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74-0262



Site Acquisition
For The Federal Courthouse
Annex At Foley Square
New York City B-165868

General Services Administration

BY THE COMPTROLLER GENERAL
OF THE UNITED STATES

AUG. 31, 1973

904483
090565



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-165868

The Honorable John M. Murphy
House of Representatives

Dear Mr. Murphy:

On April 3, 1973, you asked us to investigate the acquisition of the site for the Foley Square Courthouse project in New York City and to make an oral report of our findings to you. At a meeting in your office on June 21, our representatives discussed with you the results of our review, at which time you requested certain additional information and a written report covering the work.

The Foley Square project comprises construction of two buildings, an annex to the Foley Square Courthouse and a Metropolitan Correctional Center with capacity to house 464 detainees awaiting trial and disposition. Construction, which started in December 1971, was about 30 percent complete as of May 31, 1973, and is scheduled for completion in February 1974.

The Congress has appropriated \$27.2 million for the project, \$11.9 million to the General Services Administration (GSA) for the annex and \$15.3 million to the Bureau of Prisons for the correctional center. GSA is responsible for planning, constructing, and managing the project.

GSA acquired the project site, consisting of about 51,340 square feet, in September 1971 from the city of New York at a cost of \$4.25 million. GSA did not pay cash for the site but applied this cost against the outstanding balance of a note due the Federal Government from the city for its purchase from GSA of the Brooklyn Navy Yard.

GSA cited section 204(g) of the Federal Property and Administrative Services Act of 1949, as amended, as authority for this method of payment by the city which authorizes the Administrator of General Services, where credit has been extended in connection with any disposition of surplus property,

to manage such credit and enforce, adjust, and settle any right of the Government with respect thereto in such manner and upon such terms as he deems in the best interest of the Government.

C2.3
In a prospectus submitted to the Senate and House Committees on Public Works in April 1971 requesting approval of the annex, GSA indicated that it was considering a site, contiguous to the courthouse, which would accommodate both the annex and the correctional center. GSA stated that:

"We will attempt to acquire the site from the city of New York by applying the agreed value of the selected site as a credit against the city's mortgaged indebtedness to the Government. However, failing in that, other methods of acquisition will be pursued. In the event it is necessary to acquire the selected site by purchase the total estimated project cost would be increased by about \$4,000,000."

SITE APPRAISALS AND NEGOTIATIONS

Site appraisals by GSA and the city of New York were used as guides in negotiating a price for the site. The GSA appraisal, dated November 10, 1970, and the city appraisal, dated November 12, valued the site at \$3,642,000 and \$8.2 million, respectively. The difference in the appraised value was attributed to:

- Value of improvements. The city appraisal placed a value of \$1,171,000 on the existing buildings, power station, and other improvements, whereas the GSA appraiser considered the existing improvements as a detriment to the anticipated use of the site and assigned no value to them.
- Zoning. The city appraisal assumed a change in zoning from the existing C6-1 (allowable construction of 308,040 square feet) to C6-4 (allowable construction of 513,000 square feet), whereas the GSA appraiser assumed no change in zoning.

--Treatment of comparable sales. Of the eight comparable sales both appraisals analyzed, the GSA appraiser did not significantly adjust the per-square-foot purchase price, whereas the city appraisal allowed significant adjustments--100 percent in one case.

Negotiations to purchase the site started in January 1971, with GSA offering \$2 million and the city's department of real estate asking \$10 million. The parties eventually agreed on \$4 million, but a City Council committee chairman objected that the price was too low. GSA increased its offer to \$4.25 million, and the city accepted it in May 1971.

CITY AND STATE APPROVAL

The city could not convey the site, designated as a public place,¹ to the Federal Government until:

1. The State legislature passed two bills amending the city's administrative code to authorize the city to discontinue the site area as a public place. The bills, Assembly 7531 and Senate 6354, introduced by the Assembly and Senate Rules Committees passed the Assembly on May 27, 1971, and the Senate on June 4.
2. The Mayor's legislative proposal authorizing the city to discontinue the site as a public place was considered. This was done at a May 4 meeting of the City Council's committee on State legislation and approved on May 24.
3. The Governor signed the legislation on June 25.
4. The City Planning Commission on July 14 (Cal. No. 61) scheduled a public hearing on a change to the city map eliminating the site as a

¹The site was designated as a public place in anticipation of removing the commercial structures thereon and erecting a city parking facility.

public place to facilitate the transfer of the site to GSA for the annex to the courthouse, which the commission described as detention facilities and Government offices. According to commission records, no opposition was expressed at the hearings held on August 11. The commission recommended to the Board of Estimate that the map be changed.

5. The Board of Estimate on August 19 passed two resolutions, one authorizing the conveyance of the property by the city to the Federal Government and the other authorizing the City Planning Commission to change the city map by eliminating the site as a public place.

NOTIFICATION TO STATE AND LOCAL OFFICIALS

Federal projects which will impact on a community are subject to certain regulations under the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4231), which states:

"The President shall, therefore, establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development * * *."

In accordance with a delegation of authority from the President, the Office of Management and Budget issued regulations for administering the act. GSA, pursuant to the act and these regulations, notified various State and local officials and various governmental organizations about the type of facility it planned to construct near the courthouse.

GSA sent letters, dated August 20, 1971, to the Governor of New York and to the Mayor of the city of New York (see apps. VIII and IX) setting forth its plans. GSA described the proposed facility as a two-building complex containing an office building and a correctional center with capacity to house 464 detainees awaiting trial and disposition. A copy of the letter to the Governor was also sent to the Tri-State Regional Planning Commission which, in turn, sent copies to the City

Planning Commission and to the New York State Planning and Development Clearinghouse. The Clearinghouse told GSA on September 30 that no agency had informed it of possible conflicts or problems regarding the project.

GSA also discussed the project plans with the Director, Office of Lower Manhattan Development, Office of the Mayor, the city of New York, and issued a news release, dated September 2, 1971, describing the project.

LITIGATION

16 In February 1972 members of the Chatham Square Civic Committee for a Planned Community filed a civil suit in the District Court of the United States for the Southern District of New York seeking a preliminary injunction against further project construction. > 02243

The plaintiffs contended that GSA did not comply with section 102(2)(c) of the National Environmental Policy Act of 1969 which requires that all Federal agencies include, in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement on the environmental impact of the proposed action.

The GSA Regional Director of the Public Buildings Service prepared an environmental statement in the form of a memorandum, dated February 23, 1971, which concluded that:

"The impact of the proposed action will have no adverse effect on the environment, including ecological systems, population, distribution, transportation, water or air pollution, nor will it be any threat to health or life systems or urban congestion."

On March 17, 1972, the district court judge agreed with GSA's conclusion and denied the injunction.

The plaintiffs appealed the decision to the U.S. Court of Appeals for the Second Circuit, which affirmed in part and reversed in part the district court decision. It found that the

GSA memorandum was an inadequate assessment of the environmental impact of the proposed correctional center and requested GSA to prepare a more comprehensive statement within 30 days. GSA did this and again concluded that there was no significant environmental impact. The statement was submitted by GSA to the district court, and on August 7, 1972, the court found for the Government and denied an injunction.

Again the decision was appealed, and on December 5, 1972, the appeals court found that there was some evidence of a negative impact and suggested that GSA develop additional data through public hearings.

GSA held public hearings and submitted a supplemental statement to the district court on April 6, 1973. On June 15 the district court denied the plaintiffs' motion for an injunction. On June 25 this decision was again appealed to the court of appeals and was still pending at the time this letter was prepared.

3 We have not asked GSA or the Bureau of Prisons to comment on this report nor have we sent copies to those agencies. Copies of the correspondence, bills, and other documents you requested are included as appendixes.

Sincerely yours,



Comptroller General
of the United States

STATE OF NEW YORK



6354

1971-1972 Regular Sessions

IN SENATE

April 5, 1971

Introduced by COMMITTEE ON RULES—read twice and ordered printed, and when printed to be committed to the Committee on City of New York

AN ACT

To amend the administrative code of the city of New York, in relation to authorizing the said city to discontinue as a public place the block bounded by Park Row, Pearl Street, Cardinal Hayes Place and Duane Street in the borough of Manhattan

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The administrative code of the city of New York is
2 hereby amended by adding thereto a new section, to be section
3 D51-71.4 to read as follows:

4 § *D51-71.4 Discontinuance and conveyance of a certain public*
5 *place in the borough of Manhattan.—1. a. Notwithstanding any*
6 *other provision of law, general, special or local, the city may dis-*
7 *continue the public place hereinafter described, in the borough of*
8 *Manhattan.*

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

APPENDIX I

1 *b. The public place hereby authorized to be discontinued is*
2 *bounded and described as follows:*
3 *ALL those certain lots or parcels of lands, situate, lying and*
4 *being in the borough of Manhattan and county of New York, city*
5 *and state of New York, being bounded and described as follows:*
6 *BEGINNING at the corner formed by the intersection of the*
7 *northerly side of Park Row with the easterly side of Duane Street*
8 *as these streets are now in use; thence northerly along the easterly*
9 *side of Duane Street 80.32 feet to the southerly side of Cardinal*
10 *Hayes Place; thence easterly along the southerly side of Cardinal*
11 *Hayes Place and making an angle of 90 degrees 56 minutes 25*
12 *seconds on the right with the easterly side of Duane Street 49.05*
13 *feet to an angle point in said street; thence continuing easterly*
14 *and making an angle of 181 degrees 21 minutes no seconds on the*
15 *left with the last described course 25.66 feet to an angle point in*
16 *said street; thence northerly and making an angle of 89 degrees*
17 *26 minutes 23 seconds on the left with the last described course*
18 *17.85 feet to an angle point in said street; thence easterly making*
19 *an angle of 89 degrees 26 minutes 31 seconds on the right with the*
20 *last described course 92.72 feet to an angle point in said street;*
21 *thence northerly making an angle of 89 degrees 7 minutes 33 sec-*
22 *onds on the left with the last described course 0.73 feet to an*
23 *angle point in said street; thence easterly making an angle of 89*
24 *degrees 6 minutes 2 seconds on the right with the last described*
25 *course 20.45 feet to an angle point in said street; thence continuing*
26 *easterly making an angle of 180 degrees 34 minutes 6 seconds on*
27 *the left with the last described course 59.46 feet to an angle point*

1 *in said street; thence continuing easterly making an angle of 178*
2 *degrees 58 minutes 25 seconds on the left with the last described*
3 *course 67.86 feet to an angle point in said street; thence northerly*
4 *making an angle of 89 degrees 46 minutes 40 seconds on the left*
5 *with the last described course 0.78 feet to an angle point in said*
6 *street; thence easterly making an angle of 90 degrees 8 minutes*
7 *30 seconds on the right with the last described course 12.5 feet to an*
8 *angle point in said street; thence continuing easterly making an*
9 *angle of 182 degrees 14 minutes 3 seconds on the left with the last*
10 *described course 17.42 feet to an angle point in said street; thence*
11 *southerly making an angle of 93 degrees 38 minutes 14 seconds on*
12 *the right with the last described course 3.25 feet to an angle point*
13 *in said street; thence easterly making an angle of 84 degrees 24*
14 *minutes 56 seconds on the left with the last described course 95.74*
15 *feet to the westerly side of Pearl Street; thence southerly along*
16 *the westerly side of Pearl Street making an angle of 112 degrees*
17 *26 minutes 59 seconds on the right with the last described course*
18 *101.87 feet to an angle point in said street; thence continuing*
19 *southerly making an angle of 146 degrees 16 minutes 31 seconds*
20 *on the right with the last described course 43 feet to the northerly*
21 *side of Park Row, thence westerly along the northerly side of*
22 *Park Row making an angle of 91 degrees 3 minutes 20 seconds on*
23 *the right with the last described course 488.3 feet to the point or*
24 *place of beginning, be the said dimensions and courses more or less,*
25 *it being the intention to describe Lot Nos. 35, 36, 38, 40, 41, 42, 43,*
26 *44, 45, 46, 49, 50, 53, 54, 56, 57, 58 and 60 in Block No. 159 except*
27 *Lot 51 as shown on the tax maps of the borough of Manhattan sub-*

APPENDIX I

1 *ject to existing casements, if any, for any part of the existing walls*
2 *or footings thereof of the buildings on the lands adjoining the*
3 *above described lands as long as such walls or footings shall stand,*
4 *together with all right, title and interest, if any, in and to the*
5 *streets in front thereof to the center thereof.*

6 § 2. This act shall take effect immediately.

STATE OF NEW YORK



7531

1971-1972 Regular Sessions

IN ASSEMBLY

April 7, 1971

Introduced by COMMITTEE ON RULES—read once and referred
to the Committee on City of New York

AN ACT

To amend the administrative code of the city of New York, in relation to authorizing the said city to discontinue as a public place the block bounded by Park Row, Pearl Street, Cardinal Hayes Place and Duane Street in the borough of Manhattan

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The administrative code of the city of New York is
2 hereby amended by adding thereto a new section, to be section
3 D51-71.4 to read as follows:

4 § *D51-71.4 Discontinuance and conveyance of a certain public*
5 *place in the borough of Manhattan.*

6 1. *a. Notwithstanding any other provision of law, general, spe-*
7 *cial or local, the city may discontinue the public place hereinafter*
8 *described, in the borough of Manhattan.*

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

1 *b. The public place hereby authorized to be discontinued is*
2 *bounded and described as follows:*

3 *ALL those certain lots or parcels of lands, situate, lying*
4 *and being in the borough of Manhattan and county of New*
5 *York, city and state of New York, being bounded and described*
6 *as follows:*

7 *BEGINNING at the corner formed by the intersection of*
8 *the northerly side of Park Row with the easterly side of*
9 *Duane Street as these streets are now in use; thence northerly*
10 *along the easterly side of Duane Street 80.32 feet to the south-*
11 *erly side of Cardinal Hayes Place; thence easterly along the*
12 *southerly side of Cardinal Hayes Place and making an angle*
13 *of 90 degrees 56 minutes 25 seconds on the right with the*
14 *easterly side of Duane Street 49.05 feet to an angle point in*
15 *said street; thence continuing easterly and making an angle*
16 *of 181 degrees 21 minutes no seconds on the left with*
17 *the last described course 25.66 feet to an angle point in said*
18 *street; thence northerly and making an angle of 89 degrees*
19 *26 minutes 23 seconds on the left with the last described*
20 *course 17.85 feet to an angle point in said street; thence*
21 *easterly making an angle of 89 degrees 26 minutes 31 seconds*
22 *on the right with the last described course 92.72 feet to an*
23 *angle point in said street; thence northerly making an angle*
24 *of 89 degrees 7 minutes 33 seconds on the left with the last*
25 *described course 0.73 feet to an angle point in said street;*
26 *thence easterly making an angle of 89 degrees 6 minutes 2 sec-*
27 *onds on the right with the last described course 20.45 feet to an*

1 *angle point in said street; thence continuing easterly making an*
2 *angle of 180 degrees 34 minutes 6 seconds on the left with*
3 *the last described course 59.46 feet to an angle point in said*
4 *street; thence continuing easterly making an angle of 178*
5 *degrees 58 minutes 25 seconds on the left with the last*
6 *described course 67.86 feet to an angle point in said street;*
7 *thence northerly making an angle of 89 degrees 46 minutes 40*
8 *seconds on the left with the last described course 0.78 feet*
9 *to an angle point in said street; thence easterly making an*
10 *angle of 90 degrees 8 minutes 30 seconds on the right with*
11 *the last described course 12.5 feet to an angle point in said*
12 *street; thence continuing easterly making an angle of 182*
13 *degrees 14 minutes 3 seconds on the left with the last described*
14 *course 17.42 feet to an angle point in said street; thence*
15 *southerly making an angle of 93 degrees 38 minutes 14 sec-*
16 *onds on the right with the last described course 3.25 feet to*
17 *an angle point in said street; thence easterly making an angle*
18 *of 84 degrees 24 minutes 56 seconds on the left with the last*
19 *described course 95.74 feet to the westerly side of Pearl Street;*
20 *thence southerly along the westerly side of Pearl Street mak-*
21 *ing an angle of 112 degrees 26 minutes 59 seconds on the right*
22 *with the last described course 101.87 feet to an angle point in*
23 *said street; thence continuing southerly making an angle of*
24 *146 degrees 16 minutes 31 seconds on the right with the last*
25 *described course 43 feet to the northerly side of Park Row,*
26 *thence westerly along the northerly side of Park Row making*
27 *an angle of 91 degrees 3 minutes 20 seconds on the right with*

APPENDIX II

1 *the last described course 488.3 feet to the point or place of*
2 *beginning, be the said dimensions and courses more or less,*
3 *it being the intention to describe Lot Nos. 35, 36, 38, 40, 41,*
4 *42, 43, 44, 45, 46, 49, 50, 53, 54, 56, 57, 58 and 60 in Block*
5 *No. 159 except Lot 51 as shown on the tax maps of the borough*
6 *of Manhattan subject to existing easements, if any, for any*
7 *part of the existing walls or footings thereof of the buildings*
8 *on the lands adjoining the above described lands as long as*
9 *such walls or footings shall stand, together with all right,*
10 *title and interest, if any, in and to the streets in front thereof*
11 *to the center thereof.*

12 § 2. This act shall take effect immediately.

'71 LAW # //

[May 24, 1971]

MEMORANDUM IN SUPPORT

TITLE AN ACT To amend the administrative code of the City of New York in relation to authorizing the said city to discontinue as a public place the block bounded by Park Row, Pearl Street, Cardinal Hayes Place and Duane Street in the borough of Manhattan.

SUMMARY OF PROVISIONS This bill would amend the administrative code of the City of New York by adding a new Section D51-71.4. This section would permit the Board of Estimate to transfer title to the square block directly behind the United States Federal Court-house in Foley Square to the Federal Government for a valuable consideration under General Municipal Law, Section 72-h. The land is presently mapped as a "public place" making it inalienable under Section 383, New York City Charter.

REASONS FOR SUPPORT The Federal Government intends to construct a new facility to house the U.S. Attorney's office and a new Federal House of Detention on the property directly behind the Federal Courthouse at Foley Square. This property, which is mapped as a public place, is no longer required for use by the City. The purpose of this bill is to authorize the discontinuance of such public place so that the City may transfer title to the property to the Federal Government.

Accordingly, the Mayor urges upon the Legislature the earliest possible favorable consideration of this proposal.

Respectfully submitted,

RICHARD A. BROWN
Legislative Representative
[New York City]

APPENDIX IV



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

MICHAEL WHITEMAN
COUNSEL TO THE GOVERNOR

July 19, 1971

Dear Mr. Turetsky:

On behalf of Governor Rockefeller, I acknowledge your letter concerning legislation in relation to authorizing the City of New York to discontinue as a public place the block bounded by Park Row, Pearl Street, Cardinal Hayes Place and Duane Street in the borough of Manhattan (Assembly Bill No. 7531).

The Governor approved this legislation on June twenty-fifth and it is now Chapter 898 of the Laws of 1971.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Whiteman".

Mr. Gerald J. Turetsky
Regional Administrator, Region 2
General Services Administration
26 Federal Plaza
New York, New York 10007

CITY PLANNING COMMISSION
August 11, 1971 / Calendar # 40

CP-21695

A map initiated by the City Planning Commission pursuant to the provisions of Section 199c of the City Charter providing for the elimination of a Public Place within the territory bounded by Duane Street, Cardinal Hayes Place, Pearl Street and Park Row, Borough of Manhattan. The modification is detailed on Map Acc. #30005 signed by the Chairman of the City Planning Commission and dated July 13, 1971.

The map provides for the elimination of a public place within the block bounded by Duane Street, Cardinal Hayes Place, Pearl Street and Park Row in the Manhattan Civic Center area. The map is intended to facilitate the conveyance of the property to the General Services Administration of the Federal Government to permit its development as an annex to the adjacent U. S. Courthouse. The new structure will contain detention facilities and government offices.

The acquisition of the property will be in accordance with an agreement dated June 8, 1971 entered into ^{by} the City and the General Services Administration whereby the City would be credited with \$4.25 million toward the purchase of the Brooklyn Navy Yard.

The map laying out the public place in accordance with the Manhattan Civic Center plan was approved by the Board of Estimate on December 7, 1961 (Calendar #62).

The block in question is surrounded by public and institutional buildings and areas under development. On the north are St. Andrews Roman Catholic Church and the United States Court House. The New York County Court House lies northeasterly on the northerly side of Pearl Street. The newly constructed Police Headquarters is situated southerly on the south side of Park Row.

APPENDIX V

On July 14, 1971 (Calendar #61) the City Planning Commission scheduled a PUBLIC HEARING on the map change. The hearing was duly held on August 11, 1971 (Calendar #40). There were no appearances and the hearing was closed.

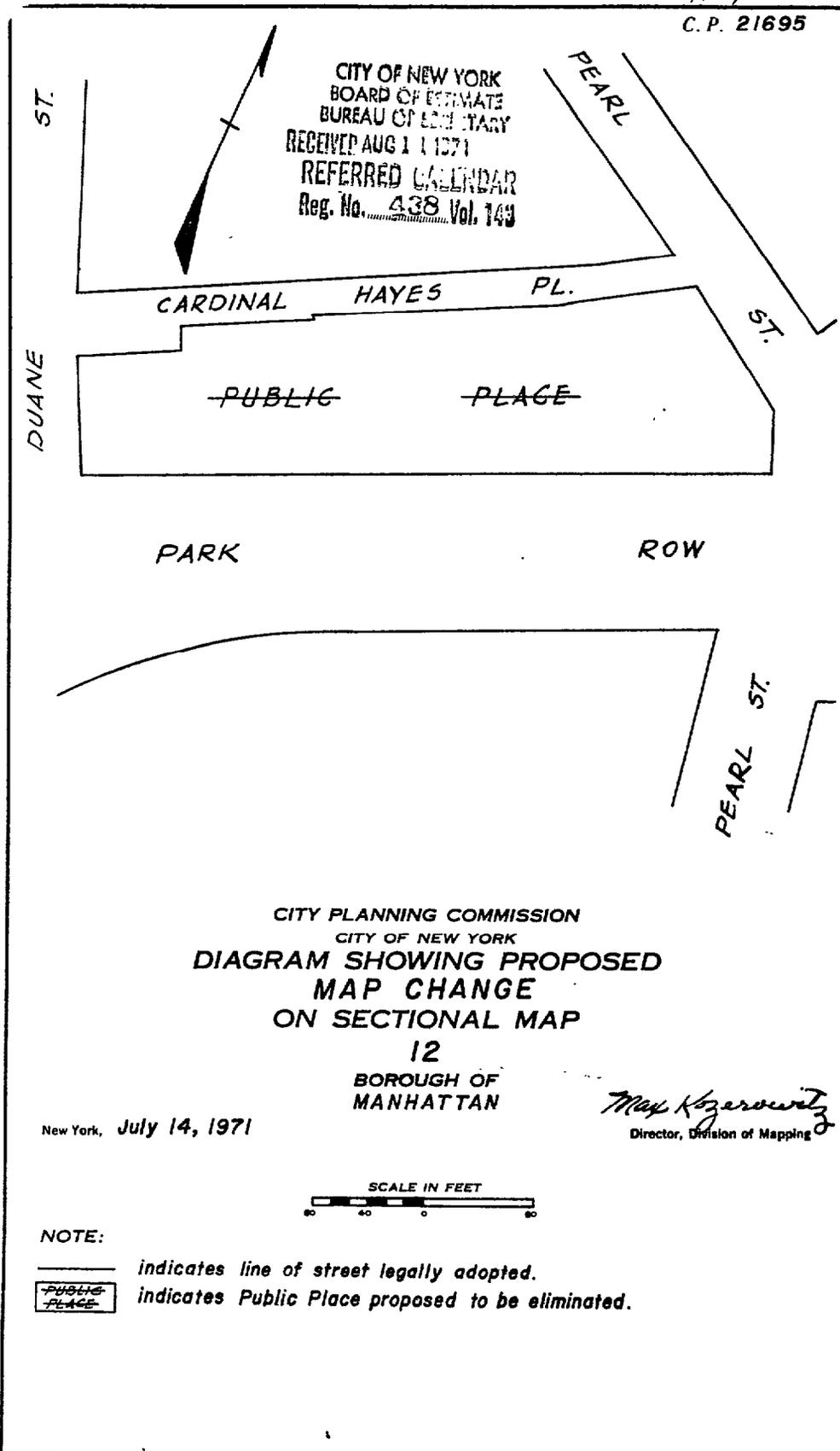
The Commission considers the map change which is designed to implement the construction of a Federal Government facility within the Manhattan Civic Center to be an appropriate modification of the City Map.

The Commission recommends to the Board of Estimate that the map change under consideration be adopted.

DONALD H. ELLIOTT, Chairman;
MARTIN GALLEN, IVAN A. MICHAEL,
CHESTER RAPKIN, JOHN E. ZUCCOTTI, Commissioners.

MK:eg

#40
C. P. 21695



NOTE:



indicates line of street legally adopted.
indicates Public Place proposed to be eliminated.

h.c. 11/11

City Planning Commission

Cal. No. 155.

Public Place Within Territory Bounded by Duane Street, Cardinal Hayes Place, Pearl Street and Park Row, Manhattan—Eliminating.

The Acting Secretary presented the following:

(CP-21695)

August 11, 1971.

A map initiated by the City Planning Commission pursuant to the provisions of Section 199c of the City Charter providing for the elimination of a Public Place within the territory bounded by Duane Street, Cardinal Hayes Place, Pearl Street and Park Row, Borough of Manhattan. The modification is detailed on Map Acc. No. 30005 signed by the Chairman of the City Planning Commission and dated July 13, 1971.

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The acquisition of the property will be in accordance with an agreement dated June 8, 1971 entered into by the City and the General Services Administration whereby the City would be credited with \$4.25 million toward the purchase of the Brooklyn Navy Yard.

The map laying out the public place in accordance with the Manhattan Civic Center plan was approved by the Board of Estimate on December 7, 1961 (Calendar No. 62).

The block in question is surrounded by public and institutional buildings and areas under development. On the north are St. Andrews Roman Catholic Church and the United States Court House. The New York County Court House lies northeasterly on the northerly side of Pearl Street. The newly constructed Police Headquarters is situated southerly on the south side of Park Row.

On July 14, 1971 (Calendar No. 61) the City Planning Commission scheduled a public hearing on the map change. The hearing was duly held on August 11, 1971 (Calendar No. 40). There were no appearances and the hearing was closed.

The Commission considers the map change which is designed to implement the construction of a Federal Government facility within the Manhattan Civic Center to be an appropriate modification of the City Map.

The Commission recommends to the Board of Estimate that the map change under consideration be adopted.

DONALD H. ELLIOTT, Chairman; MARTIN GALLENT, IVAN A. MICHAEL, CHESTER RAPKIN, JOHN E. ZUCCOTTI, Commissioners.

Statement was made on roll call by the Acting Comptroller.

The following resolution was offered by the Acting President of the Borough of Manhattan:

Resolved, That the Board of Estimate, pursuant to the provisions of Section 199 of the New York City Charter, deeming it for the public interest so to do, hereby adds to or changes the City map by showing the elimination of a Public Place within the territory bounded by Duane Street, Cardinal Hayes Place, Pearl Street and Park Row, Borough of Manhattan, in accordance with a Map Accession 30005, bearing the signature of the Chairman of the City Planning Commission, and dated July 13, 1971.

Which was adopted by the following vote:

Affirmative—The Special Assistant to the Mayor, the Acting Comptroller, the President of the Council and the Acting Presidents of the Boroughs of Manhattan, Brooklyn, The Bronx, Queens and Richmond—22.

Cal. No. 128.

Board of Estimate; United States of America, General Services Administration—Sale and Conveyance of City-Owned Property Bounded by Park Row, Pearl Street, Cardinal Hayes Place and Duane Street, Manhattan, for U. S. Attorney's Office and Federal House of Detention.
The Acting Secretary presented the following:

August 19, 1971

3472

To the Honorable Board of Estimate:

Sirs—The General Services Administration of the Federal Government contracted the Department of Real Estate in March, 1971, to discuss the transfer of land in the square block directly behind the United States Federal Courthouse located at Foley Square, bounded by Park Row, Pearl Street, Cardinal Hayes Place and Duane Street. The Federal Government plans to construct a new facility to house the U.S. Attorney's Office and a new Federal House of Detention.

The City has negotiated a price of 4.25 million dollars as the selling price. The money is to be received by reducing the mortgage indebtedness that the City owes to the Federal Government based on the purchase of the Brooklyn Navy Yard by 4.25 million dollars.

In addition, the present Transit Authority power station located in the middle of the property is to be left intact for so long as the Transit Authority needs it. The Federal Government has agreed to limit their proposed structures to the current zoning which allows a building of approximately 30,000 square feet.

The property is currently mapped as a "public place" which property by definition is inalienable under the New York City Charter. The State Legislature, after receiving a home rule message from the City Council, passed a law at the most recent session allowing the City to discontinue the property as a public place (Chapter 898 of the Laws of 1971). The City Planning Commission is presently proceeding to discontinue the property as a public place.

Section 72-H of the General Municipal Law empowers The City of New York to sell to the Federal Government at a negotiated price without the necessity of public bidding. The attached resolution would authorize the transfer of property pursuant to this section.

The Commissioner of Real Estate deems the price to be realized from the property to be fair and reasonable and the proposed uses to be in the best interests of the City. It is recommended that your Board adopt the attached resolution authorizing the selling of this property.

Respectfully,

IRA DUCHAN, Commissioner of Real Estate.

The Acting Secretary also presented a substitute resolution, submitted by the Commissioner of Real Estate.

Statements were made on roll call by the Special Assisant to the Mayor and the Acting Comptroller.

The following substitute resolution was offered by the Special Assistant to the Mayor:

Resolved, That the Board of Estimate hereby authorizes the transfer of title property bounded by Park Row, Pearl Street, Cardinal Hayes Place and Duane Street in the Borough of Manhattan from The City of New York to the United States Government pursuant to the provisions of No. 72H of the General Municipal Law for the sum of 4.25 million dollars to be applied to the mortgage indebtedness arising from the City's purchase of the Brooklyn Navy Yard. The Corporation Counsel is hereby directed to prepare a deed and the City Clerk is directed to affix the seal of The City of New York. The proposed deed will allow the use of the Power Station on Lot 51 as long as it is needed by the City rent free.

The property to be transferred is more particularly described as follows:

All certain lots or parcels of lands, situate, lying and being in the Borough of Manhattan and County of New York, City and State of New York, being bounded and described as follows:

APPENDIX VII

Beginning at the corner formed by the intersection of the northerly side of Park Row with the easterly side of Duane Street as these streets are now in use; thence northerly along the easterly side of Duane Street 80.32 feet to the southerly side of Cardinal Hayes Place; thence easterly along the southerly side of Cardinal Hayes Place and making an angle of 90 degrees 56 minutes 25 seconds on the right with the easterly side of Duane Street 49.05 feet to an angle point in said street; thence continuing easterly and making an angle of 181 degrees 21 minutes no seconds on the left with the last described course 25.66 feet to an angle point in said street; thence northerly and making an angle of 89 degrees 26 minutes 23 seconds on the left with the last described course 17.85 feet to an angle point in said street, thence easterly making an angle of 89 degrees 26 minutes 31 seconds on the right with the last described course 92.72 feet to an angle point in said street; thence northerly making an angle of 89 degrees 7 minutes 33 seconds on the left with the last described course 0.73 feet to an angle point in said street; thence easterly making an angle of 89 degrees 6 minutes 2 seconds on the right with the last described course 20.45 feet to an angle point in said street; thence continuing easterly making an angle of 180 degrees 34 minutes 6 seconds on the left with the last described course 59.46 feet to an angle point in said street; thence continuing easterly making an angle of 178 degrees 58 minutes 25 seconds on the left with the last described course 67.86 feet to an angle point in said street; thence northerly making an angle of 89 degrees 46 minutes 40 seconds on the left with the last described course 0.78 feet to an angle point in said street; thence easterly making an angle of 90 degrees 8 minutes 30 seconds on the right with the last described course 12.5 feet to an angle point in said street; thence continuing easterly making an angle of 182 degrees 14 minutes 3 seconds on the left with the last described course 17.42 feet to an angle point in said street; thence southerly making an angle of 93 degrees 38 minutes 14 seconds on the right with the last described course 3.25 feet to an angle point in said street; thence easterly making an angle of 84 degrees 24 minutes 56 seconds on the left with the last described course 95.74 feet to the westerly side of Pearl Street; thence southerly along the westerly side of Pearl Street making an angle of 112 degrees 26 minutes 59 seconds on the right with the last described course 101.87 feet to an angle point in said street; thence continuing southerly making an angle of 146 degrees 10 minutes 31 seconds on the right with the last described course 43 feet to the northerly side of Park Row, thence westerly along the northerly side of Park Row making an angle of 91 degrees 3 minutes 20 seconds on the right with the last described course 488.3 feet to the point or place of beginning, be the said dimensions and courses more or less, it being the intention to describe Lot Nos. 35, 36, 38, 40, 41, 42, 43, 44, 45, 46, 49, 50, 51, 53, 54, 56, 57, 58 and 60 in Block No. 159 as shown on the Tax Maps of the Borough of Manhattan subject to existing easements if any, for any part of the existing walls or footings thereof of the buildings on the lands adjoining the above described lands as long as such walls or footings shall stand, together with all right, title and interest, if any, in and to the street in front thereof to the center thereof.

Which was adopted by the following vote:

Affirmative—The Special Assistant to the Mayor, the Acting Comptroller, the President of the Council, the President of the Borough of Manhattan and the Acting Presidents of the Boroughs of Brooklyn, The Bronx, Queens and Richmond—22.

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION

Region 2
26 Federal Plaza
New York, New York 10007



AUG 20 1971

Honorable Nelson A. Rockefeller
Governor of New York
Albany, New York

Dear Governor Rockefeller:

The General Services Administration has completed negotiations with the City of New York to acquire approximately 1.20 acres of land bounded by Cardinal Hayes Place, Park Row, Pearl and Duane Streets, Manhattan, New York, directly east of the U. S. Courthouse at Foley Square. This parcel relates to Senate Bill S6354 (A7531) passed on June 4, 1971, and signed by you on June 29, 1971, to amend the administrative code of the City of New York, in relation to authorizing the said City to discontinue the area as a public place.

It is planned to construct an Annex on this site consisting of a two-building complex connected by a bridge to the existing U.S. Courthouse, Foley Square, New York, New York.

One of the buildings will provide approximately 147,430 sq. ft. of space for the Department of Justice, U.S. Attorney, U.S. Marshal, and the Attorney General's Strike Force. This building will house approximately 357 federal employees, most of whom are already employed in the general area.

The other building will provide approximately 197,100 sq. ft. of space for the Department of Justice Correction Center and will house approximately 84 staff personnel presently employed in the general area, with a capacity to house up to 464 detainees awaiting trial and disposition.

Plans for this complex provide for connection to existing New York City utility services, including water supply, sewage disposal, solid waste disposal, and storm water drainage. Heating will be purchased from Con Edison Company of New York, and trash removal will be by commercial contract.

The Intergovernmental Cooperation Act of 1968, and administrative directives of the President, direct that there be consultation with the appropriate officials in the planning of any federal project

APPENDIX VIII

which may have a substantial impact on the community.

Therefore, we would appreciate your cooperation and comments in this endeavor.

Sincerely,



GERALD J. FURBER
Regional Administrator

AUG 20 1971

Honorable John V. Lindsay
Mayor of New York
New York, New York

Dear Mayor Lindsay:

The General Services Administration has completed negotiations with the City of New York to acquire approximately 1.20 acres of land bounded by Cardinal Hayes Place, Park Row, Pearl and Duane Streets, Manhattan, New York, directly east of the U. S. Courthouse at Foley Square. In this connection the Board of Estimate approved the sale of the property to the General Services Administration on August 19, 1971.

It is planned to construct an Annex on this site consisting of a two-building complex connected by a bridge to the existing U. S. Courthouse, Foley Square, New York, New York.

One of the buildings will provide approximately 147,430 sq. ft. of space for the Department of Justice, U. S. Attorney, U. S. Marshal, and the Attorney General's Strike Force. This building will house approximately 357 federal employees, most of whom are already employed in the general area.

The other building will provide approximately 197,100 sq. ft. of space for the Department of Justice Correction Center and will house approximately 84 staff personnel presently employed in the general area, with a capacity to house up to 464 detainees awaiting trial and disposition.

Plans for this complex provide for connection to existing New York City utility services, including water supply, sewage disposal, solid waste disposal, and storm water drainage. Heating will be purchased from Con Edison Company of New York, and trash removal will be by commercial contract.

The Intergovernmental Cooperation Act of 1968, and administrative directives of the President, direct that there be consultation with the appropriate officials in the planning of any federal project

APPENDIX IX

which may have a substantial impact on the community.

Therefore, we would appreciate your cooperation and comments in this endeavor.

Sincerely,

(signed) Gerald J. Turetsky
GERALD J. TURETSKY
Regional Administrator

cc:
Official File - 2PR
Reading File - 2P

GJTuretsky - 2A(2)✓
GMPaduanano - 2P(2)

2PX:EBWasielowski/2PRA:DMader/eap 8/20/71 X4284

2PX EBWasielowski 2PRA DMader 2PR SDBeck 2P GMPaduanano



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

September 9, 1971

Mr. Gerald J. Turetsky
Regional Administrator
General Services Administration
26 Federal Plaza
New York, New York 10007

Dear Mr. ~~Turetsky~~ *Gerry*

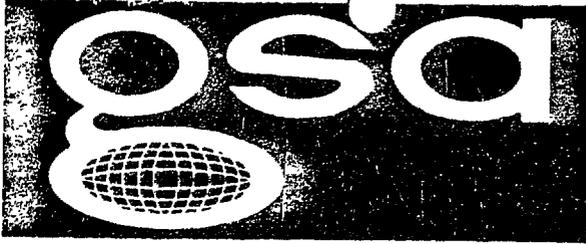
In reference to your letter concerning the Federal Courthouse Annex, I have been advised by the Office of Lower Manhattan Development that they have been working with you on the project. It is my understanding that this effort has been cooperative and fruitful, and that subject to certain modifications in the building envelope presently under study, we will be able to endorse a notable Federal addition to the Civic Center area.

I would like to thank you for the thoughtful and responsive way in which your office has pursued this effort.

Kind regards -
Sincerely,

J. V. Lindsay
John V. Lindsay

MAYOR



News Release

UNITED STATES GOVERNMENT
GENERAL SERVICES ADMINISTRATION

Business Service Center - Region 2 - 26 Federal Plaza, New York, N.Y. 10007 - (212) 264-1234

GSA R2-72-50

FOR RELEASE
THURSDAY, SEPTEMBER 2, 1971

The General Services Administration announced today that it had acquired 51,000 square feet of property adjoining the U.S. Courthouse in Foley Square from the City of New York for the construction of an annex to that courthouse.

Gerald J. Turetsky, Regional Administrator of the General Services Administration in New York City, announced the acquisition after formal signing ceremonies held with the New York City Corporation Counsel and the City's Department of Real Estate were concluded transferring the property to the jurisdiction of the General Services Administration.

The proposed project will be designated as the Foley Sq. Courthouse Annex. It will total approximately 327,000 gross sq. ft. and will be eight stories tall. It will house the following agencies:

elements of the Department of Justice, including the U.S. Attorney's offices, and the U.S. Marshal. In addition, 120,000 sq. ft. will be set aside for use as a detention facility to house defendants awaiting trial.

The property is bounded by Duane Street, Park Row, Cardinal Hayes Place and Pearl Street. The purchase price is \$4.25 million which the Government will credit against the balance of the mortgage it currently holds for New York City's purchase of the Brooklyn Navy Yard in the amount of \$19,882,965. Since the balance of the Navy Yard mortgage is \$4.25 million the Federal Government will issue a release granting title, free and clear, to the City for the Navy Yard.

NEW YORK STATE PLANNING AND DEVELOPMENT CENTER CLEARINGHOUSE

Office of Planning Coordination / 488 Broadway / Albany, New York 12207

August 31, 1971

Mr. Gerald J. Turetsky
Regional Administrator
General Services Administration
26 Federal Plaza
New York, New York 10007

Re: Notice of Direct Federal
Development Activity
Project: 003228
U.S. Department of Justice Annex
New York County

Dear Mr. Turetsky:

This letter acknowledges receipt on August 31, 1971 of an appropriate Notice of Direct Federal Development Activity or materials that we may use as such, and perhaps other information, relative to the above project. The Notice has been distributed to a number of State agencies; other summary-type materials received or which you may care to forward to the State Clearinghouse will be made available to any State agency expressing interest in this project. For State Clearinghouse purposes this project has been assigned the number shown above.

We will be pleased to advise you by letter originated within 30 days of the above date either that a potential conflict exists or that we have no knowledge of an inconsistency or incompatibility between this project and State development plans or programs.

Should you have any questions about our implementation of this portion of Circular A-95, please feel free to communicate with us.

Sincerely,

for 
Thomas J. McDonald
Principal Planning Coordinator

TJM:ms



APPENDIX XII

NEW YORK STATE PLANNING AND DEVELOPMENT CLEARINGHOUSE

Office of Planning Coordination / 488 Broadway / Albany, New York 12207

September 30, 1971

Mr. Gerald Turetsky
Regional Administrator
General Services Administration
26 Federal Plaza
New York, New York 10007

Re: PNRS Letter of Intent
Project: 003228
U.S. Dept. of Justice Annex
New York County

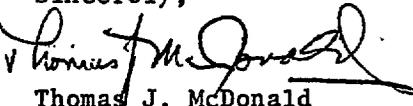
Dear Mr. Turetsky:

The attached notification has been referred to and reviewed by the appropriate State and other agencies.

No agency has informed us of possible conflicts or problems regarding the project.

The State Clearinghouse has completed its processing of the project notification under the provisions of OMB Circular A-95.

Sincerely,


Thomas J. McDonald
State Clearinghouse
Administrator

Attachment

TJM:JLH:ms



UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS
WASHINGTON, D. C. 20537

OFFICE OF THE DIRECTOR

February 18, 1972

The Honorable Bella Abzug
252 Seventh Avenue
New York, New York 10001

Attn: Mr. Bob Tendler

Dear Congresswoman Abzug:

In response to a telephone call from Mr. Tendler, we are enclosing a brief description of the planned Metropolitan Correctional Center component of the New York City Foley Square Court House Annex project.

In addition, we are citing the appropriation language that provided both for the initial planning funds in 1965 and construction funds provided in FY 1971.

89th Congress, 1st Session, House Report No. 427 dated May 27, 1965

Page 11: Buildings and facilities - A total of \$2,500,000 is recommended for this item. Language and funds as requested by the Department have been included in the bill for preliminary planning of a replacement institution for the Federal Detention Headquarters in New York City, (\$300,000).

91st Congress, 2nd Session, House Report No. 91-1072 dated May 12, 1970

Page 12: Buildings and facilities - A total of \$21,800,000 is provided for buildings and facilities. Of this amount, \$15,000,000 is for replacement of the New York Detention Headquarters;.....

If we can be of any further help, please let us know.

Sincerely,

19 NORMAN A. CARLSON
Director

Enclosure

cc: Mr. Steve Bolen, GSA
Mr. Gerald Teretsky ✓
Regional Administrator, GSA, New York

SUPPLEMENTARY FINDINGS
Assessment of Environmental Impact
U.S. Courthouse Annex
New York, New York

[April 1973]

In accordance with the provisions of the National Environmental Policy Act of 1969, an Assessment of Environmental Impact was filed by GSA June 7, 1972, and submitted to the U.S. District Court in accordance with the decision of the Court of Appeals for the 2nd Circuit, to an action filed by Denis Hanly et al against Richard C. Kleindienst et al.

The District Court held that GSA had reasonably concluded that the Metropolitan Correctional Center Building would not significantly affect the quality of the environment, but a further action taken by the Plaintiffs to the United States Court of Appeals was partially upheld by that Court. The Circuit Court in its decision dated December 5, 1972, remanded the case for the purpose of requiring GSA to make further investigation of certain factual issues raised by the Plaintiffs with directions to accept from plaintiffs any further evidence as may be proffered.

To carry out the directive of the Court, GSA immediately scheduled a Public Meeting after due and sufficient notice to all concerned parties. The announced objective of the meeting was to hear new evidence relating to the environmental impact of the Metropolitan Correctional Center Building.

The Notice of the Public Meeting was sent to community leaders, local associations, Plaintiffs and their Attorneys and Community Board Chairmen. The general community was notified by a notice placed in local newspapers for two days as well as by notices posted on the bulletin boards of the local Post Office Building, The Chatham Green Apartments and The Chatham Towers Apartments.

The active attendance of all concerned persons was requested, but in the event this was not possible, the submission of written statements regarding the matter at hand was solicited relating to the Environmental Impact of the Metropolitan Correctional Center.

Among the prominent community leaders present were the following:

Fr. Denis Hanly	Pastor, Transfiguration Church
Frank Mosco	Pres., Holy Name Society Transfiguration Church
Sien Wei Liu	
Mrs. Rose Muscio	Chairman, Community Board #3
Henry Chung	Pres., Chinese Benevolent Assn. (Spoke thru interpreter)
Roy Schillinger	Chairman, Chatham Sq. Civic Ctr. Comm.
Robert McDevitt	Resident Chatham Towers
Chas. Cogan	Past Pres., United Federation of Teachers
Alfred Julien	Attorney for Plaintiffs

A written transcript of the proceedings was made and is annexed as Exhibit 4

Exhibits:

- 1) Notice of Public Meeting
- 2) Distribution of Notices etc.
- 3) Copies of letters received
- 4) Transcription of Public Meeting
- 5) List of persons who attended Public Meeting.

APPENDIX XIV

In further carrying out the directive of the Court, the GSA has made the following supplementary findings with respect to the issues pointed out by the Court and those raised by Sien Wei Liu, a plaintiff, in his affidavit and questions raised at the Public Meeting.

DRUG MAINTENANCE

In the Court decision dated December 5, 1972, as well as statements made in the Public Meeting reference was made to "Drug Treatment Center", "Drug Problems", "Drug Maintenance Program" and "Non Resident Outpatient Observation Program".

The Bureau of Prisons has advised us that it will not operate a Drug Maintenance Program in the Metropolitan Correctional Center. The Bureau does not have a drug maintenance program at any of the Bureau operated community based facilities. Nor does it plan any in the future. Specialized treatment services for addicts are provided by appropriate contract aftercare agencies. It should be noted that only a small portion of all addicts are treated by a maintenance program only when all other clinical techniques have proven ineffective. To be specific, the New York City Metropolitan Correctional Center will provide a detoxification component for the prisoners who are alcohol and chemical abusers and undergoing withdrawal. However, the New York City Metropolitan Correctional Center will not provide a drug maintenance program, now or in the future and we so specifically find.

VISIBILITY OF DETAINEES

The affidavit of Mr. Sien Wei Liu states that residents of Chatham Towers will be able to see detainees entering and leaving the rear entrance of the Metropolitan Correctional Center Building.

The GSA has investigated this allegation and determined that detainees will be entirely obscured from public view when entering and leaving the facility through the rear entrance. Prisoner vans arriving and departing at the Metropolitan Correctional Center will be loaded and unloaded entirely within the secured environs of the building, thereby protecting area residents and passers-by from the sight of shackled prisoners.

The bridges over Cardinal Hayes Place which interconnect the U.S. Attorney's offices, the Courthouse and the Metropolitan Correctional Center will allow arrested persons to be escorted among these facilities without visual contact with the public.

In addition, the number and frequency of prisoner vans arriving and departing will be reduced from that which now exists. The transportation of detainees to and from the West Street Federal Detention Headquarters

APPENDIX XIV

to trials at the Foley Square Courthouse will cease when the West Street facility is abandoned in favor of the Metropolitan Correctional Center.

Exhibit 6 - For additional information on above.

BURDEN ON MEDICAL FACILITY

Mr. Sien Wei Liu in his affidavit states that the possible use of nearby overcrowded community medical facilities will have an adverse affect on the community.

The policy of the Bureau of Prisons is to provide medical, dental and surgical treatment care for all offenders committed to its custody within the Detention Center whenever practical. The New York Metropolitan Correctional Center will have complete infirmary services. Major medical and surgical problems will continue to be referred to the Bellvue Medical Center as at present where appropriate security wards are available. The total major medical and surgical emergency cases will approximate four cases per month. In exceptional cases, where danger to an inmates life appears to be extremely imminent, a closer medical facility would be used.

To make certain that the approximately 4 emergency cases a month that might be referred to Beekman Downtown Hospital would not overtax the hospital facilities, we checked with the Administrator of the hospital, Mr. E. Geoffrey High. He assured us that the emergency ward of the hospital had the finest emergency service in the City and that the

number of cases which might be referred by the Metropolitan Correctional Center officials would not overtax the facilities of the hospital.

Exhibit 7 - For additional information on above.

KNOWLEDGE OF PUBLIC OFFICIALS

In his affidavit Mr. Sien Wei Liu stated that New York City and New York State officials were not aware of the extent of the project.

New York City and New York State officials were aware of the fact that a Metropolitan Correctional Center was part of the U.S. Courthouse Annex project. The Regional Administrator of GSA wrote to both the Mayor of New York City and the Governor of New York State and explained in detail the extent of the project. In addition the New York City Legislative Representative wrote a memorandum to the New York State Assembly and the New York State Senate explaining the project.

The Mayor of New York acknowledged the letter and endorsed the project. Both the Assembly and the Senate passed bills to permit the site to be used by the Government and the Governor signed the bill indicating both knowledge and approval of the project.

We are not aware of any responsible New York City or New York State public officials who have expressed opposition to the project.

Congressman Murphy's representative spoke at the Public Meeting and expressed his opposition.

RISK OF CRIME

In its decision of December 5, 1972, the Court directed the GSA to investigate "... the possibility that the Metropolitan Correctional

APPENDIX XIV

Center will substantially increase the risk of crime in the immediate area..."

Accordingly the GSA studied the available crime statistics compiled by the New York City Police Department and requested information from the Bureau of Prisons regarding its experience with Community Treatment Center residents throughout the country.

The GSA compiled the attached crime reports (Exhibits 9-1 thru 9-4) to examine the relationship between the presence of a correctional facility in an area and that area's crime rate.

Since crime data in New York City is compiled at the precinct level, that unit was selected as a basis for comparison. Thus, precincts in which correctional facilities are located were compared to the adjacent precincts and to the respective boroughs. The tables in Exhibits 9-2 and 9-3 are divided into seven areas, each area representing a precinct with a correctional facility and its surrounding precincts and borough. For example, the 44th precinct, where the Bronx House of Detention is located, is compared to the adjacent precincts (42, 46, 48 precincts) and to the Borough of the Bronx. (See Exhibit 9-1)

Felony complaints were used as the index of crime because these represent the number of reported incidents of the major types of

crime as compiled by the New York City Police Department, Office of Programs and Policies, Crime Analysis Section. These statistics are reported by the New York Police Department to the FBI in accordance with procedures used nationwide since 1966. The period 1966 to 1972 was selected since data available prior to 1966 was compiled by the New York Police Department using a reporting system different and incompatible with the present system. Hence, crime data available prior to 1966 can not be accurately compared to the data available since 1966, which are accepted by the F.B.I.

Felony complaints may be further divided into:

- 1) "crimes against persons", consisting of Murder, Rape, Robbery and Felonious Assault (Tables 9-3a, 9-3c, 9-3d, 9-3e).
- 2) "crimes against property" including Burglary, Grand Larceny and Grand Larceny Motor Vehicle (Tables 9-3f, 9-3g, 9-3h).
- 3) Narcotic Felonies (Table 9-3i).
- 4) Other Felonies (Table 9-3j).

Analysis of this data suggests that there is no consistent pattern of change in crime in the precincts studied.¹ Some precincts in

1. This conclusion is supported by a New York Times study of crime in New York City reported in the New York Times on February 14, 1972, which found that the rate of crime per capita varied greatly across the city.

APPENDIX XIV

which correctional facilities are located show a crime rate (percent change in total felonies for the period) which is similar to the adjacent precincts and borough, while others have a lower, or in some cases higher, crime rate than the adjacent precincts (Exhibit 9-2).

For example, while the 5th precinct, where the Manhattan House of Detention (Tombs) is located, shows a similar crime rate to the entire borough of Manhattan, it has a lower rate than the adjacent 7th precinct. The 78th precinct, where the Brooklyn House of Detention is located, shows a lower crime rate than each of the other surrounding precincts; the crime rate of the 78th precinct is also lower than that of the Borough of Brooklyn. Conversely, the 44th precinct, where the Bronx House of Detention is located has a higher rate of increase in crime than its adjacent precincts or the Bronx as a whole. (See Exhibits 9-2-1 thru 9-2-6)

Furthermore, for each type of crime there is a wide disparity in the rate of change among the individual precincts. For example, although the city-wide rate for murder rose between 1971 and 1972, the rate of change varies among the precincts, with some precincts showing relatively no change and others a decrease. (Table 9-3a)

The GSA also compared the crime rate in the 107th precinct, where the Queens House of Detention is located, to the crime rate in Queens as a whole, both before and after the construction of the facility in 1962.

The data shows that in 1963 the year following the occupation of the facility the crime rate in the 107th precinct decreased 4.64% while the crime rate in Queens rose 8.7%.

An analysis of the tables will show that from year to year the percent change for a given type of crime varies from precinct to precinct regardless of the presence of a correctional facility. These wide differences in the distribution of crime throughout the city suggests that the crime rate in any area is determined by a wide range of constantly changing variables, and that the mere presence of a correctional facility does not "... substantially increase the risk of crime in the immediate area..." Thus, there is no clear pattern. While this data does not prove that the presence of the detention center resulted in this decrease in crime, the decline in the crime rate suggests that the presence of a correctional facility does not automatically increase the risk of crime. (Exhibit 9-4)

The GSA also requested information from the Bureau of Prisons regarding its Community Treatment Center Programs of the type planned for the Metropolitan Correctional Center. The data submitted by the Bureau of Prisons covers the period July 1968 to February 1973, divided into fiscal year periods (Exhibit 9-5). The tables show the number of persons in the Community Treatment Center Programs who have been rearrested by type of offense. The New York City Community Treatment Center is located at the Hadsom Hotel, 1234 Broadway, in the 14th precinct. For FY-69-72, the

APPENDIX XIV

4 year period July 1968 to July 1972, there were a total of 806 persons in the New York City Community Treatment Center Program of which 56 were rearrested for new offenses. But these new offenses did not necessarily take place in the immediate area of the Community Treatment Center or even in the New York City Area.

In addition, for this 4 year period only 3 rearrests were for felonies committed "against persons", and these 3 were for robbery; there were no rearrests for homicide or sex offenses. In contrast, for the 4 calendar years 1969 to 1972, there were 7,949 robberies, 161 rapes, and 56 murders in the 14th precinct where the Community Treatment Center is located. Thus, while a total of 8,166 felonies (in the categories of robbery, rape and murder) were committed against persons in the 14th precinct, at most, possibly 3 robberies were committed by Community Treatment Center residents.

However, the records maintained do not include the locale where the offense was committed and, therefore, possibly none of the 3 robberies took place in the area of the Community Treatment Center or the 14th precinct.² Also for the same period (FY69-72) there were 4 rearrests for auto theft by residents of the Community Treatment Center, while

2. The location of rearrests for Community Treatment residents is classified by the first three digits of the zip code and, therefore, would not be useful in pin pointing crime to a neighborhood.

the 14th precinct recorded 3,221 auto thefts for the calendar years 69-72. Again the 4 auto theft rearrests did not necessarily take place in the Community Treatment Center area or the 14th precinct.

One might argue that the Community Treatment Center will have a greater effect on the crime rate in the 5th precinct (location of the Metropolitan Correctional Center) than it does on the 14th precinct (present Community Treatment Center location), because the crime level in the 5th precinct is lower. However, although the absolute number of crimes committed in the 5th precinct is less than in the 14th precinct the possible introduction of crime in the form of new offenses committed by Community Treatment Center residents is still minimal when compared to the total level of crime in the 5th precinct (Table 9-2). Also it must be pointed out again that new offenses committed by Community Treatment Center residents do not necessarily take place in the immediate neighborhood or even in New York City.

The Weekend Commitment Program, which is also planned for the Metropolitan Correctional Center, is presently operated by the Bureau of Prisons at the West Street Federal House of Detention. During the past 2½ years, there were 112 Federal offenders placed in this facility to serve weekend sentences. Of this total, only two committed new offenses while in the program and another was cited for failure to return.

One bank robbery which occurred in Queens
One carrying a concealed weapon in Brooklyn

APPENDIX XIV

Thus, the impact of new offenses committed by residents of the Weekend Commitment Program and the Community Treatment Center has been minimal in comparison to the level of crime in the surrounding areas and would not in itself increase the risk of crime in the community. An analysis of New York City Police Department statistics and Bureau of Prisons data indicates that the presence of the MCC will not increase the risk of crime in the immediate area. Based on the forgoing GSA specifically finds that no increase in crime will result from the operation of the MCC. Exhibit 9 - For additional information on above.

ZONING

In his affidavit Mr. Sien Wei Liu raised the question of zoning regulation and building height. This question was also raised at the Public Meeting.

The General Services Administration endeavors to construct Federal buildings in accordance with local zoning regulations whenever feasible. Accordingly, the Courthouse Annex is designed within the zoning limitation regarding Floor Area Ratio (defined as the amount of floor area that can be built in relation to the amount of actual lot area).

In meeting the functional requirements of the Department of Justice, it became necessary to vary from the "sky exposure plane" (which forms a limiting construction envelope or volume) and the building wall set back height requirements. The Board of Standards and Appeals of New York City has been contacted and it has informed the GSA that despite the variances from the zoning regulation, "... should this project be presented to our Board for a determination, we would be inclined toward a favorable action." Since the project involves federally owned property, the Board does not have jurisdiction to take any formal action.

The exact heights of the buildings are as follows:

Office Building	9 stories
MCC Building	12 stories
Office Building	150' 4" to top parapet
	173' 8" to top penthouse
MCC Building	150' 4" to top parapet
	173' 8" to top penthouse

Exhibit 10 - For additional information on above.

ARCHITECTURE

In the affidavit of Mr. Sien Wei Liu and in statements made at the Public Meeting a question was raised concerning the conformance of the architects design of the cornice lines of the Courthouse Annex to the cornice lines of the other buildings in the area. In addition, a question was raised concerning the distance between the Metropolitan Correctional Center Building and the nearest apartment houses.

The architect who designed the Courthouse Annex Building also designed the Police Headquarters Building. The "primary focus for this architectural effort was at the south end of the project where the entrance to the U.S. Attorney's Building came directly off of the new civic plaza that was under construction when the Courthouse Annex project was started". At this point the new building was most closely related to the existing civic buildings and the St. Andrews R.C. Church. The north end of the project was more open and the designs at this portion was partly influenced by the vertical lines of Chatham Towers as well as

APPENDIX XIV

the program requirements of the Metropolitan Correctional Center Building. Suggestions for the design of the project were also received from the Office of the Mayor of the Office of Lower Manhattan Development. This Office made numerous suggestions which were adopted so that the project would be in conformance with the entire architectural concept of the Civic Center. In the Environmental Assessment dated June 7, 1972, a copy of a letter from the Office of Lower Manhattan Development attests to this fact.

Exhibit 11 - For additional information on above.

DISTANCE BETWEEN BUILDINGS

In our Environmental Statement dated June 7, 1972, on page 8 it was stated that the "MCC Building has been situated on the site so that the distance between the closest point of the Correctional Center and the nearest apartment house is 387 feet". This was intended to show the closest distance between the entrances of both buildings. To further illustrate, we have calculated other distances between the Chatham Towers, Chatham Green apartment houses and the Metropolitan Correctional Center Building.

These distances are as follows:

Entrance to Entrance

Chatham Towers	387 Feet
Chatham Green	389 Feet

Property Line to Property Line

Chatham Towers	85 Feet
Chatham Green	165 Feet

<u>Nearest Face to Nearest Face</u>	
Chatham Towers	320 Feet
Chatham Green	363 Feet

EFFECT ON LIGHT AND AIR

In the Public Meeting statements were made that the bridges connecting the Courthouse Annex and the Courthouse Building would have an adverse effect on light and air in Cardinal Hayes Place. It was also stated that the construction would severely effect free and easy access through the street and that Cardinal Hayes Place would become a long narrow alley.

We have carefully considered these statements and have solicited professional advice on the matter. The bridges will be approximately 39 feet above the middle of the road bed and that the width of the street at the bridge location is 25 feet. The width of each bridge will be 8'-8" and the height will be 15'. Both new buildings will be set back from Cardinal Hayes Place, where as the previous buildings were built to the property line. Thus, the new facility provides a wider street area than ever existed on Cardinal Hayes Place.

Since the bridges are narrow in width and they are four floors above the street their presence will not decrease the availability of light and air at street level. The light-reflecting colors of the new buildings coupled with the increased ground area will further increase light at street level. New sodium-vapor street lights in combination with the above will make the street brighter than ever, even though the new buildings will

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rise higher than the old buildings which were removed from the site.

There will be a sidewalk on the east side of the street extending the full length of Cardinal Hayes Place which will provide means of access for pedestrians. On the east side of the street along the sidewalk, the buildings in three areas will be set back as many as thirty to forty feet from the curbline. Thus, the width of the street remains unchanged and the overall appearance will be one of spaciousness and not of an alley.

A major feature of "The Lower Manhattan Plan" which was published in 1966 is to create a pedestrian precinct throughout the Civic Center Area. It is intended to eliminate all vehicular traffic, except deliveries to a few buildings and all on street parking from the area bounded by Broadway, Park Row and Worth Street. The result will be a larger more attractive and useful Foley Square. The new Courthouse Annex Building is part of this overall plan. As a result of the construction of the Courthouse Annex and the Police Headquarters portions of Chambers Street, Duane Street and all of Cardinal Hayes Place will be rebuilt for pedestrians.

Exhibit 12 - For additional information on above.

VISIBILITY OF ROOF TOP RECREATION AREA

In the Public Meeting a statement was made that persons residing in the top floor apartments of Chatham Towers will be looking directly down on the roof where the prisoners will exercise.

We have carefully checked this statement and find that this is not correct. A person of normal height standing on the top most (25th) floor of Chatham Towers, which is the nearest building might possibly see the top of an inmates head if the inmate were 6 feet tall and standing against the 20 foot high enclosing wall. It must also be noted that the recreation enclosures are not completely free and open to the sky. Steel joist framing and bracing members reduce the open top of the enclosure to a grid work of 5' x 3" by 9'-6" panels. A net or mesh of stainless steel wire of 6" by 6" openings will be welded to the aforementioned framing--hence, inmate visibility is even less of a possibility.

To illustrate this, we have prepared a sight view plan showing the relationship between the apartment buildings and the Metropolitan Correctional Center Building.

Exhibit 13 - For additional information on above.

SCHOOLS

During the course of the Public Meeting several speakers mentioned that the Metropolitan Correctional Center would provide opportunities for the school children in the area to be exposed to the detainees and the visitors who would be loitering or congregating in the area.

The children attending the schools in the neighborhood will not be overly exposed to either the visitors or the detainees of the Metropolitan Correctional Center. The schools in the community are located east and north

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of the Metropolitan Correctional Center Building and in the normal course of events the majority of children attending the schools would walk in a north, northeast or eastern direction from their homes to school and return. It would be only by going out of their normal direction and crossing streets would they approach the entrance of the Metropolitan Correctional Building.

The children who will be attending the new high school being constructed east of the New York City Police Headquarters Building (completion 1976) will be coming from all areas. It would appear at this time that from the subway lines the most direct walk to the school would be through Duane Street and then past the Police Headquarters Building to the school.

However, a most important fact in this situation is that the number of persons in the Community Treatment Center, involved in the daily coming and going is limited to 48 selected persons. All of these people leave the Community Treatment Center at a specified time and must report to the place of their assignment at a specified time. If for any reason the person does not appear on time the officials are immediately notified and the detainee is returned to the Center. There will be little opportunity for loitering or congregating in front of the building to interfere with the children or any other persons who may be passing by.

It is the policy of the U.S. Bureau of Prisons to rehabilitate persons in the Community Treatment Program by reintroducing them into society

in a gradual controlled manner and under close supervision.

Those residents in the Community Treatment Program who are permitted to attend school or work in the day will have no opportunity for loitering since their travel hours are tightly regulated allowing no free time outside the facility. During the day their activities will be closely supervised by appropriate school or work officials in cooperation with the Bureau of Prisons.

The Bureau of Prisons have advised us that there will be approximately 80 visitors a day to the Metropolitan Correctional Center Building during the hours 8 AM to 4 PM. However, the Bureau of Prisons has household work which must be performed each morning before visitors are permitted, therefore, the actual visiting hours will be closer to 9:30 AM rather than 8 AM. This of course will reduce the number of visitors who might possibly be on the streets during the same time as the school children.

Therefore, we do not believe that there will be any unusual contacts between the persons in the Community Treatment Center Program, visitors to the Metropolitan Correctional Center and the general public in the neighborhood of the Metropolitan Correctional Center Building.

Exhibit 14 - For additional information on above.

NON RESIDENT AND OBSERVATION STUDY

The Non Resident Observation and Study Cases is only hypothetical at the present time, but interest is growing to provide such service to

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the Court. Legislation does not exist which would permit out of custody evaluations. Under the existing legislation those persons ordered by the court to undergo a period of observation and study are committed to the custody of the Attorney General under 18 u.s.c. 4208(B), 5010(E), and 5034. The Bureau of Prisons does not intend to request out of custody observation and study cases as this is presently available as a direct service to the court. This program was mentioned in the assessment to clearly indicate the extent of the potential future development of this program. In the event such a program would exist, persons suitable would number no more than 1 or 2 per week.

SUMMARY

As directed by the United States Court of Appeals for the Second Circuit in its decision dated December 5, 1972, the General Services Administration, after further investigation, finds: (1) that a drug maintenance program will not exist in the Metropolitan Correctional Center; (2) that based on the analysis of NYC Police Department crime statistics and Bureau of Prisons data, the operation of the MCC will not increase the risk of crime in the immediate area.

Particular attention was also given to the questions raised by Sien Wei Liu, in his affidavit, and to relevant information that was submitted at a public meeting, and in writing, in regard to the MCC. The Public Meeting and other written material received and made a part hereof, also included discussion of matters of aesthetics, architectural and design features, traffic, parking and transportation. It is noted that

these matters have been treated at length by GSA in its prior submissions and have been duly considered by the District Court and by the Court of Appeals, particularly by the aforesaid decision dated December 5, 1972. Nothing presented orally at the public meeting or received in writing by or on behalf of the plaintiffs or any concerned citizen requires a modification of our previous findings with respect to these matters, which we hereby affirm and which we believe have been accepted by the said decision.