFORE jails as the “solution” to crime. new jails will only more deeply entrench the violence of the carceral state into New York’s neighborhoods. (Wilson_184)

Response 23:

The City’s priority is to have the borough-based jails operational by 2026 in order to create a safe, fair, and humane justice system. The City does not currently have any plans for the future of Rikers Island except that it will no longer be used as a detention facility.

As the total jail population continues to decrease, DOC will continue to reduce the size of the system by decommissioning available beds and, as appropriate, entire facilities, by formally updating DOC’s Maximum Facility Capacity formulation with the State Commission of Correction. DOC decommissioned George Motchan Detention Center last year.

As discussed in DEIS Chapter 1, “Project Description,” the purpose of the proposed project is to develop a network of four modern detention facilities distributed in the four boroughs to allow the City to close the jails on Rikers Island. Since existing borough jail facilities not on Rikers Island can accommodate no more than 2,500 people, the City needs to create sufficient detention capacity at new facilities to facilitate the closure of the jails on Rikers Island. Without the proposed project, the City would not have detention capacity to allow for the closure of jails on Rikers Island.

To begin the planning process for future uses of Rikers Island, the City will launch a participatory planning effort through which New Yorkers will help formulate a vision for the island. This process will formalize guiding principles and priorities for island reuse and study the viability of potential future uses. This will be the first step in a broader master planning process.

Comment 24:

The City is on target to implement the bail reform law, which was approved by the State Legislature, and we wholeheartedly support reforms to correct the cash-based system that unfairly targets low-income detainees regardless of guilt. This is an important step towards reducing the inmate population overall without any capital expense. It was encouraging to hear in recent weeks that efforts to reduce the population at Rikers have been even more effective than projected. The downward trend begs a critical question: are the borough-based sites needed? (Yu_477)

Response 24:

Even with the passage of bail reform, the proposed project is needed to provide sufficient detention capacity for 4,000 people in custody to allow

the City to close the jails on Rikers Island and to meet the goals and objectives of the proposed project. Refer to the response to Comment 28 regarding program and bulk changes since the DEIS.

Comment 25: The DEIS asserts that the proposed facility would benefit from proximity to the Queens County Criminal Court building. However, unless the arraignment process changes, detainees must still be driven to the court in which they were charged. The only change in the new system is the direction in which DOC buses will drive. Thus there could be little change in the saving of either time or money. (Wilson_060)

The city says that placing inmates in jails near their families will be therapeutic as they will be visited more often. (Family/friends visiting is not beneficial for all). < 400 people committed crimes in Queens. How does this help the others? The inmates will still need to be transported to other boroughs for their court hearings. (Wollner_417)

Response 25: Compared to the current conditions of housing the vast majority of persons in detention in jails on Rikers Island, the proposed project would result in an overall reduction in the number of trips, travel times and transportation costs for persons in detention, their loved ones, attorneys, social service providers, and community supports.

PROJECT DESCRIPTION

Comment 26: Why is Staten Island exempt? (Fisher_003)

A 5-borough scenario with Staten Island included should be considered as an alternative scenario. (CB3_016)

The City must build a jail in Staten Island. (Balboza_042)

The city claims that building an operating a facility in Staten Island would be too expensive. However, the City already operates two detention facilities of 100 beds that includes programming (Horizon and Crossroads Juvenile Detention Centers). The City has not provided any costs for building a facility in Staten Island or the costs for building other proposed alternatives. (Pollock_071)

The Lippman Report called for the construction of five jails, “on in each borough.” This recommendation is consistent with the reality that a person is detained where he or she commits the crime. A jail in *each* of the five boroughs is also consistent with the underlying policy that *each* borough should carry its fair share of the burden of housing detainees. (Richmond_069)

The original intent was for the jails to be the individual's borough of residence. Instead, people incarcerated in these new jails will be jailed based on where the individual is arraigned. This was a basic premise used by the City for the borough-based jail plan and does not explain why there are no plans for a jail in Staten Island or more community-based jails. (Kong_078)

Name the sites for the Borough Based Jails (BBJ) which were being contemplated in Staten Island (SI). Explain why each such site was not chosen. If no sites were ever chosen for SI, state and justify the reasons why. (Sung_064)

Response 26:

As discussed in DEIS Chapter 1, "Project Description," the proposed project does not include a new detention facility on Staten Island because a jail to accommodate approximately 200 people would not be operationally efficient or an efficient use of funds in terms of the construction cost per person in detention. At the end of 2018 there were approximately 350 people in detention from Staten Island, representing approximately four percent of the total jail population. At the time a total average daily jail population of 4,000 people is achieved, it is expected that only approximately 200 people in detention will be from Staten Island.

Comment 27:

While I support the closure of Rikers Island, I am unequivocally against the current New York City Borough-Based Jail System proposal. The proposal nearly doubles the size of the current jail from 20 to approximately 36 stories. This considerable expansion is to accommodate an increase in housing for people in detention from an 810-bed to a 1,440-bed facility. This is completely unacceptable and contradicts the spirit of the City's Borough-Based Jail System plan for smaller, safer, and fairer jails.

The City's Borough-Based Jail System plan calls for a reduction of New York City's jail population from its current average daily population of approximately 7,800 to 5,000. My colleagues and I in the State Legislature have recently enacted three critical criminal justice reforms that will significantly reduce New York City's jail population: Discovery, Speedy Trial, and Bail Reform. Based on the actions of the state legislature and current City initiatives to reduce the jail population, there is no reason we should build larger jails in our communities. Additionally, District Attorney Eric Gonzalez recently announced his Justice 2020 initiative, and has already refused to prosecute low-level offenses such as marijuana possess, and turnstile jumping—also known as "theft of services."

Therefore, my colleague, Assemblywoman Jo Anne Simon, and I have concluded that the City should submit an alternate proposal that reflects an average daily jail population of approximately 3,500. This will more accurately reflect what the criminal justice landscape will look like in the next few years. (Montgomery_012)

Response 27:

As discussed in Chapter 1, “Project Description,” the proposed project has been modified for the FEIS. In particular, the average daily population to be accommodated in the proposed detention facilities has been reduced to 4,000 due in part to the recent passage of bail reform by New York State. As a result, each detention facility is expected to be smaller in terms of bulk and floor area than analyzed in the DEIS. The FEIS has been updated to reflect the smaller proposed detention facilities.

Comment 28:

CB1 believes the Applications should be withdrawn in light of recent news of significant reductions in the projected daily jail population, as confirmed by the co-applicants at the Committee’s meeting, and the projects (and resulting ULURP applications) should be refiled with a reduction in the requested modifications for allowed FAR, height, base and setback requirements, and sky exposure plane regulations. (CB1_015)

The Brooklyn facility should be reduced to no more than 10.0 FAR and 875 beds, accounting for the reduction in need based on bail reform as passed by the New York State legislature. (CB2_017)

The scale of the proposed Manhattan detention facility must be reduced from its current iteration to have the smallest feasible footprint at 124-125 White Street, including design re-considerations, relocating various programming to existing off-site facilities, and the pursuit of additional criminal justice reforms that would create a pathway to lessen capacity needs by reducing the incarcerated population in New York City to levels significantly below what is currently projected. (CB3_016)

The Mayor’s Office of Criminal Justice testified that since the filing of the applications that the estimated projections of the Average Daily Population of the jails have dropped due to dropping crime rates, legislative measures, alternative sentencing, diversion programs and other such reforms. The combined result of these measures is that there is a possibility that the jail population may be reduced to 3,000 to 4,000. All of these actions must be carefully assessed to assure that the number of people in jail reaches the 3,000 threshold in a responsible manner that truly is safer and manageable for all those affected. (Katz_021)

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. (Brewer_019)

I believe that as a demonstration of good faith, the Brooklyn site should be designed for a maximum capacity of 900 beds. (Adams_022)

In order to achieve appropriate facility height, CPC and/or the City Council should amend the special permit application pursuant to ZR Section 74-832 to facilitate the construction of a borough-based jail facility (190339 ZSK) with modifications to application documents Zoning Site Plan Z-030, Waiver Plan – Roof Plan Z-050, and Sections Z-060, which would reduce the overall height (excluding bulkheads) to 235 feet and the lower base height along Atlantic Avenue to 120 feet. (Adams_022)

There has been no attempt by those responsible to make changes to this plan to reflect anything proposed by community boards, discovered by new research, or the impacts of the recently passed statewide legislation. We know that decisions about jails are about people, not zoning. A vote of yes would, according to this place, be a commitment to build four new jails without any guarantee to close Rikers. (Williams_033)

LESPP advocates for consideration of a similar situation to the East 50th Supertalls. LESPP advocates for consideration of building to the 40% less height. The height need would be reevaluated when the 40% less height is built. The reevaluation would utilize the impact that criminal justice reform has had on the number of detainees on Rikers Island. The reevaluation would use actual numbers and possibly updated estimated projections. At that time a determination whether what is built is sufficient or whether any additional height is needed can be considered. (LESPP_027)

Communities citywide are outraged by the extreme height and density of the proposed borough jails. The City must reduce the height of the building to fit the scale of the surrounding neighborhood. (Balboza_042)

Mayor de Blasio announced his intention to build smaller borough jails that will fit better with the surroundings due to the anticipated significant drop in inmate population from criminal justice reforms. However, the City has not modified its ULURP application and no renderings of smaller jails have been made public. The Boerum Hill community supports “Smaller, Safer, Fairer Borough-Based Jail System,” but not the current plan to build a jail that will physically define and overwhelm the

neighborhood. CPC should reject this rezoning request because it does not reflect the reductions proposed by the mayor. (Balboza_042)

The City must modify the application to reflect a lower inmate population and smaller facility. It must plan for 3,000 beds or less citywide. (Balboza_042)

There are no set backs. The building must have set backs from the street line beginning 85 feet above the ground. This building goes straight up to what is now indicated as 450 feet tall. This not only dwarfs everything around it but will create a massive presence looming over the only public park in Chinatown used by all surrounding communities. (Freid_041)

Jails should be small and proportional in size to the population of the borough's incarcerated numbers. Certified as over 1.2 million sf and reaching 270 feet high, the certified application also states that "however to provide flexibility in final design," the height could reach 332.92 feet and given the language in that section, it could be even higher, and thus even denser with detainees, staff, cars, and delivery trucks. As for being proportional, in August 2018, Queens had 987 people in jails. The Queens jail is proposed to 1,437 inmates. (Kane_026)

I support this proposal, and I'm concerned that if the FAR is reduced to appease local opponents, critical restorative services for inmates and their families will not be included in the final plan. (Raymond_046)

Mega jails in neighborhoods are not the answer. This needs to be seriously rethought and scaled down immensely to a proportionate size accommodating each neighborhood and perhaps having several more jails of appropriate sizing planned throughout neighborhoods. (Bertagnolli_378)

Due to major changes in the judicial system and many more to come we do not need a jail anyway of the size and magnitude they are proposing. (Byrne_373)

Recent reforms passed at the state level that will further reduce the jail population indicates further reductions in height and bulk but this information has not yet been released nor has the application been amended to reflect these reductions. (Brewer_019)

The Mayor's current plan is a concept, a moving target that is changing daily. The plan presented will NOT be the plan going forward. On Monday, May 10, 2019, the City announced that the number of beds was revised downward by 1,000 beds, nearly 20%. This comes on the heels of the changes announced on March 25, 2019. Successful justice reform could achieve speedy adjudications and reduce or even eliminate the need for the 1,437 beds in Manhattan. (Kong_078)

We do not support the siting of the jail at the Mott Haven location and do not support the size, scale, or density of any of the proposed jail. (Pollock_789)

Today you evaluate a proposal to build the tallest jails in human history, presented in a dubious format of four sites in four boroughs for four different enormous buildings seeking simultaneously extraordinary zoning concessions. (Dillenberger_TS1_810)

I know Chung Pak Senior Center and it's inconceivable to me that that site was chosen for the mega jail that's been -- those points are taken into consideration by the Commission. (Hollander_TS1_826)

The borough-based jail system as we know it today has been a distortion of the intent of that plan and it imposes out of scale structures into residential communities and will not serve the needs of the inmates any more than it will serve the needs of the local communities into which these structures will be placed. (Brand_TS1_845)

The low-income seniors in my community, specifically those in close proximity to the mega jail proposed for 124 and 125 White Street in Chinatown are under threat of being sacrificed for the sake of rushing down this road to criminal justice. (Lee_TS2_852)

Throughout the entire process, there has been one overwhelming want from the community and that this mega jail, that this monument to incarceration is just too big for our neighborhood. (Huia_TS2_855)

Response 28:

As a result of the City's evaluation and refinement of the design and programming for each proposed detention facility and in response to public comments, DOC, and the Mayor's Office of Criminal Justice (MOCJ) have proposed modifications to the proposed project. The modifications to the proposed project include fewer beds at each site, a reduced FAR, and setbacks, and are reflected in updated ULURP applications and described and assessed in the FEIS. The reduction in the number of beds was facilitated by the passage of criminal justice reform legislation by New York State on April 1, 2019, which eliminated money bail and pretrial detention for nearly all misdemeanor and nonviolent felony cases.⁵ As a result, DOC and MOCJ have reduced the projected average daily population to be housed in the proposed detention facilities to 4,000 people. In total, the proposed project would provide approximately 4,600 beds to accommodate an average daily population of 4,000 people in a system of four borough-based jails with approximately 1,150 beds each.

⁵ <https://www.ny.gov/fy-2020-new-york-state-budget/highlights-fy-2020-budget#criminaljustice>

Comment 29:

Further reductions in the projected daily jail population must be spread more fairly to other facilities, including by establishing a facility in the borough of Staten Island, thereby reducing the need for an over-zoned facility in Manhattan. (CB1_015)

The jail in Kew Gardens is supposed to house up to 2,700 detainees, when the inmates from Queens are far less than that. (Cazachkoff_427)

The rationale to exclude Staten Island from the BBJ is not also being used on the other facilities, as the City is proposing an equal number of beds at each of the four other sites. Brooklyn has over 1,000,000 more residents than the Bronx and nearly 1,000,000 more residents than Manhattan. So why does each site have the same number of beds? If the rationale to exclude Staten Island was used consistently, the number of beds in each borough should be roughly proportional to the population of each of the boroughs. Brooklyn is much bigger than the Bronx and Manhattan, so it should have a bigger jail when using a population-based approach. Further, those who would have been held in Staten Island if it had a jail, are going to be held in Brooklyn, increasing the size of the facility even more. Using different criteria, there could be five equally sized facilities for each of the boroughs. But omitting Staten Island because it is small, while keeping the facilities the same size regardless of the population of the borough, is not consistent criteria and suggests either arbitrary or flawed decision-making. Please provide a consistent rationale for not locating a facility on Staten Island, while proposing the same sized facilities in Boroughs of much different sizes. (Janes_062)

The borough-based jail project's objectives of bringing detainees closer to their relatives and eliminating transporting them to courts will not be fulfilled at the Kew Gardens site because a large majority of the detainees will be from the other boroughs and will still need to be transported to courts in other areas. The DEIS is flawed in its assessment of the number of beds needed in Queens, not taking into account that Queens has the least number of detainees of all 4 boroughs. Neither will the detainees benefit from being enclosed in an experimental high-rise tower with little out-door recreation except for the roof-top. (Picot_066)

Response 29:

As discussed in DEIS Chapter 1, "Project Description," the proposed project seeks to create four detention facilities of sufficient size to efficiently achieve the goals and objectives; smaller detention facilities would not allow for the criminal justice reform measures that are inherent in the current facility programming. Therefore, the proposed project seeks to spread the population of people in detention evenly across the four boroughs. The criteria guiding site selection for the borough-based jails were primarily based on a number of factors, including sufficient size to fit an equitable distribution of the City's jail population across four

boroughs with space to provide a humane, safe, and supportive environment. Please refer to the response to Comment 26 regarding why no detention facility is proposed for Staten Island.

Comment 30: The City must define and document how its “guiding urban design principle” of “neighborhood integration,” according to the Applications, is being achieved. (CB1_015)

Response 30: As discussed in DEIS Chapter 1, “Project Description,” the new facilities would be designed to encourage positive community engagement and serve as civic assets in the neighborhoods. The new buildings would provide connections to courts and service providers are intended to strengthen connections between people who are detained to their families and communities by allowing them to remain closer to their loved ones and other people. This would promote better engagement of incarcerated individuals with attorneys, social service providers, and community supports and increase their chances to succeed upon leaving jail and be less likely to return to jail.

The proposed project would also implement streetscape improvements at each site. The specific improvements at each site would vary, but in general would include sidewalk improvements, new benches, landscape features, improved lighting, and signage and wayfinding features.

The proposed project would ensure that each borough facility has community space, which is intended to provide useful community amenities, such as community facility programming or street-level retail space.

Comment 31: The scale of the proposed Manhattan detention facility and its current projected population should be further reduced by locating specialty care off-site for criminal defendants with mental health, drug-related, and otherwise complex or unique medical needs at separate “therapeutic housing” facilities, or when possible, at nearby existing institutions that currently provide similar services. Generally, these individuals should be moved toward treatment, where better care and services can be provided, rather than incarceration, which would also contribute to the reduction of capacity needs and the overall size of the proposed Manhattan facility. (CB3_016)

Response 31: As discussed in DEIS Chapter 1, “Project Description,” the City is exploring the feasibility for a small subset of therapeutic housing units to be located at other sites unrelated to the proposed project. Improving access to health care for people in detention is a fundamental goal that has already been underway since 2015 when the City decided to transfer

responsibility for correctional health services from NYC Department of Health and Mental Hygiene, to NYC Health + Hospitals (H+H). Continuing with that initiative, the City has begun exploring the feasibility of such a program, including identifying locations within or adjacent to existing H+H facilities that could potentially serve as suitable locations for a subset of therapeutic housing units that serve patients who would benefit from close and frequent access to specialty and subspecialty care available in H+H facilities. If a program is determined to be feasible and appropriate sites are identified, separate environmental review and approvals would be undertaken as warranted based on the site-specific programming, and the City would move forward with siting these therapeutic housing units in the appropriate H+H locations, irrespective of whether the proposed borough detention facilities are approved and constructed. As a result, the detention facilities would be expected to include smaller building envelopes with decreased operational activities related to the therapeutic housing units than currently assumed and analyzed in the DEIS and FEIS.

Comment 32:

According to the Lippman Commission Report, the jails were to be placed in communities where they would be an asset with services such as a community center, tutoring, etc., that not only inmates but⁶ local communities needed, wanted and had asked for, so inmates released back into their communities, as well as local residents, could go on being helped by the jail-based facilities. Because, wrote the Commission, such jails could “positively change the culture and context of the neighborhood” leading fewer people into the prison system, thereby helping break the cycle of incarceration. In August 2018, the three ZIP codes surrounding Kew Gardens had 25 individuals in detention. Therefore, Kew Gardens is not that community. (CB9_018)

Response 32:

DEIS Chapter 1, “Project Description,” discusses the site selection criteria for the proposed project. As discussed, the Queens Site at 126-02 82nd Avenue was selected due to the presence of an existing City-owned detention facility and parking lot on the site and its proximity to courthouses, and accessibility to public transportation. The existing Queens Detention Complex is similar in construction and organization to the Brooklyn Detention Complex and is not suitable for further use as a detention facility. The Queens Site is suitable for new construction as it is centrally situated among various highways and expressways, is able to connect directly to the exiting Queens Courthouse, and has sufficient

⁶ 11415, 11418, 11424

adjacent lot area to allow for a detention facility, with staff parking and vehicular movement.

Comment 33: The proposed jail is neither small nor proportional. Certified as over 1.2 million square feet and reaching 270 feet high, the certified application also states that “to provide flexibility in final design,” the height could reach 332.92 feet.⁷ And given the language in that section, it could be even higher, and thus even denser with detainees, staff, cars, delivery trucks, etc. As for being proportional, in August 2018, Queens had 987 people in jails. The Queens jail is proposed for 1,437. (CB9_018)

Response 33: As noted in DEIS Chapter 1, “Project Description,” the maximum zoning heights in the DEIS are as measured above the ground floor base plane at each site. The heights in the ULURP application are above average curb level of each street frontage of the site. The DEIS and ULURP application heights are consistent but are measured from different reference points. Please refer to the response to Comment 29 regarding the equal distribution of beds across the four boroughs.

Comment 34: It is permissible to separate this unprecedented hybrid-ULURP, to still allow for the termination of Rikers Island while the efficacy of the Bronx site is appropriately examined further. The demolition of existing facilities on Rikers Island, which still will not take place under this proposal until at least 2027, will require an additional ULURP in and of itself according to the City’s own testimony at my hearing. There are three other jail sites that can be constructed while Rikers is phased out. Certainly, we can reevaluate the Bronx site and achieve our goal of full closure by 2027. Given the scope and reach of this proposal, it is imperative that it received the proper analysis and attention to detail that our impacted communities deserve. (Diaz_020)

Response 34: As noted above, several ULURP applications were prepared for the proposed project, some of which apply to all four sites and some of which are site specific. Collectively, the various ULURP applications represent interrelated components of the overall plan for the NYC Borough-Based Jail System. As discussed in DEIS Chapter 1, “Project Description,” the entire proposed project is needed to create sufficient detention capacity to facilitate the closure of the jails on Rikers Island. Absent each of the

⁷ Certified application, page 25. “However, to provide flexibility in final design, this application in seeking a proposed maximum permitted building envelope that will extend vertically above the average curb level of each street frontage of the proposed development site ranging from heights of 262.95 feet to 292.92 feet for the roof of habitable space and from 302.95 feet to 332.92 feet for rooftop mechanical bulkheads, parapets, and rooftop horticultural and related space.”

four borough-based detention facilities that comprise the proposed project, the City does not have sufficient detention capacity to close the jails on Rikers Island. Please refer to the response to Comment 19-5 regarding the alternative detention facility sites considered in the Bronx.

Comment 35:

The City's proposal claims to follow the recommendations of the Lippman Commission report, which emphasizes proximity between the jail, court and transportation hubs to enable a scenario that will prioritize the best interests of detainees, their familiars and loved ones, and employees within the justice system. However, the Bronx proposal is apparently and inexplicable exempt from meeting these critical objectives. While Rikers Island has been rightfully condemned because its location results in "inefficient transportation and an increase in related costs to the City," the City's solution is an equally inconvenient location in The Bronx that presents the same complications of transport and access. In the cases of Manhattan, Brooklyn and Queens this issues is appropriately alleviated with the proposed jail sitting on, adjacent to or in immediate walking distance of the nearest court system property. In the case of The Bronx, however, the proposed jail site is over *two miles* from the nearest court facility. This too features a commute, depending on the mode of transportation, which will still take upwards of 30 minutes on the best day and involve other discouraging impediments such as delays, transfers and parking availability. (Diaz_020)

Response 35:

The Bronx Site at 745 East 141st Street was selected due to the ample area available for new construction and because it is City-owned. The proposed site is closer to courthouses than both Rikers Island and the Vernon C. Bain Center (VCBC) and is accessible by public transportation. Please refer to the response to Comment 19-5 regarding the alternative detention facility sites considered in the Bronx.

Comment 36:

According to DCP data, Rikers Island facilities, which can house up to 15,000 people, amount to more than 5.5 million square feet. The combined square footage of the proposed borough-based jail system is only half a million square feet less than the existing facilities. If the jail population is to decrease for the borough-based system by nearly four times the capacity allowable within the space of Rikers, then there is no need to maintain a similar amount of square footage for the new jails.

In devising a comprehensive alternative to this plan, my staff, has studied numerous precedents across the country to meticulously determine the efficacy of such a plan and establish proof of success. Of these studies, perhaps the most comparable in terms of situational needs, expected capacity, and size, is the Pasco County Criminal Justice Facilities Master

Plan performed in Florida during 2014. This study assumed a space standard of 275 gross square feet per bed. The Mayor's current proposal is calling for approximately 1,104 gross square feet per detainee. That ratio is not only surpassing the required needs for a modern, successful detention facility, it also grossly surpasses the City's own requirements for new affordable housing units. (Brewer_051, Diaz_020)

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. (Brewer_019)

Why is there a need for such a large facility as the number of detainees drop due to ongoing reform? The administration has not explained why it needs a facility that would allot over 1,000 sf per detainee, particularly when modern jails are being built elsewhere at a third of the size. How can we approve a jail in our community when the administration admits it doesn't know what the jail will look like? (Diaz_025)

I further note that if the Manhattan jail population is targeted at approximately 1,100 beds then the metric is 1,200 square feet per detainee. That is excessive and far out of conformance with other modern jails. (Freid_061)

Response 36:

In order to identify the required amount of floor area for the proposed jail, an architectural space program was developed as part of an interactive process with the applicants and other involved agencies and stakeholders (including formerly incarcerated individuals, their families, and other jail visitors) and that reflects review and application of relevant professional standards. These standards, including, but not limited to, the New York City Board of Correction Minimum Standards, New York State Commission of Correction Minimum Standards for Local Correctional Facilities, Prison Rape Elimination Act Standards, and American with Disabilities Act Accessibility Guidelines (ADA), specify numerous quantitative (square footage) and performance requirements for adult detention and correctional facilities. Design criteria compliant with DOC and National Design standards and with Justice Implementation Task Force, Working Group on Design guidelines were also established including for housing unit and cell design. Other design criteria were established for the public facing portions of the facility, including having comfortable and spacious visiting spaces with daylight for family members; public entrances that are accessible, welcoming, and appropriately located; enhancing the surrounding streetscape; and with a neighborhood facing community use on the first floor.

Housing unit programming (including the layout of spaces provided and a direction supervision model of management) is a key part of what

defines the average square foot per person in detention anticipated in the proposed project. The unit management provides each housing unit with directly accessible program space on every floor minimizing unnecessary resident circulation, travel time, and staff numbers. This programmatic support space can be accessed by residents without the need for escort and includes meals, recreation, education, counseling, training, and video visiting. To further enable a program-enriched daily experience, the introduction of technologies like mobile communication devices will allow controlled access to entertainment, services, distance learning, tele-visiting, and court appearances. Each borough-based facility would be designed to be self-sufficient, with more manageable housing units that allow officers to more effectively supervise people in detention as a result of the improved, direct-supervision floor plans, which is intended to improve safety conditions and enhance the well-being of uniformed and civilian staff.

Unlike existing DOC facilities both on and off Rikers Island, the proposed jail will provide sufficient space for effective and tailored programming, and appropriate housing for those with medical, behavioral health and mental health needs, thereby improving the opportunity for a more stable reentry into the community. Existing DOC facilities provide approximately 250 to 500 sf of facility space per detainee bed, whereas the proposed borough-based facilities will provide approximately 900 to 1,160 sf of facility space per bed (this ratio is dependent on floorplate efficiency and other economies of scale). In addition to meeting project standards for detainee cell size, this increased bed-to-facility space rate will enable DOC and its service provider partners to expand substantially the range of programs and services to detainees, including legal services, education, counseling, job training, library programs, housing assistance, health care services, substance use and mental health counseling, therapeutic services, recreation, access to faith-based communities, horticulture, structured recreation and exercise, arts and music programs, culinary classes, and reentry programs.

In general, other jails in the country operate at a lower square footage per person than the proposed project because they have housing units with a greater number of beds per unit, minimal or no programming space, no room for contact visits and no direct access to outdoor recreation spaces. The proposed project would provide a humane space for all people who live and work in the facilities.

Comment 37:

CPC and/or the City Council should amend the Site Selection application (190333 PSY) and the amendment to the City map application (190116 MMK) that includes the section of State Street between Boerum Place and Smith Street in order to preclude the possibility of an encroachment

of any distance between the current DOC site and the building at 53 Boerum Place from future consideration. It should be amended to limit such above ground section (lower limit beginning 40 feet above the street bed) of State Street to between a point 135 feet east of Boerum Place and Smith Street. (Adams_022)

Response 37: As discussed in FEIS Chapter 1, “Project Description,” the proposed project is no longer seeking to demap above-grade volumes of State Street.

Comment 38: The mayor’s plan for women in borough jails (as we understand it) is to house women/girls in Queens, which is the borough that contributed the fourth LEAST percentage of female detainees to Rikers.

Why are we moving women and girls to Queens? We support closing Rikers Island but moving our female incarcerated population further away from Manhattan is not what we had in mind. Women need to be in Manhattan, not in the outer area of Queens. It is important to note that women/girls will not be housed in a jail in the community in which we reside but the men will have that option in this new plan. This alone is possibly a Title IX violation that could potentially freeze the progress of this borough jail rebuild plan if Federal action were to be filed. (Morse_047)

If we do split out the women’s facility as a stand-alone (and I do encourage this) I ask that the planning commission impose a requirement on their approval of the mayor’s plan that a courthouse be built adjacent to any women’s jail—whether they/it is built from scratch or on the site of the current Lincoln Facility on 110th Street. (Morse_047)

The MOCJ should designate a site other than right next to the men’s Queens facility for the proposed site single, stand-alone women’s facility. We visualize a women’s center geographically removed from the men’s facilities, with good transportation, managed by a staff who elect to be there and agree to additional training specific to working with women, emphasizing mental health issues and the effects of trauma.(HC_032)

Response 38: The City conducted numerous focus groups and meetings to ensure that the perspectives of formerly incarcerated women, women’s service providers and staff were incorporated into the proposal for one centralized women’s facility, and the City is committed to continuing that engagement moving forward to ensure the best plan possible. Based on this outreach, the City concluded that it was better to house women in a centralized facility rather than in decentralized space in each borough facility. The proposed women’s facility at the Queens Site would function as a separate and distinct facility from the proposed men’s facility.

Comment 39: Somewhere in the calculus of the jail rebuild no one has factored in the notion that building courthouses adjacent to the new jails is essential. We need our courts in our communities too. (Morse_047)

Response 39: As discussed in DEIS Chapter 1, “Project Description,” proximity to courthouses was a primary site selection factor. This factor is met by all of the sites except the Bronx Site. Refer to the response to Comment 19-5 for a discussion of the various Bronx alternative sites considered, including ones near the courthouse.

Comment 40: The City must eliminate parking for 300 personal cars. Atlantic Avenue is a transit rich area. (Balboza_042)

Response 40: The proposed project at the Brooklyn Site includes accessory parking to accommodate the peak parking demand expected to be generated by DOC staff and other authorized vehicles that will use the garage.

Comment 41: It not only covers the lots 100 percent but even builds over White Street creating a pedestrian tunnel, which will mostly likely be patrolled and secured by DOC just as they have taken over the so-called pedestrian plaza between their building on White Street with parking. (Freid_041)

DoC has been taking space from the community for decades. We have to remember that the plans to building over White Street are not building over a DoC parking lot, that are building over a pedestrian plaza meant for the community. (Kong_562)

Response 41: The proposed White Street pedestrian corridor is intended to be a vibrant space and a safe public pedestrian way. The proposed project would include retail along both sides of the corridor to activate and enliven the space.

Comment 42: There is no clear plan for handling of issues such as fire or evacuation of the building. There is no example of such a large vertical facility to compare against thus problems cannot be properly accounted for. This creates a risk for both the inmate, staff and community. (Biglin_771)

Describe in detail the Fire Safety Plan and Emergency Action Plan for the 40 story high rise BBJ in Manhattan (MBBJ). How will the DOC, Firefighters, Detainees and the Public be safeguarded during fires, natural disasters, terrorist attacks? How will the DOC, Firefighters, Law Enforcement, Detainees and Public be safeguarded in the event of an evacuation of the 40 story high rise MBBJ? Describe how such evacuation will affect the surrounding neighborhoods within a 1 mile radius and what measures will be taken to insure that essential human services will continually be supplied to the Public in such radius area

without disruption in the event of said evacuation. Describe how the Detainees will be transported and where the Detainees will be temporarily held if evacuated during such circumstances without impacting their lives and safety as well as the lives and safety of the DOC, Firefighters, Law Enforcement and Public. (Sung_064)

More important, the city has a fatally flawed plan for evacuating the jail if the jail's structure becomes compromised and needs to be evacuated, According to the Nov. 29, 2018 "follow-up" response at a Neighborhood Advisory Meeting, "the building will be evacuated into a Sally Port (no one knows how large this space is) where detainees will be loaded into vehicles..." How can 1,500 detainees plus hundreds of guards be safely taken to the sally port and can this space accommodate so many people? (Welins_722)

The proposed Manhattan jail will be the tallest jail in the country. A vertical structure for a jail is dangerous and difficult to operate. This puts everyone from staff, detainees and the community at risk. Corrections professionals have warned the public about this untested jail structure. If elevators malfunction or there is a fire or other disaster, what are the guarantees and safeguards in place to prevent a catastrophe? (Chin_507)

Has the City studied the operational inefficiencies and other challenges associated with operating a multi-story 450' tall jail facility? (Freid_061)

Response 42:

The City is currently developing the master plan for the Borough-Based NYC Jail System. The master plan is studying the special considerations for operations, maintenance, and emergency response, internal relocation and potential evacuation necessary for multi-level detention facility. The procedures and protocols for the emergency evacuation of each new Borough Based Jail is under study by the Department, and is not considered part of the EIS studies. All emergency planning and evacuation plans will be developed with input by FDNY and appropriate building codes all the while ensuring sound correctional practice so as to ensure safety and security of all occupants of the building. According to the *CEQR Technical Manual*, an assessment of public fire protection services is warranted if a project would have a direct effect on the fire protection facility or result in the introduce of a sizeable new neighborhood, such as Hunters Point South. The proposed project would result in four new detention facilities in densely developed areas of New York City that are already served by fire protection services and in some cases would replace existing detention facilities already operating in these areas.

Comment 43:

Haven't seen any real study/scrutiny of the potential impacts on the neighborhood, environment, traffic/safety, financial/other efficiencies,

etc. - not to mention that the renovation just completed in 2012 cost over \$40 Million. Also haven't seen any binding commitment that Rikers would indeed close, or a plan to prevent replication of Rikers-like conditions at new large jails. (Liuzzo_778)

Response 43: The DEIS includes a full assessment of the potential environmental impacts of the proposed project in accordance with the guidance of the *CEQR Technical Manual*, including analyses of transportation and neighborhood character. Please refer to the response to Comment 223 regarding the City's commitment to close the jails on Rikers Island.

Comment 44: The borough jails needs to be produced and a proper EIS on the overall impacts of the borough jails and their interactions with the respective courts needs to be produced prior to moving forward with any zoning changes. (Pollock_071)

Response 44: The DEIS was prepared in accordance with the guidance of the *CEQR Technical Manual*.

Comment 45: If the jail facilities are closed on Riker's Island, state in detail the plans for development of Riker's Island. (Sung_064)

Response 45: As discussed in DEIS Chapter 1, "Project Description," the EIS does not evaluate the potential reuse or redevelopment of Rikers Island as part of the proposed project. Any future proposal for the redevelopment of Rikers Island, should it move forward, would be subject to future planning and public review processes, including a separate approval and environmental review process as warranted.

Comment 46: Who/which entities, governmental and nongovernmental, will oversee the project? Who/which entities, governmental and nongovernmental will oversee these entities who are overseeing the project? (Sung_064)

Response 46: The City of New York, through the New York City Department of Correction (DOC) and the Mayor's Office of Criminal Justice (MOCJ), is proposing to implement a borough-based jail system. The New York City Department of Design and Construction (DDC) would oversee construction of the proposed project, if approved. The New York City Department of Housing Preservation and Development (HPD) would be involved with the development of the potential mixed-use building at the Bronx Site.

Comment 47: One of the reasons stated for having a BBJ is to create/make it more accessible for families to visit the Detainees. What studies have been

- done on the home residences of the Detainees currently at Rikers and the Manhattan Detention Center/Tombs? (Sung_064)
- Response 47:** Compared to the jails on Rikers Island, which currently house the majority of people in detention in New York City, the proposed project sites would be more accessible to most New York City residents. Studies regarding the home residences of people currently in detention are outside the scope of the environmental review.
- Comment 48:** State why the Local Law Section 19-101.2 was not complied with whereby notice must be given and a hearing must be conducted with the community whenever a major transportation project such as the MBBJ is to be commenced. (Sung_064)
- Response 48:** The proposed project does not constitute a major transportation project under Local Law Section 19-101.2.
- Comment 49:** The DEIS expects the parking garage to be completed in 11 months. What is the justification for that aggressive schedule considering there is no design and the reported capacity of a structure with many hundreds of parking spaces will likely require underground space? (Wilson_060)
- Response 49:** The construction analysis has been updated in the FEIS to reflect ongoing refinement of the design and programming for each proposed detention facility. The construction duration for the proposed parking structure in Queens does not include time for the design work, which would not have the potential to result in environmental impacts.
- Comment 50:** The City has not provided the most basic information for the community to understand how the very foundations on which our historic neighborhood is built will be impacted by building a 450-foot jail at 124/125 White Street. Perkins Eastman has provided no information at all about the new foundation for the proposed 450-foot jail at 124/125 White Street. The existing EIS does not provide necessary information about the subsurface conditions under 124/125 White Street and the surrounding area. We need as detailed an analysis of the subsurface conditions and impacts regarding the proposed jail at 124/125 White Street as we have of the above-surface conditions and impacts. (Linday_433)
- Response 50:** Studies for the proposed detention facility foundations, including geotechnical investigations, would be conducted as the design-build process for the proposed project proceeds, if it is approved. Please refer to the response to Comment 14-1 regarding the City's commitment to community engagement and safety during the construction period. The

construction analysis presented in the DEIS was prepared in accordance with the guidance of the CEQR Technical Manual and assesses the potential for impacts related to vibration and to historic resources as a result of the proposed project's construction activities. As discussed in DEIS Section 4.14, "Construction-Manhattan," construction of the proposed project would not have the potential to result in vibration at a level that could result in architectural or structural damage to adjacent buildings. In addition, to avoid inadvertent construction-related impacts to historic resources, construction protection measures would be set forth in a CPP that would be developed in consultation with LPC and implemented in coordination with a licensed professional engineer. The CPP would describe the measures to be implemented to protect the Criminal Courts Building at 100 Centre Street and other affected architectural resources during construction of the proposed project. The CPP would follow the guidelines set forth in Section 522 of the *CEQR Technical Manual* and LPC's *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings*. The CPP would also comply with the procedures set forth in the New York City Department of Buildings (DOB)'s *Technical Policy and Procedure Notice (TPPN) #10/88*.

Comment 51: The City denied the public the opportunity for a public scoping meeting when the site changed from 80 Centre Street to 124 and 125 White Street. The City noted it was only a block or 2 away. However, a block or 2 away brings about a significantly different environment, different structural and health impact concerns and a different population of residents and businesses. (Kong_078)

Response 51: While the City originally considered 80 Centre to be a suitable site, the complexity and cost of moving 80 Centre's multiple occupants and disruption to court operations ultimately made this site not viable. Additionally in response to public comments provided on the Draft Scope of Work and through the City's community engagement process, the City is now proposing to site the Manhattan borough-based jail facility at 124-125 White Street. The potential environmental impacts related to a building at that site were thoroughly disclosed and subject to public review in the DEIS.

Comment 52: The proposed project, as described in the DEIS, is incomplete for the purposes of an environmental review. While a project need not be designed for the purpose of environmental review, it must not be missing major components that will impact the environmental review. While this is true for all the planned facilities, it is especially true in the Bronx where

substantial questions are still unresolved, as the project has significantly evolved since certification.

Significant changes to the project were made after scoping and after project certification, which are discussed below. Please explain how the Lead Agency is able to assess and disclose the impacts of this action when significant portions of the action are missing or significant changes have been proposed since certification. How is the Lead Agency avoiding segmentation when analysis of significant portions of the action are deferred until later dates? Will the Lead Agency be considering a Supplemental DEIS? Missing information of this nature cannot simply be added to the Final Environmental Impact Statement, since there has not been an opportunity for public review and comment.

Can the Lead Agency explain why the application was certified as complete, when so many elements of the project were either not yet defined or accurately described in the DEIS? (Janes_062)

Response 52:

The proposed project, as described in the DEIS, is sufficiently defined for the purposes of environmental review. Since the issuance of the DEIS and in response to public comments, the City has been evaluating and refining the design and programming for each of the proposed detention facilities. These changes are described and analyzed in the FEIS and a revised ULURP application. Changes to the proposed project since the issuance of the DEIS do not constitute segmentation because both the DEIS and FEIS thoroughly evaluate the potential environmental impacts of the entire project. Refer to the response to Comment 28 regarding changes to the proposed project between the DEIS and the FEIS.

Comment 53:

Currently, there is a parole court at Rikers Island that will be closed. Where will the parole court be located? The DEIS says that there will be 10,000 SF of Court/Court-Related Facilities in the Bronx, with a footnote that indicates “[t]he court facilities would be a parole court in the Bronx.” Will this court serve the entire City or just the Bronx? Will the other facilities have their own parole court? Or will all parole court activities be centralized in the Bronx? If it is centralized, how does this meet the goal of decentralizing jail activities as described in the Lippman Commission findings? If each has their own, why does Table 1-1 show only the Bronx with court facilities? How are the added traffic impacts of decentralized court facilities analyzed in the DEIS? (Janes_062)

Please indicate whether the estimated 175 visitors for a Bronx parole court facility within the Bronx site is an estimate of daily visitors for a parole court for only Bronx residents or for a citywide facility? If not a citywide facility, where will the rest of the parole court operations be situated in this plan? (Janes_062)

Response 53: The parole court is expected to be located in the proposed detention facility at the Bronx Site. This facility would serve the entire borough-based jail system. Traffic generated by this facility is accounted for in the transportation analysis. If an alternate site outside of the borough detention facilities is identified to house the Parole Court, that function would be removed from the borough-based jails system.

Comment 54: Where will women and people with mental and physical issues be located? What will the environmental impact of those facilities be? If the women's facility is centralized, how does that meet the primary goal of the Lippman commission of decentralization of jails? If the women's facility is not located in Queens, will those environmental impacts be studied in a supplemental environmental review? If not, how is the Lead Agency avoiding segmentation? (Janes_062)

With reference to the overall BBJ, DOC should clarify where women and people with mental and physical issues will be located, as well as the contagious disease unit, and when the potential environmental impacts of those facilities will be addressed. DOC should also address the potential impacts of its apparent plan to close the Vernon C. Bain Correctional Center, which we understand houses approximately 800 individuals and many employees. (Richmond_069)

Response 54: As discussed in FEIS Chapter 1, "Project Description," the centralized women's facility would be located in Queens. Furthermore, the proposed program includes an infirmary and therapeutic housing units serving people with enhanced medical, mental health and substance use disorder-related needs, although City is also exploring the feasibility for a small subset of therapeutic housing units as well as the infirmary component to be located at other sites unrelated to the proposed project. If a program is determined to be feasible and appropriate sites are identified, separate environmental review and approvals would be undertaken as warranted based on the site-specific programming. As discussed in DEIS Chapter 1, "Project Description," the EIS will not evaluate the potential reuse or redevelopment of the Vernon C. Bain Center as part of the proposed project. Any future proposal for the reuse of Vernon C. Bain Center, should it move forward, would be subject to future planning and public review processes, including a separate approval and environmental review process as necessary.

Comment 55: The DEIS states: "In addition, all sallyport activity and transfers of detained people will take place within the building itself in order to minimize interactions with the surrounding uses." The sallyport egress is literally abutting the area planned for new residential development. These

are the dark arrows adjacent to the area labeled “Future Development” in the detail of Figure 1-3. These dark arrows for the egress to the sallyport appear to be drawn in what would be the required rear yard for the proposed jail. Further, while not shown on this plan, the text states that the loading berths will also be in this area. Is this a permitted activity in a rear yard? Or will the special permit allow for sallyport and loading activities to occur within a required rear yard? Or will the special permit allow the waiving of otherwise required yards altogether? Since these activities are abutting the residential development, what actions will the Lead Agency take to ensure that there will be no undue impacts on the abutting residences? (Janes_062)

Response 55:

At the Bronx Site, the new detention facility and the proposed mixed-use building will each provide 30-foot wide rear yards or rear yard equivalents (a standard zoning requirement that is not being modified by the proposed special permit), ensuring that above a height of 23 feet the buildings will be separated by 60 feet providing a volume of space for light and air.

Comment 56:

The DEIS contained no information on the facility’s security plan or information on operational management of a high-rise jail. The information should be part of the urban design section of the DEIS, including permanent or temporary security infrastructure on the sidewalk, in the street, in the area surrounding area not only the jail, but also the proposed residential portion. If there will be additional semi-permanent structures like guardhouses external to the building, it should all be disclosed during public review. If there is no plan, it is not ready for public review. Will the facility be lit 24/7? How will those lights impact the bedroom nature of the residential portion of this neighborhood? We don’t know because the DEIS does not disclose this information. (Janes_062)

Response 56:

The purpose of the EIS is to evaluate the potential impacts of the proposed actions. The proposed actions do not govern security plans or the operational management of the proposed project and therefore having certainty regarding these features is not integral for the EIS.

The urban design sections of the FEIS have been updated to include a brief discussion of anticipated site lighting. Based on conceptual plans, site lighting would be present on all sidewalks around the sites since the areas are dense, urban environments. It is anticipated that the public entry and vehicular sallyport would have continuous, uninterrupted light at night, but this lighting would be designed to provide coverage for the sallyport and entry without disrupting adjacent properties. In the event of an alarm, more security lighting would be triggered. This security lighting

would generally be motion sensor-initiated, and designed to cast light only on the building, avoiding spillover to adjacent properties.

Comment 57: DOC has failed to define basic characteristics of the project, including but not limited to basic information such as project design; project lighting; the size and manner of the purported street level retail spaces; whether there would be community space at the ground level; the location of vehicular access points to the project; the number of emergency generators; how much fuel would have to be stored on site for each generator; the location of each generator and fuel supply source; consistency of fuel storage in a projected flood zone with the New York City Waterfront Revitalization Program, Lower Manhattan Coastal Resiliency Project, and other applicable programs; whether variances are required to store the amount of fuel needed; and whether the amount of fuel needed could be safely secured. (Richmond_069)

Response 57: DEIS Chapter 1, “Project Description,” includes information on the maximum zoning envelope for the proposed project at each site; the proposed floor area by use, including the potential retail and/or community facility spaces; vehicle and pedestrian access. In addition, the urban design sections of the DEIS describe and illustrate the preliminary designs for the proposed detention facilities. The proposed detention facilities would be equipped with emergency electrical generators and fuel storage to provide power for 10 days of power outages. Fuel storage system design and operation for the emergency generators would have to meet applicable regulatory requirements, such as NYC Fire Department requirements (including a Flammable & Combustible Liquids Permit), NYSDEC Petroleum Bulk Storage (PBS) Program requirements (including 6 NYCRR Part 613 regulations) and Federal requirements (including 40 CFR Part 280).

As discussed in DEIS Section 4.1, “Land Use-Manhattan,” based on conceptual plans, it is expected that the ground-floor elevation of the proposed project on the Manhattan Site would be approximately 18 feet NAVD88, which would be higher than the “high” future 2100 BFE of 16.25 feet. In addition, to the extent feasible, future design development for the building on the Manhattan Site would account for future flood levels and locate critical mechanical features such as heating, cooling, electrical, and telecommunication on building floors above NPCC’s “high” future 2080s base flood elevation of 14.8 feet or 2100 BFE of 16.25 feet. The NYC WRP provides a process to assess the consistency of proposed actions with the policies set forth in the WRP; it does not govern uses or activities, nor does it provide for variances.

Comment 58: What is the daily plan to transport every person incarcerated to the required outdoor recreation space on the roof? (Freid_061)

Response 58: With the proposed project, people who are detained would have access to recreation yards in their housing unit throughout the day and would not need to be transported to the roof.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 1-1: While the uses are compatible with buildings immediately surrounding the site, the bulk and height that is sought through this application are not compatible within the study area. The existing structures at the project site are a fraction of the 450 foot development proposed for the site. While the zoning does allow for a taller building than what exists presently, the buildings immediately to the south and east of the site, low rise residential and commercial buildings that generally don't exceed 7 stories as well as the treasured community amenity of Columbus Park, would be impacted by the proposed development from demolition, through construction and completion. (Brewer_072)

Response 1-1: As discussed in the DEIS in Section 4.1, although the proposed project would introduce an expanded detention facility use next to public open spaces including Columbus Park, this would not substantially change the land use character in the With Action condition as the project site already contains an existing detention facility. The proposed facility would also remain consistent with the higher-density uses to the west and south that characterize the current study area.

Comment 1-2: The largest buildings in Kew Gardens, apartment buildings Silver Towers and Court Plaza, across Queens Blvd. from the proposed jail site, contain approximately 600,000 square feet, each. The proposed jail at nearly 2,000,000 square feet will be at least three times the size of the largest buildings in Kew Gardens. The proposed jail, therefore is out of character, in size and purpose, with the community that surrounds it. (Bell_689)

I oppose City Planning Commission approval of the City's current proposed Borough Based Jail plan for the following reasons: The proposed jail is at least three times the size of the largest buildings in Kew Gardens. It contains square footage of two Chrysler Buildings, nearly 1.9 million square feet while the largest buildings in Kew Gardens don't exceed .6 million square feet (600,000 sq.ft.) The site on which the proposed jail would be built is not zoned for a building that size, and that zoning should not be waived, because a building that large would not "fit

into," or "blend into," the surrounding community. It would loom like a behemoth, over the buildings that surround it. (Brown_643)

Response 1-2: As discussed in the DEIS in Section 5.1, the scale and higher density of the proposed facility would be buffered from the surrounding residential neighborhoods by Queens Boulevard to the west, the Van Wyck expressway to the east, the Jackie Robinson Parkway to the north, and Maple Grove Cemetery to the south. In addition, the proposed ground floor use would be consistent with the commercial ground floor uses along Queens Boulevard. Furthermore, there is an existing jail facility located at the Queens site that operated until 2002. Therefore, the proposed facility would be a reintroduction of a jail use.

Comment 1-3: I live in Kew Gardens, Queens and there's a reason why building a jail of this size requires a special permit. It's because earlier generations were smarter than us and zoned this area for lower sized buildings to protect the character of the residential neighborhoods surrounding. (DK_653)

Response 1-3: Comment noted. The residential character of the surrounding neighborhood is considered for the Queens site in Section 5.1.

Comment 1-4: It is unheard of to put something so massive in a residential area. We have zoning and building laws for a reason. (Langer_752)

As I understand, this project is illegal according to existing zoning laws. (Lehrer_585)

Response 1-4: As noted in the DEIS land use chapters, the proposed jail facilities would be constructed in accordance with a proposed special permit, waiving height and setback regulations. As such, the project would be an allowable use.

Comment 1-5: Describe what is the City's Waterfront Revitalization Program is and state in detail what impact the MBBJ will have on this Program. Provide a copy of the Consistency Assessment Form. (Sung_064)

Response 1-5: As noted within the DEIS Section 3.1, the City's Waterfront Revitalization Program (WRP) is the City's principal coastal zone management tool. The WRP establishes the City's policies for the development and use of the waterfront and provides a framework for evaluating activities proposed in the Coastal Zone. A copy of the Consistency Assessment Form is provided within the DEIS. Impacts that MBBJ will have on this program are noted under the WRP Assessment in Section 3.1.

- Comment 1-6:** The MBBJ borders the Special Transit Land Use District. What is the Special Transit Land Use District and what effect with the MBBJ have on this. (Sung_064)
- Response 1-6:** As discussed in Section 4.1, the Special Transit Land Use District (TA) requires builders of developments adjoining planned subway stations to reserve space in their projects, by providing an easement, for public access to the subway or other subway-related uses. Although the TA is located within the study area of the MBBJ, there are no anticipated effects on it as there are no future subway-related uses currently planned for this area.
- Comment 1-7:** UDAAP (Urban Development Action Area Program) is a housing benefit program that provides tax abatements for housing constructed on City-owned land. How is this program relevant to the Borough Based Jail Plan? (Janes_062)
- Response 1-7:** UDAAP is relevant to the Bronx Jail site as an affordable housing development is planned adjacent to the proposed jail in that location.
- Comment 1-8:** Please explain why the ½ mile land use study area was not adjusted to account for a more reasonable study area that did not include a portion of the East River. A shift inland would better relate to the area impacted by the proposed jail. (Janes_062)
- Response 1-8:** The land use study area is the area within a ¼-mile radius around the project site. This study area was determined consistent with guidance in the *CEQR Technical Manual* and in accordance with applicable regulations and in consultation with appropriate agencies. In general, the study area reflects the area where land use trends could be affected by a project. It is typically not necessary to expand one side of a study area simply because the other side is within a waterbody. The study area was determined to be appropriate as referenced, centered around the proposed Manhattan site.
- Comment 1-9:** Please explain how the jail is consistent with the NYS Downtown Revitalization Initiative, north of the project area. (Janes_062)
- Response 1-9:** The FEIS has been revised to include a discussion for consistency with the NYS Downtown Revitalization Initiative.
- Comment 1-10:** The DEIS' land use analysis is flawed by its assumption that "[t]he proposed detention facility would be approximately 450 feet high" (see DEIS at 4.1-13). On the very next page, the DEIS acknowledges that the project would actually have "a maximum base and building height above

the curb level of each street frontage of *490 feet*, for rooftop mechanical bulkheads, parapets, and rooftop horticultural and related spaces” (see DEIS at 4.1-14 (emphasis added)). This additional 40 feet is significant, and DOC’s analysis must take it into account. (Richmond_069)

Response 1-10: While 40 feet would be allocated for rooftop mechanical equipment, this additional height is not counted for zoning purposes. As such, the proposed height would be compatible with the zoning regulations set forth in the proposed special permit. The shadows analysis in the DEIS accounts for the additional 40 feet on each site to provide for a conservative assessment of potential shadow impacts.

Comment 1-11: As it stands, the DEIS fails to rationally “determine whether the [P]roject would have the ability to generate land use change in the study area,” including the ¼-mile and ½-mile study areas (see *CEQR Technical Manual* at 4-14). DOC must rationally “address[] the interplay between the proposed [P]roject in its particular location and conditions in the surrounding area” (see *CEQR Technical Manual* at 4-14). The DEIS’s suggestion the Project would be “consistent with the higher density uses to the west and the south that characterize the current study area” (see DEIS at 4.1-13) is flawed on multiple counts. It simply ignores the areas to the north and east, with which the Project is entirely inconsistent. This statement also irrationally misrepresents the character of the community to the west, which includes the Tribeca East Historic District. The DEIS’ statement that the Project “would not substantially change the land use character in the With Action condition as the project site already contains an existing detention facility” (see DEIS at 4.1-13) ignores the fact that the Project is substantially larger than the existing MDC. (Richmond_069)

Response 1-11: The DEIS chapter discusses land uses throughout the study area, including areas to the north and east, and that they are generally lower in scale and density than the proposed project, particularly within the Chinatown neighborhood. The proposed project is located within the civic center area of Manhattan, which includes buildings with a range of heights and uses, consistent with the character of the proposed project. These civic center uses exist in proximity to the areas to the northern and eastern portions of the study area.

Comment 1-12: WRP Policy 6.2.1(a) requires Flood Elevation Worksheets and future flood elevations, which the DEIS acknowledges “have not been completed” (see DEIS at 4.1-17). The “qualitative analysis” provided is inadequate. The DEIS’ evaluation of WRP Policy 6.2.1(b) is also inadequate because, as the DEIS again acknowledges, “development

plans for the Manhattan Site under the proposed project are preliminary and conceptual [and] detailed plans with elevations for specific features have not been developed” (see DEIS at 4.1-18). This is unacceptable, particularly in light of the DEIS’s “assum[ption] that the building’s lowest floor could contain vulnerable features (enclosed space for building staff, parking) and critical features (water/sewer pump rooms) that could be affected by future flood levels. Similarly, the DEIS’ inclusion of so-called “adaptive strategies” are irrationally based on unsubstantiated “expecta[tions]” about the Project’s ground floor level and hopes that “to the extent feasible, future design development for the building on the Manhattan Site would account for future flood level.” (Richmond_069)

Response 1-12: Based on the preliminary designs and planning, it is expected that the ground-floor elevation of the proposed project on the Manhattan Site would be approximately 18 feet NAVD88, which is above future projected flood levels. The City recognizes the need to plan and account for future flood levels and to the extent feasible would locate critical mechanical features above the base flood elevation (BFE) in the future. Similarly, vulnerable features (habitable space above the building’s lowest floor, such as detention housing) would be located above the future BFEs by the 2080s or 2100. In addition, the proposed detention facilities would be equipped with emergency electrical generators and fuel storage to provide power for 10 days of power outages, as well as food supplies for seven days of operation. In the event of a power loss, the proposed facilities are intended to remain fully operational.

Comment 1-13: The proposed site is in a flood hazard zone as indicated on the NYC Department of City Planning website. How does the proposed plan address flood concerns? (Freid_061)

Response 1-13: The Manhattan site is analyzed for consistency with the WRP. As noted in the WRP Assessment in Section 4.1, a small portion of the Manhattan Site is located within the Preliminary Flood Insurance Rate Map (FIRM) 500-year floodplain. None of the site is within the current 100-year floodplain as mapped in either the Preliminary or Effective FIRM. Therefore, redevelopment of the Manhattan Site with a new building would not be required to implement the flood damage reduction measures of NYC Building Code Appendix G. As discussed in Policy 6.2, under the New York City Panel on Climate Change (NPCC)’s “high” (90 Percentile) sea level rise projections, the 100-year floodplain may reach the project site by the 2080s. The proposed project at the Manhattan Site would incorporate adaptive strategies to provide resiliency to future flood conditions, as discussed further in Policy 6.2.

Comment 1-14: Note that page S-48 of the DEIS states: "The proposed project would not result in significant adverse impacts to land use, zoning or public policy". Zoning is certainly adversely impacted. (Freid_061)

Response 1-14: The proposed project would not result in significant adverse impacts to zoning. The proposed special permit would apply only to the proposed detention facility on each of the four project sites and would therefore not have the potential to adversely affect zoning within the study area. The local zoning context for each site is discussed in Sections 2.1, 3.1, 4.1, and 5.1.

SOCIOECONOMIC CONDITIONS

Comment 2-1: There has been no plan disclosed for the relocation of the displaced businesses, and there must be a guarantee for either appropriate compensation or a relocation plan that mitigates all undue burden carried by the displaced businesses during relocation. This should include, but not be limited to, relocation within a ¼ mile area to a space of comparable size, with any relocation expenses paid for by the City, and an option for a right of first return for displaced businesses in the new MDC retail space, with the rent per square foot at the time of displacement honored in the new lease terms. (CB3_016)

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. (Brewer_019, Brewer_051)

Response 2-1: As noted in DEIS Section 4.2, "Socioeconomic Conditions-Manhattan," the City intends to work with affected businesses on relocation plans. The proposed project at the Manhattan Site would include new retail space that could be retenanted by the existing businesses.

Comment 2-2: The conclusion that the displacement of retail under this application would not result in significant adverse impacts is understated. While there may be other businesses in the area that provide similar services, there is concern that they may not survive through demolition of the existing site and construction of the proposed development. (Brewer_072)

The DEIS fails to consider how Project construction would impact businesses located on Worth Street or food vendors in Chinatown. These businesses are already adversely impacted by the City's Worth Street Roadway Reconstruction. DOC needs to consider how Project construction would affect them, including but not limited to the

cumulative impacts if the Worth Street Reconstruction is still ongoing while Project construction is taking place. DOC also needs to consider potential adverse impacts from Project construction to businesses on Centre Street and Walker Street, and the impact on the provision of fresh fruits and vegetables and resultant food security of residents in Chinatown. (Richmond_069)

The construction and operation of the proposed project would result in disruption to transportation and the pedestrian activity that Chinatown businesses rely on and could result in indirect impacts to business activity, especially to Chinatown's food industry cluster. (Imbruce_076, Richmond_069)

Response 2-2:

The proposed project would not result in significant adverse effects to area businesses as a result of demolition and construction activities. As discussed in DEIS Section 4.14, "Construction-Manhattan," construction-related sidewalk closures, sidewalk bridges, and temporary barriers would not front active commercial businesses or reduce pedestrian access to business.

With respect to operational conditions, the transportation analysis in DEIS Section 4.9, "Transportation-Manhattan," found that the incremental increase in travel to the proposed facility would result in significant adverse traffic impacts at only one intersection, which could be mitigated with a signal timing change. The proposed project would not result in significant adverse pedestrian impacts during operation at the Manhattan Site. Therefore it is unlikely that operation of the proposed project would disrupt business activity within the neighborhood. The proposed project's visitors and employees would increase the area's consumer base, benefiting general retail, personal services, and food services sectors.

Comment 2-3:

The Chinatown local economy has still not recovered fully due to the lingering effects of the 9/11 attacks and the subsequent collapse of the garment manufacturing industry, which led to substantial commercial vacancies. Leasing space in the surrounding area and utilizing existing retail would be more generative for the Chinatown economy, as opposed to creating competition in a new facility, and the daytime workforce in an expanded jail would provide positive spillover effects in patronizing local small businesses. Chinatown also has an existing network of health, therapeutic, medical, advocacy and legal services, which should receive re-training and marketing support to retool those local industries towards providing services for the City. (Yu_477)

Response 2-3:

The proposed project would construct a new detention facility and local retail in space currently tenanted by retail businesses. The proposed

project's incremental retail space would fall well below the 200,000-sf retail threshold warranting assessment for potential competitive effects under CEQR. As described in DEIS Section 4.2, "Socioeconomic Conditions-Manhattan," the proposed project's visitors and employees would increase the area's consumer base, benefiting general retail, personal services, and food services sectors.

Comment 2-4:

The area will be less desirable, creating losses in property value for owners like myself. (Cazachkoff_427)

Both the communities of Kew Gardens and Forest Hills will suffer tremendous economic loss. A lot of parents and local business will move out the communities, resulting in a crash of nearby housing markets. (Zhou_494)

Families will be more reticent to go out lowering economic activity. Businesses and families will almost certainly not want to live or do business around a jail, and I believe this will drive down tax revenues for Queens. (Cheng_357)

This ill-advised project will radically change to the worse the quality of life in Kew Gardens and Forest Hills - arguably the best neighborhoods in Queens - as well as lower the property values here. The lower property values will lead to lower property taxes, which, together with the exorbitant cost of the project, will have a very negative impact on NYC budget. (Beylin_735)

A jail would hurt the chances for businesses to thrive. (Delidow_697)

The jail will destroy or contribute to the destruction of these neighborhoods and real estate prices. (Gottesman_529)

Property values will plummet. (Gusick_732)

It is clear that value of our properties will significantly decrease. (L_540)

We have enjoyed a tranquil life and have supported all the local businesses in the area including small mom and pop shops. A jail in Kew Gardens will disrupt this as well as decrease the market value of our homes, we worked so hard to obtain. (Rios_505)

It will only bring the problem closer to a densely populated, family neighborhood and serve to lower our sense of well-being and our property values. (Cassetta_682)

Response 2-4:

A project's effects on the City's fiscal conditions is not the subject of CEQR analysis. Similarly, under CEQR, potential impacts relating to lowered real estate values are considered economic, not environmental, and therefore are beyond the scope of CEQR review except to the extent

lowered property values could result in neighborhood-level disinvestment and impacts to community character, which is an environmental concern. The socioeconomic conditions sections of the DEIS assessed whether the proposed project could alter land use patterns in a manner that could lead to disinvestment in an area, and did not find the potential for significant adverse environmental impacts resulting from such effects. The assessments found that the socioeconomic conditions in the neighborhoods surrounding the Brooklyn and Manhattan jails, existing detention facilities have not inhibited economic activity within close proximity to detention facility uses; on the contrary, both existing facilities are surrounded by thriving retail and neighborhood shopping corridors, and that increased activity associated with detention facility uses would increase the demand for consumer services and support existing local businesses.

Specific to the Queens study area, as detailed in DEIS Section 5.2, “Socioeconomic Conditions-Queens,” the project site is currently a disused jail site with limited activity, adjacent to the Queens County Criminal Court. The project site is separated from surrounding residential areas and businesses by the existing civic uses around Queens Borough Hall and by wide transportation corridors (e.g., the Van Wyck Expressway, Queens Boulevard, and the Jackie Robinson and Grand Central Parkways) and would not be likely to have a negative effect on adjacent residences and businesses. The proposed project would invest in a new building that better fits into the neighborhood context; and would incorporate active ground-floor uses, and streetscape improvements. The proposed project represents new investment within the study area that would generate new economic activity as new employees and visitors to the study area demand increased services, further expanding the potential customer base of existing businesses and increasing economic activity within the study area.

Comment 2-5: Provide studies which show what sort of effect the MBBJ will have on the appraisal values of the real estate (commercial, mixed use, residential, etc.) within a 1 mile radius of the site. Sung_064)

Response 2-5: Please see the response to Comment 2-4. With respect to the commenter’s request to consider a 1-mile radius, the socioeconomic analyses utilize *CEQR Technical Manual* guidance to delineate a study area with the greatest likelihood for socioeconomic change due to the proposed project. Based on the proposed project’s size, a ¼-mile study area was determined to be appropriate. Beyond this ¼-mile distance, the influence of the proposed project would be far outweighed by other, more local economic influences.

Comment 2-6: The jail will have a negative impact on our socioeconomic landscape. (Sydell_737)

Response 2-6: The socioeconomic conditions sections in the DEIS assessed the potential effects of the proposed project on population, housing, and economic activities. The analyses did not find the potential for significant adverse environmental impacts due to changes in socioeconomic conditions resulting from the proposed project.

Comment 2-7: The DEIS draft asserts that this towering jail will be good for new and existing businesses, and that it will not increase property values. There is no evidence cited that a humongous jail will be good for business.

And while the conclusion assures us that such a jail will not increase property values, it is not enough to state that the issue of falling property values is not within the scope of CEQR. We assert that this proposed jail has enormous potential for depressing property values.

We have never seen a real estate add advertising a jail for violent felons within two blocks of one's home and elementary schools as a great draw for future residents. Quite the contrary, we have already been told by one real estate agent active in Kew Gardens that two potential sales have fallen through and will not be realized until the potential buyers can count on the jail not being present in the Kew Gardens community.

The presence of a 270 - 333 foot high jail has indeed more than the potential for significant adverse environmental impact on socioeconomic conditions in Kew Gardens. The indirect residential displacement is more than probable if Rikers Island is transferred to the historic and small residential community of Kew Gardens. (Wilson_060)

Response 2-7: A project's effects on the City's fiscal conditions is not the subject of CEQR analysis. Similarly, under CEQR, potential impacts relating to lowered real estate values are considered economic, not environmental, and therefore are beyond the scope of CEQR review except to the extent lowered property values could result in neighborhood-level disinvestment and impacts to community character, which is an environmental concern. The socioeconomic conditions sections of the DEIS assessed whether the proposed project could alter land use patterns in a manner that could lead to disinvestment in an area, and did not find the potential for significant adverse environmental impacts resulting from such effects. Further, the existing detention facility use located on the Queens project site has not had substantive effect on property values or investment within the study area.

- Comment 2-8:** The analysis dismisses any concerns voiced by the community at large, asserting only that the jail will be good for businesses, both new and existing, in the adjacent area - it will expand the potential customer base. You mean jail staff from a mega jail that should not be built? (Wilson_060)
- Response 2-8:** The socioeconomic conditions assessment considered the potential for adverse impacts due to direct and indirect business displacement, and did not find the potential for significant adverse impacts. The analysis found that commercial businesses in areas surrounding the proposed jail sites would likely see a modest increase in patronage as a result of the increased demand for personal services as a result of increased activity at the proposed jail sites.
- Comment 2-9:** If there is no risk of indirect business displacement, please explain why the DEIS states that vulnerable industrial businesses near the Bronx Site can just relocate. (Janes_062)
- Response 2-9:** The analysis in DEIS Section 4.2, "Socioeconomic Conditions-Bronx," finds that the proposed project would not result in significant adverse impacts due to indirect business displacement; however, it does not suggest that there are no businesses potentially vulnerable to indirect displacement. Under CEQR, the significance of impacts relating to indirect business displacement are based on whether the potential displacement could result in the loss of businesses critical to the study area, or if the proposed project would result in increased and prolonged vacancies leading to disinvestment. The preliminary analysis found that the proposed Bronx site could result in limited displacement of industrial businesses within the study area, as a result of increased demand for businesses which serve the new population introduced by the proposed project. Any displacement would be minimal and similar to observed trends likely to continue in the future without the proposed project. Based on public comment the FEIS presents additional detail on the potential for indirect business displacement as a result of the proposed facility.
- Comment 2-10:** Regarding indirect residential displacement, the DEIS cites Manhattan and Brooklyn as existing detention facilities that have not limited the types of economic activity and are surrounded by thriving residential and retail corridors. However, unlike the Manhattan and Brooklyn sites, the proposed Bronx site is not also surrounded by courthouses and other civic institutions that provide an economic engine for the area. Please indicate how the comparison to the Manhattan and Brooklyn sites applies to the proposed Bronx location. If the comparison is not meaningful or misleading, please correct in the FEIS. (Janes_062)

Response 2-10: The socioeconomic conditions analyses considered the unique conditions within each socioeconomic study area independently, but referenced experiences across boroughs, where appropriate. Compared to the proposed Brooklyn and Manhattan sites, which have supporting facilities in proximity to the proposed jail sites, the Bronx site was recognized as being in an area with different economic activities than those proposed by the project. Therefore, the socioeconomic conditions analysis of the proposed Bronx site examined the potential for indirect residential displacement. The analysis found that in the No Action condition observed development trends have the potential for socioeconomic change within the area. The proposed project's contribution to that change could lead to limited indirect residential displacement, particularly of sites which can be developed as commercial or industrial uses as of right. However, the assessment determined that the potential change would not result in significant adverse effects to study area socioeconomic conditions. Based on public comment the FEIS Bronx assessment includes additional detail on the location and extent of potentially vulnerable residents.

Comment 2-11: There will be 30% of renters at above 80% AMI, which exceeds market-rate for the Mott Haven area. Please explain how the DEIS determined that "all proposed units would be affordable." Did the drafters actually intend to write that all proposed units would be rent-regulated, but not necessarily affordable to the low-income residents of Mott Haven? (Janes_062)

Response 2-11: The proposed Bronx site would include 235 dwelling units, all of which would be rent-regulated in perpetuity, which is how the term "affordable" is used in the context of the EIS (rather than estimates of rent burden for market-rate units). For the purposes of a conservative analysis, the socioeconomic analysis assumes that 30 percent of the affordable (rent-regulated) units would be available for households with incomes above 80 percent of AMI; however, specific affordability levels for the proposed dwelling units have not yet been determined as stated in the DEIS. Based on public comment, the FEIS will more clearly define the term "affordable" in the context of the proposed project.

Comment 2-12: The study area selected for the assessment of socioeconomic impacts is flawed. The DEIS states that "the socioeconomic study area boundaries typically are similar to those of the land use study area, which for the proposed project is a ¼-mile radius around the project site" (see DEIS at 4.2-3, see also *CEQR Technical Manual* at 5-4). The DEIS Land Use section actually contemplates a larger study area, stating that it assesses both "the ¼-mile land use study area as well as within a ½-mile study

area,” which is states is “consistent with the study areas for other analyses within this EIS” (see DEIS at 4.1-10). DOC should explain why it used a smaller study area for its socioeconomic impact analysis and why the ½-mile study area, as used in the DEIS Land Use section, should not be employed for its socioeconomic analysis. (Richmond_069)

Response 2-12:

As stated in the DEIS analyses of land use, zoning, and public policy, the study area for that assessment is the area within ¼-mile of site. The “Future without the Proposed Project” section of each land use analysis presents background development projects within approximately a ½-mile of each site to account for background development that would occur within the study areas for other technical analyses (e.g., transportation); the land use analysis does not assess a ½-mile study area. The presentation of these background development projects notes that the ¼-mile area is the land use study area.

Comment 2-13:

The DEIS recognizes that “five commercial retail storefronts” would be displaced as a result of the Project, but fails to rationally consider the potential impacts both on these businesses and their employees, as well as on socioeconomic conditions in the immediate area (see DEIS at 4.2-4). The DEIS statement that “[t]he City intends to work with affected businesses on future relocations plans” constitutes improper deferral of an important mitigation measure and also fails to account for the employees of these businesses. DOC must consider mitigation measures including but not limited to helping to seek out and acquire replacement space, relocation assistance, moving expenses, payment of brokers’ fees, and payments for improvements to replacement space. Moreover, the *CEQR Technical Manual* posits as “an example of direct displacement that would warrant additional analysis might be the demolition of buildings on a local retail corridor for a highway or other non-retail use” (see *CEQR Technical Manual* at 5-6). The Project here would demolish the retail corridor on the west side of Baxter Street between White Street and Canal Street. DOC must give far more serious public consideration to how the Project would avoid and/or mitigate this adverse impact. (Richmond_069)

Response 2-13:

The screening assessment of direct business displacement in DEIS Section 4.2, “Socioeconomic Conditions-Manhattan” found that the proposed project does not have the potential to result in significant adverse direct business displacement impacts warranting further analysis, and following *CEQR Technical Manual* guidance, consideration of mitigation is not warranted. While the proposed project would be expected to displace some businesses and their employees, consistent with guidance in the *CEQR Technical Manual*, the proposed project would not displace more than 100 employees, or any business that are

unusually important, or are uniquely dependent on their location (the CEQR threshold criteria for further assessment of potential impacts). Analysis found that five existing businesses would be subject to direct business displacement (identified in Table 4.2-1). In total based on standard employment multipliers utilized in CEQR analysis, information provided by DCAS, and field visits conducted by AKRF, the five businesses were estimated to employ 28 workers.

Comment 2-14: The DEIS' failure to consider potential indirect residential displacement impacts of the Project is also irrational. DOC should address, in the first instance, the indirect residential displacement that would be caused by the adverse, long term noise, air and other impacts associated with the construction of the Project. This analysis should include, but be limited to, the residents of Chung Pak, Columbus Park, Chatham Towers, and the tenement buildings along Baxter and Mulberry Streets. The DEIS fails to include mitigation measures to assist low-income residents in the study area who would be displaced as the result of Project construction. DOC should also address how the Project itself, once constructed, would cause indirect residential displacement, including but not limited to by saturating the area with LULUs. (Richmond_069)

Response 2-14: With respect to construction related activities DEIS Section 4.14, "Construction-Manhattan," details the potential effects of construction on neighborhood conditions including noise, air quality, and socioeconomic conditions. As detailed in that section, construction of the proposed jail facilities would be temporary and are not anticipated to result in disinvestment within the study area or any significant adverse environmental impacts. Please also see response to Comment 2-2.

With respect to indirect residential displacement the level of assessment for socioeconomic conditions is based on the methodology outlined in the *CEQR Technical Manual*. Based on this guidance, the proposed Bronx site was identified as requiring an analysis for indirect residential displacement, as it was the only project site that would introduce more than 200 residential units (the CEQR threshold warranting assessment for potential indirect residential displacement). This analysis found that the proposed project would not result in significant adverse effects due to potential indirect residential displacement. Analysis for all proposed sites assessed the potential for indirect business displacement. In all cases the analysis found that the proposed jail facilities had the potential to support commercial activity within the respective socioeconomic study areas and would not result in significant adverse environmental effects due to disinvestment.

Comment 2-15: The DEIS fails to rationally address the indirect business displacement impacts that the Project would cause (see DEIS 4.2-9 to 4.2-10). Again, DOC should address, in the first instance, the indirect business displacement impacts that would be caused by the construction of the Project. If, as here, a “project would entail construction for a long duration that could affect the access to and therefore viability of a number of businesses, and the failure of those businesses has the potential affect community character, a preliminary assessment for construction impacts on socioeconomic conditions should be conducted” (see *CEQR Technical Manual* at 22-7). The DEIS recognizes, for example, that tourism provides a major basis for the economy in Chinatown and Little Italy (see DEIS at 4.2-6), but fails to address how the adverse impacts associated with Project construction would adversely impact area business by deterring “visitors who form the base of existing business in the Study Area” or otherwise “impede[] efforts to attract investment to the area, or create a climate for disinvestment” (see DEIS at 4.2-10). The DEIS also fails to address the loss of revenue to Chung Pak, which relies on rental income from thirteen ground floor commercial tenants, and several other units it leases to non-profit organizations. Loss of such revenue from these tenants would threaten the financial integrity of Chung Pak. (Richmond_069)

Response 2-15: As detailed in DEIS Section 4.14, “Construction-Manhattan,” construction activities would not have significant adverse effects on the operations of study area businesses, nor would construction activities block major thoroughfares used by customers or businesses. Further, sidewalk closures would not front active storefronts or block access to businesses on surrounding blocks. Please also see the response to Comment 2-2.

Section 4.2, “Socioeconomic Conditions-Manhattan,” found that the existing jail facility and historic use of the site as a jail facility had not created a climate of disinvestment or otherwise led to significant adverse impacts to socioeconomic conditions. In both the No Action and With Action conditions, the project site would be utilized as a detention facility, and therefore it is anticipated that similar economic conditions would be observed in both conditions. It is unlikely that buildings within the study area, including the Chung Pak building, would have market conditions change substantially as a result of the proposed detention facility as compared to the existing and No Action conditions.

OPEN SPACE

Comment 3-1: Columbus Park, a vital asset to the Chinatown community, is located just over 50 feet from the proposed development and is barely mentioned in

the DEIS. It is a major social hub for Chinatown residents, including those living in Chung Pak and children who utilize the play fields. The park 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 the impact on the park and its role in sustaining the neighborhood's communal life and identity. (Brewer_051, Brewer_072)

Initially, the DEIS open space analysis is flawed because it includes large open spaces in the study area that are well beyond the ¼-mile specified in the *CEQR Technical Manual* for workers. This is significant because two of the public open spaces that fall in between the ¼-mile and ½-mile boundaries (City Hall Park and Dinkins Municipal Building Plaza) *double* the acreage of open space inventory. This results in an artificially low impact of the Project on public open space. The DEIS must be supplemented to accurately analyze the potential significant adverse impacts that the Project would have on the public open space resource in the ¼-mile study area, which includes Columbus Park and Collect Pond Park. (Richmond_069)

The DEIS must also consider how adverse noise, air and other impacts caused by the Project's construction would impact area parks, including but not limited to Collect Pond Park and to Columbus Park, which is widely used by area residents, [which] is only 56 feet away from the site. (Richmond_069)

Response 3-1:

Open space resources that may be directly or indirectly affected by the proposed project have been evaluated consistent with the methodology of the *CEQR Technical Manual*. Columbus Park and its existing conditions, including its amenities, total acreage, active/passive acreage, condition, and utilization, are included in the assessment provided in DEIS Section 4.3, "Open Space-Manhattan."

Potential direct effects on Columbus Park and other open space resources within the Manhattan open space study area were analyzed, based in part on input from other technical sections of the DEIS, including Manhattan Section 4.4, "Shadows," 4.10, "Air Quality," 4.11, "Noise," and 4.14, "Construction." The direct effects analysis determined that Manhattan open space resources would not experience project-related significant adverse shadows, air quality, or noise impacts, and therefore the project would not result in significant adverse impacts related to direct effects on Manhattan open space resources.

Potential indirect effects on open space resources within the Manhattan open space study area were also analyzed to determine whether the new population added by the proposed project could place added demand on

the area's open space resources and if this would constitute a significant adverse impact. This analysis determined that the proposed project would not have the potential to result in significant adverse impacts on open space resources in the Manhattan open space study area through indirect effects, and that the passive open space ratio within the study area would remain more than twice as high as the City's guideline.

Comment 3-2: There are three parks which are within the 400 sq ft radius of 124-125 White St.: Collect Pond Park, Thomas Paine Park and Columbus Park. Provide a study of the impact that the construction and the MBBJ will have on these 3 open spaces. Describe in detail how these open spaces will be preserved and remain unharmed during the construction and after. (Sung_064)

Response 3-2: Collect Pond Park, Thomas Paine Park, and Columbus Park have been analyzed consistent with the *CEQR Technical Manual* in DEIS Section 4.3, "Open Space-Manhattan." Direct effects on these resources, including from construction, were analyzed in this section with input from other technical sections of the EIS, and concluded that there would be no significant adverse impact on these resources from direct effects related to the proposed project.

Comment 3-3: Conduct a study and provide data of the number of children and seniors who currently utilize the three Parks surrounding 124-125 White St. (Sung_064)

Response 3-3: The DEIS's analyses of open space resources and the potential direct and indirect effects of the proposed project on these resources has been prepared consistent with the methodology laid out in the *CEQR Technical Manual*. The existing population that uses study area open spaces is accounted for in the open space assessment.

Comment 3-4: The DEIS claims is that there is currently 27.393 acres per 1000 non-residents based on 71.55 acres of current open space resources that includes 65.07 acres of the Maple Grove Cemetery.

The DEIS states that the open space ratio would drop to 17.472 acres per 1000 non-residents.

HOWEVER, if we were to EXCLUDE Maple Grove Cemetery's 65.07 acres, then the open space per 1000 non-residents would FALL to a ratio of .0015824 acres per 1000 non-residents, below the target ratio of .15 acres.

The report cites three passive open space areas and identifies one as having medium utilization and two as having low utilization (Maple

Grove Park and Maple Grove Cemetery). Why does the DEIS assume that these low utilization areas would change to a more desirable higher utilization. Why include it, then, among the open space resources? (Wilson_060)

Response 3-4:

Open space resources in the study have been identified and analyzed consistent with the guidance of the *CEQR Technical Manual*. The *CEQR Technical Manual* defines public open space resources as an open space that is accessible to the public on a constant and regular basis, including for designated daily periods. Public open space may be under government or private jurisdiction, and may include “Church yards with seating or cemeteries, if publicly accessible on a regular basis for passive recreation (strolling).” The utilization levels for open space resources analyzed in the DEIS correspond to existing levels of use at the resource, and are not reflective of the “desirability” or condition of the resource in existing or future conditions. If Maple Grove Cemetery were excluded from the open space inventory, the non-residential open space ratio in the With-Action condition would still exceed the City’s guideline ratio of 0.15 acres per 1,000 non-residents.

Comment 3-5:

The report cites Newcombe Square, the Ilise Metzgar sitting area, and an area of Flushing Meadow Corona Park as open space areas just beyond the study area (beyond a ¼ mile walk). These are flawed assumptions and these resources should not be included in the analysis.

The report also posits that the new, non-residential population would likely not require open space because they would typically engage in work and then move on to appointments elsewhere. A broad and unsubstantiated assumption about 4095 people. Yet, In Section B, "Study Area" the report states "workers typically use passive open spaces and are assumed to walk 10 minutes ... to an open space". (Wilson_060)

Response 3-5:

Consistent with the *CEQR Technical Manual*, Newcombe Square, the Ilise Metzgar sitting area, and the area of Flushing Meadow Corona Park in question are not included in the DEIS’s quantitative analysis of the indirect effects of the proposed project on open space resources as they are outside of the established study area. As they are public open space resources located within ¼-mile of the Queens Site, they have been identified in the qualitative analysis to provide a more complete picture of nearby open space resources that may be utilized by the proposed project and study area populations.

Consistent with the *CEQR Technical Manual*, an indirect effects analysis for workers was conducted to assess the potential impact of the project-generated worker population on all public passive open space resources within ¼-mile. The DEIS indirect effects analysis conservatively

assumed that all 1,182 project-generated workers would utilize nearby open space resources to provide for a worst-case analysis scenario, though many would likely not leave the proposed project site as they would be engaged in work, would have recreational space that could be utilized at the proposed sites, and could move on elsewhere while not working as stated.

Comment 3-6: There is a reliance on yet to be designed "recreational and respite areas" within the proposed facility. The description of these areas seem to change weekly - from terraces, to recessed bays, to rooftop gardens (only accessible with an escort), to a half-court basketball general, etc. (Wilson_060)

The use of passive open space by non-residents is predicated on the assumption that people using the facility would prefer to use passive recreation space within the interior of the jail. There is no empirical support for this assumption which, if untrue, could impact residents, workers in small businesses, and tourists, who may lose access to passive open space during the day, traditionally used by seniors. (Richmond_069)

Response 3-6: The indirect effects analysis conservatively assumes that all project-generated workers would utilize off-site open space resources for passive recreation to provide for a worst-case analysis scenario. The proposed project would include recreational space for staff. This space is noted in the analysis as a project component that may serve to reduce the proposed project's incremental demand for public open space.

Comment 3-7: Please provide the rationale for the residential open space study area radius, which includes the other side of the Bruckner Expressway and the East River, rather than evaluating open space impacts further inland which are more relevant and residential in character. Please provide the rationale for the non-residential open space study area radius, which also includes the east side of the Bruckner Expressway. (Janes_062)

Response 3-7: As stated in the *CEQR Technical Manual*, open space study areas are defined to allow analysis of both the nearby open spaces and the population using those open spaces. They are generally defined by a reasonable walking distance that users would travel to reach local open space and recreation areas—typically 0.5 miles for residential users and 0.25 miles from commercial projects with a worker population. All census tracts with at least 50 percent of their area within the generalized study area should be included in the study area in their entirety, with all census tracts that have less than 50 percent of their area within the study area excluded. Boundary adjustments may be necessary to account for natural boundaries or built features (depressed highways, canals, railroad

right-of-ways, etc.) that preclude access to open spaces within the study area. The Bruckner Expressway is an elevated highway that can be traversed along its length within the study area, and therefore does not constitute a built feature precluding access to open spaces.

Comment 3-8: The open space analysis must evaluate the Project's impact on White Street between Centre and Baxter as an open space resources, as well as the impact on the rooftop recreational area at Chung Pak, and avoid significant adverse environmental impacts to the maximum extent practicable. (Richmond_069)

Response 3-8: White Street between Centre Street and Baxter Street does not function as an open space and therefore has not been included in the DEIS analysis. Consistent with guidance in the *CEQR Technical Manual*, the open space analysis presented in the DEIS examines all publicly accessible open space and does not examine privately-owned open spaces that are not open to the public on a consistent basis, like the Chung Pak site. Other technical sections of the DEIS such as Manhattan Section 4.4, "Shadows," Section 4.7, "Hazardous Materials," Section 4.10, "Air Quality," Section 4.11, "Noise," and Section 4.12, "Public Health," examine the potential effects of the proposed project on the local study area including the Chung Pak site.

Comment 3-9: Page 8: second paragraph: " ... the project is not expected to adversely affect publicly – accessible open space. While the proposed project will increase new demand on public open space resources owing to increased volumes of workers and visitors, the passive open space ratio for non - residential users within a 400 foot radius of the proposed site will remain well above the guidelines in the *CEQR Technical Manual*."

This statement is false: The adjacent Columbus Park is actively used seven days a week - all day, by residents of all ages, office workers, Public School soccer leagues including elementary school children from PS 234 in Tribeca and all local District 1 and 2 Schools. This Park is the heart and lungs of the economically and racially diverse community of Chinatown. (Freid_061)

Response 3-9: The open space analysis presented in the DEIS acknowledges the high usage of Columbus Park, determining its utilization to be "heavy" in the existing condition. Consistent with the *CEQR Technical Manual*, the analysis of indirect effects on open space takes into account the study area as a whole, including all open spaces and populations that may utilize these open spaces located within it, including Columbus Park and its nearby populations. This analysis has determined that in the With Action condition, 0.367 acres of passive open space will remain per 1,000

residents within the study area, more than double the City's guideline of 0.15 acres of passive open space per 1,000 residents.

SHADOWS

Comment 4-1: This monstrous structure will cast a long shadow and ominous symbol across the Briarwood Shelter, local schools and charming residential views of the rare open space skyline. (Doyle_657)

What about all of the sunlight that the residents would lose from the huge amount of shade and the shadows this monstrosity would create? (Pustelniak_558)

Response 4-1: Shadows move clockwise over the course of each day, falling generally to the west in the morning, north in the middle of the day, and east in the afternoon. Further, shadows' length and range of angles vary over the course of the year. Project-generated shadows would be limited primarily to the civic property to the west and the adjacent highways to the north and east for most of the day in each season, and would not fall to the south in any season.

Consistent with guidance in the *CEQR Technical Manual*, the shadow analysis in the DEIS focuses on the effects of project-generated shadows on use and users of publicly accessible open spaces (including the adjacent Queens Borough Hall grounds), on the health of the vegetation in the open spaces, on the health of sunlight-sensitive natural resources and habitats (including the Willow Lake Preserve), and on the public appreciation of sunlight-sensitive historic resources. Project-generated shadow could only reach the Briarwood Shelter for a limited portion of the afternoon in any season. No local school appears to be located within the area that could be reached by project-generated shadow. In addition, the DEIS analyzed the maximum building envelope in order to identify and disclose all potential areas that could be reached by project-generated shadow, but in reality the maximum envelope used in the analysis represents a larger, bulkier structure than would ultimately be built.

Comment 4-2: Describe in detail what shadows will be cast and how the shadows created by the 45 story ft. building at 124-125 White St. will affect the said three Parks. More specifically, provide a study of all the trees within those Parks, including any other shrubbery and vegetation. Describe how the shadows will affect said trees and plant life. Describe what efforts will be made to protect said trees and plant life. (Sung_064)

Columbus Park is the only green space in the neighborhood with multiple constituent groups using the park. Local residents as well as organized community sports leagues and local elementary and middle schools use

the fields and basketball courts. The park is a gathering place for the community. The proposed tower will cast the park in extreme shadow in all seasons with a looming presence in the sky. The shadow will have a deleterious effect on park usage and kill trees. For your reference I am attaching photos of the park in use on a pleasant recent fall day. The setting sun in the fall seen in the photos will be obliterated. (Freid_061)

Response 4-2:

The three referenced parks, Columbus Park, Thomas Paine Park, and Collect Pond Park, were all included in the DEIS shadow analysis study area. The analysis concluded that Columbus Park and Thomas Paine Park would not receive any project-generated shadow at all, being located too far south of the project site. The analysis documented the extent and duration of new project-generated shadow on Collect Pond Park, concluding that no new shadow would fall on the park in winter and on the March 21/September 21 analysis day, and that the limited extent and duration of new shadow that would occur in the early mornings in the late spring and summer would not cause a significant adverse impact to the park's trees and vegetation, because said trees and vegetation would continue to receive sufficient sunlight over the remaining course of the day. The analysis followed CEQR guidance regarding the assessment of shadow effects on the health of vegetation.

Comment 4-3:

The DEIS analysis of shadows in the project study concludes that there will be no adverse impact. This is bolstered by the conclusions reached in other portions, including the "Open Space" conclusions that we reject. and the section on "Historic and Cultural Resources".

The analysis and assessment EXAMINES ONLY the impact on what it defines as SUNLIGHT-SENSITIVE RESOURCES (public open space with seating, greenways, etc., sunlight dependent architectural resources, or natural resources).

The analysis DOES NOT EXAMINE any impact on the visual results, safety considerations, or on PEOPLE and the general salutary effect of light on an individual's or a community's general sense of well-being and its healthful frame of mind. After all, light and shadow has long been a feature of NYC regulations from windows in tenements to architectural setbacks. (Wilson_060)

Response 4-3:

The shadow analysis assesses the effects of project-generated shadows on people's use and enjoyment of publicly accessible open space and any sunlight-sensitive historic resources in the study area. The analysis considers the effects of new shadows on people's experience and opportunity to enjoy passive recreational activities such as sitting or sunning, and active uses such as playing ball or gardening. Consistent with *CEQR Technical Manual* guidance, shadows falling on streets,

sidewalks, and private residences are outside the scope of the EIS. However, as noted above, shadows move over the course of the day, falling on different areas at different times. No significant impacts to the use and users of open spaces were identified resulting from project-generated shadow.

Comment 4-4:

On December 21, the shadow would extend all the way to Willow Lake Preserve and, at various times, sweep through the remainder of the day to, at various times, cover substantial portions of the Grand Central Parkway and over the course of the day, the entirety of the Kew Gardens Interchange. With the new redesign of the interchange, there would presumably be new landscaping and sunlight-sensitive resources that are not addressed in this study. (Wilson_060)

On the equinox days, the block-like shadow would affect the area from the Metzgar seating area, several ramps of the Interchange, and even go beyond 134th Street. (Wilson_060)

Response 4-4:

Project-generated shadow would fall on a small area at the southern end of Willow Lake Preserve for 16 minutes in the morning of the winter representative day, and would move east across portions of the Kew Gardens Interchange over the remainder of the day. In the spring, summer and fall, the extent of project-generated shadow would be more limited, reaching less than halfway across the interchange on the spring and fall equinox representative day and not even reaching the far side of the north-adjacent Union Turnpike in the late spring and summer representative days. All publicly accessible parkland and open space areas in and around the interchange were included in the shadow study, including portions of Flushing Meadows-Corona Park, the Ilse Metzger Sitting Area, and Willow Lake Preserve. Other landscaped areas and medians associated with the interchange within the longest shadow study area are not, and are not expected to be, publicly accessible. On the equinox days, project-generated shadow would not reach the Ilse Metzger Sitting Area. Project-generated shadow would, on the equinox days, be long enough to reach eastward beyond 134th Street for only approximately the final hour of the analysis day.

Comment 4-5:

At the summer solstice and the midpoints between the equinox and the solstice show broad shadows cast to the east and west. In fact, the figures presented (5.4-3) show the shadow cast at 60-minute intervals. It is broad, block-like, and substantially affects the Van Wyck Expressway and Queens Boulevard. (Wilson_060)

Response 4-5:

DEIS Figure 5.4-3 shows the proposed maximum envelope's shadow at 60-minute intervals cumulatively, over the entire day, rather than at any

given moment in reality, and further does not show any existing, intervening buildings and their shadows. The figure serves to identify the total study area for the detailed analysis. The proposed maximum envelope would cast new shadow on a portion of Queens Boulevard in the late spring and summer but never later than 7:00 AM. The proposed envelope would cast new shadow on a portion of the Van Wyck Expressway in the afternoons. Consistent with guidance in the *CEQR Technical Manual*, the shadows analysis utilizes the maximum building envelope to analyze potential shadow impacts under the reasonable worst case development scenario, which results in a larger, bulkier structure than would ultimately be built, and the project-generated shadow would be correspondingly smaller.

Comment 4-6: A “Detailed Shadow Analysis” (Figures 5.4-4 through 5.4-16) shows incremental shadows that would be created on sunlight-sensitive resources. The color pattern (red) shows these "incremental" shadows that affect sunlight-sensitive areas as a smaller portion of the entire shadow that is cast. The representation has the effect of making it appear that the effect is minimal yet the substantial full shadow, represented in grey, is really much more substantial. (Wilson_060)

Response 4-6: Following CEQR methodology, the DEIS shadow study does not consider the potential effects of shadows on roads, sidewalks, private yards, or buildings that are not historically significant. In addition, note that the grey shading in the detailed analysis figures represents existing shadows as well as the shadow from the proposed project.

Comment 4-7: The analysis considers shadows cast only from the point 1 ½ hours after sunrise until 1-½ hours before sunset. The claim is that before and after those points, the shadows are tangential, fast moving, and blended with existing shadows. In fact, these times can produce substantially long shadows that can be both aesthetically pleasing but present glaring light that can be DANGEROUS to navigate for drivers and even for pedestrians. It appears that moving in and out of these shadows could hamper commuting people at both the beginning and end of workdays. (Wilson_060)

Response 4-7: The analysis considers the potential effects from shadows on public parks and open spaces, historic resources, and natural resources. In accordance with *CEQR Technical Manual* guidance, roads and sidewalks are not considered sunlight sensitive, and their assessment for shadow impacts is not required. A consideration of glare and shade on traffic and pedestrian experiences falls outside the scope of the CEQR shadows analysis.

Comment 4-8: The shadow impact analysis in the DEIS is deficient because it ignores the impact that the Project would have on Chung Pak, whose residents rely on rooftop sunlight for recreational uses and gardening. The DEIS also ignores the impact to the former New York City Police Headquarters, located at 240 Centre Street. This building is a New York City landmark and is listed on the National Register of Historic Places. The former Police Headquarters building features a stunning and well-recognized dome that allows light to pour into the structure. (Richmond_069)

Response 4-8: In accordance with *CEQR Technical Manual* guidance, the shadow study focuses on shadow impacts to publicly accessible parks and open spaces, as well as Greenstreets plantings, natural resources and habitats, and sunlight-sensitive features of historic or architecturally significant buildings and other structures. Any other buildings or structures are not considered under CEQR. In addition, private open space, e.g. open space that is not publicly accessible such as front or back yards, stoops, vacant lots, and private rooftop areas, are outside the scope of a CEQR shadow study.

Comment 4-9: Even aside from the DEIS' deficient shadow analysis, the DEIS fails to assess impacts caused by the Project's blocking a substantial amount of sky. The DEIS should include day-lighting analysis to demonstrate the impact of the proposal on parks, open space, and other publicly accessible areas. For example, we understand that a day-lighting analysis was included in the DEIS for the East 125th Street rezoning. If there was ever a project where day-lighting impacts should be studied and disclosed, it is the MDC Project, which will tower over sensitive resources, including but not limited to Columbus Park directly to the south. The proposed MDC will block a significant amount of sky and will darken the park, which is intensely used and loved by the Chinatown community. (Richmond_069)

Response 4-9: The shadow analysis in the DEIS was prepared in accordance with *CEQR Technical Manual* guidance and presents its assumptions, data sources, analysis results, and conclusions. The analysis quantified the extent and duration of new shadow on all sunlight-sensitive resources that could potentially be reached by project-generated shadow, and presented the results graphically. The analysis included representative dates from all seasons. The analysis explicitly stated the criteria for determination of impact significance and explained for each sunlight-sensitive resource how the criteria was applied. One conclusion resulting from the analysis was that the proposed project would not cast any shadow on Columbus Park. A daylighting study of the type described in the comment falls outside the scope of a shadows analysis under CEQR.

Comment 4-10: The DEIS also fails to seriously consider how the Project's shadow impacts would adversely affect sunlight-sensitive features, including within the Chinatown and Little Italy Historic District and the Tribeca East Historic District. The DEIS also omits at least four (4) additional shadow-sensitive resources: the playground at PS 130, the plaza at the Jacob K. Javits Federal Building West, the Most Precious Blood Church and the Eldridge Street Synagogue, some of which have distinctive, light-dependent stained glass. The DEIS must be supplemented to disclose shadow impacts on these resources.(Richmond_069)

Response 4-10: The DEIS shadow study, in coordination with the open space analysis and the cultural and historic resources analysis in the DEIS, included all the historic resources with sunlight-sensitive features in its inventory, as well as all publicly accessible, sunlight-sensitive parks, plazas, and open spaces. The resources referred to in the comment either were not publicly accessible, did not have sunlight-sensitive features, or were shown to be unaffected by project-generated shadow in the analysis.

HISTORIC AND CULTURAL RESOURCES

Comment 5-1: The Art Deco/Art Moderne-styled South Tower of the current Manhattan Detention Center is NYC Landmark eligible, and the Manhattan Criminal Courts Building and Prison at 100 Centre Street have previously been determined to be New York State National Registry-eligible. These eligibilities suggest that the proposed demolition and redevelopment would be an inappropriate and significant loss of historic and architectural resources. The 100 Centre Street building, which retains some Egyptian Revival architectural details from the original "Tombs" building, as well as 80 Centre Street and 125 Worth Street constitute a coherent architectural group in Civic Center. The demolition of "the Tombs" would undermine the value of a visible piece of the criminal justice history and the historical development of NYC. Therefore, there is a further responsibility to preserve the remaining buildings if the Manhattan facility is realized as currently proposed. (CB3_016)

Response 5-1: Comment noted. As discussed in Section 4.5, "Historic and Cultural Resources-Manhattan," the demolition of 125 White Street would constitute a potential significant direct adverse impact on 100 Centre Street (the Criminal Courts Building and Prison), requiring that the Applicant develop, in consultation with New York City Landmarks Preservation Commission (LPC), appropriate measures to partially mitigate the potential adverse impact. The proposed project does not involve the demolition of other portions of 100 Centre Street or alterations to 80 Centre Street or 125 Worth Street.

Comment 5-2:

My sentiments for this project echoes LPC's concerns to conduct further archaeological testing or monitoring through consultation with LPC in order to confirm the results of the Phase 1A study for the 125 White Street lot. This testing would be in the form of the review of new soil borings. If the new soil borings reveal that intact peat deposits are not present in the southwestern corner of the site, then no further archaeological analysis would be recommended for 125 White Street.

Additionally in this review, LPC determined in a letter dated March 4, 2019 that 125 White Street (MDC South Tower) was NYC Landmark (NYCL) eligible. The MDC South Tower composes a portion of the Manhattan Criminal Courts Building at 100 Centre Street, a structure that has previously been determined State National Register (S/NR) eligible by the New York State Historic Preservation office (SHPO) and NYCL eligible by LPC. The demolition of the MDC South Tower would directly have significant adverse impacts on the Manhattan Criminal Courts Building. To ensure the protection of the Manhattan Criminal Courts Building during the demolition and construction of 125 White Street, I ask that consultation with LPC take place to coordinate a Construction Protection Plan (CPP) with a licensed professional engineer to avoid inadvertent construction related impacts, following the NYC Building Code, Section BC 3309: Protection of Adjoining Property. (Brewer_072)

Response 5-2:

Comment noted. As discussed in Section 4.5, "Historic and Cultural Resources-Manhattan," the additional archaeological analysis will be completed in consultation with LPC as described in the comment. Additionally, Section 4.5 states that to avoid the potential for inadvertent construction-related impacts to the Criminal Courts Building and The 12 other historic buildings that are located within 90 feet of the project site, construction protection measures would be set forth in a CPP that would be developed in consultation with LPC and implemented in coordination with a licensed professional engineer. The CPP would describe the measures to be implemented to protect the 13 historic buildings (including the Criminal Courts Building) during demolition and construction activities associated with the project. The CPP would follow the guidance set forth in Section 522 of the *CEQR Technical Manual*, and LPC's *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings*. The CPP would also comply with the procedures set forth in DOB's TPPN #10/88. The CPP would include provisions for preconstruction inspections, monitoring the building for cracks and movement, installation of physical protection as appropriate, and provisions for stopping work if monitoring thresholds are exceeded or damage occurs.

Comment 5-3: I recommend that protection measures for these adjacent properties against accidental damage from construction be further emphasized. (Brewer_072)

Response 5-3: DEIS Sections 3.5, 3.15, 3.16, 4.5, 4.15, and 4.16 discuss that a CPP would be developed in coordination with LPC and implemented in consultation with a licensed professional engineer so as to avoid the potential for direct, physical impacts to nearby historic buildings during construction of the proposed projects.

Comment 5-4: It is recommended that the design is revised to consider materials that would enhance and maintain the architectural continuity of the area, including any new designs for pedestrian bridges that connect to the north façade of 100 Centre Street through design consultation with the LPC. In doing so, the proposed project would then adhere to the DEIS findings of not introducing incompatible visual, audible, or atmospheric elements to other architectural resources in the study area, other than its direct impact upon the Manhattan Criminal Courts Building." (Brewer_072)

Response 5-4: As discussed in DEIS Section 4.5, consultation would be undertaken with LPC regarding the design of the new building and the pedestrian bridges that would connect the new building with the north façade of the Criminal Courts Building.

Comment 5-5: The City's recent proposal to replace the existing Manhattan Detention Complex (MDC) has brought to light the surprising and unfortunate fact that many of the Civic Center's most important historic buildings lie outside the existing neighboring Historic Districts and have not yet received specific landmark designation, including 80 Centre Street, 137 Centre Street, 139 Centre Street, and the Manhattan Criminal Court building at 100 Centre Street. The existing south tower of the MDC at 125 White Street forms part of the original historic four tower Manhattan Criminal Court Building and shares the same building lot with the other three towers. It is critical for the Commission to support the recommendations provided by Community Boards 1 and 3, both urging that the south tower of the MDC be renovated rather than razed as was achieved during the MDC's earlier renovation in 1983 by Gruzen Partnership. At a minimum, the Landmarks Preservation Commission needs to act promptly by reviewing and seeking to preserve the adjoining three towers that comprise the iconic Manhattan Criminal Court. In reviewing the MDC proposal, I sincerely hope and urge the Commission to seek to save the historic Manhattan Criminal Court building at 100 Centre Street. This can be easily achieved by supporting the renovation of the massing and exterior surface of the south tower of the MDC and

by supporting landmarking of the adjacent Manhattan Criminal Court. The City of New York, and our Lower Manhattan community cannot afford to lose this important historic landmark. (Blank_245)

Response 5-5:

Comment noted. As described in Chapter 7, “Alternatives,” the Applicant has explored the reuse of the South Tower at 125 White Street for the proposed detention program, including expansion of the building as well as the potential to relocate the facility to another location to avoid impacting the South Tower through demolition. However, and as described in Chapter 7, the building does not meet the requirements for a modern detention facility as proposed by the project, its retention perpetuates security and safety issues and inefficiencies associated with having the detention facility housed in two separate buildings. Other sites in the vicinity of the New York County Court at 100 Centre Street do not meet the site selection criteria for the proposed project to the same extent as the proposed site at 125 White Street.

Comment 5-6:

As the architectural historian who worked with the community to designate Chinatown & Little Italy as a nationally significant State and National Register Historic District, I write to express my dismay at the current Manhattan Borough-based jail proposal. The DEIS recommends a finding of no significant adverse impact to the neighborhood character, and only acknowledges potential construction-related impacts on historic resources within 90 feet. The construction of a massive jail block at the edge of a nationally-significant, low-rise historic immigrant community poses a threat of a significant and permanent adverse impact, which is not acknowledged in the DEIS.

As I noted in my letter of October 2018, there are no official landmarks in Chinatown or Little Italy that tell the story of these two immigrant groups that have made an outsized impact on American culture. While the neighborhood is not Landmarked, since 2009 it has been listed as a nationally-significant historic district in the National Register of Historic Places. This designation should carry a lot of weight— national significance means that this place is of highest importance to our nation’s history and culture. The boundary line for this nationally-significant district is Baxter Street, abutting the jail property.

Both listing in the National Register as well as eligibility itself triggers the State and/or Federal Historic Preservation laws that mandate an extra level of scrutiny of plans, such as the Borough Jail proposal, that would have such an outsized adverse impact on historic resources. The preservation laws require that alternatives with lesser impact be explored. And the impacts of the 124-125 White Street proposal would be enormous. As proposed, 124-125 White Street, just across the street from

the nationally significant Chinatown & Little Italy Historic District, would be grossly out-of-scale with the surrounding historic neighborhoods and historic courthouses and civic buildings. Additionally, the Tombs, 124 White Street, like many of its neighbors, is considered eligible for listing in the State and National Registers of Historic Places, and any proposals to replace it must be carefully considered. Echoing my comments from October 2018, when 80 Centre Street was in the crosshairs, the new proposal calls for overbuilding in the tradition of the classic New York City land grab; and would result in the overshadowing of a historic low-rise neighborhood where the residents have been excluded from a planning process. Reducing the jail population is a worthy and necessary goal, but the argument that a grossly larger jail is needed for a reduced population rings false.

When 125 White Street was constructed in the 1980s, a 1% for Art project was commissioned and approved by the Public Design Commission (PDC). In a gesture to the neighborhood, this small block of White Street between Baxter and Centre was to be pedestrianized, with bollards at either end, and a symbolic paving pattern referencing Chinese culture was installed. Not long after this public plaza was completed in the early 1990s, the Department of Corrections commandeered the space, without notice or approval from the PDC. Corrections painted parking lines on the pavement, defacing the artwork and removed the bollards, destroying the pedestrian plaza. Every day, the plaza overflows with Department of Corrections and private placarded vehicles parked atop the pedestrian plaza. Turning a pedestrian plaza into a parking lot with no community input and no consequences is entirely representative of the current plan to impose an inappropriately-scaled and unwanted use on a community already overburdened with the parking, traffic, and infrastructure of the criminal justice system. (Culhane_070)

Response 5-6:

Comment noted. Please note that the building at 125 White Street is the South Tower, a contributing element to the S/NR- and NYCL-eligible Criminal Courts Building and Prison architectural resource. 124 White Street was constructed in the 1980s. The proposed project does not involve federal or state funds so it is only subject to the CEQR review process. In addition, the proposed project would not change the characteristics that make the Chinatown and Little Italy Historic District significant. The historic district's period of significance is 1800 to 1965. It is significant for its association with Chinese-American and Italian-American ethnic heritage and social history in New York, and the history of immigration in America; its potential to yield important information about housing, commerce, industry, health and sanitation, ethnicity, wealth, religion, and recreation of the inhabitants during its period of significance; as well as the architecture found in the area. Therefore, the

proposed project would have no potential for significant adverse indirect impacts on the Chinatown and Little Italy Historic District, separated by Baxter Street, an approximately 50-foot-wide city street. The historic district's buildings and Columbus Park located along Baxter between Canal and Bayard Streets have sat adjacent to the Prison building of the project site since the late 1930s. Since then, the portion of the study area to the west of Baxter Street and south of Worth Street has continued to develop with more large-scale developments including the 25-story Chatham Towers built in 1964, the MDC North Tower (part of project site) built in 1989, and the 27-story U.S. District Court-Southern District of New York building built in 1992.

Comment 5-7:

Describe the archaeological and architectural historic resources of and under 124-125 White St. and surrounding buildings within a 1 mile radius. Provide studies of the historic burial grounds of the site and surrounding sites within a 1 mile radius. Explain how the grounds, below the grounds and historic effects of the building outside and inside will be maintained and preserved. Describe which parts will not be maintained and preserved and why. (Sung_064)

Response 5-7:

As described in the DEIS, the study area for archaeological resources is the area that would be disturbed by subsurface disturbance during the construction of the Manhattan Site. The archaeological sensitivity of the site is described in the Phase 1A Study and Supplemental Phase 1A Study prepared for the site. Both documents are summarized in Section 4.5, "Historic and Cultural Resources-Manhattan." There are no documented burial grounds on the Manhattan Site and the site was not determined to be sensitive for human remains. Previous archaeological sites identified within a larger radius surrounding the project site are summarized in the Phase 1A Study and Supplemental Phase 1A Study in accordance with the *Guidelines for Archaeological Work in New York City* as issued by the LPC in 2018. The Phase 1A Study and Supplemental Phase 1A Study are included within LPC's on-line database of archaeology reports.

Study areas for architectural resources are determined based on the area of potential effect for construction period impacts, as well as the larger area in which there may be visual or contextual impacts. The *CEQR Technical Manual* guidance for the study area is typically within an approximately 400-foot radius of a project site. Therefore, a 400-foot study area was delineated around the project site for the analysis of architectural historic resources.

Comment 5-8:

The DEIS concludes that DOC has deferred consideration of a CPP, which it recognizes is necessary "to avoid inadvertent construction-

related impacts,” and states that DOC improperly intends to develop a CPP “in consultation with” the LPC without any opportunity for public review and input (see DEIS at 4.5-3 to 4.5-4). A CPP must be presented that addresses the potential impacts of construction activities, including upon portions of the Chinatown and Little Italy Historic District that are within 400 feet of the site. The CPP must also address the extreme engineering practices required for demolition and construction activities for the project. The DEIS does not explain how pile driving could be conducted in compliance with TPPN #10/88, and does not otherwise address how the project could be constructed without adversely impacting sensitive structures and residents in the affected area. (Richmond_069)

Response 5-8: DEIS Section 4.5 states that to avoid inadvertent construction-related impacts, construction protection measures would be set forth in a CPP that would be developed in consultation with LPC and implemented in coordination with a licensed professional engineer. The CPP would describe the measures to be implemented to protect affected architectural resources during construction of the proposed project. The CPP would follow the guidance in Section 522 of the *CEQR Technical Manual* and LPC’s *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings*. The CPP would also comply with the procedures set forth in the DOB *TPPN #10/88*. The CPP would include provisions for preconstruction inspections, monitoring the building for cracks and movement, installation of physical protection as appropriate, and provisions for stopping work if monitoring thresholds are exceeded or damage occurs.

Comment 5-9: The DEIS recognizes that the site “would have served as an important resources [sic] to the local indigenous population” (see DEIS at 4.5-8), and concedes the “deeply buried precontact archaeological resources and historic fill may be present within the southwestern corner of Block 198, Lot 1 on the Site,” and that the Supplemental Phase 1A Study “recommended that additional archaeological analysis in the form of the review of new soil boring” and that this analysis, which “would presumably be completed as part of the project planning and design phase,” could warrant “additional archaeological analysis” (see DEIS at 4.5-16 to 4.5-17). Again, however, the DEIS indicates that DOC improperly intends to undertake this additional analysis solely “in consultation with LPC,” without public review or input (see DEIS at 4.5-3 to 4.5-4). (Richmond_069)

Response 5-9: As described in LPC’s 2018 Guidelines for Archaeological Work in New York City (page 11), “the members of the LPC Archaeology Department

are professional archaeologists who oversee archaeological review within New York City.” Consultation and coordination with LPC for projects subject to CEQR is mandated by the *CEQR Technical Manual*. Pursuant to the LPC Guidelines, the dissemination of information generated through archaeological analysis is typically shared with the public following the completion of Mitigation (also known as a Phase 3 Data Recovery). As explained in Section E-1 of LPC’s Guidelines (page 75): “For active projects, defined here as those where archaeological work is still pending or under the review of LPC, the archaeologist should consult with LPC and must consult with the applicant before publicly announcing their work and finds in any public forum” to ensure the protection of archaeological sites.

Comment 5-10: The DEIS does not even offer the promise of further analysis with respect to the Proposed Demapping Area on White Street, incorrectly stating that no analysis is required because “[a]s currently proposed, the project would not result in subsurface disturbance within White Street” (see DEIS at 4.5-17). First, this statement is flatly contradicted by the DEIS itself, which states that the demapping of White Street is required “To facilitate the construction of the structure above the streetbed and *a cellar below the streetbed*” (see DEIS at 1-9 (emphasis added)). This statement in the DEIS is also irrational given: (i) the fact that there is no apparent design for the project yet, and (ii) the fact that the site is encumbered by “unstable soils” as the result of filling in the Collect Pond, which would likely require “extensive and involved excavation to a depth of at least twelve feet followed by the driving of hundreds of piles,” which may be “designed to extend through fill material and unstable soils associated with the pond and marshes” (see DEIS at 4.5-8; see also DEIS at 4.7-5). (Richmond_069)

Response 5-10: Section 4.5, “Historic and Cultural Resources-Manhattan.” of the FEIS has been revised to clarify that subsurface disturbance will occur within the streetbed of White Street. The DEIS contained a protocol for additional archaeological analyses that would be completed in the event that subsurface disturbance was proposed for the archaeologically sensitive areas within White Street and those protocols will be implemented as part of the FEIS.

Comment 5-11: The DEIS fails to consider adverse shadow impacts on historic landscapes and/or architectural resources, including within the Chinatown and Little Italy Historic District and the Tribeca East Historic District, and at landmarks including the Eldridge Street Synagogue, which has distinctive, light-dependent stained glass. The DEIS should consider how the Project would affect the setting or visual relationships

with the street scape within the Chinatown and Little Italy Historic District and the Tribeca East Historic District. The *CEQR Technical Manual* gives as an example of an action that would alter the setting of a historic resources “a proposed project that would result in a new building at the end of a street so that views of an historic park beyond were blocked.” Similarly, here, the Project would results in a massive building that would block view and affect the setting of these two Districts. (Richmond_069)

Response 5-11:

DEIS Section 4.4 addresses any shadow impacts the proposed project may have on historic landscapes and/or architectural resources within the study area. The DEIS Shadows analysis shows that there would be no adverse shadow impacts on sunlight sensitive historic landscapes and/or architectural resources, including within the Chinatown and Little Italy Historic District and the Tribeca East Historic District. Additionally, shadows from the proposed project would not extend to the Eldridge Street Synagogue, which has distinctive, light-dependent stained glass.

According to the *CEQR Technical Manual*, visual and contextual impacts on historic resources can include isolation of a property from or alteration of its setting or visual relationship with the streetscape; introduction of incompatible visual, audible, or atmospheric elements to a resource’s setting; elimination or screening of publicly accessible views of a resource; or introduction of significant new shadows, or significant lengthening of the duration of existing shadows, over a historic landscape or on a historic structure (if the features that make the resource significant depend on sunlight) to the extent that the architectural details that distinguish that resource as significant are obscured. DEIS Section 4.5 states that the Tribeca East Historic District is already separated from the project site by Lafayette and Centre Streets, as well as the developments on blocks between the two streets. Therefore, views to or within the historic district would not be adversely impacted by the proposed project. Additionally, DEIS Section 4.5 states that the Chinatown and Little Italy Historic District’s buildings and Columbus Park, which are separated from the project site by Baxter Street, an approximately 50-foot-wide city street would not be adversely impacted by the proposed project. The park and buildings located along Baxter between Canal and Bayard Streets have sat adjacent to the Prison building of the project site since the late 1930s. Since then, the portion of the study area to the west of Baxter Street and south of Worth Street, the southern end of the Chinatown and Little Historic District, has continued to develop with more large-scale developments including the 25-story Chatham Towers built in 1964, the MDC North Tower (part of project site) built in 1989, and the 27-story U.S. District Court-Southern District of New York building built in 1992. Columbus Park would remain visible along Baxter Street, and is currently

not visible from White Street or Centre Street. The proposed project would not affect those characteristics that make the Chinatown and Little Italy Historic an S/NR-listed historic district. These characteristics are: its association with Chinese-American and Italian-American ethnic heritage and social history in New York, and the history of immigration in America; its potential to yield important information about housing, commerce, industry, health and sanitation, ethnicity, wealth, religion, and recreation of the inhabitants during its period of significance; as well as the architecture found in the area.

Comment 5-12: The DEIS fails to consider the impacts of construction activities on other areas of the Chinatown and Little Italy Historic District that are within 400 feet of the Site. Portions of the Chinatown and Little Italy Historic District are within 400 feet of the Site. (Richmond_069)

Response 5-12: DEIS Section 4.5 states that adjacent construction is defined as any construction activity that would occur within 90 feet of an architectural resource, as defined in the New York City Department of Buildings (DOB)'s *TPPN #10/88*.⁸ Therefore, construction-related activities in connection with the proposed project could result in physical, construction-related impacts to architectural resources located within 90 feet of the project site in the study area. To avoid inadvertent construction-related impacts, construction protection measures would be set forth in a CPP that would be developed in consultation with LPC and implemented in coordination with a licensed professional engineer. The CPP would describe the measures to be implemented to protect affected architectural resources during construction of the proposed project. The CPP would follow the guidance in Section 522 of the *CEQR Technical Manual* and LPC's *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings*. The CPP would also comply with the procedures set forth in DOB's *TPPN #10/88*.

Comment 5-13: The existing 124 White Street building 1940 Addition to the tombs is eligible for State Landmark status and should not be demolished. This building can be renovated into a modern jail facility. (Freid_061)

Response 5-13: The South Tower (Prison) is at 125 White Street. As described in the Response to Comment 5-5, the Applicant has explored the reuse of 125

⁸ *TPPN #10/88* was issued by DOB on June 6, 1988, to supplement Building Code regulations with regard to historic structures. *TPPN #10/88* outlines procedures for the avoidance of damage to historic structures that are listed on the NR or NYCLs resulting from adjacent construction, defined as construction within a lateral distance of 90 feet from the historic resource.

White Street into a modern jail facility and has determined it is not feasible.

Comment 5-14: As stated in the Draft Environmental Impact Statement under Architectural Resources, (page 19): " ... 80 Center Street has been previously determined eligible for listing on the S/NR" (State & National Register of Historic Places). Further: "This site is also across Baxter Street from the S/NR listed Chinatown and Little Italy Historic District...". Note that on October 11, 2018 Community Board 1 voted to recommend the landmarking of 80 Center Street to the Landmarks Preservation Commission. This proposal will destroy the character of the historic neighborhood. There is no way to mitigate the effect of the proposed structure on the Historic District. (Freid_061)

Response 5-14: Demolition of the Prison building at 125 White Street on the project site, a contributing element to the S/NR- and NYCL-eligible Criminal Courts Building and Prison architectural resource, would result in a significant impact and require that the Applicant consult with LPC to develop and implement appropriate mitigation measures to partially mitigate the potential significant adverse impact. Mitigation measures would include consulting with LPC regarding the design of the new building and how it would connect via pedestrian bridges to the north façade of 100 Centre Street. Mitigation measures are also anticipated to include HABS documentation of the Prison building at 125 White Street including sufficient information about 100 Centre Street, to which it is connected. The HABS would include a historical narrative, architectural description, any historic photographs or drawings of the building as available, and archival black and white format photographs. The HABS report would be provided to LPC and to an appropriate local repository. Additionally, to avoid inadvertent construction-related impacts to architectural resources located within 90 feet of the project site, construction protection measures would be set forth in a CPP that would be developed in consultation with LPC and implemented in coordination with a licensed professional engineer.

In addition, it was determined that the proposed project would not change the characteristics that make the Chinatown and Little Italy Historic District significant. According to the *CEQR Technical Manual*, visual and contextual impacts on historic resources can include isolation of a property from or alteration of its setting or visual relationship with the streetscape; introduction of incompatible visual, audible, or atmospheric elements to a resource's setting; elimination or screening of publicly accessible views of a resource; or introduction of significant new shadows, or significant lengthening of the duration of existing shadows, over a historic landscape or on a historic structure (if the features that

make the resource significant depend on sunlight) to the extent that the architectural details that distinguish that resource as significant are obscured. The historic district's buildings and Columbus Park located along Baxter between Canal and Bayard Streets have sat adjacent to the Prison building of the project site since the late 1930s. Since then, the portion of the study area to the west of Baxter Street and south of Worth Street has continued to develop with more large-scale developments including the 25-story Chatham Towers built in 1964, the MDC North Tower (part of project site) built in 1989, and the 27-story U.S. District Court-Southern District of New York building built in 1992. The buildings and park along Baxter Street would be visible, and Columbus Park would continue to not be visible from White or Centre Streets.

URBAN DESIGN AND VISUAL RESOURCES

Comment 6-1: CB1 believes the Manhattan BBJ project as currently proposed is grossly out of scale, being more than 30% bigger and bulkier than the zoning allows, and any design for the proposed Manhattan BBJ site should respect the current C6-4 zoning and character of the surrounding area by recognizing a minimum of 30-40% reduction in bulk with no modification of existing base and setback requirements. While the proposed height would be allowed under the current zoning, CB1 believes that it should also be significantly reduced in order to be more in context with the surrounding built environment. (CB1_015)

The proposed project would be disproportionately large and non-contextual when compared to the adjacent buildings, where views would be blocked, and street character irreparably changed. The proposed jail would be 146 feet taller than the tallest structure currently present in the primary study area (the tower section of the Manhattan Criminal Courts Building). The DEIS references other Civic Center buildings with comparable height, however, the majority of those buildings were planned with open space surrounding them and/or are not adjacent to small residential streets. Bridging over White Street will add to the non-contextual massing, resulting an exceptionally long building, 2 city blocks in length, which would create a significant and imposing street wall. (CB3_016)

The proposed Manhattan jail violates FAR by a factor of 130 percent and the building is too big. It does not fit on the site. (Freid_041)

Response 6-1: Please refer to Comment 28 regarding reductions to the proposed project's bulk subsequent to the DEIS. As discussed in DEIS Section 4.6, "Urban Design and Visual Resources-Manhattan," the project site is developed with the existing approximately 173-foot-tall North Tower and

the approximately 229-foot-tall South Tower. These towers are located along Baxter Street. As discussed in FEIS Section 4.6, “Urban Design and Visual Resources-Manhattan,” Baxter Street is characterized by the 204-foot-tall streetwall of the Manhattan Criminal Courts Building at 100 Centre Street, the 13-story streetwall of the building at 125 Walker Street, and the South Tower has an 11-story streetwall on Baxter Street. With a maximum base height of 85 feet on Baxter Street, the streetwall of the proposed facility would be similar to the existing buildings that line Baxter Street. The proposed detention facility would also be set back from Walker Street, behind the existing 14-story building at 125 Walker Street. Canal Street, a wide street, as well as Walker Street and the wedge-shaped blocks between Walker and Canal Streets, would further separate the project site from the northern portion of the study area. The urban design of the northern and northwestern portions of the study area also include buildings over 300 feet tall, such as the 26-story approximately 343-foot-tall hotel at 9 Crosby Street, facing Lafayette Street and the 347-foot-tall office building at 60 Walker Street.

The proposed detention facility would be similar in height and form to the 232-foot-tall Manhattan Criminal Courts Building (with 352-foot-high tower) at 100 Centre Street located immediately to the south and to taller buildings within three blocks of the project site, including the 584-foot-tall 41-story Jacob K. Javits building at 26 Federal Plaza and the 462-foot-tall U.S. Courthouse at 500 Pearl Street, as well as other taller buildings in the secondary study area, including the approximately 474-foot-tall Ted Weiss Federal Building at 290 Broadway, the approximately 533-foot-tall building at 7 Thomas Street, and the approximately 552-foot-tall Manhattan Municipal Building at 1 Centre Street. Consistent with CEQR methodologies, the proposed project would not result in significant adverse impacts to urban design and visual resources.

Comment 6-2:

The proposed City map action to narrow any width of White Street should be rejected because this important view corridor and connection between Tribeca/Civic Center and Chinatown will otherwise be further overshadowed by the bulk of the surrounding building and overhead walkway, effectively making the proposed pedestrian open space a tunnel and not an open-air walkway. (CB1_015)

Response 6-2:

The upper stories of the proposed detention facility would be built over the White Street streetbed, potentially blocking view corridors in the study area along this street. However, White Street terminates at Baxter Street, already truncating views along White Street east of the project site. This additional information has been included in Section 4.6 of the FEIS, “Urban Design and Visual Resources-Manhattan.” The proposed detention facility’s White Street Arcade would maintain the existing

pedestrian passage between Baxter and Centre Streets, and it would enhance this pedestrian corridor by removing sallyport entrances along the street, and reserving the street as an exclusively pedestrian passage with limited vehicle access. As described in Section 4.6 of the FEIS, the detention facility would span 35 feet across a narrowed streetbed, at a minimum height of 30 feet above average curb level. This pedestrian pass-through would be designed to ensure that the proportions of the opening (width to height ratios), as well as uses fronting the space and use of materials and furniture, would create an inviting pedestrian environment that is open and accessible 24/7.

Comment 6-3:

The Mott Haven neighborhood is predominantly comprised of low-rise buildings, residential or otherwise, reaching up to six stories at their highest. The Bronx jail proposal, however, calls for a building that will be 293.47 feet above curb level, including rooftop mechanical bulkheads, parapets, and rooftop horticultural space. This is incongruent with the existing building typology and general landscape within Mott Haven and as such fails to meet the standards of the proposal's own objective of "integrating the new facilities into the neighborhoods." This building would become among the tallest buildings in the Bronx skyline, almost five times the current maximum height of buildings in the neighborhood. (Diaz_020)

Response 6-3:

Please refer to the response to Comment 28 regarding reductions to the proposed project's bulk subsequent to the DEIS. As discussed in DEIS Section 2.7, "Urban Design-Bronx," the study area contains a mix of residential, industrial, and transportation uses that vary in appearance and heights in the primary and secondary study areas. As described in Section 2.7, the proposed project would be larger and taller than the surrounding buildings in the study area, introducing a development of a scale out of context with the surrounding area. However, as also discussed in Section 2.7 of the DEIS, based on the *CEQR Technical Manual*, context is not the only benchmark for measuring urban design impacts, as the determination of the significance of an urban design impact requires consideration of the built environment's arrangement, appearance, functionality, and whether the change would negatively affect a pedestrian's experience of the area. The size and height of the project would constitute a substantial change; however, the proposed facility would positively contribute to the pedestrian's experience of the area by replacing the existing tow pound use with a more active pedestrian environment, improved and widened sidewalks, and neighborhood serving uses.

Comment 6-4: There is great concern within the community that the pedestrian bridges will create a tunnel-like effect along White Street, further isolating the Chinatown community from people trying to access the area from the west. (Brewer_072)

Response 6-4: As discussed in the FEIS Section 4.6, “Urban Design and Visual Resources-Manhattan,” the proposed detention facility would span the White Street Arcade at a height of 30 feet above average curb level in the center of the Arcade, and at a height of 55 feet for the sections of the Arcade closer to the street, specifically within 40 feet of Baxter Street and within 60 feet of Centre Street (see rendering in Figure 4.6-33). With a tall ceiling and spanning 35 feet wide across a narrowed streetbed, the White Street Arcade would remain accessible to pedestrians. The existing section of White Street between the North and South Towers is currently bisected by a pedestrian bridge that rises approximately one story above street level, and lined with parked vehicles that narrow pedestrian access between Baxter and Centre Streets. The proposed White Street Arcade would include entrances to community and/or retail spaces, and it would be a pedestrian-only passage exclusive of vehicles, thus the White Street Arcade would encourage pedestrian activity between Chinatown and the area to the west.

Comment 6-5: While the potential project is stated in the DEIS to not impact visual resources, namely the adjacent building of 100 Centre Street, the height and bulk of the building is grossly inappropriate for the surrounding neighborhood context. This is most noticeable in the rendering of Figure 4.6-33, showing a complete blockage of the visual corridor from an East view from Lafayette Street and White Street. The 450-foot building shows a massing that is out of character with the one-to-three story buildings that sit directly to the project’s north. This is inappropriateness in urban design is manifested in the illustrative massing on Figure 4.6-28 in the “view south from Centre Street and Canal Street.” (Brewer_072)

Response 6-5: As discussed in the DEIS Section 4.6, “Urban Design and Visual Resources-Manhattan,” Canal Street, a wide street, as well as Walker Street and the wedge-shaped blocks between Walker and Canal Streets, would separate the proposed detention facility from the northern portion of the study area. In addition, the proposed detention facility would be set back from Walker Street behind the existing 14-story building at 125 Walker Street. Although the proposed detention facility would be taller than buildings in the Chinatown and Little Italy neighborhoods located north and east of the project site, both Canal Street and Columbus Park would act as physical and visual buffers between the project site and the majority of these neighborhoods. In addition, the proposed facility would have a maximum base height of 105 feet on Centre Street, which would

be compatible with existing zoning, and with the buildings along Centre Street and in the northern portion of the study area. The proposed maximum base height of 85 feet on Baxter Street would be lower than the approximately 204-foot-tall Baxter Street streetwall of the Manhattan Criminal Courts Building at 100 Centre Street, and it would be similar to the existing 11-story streetwall of the South Tower that currently occupies the project site.

Comment 6-6: The proposed building/complex is completely out of scale with the surrounding residential neighborhood. (Gerken_564)

The size of the prison is not to scale with the surrounding buildings. (Steinmetz_760)

Response 6-6: As discussed in the DEIS Section 5.6, “Urban Design and Visual Resources-Queens,” the proposed detention facility would be buffered from surrounding residential neighborhoods by the wide transportation corridors that transect the study area, including the Van Wyck Expressway, Queens Boulevard, and the Jackie Robinson and Grand Central Parkways. These wide transportation infrastructure corridors currently act as boundaries between the residential neighborhoods and the project site, and the corridors would continue to visually and physically separate the residential neighborhoods and the proposed facility. Though the proposed maximum 245-foot-tall detention facility would be taller than buildings in the residential neighborhoods to the north and east, it would be comparable in height to taller buildings in the secondary study area, such as the approximately 228-foot-tall apartment building at 125-10 Queens Boulevard and the 32-story, approximately 288-foot-tall apartment building at 123-133 83rd Avenue. The proposed detention facility would also have a large footprint, but one that is compatible with other institutional buildings in the study area, including the nearby Queens Borough Hall and Queens County Criminal Courts building.

Comment 6-7: The size proposed is out of scale for this neighborhood. (Holwell_764)

Response 6-7: See response to Comment 6-6.

Comment 6-8: The Draft Environmental Impact Statement (DEIS) states the proposed Kew Gardens detention facility would contribute to the variety of buildings that compose the urban design character of the study area”, and “would improve the pedestrian experience.” Building a 29-story, 1.3 million square foot, Yankee-Stadium-size structure in the middle of a residential neighborhood characterized by single-family homes and 6-story apartment houses cannot contribute anything positive to the neighborhood. The proposed massive structure will completely

overshadow and dwarf our historic 3-story Queens Borough Hall and block the present expansive open sky view for thousands of residents in Queens. (Picot_066)

Response 6-8: As discussed in the DEIS Section 5.6, “Urban Design and Visual Resources-Queens,” the new detention facility would be visible behind the existing Queens Borough Hall and Queens County Criminal Court building in views from Queens Boulevard. The new facility would be separated from the Queens Borough Hall building by the open space and parking located behind Borough Hall. The facility would not eliminate or screen any significant publicly accessible views of Queens Borough Hall. Views to Queen Borough Hall’s principal Queens Boulevard façade would remain unchanged. In addition, the project site is not adjacent to the residential neighborhoods in the study area. The project site is located along the Van Wyck Expressway, and the Jackie Robinson and Grand Central Parkways. These transportation corridors provide substantial physical buffers between the project site and the residential neighborhoods.

Comment 6-9: With a lack of specific plans, it is impossible to analyze and evaluate the project including the reduction of transparency requirement along Atlantic Avenue and the suspension of setback requirements. The DEIS should not be finalized until specific plans are produced and properly analyzed. The DEIS also makes claims about the design of the project even though there are no designs (p 3.13-6). There is nothing in the massing that guarantees a tower set on a base and the current base is one story tall not the proposed 10 stories that has been mentioned. The DEIS should make no references to designs or proposals unless those are the applicants design proposals. (Pollock_071)

Response 6-9: The requirements for transparency have changed between the DEIS and FEIS. The proposed project no longer requires a special permit to waive or modify zoning requirements for transparency. The transparency requirements for the proposed project would be the same as in the current zoning, and this information is included in the FEIS. The setback requirements have also changed between the DEIS and FEIS, and the proposed actions now include setback requirements for the maximum building envelope. The streetwalls facing Atlantic Avenue, State Street, and Smith Street would have a base height (streetwall) a minimum of 60 feet and a maximum of 105 feet. The required minimum setbacks would be 10 feet on Atlantic Avenue and Smith Street, and 5 feet on State Street. The maximum building envelope would not require a setback on the streetwall facing Boerum Place. This information has been included in the FEIS. Conceptual designs show the building on an approximately 5-

story base, which is lower than the setbacks of the required maximum building envelope.

Comment 6-10: Describe the impact that a 45 story high rise MBBJ will have on the public space and streetscape within a 1 mile radius. (Sung_064)

Response 6-10: Consistent with CEQR methodology, the study area for the urban design and visual resources analysis has been defined as the area within a 1/4 mile of the project site. According to the *CEQR Technical Manual*, the study area for urban design is the area where the project may influence land use patterns and the built environment, and is generally consistent with that used for the land use analysis. The Shadows and Open Space sections of the FEIS assess the proposed project's impacts on publicly accessible open spaces in the vicinity of the project site.

Comment 6-11: Contrary to the draft DEIS conclusion, the proposed project would have a SIGNIFICANT ADVERSE IMPACT ON URBAN DESIGN of the historic residential community of Kew Gardens, as well as the predominantly residential and adjacent neighborhoods of Briarwood and Forest Hills.

The surrounding residential neighborhoods would NOT be buffered from this huge jail project by the Van Wyck Expressway, Queens Boulevard and the Jackie Robinson and Grand Central Parkways. Yes, Queens Boulevard is a wide street. But residential buildings and small retail stores line the Boulevard in the area of the proposed jail; thus thousands of residents as well as subway and bus travelers use the thoroughfare. It is not an underutilized pedestrian environment. (Wilson_060)

Response 6-11: As discussed in the DEIS Section 5.6, "Urban Design and Visual Resources-Queens," in the area near the proposed project site, the 150-foot-wide Queens Boulevard is a major thoroughfare and busy pedestrian environment that is developed with residential, commercial and institutional buildings. Buildings range in height from the three-story Queens Borough Hall to the 27-story, approximately 228-foot-tall apartment building at 125-10 Queens Boulevard. The southwest side of the street is developed with taller buildings, which are similar in height and bulk to the proposed detention facility. The proposed detention facility would be set back from Queens Boulevard behind the existing Queens Criminal Court and Queens Borough Hall, diminishing its presence on Queens Boulevard. The streets that surround the project site—82nd Avenue, 126th Street, and 132nd Street—are currently underutilized pedestrian environments developed with parking lots. The proposed facility would provide a continuation of the active pedestrian environment of Queens Boulevard, with a building that meets the

sidewalks, street furniture and tree plantings, and multiple pedestrian entrances. In addition, the project site is bounded to the east by the Van Wyck Expressway, and to the north by the Jackie Robinson and Grand Central Parkways. These major transportation corridors separate the project site physically and visually from areas north and east of these roadways.

Comment 6-12: The proposed maximum height of the jail is not 270 feet; it is 332.92 feet as stated on page 15 of the certified application so as to allow "flexibility" in this Design Build.

The DEIS asserts that the proposed maximum 270-foot-tall detention facility would be taller than its surrounding buildings, though comparable in height to the taller buildings in the secondary study area, including the approximately 228-foot-tall apartment building at 125-10 Queens Boulevard and the approximately 288-foot-tall apartment building at 82-37 Kew Gardens Road. However, 82-37 Kew Gardens Rd is the address of PS 99; this is a three-story building; it is not 288 feet tall. There is a tall building in the vicinity, which the DEIS alternately puts at 281 and 288 feet high. But it is not on Kew Gardens Road, and it is, moreover, a residential buildings, as is the other tall building referred to in the DEIS. (Wilson_060)

Response 6-12: The FEIS has been amended with the correct address for the approximately 288-foot-tall building at 123-33 83rd Avenue. As stated in the DEIS, the proposed detention facility at the Queens Site would be 270 feet tall above the ground floor project base level.

Comment 6-13: Views from Queens Boulevard to the principal façade of Queens borough Hall will most certainly be altered. The DEIS's own image (5.6-26) shows a massive building rising in back of and above Borough Hall. (Wilson_060)

Response 6-13: As described in Section 5.6 of the DEIS, the detention facility would be visible behind Queens Borough Hall in views from Queens Boulevard. However, the proposed detention facility would not eliminate or screen any primary views of Queens Borough Hall from Queens Boulevard and no significant adverse impacts to this visual resource would occur.

Comment 6-14: Primary and secondary study areas. In this section it is stated that "the plan development will be (sp) not obstruct views or visual resources study area" This is one more distorted statement. Because you are not building on the front steps of Queens Borough Hall, one's views or visual resources will not be obstructed!!! One will be hard-pressed to see the sky as these structures and their so-called "wings" rise above everything.

The DEIS states again that the "maximum" height would be 270 feet when what has been certified is 332.92 feet - the original envelope the city started with. (Wilson_060)

Response 6-14: Please see response to Comments 6-12 and 6-13.

Comment 6-15: Conceptual design. (page 5.6 - 9) at times, the presentations have shown two towers and another time a single tower, but we have certainly not seen anything such as described in the DEIS - a tower with "a central spine and projecting wings." Is this really a design for a small, low rise residential neighborhood? Yet throughout, the DEIS authors state, as noted earlier, "The proposed detention facility would contribute to the variety of buildings that compose the urban design character of the study area." (Wilson_060)

Response 6-15: As discussed in the DEIS Section 5.6, "Urban Design and Visual Resources-Queens," conceptual designs of the proposed detention facility show a tower on a base. The tower would be composed to fit within the irregularly shaped lot, with the east end turned at a 45-degree angle. According to conceptual designs, the tower would include a spine and projecting wings to the east and west. The study area includes a variety of building sizes, heights, materials and uses. The project site is in close proximity to other institutional buildings, including Queens Borough Hall and Queens County Criminal Courts building. Tall and bulky residential buildings are also nearby the project site on Queens Boulevard, including the approximately 228-foot-tall apartment building at 125-10 Queens Boulevard and the 32-story, approximately 288-foot-tall apartment building at 123-133 83rd Avenue. Low-density residential neighborhoods located in the 1/4-mile study area are visually and physically separated from the project site by wide transportation corridors that transect the study area, including the Van Wyck Expressway, Queens Boulevard, and the Jackie Robinson and Grand Central Parkways.

Comment 6-16: The height of the proposed Manhattan structure will effectively block air, light, circulation and visibility and blockade Chinatown from the west. Chinatown will be essentially walled off. Shadows cast by the tower would stretch from West Broadway to Chrystie Street, according to the Draft Environmental Impact Statement (DEIS) – sending Chinatown's already narrow streets into darkness year round. (Chin_507)

Response 6-16: The proposed detention facility would replace the approximately 173-foot-tall North Tower and the approximately 229-foot-tall South Tower. The North Tower is composed of an L-shaped tower on a two-story base that meets the sidewalk. The South Tower has tall 11-story streetwalls that meet the sidewalk. Thus, the project site is already developed with

tall buildings. The proposed facility would span White Street, above a height of 30 feet, and it would be approximately 35 feet wide; it is anticipated that the size of the Arcade would allow for air to circulate. In addition, the proposed White Street Arcade would include entrances to community and/or retail spaces, and it would be a pedestrian-only passage exclusive of vehicles. The White Street Arcade would therefore encourage pedestrian activity between Chinatown and the area to the west. In accordance with *CEQR Technical Manual* guidance, the shadow study focuses on shadow impacts to publicly accessible parks and open spaces, as well as Greenstreets plantings, natural resources and habitats, and sunlight-sensitive features of historic or architecturally significant buildings and other structures. Any other buildings or structures are not considered under CEQR.

Comment 6-17: The photosimulations of the proposed structures were improperly located. The DEIS should have never been accepted as complete with such a large error. Please correct the photo-renderings. (Janes_062)

Response 6-17: The With Action illustrative massings from pedestrian viewpoints presented in the FEIS have been updated to incorporate changes to the proposed program and building bulk since the DEIS, and have been reviewed and updated to the extent necessary in response to public comments on the DEIS.

Comment 6-18: The photo-renderings for the Bronx facility published in the DEIS show the proposed jail in the wrong location and at the wrong size. The magnitude of the errors vary according by viewpoint, with some grossly in error, while others have smaller errors. It is likely that the photo-renderings are simply estimates of the size and location of the proposed jail from any given viewpoint, developed using the judgment of the individual that made the viewpoint. Most importantly, they are demonstrably not accurate and cannot be used to disclose the project's impact on the area's visual resources. Since photo-renderings are an important input into Neighborhood Character, the conclusions of that chapter are also tainted. Because of these gross errors, this application should have never been accepted as complete. They need to be redone and the chapters that rely upon this information should be reevaluated with accurate information. (Janes_062)

The photo-renderings which supposedly demonstrate the Project's impact on view corridors, visual resources, and urban design of the area are incorrect. (Richmond_069)

The photo-renderings published in the DEIS show the proposed jail in the wrong location and at the wrong size. The magnitude of the errors vary

according by viewpoint, with some grossly in error, while others have smaller errors. It is likely that the photo-renderings are simply estimates of the size and location of the proposed jail from any given viewpoint, developed using the judgement of the individual that made the viewpoint. Most importantly, they are demonstrably not accurate and cannot be used to disclosed the project's impact on the area's visual resources. Since photo-renderings are an important input into Neighborhood Character, the conclusions of that chapter are also tainted. (Richmond_069)

Response 6-18: The With-Action illustrative massings from pedestrian viewpoints presented in the FEIS have been updated to incorporate changes to the proposed program and building bulk since the DEIS, and have been reviewed and updated to the extent necessary in response to public comments on the DEIS.

Comment 6-19: The existing conditions photograph shows leaf-on conditions, which is contrary to CEQR best practices as the DEIS should disclose reasonable worst-case conditions. Leaves on trees provide screening which is not present in the winter season and so photographs with substantial screening from deciduous trees cannot show reasonable worst-case visibility conditions. Oddly, the DEIS does use leaf-off conditions for some photographs, but not viewpoint 7. (Janes_062)

Response 6-19: Consistent with the *CEQR Technical Manual*, photographs of existing conditions were taken from the sidewalk or other publicly accessible open spaces at pedestrian height. The appearance of the foliage is not specified in the *CEQR Technical Manual*.

Comment 6-20: Aspects of the Project, which are necessary to meaningfully evaluate urban design impacts, are not available. For example, given the purpose of the facility, one would expect there to be a security plan, which would manage pedestrian flow around the building, or possible security structures, either permanent or temporary, on the sidewalk. This information is not provided, and therefore cannot be considered by the Lead Agency or the public as part of the environmental review process. The DEIS also fails to disclose information on lighting and the *amount* of transparent materials used. While the "goal" is to provide "transparent frontages on the main entrance and the community spaces," the DEIS admits that "materials are subject to change." Again, like the rest of the impact areas, impacts on urban design cannot be understood without knowing what the Project actually consists of. The conclusion that there will be no significant adverse impacts on urban design or visual resources is entire speculative because DOC does not know what it is evaluating. (Richmond_069)

Response 6-20: The purpose of the EIS is to evaluate the potential impacts of the proposed actions. At the Manhattan site, the proposed actions do not govern the materials of the buildings or their transparency and therefore having certainty regarding these urban design characteristics are not integral for the EIS. See the response to Comment 56.

Comment 6-21: Statement (page S-53) that visual resources would not be effected is blatantly not true. 100 Centre Street is an historic building. This tower behind 100 Centre will ruin the profile and North façade of the historic building. It is stated that the new building will be similar in height and form to 100 Centre Street. That is an outrageous statement. (Freid_061)

Response 6-21: The proposed detention facility would not adversely impact views of the Manhattan Criminal Courts Building at 100 Centre Street. The proposed pedestrian bridges connecting the Manhattan Criminal Courts Building to the detention facility would replace existing pedestrian bridges that connect the existing South Tower to the north façade of 100 Centre Street. The north façade of 100 Centre Street is not highly visible due to the presence of the South Tower just to the north, and this condition would not be altered by construction of the proposed project on the site of the South Tower. The bridges would not obscure substantial portions of the north façade of 100 Centre Street. In addition, the detention facility would not obstruct or adversely affect views of the Manhattan Criminal Courts Building's primary east and west façades.

HAZARDOUS MATERIALS

Comment 7-1: Hazardous contaminants will be present at each proposed jail site. Because the jails are zoned as community facilities rather than residential land use, high quality and safe living conditions are not prioritized for the 1,500 people who will be living in each of the jail facilities. Thus, the jails will not be built with the same regulations that protect residential sites from hazardous material. (Lyons_007)

Response 7-1: As discussed in the DEIS, the existing buildings on the proposed jail sites and the subsurface of each of these sites are known to contain hazardous materials (e.g., asbestos-containing materials [ACM] in the buildings and heavy metals and/or organic vapors in the subsurface). The proposed detention facilities would comply with the same regulations that protect residential development from hazardous materials, and demolition and excavation work that would be required for new construction would be carried out in a manner so as to be protective of human health and the environment. For the demolition, existing federal, state and local regulatory programs establish the requirements for this work (e.g.,

removal of ACM prior to demolition in a prescribed manner so as not to release fibers, by licensed contractors with third-party oversight). For the subsurface work, the New York City Department of Environmental Protection (DEP) has approved a Remedial Action Plan (RAP)/Construction Health and Safety Plan (CHASP) for each site that sets out the required procedures. Each new building would include a vapor barrier (and waterproofing) around the foundations so that, following construction, there would be no pathways for human exposure to any remaining subsurface contamination.

Comment 7-2: Exposure to hazardous materials must be fully mitigated. MDC South was built in 1941 but the federal government did not ban the use of lead paint for consumer use and for residential housing until 1978. Before demolition, the presence of lead and lead paint must be studied, disclosed, and if necessary, fully mitigated to protect residents and workers. There is a similar concern for asbestos in the older MDC South building, which also must be studied, disclosed, and fully mitigated. (CB3_016)

Response 7-2: As discussed in DEIS Section 4.7, “Hazardous Materials-Manhattan,” Given the age of the structures that would need to be demolished at MDC South, it is likely that they contain substances that are typical of older buildings, for example ACM, lead-based paint (LBP), and/or polychlorinated biphenyls (PCBs). All such substances, including ACM, LBP, and PCBs would be handled in accordance with all federal, state, and local regulatory requirements to address disturbance and disposal of these materials.

Comment 7-3: Another concern raised was that the tow pound site on which the proposed jail is to be build is an existing brownfield in drastic need of remediation due to its high toxicity levels, due to the rubble and hazardous material from the former Lincoln Hospital site which was dumped on this location prior to being converted into a tow pound. This too presents a challenge to the efficacy of the proposal, the plausibility and expenses of the construction phase, and in general is a major health and safety hazard to all the people that would be living and working here. (Diaz_020)

Response 7-3: As discussed in DEIS Section 2.8, “Hazardous Materials-Bronx,” hazardous materials impacts would be avoided by implementing the March 2019 RAP and associated CHASP, during the subsurface disturbance associated with construction. The RAP and CHASP were approved by DEP and occupancy permits for the new facilities would only be issued once DEP receives and approves a Remedial Closure Report, certified by a New York-licensed Professional Engineer, that

documents the RAP and CHASP were properly implemented. With the implementation of applicable regulatory requirements for ACM, LBP, etc., should such materials be present in the existing structures and the measures required by the RAP/CHASP, the potential for significant adverse hazardous materials impacts from construction at the project site would be avoided. Following construction, there would be no potential for significant adverse impacts relating to hazardous materials.

Comment 7-4: Prior to construction, removal of all known underground and above ground storage tanks, petroleum tanks, and RECs shall be removed. Investigations in the form of RAP and CHASP shall be included in the final EIS would be implemented during subsurface disturbance associated with construction and occupancy permits would only be issued once DEP receives and approves a Remedial Closure Report that is certified by a New York licensed professional engineer. The Phase II Investigation should also be submitted to the DEP for a final review. (Brewer_072)

Response 7-4: The Phase II investigations and RAP/CHASP documents for all sites have been completed and approved by DEP. The remaining requirements cited above are incorporated into the RAP/CHASPs and summarized in “Section D: The Future with the Proposed Project” of Section 4.7 of the FEIS (and the corresponding sections for the other boroughs).

Comment 7-5: Provide the Phase I environmental study that was performed at the site. How was the vendor chosen? How much did the Study cost? Detail the environmental hazards and describe in detail what will be done to abate such hazards without harm to the Public health. Provide a Phase II Environmental Study. Describe how the environmental hazards for the Phase II will be abated without harm to the Public health. (Sung_064)

Response 7-5: Phase I and Phase II environment studies conducted prior to completion of the DEIS were provided in Appendix E of the DEIS. Appendix E of the FEIS will add those studies completed between the DEIS and FEIS, e.g., the Phase II and RAP/CHASP for the Manhattan Site. For the Manhattan Site, the potential contaminants of concern, Recognized Environmental Conditions (RECs) and other potential issues were summarized in Section 4.7 of the DEIS. The Phase II findings are summarized in Section 4.7 of the FEIS (Section B) and the measures that would be incorporated into the proposed project to protect public health and the environment from the identified and any unanticipated hazards are summarized in Section D, and include implementing the DEP-approved RAP/CHASP.

Comment 7-6: Describe in detail the soil disturbance, fill material, and underground/above ground storage tanks within the site and what sort of precautions will be taken to insure the safe removal of same. (Sung_064)

Response 7-6: The soil disturbance is anticipated to extend across the entire Manhattan Site and, although the final depth is still to be determined, it will likely be more than 50 feet below grade. During the Phase II investigation fill was found in all borings to a depth of approximately 19 feet and was made up of “light to dark brown coarse-to-fine-grained sand with silt and cobbles. Obvious signs of anthropogenic fill (i.e. bricks, wood) were observed in all borings.” As summarized in Section 4.7 of the DEIS, 124 White Street includes a 10,000-gallon fiberglass reinforced plastic (FRP) diesel underground storage tank (UST) and a 5,000-gallon diesel FRP aboveground storage tank (AST) in a basement. Given that historical Sanborn maps from between 1950 and 1980 show a filling station was historically at this Site, additional tanks might still be present. Removal of tanks (and any associated contamination) would be in accordance with applicable regulatory requirements, including but not limited to NYSDEC’s 6 NYCRR Part 613 Petroleum Bulk Storage regulations and NYC Fire Department requirements. The RAP and the CHASP for the Site, which has been approved by DEP, addresses fill, soil, tanks and all other subsurface disturbance including requirements for off-site removal.

Comment 7-7: The DEIS forthrightly states that “a Phase II investigation, and the resulting Remedial Action Plan and construction Health and Safety Plan have not yet been completed for the Manhattan Site.” (see DEIS at 4.7-1). Because no Phase II has been conducted, it remains unknown whether and to what extent these prior uses, as well as the “numerous” petroleum spills from Con Edison equipment, have impacted the existing conditions. Further, DOC has not identified the scope of remediation and safety measures that are necessary to protect human health and the environment during either demolition or construction. The DEIS provides two reasons for DOC’s failure to document existing conditions and analyze the impact of hazardous materials on human health and the environment, neither of which cures its unquestionable violation of SEQRA. First, DOC claims that it could not complete the requisite studies because, after the final scoping session, DOC changes the location of the Manhattan Site. DOC also claims that it needed approval from New York City Transit before it could access and conduct subsurface investigations, and that this necessary approval delayed its investigation. Excuses aside, the law is clear—an agency’s failure to assess existing environmental conditions and to disclose for public review proposed plans for remediation and management of hazardous materials, violates SEQRA. (Richmond_069)

While the DEIS revealed that “Section 4.7 Hazardous Materials – Manhattan” section is not complete because of the change of the Manhattan site, I expect that a more robust report of findings in the Final EIS with the Phase II Investigation, Remedial Action Plan (RAP), and the Construction Health and Safety Plan (CHASP).” (Brewer_072)

In the absence of a Phase II ESA or RAP, DOC has no basis for projecting how Site remedial activities would be accomplished or how this would affect demolition and construction activities for the Project. Also of relevance to timing as well as public health, the DEIS fails to address whether DOC will encapsulate the Site for demolition in a tarp system and use negative air. If so, DOC should detail its encapsulation plan, and also explain: (i) how long it will take to emplace the encapsulation, and (ii) how the façades of the existing buildings will be removed while preserving the encapsulation. If encapsulation is not contemplated, DOC should explain how it plans to protect area residents, workers, and visitors from exposure to hazardous levels of particulate matter (PM) during demolition. DOC should also address whether any abatement for asbestos or lead-based paint will occur prior to the demolition of the buildings on-site. (Richmond_069)

The DEIS provides no analysis on how exposure to hazardous materials during and after demolition and construction would affect the senior population residing at Chung Pak or other residents in the area. The DEIS, for example, does not discuss the impacts resulting from exposure to hazardous materials on Chung Pak senior residents, whose age and health make them particularly vulnerable to significant adverse impacts resulting from the demolition of the existing structure, which will involve “extensive excavation,” and construction of a massive structure. Nor does the DEIS discuss adverse impacts on children at nearby schools, or workers in local businesses. Thus, without any understanding of a) the extent of hazardous materials present at the site; b) the remediation that will be required, or c) the effects of hazardous materials exposure on vulnerable populations in the study area, the DEIS remarkably concludes that there are no significant adverse hazardous materials impacts from or following construction (DEIS at 4.7-6). This is absurd and fatal to the DEIS. DOC must, at the very least, supplement the DEIS to address the omissions concerning hazardous material conditions and impacts. (Richmond_069)

Response 7-7:

The Phase II investigation and RAP/CHASP for the Manhattan Site are now complete, approved by DEP and summarized in Section 4.7 of the FEIS. The RAP/CHASP sets out the measures to be incorporated into the proposed construction. Site demolition, subsurface disturbance,

excavation, and construction phases to avoid the potential for adverse impacts related to hazardous materials.

Exact methods for demolition have not yet been determined, but all aspects will be in accordance with applicable regulatory requirements for ACM, LBP, dust, etc.

WATER AND SEWER INFRASTRUCTURE

Comment 8-1: I urge that the project should further incorporate stormwater source control Best Management Practices in accordance to the NYC Department of Environmental Protection (DEP) requirements, specifically including additional plantings at the street level to manage stormwater runoff flows. (Brewer_072)

Response 8-1: As stated in the DEIS Sections 2.9, 3.8, 4.8, and 5.8, it is specified that appropriate sanitary flow and stormwater source control Best Management Practices (BMPs) will be required, as part of the site connection approval process to help reduce the overall additional volume of sanitary sewer discharge as well as the peak stormwater runoff rate from the project sites. Specific BMP methods will be determined with further refinement of the building and site design and in consultation with the New York City Department of Environmental Protection (DEP).

Comment 8-2: The proposed jail, at three times the size needed to detain pre-trial detainees who can't be released on their own recognizance, would overwhelm already stressed public infrastructure. (Bell_689)

The DEIS methodology for environmental impacts on Manhattan and other Boroughs uses a flawed logic. Pursuant to DEIS pages S-54-S-55, the DEIS proposes that there will be no significant effects on Water and Sewer infrastructure based upon CITY WIDE resources, NOT local resources. The question which is most pertinent, is not that the new Jail will use up all NY City's water, but more so that the local infrastructure can support the demand. (Lee_063, Richmond_069)

Response 8-2: According to the *CEQR Technical Manual*, the purpose of a water and sewer infrastructure assessment is to assess whether a project undergoing review may adversely affect New York City's water distribution or sewer system and, if so, assess the effects of such project to determine whether their impact is significant. Most of New York City obtains water from three surface water supply systems, operated by DEP, that form a network of reservoirs, aqueducts, and tunnels extending as far as 125 miles north of the City. Within the City, a grid of underground distribution mains brings water to consumers.

As stated in DEIS Section 5.8, per DEP, there is expected to be adequate water service to meet the incremental water demand with the proposed project, and that there would be no significant impacts on the City's water supply. Additionally, the section states that the incremental increase in sewage generation with the proposed project would not result in an exceedance of the Bowery Bay Wastewater Treatment Plant (WWTP) permitted capacity of 150 million gallons per day (mgd). Also, in accordance with the New York City Plumbing Code (Local Law 33 of 2007), the proposed project would utilize low-flow plumbing fixtures. Therefore, the proposed project would not result in a significant adverse impact to the City's sanitary sewage conveyance and treatment system. Lastly, according to DEP, a hydraulic analysis may be required prior to the time of the site connection proposal application to determine whether the existing sewer system is capable of supporting high density development and the related increase in wastewater flow. If it is determined that existing sewer system is incapable of supporting the increase in wastewater flow, the existing sewer system would be upgraded.

Comment 8-3: The DEIS states there is an increase in stormwater runoff with the proposed jail. The change in permeable surface area from the Tow Pound to the jail is considerable, with 0% grass/softscape in the with action condition compared with 33% in the no action condition. See below. Please state which stormwater management best practices will be incorporated into the design for public comment? Since the roof of the facility is now 84% of the surface area, the DEIS should clearly state now whether there will be a green roof installed or other stormwater management features on the roof. (Janes_062)

Response 8-3: DEIS Section 2.9, states that specific BMPs methods will be determined with further refinement of the building and site design and in consultation with DEP. These stormwater BMPs would be required as part of the DEP site connection approval process in order to bring the building into compliance with the required stormwater release rate. In addition, the proposed project would incorporate low-flow plumbing fixtures to reduce sanitary flow in accordance with the New York City Plumbing Code. The incorporation of the appropriate sanitary flow and stormwater source control BMPs that would be required, as part of the site connection approval process would help reduce the overall additional volume of sanitary sewer discharge as well as the peak stormwater runoff rate from the project site.

Comment 8-4: There is no information about DOC's plan to disconnect the 12-inch water main that runs along White Street, or the existing sewer in White

Street. The DEIS also lack any support for the assumption that “the sewers in Baxter Street and along Centre Street would be available for connection.” DOC’s attempt to short-circuit the environmental review process is unlawful. Like the hazardous material RAP and CHASP, the infrastructure abandonment plan must be included in the DEIS and available for public review and comment. It is critically important to understand the impact of infrastructure abandonment on the City’s distribution system. The Chung Pak residents may be uniquely impacted by DOC’s undisclosed plan. Deferring it to an indefinite date is a violation of basic SEQRA/CEQR law. (Richmond_069)

Response 8-4:

Comment noted. In the DEIS Section 4.8, it is stated that the 12-inch water main and the 48 inch x 28 inch sewer that run along the existing portion of White Street, would be disconnected from the existing water and sewer systems. Additionally, the text states that the DOC would submit a plan to abandon the infrastructure in accordance with DEP specifications for review and approval. Upon completion of the work, DOC would report to DEP for final inspection. Existing buildings nearby the Manhattan Site would continue to be served by other DEP water supply and sewer infrastructure after the disconnection of the infrastructure in White Street.

TRANSPORTATION

TRAFFIC

Comment 9-1:

In the DEIS, uniformed DOC staff are projected to generate the most significant number of vehicle trips to the proposed Detention Facility site. Because proximity to public transportation and the reduction of transportation burdens was part of the land use and policy rationale for this proposal, and because it is consistent with the City’s OneNYC climate change and carbon reduction goals, no personal vehicles should be used by staff during the construction or operations phase except those which are essential to facility operation. Traffic congestion is a concern of residents and an identified significant adverse impact, therefore staff and workers should be required to use the robust public transportation that is in close proximity to 124-125 White Street which was part of the site selection rationale. (CB3_016)

Response 9-1:

The EIS presents a reasonably conservative forecast of expected traffic demand generated by the proposed action. The analysis determined that in Manhattan the proposed action would result in one significant adverse traffic impact, under operational conditions. This impact could be mitigated by a signal timing modification, which the *CEQR Technical Manual* defines as a low-cost, readily implementable measure. A measure

to mitigate traffic impacts by prohibiting all travel via private motor vehicles by construction workers and City employees to and from the site and mandating the use of public transportation, in contrast, is not identified in the *CEQR Technical Manual* as a typical mitigation measure. Such measures would have broader implications for City policy and applied on a single site basis would be arbitrary, impractical and unenforceable. As such, it is considered infeasible. In any event, the suggested measure is unnecessary as a low-cost readily implementable measure is available to mitigate the impact.

Comment 9-2:

Furthermore, with the anticipated increased traffic impacts, appropriate signal timing changes and an improved and robust traffic enforcement plan must be developed to reduce congestion, guarantee timely and reliable bus service to the proposed facility and in the area in general, and to ensure emergency vehicles have 24/7 unobstructed access to residential buildings on Baxter Street where a large number of potentially vulnerable senior citizens live, as well as the low-income senior residential building at 96 Baxter Street. (CB3_016)

Although the vehicular highways are unseen from Queens Boulevard, they are certainly felt both by drivers and pedestrians - due to the incredible congestion they cause presently from the Kew Gardens interchange on out.

The addition of nearly 1300 cars moving in and out of the facility, as well as delivery trucks and other vans will create even more harmful gridlock than presently. The night of the April 24, 2019 public hearing by Community Board 9 at Queens Borough Hall, a fire truck was caught in gridlock. It had to navigate through other streets. This is the present situation without a huge jail project. See (section 5.16) of the DEIS which describes the congestion that cannot be mitigated.

This project at such a congested site will seriously hinder emergency vehicles and the people who depend on them. Yet nowhere, is this issue dealt with in the DEIS. There is no caring or fairness for the people who live in Kew Gardens. If one dies because an emergency vehicle is delayed, will a City settlement suffice? Indeed, it would be better to be in the proposed jail with its in-house medical facility, than a citizen on the outside. (Wilson_060)

Response 9-2:

As noted in the response to Comment 9-1, the EIS identifies a measure that can mitigate the proposed action's traffic impact. The other concerns cited in this comment, are ongoing concerns that are not under jurisdiction of the applicant or the City Planning Commission and are outside the scope of CEQR analysis, per *CEQR Technical Manual* guidance.

- Comment 9-3:** The DEIS chose to assess the jails impact on congestion at hours that are not of highest congestion. During the early evening of CB 9's public hearing on April 24 at Queens Borough Hall (the location of the proposed jail complex), two fire engines were caught in heavy traffic and delayed. The DEIS tells us that since the area is already congested, aside from changing the timing of lights and improving signage at four intersections, there's nothing to be done about this congestion; it is not mitigable. Yet this section by Borough Hall, etc., will have to absorb traffic from over 1,200 parked vehicles moving in and out of the complex, as well as trucks making deliveries into the two delivery bays—no matter where the loading ports are located. (CB9_018)
- Response 9-3:** Consistent with *CEQR Technical Manual* guidance, analysis peak hours were selected for the proposed action based on periods when the proposed action would generate peak travel demand. Due to the timing of uniformed staff shift changes, which is the greatest contributor to project-generated vehicle demand, the proposed action would generate a level of new commuter period vehicle trips that would be below analysis thresholds included in the *CEQR Technical Manual*. Existing congestion in the area, such as the conditions cited in the comment that would not be significantly affected by the proposed action, is outside the scope of analysis of this project.
- Comment 9-4:** 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. (Brewer_019)
- Response 9-4:** Comment noted. Reopening Park Row to vehicular traffic is not an action that is part of the project. The section of Park Row with restricted vehicle access is located approximately three blocks from the traffic study area for the Manhattan borough-based jail. Park Row's status is not under jurisdiction of the applicant or the City Planning Commission and as such is outside the scope of this EIS. If Park Row is reopened to vehicular traffic, NYC DOT would be the responsible agency for studying its traffic effects.
- Comment 9-5:** The reduction of required loading berths from four to two as requested in this application also raises concern. The proposed size of the facility would indicate to me that there is a need for more loading berths, not less. The intent in reducing this number may be to reduce traffic to and from the proposed development but we believe it may have the opposite effect; creating a logjam in vehicles accessing the site for loading and unloading.

We need more information than what has been presented in this application to demonstrate why four berths, as presently required, would encumber the site. (Brewer_019)

The City must establish and show precedent for the proposed action of reducing the required loading berths from four to two, including demonstrating in the Applications exactly how only two loading docks can accommodate the needs of a 1.27 million square-foot facility with over 1,000 detainees and hundreds of staff and service providers in any given shift and indicating how sanitation and sidewalk parking violations can be mitigated and prevented in an area where, currently, sidewalk parking by DOC transport busses and staff vehicles is rampant. (CB1_015)

Response 9-5:

As part of the Capital Project Scope Development master plan process for the proposed project, the applicant has determined that two loading berths will be sufficient to accommodate the needs of the facility, based on a scheduling plan for deliveries. As such, the intent is to provide the appropriate number of loading berth, which requires a modification of zoning regulations by means of the proposed special permit. This will not result in conflicts with pedestrian and vehicular traffic on Centre and Baxter Streets. These loading berths will be used to receive materials, supplies, food, and for waste removal. Incoming trucks are likely to be single-unit straight trucks having a span of 24 feet to a maximum of 40 feet in length. Nearly all incoming supply trucks will be dispatched on a daily schedule from the DOC centralized warehouse. Outside vendor activity will be limited and will largely consist of facility service vehicles that also will be subject to DOC scheduling. Strict scheduling of deliveries will ensure that only a maximum of two trucks will be present at the same time, which will prevent conflicts with pedestrian and vehicle traffic on the streets where the loading curb cuts will be located. Furthermore, the loading area, located within the approximately 200-foot long sally port area, will provide sufficient space for any queuing trucks in the unlikely event more than two trucks are present.

Comment 9-6:

Due to concerns of Baxter Street being a narrow street that is a widely used street by local residents to access Columbus Park and other parts of the neighborhood, the entrance to this lot should be moved to Centre Street. (Brewer_019)

Response 9-6:

Since the publication of the DEIS, the applicant team studied and determined that moving the garage curb cut to Centre Street would result in an unmitigatable impact at the intersection of Centre and Walker Streets. Furthermore, zoning regulations for the Manhattan Core (of where this facility is located) states that curb cuts for accessory off-street

parking facilities shall not be located on wide streets, i.e., streets 75 feet or wider, of which Centre Street is. From a traffic and pedestrian operations and safety perspective, curb cuts on wide streets should be avoided. In addition, after consulting with City Planning staff, shifting the curb cut to Centre Street would also not be within the scope of the certified application.

- Comment 9-7:** Kew Gardens/Queens is a highly residential neighborhood, and where the proposed jail is to be built is surrounded by houses of worship, day-cares and public facilities that should not be endangered by the influx of traffic. The small local side streets are already intensely crowded as they funnel into entrances for the Grand Central Parkway and Van Wyck Expressway, as well as main roads, Queens Boulevard and Union Turnpike. It is an absolutely irresponsible decision to choose this location for a jail. (Badar_434)
- Its vicinity to multiple expressways would add additional traffic to an already congested traffic. (Liang_470)
- Response 9-7:** Comment noted.
- Comment 9-8:** The infrastructure does not support the added traffic problems that would result from this. (Bertagnolli_378)
- Response 9-8:** Comment noted.
- Comment 9-9:** The jail will create more traffic in an already busy area affecting elderly and children on a day to day basis. (Upadhyay_408)
- Response 9-9:** Comment noted.
- Comment 9-10:** Road infrastructure nearby will not be able to handle the dramatic increase in traffic that will occur after the proposed expansion. The nearby Queens Boulevard is already one of the deadliest streets in the city. (Zhou_494)
- Response 9-10:** Comment noted.
- Comment 9-11:** The proposed jail is inappropriate for a family oriented community. It will have a negative impact on transportation and general life style given the added traffic, both vehicular and pedestrian. (Baron_583)
- Response 9-11:** Comment noted.

- Comment 9-12:** We live in Forest Hills South and a jail this size has no business being in a congested urban area. The traffic at about 3 PM every day is constant grid lock. The additional traffic will make it unbearable. (Brody_403)
- Response 9-12:** Comment noted.
- Comment 9-13:** Traffic is also expected to increase and create jams during peak hours. (Cazachkoff_427)
- Response 9-13:** Comment noted.
- Comment 9-14:** Hundreds of additional daily visits to the proposed jail by visitors and staff, lawyers and social workers will add a huge volume of vehicles to compete with community residents for the current limited public parking. An urgent care medical facility is proposed for the Kew Gardens Jail, to serve all other City jails. Urgent care patients will be brought to this medical facility in ambulances. Those sirens will create new and frequent noise pollution in a residential community. The currently congested public sidewalk does not provide free flow access to Q10 and Q60 busses at their stations just east of 80th Road and Queens Blvd., or to the E and F lines subway station. Multiple very long patron lines that intersect at the subway entrance during morning and evening rush hours, make traversing this area on foot extremely difficult, unlike any other City subway station. Hundreds of additional patrons created by the proposed jail will make a terrible sidewalk condition unimaginably worse. The City has no plans to relieve public infrastructure impacts of its proposed Kew Gardens jail, and has failed to even assess those impacts, so it's application for approval to build the proposed jail on the Kew Gardens site should be denied approval. (Bell_689)
- Response 9-14:** Per *CEQR Technical Manual* guidance, the EIS includes assessments of traffic, pedestrian, transit, and parking conditions to the extent that they relate to being potentially significantly adversely impacted as a result of the project. As summarized in the EIS, per CEQR impact guidance, the new facility would not have the potential to result in significant adverse impacts to pedestrian elements, transit services and parking resources for Ongoing concerns related to conditions mentioned in the comment that are outside the scope of the CEQR analysis are not within the jurisdiction of the applicant. The MTA has jurisdiction over implementation of improvements or changes to the aforementioned public transit services.
- Comment 9-15:** The Kew Gardens jail in Queens is going to be rebuilt in an area that is already very crowded and busy as it is a main connection to the highways and a major public transportation spot. Around rush hour you can feel and hear the tension of the busy traffic on the roads that as a pedestrian it is

frightening to cross Queens Boulevard and a nightmare as a driver. Also the subway stations are jam packed with people that the narrow stairs to the subway station only allow people to go one way at a time so it takes awhile to get in and out and there are long lines of people waiting for buses as there are many major busses at the Union Turnpike station. An elevator for the subway was built but it's not even at a convenient place as it wasn't feasible to build it close to the subway entrances. (Cho_714)

Response 9-15: Comment noted.

Comment 9-16: Traffic in recent years has ballooned (Uber?), raising ones trip from one side of the Kew Gardens Interchange to the other by 10 minutes. One wonders what the traffic will be if this proposal passes. (DK_653)

Response 9-16: Comment noted.

Comment 9-17: The day to day operations would overwhelm an already congested area whether it be the area's trains and buses or undisputed upsurge in commuter and commercial vehicular traffic on our highways and local street. (Gerken_564)

Response 9-17: Comment noted.

Comment 9-18: You have no idea what the traffic is like in the area at rush hour or otherwise...horrible! Now, this will add another 800 cars/day into the area! (Godi_395)

Response 9-18: Comment noted.

Comment 9-19: Traffic on Canal Street is already so clogged with the Manhattan Bridge on the East and Holland Tunnel and West Side Highway on the West that it is nearly impossible to move, either via car or on foot on the over-crowded sidewalks. (Hollander_743)

Response 9-19: Comment noted.

Comment 9-20: Given the influx of employees and visitors, the jail will also have a material impact on traffic on an already congested Queens Boulevard and nearby roads. (Hong_753)

Response 9-20: Of seven intersections analyzed in the DEIS, it disclosed the potential for significant adverse traffic impacts at four intersections within the vicinity of the project site, three of which are located along Queens Boulevard.

Comment 9-21: The traffic and congestion on Union Turnpike is already over capacity. (Julia_774)

Response 9-21: Comment noted.

Comment 9-22: Kew Gardens is already teeming with cars and people and could not sustain a large influx of commuters like this. (Kurz_773)

Response 9-22: Comment noted.

Comment 9-23: There are businesses that already struggle with the growing congestion surrounding the nearby area. Transportation, both private and public, will create an additional hazard, as it represents dozens of points of escape and evasion by inmates and those being brought for booking. A subway station one mere block away makes such a choice utterly foolhardy. (Mayer_631)

Response 9-23: As is standard operational procedure, all movements of persons whom are detained occur within secured areas monitored by trained staff and cordoned from the public.

Comment 9-24: The DEIS projects an increase of over 800 daily passenger vehicle trips in the neighborhood once the jail is operational. This added traffic reflects daily commutation by uniformed and non-uniformed detention center staff as well as visitors to the facility. The DEIS study projects significant adverse traffic impacts for several intersections along Queens Boulevard, including the intersection with 78th Avenue, where a more than ten-fold increase in Weekday Midday vehicle delays (from 59.9 seconds to 616.9 seconds) is anticipated (pg. 5.9-19, Table 5.9-8; pg. 5.9-23, Table 5.9-10). (McGrath_068)

Response 9-24: Comment noted.

Comment 9-25: The DEIS states “the study area already contains corridors with high levels of traffic and congestion” but “would not have the potential to result in significant adverse impacts to transit or pedestrians or neighborhood character.” This area, at the nexus of the Kew Gardens Interchange, is already congested with heavy traffic, as are our mass transit trains, platforms and buses because of the organic growth that has occurred over the years. To conclude that it is perfectly all right to add thousands of people and 800 vehicle trips daily because we already have heavy congestion is not just faulty logic, but shows a complete disregard for the community and welfare of the people affected by this huge incursion into our residential neighborhood. (Picot_066)

- Response 9-25:** The DEIS discloses the potential for significant adverse traffic impacts at intersections within the vicinity of the project site. As the majority of project-generated trips are anticipated to be made via automobile, per *CEQR Technical Manual* guidance, the number of transit and pedestrian trips generated by the project would not reach a level that would have the potential to result in significant adverse impacts.
- Comment 9-26:** The traffic on Queens Blvd is already heavy. Did de Blasio ever checked how worse it will become? (Sale_681)
- Response 9-26:** The Section 5.9 of the EIS presents a detailed traffic impact analysis which included a comparison of operational conditions under existing, No Action (future without the project), and With Action (future with the project) conditions at seven intersections within the vicinity of the project site. Three of these seven locations are along Queens Boulevard.
- Comment 9-27:** It is a family neighborhood, there would be increased traffic and more parking problems also. (Steinmetz_760)
- A jail most likely will cause safety and traffic concerns. (Wu_519)
- Response 9-27:** Comment noted.
- Comment 9-28:** The jail and the flow of staff and prisoners and family, etc...will put stress on our transportation system. (Sydell_737)
- Response 9-28:** Comment noted.
- Comment 9-29:** The completion of this jail built in our neighborhood will create a vast amount of traffic near our most quiet neighborhoods. (Torres_776)
- Response 9-29:** Comment noted.
- Comment 9-30:** Transportation congestion is an outstanding barrier to the proposed jail. This part of Kew Gardens, known as the Kew Gardens interchange, is infamous for the gridlock at the site, a gridlock which can and does 'capture' emergency vehicles. At almost any time of day, vehicles are brought to a standstill in the area. It is beyond belief, that adding nearly 1300 cars and countless trucks moving in and out of this proposed facility, will not make an already horrific situation even worse and even dangerous. The DEIS section on adverse action that cannot be mitigated only hints at the traffic one encounters here. And too much of this traffic finds its way onto local residential streets, as drivers try to avoid gridlock areas. (Wilson_060)
- Response 9-30:** Comment noted.

Comment 9-31: Page 19 - No Action Traffic Growth. Even without the project, growth will expand and, therefore, with the project it will be untenable because they cannot mitigate the up-tick in traffic and congestion. (Wilson_060)

Response 9-31: Comment noted.

Comment 9-32: Altering signals at four intersections. Even if this can be done, it cannot play a big enough role in altering the mass of cars, trucks, buses and vans trying to move in this area. (Wilson_060)

Response 9-32: Comment noted.

Comment 9-33: DEIS times chosen to assess traffic. Choosing times that supposedly coordinate with workers' shift times is disingenuous. To claim that only when the shift begins and ends, will this jail add to the congestion. (Wilson_060)

Response 9-33: Consistent with *CEQR Technical Manual* guidance, analysis peak hours were selected for the proposed action based on periods when the proposed action would generate peak travel demand. Due to the timing of uniformed staff shift changes, which is the greatest contributor to project-generated vehicle demand, the proposed action would generate a level of new commuter period vehicle trips that would be below analysis thresholds included in the *CEQR Technical Manual*. Existing congestion in the area, such as the conditions cited in the comment that would not be significantly affected by the proposed action, is outside the scope of analysis of this project. As shown in the travel demand forecast presented in the DEIS the typical evening rush-hour period would generate significantly fewer vehicle trips compared to the peak hours selected for analysis.

Comment 9-34: Serious traffic accidents - page 4. The DEIS does not include fatalities in 2018 and 2019 that occurred at the corner of 82nd Road and Kew Gardens Road -- as cars, small buses and vans seek a way to avoid the Union Turnpike/Queens Boulevard congestion. Also, when the school day ends at PS 99, double and triple parked cars, along with school buses, enmesh vehicular traffic -- the mix makes even pedestrian crossings an exercise in survival. (Wilson_060)

Response 9-34: The accident data provided in the EIS reflects the most recently available three-year period of data provided by NYCDOT at the time of preparation. Parking regulation enforcement, i.e., double and triple parking, is outside the scope of CEQR. Further, the 82nd Road/Kew Gardens Road and 83rd Avenue/Kew Gardens Road intersections adjacent to the school area not within the study area.

- Comment 9-35:** Effects on Minor Streets. Page 13 "for signalized (stop controlled) intersection, HCM methodology generally assumes that traffic on major streets is not affected by traffic flows on minor streets." Experience living in Kew Gardens tells us we must disagree. Not only are minor streets being used to bypass areas of traffic, but those minor streets lead to major streets. For example, just stand at the top of 83rd Avenue, and Kew Gardens Road and watch the traffic tango on this two-way street (with parking garages) that leads to and from Queens Boulevard. (Wilson_060)
- Response 9-35:** The quoted sentence refers to operational effects at an unsignalized intersection, one where the minor street traffic flow is controlled by a stop sign. As the major street operates uncontrolled and has priority, the minor street, effectively, must yield to incoming major street traffic.
- Comment 9-36:** The DEIS states that even with mitigation, to the extent that the impact of increased traffic along key arteries are stated in the report, it would only be some mitigation of the described impact on traffic and congestion. (These mitigation implementations can only be achieved if financially feasible and with the coordination and approval of DOT.) (Wilson_060)
- Response 9-36:** Comment noted.
- Comment 9-37:** The DEIS also states and details in table 5. 16.1 and 5.16.2 that only two of the seven lanes as well as the intersections studied would find any relief. Thus, the majority of the traffic impact cannot be mitigated and will have an adverse impact on the surrounding communities and businesses. (Wilson_060)
- Response 9-37:** Comment noted.
- Comment 9-38:** Four major highways intersect at this site/on Queens Blvd the main thoroughfare from the city. Rush hour traffic already backs up 2 to 3 miles at rush hour which begins around 3 pm. Bike lanes that start out in the city are being extended up to Union Turnpike (the location of this site) which will further slowdown traffic. The DEIS traffic study confirms that traffic issue can't be resolved. (Wollner_417)
- Response 9-38:** Comment noted.
- Comment 9-39:** The staffing and support services to run a facility of this size will result in more traffic and strain on transit to the area. Already the streets are congested with cars and the subway stations are crumbling and perilously crowded at peak times. (Chin_507)

Response 9-39: Comment noted.

Comment 9-40: DEIS states: “a total of 305 reportable and non-reportable crashes, 49 pedestrian/bicyclist-related injury crashes and one fatality occurred at study area intersections. A review of the crash data identified one intersection—Bruckner Boulevard and East 138th Street—as a high crash location (defined as an intersection with 48 or more total reportable and non-reportable crashes or five or more pedestrian/bicyclist injury crashes occurring in any consecutive 12 months of the most recent three-year period for which data are available).” Please provide information for what mitigations measures are currently being taken for the intersection under the Vision Zero plan and what additional measures will be taken as a part of the construction phase and final plan? (Janes_062)

Response 9-40: Current Vision Zero initiatives are outside the scope of this environmental review, except insofar as they are noted in the analysis of existing and future conditions. As discussed in the EIS, a Construction Transportation Monitoring Plan (CTMP) would be initiated at the start of construction. The CTMP, to be developed in close consultation with NYCDOT, will be coordinated with the City’s ongoing traffic safety plans including Vision Zero.

Comment 9-41: The DEIS lacks information to support the conclusion that the project would result in potential significant adverse impact at only one intersection (Centre and Walker Streets). Not surprisingly, the DEIS disregards this unavoidable adverse impact by claiming, without any rationale or explanation, that it could be mitigated with a signal timing change, which has yet to be evaluated or approved. What, for example, would be the impact of the signal timing change on other intersections? Is the New York City Department of Transportation in agreement that a signal timing change is sufficient mitigation? What mitigation measures will the applicant implement if the DOT does not approve a signal timing change? (Richmond_069)

Response 9-41: The EIS includes mitigation measures that are typical and currently considered feasible. These measures have undergone thorough review by DOT as implementation of signal timing changes are under its authority. DOT, in its review of proposed signal timing changes, takes into consideration the affect a signal timing change at an intersection may have on neighboring intersections. It should be noted that the magnitude of the proposed signal timing change in the FEIS (a shift of less than 4 seconds of green time) is typically considered to be feasible as it not likely to disrupt traffic flows and operations at adjacent intersections. In a scenario where, after the project is completed, it is determined that the

measure is no longer adequate, other measures would be considered. These measures typically include other signal timing changes as well as changes to street markings, lane configurations and/or parking regulations to provide additional travel lanes. As described in the EIS, if practicable mitigation measures cannot be identified, the disclosed potential impact would be considered unmitigated and would be disclosed as such.

Comment 9-42: Just as baffling is the omission of data or analysis with respect to traffic coming off the Brooklyn Bridge onto Centre Street and then Canal. Canal Street is a receptor of traffic to and from the Manhattan Bridge and also carries traffic to and from the Holland Tunnel. All of this traffic causes back-up into Tribeca along Broadway and Church Street, with cross streets of Leonard, Franklin, White, and Walker. (Richmond_069)

Response 9-42: Per *CEQR Technical Manual* guidance, the EIS includes assessments of traffic conditions to the extent that they relate to being potentially significantly adversely impacted as a result of the project. Existing congested conditions at locations, such as those cited in the comment that would not be significantly affected by the proposed action, is outside the scope of analysis of this project.

Comment 9-43: It is remarkable that the DEIS fails to include in its traffic analysis any discussion of impacts resulting from daily deliveries of supplies necessary to operate four jails housing thousands of detainees and staff. Failure of the DEIS to consider this impact area cumulatively, as well as on a site-by-site basis, presents a classic example of impermissible segmentation under SEQRA. With respect to the MDC, the addition of over 500 additional detainees plus staff and visitors will result in a significant amount of additional deliveries to the Site. The DEIS does not analyze the impact on traffic from these deliveries, including idling trucks in streets waiting for one of only two loading berths proposed for a facility housing over 1,400 detainees and nearly 700 additional workers and visitors. (Richmond_069)

Response 9-43: The DEIS traffic analysis accounts for delivery related travel demand generated by the proposed jails at each location as part of the overall projected-generated traffic demand, as indicated by the transportation planning factors and travel demand forecast tables provided for each site (see Sections 2.10, 3.9, 4.9, and 5.9). Please see references to truck trips in the table and text. Although loading berth queuing analysis not within the scope of CEQR, it should be noted that nearly all incoming supply trucks will be dispatched on a daily schedule from the DOC centralized warehouse. Outside vendor activity will be limited and will largely

consist of facility service vehicles that also will be subject to DOC scheduling. Strict scheduling of deliveries will ensure that only a maximum of two trucks will be present at the same time, which will prevent conflicts with pedestrian and vehicle traffic on the streets where the loading curb cuts will be located. Furthermore, the loading area, located within interior portions of each site, will provide sufficient space for any queuing trucks in the unlikely event more than two trucks are present.

Comment 9-44: The DEIS is silent regarding impacts resulting from the creation of a proposed bike lane along Centre Street. For example, will construction of the Project delay the opening of the bike route? Will the bike route need to be modified once construction is complete? (Richmond_069)

Response 9-44: The NYC 2019 Bike Map designates Centre Street adjacent to the Manhattan jail site as a “potential future bicycle route.” There is not a specific design or schedule for this bicycle route. At the time the City moves forward with a new bicycle route or lane it takes account of existing conditions and planned development, a process which is outside the scope of this proposed action.

Comment 9-45: Park Row was closed to traffic after 9/11 to protect one Police Plaza. Worth Street is used as the only crosstown thoroughfare south of Canal Street. The proposal to use Hogan Place as the access point will stop all traffic heading both west across Worth and south on Baxter Street. The additional traffic to serve this proposed jail will have adverse effects on vehicular congestion, pedestrian safety accessing residential and public buildings, the public park and degrade quality of life in the neighborhood. (Freid_061)

Response 9-45: Comment noted.

PARKING

Comment 9-46: The analysis also notes the number of local and express bus lines that service the area, including New York City and New Jersey Transit Lines. This indicates to me that this area being so well served by bus and subway lines means a reduction of proposed parking spaces should be considered. I do not believe any parking spaces, other than a very limited number of spaces for transportation, high officials, and service vehicles should be provided. (Brewer_072)

Response 9-46: Comment noted.

- Comment 9-47:** There must be a commitment to a multi-agency plan for placard parking enforcement on the surrounding streets and pedestrianized plazas surrounding the proposed facility. Given the ongoing issue of placard abuse and its impact in the area today, this is a mitigation that must begin immediately, rather than at the start of construction or beginning of operations. (CB3_016)
- Response 9-47:** Placard parking enforcement issues are outside the scope of this EIS analysis. The applicants and the CPC do not have jurisdiction over placard parking policies for other agency vehicles or City policies related thereto. Separate and apart from the environmental review process, the City is committed to addressing placard abuse. Enforcement of regulations around placard use is increasing. For example, notices of violations increased by approximately 48 percent between 2016 and 2018.⁹
- Comment 9-48:** I am opposed to the jail being constructed basically in my backyard. It will increase traffic and affect parking in an already congested area. (Bertolotti_079)
- Response 9-48:** Comment noted.
- Comment 9-49:** With a huge jail built there is no alleviation to the already burdened infrastructure of the roads, highways and public transportation and this will surely impact the community in many negative ways. Also, the parking situation is very limited here already. This project does not seem to have thoroughly looked at all aspects that would be affected or else it would know that it's not a good idea to build a huge jail in a community that is already overburdened in resources. (Cho_714)
- Response 9-49:** The EIS provides detailed analyses of the transportation effects of the proposed action to determine if would have the potential to result in significant adverse impacts and what measures could mitigate, minimize, or avoid such impacts. These analyses have been prepared consistent with guidance found in the *CEQR Technical Manual*.
- Comment 9-50:** The current jail has a parking problem. The problem is placard abuse. The City will not ticket and tow personal vehicles illegally parked in the neighborhood. This situation should not be exchanged for the addition of 300 free employee parking spaces and the increase of at least 1,000 vehicle trips into the neighborhood every single day. We cannot trade

⁹ Source: <https://www1.nyc.gov/office-of-the-mayor/news/106-19/mayor-puts-city-path-replacing-broken-placard-system#/0>

placard abuse for congestion and pollution. In the world of Vision Zero, Climate Change and increased congestion, we cannot build more parking in the transit rich neighborhood of 275 Atlantic Ave. (Pollock_071)

Response 9-50: Comment noted.

Comment 9-51: I oppose the jail since the Kew Gardens Community of Queens is not equipped to handle all the extra traffic by public and private transportation, and it will make parking impossible. (Reichel_746)

Response 9-51: Comment noted.

Comment 9-52: Parking space will be another problem. Planed jail workers & visitors' cars will take up neighborhood streets in Kew Gardens where street parking is already difficult for the residents. (Sale_681)

Response 9-52: As discussed in the EIS, the proposed Queens facility includes accessory parking space that would accommodate all estimated jail staff parking needs. In addition, the Queens project site includes a stand-alone public parking garage that would accommodate all other visitors.

Comment 9-53: Parking - Page 12. The DEIS asserts that "detailed analysis of On Street and Off Street parking conditions are not warranted" because "proposed on-site public and accessory parking ... would be sufficient to accommodate the new demand that would be generated by the proposed project detention and community, as well as the demand displaced from the existing on-site public parking facility in Fremont Street spaces along portions of 82nd Avenue, 132nd Street and 126th Street." (Wilson_060)

With Action. Yet the chart on page 32 shows that with action, there is a significant deficit of off street parking, despite what is stated on page 12! So does this mean that even with the over 600 available public spaces, these are not enough to accommodate users? Moreover, when off street parking carries a charge, it is not the motorists' first resort. If anyone had come to Kew Gardens in the morning or even later in the day, he/she would have seen cars circling our streets looking for free on street parking. Thus, will the jail's public parking lot be free of charge to all and any? And even if it's free, does not the chart show significant deficits for Off Street parking? In addition, on page 12 is the statement that "detailed analysis of On Street and Off Street parking conditions are not warranted" (!!!)

page 27 - "approximately 96, 120, and 512 on parking spaces are currently available within the study area during each of these" -- namely, weekday early morning, weekday midday and Saturday midday" parking

spaces. Streets and their curbs do indeed physically exist, BUT THEY ARE PRACTICALLY HARDLY EVER AVAILABLE!

Moreover, on page 28, it states "Therefore, it was determined that background growth will address the increasing parking demand level associated with the development that could possibly not be accommodated by accessory spaces included within the No Action, site development themselves." In plain English, parking in Kew Gardens is a major challenge, particularly as the City has decided that many new residential buildings need not have any on-site parking.

One wonders whether or not the authors of the Transportation Section were ever in Kew Gardens, and whether they are aware of the parking rules in the current Zoning Resolution. If there is anything that every resident of Kew Gardens can agree on, it is that finding parking here is an exhausting and time-consuming challenge unless one has a garage or driveway. And if the bike lane on Queens Boulevard is extended from Yellowstone Boulevard to Union Turnpike, this would mean the loss of an estimated 200 parking spaces.(Wilson_060)

Response 9-53:

As the project includes two parking garages (one being accessory and the other being public) that would accommodate all demand generated by the site, per *CEQR Technical Manual* guidance, a detailed analysis is typically not warranted. However, as parking is a major concern of the community, the EIS nonetheless includes a parking analysis that assesses both existing and future parking conditions within a ¼-mile radius of the project site (refer to Figure 5.9-10 for a depiction of study area boundary). As shown on page 5.9-13, approximately 94 and 93 percent of existing on-street spaces were estimated to be utilized during the weekday early morning and midday periods. These levels of utilization reflect the mentioned parking challenge facing the Kew Gardens neighborhood. As discussed in the DEIS, all staff vehicles would be accommodated on-site within a garage below the proposed facility. In addition, a new public parking garage would be built on the north end of the project site to not only replace displaced on-street and off-street spaces affected by the project but to also increase the overall supply in the neighborhood. For example, as shown in the DEIS, the total No Action parking supply (off- and on-street combined) is estimated to 2,575. With the project, this supply would increase to 2,725. After accounting for public garage demand stated in the DEIS that would be generated by the project (demand from non-staff visitors), the future available supply would increase by 132 and 78 spaces in the early morning and weekday midday periods, respectively. Pricing of the public garage is not within the scope of this EIS. All operational matters are under the jurisdiction of the NYC DOT.

Comment 9-54: The Draft Scope of Work indicated approximately 520 parking spaces would be needed for the Bronx site. The DEIS indicated 575 parking spaces were necessary. Please provide justification for the increase in parking spaces. (Janes_062)

Response 9-54: The proposed provision of 575 parking spaces for the Bronx facility is based on the availability of area within the site's cellar that could not be efficiently programmed for other uses.

Comment 9-55: Will the additional corrections officers at the Manhattan Site take street parking spaces in the neighborhood? (Freid_061)

Response 9-55: As discussed in DEIS Section 4.9, "Transportation-Manhattan," 125 on-site accessory parking spaces would be provided for DOC and Correctional Health Services (CHS) staff at the Manhattan Site. After accounting for this new accessory capacity and existing displaced spaces dedicated for existing MDC staff, it is estimated that compared to the No-Action condition, project-generated incremental parking demand at off-street public facilities and on-street would total approximately 27 spaces in the weekday early AM period, 49 in the weekday midday and 26 on Saturday. (This would include demand from DOC staff, authorized services workers and jail visitors.)

TRANSIT

Comment 9-56: These trips would overwhelm already stressed to capacity public transportation facilities, including busses and subway lines that now offer standing room only services, streets and street parking that are already congested to capacity. The impact of the proposed jail on surrounding community infrastructure has not been fully assessed by the City. The City can offer no data on the number of daily trips on surrounding streets, the number of parking places that are routinely available on neighborhood streets, the conditions on the sidewalk and on Queens Boulevard during morning and evening rush hours, and how that data would change when the proposed jail is built and operational. This is crucial missing information that should guide City Planning Commission consideration and decisions regarding the Borough Based Jail proposal. (Brown_643)

Response 9-56: The scope of the transportation analysis, including the identification of locations for analysis has been prepared pursuant to the screening criteria specified in the *CEQR Technical Manual* in order to determine the potential for the proposed action to result in significant adverse impacts due to project-generated travel demand, requiring consideration of mitigation measures. The transportation analysis includes peak period forecasts of all applicable project-generated vehicle types (personal, for-

hire, delivery and DOC buses) and trip purposes, as well as parking demand and trips via transit and walking. The EIS includes detail analysis of existing and future traffic conditions during periods where project-generated demand is expected to be highest. The EIS also includes a detailed summary of both existing and future parking conditions within a ¼-mile radius of the project site. More detailed pedestrian and transit impact analyses were not warranted per *CEQR Technical Manual* guidance.

Comment 9-57: The already overcrowded E & F lines, as well as the Kew Gardens interchange cannot handle the influx of lawyers, jail employees, and visitors. (Gusick_732)

Response 9-57: Comment noted.

Comment 9-58: Our public transportation, road access and parking are already overburdened. Subways, buses and road congestion are among our areas most serious problems and the increased visitor/day traffic that would result from such construction would totally destroy our community. (Homison_386)

Response 9-58: Comment noted.

Comment 9-59: I cannot take subway ride when it become more crowded than today. By building mega jail in the back of the Borough building, it will create more congestion than today by the people who commute to work and visit at the future jail in Kew Gardens. (Ishihara_556)

Response 9-59: Comment noted.

Comment 9-60: De Blasio just ignore the Kew Gardens' subway riders' hardship. All kinds of planed jail workers & visitors add the numbers to already congested subway cars & stations in our community. (Sale_681)

Response 9-60: Comment noted.

Comment 9-61: The proposed jail in queens is too big for our community. Our trains are jam packed and have constant train traffic and delays. A large jail would put more strain on this system. Further there is too much car traffic in our area as is. (Sinaw_721)

Response 9-61: Comment noted.

Comment 9-62: Provide a list of all the subway stations within a 1 mile radius of the site, and a study as to how many persons use said stations during the different

hours of the day. Describe how many additional persons will enter and exit these subway stations due to the construction and operation of the MBBJ. (Sung_064)

Response 9-62: As discussed in the EIS, transit analyses typically focus on the AM and PM commuter peak periods as it is during these periods that overall demand on the subway and bus systems is usually highest. Considering the majority of project-generated transit trips (staff plus visitor) as well as trips made by construction workers would take place outside the typical commuter peak hours of 8:00 to 9:00 AM and 5:00 to 6:00 PM, there would not be a potential for significant adverse transit impacts attributable to staff/visitor and construction worker generated transit trips. Accordingly, the requested information is not warranted for analysis in the EIS consistent with *CEQR Technical Manual* guidance.

Comment 9-63: Much is made in the application about the importance of the availability of public transportation to the proposed jail. The DEIS states that a detailed subway analysis is not warranted' and "a detailed bus analysis is not warranted." (Pages 3-4). The DEIS asserts that there is no need to analyze subway or bus conditions because the incremental number of trips generated by the jail doesn't have the potential for significant adverse impacts. Only pedestrian traffic, as noted on page 11 "would require a quantitative analysis."

Anyone who lives or works in Kew Gardens knows that at present there are long lines for the several bus routes that serve the community. Kew Gardens/Union Turnpike station is also a bus terminal. As buses unload, crowds pour onto the streets and try to get down the narrow stair entrances to the subway while crowds exiting the subway are trying to get up the stairs to exit onto the streets. Many join long lines for the buses to take them home, since they live in parts of Queens which are public transportation deserts.

Perhaps someone recognized that our subway is jammed and our bus lines are long. So it would appear that despite the stated importance of public transportation, the city is not expecting uniformed and non-uniformed staff, nor lawyers, nor medical staff, nor third-party programming aides, nor visitors to the proposed community center space (which, incidentally, Kew Gardens already has) to use public transportation in any significant way. This leaves individual vehicular transport, (aside from delivery trucks and DOC buses, etc.) to be caught in an area already overwhelmed by vehicular traffic. (Wilson_060)

Response 9-63: As presented in the DEIS, the majority of trips generated by the project are expected to be made via automobiles. As most project generated trips are anticipated to be made via automobile, per *CEQR Technical Manual*

guidance, the number of transit and pedestrian trips generated by the project would not reach a level that would have the potential to result in significant adverse impacts. Changes or improvements to existing transit service are under the jurisdiction of the Metropolitan Transportation Authority.

Comment 9-64: The DEIS incorrectly states that typical commuter peak hours are from 8:00 to 9:00 A.M. That is incorrect for trips originating in a residential area. What is the basis for the 8 to 9 peak assumption? In order to be at work in Manhattan to start work at 8 AM a commuter must enter at Kew Gardens around 7 AM. Many start their commutes even earlier. Thus there will be congestion as hundreds of construction workers converge on Kew Gardens for the morning work start. (Wilson_060)

Response 9-64: As stated in the DEIS, it is anticipated that the majority of construction workers would arrive to the site during the early morning 6:00 AM and 7:00 AM period.

Comment 9-65: The subway and bus service already over extended cannot handle the flow of additional people that will work at/visit the jail. (Wollner_417)

Response 9-65: Comment noted.

Comment 9-66: Demapping 82nd Avenue will eliminate a foot bridge Briarwood residents use to walk to the Queens Boulevard subway station, which will not “improve their pedestrian experience” but will result in daily hardship for thousands of commuters. (Picot_066)

Response 9-66: The proposed project would not eliminate the existing pedestrian bridge over the Van Wyck Expressway.

OTHER

Comment 9-67: Crossing Queens Boulevard is already extremely dangerous during the day, but the increased traffic alone will make it much more difficult. (Cheng_357)

Response 9-67: Comment noted.

Comment 9-68: Where are the pedestrian and traffic studies when nearby Centre and Canal Streets are already a bumper to bumper corridor either uptown or to the Holland Tunnel? (Chin_538)

Response 9-68: Per *CEQR Technical Manual* guidance, the EIS includes assessments of pedestrian and traffic conditions to the extent that they relate to being

potentially significantly adversely impacted as a result of the project. Ongoing concerns related to conditions at locations not included in the EIS is outside the scope of CEQR analysis.

Comment 9-69: Streets and sidewalks are almost always filthy and all modes of transportation and curb parking are under-capacitized for the volume of pedestrian and vehicular traffic that passes through and around Kew Gardens. (Doyle_657)

Response 9-69: Comment noted.

Comment 9-70: Provide a detailed study of all the traffic and pedestrian streets and intersections within a 1 mile radius of the site, and how many vehicles and pedestrians will traverse said roads, intersections and sidewalks during and after the construction of the MBBJ. (Sung_064)

Response 9-70: As discussed in the EIS, the traffic and pedestrian analyses were prepared consistent with *CEQR Technical Manual* guidance, which recommends screening thresholds to determine which locations warranted detailed analysis. These are determined by the number of action-generated incremental trips generated through an intersection (for traffic) or street or sidewalk element (for pedestrians) and not a geographic radius.

Comment 9-71: The DEIS acknowledges that the MDC Site is in both a Priority Area and in the designated Chinatown Senior Pedestrian Focus area. Other than reciting the initiatives to enhance pedestrian safety under the *Vision Zero Manhattan Pedestrian Safety Action Plan*, the DEIS is silent on the question of whether the Project fulfills any of the Plan's measures to increase pedestrian safety. (Richmond_069)

Response 9-71: The implementation of the City's Vision Zero initiative is outside the scope of the proposed project, but the proposed project would not conflict with the Vision Zero initiative.

AIR QUALITY

Comment 10-1: The current location in Mott Haven will require extensive conveyance of detainees and security back and forth using the city-provided, diesel-fuel buses. Beyond the impact that this will have on the environment and carbon monoxide levels, it is extremely problematic for the inhabitants of the neighborhoods that this bus route travels through where asthma rates are already among the highest in the entire country. This increased emission of toxins will inevitably exacerbate the existing health hazard for this population and poses a serious, long-term threat. (Diaz_020)

- Response 10-1:** A quantified assessment of pollutant emissions from traffic generated by the proposed project was performed for carbon monoxide (CO) and particulate matter (PM) and provided in DEIS Section 2.11, “Air Quality-Bronx.” The mobile source analyses determined concentrations of CO and particulate matter less than 10 microns in diameter (PM₁₀) due to the proposed project at the Bronx Site would not result in any violations of NAAQS at the intersection analyzed, and incremental concentrations of particulate matter less than 2.5 microns in diameter (PM_{2.5}) would not exceed the City’s *de minimis* criteria for PM_{2.5}. In addition, concentrations of CO and PM_{2.5} from the parking facility associated with the proposed detention facility would not have the potential to result in any significant adverse air quality impacts.
- Comment 10-2:** The additional air pollution will also be a huge problem for people who enjoy breathing. (Brody_403)
- Response 10-2:** As presented in the DEIS, no significant adverse air quality impacts were identified due to the proposed project.
- Comment 10-3:** The DEIS study took place between 2015-2017. It did not take into account the new apartment buildings located behind the jail. Also, the Van Wyck extensions did not exist during this period of time. Therefore, their conclusions about the effects of the jail on air quality are likely to be very inaccurate. (Wilson_060)
- Response 10-3:** As presented in Section 5.9 of the DEIS, the No Action traffic volumes accounted for specific projects within a ½ mile radius of the Queens Site, and pursuant to *CEQR Technical Manual* guidance included annual background growth rates of 0.5 percent per year for the 2018 through 2023 period and 0.25 percent for the 2023 through 2027 period to account for small and moderate size development projects in the study area such as the recently constructed residential development mentioned. Construction work associated with the Van Wyck Expressway is beyond the ½-mile study area radius and would therefore not affect traffic conditions within the traffic study area. Therefore, the mobile source air quality impacts properly account for future traffic in the No Action condition. The FEIS has been updated to incorporate the No Action development projects referenced by the commenter where appropriate and relevant.
- Comment 10-4:** The effects of heat and hot water emissions were based on a 125-foot-tall building that was situated 400 feet away. The jail is much taller and much nearer to the new residential buildings behind the jail. DEIS analyses/findings and conclusions are incorrectly based on faulty

assumptions since the 2 sites are not comparable in size and distance from nearby dwellings. (Wilson_060)

Response 10-4: The analysis of air quality impacts from the proposed project's heating and hot water systems assumed a 400-foot distance for the initial screening analysis since no buildings were identified of a similar or greater height than the proposed detention facility, as per the *CEQR Technical Manual* guidance. In addition, existing buildings within 400 feet were examined, including the 125 foot tall building referenced in the comment. The new residential buildings referenced in the comment were not analyzed as they are estimated to be greater than 400 feet in distance. As per the conclusions of the DEIS air quality analysis, no significant adverse air quality impacts would occur.

Comment 10-5: Figure 5.10-1 said "screening based on the nearest building 400 feet from the site. Impacts would not occur at distances greater than 320 feet." We believe the new apartment buildings will be much nearer than 320 feet so perhaps there would be some impact on air quality? "must locate heating and hot water exhaust stacks at least 273 above grade." The minimum allowable distance to nearest building is 320 feet." (Wilson_060)

Response 10-5: The air quality screening analysis presented in the DEIS determined that there would be no significant adverse air quality impacts on buildings of a similar height at distances greater than 320 feet. No buildings were identified within this distance that would be of a similar height to the height analyzed for the proposed project's heating and hot water exhaust stacks (253 feet). There are no new or proposed buildings that would be similar or greater in height within this 320-foot distance, and furthermore, the new residential construction is estimated to be greater than 400 feet away from the proposed project; therefore, the DEIS correctly concluded that there would no significant adverse air quality impacts.

Comment 10-6: The DEIS makes the absurd claim that the Bronx facility will improve air quality in the area over no action conditions. This is not possible considering the number of trips by car projected and the traffic congestion this project will generate. (Janes_062)

The air quality analysis evaluated traffic emissions impacts from the East 141st Street and Bruckner Blvd intersection. Based on the data presented in the Transportation section described above, that intersection experienced increased delays for the Project (With Action) scenario compared to the No Action scenario. Increased delays should correlate with an increase in traffic and therefore a net increase in emissions and of impacts from the Project. Based on the data presented in the publicly available documentation, it is unclear why the With Action scenario

would have lower impacts than the No Action scenario. We would generally expect mobile emissions from a detention center and mixed-use development to be higher than mobile emissions from a tow pound. To confirm these results, please provide a more detailed explanation of the supporting assumptions used to convert the data from the traffic section into the off-peak hours and annual distributions. (Janes_062)

Response 10-6:

The mobile source air quality analysis has been revised in the FEIS to account for the updated programming for the Bronx Site. The analysis determined that pollutant concentrations associated with the traffic generated by the proposed project would increase slightly compared to the No Action Condition, but would not exceed National Ambient Air Quality Standards (NAAQS) or the CEQR Technical Manual *de minimis* criteria.

Comment 10-7:

CEQR guidance on roadway locations for the study of mobile emissions (Chapter 17, Section 311.1) recommends air quality analyses be performed at "intersections where traffic congestion is expected." It is unclear why only the chosen intersection was selected for study. Based on the Transportation section, many Project-related trips will occur that pass through other intersections. As noted in the Transportation section,

“Detention center visitors (via auto or taxis) were assigned to East 142nd Street...Trips generated by the separate mixed-use development to be located to the west side of the project site were assigned to Concord Avenue...Any truck trips were assigned to designated truck routes and then to the most direct path to and from the proposed detention center’s loading dock (via the driveway on East 141st Street and exit on East 142nd Street); and the primary frontage to the mixed-use development along Concord Avenue” (page 2.10-27).

These trips lead additional intersections to be potentially significant (Table 2.10-2). Please provide justification for not including additional intersections in the air quality analyses.

Based on the Transportation section, the studied intersection was also the intersection with the greatest volume of existing trips, including tow pound trips (Figures 2.10-9a, 9b, and 9c). Therefore, the analysis may fail to analyze the intersection with the greatest change in air quality impacts (e.g., an intersection that has very few existing tow pound trips but that will have more Project trips). Please provide substantiation that the intersection that was analyzed is that with the greatest change from the No Action to Project traffic scenarios. (Janes_062)

Response 10-7:

The location selected for the mobile source analysis was projected to have the highest hourly incremental traffic volumes generated by the project,

as well as the highest incremental equivalent trucks projected to travel on East 141st Street. This location also experiences high existing volumes due to the inclusion of the Bruckner Boulevard Service Road. As presented in the FEIS, the mobile source analyses determined concentrations of carbon monoxide and particulate matter less than 10 microns in diameter due to the proposed project at the Bronx Site would not result in any violations of NAAQS at the intersection analyzed, and incremental concentrations particulate matter less than 2.5 microns in diameter would not exceed the City's *de minimis* criteria. Therefore, it can be concluded that other locations with similar or lower incremental traffic volumes would likewise not exceed these standards.

Comment 10-8:

CEQR guidance (Chapter 17) notes that impacts from parking garages may be summed with intersection impacts for a cumulative worst-case analysis. This was not done in this Project analysis. In addition, cumulative impacts from all sources including the elevated Bruckner Expressway could be evaluated. Though this summation is not required by CEQR, including the impacts from all source types rather than disaggregated impacts could more accurately represent the true impacts of the Project. This would increase impacts compared to the results as presented in the EIS. Please explain why the impacts from all sources were not summed and confirm whether summing the impacts from all sources would result in a significant impact. (Janes_062)

Response 10-8:

The DEIS included background and on-street contributions in the total concentrations predicted at applicable receptor locations for CO and PM₁₀. However, the mobile source analysis has been updated in the FEIS to assess potential pollutant contributions from the elevated Bruckner Expressway at pedestrian level sidewalk receptors, as well as to assess the cumulative impacts based on modeled results from the microscale intersection analysis. The traffic contributions from the elevated Bruckner Expressway were added to the intersection analyses for CO and PM₁₀ to assess cumulative impacts at the analyzed location, however, since negligible project-generated traffic would occur on the elevated Bruckner Expressway (as compared to the total traffic volumes), and potential PM_{2.5} impacts are assessed on an incremental basis, this contribution was not applied to the PM_{2.5} analysis. The results determined that pollutant concentrations from on-street and elevated Bruckner Expressway traffic, combined with the proposed parking facility would not result in a significant adverse impact from vehicle emissions at sidewalk receptor locations.

Comment 10-9:

While the modeling methodology appears reasonable and consistent with the *CEQR Technical Manual*, due to the proximity of the impacts of the

project on on-site receptors to the threshold values, the supporting assumptions should be confirmed. For example, NYC's Heating Season is Oct 1 - May 31, which spans 243 days of potential heating. However, the analysis only assumes a 100 day heating season, leading to a potential underestimation of stationary source emissions. Please provide supporting data for this assumption, as this appears to be non-conservative for the analysis. We were only able to complete a review of the analyses as described in the DEIS sections, not including any supporting files. These are preliminary comments based on information we have available to us. (Janes_062)

Response 10-9: The 100-day heating season assumption was used in the DEIS air quality analysis to estimate emissions over short-term periods (24-hours or less). It does not affect the estimation of emissions over the entire heating season, as this is based on annual energy estimated referenced in the *CEQR Technical Manual*.

Comment 10-10: Based on this sale data from a monitoring station over a half-mile away from the Site, the DEIS concludes that mobile and stationary sources of air contaminants would not have the potential to result in any significant adverse air quality impacts. The DEIS should be supplement to provide actual background conditions, including the adverse health impact of particulate matter and hazardous air pollutants released into the environment after the World Trade Center collapse, as well as the air quality impacts resulting from the on-going infrastructure project, which is expected to continue through Spring 2021. (Richmond_069)

Response 10-10: No air quality impacts from the World Trade Center collapse would be measurable as that site has been fully reconstructed. With regard to the infrastructure project on Worth Street, construction is scheduled to be completed approximately one year before construction work on the Manhattan Site is anticipated to commence (March 2022). Therefore, no cumulative air quality impacts would occur.

Comment 10-11: There is a complete dearth of air quality and associated health impacts that the adjacent Chung Pak senior residents would suffer as a result of the construction and operation of the MDC. There is no meaningful examination of the assessment of the Project's construction or operation on air quality and human health. The DEIS completely overlooks the adjoining and nearby population, and concludes without sufficient empirical basis that potential air quality impacts would not occur at distances greater than 278 feet. (Richmond_069)

Response 10-11: The air quality analysis of heating and hot water systems associated with the Manhattan Site that was presented in the DEIS assumed that pollutant

emissions would be exhausted at the top of the proposed detention facility, at a height of 423 feet above grade. The screening analysis analyzed a number of receptor locations at taller buildings within a 400 foot study distance. The analysis determined that there would be no significant adverse air quality impacts resulting from the proposed detention facility's operation. At distances greater than 400 feet, air quality impacts would be further reduced due to the gradual dispersion of emissions at increasing distance from the project site. With respect to construction, the DEIS concludes that construction at the Manhattan Site would not have the potential to result in significant adverse air quality impacts because construction activities would be temporary and measures would be taken to reduce pollutant emissions. These measures would include dust suppression, idling restrictions, use of ultra-low sulfur diesel (ULSD) fuel, and best available technologies (BAT), and to the extent practicable the use of newer equipment that meets the United States Environmental Protection Agency (USEPA)'s Tier 4 emission standards and electrification of equipment.

Comment 10-12: The NYU Center for the Study of Asian American Health concluded, based upon scientific evidence, that older adults are highly vulnerable to particulate air pollution and hazardous air pollutants, and that the standards deemed acceptable for the general population are not protective of the elderly. Indeed, studies show that nearly 3 out of 4 deaths attributable to particulate matter in New York City occur in adults 65 and older. The DEIS must discuss the proven public health impacts caused by the Project on the elderly in the Chinatown community. (Richmond_069)

Response 10-12: As presented in the DEIS, the air quality analysis determined that there would be no significant adverse air quality impacts resulting from the proposed detention facility. Therefore, as per the *CEQR Technical Manual*, no public health analysis is warranted.

Comment 10-13: Assumptions in the DEIS also conceal from public review the actual air quality and health-related impacts. For example, the DEIS reports air pollutant concentrations, which *assume* that restrictions will be placed upon the type of fuel and location of exhaust stacks. This facility has not been designed, and therefore there is nothing to support this erroneous assumption and conclusion, which lacks a rational basis. (Richmond_069)

Response 10-13: The City is committed to implementing the proposed restrictions identified in the DEIS air quality analysis. These commitments would be part of the Design-Build contract requirements with the proposed project.

Comment 10-14: This facility will create a bottleneck of traffic, above and beyond the existing problems for the neighborhood. There has been no discussion on sound impact, since inmates will have outside access, they may be creating noise at all hours of the day. Also this facility is adjacent to a highway, so there is an unknown intake of fumes from vehicles. (Biglin_771)

Response 10-14: The mobile source air quality analysis for the Bronx Site, as presented in DEIS Section 2.11, "Air Quality-Bronx," evaluated potential air quality impacts resulting from the elevated Bruckner Expressway and concluded that no significant adverse air quality impacts would result. The noise analysis for each borough facility accounts for the proposed recreation yards in the assessment of potential noise impacts from the proposed project.

NOISE

Comment 11-1: The DEIS does not require the disclosure of noise generated by the mechanical systems such as elevator, water and sewage, heating, ventilation, and air conditioning systems during normal facility operations. Because of the proximity to low-income senior residences at the Chung Pak LDC building at 96 Baxter Street, as well as residential tenement buildings across Baxter Street, there must be study, disclosure, and mitigation of any significant noise levels that could impact nearby residents during normal facility operations. (CB3_016)

Response 11-1: The DEIS accounted for the noise sensitive receptors at 96 Baxter Street in the noise analysis. As discussed in DEIS Section 4.11, the building mechanical systems (i.e., heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings Code) and to avoid producing levels that would result in any potential significant increase in ambient noise levels.

Comment 11-2: To mitigate noise impact, especially in the location of the m-1 receptor in the North of the proposed building that is occupied by the Chung Pak Day Care Center for early childhood services, I recommend that the design of the proposed project incorporate setbacks that places any recreation yard less than 145 feet above grade along the proposed detention facility's north façade be recessed at least 34 feet from the lot line to avoid the potential for significant adverse noise impacts. In addition, any recreation yard less than 240 feet above grade along the proposed detention

facility's south façade would be recessed at least 5 feet from the southern boundary of the proposed zoning envelope. (Brewer_072)

Response 11-2: This recommendation is consistent with the conclusions in the DEIS Section 4.11.

Comment 11-3: I emphasize that the facility should not consider central air conditioning specifically for the purpose of noise control and to maintain a closed-window condition, rather central air conditioning is necessary for the comfort of inmates and that open-window conditions should be allowed. Thus, noise mitigation efforts must focus efforts on materials, systems, and windows, rather than a closed-window condition as suggested. Furthermore, the building mechanical systems must be designed to meet all applicable noise regulations, including any mechanical, electrical, and plumbing systems that are to be located outdoors (Brewer_072)

Response 11-3: The phrase "closed-window condition" is used to identify the acoustical performance of a façade with the window closed, regardless of whether or not the window is operable. The acoustical performance of the window depends on it being in the closed position. As discussed in DEIS Section 4.11, the building mechanical systems (i.e., heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings Code) and to avoid producing levels that would result in any potential significant increase in ambient noise levels.

Comment 11-4: There is growing evidence that noise can lead to adverse physiological and psychological effects that degrade both health and well-being. Permanent hearing damage can be sustained when levels of sound exceed 85 decibels (dBA), especially when exposure lasts longer than 8 hours. However, it is important to note that sound does not have to be loud to be harmful. Sound that is deemed obtrusive and unwanted can lead to elevated stress, anger, agitation, mood swings, interference with concentration and communication, diminished productivity, and social conflict.

Repeated, long-term exposure to noise can lead to the following long-lasting physiological changes:

- Blood pressure elevation and hypertension
- Sleep disturbances
- Cardiovascular and cerebrovascular diseases
- Cognitive decline in school-aged children

Lower-frequency sounds, especially those coming from industrial machines, are often accompanied by vibrations. Whole-body vibration can cause or exacerbate the following:

- Lower back pain (damage to vertebrae and discs, ligaments loosened from shaking)
- Motion sickness
- Bone damage
- Variation in blood pressure from vibration
- Stomach and digestive conditions
- Respiratory, endocrine and metabolic changes
- Impairment of vision, balance or both

Older adults are at increased risk to noise pollution due to sensory changes that take place in the aging process. Individuals' auditory perceptions change over time, and as they get older, their tolerance for loudness and high frequencies decreases, and low frequencies are magnified. (Kwon_779, Lee_063)

Response 11-4: Comment noted. The DEIS considered noise associated with the proposed project, including noise from vehicular traffic, noise from recreation yards, noise from building mechanical equipment, and noise during construction. Projected noise levels were compared to *CEQR Technical Manual* noise impact criteria and determined not to rise to the level of a significant adverse impact. Noise levels greater than 85 dBA would not occur as a result of project operations.

Comment 11-5: The DEIS expects noise levels to range from "marginally acceptable" to "marginally unacceptable." Significant adverse noise impact will occur at the Queens County Criminal Court. (Wilson_060)

Response 11-5: The DEIS included a detailed analysis of noise based on the procedures included in the *CEQR Technical Manual* and compared projected noise levels to the *CEQR Technical Manual's* impact criteria. Consistent with that guidance, the noise levels were found not to rise to the level of a significant adverse impact. Existing noise levels at several locations proximate to each project site are in the "marginally acceptable" to "marginally unacceptable" range.

Comment 11-6: Please provide specific information regarding to noise from the jail facility that would have an impact on the proposed residential development on the same block. Has there been analysis done of emergency operations in the jail facility, specific to the mixed-use/residential building next door? In lock-down operations, in emergency response situations? In addition, the sallyport and loading

berths for the jail are located in between the jail and the residential component in what appears to be a required rear yard. Please discuss the noise that these activities will generate and their possible impacts on the abutting residences. (Janes_062)

Response 11-6: Window/wall attenuation requirements for the proposed residential development are described in in DEIS Section 2.12 and account for noise resulting from recreation yards included in the proposed jail as well as vehicular traffic on adjacent roadways. Window/wall attenuation requirements for the proposed residential building were not based on emergency operations at the jail because they do not represent typical operational conditions for the proposed project. The sallyport is a secured, controlled entryway through which persons in detention would pass and not linger and is not expected to be a noise source above the predicted noise levels within the DEIS. The staff parking entrance will be separate from the sallyport and would not have bells, whistles, or alarms going off at staff changes. Noise associated with the proposed loading berths would primarily be from the trucks using the berth, which are not permitted to idle longer than 3 minutes, per NYC regulations. Consequently, the proposed residential development, including those dwelling units facing the block interior, with the window/wall attenuation requirements specified in the DEIS would experience acceptable interior noise levels according to *CEQR Technical Manual* noise exposure guidance.

Comment 11-7: The noise analysis relies upon a vague “alternate means of ventilation” that could be other than central air conditions. 2.12-9. Please provide details on what the alternate means of ventilation would be, if not central air. Does this also mean that the entire mixed-use residential must also operate in a “closed-window condition”? (Janes_062)

Response 11-7: Title 15 Chapter 24 of the Rules of the City of New York define Alternate Means of Ventilation (AMV) as “a device that introduces fresh air into a building and thereby allows operable windows to be closed at all times.” As stated in this definition, AMV allows for access to fresh air while maintaining a closed-window condition, regardless of whether the windows are operable.

Comment 11-8: Is the proposed residential building a sensitive receptor above the height of 35 feet? Is the comparison of a recreation yard and a high school playground valid at all? In an application at East 96th, the Lead Agency there stated that high school children don’t linger in playgrounds. If the DEIS is using noise levels from high school playgrounds as a baseline, then this chapter is likely understating the amount of noise the facility

will generate. Why isn't the DEIS using noise levels from existing jail facility recreation yards as a baseline for noise? It is clearly more appropriate than school playgrounds and will produce more accurate analysis. (Janes_062)

Response 11-8: The noise from the recreation yard was considered at all portions of the proposed residential building that would have direct line of site to the recreation yards, including those at elevations above 35 feet, and as stated in DEIS Section 2.12, worst-case recreation yard noise levels would require a minimum of 28 dBA window/wall attenuation at all such locations. The SCA Playground Noise Study from which high school playground reference noise levels were taken notes recreational activity including basketball as the source of noise. This is consistent with the expected use of the jail recreation yards.

Comment 11-9: The noise impact analysis is defective, and appears to be drafted in a manner purposefully intended to obfuscate and confuse. Although the City has not yet designed the MDC, the DEIS provides that "Any recreation yard less than 145 feet above grade along the proposed detention facility's north façade would be recessed at least 34 feet from the lot line shared" with Chung Pak (DEIS at 4.11-8). The DEIS also promises that the as yet undersigned building will shield any recreation yard above the height of the north-adjacent residential building. (Richmond_069)

Response 11-9: While the building design is not developed, building designs are expected and will be required to meet the requirements described in each noise analysis section in order to avoid the potential for significant adverse noise impacts from proposed recreation yards. These building configuration restrictions are applicable to any potential jail design.

Comment 11-10: DOC attempt to avoid disclosure of potentially significant adverse noise impacts by purportedly incorporating design criteria for a building that has not yet been designed is violative of SEQRA. (Richmond_069)

Response 11-10: The City is committed to implementing the noise impact avoidance measures identified in the FEIS, and therefore it is appropriate for these measures to be accounted for in the noise analysis. These commitments would be part of the Design-Build contract requirements with the proposed project.

Comment 11-11: Nor is there any analysis of the noise that will be generated by the mechanical systems at the MD. Instead, the DEIS summarily states that the heating, ventilation, and air conditioning systems "Would be designed to meet all applicable noise regulations and to avoid producing levels that

would result in any potential significant increase in ambient noise levels” (DEIS at 4.12-9). It seems that DOC is under the impression that SEQRA’s mandate does not apply to it, and that the public is simply expected to accept these conclusions without any empirical data. But a DEIS that is replete with conclusory statements masquerading as facts and assumptions that are completely unsupported will not withstand scrutiny. (Richmond_069)

Response 11-11: As stated in DEIS Section 4.11, the proposed building would be designed to meet all applicable mechanical noise codes and restrictions. This is a requirement for all building construction within New York City, and any violations of these codes are enforceable by the DOB and/or DEP.

PUBLIC HEALTH

Comment 12-1: Please provide supporting information that lead to the conclusion that no public health analysis was necessary. Considering the rates of asthma in Mott Haven, the increased of particulates during construction, could lead to a public health impact on at-risk children during the construction. The asthma emergency department visit rate among children ages 5 to 17 in Mott Haven and Melrose is nearly triple the citywide rate. The Take Care New York (TCNY) 2020 goal is to have fewer than 210 asthma emergency department visits per 10,000 children across the entire city and in high-poverty neighborhoods to reduce 318 visits. The 2018 TCNY Annual Report tracks this metric showing that asthma emergency department visits in high-poverty neighborhoods has actually gotten worse since 2013, increasing from 370 in 2013 to 389 (2016). To address this policy, any increase of particulate matter and/or carbon monoxide is contrary to the TCNY health initiatives. If TCNY is a valid public policy initiative, a public health assessment is warranted. Might the high risk of asthma in the Bronx, which is worsened by decreasing air quality, one of the reasons that this huge facility, with its enormous parking garage and disclosed traffic impacts was found to improve air quality? Was this absurd and nonsensical finding be related to the fact that the City did not want to disclose that worsening air quality might impact public health and hurt children? (Janes_062)

Response 12-1: An assessment was performed with *CEQR Technical Manual* guidance which concludes that where no significant unmitigated adverse impact is found in other relevant CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise, a public health analysis is not warranted. As discussed in the Bronx Air Quality Section 2.11, stationary and mobile air quality analyses examined local particulate matter (PM) and carbon monoxide (CO) levels, and it was determined that these would not exceed standardized thresholds. The FEIS air quality analyses have

been updated to account for the changes to the proposed project's traffic and also concludes that there would not be a significant adverse impact related to PM and CO levels.

Comment 12-2:

The DEIS' public health analysis is completely deficient. There is no basis for accepting the conclusion that no public health assessment is warranted, which is based solely upon flawed hazardous materials, noise, and air quality analyses. The DEIS irrationally relies upon the generic statement in the *CEQR Technical Manual* that "for most proposed projects, a public health analysis is not necessary" where no significant unmitigated adverse impact is found in other CEQR impact areas. (DEIS at 4.12-1; *CEQR Technical Manual*, 20-2.) This general statement presumes that the technical analysis in the other impact areas took a 'hard look' at the potential significant adverse impacts. Unfortunately, the DEIS in this case falls woefully short of the 'hard look' mandated under SEQRA/CEQR. For example, despite the fact that DOC has not conducted a Phase II ESA on a site that its Phase I ESA recognizes almost certainly is contaminated (see DEIS at 4.7-1 & 4.7-1 to 4.7-8), the DEIS audaciously asserts that "the proposed project at the Manhattan Site would not result in unmitigated significant adverse impacts in any of the technical areas related to public health (hazardous materials, water quality, air quality, or noise)" (see DEIS at 4.12-1). The *CEQR Technical Manual*, however, sets forth a low threshold triggering the obligation to conduct a public health analysis, stating that "[w]hen significant adverse hazardous materials impacts are identified...and *may not be fully mitigated*, that hazardous impact should be evaluated for its potential impact on the health of the potentially affected population" (*CEQR Technical Manual* at 20-5 (emphasis added)). Here, the DEIS recognizes that the Site is affected by multiple RECs, which the DOC has not even begun to evaluate, much less mitigate. DOC must conduct a public health evaluation, which must be subject to public review and comment. A public health assessment must be conducted for the additional, independent reasons that the proposed MDC may have a potentially significant adverse effect on air quality and noise during construction and/or operation. The DEIS, for example, wholly failed to consider the age of the affected population, including but not limited to the Chung Pak seniors living directly adjacent to the site, the children attending Transfiguration and other nearby schools (including PS 1, PS 124, PS 130, St. James/St. Joseph's, and Murray Bergtraum High School), workers in surrounding small businesses, or the physical and mental health impacts of the air and noise from the proposed project on a population that has already uniquely suffered the impacts from 9/11. The air quality and noise analyses are flawed, as is the concludes that the

project would not result in any potential significant adverse air quality or noise impacts. Accordingly, the determination that no public health assessment is warranted has no legitimate rationale or support. (Richmond_069)

Response 12-2: In accordance with *CEQR Technical Manual* guidance, the DEIS concludes that because no significant unmitigated adverse impact is found in other relevant CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise, a public health analysis is not warranted. Specific concerns with respect to Hazardous Materials, Air Quality, and Noise are responded to in other sections of this chapter. Please refer to the response to Comment 7-5 regarding the Phase II ESA for the Manhattan Site and Comment 15 regarding the consideration of sensitive receptors at Chung Pak and along Baxter Street in the EIS analyses.

NEIGHBORHOOD CHARACTER

Comment 13-1: At the meeting, you said traffic congestion would be alleviated by changing the timing of traffic lights in the area. In point of fact, the DEIS concludes the additional vehicle volume at 3 of the 4 key intersections, including 78th Avenue and Queens Boulevard, cannot be mitigated with timing adjustments and will result in “unavoidable adverse impacts” on the area. What specific additional actions will the city take to significantly reduce or eliminate the severe adverse impact of 800 additional vehicle trips per day on air quality, noise, pedestrian safety and quality of life in the community surrounding the proposed jail site? (Picot_001)

The Union Turnpike subway stop and the streets of Queens Boulevard are already terribly overcrowded. The noise and congestion this project would bring to the neighborhood would transform Kew Gardens from a desirable neighborhood to one that would be hard to live in. (Carper_676)

The planned jail in Kew Gardens in Queens will be extremely disruptive to the neighborhood. (Cheng_357)

Response 13-1: The DEIS evaluated the potential for significant adverse impacts to air quality, noise, pedestrian safety, and neighborhood character as a result of the additional traffic from the proposed project. Section 5.10, “Air Quality-Queens,” and Section 5.11, “Noise-Queens,” conclude that the additional vehicle trips with the proposed project would not result in significant adverse air quality or noise impacts. Section 5.9, “Transportation-Queens,” includes an assessment of pedestrian safety in accordance with *CEQR Technical Manual* guidance. This assessment concludes no intersections in the vicinity of the Queens Site are considered high crash locations based on the *CEQR Technical Manual*

guidance and none are located within a designated Senior Pedestrian Focus Area (SPFA) as identified by DOT. Section 5.13, “Neighborhood Character-Queens,” considers the potential for the proposed project’s significant adverse traffic impacts to result in neighborhood character impacts and concludes low levels of vehicular traffic are not defining features of the neighborhood and therefore, the changes in traffic due to the proposed project would not have the potential to result in significant adverse impacts on neighborhood character.

Comment 13-2:

Kew Gardens is a residential community, the subject of the 1999 book *Kew Gardens: Urban Village in the Big City, An Architectural History of Kew Gardens*. Also, immediately adjacent to the proposed jail complex is the residential community of Briarwood. The DEIS ignores these facts and denies any adverse effect on community, stating that Queens Boulevard is a buffer to the Kew Gardens community. However, (a) thousands of people live in apartment buildings immediately across the street and adjacent to the proposed complex, (b) within two blocks of this proposed jail complex begin blocks and blocks of one- and two-family homes, plus two elementary schools and a preschool. Yet the DEIS makes the startling assertion that there is no adverse impact on the neighborhood character, acknowledging only that “to the southwest and the east, the study area contains the residential neighborhood of Kew Gardens and Briarwood.” The DEIS and the Mayor’s literature refer to Kew Gardens as the Queens Civic Center because it has a courthouse, Queens Borough Hall and a small (in comparison) detention center closed since 2002. Yet there are two other detention centers and four other courts in Queens. (CB9_018, Kane_026)

The City proposed to build a massive jail complex in a residential community and yet the DEIS finds no adverse effects! It states that the defining features of the study area’s neighborhood character would not be adversely affected! It defies logic for the City Planning Commission and the City Council to agree that a project imposed on a small residential community, a project massive in size, scope, and complex goals, rising perhaps 333 feet and housing 1,437 people, which given the new bail reform policies would likely house the most violent felons, would not result in adverse effects! (CB9_018, Kane_026)

The DEIS states that there is no significant effect on neighborhood character. We strongly disagree. According to the Lippman Commission Report, the jails were to be placed in communities where they would be an asset with services such as a community center, counseling, and tutoring, that inmates and local communities needed, wanted, and requested, so inmates released back into their communities, as well as local residents, could go on being helped by the jail-based facilities. The

Commission wrote such jails could “positively change the culture and context of the neighborhood” leading fewer people into the prison systems, thereby helping break the cycle of incarceration. In August 2018, the three ZIP codes surrounding Kew Gardens had 25 individuals in detention. Therefore, Kew Gardens is not that community. (Kane_026)

The use itself, especially at that scale will impact the character of the neighborhood. If this project doesn’t alter neighborhood character, then what project would? The finding of no impact is absurd. (Janes_062)

Rezoning Kew Gardens to build a structure that will tower over the whole neighborhood doesn’t make any sense. It is not in proportion to the neighborhood. (Bertagnolli_378)

I am very concerned for the residential area of Kew Gardens in which we live. Thank you to those representing young families who want to preserve the wholesome atmosphere of our neighborhood. (Ackerman_571)

I am strongly opposed to a 27-story jail complex in the middle of a lovely, middle class residential neighborhood. I would support a much small jail facility, perhaps something like a juvenile facility, but the large facility that is being planned would overwhelm and forever change the nature of this neighborhood. Convicted criminals should be kept very separate from the law-abiding populace, and should ABSOLUTLEY NOT RESIDE NEAR RESIDENTIAL AREAS for a number of good reasons. Please find another place for the jail. (Chiu_391)

A 24-story building will be completely out of place alongside the 3-story family apartment buildings. (Adams_719)

A 27-story jail tower is out of character with the under 10-story municipal complex and surrounding residential neighborhood. It will overwhelm local transportation. (Avidon_740)

This project is out of scale and inappropriate for the immediate surrounding area. A mega jail should not be built in the middle of residential community. (Demed_647)

Also, the building, as projected, would be immense and overpower every other edifice in the vicinity. (Gampert_686)

A 26-story building housing a thousand inmates is completely out of character with a residential neighborhood. (Hong_753)

The building is a giant monstrosity which is not in character with our neighborhood. (Zoric_726)

Response 13-2:

DEIS Section 5.13, “Neighborhood Character-Queens,” notes that the proposed detention facility would be larger and accommodate

substantially more individuals than the existing vacant facility, but would be supportive of and compatible with local institutional and civic uses, particularly the Queens County Criminal Court buildings directly to the south and west of the project site, within the existing Civic Center. The scale and higher density of the proposed facility would be buffered from the surrounding residential neighborhoods by Queens Boulevard to the west, the Van Wyck expressway to the east, the Jackie Robinson Parkway and Union Turnpike to the north, and Maple Grove Park and Maple Grove Cemetery to the south. In addition, the proposed ground floor use would activate the proposed project's street level and would be consistent with the commercial and community facility ground-floor uses along Queens Boulevard. The surrounding neighborhood contains a mixture of building types and sizes, including detached single-family houses of Kew Gardens, mixed-use buildings lining Queens Boulevard, and the brick apartment buildings in Briarwood. The proposed detention facility would contribute to the variety of buildings that compose the urban design character of the study area, and would activate an otherwise under-utilized pedestrian environment on the sidewalks that surround the project site.

Comment 13-3: The special permit will allow the city to completely circumvent what has otherwise been deemed as adverse effects that would endanger the integrity of the existing community landscape. This would inharmoniously and irrevocably alter the atmosphere and character of the neighborhood for citizens who live here and had no say in the matter. (Diaz_020)

Response 13-3: As discussed in DEIS Section 2.14, "Neighborhood Character-Bronx," the proposed project would not result in significant adverse impacts to neighborhood character in the Bronx. Furthermore, in order to grant a special permit pursuant to the proposed Borough-Based Jail System special permit, the City Planning Commission must find that, among other things, any use modifications will support the operation of the facility and will be compatible with the essential character of the surrounding area, ground floor uses will be located in a manner that is inviting to the public and will integrate the facility within the surrounding community, and bulk modifications, including any increase in permitted floor area ratio, will have minimal adverse effects on access to light and air for buildings and open spaces in the surrounding area. Please refer to the response to Comment 1-1 regarding the community outreach and engagement for the proposed project.

Comment 13-4: Towers, crowds, traffic, lawyer and bail offices, decreased property values, and certainly more than we can imagine or has been detailed, will certainly change the character of this NEIGHBORHOOD. (Kluger_765)

The DEIS does not adequately look at the immediate area in studying the neighborhood character. Immediate neighborhood is predominately FAR 3-10 with heights not exceeding 240'. (Pollock_071)

The DEIS gives short shrift to the Project's potential impacts on neighborhood character, concluding without explanation that the potential significant adverse impacts to historic and cultural resources and transportation, when combined with other "moderate effects would not constitute neighborhood character impacts" (DEIS at 4.13-2). The Neighborhood Character analysis relies on the technical analyses presented for other impact areas, such as Urban Design and Visual Resources. Here, the technical analysis in the Urban Design and Visual Resources, Open Space, Noise, and Socioeconomic impact areas are flawed, and cannot support the conclusion in the DEIS that the Project would not have a potential significant adverse effect on Neighborhood Character. (Richmond_069)

Response 13-4: Consistent with guidance in the *CEQR Technical Manual*, an impact to the character of a neighborhood is deemed significant through a careful weighing of all of the technical areas which contribute to neighborhood character, as discussed further in Sections 2.14, 3.13, 4.13, and 5.13 of the DEIS. No significant adverse impacts to neighborhood character were determined at the four proposed sites. As an example, the Bronx assessment concludes that there would be no potential for significant adverse impacts to land use, zoning, and public policy, socioeconomic conditions, open space, shadows, historic and cultural resources, urban design and visual resources, and noise. While there would be the potential for significant adverse impacts to transportation, the *CEQR Technical Manual* states that a significant adverse impact in one of the technical areas that contribute to neighborhood character is not automatically equivalent to a significant adverse impact on neighborhood character.

Comment 13-5: The impact of the proposed jail facility, not just on the surrounding area but the entire borough of the Bronx, cannot be overstated. This building will be the largest building in the entire borough, excluding Yankee Stadium. Having a jail facility as the defining part of the skyline, streetscape, and the neighborhood area undoubtedly is a significant adverse impact on neighborhood character. (Janes_062)

Response 13-5: As noted in DEIS Section 2.14, "Neighborhood Character-Bronx," the proposed project would introduce a larger scale development that would be out of context with the existing urban design character of the study

area. However, this would not result in the potential for a significant adverse impact to urban design or to neighborhood character. The neighborhood character immediately surrounding the Bronx Site is defined by a varied mix of uses and building types, with large footprint uses to the east and smaller residential row homes and moderately sized apartment buildings to the west. The proposed project would contain ground-floor uses and improved sidewalks and sidewalk amenities that would activate the streets surrounding the project site, which could improve the pedestrian experience of the site. Furthermore, the analysis discloses that the proposed project would be visible from a distance in the study area, including from visual resources such as Saint Mary's Park and Samuel Gompers Industrial High School, but it would not adversely affect the pedestrian's experience of these resources.

Comment 13-6: The existing neighborhood character has achieved a balance between the Civic Center and the residential neighborhoods of Chinatown and Little Italy. The scope and size of the proposed jail that places an additional building nearly 500 feet tall within the study area disturbs that balance, affecting the neighborhood character. (Richmond_069)

Response 13-6: The proposed project is consistent with the land uses in the surrounding area of Manhattan, which contain high-density buildings of varying heights (office towers as well as smaller mid-rise civic buildings), and would not adversely affect Chinatown and Little Italy.

Comment 13-7: The demolition of a S/NR SHPO-eligible building at 125 White Street is a major impact on neighborhood character. Despite there being other civic institutions in the area, demolition of 125 White Street would still have a significant adverse impact, especially should other architecturally important resources in the area be impacted during construction. (Richmond_069)

Response 13-7: As stated in the DEIS, there are other civic institutions within the study area, and the current jail facility would be replaced with a similar institutional use. As disclosed in the DEIS, the demolition of 125 White Street would present a significant adverse impact on historic and cultural resources on its own. However, other adjacent resources are not anticipated to be affected by demolition and construction.

Comment 13-8: "It is anticipated that wire mesh would enclose the recreation yards, to be located at the center of the building with exterior walls visible on East 141st and East 142nd Streets." Please provide a rendering of this building design for public review and comment. This information should have been available when evaluating the Neighborhood Character portion of

the DEIS. Please re-evaluate the findings of Neighborhood Character once this rendering is produced. (Janes_062)

Response 13-8: The purpose of the EIS is to evaluate the potential impacts of the proposed actions. The proposed actions do not govern the specific materials of the buildings and therefore having certainty regarding these characteristics is not integral for the EIS analysis. The urban design analysis and related neighborhood character analysis focuses on the proposed building heights, street wall, setbacks, and proposed program. The pedestrian experience would be primarily of the building base, which would not have recreation yards. Recreation yards would be located above the building base and would be setback from East 141st and East 142nd Streets by 10 feet and 15 feet respectively.

CONSTRUCTION

Comment 14-1: The City must adopt, with ongoing community input, a robust plan approved by the community pre-demolition to protect the residents of the Chung Pak senior housing facility, the children and families utilizing the Chung Pak Day Care Center, and other patrons of the Chung Pak community facilities abutting the South building of the current MDC during demolition and construction. (CB1_015)

During the construction phase, 96 Baxter Street must be protected with air quality and dust monitoring and full mitigation of sound and vibration impacts for all residents and staff. (CB3_016)

The 96 Baxter building itself must be protected from any potential compromising of its structural integrity or acceleration of infrastructural wear during the proposed Manhattan detention facility construction phase. (CB3_016)

During the construction phase, adjacent sidewalks must be safe and accessible for senior residents getting to commercial businesses on Baxter Street, and access to heavily used Columbus Park, as well as a route to greater Chinatown, must be maintained. (CB3_016)

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 (Brewer_019)

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. (Brewer_019, Brewer_051)

The demolition of the existing building and construction of an enormous building will be detrimental to the low-income and densely populated neighborhood, especially to the elderly population. (Cheng_777)

Arguments in favor of situating a new jail at 124-125 White Street pale in comparison to the damage that 10 years of dismantling of the existing buildings and construction of the enormous new one will cause to the residents, workers, small businesses, tourists and students who throng the area. (Hollander_743)

Particulate matter (PM) refers to the mixture of small and extremely small particles and liquid droplets suspended in the air. Fine particles, such as exhaust from diesel-powered construction equipment, are invisible and can penetrate deep into the alveoli in lungs, affecting both respiratory and cardiovascular system functions.

PM can cause and exacerbate chronic diseases. Exposure to such particles has been associated with the following acute and long-term health conditions:

- Cardiovascular disease
- Lung cancer
- Increased blood pressure
- Aggravation of respiratory diseases, such as asthma
- Decreased lung function
- Irritation of the respiratory system, eyes and skin
- Early onset dementia
- Premature death in people with heart or lung disease (Kwon_779, Lee_063)

The DEIS justifies the upheaval and disruption the construction period would cause by characterizing it as being only “temporary.” For 6 years or more, 1,833 workers and 40 truck trips would converge on the site during peak hours. In promoting this ill-conceived plan and sluffing off the environmental impacts of construction on hundreds of thousands of residents because it is only “temporary,” the City again demonstrates a lack of care for its residents who will be severely affected, especially children, seniors and the more fragile among us. (Picot_066)

Response 14-1:

The City will continue community engagement during the construction process, and will appoint a community liaison for each site to address community concerns during the construction period. As noted in DEIS Section 4.14, “Construction-Manhattan,” a variety of measures would be employed to ensure public safety during the construction of the proposed building, including: sidewalk bridges to provide overhead protection; safety signs to alert the public about active construction work; safety barriers to ensure the safety of the public passing by the project construction areas; flag persons to control construction trucks entering and exiting the project site and/or to provide guidance for pedestrians and bicyclists safety; and safety nettings during the construction of the proposed building as the superstructure work advances upward to prevent debris from falling to the ground. All DOB safety requirements would be strictly followed and construction of at the Manhattan Site would be undertaken to ensure the safety of the community and the construction workers themselves.

The FEIS does not identify potential significant adverse impacts to the Chung Pak building residents or patrons during construction of the proposed project. The proposed project would incorporate noise control measures beyond the minimum required by the New York City Noise Control Code. Therefore, additional mitigation for construction-related noise effects is not warranted.

The potential for air quality impacts during construction was assessed and presented in DEIS Section 4.14, “Construction-Manhattan.” Measures would be taken to reduce pollutant emissions, including particulate matter emissions, during construction as required by laws, regulations, and building codes. These measures would include dust suppression measures, idling restrictions, use of ultra-low sulfur diesel (ULSD) fuel, and best available technologies (BAT). In addition, the proposed project is committed to using newer equipment that meets EPA’s Tier 4 emission standard-to further reduce emissions from construction. Based on the use of emission control measures, the duration and intensity of construction activities, the location of nearby sensitive receptors, and project-generated, construction-related vehicle trips, the analysis concluded that construction at the Manhattan Site would not result in the potential for significant adverse construction air quality impacts.

Comment 14-2:

In addition, there are approximately 15 small businesses on Baxter Street that will not be directly displaced as part of the proposed Manhattan detention facility construction, but which will face significant adverse impacts as the street is closed for construction staging, and while scaffolding and sidewalk obstructions inhibit access and visibility, and the customer base of existing MDC staff temporarily disappears. During

construction, they must be provided with appropriate wayfinding and advertising signs, with costs borne by the City, and grant funding should be made available to assist any businesses suffering undue hardship as a result of the proposed facility's construction. (CB3_016)

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. (Brewer_019)

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. (Brewer_051)

Response 14-2:

Please refer to the response to Comment 14-1 regarding the City's commitment to ongoing community engagement during the construction period. As noted in DEIS Section 4.14, "Construction-Manhattan," construction at the Manhattan Site would not significantly affect the operations of any other nearby businesses, nor would construction obstruct major thoroughfares used by customers or businesses. Potential sidewalk closures would not front any active businesses, and pedestrians would continue to have views of and access to businesses on surrounding blocks.

Comment 14-3:

The proposed construction would impact some of our most vulnerable, low-income seniors at the adjacent Chung Pak facility, several of whom are more than 100 years old. Construction noise alone will have a daily negative impact and will outlast some of the seniors. To mitigate this, there must be a commitment to not having any noisy work on weekends or during overnight hours. In addition, trucks should use "white noise" back up alerts—not traditional beeping. Given the vulnerable senior population and nearby childcare facility, monitoring of dust must be for fine particulates (2.5 micrometer Particulate Matter) as this is proven to have serious impacts on pulmonary and cardiac health. (CB3_016)

I am concerned about the effect this project will have on the Chung Pak Complex adjacent to the proposed development. This complex contains several small businesses, 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 be devastating. The risk of poor air quality, dust, and excessive noise is high. We must do whatever necessary to protect the residents of the senior building, and everyone in

the immediately vicinity of the proposed development, from the project's harmful effects. (Brewer_051)

Response 14-3:

Construction at the Bronx Site would be carried out in accordance with New York City laws and regulations, which allow construction activities between 7:00 AM and 6:00 PM on weekdays, with most workers arriving between 6:00 AM and 7:00 AM. Normally work would end at 3:30 PM, but it can be expected that in order to complete certain critical tasks, the workday may occasionally be extended beyond normal work hours. Weekend or night work may also be occasionally required for certain construction activities, such as the erection of the tower crane or finishing a concrete pour for a floor deck. Appropriate work permits from DOB would be obtained for any necessary work outside of normal construction and no work outside of normal construction hours would be performed until such permits are obtained. The numbers of workers and pieces of equipment in operation for night or weekend work would typically be limited to those needed to complete the particular authorized task. Therefore, the level of activity for any weekend or night work would be less than that of a normal workday. Construction noise is regulated by the requirements of the New York City Noise Control Code (also known as Chapter 24 of the Administrative Code of the City of New York, or Local Law 113) and the DEP Notice of Adoption of Rules for Citywide Construction Noise Mitigation (also known as Chapter 28). These requirements mandate that specific construction equipment and motor vehicles meet specified noise emission standards; that construction activities be limited to weekdays between the hours of 7:00 AM and 6:00 PM; and that construction materials be handled and transported in such a manner as not to create unnecessary noise.

As discussed in DEIS Section 2.15, "Construction-Manhattan," construction of the proposed project at the Manhattan Site would not result in significant adverse impacts related to noise or PM_{2.5} emissions. Measures would be taken to reduce pollutant emissions and noise during construction as required by laws, regulations, and building codes. For pollutant emissions, these measures would include dust suppression measures, idling restrictions, use of ultra-low sulfur diesel (ULSD) fuel, and best available technologies (BAT), and to the extent practicable the use of newer equipment that meets the United States Environmental Protection Agency (USEPA)'s Tier 4 emission standards and electrification of equipment. Furthermore, as described in DEIS Section 4.7, "Hazardous Materials-Manhattan," air monitoring will be performed during subsurface disturbance activities to protect both the construction workers and the community. For noise, specific noise control measures would be incorporated in a noise mitigation plans required under the New York City Noise Code. As part of these measures, the construction site

would be configured to minimize backup alarm noise. Please refer to the response to Comment 14-1 regarding the City's commitment to ongoing community engagement during the construction period.

Comment 14-4: Construction mitigations must be memorialized in a detailed construction mitigation plan, including a detailed timeline and phased mitigation plan for the entire construction period, including traffic, noise, and monitoring and mitigating for dust and other particulate matter at each phase, with regular oversight through the Lower Manhattan Construction Command Center-model interagency group. (CB3_016)

Response 14-4: Construction mitigation measures would be enforced by the City and required of the future design-build contractor. Furthermore, measures to reduce pollutant emissions and noise would be required by existing laws and regulations such as New York City Local Law 77, DEP's Construction Dust Rules, and the New York City Noise Control Code. With respect to construction-period transportation, a Construction Transportation Monitoring Plan (CTMP) will be developed by the Department of Design and Construction (DDC) prior to commencement of construction-related activities. A traffic management plan for the project would be developed as part of the CTMP in order to address the effect of construction-related activity on transportation systems and verify the need for implementing construction-related mitigation measures identified in this EIS or additional measures if warranted. The CTMP would be submitted to DOT and OCMC for review and approval and would be an on-going process for addressing the effects of construction. Please refer to the response to Comment 14-1 regarding the City's commitment to ongoing community engagement during the construction period.

Comment 14-5: No significant adverse impacts were identified in the public health analysis in the DEIS. However, air quality is likely to be impacted during the construction phase, as fine particulate matter (at the 2.5 micrometers level) can come from vehicles using diesel fuel such as construction vehicles and buses, which can aggravate asthma and contribute to coughing, lung irritation, chronic bronchitis and cardiovascular hospital admissions. (CB3_016)

Response 14-5: As discussed in DEIS Section 4.14, "Construction-Manhattan," no significant adverse construction-period air quality impacts were identified. The proposed project would incorporate measures to reduce the use of and pollutant emissions from diesel engines, including use of ULSD fuel, and best available tailpipe reduction technologies, and to the

extent practicable the use of newer equipment that meets the USEPA's Tier 4 emission standards and electrification of equipment.

Comment 14-6: Given that the DEIS admits that there are no detailed plans, construction impacts cannot be properly studied. The DEIS should not be finalized until there are plans with which to study. (Pollock_071)

Response 14-6: The construction assessment presented in the DEIS is based on a reasonable worst-case construction schedule developed by a construction management firm with considerable experience on construction projects in New York City and the results presented in the DEIS are representative of the reasonable worst-case potential construction period impacts that could occur for the proposed projects.

Comment 14-7: The Tombs are buildings built rock solid. It would require very drastic measures to deconstruct them. (dynamite?) The resulting pollution would create a smaller scenario to 9/11. (Thom_081)

Response 14-7: Construction activities associated with the proposed project, including demolition activities, would be conducted with the care mandated by the close proximity of sensitive receptor locations to the proposed project. No blasting is anticipated for the construction at the Manhattan Site. As discussed in DEIS Section 4.14, "Construction-Manhattan," no significant adverse construction-period air quality impacts were identified. The proposed project would incorporate measures to reduce the use of and pollutant emissions from diesel engines, including use of ULSD fuel, and best available tailpipe reduction technologies, and to the extent practicable the use of newer equipment that meets the USEPA's Tier 4 emission standards and electrification of equipment.

Comment 14-8: Most alarmingly, it is a menace to public safety to kickstart some 'design and build' projects without due diligence, such as properly assessing the risks of unsafe construction, soil condition, shifting foundations, damage to Canal Street Sewer causing sewer leakage into Chinatown, Tribeca, Little Italy, and Soho, the dangers posed to surrounding buildings, harm to local residents, etc. (Tsai_082, Tsai_742)

Response 14-8: As detailed in DEIS Section 4.7, "Hazardous Materials-Manhattan," a Phase I Environmental Site Assessment (ESA) and a Phase II ESA were performed to evaluate the site conditions at the Manhattan site. As noted in DEIS Section 4.14, "Construction-Manhattan," a variety of measures would be employed to ensure public safety during the construction of the proposed building, including: sidewalk bridges to provide overhead protection; safety signs to alert the public about active construction work; safety barriers to ensure the safety of the public passing by the project

construction areas; flag persons to control construction trucks entering and exiting the project site and/or to provide guidance for pedestrians and bicyclists safety; and safety nettings during the construction of the proposed building as the superstructure work advances upward to prevent debris from falling to the ground. All DOB construction requirements would be strictly followed to ensure that activities at the Manhattan Site would not damage nearby infrastructures.

Comment 14-9: The DEIS describes demolition work to be done with hand tools, bucket attachments, a bobcat and a jackhammer. That description completely ignores the fact that the existing detention building is a multi-story structure with either concrete or steel framework which will require massive cranes for safe demolition and will generate a large amount of debris. (Wilson_060)

Response 14-9: Section 4.14, “Construction-Manhattan,” of the FEIS has been revised to note that a mobile crane would be used for the demolition work. DOB oversees the operation of the crane to ensure safe operation of the equipment. As described in the DEIS, to minimize dust emissions from construction activities, a dust control plan including a robust watering program would be required as part of contract specifications. For example, water sprays would be used for demolition activities to ensure that materials would be dampened as necessary to avoid the suspension of dust into the air.

Comment 14-10: The DEIS fails to state that pile driving will be required as part of the support of excavation (SOE) for construction of the below grade and foundation parts of the project. Pile driving requires use of special heavy construction equipment and generates significant noise, which is ignored in the text of the DEIS. (Wilson_060)

Response 14-10: As described in the DEIS, drill rigs are anticipated to be used for the excavation and foundations activities associated with the proposed project. The DEIS contains a detailed assessment of the magnitude and duration of noise from operation of construction equipment at the project site over the course of the construction of the proposed project as well as construction trucks and worker vehicles traveling to and from the project site. Based on the prediction of construction noise level increments and the duration of CEQR screening threshold exceedances, construction noise associated with the proposed project would have the potential to result in a temporary significant adverse impact at the residential building at 359 Southern Boulevard in the Bronx and at the south and west façades of 239 State Street and the south and east façades of the Kings County Criminal Court in Brooklyn. Source or path controls, including enclosing

the concrete pump and concrete mixer trucks operations and the use of quieter equipment, were considered for feasibility and effectiveness in reducing the level of construction noise at these receptors that have the potential to experience significant adverse construction noise impacts. These measures, if implemented, would partially mitigate the predicted construction noise impacts.

Comment 14-11:

The DEIS discusses construction of “... each of the proposed buildings’ framework” That wording recognizes that the project may include multiple buildings, details of which are unknown at this stage of the design-build project. However it is known that the jail structure is likely to be 27 stories or taller and thus large cranes will be needed. In fact, several cranes are likely to be needed, particularly for more than one structure. The DEIS has a very broad simplified description of complex superstructure construction, particularly since the design is still unknown. (Wilson_060)

The City has stated publicly that there is no construction phasing confirmed for any jail, other than expected start/end years. But this is not true. The DEIS has an anticipated construction schedule, presented in Table 2.15-2. As both applicant and lead agency, the City can’t disavow information in the DEIS that is in public review. There is a timeline; there is a schedule; and the public is reviewing it in print. If it is not right, then change it so that it is right so that people can understand what the timeline is. If there is not one, then the application was not ready to be certified. Please confirm if the above timeline is accurate and if it was accurate when the application was certified. If the Lead Agency believed that there was no timeline for construction, please explain why the application was certified as complete with a timeline the Lead Agency believed was false.

Please discuss sequencing in terms of where inmates will be sent as facilities are being constructed. The existing Manhattan and Brooklyn facilities will be closed during construction. The public was told that the Barge will be closed. Where will inmates be housed when facilities are being closed and new facilities are not yet open? Will temporary facilities be necessary? Where will they be? What will the environmental impacts of any temporary facilities be? (Janes_062)

In light of the DEIS’ forthright admission that “detailed plans for the proposed detention facility and detailed construction logistics...are not known at this time” (DEIS at 4.14-2), the DEIS’ entire construction section has no factual or empirical basis, and general fails to seriously address the potential significant impacts that the project’s construction would cause. (Richmond_069)

Given that the DEIS forthrightly asserts that “detailed plans for the detention facility and detailed construction logistics...are not known at this time”, (see DEIS at 4.14-2), the DEIS’ entire Construction chapter has no factual or empirical basis. Moreover, the DEIS Construction section ignores critical impacts that the Project’s construction would cause. Because, as the DEIS recognizes, Project construction would last more than two years, DOC must prepare a preliminary construction assessment to fully and rationally consider the Project construction’s potential air, open space, socioeconomic, community facilities, land use, neighborhood character, infrastructure, and other impacts. (Richmond_069)

The DEIS asserts that demolition would take 20 months, but we understand that at a February 27, 2019 meeting, DOC essentially conceded it did not fully understand how demolition would be effectuated, stating that it intended to demolish 124 White Street first, and then use that experience to develop a plan for demolishing 125 White Street. In light of the fact that DOC apparently lacks any plan for demolishing these buildings, it has no basis for giving a timeline for demolition. DOC must give this subject far more serious consideration. DOC should also address how a sequential demolition effort (as opposed to the simultaneous demolition of both buildings) impacts timing. (Richmond_069)

The City has not provided the most basic information for the community to understand how the very foundations on which our historic neighborhood is built will be impacted by building a 450-foot jail at 124/125 White Street. Perkins Eastman has provided no information at all about the new foundation for the proposed 450-foot jail at 124/125 White Street. The existing EIS does not provide necessary information about the subsurface conditions under 124/125 White Street and the surrounding area. We need as detailed an analysis of the subsurface conditions and impacts regarding the proposed jail at 124/125 White Street as we have of the above-surface conditions and impacts.

- There is no information to answer the following questions:
- How deep would the foundations need to be built to support a 50-story building at 125 White Street?
- How would digging and building these foundations impact the stability of the foundations of the existing buildings that surround 125 White Street?
- For how large a radius?
- For how large a radius?
- How deep is bedrock?
- How deep is landfill?

What is the construction of the foundations of the surrounding buildings?
(Linday_074)

Response 14-11: The construction schedule presented in the DEIS was developed by a construction manager with considerable experience on construction projects in New York City. This schedule was developed based on the proposed program, project-site-specific information as currently available, industry practice, and construction requirements in New York City. It presents a timeline for the various construction activities and serves as a reasonable basis for evaluating a range of potential impacts from construction activities.

As detailed in the DEIS, based on this information, potential impacts from construction activities were assessed with respect to transportation, air quality, noise and vibration, land use and neighborhood character, socioeconomic conditions, community facilities, open space, historic and cultural resources, and hazardous materials.

Prior to the construction of the proposed detention facilities, the people in detention at existing facilities that are closed would be relocated to Rikers Island until the proposed detention facilities are complete.

Comment 14-12: DOC must also explain how it proposes staging for demolition and construction activities, including but not limited to identifying where it proposes to conduct staging. DOC should identify what streets in the area might be impacted by construction staging, including but not limited to identifying if any streetbeds will be used for staging. DOC should also confirm that it has no intention of using either Collect Pond Park or Columbus Park for construction staging. DOC should also explain where cranes for demolition and construction activities would be located.
(Richmond_069)

Response 14-12: As detailed in DEIS Section 4.14, "Construction-Manhattan," based on preliminary construction logistics, construction staging for the proposed detention facility would be located on both the east and west sides of the project site along Baxter Street and Centre Street, respectively. Maintenance and Protection of Traffic (MPT) plans would be developed for any required temporary sidewalk, lane, and/or street closures to ensure the safety of the public passing through the area and construction workers. Approval of these plans and implementation of the closures would be coordinated with DOT's OCMC. Collect Pond Park and Columbus Park are not anticipated to be used for construction staging for the proposed project. Based on the preliminary construction logistics plan, the two tower cranes would be located near the center of the project site.

- Comment 14-13:** While the DEIS indicates that dewatering may be necessary for Project construction, the DEIS lack any analysis of whether area infrastructure is capable of handling the volumes of water that would be associated with dewatering. (Richmond_069)
- The DEIS indicates in another section that dewatering may be necessary for Project construction, but the DEIS lack any analysis of: (i) how dewatering would be implemented; (ii) how such an effort would affect construction timing; (iii) whether area infrastructure is capable of handling the volumes of water that would be associated with dewatering, and (iv) how dewatering could impact the structural integrity of other sites, streets, and buildings in the area. (Richmond_069)
- Response 14-13:** Any necessary dewatering that may occur during construction would be conveyed to the sewers connected to the Newtown Creek WWTP. As detailed in DEIS Section 4.8, “Water and Sewer Infrastructure - Manhattan,” if dewatering were to be necessary for the proposed construction, water would be discharged to sewers in accordance with DEP requirements.
- Comment 14-14:** What studies have been done on the underground water flowing beneath 80 Centre St and the surrounding areas within a 1000 sq. ft. radius? Provide all the studies on the underground water flowing beneath said surrounding area. What impact will pile driving have on the surrounding buildings, streets, infrastructure? How deep will the piles be driven for 124-125 White St.? (Sung_064)
- DOC should indicate if it has ascertained that there are any underground streams beneath or in the vicinity of the Site. The presence of a natural resource on the Site, such as a stream system, may trigger the need to prepare a natural resource assessment. (Richmond_069)
- Response 14-14:** Groundwater was encountered at approximately 18 to 23 feet below grade during investigations for Phase II Environmental Site Assessment of the Manhattan Site. As described in DEIS Section 4.14, “Construction-Manhattan,” because construction of the proposed project would not have the potential to result in vibration at a level that could result in architectural or structural damage to adjacent buildings and because construction would result in vibration at a level that would have the potential to be noticeable or annoying only for limited periods of time, there would be no potential for significant adverse vibration impacts from the proposed project. Piles are anticipated to be drilled at the Manhattan Site and the depth of the piles will be determined once geotechnical studies are completed during the design phase of the proposed project.

Once a stream is filled in or under-grounded, it no longer provides habitat to support plants, wildlife or other organisms and would not meet the definition of a natural resources in the *CEQR Technical Manual* of: (1) the City's biodiversity (plants, wildlife, and other organisms); (2) any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and (3) any areas capable of functioning in support of the ecological systems that maintain the City's environmental stability.

DEIS Section 4.7, "Hazardous Materials - Manhattan," discusses groundwater elevation and quality within the Manhattan site.

Comment 14-15: The DEIS' projection of the number of construction workers required for the project site has no empirical basis. As such, all discussions regarding the traffic, transit, and other impacts that would be caused by construction workers in the DEIS lacks a rational basis. (Richmond_069)

Response 14-15: The construction schedule and the construction worker estimates presented in the DEIS were developed by a construction manager with considerable experience on construction projects in New York City. This schedule was developed based on the proposed program, project-site-specific information as currently available, industry practice, and construction requirements in New York City. It presents a timeline for the various construction activities and serves as a reasonable basis for evaluating potential transportation impacts from construction activities.

Comment 14-16: The DEIS fails to consider the cumulative impacts of Project construction and the construction of other City-sponsored construction projects in the area. We understand, for example, that the City is now undertaking the Worth Street Roadway Reconstruction, which has had a significant adverse impact on the traffic in the affected area, including along Worth Street, Centre Street, and Canal Street. The City must consider whether this and/or other City-sponsored construction projects will be ongoing simultaneous with Project construction, and what the cumulative impacts will be. (Richmond_069)

Response 14-16: The DEIS does address cumulative impacts where appropriate. The DEIS analyses account for appropriate growth factors and other specific development projects in the study area in all relevant analyses. With regard to the infrastructure project on Worth Street, construction is scheduled to be completed approximately one year before construction work on the Manhattan Site is anticipated to commence (March 2022). Therefore, no cumulative construction impacts would be expected to occur.

Comment 14-17: The DEIS recognizes that because the Site is almost certainly encumbered by “unstable soils” as the “result of filling in the Collect Pond,” significant pile driving would be required. The DEIS, however, contains no analysis of how long this pile driving would take place, what its noise impacts would be, how these noise impacts would impact vulnerable populations such as those who reside at Chung Pak, how these noise impacts would affect socioeconomic conditions (including but limited to residential and business displacement), how pile driving would impact historic and cultural resources, or how it would impact neighborhood character. (Richmond_069)

Response 14-17: Potential impacts from construction activities were assessed with respect to transportation, air quality, noise and vibration, land use and neighborhood character, socioeconomic conditions, community facilities, open space, historic and cultural resources, and hazardous materials and are presented in DEIS Section 4.14, “Construction-Manhattan.” The construction assessment included an analysis of potential noise impacts from operation of construction equipment, including pile drilling equipment, on nearby receptor locations over the course of the construction of the proposed project. Construction of the proposed project would be expected to have the potential to result in elevated noise levels at nearby receptors, and noise due to construction would at times be noticeable. However, noise from construction would be intermittent and of limited duration, and total noise levels would be in the “marginally acceptable” or “marginally unacceptable” range. Consequently, noise associated with the construction of the proposed project would not have the potential to rise to the level of a significant adverse noise impact. The proposed project would also not result in significant adverse socioeconomic and neighborhood character impacts.

With the proposed project, the demolition of 125 White Street would result in the potential for a significant direct adverse impact on the Manhattan Criminal Courts Building and Prison at 100 Centre Street. The Applicant would be required to develop, in consultation with LPC, appropriate measures to partially mitigate the potential for adverse impact. The proposed project would also result in the potential for significant adverse indirect impacts on the Criminal Courts Building at 100 Centre Street due to the proposed demolition of the Prison building (Manhattan Detention Complex [MDC] South Tower) at 125 White Street, which is a contributing element of the Criminal Courts Building and Prison architectural resource. As part of the mitigation measures that would be developed to partially mitigate the potential for adverse impact, consultation would be undertaken with LPC regarding the design of the new detention facility and how it would connect via pedestrian bridges to the north façade of 100 Centre Street.

- Comment 14-18:** We are limiting ourselves to one comment: the impact of long-term demolition, construction and possible relocation on the health of older adults in Chinatown should be taken into consideration when coming to a decision on the Uniform Land Use Review Procedure (ULURP) and plan for the borough-based jail in Manhattan. Construction activities may necessitate the relocation – planned or otherwise – of residents living in adjacent buildings. Relocation threatens people’s sense of control and comfort, and may reduce environmental access to essential components of healthy aging. Involuntary relocation and displacement, especially in later life, are well-known predictors of depression, anxiety and deterioration in mental health. (Kwon_779, (Kwon_779, Lee_063), Richmond_069)
- DEIS does not address specific Demolition and Construction issues requiring mitigation, especially due to the adjacent senior housing. More detail needs to be contributed by the consulting construction manager. (Freid_061)
- The demolition of the old jail and construction of this huge replacement could threaten the physical stability and the foundation of our building. (Lai_TS1_827)
- What effect will demolition and construction have on seniors who will be trapped for a decade during who knows what is going to be built. (Lee_TS2_852)

- Response 14-18:** Construction of the proposed project would result in temporary disruptions in the surrounding area. The construction impact assessment presented in DEIS Section 4.14, “Construction-Manhattan,” evaluated the duration and severity of the disruption and inconvenience to the residents in neighboring buildings as well as those in the surrounding community. As presented in the DEIS, construction of the proposed project would not result in a significant adverse impact in the areas of transportation, air quality, noise and vibration, land use and neighborhood character, socioeconomic conditions, community facilities, open space, and hazardous materials. As is typical with construction projects in NYC, measures would be taken to reduce air pollutant emissions during construction as required by laws, regulations, and building codes. These measures would include dust suppression measures, idling restrictions, use of ultra-low sulfur diesel (ULSD) fuel, and best available technologies (BAT), and to the extent practicable the use of newer equipment that meets the United States Environmental Protection Agency (USEPA)’s Tier 4 emission standards and electrification of equipment. In addition, the project sponsor has committed to additional noise control measures (i.e., the use of quieter equipment) beyond the minimum required by code in order to reduce potential noise effects on

the surrounding receptors. Furthermore, a variety of measures, including Maintenance and Protection of Traffic plans would be implemented to ensure public safety, including residents in neighboring buildings, during the construction of the proposed building and all DOB safety requirements would be strictly followed and construction of at the Manhattan Site would be undertaken to ensure the safety of the community and the construction workers themselves. Construction at the Manhattan Site would not necessitate the relocation of residents who currently reside in neighboring buildings.

Comment 14-19: It is estimated that the process of removal of this structure down to foundation level will take in excess of 2 years from the time the scaffolding goes up until the building is down to grade level. This is a revised time line predicated upon NYC DDC statements during the meeting of 2/27/19, that they intend to demolish 124 White Street first, and then use the experience gained on that project to develop a plan for dismantling 125 White Street. This admission on the part of DDC is revelatory and concerning. First because it indicates that DDC does not have confidence in, or a cogent methodology worked out for demolition of 125 White due to its technical challenges. Second, the time line has been revised by us to reflect a sequential demolition as opposed to a simultaneous demolition, as was originally assumed. If they were done simultaneously it would be theoretically possible to do the demolition in 1 year, but unlikely. Subgrade structures (basement) probably exist, removal of these sections will add months to that time. It is doubtful any existing foundation is reusable. (Lee_063, Richmond_069)

Response 14-19: The construction schedule presented in the DEIS was developed by a construction manager with considerable experience on construction projects in New York City. This schedule was developed based on the proposed program and project-site-specific information, as currently available. Since the issuance of the DEIS and in response to public comments, the City has been evaluating and refining the design and programming for each of the proposed detention facilities and the construction schedules presented in the FEIS have been updated to reflect these refinements.

Comment 14-20: In our industry it is considered fast to produce 1 floor of structure per week. At a bare minimum this building super structure will require 53 weeks (a bit more than a year) to do. However, this milestone is only achievable in the private sector, generally by working 7am-6pm (or later), 6 days a week. It is more plausible from experience that this structure will require 1.5-2 years just for concrete operations in the public sector. It should be noted that at the 3/6/19 meeting DDC executives cited a 3-year

concrete superstructure time line, contradicting their earlier shorter 1 year projections. Logistically for the over all structure construction there will need to be no less than about 15,300 trucks coming to the site and leaving (by NYC DOT measurement parlance, a minimum of 30,600 discrete truck trips). (Lee_063, Richmond_069)

Response 14-20: The construction schedule and truck estimates presented in the EIS were developed by a construction manager with considerable experience on construction projects in New York City. This information was developed based on the proposed program and project-site-specific information, as currently available.

Comment 14-21: How will the process of removing the foundation under the existing jail at 125 White impact the stability of the foundations of the existing buildings that surround 125 White Street? (Linday_074)

Response 14-21: As discussed in DEIS Section 4.14, “Construction-Manhattan,” because construction of the proposed project would not have the potential to result in vibration at a level that could result in architectural or structural damage to adjacent buildings and because construction would result in vibration at a level that would have the potential to be noticeable or annoying only for limited periods of time, there would be no potential for significant adverse vibration impacts from the proposed project. All DOB safety requirements would be strictly followed and construction of at the Manhattan Site would be undertaken to ensure the safety of the community and that the stability of the foundations of nearby existing buildings would not be impacted.

Comment 14-22: The DEIS is incorrect in stating there are no residential units in the immediate area. There is a senior housing development directly adjacent to the site as well as low-rise tenement style buildings with dwelling units above the ground floor. More analysis is needed to determine the impacts of this development on the residential units, overall public health, as well as the surrounding businesses, as noise and dust are likely impacts as well as traffic closures. (Brewer_072)

Response 14-22: The construction assessment presented in DEIS Section 4.14, “Construction-Manhattan,” did consider the potential effects of the proposed project’s construction activities on nearby public institution and residential uses, including the 13-story residential building with senior housing units located on the block immediately to the north of the project site and the mixed-use, five- to seven-story commercial and residential buildings to the east of the project site. The analysis concluded that construction activities at the proposed Manhattan Site would not have the potential to result in significant adverse impacts with respect to

transportation, air quality, noise and vibration, land use and neighborhood character, socioeconomic conditions, community facilities, open space, and hazardous materials. Measures would be taken to reduce air pollutant emissions during construction as required by laws, regulations, and building codes. These measures would include dust suppression measures, idling restrictions, use of ultra-low sulfur diesel (ULSD) fuel, and best available technologies (BAT), and to the extent practicable the use of newer equipment that meets the United States Environmental Protection Agency (USEPA)'s Tier 4 emission standards and electrification of equipment. In addition, the project sponsor has committed to additional noise control measures (i.e., the use of quieter equipment) beyond the minimum required by code in order to reduce potential noise effects on the surrounding receptors.

Comment 14-23: The DEIS omits any mention of the massive, complex, sprawling KGIP highway construction that began in late 2010 and is now in Stage 3 with no end in sight. This highway construction is in exactly the same vicinity as the proposed jail in Kew Gardens. (Picot_066)

Response 14-23: Phase III of the Kew Gardens interchange project in the vicinity of the proposed project is expected to be substantially complete before the proposed project commences construction and would not have the potential for cumulative impacts.

TRANSPORTATION

Comment 14-24: One of the most disruptive conditions in construction can be caused by staging. This is clearly a difficult area to stage trucks—the current plan of staging on both the east and west sides of the project site along Baxter and Centre Streets does not appear to be adequate for the anticipated scale of the project, which at peak would include nearly 30 trucks daily in the most conservative estimate.

The DEIS describes the highest impact hours at 6:00 am to 7:00 am but in reality staging may start much earlier than 6:00 am (such as a cement pouring for many hours that must be completed in one day), and staging with a high volume of trips may and does often last until much after 7:00 am. The streets and intersections adjacent to the construction site are already congested and this will be exacerbated by the necessary street closures. At peak times there will be over 1,000 workers in the area. To mitigate traffic and congestion impacts, it is imperative that workers not just be prohibited from parking on site, but not be allowed to bring personal vehicles into the area at all. (CB3_016)

Response 14-24: Truck staging and access plans would be reviewed by DDC, DOT and OCMC for approval. As part of the CTMP, DDC, in coordination with DOT would identify and implement routine traffic control measures to address potential disruptions associated with construction activity. It should be noted that construction truck trips, are typically staggered throughout the day. Regarding prohibitions on personal vehicles, please refer to the response to Comment 9-1.

Comment 14-25: Describe the impact and what will be done to prevent such impact on the demolition and construction on the subway system beneath 124 - 125 White St. (Sung_064)

Response 14-25: New York City Transit (NYCT) along with other agencies will review plans for the site as warranted. If a project involves subsurface construction within 200 feet of a subway structure, NYCT must issue an approval for construction activities before a construction permit for excavation or construction involving in-ground disturbance for the project area can be issued by the Department of Buildings (DOB). Through this approval process, NYCT's Outside Projects office requires the applicant to demonstrate that there would not be a negative effect on its facilities, either during construction or afterward. The nature of this review process depends on the characteristics of both the transit facilities in question and the scope of construction being proposed. Typically, this includes the submission of drawings indicating areas of excavation and construction and a description of construction activities such as bracing of subway station walls and pile driving that could have the potential to result in vibrations.

Comment 14-26: The DEIS states that because this is a design build project, the traffic impacts cannot be evaluated. They then state that the city has committed to a "robust Construction Transportation Monitoring Plan. " There is no explanation of what actions will be taken should the monitoring plan reveal adverse impacts. Thus the true impacts on the surrounding communities cannot be evaluated, contrary to the intent and requirements of ULURP. (Wilson_060)

The DEIS states that because this is a design build project, pedestrian impacts cannot be evaluated. Thus the true impacts on the surrounding communities cannot be evaluated, contrary to the intent and requirements of ULURP. (Wilson_060)

The DEIS states that " ... potential traffic impacts during peak construction are expected to be within the envelope of significant adverse traffic impacts " That statement which the authors clearly meant as a clever disguise for an adverse condition is followed by another statement

that potential areas of adverse impact and disruptions " would be included in the robust Construction Transportation Monitoring Plan that would be initiated at the start of construction. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time the level of specificity necessary to quantify the extent to which traffic operations would be disrupted as a result of street network excess accommodations requested to facilitate the construction effort cannot be made at this time." These statements indicate that the DEIS for this design-build project has been constructed with assumptions that the authors themselves admit cannot be evaluated. Thus, the whole process of reviewing the DEIS fails to meet the intent of ULURP, which is to allow communities to assess the real impact of a project on the community. (Wilson_060)

The DEIS ignores the fact that the route of pedestrians from Briarwood to the Independent subway E and F trains at the Union Turnpike station is to cross the Van Wyck Expressway on the pedestrian bridge and then walk along 82nd Avenue through the proposed project site to reach Queens Boulevard. That route will be eliminated during construction and permanently thereafter. That is a serious permanent adverse impact for pedestrians, who will have to take a longer route to and from their daily transportation.

The DEIS states that the pedestrian traffic will exceed the *CEQR Technical Manual* guidance at many locations. It further states that, since detailed construction logistics are not known at this time, specific impacts cannot be evaluated. Once again, the DEIS refers to the "robust Construction Transportation Monitoring Plan" which by its name alone implies that the impacts will become known during construction, but no commitments are made to avoid or mitigate those impacts. Again this is not the intent of ULURP, which is designed to allow communities to assess the impact of a project. (Wilson_060)

Response 14-26:

The applicant is committed to minimizing the level of disruption potentially caused by construction activity at the project sites. As part of the CTMP, an assessment of traffic and pedestrian conditions would be made in coordination with the NYCDOT and its Office of Construction Mitigation and Coordination (OCMC) as necessary in order to identify routine traffic control measures that could address potential disruptions. This monitoring plan would allow city agencies to more effectively manage potential disruptions as they come about during the construction process.

Comment 14-27:

The DEIS states that construction workers are generally prohibited from parking their vehicles on site during the construction period. Later sections describe the expected large numbers of workers who will arrive in personal cars. Where will they park? See discussion of the new garage below. (Wilson_060)

The DEIS parking analysis fails to recognize that essentially all of the on-street parking in Kew Gardens, Forest Hills and Briarwood is occupied during the course of the day. There are no parking spaces available on a consistent basis to be used by construction workers. If construction workers arrive at 5 or 6 AM in order to secure a street spot, they will displace those people who come to this neighborhood during the day for other legitimate purposes such as business at Borough Hall or attending procedures at Queens County Criminal Court, as well as commuting on the subway. The statements in the DEIS are very misleading and portray an unrealistic picture of parking available in Kew Gardens, Briarwood and Forest Hills now.

The assumption in the DEIS is that a new parking garage will be completed as a first task, which will provide spaces for construction workers. That sequence has not been determined by the design-build team.

The existing parking lot on the project property is fully occupied during the day. In addition, there are well over 100 cars daily parked end-in to the curb along 82nd Avenue, 132nd Street and 126th Street in spaces designated by permit for Department of Correction, NYSJ and Department of Transportation vehicles. All of those vehicles will be displaced during the early years of construction. The DEIS estimates that construction workers will add 40 to 50 cars to the parking load (Table 5.14-3) within the first two years, on top of those displaced from the parking lot and permit street parking. All of those will be seeking on-street parking rather than parking in expensive private garages. Thereafter, the DEIS (Table 5.14-3) assumes that some 570 construction workers driving cars will pay the parking fee in the new garage. (Table 5.14-4 shows 618 at the peak).

That is unrealistic and will undoubtedly result in long term unacceptable impact on street parking in the surrounding neighborhoods.

How many construction workers who drove to the Ballets Point project paid for parking? (Wilson_060)

Response 14-27:

Per *CEQR Technical Manual* guidelines, a detailed assessment of the potential for construction-related impacts is conducted for the peak construction period. Construction workers are generally prohibited from parking within the construction site. The detailed parking assessment

included in Section 5.9, reflects the difficulties mentioned in searching for available on-street parking the comment is referring to. While the use of alternative travel modes is preferred, it is not unbeknownst to the applicants that workers may still rely on driving to work for various reasons. To address the issue of parking, the project will include a below grade garage that would be accessory to the detention facility (dedicated to staff-only) as well as a separate stand-alone garage that is to be used by the public. This stand-alone public parking garage will be constructed in the early stages of construction in order to minimize the timeline where potential disruptions to public parking availability may occur. All matters regarding pricing for this garage is under the jurisdiction of NYCDOT and not the applicant.

Comment 14-28: The demolition/construction noise, diminished/toxic air quality, traffic congestion, etc. will further repel commerce and foot traffic to the area. (Chin_507)

Response 14-28: Comment noted.

Comment 14-29: The adverse impacts associated with the disruption of traffic and pedestrian flow as the result of the project's construction are of obvious public importance. Such disruption could, inter alia, result in substantial residential and/or business displacement. The businesses along Baxter Street, for example, stand to be tremendously adversely impacts by the construction of the project, and have a right to understand the potential impact and to review and comment upon any measures aimed at avoiding and/or mitigating these impacts. DOC must explain how vehicular and pedestrian traffic along Baxter Street, Centre Street, Bayard Street, and White Street will be affected by project-related demolition and construction activities, including but not limited to describing any proposed lane closures and their duration. (Richmond_069)

Response 14-29: The EIS includes a discussion of the preliminary construction logistics (e.g., site access points and potential staging area locations) at the Manhattan site. A detailed Maintenance and Protection of Traffic (MPT) plan will be developed as the project design and construction planning efforts advance. These MPT plans are subject to stringent review, stipulation, and enforcement by NYCDOT's Office of Construction Mitigation and Coordination. An addition, an updated assessment of traffic conditions will be made as part of a CTMP that would be initiated at the start of construction for the project work area. The identification and implementation of routine traffic control measures to address potential disruptions will be included in the CTMP.

Comment 14-30: The DEIS does not—because it cannot in light of the lack of basic information pertaining to Site conditions—set forth any rational explanation of construction-related traffic impacts. The traffic projections provided do not appear to take into account the extensive efforts that would be required to demolish the existing buildings at 124 and 125 White Street. DOC should explain how demolition would be effectuated using six trucks a day. (Richmond_069)

Response 14-30: As stated in the EIS, a robust Construction Transportation Monitoring Plan that would be initiated at the start of construction for the project area. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which traffic operations would be disrupted as a result of street network access accommodations requested to facilitate the construction effort cannot be made at this time. As the design-build process is initiated, an updated assessment of traffic conditions would be made in coordination with the New York City Office of Construction Mitigation and Coordination (OCMC) and the New York City Department of Transportation (DOT) as necessary in order identify feasible measures that could mitigate any potential disruptions. The construction schedule presented in the DEIS was developed by a construction manager with considerable experience on construction projects in New York City. This schedule was developed based on the proposed program and project-site-specific information, as currently available. It presents a timeline for the various construction activities and serves as a reasonable basis for evaluating a range of potential impacts from construction activities.

Comment 14-31: The DEIS improperly seeks to shield from public scrutiny the construction impacts on pedestrian activity, irrationally asserting that “an assessment of pedestrian conditions would be made in coordination with OCMC and DOT as necessary in order to identify feasible measures that could mitigate these potential disruptions” (see DEIS at 4.14-12). Because the DEIS lacks the information needed to determine “any necessary street or sidewalk closures,” its entire discussion of construction-related pedestrian impacts lacks a rational basis. Because the DEIS lacks basic information, such as construction logistics and any necessary street or sidewalk closures, its entire discussion of construction-related parking impacts lacks any rational basis. DOC must detail what roads and sidewalks in the area will be close or otherwise impacted by construction and for how long. (Richmond_069)

Response 14-31: As the design-build process is initiated, an updated assessment of traffic conditions would be made in coordination with city agencies as necessary

in order to identify feasible measures that could mitigate any potential disruptions. This assessment would be made as part of a CTMP that would be initiated at the start of construction.

NOISE

Comment 14-32: Per the DEIS, Columbus Park will be impacted by noise, with noise levels potentially elevated to the "marginally unacceptable" range. This is already a very densely used park, especially by seniors at nearby facilities, and is the major park in the area, and will experience increased use during construction. Mitigations for this park should include the priorities that have been pending for years, beginning with addressing long-standing capital budget. (CB3_016)

Provide a detailed study on the noise that the construction and operation of the MBBJ will have on the surrounding population within a 1 mile radius of the site. (Sung_064)

Response 14-32: The DEIS included a detailed analysis of construction noise and the projected intensity and duration of construction noise were considered consistent with guidance for construction noise analysis included in the *CEQR Technical Manual*. As discussed in FEIS Section 4.14, "Construction-Manhattan," construction of the proposed project would result in potential total noise levels in the low 70s dBA, which is typical for many comparable locations in Manhattan, and the exceedances of the *CEQR Technical Manual* construction noise screening thresholds would have the potential to occur for a limited period of time at Columbus Park (i.e., 10 months). Consequently, noise resulting from construction of the proposed project would not have the potential to result in significant adverse impact at this receptor.

Construction of the proposed project would be required to follow the requirements of the New York City Noise Control Code (also known as Chapter 24 of the Administrative Code of the City of New York, or Local Law 113) for construction noise control measures. Additionally, the City has committed to additional noise control measures beyond the minimum required by code in order to reduce potential noise effects on the surrounding receptors. Specific noise control measures would be incorporated in noise mitigation plan(s) required under the New York City Noise Code.

Comment 14-33: The predicted noise levels during construction contained in the DEIS are sufficiently high such that the Project would cause potential significant noise impacts on occupants of Chung Pak, school children, and small businesses around the site. Rather than forthrightly identify the

magnitude of the significant adverse impacts during a lengthy construction period, the DEIS masks the actual impacts by discounting the noise levels based upon construction noise control measures even though those supposed measures impossible to enforce, and would only be where “practical and feasible” and “logistics allow.” How, for example, will DOC ensure that contractors and subcontractors properly maintain their equipment and mufflers? Who determines whether it is feasible and practicable to use electrically powered equipment or diesel? How will the three-minute idling rule be enforced? (Richmond_069)

Response 14-33: The DEIS included a detailed analysis of construction noise and the projected intensity and duration of construction noise were considered as is consistent with guidance for construction noise analysis included in the *CEQR Technical Manual*. The projected intensity and duration of construction noise at this receptor was determined not to rise to the level of a significant adverse impact. The City is committed to implementing the noise reduction measures and emission control measures to the extent practicable and feasible. These commitments would be part of the Design-Build contract requirements with the proposed project.

Comment 14-34: The DEIS further attempts to mask actual noise impacts by tortured reasoning that generically concludes without any empirical data that “demolition activity at a distance further than 45 feet [from Chung Pak] would result in noise level increases that would be considered barely perceptible” (DEIS at 4.14-22). This tortured reasoning is the purported basis for the conclusion that a five-year construction period will result in only eight non-consecutive months of noise impacts that exceed CEQR construction noise screening thresholds, and that noise resulting from construction the Project would not have the potential to result in a significant adverse impact on Chung Pak. (Richmond_069)

Response 14-34: The DEIS construction noise analysis discusses the reduced levels of construction noise during work at greater distances from the receptor to illustrate that construction noise levels fluctuate throughout the construction period and during each construction task. This is consistent with the *CEQR Technical Manual* directive to consider both intensity and duration of construction noise. The projected intensity and duration of construction noise at this receptor was determined not to rise to the level of a significant adverse impact.

Comment 14-35: The DEIS vibration analysis fails to take into account all historic and cultural resources within 90 feet of the Project Site, which are afforded special protections by DOB TPPN #10/88. As recognized elsewhere in the DEIS, the 90-foot zone protecting designated Adjacent Historic

Structures extends into the Chinatown and Little Italy Historic District, including several buildings along Baxter Street directly across from the Site. The DEIS errs in asserting that “the potential for vibration levels...would not be expected to exceed 0.5 in/sec PPV,” including during “pile/lagging installation activities” and that these impacts “would occur at least 58 feet from any existing structures” (DEIS at 4.14-26). First, Table 4.12-9 indicates that the upper range for pile driver impact is 1.518 in/sec PPV, and that the typical impact is 0.644 in/sec PPV, which both exceed 0.5 in/sec PPV. As such, by the DEIS’ own admission, pile driving on the Site would appear to violate TPPN #10/88. DOC must explain how the Project could be developed on this Site without violating TPPN #10/88. Related to this, the DEIS also fails to disclose how protected Adjacent Historic Structures would be monitored for movements or cracking during construction, much less what actions would be taken in movements or cracking is discovered during construction. Second, the “58 feet” reference is immaterial, again, as recognized elsewhere in the DEIS, the relevant distance is 90 feet, and there are protected Adjacent Historic Structures in this range. As such, its analysis and consideration of mitigation measures is irrational in this regard. (Richmond_069)

The DEIS expects no adverse vibration affects. That broad statement ignores the need to drive piles for Support of Excavation (SOE) and avoids the issue of the unknown demolition techniques which the design builder will employ. (Wilson_060)

Response 14-35:

The DEIS includes a quantitative analysis of construction vibration assuming worst case equipment operating on each project site. The analysis accounts for all equipment expected to operate on each site as determined in consultation with a Construction Manager with experience constructing buildings of comparable size in New York City. The analysis determined that vibration levels would not have the acceptable threshold for historic buildings as specified in the DOB *TPPN #10/88* at locations at least 58 feet from the project site. Notwithstanding this conclusion, the project would still be subject to the requirements of *TPPN 10/88*, including vibration monitoring at all historic structures within 90 feet of subsurface construction to ensure that construction vibration does not exceed the acceptable threshold at these receptors. The vibration levels included in Table 4.12-9 of the DEIS reference levels at a distance of 25 feet from the equipment. As described in the DEIS, these levels were projected to other distances from the site assuming standard drop-off of vibration levels. The projected vibration levels were the basis for the conclusion that structures at least 58 feet from the project site would not experience vibration levels above the acceptable threshold for historic buildings.

Comment 14-36: A noise and dust mitigation plan will be filed prior to permits being issued for the work. They are largely pro forma and under the topic of noise, the remedy listed is often ‘use least noisy version of x tool’. The problem is this is subjective and largely rubber stamped and seldom enforced. The least noisy version of any of these tools are still really, really loud, (see table above). Even a quiet jack hammer is still a jack hammer. The DEIS states that:

Noise and Vibration

Construction of the proposed project would be expected to have the potential to result in elevated noise levels at nearby receptors, and noise due to construction would at times be noticeable. However, noise from construction would be intermittent and of limited duration, and total noise levels would be in the “marginally acceptable” or “marginally unacceptable” range. Consequently, noise associated with the construction of the proposed project would not have the potential to rise to the level of a significant adverse noise impacts.

The characterization of intermittent is misleading. If “intermittent” means 10 hours a day, 5-6 days a week, for several years then it would be an accurate statement. If by “marginally acceptable or marginally unacceptable”, they mean at the threshold of causing permanent hearing loss, then they are accurate. The author of the DEIS assessment has either no practical connection to or understanding of what happens on a large-scale demolition and construction site, or they are untruthful. There is no practical way to make most any of the necessary operations anything else but loud without concurrently rendering them ineffective. (Lee_063, Richmond_069)

Table 5.14-10 does not include one of the noisiest pieces of construction equipment, a pile driver, which will be needed as a minimum for Support of Excavation (SOE) construction. It also omits specialized demolition equipment which will be needed to demolish the existing multi-story House of Detention. (Wilson_060)

Response 14-36: The noise levels assumed for the construction equipment are based on New York City Noise Code Limits, as described in Chapter 22 of the *CEQR Technical Manual* for individual pieces of construction equipment. The number and types of equipment used for each site, along with the schedule used for construction, were developed by a construction manager with experience building projects of comparable size in New York City. Use of the term “intermittent” indicates that the noise level would not occur for each hour of every day during the construction period.

Comment 14-37: The DEIS claims that construction noise will only affect the buildings on State Street to the North of the site. 87 Smith is 90' from the site and can hear conversations from detainees in the roof recreation area. The DEIS should be redone to accurately estimate the noise effects on the surrounding buildings. (Pollock_071)

Response 14-37: The DEIS included a detailed analysis of noise based on the procedures included in the *CEQR Technical Manual* and compared projected noise levels to the *CEQR Technical Manual's* impact criteria. The noise levels were found to rise to the level of a significant adverse impact only at the south and west façades of 239 State Street and the south and east façades of the Kings County Criminal Court. At other locations, construction may be noticeable and may reach the "marginally acceptable" or "marginally unacceptable categories" at times, but the projected intensity and duration of noise at these locations would not rise to the level of a significant adverse noise impact. Existing noise levels at several locations proximate to each project site are in the "marginally acceptable" to "marginally unacceptable" range.

Comment 14-38: This section of the DEIS does discuss pile driving, which is absent from prior sections. They conclude that the expected vibration level will be less than that normally considered damaging to architectural structures in good condition. Vibrations will, however, be felt by occupants of adjacent structures including occupants of Queens Borough Hall, occupants of the Queens County Criminal Courthouse and residents and business owners in the surrounding properties in Kew Gardens, Briarwood and Forest Hills. Human perception of objectionable vibration occurs at a much lower vibration level than that which will cause architectural damage. (Wilson_060)

Response 14-38: The project would use drilled piles and not include any impact pile driving, resulting in less noise and/or vibration during pile installation. The DEIS does acknowledge that vibration during pile installation could be perceptible within approximately 550 feet of the site. However, the operation would only occur for limited periods at a particular location and therefore would not have the potential to result in any significant adverse impacts.

Comment 14-39: How will an 8 foot fence reduce or mitigate noise from the demolition of the multi-story existing House of Detention? How will an 8 foot fence mitigate noise from construction above the first floor of a 27+ story new jail structure? (Wilson_060)

Response 14-39: An 8-foot perimeter construction fence is a requirement of the New York City Noise Control Code. While it would be less effective in reducing

noise from elevated sources or at elevated receptors, it provides benefit to lower receptors that would be closest to at-grade or below-grade construction activity, including excavation and foundation, which are typically the loudest phases of construction.

MITIGATION

Comment 15-1: We need a plan to prevent negative impacts of the proposed project. As part of the mitigation for impacts to the community, upgrades to Columbus Park should be made in consultation with residents. (Brewer_051)

Response 15-1: Mitigation measures for the proposed project at the Manhattan Site are identified in DEIS Section 4.15, "Mitigation-Manhattan." No significant adverse impacts were identified on Columbus Park; therefore, no specific mitigation measures for Columbus Park are proposed. Construction of the proposed project would include noise reduction measures and emission control measures which would avoid potential construction noise and air quality impacts to Columbus Park.

Comment 15-2: The DEIS states that: "Therefore, construction of the proposed project may result in unmitigated significant adverse noise impacts at the residential building at 359 Southern Boulevard." What sort of mitigation measures and/or compensation is proposed for the residents at 359 Southern Boulevard? (Janes_062)

Response 15-2: As discussed in FEIS Section 2.16, "Mitigation-Bronx," source or path controls beyond those already identified in Section 2.15, "Construction-Bronx," were considered for feasibility and effectiveness in reducing the level of construction noise at the receptors that have the potential to experience significant adverse construction noise impacts. These measures may include enclosing the concrete pump and concrete mixer trucks at any time that the mixer barrels would be spinning in a shed or tunnel including two or three walls and a roof, with the opening or openings facing away from receptors. Additionally, selecting quieter equipment models for cranes, generators, compressors, and lifts may result in a reduction in noise levels from construction during superstructure and subsequent phases. These measures, if implemented, may partially mitigate the predicted construction noise impacts, because there would still be times when construction of the proposed project may result in exceedances of acceptable noise levels at these receptors. Therefore, construction of the proposed project may result in an unmitigated significant adverse noise impact at the residential building at 359 Southern Boulevard.

Comment 15-3: DOC has not thought through mitigation and states that “[m]easures to further mitigate the potential adverse impacts will be refined and evaluated between the Draft and Final EIS” (DEIS at 4.15-1). The very few mitigation measures contained in the DEIS are half-baked, at best, and supposedly “will be determined” after further investigation and consultation with various agencies and board, outside of the public eye. The omission of actual mitigation is inimical to the purposes of SEQRA, i.e., the full public disclosure of impacts and proposed mitigation and an opportunity for the public to comment thereon. DOC must supplement the DEIS to, among other things, provide mitigation measures that will be subject to public review. In addition, the City’s commitment to mitigation must be embodied in a recorded declaration to ensure that such measures will be implemented and not taken back by the City. (Richmond_069)

Given the lack of planning and detail it is impossible to consider any of the mitigation options presented. The DEIS should not be finalized and mitigation measures should be considered once a specific plan is proposed. (Pollock_071)

Response 15-3: Under CEQR, it is acceptable to present a range of potential mitigation measures for public review and comment in a DEIS. The City is committed to implementing the mitigation measures identified in the FEIS as part of the implementation of the proposed project. Further, commitments would be part of the Design-Build contract requirements for the proposed project.

Comment 15-4: All proposals and mitigations presented here must be formally memorialized in order to ensure they are acted on as a condition of any project approvals and permitting. Were the project to be approved, this should begin by including all relevant recommendations as conditions in the City Planning Commission report and the City Council ULURP resolution, as well as in restrictive declarations that run with the land to bind the owner to particular commitments to mitigating actions and to control future uses and alterations. (CB3_016)

Response 15-4: Mitigation measures would be subject to monitoring and enforcement by the City, as appropriate. Construction mitigation measures would be required of the future design-build contractor by the City. If changes to the proposed project are sought after the completion of the FEIS, such changes would be subject to a separate review and approval process, as appropriate.

UNAVOIDABLE ADVERSE IMPACTS

No comments were received.

COMMUNITY FACILITIES

MANHATTAN

Comment 17-1: Conduct and provide the details of a study on the number of schools, senior care facilities, children care facilities, churches/synagogues/places of worship, hospital/health care facilities within a 1 mile radius of the proposed site and the effects of the construction and operation of the MBBJ will have on said facilities. Describe how same and their occupants will be protected, safe and sound during the construction phase. (Sung_064)

Response 17-1: As recommended by the *CEQR Technical Manual*, a community facilities assessment is warranted if a project has the potential to result in either direct or indirect effects on community facilities. If a project would physically alter a community facility, whether by displacement of the facility or other physical change, this “direct” effect triggers the need to assess the service delivery of the facility and the potential effect that the physical change may have on that service delivery. The proposed project would not displace or otherwise directly affect any public schools, child care centers, libraries, health care facilities, or police and fire protection services. Therefore, construction at the Manhattan Site would not have the potential to result in any significant adverse impacts on community facilities.

BRONX

Comment 17-2: Please provide the rationale for the child care study area, which includes East Harlem rather than extending further into the Bronx. Two of the three elementary schools (#4 and #6) are overcapacity in the evaluated school district area. Please explain the rationale for the chosen area to evaluate and whether a more appropriate methodology might be warranted, regardless of the “schools choice” district and the North/South priority areas. (Janes_062)

Response 17-2: As discussed in DEIS Section 2.3, since there are no locational requirements for enrollment in child care facilities, some parents or guardians choose a child care center close to their employment rather than their residence. The service areas of these facilities can be quite large and not subject to strict delineation to identify a study area. However, according to CEQR methodology for child care analyses, the locations of publicly funded group child care facilities within approximately 1.5 miles of the project sites should be shown, reflecting the fact that the facilities closest to the project sites are more likely to be subject to increased demand. Therefore, the study area for the analysis of child care centers is

the area within 1.5 miles of the project sites, excluding the portions within Queens. Current enrollment data for the child care and Head Start facilities closest to the project sites were gathered from American Community Survey (ACS).

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Comment 18-1: Describe in detail the greenhouse gas emissions from such a project and conduct a study on the effect of same on the air quality within a 1 mile radius of the site. Please provide proof of compliance with the Clean Air Act and if none, why not. (Sung_064)

Response 18-1: Per the *CEQR Technical Manual*, an assessment was performed to determine if the proposed project would be consistent with citywide greenhouse gas (GHG) emission reduction goals. The proposed project would result in approximately 4.6 million gsf; therefore, GHG emissions were quantified, including off-site emissions associated with use of electricity, on-site emissions from heat and hot water systems, and emissions from vehicle use associated with the proposed development.

Increments of criteria pollutants and toxic air emissions are assessed in the context of health-based standards and local impacts in Sections 2.11, 3.9, 4.10, and 5.10, “Air Quality” of the DEIS. However, there are no established thresholds for assessing the significance of a project’s contribution to climate change. Nonetheless, prudent planning dictates that all sectors address GHG emissions by identifying GHG sources and practicable means to reduce them. Therefore, Chapter 6, “Greenhouse Gas Emissions and Climate Change,” presents the total GHG emissions potentially associated with the proposed project overall, and identifies measures that would be implemented and measures that are still under consideration to limit emissions.

Comment 18-2: By a large margin, the Bronx site has the highest GHG emissions out of all four borough-based sites. However, the DEIS cannot possibly provide an accurate modeling of these emissions because it does not have information about the design and interior systems and operations of both the proposed jail facility and the residential housing proposed for the other portion of the block. In Table 6-3, Annual Building Operational GHG Emissions, it is noted that the natural gas and electricity energy consumption does not include the mixed-use/residential building. It is not clear why that choice was made but even without the inclusion of the residential building, the Bronx’s annual operational GHG emissions make up 30% of the total emissions for all four sites, the highest percentage in all of the boroughs. (Janes_062)

Response 18-2: Energy consumption factors for the proposed project were developed by the project engineers specifically for the proposed jail sites in order to demonstrate that the proposed project would meet green building design and energy requirements under the City’s green building standards. Estimates of emissions from building electricity and fuel use were prepared using these projections.

The proposed project would also include rezoning the western portion of the Bronx Site to facilitate a future development. The specific program for this development has not yet been identified. A conceptual design for the future mixed-use building was developed and assumed to contain approximately 209,025 gsf of floor area, with approximately 31,000 gsf of ground-floor retail and community facility use and approximately 235 dwelling units. Per *CEQR Technical Manual* guidance, the building carbon intensity data represents 2008 citywide averages by use type and not projections for the future target build year (2026). Future emissions are expected to be lower as efficiency and renewable energy use for grid-supplied electric power continue to increase with the objective of meeting State and City future GHG reduction goals.

Estimates of emissions due to building electricity and fuel use for the mixed-use building were prepared using building carbon intensity by use type as detailed in the *CEQR Technical Manual* based on the conceptual designs. Therefore, specific electricity and fuel consumption estimates for the mixed-use building were not presented in Table 6-3, Annual Building Operational GHG Emissions, of the DEIS in Chapter 6, “Greenhouse Gas Emissions and Climate Change.” However, the emissions presented include GHG emissions associated with both the Bronx Site detention facility and the future mixed-use building.

Comment 18-3: In Table 6-5, Annual Mobile Source Emissions, the emissions from the mixed-use/residential building have been included; the Bronx is again 30% of the total emissions across all four sites. And so, as seen in Table 6-6, the Bronx is 30% of all annual GHG emissions (mobile and building). Please explain why the Bronx will take on a disproportionate share of the climate-changing emissions for this citywide project and what mitigation measures are planned to limit this impact. (Janes_062)

Response 18-3: As discussed in Chapter 1, “Project Description,” in the DEIS, the proposed project would include a detention facility at each Site. The program for the proposed project would located the largest detention facility at the Bronx Site location. Furthermore, the Bronx Site location would include a future mixed-use building to facilitate future development of retail, community facilities, and affordable housing. Estimates of GHG emissions are directly related to development size;

therefore the Bronx Site would account for a larger portion of the total project GHG emissions than other sites.

As discussed in Chapter 6, “Greenhouse Gas Emissions and Climate Change,” of the DEIS, climate change is driven by the collective contributions of diverse individual sources of emissions to global atmospheric GHG concentrations. Global climate change is projected to have wide-ranging effects on the environment, including rising sea levels, increases in temperature, and changes in precipitation levels. Although this is occurring on a global scale, the environmental effects of climate change are also likely to be experienced at the local level. Therefore, the proposed project would include specific energy efficiency measures and design elements to reduce energy the energy demand by up to 44 percent below the New York City Building Code in order to reduce GHG emissions consistent with citywide GHG reduction goals.

Comment 18-4: Will this new facility be LEED Certified, or achieve some other environmentally sustainable certification? (Freid_061)

Response 18-4: The proposed project is currently in conceptual design with GHG reduction measures being considered early in the design process. It has not been determined whether the proposed project would pursue LEED certification. However, city capital projects, such as the proposed project, also have green building design and energy requirements under the City’s green building standards. Under Local Law 31 of 2016, new capital projects for City-owned property are required to be designed to use no more than 50 percent of the current New York City Energy Conservation Code. Consistent with the requirements of Local Law 31, this would be 44 percent of the ASHRAE 90.1-2013.

ALTERNATIVES

Comment 19-1: Why can’t Rikers be rebuilt? (De La Isla_008)

Those billions or maybe less could just as readily be used to improve and expand the facilities already on Rikers. (Fisher_003)

Why not redevelop the prison? (Gerson_010, Wright_419)

The phase-out plan does not make sense; it ends up spending more money than to rebuild Rikers. (Lee_009)

We are told that Rikers’ buildings are in terrible physical shape and its culture is one of violence. We are told that even if brand-new buildings are built, that Rikers is isolated and difficult to reach. Yet that is the simplest problem to solve—add a stop on the ferry which already passes Rikers; even weekly taxi vouchers for friends, family and loved ones

would cost less than buildings four mega jails. It is the culture of violence that really needs to be changed. The City's numbers show us that 42% of the jail population has serious mental health problems. Why are they in jail? And if they weren't in the jails, in addition to a falling jailed population, then massive jails are not needed. (CB9_018)

When Rikers facilities are old and need lots of fixing, why doesn't the Mayor plan to build new facilities on Riker's? ON RIKERS. (Barr_503)

Rebuild on Rikers. Demolish the two unused buildings and start from there. (Bertagnolli_378)

The jail should stay on Rikers Island. It could be renovated if the conditions need improvement. (Yu-Chen_199)

Renovating and enhancing the current jail in Riker's Island is more efficient than building new jails. (Zhang_103)

Yes, laws should be changed, and Rikers is a mess.....then make changes and renovate Rikers, but don't burden our neighborhoods with new jails! (Baron_583)

I am opposed to the above-captioned project in Kew Gardens. It is ill-conceived and blind to the significant compromises it poses to this stable residential community. Jails do not belong in residential communities. Fix Rikers—don't ruin stable communities in preference to real estate interests. (Centkowski_424)

For the convenience of the court system local residents are forced to bear the burden of having an unwelcome oversized building overshadowing their lives. It would make more sense to use Rikers Island as a place to build courts, and work on solving the existing problems associated with the current prison system. (Chin_442)

Renovating/ building on Rikers, creating easier access to Riker Island via ferries, building a footbridge from the Bronx, changing legislation to allow for video conferencing are lower cost ways which at minimum need to be investigated prior to approving the City's proposal. (Wollner_417)

Smaller jails and human conditions now should be the focus, not new mega-jails that overstress and take over communities. Immediate solutions could include (1) adding a stop at Rikers island to the current ferry Soundview route, which would be 10 minutes from the upper east side or 5 minutes from the Bronx, for easier access, transportation, and visiting (2) a courthouse built on Rikers Island to eliminate need to transport people to the boroughs for speedier hearings and trials, and (3) the mayor can appoint more judges for speedier trials. (Leong_038)

What are the results of the Holden Commission which was formed to determine what the costs would be to renovate Riker's Island instead of closing Riker's Island? If not known, then what is the cost of reforming/renovating Riker's Island to be Smaller, Safer, Fairer? Provide studies as to such costs. If such costs are unknown then such studies must be done prior to commencement of moving forward with the BBJs. (Sung_064)

Response 19-1: As discussed in Section B, “Background,” of DEIS Chapter 1, “Project Description,” the transformative vision contemplated under the City’s proposal cannot be achieved through renovations of the current facilities on Rikers Island. Most facilities on Rikers Island were built more than 40 years ago and create serious challenges to the safe and humane treatment of those in detention. In addition, Rikers Island’s physical isolation limits accessibility to both staff and visitors, and results in inefficient transportation and an increase in related costs to the City. Because of Rikers Island’s physical isolation, renovation or redevelopment of its facilities would not accomplish a primary objective of the proposed project, which is to strengthen connections to families and communities by enabling people in detention to remain closer to their loved ones and other people. Please refer to the response to Comment 22 for more detail regarding the challenges of incorporating the programmatic elements of the proposed project with smaller detention centers.

Comment 19-2: LIC has plenty of space near the warehouses that is not heavily populated (De La Isla_008)

How about putting a prison like this in midtown Manhattan near the million-dollar apartments? (Gerson_010)

Break up the program and find other sites. (Freid_041)

It’s not clear that there are no better alternatives. (Brandston_309)

I suggest build the jail somewhere less populated area, somewhere further, not in residential area (Xiao_413)

DEIS does not adequately study alternatives to the City’s proposed plan. The City’s plan does not satisfy its own objectives (smaller jails, close to the relevant courts and close to families). Other alternatives should be considered including adding a second facility within Brooklyn. (Pollock_071)

Although my neighbors and I understand the need to replace Rikers, we believe there must be other sites that are available, that make more sense, and that do not require the waiving of zoning restrictions—which are, after all, in place for good reason. (Shamansky_703)

What about other areas with courthouses? (Sydell_737)

The jail should go close to the court system, where there much taller buildings to blend in amongst. (Von Wehren_698)

In Queens no other location was considered. (Wollner_417)

Would smaller jails and courthouses distributed in the county better address the issues of abuse and inhumane treatment and management of people in incarceration? (Freid_061)

Name specifically what other sites for the BBJ that were being contemplated in Manhattan other than 80 Centre St. Explain and justify why these other sites were not designated. (Sung_064)

Build it on North Brother Island and South Brother Island Ledge. Away from the general population. (Montañez_362)

One would barely notice another 60 or 70 story building in either Hudson Yards or Long Island City. And a courthouse installed in one of these high rise structures would ensure timely arrival of detainees. Both locations are served by public transportation, and in Hudson Yards, the city would have a central location accessible from all the boroughs and a location within walking distance from both Grand Central and Penn Stations. (Wilson_060)

Response 19-2:

As discussed in DEIS Chapter 1, "Project Description," the locations for the proposed project were selected based on:

- Proximity to courthouses to reduce delays in cases and the time people stay in jail.
- Accessibility to public transportation so family members, lawyers, and service providers can easily visit.
- Sufficient size to fit an equitable distribution of the City's jail population across four boroughs, with space to provide a humane, safe, and supportive environment.
- City-owned land that would allow for the development of the new jail and could accommodate a new facility while enhancing and supporting the existing community.

The alternative locations identified by the commenters generally do not meet these criteria as well as the proposed locations. In particular, alternative locations are not close to existing courthouses, are not convenient to public transit, and/or are not City-owned. Other sites considered in Manhattan included 125 Worth Street.

Comment 19-3:

The City must present an alternative proposal which analyzes razing and replacing only the MDC North tower, while keeping the MDC South tower of the four-tower Manhattan Criminal Court Complex intact with

interior renovations for MDC South. This alternative would allow for the called-for reduction of size, reduction of anticipated significant environmental impacts, and preservation of the historic architectural complex of the Manhattan Criminal Courts. (CB1_015)

125 White Street is a landmark-eligible site and the community would like a scenario to be considered which does not demolish this building and complete interior renovations are made to design a modern facility that can achieve the goals of a re-engineered justice system. If this is feasible, the impacts to the community would be reduced and would result in a facility that is more in scale with its surroundings. (Brewer_019)

Response 19-3: The DEIS includes an alternative that would retain MDC South as part of the project. This alternative is discussed in Chapter 7, “Alternatives,” under the “No Unmitigated Significant Adverse Impact Alternative” for Manhattan and in more detail in Appendix J. Development of the detention facility at the 124-125 White Street site with retention of 125 White Street (MDC South) would prevent the project from fulfilling a number of significant project objectives including to roughly equally distribute the detention beds at all four proposed borough facilities and to create at the Manhattan site a modern, humane, and safe detention facility that provides sufficient space for effective and tailored programming, appropriate housing for those with medical, behavioral health and mental health needs, and the opportunity for a more stable reentry into the community. The MDC facility including the South Tower does not meet the requirements for a modern detention facility as proposed by the proposed project.

Comment 19-4: The “No Unmitigated Significant Adverse Impact Alternative” only considers project goals that include the current projected capacity for a Manhattan facility, and therefore is not considered feasible as this facility would be forced to decrease capacity were it to be built with no significant adverse impacts. However, this in and of itself may be a viable and quite realistic alternative. Criminal justice reform advocates and City and State legislators have been making significant gains in reducing the incarcerated population in New York City, and there is a legislative and policing pathway for further reductions. Therefore, an alternative scenario should be considered with no adverse impacts that meets all project goals and includes a significantly smaller number of beds than is currently being projected. (CB3_016)

Response 19-4: Please refer to the response to Comment 28 regarding reductions to the proposed project’s height and bulk subsequent to the DEIS. The proposed project now includes approximately 1,150 beds in each detention facility,

in recognition of the reduced jail population that can be achieved with the passage of bail reform by the New York State legislature. As discussed in FEIS Chapter 7, “Alternatives,” further reducing the size of the proposed project at the Manhattan Site to avoid the potential significant adverse impact due to the demolition of 125 White Street would not be feasible.

Comment 19-5:

There is an alternative site for a Bronx Borough Jail that I proposed in the Fiscal Years 2020-21 Citywide Statement of Needs for City Facilities at the current underutilized Bronx Family Court building and nearby space behind the Bronx Hall of Justice. This would not only definitely facilitate the closure of Rikers Island, but also meet the scope, needs and projections outlined by the city’s proposal. It would also be more fluidly integrated within the physical infrastructure and social fabric of The Bronx and more adeptly and comparably align with the proposals for the other borough-based sites. Simply put, my proposed alternate siting perfectly achieves all of the aforementioned objectives, while maximizing the amount of community benefits that can be gained and mitigating the adverse impacts that go unaddressed by this current proposal.

My alternative would rectify all of the proximity and transportation-related issues by placing it next to the Bronx Hall of Justice, where correction officers and detainees would have a physical connection between the two structures. This would enable an efficient facilitation of detainee transportation to and from the court system.

The Civic Center site features the underutilized and outmoded Family Court which could be demolished. Once combined with land behind the Bronx Hall of Justice, both sites encompass approximately 148,000 to 152,000 square feet of land, easily allowing for the city’s abounding estimate of 1,270,000 gross square feet required for their jail and accommodating the recently reduced, 1,150-bed estimate that the city is planning for. (Diaz_020)

The location right next to the Bronx Hall of Justice better heeds the Lippman Commission’s recommendation. The administration did not adequately study combining available land behind the Hall of Justice and fully replacing the underutilized and outmoded Family Court building next door. (Diaz_025)

The reasons for choosing this site doesn’t make sense, it’s not close to major transportation hub , it will take long to transport people to the court house due to increase traffic congestion in area , it will already over burden the 40th PCT and it is in very close proximity to schools and heavily inhabited area. (Byrne_373)

The proposed Bronx site ignores the Lippman Commission's proposal to place borough-based jails near courthouses. Instead of reaching out to the community, the administration has decided to impose a monolithic, oppressive structure adjacent to a community of reclaimed apartments, homes, and schools in the name of political expediency. It places undue traffic and environmental hazards on a community already choked by the highest asthma rates in the country. (Diaz_025)

Modify this plan. Move the Bronx jail closer to the courts and reduce the need for these skyscrapers of detention. (Pollock_789)

The proposed jail would shamefully create more inequity in the Bronx by unfairly burdening my neighborhood, a low-income community of color and by blocking an important economic and affordable housing and development plan. This jail would keep my neighborhood, my community on the brink of a major turnaround, a community that has fought to beat back serious, organized crime and drug problems from finally becoming a safe, thriving community that it is currently poised to be. This plan, make no mistake, will keep this neighborhood entranced in crime and poverty forever. (Parks_TS1_791)

This plan is supported by elected officials and the community and it involves -- addresses youth and -- and jobs. It involves health. It involves a supermarket and on the tow pound site, 553 affordable housing units, a supermarket and 100 to 200 jobs in light manufacturing. We're opposed to this plan to locate the jail on this site because it's the centerpiece of our redevelopment plan. We're opposed to the plan to locate the jail on the site because it keeps the neighborhood on the brink of stabilizing itself, it will prevent it from finally turning that corner and having the neighborhood it was promised over 50 years ago. (Reicher_TS1_792)

Why is the Bronx facility located nowhere near a courthouse? The Bronx BP makes a good case for the underutilized Bronx Family Court onsite. Other alternative sites include Yankee Stadium parking and the Concourse Plaza Shopping Center. (Janes_TS1_834)

Response 19-5:

As discussed in DEIS Chapter 1, "Project Description," the locations for the proposed project were selected based on:

- Proximity to courthouses to reduce delays in cases and the time people stay in jail.
- Accessibility to public transportation so family members, lawyers, and service providers can easily visit.
- Sufficient size to fit an equitable distribution of the City's jail population across four boroughs, with space to provide a humane, safe, and supportive environment.

- City-owned land that would allow for the development of the new jail and could accommodate a new facility while enhancing and supporting the existing community.

In the Bronx, there is no viable site that provides a direct connection to the courthouse. The City looked at multiple sites in the Bronx because there were no sites that met all four criteria; the City determined that the proposed site at the NYPD Bronx tow pound was the best fit.

The Bronx Hall of Justice site suggested by the commenters is comprised of three sites: an annex garage along Sherman Avenue (site A), a surface lot on Sherman Avenue (site B) and a Bronx Hall of Justice garage (site C). The proposal to move all court-related functions from the Bronx Hall of Justice site to the Bronx Housing Court site is not a viable option because the State plans to switch the functions of the Bronx Housing Court and the Bronx Civil Court. Use of all three sites at the Bronx Hall of Justice site (A, B, and C) is not viable due to serious operational challenges and safety concerns with long non-contiguous site and zig-zag floorplan. These include longer response time during emergency situations; corridors with blind spots and obstructed views; challenges to timeliness of activities; longer time to escort people in custody to mandated congregate services and visits; vehicular delivery of meals to each annex; and duplicative control centers and other stations in each building. Additionally, sites B and C are State-owned land and would require transfer. Moreover, the use of just sites A and B would be viable with a building height of approximately 555 feet, substantially taller than the proposed facility at the proposed tow pound site.

The Bronx Family and Criminal Court located at 215 East 161st Street is not underutilized. In addition to housing the Family Court and associated offices, the building also houses the Criminal Court and associated offices, the District Attorney offices, Department of Probation offices, Human Resources, Department of Correction holding cells, arraignment, NYPD Central Booking, along with an estimated 27 other agencies/organizations. There are an estimated 1,150 people working in the building.

Relocating this courthouse to an existing courthouse is not feasible as the existing other courthouse buildings in the Bronx are also at capacity. In addition, the land directly behind the Bronx Hall of Justice is now in operation as a parking lot and the spaces in use would have to be replaced if this site were to be used. Above-grade parking is currently used by NYPD and DOC and below grade parking is used by judges, court staff and the Bronx District Attorney's office. Furthermore, the Bronx Housing Court will not be vacated; rather, the two courthouses and all their parts will swap spaces. Bronx Housing Court at 1118 Grand

Concourse will move to 851 Grand Concourse and the Bronx Civil Court located at 851 Grand Concourse will move into 1118 Grand Concourse. Both of these buildings will be at capacity.

The City considered several other sites in the Bronx, including the Vernon C. Bain Correctional Facility parking lot, the Bronx Psychiatric Center campus, Zerega Industrial Park, the Thriftland USA site, and a Yankee Stadium parking lot. All of these sites were rejected for various reasons.

Comment 19-6:

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. (Brewer_019)

There are rumors but nary concrete and open discussions with all the stakeholders involved. We have heard the site of the Lincoln Prison on West 110th Street may possibly still be available but we have also heard that developers have already purchased it. Regardless why are details about where we will be placing women, girls, trans, intersex and gender non-conforming people not already a specific part of the plan? (Morse_047)

Response 19-6:

The Lincoln Correctional Facility is a New York State Department of Corrections and Community Supervision (DOCCS) facility, and no plans for its use could be made without the State giving it to the City. The governor did not announce the closure of the facility until after the City began the environmental review and ULURP processes, so the facility was not under consideration during the siting process. Furthermore, the current state of the facility is not known, nor is the potential capacity of the facility to accommodate the current program for the borough-based jail system.

Comment 19-7:

I support the ULURP with significant modifications. Reduce the size a bulk of the jail by removing "therapeutic beds" (40 - 50% of total detainees) and putting those most vulnerable populations in an appropriate therapeutic or alternative setting. Design the jail to fit into the context of the surrounding neighborhoods, account for traffic and parking concerns, and integrate community needs. Include community engagement in the design process. It is a must! A Community Design Consultant should be hired and facilitate an authentic community engagement process as part of the RFP and in the design-build process for the jail. Additionally, Staten Island should have a jail and treatment

facility to service their needs as recommended by the Lippman Commission. (Goldschmid_506)

Response 19-7: As discussed in FEIS Chapter 1, “Project Description,” the City is exploring the feasibility for a small subset of therapeutic housing units to be located at other sites unrelated to the project in existing NYC Health + Hospitals facilities. The design of the proposed project is intended to integrate with the surrounding community. Please refer to the response to Comment 1 regarding community engagement for the proposed project. Please refer to the response to Comment 26 regarding why no jail would be located in Staten Island.

Comment 19-8: Had the Public been given a fair hearing, it would have become crystal clear that effective and substantive reform can absolutely be accomplished without four skyscraper jails, such as by extending the Soundview ferry service or building a footbridge to Rikers, reducing the number of detainees first and tearing down and renovating the interiors of some of the buildings on Rikers, or even the idea of twenty SMALL jails scattered around the city as recommended by the Lippmann Commission. (Tsai_742)

Response 19-8: Smaller detention centers that incorporate the programmatic elements of the proposed project would be more costly and would be operationally inefficient, as they would need to provide redundant facility programming to serve smaller populations. Please refer to the response to Comment 19-1 regarding why a renovation of Rikers Island would not achieve the goals and objectives of the proposed project.

Comment 19-9: To fully understand the impacts of this project, the public also needed to understand what was being lost with the proposal for the jail. It is not the Tow Pound, which was going to be relocated regardless of what happened here. Therefore, the DEIS should have provided an analysis for this alternative in addition to the “No Action” and “No Unmitigated Significant Adverse Impacts” alternate scenarios. Can an alternative be developed that studied the planned development of the Mott Haven site, as described by the Borough President? (Janes_062)

Response 19-9: As discussed in DEIS Chapter 7, “Alternatives,” alternatives selected for consideration in an EIS are generally those that are feasible and have the potential to reduce, eliminate, or avoid potential adverse impacts of a proposed project while meeting some or all of the goals and objectives of the project. The planned development of the Mott Haven site as described by the Borough President would not include a new detention facility and would not meet the goals and objectives of the proposed project.

- Comment 19-10:** According to the DEIS, “direct adjacency to court facilities is an important factor in site consideration” (DEIS, Exh. J at J-9). The Lippman Report does not, however, mandate direct adjacency to courthouses. Indeed, the preferred location in the Bronx facility is not even near the courthouse. Moreover, many of the reasons that other potential locations in Manhattan were deemed unviable also apply to the Site. For example, tenants at 124 White Street would have to be relocated, and 125 White Street is a historic building. Yet, these are the same reasons that 125 Worth Street and 80 Centre were determined to be unviable alternatives. (Richmond_069)
- Response 19-10:** Both 125 Worth Street and 80 Centre Street have more occupants to be relocated than the proposed site at 124-125 White Street, and 80 Centre Street also has court operations to relocate. In addition, as noted in FEIS Chapter 7, “Alternatives,” 125 Worth Street has a smaller site footprint and would result in an approximately 580-foot-tall detention facility compared to the 124-125 White Street site.
- Comment 19-11:** Alternate "As of Right" schemes that break up the program need to be explored: Keep the existing 124 White Street wing and build "As of Right" at 125 White Street, Excess to be sited elsewhere in Manhattan or other. See my separate proposal dated July 19, 2019 submitted to the City Planning Commission illustrating an example of this using NYC owner property in addition to 124 and 125 White Streets. (Freid_061)
- For MN, the project should renovate the existing 124 White Street, which is SHPO eligible, build as of right at 125 White Street, and build the balance of the program at the NYC-owned property at 30 Pike Street. (Freid_077)
- Response 19-11:** Smaller detention centers that incorporate the programmatic elements of the proposed project or locate support/administrative functions to other sites would be more costly and would be operationally inefficient. The proposed project facilities are intended to be full-service, standalone facilities. Support and administrative functions are directly related to the internal jail functions/jail support and cannot be located offsite. Furthermore, the existing facilities at the Manhattan Site cannot be renovated to meet the needs of the contemporary facilities envisioned. The existing facilities are limited with regard to capacity and inefficient in design. Facility layouts are outdated and do not provide for the quality of life sought in more modern detention facilities, with regard to space needs, daylight, and social spaces.

SOLID WASTE AND SANITATION

Comment 20-1: Another shortcoming of the DEIS is that it contains no information or analysis with respect to solid waste production. There is no excuse for this lapse, particular given the number of additional people that would eat and work at each site, seven days a week, 52 weeks a year, as well as the “extensive excavation” required to build the MDC project (see DEIS at 4.7-1). Solid waste and service demand generated by the project should be disclosed and evaluated to determine whether the project “may increase a component of the City’s waste stream beyond the projections for that component in the [City’s Solid Waste Management Plan]” (*CEQR Technical Manual*, 14-6). The solid waste impacts that would result from the project are closely linked to other technical analyses, such as traffic, air quality, and noise. The DEIS must be supplemented to a) identify the amount of solid waste (including but not limited to medical waste) generated at each proposed BBJ site, b) assess whether additional trucks or other sanitation services would be required, and c) determine whether excavation would generate quantities of solid waste that exceed local and regional disposal capacity. Without this information, there is no way a meaningful evaluation of the potential traffic, air quality, and noise impacts could be completed, not any meaningful conclusions regarding such impacts derived. (Richmond_069)

Response 20-1: The proposed project is limited to the construction of new detention center facilities (along with a mixed-use building at the Bronx Site) and would result in a minimal increase in solid waste generation from people in detention, residents, and workers at these buildings. Any increase in solid waste generation would be below the 100,000 pounds per week requiring a detailed analysis. In addition, solid waste generation estimates for each site were provided in the Environmental Assessment Statements (EASs) and they did not exceed screening thresholds. In accordance with *CEQR Technical Manual* guidance, no further analyses were warranted.

MISCELLANEOUS

Comment 22-1: We are primarily limiting ourselves to the same comment we submitted on October 14, 2018 for the Draft Scope, which was not adequately addressed in the Final Scope or DEIS: the EIS should discuss the impact that increasing temperatures will have on the health and safety of the prisoners and employees in the new jails, and should set forth options to protect against heat impacts, preferably air conditioning.

The DEIS briefly references the use of air conditioning in its discussions of water and sewer infrastructure, noise, and greenhouse gas emissions with respect to each proposed jail. However, these references are focused

on the water and energy demands, and noise and wastewater impacts, of any air conditioning that is provided, and do not discuss possible health and safety risks to detained populations in these jails. Nor do they make clear whether air conditioning will be provided in the jail cells and other areas where prisoners are detained, or only in the offices and other areas utilized exclusively by jail officers and staff. The Final EIS and the Findings Statement should state explicitly what commitments are made to provide and maintain air conditioning for prisoner areas.

Additionally, if air conditioning will be provided, the final EIS should discuss whether the windows will be built such that they could be opened during a power failure to provide some natural ventilation; if they are not at all openable, truly dangerous conditions could arise in sealed cells during a power failure that occurs during a heat wave.

In view of the official projections of more extreme heat events in New York City, the dangers that these events pose to prisoners and employees in jails, and the constitutional significance of these dangers, the final EIS for the Borough-Based Jail System should disclose heat risks and set forth measures to mitigate them.

A final comment arises from a development that occurred subsequent to the issues of the draft EIS. In June 2019 the New York State Legislature enacted the Climate Leadership and Community Protection Act. Governor Andrew Cuomo has announced that he will sign it. This new statute requires a reduction of statewide greenhouse gas emissions below 1990 levels of 40% in 2030 and 85% in 2050. Any new facility should be designed and built so as to achieve the 2050 target. The final EIS should discuss how the proposed jails would meet this target. (Gerrard_059)

Response 22-1:

The proposed project would include air conditioning in the detention facilities, including in the housing units. As discussed in the FEIS, to the extent feasible, future design development for the buildings would account for future flood levels and locate critical mechanical features such as the air conditioning system on building floors above NPCC's "high" future base flood elevation.

Additionally, the New York City Panel on Climate Change (NPCC) projects that the number of heat waves under NPCC's "high" future would increase up to seven times per year with a mean duration of 27 days. The proposed detention facilities would be equipped with emergency electrical generators and fuel storage to provide power for several days of power outages, as well as food supplies for seven days of operation. In the event of a power loss, the proposed facilities are intended to remain fully operational in order to provide heating and cooling to staff and people in detention during inclement weather events.

The recently signed Climate and Community Leadership Protection Act (CCLPA) continues the actions New York State has taken to reduce statewide greenhouse gas (GHG) emissions in order to minimize the rate of climate change. The CCLPA established the goal to reduce GHG emissions from all anthropogenic sources 100 percent over 1990 levels by the year 2050--superseding the previous goal of 80 percent reduction of 80 percent over 1990 levels established in Executive Order No. 24 as discussed in the FEIS. Furthermore, the CCPLA also affirms the incremental goals established in the 2030 state energy plan to reduce GHG emission levels by 40 percent over 1990 levels and to provide 50 percent of electricity generation in the state from renewable sources by 2030 as discussed in the FEIS.

In order to achieve these goals, the CCLPA establishes the New York state climate action council charged with establishing statewide GHG emission limits (estimated as a 40 percent reduction over 1990 levels by 2030 and an 85 percent reduction by 2050) and submitting a final scoping plan within three years. The scoping plan must include recommended standards and measures that will ensure the attainment of these statewide GHG emissions limits. Recommendations made in the scoping plan would be implemented through rules and regulations within four years.

As discussed in the FEIS, New York City capital projects, such as the proposed project, have green building design and energy requirements under the City's green building standards. Under Local Law 31 of 2016, new capital projects for city-owned property are required to be designed to use no more than 50 percent of the current New York City Energy Conservation Code. GHG reduction measures being considered for the proposed project were determined to reduce the energy demand for the project by up to 44 below this requirement.

Furthermore, the proposed project would also support reductions in GHG emissions by virtue of its proximity to public transportation, reliance on natural gas or electricity (rather than fuel oil), commitment to construction air quality controls, and the fact that as a matter of course, construction in the New York City metropolitan region uses recycled steel and includes cement replacements. All of these factors demonstrate that the proposed project supports the state and local GHG reduction goals.

PUBLIC SAFETY

Comment 22-2:

The proposed jails will make my neighborhood unsafe, and are located too close to schools, day cares, religious institutions, and other sensitive uses frequented by children, women, and the elderly. The City should not

build these jails in residential communities, they belong in isolated areas. The jails will make our neighborhoods unsafe when people in detention are released into our communities. (Avruch_581, Bernstein_517, Bondi_578Cassetta_682, Cazachkoff_427, Cheng_357, Cheung_665, Chu_490, Corpuz_353, D_655, Deng_692, Dillman_718, DiPeri_640, Godi_395, Gomes_727, Gottesman_529, Greenberg_582, Greenberg_586, Greene_402, Guo_471, Gusick_732, Harpaz_599, He_483, Jiang_106, Jiang_469, Kahsani_623, Khan_728, Khanduri_699, King_761, Levinger_573, Li_390, Liang_470, Lu_407, Ma_420, Ma_486, Martinez_649, Mayer_631, Pickard_759, Scheiman_685, Semmel_597, Senft_572, Sklar_542, Tang_358, Tom-Lew_744, Torres_776, Tran_539, Upadhyay_408, Wai_518, Wallace_674, Walter_704, Willig_589, Witschger_675, Wollner_417, Wong_456, Wong_484, Zhou_494)

Response 22-2:

Comment noted. Recent experience demonstrates that existing jails sites do not result in higher crime rates. For example, in the year the Brooklyn Detention Complex reopened in 2012, the area experienced a steeper reduction in crime than any other precinct in Brooklyn North. Since then, the precinct has seen a 20 percent decrease in crime, compared to 14 percent citywide. Similarly, index crime in the precinct of the existing Manhattan Detention Complex declined by 79 percent since the facility was completed in 1990.

As noted in FEIS Chapter, 1 “Project Description,” the City’s reentry strategy aims to drive New York City’s crime rate even lower by reliably assessing who poses a risk of recidivism, appropriately addressing the issues that have led many into contact with the criminal justice system, and connecting people with stabilizing services that can help ensure they do not commit new crimes. By addressing vocational, educational, therapeutic and other needs in an individualized way, time inside jail can be used productively to lay a foundation that can prevent future interaction with the criminal justice system. Therefore, given the City’s experience that existing jails do not increase crime rates and the focus on strategies to address recidivism, it is reasonable to conclude that release of people in detention does not foster crime in an area.

GROWTH-INDUCING ASPECTS OF THE PROPOSED PROJECT

Comment 22-3:

The analysis presented in Chapter 8, “Growth-Inducing Aspects of the Proposed Project,” clearly understates the enormity of this project. Regarding growth inducing aspects that should be considered by this chapter, the Bronx jail site clearly:

Adds substantial new land use – Planned as the second largest building in the Bronx and it is a correctional facility, which currently does not exist in the neighborhood.

Adds new residents – There is a large residential component, which would likely bring higher income residents into the community.

New employment that could induce additional development of a similar kind or of support uses, such as retail establishments to serve new residential uses; -- As already disclosed in the DEIS, the project will bring visitors, attorneys, third-service providers into the community that will, in theory, increase economic development.

Introduces or greatly expands infrastructure capacity – The DEIS disclosed that the project may require the relocation of an existing sewer main. (Janes_062)

Response 22-3: The proposed project would not induce additional growth beyond the project sites. Compared to the population and employment of each borough as a whole and the New York City region overall, the proposed project's employment and residential component would not be substantial. The proposed project also would not greatly expand infrastructure capacity. The project sites and surrounding areas are currently served by DEP water and sewer infrastructure and would continue to be in the future.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

Comment 22-4: New York City is proposing to spend \$12B to build new jails. Instead of new buildings, that money could be used to decarcerate and provide in-community resources, programming, reentry help and housing, which achieves the same outcomes that the Lippman Commission sought to solve. That \$12B is an irretrievable commitment of resources that should be discussed in the context of other solutions that could address the same problem. There should also be a discussion of the permanent loss of the proposed Diego Beekman plan and the cost of that loss. (Janes_062)

Response 22-4: Pursuant to *CEQR Technical Manual* guidance, the discussion of irreversible and irretrievable commitments of resources focuses on environmental resources, such as removal of vegetation, use of fossil fuels and materials for construction, etc. A discussion of project costs and the loss of other plans for the site is outside the scope of CEQR.

GENERAL COMMENTS

This section presents the list of commenters who expressed general support or general opposition to the proposed project but did not provide specific substantive comments on the DEIS.

(Abidi_441, Aborn_371, Abdul-Majeed_716, Abreu_178, Adams_185, Adams_298, Adams_349, Ahuja_352, Aidara_343, Albertine_143, Allen-Mossman_203, Alston_335, Alzate_536, Anderson_140, Anderson_426, Antelman_246, Appel_385, Armstrong_308, Armstrong_639, Aronov_238, Ashe_331, Atmaca_348, Au_552, Austin_159, Avram_747, Awais_147, Bailey_700, Ball_TS1_849, Barbella_341, Barr_502, Barragan_645, Barrios_058, BC_034, Beatty_162, Bellew_146, Benally_302, Bennett_766, Berman_368, Bernard_288, Bhola_289, Bialek_580, Bilokonsky_176, Black_TS2_875, Bomani_167, Bond_233, Bonilla_384, Bosson_355, Bouzarjomehri_332, Brand_TS1_845, Brodzki_315, Brown_116, Brown_310, Brown_409, Brown_662, Bryant_295, Bubins_717, Bushuyev_150, Cai_TS2_878, Caperon_294, Capua_156, Carder_211, Carlo_387, Carroll_749, Carter_TS1_843, Cassar_550, Castellar_180, Chabla_634, Chan_516, Chan_559, Chavkin_283, Chen_124, Chen_532, Choi_202, Cholst_264, Chung_260, Chung_285, Clad_593, Clark_330, Cleary_782, Cohen_337, Collazo_501, Cook_136, Coombs_151, Corrigan_757, Coupet_273, Craig_454, Craighill_301, (Cumberbatch_541), Cylinder_748, Dabney_065, D'Ambrosio_754, Daftary_476, Dancer_328, Danevska_TS2_853, Danger_163, Daniels_451, Dass_694, Dass_696, Dastidat_713, Day_680, De Garcia_299, De La Vega_363, de Tournay_209, Deazle_678, Delghavi_715, D'Emic_035, D'Emic_TS1_841, Deutsch_300, Devine_482, Devine_497, DeVito_236, Dicken_533, Dickerson_369, Doanne_314, Dolitsky_701, Donescu_706, Donut_128, Dunn_192, Eagle_242, Echevarria_100, Ehrenpreis_574, Einstein_781, Eisenberg-Guyot_321, Ekwaneen_768, Elpenord_174, Emanuel_382, Esposito_154, Ewald_333, Farrell_618, Fautleroy_TS1_844, Favia_710, Favia_772, Fayad_293, Feldberg_261, Feldmann_276, Feng_115, Ferman_566, Fernando_129, Ferrari_567, Ferreyra_319, Ferreyra_TS1_847, Fiorelli_658, Fischer_287, Fisher_622, Fiske_438, Flores_707, Flowers_708, Foehner_756, Foehner-Speed_745, Fogarty_472, Fogel_659, Foran_635, Francis_393, Francis, Jr._TS1_830Frank_157, Frantzis_421, Frazier_336, Friedland_161, Frieman_406, Fuzaylov_666, Gagler_141, Garcia_474, Garcia_724, Garcia-Baltazat_108, Gaston_267, Gattas_667, Gavriel_312, Gay_465, Gazit_439, Geizhals_633, Gelfand_166, Genarro_TS2_860, George_121, Gerstmann_135, GH_268, Ghebreghiorgis_344, Giovanniello_111, Gittlitz_227, Glick_432, Gloger_679, Gonzalez_Gladstein_234, Godick_683, Goodman_175, Graham_056, Green_TS2_869, Greene_414, Greenfield_751, Griffin_181, Guraino_554, Gurule_130, Guzman_057, Guzman_272, Guzman_TS2_868, Halevi_117, Hamlin_624, Hammond_194, Hanna_642, Hansen_114, Hansen-Kemp_641, Harcar_325, Harding_311, Harlam_265, Harooni_521, Harris_165, Hartman_240, Hassan_379, Haykin_155, Hayward_262, Hellmann_313, Henkel_460, Hernandez_028, Hernandez_083, Hernandez_247, Hernandez_347, Hermes_449, Herrera_043, Herrera_048, Hess_258, Hetzron_711, Hobour_401, Hoffman_447, Holmes_053, Holmes_TS1_838, Homison_388, Hong_577, Hopkins_101, Howe_248, Howes_169, Huang_107, Huang_481, Hudson_509, Hui_510, Huia_TS2_855, Ingram_281, Irwin_375, Ishihara_557, Itshakov_712, Ivkovic_553, Ivkovic_731, J_514, Jackson_259, Jackson_TS2_874, Jacobson_364, Jacobson_380, Jaffe_366, Jaffe_730, Jaime_TS1_839, James_431, James_537, James_TS2_870, Janes_TS1_834, Javidi_646, Jeong_775, Johnson_628, Johnson_629, Jokic_398, Jokic_399, Jones_237, Jones_239, Jones_526, Jones_TS2_876, Julia_669, Julia_670, Julio_TS2_873, Junio_493, Kalet-Schwartz_225, Katz_770, Katznelson_TS1_846, Kaufman_153, Kee_428, Kempster_389, Keown_444, Kirby_284, Kishan_278, Kluger_013, Kluger_266, Knowles_637, Koenig_119, Kopel_663, Korn_280, Koss_459, Koteen_037, Koteen_TS2_850, Krasner_750, Kruchten_122, Ku-Benjet_734, Kurz_763, Kurzer-Yashin_251, Kusek_217, Kwan_112, Kwan_491, LaDuca_660, LaFemina_339, Lam_125, Lam_134, Langer_627, Lanthier_725, Latimer_590, Latin_576, Leary_418, LeBron_392, Lee_397, Lee_416, Lee_TS2_852, Lehrer_584, Lei_411, Leong_TS2_856, Lerner_232, Levi_324,

Levy_142, Lewkowitz_226, Li_485, Li_489, Li_523, Librizzo_075, Licht_644, Limbacher_252, Lin_480, Lin_513, Lin_525, Lindauer_303, Linn_545, Liu_109, Liu_110, Locklier_144, Logan_450, Loo-Lew_105, Lopez-Palm_257, Lowinger-Iverson_446, Lubarsky_412, Luciano_334, Lynch_188, Lynn_214, Ma_733, Mack_TS2_864, Mahale_709, Mahaney_650, Malachosky_316, Maldonado_356, Maleszka_TS2_854, Malone_148, Mandeville_508, Mangan_720, Mangual_123, Martin_014, Martin_440, Maruzzelli_767, Matty_762, May_569, Mayers_405, Mayfield_049, McBrayer_270, McClendon_229, McEachern_182, McElvey_TS2_865, Mcgee_011, McIntyre_530, McKeithan_220, McKenna_374, McKenna_400, McNeill_377, Medhurst_620, Medina_565, Mei_492, Meier_687, Mercado_396, Merenkov_546, Metz_561, Miceli-Nelson_158, Mikhail_630, Milano_274, Minor_138, Mirtolooi_282, Mittel_621, Mittel_625, Mittel_626, Mohapatra_132, Mondesir_133, Morales_207, Morrill_755, Morris_212, Morrison_228, Morrone_193, Motola_243, Muchinsky_673, Mukhopadhaya_256, Murphy_TS2_867, Murtagh_TS1_835, Murphy_210, Myer_664, Na_149, Nathan_318, Nightingale_563, Nims_172, Nixon_054, Nixon_656, Nixon_TS2_857, Norton_104, Norowitz_588, Norris_297, O'Bery_342, O'Brien_221, Oh_445, Okada_360, Okada_736, Okuma_189, Oliver_TS1_833, Ortiz_338, Osheyack_249, Packnett_231, Pagnotta_568, Paris_137, Parker_197, Pasley_467, Passanante_531, Pastorella_361, Patail_179, Patel_326, Pavone_691, Pawelec_190, Peikoff_651, Pentz_201, Pessin_453, Pershing_534, Phillips_TS2_866, Pierre_275, Pincus_648, Pintauro_695, Piverger_204, Plough_429, Polite_351, Poon_404, Poolapalli_TS1_842, Popinchalk_235, Potter_592, Price_TS2_877, Proto_668, Proto_671, Pyne_002, Quinones_547, Raaber_544, Rana_127, Rapaport_345, Raven_170, Raymond_TS2_863, Rehberger_241, Reyes_383, Reyna_367, Richards_039, Richards_TS2_871, Richman_415, Rickles_263, Rieke_296, Rinne_500, Rivera_195, Roberts_250, Roberts_TS2_872, Robinson_652, Rock_152, Rockoff_255, Rohayem_524, Rojas_381, Rosano_739, Rosario_TS2_862, Rosenberg_758, Rosenblatt_661, Rosengarten_702, Rosenthal_TS2_858, Rubin_006, Rudd_329, Saldana_461, Salfen_598, Salgado_478, Salvayon_230, Sang_522, Santana_045, Santana_TS1_832, Santoro_171, Scanlan_208, Schechter_570, Schenkein_253, Schiftan_769, Schneider_TS2_861, Schoening_654, Schonfeld_587, Schonfeld_591, Schonfeld_636, Schwartz_370, Schwartz_575, Secada_535, Secrest_317, Sedo_619, Seiller_320, Semmel_595, Shan_462, Shapiro_291, Sharma_290, Shayne_269, Shefali_684, Sheppard_177, Sherren_632, Shi_102, Silverman_365, Silverstein_160, Sirois_139, Smith_222, Smith_271, Smith_511, Smith_TS1_848, Soerianata_579, Sohval_292, Sokoloff_594, Sokoloff_596, Soltani_436, Song_520, Sperduti_741, Srikrishna_145, Stark_327, Steinmetz_023, Steinmetz_024, Su_354, Suiter_372, Sun_435, Sun_488, Susse_216, Sway_187, Swenson_277, Sydell_738, Syldor_448, Tan_463, Taub_452, Taylor_044, Taylor_430, Taylor_215, Tchourine_219, Theodos_030, Tho_880Thompson_466, Thorpe_198, Tilton_224, Tomlinson_036, Tomlinson_TS1_840, Tran_423, Trent_307, Tsai_TS2_851, Tse_118, Tseng_164, Tuggle_473, Upadhyay_408, Vegh_672, Velez_638, Verdirame_131, Vernon_TS1_837, Villa_479, Vinueza_468, Vitiello_551, Vivian_359, Von Wehren_690, Voutes_693, Walela_376, Wallace_437, Walsh_677, Walters_052, Walters_TS1_831, Wang_279, Wang_498, Weintraub_340, Weissberg_504, Welton_223, Wener_723, Whitlock_213, Wilk_560, Williams_173, Williams_455, Williams_TS1_836, Williams_TS2_859, Williams_TS2_879, Wilson_306, Win_196, Wolf_304, Wolfe_200, Wong_527, Wong_548, Worawongwasu_183, Wright_419, Wu_005, Wu_729, Wu_519, Xiao_305, Xie_457, Xu_410, Xu_458, Yang_394, Yao_205, Yasuzawa_254, Yau_350, Yifru_244, Yin_126, Yip_549, Yoc_543, Yoshimura_323, You_425, Zaboretzky_555, Zazanis_168, Zhang_120, Zhang_422, Zhang_475, Zhang_496, Zhao_322, Zhu_515, Zimmer_029)

C. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

ELECTED OFFICIALS

1. Eric L. Adams, Brooklyn Borough President, letter dated July 5, 2019 (Adams_022)
2. Gale A. Brewer, Manhattan Borough President, letter dated July 5, 2019 (Brewer_019), oral testimony delivered July 10, 2019 (Brewer_TS1_821), oral testimony notes received July 10, 2019 (Brewer_051) (Brewer_610), letter dated July 22, 2019 (Brewer_072)
3. Ruben Diaz, Jr., Bronx Borough President, letter dated July 5, 2019 (Diaz_020), oral testimony delivered July 10, 2019 (Diaz, Jr._TS1_819), oral testimony notes received July 10, 2019 (Diaz_025) (Diaz_084)
4. Melinda Katz, Queens Borough President, letter dated June 18, 2019 (Katz_021)
5. Hon. Jonathan Lippman, Lippman Commission, oral testimony delivered July 10, 2019 (Lippman_TS1_795)
6. Velmanette Montgomery, New York State Senate, letter dated April 4, 2019 (Montgomery_012)

COMMUNITY BOARDS

7. Sylvia Hack, Queens Community Board 9, oral testimony delivered July 10, 2019 (Hack_TS1_803)
8. Sherman Kane, Community Board 9, oral testimony delivered July 10, 2019 (Kane_TS1_793)
9. Alysha Lewis-Coleman, Chair, Community Board 3-Manhattan, letter dated April 24, 2019 (CB3_016)
10. Luen H. Singletary III, Community Board 2-Brooklyn, letter dated June 24, 2019 (CB2_017)
11. Kenichi Wilson, Chair, Queens Community Board 9, letter dated July 18, 2019 (Wilson_060)
12. Community Board 1-Manhattan, letter dated May 28, 2019 (CB1_015)
13. Community Board 9-Queens, letter dated May 14, 2019 (CB9_018)

ORGANIZATIONS AND BUSINESSES

14. #buildCOMMUNITIES, oral testimony notes received July 10, 2019 (BC_034) (BC_093)
15. Richard Aborn, President, Independent Commission on New York City Criminal Justice & Incarceration Reform, web form submitted July 10, 2019 (Aborn_371)
16. Sandy Balboza, Atlantic Avenue Betterment Association, oral testimony delivered July 10, 2019 (Balboza_TS1_790), oral testimony notes received July 10, 2019 (Balboza_042) (Balboza_601)
17. Marcos Barrios, Just Leadership USA, oral testimony delivered July 10, 2019 (Barrios_TS1_797)
18. Greg Berman, Director, Center for Court Innovation, web form submitted July 10, 2019 (Berman_368)
19. Chermaine Black, College and Community Fellowship, oral testimony delivered July 10, 2019 (Black_TS2_875)
20. Rebecca Brown, Innocence Project, web form submitted July 10, 2019 (Brown_116)

NYC Borough-Based Jail System EIS

21. Angel Cai, Rikers Debate Project, oral testimony delivered July 10, 2019 (Cai_TS2_878)
22. Eliana Chavkin, T'Ruah: The Rabbinic Call for Human Rights, web form submitted July 10, 2019 (Chavkin_283)
23. Close Rosies, web form submitted July 10, 2019 (CR_286)
24. Sarita Daftary, Exodus Transitional Community and JustLeadershipUSA, web form submitted July 10, 2019 (Daftary_476) and oral testimony delivered July 10, 2019 (Daftary_TS1_829)
25. April Danevska, Fortune Society, oral testimony delivered July 10, 2019 (Danevska_TS2_853)
26. Robert Fiske, Independent Commission on New York City Criminal Justice & Incarceration Reform, web form submitted July 10, 2019 (Fiske_438)
27. Heather Gay, Ali Forney Center, web form submitted July 10, 2019 (Gay_465)
28. Rosalie Genarro, Design Work Group, oral testimony delivered July 10, 2019 (Genarro_TS2_860)
29. Michael Gerrard, Sabin Center for Climate Change Law of Columbia Law School, letter dated July 14, 2019 (Gerrard_059)
30. Frank Green, Perkins Eastman, oral testimony delivered July 10, 2019 (Green_TS2_869)
31. Vidal Guzman, Close Rikers Island, oral testimony delivered July 10, 2019 (Guzman_TS2_868)
32. Rosza Halevi, Jewish Committee for Abolition, web form submitted July 10, 2019 (Halevi_117)
33. Victor Herrera, Just Leadership USA, oral testimony delivered July 10, 2019 (Herrera_TS1_808)
34. Zoe Hopkins, No New Jails NYC, web form submitted July 10, 2019 (Hopkins_101)
35. Hour Children, oral testimony notes received July 10, 2019 (HC_032) (HC_091)
36. Howard Huia, Neighbors United Below Canal, oral testimony delivered July 10, 2019 (Huia_TS2_855)
37. Melissa Iachan, Staff Attorney New York Lawyers for the Public Interest Environmental Justice Program, oral testimony notes received July 10, 2019 (Iachan_050) (Iachan_609), web form submitted July 10, 2019 (Iachan_487)
38. Darlene Jackson, Beyond Rosie's, oral testimony delivered July 10, 2019 (Jackson_TS2_874)
39. Seymour James, Independent Commission on New York City Criminal Justice & Incarceration Reform, web form submitted July 10, 2019 (James_431) and oral testimony delivered July 10, 2019 (James_TS2_870)
40. Lauren Jones, Vera Institute of Justice, web form submitted July 10, 2019 (Jones_526) and oral testimony delivered July 10, 2019 (Jones_TS2_876)
41. Edyson Julio, CASES, oral testimony delivered July 10, 2019 (Julio_TS2_873)
42. Judy Kluger, Independent Commission on New York City Criminal Justice & Incarceration Reform, web form submitted July 10, 2019 (Kluger_266)
43. William Koenig, Justice Ministries Committee, Presbytery of New York City, web form submitted July 10, 2019 (Koenig_119)
44. Nancy Kong, Neighbors United Below Canal, letter dated July 22, 2019 (Kong_078)
45. Charles Lai, Chung Pak Local Development Corp., web form submitted July 10, 2019 (Lai_528)
46. Robert Lee, Asian American Arts Centre, web form submitted July 10, 2019 (Lee_397)
47. Jan Lee, Neighbors United Below Canal, oral testimony delivered July 10, 2019 (Lee_TS2_852)

48. Renee Levine, Kew Gardens Civic Association, oral testimony delivered July 10, 2019 (Levine_TS1_809)
49. Liana Lindauer, Indigenous Kinship Collective: NYC, web form submitted July 10, 2019 (Lindauer_303)
50. Lower East Side Power Partnership, oral testimony notes received July 10, 2019 (LESPP_027) (LESPP_086)
51. Darren Mack, Just Leadership U.S.A., oral testimony delivered July 10, 2019 (Mack_TS2_864)
52. Jamie Maleszka, Fortune Society, oral testimony delivered July 10, 2019 (Maleszka_TS2_854)
53. Marvin Mayfield, Just Leadership USA, oral testimony delivered July 10, 2019 (Mayfield_TS1_807)
54. Tiffany McElvey, GMACC, oral testimony delivered July 10, 2019 (McElvey_TS2_865)
55. George McGrath, President, Forest Hills South Owners, Inc., letter dated July 20, 2019 (McGrath_068)
56. Julio Medina, Exodus Transitional Community, Inc., letter dated July 9, 2019 (Medina_565)
57. Binyomin Mittel, Congregation Nachlas Avos - EJC, web form submitted July 10, 2019 (Mittel_626)
58. Kathy Morse and Kelly Grace Price, #CloseRosies, oral testimony notes received July 10, 2019 (Morse_047) (Morse_606)
59. Harvey Murphy, Close Rikers Island, oral testimony delivered July 10, 2019 (Murphy_TS2_867)
60. Regina Myer, Downtown Brooklyn Partnership, letter dated July 10, 2019 (Myer_664)
61. Tyler Nims, Independent Commission on New York City Criminal Justice & Incarceration Reform, web form submitted July 10, 2019 (Nims_172)
62. Vivian Nixon, Executive Director, College & Community Fellowship, oral testimony delivered July 10, 2019 (Nixon_TS2_857), oral testimony notes received July 8, 2019 (Nixon_054) (Nixon_613), web form submitted July 10, 2019 (Nixon_656)
63. William and Linda Norton, Close Rikers Campaign, web form submitted July 10, 2019 (Norton_104)
64. Danielle Pagnota, Providence House, oral testimony delivered July 10, 2019 (Pagnota_TS1_825)
65. Arline Parks, Vice Chair & CEO, Diego Beekman Mutual Housing Association, HDfC, web form submitted July 10, 2019 (Parks_191), oral testimony delivered July 10, 2019 (Parks_TS1_791), and letter dated July 22, 2019 (Parks_067)
66. Lucas Pershing, Trinity Church Wall Street, web form submitted July 10, 2019 (Pershing_534)
67. Minister Dr. Victoria Phillips, Jails Action Coalition, oral testimony delivered July 10, 2019 (Phillips_TS2_866)
68. Justin Pollock, President, 87 Smith Street Condo Board, letter dated July 19, 2019 (Pollock_071)
69. Kelly Grace Price, Close Rosie's, oral testimony delivered July 10, 2019 (Price_TS2_877)
70. Andrew Reicher, Chair, Diego Beekman Mutual Housing Association HDfC, web form submitted July 10, 2019 (Reicher_464) and oral testimony delivered July 10, 2019 (Reicher_TS1_792)
71. Raisa Reyes, Ali Forney Center, web form submitted July 10, 2019 (Reyes_383)

NYC Borough-Based Jail System EIS

72. Stanley Richards, Fortune Society, oral testimony delivered July 10, 2019 (Richards_TS2_871)
73. Helen Mauch and Daniel M. Richmond, on behalf of Neighbors United Below Canal, letter dated July 22, 2019 (Richmond_069)
74. Victor Roberts, Alliance of Families for Justice, oral testimony delivered July 10, 2019 (Roberts_TS2_872)
75. Danielle Rosario, Fortune Society, oral testimony delivered July 10, 2019 (Rosario_TS2_862)
76. Jordyn Rosenthal, Beyond Rosie's, oral testimony delivered July 10, 2019 (Rosenthal_TS2_858) and oral testimony notes received July 8, 2019 (Rosenthal_055) (Rosenthal_614)
77. Jose Saldana, Releasing Aging People in Prison & Parole Prep Project, web form submitted July 10, 2019 (Saldana_461)
78. Jonathan Sinaw, web form submitted July 10, 2019 (Sinaw_721)
79. Misael Syldor, Independent Commission on New York City Criminal Justice & Incarceration Reform, web form submitted July 10, 2019 (Syldor_448)
80. Trent Taylor, JustLeadershipUSA, oral testimony notes received July 10, 2019 (Taylor_044) (Taylor_603)
81. Alethea Taylor, Independent Commission on New York City Criminal Justice & Incarceration Reform, web form submitted July 10, 2019 (Taylor_430)
82. Patricia Tsai, Lin Sing Association, oral testimony delivered July 10, 2019 (Tsai_TS2_851), oral testimony notes received July 10, 2019 (Tsai_040) (Tsai_099), web form submitted July 10, 2019 (Tsai_742), and email dated July 20, 2019 (Tsai_082)
83. Wendell Walters, Orborne Center for Justice Across Generations, oral testimony delivered July 10, 2019 (Walters_TS1_831) and oral testimony notes received July 10, 2019 (Walters_052) (Walters_611)
84. Eugenia Williams, Fortune Society, oral testimony delivered July 10, 2019 (Williams_TS2_859)
85. Evan Williams, Just Leadership USA, oral testimony delivered July 10, 2019 (Williams_TS2_879)
86. Rita Zimmer, Executive Director, HousingPlus; President, Women's Community Justice Association, oral testimony delivered July 10, 2019 (Zimmer_TS1_818) and oral testimony notes received July 10, 2019 (Zimmer_029) (Zimmer_088)

GENERAL PUBLIC

87. Aminah Abdul-Majeed, web form submitted July 10, 2019 (Abdul-Majeed_716)
88. Maryam Abidi, web form submitted July 10, 2019 (Abidi_441)
89. Liliana Abreu, web form submitted July 10, 2019 (Abreu_178)
90. Howard Ackerman, web form submitted July 10, 2019 (Ackerman_571)
91. Molly Adams, web form submitted July 10, 2019 (Adams_185)
92. Spencer Adams, web form submitted July 10, 2019 (Adams_298)
93. CiCi Adams, web form submitted July 10, 2019 (Adams_349)
94. Cay Adams, web form submitted July 10, 2019 (Adams_719)
95. Pious Ahuja, web form submitted July 10, 2019 (Ahuja_352)
96. Cherif Aidara, web form submitted July 10, 2019 (Aidara_343)
97. Hannah Albertine, web form submitted July 10, 2019 (Albertine_143)
98. Ian Alexander, web form submitted July 10, 2019 (Alexander_218)
99. Anayvelyse Allen-Mossman, web form submitted July 10, 2019 (Allen-Mossman_203)

100. Ngozi Alston, Community Organizer, BYP100, web form submitted July 10, 2019 (Alston_335)
101. Jorge Alzate, web form submitted July 10, 2019 (Alzate_536)
102. Danielle Anderson, web form submitted July 10, 2019 (Anderson_140)
103. Spencer Anderson, web form submitted May 22, 2019 (Anderson_426)
104. Ilene Antelman, web form submitted July 10, 2019 (Antelman_246)
105. Harold Appel, web form submitted July 10, 2019 (Appel_385)
106. William Armstrong, web form submitted July 10, 2019 (Armstrong_308)
107. Amy Armstrong, web form submitted July 10, 2019 (Armstrong_639)
108. Danielle Aronov, web form submitted July 10, 2019 (Aronov_238)
109. Alex Ashe, web form submitted July 10, 2019 (Ashe_331)
110. Ayse Atmaca, web form submitted July 10, 2019 (Atmaca_348)
111. Stella Au, web form submitted July 10, 2019 (Au_552)
112. Murphy Austin, web form submitted July 10, 2019 (Austin_159)
113. Scott Avidon, web form submitted July 10, 2019 (Avidon_740)
114. Sinetta Avram, web form submitted July 10, 2019 (Avram_747)
115. Alisa Avruch, web form submitted July 10, 2019 (Avruch_581)
116. Yasmine Awais, web form submitted July 10, 2019 (Awais_147)
117. Asif Badar, web form submitted July 10, 2019 (Badar_434)
118. James Bailey, web form submitted July 10, 2019 (Bailey_700)
119. Sarah Ball, oral testimony delivered July 10, 2019 (Ball_TS1_849)
120. Kevin Barbella, web form submitted July 10, 2019 (Barbella_341)
121. Evelyn Baron, web form submitted July 10, 2019 (Baron_583)
122. Blanche Barr, web form submitted July 10, 2019 (Barr_502)
123. Pam Barr, web form submitted July 10, 2019 (Barr_503)
124. Carolina Barragan, web form submitted July 10, 2019 (Barragan_645)
125. Marco Barrios, oral testimony notes received July 10, 2019 (Barrios_058) (Barrios_617)
126. Matthew Beatty, web form submitted July 10, 2019 (Beatty_162)
127. Steve Bell, web form submitted July 10, 2019 (Bell_689)
128. Curtis Bell, oral testimony delivered July 10, 2019 (Bell_TS1_823)
129. Vanessa Bellew, web form submitted July 10, 2019 (Bellew_146)
130. Jonathan Ben-Menachem, web form submitted July 10, 2019 (Ben-Menachem_346)
131. Tatiana Benally, web form submitted July 10, 2019 (Benally_302)
132. Lorraine Bennett, web form submitted July 10, 2019 (Bennett_766)
133. Dave Bermin, web form submitted July 10, 2019 (Bermin_186)
134. Molly Bernard, web form submitted July 10, 2019 (Bernard_288)
135. Alice Bernstein, web form submitted July 10, 2019 (Bernstein_517)
136. Patricia Bertagnolli, web form submitted June 19, 2019 (Bertagnolli_378)
137. Diane Bertolotti, email dated July 17, 2019 (Bertolotti_079)
138. Isaac Beylin, web form submitted July 10, 2019 (Beylin_735)
139. Shazeeda Bhola, web form submitted July 10, 2019 (Bhola_289)
140. Niko Bialek, web form submitted July 10, 2019 (Bialek_580)
141. Henry Biglin, web form submitted July 10, 2019 (Biglin_771)
142. Mykola Bilokonsky, web form submitted July 10, 2019 (Bilokonsky_176)
143. Alice Blank, web form submitted July 10, 2019 (Blank_245)
144. Neta Bomani, web form submitted July 10, 2019 (Bomani_167)
145. Ira Bond, web form submitted July 10, 2019 (Bond_233)
146. Elliott Bondi, web form submitted July 10, 2019 (Bondi_578)

147. Wanda Bonilla, web form submitted July 10, 2019 (Bonilla_384)
148. Julia Bosson, web form submitted July 10, 2019 (Bosson_355)
149. Tala Bouzarjomehri, web form submitted July 10, 2019 (Bouzarjomehri_332)
150. Cynthia Brackett, oral testimony delivered July 10, 2019 (Brackett_TS1_806)
151. Alfred H. Brand, oral testimony delivered July 10, 2019 (Brand_TS1_845)
152. Melody Brandston, web form submitted July 10, 2019 (Brandston_309)
153. Robert Brody, web form submitted June 19, 2019 (Brody_403)
154. Amanda Brodzki, web form submitted July 10, 2019 (Brodzki_315)
155. Norman Brown, web form submitted July 10, 2019 (Brown_310)
156. Tracee Brown, web form submitted July 10, 2019 (Brown_409)
157. Jane Brown, web form submitted June 19, 2019 (Brown_499)
158. Burt Brown, web form submitted July 10, 2019 (Brown_643)
159. Jonathan Brown, web form submitted July 10, 2019 (Brown_662)
160. Kathryn Bryant, web form submitted July 10, 2019 (Bryant_295)
161. Hary Bubins, web form submitted July 10, 2019 (Bubins_717)
162. Igor Bushuyev, web form submitted July 10, 2019 (Bushuyev_150)
163. Josephine Byrne, web form submitted July 10, 2019 (Byrne_373)
164. Cleopatra Caperon, web form submitted July 10, 2019 (Caperon_294)
165. Rebecca Capua, web form submitted July 10, 2019 (Capua_156)
166. Kristin Carder, web form submitted July 10, 2019 (Carder_211)
167. Fernando Carlo, web form submitted July 10, 2019 (Carlo_387)
168. Alison Carper, web form submitted July 10, 2019 (Carper_676)
169. Kevin Carroll, web form submitted July 10, 2019 (Carroll_749)
170. John Carter, oral testimony delivered July 10, 2019 (Carter_TS1_843)
171. Natalie Cassar, web form submitted July 10, 2019 (Cassar_550)
172. Christopher Cassetta, web form submitted July 10, 2019 (Cassetta_682)
173. Solange Castellar, web form submitted July 10, 2019 (Castellar_180)
174. Damian Cazachkoff, web form submitted July 10, 2019 (Cazachkoff_427)
175. Barbara Centkowski, web form submitted July 10, 2019 (Centkowski_424)
176. Franchesca Chabla, web form submitted July 10, 2019 (Chabla_634)
177. Eric Chan, web form submitted July 10, 2019 (Chan_516)
178. Teresa Chan, web form submitted July 10, 2019 (Chan_559)
179. Grace Chen, web form submitted July 10, 2019 (Chen_124)
180. J. Michael Chen, web form submitted July 10, 2019 (Chen_532)
181. Diana Cheng, web form submitted July 10, 2019 (Cheng_357)
182. David Cheng, web form submitted July 10, 2019 (Cheng_777)
183. Anna Cheung, web form submitted July 10, 2019 (Cheung_665)
184. Edward Chin, web form submitted July 10, 2019 (Chin_442)
185. Amy Chin, web form submitted July 10, 2019 (Chin_507)
186. Jeanie Chin, web form submitted July 10, 2019 (Chin_538)
187. Mickey Chiu, web form submitted July 10, 2019 (Chiu_391)
188. Lisa Cho, web form submitted July 10, 2019 (Cho_714)
189. Ignacio Choi, web form submitted July 10, 2019 (Choi_202)
190. Rachel Cholst, web form submitted July 10, 2019 (Cholst_264)
191. Thomas Chu, web form submitted July 10, 2019 (Chu_490)
192. Cheire Chung, web form submitted July 10, 2019 (Chung_260)
193. Sarah Chung, web form submitted July 10, 2019 (Chung_285)
194. Katherine Clad, web form submitted July 10, 2019 (Clad_593)

195. Lee Clark, web form submitted July 10, 2019 (Clark_330)
196. Susan Cleary, web form submitted July 10, 2019 (Cleary_782)
197. Jen Cohen, web form submitted July 10, 2019 (Cohen_337)
198. Gloria Collazo, web form submitted July 10, 2019 (Collazo_501)
199. Saeedah Cook, web form submitted July 10, 2019 (Cook_136)
200. Katherine Coombs, web form submitted July 10, 2019 (Coombs_151)
201. Socorro Corpuz, web form submitted July 10, 2019 (Corpuz_353)
202. Shannon Corrigan, web form submitted July 10, 2019 (Corrigan_757)
203. Guelila Coupet, web form submitted July 10, 2019 (Coupet_273)
204. Danielle Craig, web form submitted July 10, 2019 (Craig_454)
205. Omar Craighill, web form submitted June 19, 2019 (Craighill_301)
206. Kerri Culhane, letter dated July 22, 2019 (Culhane_070)
207. Shannon Cumberbatch, web form submitted July 10, 2019 (Cumberbatch_541)
208. Cathryn Cylinder, web form submitted July 10, 2019 (Cylinder_748)
209. Olga D, web form submitted July 10, 2019 (D_655)
210. Barbara D'Ambrosio, web form submitted July 10, 2019 (D'Ambrosio_754)
211. Judge Matthew D'Emic, oral testimony delivered July 10, 2019 (D'Emic_TS1_841) and oral testimony notes received July 10, 2019 (D'Emic_035) (D'Emic_094)
212. Margaret S. Dabney, email dated July 22, 2019 (Dabney_065)
213. Jo Jo Dancer, web form submitted July 10, 2019 (Dancer_328)
214. Lucy Danger, web form submitted July 10, 2019 (Danger_163)
215. Jaylan Daniels, web form submitted June 19, 2019 (Daniels_451)
216. Pradeep Dass, web form submitted July 10, 2019 (Dass_694)
217. Pooja Dass, web form submitted July 10, 2019 (Dass_696)
218. Sachi Dastidat, web form submitted July 10, 2019 (Dastidat_713)
219. Helen Day, web form submitted July 10, 2019 (Day_680)
220. Amadeus Junqueira De Garcia, web form submitted July 10, 2019 (De Garcia_299)
221. Catherine De La Isla, email dated February 19, 2019 (De La Isla_008)
222. Evelyn De La Vega, web form submitted July 10, 2019 (De La Vega_363)
223. Flora de Tournay, web form submitted July 10, 2019 (de Tournay_209)
224. Andre Deazle, web form submitted July 10, 2019 (Deazle_678)
225. Martha Delghavi, web form submitted July 10, 2019 (Delghavi_715)
226. Margo Delidow, web form submitted July 10, 2019 (Delidow_697)
227. Andy Demed, web form submitted July 10, 2019 (Demed_647)
228. Joyce Deng, web form submitted July 10, 2019 (Deng_692)
229. Briana Deutsch, web form submitted July 10, 2019 (Deutsch_300)
230. Kathy Devine, web form submitted July 10, 2019 (Devine_482)
231. Natalie Devine, web form submitted July 10, 2019 (Devine_497)
232. Natalie DeVito, web form submitted July 10, 2019 (DeVito_236)
233. Aselaide Matthew Dicken, web form submitted July 10, 2019 (Dicken_533)
234. Adelaide Matthew Dicken, oral testimony delivered July 10, 2019 (Dicken_TS1_811)
235. Patricia Dickerson, web form submitted July 10, 2019 (Dickerson_369)
236. Eric Dillenberger, oral testimony delivered July 10, 2019 (Dillenberger_TS1_810)
237. Janice Dillman, web form submitted July 10, 2019 (Dillman_718)
238. Patricia DiPeri, web form submitted July 10, 2019 (DiPeri_640)
239. DK, web form submitted July 10, 2019 (DK_653)
240. Lee Doanne, web form submitted July 10, 2019 (Doanne_314)
241. Martin Dolitsky, web form submitted July 10, 2019 (Dolitsky_701)

NYC Borough-Based Jail System EIS

- 242. Gabriela Donescu, web form submitted July 10, 2019 (Donescu_706)
- 243. Jelly Donut, web form submitted July 10, 2019 (Donut_128)
- 244. King Downing, oral testimony delivered July 10, 2019 (Downing_TS1_815)
- 245. John Doyle, web form submitted July 10, 2019 (Doyle_657)
- 246. Laura Dunn, web form submitted July 10, 2019 (Dunn_192)
- 247. Laura Eagle, web form submitted July 10, 2019 (Eagle_242)
- 248. Angela Echevarria, web form submitted June 19, 2019 (Echevarria_100)
- 249. Mark Ehrenpreis, web form submitted July 10, 2019 (Ehrenpreis_574)
- 250. Mara Einstein, web form submitted July 10, 2019 (Einstein_781)
- 251. Nadja Eisenberg-Guyot, web form submitted July 10, 2019 (Eisenberg-Guyot_321)
- 252. Shameeza Ekwaneen, web form submitted July 10, 2019 (Ekwaneen_768)
- 253. Emmanuel Elpenord, web form submitted July 10, 2019 (Elpenord_174)
- 254. David Emanuel, web form submitted July 10, 2019 (Emanuel_382)
- 255. Jessi Eoin, web form submitted July 10, 2019 (Eoin_113)
- 256. Samantha Esposito, web form submitted July 10, 2019 (Esposito_154)
- 257. John Ewald, web form submitted July 10, 2019 (Ewald_333)
- 258. Patricia Farrell, web form submitted July 10, 2019 (Farrell_618)
- 259. Anthony Fautleroy, oral testimony delivered July 10, 2019 (Fautleroy_TS1_844)
- 260. Rosemary Favia, web form submitted July 10, 2019 (Favia_710)
- 261. Salvatore Favia, web form submitted July 10, 2019 (Favia_772)
- 262. Zeinab Fayad, web form submitted July 10, 2019 (Fayad_293)
- 263. Eve Feldberg, web form submitted July 10, 2019 (Feldberg_261)
- 264. Anna Feldmann, web form submitted July 10, 2019 (Feldmann_276)
- 265. Cecilia Feng, web form submitted July 10, 2019 (Feng_115)
- 266. Scarlett Ferman, web form submitted July 10, 2019 (Ferman_566)
- 267. Aaron Fernando, web form submitted July 10, 2019 (Fernando_129)
- 268. Jenine Ferrari, web form submitted July 10, 2019 (Ferrari_567)
- 269. Romano Ferreyra, web form submitted July 10, 2019 (Ferreyra_319) and oral testimony delivered July 10, 2019 (Ferreyra_TS1_847)
- 270. L Fiorelli, web form submitted July 10, 2019 (Fiorelli_658)
- 271. Emily Fischer, web form submitted July 10, 2019 (Fischer_287)
- 272. Florence Fisher, letter dated March 20, 2019 (Fisher_003)
- 273. Marla Fisher, web form submitted July 10, 2019 (Fisher_622)
- 274. Daisy Flores, web form submitted July 10, 2019 (Flores_707)
- 275. Andrew Flowers, web form submitted July 10, 2019 (Flowers_708)
- 276. Charles Foehner, web form submitted July 10, 2019 (Foehner_756)
- 277. Jenny Foehner-Speed, web form submitted July 10, 2019 (Foehner-Speed_745)
- 278. Samuel Fogarty, web form submitted July 10, 2019 (Fogarty_472)
- 279. Tsipora Fogel, web form submitted July 10, 2019 (Fogel_659)
- 280. Rachel Foran, web form submitted July 10, 2019 (Foran_635)
- 281. Tracy Fortson, web form submitted July 10, 2019 (Fortson_688)
- 282. Cassandra Francis, web form submitted July 10, 2019 (Francis_393)
- 283. Herman Francis, Jr., oral testimony delivered July 10, 2019 (Francis, Jr._TS1_830)
- 284. Richard Frank, web form submitted July 10, 2019 (Frank_157)
- 285. Irene Frantzis, web form submitted July 10, 2019 (Frantzis_421)
- 286. Lydia Frazier, web form submitted July 10, 2019 (Frazier_336)
- 287. Stephan Freid, oral testimony notes received July 10, 2019 (Freid_041) (Freid_600), letter dated July 18, 2019 (Freid_061), and letter dated July 19, 2019 (Freid_077)

- 288. Jordana Marx Fried, email dated February 1, 2019 (Fried_004)
- 289. Sarah Friedland, web form submitted July 10, 2019 (Friedland_161)
- 290. Stephanie Frieman, web form submitted July 10, 2019 (Frieman_406)
- 291. Oleg Fuzaylov, web form submitted July 10, 2019 (Fuzaylov_666)
- 292. Mary Gagler, web form submitted July 10, 2019 (Gagler_141)
- 293. Dan Gallagher, oral testimony delivered July 10, 2019 (Gallagher_TS1_805)
- 294. Joan Gampert, web form submitted July 10, 2019 (Gampert_686)
- 295. Jessica Garcia, web form submitted July 10, 2019 (Garcia_474)
- 296. Robert Garcia, web form submitted July 10, 2019 (Garcia_724)
- 297. Maria Garcia-Baltazat, web form submitted July 10, 2019 (Garcia-Baltazat_108)
- 298. Debbie Gaston, web form submitted July 10, 2019 (Gaston_267)
- 299. Inmaculada Gattas, web form submitted July 10, 2019 (Gattas_667)
- 300. Kate Gavriel, web form submitted July 10, 2019 (Gavriel_312)
- 301. Nadav Gazit, web form submitted July 10, 2019 (Gazit_439)
- 302. Sarah Geizhals, web form submitted July 10, 2019 (Geizhals_633)
- 303. Andrew Gelfand, web form submitted July 10, 2019 (Gelfand_166)
- 304. Michael George, web form submitted July 10, 2019 (George_121)
- 305. Melissa George, web form submitted July 10, 2019 (George_443)
- 306. Linda Gerken, web form submitted July 10, 2019 (Gerken_564)
- 307. Alain and Constance Gerson, email dated January 30, 2019 (Gerson_010)
- 308. Laila Gerstmann, web form submitted July 10, 2019 (Gerstmann_135)
- 309. GH, web form submitted July 10, 2019 (GH_268)
- 310. Andom Ghebreghiorgis, web form submitted July 10, 2019 (Ghebreghiorgis_344)
- 311. Milo Giovanniello, web form submitted July 10, 2019 (Giovanniello_111)
- 312. Andrew Gittlitz, web form submitted July 10, 2019 (Gittlitz_227)
- 313. Lori Glick, web form submitted July 10, 2019 (Glick_432)
- 314. Barry Gloger, web form submitted July 10, 2019 (Gloger_679)
- 315. Mihai Godi, web form submitted July 10, 2019 (Godi_395)
- 316. Simeon Godick, web form submitted July 10, 2019 (Godick_683)
- 317. Melissa Goldschmid, web form submitted July 10, 2019 (Goldschmid_506)
- 318. Maria Gomes, web form submitted July 10, 2019 (Gomes_727)
- 319. Aeli Gonzalez Gladstein, web form submitted July 10, 2019 (Gonzalez Gladstein_234)
- 320. Rachel Goodman, web form submitted July 10, 2019 (Goodman_175)
- 321. J. Michael Gottesman, web form submitted July 10, 2019 (Gottesman_529)
- 322. Tamika Graham, oral testimony delivered July 10, 2019 (Graham_TS1_796) and oral testimony notes received July 10, 2019 (Graham_056) (Graham_615)
- 323. Adina Greenberg, web form submitted July 10, 2019 (Greenberg_582)
- 324. Moshe Greenberg, web form submitted July 10, 2019 (Greenberg_586)
- 325. Janice Greene, web form submitted June 19, 2019 (Greene_402)
- 326. Barry Greene, web form submitted July 10, 2019 (Greene_414)
- 327. Robert Greenfield, web form submitted July 10, 2019 (Greenfield_751)
- 328. Tess Griffin, web form submitted July 10, 2019 (Griffin_181)
- 329. Hao Guo, web form submitted July 10, 2019 (Guo_471)
- 330. Jennifer Guraino, web form submitted July 10, 2019 (Guraino_554)
- 331. Sophia Gurule, web form submitted July 10, 2019 (Gurule_130)
- 332. Andrea Gusick, web form submitted July 10, 2019 (Gusick_732)
- 333. Vidal Guzman, oral testimony notes received July 10, 2019 (Guzman_057)
- 334. Jessica Guzman, web form submitted July 10, 2019 (Guzman_272)

NYC Borough-Based Jail System EIS

- 335. Vidal Guzman, oral testimony notes received July 10, 2019 (Guzman_616)
- 336. Gary Hamlin, web form submitted July 10, 2019 (Hamlin_624)
- 337. Emmy Hammond, web form submitted July 10, 2019 (Hammond_194)
- 338. Theodore Hanna, web form submitted July 10, 2019 (Hanna_642)
- 339. Alex Hansen, web form submitted July 10, 2019 (Hansen_114)
- 340. Jonathan Hansen-Kemp, web form submitted July 10, 2019 (Hansen-Kemp_641)
- 341. Christina Harcar, web form submitted July 10, 2019 (Harcar_325)
- 342. Katy Harding, web form submitted July 10, 2019 (Harding_311)
- 343. Claire Harlam, web form submitted July 10, 2019 (Harlam_265)
- 344. Shawn Harooni, web form submitted July 10, 2019 (Harooni_521)
- 345. Yelena Harpaz, web form submitted July 10, 2019 (Harpaz_599)
- 346. Magdalen Harris, web form submitted July 10, 2019 (Harris_165)
- 347. Gene Hart, oral testimony delivered July 10, 2019 (Hart_TS1_802)
- 348. Caroline Hartman, web form submitted July 10, 2019 (Hartman_240)
- 349. Abel Hassan, web form submitted June 19, 2019 (Hassan_379)
- 350. Eva Haykin, web form submitted July 10, 2019 (Haykin_155)
- 351. Kara Hayward, web form submitted July 10, 2019 (Hayward_262)
- 352. Amy He, web form submitted July 10, 2019 (He_483)
- 353. Toni Hellmann, web form submitted July 10, 2019 (Hellmann_313)
- 354. Brian Henkel, web form submitted July 10, 2019 (Henkel_460)
- 355. Arnulfo Hermes, web form submitted July 10, 2019 (Hermes_449)
- 356. Nyra Hernandez, oral testimony notes received July 10, 2019 (Hernandez_028)
- 357. Myra Hernandez, oral testimony delivered July 10, 2019 (Hernandez_TS1_812), oral testimony notes received July 10, 2019 (Hernandez_087) , web form submitted July 10, 2019 (Hernandez_347), and email dated July 22, 2019 (Hernandez_083)
- 358. Isabanie Hernandez, web form submitted July 10, 2019 (Hernandez_247)
- 359. Luis Herrera, oral testimony notes received July 10, 2019 (Herrera_043) (Herrera_602)
- 360. Victor Herrera, oral testimony notes received July 10, 2019 (Herrera_048) (Herrera_607)
- 361. Austin Hess, web form submitted July 10, 2019 (Hess_258)
- 362. Jill Hetzron, web form submitted July 10, 2019 (Hetzron_711)
- 363. Shadley Hobour, web form submitted June 19, 2019 (Hobour_401)
- 364. Alex Hoffman, web form submitted July 10, 2019 (Hoffman_447)
- 365. Jonathan Hollander, oral testimony delivered July 10, 2019 (Hollander_TS1_826) and web form submitted July 10, 2019 (Hollander_743)
- 366. Brandon J. Holmes, oral testimony delivered July 10, 2019 (Holmes_TS1_838) and oral testimony notes received July 10, 2019 (Holmes_053) (Holmes_612)
- 367. Janet Holwell, web form submitted July 10, 2019 (Holwell_764)
- 368. Gregory Homison, web form submitted July 10, 2019 (Homison_386)
- 369. Patricia Homison, web form submitted July 10, 2019 (Homison_388)
- 370. Dan Hong, web form submitted July 10, 2019 (Hong_577)
- 371. Yee Hong, web form submitted July 10, 2019 (Hong_753)
- 372. Clair Howe, web form submitted July 10, 2019 (Howe_248)
- 373. Hadley Howes, web form submitted July 10, 2019 (Howes_169)
- 374. Benny Huang, web form submitted July 10, 2019 (Huang_107)
- 375. Rong Huang, web form submitted July 10, 2019 (Huang_481)
- 376. Shawn Hudson, web form submitted July 10, 2019 (Hudson_509)
- 377. William Hui, web form submitted July 10, 2019 (Hui_510)
- 378. Donna Hylton, oral testimony delivered July 10, 2019 (Hylton_TS1_824)

- 379. Melissa Iachan, oral testimony delivered July 10, 2019 (Iachan_TS1_814)
- 380. Valerie Imbruce, letter dated July 22, 2019 (Imbruce_076)
- 381. Kyle Ingram, web form submitted July 10, 2019 (Ingram_281)
- 382. Bill Irwin, web form submitted July 10, 2019 (Irwin_375)
- 383. Miki Ishihara, web form submitted July 10, 2019 (Ishihara_556)
- 384. Shion Ishihara, web form submitted July 10, 2019 (Ishihara_557)
- 385. Zina Itshakov, web form submitted July 10, 2019 (Itshakov_712)
- 386. Nada Ivkovic, web form submitted July 10, 2019 (Ivkovic_553)
- 387. Miroslav Ivkovic, web form submitted July 10, 2019 (Ivkovic_731)
- 388. Jose J, web form submitted July 10, 2019 (J_514)
- 389. Karima Jackson, web form submitted July 10, 2019 (Jackson_259)
- 390. Jennifer Jacobson, web form submitted July 10, 2019 (Jacobson_364)
- 391. Michael Jacobson, web form submitted July 10, 2019 (Jacobson_380)
- 392. Briana Jaffe, web form submitted July 10, 2019 (Jaffe_366)
- 393. Brian Jaffe, web form submitted July 10, 2019 (Jaffe_730)
- 394. Karen Jaime, oral testimony delivered July 10, 2019 (Jaime_TS1_839)
- 395. Emily James, web form submitted July 10, 2019 (James_537)
- 396. George M. Janes, emails dated July 1, 2019 (Janes_073) (Janes_080), , oral testimony delivered July 10, 2019 (Janes_TS1_834), and letter dated July 22, 2019 (Janes_062)
- 397. Ariana Javidi, web form submitted July 10, 2019 (Javidi_646)
- 398. Susie Jeong, web form submitted July 10, 2019 (Jeong_775)
- 399. Susana Jiang, web form submitted July 10, 2019 (Jiang_106)
- 400. Janet Jiang, web form submitted July 10, 2019 (Jiang_469)
- 401. Ulrika Johnson, web form submitted July 10, 2019 (Johnson_628)
- 402. David Johnson, web form submitted July 10, 2019 (Johnson_629)
- 403. Katarina Jokic, web form submitted July 10, 2019 (Jokic_398)
- 404. Sasa Jokic, web form submitted July 10, 2019 (Jokic_399)
- 405. Sam Jones, web form submitted July 10, 2019 (Jones_237)
- 406. Adeija Jones, web form submitted July 10, 2019 (Jones_239)
- 407. Vaylateena Jones, oral testimony delivered July 10, 2019 (Jones_TS1_801)
- 408. Catherine Julia, web form submitted July 10, 2019 (Julia_669)
- 409. Thomas Julia, web form submitted July 10, 2019 (Julia_670)
- 410. Andrew Julia, web form submitted July 10, 2019 (Julia_774)
- 411. Kriz Junio, web form submitted July 10, 2019 (Junio_493)
- 412. Maryam Kahsani, web form submitted July 10, 2019 (Kahsani_623)
- 413. Zachai Kalet-Schwartz, web form submitted July 10, 2019 (Kalet-Schwartz_225)
- 414. Sherman Kane, oral testimony notes received July 10, 2019 (Kane_026) (Kane_085) and web form submitted July 10, 2019 (Kane_780)
- 415. Purnima Kapur, oral testimony delivered July 10, 2019 (Kapur_TS1_804)
- 416. Linda Katz, web form submitted July 10, 2019 (Katz_770)
- 417. Zachary Katznelson, oral testimony delivered July 10, 2019 (Katznelson_TS1_846)
- 418. Yael Kaufman, web form submitted July 10, 2019 (Kaufman_153)
- 419. Drisdry Kee, web form submitted July 10, 2019 (Kee_428)
- 420. Corey Kempster, web form submitted July 10, 2019 (Kempster_389)
- 421. Helena Keown, web form submitted July 10, 2019 (Keown_444)
- 422. Zuber Khan, web form submitted July 10, 2019 (Khan_728)
- 423. Vinela Khanduri, web form submitted July 10, 2019 (Khanduri_699)
- 424. Sheena King, web form submitted July 10, 2019 (King_761)

NYC Borough-Based Jail System EIS

- 425. Peter Kirby, web form submitted July 10, 2019 (Kirby_284)
- 426. Shalini Kishan, web form submitted June 19, 2019 (Kishan_278)
- 427. Malvina and Alan Kluger, email dated April 24, 2019 (Kluger_013) and web form submitted July 10, 2019 (Kluger_765)
- 428. Kaylee Knowles, web form submitted July 10, 2019 (Knowles_637)
- 429. Hai-Yin Kong, web form submitted July 10, 2019 (Kong_562)
- 430. Dana Kopel, web form submitted July 10, 2019 (Kopel_663)
- 431. Olivia Korn, web form submitted July 10, 2019 (Korn_280)
- 432. Zisel Koss, web form submitted July 10, 2019 (Koss_459)
- 433. Lucy Koteen, oral testimony delivered July 10, 2019 (Koteen_TS2_850) and oral testimony notes received July 10, 2019 (Koteen_037) (Koteen_096)
- 434. Reuvain Krasner, web form submitted July 10, 2019 (Krasner_750)
- 435. Rachel Kruchten, web form submitted July 10, 2019 (Kruchten_122)
- 436. Belle Ku-Benjet, web form submitted July 10, 2019 (Ku-Benjet_734)
- 437. Diana Kurz, web form submitted July 10, 2019 (Kurz_763)
- 438. Vivian Kurz, web form submitted July 10, 2019 (Kurz_773)
- 439. Dana Kurzer-Yashin, web form submitted July 10, 2019 (Kurzer-Yashin_251)
- 440. Amanda Kusek, web form submitted July 10, 2019 (Kusek_217)
- 441. Ray Kwan, web form submitted July 10, 2019 (Kwan_112)
- 442. Haide Kwan, web form submitted July 10, 2019 (Kwan_491)
- 443. Simona Kwon, NYU CSAAH, NIH, NIMD, web form submitted July 10, 2019 (Kwon_779)
- 444. Tina L, web form submitted July 10, 2019 (L_540)
- 445. Marie LaDuca, web form submitted July 10, 2019 (LaDuca_660)
- 446. Zo LaFemina, web form submitted July 10, 2019 (LaFemina_339)
- 447. Charles Lai, oral testimony delivered July 10, 2019 (Lai_TS1_827)
- 448. Hailey Lam, web form submitted June 19, 2019 (Lam_125)
- 449. Linda Lam, web form submitted July 10, 2019 (Lam_134)
- 450. Karen Langer, web form submitted July 10, 2019 (Langer_627)
- 451. Rachel Langer, web form submitted July 10, 2019 (Langer_752)
- 452. Peter Lanthier, web form submitted July 10, 2019 (Lanthier_725)
- 453. Rachelle Latimer, web form submitted July 10, 2019 (Latimer_590)
- 454. Michael Latin, web form submitted July 10, 2019 (Latin_576)
- 455. Caroline Leary, web form submitted July 10, 2019 (Leary_418)
- 456. Iris LeBron, web form submitted July 10, 2019 (LeBron_392)
- 457. Ping Lee, submitted by Joey Carpenter, email dated March 7, 2019 (Lee_009)
- 458. Jan Lee, email dated July 22, 2019 (Lee_063)
- 459. Debby Lee, web form submitted July 10, 2019 (Lee_416)
- 460. Maria Lefkarites, oral testimony delivered July 10, 2019 (Lefkarites_TS1_800)
- 461. Byrech Lehrer, web form submitted July 10, 2019 (Lehrer_584)
- 462. Linda Lehrer, web form submitted July 10, 2019 (Lehrer_585)
- 463. Amy Lei, web form submitted July 10, 2019 (Lei_411)
- 464. Anna Leong, oral testimony delivered July 10, 2019 (Leong_TS2_856) and oral testimony notes received July 10, 2019 (Leong_038) (Leong_097)
- 465. evgeny Lerner, web form submitted July 10, 2019 (Lerner_232)
- 466. Helen Levi, web form submitted July 10, 2019 (Levi_324)
- 467. Tova Levinger, web form submitted July 10, 2019 (Levinger_573)
- 468. Emily Levy, web form submitted July 10, 2019 (Levy_142)

- 469. Jeff Lewkowitz, web form submitted July 10, 2019 (Lewkowitz_226)
- 470. Wenjun Li, web form submitted July 10, 2019 (Li_390)
- 471. Xuan Li, web form submitted July 10, 2019 (Li_485)
- 472. Howard Li, web form submitted July 10, 2019 (Li_489)
- 473. Jason Li, web form submitted July 10, 2019 (Li_523)
- 474. Cindy Liang, web form submitted July 10, 2019 (Liang_470)
- 475. David Librizzo, email dated July 9, 2019 (Librizzo_075)
- 476. Joseph Licht, web form submitted July 10, 2019 (Licht_644)
- 477. Scott Limbacher, web form submitted July 10, 2019 (Limbacher_252)
- 478. Amy Lin, web form submitted July 10, 2019 (Lin_480)
- 479. Chun ju Lin, web form submitted July 10, 2019 (Lin_513)
- 480. Shaun Lin, web form submitted July 10, 2019 (Lin_525)
- 481. Nancy Linday, email dated July 17, 2019 (Linday_074) and web form submitted July 10, 2019 (Linday_433)
- 482. Nancy Linn, web form submitted July 10, 2019 (Linn_545)
- 483. Meiyu Liu, web form submitted July 10, 2019 (Liu_109)
- 484. Melanie Liu, web form submitted July 10, 2019 (Liu_110)
- 485. Peter Liuzzo, web form submitted July 10, 2019 (Liuzzo_778)
- 486. Susie Locklier, web form submitted July 10, 2019 (Locklier_144)
- 487. Elizabeth Logan, web form submitted May 22, 2019 (Logan_450)
- 488. Caroline Loo-Lew, web form submitted July 10, 2019 (Loo-Lew_105)
- 489. Ursula Lopez-Palm, web form submitted July 10, 2019 (Lopez-Palm_257)
- 490. Rona Love, oral testimony delivered July 10, 2019 (Love_TS1_798)
- 491. Claire Lowinger-Iverson, web form submitted July 10, 2019 (Lowinger-Iverson_446)
- 492. Vincent Lu, web form submitted July 10, 2019 (Lu_407)
- 493. Caleb Lubarsky, web form submitted July 10, 2019 (Lubarsky_412)
- 494. Allison Luciano, web form submitted July 10, 2019 (Luciano_334)
- 495. Patricia Lynch, web form submitted July 10, 2019 (Lynch_188)
- 496. Jessica Lynn, web form submitted July 10, 2019 (Lynn_214)
- 497. Wayvona Lyons, email dated November 5, 2018 (Lyons_007)
- 498. Da Ma, web form submitted July 10, 2019 (Ma_420)
- 499. Yuanyuan Ma, web form submitted July 10, 2019 (Ma_486)
- 500. Karen Ma, web form submitted July 10, 2019 (Ma_733)
- 501. Sandeep Mahale, web form submitted July 10, 2019 (Mahale_709)
- 502. Corey Mahaney, web form submitted July 10, 2019 (Mahaney_650)
- 503. Evan Malachosky, web form submitted July 10, 2019 (Malachosky_316)
- 504. Nancy Maldonado, web form submitted July 10, 2019 (Maldonado_356)
- 505. Cynthia Malone, web form submitted July 10, 2019 (Malone_148)
- 506. Ava Mandeville, web form submitted July 10, 2019 (Mandeville_508)
- 507. Claire Mangan, web form submitted July 10, 2019 (Mangan_720)
- 508. Steven Mangual, web form submitted July 10, 2019 (Mangual_123)
- 509. Raquel J. Martin, email dated April 18, 2019 (Martin_014)
- 510. Glenn Martin, web form submitted July 10, 2019 (Martin_440)
- 511. Cindy Martinez, web form submitted July 10, 2019 (Martinez_649)
- 512. Neene Maruzzelli, web form submitted July 10, 2019 (Maruzzelli_767)
- 513. Peter Matty, web form submitted July 10, 2019 (Matty_762)
- 514. Matt May, web form submitted July 10, 2019 (May_569)
- 515. Daniel Mayer, web form submitted July 10, 2019 (Mayer_631)

NYC Borough-Based Jail System EIS

- 516. Elizabeth Mayers, web form submitted July 10, 2019 (Mayers_405)
- 517. Marvin Mayfield, oral testimony notes received July 10, 2019 (Mayfield_049) (Mayfield_608)
- 518. Amy McBrayer, web form submitted July 10, 2019 (McBrayer_270)
- 519. Blair McClendon, web form submitted July 10, 2019 (McClendon_229)
- 520. Douglas McEachern, web form submitted July 10, 2019 (McEachern_182)
- 521. Oriana Mcgee, email dated November 20, 2018 Mcgee_011)
- 522. Katherine McIntyre, web form submitted July 10, 2019 (McIntyre_530)
- 523. Sean McKeithan, web form submitted July 10, 2019 (McKeithan_220)
- 524. Margaret McKenna, web forms submitted July 10, 2019 (McKenna_374) (McKenna_400)
- 525. Natalie McNeill, web form submitted June 19, 2019 (McNeill_377)
- 526. Molly Medhurst, web form submitted July 10, 2019 (Medhurst_620)
- 527. Sharon Mei, web form submitted July 10, 2019 (Mei_492)
- 528. Eric Meier, web form submitted July 10, 2019 (Meier_687)
- 529. Luis Mercado, web form submitted July 10, 2019 (Mercado_396)
- 530. Sergiy Merenkov, web form submitted July 10, 2019 (Merenkov_546)
- 531. Geoffery Metz, web form submitted July 10, 2019 (Metz_561)
- 532. Calvin Miceli-Nelson, web form submitted July 10, 2019 (Miceli-Nelson_158)
- 533. Marian Mikhail, web form submitted July 10, 2019 (Mikhail_630)
- 534. Rebecca Milano, web form submitted July 10, 2019 (Milano_274)
- 535. Alan Minor, web form submitted July 10, 2019 (Minor_138)
- 536. Michelle Mirtolooi, web form submitted July 10, 2019 (Mirtolooi_282)
- 537. Deborah Mittel, web form submitted July 10, 2019 (Mittel_621)
- 538. Edward Mittel, web form submitted July 10, 2019 (Mittel_625)
- 539. Mon Mohapatra, web form submitted July 10, 2019 (Mohapatra_132)
- 540. Obden Mondesir, web form submitted July 10, 2019 (Mondesir_133)
- 541. Paul Montañez, web form submitted July 10, 2019 (Montañez_362)
- 542. Samuel Morales, web form submitted July 10, 2019 (Morales_207)
- 543. Mark Morrill, web form submitted July 10, 2019 (Morrill_755)
- 544. Shana Morris, web form submitted July 10, 2019 (Morris_212)
- 545. Samantha Morrison, web form submitted July 10, 2019 (Morrison_228)
- 546. Melissa Morrone, web form submitted July 10, 2019 (Morrone_193)
- 547. Sarah Motola, web form submitted July 10, 2019 (Motola_243)
- 548. Lynne Muchinsky, web form submitted July 10, 2019 (Muchinsky_673)
- 549. Maya Mukhopadhaya, web form submitted July 10, 2019 (Mukhopadhaya_256)
- 550. Micah Murphy, web form submitted July 10, 2019 (Murphy_210)
- 551. Megan Murtagh, oral testimony delivered July 10, 2019 (Murtagh_TS1_835)
- 552. Le Na, web form submitted July 10, 2019 (Na_149)
- 553. Elliot Nathan, web form submitted July 10, 2019 (Nathan_318)
- 554. Noelle Nightingale, web form submitted July 10, 2019 (Nightingale_563)
- 555. Daniel Norowitz, web form submitted July 10, 2019 (Norowitz_588)
- 556. Julie Norris, web form submitted July 10, 2019 (Norris_297)
- 557. Sara O'Bery, web form submitted July 10, 2019 (O'Bery_342)
- 558. Chris O'Brien, web form submitted July 10, 2019 (O'Brien_221)
- 559. Elizabeth Oh, web form submitted July 10, 2019 (Oh_445)
- 560. Toshiko Okada, web form submitted July 10, 2019 (Okada_360)
- 561. Jun Okada, web form submitted July 10, 2019 (Okada_736)

- 562. Eri Okuma, web form submitted July 10, 2019 (Okuma_189)
- 563. Rev. Marilyn Oliver, oral testimony delivered July 10, 2019 (Oliver_TS1_833) and oral testimony notes received July 10, 2019 (Oliver_031) (Oliver_090)
- 564. Alexis Ortiz, web form submitted July 10, 2019 (Ortiz_338)
- 565. Benjamin Osheyack, web form submitted July 10, 2019 (Osheyack_249)
- 566. Robert Packnett, web form submitted July 10, 2019 (Packnett_231)
- 567. Danielle Pagnotta, web form submitted July 10, 2019 (Pagnotta_568)
- 568. Anika Paris, web form submitted July 10, 2019 (Paris_137)
- 569. Genevieve Parker, web form submitted July 10, 2019 (Parker_197)
- 570. Hayley Pasley, web form submitted July 10, 2019 (Pasley_467)
- 571. Janet Passanante, web form submitted July 10, 2019 (Passanante_531)
- 572. Anna Pastoressa, web form submitted July 10, 2019 (Pastoressa_361)
- 573. Faaizah Patail, web form submitted July 10, 2019 (Patail_179)
- 574. Pooja Patel, web form submitted July 10, 2019 (Patel_326)
- 575. Paige Pavone, web form submitted July 10, 2019 (Pavone_691)
- 576. Gabriela Pawelec, web form submitted July 10, 2019 (Pawelec_190)
- 577. Jodi Peikoff, web form submitted July 10, 2019 (Peikoff_651)
- 578. Ansley Pentz, web form submitted July 10, 2019 (Pentz_201)
- 579. Haley Pessin, web form submitted June 19, 2019 (Pessin_453)
- 580. Mary Pickard, web form submitted July 10, 2019 (Pickard_759)
- 581. Charlotte Picot, letters dated March 31, 2019 (Picot_001) and July 19, 2019 (Picot_066)
- 582. Kieran Pierre, web form submitted July 10, 2019 (Pierre_275)
- 583. Wendy Pincus, web form submitted July 10, 2019 (Pincus_648)
- 584. Michael Pintauro, web form submitted July 10, 2019 (Pintauro_695)
- 585. Melissa Piverger, web form submitted July 10, 2019 (Piverger_204)
- 586. Edward Plough, web form submitted July 10, 2019 (Plough_429)
- 587. Roberta Polite, web form submitted May 8, 2019 (Polite_351)
- 588. Justin Pollock, oral testimony delivered July 10, 2019 (Pollock_TS1_789)
- 589. Meenaleshi Poolapalli, oral testimony delivered July 10, 2019 (Poolapalli_TS1_842)
- 590. Yu Chun Poon, web form submitted July 10, 2019 (Poon_404)
- 591. Mark Popinchalk, web form submitted July 10, 2019 (Popinchalk_235)
- 592. Douglas Potter, web form submitted July 10, 2019 (Potter_592)
- 593. Nicole Proto, web form submitted July 10, 2019 (Proto_668)
- 594. John Proto, web form submitted July 10, 2019 (Proto_671)
- 595. Ellen Pustelniak, web form submitted July 10, 2019 (Pustelniak_558)
- 596. Maureen Pyne, email dated November 17, 2018 Pyne_002)
- 597. Patricia Quinn, web form submitted July 10, 2019 (Quinn_705)
- 598. Arlene Quinones, web form submitted July 10, 2019 (Quinones_547)
- 599. Natalie Raaber, web form submitted July 10, 2019 (Raaber_544)
- 600. Ekta Rana, web form submitted July 10, 2019 (Rana_127)
- 601. Molly Rapaport, web form submitted July 10, 2019 (Rapaport_345)
- 602. Jessica Raven, web form submitted July 10, 2019 (Raven_170)
- 603. Quinn Raymond, oral testimony delivered July 10, 2019 (Raymond_TS2_863) and oral testimony notes received July 10, 2019 (Raymond_046) (Raymond_605)
- 604. M Rehberger, web form submitted July 10, 2019 (Rehberger_241)
- 605. Aaron Reichel, web form submitted July 10, 2019 (Reichel_746)
- 606. Alfairis Reyna, web form submitted July 10, 2019 (Reyna_367)

NYC Borough-Based Jail System EIS

607. Stanley Richards, oral testimony notes received July 10, 2019 (Richards_039) (Richards_098)
608. Howard Richman, web form submitted July 10, 2019 (Richman_415)
609. Denise Rickles, web form submitted July 10, 2019 (Rickles_263)
610. Isabella Rieke, web form submitted July 10, 2019 (Rieke_296)
611. Fox Rinne, web form submitted July 10, 2019 (Rinne_500)
612. Sarah Rios, web form submitted July 10, 2019 (Rios_505)
613. Cheryl Rivera, web form submitted July 10, 2019 (Rivera_195)
614. Lee Roberts, web form submitted July 10, 2019 (Roberts_250)
615. Marysa Robinson, web form submitted July 10, 2019 (Robinson_652)
616. Sakinaa Rock, web form submitted July 10, 2019 (Rock_152)
617. Alexandra Rockoff, web form submitted July 10, 2019 (Rockoff_255)
618. Noel Rohayem, web form submitted July 10, 2019 (Rohayem_524)
619. Josephine Rojas, web form submitted July 10, 2019 (Rojas_381)
620. Rosanne Rosano, web form submitted July 10, 2019 (Rosano_739)
621. Stephanie Rosenberg, web form submitted July 10, 2019 (Rosenberg_758)
622. Sarah Rosenblatt, web form submitted July 10, 2019 (Rosenblatt_661)
623. Robert Rosengarten, web form submitted July 10, 2019 (Rosengarten_702)
624. Ellen Rubin, email dated November 6, 2018 (Rubin_006)
625. Len Rudd, web form submitted July 10, 2019 (Rudd_329)
626. Setsuko Sale, web form submitted July 10, 2019 (Sale_681)
627. Jeremy Salfen, web form submitted July 10, 2019 (Salfen_598)
628. Julieta Salgado, web form submitted July 10, 2019 (Salgado_478)
629. Connie Salvayon, web form submitted July 10, 2019 (Salvayon_230)
630. Wing Yee Sang, web form submitted July 10, 2019 (Sang_522)
631. Edwin Santana, oral testimony delivered July 10, 2019 (Santana_TS1_832) and oral testimony notes received July 10, 2019 (Santana_045) (Santana_604)
632. John Santoro, web form submitted July 10, 2019 (Santoro_171)
633. Maura Scanlan, web form submitted July 10, 2019 (Scanlan_208)
634. Harold Schechter, web form submitted July 10, 2019 (Schechter_570)
635. Gloria Scheiman, web form submitted July 10, 2019 (Scheiman_685)
636. Emily Schenkein, web form submitted July 10, 2019 (Schenkein_253)
637. Peter Schifftan, web form submitted July 10, 2019 (Schifftan_769)
638. Alexander Schneider, oral testimony delivered July 10, 2019 (Schneider_TS2_861)
639. Anna Schoening, web form submitted July 10, 2019 (Schoening_654)
640. Dina Schonfeld, web form submitted July 10, 2019 (Schonfeld_587)
641. Aharon Y Schonfeld, web form submitted July 10, 2019 (Schonfeld_591)
642. Sharon Schonfeld, web form submitted July 10, 2019 (Schonfeld_636)
643. Daniel Schwartz, web form submitted July 10, 2019 (Schwartz_370)
644. Bayla Schwartz, web form submitted July 10, 2019 (Schwartz_575)
645. Yasmin Secada, web form submitted July 10, 2019 (Secada_535)
646. Adele Secrest, web form submitted July 10, 2019 (Secrest_317)
647. Andrew Sedo, web form submitted July 10, 2019 (Sedo_619)
648. Matthew Seiller, web form submitted July 10, 2019 (Seiller_320)
649. Abraham Semmel, web form submitted July 10, 2019 (Semmel_595)
650. Miriam Semmel, web form submitted July 10, 2019 (Semmel_597)
651. Yitzchak Senft, web form submitted July 10, 2019 (Senft_572)
652. Rise Shamansky, web form submitted July 10, 2019 (Shamansky_703)

- 653. Jane Shan, web form submitted July 10, 2019 (Shan_462)
- 654. Andrew Shapiro, web form submitted July 10, 2019 (Shapiro_291)
- 655. Heena Sharma, web form submitted July 10, 2019 (Sharma_290)
- 656. Jess Shayne, web form submitted July 10, 2019 (Shayne_269)
- 657. Dastidar Shefali, web form submitted July 10, 2019 (Shefali_684)
- 658. Tyler Sheppard, web form submitted July 10, 2019 (Sheppard_177)
- 659. Yma Sherren, web form submitted July 10, 2019 (Sherren_632)
- 660. Min Shi, web form submitted July 10, 2019 (Shi_102)
- 661. Maureen Silverman, web form submitted July 10, 2019 (Silverman_365)
- 662. Kathryn Silverstein, web form submitted July 10, 2019 (Silverstein_160)
- 663. Christine Sirois, Owner of Sirois Creative LLC, web form submitted July 10, 2019 (Sirois_139)
- 664. Akiva Sklar, web form submitted July 10, 2019 (Sklar_542)
- 665. Kaleigh Smith, web form submitted July 10, 2019 (Smith_222)
- 666. Robert Smith, web form submitted July 10, 2019 (Smith_271)
- 667. Carrie Smith, web form submitted July 10, 2019 (Smith_511)
- 668. Lex Smith, oral testimony delivered July 10, 2019 (Smith_TS1_848)
- 669. Kristin Soerianata, web form submitted July 10, 2019 (Soerianata_579)
- 670. Sophie Sohval, web form submitted July 10, 2019 (Sohval_292)
- 671. Brenda Sokoloff, web form submitted July 10, 2019 (Sokoloff_594)
- 672. Leonard Sokoloff, web form submitted July 10, 2019 (Sokoloff_596)
- 673. Jasmine Soltani, web form submitted July 10, 2019 (Soltani_436)
- 674. Richard Song, web form submitted July 10, 2019 (Song_520)
- 675. Anthony Sperduti, web form submitted July 10, 2019 (Sperduti_741)
- 676. Ragini Srikrishna, web form submitted July 10, 2019 (Srikrishna_145)
- 677. Jennifer Stark, web form submitted July 10, 2019 (Stark_327)
- 678. Rebecca Steinmetz, email dated July 7, 2019 (Steinmetz_023), email dated July 9, 2019 (Steinmetz_024), and web form submitted July 10, 2019 (Steinmetz_760)
- 679. Herb Sturz, oral testimony delivered July 10, 2019 (Sturz_TS1_794)
- 680. Jenny Su, web form submitted July 10, 2019 (Su_354)
- 681. Wayne Suiter, web form submitted July 10, 2019 (Suiter_372)
- 682. Zhiying Sun, web form submitted July 10, 2019 (Sun_435)
- 683. Mkchael Sun, web form submitted July 10, 2019 (Sun_488)
- 684. Vera Sung, email dated July 22, 2019 (Sung_064) and web form submitted July 10, 2019 (Sung_206)
- 685. Alexander Susse, web form submitted July 10, 2019 (Susse_216)
- 686. Lae Sway, web form submitted July 10, 2019 (Sway_187)
- 687. Schuyler Swenson, web form submitted July 10, 2019 (Swenson_277)
- 688. Esta-Joy Sydell, web form submitted July 10, 2019 (Sydell_737)
- 689. Howard Sydell, web form submitted July 10, 2019 (Sydell_738)
- 690. Misaed Sylabar, oral testimony delivered July 10, 2019 (Sylabar_TS1_816)
- 691. John Tan, web form submitted July 10, 2019 (Tan_463)
- 692. Wilson Tang, web form submitted July 10, 2019 (Tang_358)
- 693. Asher Taub, web form submitted June 19, 2019 (Taub_452)
- 694. Leigh Taylor, web form submitted July 10, 2019 (Taylor_215)
- 695. Konstantine Tchourine, web form submitted July 10, 2019 (Tchourine_219)
- 696. Kirsten Theodos, oral testimony delivered July 10, 2019 (Theodos_TS1_820) and oral testimony notes received July 10, 2019 (Theodos_030) (Theodos_089)

NYC Borough-Based Jail System EIS

- 697. Dorothy Thom, email dated July 17, 2019 (Thom_081)
- 698. Cheryl Thompson, web form submitted July 10, 2019 (Thompson_466)
- 699. Jennifer Thorpe, web form submitted July 10, 2019 (Thorpe_198)
- 700. Cary Tilton, web form submitted July 10, 2019 (Tilton_224)
- 701. Kathleen Tom-Lew, web form submitted July 10, 2019 (Tom-Lew_744)
- 702. Akyla Tomlinson, oral testimony delivered July 10, 2019 (Tomlinson_TS1_840) and oral testimony notes received July 10, 2019 (Tomlinson_036) (Tomlinson_095)
- 703. Judy Torres, web form submitted July 10, 2019 (Torres_776)
- 704. Ben Traman, oral testimony delivered July 10, 2019 (Traman_TS1_817)
- 705. Michelle Tran, web form submitted July 10, 2019 (Tran_423)
- 706. Gia Tran, web form submitted July 10, 2019 (Tran_539)
- 707. Hakim Trent, web form submitted July 10, 2019 (Trent_307)
- 708. Rosa Tse, web form submitted July 10, 2019 (Tse_118)
- 709. Francis Tseng, web form submitted July 10, 2019 (Tseng_164)
- 710. Ronan Tuggle, web form submitted July 10, 2019 (Tuggle_473)
- 711. Dhvani Upadhyay, web form submitted July 10, 2019 (Upadhyay_408)
- 712. Avrohom Vegh, web form submitted July 10, 2019 (Vegh_672)
- 713. Amanda Velez, web form submitted July 10, 2019 (Velez_638)
- 714. Caroline Verdirame, web form submitted July 10, 2019 (Verdirame_131)
- 715. Aida Vernon, oral testimony delivered July 10, 2019 (Vernon_TS1_837)
- 716. Pamela Villa, web form submitted July 10, 2019 (Villa_479)
- 717. Mara Vinueza, web form submitted July 10, 2019 (Vinueza_468)
- 718. Kathryn Vitiello, web form submitted July 10, 2019 (Vitiello_551)
- 719. Joan Vivian, web form submitted July 10, 2019 (Vivian_359)
- 720. Lucien Von Wehren, web form submitted July 10, 2019 (Von Wehren_690)
- 721. Elly Von Wehren, web form submitted July 10, 2019 (Von Wehren_698)
- 722. Emily Voutes, web form submitted July 10, 2019 (Voutes_693)
- 723. Man Na Wai, web form submitted July 10, 2019 (Wai_518)
- 724. Eugene Walela, web form submitted May 22, 2019 (Walela_376)
- 725. Katie Wallace, web form submitted July 10, 2019 (Wallace_437)
- 726. Chris Wallace, web form submitted July 10, 2019 (Wallace_674)
- 727. Stephen Walsh, web form submitted July 10, 2019 (Walsh_677)
- 728. Kyle Walter, web form submitted July 10, 2019 (Walter_704)
- 729. Fei Wang, web form submitted July 10, 2019 (Wang_279)
- 730. Lin Wang, web form submitted July 10, 2019 (Wang_498)
- 731. Aleksey Weintraub, web form submitted July 10, 2019 (Weintraub_340)
- 732. Elinor Weissberg, web form submitted July 10, 2019 (Weissberg_504)
- 733. Seth Welins, Community Preservation Coalition, web form submitted July 10, 2019 (Welins_722)
- 734. Bryan Welton, web form submitted July 10, 2019 (Welton_223)
- 735. Richard Wener, web form submitted July 10, 2019 (Wener_723)
- 736. Sharon White-Harrigan, oral testimony delivered July 10, 2019 (White-Harrigan_TS1_822)
- 737. Edward Whitlock, web form submitted July 10, 2019 (Whitlock_213)
- 738. Elvia Wilk, web form submitted July 10, 2019 (Wilk_560)
- 739. Kei Williams, oral testimony delivered July 10, 2019 (Williams_TS1_836) and oral testimony notes received July 10, 2019 (Williams_033) (Williams_092)

- 740. M.J. Williams, web form submitted July 10, 2019 (Williams_173) and oral testimony delivered July 10, 2019 (Williams_TS1_813)
- 741. Jayla Williams, web form submitted July 10, 2019 (Williams_455)
- 742. Brittany Williams, oral testimony delivered July 10, 2019 (Williams_TS1_828)
- 743. Bernice Willig, web form submitted July 10, 2019 (Willig_589)
- 744. Kathleen Wilson, web form submitted July 10, 2019 (Wilson_184)
- 745. Tiara Wilson, web form submitted July 10, 2019 (Wilson_306)
- 746. Jenna Win, web form submitted July 10, 2019 (Win_196)
- 747. Eileen Witschger, web form submitted July 10, 2019 (Witschger_675)
- 748. Nora Wolf, web form submitted July 10, 2019 (Wolf_304)
- 749. Ross Wolfe, web form submitted June 19, 2019 (Wolfe_200)
- 750. Barry Wollner, web form submitted July 10, 2019 (Wollner_417)
- 751. Jen Wong, web form submitted July 10, 2019 (Wong_456)
- 752. Jenny Wong, web form submitted July 10, 2019 (Wong_484)
- 753. Chloe Wong, web form submitted July 10, 2019 (Wong_527)
- 754. Frances Wong, web form submitted July 10, 2019 (Wong_548)
- 755. Areerat Worawongwasu, web form submitted July 10, 2019 (Worawongwasu_183)
- 756. Mark Wright, web form submitted July 10, 2019 (Wright_419)
- 757. Suzy Wu, email dated December 20, 2018 (Wu_005)
- 758. Shannon Wu, web form submitted July 10, 2019 (Wu_519)
- 759. Louis Wu, web form submitted July 10, 2019 (Wu_729)
- 760. Lixia Xiao, web form submitted July 10, 2019 (Xiao_305)
- 761. Grace Xiao, web form submitted July 10, 2019 (Xiao_413)
- 762. Sherry Xie, web form submitted July 10, 2019 (Xie_457)
- 763. Chuchu Xu, web form submitted July 10, 2019 (Xu_410)
- 764. Wenjie Xu, web form submitted July 10, 2019 (Xu_458)
- 765. Jianmin Yang, web form submitted July 10, 2019 (Yang_394)
- 766. Sha Yang, web form submitted July 10, 2019 (Yang_495)
- 767. Amelia Yankey, oral testimony delivered July 10, 2019 (Yankey_TS1_799)
- 768. Carolyn Yao, web form submitted July 10, 2019 (Yao_205)
- 769. Takahiko Yasuzawa, web form submitted July 10, 2019 (Yasuzawa_254)
- 770. Wing Yau, web form submitted July 10, 2019 (Yau_350)
- 771. Hanna Yifru, web form submitted July 10, 2019 (Yifru_244)
- 772. Neisa Yin, web form submitted July 10, 2019 (Yin_126)
- 773. Judy Yip, web form submitted July 10, 2019 (Yip_549)
- 774. Cesar Yoc, web form submitted July 10, 2019 (Yoc_543)
- 775. Courtney Yoshimura, web form submitted July 10, 2019 (Yoshimura_323)
- 776. Kevin You, web form submitted July 10, 2019 (You_425)
- 777. Thomas Yu, web form submitted July 10, 2019 (Yu_477)
- 778. Wen Yu-Chen, web form submitted June 19, 2019 (Yu-Chen_199)
- 779. George Zaboretzky, web form submitted July 10, 2019 (Zaboretzky_555)
- 780. Donghui Zang, web form submitted July 10, 2019 (Zang_512)
- 781. Noah Zazanis, web form submitted July 10, 2019 (Zazanis_168)
- 782. Jack Zhang, web form submitted July 10, 2019 (Zhang_103)
- 783. Nancy Zhang, web form submitted July 10, 2019 (Zhang_120)
- 784. Kefu Zhang, web form submitted July 10, 2019 (Zhang_422)
- 785. Laura Zhang, web form submitted June 19, 2019 (Zhang_475)
- 786. Junmei Zhang, web form submitted July 10, 2019 (Zhang_496)

NYC Borough-Based Jail System EIS

- 787. Peng Zhao, web form submitted July 10, 2019 (Zhao_322)
- 788. Jieyun Zhou, web form submitted July 10, 2019 (Zhou_494)
- 789. Alex Zhu, web form submitted July 10, 2019 (Zhu_515)
- 790. Dragana Zoric, web form submitted July 10, 2019 (Zoric_726)

*