

# **Brooklyn Neighborhood Advisory Committee (NAC) Guidelines and Principles for the Proposed Brooklyn Borough Jail**

## **Executive Summary**

As part of New York City's plan to build a Borough-Based Jail System, committees of community leaders were convened in four boroughs to provide input on the City's plan as well as on the proposed jail facility for their communities. The Brooklyn Neighborhood Advisory Committee (NAC) was formed jointly by City Councilmember Stephen Levin and the Mayor's Office, to represent diverse interests in Brooklyn, particularly in the vicinity of the proposed jail site at 275 Atlantic Avenue. The Brooklyn House of Detention currently occupies this site.

The Brooklyn NAC's Guidelines and Principles summarize the discussions and views of the Brooklyn NAC. It is recognized that these views do not necessarily represent the views of the wider community, nor do they necessarily represent the views of all NAC members.

The NAC was comprised of the following stakeholders:

- Elected officials;
- District Manager of Brooklyn Community Board #2;
- Representatives of civic organizations in the nearby vicinity;
- Representatives from four local Business Improvement Districts and business organizations in the nearby vicinity (Downtown Brooklyn Partnership represents three BIDs and Atlantic Avenue BID);
- Representatives of various residential buildings in the nearby vicinity;
- Representatives of educational facilities; and
- Representatives of organizations involved in criminal justice reform and providing services for ex-detainees and ex-prisoners.

The role of the NAC members, as leaders in the community, was to provide (a) input on the City's proposed Borough-Based Jails System and, specifically, the proposed jail facility and program in Brooklyn; (b) identify community assets and concerns that can be addressed by the City; (c) advise the City on needed neighborhood investments; and (d) advise the City on improving community communications and partnerships.

The City provided information on the proposed program, updates to the City's plan, including briefings on related policy and program considerations being looked at by the administration.

Six meetings were held between October 2018 and March 2019, at which between 23—27 NAC members attended (see appendix for list of NAC members). During the course of the NAC meetings, discussions were held about various aspects of the proposed Borough-Based Jails system. This

“Guidelines and Principles” document summarizes key takeaways from the NAC’s conversations about (a) the proposed facility in Brooklyn, (b) criminal justice reform, (c) the proposed borough-based jails system, and (d) other community needs that should be addressed by the City.

The Brooklyn NAC’s Guidelines and Principles is intended to memorialize the priorities and views of the Brooklyn NAC members in an advisory document that will be shared with the entities – Community Board, Borough President, City Planning Commission, and City Council – which are officially reviewing the project as part of the Uniform Land Use Review Process (ULURP). It should also be considered by City officials when considering future investments in the neighborhood and elsewhere in Brooklyn in service of criminal justice reform, and the design of the jail facilities during the design stage of the project.

Prior to discussing the Guidelines and Principles, the Brooklyn NAC members would like to voice their objection with the City regarding the process, timing and transparency with the Borough Jail Plan. There was a belief that the public scoping and legal process should not have begun until the Borough Jail Master Plan was developed and published for public review. There was a belief that the NAC should have been convened prior to public scoping similar to the focus grouping of other relevant stakeholders. During the NAC meetings, important questions regarding the exploration of additional sites, cost analysis and issues of fair share were asked and some members of the NAC felt these were left went unanswered. There was a belief that the meetings should have been open to a wider group of stakeholders including CB2 members, the district attorney and been open to the press. There was objection to the City publishing “minutes” of the NAC meetings without the consent and approval of the overall membership.

The Guidelines and Principles are grouped into five major themes which are summarized below. Each of the themes coalesce around two essential principles on which all members of the NAC agree:

**Principle #1: Closing Rikers Island and decarcerating New York City are moral imperatives.**

It was raised that the City must continue its commitment to closing Rikers Island and it must do better in its efforts to support and lead reform efforts. The goal must be to incarcerate fewer than 3,500 people and build a jail system that houses no more than 3,500 people on a daily basis.

**Principle #2: Our neighborhood is ready to be a part of largescale decarceration and borough-based jail system, but any jail at the existing Atlantic Avenue site must fit in with the history and character of the immediate neighborhood.** This means that the current proposal must be revised to reduce the height and density of the jail and account for traffic and parking concerns, and integrate community needs. There is also support for a facility that has a sufficient size to accommodate the required program in a humane manner.

**These two principles, taken together, result in a unanimous call for the City to plan for a significantly smaller Brooklyn jail, with fewer Brooklyn residents incarcerated.**

## **THEME 1: CLOSE RIKERS INITIATIVE, CRIMINAL JUSTICE REFORMS**

There is strong support for decarcerating New York City and closing the jails on Rikers Island as moral imperatives. The Brooklyn NAC unanimously agrees that immediate criminal justice reform measures are needed at every stage of the criminal justice system. This includes city-level reforms to lower the jail population and legislative reform in Albany to create fairer criminal procedures. There is support for the continued use of the current location (275 Atlantic Avenue) as a pre-trial detention facility serving the Brooklyn courts. However, the Brooklyn NAC opposes housing Staten Island detainees, State parole violators/transfers, those serving city sentences and those in need of mental health services within the proposed new facility. Similar to other populous New York State counties, the NAC supports the addition of other facilities within Brooklyn to service these subpopulations. There is also support for the creation of another facility in Staten Island that will allow both such buildings to be shorter in height and density and will further the City's goal of keeping detainees close to courts and their families, and the diversion of as many people as possible from city custody altogether.

## **THEME 2: BUILDING HEIGHT AND DENSITY**

There is strong opposition to the height and bulk (FAR) of the proposed Brooklyn jail. The height and bulk of the building should be reduced so that it is comparable with the immediate surrounding (500' foot) neighborhood's density and scale. There is also support for safely housing people in detention with related supportive programming in a humane manner. A reduction of the height and bulk of the proposed Brooklyn jail complements the overall goal of incarcerating as few New Yorkers as possible.

## **THEME 3: BUILDING DESIGN / GROUND FLOOR USE**

There is support amongst Brooklyn NAC members that the proposed jail should incorporate architectural design elements that reduce visual and noise impacts, create a more sustainable building, and increase the building's cohesiveness within the immediate surrounding (500' foot) context. There is support amongst Brooklyn NAC members for the community space within the proposed jail to be used for civic, cultural, or incubator purposes that would complement the area and not compete with local retailers.

## **THEME 4: TRAFFIC, CIRCULATION AND PARKING**

The Brooklyn NAC does not condone the use of personal vehicles for commuting to the transit rich Atlantic Ave site. The City must support climate change initiatives, vision zero and traffic congestion policies that discourage existing or the increase in use of single occupancy vehicles. There is support for the City to encourage alternative modes of transportation for DOC staff members. The City must design the building to accommodate an underground pedestrian connector to the Brooklyn courts, which will allow NYPD a secure off-street pre-arraignment detainee transfer path. There is strong support for the immediate and ongoing enforcement of placard abuse by DOC staff, police vehicles and others that utilize on-street parking. There is also support for improved pedestrian and bicycle improvements on Atlantic Avenue, State Street, and elsewhere in the vicinity.

## **THEME 5: STREETScape, OPEN SPACE, AND COMMUNITY FACILITIES**

There is support for expanded land-marking, street furniture, trees, street lighting, and parks in the surrounding neighborhoods. There is also expressed support for more supermarkets and schools. Other public amenity opportunities that were supported include developing a new access point to the abandoned Atlantic Avenue railway tunnel.

## **THEME 1: CLOSE RIKERS INITIATIVE, STATE CRIMINAL JUSTICE LEGISLATIVE REFORMS**

- The NAC unanimously supports the moral imperative to close the jails on Rikers Island and incarcerate fewer people in city jails overall. Members of the NAC believe that the City must commit to reducing the daily population of New Yorkers incarcerated in our city jails to 3,500 or fewer. There is support for the findings of the Lippman Commission.
- There needs to be even greater reforms at every system point in the criminal justice system, specifically those that address racial disparities. This includes reforms within city agencies, including the DOC and New York City Police Department (NYPD), as well as within local District Attorney's offices and the State court system.
- There is strong support for city-level criminal justice reforms that will lower the jail population, including:
  - Expanding eligibility for supervised release and increase funding for social workers who supervise defendants.
  - Engaging DAs to consider alternatives to incarceration in cases and collaborate with community-based organizations on diversion opportunities.
  - Expunging marijuana cases and promoting pre-plea alternatives for drug possession charges.
  - Investing city resources in community-based preventative services that encourage public safety without threatening incarceration.
- There is strong support for several State criminal justice legislative reforms that will reduce case delays and safely lower the jail population, including:
  - The elimination of money bail;
  - Discovery reform;
  - Parole reform; and
  - Replacing required City sentences (or any sentence for up to one year in jail) with alternatives to incarceration.
- There is support for the continued use of the 275 Atlantic Avenue site as a pre-trial jail facility. The NAC is not opposed to having a modern, humane jail in our neighborhood. However, the NAC demands the City reduce the size, bulk and population of the proposed jail site by incarcerating fewer people and servicing certain sub-populations in alternative sites. There is also support for safely housing people in detention with related supportive programming in a humane manner.
- There is strong support for the creation of one or more additional facilities, which will help to reduce the overall population and space constraints in each of the four proposed facilities. The NAC demands the creation of more than one facility in Brooklyn and a facility in Staten Island, which are aligned with the goals expressed by the City in creating a smaller, safer, fairer borough jail system and the Lippman Commission. However, the creation of

these new facilities should not be done as a means of maintaining current levels of incarceration.

- There is support for some sub-populations within the City's jail system, such as women and State technical parole violators, to be housed separately and not in the proposed jail sites. There is strong support for an overarching policy that houses all therapeutic units off-site in an environment that better serves the medical, mental, and health needs of this sub-population within the City's criminal justice system. These therapeutic housing units should be run by city agencies other than DOC. This would allow these sub-populations to receive better care and would reduce space needs at each of the proposed facilities. Moreover, wherever possible, people with medical, mental, and health needs should be diverted from city custody altogether.
- There needs to be transparency and meaningful community involvement in the ongoing planning process.
- There were many members of the criminal justice system that should have been a part of the Brooklyn NAC process including representatives from the Brooklyn District Attorney's Office, public defender offices, NYPD, and Judges.

## **THEME 2: BUILDING HEIGHT AND DENSITY**

- The NAC unanimously demands that the City significantly reduce the height and FAR of the proposed jail. There is also support for safely housing people in detention with related supportive programming in a humane manner. Some NAC members believe lowering the height and density of the proposed jail must not conflict with the criminal justice goals of providing a humane facility that provides space for quality education, health, and therapeutic programming. Rather, there is support amongst the Brooklyn NAC for the City to lower the average daily population to 3,500 or fewer through reforms at the city level and by advocating for passage of comprehensive criminal justice reform in Albany. This would support the dual objectives of greater decarceration and reducing the building height/density at all four sites.
- The Brooklyn NAC strongly opposes the height and density of the proposed building. This was a primary concern for many of the Brooklyn NAC members. The height of the building should be reduced to something compatible with the immediate built context (500' radius). The Brooklyn NAC strongly believes in the findings of the Lippman commission's supports carrying out that vision. In general, the proposed facility should:
  - Fit the scale and context of the immediate neighborhood (500' radius);
  - Be no taller than the tallest building (including mechanical) in a 500' radius; and
  - Have a floor area ratio (FAR) that is between 6 and 10.
- As discussed in more detail in Theme 1, NAC members discussed many strategies to reduce the City's jail population and the overall height at the proposed Brooklyn facility. In addition to reducing the City's jail population to 3,500 or fewer, the NAC hopes that the City will consider and implement several of these potential strategies including:
  - Creation of off-site housing for certain sub-populations, such as technical State parole violators, women, and those with therapeutic needs;
  - Creating additional facilities to reduce the housing needs of each proposed facility; and
- The City needs to develop and communicate with the community its plans for emergency safety evacuation procedures for the vertical jails.
- There should have been better outreach by the City to include in the Brooklyn NAC more neighbors in the immediate vicinity of the proposed jail.

## **THEME 3: BUILDING DESIGN / GROUND FLOOR USE**

### **Building Design:**

- The architecture for the facility should be innovative. The building should be built to 21<sup>st</sup> century standards and ideals and should include high quality materials and sustainability measures (i.e. LEED, Net Zero, green roof).
- The design should incorporate elements that will reduce the visual impact and increase the building's cohesiveness within the surrounding context. For example, the setback from the podium level should be at a lower height than what is currently proposed (reduced to potentially 40 to 50 feet), so as to reduce bulk at the Atlantic Avenue street wall and better mesh with the surrounding lower scale neighborhood.
- There is concern about noise impacts from the proposed facility. There have been complaints about noise from the existing recreation spaces at the Brooklyn House of Detention. The City's current plans show recreational spaces at the eastern and western ends facing out to the community. The design of these spaces should be sensitive to the noise impacts on the surrounding community.
- The facility should incorporate an off-street connection underground connector between the jail and the courthouse to eliminate NYPD court related activities on State Street. Vehicular activities of the facility should also be minimized along State Street. It is understood that as part of the ULURP process, certain portions of State Street's underground areas would be de-mapped. It is recommended that the portions of State Street that are not in front of City-owned property be removed from the proposed de-mapped area.

### **Ground Floor Use:**

- The City's plan includes 30,000 square feet of space along Atlantic Avenue ground floor. A use for this space has not been determined by the City. The Brooklyn NAC recommends this space should be designed to be an "active" use, which enlivens the Atlantic Avenue Corridor and does not compete with existing retail in surrounding neighborhood.
- There is a strong preference for the incorporation of a community, civic, or non-profit use, which will complement the neighborhood. This could include a library, art center, performance space, a "maker space," or an incubator space for businesses. The City could partner with local cultural organizations to operate the ground floor space, which could be done as part of a wider initiative to develop a cultural corridor. The NAC recommends that the City conduct a cultural assessment in the area to see if there is a need for low-cost space for artists and non-profit organizations.
- The design for the community space should not be pre-determined, but should be determined when a user is identified. Many non-profit organizations will not have the capital funding to build-out the space. The City should provide funding assistance, where

needed, to non-profit organizations and cultural institutions in connection with their use of the ground floor space should they be a user of this space.

- The NAC prefers community or non-profit uses to retail uses. There is concern about existing retail vacancies in the surrounding area and that additional retail may further weaken the market. If there were to be retail use of this space, it should be unique to the neighborhood. “Formula businesses,” which have standardized services, décor, methods of operation, and other features that make them virtually identical to businesses elsewhere should be discouraged.
- Some Brooklyn NAC members felt that the visitor entry to the jail could be along Atlantic Avenue and not necessarily along Boerum Place.

## **THEME 4: TRAFFIC, CIRCULATION AND PARKING**

### **Traffic and Vehicular Circulation:**

- The design of the building should be very mindful of adding to existing congestion along Atlantic Avenue. There should be no on-street parking or loading located on Atlantic Avenue. It is recommended that the proposed facility include an off-street loading area for the ground floor community/retail space. To reduce the amount of curb cuts (driveways), off-street loading areas should share entrances and exits with the proposed jail. The proposed jail would still need its own secure entrance within the site.
- Traffic impacts from the site should be minimized on surrounding roads and should not unduly impact any of the surrounding streets. Traffic should be equally distributed between Boerum Place, Smith Street, Atlantic Avenue and State Street. The current proposed plan forces all traffic onto Smith Street with the garage entry and exit and sally port entry at that location. The plan should consider the inclusion of an exit on Boerum Place to better distribute traffic.
- There is strong concern about vehicles queuing on the street by the New York City Department of Correction ("DOC") and others associated with the jail facility. This is an issue with the existing facility and should be addressed and enforced immediately. The City's plan should consider providing space for temporary parking/queuing within the proposed facility.

### **Parking:**

- There is concern about how the proposed jail facility will impact the availability of on-street parking in the neighborhood. Placard abuse by DOC staff and others associated with the jail and courthouse is already problematic.
- The City should discourage DOC staff from traveling to the facility by personal automobile and encourage them to use public transportation instead. Off-street parking provided by the facility must meet the proposed jail facility's parking demand, specifically during DOC shift changes when demand peaks. A parking plan needs to be established and communicated to the community. If off-street parking ultimately is provided for private vehicles, it should be treated as an employee benefit and taxed appropriately.

### **Pedestrian and Bicycle Improvements:**

- There is support for pedestrian and bicycle improvements along State Street. The existing Citibike station should be maintained at the existing site or within a half block.
- There is concern about on-street parking by New York City Police Department ("NYPD") on Schermerhorn Street, which has created an unfriendly environment for pedestrians.

- There is support expressed for congestion pricing and residential parking permits. The Brooklyn NAC acknowledges that these policies would require cooperation with the State legislature as they fall within the State's jurisdiction.
- There is concern about the proposed reconstruction to the Brooklyn Queens Expressway (BQE) and the cascading impacts on traffic. This concurrent project needs to be evaluated in conjunction with the proposed jail. There is also concern about traffic impacts related to the proposed Brooklyn-Queens Connector (BQX) project.
- There is concern about the project's impacts to the street during construction of the proposed facility. The surrounding roadway network is already highly congested.

## **THEME 5: STREETScape, OPEN SPACE, AND COMMUNITY FACILITIES**

### **Historic Preservation:**

- Many buildings in Downtown Brooklyn and Boerum Hill are candidates for land-marking and should be considered by the Landmarks Preservation Commission. Land-marking these buildings will help preserve the historic character and scale of the surrounding neighborhoods. As part of this effort, it is recommended:
  - The Boerum Hill Historic District should be extended further along Atlantic Avenue; and
  - The New York City Department of Buildings (“DOB”) should adhere to and enforce regulations in the existing Atlantic Avenue Special District when new development or renovations to existing development are proposed.

### **Streetscape Improvements:**

- There is a need to improve the streetscape along Atlantic Avenue with high quality street furniture, landscaping, and other streetscape amenities. There is an opportunity to collaborate improvements with an ongoing streetscape study by Downtown Brooklyn Partnership. The community would also like more input on the choices of streetscape furniture and street trees.
- The streetscape along State Street is in need of improvement for pedestrians and bicyclists. The Citibike station at State Street should remain and be better maintained.
- Lighting for pedestrians was described as inadequate in some areas of Downtown Brooklyn, specifically along Schermerhorn Street and Atlantic Avenue.

### **Community Facilities:**

- The Brooklyn NAC members identified a significant need for investment in community infrastructure for the surrounding community such as schools and hospitals. Schools were discussed as a high priority as the community has seen a tremendous increase in residential development.
- It was expressed that there is a need for more supermarkets in the area.

### **Parks and Open Space:**

- The area surrounding the proposed Brooklyn jail is underserved by parks. There is a need for parks for people of all ages. Specifically, Brooklyn NAC members recommend the City consider:
  - Conversion of parking lots into parks;
  - Moving ahead with the Willoughby Park concept;
  - A park at the Wyckoff Houses;
  - Preserving the NYCHA green space needs even as new affordable housing is built on

premises; and

- Creating a triangle park next to the historic Head House adjacent to the Atlantic Avenue-Pacific Street Subway Station.
- There is an opportunity to leverage the existing Brooklyn Bridge Park by improving connectivity to this open space along Atlantic Avenue. The gateway to the park underneath the BQE is currently in disrepair and is unattractive to pedestrians. Improving the gateway, combined with other streetscape improvements along Atlantic Avenue to make it more walkable, will drive more pedestrian traffic to the park.
- Another unique opportunity for public space would be to repurpose the existing unused Atlantic Avenue Tunnel, the world's oldest subway tunnel (circa 1844), which is in the Brooklyn Heights and Cobble Hill Historic Districts. The tunnel is a landmarked and protected historic site. Accessibility to the space is extremely limited. It may be possible that an entrance to the tunnel can be accommodated at the proposed jail site. This would create opportunities for enjoyment of the historic site as well as secondary economic development opportunities by bringing more people to the area.