CITY PLANNING COMMISSION

September 22, 2015 / Calendar No. 2 C 150319 PQK

IN THE MATTER OF an application submitted by the NYC Mayor's Office of Criminal Justice and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 141 Livingston Street (Block 154, Lot 28) for continued use and expansion of courtrooms in Community District 2, Borough of Brooklyn.

The application for acquisition of property was filed on April 1, 2015 by the NYC Mayor's Office of Criminal Justice (MOCJ) and the Department of Citywide Administrative Services (DCAS) to facilitate the continued use of 141 Livingston Street (Block 154, Lot 28) as a public courthouse located in Downtown Brooklyn, Community District 2, Brooklyn.

BACKGROUND

The applicants, MOCJ and DCAS, are seeking the acquisition of property (lease renewal) to facilitate the continued use of 210,000 square feet at 141 Livingston Street (Block 154, Lot 28) in Downtown Brooklyn, Community District 2, for court uses. There is also a concurrent site selection application (C 150320 PSK) to facilitate the future relocation of the existing court uses to the Brooklyn Municipal Building located at 210 Joralemon Street.

The proposed actions would facilitate the implementation of the New York City Courts Capital Program Master Plan. Released in 1993, the master plan outlined a comprehensive plan for upgrading and expanding court space Citywide. Since 1973, the City and State of New York have used the privately-owned office building located at 141 Livingston Street for Civil, Housing, and Small Claims Courts. As part of the master plan, court uses at 141 Livingston Street were to be split and moved into other sites within Downtown Brooklyn. In the interim, an application was submitted at that time (C 940377 PQK) to acquire additional space at 141 Livingston and consolidate the three court leases.

Since the implementation of the New York City Courts Capital Program Master Plan in 1993, there have been several unsuccessful attempts to relocate these court facilities. In 1995, a proposed site selection (I 890852 PSK) to relocate the courts to 237 State Street in Brooklyn was withdrawn during the public review period due to concerns related to shadows, noise, and traffic associated with the proposed new building. In 1999, a site selection (C 990676 PQK) to relocate the courts to 330 Jay Street was approved, but the move never occurred because the intended space was instead used to house two high schools.

The current application would facilitate continuation of the court functions at 141 Livingston Street, while 210 Joralemon Street is prepared for the relocation of the court functions, thus ensuring that the relocation of the court functions could be accomplished without an interruption in court services. The new court space at 210 Joralemon Street would include a small expansion of approximately 8,000 square feet, totaling approximately 210,000 square feet, on the ninth floor, which is currently vacant with plans to use this space for new courtrooms and waiting areas to ease overcrowding in the hallways and stairwells.

141 Livingston Street is an approximately 210,000 square foot, 15-story private office building located on the corner of Smith and Livingston streets (Block 154, Lot 28) in the Special Downtown Brooklyn District (C 040171 ZMK) and is zoned C6-4.5, a high-density commercial district (up to 12.00 FAR) with an R10 residential equivalent. Court facilities are permitted as-of-right in C6-4.5 districts. The building is almost entirely occupied by existing City and State court uses (approximately 202,000 square feet). An unaffiliated public parking garage is located in the cellar of the building and can be accessed via curb cut on Livingston Street, and a small, private snack vendor is located in the building's lobby.

Surrounding densities and uses are consistent with their location in a Central Business District and are mapped with C6-2A (6.00 FAR, 120' height limit, R8A equivalent), and C6-4 and C6-4.5 districts (10-12 FAR, no height limit), consisting of high density commercial, hotel, residential and community facility uses, including the Metrotech campus and the Fulton Mall to the north, and the Brooklyn Heights Skyscraper Historic District to the west. The immediate area is

extremely well-served by transit, including the A, C, G, 2, 3, 4, 5, B, Q, and R subway stations, and multiple bus routes converging at stops within close proximity of the site.

All visitors to the courthouse enter through a public entrance on the ground floor and pass through a security screening process. The courts operate from 8:30AM through 4:30PM, Monday through Friday, except on Thursdays when they stay open until 7PM. The following court programs are currently operating at 141 Livingston Street:

Civil Court

The Civil Court has monetary jurisdiction of up to $25,000 and reviews real property actions, such as partitions, foreclosures, goods sold and delivered, and labor or services rendered, within the monetary limit. Cases filed in the Civil Court are varied, but in general seek an award of a money judgment. This court handles approximately 100,000 cases per year and currently has 92 employees assigned to its functions.

Housing Court

The Housing Court is devoted to actions and proceedings involving the enforcement of state and local laws for the establishment and maintenance of housing standards. The Housing Part has jurisdiction of summary proceedings, and in addition to judgments of possession, can award a judgment for rent in any amount. The kinds of cases filed in the Landlord-Tenant Housing Part Office and decided in the Housing Court, include post-evictions and residential holdover proceedings, non-payments of rent, and NYS Real Property Actions and 7A Proceedings (RPAPL). This court handles approximately 75,000 cases per year and currently has 104 employees assigned to its functions.

Small Claims Court

The Small Claims Court is a simple, inexpensive, and informal court where people can sue for money without a lawyer, if they choose to do so. The Small Claims Court has monetary

jurisdiction up to $5,000.00 and can only seek money to recover damages, including damage to personal property, failure to provide services, failure to return deposits, and breaches of contract. This court handles approximately 6,700 cases per year and currently has 8 employees assigned to its functions.

In total, the courts receive approximately 3,000 visitors per day, including jurors, and are currently assigned a total of 273 employees, including 69 Court Officers. An off-street loading dock is provided along Livingston Street and no off-street parking is provided for court employees or visitors.

ENVIRONMENTAL REVIEW

This application (C 150319 PQK) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Department of Citywide Administrative Services. The designated CEQR number is 15CAS001K. On April 1, 2015, this application was determined to be a Type II action which required no further environmental review.

UNIFORM LAND USE REVIEW

The application (C 150319 PQK) was certified as complete by the Department of City Planning on May 4, 2015, and was duly referred to Community Board 2 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

Community Board Public Hearing

Community Board 2 held a public hearing on this application on May 20, 2015 and on June 10, 2015, by a vote of 30 in favor, 2 opposed, with 2 abstentions, adopted a resolution recommending approval with the following conditions:

1) That the Department of Citywide Administrative Services (DCAS) expedite the relocation of the courts to 210 Joralemon Street; and

2) That DCAS update Brooklyn Community Board 2 periodically on the status of the project.

Borough President Public Hearing

This application was considered by the Borough President of Brooklyn, who held a public hearing on this application on June 1, 2015 and issued a recommendation approving the application on August 5, 2015, subject to the following conditions:

1. That Mayor's Office of Criminal Justice and the Department of Citywide Administrative Services create a task force and advisory board 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 lease renewal and completion of the necessary improvements, prior to the City Council's consideration waiving its right to call up the application;

2. That Mayor's Office of Criminal Justice coordinates, in consultation with tenant advocate stakeholders, 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 provide for shifting of waiting time for early arrivals within the building.

3. That Mayor's Office of Criminal Justice and the Department of Citywide Administrative Services incorporate in the lease negotiations and lease agreement, provisions for the following:
    a. That the status of the quick fixes be provided to the City Council in advance of when the City Council consideration waiving its right to call up the application;

    b. That prior to the execution of a new lease, it be demonstrated that the intended architectural and engineering assessments of the existing systems and conditions had been expedited according to the license agreement;

    c. That the lease include timing commitments for the necessary building improvements and system upgrades, with a lease payment reduction schedule for the landlord missing deadlines;

    d. The new lease shall require the landlord to 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.

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

City Planning Commission Public Hearing

On August 5, 2015 (Calendar No. 1), the City Planning Commission scheduled August 19, 2015 for a public hearing on this application (C 150319 PQK). The hearing was duly held on August 19, 2015 (Calendar No. 16). There were a total of four speakers, all in favor of the application.

Applicant representatives, including those from MOCJ, DCAS, and the New York State Office of Court Administration (OCA), described the various elements of the proposed project and its potential benefits, including facilitating a lease renewal to allow the continued operation of court functions at 141 Livingston while a relocation plan to the Brooklyn Municipal Building at 210 Joralemon Street is implemented. They stated that as part of the conditions of the lease renewal, the building's landlord would be required to make improvements to the building, including elevator repairs, bathroom upgrades, and HVAC system refurbishment. Some of the facilities' systems will be improved including boiler upgrades, new cooling tower and upgraded cooling plant, upgrading of fire alarm systems, and bringing the facility into ADA compliance. In addition, a full architectural and engineering review will take place to ensure immediate needs are documented and prioritized. The proposed lease would be for ten years, with an option to terminate the lease within year five to allow court functions to be relocated to 210 Joralemon Street without interruption. The applicants have stated that due to the short-term nature of the proposed lease renewal and the need for facility improvements, if the lease is terminated in year five, the City would be responsible for paying the unamortized portion of the landlord's facility improvements. If the court functions remain in-place for the full 10-year term, the City will not be responsible for paying anything towards the landlord's work.

The representatives further stated they expect to relocate the court uses to the Municipal Building, located at 210 Joralemon Street, necessitating the relocation of existing public office tenants to new locations, including the NYC Department of Finance (DOF) and NYC Department of

Buildings, among others. The applicant representatives stated they believe this phase of the relocation and the necessary facility renovations to 210 Joralemon would take approximately two years to complete, and that they have already hired consultants to aide in phasing and relocation planning. DCAS stated that they will manage all construction work, design, and agency coordination, and that they plan on hiring a general contractor or construction manager for the entire relocation project, which they stated, will ensure one point of contact for renovation coordination and change orders, as needed, although still likely subject to Wicks Law associated with the public bidding process. The applicant representatives also stated that they would ensure that adequate space is provided for tenant advocacy groups and recognized that signage and information throughout the facility should be multilingual.

A representative from Brooklyn Tenants United, a coalition of tenant advocacy groups and housing court stakeholders, also spoke in favor of the application. He described concerns related to the terms of the lease renewal such as the increased rent to be charged, the need for immediate facility repairs, encouraged the applicants to relocate court functions sooner than five years, and reiterated the request that a court relocation taskforce be created to provide meaningful input and guidance into how the new court space in 210 Joralemon Street will be designed and function.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the acquisition of property (C 150319 PQK) for continued court use, is appropriate.

The courts have operated at 141 Livingston Street since 1973 and are a permitted use in the C6-4.5 zoning district. The site is located in Downtown Brooklyn, surrounded by other institutional and educational uses and high-density commercial and residential developments, consistent with uses located in the borough's Central Business District, and in an area extremely well-served by public transit.

The acquisition of this property for continued court use for a period of up to ten years would provide the civil, housing, and small claims courts with an interim location until they can be relocated to the Brooklyn Municipal Building, located at 210 Joralemon Street.

The Commission recognizes that the building's deferred maintenance and overcrowding has been an ongoing concern. The applicants have repeatedly attempted to relocate these court uses since 1992, withdrawing a site selection and acquisition proposal in 1995 (I 890852 PSK) due to public concerns related to shadows, noise, and traffic. Again in 1999 (C 990676 PPK) the relocation proved unsuccessful when the intended space was instead converted into two high schools. The Commission recognizes approval of this action would facilitate continued court operations, while allowing sufficient time to relocate the courts in an orderly fashion to a new, more suitable location and premises. In order to relocate these court uses to 210 Joralemon Street, the extension of lease terms of up to 10 years would allow for an orderly relocation of existing uses at 210 Joralemon to other locations and conduct site improvements.

Regarding the recommendations of the Borough President for a task force and modification of operating hours, the applicants have stated that they would be willing to participate in such a task force during the planning and relocation process with other stakeholders and that they will ask the OCA to look into modifying opening hours. Regarding the Borough President's request for specific lease agreement provisions, the applicants have stated that they are open to providing a list of quick fixes to the City Council that the current lease agreement already includes penalties if the landlord does not meet timing commitments. While outside the Commission's purview, the applicant also indicated that they will encourage the property owner to retain MWBE and LBE contractors. The Commission is pleased to note that the applicants are open to the issuance of regular reports to the Community Board and the Borough President regarding the status of the relocation of all involved agencies. It is noted that both the Community Board and Borough President have also recommended the expedited relocation of court uses, and as such, the applicants are proposing all practicable steps to accelerate relocation and building reconstruction including: immediate selection and evaluation of relocation space for DOF and other agencies,

immediate awarding of contracts so that any interior reconstruction can begin promptly, and the retention of moving and construction services as quickly as possible, including staffing over night and weekend shifts. Regarding the Borough President's request for a relocation completion date of 2018, the applicants have responded that they are currently developing a plan to relocate within approximately five years and have negotiated their proposed lease renewal based on these terms.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the considerations and findings described in this report, the application submitted by the NYC Mayor's Office of Criminal Justice and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 141 Livingston Street (Block 154, Lot 28) for continued use and expansion of courtrooms in Community District 2, Borough of Brooklyn, is approved.

The above resolution (C 150319 PQK), duly adopted by the City Planning Commission on September 22, 2015 (Calendar No. 2), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, *Chairman*
KENNETH J. KNUCKLES, *Esq., Vice Chairman*
RAYANN BESSER, ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ, CHERYL COHEN EFFRON, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, *Commissioners*

NYCPLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C150319**	Project Name: **Brooklyn Courts Relocation**
CEQR Number: 15CAS002K	Borough(s): Brooklyn Community District Number(s): 2

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department of City Planning by one of the following options:
   - **EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
   - **MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
   - **FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by the NYC Mayor's Office of Criminal Justice and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located at 210 Joralemon Street (Block 266 Lot 1001 for use as courtrooms.

Applicant(s):	Applicant's Representative:
NYC Mayor's Office of Criminal Justice 1 Centre Street, 1012N, New York NY 10007 Department of Citywide Administrative Services 1 Centre Street, 20th Floor, New York NY 10007	Jean-Claude Lebec 646-576-3463 Randall Fong 212-386-0618

Recommendation submitted by:
Brooklyn Community Board 2

Date of public hearing: May 20, 2015 Location: NYU Polytechnic School, 5 Metrotech Center, Brooklyn NY

Was a quorum present? YES [X] NO [ ] *A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.*

Date of Vote: June 10, 2015 Location: Phoenix House, 50 Jay Street, Brooklyn NY

RECOMMENDATION

- [ ] Approve
- [ ] Disapprove
- [X] Approve With Modifications/Conditions
- [ ] Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.

Voting

In Favor: 30 # Against: 2 # Abstaining: 2 Total members appointed to the board: **44**

Name of CB/BB officer completing this form	*Title*	*Date*
Shirley A. McRae	Chairperson	7/5/2015

Brooklyn Borough President Recommendation
CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
CalendarOffice@planning.nyc.gov

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 #: 150319 PQK – 141 Livingston Street Brooklyn Courts Lease

In the matter of an application submitted by the NYC Mayor's Office of Criminal Justice and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the property at 141 Livingston Street in Downtown Brooklyn, seeking acquisition and expansion approval in order to authorize the execution of a new lease for continued use of the current court facility as a relocation plan is in process.

COMMUNITY DISTRICT NO. 2 | BOROUGH OF BROOKLYN

RECOMMENDATION

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

SEE ATTACHED

BOROUGH PRESIDENT

August 5, 2015
DATE

RECOMMENDATION FOR THE 141 LIVINGSTON STREET BROOKLYN COURTS LEASE - 150319 PQK

NYC Mayor's Office of Criminal Justice (MOCJ) and the Department of Citywide Administrative Services (DCAS) are seeking acquisition and expansion approval in order to authorize the execution of a new lease, pursuant to Section 197-c of the New York City Charter, for the property at 141 Livingston Street in Downtown Brooklyn within Community Board 2. The current facility is intended to serve in the interim until the facility is to be relocated. Therefore, a request has been made for continued use of the current court facility at 141 Livingston Street as a relocation plan is in process.

On June 1st, 2015, the Borough President held a public hearing on the proposed acquisition and expansion of court facilities at 141 Livingston Street. There were two speakers opposing this item, representatives from Brooklyn Tenants Unit (BTU) and Flatbush Tenant Coalition (FTC). The speakers stated that the existing court space has been deplorable, dysfunctional and insufficient for court uses for many years. It was noted that creation of a task force of tenant advocates, elected officials, and city and state agencies, with decision making authority, as well as creation of an advisory board consisting of appropriate stakeholders, would insure the proper direction of all aspects of the lease renewal and necessary improvements.

The representatives for the applicants, MOCJ and DCAS, noted that until the ULURP is approved and a lease is obtained, the applicant has retained a license for the aforementioned location. As part of the license work, the applicant has negotiated with the landlord that quick fixes will be done in the interim. So far the fixes include renovation of approximately 9,000 sf of additional space that will serve to accommodate the current crowding issue, quick fixes to the elevator and addressing the heating and cooling systems as they exist presently. As part of the license agreement the landlord has agreed to hire consultants to develop a complete scope of work to address the more substantial issues that will be done under the lease. All the construction work and documents for this work will be done under the license, until the point that the ULURP is approved.

While the Deputy Borough President looks forward to having this temporary space receive the much needed and long awaited improvements, in the hopes of ultimately moving the court operations to a state-of-the-art facility, the Deputy Borough President raised consideration for the input of the court users in order to understand the dynamics of being the end user. It is important to understand exactly how this particular upgrade for temporary space is going to accommodate the end user. The representative for the applicant noted that having the community be involved in the process is important to both MOCJ and DCAS, and a stakeholder group will be convened for all the users involved. The applicant has been working with City Legislative Affairs to identify the agencies and determine the scope of their involvement.

The Deputy Borough President inquired about receiving the finalized information in regard to the stakeholder group in order to invite various community agencies and stakeholders to participate in the discussion of necessary user improvements. The representative for the applicants noted that as soon as the process is up and running, communication will be open and an invitation will be extended to the Borough President's Office to participate in the stakeholder discussion.

The representative for MOCJ noted that the files have already been removed from the 9,000 sf previously used Civil Court storage space in order to allow for construction. This additional space will be completely renovated to accommodate court office functions, in order to recoup the two courtrooms that currently house such office space. The projected completion of this work and relocation of the uses is dependent on determination of the specific uses to be assigned to this space. The representative estimates that once the specific uses are determined, the work and relocation should be finalized by the end of the calendar year.

In response to the Borough President's inquiry about expediting the architectural/engineering assessments for improvements/upgrades of the existing facilities, the representative stated that the license has just been executed and applicants will make sure the landlord hires consultants as soon as possible. The representative noted that applicants will be involved in discussions with the landlord to press for the delivery of these documents as soon as possible. The representative also noted that majority of the work on the ninth floor has already been completed.

In response to the Deputy Borough President's inquired whether delay/pause on rent will be allowed if any further delays are experienced during the renovation process, the representative stated that there is no clause to cover such delays but the applicants will work vigorously with the landlord to insure that work is completed diligently and in a timely manner.

In response to the Borough President's concern for consideration of the space flow issue, with people lining up at street level during pre-opening hours and being exposed to the elements, the MOCJ representative stated that the problem involves the physical limitations of the existing lobby space. The representative stated that the biggest problem is the fact that once people cue-up and go through the magnetometers, there is very little space between that point and the five available elevators, of which three are sometimes not running. Unfortunately there is no physical solution to this problem at the current court location. The representative notes that the only way to resolve this flow issue would be to provide more staff on the top floors, in order to improve functionality, and to introduce earlier opening hours. The Deputy Borough President notes that it is important to consider all possible solutions in resolving this flow and circulation issue and requests that any proposed solutions and/or recommendations be shared with the Brooklyn Borough President's Office.

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 currently the work at 141 Livingston Street is landlord work and the City is not paying for this to be completed. Efforts will be made in order to ensure the landlord provides for participation of MWBE and LBE. If there is any additional work incurred by the Office of Court Administration, that contract will undoubtedly include the provision for and participation of MWBE and LBE.

The Deputy Borough President notes that as part of doing business with the City and the City signing off on leases paid by City tax payer dollars, there is a connection to providing a public benefit. This can allow for exploration of possible opportunity for property owners to provide an extra level of service such as inclusion of 20% participation of MWBE and LBE, consistent with Local Law 1. The representative stated that unfortunately this is not an available provision for privately owned spaces but considerations will be given to that affect.

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 period updates to the community board.

The approximately 210,000 sf, fifteen story office building on the site is currently used for Housing, Civil and Small Claims Courts. There is a public parking garage under the building which is not reserved for court purposes.

Each court that operates under 141 Livingston Street is part of the State Unified Court System has a distinct function. Currently 273 employees are assigned to the courts. This includes 104 Housing Court employees, 92 assigned to Civil Court, 8 assigned to Small Claims Court and 69 Court Officers. Civil Court handles approximately 100,000 cases per year, Housing Court approximately 75,000 cases per year and Small Claims Court receives approximately 6,700 cases per year.

This application would facilitate the acquisition of a new lease and expansion of court facilities. The new lease expected duration is up to ten years with the option to cancel after five years. It will specify improvements to the building and will facilitate the uninterrupted occupancy of the courts in their current location while preparations are made to relocate. The entire relocation will take approximately five years to complete. By expanding onto the full ninth floor, court uses will occupy the entire building. There will be approximately 9,000 sf of expansion space on the ninth floor which is used by Civil Court for staging files. Utilization of this space has not been finalized but could potentially include court offices and waiting areas to ease overcrowding in the hallways and stairwells.

Since 141 Livingston Street was always intended to serve as a temporary site for the courts, the expectation that the courts would eventually relocate contributed to the lack of maintenance and upkeep of the building. Several improvements to the building systems are planned in order to address the issues resulting from deferred maintenance. The elevators will be repaired and maintained in good working order. The bathrooms will be upgraded and each perimeter cooling/heating unit will be inspected and repaired, or refurbished if necessary. Once the new lease is signed, the documents will be carried out for the following: new burners of the heating boiler; new cooling tower with additional capacity; upgrades to existing fire alarm systems; upgrades to full ADA compliance; and a Certificate of Occupancy.

A prior consideration to relocate the Housing Court to 283 Adams Street did not occur because it was subsequently assigned to the Department of Education and converted into two high schools.

The Borough President believes that the proposed expansion and lease renewal would provide for a sufficient interim location for the courts while in the process of finalizing the move to a new location. Therefore, he believes that facilitating a lease for what is primarily memorializing an interim-leased facility, is an appropriate interim land use action.

Though the Borough President is generally supportive of the acquisition of the new lease and expansion of court operations onto the full ninth floor, he has concerns regarding the lack of means for user input, inadequate people flow and overall circulation of the space which results in court users being exposed to the elements, the time frame for assessing existing systems/conditions and expediting building improvements/upgrades, and uncertainty of participation of Minority and Women-Owned Business Enterprises (MWBE) and Locally-Based Enterprises (LBE).

Stakeholder Taskforce and Improvements

The Borough President believes that optimal functionality and circulation of publicly-accessible spaces within these 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 of 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 best accommodate them during the remaining years this building serves as court space. An effective means for input would be to create a task force and advisory board consisting of tenant advocate stakeholders, Community Board 2, elected officials, and appropriate City and State agencies, to oversee proper direction of all aspects of carrying out necessary operational and physical improvements. A stakeholder taskforce would facilitate involvement and participation of the various stakeholders in the overall design and improvement process.

From 8:30AM through 4:30PM, on average about 3,000 visitors per day pass through the security screening process to access the building and court services. However, the lack of space in the ground floor lobby results in extensive crowding as people line up in preparation for the security process. This ultimately results in numbers of court users waiting outside of the building exposed to various weather elements; meanwhile, the upper floor waiting areas remain empty. Introducing earlier operating hours would allow the court users to go through the security process enabling them to move through the limited lobby space to their appropriate waiting destinations upstairs.

Provisions for improvements to the building systems at 141 Livingston Street should not be depended on the execution lease agreement when they can be facilitated immediately under a license agreement. It is important to initiate various necessary steps to expedite completion of the improvements. This includes the intended architectural and engineering assessments of existing systems and conditions to understand the necessary building improvements and system upgrades. In regard to more extensive improvements that cannot be completed before the lease goes into effect, it is important to hold the landlord accountable for completing the improvements in a timely manner.

The Borough President believes that the MOCJ and DCAS should create a taskforce and advisory board 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 lease renewal and completion of the necessary improvements. He believes that the courts should introduce earlier operating hours allowing court users to go through the security process, enabling them to move through the limited lobby space to the appropriate waiting area upstairs. Further, various steps should be initiated now to accelerate the least complex improvements. MOCJ and DCAS should expedite the intended architectural and engineering assessments of the existing systems and conditions according to the license agreement prior to the execution of a new lease. The new lease should include timing commitments in order to hold the landlord accountable for a timely completion of the improvements and system upgrades; including a lease payment reduction schedule if the landlord misses deadlines.

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 a facility that would be requiring extensive renovations and system upgrades, this lease renewal and expansion provide 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).

While the expansion and renovation will be entirely contracted out by the landlord, the lease is being funded through City tax payer dollars. The Borough President believes that DCAS should explore leveraging the City leasing of private property to require provisions for participation of MWBE and LBE, consistent with Local Law 1, and to coordinate the monitoring of such participation with an appropriate agency.

The City Council should obtain such a commitment from the Administration in writing that such terms would be incorporated into the lease 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 Services create a task force and advisory board 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 lease renewal and completion of the necessary improvements, prior to the City Council's consideration waiving its right to call up the application;

2. That Mayor's Office of Criminal Justice coordinates, in consultation with tenant advocate stakeholders, 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 provide for shifting of waiting time for early arrivals within the building.

3. That Mayor's Office of Criminal Justice and the Department of Citywide Administrative Services incorporate in the lease negotiations and lease agreement, provisions for the following:

    a. That the status of the quick fixes be provided to the City Council in advance of when the City Council consideration waiving its right to call up the application;

    b. That prior to the execution of a new lease, it be demonstrated that the intended architectural and engineering assessments of the existing systems and conditions had been expedited according to the license agreement;

    c. That the lease include timing commitments for the necessary building improvements and system upgrades, with a lease payment reduction schedule for the landlord missing deadlines;

d. The new lease shall require the landlord to 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.

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