

October 14, 2004

Hon. Amanda M. Burden, A.I.C.P.  
Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: John Jay College Expansion Project – Applications for Special Permit for Modification of Bulk and Sign Regulations (ULURP No. C 050002 ZSM), Special Permit for Development over Right-of-Way (ULURP No. C 050003ZSM) and Cancellation of Restrictive Declaration (ULURP M970087BZSM), CEQR No. 96DCP005M, SEQRA No. P2-620000-173**

Dear Chair Burden:

At the recommendation of its Clinton/Hell's Kitchen Land Use Committee, Manhattan Community Board No. 4, having held a duly noticed public hearing on ULURP application numbers C-050002-ZSM, C-050003-ZSM and M-970087-BZSM, adopted the following resolution by roll call vote at its meeting on October 6, 2004 (31 in favor, 0 opposed, 1 abstentions and 0 present but not eligible to vote).

These are applications by the Dormitory Authority of the State of New York (DASNY) on behalf of the City University of New York for special permits to facilitate the expansion and consolidation of the John Jay College of Criminal Justice on the balance of Manhattan Block 1087 adjacent to its existing Haaren Hall facility, which is located at 899 Tenth Avenue, between West 58<sup>th</sup> and West 59<sup>th</sup> Streets.

### **THE EXPANSION PROJECT**

The proposed expansion project would consist of an approximately 620,000 square foot new building that would be connected to Haaren Hall, with a "podium" rising 40-70 feet above grade in the middle of the block (podium height varies due to slope of the site), and a "cube" rising 13 stories and 280 feet above grade on Eleventh Avenue. The roof of the podium would contain a landscaped outdoor "Commons" space that would link Haaren Hall and the cube, and provide gathering space for the John Jay community. The main entrance to the new building will be located roughly midblock along 59<sup>th</sup> Street. The Eleventh Avenue frontage will include a secondary entrance as well as a bookstore and café, both of which will be open to the public.

The expansion project would allow the College to consolidate at one location the operations currently spread between Haaren Hall and North Hall, at the northeast corner of Tenth Avenue and 59<sup>th</sup> Street. Once vacated, North Hall would be sold to a private developer, according to the application.

## **BACKGROUND**

The site was rezoned in 1999 from M1-6 and M1-5 districts to C4-7, C6-2 and C2-7 districts to facilitate the construction of a mixed-use building within a general large-scale development that was to be known as River Center. River Center would have involved the construction of a total of more than 1.4 million square feet under one of two possible scenarios: primarily luxury housing with substantial retail space and 655 parking spaces, or smaller (but still substantial) amounts of luxury housing and retail space, the same number of parking spaces plus 620,000 square feet of expansion space for John Jay College. This Board opposed the 1999 rezoning because we considered the Eleventh Avenue towers (which would have been 405 feet tall) too tall and the overall bulk of the project excessive, and we believed that the proposed parking spaces would attract cars, exacerbating existing traffic and discouraging the use of public transportation into the area.

No construction was ever commenced pursuant to the 1999 land use actions. In April 2001, DASNY acquired the site on behalf of CUNY, through the exercise of its power of condemnation to facilitate the expansion of John Jay College.

## **COMMUNITY RESPONSE**

Against that background, the proposed design now before it has been received by this Board with a combination of relief that River Center will never happen and appreciation for the quality of the overall design and its sensitivity to the area's context. Haaren Hall will remain the dominant architectural feature of the College's Tenth Avenue presence, while the cube will enliven Eleventh Avenue with a bulk that is altogether consistent with the BMW tower to the south (20 stories, 295 feet high), the Helena residential building now under construction to the southwest (35 stories, 380 feet high) and the ConEd steam plant to the west (105 feet high, with a stack that reaches 400 feet in height). The relatively lower podium in the mid-block portion of the site will preserve light and air for surrounding buildings, minimize the impact of the proposed building on the 59<sup>th</sup> Street Recreation Center across the street, and is generally consistent with the area's lower-scale mid-block buildings.

Enthusiastic as we are about the overall project, CB4 has several concerns:

### **Public Access to Open Space**

The Commons promises to be a significant asset, providing landscaped open space to be used as a gathering space for the John Jay community. Manhattan Community Board No. 4 strongly believes it should be publicly accessible to the wider community, which is starved for open space. This would enhance John Jay's presence in the neighborhood and serve the project's strategic goal of creating "College as City" and its urban design principle of embracing the community and activating the neighborhood. The Commons will be located two levels above the 59<sup>th</sup> Street entrance, with no access currently planned from the street. The College has cited legitimate security concerns about allowing free public access through its building to the Commons. But we have in the immediate neighborhood the example of Fordham University's Lincoln Center Campus which, similarly, has created attractive open space on the roof of its building on Columbus Avenue between 60<sup>th</sup> and 62<sup>nd</sup> Streets. The Fordham space is publicly accessible via external stair and elevator at the 60<sup>th</sup> Street entrance and via external stair from 62<sup>nd</sup> Street. Security booths are located at the top of each stair. The Fordham space has grown over the decades into a lushly landscaped oasis and safe haven from the frenzy of city life below, and is well used by members of the Fordham community and the neighborhood alike. The space is particularly notable for its trellised wisteria, one of the area's few outstanding horticultural features in the spring.

The public resources and green spaces of our public institutions must remain open to the public. We strongly urge the John Jay administration and the project's architects to find a way to make the Commons publicly accessible.

### **Traffic**

The Environmental Assessment Statement for the project concludes that the expansion project would not have a significant adverse impact on traffic or parking conditions in the area. This conclusion may be technically correct under the constrained analysis of an environmental review, but our experience on the street suggests otherwise. While the John Jay expansion project may not bring new traffic, but simply rearrange existing traffic at Haaren Hall and North Hall, common sense suggests that congestion at the main entrance on 59<sup>th</sup> Street, a narrow, two-way side street between Tenth and Eleventh Avenues, will be intensified by the congestion that now exists in front of Haaren Hall on Tenth Avenue or North Hall on 59<sup>th</sup> Street, which is wider and one way between Ninth and Tenth Avenues. In the early evening both entrances are now crowded with cars double and triple parked waiting to pick up students after classes.

In addition, traffic impacts on and associated with the 59<sup>th</sup> Street Recreation Center, directly across the street from the planned main entrance, must be considered, especially since a planned renovation of the center will include outdoor uses.

Other traffic in the immediate neighborhood is a matter of growing concern. 59<sup>th</sup> Street is congested with traffic heading for the Lincoln Tunnel or Route 9A. New developments such as the Hudson Hotel and the Time Warner Center are bringing increased traffic, and developments now under construction or being planned – continued development of Riverside South, the Helena, the Hearst Headquarters building, the Grand Tier at 1930 Broadway - will only make things worse.

Most recently, the City has announced that it plans to use the marine transfer station at the end of 59<sup>th</sup> Street to handle all of Manhattan's commercial waste. That will bring a flood of garbage trucks to an area that is now heavily used as informal private bus layover parking. This Board therefore believes that careful attention must be given to the management and mitigation of the area's traffic.

The John Jay College administration has committed itself to working closely with this Board and the area's elected officials to address traffic concerns associated with John Jay facilities, and we appreciate that commitment. But more is needed. It is long-past time for the area-wide traffic study requested, most recently, by Council Member Gale Brewer. Funding for this important study must be identified, and the work undertaken without delay.

### **Environmental Issues - Construction**

Because of the site's past industrial use, the project will require investigation and remediation of several environmental conditions. In addition, Con Edison is responsible for cleanup of wastes and residual contamination that resulted from its historic gas storage operations on the site. The EAS indicates that all of this work will be "done in accordance with applicable regulations and standard protocols." Despite the fact that the expansion project will be carried out by DASNY, a state agency, the "applicable regulations" should include the City's more stringent environmental controls.

In addition, to protect residents in the immediate area, demolition and construction activity must be limited to the work hours permitted by City regulations: weekdays between 7 am and 6 pm. The

applicant must notify this Board in advance of any applications for after hours or weekend work permits.

Finally, we request that a construction liaison be made available throughout the construction so that the construction's inevitable impacts on the surrounding area can be immediately addressed and minimized.

### **Environmental Issues – Building Design**

This Board wishes to encourage all developers to use design and construction practices that significantly reduce or eliminate a building's negative impacts on the environment and on occupants. We believe that public entities should take the lead in implementing these "green" building practices as a matter of policy. New York City's Department of Housing Preservation and Development has begun including a "green building" requirement in its requests for proposals. We urge DASNY to do the same. Specifically, we request that the John Jay expansion project meet the requirements for "certified" status as outlined in the U.S.Green Buildings Council's Leadership in Energy and Environmental Design (LEED) green building rating system at the highest possible level.

### **Future Sale of North Hall**

The application indicates that it is anticipated that the site of North Hall will eventually be sold to a private developer. This large site is zoned C4-7 (FAR 10) and represents a significant as-of-right private development opportunity. It is also a large publicly-owned site in an area that is home to many institutions and is experiencing significant development. We recognize that it lies within Community District No. 7, outside the jurisdiction of this Board and have therefore brought this matter to the attention of our colleagues at Community Board 7. Together, we request that any redevelopment should, to the greatest extent possible, address local planning needs and incorporate a planning process that includes local institutions and Community Board Nos. 4 and 7.

One of our significant planning needs is the redevelopment of the 59<sup>th</sup> Street Recreation Center; a productive legacy of the public ownership of the North Hall site would be to apply a modest portion of the proceeds of its sale to this redevelopment.

### **THE APPLICATION**

The land use approvals that are requested for this project are a general large-scale special permit (for modification of regulations concerning distribution of floor area, height and setback regulations and applicable sign regulations), a special permit for development over the Amtrak cut at the southwestern corner of the site, and cancellation of the Restrictive Declaration that was executed by River Center LLC in connection with the 1999 rezoning.

We concur with the applicant's analysis of the findings required for the special permits.

The 1999 Restrictive Declaration required development substantially in accordance with the plans approved as part of the 1999 rezoning and certain design guidelines, and limited the amount of retail floor area and parking spaces that could be provided. These restrictions have no application to the proposed expansion project. We have no objection to cancellation of the 1999 Restrictive Declaration provided the expansion project is built substantially in accordance with the plans that are part of this application.

**Now, Therefore, Be It Resolved** that Manhattan Community Board No. 4 recommends approval of this application for special permits and cancellation of the 1999 Restrictive Declaration, subject to the following conditions:

1. The rooftop Commons is open to the public to the maximum extent possible.
2. The City undertakes a comprehensive area-wide traffic study.
3. Demolition and construction activities are conducted in accordance with City regulations.
4. Redevelopment of the North Hall site must address local planning needs, such as the 59<sup>th</sup> Street recreation Center, and incorporate a planning process that includes local institutions and Community Board Nos. 4 and 7.
5. The expansion project is built substantially in accordance with the plans that are part of this application, and using “green” building practices.

Sincerely,



Walter Mankoff  
Chair  
Manhattan Community Board No. 4



Anna Hayes Levin  
Co-Chair  
Clinton/Hell's Kitchen Land Use Committee



Simone Sindin  
Co-Chair  
Clinton/Hell's Kitchen Land Use Committee

cc: Elected officials  
CPC, Calendar Information Office, 22 Reade Street, Room 2E, elected officials  
Applicant