



**Mayor's Office of Criminal Justice**

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August 9, 2019

Marisa Lago, Chair  
City Planning Commission  
120 Broadway  
New York, NY 10271

RE: Bronx Site

Dear Chair Lago:

Thank you for inviting the applicant team for the proposed New York City Borough-Based Jails System to testify at the City Planning Commission's public hearing on July 10, 2019. We are writing with follow-up information requested by the Commissioners and the Department of City Planning during and after the hearing.

*Why can't the Bronx site be located at the Yankee Stadium parking lots or at the building that houses the Bronx District Attorney's office (198 East 161<sup>st</sup> Street)?*

The borough-based jails system project is a proposal to close a citywide network of facilities, the jails on Rikers Island and existing borough jail facilities. To both close the jails on Rikers Island and simultaneously build humane and modern jails by 2026, the City is working on this as a single project. The City cannot propose one jail without the others – that approach would not ensure the closure of the jails on Rikers Island by 2026. As a result, 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 preparing and reviewing one application), and fairness (all four 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.

Housing people closer to their communities is a core tenet of the borough-based jails system and the Lippman Commission report, "A More Just NYC." In order to accommodate this population and meet one of the goals the City has set out, housing people closer to their communities, the City is planning for four facilities in Manhattan, Brooklyn, Queens and the Bronx. The City is currently projecting an average daily population (ADP) of 4,000 people in custody in 2026 in the borough-based jails system. Roughly one quarter of the projected pretrial population have cases in the Bronx by 2026 with an anticipated ADP of 4,000 people in custody.



The criteria guiding site selection for the borough-based jails were primarily based on: (1) proximity to courthouses to reduce delays in cases and the time people stay in jail; (2) accessibility to public transportation so family members, lawyers, and service providers could easily visit; (3) 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; and (4) city-owned and controlled land that would allow for swift development of the new jail and with sufficient area to accommodate a new facility. Having a direct connection to the courthouse is important operationally to the Department of Correction. The City's starting point for identifying the proposed sites was looking at the three existing DOC borough facilities (Manhattan Detention Center, Brooklyn Detention Center, and Queens Detention Facility).

In the Bronx, we did not have a viable site that provided a direct connection to the courthouse. The City looked at multiple sites in the Bronx to identify a viable location for the proposed facility. Beginning in 2018, we worked in close consultation with a delegation of Bronx elected officials, who identified a number of Bronx sites for the City to consider. The letter submitted to the Commission on August 2<sup>nd</sup> provides an overview of those sites.

In regards to additional locations discussed at the CPC Review session, the Yankee Stadium parking lot would require the City to conduct an acquisition process, which would involve substantial cost and uncertainty to the City as detailed below. It is therefore not a viable site because acquisition of this privately controlled land would likely result in a multiple-year delay in the overall timeline for the borough-based jails. That delay on one site would have a cascading effect on the entire plan because all four sites are needed in order to close the jails on Rikers Island by 2026. During that period, the work on the other three proposed sites in Manhattan, Queens, and Brooklyn would not be able to progress thus delaying the entire project for multiple years.

The Yankee Stadium parking lots (2-2354-20 and 2-2354-65), located about one mile from the courthouse, are subject to a long-term lease between the City and the Bronx Parking Development Company, LLC ("BPDC"). The lease commenced in December 2007 and has an initial term of 49 years with five 10-year renewal options. The financing of the parking was provided by New York City Industrial Development Agency through the issuance of \$237,635,000 in tax-exempt bonds. The bonds are held by third party institutional and accredited investors and the consent of such bondholders would be required to release the parking lots from the lien of the mortgage securing the bond financing. The bondholders may, in their sole discretion, refuse to consent to the release of the lots or negotiate for a substantial payment as a condition to providing such consent. In this instance, such a payment would be tantamount to a site acquisition cost by the City. For these reasons, this site is not considered to be a viable jail development site.

Finally, the building that houses the Bronx District Attorney's office (198 East 161<sup>st</sup> Street, Bronx, NY 10451) was not considered as a viable site because of the size of the site and the current active use of the building. The lot area is 36,000 square feet, approximately 1/5 the size of the proposed Tow Pound site. Because of the small footprint, any jail built on this site would be significantly taller than the Tow Pound site with inadequate space for the program. In addition, the full and active use of the building by multiple agencies poses a problem, requiring a lengthy relocation process in the absence of an identified alternate site for relocation. Our understanding is that the



building is at capacity: it is primarily occupied by the Bronx DA, but also includes the Bronx Family Justice Center, the Department of Citywide Administrative Services (DCAS), and the Department of Probation (DOP). To use this site, all operations and employees of the Bronx DA would need to be relocated to another site (as yet, not identified) with comparable proximity to the courthouse. The same process would need to be applied to the other entities as well. A phased relocation would add years to the timeline and there is no identified site for the DA's relocation.

Ultimately, the City determined that the Bronx Tow Pound was the only site that was relatively close to the courthouse and fit the other critical criteria, as delineated in the July 26, 2019 letter to the Commission.

Thank you for your attention to this application. We look forward to discussing these topics during the post-hearing follow up review session on August 12, 2019.

Sincerely,

Liz Glazer, Director  
Mayor's Office of Criminal Justice

Cynthia Brann, Commissioner  
NYC Department of Correction