Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION
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INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION #: 210 JORALEMON STREET BROOKLYN COURTS SITE SELECTION - 150320 PSK

In the matter of an application submitted by the NYC Mayor's Office of Criminal Justice and the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the site selection of property 210 Joralemon Street for use as courtrooms.

COMMUNITY DISTRICT NO. 2 — BOROUGH OF BROOKLYN

RECOMMENDATION

☐ APPROVE
☒ APPROVE WITH MODIFICATIONS/CONDITIONS
☐ DISAPPROVE
☐ DISAPPROVE WITH MODIFICATIONS/CONDITIONS

SEE ATTACHED

Eric L. Adams

BOROUGH PRESIDENT

August 5, 2015

DATE

RECOMMENDATION FOR THE 210 JORALEMON STREET BROOKLYN COURTS SITE SELECTION - 150320 PSK

The NYC Mayor's Office of Criminal Justice (MOCJ) and the Department of Citywide Administrative Services (DCAS), seek ULURP approval for site selection at an existing City-owned condominium portion of the Brooklyn Municipal Building, a thirteen story building located at 210 Joralemon Street, pursuant to Section 197-c of the New York City Charter, for use as courtrooms.

On June 1st, 2015, the Borough President held a public hearing on the proposed site selection. There were four speakers opposing this item, representatives from Brooklyn Tenants Unit (BTU) and the Flatbush Tenant Coalition (FTC). The representatives noted that in order to save millions of dollars of tax payer money the court's move and build-out timeline should be expedited to ensure completion no later than 2018. The representatives also noted that creation of a taskforce and an advisory board would insure the proper direction of all aspects of the planning, design and construction of the new court building and should consist of tenant and other appropriate advocate stakeholders, elected officials, and City and State agency staff with decision making authority.

The Deputy Borough President raised the concept for obtaining input from the court users in order to understand the dynamics of being the end user. The representative for the MOCJ noted that having the community involved in the process is important and a stakeholder group will be convened, including the users of the court system. MOCJ has been working with City Legislative Affairs to identify the agencies and determine the scope of their involvement.

The DCAS representative noted its Asset Management Group, headed by a Deputy Commissioner, is setting up a team charged with the relocation of all tenants and timely completion of the projected build-out. The Department of Finance (DOF) will be moved first into a privately leased space, with projected completion in approximately two years, followed by the other tenants moving to the appropriately designated buildings. During this two year time frame, appropriate accommodation will be made for the tenants moving out of 210 Joralemon Street. With additional already vacated space within the Brooklyn Municipal Building, approximately 200,000 rentable square feet of space will be available for the courts. The build-out for the courts is projected to be completed within the following three years and includes a programmatic function, as well as upgrading the building in order to meet more stringent energy and engineering standards. In the final phase, this space will be renovated and orderly relocated. It will take approximately five years to complete all three phases. While the budgetary details and the semantics of moving the tenants around are still being adjusted, the representative noted that the approximate start date for this process will be before the end of the year.

The representative for DCAS noted 210 Joralemon Street offers a much larger lobby area and space between the magnetometer and the elevators of which there are twice the amount currently available in the existing 141 Livingston Street location. The designed intent is to maximize the size of the waiting areas, both on ground and upper floors in order to make sure people are inside the building and protected from the elements. Technology upgrades would be introduced in order to improve operational functionality and the flow of court users throughout the space. This will allow a significantly improved overall flow of people within the space as compared to 141 Livingston Street.

In response to the Borough President's policy that DCAS utilize Minority and Women-Owned Business Enterprises (MWBE) and Locally-Based Enterprises (LBE), the representative stated that all the work done at 210 Joralemon will be done through utilizing City contacts which include the provision and guaranteed inclusion of 20 percent or greater participation of MWBE and LBE pursuant to Local Law 1. Anyone interested in obtaining information about the procurement process can contact DCAS.

Subsequent to the hearing, DCAS submitted a timeline, for the completion of this project, outlining the time associated with specific tasks. In regards to DOF relocation from 210 Joralemon St. and 345 Adams St. to leased space, the timeline calls for lease execution in mid-February 2016, completion of construction documents in the Summer of 2016, and procurement, construction completion and move-in in the Summer of 2017. In regard to other agencies relocation from 210 Joralemon St. to 345 Adams St., the timeline calls for completion of construction documents in the winter of 2017 and procurement, construction completion and move-in in the Fall of 2018. The completion of construction documents for OCA's relocation from 141 Livingston Street to 210 Joralemon Street in the winter of 2017 and procurement, construction completion and final move-in in the fall of 2020.

Consideration

CB 2 approved this application, with 30 in favor, 2 against and 2 abstaining, with conditions that DCAS expedite the relocation timetable and provide periodic updates to the community board.

The existing court facility at 141 Livingston Street consists of 15 cramped, vastly crowded floors of approximately 12,000 rentable sf. The floors are served only by four elevators. Their slow operation and frequent breakdowns constitute an unnecessary obstacle to free movement through the building. 141 Livingston Street lacks many ADA accessible features and has inadequate indoor climate conditions.

In order to vacate 141 Livingston Street, DCAS conducted a site search in mid-2014 to identify potential relocation sites. Identified sites included the City-owned condominium portion of 345 Adams Street and the City-owned Department of Education (DOE) buildings at 131 Livingston Street and 65 Court Street. The City determined it would be difficult to relocate DOE uses in the buildings at 65 Court Street and demolition at 131 Livingston Street would be costly and time consuming. It concluded that the

condominium unit retained by the City at the Brooklyn Municipal Building would be the best candidate to accommodate the relocation from 141 Livingston Street.

The Brooklyn Municipal Building contains approximately 500,000 sf and the City condominium houses government offices. The condominium currently contains DCAS, DOF, the Police Department, the Departments of Buildings and Housing Preservation and Development, the Brooklyn District Attorney, the City Clerk, and MOCJ.

Moving the courts into this space will require a multi-year project, consisting of relocating existing City agency offices and renovating the interior space. Its internal layout and configuration appear capable of handling the large numbers of visitors, litigants, and employees that use the courts.

The first phase, DOF offices will be transferred from the Brooklyn Municipal Building and 345 Adams Street to leased space in Downtown Brooklyn. Then, other agencies will move from the Brooklyn Municipal Building to 345 Adams Street. These phased moves will free up approximately 180,000 rentable sf of space from third through ninth floors within the Brooklyn Municipal Building for use by the courts.

The courts will receive approximately 3,000 visitors per day including 273 employees assigned to the courts. This includes 104 Housing court employees, 92 assigned to Civil Court, eight assigned to Small Claims Court and 69 Court Officers.

The Borough President supports the relocation to the Brooklyn Municipal Building. It is situated directly above the Borough Hall subway station, offering direct access from the subway to the arcaded entrance that protects visitors from the elements. This proposed location will distribute the courts among just seven floors, the third through the ninth floors, in full ADA compliance. The larger floors will allow every facet of the courts to expand including court rooms, waiting areas, jury rooms, and circulation areas. Fewer floors translate to reduced need for elevator capacity; however the courts will be served by twelve instead of the four elevators provided at 141 Livingston Street. Elevators will be completely rehabilitated prior to the courts moving in. Its state-of-the-art HVAC system will produce considerable benefits for those who work or seek the servicing of the courts. Coordinating building repairs is expected to be more responsive to upkeep the maintenance of the courts as opposed to dealing with a private landlord. The construction is required to adhere to the standards of Local Law 1 as it pertains to MWBE and LBE participation.

Though the Borough President is generally supportive of the proposed site selection at 210 Joralemon Street, he has concerns regarding court user inclusion and participation, the timeline for completing the move and build-out, and MWBE and LBE participation regarding procurement for moving the agency furnishings and supplies.

Stakeholder Taskforce

The Borough President believes that optimal functionality and circulation of publicly-accessible spaces within the courts rely heavily on the input of the members of the

public and their advocates, who utilize these spaces on a daily basis. Consideration should be given to the input from these court users in order to understand the dynamics of being the end user. It is important to understand their experiences and recognize their suggestions in order to enhance the design of brand new court space to best accommodate the court users. An effective means for input would be to create a task force and advisory board consisting of tenant advocate stakeholders, CB 2, elected officials, and appropriate City and State agencies, to oversee proper direction of all aspects of the three phases required to relocate the courts. A stakeholder taskforce would facilitate involvement and participation of the various stakeholders in the overall design and relocation process. Creation of a stakeholder taskforce and advisory board will enable a better understanding of the flow and circulation of the court space, preventing the dysfunction and overcrowding experienced in the current court space at 141 Livingston Street.

Therefore, the Borough President believes that MOCJ and DCAS should create a stakeholder taskforce and advisory board consisting of tenant advocate stakeholders, CB 2, elected officials, and appropriate City and State agencies, in order to facilitate involvement and participation of the various stakeholders in the overall design process as well as to ensure the highest level of functionality. These meetings should be complemented by not less than quarterly reports provided to CB 2, the affected Council Member, the Borough President and advisory board/taskforce members, regarding the status of the relocation of all the involved agencies.

Relocation Coordination

The Borough President believes that the five year timeline proposed by MOCJ and DCAS should be expedited to ensure completion no later than 2018 in order to minimize the lease payout at the interim court location. There is opportunity to jump start this project by engaging the immediate services of space planning and architectural consultants.

Space planning consultants are needed to perform programmatic needs assessment for the DOF offices that need to be relocated. Prioritizing the DOF offices relocation to 345 Adams provides an added advantage as that space needs to become vacated before DOF offices can be relocated from 210 Joralemon Street. 345 Adams Street needs to be back-filled by the other agencies, required to vacate 210 Joralemon Street to accommodate the courts. Such consultants would need to undertake programmatic needs for these other agencies as well. Retaining architectural consultants would enable the interior construction plans at 345 Adams Street to advance.

There are additional steps that can expedite the timeline of the relocation process. Realtors need to start identifying space for DOF to relocate to from both 345 Adams Street and 210 Joralemon Street. Steps can be taken to expedite contract bidding and award process to construct the space for the agencies relocating from 210 Joralemon Street to 345 Adams Street. This would enable the contract to be awarded in advance of DOF relocation from 345 Adams Street. There is also a need to

coordinate moving of the furnishings, equipment and files to enable DCAS to expedite the relocation process by arranging ahead of time and carrying-out the move upon immediate space availability.

Therefore, the Borough President believes that DCAS should be retaining space planners to begin assessing the programmatic needs for DOF's office operations at 345 Adams Street as well as the programmatic needs for other City agencies that need to relocate from 210 Joralemon Street. Based on the space planning considerations, architectural consultants should be retained to developed floor plans at 345 Adams Street for the agencies relocating from 210 Joralemon Street. He believes that the contract should provide for significantly extensive work hours in preparation of construction documents for modifying the space at 345 Adams Street. DCAS should task its contractual realtors to begin to identify appropriate office spaces to accommodate DOF the day the City Council waives its right to call up the application and the date the City Council adopts the site selection application. The Borough President believes there should be provisions for an expeditious bidding and contract award process for a scope of work that calls for multiple shifts of construction workers. He believes that movers should be retained enough in advance of the completion of construction at 345 Adams Street and later at 210 Joralemon Street to avoid delays.

While DCAS submitted a timeline outlining the various tasks to be undertaken, the timeline does not address the aspects identified by the Borough President in order to expedite the completion and opening of the new court facility.

The Borough President believes the City Council should obtain such a commitment from the Administration in writing that such considerations would be implemented.

Opening Hours Accommodations

The Borough President believes that the courts should introduce earlier operating hours in order to prevent the ground floor lobby overcrowding and exposure to the elements by those lining-up to go through the security process. Currently, from 8:30AM through 4:30PM, on average about 3,000 visitors per day pass through the security screening process to access the existing court building and services at 141 Livingston Street. While the relocation to 210 Joralemon Street provides for an increased number of elevators the space will be shared with other agencies' visitors and employees; however, there should be adequate opportunity to bring court users to their floors. As the Municipal Building has been traditionally open prior to 8:30AM, open staffed waiting rooms should be provided for the various court portions to allow users to be comfortable and be informed.

The security process at Brooklyn's Municipal Building has often resulted in lines out the door and wrapping around the corner. Although certain agencies will relocate from 210 Joralemon Street to accommodate the courts, switching municipal functions within the building, it is not known whether the amount of visiting public will increase. The Municipal Building has protective, yet limited, covering between its exterior doors and the street line, as a means to shield a number of users from the elements; however, this

should not be considered a significant upgrade from 141 Livingston Street. Introducing earlier hours for the operation of lobby security and upper floor waiting rooms, in coordination with tenant advocate stakeholders, would encourage a wider variation of court user arrivals. This will enhance the functionality of arrival circulation by allowing court users to go through the security process and enabling them to move through ground floor lobby space to their appropriate waiting destinations upstairs. This will also provide an opportunity to better integrate services prior to court appointments.

Therefore, the Borough President believes that the courts should introduce earlier operating hours allowing court users to go through the security process, enabling them to move through the lobby space to the appropriate waiting area upstairs.

Jobs

The Borough President is concerned that too many residents of Brooklyn are unemployed or underemployed. It is his policy to promote economic development as a means of creating more employment opportunities as well as promoting Brooklyn-based businesses, including those that qualify as MWBE and LBE. As multiple facilities would be relocating from multiple locations, accommodating court relocation provides an opportunity for the MOCJ and DCAS to retain Brooklyn-based moving contractors and subcontractors, especially those that are designated LBEs, consistent with section 6-108.1 of the City's Administrative Code, and MWBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation). However, it is not known whether City obligations to contract with moving companies pursuant to its Requirement Contracts would allow compliance with standards consistent with the policies of the Borough President.

With the intended relocation, the Borough President believes that such standards be memorialized in agency protocol. This should be pursued by having DCAS evaluate its Requirement Contracts in terms of its effectiveness to retain MWBE and LBE establishments. Consideration should be given especially to those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBE and LBE establishments, as a means to meet or exceed standards for construction contracts per Local Law 1 (not less than 20 percent participation). The evaluation should also give consideration to coordination of the monitoring of such participation with an appropriate monitoring agency.

DCAS should then report its recommendations to the Borough President and the City Council of how the procedure should be improved to best retain Brooklyn-based contractors and subcontractors.

The City Council should obtain such a commitment from DCAS in writing that such an assessment be conducted prior to waiving its right to call up the application or otherwise grant its approval.

Recommendation

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve the land use action requested according to the following conditions:

1. That Mayor's Office of Criminal Justice and the Department of Citywide Administrative creates a task force and advisory board, prior to the City Council's consideration waiving its right to call up the application, consisting of tenant advocate stakeholders, Community Board 2, elected officials, and appropriate City and State agencies, to oversee proper direction of all aspects of the three phases required to relocate the courts;

2. That DCAS provide quarterly reports to Community Board 2, the affected Council Member, the Borough President and advisory board/task force members, regarding the status of the relocation of all the involved agencies;

3. That in an attempt to expedite the court move and build-out timeline to ensure completion no later than 2018, DCAS immediately retains:

    a) space planning consultants to start at once to coordinate with the Department of Finance staff at both 210 Joralemon Street and 345 Adams Street, with priority given to vacating 345 Adams Street, to assess programmatic needs to be taken into consideration for relocation to private office space. and

    b) architectural consultants to start at once meeting with all agency slated to move to space to be vacated by DOF to access their programmatic needs and then develop construction documents, according to significantly extended hour work week, for modifying 345 Adams Street as required,

4. That DCAS commits to having its contractual realtors commence identify office spaces to lease for Finance the same day the City Council waives its right to call up the application and the date the City Council adopts the site selection application.

5. That the City commit to seeking out an expeditious bidding and contract award process so that the contract is awarded in advance of DOF's relocation from 345 Adams Street and that such contracts allow for multiple construction shifts as near to 24/7 as practicable;

6. That DCAS commits to having movers engaged to start to move all phases of the move within one week of space being ready for occupancy and that such movers be contracted to work multiple shifts and weekends.

7. That Mayor's Office of Criminal Justice, in consultation with tenant advocate stakeholders, commits to implementing opening hours for the operation of lobby security and upper floor court waiting rooms, staffed by court personnel, in advance of standard Court hours in a manner to assure for waiting time for early arrivals within the building.

The City Council shall obtain such a commitment from the Administration in writing that such terms would be implemented by the agencies prior to waiving its right to call up the application or otherwise grant its approval.

Be it Further Resolved that:

1. DCAS shall evaluate its Requirement Contracts in terms of its effectiveness to retain MWBE and LBE establishment and make recommendations to the Borough President and the City Council of how the procedure should be improved to best retain Brooklyn-based contractors and subcontractors, especially those that are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBE and LBE establishments, as a means to meet or exceed standards per Local Law 1 (not less than 20 percent participation), as well as to coordinate the monitoring of such participation with an appropriate monitoring agency.