

CITY PLANNING COMMISSION



September 3, 2019 / Calendar No. 1

C 190333 PSY

IN THE MATTER OF an application submitted by the New York City Department of Correction, the NYC Mayor's Office of Criminal Justice, and the NYC Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of property located at:

1. 745 East 141st Street (Block 2574, p/o Lot 1), Bronx Community District 1;
 2. 275 Atlantic Avenue (Block 175, Lot 1), Brooklyn Community District 2;
 3. 124 White Street (Block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Manhattan Community District 1; and
 4. 126-02 82nd Avenue (Block 9653, Lot 1), 80-25 126th Street (Block 9657, Lot 1), and the bed of 82nd Avenue between 126th and 132nd streets, Queens Community District 9; for borough-based jail facilities.
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This application (C 190333 PSY) for a site selection was filed by the New York City (NYC) Department of Correction (DOC), the NYC Mayor's Office of Criminal Justice (MOCJ) and the NYC Department of Citywide Administrative Services (DCAS) (collectively, the "Applicant") on March 22, 2019. The proposed action, along with the related actions, would facilitate the development of four detention facilities that comprise the NYC borough-based jail system in Bronx Community District 1, Brooklyn Community District 2, Manhattan Community District 1 and Queens Community District 9.

RELATED ACTIONS

In addition to the site selection, which is the subject of this report (C 190333 PSY), the following proposed actions are also being considered concurrently with this application:

System-wide

N 190334 ZRY Text amendment to create a new Special Permit in Zoning Resolution (ZR) Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system

Bronx

C 190335 ZSX Special Permit pursuant to ZR Section 74-832

C 190336 ZMX Zoning Map Amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X

N 190337 ZRX Zoning Text Amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area

C 190338 HAX Designation of the mixed-use development site as an Urban Development Action Area (UDAA) and an Urban Development Action Area Project (UDAAP) Approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development

Brooklyn

C 190339 ZSK Special Permit pursuant to ZR Section 74-832

C 190116 MMK City map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street

Manhattan

C 190340 ZSM Special Permit pursuant to ZR Section 74-832

C 190341 PQM Acquisition of a leasehold interest of retail space in Manhattan Detention Center (MDC) North held by Walker Street-Chung Pak Local Development Corporation (LDC), an area of approximately 6,300 square feet (sf)

C 190252 MMM City map amendment to demap White Street between Centre Street and Baxter Street and reestablish White Street with upper and lower limiting planes as well as narrow and realign the right-of-way

Queens

C 190342 ZSQ Special Permit pursuant to ZR Section 74-832

C 190117 MMQ City map amendment to demap 82nd Avenue between 126th Street and 132nd Street

BACKGROUND

Historical Changes in the Criminal Justice System

While jail populations around the country have increased over the last three decades, NYC's jail population has decreased by half since 1990, and declined by 30 percent since Mayor de Blasio took office in 2014. In the last four years, the city has experienced the steepest four-year decline in the jail population since 1998. This decline in jail use has occurred alongside record-low crime numbers. Major crime has fallen by 78 percent in the last 25 years and by 14 percent in the last five years. According to NYC Police Department (NYPD) statistics, 2018 was the safest year in NYC history. NYC's decline in crime rate is continuing and demonstrates that the City can increase safety while shrinking the jail population.

NYC's roadmap to closing Rikers Island, "Smaller, Safer, Fairer," was released in June 2017 and includes 18 strategies to ultimately reduce the jail population to 5,000, and allow for the closure of the jails on Rikers Island and the transition to the proposed borough-based jail system. Progress on these strategies is underway, with the partnership of New Yorkers, the courts, district attorneys, the defense bar, mayoral agencies, service providers, City Council, Borough Presidents, and others within the justice system. When NYC released its roadmap in June 2017, NYC's jails held an average of 9,400 people on any given day. Eighteen months later, the population had dropped to below 8,000.

Several factors have contributed to the decline in jail population, including:

- Reduced crime and arrest rates. Major crime decreased by 14 percent in the City in the last five years. While not every person arrested spends time in jail, every one percent drop in crime results in 60 fewer people in jail on any given day.
- Fewer people enter jail. Among other dynamics, interventions aimed at reducing the number of low- and medium-risk people entering jail contributed to about 35 percent of the total reduction of people in jail to date. These include major investments in diversion (preventing over 11,000 people from entering jail); alternatives to jail sentences; making it easier to post bail through funding bail expediters; expanding the charitable bail fund citywide and implementing online bail payment; and targeted initiatives focused on the unique needs of specific groups such as women, adolescents, and those with mental/behavioral health issues.
- Cases resolved faster. Reductions in unnecessary case delays have resulted in fewer cases extending beyond one year. For example, since the City’s initiative to reduce unnecessary case delays began in April 2015, the number of cases pending in the New York State (NYS) Supreme Court for the five boroughs for more than one year has declined by 22 percent.

Facilities at Rikers Island

Currently, most of the people held in NYC’s jail system are held at Rikers Island, a 413-acre City-owned property located in the East River. Rikers Island is part of the Bronx, although it is accessed from Queens. It has a capacity for approximately 11,300 people in detention in eight active jail facilities. Most facilities on Rikers Island were built more than 40 years ago and pose serious challenges to the safe and humane treatment of those in detention. In addition, Rikers Island’s isolation limits accessibility to both staff and visitors, as described in the report “A More Just New York City,” issued by the Independent Commission on New York City Criminal Justice and Incarceration Reform (the Lippman Commission).

While the City now offers free, express shuttle bus service to and from Rikers Island designed to facilitate visits for family and friends of people in custody, Rikers Island is still geographically isolated from the rest of NYC. It is accessed by a small, narrow bridge that connects it with Queens. This isolation makes it difficult for DOC staff, family members, defense attorneys, social service providers, and other service providers and visitors to access their jobs, loved ones, and clients. Visiting a person in detention on Rikers Island can take an entire day, forcing people to miss work and make costly arrangements for child care.

Additionally, the location of Rikers Island results in inefficient transportation and an increase in costs to the City, as DOC must expend substantial time and resources transporting people in detention off Rikers Island for court appearances and appointments. MOCJ continuously works with DOC and the NYS Office of Court Administration to find ways to further improve on-time court attendance and reduce case delays associated with late attendance. All defendants, regardless of incarcerated status, are required to be present at court at 9:30 a.m. DOC must transport more than 1,000 people on and off Rikers Island each day for court appearances, and causing some to miss court appearances and off-site treatment dates. If defendants are late, it may result in their appearance being rescheduled for a later date (or ‘delayed’), which can contribute to delayed resolutions and longer lengths of stay in DOC custody. Missed court appearances can further draw out case timelines and cause other disruptions to court schedules, and missing appointments can result in potentially adverse consequences for people who are detained.

The Applicant has determined that the transformative vision contemplated by the City cannot be achieved through renovations of the current facilities on Rikers Island since these buildings have an average age of more than 40 years, with even the newest facility dating back to 1991.

Other NYC Jail Facilities

DOC currently operates four other detention facilities not located on Rikers Island. These facilities are the Brooklyn, Manhattan, and Queens Detention Complexes (the latter of which is currently decommissioned), and the Vernon C. Bain Center, located in the East River near the Hunts Point neighborhood of the Bronx. These facilities can accommodate a combined total of about 2,500 people in detention. The Brooklyn, Manhattan, and Queens Detention Complexes are located on

sites that are proposed for redevelopment with modern detention facilities. The Vernon C. Bain Center is a five-story barge that provides medium to maximum security detention facilities and serves as the Bronx detention facility for admissions.

The existing facilities are limited in capacity and inefficient in design, as many of them date back to the 1950s, 1960s, 1970s, and 1980s and have not been renovated since the early 1990s. Facility layouts are outdated and do not provide for the quality of life sought in more modern detention facilities, with regard to space needs, daylight, and social spaces. The buildings cannot be renovated to meet the needs of the contemporary facilities that are envisioned.

Projected Reductions in the Number of People in NYC's Jails

The number of people who enter and the length of time that they stay are the two drivers that determine the size of the population in NYC's jails. The City is in the process of implementing the strategies laid out in "Smaller, Safer, Fairer," which are expected to reduce the average daily jail population to approximately 7,000 people over the next three years, with the goal of achieving a total average population of 5,000 by 2027. Eighteen months after the release of "Smaller, Safer, Fairer," NYC's jail population fell to below 8,000 for the first time in almost 40 years. This decrease of 14 percent puts the City ahead of schedule in its efforts to reduce the jail population.

The Proposed Borough-Based Jail System

Under the proposed borough-based jail system, the system would provide approximately 5,748 beds to accommodate an average daily population of 5,000 people, while allowing space for population-specific housing requirements, such as those related to safety, security, physical, and mental health, among other factors, as well as fluctuations in the jail population.

A guiding urban design principle for the borough-based jail system proposal is neighborhood integration. This includes promoting safety and security, designing dignified environments, leveraging community assets, and providing added value and benefits to the surrounding neighborhoods. The new facilities would be designed with the needs of communities in mind. They would be designed to encourage positive community engagement and serve as civic assets in the neighborhoods. The new buildings would be integrated into the neighborhoods, providing connections to courts and service providers, and offering community benefits. The proposed

borough-based jail system is intended to strengthen connections between people who are detained to families and communities by allowing detained individuals to remain closer to their loved ones. This would allow better engagement of incarcerated individuals with attorneys, social service providers and community supports, so that they would be less likely to return to jail in the future.

The borough facilities would be designed to minimize the effect on the surrounding neighborhoods through strong urban design, while also achieving efficient and viable floorplans that optimize access to program space, outdoor space, and natural light. The borough facilities would be designed to be self-sufficient buildings, with housing units (i.e., a standardized module consisting of a certain number of cells with a common dayroom, support spaces, and recreation yard) that facilitate better officer supervision because of the improved floorplans. The proposed borough-based jail system contemplates providing sufficient space for effective and tailored programming, and appropriate housing for those with medical, behavioral health and mental health needs. Additionally, the borough facilities would provide a normalized environment of operations that supports the safety and well-being of both staff and the people who are detained in the City's custody.

The proposed borough-based jail system would ensure that the borough facilities have ample support space for quality educational programming, recreation, therapeutic services, publicly accessible community space, and staff parking. The support space would also include a public-service-oriented lobby, visitation space, space for robust medical screening for new admissions, space for medical and behavior health exams, space for health/mental health care services, therapeutic units, and administrative space. The community spaces would be designed to provide useful community amenities, such as community facility programming or ground floor retail space. The proposed borough-based jail system would be built via *Design-Build*. Under Design-Build, one team works under a single contract to provide both design and construction services; the team is brought on board following the completion of ULURP. This is different from the traditional *Design-Bid-Build*, for which an applicant hires one team to design a project before going through ULURP, and another team to build the project after ULURP has been completed. In 2018, NYS approved Design-Build authority for NYC for three projects, including the borough-based jail system. This is the first Design-Build project to go through ULURP.

There are four proposed borough facilities – one in the Bronx, Brooklyn, Manhattan and Queens. They are expected to be operational by 2027.

BRONX

Description of the Surrounding Neighborhood

The proposed site in the Bronx is in the Port Morris/Mott Haven neighborhood of the South Bronx. The site is on the western edge of the industrial Port Morris neighborhood and the eastern end of the residential Mott Haven neighborhood. Uses in the neighborhood include industrial warehouses, manufacturing and storage to the east, and up to six-story residential buildings to the west. The Bruckner Expressway and Boulevard run alongside the neighborhood forming a visual and psychological barrier from the adjacent neighborhood.

The study area is comprised of the 600-foot radius surrounding the proposed site. Notable uses found in the study area include St. Mary's Park, which is located along the northwestern edge of the study area, and is the area's primary open space resource. A transitional housing facility and a charter school are also located in the study area. Parcels containing vacant land and parking facilities are dispersed throughout the study area.

The study area includes the following zoning districts: M1-2, M1-3, M3-1, R6, and R7-1. Within a quarter-mile radius, the proposed development is accessible via two MTA subway stations: the Cypress Avenue station and the East 143rd Street - St. Mary's Street, both of which are served by the MTA 6 subway line. There are also two MTA public bus routes with stops within or near a quarter-mile radius of the study area.

Description of the Proposed Site

The proposed site is 745 E. 141st Street (Block 2574, Lot 1) in Community District 1. It is a City-owned block bound by E. 142nd Street, Southern Boulevard, Bruckner Boulevard, E. 141st Street, and Concord Avenue. The jail site is on the eastern portion of the proposed site and has a lot area

of 145,635 sf. The adjacent mixed-use development site is on the western portion of the block within 100 feet of Concord Avenue.

The proposed site is irregularly shaped, resembling a rectangle on three sides (north, south, and west) with one side (east) having a partly curved perimeter. It is entirely occupied by the NYPD Bronx Tow Pound, which is a vehicle storage use. The site contains a small office trailer structure, storage sheds, and space for vehicle storage. It is surrounded by a fence and trees, and is elevated above the grade of the surrounding streetscape. It is zoned M1-3 and has a 0.0 built FAR.

Description of the Proposed Development

In the Bronx, the proposed actions would facilitate a new jail with 1,437 beds. It would have a total of approximately 1,150,000 zoning sf of above-grade space, including approximately 1,100,00 zoning sf of housing for people in detention and support services space, approximately 10,000 zoning sf of court and court-related space, and up to approximately 40,000 zoning sf of community facility/retail space, along with approximately 575 secure accessory parking spaces located below-grade. The court and court-related space would be for a borough-based jail system-wide parole court, which is currently located on Rikers Island.

The preliminary illustrative design includes setbacks of various depths and an overall building height of approximately 245 feet. However, to provide flexibility in final design, the Applicant is seeking a proposed maximum permitted building envelope that would extend vertically above the average curb level of each street frontage of the proposed jail site to heights ranging from 248.77 feet to 253.47 feet for the roof of habitable space and from 288.77 feet to 293.47 feet for rooftop mechanical bulkheads, parapets, and rooftop horticultural and related space. The varying heights of the maximum permitted building envelope are due to the slightly sloped character of the proposed jail site's topography and reflect a flat (horizontal plane) maximum height. This maximum permitted building envelope would cover the entire site, excluding a 30-foot wide enclosed driveway corridor at the western edge of the proposed jail site where the building envelope would be limited to a height of 23 feet. The western, 23-foot tall proposed envelope would ensure that the proposed development would comply with rear yard/rear yard equivalent

requirements and that a structure enclosing the driveway corridor could be provided to a maximum height of 23 feet.

There would be staff and visitor pedestrian entrances for the building on E. 142nd Street near Southern Boulevard, a public entrance for the court space on E. 141st Street near Bruckner Boulevard, and entrances for the community facility/retail uses on E. 141st Street. The special permit plans identify the location of ground floor community facility/retail uses, which would be required to occupy at least 75 percent of the length of the street wall to a depth of at least 20 feet of the building face within designated frontage zones. The special permit plans also identify the location of building pedestrian entrances, which would be required within a specified area along the identified street.

The 575-space accessory parking garage would operate as a self-park facility. The garage would be accessed via a two-way ramp from E. 141st Street with two inbound lanes and one outbound lanes and a gate system located on the ramp. The garage would be limited to DOC employees and other authorized individuals. There would be a 32-foot-wide (35-foot-wide with splays) accessory parking curb cut, which would be located entirely within a curb cut zone on E. 141st Street spanning from a point on the west offset 100 feet from the intersection of E. 141st Street and Concord Avenue to a point on the east offset 230 feet from the intersection of E. 141st Street and Concord Avenue. There would also be a 21-foot wide (24-foot wide with splays) curb cut for the entry to the one-way northbound private driveway at the western edge of the site that would provide access to the loading berths and to the sally port (a secured, controlled entryway for the transport of people in detention). There also would be one 21-foot wide (24-foot wide) curb cut on E. 142nd Street providing an exit for the private driveway. These curb cuts for the private driveway would be located 1.5 to 6 feet east of the western lot line. There would be no curb cuts on the site's eastern frontages along Southern and Bruckner boulevards.

On the mixed-use development site, the proposed actions would change the underlying zoning to M1-4/R7X, permitting a mixed-use, largely residential development with a maximum FAR of 6.0. As the site is 35,000 sf, the proposed building would be permitted 210,000 sf of floor area. It is projected that a new mixed-use development on this portion of the site would include

approximately 190,000 sf of residential floor area, and up to approximately 20,000 sf on the ground floor for community facility/retail uses. The residential space would include up to approximately 234 affordable housing units, including Mandatory Inclusionary Housing units. The range of affordability and distribution of unit sizes have not yet been determined. Accessory parking would not be provided, as the site is in a transit zone, and thus does not require parking for affordable units.

As required by the proposed zoning, this mixed-use development would have a street wall with a height ranging from 60 to 105 feet and a maximum zoning height of up to 145 feet, provided a qualifying ground floor use is provided. Without a qualifying ground floor use, the maximum permitted height would be 140 feet.

Jurisdiction for the mixed-use development site would be transferred to the NYC Department of Housing Preservation and Development (HPD) and it would be disposed to a future developer through a Request for Proposals (RFP) process.

The NYPD Tow Pound, which serves the Bronx, is currently located on the site proposed for the Bronx borough-based jail. The Tow Pound would have to be relocated to a new site. The new location would be identified at a later date and would be subject to applicable land use and environmental review procedures.

The proposed Bronx facility would replace the existing Vernon C. Bain Correctional Facility, also known as the Barge.

BROOKLYN

Description of the Surrounding Neighborhood

The neighborhood surrounding the proposed site in Brooklyn is characterized by the medium-density residential neighborhoods of Cobble Hill and Boerum Hill to the south, along with the higher-density commercial neighborhood of Downtown Brooklyn to the north. Atlantic Avenue serves as the primary arterial in the neighborhood, providing access to the site of the proposed jail, while also serving as a buffer for the residential neighborhoods to the south. Local retail uses are

found primarily along Atlantic Avenue, Court Street, Smith Street, and Fulton Street. Institutional uses are also predominately located north of the proposed project area, including two houses of worship nearby.

The surrounding 600-foot radius study area includes the following zoning districts: C5-4, C6-1, C6-2A, C6-4, R6A, R6B, and R7A. There is a C2-4 commercial overlay mapped on some of the nearby residential districts. Part of the surrounding study area is also located within the Special Downtown Brooklyn District. The proposed site is accessible via five MTA subway stations and 10 subway lines, and there are 13 different MTA public bus routes with stops within a quarter-mile radius of the study area.

Description of the Proposed Site

The proposed site for the Brooklyn facility is 275 Atlantic Avenue (Block 175, Lot 1) in Community District 2, on a full-block, City-owned site bound by State Street, Smith Street, Atlantic Avenue, and Boerum Place. The block has a lot area of 59,847 sf. The State Street volumes that were requested as part of the mapping application associated with this proposed site have a lot area of 19,365.2 sf.

The proposed site is roughly rectangular-shaped and entirely occupied by the Brooklyn Detention Complex (BDC), which is operated by the DOC. The BDC is an 11-story, approximately 161,765 zoning sf (225,000 gross sf) building with 815 beds for those undergoing the intake process or awaiting trial in Brooklyn or Staten Island courts. There is an existing tunnel beneath State Street connecting the BDC to the Brooklyn Central Courts Building, allowing for the secure conveyance of people in detention between the two facilities. There is no on-site parking. The proposed site has a vehicular curb cut on Smith Street near State Street for the sally port. The proposed site has a built FAR of approximately 2.7 and is located within a C6-2A zoning district within the Special Downtown Brooklyn District.

Description of the Proposed Development

In Brooklyn, the proposed actions would facilitate a new jail with 1,437 beds. It would have a total of approximately 1,075,000 zoning sf of above-grade space, including approximately 1,045,000

zoning sf of housing for people in detention and support services space, and 30,000 zoning sf of community facility/retail space, along with 292 secure accessory parking spaces located below grade.

The preliminary illustrative design includes setbacks of various depths and an overall building height of approximately 395 feet. However, to provide flexibility in final design, the Applicant is seeking a proposed maximum permitted building envelope that would extend vertically to a height of 399.45 feet above the base plane for the roof of habitable space and to 439.45 feet above base plane for rooftop mechanical bulkheads, parapets, and rooftop horticultural and related space. This maximum permitted building envelope would cover the entire proposed site.

There would be a staff pedestrian entrance on State Street, a visitor pedestrian entrance on Boerum Place, and entrances for the community facility/retail uses along the Atlantic Avenue frontage. The special permit plans identify the location of ground floor community facility/retail uses, which would be required to occupy at least 75 percent of the length of the street wall to a depth of at least 20 feet within designated frontage zones, and identify the location of building pedestrian entrances, which would be required to face the frontage. There would be three below-grade levels, occupied by accessory parking and other accessory functions. The 292-space accessory parking garage would operate as a self-park facility accessed via a two-way ramp from Smith Street with two inbound lanes and one outbound lane and a gate system located on the ramp. It would be limited to DOC employees and other authorized individuals. There would be a 32-foot-wide (35-foot-wide including splays) accessory parking curb cut, which would be located entirely within a curb cut zone on Smith Street spanning from a point on the north offset 50 feet from the intersection of Smith Street and State Street to a point on the south offset 50 feet from the intersection of Smith Street and Atlantic Avenue. There would be a 21-foot wide (24-foot wide with splays) curb cut for the sally port exit on Smith Street and a 21-foot wide (24-foot wide with splays) curb cut for the sally port entry on State Street. There also would be a separate 21-foot wide (24-foot wide with splays) curb cut for the off-street loading berths area on State Street. The State Street curb cuts would be located within a curb cut zone spanning from a point on the east offset 50 feet from the intersection of Smith Street and State Street to a point on the west offset 50 feet from the

intersection of Boerum Place and State Street. There would be no new vehicular curb cuts on Atlantic Avenue or Boerum Place.

The proposed Brooklyn facility would include one or more secure connections to the Brooklyn Central Courts Building on the north side of State Street, which could include the use of the existing tunnel linking the two blocks, as well as new tunnels or new bridges. In addition, the proposed development could also include extensions of cellar levels within the proposed demapped volume beneath State Street. The street would remain a mapped city street at-grade within a volume bounded by upper and lower limiting planes, and would continue to be open to vehicular and pedestrian traffic.

The proposed Brooklyn facility would replace the existing BDC.

MANHATTAN

Description of the Surrounding Neighborhood

The neighborhood surrounding the proposed Manhattan site encompasses much of the Manhattan Civic Center and includes adjoining areas of Chinatown to the east and north and Tribeca to the west. The neighborhood is home to numerous high-rise, large footprint federal, NYS and NYC public institutional facilities.

There are several public open spaces located within the surrounding neighborhood, including the 3.2-acre Columbus Park, located immediately east of the proposed project site, the 1.0-acre Collect Pond Park immediately west of the proposed project site, and the 1.9-acre Thomas Paine Park.

Immediately north of MDC North, on the same block as but not part of the proposed site, is a mixed-use building called both Everlasting Pine and its Cantonese equivalent, Chung Pak. This building is 13 stories tall and contains 88 senior citizen affordable housing units in a tower. The tower sits atop a three-story podium with commercial and community facility uses including ground floor retail space. It was completed in 1993 and was planned in coordination with the development of MDC North.

The surrounding 600-foot radius study area includes the following zoning districts: C6-1, C6-1G, C6-2G, C6-4, C6-4A, M1-5, M1-5B, and R7-2. The proposed site is very well-served by public transit, including four subway stations and nine subway lines within a quarter-mile radius within the study area.

Description of the Proposed Site

The proposed site for the Manhattan facility is 124-125 White Street (Block 198, Lot 1 and Block 167, Lot 1) in Community District 1, on an irregularly-shaped, City-owned site that consists of the Manhattan Criminal Court Building, MDC North, MDC South and White Street. This one-and-a-half block proposed site is bound by Baxter Street, Hogan Place, Centre Street, and Walker Street and has a total lot area of approximately 149,549 sf.

The 17-story Manhattan Criminal Court Building, which is attached to MDC South, has approximately 815,011 zoning sf, and would remain with the construction of the proposed Manhattan facility. Immediately north of the Manhattan Criminal Court Building is MDC South, a 13-story building. There is an existing sally port with vehicle entry between the Manhattan Criminal Court Building and MDC South via a curb cut on Baxter Street that aligns with Bayard Street and vehicle exit via a curb cut on Centre Street.

North of MDC South is MDC North, a 14-story detention facility that includes ground floor retail along Centre and Baxter streets. The ground floor contains approximately 6,300 sf of retail space and includes separate storefront spaces facing Centre Street and Baxter Street. Chung Pak LDC holds a long-term lease with the City to operate this space.

Collectively, MDC North and MDC South contain approximately 387,800 gross sf of court and detention center uses and approximately 898 beds for men in detention, most of them undergoing the intake process or facing trial in Manhattan. The block-long section of White Street between Centre Street and Baxter Street is presently mapped at a width of 50 feet and currently operates one-way westbound. It includes approximately 56 perpendicular parking spaces for authorized vehicles. There is no parking within MDC North or MDC South.

The proposed site is located within a C6-4 zoning district.

Description of the Proposed Development

In Manhattan, the proposed actions would facilitate a new jail with 1,437 beds. It would have a total of approximately 1,145,000 zoning sf of above-grade space, including approximately 1,125,000 zoning sf of housing for people in detention and support services space, plus approximately 20,000 zoning sf of community facility/retail space, along with approximately 125 secure accessory parking spaces located below-grade.

The preliminary illustrative design for the Manhattan borough-based jail includes most of area currently occupied by MDC South, MDC North, and the volumes of space above and below White Street, providing street walls along the Centre Street and Baxter Street frontages. Although the proposed development, when viewed in plan, would almost fully cover these areas, including White Street, there would be a 35 to 40-foot wide, 30 to 55-foot tall open pedestrian corridor (also referred to as a public arcade or passageway) at grade extending through the building on an east-west alignment. This pedestrian corridor would be covered by the building above, extending the full width of the block between Center and Baxter streets, and would be unenclosed at the portals and publicly accessible at all times. It would include lighting and other amenities. The preliminary plans include pedestrian access to the community facility/retail spaces from the pedestrian corridor. The purpose of this pedestrian corridor would be to preserve east-west access through the Manhattan Civic Center, connecting Chinatown on the east and Tribeca on the west. There would be no vehicular access through this pedestrian corridor. It would be centered around the current location of White Street.

Apart from the pedestrian corridor, the preliminary illustrative design includes setbacks of various depths and an overall building height of approximately 450 feet. To provide flexibility in final design, the Applicant is seeking a proposed maximum permitted building envelope that would extend vertically above the average curb level of the site to a height ranging from 449.10 to 453.43 feet for the roof of habitable space and ranging from 489.10 to 493.43 feet for rooftop mechanical bulkheads, parapets, and rooftop horticultural and related space. The varying heights of the maximum permitted building envelope are due to the slightly sloped character of the site's

topography and reflect a flat maximum height. Coincident with the location of the proposed White Street volume, there would be an excluded volume from the proposed maximum building envelope measuring a minimum of 35 feet wide and 30 feet tall.

There would be staff and visitor pedestrian entrances on Centre Street north of White Street, and entrances for the community facility/retail space on White Street and on Baxter Street north of White Street. The special permit plans identify the location of ground floor community facility/retail spaces, which are required to occupy area behind at least 75 percent of the length of walls to a depth of at least 20 feet from the building face within designated frontage zones. The special permit also plans to identify the location of building pedestrian entrances, which are required to face the frontage. The 125-space accessory parking garage would operate as a self-park facility accessed via a two-way ramp from Baxter Street with one inbound lane and one outbound lane and a gate system located on the ramp. It would be limited to DOC employees and other authorized individuals. The accessory parking curb cut would be 22 feet wide (25 feet wide including splays) and would be located entirely within a curb cut zone on Baxter Street spanning from the site's northern side lot line to a point on the south offset 100 feet from the northern side lot line. There would be a 50-foot wide (53-foot wide with splays) curb cut for the sally port entrance on Centre Street, aligned with Bayard Street. There would also be a 50-foot wide (53-foot wide with splays) curb cut for the sally port exit on Baxter Street. These sally port curb cuts would be in the same general location as the existing sally port curb cuts and would also be used to access all loading berths for the facility. There would be no vehicular curb cuts on White Street, which would become a pedestrian only street. Similar to MDC South, proposed Manhattan facility would include secure connections to the Manhattan Criminal Court Building.

The proposed Manhattan facility would replace the existing MDC North and MDC South.

QUEENS

Description of the Surrounding neighborhood

The proposed Queens site is surrounded by the Queens Civic Center, a roughly triangularly-shaped area, with one corner truncated, formed by Union Turnpike/Jackie Robinson Parkway/Kew Gardens Interchange to the north, 132nd Street/Van Wyck Expressway to the east, Hoover Avenue

to the southeast, and Queens Boulevard to the west. The surrounding neighborhood is characterized by institutional and commercial uses and highways, with residential and open space uses farther to the south and east.

The surrounding 600-foot radius study area includes the following zoning districts: C4-4, R3-2, R5, and R6A. The proposed site is accessible via the Union Turnpike – Kew Gardens subway station on Queens Boulevard, which is served by E and F express trains. Bus routes serving the study area include 13 express bus routes and two local bus routes with stops within or near a quarter-mile radius of the study area.

Description of the Proposed Site

The proposed site for the Queens facility is 126-02 82nd Avenue (Block 9653, Lot 1, Block 9657, Lot 1) in Community District 9, on an irregularly-shaped, City-owned site comprised of the Queens County Criminal Court complex/Queens Family Justice Center, Queens Detention Complex (QDC), 82nd Avenue, and the Queens Borough Hall Parking Field. The site has a total lot area of approximately 385,512 sf.

The 10-story Queens County Criminal Court complex/Queens Family Justice Center and adjoining land contain approximately 439,006 zoning sf, which would remain with the construction of the proposed jail.

Immediately north of the Queens County Criminal Court complex/Queens Family Justice Center site is the 8-story QDC. It has approximately 151,000 zoning sf (209,000 gross sf). It is connected to the Queens County Criminal Court Building. QDC is no longer used as a detention facility, meaning that no detainees are held there overnight, but it is still used for court operations. Detainees with court appearances are transported to the courts via QDC's sally port and remain in holding cells there when not in court.

Adjoining QDC on the northwest is the 82nd Avenue demapping area, a 25,029.5 sf one-block segment of 82nd Avenue between 126th Street and 132nd Street. This street area currently operates as a one-way eastbound roadway flanked by public sidewalks. Along the north and south curbs,

the roadway includes approximately 77 perpendicular parking spaces reserved for authorized vehicles. The Queens County Criminal Court complex/Queens Family Justice Center and QDC have a total lot area of approximately 226,526 sf, approximately 590,000 zoning sf of floor area and a built FAR of approximately 2.5.

Northwest of the 82nd Avenue demapping area is 80-25 126th Street, which is a full block property bound by 126th Street, 82nd Avenue, 132nd Street, and Union Turnpike. This 126,590-sf area is occupied by the 302-space Queens Borough Hall Parking Field, a City-owned public parking lot. It has a built FAR of 0.0.

The proposed site is located within a C4-4 zoning district.

Description of the Proposed Development

In Queens, the proposed actions would facilitate a new jail with 1,437 beds and approximately 1,135,000 zoning sf, including approximately 1,100,000 zoning sf of housing for people in detention, support services space, and centralized care services, and 25,000 zoning sf of community facility space, along with approximately 605 secure accessory parking spaces located below-grade. This proposed development would be the only jail to house female detainees. It would also have a new, separate above-grade 676-space public parking structure, which would be approximately 202,800 zoning sf. It would be adjacent to the jail on the northern portion of the proposed project site with frontage on 126th Street, Union Turnpike, and 132nd Street. Based on a preliminary illustrative design, there would be an approximately 30-foot wide open area separating the jail and the public parking structure.

The preliminary illustrative design includes setbacks of various depths and an overall building height of approximately 270 feet. The public parking garage would have a height of approximately 77 feet. However, to provide flexibility in final design, the Applicant is seeking a proposed maximum permitted building envelope for the jail that would extend vertically above the average curb level of each street frontage of the proposed development ranging from heights of 262.35 feet to 292.92 feet for the roof of habitable space and from 302.35 feet to 332.92 feet for rooftop mechanical bulkheads, parapets, and rooftop horticultural and related space. The

varying heights of the maximum permitted building envelope are due to the sloped character of the site's topography and reflect a flat maximum height. This maximum permitted building envelope would cover the area to be occupied by the proposed jail and public parking garage.

There would be staff and visitor pedestrian entrances for the borough facility on 126th Street near 82nd Avenue, a staff entrance at the intersection of 82nd Avenue and 126th Street, and an entrance for the community facility uses on 126th Street midblock between Union Turnpike and 82nd Avenue. The special permit plans identify the location of ground floor community facility spaces, which are required to occupy area behind at least 75 percent of the length of walls to a depth of at least 20 feet from the building face within designated frontage zones. The special permit plans also identify the location of building pedestrian entrances, which are required to face the frontage. The jail would have three below-grade levels, occupied by accessory parking and other accessory functions. The below-grade accessory parking garage in the jail would operate as a self-park facility accessed from a two-way ramp on 132nd Street with two inbound lanes, one outbound lane, a pedestrian walkway, and a gate system located on the ramp. It would be limited to DOC employees and other authorized individuals. There would be a 32-foot-wide (35-foot-wide with splays) accessory parking curb cut located on 132nd Street.

The separate above-grade public parking garage would include vehicular access and egress on Union Turnpike and/or 132nd Street. There would be 32-foot-wide (35-foot-wide with splays) public parking garage curb cuts located at least 50 feet from intersecting streets.

The jail building will also have a 21-foot wide (24-foot wide with splays) curb cut for the sally port exit on 132nd Street (sally port entry will be via an existing curb cut on 132nd Street adjacent to the Queens Criminal Court. Access to and egress from its loading berths will be via a 21-foot wide (24-foot wide with splays) curb cut on 132nd Street. All loading curb cuts will be located at least 50 feet from intersecting streets and meet other standard requirements. There will be no new vehicular curb cuts on 82nd Avenue, 126th Street, Hoover Avenue, or Queens Boulevard.

The proposed Queens facility would replace the existing QDC.

REQUESTED ACTIONS

Citywide Actions

To facilitate the creation of a citywide borough-based jail system and allow for the site-specific actions within each individual borough that will be described in more detail below:

1. The Applicant is seeking a site selection action (C 190333 PSY) to approve the selection of the four proposed sites. For the sites that currently have jails, the site selections are necessary because the proposed jails would significantly increase in size.
2. The Applicant is seeking a text amendment (N 190334 ZRY) to create a new special permit in ZR Section 74-832 to allow for modifications to ground floor uses, bulk, floor area ratio, parking and loading for a borough-based jail system. This in turn would allow the special permit to be applied to the four selected sites.

Bronx

The Applicant is seeking to use the new special permit pursuant to ZR Section 74-832 (C 190335 ZSX) (described above in the Citywide actions) to allow the proposed borough facility in the Bronx to waive or modify certain requirements, as follows:

1. Use: ZR 42-10, et seq. do not permit Use Group 3 and certain Use Group 4 community facility uses. A modification of use regulations is requested to allow any Use Group 3 and 4 uses to occupy, in combination with Use Group 6a commercial uses, up to a maximum of 40,000 sf.
2. FAR: ZR 43-10, et seq. permit a maximum commercial FAR of 5.0 and maximum total FAR of 6.5. A modification of maximum commercial and maximum total FAR is requested to allow a total FAR of 7.75, of which up to 0.27 FAR may be Use Groups 3, 4, or 6a, and all other space, up to 7.48 FAR, must be Use Groups 6d, courthouses, or 8d, prisons. As the proposed Bronx borough-based jail site would be a 145,635-square foot zoning lot, under existing zoning the maximum permitted commercial floor area is 742,000 zoning sf and the maximum total floor area is 964,600 zoning sf. With the proposed modification, the maximum permitted floor area for Use Groups 6d and 8d would be 1,110,000 zoning sf, the maximum permitted floor area for Use Groups 3, 4, or

6a would be 40,000 zoning sf, and the maximum permitted total floor area would be 1,150,000 zoning sf.

3. Height and Setback: ZR 43-40, et seq. and ZR 43-43, et seq., permit a maximum base height of 85 feet, require a setback from the base of at least 20 feet from narrow streets and 15 feet from wide streets, and govern building volumes above the base and setback by sky exposure plane regulations. Tower regulations permit a tower with 40 percent lot coverage, with setbacks of 10 to 40 feet on wide streets and 15 to 50 feet on narrow streets, and maximum footprint between minimum and maximum setback of 1,600 sf on wide streets and 1,875 sf on narrow streets. A modification of height, setback, sky exposure plane, and tower regulations is requested to allow a building volume with maximum base and building heights that exceed the limits of the sky exposure plane and tower regulations. Specifically, the building would be allowed a maximum base and building height above the average curb level of each street frontage, ranging from 248.77 feet to 253.47 feet, for areas containing habitable space, and a maximum base and building height above the average curb level of each street frontage, ranging from 288.77 feet to 293.47 feet, for rooftop mechanical bulkheads, parapets, and rooftop horticultural and related spaces. This building envelope would apply to an area measuring approximately 137,900 sf, encompassing all of the proposed site, excluding the westernmost 30-foot wide section of the site to be occupied by a private driveway covering an area of approximately 10,500 sf, which would have a 23-foot tall maximum building envelope.
4. Permitted Parking: ZR 44-10, 44-20, et seq., permits a maximum accessory parking facility of up to 150 spaces if a single entry/exit is provided. A modification of parking regulations is requested to allow a 575-space accessory parking garage entered via a two-way ramp with a curb cut on E. 141st Street.
5. Required Loading: ZR 44-50, et seq., require three loading berths for the proposed development, pursuant to the following requirement applicable to the 1,100,000 sf of jail space to be provided: none required for the first 10,000 sf, one for the next 290,000 sf, and one for each additional 300,000 sf. A modification of loading regulations is requested to allow the development to provide two loading berths. The secure loading berths would be located on an internal portion of the proposed site and accessed from a private driveway located along the site's western edge. The driveway would operate one-way northbound,

with a curb cut for inbound vehicles on E. 141st Street and a curb cut for outbound vehicles on E. 142nd Street. Each of the curb cuts would be 21 feet wide (24 feet wide including splays) and would be located 1.5 to six feet east of the western side lot line.

The Applicant is also seeking three actions to facilitate a future mixed-use development: a zoning map amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X (C 190336 ZMX), a zoning text amendment to Appendix F to establish a new Mandatory Inclusionary Housing (MIH) area (N 190337 ZRX), and an urban development action area (UDAA) and an urban development action area project (UDAAP) approval for the mixed-use development and the disposition of the mixed-use development site to facilitate a new mixed-use development (C 190338 HAX).

Brooklyn

The Applicant is seeking to use the new special permit pursuant to ZR Section 74-832 (C 190339 ZSK) (described above in the Citywide actions) to allow the proposed borough facility in Brooklyn to waive or modify certain requirements, as follows:

1. FAR: ZR 33-10, et seq. and ZR 101-20, et seq., permit a maximum commercial FAR of 6.0 and maximum total FAR of 6.5. A modification of maximum commercial and maximum total FAR is requested to allow a total FAR of 17.95, of which up to 0.50 FAR may be Use Groups 3, 4, or 6a, and all other space, up to 17.45 FAR, must be Use Group 8d, prisons. As the proposed site is a 59,847-square foot zoning lot, under existing zoning the maximum permitted commercial floor area is 359,400 zoning sf and the maximum total floor area is 389,350 zoning sf. With the proposed modification, the maximum permitted floor area for Use Group 8d would be 1,045,000 zoning sf, the maximum permitted floor area for Use Groups 3, 4, or 6a would be zoning 30,000 sf, and the maximum permitted total floor area would be 1,075,000 zoning sf.
2. Height and Setback: ZR 33-40, et seq. and ZR 101-22, et seq., require a building base with a street wall height of 60 feet (minimum) to 85 feet (maximum), a setback from the base of at least 15 feet from narrow streets and 10 feet from wide streets, and permit a maximum building height of 120 feet. ZR 33-42 allows permitted obstructions to penetrate the

maximum height limit, subject to certain restrictions. A modification of height and setback regulations is requested to allow a building volume with maximum base and building heights that exceed the contextual zoning envelope. Specifically, the building would be allowed a maximum base and building height of 399.45 feet for areas containing habitable space, and a maximum base and building height of 439.45 feet for rooftop mechanical bulkheads, parapets, and rooftop horticultural and related spaces. This building envelope would apply to the entire proposed site.

3. Permitted Parking: ZR 36-20, et seq., permits a maximum accessory parking facility of up to 150 spaces if one entry/exit is provided. A modification of parking regulations is requested to allow a 292-space accessory parking garage entered via a two-way ramp with a curb cut on Smith Street.
4. Required Loading: ZR 36-60, et seq., requires three loading berths for the proposed project, pursuant to the following requirements applicable to the 1,045,000 sf of jail space to be provided: none required for the first 10,000 sf, one for the next 290,000 sf, one for each additional 300,000 sf. A modification of loading regulations is requested to allow the zoning lot to provide two loading berths, which would be accessed from a curb cut on State Street.
5. Special Ground Floor Use: ZR 101-11 requires that buildings in the Atlantic Avenue Subdistrict must provide at least 50 percent of ground floor area on Atlantic Avenue to permitted commercial uses in Use Groups 5, 6A, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B, 12C, libraries, museums, and non-commercial art galleries. A modification of special ground floor uses is requested to allow the ground floor area to include Use Groups 3 and 4.
6. Transparency Requirements: ZR 101-12 requires at least 50 percent ground floor transparency on the Atlantic Avenue façade. A modification of transparency requirements is requested to allow a minimum of 30 percent transparency.

In a separate action, the Applicant is seeking a city map amendment to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street to allow for connections between the jail and the Brooklyn Criminal Court Complex across State Street (C 190116 MMK).

Manhattan

The Applicant is seeking to use the new special permit pursuant to ZR Section 74-832 (C 190340 ZSM) (described above in the Citywide actions) to allow the proposed borough facility in Manhattan to waive or modify certain requirements, as follows:

1. FAR: ZR 33-10, et seq. permit a maximum commercial FAR of 10.0 and maximum total FAR of 10.0 (excluding bonuses). A modification of maximum commercial and maximum total FAR is requested to allow a total FAR of 13.12, of which up to 0.13 FAR may be Use Groups 3, 4, or 6a, and all other space, up to 12.98 FAR, may be Use Groups 6d, courthouses, or 8d, prisons. Under existing zoning, the maximum permitted commercial floor area for the 149,549-square foot proposed site is 1,494,270 zoning sf and the maximum total floor area is also 1,494,270 zoning sf. With the proposed modification, the maximum permitted floor area for Use Groups 6d and 8d would be 1,940,011 zoning sf, the maximum permitted floor area for Use Groups 3, 4, or 6a would be 20,000 zoning sf, and the maximum permitted total floor area would be 1,960,011 zoning sf. This figure includes 815,011 zoning sf within the existing Manhattan Criminal Court Building.
2. Height and Setback: ZR 33-40, et seq., permit a maximum base height of 85 feet, require a setback from the base of at least 20 feet from narrow streets and 15 feet from wide streets, and govern building volumes above the base and setback by sky exposure plane regulations. A modification of height, setback, and sky exposure plane regulations is requested to allow a building volume with maximum base and building heights that exceed the limits of the sky exposure plane and tower regulations. Specifically, the proposed building would be allowed a maximum base and building height above the average curb level of each street frontage ranging from 449.10 to 453.43 feet for areas containing habitable space, and a maximum base and building height above the average curb level of each street frontage ranging from 489.10 to 493.43 feet, for rooftop mechanical bulkheads, parapets, and rooftop horticultural and related spaces. Coincident with the location of the proposed White Street volume, there would be an excluded volume from the proposed maximum building envelope measuring 35 feet wide and 30 feet tall. This building envelope would apply to an area measuring approximately 72,884 sf, but would not apply to the other portion of the zoning lot, where the existing court building would remain. In the court building portion of the zoning lot the special permit would establish a maximum permitted envelope coincident with the existing building façade.

3. Required loading: ZR 36-60 requires three loading berths for the proposed development, pursuant to the following requirements applicable to the 1,125,000 sf of jail space to be provided: none required for the first 10,000 sf, one for the next 290,000 sf, one for each additional 300,000 sf. A modification of loading regulations is requested to allow the zoning lot to provide two loading berths, which would be accessed via the sally port entry curb cut on Centre Street and egressed via the sally port exit curb cut on Baxter Street.

The Applicant is also seeking an acquisition of a leasehold interest at the base of 124-125 White Street (C 190341 PQM).

In a separate action, the Applicant is seeking a city map amendment to demap White Street between Centre and Baxter streets, and reestablish the street with a narrower right-of-way, with a slightly different alignment, and with a volume bounded by upper and lower limiting planes to allow for a connection between the jail and the Manhattan Criminal Court Building, while also enabling the construction of the jail over White Street (C 190252 MMM).

Queens

The Applicant is seeking to use the new special permit pursuant to ZR Section 74-832 (C 190342 ZSQ) (described above in the Citywide actions) to allow the proposed borough facility in Queens to waive or modify certain requirements, as follows:

1. FAR: ZR 33-10, et seq. permit a maximum commercial FAR of 3.4 and maximum total FAR of 6.5. A modification of maximum commercial FAR is requested to allow a commercial FAR of 4.63, of which up to 0.54 may be Use Group 8c public parking space, and all other space, up to 4.10 FAR may be Use Groups 6d, courthouses or 8d, prisons. Under existing zoning, the maximum permitted commercial floor area for the 385,512-square foot proposed site is 1,285,693 zoning sf and the maximum total floor area is 2,457,943 zoning sf. With the proposed modification, the maximum permitted floor area for Use Groups 6d and 8d would be 1,549,006 zoning sf, the maximum permitted floor area for Use Group 8c public parking space would be 202,800 zoning sf, and the maximum permitted commercial floor area would be 1,751,806 zoning sf, which would consist of 439,006 zoning sf of existing space to remain (as detailed above) and 1,312,800 zoning sf

of additional space.

2. Height and Setback: ZR 33-40, et seq., permit a maximum base height of 85 feet, require a setback from the base of at least 20 feet from narrow streets and 15 feet from wide streets, and govern building volumes above the base and setback by sky exposure plane regulations. A modification of height, setback, and sky exposure plane regulations is requested to allow a building volume, with maximum base and building heights that exceed the limits of the sky exposure plane and tower regulations. Specifically, the building would be allowed a maximum base and building height above the average curb level of each street frontage, ranging from 262.35 feet to 292.92 feet, for areas containing habitable space, and a maximum base and building height above the average curb level of each street frontage, ranging from 292.35 feet to 302.92 feet, for rooftop mechanical bulkheads, parapets, and rooftop horticultural and related spaces. This building envelope would apply to an area measuring approximately 174,184 sf, i.e., the perimeter of the area where the new jail and public parking garage would be constructed, but would not apply to other portions of the zoning lot where existing court and court related buildings would remain. In these portions of the zoning lot, where the special permit would establish a maximum permitted envelope coincident with the existing building facade.
3. Permitted Accessory Parking: ZR 36-30, et seq., permits a maximum accessory parking facility of up to 150 spaces if a single entry/exit is provided. A modification of parking regulations is requested to allow a 605-space accessory parking garage entered via a two-way ramp with a curb cut on 132nd Street.
4. Public Parking Garage: ZR 32-32 permits public parking garages of up to 150 spaces if a single entry/exit is provided. A modification of parking regulations is requested to allow a 676-space public parking garage entered via one or two ramps on Union Turnpike and/or 132nd Street. The proposed public parking garage would provide spaces to replace the existing 302 public parking spaces on the site, replace curbside parking spaces that would be eliminated by the proposed development (including existing spaces in the 82nd Avenue demapping area), accommodate demand generated by the proposed development from persons that are not eligible to park in the secure accessory parking garage, and meet other local parking demand.
5. Required Loading: ZR 36-30, et seq., require three loading berths for the proposed

development, pursuant to the following requirements applicable to the 1,110,000 sf of jail space to be provided: none required for the first 10,000 sf, one for the next 290,000 sf, one for each additional 300,000 sf. A modification of loading regulations is requested to allow the jail to provide two loading berths. The secure loading berths for the jail would be located on an internal portion of the zoning lot and accessed from a 27-foot wide curb cut on 132nd Street and exited via a separate 27-foot wide curb cut on 132nd Street.

In a separate action, the Applicant is seeking a City Map Amendment to demap 82nd Avenue between 126th Street and 132nd Street to allow for a larger jail footprint, which in turn would lower the height of the jail (C 190117 MMQ).

ENVIRONMENTAL REVIEW

The subject application (C 190333 PSY), in conjunction with the applications for related actions (N 190334 ZRY, C 190335 ZSX, C 190336 ZMX, N 190337 ZRX, C 190338 HAX, C 190339 ZSK, C 190116 MMK, C 190340 ZSM, C 190341 PQM, C 190252 MMM, C 190342 ZSQ and C 190117 MMQ), was reviewed pursuant 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 (NYCRR), Section 617.00 et seq. and the New York City Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 18DOC001Y. The lead agency is DOC.

After a study of the environmental impacts of the proposed action, a Positive Declaration was issued on August 14, 2018. Together with a Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on August 15, 2018. Four public scoping meetings (one in each affected borough) were held on September 20, September 26, September 27 and October 3, 2018.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on March 22, 2019. On July 10, 2019, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. A Final Environmental Impact Statement (FEIS) reflecting comments made during scoping and the public hearing on the DEIS was completed and a Notice of Completion for the FEIS was issued on August 23, 2019.

The proposed development as analyzed in the FEIS identified significant adverse impacts for the selected Bronx site with respect to transportation (traffic) and construction (traffic, pedestrians and noise); for the selected Brooklyn site with respect to transportation (traffic), construction (traffic, pedestrians and noise), and historic and cultural resources; for the selected Manhattan site with respect to transportation (traffic), construction (pedestrians), and historic and cultural resources; and for the selected Queens site with respect to transportation (traffic) and construction (traffic, pedestrians and noise). The identified significant adverse impacts for all four sites are summarized in Exhibit A attached hereto.

UNIFORM LAND USE REVIEW

On March 25, 2019, this application (C 190333 PSY), in conjunction with the applications for related actions (N 190334 ZRY, C 190335 ZSX, C 190336 ZMX, N 190337 ZRX, C 190338 HAX, C 190339 ZSK, C 190116 MMK, C 190340 ZSM, C 190341 PQM, C 190252 MMM, C 190342 ZSQ and C 190117 MMQ), was certified as complete by the Department of City Planning and duly referred to Bronx Community Board 1, Brooklyn Community Board 2, Manhattan Community Board 1, Queens Community Board 9, the Bronx Borough President, Brooklyn Borough President, Manhattan Borough President and Queens Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b). Queens Community 8 also formally requested to review the application.

Community Board Public Hearing

Five Community Boards held public hearings on this application (C 190333 PSY) and adopted recommendations. The full recommendations from the Community Boards are attached to this report. Where a Community Board issued a recommendation with conditions, those conditions are outlined below.

Bronx Community Board 1 held a public hearing on this application (C 190333 PSY) on May 23, 2019, and by a vote of 25 in favor, zero opposed and three abstaining, adopted a resolution recommending disapproval of the proposed application. The full recommendation is attached to this report.

Brooklyn Community Board 2 held a public hearing on this application (C 190333 PSY) on April 11, 2019, and on June 11, 2019, by a vote of 32 in favor, two opposed and four abstaining, adopted a resolution recommending disapproval of the proposed application with the following conditions:

1. "Brooklyn Community Board 2 does not support the current ULURP applications for 275 Atlantic Avenue as it is currently written, but fully supports rebuilding the borough-based house of detention at this location.
2. The community board would reconsider and support revised ULURP applications for 275 Atlantic Avenue under the following conditions:
 - a. The Brooklyn facility's FAR is no more than 10.0 and is significantly reduced to support only 875 beds; and
 - i. takes into account the reduction of need based on bail reform as passed by the New York State legislature; and
 - ii. includes and takes into account a reduction in need based on a plan to build a new facility in each borough that is consistent with extensive decarceration efforts and the Lippman Commission's report, which recommends that new jails be close to families of detainees and to courts; and
 - iii. includes and takes into account a reduction in need based on a plan to build a new facility that provides a therapeutic environment for incarcerated individuals with psychiatric diagnoses and substance abuse conditions, a plan that would create a path to treating substance abuse and mental illness with health-based solutions; and
 - b. the City support the establishment of more community courts, such as the successful Red Hook Community Justice Center, and to expand and sustain programs that give our youth in the most impacted communities better educational and economic opportunities, emphasizing literacy training-reading, writing and math fundamentals-as well as vocational programs as set forth in Strategy 15a in "Smaller, Safer, Fairer; A Roadmap to Closing Rikers Island;" and

- c. the City create a training program for corrections officers that will improve their sensitivity to incarcerated people and, consistent with civil service requirements, reimagine more coordinated roles and responsibilities between correction officers and social workers, case managers, mental health workers, and other supportive staff who are focused on healing and rehabilitation; and
- d. while the plan to close Rikers and expand and build new borough-based facilities is implemented, the City should concurrently develop and implement a plan to improve the conditions and treatment for individuals incarcerated at Rikers and the borough-based facilities, improvements that would ensure people are treated with dignity and respect, with services emphasizing rehabilitation, treatment, and preparation for returning home, improvements that should include but not be limited to:
 - i. a plan to reduce violence and sexual assaults in City facilities; and
 - ii. a plan to provide Correctional Health Services with the support it needs to provide therapeutic environments; and
 - iii. services and support for the survivors of violence and sexual assault; and
 - iv. reentry planning; and
 - v. dignified entry and visiting spaces; and
 - vi. a plan to reduce the physical and psychological isolation of Rikers, which plan would include re purposing the recently closed George Molchan Detention Center (GMDC) for public use; and
- e. a plan to provide continued care, services, and support to incarcerated individuals while construction at 275 Atlantic Avenue is underway and developed and released for public comment; and
- f. a plan and budget to provide services and support for individuals to be detained at 275 Atlantic Ave, post-construction, is developed and released for public comment; and
- g. Brooklyn Community Board 2 recognizes that the funds allocated for the 275 Atlantic Avenue facility are meant to serve our communities by providing safety and security but we believe that by significantly reducing the size of the jail, funding could better serve our community in the form of:

- i. Affordable housing:
 1. Affordability levels should reflect the Area Median Income of the neighborhood rather than the region as a whole.
 2. Expanded and improved services that help people stay in their homes.
 3. Supportive housing for individuals and families with mental health needs and substance dependencies.
 4. Investment in the rehabilitation and maintenance of public housing.
- ii. Education programs such as;
 1. Workforce development.
 2. Additional enrichment programming.
 3. Expand investments at CUNY to ensure access to free, public, quality higher education.
- iii. Public Health programs such as:
 1. Free community-based mental health services that are both preventative and responsive to mental-health crisis intervention.
 2. Low- and no-cost community healthcare options offering a full range of services.
 3. Expand Mobile Crisis Teams to support first-responders at calls involving mental health crises.
 4. School-based wellness centers.”

The full recommendation is attached to this report.

Manhattan Community Board 1 held a public hearing on this application (C 190333 PSY) on April 8, 2019, and on May 28, 2019 by a vote of 35 in favor, zero opposed and zero abstaining, adopted a resolution recommending disapproval of the proposed application with the following conditions:

“While CB1 supports the goals of criminal justice reform and the conclusions of the Lippman Commission’s report, for the reasons set forth above and below, pursuant to Section 197-c(e) of

the New York City Charter and Section 2-03(f) of the ULURP Rules promulgated by the NYC City Planning Commission (CPC), CB1 recommends the CPC disapprove the Applications unless the following modifications and conditions are satisfied:

1. CB1 is on record objecting to the administration’s “opaque site selection and lack of community input” for the Manhattan BBJ project, and CB1 continues to believe the administration should reconsider its selection of the Manhattan site in conjunction with a process of meaningful community engagement on site selection;
2. CB1 believes the Applications should be withdrawn in light of recent news of significant reductions in the projected daily jail population, as confirmed by the co-applicants at the Committee’s meeting, and the projects (and resulting ULURP applications) should be refiled with a reduction in the requested modifications for allowed FAR, height, base and setback requirements, and sky exposure plane regulations;
3. As the City’s “Fair Share Analysis” states, this community’s bed-to-population ratio “is ranked second-highest in the city and exceeds the citywide ratio,” meaning that any further reductions in the projected daily jail population must be spread more fairly to other facilities, including by establishing a facility in the borough of Staten Island, thereby reducing the need for an over-zoned facility in Manhattan;
4. The City must present an alternative proposal which analyzes razing and replacing only the MDC North tower, while keeping the MDC South tower of the four-tower Manhattan Criminal Court Complex intact with interior renovations for MDC South. This alternative would allow for the called-for reduction of size, reduction of anticipated significant environmental impacts, and preservation of the historic architectural complex of the Manhattan Criminal Courts;
5. CB1 believes the Manhattan BBJ project as currently proposed is grossly out of scale, being more than 30% bigger and bulkier than the zoning allows, and any design for the proposed Manhattan BBJ site should respect the current C6-4 zoning and character of the surrounding area by recognizing a minimum of 30-40% reduction in bulk with no modification of existing base and setback requirements. While the proposed height would be allowed under the current zoning, CB1 believes that it should also be significantly reduced in order to be more in context with the surrounding built environment;

6. The City must establish and show precedent for the proposed action of reducing the required loading berths from four to two, including demonstrating in the Applications exactly how only two loading docks can accommodate the needs of a 1.27 million square-foot facility with over 1,000 detainees and hundreds of staff and service providers in any given shift and indicating how sanitation and sidewalk parking violations can be mitigated and prevented in an area where, currently, sidewalk parking by DOC transport busses and staff vehicles is rampant;
7. The proposed City map action to narrow any width of White Street should be rejected because this important view corridor and connection between Tribeca/Civic Center and Chinatown will otherwise be further overshadowed by the bulk of the surrounding building and overhead walkway, effectively making the proposed pedestrian open space a tunnel and not an open-air walkway;
8. The proposed compensating amenities to the community from these adverse land use actions are insufficient and are not particularized in any specific way. They must be further discussed and concretely enumerated and agreed, memorialized in writing, and guaranteed by a written instrument signed by a City official with the ability to bind the co-applicants and the administration;
9. The City must establish a task force to more closely study the precise environmental, landmark/historic preservation, archaeological, and business displacement impacts of the proposed Manhattan BBJ project and report the findings and recommendations of the task force to CB1 and the public at large;
10. The City must define and document how the proposed design-build delivery will allow for required oversight, assuring qualitative urban planning and architectural design for a project of this scale and complexity. If design-build is found to be an acceptable approach, then the City must establish a post-ULURP process for review and input by CB1 of the specific building and site designs, demolition and construction mitigation plans, and environmental impact and mitigation plans;
11. The City must define and document how its ‘guiding urban design principle’ of ‘neighborhood integration,’ according to the Applications, is being achieved;
12. The City must adopt, with ongoing community input, a robust plan approved by the community pre-demolition to protect the residents of the Chung Pak senior housing facility,

- the children and families utilizing the Chung Pak Day Care Center, and other patrons of the Chung Pak community facilities abutting the South building of the current MDC during demolition and construction;
13. The City must establish a community advisory board or council, which must reflect a fair and true cross-section of the neighboring communities, to represent the communities immediately adjacent to the proposed Manhattan BBJ site and to provide consultation and feedback on the design, construction, post-construction operations and community space programming of the Manhattan BBJ site; and
 14. The City must provide a detailed analysis of the costs and timing involved in the completion of this proposal.”

The full recommendation is attached to this report.

Queens Community Board 9 held a public hearing on this application (C 190333 PSY) on April 24, 2019, and on May 14, 2019, by a vote of 28 in favor, zero opposed and one abstaining, adopted a resolution recommending denial of the proposed application. The full recommendation is attached to this report.

Queens Community Board 8 requested to formally review the application and held a public hearing on this application (C 190333 PSY) on May 6, 2019, and on May 8, 2019, by a vote of 39 in favor, zero opposed and one abstaining, adopted a resolution recommending disapproval of the proposed application. The full recommendation is attached to this report.

Borough President Recommendation

Four Borough Presidents held public hearings on this application (C 190333 PSY) and issued recommendations. The full recommendations from the Borough Presidents are attached to this report. Where a Borough President issued a recommendation with conditions, those conditions are outlined below.

The Bronx Borough President considered this application (C 190333 PSY) and on July 2, 2019 issued a recommendation to disapprove of the proposed application. The full recommendation is

attached to this report.

The Brooklyn Borough President considered this application (C 190333 PSY) and on July 9, 2019 issued a recommendation to approve the proposed application with the following conditions:

“Be it resolved that the Brooklyn borough president, pursuant to Section 197-c, 199 and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application with the following conditions:

1. With regard to 275 Atlantic Avenue, Brooklyn, the requested Site Selection application (190333 PSY) should be conditioned on a maximum of 900 beds and on the establishment of a community advisory committee, with representation from local elected officials, Brooklyn Community Board 2 (CB 2), Atlantic Avenue Betterment Association, Atlantic Avenue Local Development Corporation, Boerum Hill Association, Brooklyn Heights Association, Cobble Hill Association, Downtown Brooklyn Partnership, and other groups as designated by local elected officials, to meet regularly with the responsible City agencies to provide input in design, construction, and operations, including such matters as building volume, exterior materials, use of Atlantic Avenue community space, use of State Street streetbed, vehicular access, and other relevant concerns.
2. That the requested Site Selection application (190333 PSY) and the amendment to the City Map application (190116 MMK) that includes the section of State Street between Boerum Place and Smith Street be amended to limit such above ground section (lower limit beginning 40feet above the streetbed) of State Street to between a point 135 feet east of Boerum Place and Smith Street to street.
3. That the proposed amendment to the Zoning Text application (190334 ZRY) that would establish New York City Zoning Resolution (ZR) Section 74-832 a Borough-Based Jail System (190334 ZRY) special permit be adopted as establishing a Borough-Based Rehabilitation System special permit.

Be it resolved that the Brooklyn borough president, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council disapprove this application with the following conditions:

1. That the special permit application pursuant to ZR Section 74-832, to facilitate the

construction of a borough-based jail facility (190339 ZSK) be modified to be pursuant to the following, by amending the application documents, to a height limit of 235 feet and the lower base height along Atlantic Avenue to 120 feet.

2. That additional consideration be provided with the below restrictions and/or through a follow-up corrective action (FUCA):
 - a. In consultation with a community advisory committee, composed of local elected officials, Brooklyn Community Board 2 (CB 2), and community representation, modify height on application documents Zoning Site Plan Z-030, Waiver Plan - Roof Plan Z-050, and Sections Z-060, according to the following:
 - i. Reduce overall height exclusive of bulkheads to 235 feet with the allowance of cantilevering upper floors opposite the Brooklyn Central Courts Building, or
 - ii. As an additional means to reduce height, restrict overall height exclusive of bulkheads to 215 feet in conjunction with bridging over State Street as part of a constructed rooftop addition on the Brooklyn Central Courts Building subject to approval of the New York City Landmarks Preservation Commission (LPC) and New York City Design Review Commission
 - b. That, in order to further advance the accommodation of cultural and other community facility uses in the Special Downtown Brooklyn District (SDBD), the application document Ground Floor Plan Z-040 be amended as follows:
 - i. Eliminate indication of the option of permitting retail occupancy for the non-jail use fronting Atlantic Avenue street level spaces
 - ii. Include a notation that limits occupancy based on substantially below-market rents to community cultural uses arrived in consultation with the CAC
 - c. That application document Ground Floor Plan Z-040 be amended as follows:
 - i. Relocate the sally port access/egress to have it combined with the initial parking garage circulation, then further separated within building
 - ii. Incorporate, adjacent to the sally port, a dedicated section for New York City Police Department (NYPD) precinct transfers/drop-offs pertaining to arraignment

- iii. Relocate the egress or ingress of the parking garage from Smith Street to Boerum Place
 - iv. Include notation and indicate full excavation on application document Sections z-060 of levels Bl, B2, and B3, at a point no less than 16 feet below the streetbed of State Street between Boerum Place and Smith Street as part of below-grade excavation as a means to optimize placement of the intended accessory parking garage, NYPD precinct transfers/drop-offs, sally port operations, and to optimize below-grade placement of support spaces
 - v. As a means to eliminate parking along State Street between Boerum Place and Smith Street, include a notation that indicates the incorporation of parking privileges to Brooklyn Central Courts Building staff and assigned NYPD staff
- d. That 74-832 CPC finding (b) regarding ground floor uses being located in a manner that is inviting to the public and would integrate the facility within the surrounding community be modified to also require the establishment of a pedestrian plaza within the State Street right-of-way between Boerum Place and Smith Street with design restrictions that limit vehicular operations
- e. That application document Waiver Plan Roof Plan Z-050 be amended to include a notation that indicates the following:
 - i. Construction according to passive house design principles
 - ii. There would be inclusion of one or more of the following resilient and sustainable energy and/or rain water absorption features, including blue and/or green roof features, micro-wind turbines, and/or solar collectors
- f. That application document Ground Floor Plan Z-040 be amended to incorporate New York City Department of Environmental Protection (DEP) rain gardens and expanded tree pits
- g. That in order to ensure the immediate demolition of comparable capacity at Rikers Island, the application documents Zoning Site Plan Z-030, Ground Floor Plan Z-040, Waiver Plan - Roof Plan Z-050, and Sections Z-060 be amended to include a notation that indicates the requirement that the Certification of Occupancy (C of O) state that such occupancy mandates official demonstration from the New York

City Department of Corrections (DOC) that City Capital funding is in place, with demolition contract approved; that New York City Department of Buildings (DOB) building demolition permits are in place; that such contractor is contractually-bound to demolish such excess capacity by a specific date, and that final C of O not be granted until such demonstration of completed demolition

Be it further resolved:

1. That to ensure borough-based jail facilities achieve the objective of reserving incarceration solely for those who pose a danger, Borough President Adams believes that DOC and MOO should engage in serious dialogue about incarceration reform. Such discussion would consider jail design (including visitation space), mental health and substance abuse programming, support services (including education, health, and nutrition), vocational training, and other issues of concern to stakeholders advocating for change in the criminal justice system
2. That as a means to reduce the current prison population:
 - a. DOC and MOO strongly consider expanding the supervised release program for non-violent offenders to a broader range of nonviolent crimes, which would allow defendants to await trial at home, with supervision from an assigned social worker rather than in detention
 - b. In order to expand the supervised release program, DOC and MOO allocate the appropriate level of funding necessary to hire and train more social workers who would be responsible for supervising defendants
 - c. The City should take additional steps to advance successful pre-trial diversion programs that mitigate unnecessary incarceration
 - d. NYPD's policy reforms in addressing minor marijuana offenses with summonses instead of arrests should be widely implemented as a means to reduce the number of people in the City's jails
3. That as a means to provide appropriate rehabilitation services for Brooklyn-based detainees, DOC and MOO should work to establish one or more specialized Brooklyn facilities in direct proximity to a hospital with a psychiatric support facility, as follows:
 - a. Further dialogue with HHC to explore the possibility of establishing secure, specialized areas for individuals with mental health and substance abuse issues

- b. Should initiate dialogue with New York State officials to determine the feasibility of integrating facilities on State property associated with the Vital Brooklyn initiative
- 4. That as a means to achieve a reduction in recidivism rates, provide an enhancement of existing services that might advance the reduction of recidivism, DOC should:
 - a. Screen all individuals in its care for learning disabilities such as dyslexia as a standard operating procedure
 - b. Introduce learning disability-based education for all individuals irrespective of age based on specialized instruction by accredited teaching professionals
 - c. Advance the integration of general wellness initiatives for post-release success such as nutrition education, plant-based diets, and yoga
- 5. As a means to curtail the cycle of violence that too often plagues impacted communities and reduce high rates of youth incarceration, it is important to provide early intervention programs that deter criminal behavior by providing access to economic and educational opportunities. Borough President Adams believes that multi-agency initiatives to support such programs should be aggressively implemented where they can make a difference
 - a. That ACS identify at-risk families to support them in the task of preparing children to navigate today's society. To do so, ACS should expand access and utilization of early childhood development interventions, including universal home-visitation programs
 - b. That the City target outreach and resources to communities that would benefit from significant investments in programs for youth:
 - i. That the New York City Department of Education (DOE) implement successful pedagogy with accredited teaching specialists for special needs populations in public schools, including students with learning disabilities such as dyslexia
 - ii. That DOE, together with the New York City Department of Youth and Community Development (DCYD), expand the number of afterschool programs to all area schools by allocating additional funding for such initiatives
 - iii. That New York City Department of Cultural Affairs (DCLA) and DYCD

- work with established cultural organizations that target youth in impacted communities to expand their capacity to serve this population
- iv. That the Mayor's Office to Prevent Gun Violence expand its violence interruption programs to reach more youth
 - v. That DYCD engage a significantly higher number of area youths in its summer youth employment initiatives
 - vi. That the City provide full funding for the Fair Futures Foster care initiative in its FY 2020 budget.”

The full recommendation is attached to this report.

The Manhattan Borough President considered this application (C 190333 PSY) and on July 5, 2019 issued a recommendation to approve the proposed application with the following conditions:

“Building a new facility which will both reflect a new vision of incarceration and protect the surrounding community from negative impacts

- 1. Every effort must be made to reduce the proposed height and bulk of the building.
 - a. Revisions to the application to further reduce height and bulk through additional criminal justice reform legislation are expected, reducing the need for the allowable 450 foot maximum height and the 1,145,000 square foot bulk. Before the proposed height and bulk are approved, there must be an accurate estimate of the future number of detainees at the facility. Further review is critical to ensuring that the facility reflects a reformed vision for incarceration and to protect the surrounding community. Other cities that have taken on the redesign of their jails have managed to create facilities that meet the same goals using half the square footage planned for borough-based jails. The City needs to consider this and propose more realistic and contextual facilities.
- 2. The design of the proposed development should be adaptable and facilitate the decommissioning of currently planned detainee housing units as further reductions in the population are achieved. Planning for this adaptive reuse should be part of the Request for

Proposals for the design of the facility.

3. The entrance to the parking lot for the proposed facility should be moved from Baxter Street to Centre Street.
4. More information is needed to understand why the four loading berth requirement under the current zoning would encumber the site before a special permit is considered. We understand more berths may result in more curb cuts, but fewer berths may result in trucks idling in the street waiting to unload. We would like to see corroborating information that supports the request for two berths.
5. White Street must become an open-air plaza accessible 24/7 for pedestrian use, and designed with community input and approval with funds allocated for the maintenance of the space in perpetuity.
6. Chung Pak LDC, the leaseholder of the site adjacent to the proposed development, should be given the option to purchase the land beneath the complex for well below market rate, with a deed restriction to guarantee current uses remain in perpetuity.
7. Chung Pak LDC, as well as the businesses and employees that will be displaced as a result of the City recapturing this leasehold, should be financially compensated. The businesses being displaced should be offered temporary spaces within the area to relocate to and offered right of return in the new retail spaces of the proposed development.
8. The City should provide assistance in wayfinding and advertising for small businesses surrounding the proposed development site. Grant funding should also be made available to assist these businesses as they manage adverse impacts during construction.
9. Chung Pak Complex and its proximity to the proposed development should be protected during demolition and construction by:
 - a. Installing real-time air quality and dust monitoring
 - b. Mitigating noise and vibration impacts
 - c. Protecting the complex from any compromise of its structural integrity
 - d. Creating safe sidewalks and passageways
10. Park Row should be reopened to vehicular traffic. Prior to construction, city agencies, including but not limited to the New York City Department of Transportation, should study the impacts of the new facility on surrounding streets – including pedestrian safety - during construction.

11. On site community facility space should be increased from 20,000 to 40,000 square feet. Ground floor retail space should be excluded from this calculation.
12. Retail space within the proposed development should be rented below market rate to local small businesses and should be rent stabilized in perpetuity.
13. Off-site community facility space should be provided. Suggested sites include but are not limited to: 2 Howard Street, which the city would need to acquire from the federal government, and 137 Centre Street. The City should also provide funding for the redevelopment of these sites into community facilities.

Ensuring a transparent process through continuing community input to make certain these goals are met

1. The City must be transparent about its decision making throughout the pre-construction, demolition, and construction process.
2. All communication to the community must be made available in the languages spoken by those in the community including but not limited to: English, Mandarin, Cantonese, and Spanish.
3. A community advisory group should be created and meet regularly to address all phases of development from design to post-construction operation of the new facilities. The Manhattan Borough President's Office created a Rikers Task Force in 2018. The Office recently merged the Task Force with the Neighborhood Advisory Committee convened by the City. This proposed community advisory group should be comprised of similar stakeholders.
4. The applicants, alongside New York City Department of Design and Construction and all other relevant agencies, should also hold standing monthly presentations with both CB1 and CB3 to provide regular updates on all phases of development and allow opportunity for Q&A.
5. The community must be notified in real-time of any pre-construction environmental testing and remediation.
6. At least 30% of the design must be completed before any construction commences under design-build.
7. A demolition and construction plan, including timelines and target dates, must be created and shared with the community.

8. The community must be notified at least one week in advance of any street closures or major events related to demolition and construction.
9. A construction hotline must be created and operated 24/7 during demolition and construction in order for community members to report unsafe conditions or activities or other concerns. The hotline should be staffed by a live person during all hours of construction. The number for this hotline should be posted prominently on the construction site.
10. The Design Advisory Group, which the applicants have convened and consists largely of city agencies and elected officials, must include community representation (ideally from the suggested community advisory group, CB1, and CB3) as well as designers and architects with experience in designing facilities in urban environments. The group should also include members who have been incarcerated in order to provide perspective on how the interior of the facility should be designed.

Making additional commitments to reforming our system of incarceration to ensure that the replacement of Rikers Island goes way beyond physical change

1. Changes must be made within the New York City Department of Correction (DOC) to ensure that the existing culture of violence and abuse does not recur in the new jail system.
2. DOC staff must be required to have training in dealing with persons with mental health and/or substance abuse issues as well persons with disabilities. Staff must also be trained on gender preferences in order to respect the dignity of the detainees they are tasked with supervising.
3. DOC must commit to providing social workers or to incentivize staff to pursue higher education and/or training in social work in order to become more effective at managing and supporting detainees.
4. The City must continue to fund social service programs that seek to divert people from the criminal justice system and continue to pass legislation and implement reforms that seek further reductions in the jail population. Policy recommendations released by the Independent Commission on New York City Criminal Justice and Incarceration Reform, the Close Rikers Coalition, and other criminal justice reform advocates, should be considered and implemented, specifically the recommendations that focus on

investment in communities that have been impacted by mass incarceration.

Closing Rikers Island

1. The new women's facility, currently planned for Queens, should be sited in Manhattan. It has been announced recently that the Lincoln Correctional Facility located in Manhattan Community Board 10 will be decommissioned. This offers a potential opportunity to have a women's facility in a more centralized location and may allow the women's facility on Rikers Island to close sooner.
2. Buildings which are no longer in use on Rikers Island, such as the George Motchan Detention Center, should be demolished immediately. As more buildings are decommissioned, they should be demolished.
3. There should be binding commitments to guarantee the full closure of Rikers Island. Allocation of capital funds should be made before the end of this current administration for the redevelopment of Rikers as a city asset which generates broad public benefit for all New Yorkers.
4. There must be a deed restriction placed on Rikers Island to permanently ban its use for any residential or correctional purpose.”

The full recommendation is attached to this report.

The Queens Borough President considered this application (C 190333 PSY) and on June 18, 2019 issued a recommendation to disapprove the proposed application.

The full recommendation is attached to this report.

City Planning Commission Public Hearing

On June 19, 2019 (Calendar No. 1), the CPC scheduled July 10, 2019, for a public hearing on this application (C 190333 PSY). The hearing was duly held on July 10, 2019 (Calendar No. 8), in conjunction with the public hearing on the related applications (N 190334 ZRY, C 190335 ZSX, C 190336 ZMX, N 190337 ZRX, C 190338 HAX, C 190339 ZSK, C 190116 MMK, C 190340 ZSM, C 190341 PQM, C 190252 MMM, C 190342 ZSQ and C 190117 MMQ).

There were 55 speakers in favor of the application and 35 in opposition.

Speakers in favor included the Applicant for the borough-based jail system proposal; the Manhattan Borough President; the Lippman Commission; Justice Implementation Task Force; JustLeadershipUSA and the #CLOSERikers campaign; Center for Employment Opportunities; New York Lawyers for the Public Interest; Women's Community Justice Association; Beyond Rosie's 2020; Katal Center for Health, Equity, and Justice; Exodus Transitional Community; Osborne Association; Fortune Society; Gangstas Making Astronomical Community Changes; Urban Justice Center; Alliance of Families for Justice; Center for Alternative Sentencing and Employment Services (CASES); Vera Institute of Justice; Rikers Debate Project; and other individuals.

Speakers in opposition included representatives of the Bronx Borough President, Manhattan Community Board 1, Queens Community Board 9, Atlantic Avenue Betterment Association, Kew Gardens Civic Association and Community Preservation Coalition, Walker Street Block Association, Sylvia Rivera Law Project, Diego Beekman, No New Jails, Tribeca Trust, Chung Pak Local Development Corporation, Hour Children Re-entry Service, Lin Sing Association, Neighbors United Below Canal, College & Community Fellowship, and other individuals.

The prevailing themes of those speaking in favor were the poor conditions of the current jails on Rikers Island, and the need to close them and open more modern and human borough-based facilities that provide increased and improved programming and locate detainees closer to families, lawyers, and service providers. Speakers noted that this proposal is largely aligned with the recommendations from the Lippman Commission.

The Applicant spoke about the importance of a new borough-based jail system in making New York City's criminal justice system fairer, safer and more efficient, through greater access to services, improved building design and layout, and fewer case delays because of easier transportation and increased access to attorneys and service providers. The Applicant noted that this proposal is aligned with NYC's historic jail population decreases and a projected population of 4,000 detainees by 2026.

The Applicant reviewed their criteria for site selection and their requested actions for the four proposed sites. They outlined the programming needs inside the facilities based on the master plan work done to date and how that square footage has dictated the size and ground floor site plans for the proposed facilities.

The Applicant responded to questions about the impact of day-to-day operations on design and height, the future design and community engagement process, alternative sites that were considered for the jails, why Staten Island was not included in the proposal, and the future of Rikers Island.

The Manhattan Borough President testified in support of the proposed Manhattan borough facility. She emphasized the importance of closing the jails on Rikers Island, while expressing concerns about the height of the proposed facility and the lack of clarity on the rationale for the height, particularly because it is so much larger than other modern jail facilities. She also noted concerns on the impacts of the new jail on the Chinatown community, including local small businesses and the seniors in the adjacent building.

Representatives from the Lippman Commission spoke in strong support of the borough-based jail system proposal. In particular, they advocated for smaller facilities in communities and close to families, and the importance of treating those with mental health needs in hospitals rather than jails.

Representatives of JustLeadershipUSA and the #CLOSERikers campaign, which include many formerly incarcerated individuals, spoke in support closing the jails on Rikers Island and the Barge and opening the proposed borough-based jail system. They talked about their personal experiences at Rikers Island and the hardships that they endured while detained there. They explained the value of having detainees housed closer to communities to make it easier for loved ones and lawyers to visit. They emphasized the need for culture reform within DOC, in addition to the new buildings. Additionally, they noted that the borough-based jail system would save the City money in the long term, and recommended that these savings be put toward communities

that have been heavily impacted by the criminal justice system.

Representatives from service providers for those detained in City detention facilities, including Exodus Transitional Community, Osborne Association, Fortune Society, Vera Institute of Justice and Rikers Debate Project, spoke in support of the goals of the proposal and bringing support services closer to detainees. They shared issues facing service providers today in providing services on Rikers Island, including the lack of support service space available and the significant amount of time it takes for service providers to both reach Rikers Island and then reach their programming spaces on the Island. They also stressed the importance of bringing people closer to their loved ones and services, noting the savings that would be generated annually from the borough-based jail system. Lastly, they stated that more services would be provided to detainees if the jails were in the boroughs, as more volunteers would sign up due to the proximity of the facilities and the decreased travel time. Representatives from the Center for Employment and Opportunities, which is a service provider for formerly incarcerated individuals, raised the importance of post-release support as well.

Representatives from the Women's Community Justice Association and Beyond Rosie's 2020 spoke in support of the borough-based jail system and specifically about how incarcerated women would be treated. They agreed with the Applicant's approach of centralizing women in custody, which they noted came as a direct result of feedback from incarcerated women, formerly incarcerated women and service providers. They highlighted the importance of housing women separately from men, including separating support services and programming. Some representatives also stated that the women should be moved to New York State's recently closed Lincoln Correctional Facility and that the women's facility should be staffed by women. (Following the hearing, the Applicant stated that both female and male officers will supervise women in custody as is DOC's current practice, and that DOC is currently working to develop new gender-responsive curriculum training content that will be delivered to new recruits and to any staff member assigned to work with women in custody.)

Representatives from the New York Lawyers for Public Interest spoke in support of the proposal. In particular they noted that Rikers Island poses health issues and should not house individuals,

and advocated for significant light and air in the new facilities. They also spoke to the future of Rikers Island and their belief that the Island should be used for renewable energy rather than jails.

Representatives from the Justice Implementation Task Force spoke in support of the proposal's design considerations. They discussed the design work that has been done thus far, particularly the design guidelines, which have been informing the master planning process and will inform the Design-Build process.

Those speaking in opposition raised a number of concerns, ranging from supporting the borough-based jail system proposal conceptually but opposing the height and density of the proposed borough facilities, to opposing the proposal entirely. Some who opposed the proposal entirely favored closing the jails on Rikers Island but were against opening any new detention facilities. Others who opposed the proposal entirely wanted to renovate the jails on Rikers Island and keep them open, rather than build new facilities elsewhere in the city. Most speakers who raised concerns about the proposal were nonetheless in favor of closing the jails on Rikers Island.

Representatives from the organization No New Jails supported closing the jails on Rikers Island but expressed concerns with building any new detention facilities in the city. They opposed all jails, believing that if new jails were built, they would be filled. They stated that the money set aside for the proposal should instead be directly invested in communities.

A representative of the Bronx Borough President stated that the Borough President supports closing the jails on Rikers Island but has concerns with the proposed location of the jail in the Bronx, particularly because it would be the only jail not proposed to be located adjacent to a courthouse. The representative stated that because the Borough President recommended disapproval of the proposal and offered a more appropriate alternative site in the Citywide Statement of Needs, a supermajority of nine votes from the Commission would be necessary for approval.

Representatives of the Diego Beekman Mutual Housing Association, an affordable housing developer in the South Bronx, expressed concern that a jail would not be appropriate at the Bronx

site selected by the Applicant. Representatives noted that they had been working in the community for decades, and on a visioning plan that includes the proposed site for a number of years. They argued that the visioning plan has significant community support and responds to real needs in the community, including affordable housing and a supermarket.

Representatives of the Atlantic Avenue Betterment Association spoke in support of the borough-based jail system conceptually, but expressed concern specific to the proposed Brooklyn facility, stating that it was too tall and dense for the neighborhood. They also expressed frustration that the community was not included in the planning process.

Representatives of Lower Manhattan organizations including Manhattan Community Board 1, Walker Street Block Association, Lin Sing Association and Neighbors United Below Canal stated that the proposed Manhattan facility would have negative effects on nearby Chinatown residents. In particular, they noted the seniors living in the senior housing building adjacent to the proposed facility and the impacts of construction, noise and traffic on their quality of life. A representative of the Chung Pak Local Development Corporation expressed concerns over the future of the businesses housed in the current MDC North.

Representatives of Queens Community Board 9, Kew Gardens Civic Association and Community Preservation Coalition expressed concern with the proposed facility in Queens. They noted numerous concerns including the alleged lack of consideration of other sites in Queens, the expected cost of the proposal (which they believe is \$30 billion), and their frustration that the culture of the jails on Rikers Island has not been addressed. They believed that the ULURP process and community engagement, particularly the Neighborhood Advisory Councils formed by the Applicant, were insufficient in addressing community concerns, and that the designs and the entire Design-Build process are untested. Lastly, they stated that the money set aside for the proposal should be invested in neighborhoods that need it most.

The Commission received a great deal of written testimony both in support and opposition to the proposal. A large portion of written testimony came from residents of the Kew Gardens neighborhood near the proposed Queens facility, expressing opposition to the proposal for a

variety of reasons, including overcrowding of subway stations and increased traffic.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 190333 PSY) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 *et seq.*). The designated WRP number is 18-160.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the proposal for the borough-based jail system (C 190333 PSY, N 190334 ZRY, C 190335 ZSX, C 190336 ZMX, N 190337 ZRX, C 190338 HAX, C 190339 ZSK, C 190116 MMK, C 190340 ZSM, C 190341 PQM, C 190252 MMM, C 190342 ZSQ and C 190117 MMQ), as modified herein, is appropriate.

The Commission recognizes that the borough-based jail system initiative is a significant step forward for the future of criminal justice reform in New York City. The Commission appreciates the heartfelt and moving testimony of many people who spoke about their personal experiences on Rikers Island and within NYC's criminal justice system. The Commission understands and welcomes the important policy implications of this proposal.

While the experiences of those who have lived and worked on Rikers Island cannot be forgotten or minimized, the Commission's review focuses on the four new facilities being proposed for the borough-based jail system.

The Commission understands that the borough-based jails proposal presents an uncommon situation for the Commission as it encompasses four large projects on four different sites in four

boroughs. This requires the Commission to review the proposal from both citywide and site-specific perspectives, recognizing that all four sites are critical to the success of the proposed borough-based jails system.

Additionally, the Commission recognizes that this is the first Design-Build project to come before the Commission. Consequently, the Commission believes that it is important to address the relationship between ULURP and Design-Build, and in particular the Commission's expectations and understanding of the post-ULURP process and the Commission's role in promoting design excellence.

Section I below discusses the Citywide actions. Section II discusses system-wide considerations. Sections III-VI discuss site-specific considerations. Section VII discusses the future design process.

I. Citywide actions

Site Selection

The Commission believes that the site selection for the borough-based jail system (C 190333 PSY) is appropriate. This action is consistent with the City's goal to no longer detain people on Rikers Island by providing a modern, humane and safe justice system comprised of four borough-based jails. The borough-based jail system is included in DOC's facilities requests in the Citywide Statement of Needs for City Facilities (CSON), Fiscal Years 2020-2021.

Some who testified in opposition stated that the site selection for the four facilities should not have been bundled into a single application. The Commission disagrees, believing that a simultaneous consideration of the system of four jails is both appropriate and necessary to meet the goal of closing the jails on Rikers Island. The Commission notes that there is precedent for applications that cover multiple sites, including a single disposition for space in two Staten Island ferry terminals in 2003 (C 030186 PPY), and the site selection and acquisition of multiple sites for a Combined Sewer Overflow (CSO) tank and open space in Gowanus in 2018 (C 180065 PCK). The Commission also notes that this citywide action is coupled with a series of site-specific actions at each of the four sites.

The Commission agrees with the site selection criteria for the borough-based jails, as first noted in the CSON, which were primarily based on:

- (1) proximity to courthouses to reduce delays in cases and the time people stay in jail;
- (2) accessibility to public transportation so family members, lawyers, and service providers could easily visit;
- (3) sufficient size to fit an equitable distribution of NYC's jail population across four boroughs, with space to provide a humane, safe, and supportive environment; and
- (4) City-owned land that would allow for swift development of the new jails and with sufficient area to accommodate the new facilities.

The Commission believes that the selection of the sites at 745 East 141st Street in the Bronx, 275 Atlantic Avenue in Brooklyn, 125 White Street in Manhattan and 126-02 82nd Avenue in Queens will facilitate a borough-based jail system that meets the needs of modern detention facilities. These sites constitute a comprehensive and equitable approach to NYC's long-term criminal justice needs.

The Bronx

The Commission believes that the selection of the proposed Bronx site is appropriate. The Commission recognizes the unique challenge in selecting a location in the Bronx, as the current detention complex in the borough is located on a barge that is located approximately three miles from the Bronx Hall of Justice. Unlike the current detention complexes in Brooklyn, Manhattan and Queens, the current Bronx detention complex is not suitable for redevelopment. The Commission believes that the proposed site, while not contiguous to the Bronx Hall of Justice, is the site that best meets the project needs and the other criteria guiding the Applicant's site selection. The site is the current home of the NYPD Bronx Tow Pound, a 183,000-square foot lot that is approximately two miles from the Bronx Hall of Justice. The proposed site is well-served by public transit, as it is accessible via two subway stations served by the 6-subway line, and there are two MTA public bus routes with stops within or near a quarter-mile radius of the site.

The Commission notes the testimony from the Bronx Borough President and members of the public stating that properties adjacent to the Bronx Hall of Justice, including surface parking lots and the Bronx Family Court annex, would make for a more appropriate location. Recognizing the advantage of having a site close to the Bronx Hall of Justice, the Commission carefully reviewed the Applicant's analysis, which determined that the properties would result in a long, non-contiguous parcel and a zig-zag floorplan, posing significant operational challenges and inefficiencies. The Commission also notes that the alternate properties close to the Hall of Justice are markedly smaller than the proposed site, which would lead to a building that would be almost twice the height of the facility on the Applicant's proposed site. Additionally, a portion of these properties are not owned by the City, and City-ownership is a key selection criteria. Because of these reasons, the Commission does not believe that the alternate properties would be appropriate.

The Commission notes that at the CPC public hearing certain Yankee Stadium parking lots were suggested as an alternate location for the Bronx facility. The Commission notes that the Applicant has stated that these lots (lots 2-2354-20 and 2-2354-65) were not identified as a potential site by the Applicant or elected officials during a collaborative site review process prior to public review. However, recognizing that the lots are closer to the Bronx Hall of Justice (one mile away) than the proposed Bronx site, the Commission reviewed the Applicant's analysis, which determined that the lots are subject to a long-term lease between the City and a private company, and were financed through the issuance of more than \$200 million in tax-exempt bonds, which are held by third party institutional and accredited investors whose consent would be required to release the lots from the lien of the mortgage securing the bond financing. Because the bondholders can, in their sole discretion, refuse to consent to the release of the lots or negotiate for a substantial payment as a condition to providing such consent, the Applicant believes that an effort to acquire the lots could result in a lengthy delay in the overall timeline for the borough-based jail system. Additionally, a payment to release the lots would be tantamount to a site acquisition cost by the City. For these reasons, the Commission does not believe that these alternate properties would be appropriate.

The Commission recognizes that the Applicant's proposed site is not adjacent to the Bronx Hall of Justice. However, looking at the selection criteria in their entirety, the Commission concurs with the Applicant's assessment that there was no viable site in the Bronx that provided a direct

connection to the courthouse, and that the selected NYPD Bronx Tow Pound site is the site that best fits the selection criteria.

Brooklyn

The Commission believes that the selection of the proposed Brooklyn site is appropriate. The site is the current home of the City-owned BDC. It is on a 60,000-square foot lot in Downtown Brooklyn, directly across the street from Kings County Criminal Court, and already connected to the courthouse via an underground tunnel. The proposed site is well served by public transit, as it is accessible via five subway stations and 10 subway lines within a quarter-mile radius, and 13 different MTA public bus routes with stops within or near a quarter-mile radius.

Manhattan

The Commission believes that the selection of the proposed Manhattan site is appropriate. The site is the current home of the City-owned MDC North and MDC South in the Manhattan Civic Center area. It is on a 149,427-square foot lot, which includes the MDC North and South Towers and the Manhattan Criminal Court Building. It is directly adjacent to the New York County Criminal Court, and is already connected to the courthouse via a skybridge. The proposed site is well-served by public transit, as there are four subway stations and nine subway lines within a quarter-mile radius, and 11 different MTA public bus routes and a NJ Transit bus route with stops within or near a quarter-mile radius.

Queens

The Commission believes that the selection of the proposed Queens site is appropriate. The site is the current home of the City-owned decommissioned Queens Detention Complex and surface parking lot. It is on a 226,526-square foot lot, which includes the Queens County Criminal Court complex/Queens Family Justice Center and the Queens Detention Center. It is directly adjacent to the Queens County Criminal Court, and is already connected to the courthouse. The proposed site is well-served by public transit, as it is accessible via the Union-Turnpike subway station on Queens Boulevard, which is served by the E and F express trains at all times, and there are 15 different MTA public bus routes with stops within or near a quarter-mile radius.

During the public review, the Manhattan Borough President and some members of the public suggested the recently closed New York State Lincoln Correctional Facility in Manhattan as an alternative site for the centralized women’s facility. The Commission appreciates the Borough President’s willingness to consider an additional jail site in her borough. However, the Commission has reviewed the Applicant’s assessment of the Lincoln Correctional Facility and concurs that its small floorplate, small amount of space per resident and outdated design are inconsistent with the City’s broader criminal reform goals. As such, the Commission believes that the Lincoln Correctional Facility would not be an appropriate addition to the borough-based jail system.

The Commission also heard testimony stating that the borough-based jail system should include a jail on Staten Island. The Commission agrees with the Applicant’s statement that it would be inefficient to build a facility in Staten Island, as there are currently only approximately 350 people in jail from Staten Island—roughly four percent of NYC’s jail population—and this number is expected to be closer to 200 in 2026. The Commission understands that those detained on Staten Island are currently housed in Brooklyn, and will continue to do so as part of the borough-based jail system.

The Commission notes that there were many questions and comments at its public hearing pertaining to how this application would effectuate the closing of the jails on Rikers Island. DOC has committed that it will continue to reduce the number of the jails on Rikers Island as the total population continues to decrease by decommissioning available beds and, as appropriate, entire facilities, and by formally updating DOC’s Maximum Facility Capacity formulation with the New York State Commission of Correction. In addition, the Commission is pleased that the Applicant looks promptly to begin a planning process for the future of Rikers Island as plans to close the jails on the Island advance. The Commission is also pleased that the applicant intends to undertake a participatory planning effort through which New Yorkers will help formulate a vision for the future of Rikers Island, and that the Department of City Planning (DCP) intends to play a key role throughout the planning process. This process, which will include ample opportunity for public input, is intended to formalize guiding principles and priorities for the reuse of Rikers Island and study the viability of potential future uses. This will be the first step in

a broader master planning process. The Commission, in the strongest possible terms, urges the prompt and unequivocal closing of the jails on Rikers Island and looks forward to seeing the results of this effort.

Text Amendment

The Commission believes that the text amendment for the borough-based jail system special permit (N 190334 ZRY) to allow for modifications to regulations governing ground floor uses, bulk, floor area ratio, parking and loading is appropriate because the permitted modifications are limited to lots that are the subject of a site selection for the borough-based jail system. The Commission further believes that the special permit allows for site-specific flexibility, which is necessary due to each site's unique conditions, and that will result in buildings that are more suited to each site's context. The Commission agrees with the intention of the new special permit: to have the proposed facilities integrate with the surrounding community, particularly at the ground floor level, and to have minimal adverse impacts on the surrounding area. The Commission notes the findings are geared toward this overall intent, with specific findings focused on each type of necessary modification.

II. System-wide considerations

Although each site has unique considerations that affect the individual facilities, the Commission believes that the program and design must also be subject to more holistic considerations that span the entire borough-based jail system. Consequently, the Commission is assessing these components on a system-wide level before assessing the specific actions requested for each individual site.

Program

The Commission heard a great deal of testimony about the overall program of the facilities proposed for each of the four sites, particularly related to scale, as each building is planned to contain over 1,000,000 sf of floor area. While the Commission is not expert in the programmatic needs of jail facilities, it takes these comments very seriously and has sought to better understand the reasoning behind the scale of these facilities, guided by the expertise of City agencies focused on criminal justice, as well as the criminal justice and social service agency representatives, and

most especially the formerly incarcerated persons who testified at the Commission's hearing.

The Commission heard testimony that the facilities were overly large when compared to the City's existing facilities, as well as facilities in other cities in the United States. The Commission understands that the anticipated program leads to a per bed allocation of approximately 814 sf in order to accommodate support space for educational programming, recreation, therapeutic services, publicly accessible community space, a public-service-oriented lobby, visiting space, space for robust medical screening for new admissions, medical and mental/behavior health exams and care services, medical clinics and therapeutic units, and administrative space, in addition to bringing natural light into these spaces. While this programming requires larger facilities than other similar detention facilities throughout the country and NYC's current detention facilities, the Commission agrees that this level of program is critical to achieving the goals of criminal justice reform and the success of the borough-based jail system. Consequently, the Commission believes that the general scale of the program for each site is appropriate.

The Commission notes that other facilities in the United States operate at a lower square footage per person because they have more beds per housing unit, minimal or no programming space, no room for contact visits, or no direct access to outdoor recreation spaces. Additionally, the Commission recognizes that the existing jails on Rikers Island and those in Manhattan, Brooklyn, Queens and the Bronx were built more than 40 years ago and have serious operational challenges, including outdated facility layouts, less access to daylight and a lack of space to provide necessary support services. The Commission agrees that the goal is not just to move NYC's jails off Rikers Island, but to replace them with a modern, improved alternative.

The Commission heard testimony focused on female detainees and is pleased that the Applicant plans to centralize women in response to this input. The Commission believes that it is important to ensure separation between women and men. The Commission understands that the Applicant plans to have the centralized women's facility at the Queens site operate as a standalone facility and provide completely separate programming spaces, including separate housing, separate halls and elevators, and separate areas for medical, programming, visiting, religious services and recreation. The Commission welcomes this degree of separation.

The Commission heard testimony that some of the specific facilities should house fewer detainees. For instance, the Brooklyn Borough President requested that the Brooklyn site be developed for only 900 detainees. The Commission agrees with the overall plan for the four facilities to contain approximately equal numbers of beds, believing that this approach will help achieve the goal of creating a fair, equitable system. The Commission notes that people will be housed in their borough of residence to the extent possible, while still providing operational flexibility for DOC.

The Commission heard testimony that criminal justice reform legislation passed at the state level during the public review process, would significantly reduce the projected population for the borough-based jail system beyond the City's projections. Because of these efforts, the Applicant now projects an average daily population of 4,000 by 2026, which would translate into a system-wide capacity of 4,600 beds (1,150 beds at each site). This is a reduction in the bed count of 20% from the original average daily population of 5,000, and a system-wide capacity of 5,748 beds (1,437 beds at each site). The Commission welcomes this significant reduction in the scale of the population.

Further, the Commission is pleased that these criminal justice reform efforts not only decrease the projected population but will also decrease the overall size of the proposed facilities. The Commission understands that a 20 percent reduction in bed count does not translate into a 20 percent reduction in square footage, due to programmatic space needs that are fixed regardless of the size of the population, and because the reduction in square footage varies by site due to different site configurations and constraints.

The Commission heard testimony from Queens residents that the centralized medical annex that was proposed for the Queens facility should be spread across the jails in all four boroughs to better serve the population and to decrease the size of the Queens facility. The Commission is pleased that the Applicant has committed to decentralizing the medical annex to all four facilities, and notes that this change also affects the total floor area reductions made possible by the criminal justice reform legislation. In light of these factors, the Commission is making modifications to the

application that reflect these square footage changes, as will be explained in more detail in the site-specific sections of this report.

The Commission also notes that the Applicant is continuing to explore further changes to the program that could further decrease the size of the facilities. For instance, the Commission heard testimony that the best environment in which to house detainees with complex medical, mental health and substance use issues is a hospital, not a jail. The Commission is pleased that the Applicant is actively studying whether there is a more appropriate environment in which to house and serve this portion of the population, such as space in or adjacent to hospitals. The Commission hopes that changes such as this will further decrease the size of the facilities, but notes that its review is based on what is known at this time.

Design

The Commission understands that programmatic changes are still underway and that these changes will continue to affect the final scale, shape and design of the facilities. Additionally, the Commission recognizes that the Applicant is looking to provide flexibility to the future Design-Build teams that will design and build the facilities. As such, the Applicant has requested maximum permissible envelopes that rise sheer from the property lines for each of the four proposed facilities. The applicant has coupled these envelopes with ground floor plans that denote street frontages where specific activities can take place subject to specified minimum or maximum dimensional requirements.

The Commission understands the need for flexibility, but believes that both the design of the buildings and how they integrate into their surrounding areas are critical features of the borough-based jail system. Further, the Commission believes that the design of the buildings is something that must be considered both now, as part of the review of these applications, as well in ongoing, more detailed design of the buildings.

To this end, the Commission appreciates DCP's work in defining a series of overarching principles to guide ongoing consideration of the design of these four facilities. DCP's principles are:

Establish a Civic Presence

- Ensure that the building embodies a civic presence through its design.
- Integrate formal entrances and public spaces that are community facing and inviting.

Complement the Surrounding Neighborhood

- Enhance the pedestrian experience in and around the building by providing active street level frontages and permeability through the building, where possible.
- Incorporate setbacks to respond to adjacent character.

Architectural Design to Create Visual Interest

- Integrate articulation in the overall building design.
- Use materiality and fenestration, especially where articulation is limited by interior program needs.
- Where possible, provide variety in building height and in the shaping of the tower top.

The Commission agrees with these principles and has used them to evaluate the current applications. As a result, the Commission is making numerous changes to the ground floor plans of the four facilities to better establish a civic presence through requirements for ground floor recesses, which are often found in government buildings. The Commission is also making changes to the minimum depth for the active frontage requirements, which are important to ensure an enhanced pedestrian experience around the facilities. The Commission is also requiring minimum setbacks along key street frontages in line with underlying zoning requirements for each site, so as to better complement the surrounding neighborhoods. These changes are described in more detail in the site-specific sections later in this Consideration.

Conversely, the Commission believes that it is advisable to maintain the maximum heights proposed for each of the sites so as to better allow for architectural expression and visual interest in the design of each facility. The Commission heard a great deal of testimony calling for the maximum building heights be lowered at each of the sites, and appreciates that a building at the maximum building height across the entirety of each site would not be an advisable design.

Nonetheless, the Commission believes that tightening the maximum envelope for the four sites at this time would likely have the inadvisable and unintended consequence of leading to boxy, unarticulated structures not befitting the civic assets that these facilities are intended to become. The Commission further notes that the square footage reductions resulting from the New York State criminal justice reform legislation that was recently passed will allow further articulation by freeing up additional space in the maximum building envelopes that can be used, for example, to vary the heights of different portions of the buildings, or to provide greater articulation or deeper building setbacks. The Commission believes that this type of flexibility can result in superior design and is appropriate for these major civic facilities.

To this end, the Commission underscores the critical importance of the future design process – and the community engagement to which the Applicant has committed. The Commission believes that DCP's principles should guide consideration of the future design efforts to help ensure that each of these facilities becomes a valuable civic asset. The Commission will further elaborate on these future design efforts below after assessing the individual site-specific applications.

III. Site-specific considerations: The Bronx

Borough-Based Jail System Special Permit

The Commission believes that the borough-based jail system special permit (C 190335 ZSX) for the proposed Bronx site is appropriate, as modified by the Commission herein.

The Commission notes that a jail is a permitted use in the site's M1-3 zoning district, but that certain modifications are necessary to effectuate the borough-based jail system proposal at this site, including modifications to use regulations, bulk regulations including FAR, permitted parking and required loading.

The Commission agrees that the modification to permitted use regulations – to allow a wider range of community facility uses than is typically permitted in an M1 district – is appropriate. The Commissions notes that this modification is consistent with the Applicant's aim to provide neighborhood supportive uses that will help integrate the facility in the surrounding area, which includes residences and other community facilities.

The Commission believes that the overall plan for ground floor uses is appropriate, as modified by the Commission herein. The special permit drawings denote specific frontages where certain activities may be located. For example, community facility or retail uses are required to be located along a specified portion of East 141st Street with a minimum depth of 20 feet, while the visitor entrance is required to be located close to the corner of Southern Boulevard and East 142nd Street.

While the Commission agrees with this general ground floor layout, it believes that a series of modifications are necessary to ensure that the facility is inviting to the public and well-integrated with the surrounding community. Specifically, the Commission is requiring that the main entrance have a minimum depth of 10 feet and a minimum height of 20 feet to ensure that this entrance represents the significance of this building as a civic asset. The Commission is also modifying the application to increase the minimum depth of the active frontage along East 141st Street to 30 feet, which will help ensure that viable uses will be located along this frontage. Finally, the Commission is requiring that active uses be extended further east along the entire building frontage along East 141st Street (290 feet) if the proposed parole court at the intersection with Bruckner Boulevard is removed from the program for this site. The Commission believes that this would allow for an improved connection to the other side of Bruckner Boulevard under the elevated expressway.

The Commission believes that the requested increases to permitted FAR will facilitate the development of the facility and are necessary to accommodate the proposed jail program, (including ample support spaces), provide space for a proposed parole violation court, provide pedestrian-oriented ground floor community facility/retail uses in character with the area, and achieve the objectives of providing a modern, humane, and safe detention facility. An M1-3 district permits a maximum commercial FAR of 5.0 and a maximum total FAR of 6.5. The Commission is modifying the application, based on the decreases in the jail population made possible through New York State criminal justice reform legislation to allow a commercial and maximum total FAR of 7.0, of which up to 0.27 FAR may be Use Groups 3, 4, or 6a, and all other space, up to 6.73 FAR, must be Use Groups 6d, court house, or 8d, prisons. The Commission notes that this modification results in a decrease of 100,000 gross sf from the original

application.

In addition to FAR, the Applicant requests other bulk modifications to accommodate the proposed facility. Particularly, the special permit drawings request that a maximum height of approximately 245 feet, which is already permitted under the underlying M1-3 regulations for portions of the site, be permitted across nearly the entirety of the site. The Commission understands that the Applicant's requested modifications would improve the interior layout and functionality of the facility by allowing for efficient programming on viable floorplans.

However, while the Commission believes that the maximum height requested by the Applicant may be appropriate over portions of the site, it considers mandatory minimum building setbacks along certain street frontages to be critical to minimizing any adverse effects on access to light and air for other buildings and open spaces in the surrounding area. With this in mind, the Commission is modifying the application to require a minimum 10-foot setback on East 141st Street (a wide street) and a minimum 15-foot setback on East 142nd Street (a narrow street) above a maximum base height of 105 feet, which is in line with the maximum base height of the proposed M1-4/R7X district along Concord Avenue that is discussed later in this section. The Commission does not believe that setbacks along Bruckner Boulevard, a wide street facing the elevated Bruckner Expressway, are necessary. The Commission urges the future Design-Build team to push the facility's bulk toward the eastern portion of the site, which adjoins Bruckner Boulevard, and away from the more residential-facing portions of the facility on its western edge.

The Commission agrees with the Applicant's requested increase in permitted accessory parking and decrease in required loading berths to service the facility. Underlying parking regulations permit a maximum accessory parking facility of up to 150 spaces if a single entry/exit is provided, while the proposed facility requests a maximum of 575 spaces to accommodate the peak parking demand expected to be generated by DOC staff and other authorized vehicles that would use the garage and therefore limit DOC use of on-street parking. Underlying loading regulations require a minimum of four loading berths given the size of the facility. The Commission believes that the two loading berths that the Applicant proposes will be sufficient to accommodate the facility's needs based on the Applicant's ability to schedule deliveries. The Commission believes that these

modifications will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement, and will not impair or adversely affect the development of the surrounding area.

Mixed-Use Development

The Commission believes that the Zoning Map Amendment to rezone the western portion of Block 2574 from M1-3 to M1-4/R7-X (C 190336 ZMX), a Zoning Text Amendment to Appendix F to establish a new MIH area (N 190337 ZRX) and an UDAAP designation and disposition of the rezoned property (C 190338 HAX), are appropriate. The Applicant has stated that these actions are in response to community requests for additional affordable housing in the neighborhood, and are aligned with a previous community visioning process. The Commission notes that R7X is in line with recent zoning amendments in the surrounding area. The Commission further notes that the flexibility in the M1-4/R7-X zoning district will allow for the community to work with HPD to find the most appropriate ground floor uses. The Commission urges HPD to engage in an inclusive planning effort with the community before releasing a Request for Proposals (RFP) for the mixed-use development site.

The Commission requests that construction of the mixed-used development adjacent to the jail site occur in close proximity in time to the construction of the jail. The Applicant has indicated that construction of the mixed-use development will begin around 2024, to allow for both the relocation of the NYPD Bronx Tow Pound and the necessary construction staging space for both the jail and the mixed-use development sites.

The Commission appreciates the Applicant's interest in disposing of the mixed-use development site as part of this application (rather than as a separate, future ULURP application) to enable a more efficient RFP process in the future. At the same time, the Commission recognizes that most projects that come before the Commission for HPD disposition begin ULURP after the RFP process has been completed and a design approach has been set.

The Commission appreciates that HPD has committed to seek DCP's input as it refines its design plans for the mixed-use development site, both before and after its issuance of any RFP. The Commission is also pleased that HPD has agreed to present its program and illustrative design

for the mixed-use development site to the Commission at least 30 days prior to disposition of the site. The Commission looks forward to reviewing the plans and providing feedback. The Commission again encourages HPD to engage the surrounding community prior to the RFP process. The Commission also urges HPD, as it refines its design plans for the mixed-use development, to consider the design of the adjacent jail facility and how the two buildings will interact with each other and the surrounding community.

IV. Site-specific considerations: Brooklyn

Borough-Based Jail System Special Permit

The Commission believes that the borough-based jail system special permit (C 190339 ZSK) for the proposed Brooklyn site is appropriate, as modified by the Commission herein.

The Commission notes that a jail is a permitted use in the site's C6-2A zoning district, but that certain modifications are necessary to effectuate the borough-based jail system proposal at this site, including modifications to use regulations, bulk regulations including FAR, permitted parking and required loading.

The Commission agrees that the modification to permitted use regulations – to allow community facility uses in addition to the retail uses currently required along the Atlantic Avenue frontages – is appropriate. The Commission notes that this modification is consistent with the Applicant's aim to provide neighborhood supportive uses that will help integrate the facility in the surrounding active commercial corridor.

The Commission believes that the underlying 50% ground floor transparency requirement along Atlantic Avenue is appropriate. The Applicant requested a modification to reduce the minimum transparency requirement from 50% to 30% to accommodate potential security needs of the jail. The Commission, however, believes that it is important to maintain this 50% transparency requirement and is therefore modifying the application to preclude the Applicant's proposed reduction. The Commission recognizes that the block of Atlantic Avenue where the current jail is located has historically been an inactive block within an otherwise vibrant retail corridor. The

Commission believes that the jail presents an important opportunity to ensure an active streetscape along Atlantic Avenue and provide a connection to the rest of the corridor.

The Commission believes that the overall plan for ground floor uses is appropriate, as modified by the Commission herein. The special permit drawings denote specific frontages where certain activities may be located. For example, community facility or retail uses are required to be located along a specified portion of Atlantic Avenue with a minimum depth of 20 feet, while the visitor entrance must be located on Boerum Place.

The Commission notes the importance of including some retail in this ground floor space and also recommends that the Applicant continue to look for opportunities to lease the space to community-based organizations, in accordance with the Brooklyn Borough President's request.

While the Commission agrees with this general ground floor layout, it believes that a series of modifications are necessary to ensure that the facility is inviting to the public and well-integrated with the surrounding community. Specifically, the Commission is requiring that the main entrance have a minimum depth of 10 feet and a minimum height of 20 feet to ensure that this entrance represents the significance of this building as a civic asset. The Commission notes that Boerum Place has a narrow sidewalk. As the current BDC does not have a main entrance with this minimum depth, there are pedestrian circulation issues as visitors line up on the sidewalk to enter the current BDC. The Commission is also modifying the application to increase the minimum depth of the active frontage along Atlantic Avenue to 30 feet, which will help ensure that viable uses will be located along this frontage.

The Commission believes that the requested increases to permitted FAR will facilitate the development of the facility and are necessary to accommodate the proposed jail program (including ample support spaces), provide pedestrian-oriented ground floor community facility/retail uses in character with the area, and achieve the objectives of providing a modern, humane, and safe detention facility. A C6-2A district permits a maximum commercial FAR of 6.0 and maximum total FAR of 6.5. The Commission is modifying the application, based on the decreases in jail population made possible through New York State criminal justice reform

legislation to allow a maximum total FAR of 16.38, of which up to 0.50 FAR may be Use Groups 3, 4, or 6a, and all other space, up to 15.87 FAR, must be Use Group 8d, prisons. The Commission notes that this modification results in a decrease of 70,000 gross sf from the original application.

In addition to the FAR, the Applicant requests other bulk modifications to accommodate the proposed facility. Particularly, the special permit drawings request that a maximum height of approximately 395 feet be permitted across nearly the entirety of the site. A maximum building height of 120 feet is currently permitted at this site, but the Commission notes that this site is at the southern end of the Downtown Brooklyn area, and a 395-foot height would be in context with the surrounding commercial business area. The Commission understands that the Applicant's requested modifications would improve the interior layout and functionality of the facility by allowing for efficient programming on viable floorplans.

However, while the Commission believes that the maximum height requested by the Applicant may be appropriate over portions of the site, it considers mandatory minimum building setbacks along certain street frontages to be critical to minimizing any adverse effects on access to light and air for other buildings and open spaces in the surrounding area. With this in mind, the Commission is modifying the application to require a minimum 10-foot setback on Atlantic Avenue (a wide street) and Smith Street (a wide street), and a minimum five-foot setback on State Street (a narrow street), all with a minimum base height of 60 feet and a maximum base height of 105 feet, which is consistent with the underlying requirements along Atlantic Avenue. The Commission does not believe that setbacks along Boerum Place are necessary since the street is 130 feet wide. The Commission urges the future Design-Build team to push the facility's bulk toward the western portion of the site along Boerum Place.

The Commission agrees with the Applicant's requested increase in permitted accessory parking and decrease in required loading berths to service the facility. Underlying parking regulations permit a maximum accessory parking facility of up to 150 spaces if a single entry/exit is provided, while the proposed facility requests a maximum of 292 spaces to accommodate the peak parking demand expected to be generated by DOC staff and other authorized vehicles that would use the garage and therefore limit DOC use of on-street parking. Underlying loading regulations require

a minimum of four loading berths given the size of the facility. The Commission believes that the two loading berths that the Applicant proposes will be sufficient to accommodate the facility's needs based on the Applicant's ability to schedule deliveries. The Commission believes that these modifications will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement, and will not impair or adversely affect the development of the surrounding area.

City Map Amendment

The Commission believes that the City Map Amendment (C 190116 MMK) requested by the Applicant to establish upper and lower limiting planes to State Street between Boerum Place and Smith Street to allow for connections between the jail and the Kings County Criminal Court across the street should be restricted solely to below-ground connections. The Commission believes that sky bridges above public streets should only be considered in extreme circumstances, and notes that the application also considers expanded below-grade connections to the courthouse. Accordingly, the Commission is modifying the application to remove the demapped portion above State Street. The Commission notes that the Brooklyn Borough President recommended that the above-ground connection be increased to allow a portion of the building to cantilever over State Street. However, the Commission believes that below-ground connections, one of which is already used today, will be sufficient, especially once widened as requested by the Applicant.

V. Site-specific considerations: Manhattan

Borough-Based Jail System Special Permit

The Commission believes that the borough-based jail system special permit (C 190340 ZSM) for the proposed Manhattan site is appropriate, as modified by the Commission herein.

The Commission notes that a jail is a permitted use in the site's C6-4 zoning district, but that certain modifications are necessary to effectuate the borough-based jail system proposal at this site including modifications to bulk regulations including FAR and required loading.

The Commission believes that the overall plan for ground floor uses is appropriate, as modified by the Commission herein. The special permit drawings denote specific frontages where certain

activities may be located. For example, community facility or retail uses are required along a specified portion of White Street with a minimum depth of 20 feet, while the visitor entrance is required to be located on Centre Street.

While the Commission agrees with this general ground floor layout, it believes that a series of modifications are necessary to ensure that the facility is inviting to the public and well-integrated with the surrounding community. Specifically, the Commission is requiring that the main entrance have a minimum depth of 10 feet and a minimum height of 20 feet to ensure that this entrance represents the significance of this building as a civic asset.

In addition, the Commission recognizes that White Street, which currently divides MDC North and MDC South, is a valued passageway within the surrounding Chinatown community. The Commission understands that, given the constrained dimensions of the Manhattan site, the jail will need to be built over White Street to accommodate the program. Simultaneously, the Commission also understands that the community has requested that White Street remain open and become a lively, community-focused, pedestrian-only thoroughfare.

The Commission supports this use of White Street, and recognizes the importance of appropriate design in ensuring that White Street will be a successful pedestrian arcade. The Commission believes that the proportions of the arcade over White Street that have been proposed by the Applicant are not sufficiently generous. The Commission believes that this arcade must be a minimum of 55 feet tall and 35 feet wide, creating a 1 x 1.5 proportion, which is in line with the dimensions of successful arcades in Lower Manhattan, including at 1 Centre Street and in Battery Park City. The Commission is therefore modifying the application to reflect these more generous dimensions, while maintaining the opportunity for a bridge to connect to the third floor of the adjacent courthouse.

While the Commission is modifying the active frontage depth requirement for the other sites, the Commission believes that the minimum 20-foot depth requested by the Applicant is appropriate at the Manhattan site due to the facility's ground floor limitations and the surrounding context. The Commission understands that including community facility or retail space on both sides of

White Street has been specifically requested by the neighboring community, and appreciates the Applicant's commitment to providing this space. The Commission is aware that increasing the depth requirement along both sides of the White Street frontage to 30 feet is likely to impinge on the functioning of the facility, particularly south of White Street. In approving a minimum depth of 20 feet, the Commission is heartened by the fact that there are successful businesses in the Chinatown area with retail depths lower than 30 feet. Coupled with the length of the frontage along White Street, the Commission believes that the minimum 20-foot depth is appropriate at this site.

The Commission also heard testimony from the Manhattan Borough President requesting that the parking entrance be moved from Baxter Street to Centre Street to limit the traffic on Baxter Street. The Commission notes that this request is out of the scope of the current application as curb cuts are not permitted within the Manhattan Core without a discretionary review.

The Commission believes that the requested increases to permitted FAR will facilitate the development of the facility and are necessary to accommodate the proposed jail program (including ample support spaces), provide pedestrian-oriented ground floor community facility/retail uses in character with the area, and achieve the objectives of providing a modern, humane, and safe detention facility. A C6-4 district permits a maximum commercial FAR of 10.0 and a maximum total FAR of 10.0. The Commission is modifying the application, based on the decreases in jail population made possible through New York State criminal justice reform legislation to allow a maximum total FAR of 12.57, of which up to 0.13 FAR may be Use Groups 3, 4, or 6a, and all other space, up to 12.44 FAR, may be Use Groups 6d, court houses, or 8d, prisons. The Commission notes that this modification results in a decrease of 60,000 gross sf from the original application.

In addition to FAR, the Applicant requests other bulk modifications to accommodate the proposed facility. Particularly, the special permit drawings request that a maximum height of approximately 450 feet, which is already permitted under the underlying C6-4 regulations for portions of the site, be permitted across nearly the entirety of the site. The Commission understands that the Applicant's requested modifications would improve the interior layout and

functionality of the facility by allowing for efficient programming on viable floorplans.

However, while the Commission believes that the maximum height requested by the Applicant may be appropriate over portions of the site, it considers maintaining minimum building setbacks along certain street frontages to be critical to minimizing any adverse effects on access to light and air for other buildings and open spaces in the surrounding area. With this in mind, the Commission is modifying the application to require a minimum 10-foot setback on Centre Street (a wide street) above a maximum base height of 105 feet, and a minimum 15-foot setback on Baxter Street (a narrow street) above a maximum base height of 85 feet, which is in line with the underlying zoning requirements.

The Commission agrees with the Applicant's requested decrease in required loading berths to service the facility. Underlying loading regulations require a minimum of four loading berths given the size of the proposed facility. The Commission believes that the two loading berths that the Applicant proposes will be sufficient to accommodate the facility's needs based on the Applicant's ability to schedule deliveries. The Commission believes that this modification will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement, and will not impair or adversely affect the development of the surrounding area.

Acquisition

The Commission believes that the Applicant's request to facilitate its acquisition of the leasehold interest of the retail space at MDC North held by Walker-Street-Chung Pak LDC (C 190341 PQM) is appropriate. The Commission is pleased that the Applicant is already working with Chung Pak LDC to plan for the needs of the small businesses currently located on the ground floor of MDC North, and that the Applicant's intent is to continue to maintain a leasing arrangement with Chung Pak LDC throughout construction of and in the new facilities, with a focus on ensuring that Chung Pak LDC can continue to carry out its mission as a local development corporation. The Commission also notes that the details of that arrangement are subject to continued discussion with the community at large to ensure that the ground floor space is programmed to meet the needs of the community.

City Map Amendment

The Commission believes that the City Map Amendment (C 190252 MMM) is appropriate, as it would facilitate the conversion of the at-grade White Street to a pedestrian corridor and allow the facility to occupy the space above and below the street. Coupled with the Commission's modifications to the ground floor plan for the facility, the Commission believes that White Street will continue to be a major pedestrian connection between Chinatown and the Civic Center area.

VI. Site-specific considerations: Queens

Borough-Based Jail System Special Permit

The Commission believes that the borough-based jail system special permit (C 190342 ZSQ) for the proposed Queens site is appropriate, as modified by the Commission herein.

The Commission notes that a jail is a permitted use in the site's C4-4 zoning district, but that certain modifications are necessary to effectuate the borough-based jail system proposal at this site, including modifications to bulk regulations including FAR, permitted accessory and public parking and required loading.

The Commission believes that the overall plan for ground floor uses is appropriate, as modified by the Commission herein. The special permit drawings denote specific frontages where certain activities may be located. For example, active uses are required to be located along a specified portion of 126th Street with a minimum depth of 20 feet, while the visitor entrance is required to be located close to the corner of 126th Street and 82nd Avenue.

While the Commission agrees with this general ground floor layout, it believes that a series of modifications are necessary to ensure that the facility is inviting to the public and well-integrated with the surrounding community. Specifically, the Commission is requiring that the main entrance have a minimum depth of 10 feet and a minimum height of 20 feet to ensure that this entrance represents the significance of this building as a civic asset. The Commission is also modifying the application to move the required community facility space from the ground floor of the borough facility to the public parking structure to activate the ground floor, and to increase the minimum depth of the active frontage from 20 feet to 30 feet, which will help ensure that

viable uses will be located along this frontage.

The Commission believes that the requested increases to permitted FAR will facilitate the development of the facility and are necessary to accommodate the proposed jail program (including ample support spaces), provide pedestrian-oriented ground floor community facility uses in character with the area, and achieve the objectives of providing a modern, humane, and safe detention facility. A C4-4 district permits a maximum commercial FAR of 3.4 and maximum total FAR of 6.5. The Commission is modifying the application, based on the decreases in jail population made possible through New York State criminal justice reform legislation and the dispersal of the centralized medical annex that the Applicant had proposed for this facility, to allow a commercial FAR of 4.11, of which up to 0.53 may be Use Group 8c public parking area, and all other space, up to 3.58 FAR, may be Use Groups 6d, court houses, or 8d, prisons. The Commission notes that this modification results in a decrease of 130,000 gross sf from the original application.

In addition to FAR, the Applicant requests other bulk modifications to accommodate the proposed facility. Particularly, the special permit drawings request that a maximum height of approximately 270 feet, which is already permitted under the underlying C4-4 regulations for portions of the site, be permitted across nearly the entirety of the site. The Commission understands that the Applicant's requested modifications would improve the interior layout and functionality of the facility by allowing for efficient programming on viable floorplans.

However, while the Commission believes that the maximum height requested by the Applicant may be appropriate over portions of the site, it considers mandatory minimum building setbacks along certain street frontages to be critical to minimizing any adverse effects on access to light and air for other buildings and open spaces in the surrounding area. With this in mind, the Commission is modifying the application to require a minimum 10-foot setback on 126th Street and 132nd Street (both wide streets) above a maximum base height of 105 feet.

The Commission agrees with the Applicant's requested increase in permitted accessory parking and decrease in required loading berths to service the facility. Underlying parking regulations

permit a maximum accessory parking facility of up to 150 spaces if a single entry/exit is provided, while the proposed facility requests a maximum of 605 spaces to accommodate the peak parking demand expected to be generated by DOC staff and other authorized vehicles that would use the garage and therefore limit DOC use of on-street parking. Underlying loading regulations require a minimum of three loading berths given the size of the facility. The Commission believes that the two loading berths that the Applicant proposes will be sufficient to accommodate the facility's needs based on the Applicant's ability to schedule deliveries. The Commission believes that these modifications will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement, and will not impair or adversely affect the development of the surrounding area.

The Commission agrees with the requested increase in permitted public parking adjacent to the facility. Underlying regulations permit a maximum public parking facility of up to 150 spaces, while the proposed facility requests a maximum of 676 spaces to accommodate public parking demand for the broader civic center area. The Commission notes that this area has long been used for public parking; before the existing 302-space lot, there had been an approximately 1,000-space garage present from 1962 to 2012, and prior to that a parking lot in the 1950s. The Commission understands that parking is a major concern for local residents and their elected representatives, and is pleased with the Applicant's responsiveness in providing this public parking facility

City Map Amendment

The Commission believes that the City Map Amendment (C 190117 MMQ) to demap 82nd Avenue so that it can be incorporated into the proposed development is appropriate.

VII. Future design process

As discussed earlier, the Commission believes that careful attention to the future design process is absolutely essential to ensuring that the borough-based jail facilities become valued civic assets. The Commission supports an inclusive and robust post-ULURP engagement process as outlined below.

The Commission understands the opportunities that the Design-Build process offers in terms of saving time and money, and hopes that its use will deliver City construction projects more efficiently. At the same time, the Commission is keenly aware of the challenges faced by the public, elected officials, DCP and the Commission itself in reviewing and commenting during the ULURP process, since only very preliminary massing diagrams for the proposed borough-based jail facilities are available.

The Commission notes that projects before the Commission typically follow a *Design – Bid – Build* development process, in which an Applicant hires one team to design the project and then, following approval, another team to build the project. The first phase of this *Design – Bid – Build* development process is the schematic design phase, where the conceptual design of the project achieves approximately 30 percent completion. The Commission notes that a project typically comes before the Commission during this phase. For instance, for the Combined Sewer Overflow tank and open space in Gowanus in 2018 (C 180065 PCK), the Commission, elected officials and the public reviewed designs that were at approximately 30 percent conceptual completion and 100 percent schematic completion for the site and massing concept, the open space concept and the façade concept.

The borough-based jail system proposal is instead following a *Design – Build* process. Under this process, one team works under a single contract to provide both design and construction services. The team is retained by the City after ULURP has been completed due to constraints in using capital funds until a project is approved. The designs in a Design-Build project are developed to an equivalent of 30% total conceptual design, subject to revision, at the end of the RFP process when the Design-Build team is selected. As such, the level of design available for review during ULURP is less than is available for a traditional project.

The Commission appreciated the fact that the Applicant has provided a great deal of materials showing how the facilities could be designed. Nonetheless, the reality is that the design will not be set until the Design-Build teams have been selected, which will occur after the ULURP process has been completed. While the Commission understands that this may be necessary for

the Design-Build process to be most effective, the Commission notes the unique circumstances of these facilities – including their large size, atypical program, and importance to the city as a whole – and therefore believes a robust future design process is necessary here. The Commission is pleased that the Applicant has committed to a multi-pronged post-ULURP process that will ensure engagement and opportunities for feedback from the Commission and DCP, as well as the public, elected officials and other stakeholders.

The Commission appreciates DDC's commitment to brief the Commission after the ULURP process to provide updates on the project delivery process and timeline, incorporation of design guidelines into procurement and other documents and community engagement. Specifically, DDC has agreed to brief and receive input from the Commission before issuing the Design-Build RFPs to provide the Commission with an overview of the design guidelines related to urban design and again, and after the award of the Design-Build contracts, to provide an overview of the winning conceptual designs. The Commission notes that this is at approximately the same completion threshold where the Commission typically reviews a project, and will enable the Commission to provide meaningful feedback as the Design-Build teams make revisions to the designs. The Commission welcomes DDC's and the Applicant's commitment to provide any additional briefings at the request of the Chair of the Commission, including upon completion of schematic design.

The Commission believes that it is critical that DCP's urban design and technical experts also remain involved, and appreciates DDC's commitment to meet regularly with DCP staff to gather design input throughout the post-ULURP process. The Commission is pleased that DDC has agreed that, at a minimum, DCP will be involved during the development of the RFQ (Request for Qualifications) and RFPs, after each RFP is issued as a member of the technical and design evaluation teams, after award of contracts and finally, after completion of the final design to gather any additional feedback.

The Commission also believes that continued community engagement during the design process is critical to the success of the facilities. The Commission notes that the Applicant has committed

to continued robust engagement with both the affected local communities and criminal justice reform advocates as well as design and technical experts, including:

- The Design Advisory Group, comprised of representatives from City agencies, borough presidents and the Speaker of the City Council, which will continue to meet quarterly to review draft design guidelines as they relate to the public realm, streetscape and building materials and provide recommendations for the RFQ and RFPs.
- The Justice Implementation Task Force Design Working Group, which will continue to review the language of the RFQ and RFPs to ensure that design remains prominent in the procurement documents and the procurement selection process.
- The Neighborhood Advisory Committees, which will be reconvened to provide feedback on the program, overarching design goals, the development of design guidelines, and how these will inform the RFP processes. They will also receive regular updates during the design and construction of the facilities.
- Community-based organizations, which will continue to meet with the Applicant to provide program-focused feedback during the design process.
- The Public Design Commission, which will need to formally review and approve all four borough facilities. This process will include design-specific reviews with the affected Community Boards and public hearings. DCP staff will also receive and provide feedback on submissions to PDC.

The Commission notes the importance of providing the surrounding communities with the appropriate support throughout the duration of the project, and appreciates that the Applicant has committed to a Community Construction Liaison for each borough who will be an on-site, on the ground contact to provide real-time information about construction activities to the surrounding community and be available to respond to concerns and resolve issues.

All of these efforts combine to give the Commission reasonable assurance that the borough-based jails system project will have an appropriate future design process that can help to ensure that the design of these major civic facilities will be given the consideration that they deserve.

The Commission also has considered additional feedback received following the public hearing from design experts about the Design-Build process and how it can be most effective for the borough-based jails. Specifically, the Commission urges DDC to incorporate the following approaches:

- Design should be a focal element of the Design-Build process.
- Peer review should be integrated into the design process.
- Design should be appropriately weighted in the RFPs.
- Existing guidelines and previous similar projects should be considered as a precedent for the design process moving forward.
- Project delivery across the four sites should be appropriately staggered to ensure that there is the chance to learn from earlier sites.

The Commission strongly encourages DDC to include peer review in the Design-Build process, recognizing the benefit of outside expert evaluation, and notes the value of the U.S. General Services Administration's Design Excellence Policies and Procedure guidelines for Design-Build development processes.

The Commission believes that the borough-based jail system proposal will fundamentally transform NYC's criminal justice system. The Commission looks forward to continued participation in the design process for each facility moving forward.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 23, 2019, with respect to this application (CEQR No. 18DOC001Y), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts identified in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action will not substantially hinder the achievement of the Waterfront Revitalization Program (WRP) policy and hereby determines that this proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c of the New York City Charter, that based on the environmental determination and consideration described in this report, the application submitted by the New York City Department of Correction, the Mayor's Office of Criminal Justice, and the Department of Citywide Administrative Services for the site selection of the property located at:

1. 745 East 141st Street (Block 2574, p/o Lot 1), Bronx Community District 1;
2. 275 Atlantic Avenue (Block 175, Lot 1), Brooklyn Community District 2;
3. 124 White Street (Block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Manhattan Community District 1; and
4. 126-02 82nd Avenue (Block 9653, Lot 1), 80-25 126th Street (Block 9657, Lot 1), and the bed of 82nd Avenue between 126th and 132nd streets, Queens Community District 9;

for borough-based jail facilities is approved.

The above resolution (C 190333 PSY), duly adopted by the City Planning Commission on September 3, 2019 (Calendar No. 1), 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.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, ESQ., *Vice Chairman*

DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., JOSEPH DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, LARISA ORTIZ, *Commissioners*

ALFRED C. CERULLO III, ORLANDO MARIN, RAJ RAMPERSHAD,
Commissioners, Voting No

Exhibit A

Environmental Impacts and Mitigations

In accordance with the New York City Borough-Based Jail System FEIS

Section 2.16:

Mitigation-Bronx

A. INTRODUCTION

This section considers mitigation measures to address the potential for significant adverse impacts generated by the proposed project at the Bronx Site. The potential for significant adverse impacts were identified in the technical areas of transportation, construction-period transportation, and construction-period noise. Measures have been examined to minimize or eliminate these anticipated potential impacts, and are discussed below.

~~As described below, measures to further mitigate the potential for adverse impacts will be refined and evaluated between the Draft and Final EIS. Therefore, the Final EIS may include more complete information and commitments on all practicable mitigation measures to be implemented with the proposed project.~~

PRINCIPAL CONCLUSIONS

TRANSPORTATION

As discussed in Section 2.10, “Transportation-Bronx,” the proposed project would have the potential to result in significant adverse impacts to vehicular traffic at eight analyzed intersections during some or all of the analyzed peak periods. Mitigation measures that could address these potential transportation impacts are discussed below. In addition, as discussed in Section 2.10, there is no anticipated potential for transit, pedestrian, or parking-related impacts likely as a result of the proposed project; therefore, those transportation modes will not be discussed below.

Traffic

As described in Section 2.10, “Transportation-Bronx,” the proposed project would have the potential to result in significant adverse traffic impacts at eight study area intersections during one or more analyzed peak hours; specifically, 11 analyzed lane groups at seven analyzed intersections during the weekday AM peak hour, 15 analyzed lane groups at eight analyzed intersections during the midday peak hour, and 11 analyzed lane groups at six analyzed intersections during the Saturday peak hour. Implementation of signal timing changes are being proposed and would provide mitigation for some, but not all, of the potential anticipated traffic impacts. These proposed traffic engineering improvements measures are subject to review and approval by the New York City Department of Transportation (DOT). If these measures are deemed infeasible or inadequate, other potential measures will be considered in consultation with DOT. Potential measures typically include modifications to signal timings, street markings, lane configurations, and/or parking regulations. In the absence of the application of mitigation measures, the impacts would remain unmitigated. Consequently, these potential significant impacts would constitute unavoidable significant adverse traffic impacts as a result of the proposed project (see also Section 2.17, “Unavoidable Adverse Impacts-Bronx”).

Table 2.16-1 shows, assuming all the proposed mitigation measures were to be implemented, that the potential for significant adverse impacts would be fully mitigated at two lane groups at two analyzed intersections during the analyzed weekday AM peak hour, ~~and one lane group at one analyzed lane group~~ ~~two lane groups at two analyzed intersections~~ in the analyzed weekday midday peak hour, and ~~four~~~~five~~ five lane groups at ~~two~~~~three~~ three analyzed intersections during the analyzed Saturday peak hour. **Table 2.16-2** provides a more detailed summary of the analyzed intersections and lane groups that would have unmitigated potential for significant adverse traffic impacts. As shown in **Table 2.16-2**, the potential for significant impacts would remain at 9 analyzed lane groups at six analyzed intersections during the analyzed weekday AM peak hour, at ~~14~~~~13~~ 13 analyzed lane groups at eight analyzed intersections during the analyzed weekday midday peak hour, and at ~~seven~~~~six~~ six analyzed lane groups at ~~five~~~~four~~ four analyzed intersections during the analyzed Saturday peak hour.

Table 2.16-1
Summary of Lane Groups/Intersections with Potential for Significant Adverse Traffic Impacts

Net Increment	Lane Groups/ Intersections Analyzed	Lane Groups/ Intersections With No Significant Impacts	Lane Groups/ Intersections With Significant Impacts	Mitigated Lane Groups/ Intersections	Unmitigated Lane Groups/ Intersections
Weekday AM	55/18	44/11	11/7	2/1	9/6
Weekday Midday	55/18	40/10	15/8	4/0/0	14/8/13/8
Saturday	55/18	44/12	11/6	4/4/2	7/5/6/4

Table 2.16-2
Lane Groups With Potential for Unmitigated Significant Adverse Traffic Impacts

Intersection	Peak Hour		
	Weekday AM	Weekday Midday	Saturday
Signalized Intersections			
East 141st Street and Jackson Avenue	WB-LTR	WB-LTR	---
East 138th Street and Jackson Avenue	---	SB-LTR	SB-LTR
East 141st Street and Bruckner Boulevard SB	WB-LT	EB-TR, WB-LT	WB-LT
East 141st Street and Bruckner Boulevard NB	EB-L, WB-T	EB-L, WB-T, WB-R	---
East 140th Street and Bruckner Boulevard SB	---	SB-T (Local)	---
East 138th Street and Bruckner Boulevard SB	EB-TR, WB-LT	EB-TR, WB-LT	EB-TR, WB-LT
East 138th Street and Bruckner Boulevard NB	EB-L, NB-T (Main to Ramp/Local)	EB-L, EB-LT, NB-T (Main to Ramp/Local)	EB-L, NB-T (Main to Ramp/Local)
Unsignalized Intersections			
East 140th Street and Jackson Avenue	EB-LTR	EB-LTR	EB-LTR
Notes:			
NB—northbound; SB—southbound; EB—eastbound; WB—westbound; L—left-turn; T—through; R—right-turn			

CONSTRUCTION

Construction Traffic

As described in Section 2.15, “Construction-Bronx,” traffic conditions during the period when construction-related traffic is anticipated to be highest were evaluated. The analysis determined that construction traffic associated with peak construction period activity would have the potential to result in significant adverse traffic impacts at eight study area intersections during one or more analyzed construction period peak hours. Specifically, nine lane groups at seven analyzed

Section 2.16: Mitigation-Bronx

intersections during the construction AM peak hour and 14 lane groups at eight analyzed intersections during the construction midday peak hour. Although these impacts would be temporary, measures to address these temporary impacts were considered. Implementation of signal-timing changes are being proposed and would provide mitigation for some, but not all, of the temporary traffic impacts. These proposed traffic engineering ~~improvements~~measures are subject to review and approval by DOT. In the absence of the application of mitigation measures, the potential temporary impacts would remain unmitigated. Nonetheless, because potential mitigation measures cannot be thoroughly analyzed because detailed design drawings have not been drafted, and the extent such measures mitigate potential transportation construction impacts cannot be quantified (if at all), such significant adverse impacts would constitute unavoidable significant adverse impacts.

Table 2.16-3 shows that with the implementation of all of the proposed mitigation measures, potential significant adverse impacts due to construction-related vehicle trips would be fully mitigated at three lane groups at two analyzed intersections during the construction AM peak hour. During the construction midday peak hour, four lane groups at three analyzed intersections would be fully mitigated. **Table 2.16-4** provides a more detailed summary of the analyzed intersections and lane groups that have the potential for unmitigated significant adverse traffic impacts during construction. As shown in **Table 2.16-4**, potential significant impacts would remain at six lane groups at five analyzed intersections during the analyzed construction AM peak hour and at 10 lane groups at six analyzed intersections during the analyzed construction midday peak hour.

Table 2.16-3
Summary of Lane Groups/Intersections with Potentially Significant Adverse Traffic Impacts

Net Increment	Lane Groups/ Intersections Analyzed	Lane Groups/ Intersections With No Significant Impacts	Lane Groups/ Intersections With Significant Impacts	Mitigated Lane Groups/ Intersections	Unmitigated Lane Groups/ Intersections
AM Peak Hour	55/18	46/11	9/7	3/2	6/5
Midday Peak Hour	55/18	41/10	14/8	4/2	10/6

Table 2.16-4
Lane Groups With Potentially Unmitigated Significant Adverse Traffic Impacts

Intersection	AM Peak Hour	Midday Peak Hour	Signalized Intersections
East 141st Street and Jackson Avenue	---	WB-LTR	
East 138th Street and Jackson Avenue	---	SB-LTR	
East 141st Street and Bruckner Boulevard SB	WB-LT	---	
East 141st Street and Bruckner Boulevard NB	EB-L, WB-T	---	
East 140th Street and Bruckner Boulevard SB	---	SB-T(Local)	
East 138th Street and Bruckner Boulevard SB	WB-LT	EB-TR, WB-LT, SB-TR (Local)	
East 138th Street and Bruckner Boulevard NB	NB-T(Main to Ramp/Local)	EB-L, EB-LT, NB-T(Main to Ramp/Local)	
Unsignalized Intersections			
East 140th Street and Jackson Avenue	EB-LTR	EB-LTR	
Notes: NB—northbound; SB—southbound; EB—eastbound; WB—westbound; L—left-turn; T—through; R—right-turn			

A Construction Transportation Monitoring Plan (CTMP) will be developed by the Department of Design and Construction (DDC) prior to commencement of construction-related activities. The

CTMP will include transportation data collection as well as traffic and pedestrian analyses. The data collection will include traffic and pedestrian counts, worker shift schedules, worker origin-destination and modal split survey data, parking surveys, and truck frequency data. A traffic management plan for the project would be developed as part of the CTMP in order to address the effect of construction-related activity on transportation systems and verify the need for implementing construction-related mitigation measures identified in this EIS or additional routine traffic control measures as warranted and in coordination with DOT. The CTMP would be submitted to DOT and OCMC for review and approval and would be an on-going process for addressing the effects of construction.

~~The analyzed traffic locations as well as others that may experience temporary disruptions would be included in the CTMP that~~ would be initiated at the start of construction for the project work area. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which traffic operations would be disrupted as a result of street network access accommodations requested to facilitate the construction effort cannot be made at this time. As the design-build process is initiated, an updated assessment of traffic conditions around the project site would be made as part of the CTMP. DDC, through the CTMP, and in coordination with DOT and OCMC, will implement as warranted any identified routine traffic control measures that address~~identify feasible measures that could mitigate any~~ potential disruptions.

Construction Pedestrians

According to a preliminary assessment of construction generated pedestrian activity, ~~sevensix~~ pedestrian elements were identified as potential significant impact locations. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which pedestrian operations would be disrupted as a result of construction activity cannot be made at this time. However, an assessment of pedestrian conditions would be included in the CTMP described above. In the event it is found that measures fully mitigating such temporary impacts are infeasible or inadequate, then unmitigable significant adverse impacts could occur at the identified pedestrian elements.

Construction Noise

Section 2.15, “Construction-Bronx,” concludes that construction of the proposed project would have the potential to result in a significant adverse construction noise impact at the residential building at 359 Southern Boulevard. Source or path controls beyond those already identified in Section 2.15 were considered for feasibility and effectiveness in reducing the level of construction noise at the receptors that have the potential to experience significant adverse construction noise impacts. These measures may include enclosing the concrete pump and concrete mixer trucks at any time that the mixer barrels would be spinning in a shed or tunnel including two or three walls and a roof, with the opening or openings facing away from receptors. Additionally, selecting quieter equipment models for cranes, generators, compressors, and lifts may result in a reduction in noise levels from construction during superstructure and subsequent phases. These measures, if implemented, may partially mitigate the predicted construction noise impacts, because there would still be times when construction of the proposed project may result in exceedances of acceptable noise levels at these receptors. Therefore, construction of the proposed project may result in unmitigated significant adverse noise impacts at the residential building at 359 Southern Boulevard.

B. TRANSPORTATION

The proposed project would result, as detailed below, in the potential for significant adverse impacts to vehicular traffic at eight analyzed intersections. Mitigation measures that could address these potential traffic impacts are discussed below.

TRAFFIC

As described in Section 2.10, “Transportation-Bronx,” the proposed project would result in the potential for significant adverse traffic impacts at eight (seven signalized and one stop-controlled) study area intersections during one or more analyzed peak hours; specifically, 11 lane groups at seven analyzed intersections during the weekday AM peak hour, 15 lane groups at eight analyzed intersections during the midday peak hour, and 11 lane groups at six analyzed intersections during the Saturday peak hour. As demonstrated below, some of these potential significant impacts could be mitigated through the implementation of traffic signal timing modifications.

The types of mitigation measures proposed herein are standard measures that are routinely identified by the City and considered feasible for implementation. **Table 2.16-5** summarizes the recommended mitigation measures for each of the intersections with potentially significant adverse traffic impacts during the analyzed weekday AM and midday peak hours, and Saturday peak hour. Implementation of the recommended traffic engineering improvementsmeasures,

Table 2.16-5
Proposed Traffic Mitigation Measures

Intersection	Signal Phase	No Action Signal Timing (Seconds) ¹			Proposed Signal Timing (Seconds) ¹			Recommended Mitigation
		AM	MD	SAT	AM	MD	SAT	
East 141st Street & Jackson Avenue	EB/WB NB/SB	30 30	30 30	30 30	31 29	32 28	30 30	- Transfer 1s of green time from NB/SB to EB/WB in AM; 2s in midday. - Potential impact to WB-LTR lane group would remain unmitigated in both the weekday AM and midday peak hours.
East 140th Street & Jackson Avenue	Unsignalized	- -	- -	- -	- -	- -	- -	- All potential impacts would remain unmitigated in the weekday AM, weekday midday and Saturday peak hours.
East 138th Street & Jackson Avenue	Ped EB/WB SB	7 76 37	7 76 37	7 76 37	7 73 40	7 76 37	7 72 41	- Transfer 3s of green time from EB/WB to SB in AM; and 4s in Saturday. - All potential impacts would remain unmitigated in the weekday midday peak hour.
East 141st Street & Bruckner Boulevard (NB & SB)	EB/WB NB/SB	36 84	36 84	36 84	36 84	39 81	38 82	- Transfer 3s of green time from NB/SB to EB/WB in midday; and 2s in Saturday. - Potential impact to EB-L, EB-TR, WB-LT and WB-R lane groups would remain unmitigated in the weekday midday peak hour. - Potential impact to WB-LT lane group would remain unmitigated in the Saturday peak hour. - All potential impacts would remain unmitigated in the weekday AM peak hour.
East 140th Street & Bruckner Boulevard (NB & SB)	EB NB/SB SB/SB-L	36 59 25	36 64 20	36 64 20	36 64 25	36 64 20	36 64 20	- All potential impacts would remain unmitigated in the weekday midday peak hour.
East 138th Street & Bruckner Boulevard (NB & SB)	WB EB/WB NB/SB NB(Ramp)/SB	19 30 51 20	19 30 51 20	19 30 51 20	19 30 51 20	19 30 51 20	19 30 51 20	- All potential impacts would remain unmitigated in the weekday AM, weekday midday and Saturday peak hours.

Note:

¹Signal timings shown indicate green plus yellow (including all red) for each phase.

This table has been updated for the FEIS.

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specifically traffic signal timing changes, is subject to review and approval by DOT. If these measures are deemed infeasible or inadequate, other potential measures will be considered in consultation with DOT. Potential measures typically include modifications to signal timings, street markings, lane configurations, and/or parking regulations. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

Table 2.16-6 shows the v/c ratios, delays, and levels of service (LOS) for lane groups at each analyzed intersection with implementation of the recommended mitigation measures and compares them with No Action and With Action conditions for the weekday AM, weekday midday, and Saturday peak hours, respectively. According to *CEQR Technical Manual* criteria, a potential significant impact is considered fully mitigated when the resulting LOS degradation under the Action-with-Mitigation condition compared with the No Action condition is no longer deemed significant following the impact criteria described in Section 2.10. **Tables 2.16-6 through 2.16-8** show that potential significant adverse impacts would be fully mitigated at two lane groups at two intersections during the analyzed weekday AM peak hour, one lane group at one analyzed

Table 2.16-6
Action-With-Mitigation Conditions at Potentially Impacted Intersections
Weekday AM Peak Hour

Intersection	No-Action Weekday AM			With-Action Weekday AM			Action-with-Mitigation Weekday AM								
	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS		
East 141st Street & Jackson Avenue (signalized)	EB	LTR	0.84	40.2	D	EB	LTR	0.92	52.4	D	EB	LTR	0.87	41.4	D
	WB	LTR	0.99	53.8	D	WB	LTR	1.18	115.9	F	WB	LTR	1.13	97.8	F
	NB	LTR	0.33	13.6	B	NB	LTR	0.35	13.9	B	NB	LTR	0.36	14.8	B
	SB	LTR	0.33	13.6	B	SB	LTR	0.35	14.0	B	SB	LTR	0.37	14.9	B
East 140th Street & Jackson Avenue (two-way stop-controlled)	EB	LTR	0.61	27.1	D	EB	LTR	0.89	68.2	F	EB	LTR	0.89	68.2	F
	SB	LT	0.02	7.7	A	SB	LT	0.03	8.1	A	SB	LT	0.03	8.1	A
East 138th Street & Jackson Avenue (signalized)	EB	LT	0.50	16.6	B	EB	LT	0.50	16.6	B	EB	LT	0.52	18.7	B
	EB	R	0.05	10.5	B	EB	R	0.05	10.5	B	EB	R	0.06	11.8	B
	WB	LTR	0.37	14.3	B	WB	LTR	0.37	14.3	B	WB	LTR	0.39	16.1	B
	SB	LTR	0.72	53.2	D	SB	LTR	0.87	68.8	E	SB	LTR	0.79	56.0	E
East 141st Street & Bruckner Boulevard SB (signalized)	EB	TR	0.33	38.8	D	EB	TR	0.48	42.7	D	EB	TR	0.48	42.7	D
	WB	LT	0.45	41.8	D	WB	LT	0.89	72.3	E	WB	LT	0.89	72.3	E
	SB	TR	0.74	15.0	B	SB	TR	0.76	15.7	B	SB	TR	0.76	15.7	B
East 141st Street & Bruckner Boulevard NB (signalized)	EB	L	0.52	48.3	D	EB	L	0.89	103.5	F	EB	L	0.89	103.5	F
	WB	T	0.48	43.2	D	WB	T	0.96	87.6	F	WB	T	0.96	87.6	F
	WB	R	0.52	47.1	D	WB	R	0.59	50.3	D	WB	R	0.59	50.3	D
	NB (Main)	T	0.19	8.3	A	NB (Main)	T	0.19	8.3	A	NB (Main)	T	0.19	8.3	A
	NB (Local)	T	0.42	10.5	B	NB (Local)	T	0.42	10.5	B	NB (Local)	T	0.42	10.5	B
East 138th Street & Bruckner Boulevard SB (signalized)	EB	TR	0.83	61.3	E	EB	TR	0.90	69.1	E	EB	TR	0.90	69.1	E
	WB	LT	1.13	137.6	F	WB	LT	1.18	157.4	F	WB	LT	1.18	157.4	F
	SB (Main)	T	0.72	31.4	C	SB (Main)	T	0.79	36.4	D	SB (Main)	T	0.79	36.4	D
	SB (Local)	TR	0.92	36.7	D	SB (Local)	TR	0.93	38.8	D	SB (Local)	TR	0.93	38.8	D
East 138th Street & Bruckner Boulevard NB (signalized)	EB	L	0.84	68.9	E	EB	L	0.93	83.3	F	EB	L	0.93	83.3	F
	EB	LT	0.59	51.8	D	EB	LT	0.63	53.5	D	EB	LT	0.63	53.5	D
	WB	T	1.85	462.8	F	WB	T	1.85	462.8	F	WB	T	1.85	462.8	F
	WB	R	1.24	216.8	F	WB	R	1.24	216.8	F	WB	R	1.24	216.8	F
	NB (Main to Main)	T	0.19	14.4	B	NB (Main to Main)	T	0.19	14.4	B	NB (Main to Main)	T	0.19	14.4	B
	NB (Main to Ramp/Local)	T	1.07	83.2	F	NB (Main to Ramp/Local)	T	1.10	95.1	F	NB (Main to Ramp/Local)	T	1.10	95.1	F
	NB (Local to Local)	T	0.68	25.1	C	NB (Local to Local)	T	0.82	32.7	C	NB (Local to Local)	T	0.82	32.7	C
	NB (Local)	R	0.13	13.9	B	NB (Local)	R	0.13	13.9	B	NB (Local)	R	0.13	13.9	B
	NB (Local to Ramp)	T	1.10	150.8	F	NB (Local to Ramp)	T	1.10	150.8	F	NB (Local to Ramp)	T	1.10	150.8	F

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.

- Lane Group: L-Left, T-Through, R-Right, DefL-Defacto left.

- Shading denotes potential significant adverse impact per *CEQR Technical Manual* criteria.

This table has been updated for the FEIS.

Section 2.16: Mitigation-Bronx

Table 2.16-7
Action-With-Mitigation Conditions at Potentially Impacted Intersections
Weekday Midday Peak Hour

Intersection	No-Action Weekday Midday			With-Action Weekday Midday			Action-with-Mitigation Weekday Midday					
	Lane Approach	V/C Group Ratio	Delay (sec/veh)	Lane Approach	V/C Group Ratio	Delay (sec/veh)	Lane Approach	V/C Group Ratio	Delay (sec/veh)			
	LOS	LOS	LOS	LOS	LOS	LOS	LOS	LOS	LOS			
East 141st Street & Jackson Avenue (signalized)	EB LTR	0.84	42.8	D	EB LTR	0.98	65.6	E	EB LTR	0.88	41.6	D
	WB LTR	0.91	37.6	D	WB LTR	1.35	186.4	F	WB LTR	1.24	139.6	F
	NB LTR	0.38	14.2	B	NB LTR	0.40	14.5	B	NB LTR	0.43	16.6	B
	SB LTR	0.34	13.7	B	SB LTR	0.36	14.1	B	SB LTR	0.40	16.0	B
East 140th Street & Jackson Avenue (two-way stop-controlled)	EB LTR	0.76	41.2	E	EB LTR	1.93	496.5	F	EB LTR	1.93	496.5	F
	SB LT	0.03	7.9	A	SB LT	0.06	9.1	A	SB LT	0.06	9.1	A
East 138th Street & Jackson Avenue (signalized)	EB LT	0.58	18.4	B	EB LT	0.59	18.5	B	EB LT	0.59	18.5	B
	EB R	0.08	10.8	B	EB R	0.08	10.8	B	EB R	0.08	10.8	B
	WB LTR	0.34	13.6	B	WB LTR	0.34	13.7	B	WB LTR	0.34	13.7	B
	SB LTR	0.62	47.7	D	SB LTR	0.92	76.5	E	SB LTR	0.92	76.5	E
East 141st Street & Bruckner Boulevard SB (signalized)	EB TR	0.44	41.7	D	EB TR	0.89	73.8	E	EB TR	0.81	59.4	E
	WB LT	0.54	46.2	D	WB LT	1.11	140.1	F	WB LT	0.90	78.3	E
	SB TR	0.75	15.4	B	SB TR	0.77	15.8	B	SB TR	0.80	18.4	B
East 141st Street & Bruckner Boulevard NB (signalized)	EB L	0.73	65.1	E	EB L	1.11	160.6	F	EB L	0.91	97.9	F
	WB T	0.43	41.0	D	WB T	0.69	51.2	D	WB T	0.63	45.4	D
	WB R	1.24	181.1	F	WB R	1.57	321.5	F	WB R	1.38	240.1	F
	NB (Main) T	0.30	9.2	A	NB (Main) T	0.30	9.2	A	NB (Main) T	0.31	10.5	B
	NB (Local) T	0.43	10.7	B	NB (Local) T	0.43	10.7	B	NB (Local) T	0.45	12.3	B
East 140th Street & Bruckner Boulevard SB (signalized)	EB TR	0.76	59.6	E	EB TR	0.79	62.7	E	EB TR	0.79	62.7	E
	SB (Main) L	1.15	295.7	F	SB (Main) L	1.15	295.7	F	SB (Main) L	1.15	295.7	F
	SB (Main) T	0.62	24.4	C	SB (Main) T	0.69	26.4	C	SB (Main) T	0.69	26.4	C
	SB (Local) T	1.02	68.9	E	SB (Local) T	1.05	77.3	E	SB (Local) T	1.05	77.3	E
East 138th Street & Bruckner Boulevard SB (signalized)	EB TR	0.99	86.9	F	EB TR	1.15	136.0	F	EB TR	1.15	136.0	F
	WB LT	1.13	151.0	F	WB LT	1.25	199.4	F	WB LT	1.25	199.4	F
	SB (Main) T	0.57	19.8	B	SB (Main) T	0.64	21.5	C	SB (Main) T	0.64	21.5	C
	SB (Local) TR	0.93	37.9	D	SB (Local) TR	0.96	42.5	D	SB (Local) TR	0.96	42.5	D
East 138th Street & Bruckner Boulevard NB (signalized)	EB L	0.78	63.9	E	EB L	0.99	98.1	F	EB L	0.99	98.1	F
	EB LT	0.87	74.4	E	EB LT	0.95	89.7	F	EB LT	0.95	89.7	F
	WB T	1.65	371.7	F	WB T	1.65	371.7	F	WB T	1.65	371.7	F
	WB R	2.86	915.4	F	WB R	2.86	915.4	F	WB R	2.86	915.4	F
	NB (Main to Main) T	0.28	15.3	B	NB (Main to Main) T	0.28	15.3	B	NB (Main to Main) T	0.28	15.3	B
	NB (Main to Ramp/Local) T	0.74	36.2	D	NB (Main to Ramp/Local) T	0.95	61.2	E	NB (Main to Ramp/Local) T	0.95	61.2	E
	NB (Local to Local) T	0.55	19.8	B	NB (Local to Local) T	0.65	22.8	C	NB (Local to Local) T	0.65	22.8	C
	NB (Local) R	0.14	14.1	B	NB (Local) R	0.14	14.1	B	NB (Local) R	0.14	14.1	B
<p>Note:</p> <ul style="list-style-type: none"> - Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound. - Lane Group: L-Left, T-Through, R-Right, DefL-Defacto left. - Shading denotes potential significant adverse impact per <i>CEQR Technical Manual</i> criteria. <p>This table has been updated for the FEIS.</p>												

Table 2.16-8
Action-With-Mitigation Conditions at Potentially Impacted Intersections
Saturday Peak Hour

Intersection	No-Action Saturday				With-Action Saturday				Action-with-Mitigation Saturday					
	Lane Approach	V/C Group	Delay Ratio	LOS	Lane Approach	V/C Group	Delay Ratio	LOS	Lane Approach	V/C Group	Delay Ratio	LOS		
East 140th Street & Jackson Avenue (two-way stop-controlled)	EB SB	LTR LT	0.30 0.01	15.3 7.6	C A	EB SB	LTR LT	0.59 0.02	37.1 8.4	E A	EB SB	LTR LT	0.59 0.02	37.1 8.4
East 138th Street & Jackson Avenue (signalized)	EB EB WB SB	LT R LTR LTR	0.54 0.03 0.31 0.60	17.1 10.2 13.1 45.7	B B B D	EB EB WB SB	LT R LTR LTR	0.54 0.03 0.31 0.84	17.2 10.2 13.2 62.8	B B B E	EB EB WB SB	LT R LTR LTR	0.57 0.03 0.33 0.75	20.2 12.0 15.4 50.0
East 141st Street & Bruckner Boulevard SB (signalized)	EB WB SB	TR LT TR	0.29 0.52 0.50	37.8 44.7 10.9	D D B	EB WB SB	TR LT TR	0.59 0.97 0.52	46.6 94.9 11.0	D F B	EB WB SB	TR LT TR	0.55 0.85 0.53	43.4 69.5 12.1
East 141st Street & Bruckner Boulevard NB (signalized)	EB WB WB NB (Main) NB (Local)	L T R T T	0.41 0.42 0.48 0.29 0.26	43.3 40.6 43.8 9.0 8.8	D D D A A	EB WB WB NB (Main) NB (Local)	L T R T T	0.57 0.64 0.59 0.29 0.26	54.7 48.2 49.4 9.0 8.8	D D D A A	EB WB WB NB (Main) NB (Local)	L T R T T	0.51 0.60 0.55 0.29 0.26	47.9 44.8 45.6 9.9 9.7
East 138th Street & Bruckner Boulevard SB (signalized)	EB WB SB (Main) SB (Local)	TR LT T TR	0.82 0.74 0.44 0.56	60.1 49.7 17.4 19.7	E D B B	EB WB SB (Main) SB (Local)	TR LT T TR	0.93 0.80 0.49 0.59	73.5 57.0 18.2 20.1	E E B C	EB WB SB (Main) SB (Local)	TR LT T TR	0.93 0.80 0.49 0.59	73.5 57.0 18.2 20.1
East 138th Street & Bruckner Boulevard NB (signalized)	EB EB WB WB NB (Main to Main) NB (Main to Ramp/Local) NB (Local to Local) NB (Local) NB (Local to Ramp)	L LT T T T	1.00 0.42 1.17 0.82 0.30 1.11 0.30 0.10 1.08	98.0 45.7 174.3 92.7 15.5 100.1 16.0 13.7 211.3	F F F F B F F B F	EB EB WB WB NB (Main to Main) NB (Main to Ramp/Local) NB (Local to Local) NB (Local) NB (Local to Ramp)	L LT T T T	1.16 0.46 1.17 0.82 0.30 1.13 0.37 0.10 1.08	148.8 46.8 174.3 92.7 15.5 108.6 17.2 13.7 211.3	F F F F B F F B F	EB EB WB WB NB (Main to Main) NB (Main to Ramp/Local) NB (Local to Local) NB (Local) NB (Local to Ramp)	L LT T T T	1.16 0.46 1.17 0.82 0.30 1.13 0.37 0.10 1.08	148.8 46.8 174.3 92.7 15.5 108.6 17.2 13.7 211.3

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.

- Lane Group: L-Left, T-Through, R-Right, Defl.-Defacto left.

- Shading denotes potential significant adverse impact per *CEQR Technical Manual* criteria.

This table has been updated for the FEIS.

intersection-two lane groups at two analyzed intersections during the analyzed weekday midday peak hour, and four-five lane groups at two analyzed intersections during the analyzed Saturday peak hour. In total, potential significant adverse impacts to one or more lane groups would remain unmitigated in one or more peak hours at eight analyzed intersections. Consequently, these potential significant impacts would constitute unavoidable significant adverse traffic impacts as a result of the proposed project (see also Section 2.17, “Unavoidable Adverse Impacts-Bronx”).

C. CONSTRUCTION

CONSTRUCTION TRAFFIC

As described in Section 2.15, “Construction-Bronx,” traffic associated with peak construction period activity would have the potential to result in significant adverse traffic impacts at eight study area intersections during one or more analyzed peak hours. Specifically, nine lane groups at seven analyzed intersections during the construction AM peak hour and 14 lane groups at eight analyzed intersections during the construction midday peak hour. Although these potential significant impacts would be temporary, measures to address these temporary impacts were considered. As demonstrated below, some of these potential significant impacts could be mitigated through the implementation of traffic signal timing modifications.

Section 2.16: Mitigation-Bronx

The types of mitigation measures proposed herein are standard measures that are routinely identified by the City and considered feasible for implementation. **Table 2.16-9** summarizes the recommended mitigation measures for each of the intersections with potential significant adverse traffic impacts during the construction AM and midday peak hours. Implementation of the recommended traffic signal timing changes, is subject to review and approval by DOT. In the absence of the application of mitigation measures, the potential temporary impacts would remain unmitigated.

Table 2.16-9
Proposed Traffic Mitigation Measures During Peak Construction Period

Intersection	Signal Phase	No Action Signal Timing (Seconds) ¹		Proposed Signal Timing (Seconds) ¹		Recommended Mitigation
		AM	MD	AM	MD	
East 141st Street & Jackson Avenue	EB/WB NB/SB	30 30	30 30	3332 2728	31 29	- Transfer 32s of green time from NB/SB to EB/WB in AM; 1s in midday. - Potential impact to WB-LTR lane group would remain unmitigated in the <u>weekday</u> midday peak hour.
East 140th Street & Jackson Avenue	Unsignalized					- All potential impacts would remain unmitigated in the <u>weekday</u> AM and midday peak hours.
East 138st Street & Jackson Avenue	Ped EB/WB SB	7 76 37	7 76 37	7 75 38	7 76 37	- Transfer 1s of green time from EB/WB to SB in AM. - All potential impacts would remain unmitigated in the <u>weekday</u> midday peak hour.
East 141st Street & Bruckner Boulevard (NB & SB)	EB/WB NB/SB	36 84	36 84	36 84	40 80	- Transfer 4s of green time from NB/SB to EB/WB in midday. - All potential impacts would remain unmitigated in the <u>weekday</u> AM peak hour.
East 140th Street & Bruckner Boulevard (NB & SB)	EB NB/SB SB/SB-L	36 59 25	36 64 20	36 59 25	36 64 20	- All potential impacts would remain unmitigated in the <u>weekday</u> midday peak hour.
East 138th Street & Bruckner Boulevard (NB & SB)	EB/WB NB/SB NB(Ramp)/SB	30 51 20	30 51 20	30 51 20	30 51 20	- All potential impacts would remain unmitigated in the <u>weekday</u> AM and midday peak hours.

Note :

¹Signal timings shown indicate green plus yellow (including all red) for each phase.

A CTMP will be developed by DDC prior to commencement of construction-related activities. The CTMP will include transportation data collection as well as traffic and pedestrian analyses. The data collection will include traffic and pedestrian counts, worker shift schedules, worker origin-destination and modal split survey data, parking surveys, and truck frequency data. A traffic management plan for the project would be developed as part of the CTMP in order to address the effect of construction-related activity on transportation systems and verify the need for implementing construction-related mitigation measures identified in this EIS or additional routine traffic control measures if as warranted and in coordination with DOT. The CTMP would be submitted to DOT and OCMC for review and approval and would be an on-going process for addressing the effects of construction.

The ~~analyzed traffic locations as well as others that may experience temporary disruptions would be included in the CTMP~~ that would be initiated at the start of construction for the project work area. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which traffic operations would be disrupted as a result of street network access accommodations requested to facilitate the construction effort cannot be made at this time. As the design-build process is initiated, an updated assessment of traffic conditions around the project site would be made as part of the CTMP. DDC, through the

CTMP, and in coordination with DOT and OCMC, will implement as warranted any identified traffic control measures that address~~identify feasible measures that could mitigate any potential disruptions.~~

CONSTRUCTION PEDESTRIANS

~~According to a preliminary assessment of construction generated pedestrian activity, six pedestrian elements were identified as potential impact locations. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, the level of specificity necessary to quantify the extent to which pedestrian operations would be disrupted as a result of construction activity cannot be made at this time. However, an assessment of pedestrian conditions would be included in the CTMP described above. Mitigation measures to address potential impacts to pedestrian elements (sidewalks, corners and crosswalks) typically include signal timing changes, sidewalk and crosswalk widenings or the relocation of street furniture and obstructions. In the event it is found that measures fully mitigating such temporary impacts are infeasible, then unmitigatable significant adverse impacts could occur at the identified pedestrian elements.~~

In addition to the standard traffic mitigation measures identified above, the City will continue to explore other options to further reduce traffic impacts in the vicinity of the Bronx Site. Potential options could include remote parking and shuttle service for construction workers, incentives to encourage transit use, the use of traffic enforcement agents/construction flaggers to facilitate traffic circulation, staged deliveries and queuing, and staggered work hours.

Tables 2.16-10 and 2.16-11 show the v/c ratios, delays, and LOS for lane groups at each analyzed intersection with implementation of the recommended mitigation measures and compares them with No Action and Construction With Action conditions for the analyzed periods. **Tables 2.16-10 and 2.16-11** show that, according to *CEQR Technical Manual* criteria, potential significant adverse impacts due to construction-related vehicle trips would be fully mitigated at three lane groups at two analyzed intersections during the construction AM peak hour. During the construction midday peak hour, four lane groups at three intersections would be fully mitigated. In total, impacts to one or more lane groups would remain unmitigated in one or more analyzed construction period peak hours at eight analyzed intersections. Consequently, these potential significant impacts would constitute unavoidable significant adverse traffic impacts as a result of the proposed project (see also Section 2.17, “Unavoidable Adverse Impacts-Bronx”).

CONSTRUCTION PEDESTRIANS

~~According to a preliminary assessment of construction generated pedestrian activity, seven pedestrian elements were identified as potential impact locations. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, the level of specificity necessary to quantify the extent to which pedestrian operations would be disrupted as a result of construction activity cannot be made at this time. However, an assessment of pedestrian conditions would be included in the CTMP described above. Mitigation measures to address potential impacts to pedestrian elements (sidewalks, corners, and crosswalks) typically include signal timing changes, sidewalk and crosswalk widenings, or the relocation of street furniture and obstructions. If measures fully mitigating such temporary impacts are infeasible or inadequate, then unmitigable significant adverse impacts could occur at the identified pedestrian elements.~~

Section 2.16: Mitigation-Bronx

Table 2.16-10
Construction-With-Mitigation Conditions at Potentially Impacted Intersections
Weekday AM Peak Hour

Intersection	No Action AM Peak Hour					Construction With Action AM Peak Hour					Construction-with-Mitigation AM Peak Hour					
	Lane V/C Delay			Approach	Group Ratio (sec/veh)	LOS	Lane V/C Delay			Approach	Group Ratio (sec/veh)	LOS	Lane V/C Delay			
	Approach	Group Ratio (sec/veh)	LOS				Approach	Group Ratio (sec/veh)	LOS				Approach	Group Ratio (sec/veh)	LOS	
East 141st Street & Jackson Avenue (signalized)	EB	LTR 0.84	40.2	D	EB	LTR 1.02	71.7	E	EB	LTR 0.90	42.6	D	WB	LTR 1.00	55.3	E
	WB	LTR 0.99	53.8	D	WB	LTR 1.08	81.8	F	NB	LTR 0.43	16.7	B	NB	LTR 0.43	16.7	B
	NB	LTR 0.33	13.6	B	NB	LTR 0.39	14.6	B	SB	LTR 0.48	16.5	B	SB	LTR 0.52	19.1	B
	SB	LTR 0.33	13.6	B	SB	LTR 0.48	16.5	B								
East 140th Street & Jackson Avenue (two-way stop-controlled)	EB	LTR 0.61	27.1	D	EB	LTR 1.90	483.8	F	EB	LTR 1.90	483.8	F	SB	LT 0.03	9.4	A
	SB	LT 0.02	7.7	A	SB	LT 0.03	9.4	A								
East 138th Street & Jackson Avenue (signalized)	EB	LT 0.50	16.6	B	EB	LT 0.50	16.6	B	EB	LT 0.51	17.3	B	EB	R 0.06	11.0	B
	EB	R 0.05	10.5	B	EB	R 0.06	10.6	B	WB	LTR 0.37	14.3	B	WB	LTR 0.37	14.9	B
	WB	LTR 0.37	14.3	B	WB	LTR 0.37	14.3	B	SB	LTR 0.79	59.8	E	SB	LTR 0.77	56.4	E
	SB	LTR 0.72	53.2	D	SB	LTR 0.79	59.8	E								
East 141st Street & Bruckner Boulevard SB (signalized)	EB	TR 0.33	38.8	D	EB	TR 0.37	39.7	D	EB	TR 0.37	39.7	D	WB	LT 1.02	98.1	F
	WB	LT 0.45	41.8	D	WB	LT 1.02	98.1	F	SB	TR 0.80	17.0	B	SB	TR 0.80	17.0	B
	SB	TR 0.74	15.0	B	SB	TR 0.80	17.0	B								
East 141st Street & Bruckner Boulevard NB (signalized)	EB	L 0.52	48.3	D	EB	L 1.19	207.2	F	EB	L 1.19	207.2	F	WB	T 1.20	161.1	F
	WB	T 0.48	43.2	D	WB	T 1.20	161.1	F	WB	R 0.52	47.1	D	WB	R 0.52	47.1	D
	WB	R 0.52	47.1	C	WB	R 0.52	47.1	D	NB (Main)	T 0.19	8.3	A	NB (Main)	T 0.19	8.3	A
	NB (Main)	T 0.19	8.3	A	NB (Main)	T 0.19	8.3	A	NB (Local)	T 0.42	10.5	B	NB (Local)	T 0.42	10.5	B
	NB (Local)	T 0.42	10.5	B	NB (Local)	T 0.42	10.5	B								
East 138th Street & Bruckner Boulevard SB (signalized)	EB	TR 0.83	61.3	E	EB	TR 0.84	62.9	E	EB	TR 0.84	62.9	E	WB	LT 1.14	141.3	F
	WB	LT 1.13	137.6	F	WB	LT 1.14	141.3	F	SB (Main)	T 0.75	34.3	C	SB (Main)	T 0.75	34.3	C
	SB (Main)	T 0.72	31.4	C	SB (Main)	T 0.75	34.3	C	SB (Local)	TR 0.92	36.7	D	SB (Local)	TR 0.92	36.7	D
	SB (Local)	TR 0.92	36.7	D	SB (Local)	TR 0.92	36.7	D								
East 138th Street & Bruckner Boulevard NB (signalized)	EB	L 0.84	68.9	E	EB	L 0.86	71.9	E	EB	L 0.86	71.9	E	EB	LT 0.60	52.1	D
	EB	LT 0.59	51.8	D	EB	LT 0.60	52.1	D	WB	T 1.85	462.8	F	WB	T 1.85	462.8	F
	WB	T 1.85	462.8	F	WB	T 1.85	462.8	F	WB	R 1.24	216.8	F	WB	R 1.24	216.8	F
	WB	R 1.24	216.8	F	NB (Main to Main)	T 0.19	14.4	B	NB (Main to Main)	T 0.19	14.4	B	NB (Main to Main)	T 0.19	14.4	B
	NB (Main to Main)	T 0.19	14.4	B	NB (Main to Main)	T 0.19	14.4	B	NB (Main to Ramp/Local)	T 1.17	123.0	F	NB (Main to Ramp/Local)	T 1.17	123.0	F
	NB (Main to Ramp/Local)	T 1.07	83.2	F	NB (Main to Ramp/Local)	T 1.17	123.0	F	NB (Local to Local)	T 0.79	30.1	C	NB (Local to Local)	T 0.79	30.1	C
	NB (Local to Local)	T 0.68	25.1	C	NB (Local to Local)	T 0.79	30.1	C	NB (Local)	R 0.13	13.9	B	NB (Local)	R 0.13	13.9	B
	NB (Local)	R 0.13	13.9	B	NB (Local)	R 0.13	13.9	B	NB (Local to Ramp)	T 1.10	150.8	F	NB (Local to Ramp)	T 1.10	150.8	F
	NB (Local to Ramp)	T 1.10	150.8	F	NB (Local to Ramp)	T 1.10	150.8	F								

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.
- Lane Group: L-Left, T-Through, R-Right, DefL-Defacto left.
- Shading denotes potential significant adverse impact per CEQR Technical Manual criteria.

This table has been updated for the FEIS.

Table 2.16-11

Construction-With-Mitigation Conditions at Potentially Impacted Intersections
Weekday Midday Peak Hour

Intersection	No Action Midday Peak Hour			Construction With Action Midday Peak Hour			Construction-with-Mitigation Midday Peak Hour								
	Approach	Lane	V/C	Delay	Approach	Lane	V/C	Delay	Approach	Lane	V/C	Delay			
		Group	Ratio	(sec/veh)		Group	Ratio	(sec/veh)		Group	Ratio	(sec/veh)			
East 141st Street & Jackson Avenue (signalized)	EB	LTR	0.84	42.8	D	EB	LTR	0.92	51.0	D	EB	LTR	0.88	43.7	D
	WB	LTR	0.91	37.6	D	WB	LTR	1.98	464.4	F	WB	LTR	1.89	427.2	F
	NB	LTR	0.38	14.2	B	NB	LTR	0.38	14.3	B	NB	LTR	0.40	15.3	B
	SB	LTR	0.34	13.7	B	SB	LTR	0.35	13.9	B	SB	LTR	0.37	14.9	B
East 140th Street & Jackson Avenue (two-way stop-controlled)	EB	LTR	0.76	41.2	E	EB	LTR	3.26	1127.0	F	EB	LTR	3.26	1127.0	F
	SB	LT	0.03	7.9	A	SB	LT	0.06	9.8	A	SB	LT	0.06	9.8	A
East 138th Street & Jackson Avenue (signalized)	EB	LT	0.58	18.4	B	EB	LT	0.59	18.6	B	EB	LT	0.59	18.6	B
	EB	R	0.08	10.8	B	EB	R	0.08	10.8	B	EB	R	0.08	10.8	B
	WB	LTR	0.34	13.6	B	WB	LTR	0.34	13.7	B	WB	LTR	0.34	13.7	B
	SB	LTR	0.62	47.7	D	SB	LTR	1.35	219.0	F	SB	LTR	1.35	219.0	F
East 141st Street & Bruckner Boulevard SB (signalized)	EB	TR	0.44	41.7	D	EB	TR	0.72	54.7	D	EB	TR	0.64	45.8	D
	WB	LT	0.54	46.2	D	WB	LT	0.73	60.8	E	WB	LT	0.57	44.9	D
	SB	TR	0.75	15.4	B	SB	TR	0.76	15.5	B	SB	TR	0.80	18.8	B
East 141st Street & Bruckner Boulevard NB (signalized)	EB	L	0.73	65.1	E	EB	L	0.77	70.4	E	EB	L	0.63	51.7	D
	WB	T	0.43	41.0	D	WB	T	0.47	42.1	D	WB	T	0.41	37.5	D
	WB	R	1.24	181.1	F	WB	R	1.24	181.1	F	WB	R	1.07	117.6	F
	NB (Main)	T	0.30	9.2	A	NB (Main)	T	0.30	9.2	A	NB (Main)	T	0.32	11.0	B
	NB (Local)	T	0.43	10.7	B	NB (Local)	T	0.43	10.7	B	NB (Local)	T	0.46	12.9	B
East 140th Street & Bruckner Boulevard SB (signalized)	EB	TR	0.76	59.6	E	EB	TR	0.76	59.6	E	EB	TR	0.76	59.6	E
	SB (Main)	L	1.15	295.7	F	SB (Main)	L	1.15	295.7	F	SB (Main)	L	1.15	295.7	F
	SB (Main)	T	0.62	24.4	C	SB (Main)	T	0.67	25.6	C	SB (Main)	T	0.67	25.6	C
	SB (Local)	T	1.02	68.9	E	SB (Local)	T	1.09	93.2	F	SB (Local)	T	1.09	93.2	F
East 138th Street & Bruckner Boulevard SB (signalized)	EB	TR	0.99	86.9	F	EB	TR	1.39	236.3	F	EB	TR	1.39	236.3	F
	WB	LT	1.13	151.0	F	WB	LT	1.41	266.6	F	WB	LT	1.41	266.6	F
	SB (Main)	T	0.57	19.8	B	SB (Main)	T	0.62	20.8	C	SB (Main)	T	0.62	20.8	C
	SB (Local)	TR	0.93	37.9	D	SB (Local)	TR	1.01	53.1	D	SB (Local)	TR	1.01	53.1	D
East 138th Street & Bruckner Boulevard NB (signalized)	EB	L	0.78	63.9	E	EB	L	1.31	209.4	F	EB	L	1.31	209.4	F
	EB	LT	0.87	74.4	E	EB	LT	1.09	127.8	F	EB	LT	1.09	127.8	F
	WB	T	1.65	371.7	F	WB	T	1.65	371.7	F	WB	T	1.65	371.7	F
	WB	R	2.86	915.4	F	WB	R	2.86	915.4	F	WB	R	2.86	915.4	F
	NB (Main to Main)	T	0.28	15.3	B	NB (Main to Main)	T	0.28	15.3	B	NB (Main to Main)	T	0.28	15.3	B
	NB (Main to Ramp/Local)	T	0.74	36.2	D	NB (Main to Ramp/Local)	T	0.93	56.8	E	NB (Main to Ramp/Local)	T	0.93	56.8	E
	NB (Local to Local)	T	0.55	19.8	B	NB (Local to Local)	T	0.56	20.0	C	NB (Local to Local)	T	0.56	20.0	C
	NB (Local)	R	0.14	14.1	B	NB (Local)	R	0.14	14.1	B	NB (Local)	R	0.14	14.1	B
	NB (Local to Ramp)	T	1.09	141.8	F	NB (Local to Ramp)	T	1.09	141.8	F	NB (Local to Ramp)	T	1.09	141.8	F

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.

- Lane Group: L-Left, T-Through, R-Right, Defl-Defl-Defl left.

- Shading denotes potential significant adverse impact per CEQR Technical Manual criteria.

This table has been updated for the FEIS.

CONSTRUCTION NOISE

Section 2.15, "Construction-Bronx," concludes that construction of the proposed project would have the potential to result in a significant adverse construction noise impact at one noise receptor adjacent to the construction work area. The construction noise analysis concluded that construction of the proposed project would have the potential to result in construction noise levels that exceed *CEQR Technical Manual* noise impact criteria for an extended period of time at the residential building at 359 Southern Boulevard. Source or path controls beyond those already identified in Section 2.15 were considered for feasibility and effectiveness in reducing the level of construction noise at the receptors that have the potential to experience significant adverse construction noise impacts. These measures may include enclosing the concrete pump and concrete mixer trucks at any time that the mixer barrels would be spinning in a shed or tunnel including two or three walls and a roof, with the opening or openings facing away from receptors. This measure may provide approximately 10 to 15 dBA reduction in concrete operation noise. However, it would not substantially reduce noise from hoist or tower crane operations, which are major contributors to the predicted construction noise impacts. Additionally, selecting quieter

Section 2.16: Mitigation-Bronx

equipment models for cranes, generators, compressors, and lifts may result in up to a 10 dBA reduction in noise levels from construction during superstructure and subsequent phases. This is subject to the availability of quieter equipment in the quantities necessary to complete the proposed project in the projected timeframe. These measures, if implemented, may partially mitigate the predicted construction noise impacts, because there would still be times when construction of the proposed project may result in exceedances of acceptable noise levels at these receptors. Therefore, construction of the proposed project would have the potential to result in unmitigated significant adverse noise impacts at the residential building at 359 Southern Boulevard.

*

A. INTRODUCTION

This section considers mitigation measures to address potential significant adverse impacts generated by the proposed project at the Brooklyn Site. The potential for significant adverse impacts were identified in the technical areas of historic and cultural resources, transportation, construction-period transportation and construction-period noise. Measures have been examined to minimize or eliminate these anticipated impacts, and are discussed below.

~~As described below, measures to further mitigate adverse impacts will be refined and evaluated between the Draft and Final EIS. Therefore, the Final EIS may include more complete information and commitments on all practicable mitigation measures to be implemented with the proposed project.~~

PRINCIPAL CONCLUSIONS***HISTORIC AND CULTURAL RESOURCES***

As discussed in Section 3.5, “Historic and Cultural Resources-Brooklyn,” the S/NR-eligible Brooklyn Central Courthouse (also known as the Kings County Criminal Court) at 120 Schermerhorn Street is located within 90 feet of the project site. To avoid the potential for direct, physical impacts to the courthouse building during construction of the proposed project, a Construction Protection Plan (CPP) would be developed in coordination with the New York City Landmarks Preservation Commission (LPC) and implemented in consultation with a licensed professional engineer. ~~The Brooklyn Central Courthouse would also potentially be directly and indirectly impacted through the construction of new pedestrian bridges from 275 Atlantic Street to the courthouse. Mitigation cannot be fully defined due to the fact that there are no designs or details with respect to the proposed pedestrian bridges. Therefore, to minimize or mitigate the potential significant adverse impact to the historic appearance of the State Street façade of the courthouse resulting from the construction of pedestrian bridges, consultation would be undertaken with LPC regarding their design and how and where the bridges would connect to the south façade of the Brooklyn Central Courthouse. Following consultation with LPC, if the significant adverse impact of the new pedestrian bridges cannot be fully or partially mitigated, the bridges would constitute an unmitigated adverse impact. The Applicant may also consider other options, such as the potential construction of a tunnel from 275 Atlantic Avenue to 120 Schermerhorn Street, which would avoid the significant adverse impact.~~

TRANSPORTATION

As discussed in Section 3.9, “Transportation-Brooklyn,” the proposed project would have the potential to result in significant adverse impacts to vehicular traffic at 10 analyzed intersections during some or all of the analyzed peak periods. Mitigation measures that could address these potential traffic impacts are discussed below. In addition, as discussed in Section 3.9, there is no anticipated potential for transit, pedestrian, or parking-related impacts likely as a result of the proposed project; therefore, those transportation modes will not be discussed below.

Traffic

As described in Section 3.9, “Transportation-Brooklyn,” the proposed project would have the potential to result in significant adverse traffic impacts at 10 study area intersections during one or more analyzed peak hours; specifically, ~~7-6~~ lane groups at ~~6-5~~ analyzed intersections during the analyzed weekday AM peak hour, ~~18-16~~ lane groups at 10 analyzed intersections during the analyzed midday peak hour, and ~~10-11~~ lane groups at ~~7-8~~ analyzed intersections during the analyzed Saturday peak hour. Implementation of signal timing changes are being proposed and would provide mitigation for some, but not all, of the potential traffic impacts. These proposed traffic engineering improvements measures are subject to review and approval by the New York City Department of Transportation (DOT). If these measures are deemed infeasible or inadequate, other potential measures will be considered in consultation with DOT. Potential measures typically include modifications to signal timings, street markings, lane configurations, and/or parking regulations. In the absence of the application of mitigation measures, the impacts would remain unmitigated. Consequently, these potential significant impacts would constitute unavoidable significant adverse traffic impacts as a result of the proposed project (see also Section 3.16, “Unavoidable Adverse Impacts-Brooklyn”).

Table 3.15-1 shows, assuming all the proposed mitigation measures were to be implemented, that potential significant adverse impacts would be fully mitigated at ~~four~~three lane groups at ~~four~~three analyzed intersections during the analyzed weekday AM peak hour, ~~four~~three lane groups at three analyzed intersections in the analyzed midday peak hour, and ~~four~~five lane groups at ~~two~~three analyzed intersections during the analyzed Saturday peak hour. **Table 3.15-2** provides a more detailed summary of the analyzed intersections and lane groups that have the potential for unmitigated significant adverse traffic impacts. As shown in **Table 3.15-2**, impacts would remain at three lane groups at two analyzed intersections during the analyzed weekday AM peak hour, at ~~14-13~~ lane groups at eight intersections during the analyzed weekday midday peak hour, and 6 lane groups at five analyzed intersections during the analyzed Saturday peak hour.

Table 3.15-1
Summary of Lane Groups/Intersections with
Potentially Significant Adverse Traffic Impacts

Net Increment	Lane Groups/ Intersections Analyzed	Lane Groups/ Intersections With No Significant Impacts	Lane Groups/ Intersections With Significant Impacts	Mitigated Lane Groups/ Intersections	Unmitigated Lane Groups/ Intersections
Weekday AM	52/12	<u>45/646/7</u>	<u>7/66/5</u>	<u>4/43/3</u>	3/2
Weekday Midday	50/12	<u>32/234/2</u>	<u>18/1016/10</u>	<u>4/23/2</u>	<u>14/813/8</u>
Saturday	50/12	<u>40/539/4</u>	<u>10/711/8</u>	<u>4/25/3</u>	6/5

Table 3.15-2
Lane Groups With Potentially Unmitigated Significant Adverse Traffic Impacts

Intersection	Peak Hour		
	Weekday AM	Weekday Midday	Saturday
Columbia Street and Atlantic Avenue	---	WB-L	WB-L
Clinton Street and Atlantic Avenue	---	EB-LT, WB-TR	EB-LT, NB-LTR
Court Street and Atlantic Avenue	---	WB-T	---
Boerum Place and Atlantic Avenue	EB-TR	EB-L, EB-TR, WB-LT, SB-R	---
Smith Street and Atlantic Avenue	EB-LT, WB-TR	EB-LT, NB-L	EB-LT
State Street and Smith Street	---	NB-TR	---
Schermerhorn Street and Boerum Place	---	WB-LTR	WB-LTR
Schermerhorn Street and Smith Street	---	NB-L, NB-TR	NB-TR

Notes:
NB—northbound; SB—southbound; EB—eastbound; WB—westbound; L—left-turn; T—through; R—right-turn

CONSTRUCTION

Construction Traffic

As described in Section 3.14, “Construction-Brooklyn,” traffic conditions during the period when construction-related traffic is anticipated to be highest were evaluated. The analysis determined that construction traffic associated with peak construction period activity would have the potential to result in significant adverse traffic impacts at 1344 study area intersections during one or more analyzed construction period peak hours. Specifically, 1048 lane groups at 942 analyzed intersections during the construction AM peak hour and 1345 lane groups at 11 analyzed intersections during the construction midday peak hour. Although these impacts would be temporary, measures to address these temporary impacts were considered. Implementation of signal-timing changes are being proposed and would provide mitigation for some, but not all, of the temporary traffic impacts. These proposed traffic engineering improvements measures are subject to review and approval by DOT. In the absence of the application of mitigation measures, the potential temporary impacts would remain unmitigated. Nonetheless, because potential mitigation measures cannot be thoroughly analyzed because detailed design drawings have not been drafted, and the extent such measures mitigate potential transportation construction impacts cannot be quantified (if at all), such significant adverse impacts would constitute unavoidable significant adverse impacts.

Table 3.15-3 shows that with the implementation of all of the proposed mitigation measures, potential significant adverse impacts due to construction-related vehicle trips would be fully mitigated at seveneight lane groups at six analyzed intersections during the construction AM peak hour. During the construction midday peak hour, five lane groups at five analyzed intersections would be fully mitigated. **Table 3.15-4** provides a more detailed summary of the intersections and lane groups that have the potential for unmitigated significant adverse traffic impacts during construction. As shown in **Table 3.15-4**, potential significant impacts would remain at three10 lane groups at three analyzed intersections during the construction AM peak hour and at eight lane groups at seven analyzed intersections during both the analyzed construction AM and midday peak hours.

Table 3.15-3
Summary of Lane Groups/Intersections with
Potentially Significant Adverse Traffic Impacts

Net Increment	Lane Groups/ Intersections Analyzed	Lane Groups/ Intersections With No Significant Impacts	Lane Groups/ Intersections With Significant Impacts	Mitigated Lane Groups/ Intersections	Unmitigated Lane Groups/ Intersections
AM Peak Hour	73/15	63/6	10/9	7/6	3/3
Midday Peak Hour	76/15	63/4	13/11	5/4	8/7

This table has been updated for the FEIS.

Table 3.15-4
Lane Groups With Potentially Unmitigated Significant Adverse Traffic Impacts

Intersection	AM Peak Hour	Midday Peak Hour
Columbia Street and Atlantic Avenue	---	WB-L
Clinton Street and Atlantic Avenue	EB-LT	WB-TR
Court Street and Atlantic Avenue	---	WB-T
Smith Street and Atlantic Avenue	WB-TR	---
Nevins Street and Atlantic Avenue	---	SB-LTR
Smith Street and Livingston Street	---	EB-LTR
Boerum Place and Livingston Street	---	EB-L, EB-TR
Adams Street and Livingston Street	WB-L	---
Jay Street and Livingston Street	---	NB-R

Notes:

NB—northbound; SB—southbound; EB—eastbound; WB—westbound; L—left-turn; T—through; R—right-turn

This table has been updated for the FEIS.

A Construction Transportation Monitoring Plan (CTMP) will be developed by the Department of Design and Construction (DDC) prior to commencement of construction-related activities. The CTMP will include transportation data collection as well as traffic and pedestrian analyses. The data collection will include traffic and pedestrian counts, worker shift schedules, worker origin-destination and modal split survey data, parking surveys, and truck frequency data. A traffic management plan for the project would be developed as part of the CTMP in order to address the effect of construction-related activity on transportation systems and verify the need for implementing construction-related mitigation measures identified in this EIS or additional routine traffic control measures as warranted and in consultation with DOT. The CTMP would be submitted to DOT and OCMC for review and approval and would be an on-going process for addressing the effects of construction.

The analyzed traffic locations as well as others that may experience temporary disruptions would be included in the CTMP that would be initiated at the start of construction for the project work area. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which traffic operations would be disrupted as a result of street network access accommodations requested to facilitate the construction effort cannot be made at this time. As the design-build process is initiated, an updated assessment of traffic conditions around the project site would be made as part of the CTMP. DDC, through the CTMP, in coordination with DOT and OCMC, will implement as warranted any identified routine traffic control measures that address identify feasible measures that could mitigate any potential disruptions.

Construction Pedestrians

According to a preliminary assessment of construction generated pedestrian activity, ~~two~~^{seventeen} pedestrian elements were identified as potential significant impact locations. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which pedestrian operations would be disrupted as a result of construction activity cannot be made at this time. However, an assessment of pedestrian conditions would be included in the CTMP described above. In the event it is found that measures fully mitigating such temporary impacts are infeasible or inadequate, then unmitigable significant adverse impacts could occur at the identified pedestrian elements.

Construction Noise

Section 3.14, “Construction-Brooklyn,” concludes that construction of the proposed project would have the potential to result in a significant adverse construction noise impact at the southern and western façades of 239 State Street and the southern and eastern façades of the Kings County Criminal Court. Source or path controls beyond those already identified in Section 3.14 were considered for feasibility and effectiveness in reducing the level of construction noise at the receptors that have the potential to experience significant adverse construction noise impacts. These measures may include enclosing the concrete pump and concrete mixer trucks at any time that the mixer barrels would be spinning in a shed or tunnel including two or three walls and a roof, with the opening or openings facing away from receptors. Additionally, selecting quieter equipment models for cranes, generators, compressors, and lifts may result in a reduction in noise levels from construction during superstructure and subsequent phases. This is subject to the availability of quieter equipment in the quantities necessary to complete the proposed project in the projected timeframe. These measures, if implemented, would partially mitigate the predicted construction noise impacts, because there would still be times when construction of the proposed project would result in exceedances of acceptable noise levels at these receptors. Therefore, construction of the proposed project would result in unmitigated significant adverse noise impacts at the southern and western façades of 239 State Street and the southern and eastern façades of the Kings County Criminal Court.

B. HISTORIC AND CULTURAL RESOURCES

As discussed in Section 3.5, “Historic and Cultural Resources-Brooklyn,” the S/NR-eligible Brooklyn Central Courthouse (also known as Kings County Criminal Court) at 120 Schermerhorn Street is located within 90 feet of the project site. To avoid the potential for direct, physical impacts to the courthouse building during construction of the proposed project, a CPP would be developed in coordination with LPC and implemented in consultation with a licensed professional engineer. The CPP would be prepared as set forth in Section 522 of the *City Environmental Quality Review (CEQR) Technical Manual* and in compliance with the procedures included in the New York City Department of Building (DOB)’s Technical Policy and Procedure Notices (TPPN) #10/88 and LPC’s *Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings*. The CPP would include provisions for preconstruction inspections, monitoring the buildings for cracks and movement, installation of physical protection as appropriate at the Brooklyn Central Courthouse, and provisions for stopping work as appropriate if monitoring thresholds are exceeded or damage occurs to the affected historic resource. ~~The Brooklyn Central Courthouse would also potentially be directly and indirectly impacted through the construction of new pedestrian bridges from 275 Atlantic Street to the courthouse. Mitigation~~

~~cannot be fully defined due to the fact that there are no designs or details with respect to the proposed pedestrian bridges. Therefore, to minimize or mitigate the potential significant adverse impact to the historic appearance of the State Street façade of the courthouse resulting from the construction of pedestrian bridges, consultation would be undertaken with LPC regarding their design and how and where the bridges would connect to the south façade of the Brooklyn Central Courthouse. Following consultation with LPC, if the significant adverse impact of the new pedestrian bridges cannot be fully or partially mitigated, the bridges would constitute an unmitigated adverse impact. The Applicant may also consider other options, such as the potential construction of a tunnel from 275 Atlantic Avenue to 120 Schermerhorn Street, which would avoid the significant adverse impact.~~

C. TRANSPORTATION

The proposed project would result, as detailed below, in the potential for significant adverse impacts to vehicular traffic at 10 analyzed intersections. Mitigation measures that could address these potential traffic impacts are discussed below.

TRAFFIC

As described in Section 3.9, “Transportation-Brooklyn,” the proposed project would result in the potential for significant adverse traffic impacts at 10 study area intersections during one or more analyzed peak hours; specifically, ~~76~~ lane groups at ~~65~~ analyzed intersections during the analyzed weekday AM peak hour, ~~4816~~ lane groups at 10 analyzed intersections during the analyzed midday peak hour, and ~~4011~~ lane groups at ~~78~~ analyzed intersections during the analyzed Saturday peak hour. As demonstrated below, some of these potential significant impacts could be mitigated through the implementation of traffic signal timing modifications.

The types of mitigation measures proposed herein are standard measures that are routinely identified by the City and considered feasible for implementation. **Table 3.15-5** summarizes the recommended mitigation measures for each of the intersections with potentially significant adverse traffic impacts during the analyzed weekday AM and midday peak hours, and Saturday peak hour. Implementation of the recommended traffic engineering measures, specifically traffic signal timing changes, is subject to review and approval by DOT. If these measures are deemed infeasible or inadequate, other potential measures will be considered in consultation with DOT. Potential measures typically include modifications to signal timings, street markings, lane configurations and/or parking regulations. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

Table 3.15-6 shows the v/c ratios, delays, and levels of service (LOS) for lane groups at each analyzed intersection with implementation of the recommended mitigation measures and compares them with No Action and With Action conditions for the analyzed weekday AM, weekday midday, and Saturday peak hours, respectively. According to *CEQR Technical Manual* criteria, a potential significant impact is considered fully mitigated when the resulting LOS degradation under the Action-with-Mitigation condition compared with the No Action condition

Section 3.15: Mitigation-Brooklyn

Table 3.15-5
Proposed Traffic Mitigation Measures

Intersection	Signal Phase	No Action Signal Timing (Seconds) ¹			Proposed Signal Timing (Seconds) ¹			Recommended Mitigation
		AM	MD	SAT	AM	MD	SAT	
Columbia Street & Atlantic Avenue	EB/WB NB	70 50	50 70	50 70	70 50	50 70	50 70	- All potential impacts would remain unmitigated in the weekday midday and Saturday peak hours.
BQE Off-Ramp & Atlantic Avenue	EB/WB EB/WB-R EB-T/WB-T NB-L/WB-R	50 17 32 21	50 17 32 21	50 17 32 21	50 18 31 21	50 19 30 21	50 19 30 21	- Transfer 1s of green time from EB-T/WB-T to EB/WB-R in midday; and 2s in Saturday.
Clinton Street & Atlantic Avenue	PED EB/WB NB	8 57 55	8 57 55	8 70 42	8 57 55	8 70 42	8 70 42	- All potential impacts would remain unmitigated in the weekday midday and Saturday peak hours.
Court Street & Atlantic Avenue	PED WB EB/WB SB	7 13 58 42	7 13 51 49	7 11 65 37	7 13 60 40	7 11 53 47	7 11 65 37	- Transfer 2s of green time from SB to EB/WB in AM and midday. - Potential impact to WB-T lane group would remain unmitigated in the midday peak hour.
Boerum Place & Atlantic Avenue	EB-L/SB-R EB/WB SB-L/SB-T/WB-R SB/WB-R	26 43 7 44	26 42 7 45	26 43 7 44	26 42 7 45	26 44 7 43	26 44 7 43	- Transfer 2s of green time from SB/WB-R to EB/WB in Saturday. - All potential impacts would remain unmitigated in the weekday AM and midday peak hours.
Smith Street & Atlantic Avenue	PED EB/WB NB	7 65 48	7 75 38	7 70 43	7 65 48	7 75 38	7 70 43	- All potential impacts would remain unmitigated in the weekday AM, weekday midday and Saturday peak hours.
State Street & Boerum Place	EB NB/SB	42 78	42 78	42 78	42 78	43 77	43 77	- Transfer 1s of green time from NB to EB in midday and Saturday.
State Street & Smith Street	EB NB	36 54	36 54	36 54	36 54	36 54	36 54	- All potential impacts would remain unmitigated in the weekday midday peak hour.
Schermerhorn Street & Boerum Place	WB NB/SB	42 78	42 78	42 78	44 76	42 78	42 78	- Transfer 2s of green time from NB/SB to WB in AM. - All potential impacts would remain unmitigated in the weekday midday and Saturday peak hours.
Schermerhorn Street & Smith Street	WB NB SB	36 36 18	36 36 18	36 37 18	35 36 18	36 36 18	36 36 18	- Transfer 1s of green time from WB to NB in AM. - All potential impacts would remain unmitigated in the weekday midday and Saturday peak hours.

Note :

¹Signal timings shown indicate green plus yellow (including all red) for each phase.

This table has been updated for the FEIS.

is no longer deemed significant following the impact criteria described in Section 3.9. **Table 3.15-6** through **3.15-8** show that potential significant adverse impacts would be fully mitigated at ~~four~~^{three} lane groups at ~~four~~^{three} analyzed intersections during the analyzed weekday AM peak hour, ~~four~~^{three} lane groups at three analyzed intersections in the analyzed midday peak hour, and ~~four~~^{five} lane groups at ~~two~~^{three} analyzed intersections during the analyzed Saturday peak hour. In total, potential significant adverse impacts to one or more lane groups would remain unmitigated in one or more analyzed peak hours at eight analyzed intersections. Consequently, these potential significant impacts would constitute unavoidable significant adverse traffic impacts as a result of the proposed project (see also Section 3.16, “Unavoidable Adverse Impacts-Brooklyn”).

Table 3.15-6
Action-With-Mitigation Conditions at Potentially Impacted Intersections
Weekday AM Peak Hour

Intersection	No-Action Weekday AM				With-Action Weekday AM				Action-with-Mitigation Weekday AM						
	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS
Court Street & Atlantic Avenue (signalized)	EB	TR	0.52	23.2	C	EB	TR	0.58	24.4	C	EB	TR	0.56	22.4	C
	WB	L	0.36	21.2	C	WB	L	0.38	23.0	C	WB	L	0.37	21.0	C
	WB	T	0.99	57.8	E	WB	T	1.03	69.6	E	WB	T	1.00	59.8	E
	SB	LTR	0.57	38.8	D	SB	LTR	0.57	38.8	D	SB	LTR	0.61	41.4	D
Boerum Place & Atlantic Avenue (signalized)	EB	L	0.64	26.1	C	EB	L	0.66	27.4	C	EB	L	0.66	27.4	C
	EB	TR	0.97	81.0	F	EB	TR	1.13	128.2	F	EB	TR	1.13	128.2	F
	WB	LT	0.79	44.9	D	WB	LT	0.82	47.1	D	WB	LT	0.82	47.1	D
	WB	R	1.09	72.7	E	WB	R	1.09	73.7	E	WB	R	1.09	73.7	E
	SB	L	0.44	28.8	C	SB	L	0.47	29.3	C	SB	L	0.47	29.3	C
	SB	T	0.22	25.8	C	SB	T	0.22	25.8	C	SB	T	0.22	25.8	C
Smith Street & Atlantic Avenue (signalized)	R	0.41	18.8	B	SB	R	0.48	20.4	C	SB	R	0.48	20.4	C	
	---	---	---	---	---	EB	DefL	2.23	634.8	F	EB	DefL	2.23	634.8	F
	---	---	---	---	---	EB	T	1.09	86.8	F	EB	T	1.09	86.8	F
	EB	LT	0.92	39.4	D	EB	LT	n/a	178.4	F	EB	LT	n/a	178.4	F
	WB	TR	1.19	123.4	F	WB	TR	1.22	135.5	F	WB	TR	1.22	135.5	F
	NB	L	0.67	41.1	D	NB	L	0.68	41.5	D	NB	L	0.68	41.5	D
Boerum Place & Schermerhorn Street (signalized)	NB	TR	1.22	165.3	F	NB	TR	1.21	158.9	F	NB	TR	1.21	158.9	F
	WB	LTR	0.74	51.3	D	WB	LTR	0.83	60.2	E	WB	LTR	0.78	53.0	D
	NB	L	0.16	11.3	B	NB	L	0.16	11.5	B	NB	L	0.17	12.5	B
	NB	T	0.47	13.6	B	NB	T	0.47	13.6	B	NB	T	0.48	14.7	B
Smith Street & Schermerhorn Street (signalized)	SB	TR	0.34	11.9	B	SB	TR	0.35	12.1	B	SB	TR	0.36	13.1	B
	WB	TR	0.66	34.4	C	WB	TR	0.66	34.4	C	WB	TR	0.69	36.6	D
	NB	L	0.19	21.8	C	NB	L	0.28	23.4	C	NB	L	0.27	22.5	C
	NB	TR	1.15	123.6	F	NB	TR	1.19	135.8	F	NB	TR	1.15	120.7	F
Smith Street & Schermerhorn Street (signalized)	SB	L	0.50	43.7	D	SB	L	0.50	43.7	D	SB	L	0.50	43.7	D
	SB	R	0.26	38.1	D	SB	R	0.26	38.1	D	SB	R	0.26	38.1	D

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.

- Lane Group: L-Left, T-Through, R-Right, DefL-Defacto left.

- Shading denotes potential significant adverse impact per *CEQR Technical Manual* criteria.

This table has been updated for the FEIS.

Section 3.15: Mitigation-Brooklyn

Table 3.15-7
Action-With-Mitigation Conditions at Potentially Impacted Intersections
Weekday Midday Peak Hour

Intersection	No-Action Weekday Midday					With-Action Weekday Midday					Action-with-Mitigation Weekday Midday				
	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS
Columbia Street & Atlantic Avenue (signalized)	EB	T	0.15	25.2	C	EB	T	0.15	25.2	C	EB	T	0.15	25.2	C
	WB	L	1.39	232.1	F	WB	L	1.68	358.7	F	WB	L	1.68	358.7	F
	WB	LT	0.53	34.1	C	WB	LT	0.58	35.9	D	WB	LT	0.58	35.9	D
	NB	LR	0.32	16.5	B	NB	LR	0.32	16.5	B	NB	LR	0.32	16.5	B
	NB	R	0.33	16.7	B	NB	R	0.33	16.7	B	NB	R	0.33	16.7	B
BQE NB Off-Ramp & Atlantic Avenue (signalized)	EB	L	0.48	40.0	D	EB	L	0.53	45.6	D	EB	L	0.52	44.7	D
	EB	T	0.12	3.2	A	EB	T	0.12	3.2	A	EB	T	0.12	3.2	A
	WB	R	0.71	21.5	C	WB	R	0.78	24.9	C	WB	R	0.79	26.2	C
	WB	T	0.69	15.0	B	WB	T	0.69	15.0	B	WB	T	0.68	14.2	B
	NB	L	0.23	49.4	D	NB	L	0.23	49.4	D	NB	L	0.23	49.4	D
Clinton Street & Atlantic Avenue (signalized)	EB	LT	1.17	128.3	F	EB	LT	1.28	170.9	F	EB	LT	1.28	170.9	F
	WB	TR	0.84	39.5	D	WB	TR	0.91	46.1	D	WB	TR	0.91	46.1	D
	NB	LTR	0.85	49.4	D	NB	LTR	0.86	50.7	D	NB	LTR	0.86	50.7	D
Court Street & Atlantic Avenue (signalized)	EB	TR	1.04	92.2	F	EB	TR	1.11	116.3	F	EB	TR	1.04	91.0	F
	WB	L	0.60	44.5	D	WB	L	0.64	48.9	D	WB	L	0.62	45.3	D
	WB	T	1.42	297.3	F	WB	T	1.55	356.9	F	WB	T	1.50	329.0	F
	SB	LTR	0.52	33.7	C	SB	LTR	0.53	33.8	C	SB	LTR	0.56	36.0	D
Boerum Place & Atlantic Avenue (signalized)	EB	L	0.79	40.5	D	EB	L	0.85	47.3	D	EB	L	0.85	47.3	D
	EB	TR	1.49	385.8	F	EB	TR	1.61	436.9	F	EB	TR	1.61	436.9	F
	WB	LT	1.55	305.2	F	WB	LT	1.75	394.9	F	WB	LT	1.75	394.9	F
	WB	R	0.84	20.8	C	WB	R	0.87	23.3	C	WB	R	0.87	23.3	C
	SB	L	0.66	33.8	C	SB	L	0.68	34.2	C	SB	L	0.68	34.2	C
	SB	T	0.85	55.7	E	SB	T	0.85	55.7	E	SB	T	0.85	55.7	E
Smith Street & Atlantic Avenue (signalized)	EB	LT	0.96	43.2	D	EB	LT	1.28	159.6	F	EB	LT	1.28	159.6	F
	WB	TR	0.91	35.0	D	WB	TR	0.94	39.1	D	WB	TR	0.94	39.1	D
	NB	L	1.16	162.1	F	NB	L	1.21	182.3	F	NB	L	1.21	182.3	F
	NB	TR	1.24	181.4	F	NB	TR	1.25	183.3	F	NB	TR	1.25	183.3	F
State Street & Boerum Place (signalized)	EB	LTR	1.06	104.5	F	EB	LTR	1.09	115.6	F	EB	LTR	1.06	104.0	F
	NB	TR	0.40	12.7	B	NB	TR	0.41	12.8	B	NB	TR	0.42	13.4	B
	SB	LT	0.83	23.4	C	SB	LT	0.88	26.3	C	SB	LT	0.89	28.0	C
State Street & Smith Street (signalized)	EB	LT	0.73	38.5	D	EB	LT	0.78	42.1	D	EB	LT	0.78	42.1	D
	NB	TR	0.87	44.5	D	NB	TR	1.08	93.3	F	NB	TR	1.08	93.3	F
Boerum Place & Schermerhorn Street (signalized)	WB	LTR	1.35	218.9	F	WB	LTR	1.60	327.7	F	WB	LTR	1.60	327.7	F
	NB	L	0.43	22.0	C	NB	L	0.44	22.7	C	NB	L	0.44	22.7	C
	NB	T	0.40	12.6	B	NB	T	0.40	12.6	B	NB	T	0.40	12.6	B
	SB	TR	0.57	15.1	B	SB	TR	0.58	15.2	B	SB	TR	0.58	15.2	B
Smith Street & Schermerhorn Street (signalized)	WB	TR	1.53	330.7	F	WB	TR	1.53	330.7	F	WB	TR	1.53	330.7	F
	NB	L	0.41	30.5	C	NB	L	0.68	42.1	D	NB	L	0.68	42.1	D
	NB	TR	1.42	243.8	F	NB	TR	1.54	293.2	F	NB	TR	1.54	293.2	F
	SB	L	1.32	215.9	F	SB	L	1.32	215.9	F	SB	L	1.32	215.9	F
	SB	R	0.65	55.8	E	SB	R	0.65	55.8	E	SB	R	0.65	55.8	E

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.
- Lane Group: L-Left, T-Through, R-Right, DefL-Defacto left.
- Shading denotes potential significant adverse impact per *CEQR Technical Manual* criteria.

This table has been updated for the FEIS.

Table 3.15-8
Action-With-Mitigation Conditions at Potentially Impacted Intersections
Saturday Peak Hour

Intersection	No-Action Saturday			With-Action Saturday			Action-with-Mitigation Saturday					
	Lane Approach	V/C Group Ratio	Delay (sec/veh)	LOS	Lane Approach	V/C Group Ratio	Delay (sec/veh)	LOS	Lane Approach	V/C Group Ratio	Delay (sec/veh)	LOS
Columbia Street & Atlantic Avenue (signalized)	EB T 0.16	25.3	C	EB T 0.16	25.3	C	EB T 0.16	25.3	C	WB L 1.26	195.6	F
	WB L 1.26	195.6	F	WB L 1.45	273.2	F	WB L 1.45	273.2	F	WB LT 0.39	29.7	C
	WB LT 0.39	29.7	C	WB LR 0.40	30.0	C	WB LT 0.40	30.0	C	NB LR 0.41	17.9	B
	NB LR 0.41	17.9	B	NB R 0.52	20.5	C	NB R 0.52	20.5	C	NB R 0.52	20.5	C
	NB R 0.52	20.5	C									
BQE NB Off-Ramp & Atlantic Avenue (signalized)	EB L 0.79	57.8	E	EB L 0.84	67.1	E	EB L 0.80	60.3	E	EB T 0.15	3.3	A
	EB T 0.15	3.3	A	EB T 0.15	3.3	A	EB T 0.15	3.3	A	WB R 0.67	20.0	B
	WB R 0.67	20.0	B	WB R 0.73	21.9	C	WB R 0.75	24.0	C	WB T 0.51	10.7	B
	WB T 0.51	10.7	B	WB T 0.51	10.7	B	WB T 0.50	9.7	A	NB L 0.31	50.8	D
	NB L 0.31	50.8	D	NB L 0.31	50.8	D	NB L 0.31	50.8	D			
Clinton Street & Atlantic Avenue (signalized)	EB LT 1.02	62.0	E	EB LT 1.07	80.5	F	EB LT 1.07	80.5	F	WB TR 0.62	21.4	C
	WB TR 0.62	21.4	C	WB TR 0.66	22.5	C	WB TR 0.66	22.5	C	NB LTR 1.13	125.3	F
	NB LTR 1.13	125.3	F	NB LTR 1.14	129.3	F	NB LTR 1.14	129.3	F			
Boerum Place & Atlantic Avenue (signalized)	EB L 0.92	51.2	D	EB L 0.96	59.1	E	EB L 0.92	49.8	D	EB TR 1.25	270.5	F
	EB TR 1.25	270.5	F	EB TR 1.32	298.8	F	EB TR 1.25	263.2	F	WB LT 1.09	106.3	F
	WB LT 1.09	106.3	F	WB LT 1.16	133.3	F	WB LT 1.06	94.0	F	WB R 0.82	19.0	B
	WB R 0.82	19.0	B	WB R 0.82	19.4	B	WB R 0.82	19.4	B	SB L 0.59	31.1	C
	SB L 0.59	31.1	C	SB L 0.61	31.5	C	SB L 0.63	33.5	C	SB T 0.53	31.1	C
	SB T 0.53	31.1	C	SB T 0.53	31.1	C	SB T 0.55	33.1	C	SB R 0.53	22.1	C
	SB R 0.53	22.1	C	SB R 0.67	27.6	C	SB R 0.69	30.4	C			
Smith Street & Atlantic Avenue (signalized)	EB LT 1.01	56.0	E	EB LT 1.33	185.3	F	EB LT 1.33	185.3	F	WB TR 0.91	35.3	D
	WB TR 0.91	35.3	D	WB TR 0.94	38.9	D	WB TR 0.94	38.9	D	NB L 0.79	57.8	E
	NB L 0.79	57.8	E	NB L 0.80	60.2	E	NB L 0.80	60.2	E	NB TR 1.27	183.1	F
	NB TR 1.27	183.1	F	NB TR 1.27	184.6	F	NB TR 1.27	184.6	F			
State Street & Boerum Place (Signalized)	EB LTR 0.83	57.8	E	EB LTR 0.86	61.8	E	EB LTR 0.83	57.6	E	NB TR 0.41	12.8	B
	NB TR 0.41	12.8	B	NB TR 0.42	12.9	B	NB TR 0.42	13.4	B	SB LT 0.64	16.8	B
	SB LT 0.64	16.8	B	SB LT 0.68	17.6	B	SB LT 0.69	18.4	B			
Boerum Place & Schermerhorn Street (signalized)	WB LTR 0.98	86.9	F	WB LTR 1.17	148.1	F	WB LTR 1.17	148.1	F	NB L 0.49	22.7	C
	NB L 0.49	22.7	C	NB L 0.51	23.6	C	NB L 0.51	23.6	C	NB T 0.41	12.8	B
	NB T 0.41	12.8	B	NB T 0.42	12.8	B	NB T 0.42	12.8	B	SB TR 0.48	13.6	B
	SB TR 0.48	13.6	B	SB TR 0.48	13.7	B	SB TR 0.48	13.7	B			
Smith Street & Schermerhorn Street (signalized)	WB TR 1.27	173.5	F	WB TR 1.27	173.5	F	WB TR 1.27	173.5	F	NB L 0.23	22.6	C
	NB L 0.23	22.6	C	NB L 0.41	26.4	C	NB L 0.41	26.4	C	NB TR 1.08	97.5	F
	NB TR 1.08	97.5	F	NB TR 1.14	117.0	F	NB TR 1.14	117.0	F	SB L 0.87	72.8	E
	SB L 0.87	72.8	E	SB L 0.87	72.8	E	SB L 0.87	72.8	E	SB R 0.30	39.1	D
	SB R 0.30	39.1	D	SB R 0.30	39.1	D	SB R 0.30	39.1	D			

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.

- Lane Group: L-Left, T-Through, R-Right, Defl-Defacto left.

- Shading denotes potential significant adverse impact per *CEQR Technical Manual* criteria.

This table has been updated for the FEIS.

D. CONSTRUCTION

CONSTRUCTION TRAFFIC

As described in Section 3.14, “Construction-Brooklyn,” traffic associated with peak construction period activity would have the potential to result in significant adverse traffic impacts at 1344 study area intersections during one or more analyzed peak hours. Specifically, 1048 lane groups at 942 analyzed intersections during the construction AM peak hour and 1345 lane groups at 11 analyzed intersections during the construction midday peak hour. Although these potential significant impacts would be temporary, measures to address these temporary significant impacts were considered. As demonstrated below, some of these potential significant impacts could be mitigated through the implementation of traffic signal timing modifications.

The types of mitigation measures proposed herein are standard measures that are routinely identified by the City and considered feasible for implementation. **Table 3.15-9** summarizes the recommended mitigation measures for each of the intersections with potential significant adverse traffic impacts during the construction AM and midday peak hours. Implementation of the recommended traffic signal timing changes, is subject to review and approval by DOT. In the absence of the application of mitigation measures, the temporary impacts would remain unmitigated.

A CTMP will be developed by DDC prior to commencement of construction-related activities. The CTMP will include transportation data collection as well as traffic and pedestrian analyses. The data collection will include traffic and pedestrian counts, worker shift schedules, worker origin-destination and modal split survey data, parking surveys, and truck frequency data. A traffic management plan for the project would be developed as part of the CTMP in order to address the effect of construction-related activity on transportation systems and verify the need for implementing construction-related mitigation measures identified in this EIS or additional routine traffic control measures if as warranted and in consultation with DOT. The CTMP would be submitted to DOT and OCMC for review and approval and would be an on-going process for addressing the effects of construction.

The analyzed traffic locations as well as others that may experience temporary disruptions would be included in the CTMP that would be initiated at the start of construction for the project work area. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time,, the level of specificity necessary to quantify the extent to which traffic operations would be disrupted as a result of street network access accommodations requested to facilitate the construction effort cannot be made at this time. As the design-build process is initiated, an updated assessment of traffic conditions around the project site would be made as part of the CTMP. DDC, through the CTMP, and in coordination with DOT and OCMC, will implement as warranted any identified routine traffic control measures that address~~identify feasible measures that could mitigate any~~ potential disruptions.

Table 3.15-9
Proposed Traffic Mitigation Measures During Peak Construction Period

Intersection	Signal Phase	No Action Signal Timing (Seconds) ¹		Proposed Signal Timing (Seconds) ¹		Recommended Mitigation
		AM	MD	AM	MD	
Columbia Street & Atlantic Avenue	EB/WB NB	70 50	50 70	70 50	50 70	- All potential impacts would remain unmitigated in the weekday midday peak hour.
BQE Off-Ramp & Atlantic Avenue	EB/WB EB/WB-R EB-T/WB-T NB-L/WB-R	50 17 32 21	50 17 32 21	50 17 32 21	52 17 30 21	- Transfer 2s of green time from EB-T/WB-T to EB/WB in midday.
Clinton Street & Atlantic Avenue	PED EB/WB NB	8 57 55	8 57 55	8 57 55	8 57 55	- All potential impacts would remain unmitigated in the weekday AM and midday peak hours.
Court Street & Atlantic Avenue	PED WB EB/WB SB	7 13 58 42	7 13 51 49	7 13 58 42	7 13 51 49	- All potential impacts would remain unmitigated in the weekday midday peak hour.
Smith Street & Atlantic Avenue	PED EB/WB NB	7 65 48	7 75 38	7 65 48	7 74 39	- Transfer 1s of green time from EB/WB to NB in midday. - All potential impacts would remain unmitigated in the weekday AM peak hour.
Hoyt Street & Atlantic Avenue	PED EB/WB SB	7 65 48	7 70 43	7 66 47	7 67 46	- Transfer 1s of green time from SB to EB/WB in AM. - Transfer 3s of green time from EB/WB to SB in midday.
Bond Street & Atlantic Avenue	EB/WB NB	65 55	70 50	66 54	70 50	- Transfer 1s of green time from NB to EB/WB in AM.
Nevins Street & Atlantic Avenue	PED WB EB/WB SB	7 12 60 41	7 12 64 37	7 13 60 40	7 12 64 37	- Transfer 1s of green time from SB to WB in AM. - All potential impacts would remain unmitigated in the weekday midday peak hour.
3rd Avenue & Atlantic Avenue	PED EB/WB PED NB	7 61 7 45	7 64 7 42	7 62 7 44	7 64 7 42	- Transfer 1s of green time from NB to EB/WB in AM.
Smith Street & Livingston Street	PED EB/WB NB/SB	7 42 41	7 42 41	7 42 41	7 42 41	- All potential impacts would remain unmitigated in the weekday midday peak hour.
Boerum Place & Livingston Street	PED EB/WB SB NB/SB	10 36 22 52	10 36 22 52	10 38 21 51	10 36 22 52	- Transfer 1s of green time from SB to EB/WB in AM. - Transfer 1s of green time from NB/SB to EB/WB in AM. - All potential impacts would remain unmitigated in the weekday midday peak hour.
Adams Street & Tillary Street	EB/WB SB-L/WB-R SB/WB-R NB/SB	38 15 25 42	38 15 25 42	38 15 25 42	37 15 25 43	- Transfer 1s of green time from EB/WB to NB/SB in midday. - All potential impacts would remain unmitigated in the weekday AM and midday peak hours.
Jay Street & Tillary Street	PED EB/WB EB-L/WB-L/NB-R NB/SB	7 48 28 37	7 48 28 37	7 47 28 38	7 47 27 39	- Transfer 1s of green time from EB/WB to NB/SB in AM and midday. - Transfer 1s of green time from EB-L/WB-L/NB-R to NB/SB in midday. - Potential impact to NB-R lane group would remain unmitigated in the weekday midday peak hour.

Note:

¹Signal timings shown indicate green plus yellow (including all red) for each phase.

This table has been updated for the FEIS.

CONSTRUCTION PEDESTRIANS

~~According to a preliminary assessment of construction-generated pedestrian activity, seventeen pedestrian elements were identified as potential impact locations. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which pedestrian operations would be disrupted as a result of construction activity cannot be made at this time. However, an assessment of pedestrian conditions would be included in the CTMP described above. Mitigation measures to address potential impacts to pedestrian elements (sidewalks, corners and crosswalks) typically include signal timing changes, sidewalk and crosswalk widenings or the relocation of street furniture and obstructions. In the event it is found that measures fully mitigating such temporary impacts are infeasible, then unmitigable significant adverse impacts could occur at the identified pedestrian elements.~~

In addition to the standard traffic mitigation measures identified above, the City will continue to explore other options to further reduce traffic impacts in the vicinity of the Brooklyn Site. Potential options could include remote parking and shuttle service for construction workers, incentives to encourage transit use, the use of traffic enforcement agents/construction flaggers to facilitate traffic circulation, staged deliveries and queuing, and staggered work hours.

Tables 3.15-10 and 3.15-11 show the v/c ratios, delays, and LOS for lane groups at each analyzed intersection with implementation of the recommended mitigation measures and compares them with No Action and Construction With Action conditions for the analyzed periods. **Tables 3.15-10 and 3.15-11** show that, according to *CEQR Technical Manual* criteria, potential significant adverse impacts due to construction-related vehicle trips would be fully mitigated at ~~seventeen~~ eight lane groups at six analyzed intersections during the construction AM peak hour. During the construction midday peak hour, five lane groups at five analyzed intersections would be fully mitigated. In total, impacts to one or more lane groups would remain unmitigated in one or more analyzed construction period peak hours at ~~nineteen~~ eleven analyzed intersections. Consequently, these potential significant impacts would constitute unavoidable significant adverse traffic impacts as a result of the proposed project (see also Section 3.16, “Unavoidable Adverse Impacts-Brooklyn”).

CONSTRUCTION PEDESTRIANS

~~According to a preliminary assessment of construction-generated pedestrian activity, two pedestrian elements were identified as potential impact locations. Because detailed plans for the proposed detention facility and detailed construction logistics including any necessary street or sidewalk closures are not known at this time, the level of specificity necessary to quantify the extent to which pedestrian operations would be disrupted as a result of construction activity cannot be made at this time. However, an assessment of pedestrian conditions would be included in the CTMP described above. Mitigation measures to address potential impacts to pedestrian elements (sidewalks, corners, and crosswalks) typically include signal timing changes, sidewalk and crosswalk widenings, or the relocation of street furniture and obstructions. If measures fully mitigating such temporary impacts are infeasible or inadequate, then unmitigable significant adverse impacts could occur at the identified pedestrian elements.~~

Table 3.15-10
Construction-With-Mitigation Conditions at Potentially Impacted Intersections
Weekday AM Peak Hour

Intersection	No Action AM Peak Hour				Construction With Action AM Peak Hour				Construction-with-Mitigation AM Peak Hour						
	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS
Clinton Street & Atlantic Avenue (signalized)	EB	LT	0.78	34.2	C	EB	LT	0.97	56.7	E	EB	LT	0.97	56.7	E
	WB	TR	0.84	38.8	D	WB	TR	0.84	38.7	D	WB	TR	0.84	38.7	D
	NB	LTR	0.90	54.9	D	NB	LTR	0.90	54.9	D	NB	LTR	0.90	54.9	D
Smith Street & Atlantic Avenue (signalized)	EB	LT	0.92	39.4	D	EB	LT	0.92	39.4	D	EB	LT	0.92	39.4	D
	WB	TR	1.19	123.4	F	WB	TR	1.24	142.4	F	WB	TR	1.24	142.4	F
	NB	L	0.67	41.1	D	NB	L	0.70	43.2	D	NB	L	0.70	43.2	D
	SB	TR	1.22	165.3	F	NB	TR	1.23	167.0	F	NB	TR	1.23	167.0	F
Hoyt Street & Atlantic Avenue (signalized)	EB	T	0.46	16.0	B	EB	T	0.46	16.0	B	EB	T	0.45	15.2	B
	EB	R	0.17	13.4	B	EB	R	0.17	13.4	B	EB	R	0.17	12.7	B
	WB	T	1.05	69.5	E	WB	T	1.08	77.5	E	WB	T	1.06	70.7	E
	SB	LTR	0.61	37.6	D	SB	LTR	0.62	37.9	D	SB	LTR	0.64	39.3	D
Bond Street & Atlantic Avenue (signalized)	EB	T	0.61	18.8	B	EB	T	0.61	18.8	B	EB	T	0.60	17.9	B
	WB	TR	1.05	70.6	E	WB	TR	1.08	78.7	E	WB	TR	1.06	71.9	E
	NB	LTR	0.75	39.8	D	NB	LTR	0.78	41.9	D	NB	LTR	0.80	44.2	D
Nevins Street & Atlantic Avenue (signalized)	EB	T	0.56	21.4	C	EB	T	0.56	21.4	C	EB	T	0.56	21.4	C
	EB	R	0.15	16.3	B	EB	R	0.15	16.3	B	EB	R	0.15	16.3	B
	WB	LT	1.20	122.6	F	WB	LT	1.22	132.2	F	WB	LT	1.19	121.3	F
	SB	LTR	0.53	40	D	SB	LTR	0.53	40.0	D	SB	LTR	0.55	41.4	D
Third Avenue & Atlantic Avenue (signalized)	EB	TR	0.58	21.1	C	EB	TR	0.59	21.2	C	EB	TR	0.58	20.2	C
	WB	T	1.19	127.6	F	WB	T	1.21	136.5	F	WB	T	1.19	127.0	F
	WB	R	0.54	27.2	C	WB	R	0.54	27.2	C	WB	R	0.53	26.2	C
	NB	LTR	0.58	36.0	D	NB	LTR	0.58	36.1	D	NB	LTR	0.60	37.2	D
Boerum Place & Livingston Street (signalized)	EB	LTR	0.59	48.8	D	EB	LTR	0.71	58.1	E	EB	LTR	0.63	50.0	D
	WB	LT	0.32	38.8	D	WB	LT	0.50	43.4	D	WB	LT	0.48	40.9	D
	WB	R	0.93	91.3	F	WB	R	0.93	91.3	F	WB	R	0.85	73.5	E
	NB	L	0.24	27.7	C	NB	L	0.26	28.2	C	NB	L	0.26	29.1	C
	NB	TR	0.88	41.3	D	NB	TR	0.88	41.5	D	NB	TR	0.90	43.9	D
	SB	L	0.49	24.8	C	SB	L	0.49	24.9	C	SB	L	0.51	27.1	C
	SB	TR	0.34	13.9	B	SB	TR	0.37	14.2	B	SB	TR	0.38	15.3	B
Adams Street & Tillary Street (signalized)	EB	TR	0.45	38.4	D	EB	TR	0.45	38.4	D	EB	TR	0.45	38.4	D
	WB	L	0.58	52.0	D	WB	L	0.70	60.5	E	WB	L	0.70	60.5	E
	WB	T	0.32	36.5	D	WB	T	0.32	36.5	D	WB	T	0.32	36.5	D
	WB	R	0.99	75.5	E	WB	R	0.99	75.5	E	WB	R	0.99	75.5	E
	NB	TR	1.11	103.1	F	NB	TR	1.11	102.8	F	NB	TR	1.11	102.8	F
	SB	L	0.57	39.5	D	SB	L	0.57	39.5	D	SB	L	0.57	39.5	D
	SB	T	0.55	21.7	C	SB	T	0.57	22.1	C	SB	T	0.57	22.1	C
Jay Street & Tillary Street (signalized)	EB	L	0.22	42.6	D	EB	L	0.22	42.6	D	EB	L	0.22	42.6	D
	EB	TR	0.65	34.7	C	EB	TR	0.65	34.7	C	EB	TR	0.67	35.8	D
	WB	L	0.29	44.5	D	WB	L	0.43	47.9	D	WB	L	0.43	47.9	D
	WB	TR	0.59	33.1	C	WB	TR	0.60	33.4	C	WB	TR	0.62	34.4	C
	NB	L	0.66	56.1	E	NB	L	0.70	60.6	E	NB	L	0.67	56.9	E
	NB	T	0.28	36.8	D	NB	T	0.28	36.8	D	NB	T	0.28	35.9	D
	NB	R	0.85	48.6	D	NB	R	0.85	48.6	D	NB	R	0.83	44.9	D
	SB	L	0.35	40.6	D	SB	L	0.35	40.6	D	SB	L	0.34	39.3	D
	SB	TR	0.67	53.4	D	SB	TR	0.76	61.1	E	SB	TR	0.74	57.6	E

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.
- Lane Group: L-Left, T-Through, R-Right, DefL-Defacto left.
- Shading denotes potential significant adverse impact per *CEQR Technical Manual* criteria.

This table has been updated for the FEIS.

Section 3.15: Mitigation-Brooklyn

Table 3.15-11
Construction-With-Mitigation Conditions at Potentially Impacted
Intersections Weekday Midday Peak Hour

Intersection	No Action Midday Peak Hour						Construction With Action Midday Peak Hour						Construction-with-Mitigation Midday Peak Hour					
	Lane			V/C		Delay	Lane			V/C		Delay	Lane			V/C		Delay
	Approach	Group	Ratio	(sec/veh)	LOS	Approach	Group	Ratio	(sec/veh)	LOS	Approach	Group	Ratio	(sec/veh)	LOS	Approach	Group	Ratio
Columbia Street & Atlantic Avenue (signalized)	EB	T	0.15	25.2	C	EB	T	0.15	25.2	C	EB	T	0.15	25.2	C	EB	T	0.15
	WB	L	1.39	232.1	F	WB	L	1.63	335.3	F	WB	L	1.63	335.3	F	WB	LT	0.58
	WB	LT	0.53	34.1	C	WB	LT	0.58	35.8	D	WB	LT	0.58	35.8	D	WB	LR	0.32
	NB	LR	0.32	16.5	B	NB	LR	0.32	16.5	B	NB	LR	0.32	16.5	B	NB	R	0.33
	NB	R	0.33	16.7	B	NB	R	0.33	16.7	B	NB	R	0.33	16.7	B	NB	R	0.33
BQE NB Off-Ramp & Atlantic Avenue (signalized)	EB	L	0.48	40.0	D	EB	L	0.54	47.1	D	EB	L	0.53	44.9	D	EB	T	0.12
	EB	T	0.12	3.2	A	EB	T	0.12	3.2	A	EB	T	0.12	3.2	A	EB	R	0.80
	WB	R	0.71	21.5	C	WB	R	0.80	25.9	C	WB	R	0.80	25.9	C	WB	T	0.73
	WB	T	0.69	15.0	B	WB	T	0.74	17.1	B	WB	T	0.73	15.3	B	WB	L	0.23
	NB	L	0.23	49.4	D	NB	L	0.23	49.4	D	NB	L	0.23	49.4	D	NB	R	0.23
Clinton Street & Atlantic Avenue (signalized)	—	—	—	—	—	EB	DefL	1.18	171.6	F	EB	DefL	1.18	171.6	F	EB	T	1.07
	—	—	—	—	—	EB	T	1.07	94.4	F	EB	T	1.07	94.4	F	EB	LT	n/a
	EB	LT	1.17	128.3	F	EB	LT	n/a	110.3	F	EB	LT	n/a	110.3	F	WB	TR	0.96
	WB	TR	0.84	39.5	D	WB	TR	0.96	53.9	D	WB	TR	0.96	53.9	D	NB	LTR	0.85
	NB	LTR	0.85	49.4	D	NB	LTR	0.85	49.4	D	NB	LTR	0.85	49.4	D	NB	LT	0.52
Court Street & Atlantic Avenue (signalized)	EB	TR	1.04	92.2	F	EB	TR	0.99	79.6	E	EB	TR	0.99	79.6	E	EB	R	0.59
	WB	L	0.60	44.5	D	WB	L	0.59	42.9	D	WB	L	0.59	42.9	D	WB	T	1.66
	WB	T	1.42	297.3	F	WB	T	1.66	405.7	F	WB	T	1.66	405.7	F	WB	LT	0.52
	SB	LTR	0.52	33.7	C	SB	LTR	0.52	33.7	C	SB	LTR	0.52	33.7	C	SB	TR	1.25
	SB	LT	0.52	33.7	C	SB	LT	0.52	32.4	C	SB	LT	0.92	35.4	D	SB	R	0.59
Smith Street & Atlantic Avenue (signalized)	EB	LT	0.96	43.2	D	EB	LT	0.91	35.0	D	EB	TR	0.92	37.5	D	EB	TR	0.91
	WB	TR	0.91	35.0	D	WB	TR	0.91	35.0	D	WB	TR	0.92	37.5	D	NB	L	1.13
	NB	L	1.16	162.1	F	NB	L	1.18	169.6	F	NB	L	1.13	150.0	F	NB	TR	1.21
	NB	TR	1.24	181.4	F	NB	TR	1.25	183.3	F	NB	TR	1.21	166.5	F	NB	R	1.21
	HB	T	0.59	14.5	B	EB	T	0.59	14.5	B	EB	T	0.62	17.1	B	EB	R	0.42
Hoyt Street & Atlantic Avenue (signalized)	EB	R	0.38	13.6	B	EB	R	0.40	13.9	B	EB	R	0.42	16.5	B	EB	T	0.77
	WB	T	0.78	26.1	C	WB	T	0.77	25.8	C	WB	T	0.81	29.4	C	WB	LT	1.24
	SB	LTR	1.11	121.2	F	SB	LTR	1.20	152.2	F	SB	LTR	1.11	115.9	F	SB	TR	1.14
	SB	LT	1.10	121.3	F	SB	LT	1.14	136.0	F	SB	LT	1.14	136.0	F	SB	R	0.60
	SB	TR	1.10	121.3	F	SB	TR	1.14	136.0	F	SB	TR	1.14	136.0	F	SB	LT	0.71
Smith Street & Livingston Street (signalized)	EB	LTR	0.98	68.1	E	EB	LTR	1.32	191.7	F	EB	LTR	1.32	191.7	F	EB	T	1.07
	WB	LT	0.71	33.3	C	WB	LT	0.71	33.4	C	WB	LT	0.71	33.4	C	WB	TR	0.71
	NB	LT	0.67	28.8	C	NB	LT	0.67	28.8	C	NB	LT	0.67	28.8	C	NB	R	0.20
	NB	R	0.20	19.1	B	NB	R	0.20	19.2	B	NB	R	0.20	19.2	B	NB	TR	0.73
	SB	L	0.60	33.4	C	SB	L	0.60	34.0	C	SB	L	0.60	34.0	C	SB	LT	0.60
Boerum Place & Livingston Street (signalized)	SB	TR	0.71	31.5	C	SB	TR	0.71	31.7	C	SB	TR	0.71	31.7	C	SB	R	0.71
	EB	L	0.70	64.0	E	EB	L	1.11	152.1	F	EB	L	1.11	152.1	F	EB	TR	1.08
	EB	TR	0.86	70.0	E	EB	TR	1.08	121.7	F	EB	TR	1.08	121.7	F	EB	R	0.47
	WB	LT	0.39	40.3	D	WB	LT	0.47	43.6	D	WB	LT	0.47	43.6	D	WB	TR	1.01
	WB	T	1.01	121.1	F	WB	T	1.01	121.1	F	WB	T	1.01	121.1	F	WB	R	0.33
Adams Street & Tillary Street (signalized)	NB	L	0.34	33.4	C	NB	L	0.33	33.2	C	NB	L	0.33	33.2	C	NB	TR	0.73
	NB	TR	0.74	34.4	C	NB	TR	0.73	34.2	C	NB	TR	0.73	34.2	C	NB	R	0.20
	SB	L	0.50	23.1	C	SB	L	0.51	23.0	C	SB	L	0.51	23.0	C	SB	TR	0.53
	SB	TR	0.54	16.6	B	SB	TR	0.53	16.5	B	SB	TR	0.53	16.5	B	SB	R	0.53
	SB	T	0.66	24.2	C	SB	T	0.66	24.1	C	SB	T	0.65	23.2	C	SB	LT	0.65
Jay Street & Tillary Street (signalized)	EB	TR	0.60	41.2	D	EB	TR	0.60	41.2	D	EB	TR	0.62	42.4	D	EB	R	0.18
	WB	L	1.08	126.1	F	WB	L	1.02	109.0	F	WB	L	1.06	121.5	F	WB	TR	0.68
	WB	T	0.66	43.6	D	WB	T	0.66	43.6	D	WB	T	0.68	45.1	D	WB	R	1.05
	WB	R	1.05	92.2	F	WB	R	1.05	92.2	F	WB	R	1.05	92.2	F	WB	LT	0.59
	NB	TR	0.96	60.4	E	NB	TR	1.00	67.9	E	NB	TR	0.97	60.9	E	NB	TR	0.97
This table has been updated for the FEIS.	SB	L	0.57	39.6	D	SB	L	0.57	39.6	D	SB	L	0.57	39.6	D	SB	R	0.87
	SB	T	0.66	24.2	C	SB	T	0.66	24.1	C	SB	T	0.65	23.2	C	SB	TR	1.05
	SB	TR	1.13	140.2	F	SB	TR	1.13	140.2	F	SB	TR	1.05	113.2	F	SB	R	0.88
	SB	T	1.13	140.2	F	SB	TR	1.13	140.2	F	SB	TR	1.05	113.2	F	SB	LT	0.88
	SB	TR	1.13	140.2	F	SB	TR	1.13	140.2	F	SB	TR	1.05	113.2	F	SB	R	0.88

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.

- Lane Group: L-Left, T-Through, R-Right, DfL-Defacto left.

- Shading denotes potential significant adverse impact per *CEQR Technical Manual* criteria.

CONSTRUCTION NOISE

Section 3.14, “Construction-Brooklyn,” concludes that construction of the proposed project would have the potential to result in a significant adverse construction noise impact at two noise receptors adjacent to the construction work area. The construction noise analysis concluded that construction of the proposed project would have the potential to result in construction noise levels that exceed *CEQR Technical Manual* noise impact criteria for an extended period at the southern and western façades of 239 State Street and the southern and eastern façades of the Kings County Criminal Court. Source or path controls beyond those already identified in Section 3.14 were considered for feasibility and effectiveness in reducing the level of construction noise at the receptors that have the potential to experience significant adverse construction noise impacts. These measures may include enclosing the concrete pump and concrete mixer trucks at any time that the mixer barrels would be spinning in a shed or tunnel including two or three walls and a roof, with the opening or openings facing away from receptors. This measure would provide approximately 10 to 15 dBA reduction in concrete operation noise. However, it would not substantially reduce noise from hoist or tower crane operations, which are major contributors to the predicted construction noise impacts. Additionally, selecting quieter equipment models for cranes, generators, compressors, and lifts may result in up to a 10 dBA reduction in noise levels from construction during superstructure and subsequent phases. This is subject to the availability of quieter equipment in the quantities necessary to complete the proposed project in the projected timeframe. These measures, if implemented, would partially mitigate the predicted construction noise impacts, because there would still be times when construction of the proposed project would result in exceedances of acceptable noise levels at these receptors. Therefore, construction of the proposed project would result in unmitigated significant adverse noise impacts at the southern and western façades of 239 State Street and the southern and eastern façades of the Kings County Criminal Court.

*

A. INTRODUCTION

This section considers mitigation measures to address the potential for significant adverse impacts generated by the proposed project at the Manhattan Site. The potential for significant adverse impacts was identified in the technical areas of historic and cultural resources, transportation, and construction-period transportation. Measures have been examined to minimize or eliminate these anticipated impacts, and are discussed below.

~~Measures to further mitigate the potential for adverse impacts will be refined and evaluated between the Draft and Final EIS. Therefore, the Final EIS may include more complete information and commitments on all practicable mitigation measures to be implemented with the proposed project.~~

PRINCIPAL CONCLUSIONS***HISTORIC AND CULTURAL RESOURCES******Archaeological Resources***

As described in Section 4.5, “Historic and Cultural Resources-Manhattan,” the study area for archaeological resources includes those areas that would be disturbed by subsurface excavation and therefore includes the project site—including the Manhattan Detention Complex (MDC) North Tower at 124 White Street (Block 198, part of Lot 1) and the MDC South Tower at 125 White Street (Block 167, Lot 1)—and the Proposed Demapping Area (above- and below-grade volumes of White Street between Centre Street and Baxter Street).

The Supplemental Phase 1A Study recommended additional archaeological analysis within the streetbed of White Street and within the southwestern corner of Block 198, Lot 1. The Supplemental Phase 1A Study recommended that additional archaeological analysis in the form of the review of new soil borings, which would be completed as part of the project planning and design phase, be completed in order to determine the extent of disturbance in the southwestern corner of 124 White Street and the White Street streetbed. If the new soil borings reveal that intact peat deposits are not present within the southwestern corner of the site, then that portion of the project site would be considered to have been disturbed as a result of the construction of the existing buildings and no further archaeological analysis would be recommended for 124 White Street as the site would be unlikely to have potential precontact sensitivity and historic fill deposits would be assumed to have been disturbed. In the event that additional potentially intact peat deposits are identified, then additional archaeological analysis would be warranted in consultation with LPC. With the completion of the additional archaeological investigations necessary within the areas of archaeological sensitivity and LPC concurrence with the conclusions of those investigations, the proposed project would not result in the potential for significant adverse impacts on archaeological resources.

~~In the event that the final project plans result in disturbance to undisturbed portions of the White Street streetbed, then the For those archaeologically sensitive portions of the White Street streetbed that would be disturbed by the proposed project, additional archaeological analysis in the form of Phase 1B archaeological testing or monitoring as recommended by the Supplemental Phase 1A Study would be completed in consultation with LPC. The presence of any significant archaeological resources would be determined through additional archaeological investigations and consultation with LPC. With the completion of the additional archaeological investigations necessary within the areas of archaeological sensitivity and LPC concurrence with the conclusions of those investigations, the proposed project would not result in the potential for significant adverse impacts on archaeological resources.~~

Architectural Resources

As discussed in Section 4.5, “Historic and Cultural Resources-Manhattan,” under the proposed project, the MDC South Tower (Prison building) at 125 White Street would be redeveloped with a new, approximately 450-foot-tall detention facility. The Prison building on the project site is part of the Criminal Courts Building at 100 Centre Street, which is S/NR-eligible. Therefore, demolition of 125 White Street would constitute a potential significant adverse impact on architectural resources. The Applicant will consult with LPC to develop and implement appropriate mitigation measures to partially mitigate the potential for significant adverse impact. Mitigation measures are expected to include Historic American Buildings Survey (HABS) documentation of the architectural resource including sufficient information about 100 Centre Street, to which it is connected.

To avoid the potential for direct, physical impacts to nearby historic buildings during construction of the proposed project, a Construction Protection Plan (CPP) would be developed in coordination with LPC and implemented in consultation with a licensed professional engineer. The CPP would describe the measures to be implemented to protect the Criminal Courts Building at 100 Centre Street and other affected architectural resources during construction of the proposed project. Additionally, two new pedestrian bridges would be built from the project site to the State/National Register (S/NR)-eligible Criminal Courts Building at 100 Centre Street. Therefore, the CPP would include those properties that are located within 90 feet of the project site and/or would be directly affected, including the Criminal Courts Building at 100 Centre Street, and the buildings of the S/NR-listed Chinatown and Little Italy Historic District as discussed in Section 4.5. In addition, consultation would be undertaken with LPC regarding the design of the new detention facility and how it would connect via pedestrian bridges to the northern façade of 100 Centre Street.

TRANSPORTATION

The proposed project would result, as detailed below, in the potential for a significant adverse impact to vehicular traffic at one analyzed intersection during the analyzed weekday midday peak hour. Mitigation measures that could address the potential for traffic impacts are discussed below. In addition, as discussed in Section 4.9, “Transportation-Manhattan,” there is no anticipated potential for transit, pedestrian, or parking-related impacts likely as a result of the proposed project; therefore, those transportation modes are not discussed below.

Traffic

As described in Section 4.9, “Transportation-Manhattan,” the proposed project would have the potential to result in a significant adverse traffic impact at one study area intersection during the analyzed midday peak hour, specifically the northbound shared through-right lane group at the intersection of Centre Street and Walker Street. No potential for significant adverse impacts are

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anticipated during the analyzed weekday AM and Saturday peak hours. Implementation of a signal timing change is being proposed and would provide mitigation for the anticipated traffic impact. The proposed traffic engineering improvement measure is subject to review and approval by the New York City Department of Transportation (DOT). If this measure is deemed infeasible or inadequate, other potential measures will be considered in consultation with DOT. Potential measures typically include modifications to signal timings, street markings, lane configurations and/or parking regulations. In the absence of the application of mitigation measures, the impact would remain unmitigated and consequently would constitute an unavoidable significant adverse traffic impact.

As summarized in **Table 4.15-1**, the potential for a significant adverse impact anticipated during the analyzed weekday peak hour would be fully mitigated with implementation of the proposed mitigation measure.

Table 4.15-1
Summary of Lane Groups/Intersections with Potential for Significant Adverse Traffic Impacts

Net Increment	Lane Groups/ Intersections Analyzed	Lane Groups/ Intersections With No Significant Impacts	Lane Groups/ Intersections With Significant Impacts	Mitigated Lane Groups/ Intersections	Unmitigated Lane Groups/ Intersections
Weekday AM	8/44/2	8/44/2	0/0	0/0	0/0
Weekday Midday	8/44/2	7/33/2	1/1	1/1	0/0
Saturday	8/44/2	8/44/2	0/0	0/0	0/0

CONSTRUCTION

Construction Traffic

As described in Section 4.14, “Construction-Manhattan,” traffic conditions during the period when construction-related traffic is anticipated to be highest were evaluated. The analysis determined that construction traffic associated with peak construction period activity would not have the potential to result in significant adverse traffic impacts.

A Construction Transportation Monitoring Plan (CTMP) will be developed by the Department of Design and Construction (DDC) prior to commencement of construction-related activities. The CTMP will include transportation data collection as well as traffic and pedestrian analyses. The data collection will include traffic and pedestrian counts, worker shift schedules, worker origin-destination and modal split survey data, parking surveys, and truck frequency data. A traffic management plan for the project would be developed as part of the CTMP in order to address the effect of construction-related activity on transportation systems and verify the need for implementing construction-related mitigation measures identified in this EIS or additional routine traffic control measures if as warranted and in coordination with DOT. The CTMP would be submitted to DOT and OCMC for review and approval and would be an on-going process for addressing the effects of construction.

The CTMP would be initiated at the start of construction for the project work area. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which traffic operations would be disrupted as a result of street network access accommodations requested to facilitate the construction effort cannot be made at this time. As the design-build process is initiated, an updated assessment of traffic conditions around the project site would be made as part of the CTMP. DDC, through the CTMP, and, in coordination

with DOT and OCMC, will implement as warranted any identified traffic control measures that address identify feasible measures that could mitigate any potential disruptions.

Construction Pedestrians

According to a preliminary assessment of construction generated pedestrian activity, five pedestrian elements were identified as potential significant impact locations. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which pedestrian operations would be disrupted as a result of construction activity cannot be made at this time. However, an assessment of pedestrian conditions would be included in the CTMP described above. In the event it is found that measures fully mitigating such temporary impacts are infeasible or inadequate, then unmitigable significant adverse impacts could occur at the identified pedestrian elements.

B. HISTORIC AND CULTURAL RESOURCES

ARCHAEOLOGICAL RESOURCES

As described in Section 4.5, “Historic and Cultural Resources-Manhattan,” the study area for archaeological resources includes those areas that would be disturbed by subsurface excavation and therefore includes the project site—including the MDC North Tower at 124 White Street (Block 198, part of Lot 1) and the MDC South Tower at 125 White Street (Block 167, Lot 1)—and the Proposed Demapping Area (above- and below-grade volumes of White Street between Centre Street and Baxter Street). A Phase 1A Study of the portions of the project site where subsurface disturbance is proposed was prepared by AKRF in October 2018 to determine the extent to which it may be archaeologically sensitive.¹ At the time of the preparation of the Phase 1A Study, the Manhattan Site included 125 White Street (Block 167, part of Lot 1) as well as 80 Centre Street (Block 166, Lot 27) and the streetbed of Hogan Place, which have since been removed from the proposed project. A Supplemental Phase 1A Study was prepared by AKRF in December 2018 that assessed the archaeological sensitivity of 124 White Street (Block 198, Lot 1) and the streetbed of White Street between Centre Street and Baxter Street. This section addresses only the sensitivity determinations made for 124 and 125 White Street and the streetbed of White Street as described in the Phase 1A Study and the Supplemental Phase 1A Study. In a comment letter dated November 21, 2018 (see **Appendix D**), LPC concurred with the conclusions and recommendations of the Phase 1A Study. In a comment letter dated December 19, 2018 (see **Appendix D**), LPC also concurred with the conclusions and recommendations of the Supplemental Phase 1A Study.

The Phase 1A Study and Supplemental Phase 1A Study reached the following conclusions (explained in greater detail in Section 4.5):

- 125 White Street (Block 167, Lot 1): No archaeological sensitivity;
- 124 White Street (Block 198, part of Lot 1): the portion of the site at 124 White Street within the footprint of the existing MDC North Tower is not archaeologically sensitive for archaeological resources; however, there is a slight chance that undisturbed deeply buried

¹ AKRF (2018): “New York City Borough-Based Jails Manhattan Site: 80 Centre Street, 125 White Street, and the Streetbed of Hogan Place between Centre and Baxter Streets; Block 166, Lot 27 and Block 167, Part of Lot 1; New York, New York: Phase 1A Archaeological Documentary Study.” Prepared for: New York City Department of Correction; East Elmhurst, NY.

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precontact resources could be present within the southwestern portion of the project site outside the footprint of the existing building. Therefore, the southwestern portion of Block 198, Lot 1 was determined to have low sensitivity for archaeological resources associated with the precontact occupation of Manhattan.

- Demapping Area within White Street: undisturbed portions of the streetbed of White Street were determined to have low to moderate sensitivity for archaeological resources associated with the precontact occupation of Manhattan and moderate sensitivity for resources associated with the historic period. Undisturbed areas in the streetbed were defined as locations where no utilities are present or where there is a space of five feet or more between the outer edges of or below existing utilities.

The Phase 1A Study and Supplemental Phase 1A Study recommended additional archaeological analysis within the streetbed of White Street and within the southwestern corner of Block 198, Lot 1, as shown on Figure 4.5-11. The Supplemental Phase 1A Study recommended that additional archaeological analysis in the form of the review of new soil borings, which would be completed as part of the project planning and design phase, be completed in order to determine the extent of disturbance in the southwestern corner of 124 White Street and the White Street streetbed. If the new soil borings reveal that intact peat deposits are not present within the southwestern corner of the site, then that portion of the project site would be considered to have been disturbed as a result of the construction of the existing buildings and no further archaeological analysis would be recommended for 124 White Street as the site would be unlikely to have potential precontact sensitivity and historic fill deposits would be assumed to have been disturbed.

In the event that additional potentially intact peat deposits are identified, then additional archaeological analysis would be warranted in consultation with LPC. Given the potential depth of the deposits, it is possible that an alternative to traditional archaeological testing such as a geoarchaeological study of soil boring cores would be required to further examine these deposits. Prior to the start of any additional analysis, a Work Plan would be prepared and submitted to LPC for review and approval. In the event that the additional analysis confirms the presence of archaeological resources within the areas of archaeological sensitivity as identified in the Supplemental Phase 1A Study, then additional archaeological investigations would be conducted in consultation with LPC. With the completion of the additional archaeological investigations necessary within the areas of archaeological sensitivity and LPC concurrence with the conclusions of those investigations, the proposed project would not result in significant adverse impacts on archaeological resources.

~~In the event that the final project plans result in disturbance to undisturbed portions of the White Street streetbed, then the For those archaeologically sensitive portions of the White Street streetbed that would be disturbed by the proposed project, additional archaeological analysis in the form of Phase 1B archaeological testing or monitoring as recommended by the Supplemental Phase 1A Study would be completed in consultation with LPC. Prior to the start of any additional analysis, a Phase 1B Work Plan would be prepared and submitted to LPC for review and approval. In the event that archaeological testing or monitoring confirms the presence of archaeological resources within the areas of archaeological sensitivity as identified in the Phase 1A study, then additional archaeological investigations (e.g., a Phase 2 Investigation or a Phase 3 Data Recovery as described above) would be conducted in consultation with LPC. The presence of any significant archaeological resources would be determined through additional archaeological investigations and consultation with LPC. With the completion of the additional archaeological investigations necessary within the areas of archaeological sensitivity and LPC concurrence with the conclusions~~

of those investigations, the proposed project would not result in the potential for significant adverse impacts on archaeological resources.

ARCHITECTURAL RESOURCES

As discussed in Section 4.5, “Historic and Cultural Resources-Manhattan,” under the proposed project, the MDC South Tower at 125 White Street and MDC North Tower at 124 White Street would be redeveloped with a new, approximately 450-foot-tall detention facility. The MDC South Tower at 125 White Street is the “Prison building” of the Criminal Courts Building at 100 Centre Street, which is S/NR-eligible. Therefore, demolition of 125 White Street would constitute the potential for a significant adverse impact on architectural resources. The Applicant will consult with LPC to develop and implement appropriate mitigation measures to partially mitigate the potential for significant adverse impacts. Mitigation measures are expected to include HABS documentation of the architectural resource including sufficient information about 100 Centre Street, to which it is connected. The HABS would include a historical narrative, architectural description, historic photographs or drawings of the buildings if available, and archival black and white large format photographs. The HABS would be provided to LPC and to an appropriate local repository.

To avoid the potential for direct, physical impacts to nearby historic buildings during construction of the proposed project, a CPP would be developed in coordination with LPC and implemented in consultation with a licensed professional engineer. The CPP would be prepared as set forth in Section 522 of the City Environmental Quality Review (*CEQR*) *Technical Manual* and in compliance with the procedures included in the New York City Department of Building (DOB)’s Technical Policy and Procedure Notices (TPPN) #10/88 and LPC’s *Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings*.

The CPP would include measures to be implemented during demolition and construction activities required to build the new detention facility on the project site. Additionally, two new pedestrian bridges would be built from the project site to the State/National Register (S/NR)-eligible Criminal Courts Building at 100 Centre Street. Therefore, the CPP would include those properties that are located within 90 feet of the project site and/or would be directly affected, including the Criminal Courts Building at 100 Centre Street, and the buildings of the S/NR-listed Chinatown and Little Italy Historic District as discussed in Section 4.5. The CPP would include provisions for preconstruction inspections, monitoring the buildings for cracks and movement, installation of physical protection as appropriate, and provisions for stopping work if monitoring thresholds are exceeded or damage occurs. In addition, consultation would be undertaken with LPC regarding the design of the new detention facility and how it would connect via pedestrian bridges to the northern façade of 100 Centre Street.

C. TRANSPORTATION

The proposed project would result in the potential for a significant adverse impact to vehicular traffic at one analyzed intersection. The mitigation measure that could address the potential for a traffic impact is discussed below.

TRAFFIC

As described in Section 4.9, the proposed project would result in the potential for significant adverse traffic impact at one study area intersection during the analyzed midday peak hour; specifically, the northbound shared through-right at Center Street and Walker Street. As

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demonstrated below, the potential for this impact could be mitigated through the implementation of a traffic signal timing modification.

The mitigation measure proposed herein is a standard measure that is routinely identified by the City and considered feasible for implementation. **Table 4.15-2** summarizes the recommended mitigation measure. Implementation of the recommended traffic engineering ~~improvements~~measure, specifically traffic signal phasing and/or timing, is subject to review and approval by DOT. If this measure is deemed infeasible or inadequate, other potential measures will be considered in consultation with DOT. Potential measures typically include modifications to signal timings, street markings, lane configurations and/or parking regulations. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

Table 4.15-2
Proposed Traffic Mitigation Measures

Intersection	Signal Phase	No Action Signal Timing (Seconds) ¹			Proposed Signal Timing (Seconds) ¹			Recommended Mitigation
		AM	MD	SAT	AM	MD	SAT	
Center Street & Walker Street	EB	45	45	45	45	42	45	- Transfer 3s of green time from EB to NB in midday.
	NB	45	45	45	45	48	45	
Note : ¹ Signal timings shown indicate green plus yellow (including all red) for each phase. This table has been updated for the FEIS.								

Table 4.15-3 shows the v/c ratios, delays, and levels of service (LOS) for the lane groups at the potentially impacted intersection with implementation of the recommended mitigation measure and compares them with No Action and With Action conditions for the analyzed weekday midday peak hour. According to *CEQR Technical Manual* criteria, a potential significant impact is considered fully mitigated when the resulting LOS degradation under the Action-with-Mitigation condition compared with the No Action condition is no longer deemed significant following the impact criteria described in Section 4.9. **Table 4.15-3** shows that the potential for a significant adverse impact would be fully mitigated during the analyzed weekday midday peak hour.

Table 4.15-3
Action-With-Mitigation Conditions at Potentially Impacted Intersections
Weekday AM-Midday Peak Hour

Intersection	No-Action Weekday Midday				With-Action Weekday Midday				Action-with-Mitigation Weekday Midday						
	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	Lane	V/C Group	Ratio (sec/veh)	Delay	Lane	V/C Group	Ratio (sec/veh)	Delay			
Center Street & Walker Street (signalized)	EB	LT	0.51	21.5	C	EB	LT	0.52	21.7	C	EB	LT	0.57	26.0	C
	NB	TR	0.98	55.5	E	NB	TR	1.06	80.4	F	NB	TR	0.99	56.0	E
Note: - Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound. - Lane Group: L-Left, T-Through, R-Right, DefL-Defacto left. - Shading denotes potential significant adverse impact per <i>CEQR Technical Manual</i> criteria. This table has been updated for the FEIS.															

D. CONSTRUCTION

CONSTRUCTION TRAFFIC

As described in Section 4.14, “Construction-Manhattan,” traffic conditions during the period when construction-related traffic is anticipated to be highest were evaluated. The analysis determined

that construction traffic associated with peak construction period activity would not have the potential to result in significant adverse traffic impacts.

A Construction Transportation Monitoring Plan (CTMP) will be developed by the Department of Design and Construction (DDC) prior to commencement of construction-related activities. The CTMP will include transportation data collection as well as traffic and pedestrian analyses. The data collection will include traffic and pedestrian counts, worker shift schedules, worker origin-destination and modal split survey data, parking surveys, and truck frequency data. A traffic management plan for the project would be developed as part of the CTMP in order to address the effect of construction-related activity on transportation systems and verify the need for implementing temporary mitigation measures identified in this EIS or additional routine traffic control measures if as warranted and in consultation with DOT. The CTMP would be submitted to DOT and OCMC for review and approval and would be an on-going process for addressing the effects of construction.

The CTMP would be initiated at the start of construction for the project work area. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which traffic operations would be disrupted as a result of street network access accommodations requested to facilitate the construction effort cannot be made at this time.
As the project will utilize a design-build model, the level of specificity necessary to quantify the extent to which traffic operations would be disrupted as a result of street network access accommodations requested to facilitate the construction effort cannot be made at this time. As the design-build process is initiated, an updated assessment of traffic conditions around the project site would be made as part of the CTMP. The DDC, through the CTMP, in coordination with DOT and OCMC, will implement as warranted any identified routine traffic control measures that address identify feasible measures that could mitigate any potential disruptions.

CONSTRUCTION PEDESTRIANS

According to a preliminary assessment of construction generated pedestrian activity, five pedestrian elements were identified as potential significant impact locations. As the project will utilize a design-build model, the level of specificity necessary to quantify the extent to which pedestrian operations would be disrupted as a result of construction activity cannot be made at this time. However, an assessment of pedestrian conditions would be included in the CTMP described above. Mitigation measures to address potential significant impacts to pedestrian elements (sidewalks, corners and crosswalks) typically include signal timing changes, sidewalk and crosswalk widenings, or the relocation of street furniture and obstructions. In the event it is found that measures fully mitigating such temporary impacts are infeasible or inadequate, then unmitigable significant adverse impacts could occur at the identified pedestrian elements.

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Section 5.15:

Mitigation-Queens

A. INTRODUCTION

This section considers mitigation measures to address the potential for significant adverse impacts generated by the proposed project at the Queens Site. The potential for significant adverse impacts was identified in the technical areas of transportation, ~~and construction-period transportation, and construction period noise.~~ Measures have been examined to minimize or eliminate these anticipated impacts, and are discussed below.

~~As described below, measures to further mitigate the potential for adverse impacts will be refined and evaluated between the Draft and Final EIS. Therefore, the Final EIS may include more complete information and commitments on all practicable mitigation measures to be implemented with the proposed project.~~

PRINCIPAL CONCLUSIONS

TRANSPORTATION

The proposed project would result, as detailed below, in the potential for significant adverse impacts to vehicular traffic at four analyzed intersections during some or all of the analyzed peak periods. Mitigation measures that could address these potential traffic impacts are discussed below. In addition, as discussed in Section 5.9, “Transportation-Queens,” there is no anticipated potential for transit, pedestrian, or parking-related impacts likely as a result of the proposed project; therefore, those transportation modes are not discussed below.

Traffic

As described in Section 5.9, “Transportation-Queens,” the proposed project would have the potential to result in significant adverse traffic impacts at four (three signalized and one stop-controlled) study area intersections during one or more analyzed peak hours; specifically, seven lane groups at four analyzed intersections during the analyzed weekday AM peak hour, three lane groups at three analyzed intersections during the analyzed midday peak hour, and three lane groups at three analyzed intersections during the analyzed Saturday peak hour. Implementation of signal timing changes are being proposed and would provide mitigation for some, but not all, of the potential traffic impacts. These proposed traffic engineering improvements measures are subject to review and approval by the New York City Department of Transportation (DOT). If these measures are deemed infeasible or inadequate, other potential measures will be considered in consultation with DOT. Potential measures typically include modifications to signal timings, street markings, lane configurations and/or parking regulations. In the absence of the application of mitigation measures, the impacts would remain unmitigated. Consequently, these potential significant impacts would constitute unavoidable significant adverse traffic impacts as a result of the proposed project (see also Section 5.16, “Unavoidable Adverse Impacts-Queens”).

Table 5.15-1 shows that with implementation of all the proposed mitigation measures, the potential significant adverse impacts would be fully mitigated at two lane groups at one analyzed

intersection during the analyzed weekday AM peak hour, one lane group at one analyzed intersection during the analyzed midday peak hour, and no lane group during the analyzed Saturday peak hour. **Table 5.15-2** provides a more detailed summary of the analyzed intersections and lane groups that would have the potential for unmitigated significant adverse traffic impacts. During the analyzed weekday AM peak hour, potential significant impacts would remain at five lane groups at four analyzed intersections. During the analyzed weekday midday peak hour, potential significant impacts would remain at two lane groups at two analyzed intersections. During the analyzed Saturday peak hour, potential significant impacts would remain at three lane groups at three analyzed intersections.

Table 5.15-1
Summary of Lane Groups/Intersections with Potentially Significant Adverse Traffic Impacts

Net Increment	Lane Groups/ Intersections Analyzed	Lane Groups/ Intersections With No Significant Impacts	Lane Groups/ Intersections With Significant Impacts	Mitigated Lane Groups/ Intersections	Unmitigated Lane Groups/ Intersections
Weekday AM	27/7	20/3	7/4	2/0	5/4
Weekday Midday	27/7	24/4	3/3	1/1	2/2
Saturday	27/7	24/4	3/3	0/0	3/3

Table 5.15-2
Lane Groups With Potentially Unmitigated Significant Adverse Traffic Impacts

Intersection	Peak Hour		
	Weekday AM	Weekday Midday	Saturday
Signalized Intersections			
Queens Boulevard & 78th Avenue	WB-L	WB-L	WB-L
Queens Boulevard & Union Turnpike	SB-L (Main)	---	SB-L (Main)
Queens Boulevard & Hoover Avenue/83rd Avenue	NB-TR, WB-LTR	WB-LTR	WB-LTR
Unsignalized Intersection			
134th Street & Union Turnpike	NB-R	---	---
Notes: NB—northbound; SB—southbound; EB—eastbound; WB—westbound; L—left-turn; T—through; R—right-turn			

CONSTRUCTION

Construction Traffic

As described in Section 5.14, “Construction-Queens,” traffic conditions during the period when construction-related traffic is anticipated to be highest were evaluated. The analysis determined that construction traffic associated with peak construction period activity would have the potential to result in significant adverse traffic impacts at fiveseven study area intersections during one or more analyzed construction period peak hours. Specifically, nine43 lane groups at fiveseven analyzed intersections during the construction AM peak hour and two3 lane groups at two analyzed intersections during the construction midday peak hour. Although these impacts would be temporary, measures to address these temporary impacts were considered. Implementation of signal-timing changes are being proposed and would provide mitigation for some, but not all, of the potential temporary traffic impacts. These proposed traffic engineering improvements measures are subject to review and approval by DOT. In the absence of the application of mitigation measures, the potential temporary impacts would remain unmitigated. Nonetheless, because potential mitigation measures cannot be thoroughly analyzed because detailed design

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drawings have not been drafted, and the extent such measures mitigate potential transportation construction impacts cannot be quantified (if at all), such significant adverse impacts would constitute unavoidable significant adverse impacts.

Table 5.15-3 shows that with the implementation of all of the proposed mitigation measures, potential significant adverse impacts due to construction-related vehicle trips would be fully mitigated at threefour lane groups at two analyzed intersections during the construction AM peak hour and one lane group at one analyzed intersection during the construction midday peak hour. **Table 5.15-4** provides a more detailed summary of the analyzed intersections and lane groups that have the potential for unmitigated significant adverse traffic impacts during construction. As shown in **Table 5.15-4**, potential impacts would remain at sixnine lane groups and at foursix analyzed intersections during the construction AM peak hour. During the midday peak hour, potential impacts would remain at one lane group at one analyzed intersection~~two lane groups at two analyzed intersections~~.

Table 5.15-3
Summary of Lane Groups/Intersections with Potentially Significant Adverse Traffic Impacts

Net Increment	Lane Groups/Intersections Analyzed	Lane Groups/Intersections With No Significant Impacts	Lane Groups/Intersections With Significant Impacts	Mitigated Lane Groups/Intersections	Unmitigated Lane Groups/Intersections
AM Peak Hour	35/8	26/3	9/5	3/1	6/4
Midday Peak Hour	35/8	33/6	2/2	1/1	1/1

This table has been updated for the FEIS.

Table 5.15-4
Lane Groups With Potentially Unmitigated Significant Adverse Traffic Impacts

Intersection	AM Peak Hour	Midday Peak Hour
Signalized Intersections		
Queens Boulevard & 78th Avenue	WB-L, NB-T (Main)	---
Queens Boulevard & Union Turnpike	SB-L (Main)	---
Queens Boulevard & Hoover Avenue/83rd Avenue	WB-LTR, NB-TR	WB-LTR
Unsignalized Intersections		
134th Street & Union Turnpike	NB-R	---

This table has been updated for the FEIS.

A Construction Transportation Monitoring Plan (CTMP) will be developed by the Department of Design and Construction (DDC) prior to commencement of construction-related activities. The CTMP will include transportation data collection as well as traffic and pedestrian analyses. The data collection will include traffic and pedestrian counts, worker shift schedules, worker origin-destination and modal split survey data, parking surveys, and truck frequency data. A traffic management plan for the project would be developed as part of the CTMP in order to address the effect of construction-related activity on transportation systems and verify the need for implementing construction-related mitigation measures identified in this EIS or additional routine traffic control measures if as warranted and in consultation with DOT. The CTMP would be submitted to DOT and OCMC for review and approval and would be an on-going process for addressing the effects of construction.

The analyzed traffic locations as well as others that may experience temporary disruptions would be included in the CTMP that would be initiated at the start of construction for the project work

area. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which traffic operations would be disrupted as a result of street network access accommodations requested to facilitate the construction effort cannot be made at this time. As the design-build process is initiated, an updated assessment of traffic conditions around the project site would be made as part of the CTMP. DDC, through the CTMP, in coordination with DOT and OCMC, will implement as warranted any identified routine traffic control measures that address ~~identify feasible measures that could mitigate any potential disruptions.~~

Construction Pedestrians

According to a preliminary assessment of construction-generated pedestrian activity, ~~four~~^{six} pedestrian elements were identified as potential significant impact locations. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which pedestrian operations would be disrupted as a result of construction activity cannot be made at this time. However, an assessment of pedestrian conditions would be included in the CTMP described above. In the event it is found that measures fully mitigating such temporary impacts are infeasible or inadequate, then unmitigable significant adverse impacts could occur at the identified pedestrian elements.

Construction Noise

~~Section 5.14, “Construction-Queens,” concludes that construction of the proposed project would have the potential to result in a significant adverse construction noise impact at the Queens County Criminal Court. Source or path controls beyond those already identified in Section 5.14 were considered for feasibility and effectiveness in reducing the level of construction noise at the receptors that have the potential to experience significant adverse construction noise impacts. These measures may include enclosing the concrete pump and concrete mixer trucks at any time that the mixer barrels would be spinning in a shed or tunnel including two or three walls and a roof, with the opening or openings facing away from receptors. Additionally, selecting quieter equipment models for cranes, generators, compressors, and lifts may result in a reduction in noise levels from construction during superstructure and subsequent phases. This is subject to the availability of quieter equipment in the quantities necessary to complete the proposed project in the projected timeframe. These measures, if implemented would partially mitigate the predicted construction noise impacts, because there would still be times when construction of the proposed project would result in exceedances of acceptable noise levels at these receptors. Therefore, construction of the proposed project would result in the potential for unmitigated significant adverse noise impacts at the Queens County Criminal Court.~~

B. TRANSPORTATION

The proposed project would result, as detailed below, in the potential for significant adverse impacts to vehicular traffic at four analyzed intersections. Mitigation measures that could address these potential traffic impacts are discussed below.

TRAFFIC

As described in Section 5.9, “Transportation-Queens”, the proposed project would result in the potential for significant adverse traffic impacts at four (three signalized and one stop-controlled) study area intersections during one or more analyzed peak hours; specifically, seven lane groups

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at four analyzed intersections during the analyzed weekday AM peak hour, three lane groups at three analyzed intersections during the analyzed midday peak hour, and three lane groups at three analyzed intersections during the analyzed Saturday peak hour. As demonstrated below, some of these potential significant impacts could be mitigated through the implementation of traffic signal timing modifications.

The types of mitigation measures proposed herein are standard measures that are routinely identified by the City and considered feasible for implementation. **Table 5.15-5** summarizes the recommended mitigation measures for each of the intersections with potentially significant adverse traffic impacts during the analyzed weekday AM and midday peak hours, and Saturday peak hours. Implementation of the recommended traffic engineering improvementsmeasures, specifically traffic signal timing changes, is subject to review and approval by DOT. If these measures are deemed infeasible or inadequate, other potential measures will be considered in consultation with DOT. Potential measures typically include modifications to signal timings, street markings, lane configurations and/or parking regulations. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

Table 5.15-5
Proposed Traffic Mitigation Measures

Intersection	Signal Phase	No Action Signal Timing (Seconds) ¹			Proposed Signal Timing (Seconds) ¹			Recommended Mitigation
		AM	MD	SAT	AM	MD	SAT	
78th Avenue & Queens Boulevard	WB	45	45	49	45	45	49	- All potential impacts would remain unmitigated in the weekday AM, weekday midday and Saturday peak hours.
	NB/SB	90	90	56	90	90	56	
	PED	15	15	15	15	15	15	
Union Turnpike & Queens Boulevard	EB/WB-R	38	41	33	39	41	33	- Transfer 1s of green time from NB/SB to EB/WB-R in AM.
	NB/SB	75	50	52	74	47	52	- Transfer 2s of green time from NB/SB to SB/NB-R/WB-R in midday.
	SB-L/NB-R/WB-R	37	15	35	37	16	35	- Transfer 1s of green time from NB/SB to SB-L/NB-R/WB-R in midday.
	SB/NB-R/WB-R	-	44	-	-	46	-	- Potential impact to SB (Main)-L lane group would remain unmitigated in the AM peak hour. - All potential impacts would remain unmitigated in the Saturday peak hour.
Hoover Avenue/83rd Avenue & Queens Boulevard	PED	7	7	7	7	7	7	- All potential impacts would remain unmitigated in the weekday AM, weekday midday and Saturday peak hours.
	EB/WB	53	53	43	53	53	43	
	NB/SB	70	67	57	70	67	57	
	NB-L/SB-L	20	23	13	20	23	13	
134th Street & Union Turnpike	Unsignalized	-	-	-	-	-	-	- All potential impacts would remain unmitigated in the weekday AM peak hour.

Note :
¹Signal timings shown indicate green plus yellow (including all red) for each phase.
This table has been updated for the FEIS.

Table 5.15-6 shows the v/c ratios, delays, and levels of service (LOS) for lane groups at each analyzed intersection with implementation of the recommended mitigation measures and compares them with No Action and With Action conditions for the analyzed weekday AM, weekday midday, and Saturday peak hours, respectively. According to *CEQR Technical Manual criteria*, a potential significant impact is considered fully mitigated when the resulting LOS degradation under the Action-with-Mitigation condition compared with the No Action condition is no longer deemed significant following the impact criteria described in Section 5.9. **Tables 5.15-6 through 5.15-8** show that potential significant adverse impacts would be fully mitigated at two lane groups at one analyzed intersection during the analyzed weekday AM peak hour, one lane group at one analyzed intersection during the analyzed midday peak hour, and no lane group during the analyzed Saturday peak hour. In total, potential significant adverse impacts to one or

more lane groups would remain unmitigated in one or more analyzed peak hours at four analyzed intersections. Consequently, these potential significant impacts would constitute unavoidable significant adverse traffic impacts as a result of the proposed project (see also Section 5.16, “Unavoidable Adverse Impacts-Queens”).

Table 5.15-6
Action-With-Mitigation Conditions at Potentially Impacted Intersections
Weekday AM Peak Hour

Intersection	No-Action Weekday AM			With-Action Weekday AM			Action-with-Mitigation Weekday AM								
	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS
Queens Boulevard & 78th Avenue (signalized)	WB	L	1.46	278.1	F	WB	L	1.58	330.0	F	WB	LTR	1.58	330.0	F
	WB	TR	0.32	48.3	D	WB	TR	0.32	48.3	D	WB	LTR	0.32	48.3	D
	NB (Main)	T	1.00	39.3	D	NB (Main)	T	1.01	43.3	D	NB (Main)	T	1.01	43.3	D
	SB (Main)	T	0.23	16.4	B	SB (Main)	T	0.25	16.6	B	SB (Main)	T	0.25	16.6	B
	NB (Service)	T	0.82	27.2	C	NB (Service)	T	0.82	27.2	C	NB (Service)	T	0.82	27.2	C
	SB (Service)	TR	0.41	20.0	C	SB (Service)	TR	0.41	20.0	C	SB (Service)	TR	0.41	20.0	C
Queens Boulevard & Union Turnpike (signalized)	EB	LT	0.47	56.8	E	EB	LT	0.59	61.0	E	EB	LT	0.57	59.4	E
	EB	R	0.82	82.9	F	EB	R	0.82	82.9	F	EB	R	0.80	78.1	E
	WB	R	1.08	172.3	F	WB	R	1.10	179.2	F	WB	R	1.08	171.2	F
	NB	T	0.81	31.7	C	NB	T	0.81	31.9	C	NB	T	0.82	33.2	C
	NB	R	0.49	3.8	A	NB	R	0.49	3.8	A	NB	R	0.49	4.2	A
	SB (Main)	L	0.98	92.3	F	SB (Main)	L	1.16	150.1	F	SB (Main)	L	1.16	150.1	F
	SB (Main)	T	0.38	26.8	C	SB (Main)	T	0.36	26.4	C	SB (Main)	T	0.37	27.1	C
	SB (Service to local)	T	0.44	29.2	C	SB (Service to local)	T	0.44	29.2	C	SB (Service to local)	T	0.45	30.0	C
	SB (Service to Main)	T	0.12	22.9	C	SB (Service to Main)	T	0.12	22.9	C	SB (Service to Main)	T	0.12	23.5	C
	EB	L	0.65	59.8	E	EB	L	0.67	61.3	E	EB	L	0.67	61.3	E
Queens Boulevard & Hoover Avenue/83rd Avenue (signalized)	EB	TR	0.60	50.8	D	EB	TR	0.60	50.9	D	EB	TR	0.60	50.9	D
	WB	LTR	1.09	133.5	F	WB	LTR	1.48	290.5	F	WB	LTR	1.48	290.5	F
	NB	L	0.66	86.2	F	NB	L	0.66	86.2	F	NB	L	0.66	86.2	F
	NB	TR	1.02	63.0	E	NB	TR	1.10	89.7	F	NB	TR	1.10	89.7	F
	SB	L	0.66	87.6	F	SB	L	0.66	87.6	F	SB	L	0.66	87.6	F
	SB	TR	0.36	29.1	C	SB	TR	0.35	29.0	C	SB	TR	0.35	29.0	C
134th Street & Union Turnpike (two-way stop-controlled)	NB	R	0.93	55.1	F	NB	R	0.96	61.8	F	NB	R	0.96	61.8	F

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.
 - Lane Group: L-Left, T-Through, R-Right, DefL-Defacto left.
 - Shading denotes potential significant adverse impact per *CEQR Technical Manual* criteria.
- This table has been updated for the FEIS.

Section 5.15: Mitigation-Queens

Table 5.15-7
Action-With-Mitigation Conditions at Potentially Impacted Intersections
Weekday Midday Peak Hour

Intersection	No-Action Weekday Midday					With-Action Weekday Midday					Action-with-Mitigation Weekday Midday				
	Lane Approach	V/C Group	Delay Ratio (sec/veh)	LOS	Lane Approach	V/C Group	Delay Ratio (sec/veh)	LOS	Lane Approach	V/C Group	Delay Ratio (sec/veh)	LOS	Lane Approach	V/C Group	Delay Ratio (sec/veh)
Queens Boulevard & 78th Avenue (signalized)	WB	L	2.15	582.2	F	WB	L	2.21	610.0	F	WB	LTR	2.21	610.0	2.21
	WB	TR	0.61	59.6	E	WB	TR	0.61	59.6	E	WB	LTR	0.61	59.6	0.61
	NB (Main)	T	0.49	20.2	C	NB (Main)	T	0.50	20.4	C	NB (Main)	T	0.50	20.4	0.50
	SB (Main)	T	0.69	24.5	C	SB (Main)	T	0.70	24.7	C	SB (Main)	T	0.70	24.7	0.70
	NB (Service)	T	0.44	20.4	C	NB (Service)	T	0.44	20.4	C	NB (Service)	T	0.44	20.4	0.44
	SB (Service)	TR	1.31	181.3	F	SB (Service)	TR	1.31	181.3	F	SB (Service)	TR	1.31	181.3	1.31
Queens Boulevard & Union Turnpike (signalized)	EB	LT	0.46	53.8	D	EB	LT	0.51	55.3	E	EB	LT	0.51	55.3	E
	EB	R	0.74	71.3	E	EB	R	0.74	71.3	E	EB	R	0.74	71.3	E
	WB	R	0.45	15.7	B	WB	R	0.45	15.8	B	WB	R	0.44	14.2	B
	NB	T	0.57	46.3	D	NB	T	0.58	46.5	D	NB	T	0.62	49.6	D
	NB	R	0.52	13.4	B	NB	R	0.52	13.4	B	NB	R	0.52	13.6	B
	SB (Main)	L	1.10	134.2	F	SB (Main)	L	1.16	159.6	F	SB (Main)	L	1.11	133.0	F
	SB (Main)	T	0.80	27.7	C	SB (Main)	T	0.78	26.8	C	SB (Main)	T	0.79	27.8	C
	SB (Service to local)	T	0.94	48.3	D	SB (Service to local)	T	0.94	48.3	D	SB (Service to local)	T	0.95	50.9	D
Queens Boulevard & Hoover Avenue/83rd Avenue (signalized)	SB (Service to Main)	T	0.42	17.9	B	SB (Service to Main)	T	0.42	17.9	B	SB (Service to Main)	T	0.42	18.5	B
	EB	L	0.42	46.2	D	EB	L	0.44	47.5	D	EB	L	0.44	47.5	D
	EB	TR	0.75	59.3	E	EB	TR	0.75	59.5	E	EB	TR	0.75	59.5	E
	WB	LTR	0.89	87.6	F	WB	LTR	1.72	397.8	F	WB	LTR	1.72	397.8	F
	NB	L	0.73	87.4	F	NB	L	0.73	87.4	F	NB	L	0.73	87.4	F
	NB	TR	0.48	33.3	C	NB	TR	0.53	34.4	C	NB	TR	0.53	34.4	C
SB	L	0.51	72.8	E	SB	L	0.51	72.8	E	SB	L	0.51	72.8	E	
	TR	0.94	54.8	D	SB	TR	0.94	54.5	D	SB	TR	0.94	54.5	D	

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.
- Lane Group: L-Left, T-Through, R-Right, Defl.-Defacto left.
- Shading denotes potential significant adverse impact per *CEQR Technical Manual* criteria.

This table has been updated for the FEIS.

Table 5.15-8
Action-With-Mitigation Conditions at Potentially Impacted Intersections
Saturday Peak Hour

Intersection	No-Action Weekday Midday					With-Action Weekday Midday					Action-with-Mitigation Weekday Midday				
	Lane Approach	V/C Group	Delay Ratio (sec/veh)	LOS	Lane Approach	V/C Group	Delay Ratio (sec/veh)	LOS	Lane Approach	V/C Group	Delay Ratio (sec/veh)	LOS	Lane Approach	V/C Group	Delay Ratio (sec/veh)
Queens Boulevard & 78th Avenue (signalized)	WB	L	2.06	521.5	F	WB	L	2.09	536.9	F	WB	LTR	2.09	536.9	F
	WB	TR	0.17	27.8	C	WB	TR	0.17	27.8	C	WB	LTR	0.17	27.8	C
	NB (Main)	T	0.52	26.6	C	NB (Main)	T	0.54	26.8	C	NB (Main)	T	0.54	26.8	C
	SB (Main)	T	0.69	29.7	C	SB (Main)	T	0.70	29.9	C	SB (Main)	T	0.70	29.9	C
	NB (Service)	T	0.57	29.7	C	NB (Service)	T	0.57	29.7	C	NB (Service)	T	0.57	29.7	C
	SB (Service)	TR	1.02	78.5	E	SB (Service)	TR	1.04	82.4	F	SB (Service)	TR	1.04	82.4	F
Queens Boulevard & Union Turnpike (signalized)	EB	LT	0.41	43.7	D	EB	LT	0.46	44.9	D	EB	LT	0.46	44.9	D
	EB	R	0.78	62.5	E	EB	R	0.78	62.5	E	EB	R	0.78	62.5	E
	WB	R	0.35	18.2	B	WB	R	0.36	18.3	B	WB	R	0.36	18.3	B
	NB	T	0.46	28.0	C	NB	T	0.47	28.1	C	NB	T	0.47	28.1	C
	NB	R	0.42	9.8	A	NB	R	0.42	9.8	A	NB	R	0.42	9.8	A
	SB (Main)	L	1.10	125.4	F	SB (Main)	L	1.18	154.0	F	SB (Main)	L	1.18	154.0	F
	SB (Main)	T	1.10	151.3	F	SB (Main)	T	1.08	146.2	F	SB (Main)	T	1.08	146.2	F
	SB (Service to local)	T	0.79	43.3	D	SB (Service to local)	T	0.79	43.3	D	SB (Service to local)	T	0.79	43.3	D
Queens Boulevard & Hoover Avenue/83rd Avenue (signalized)	SB (Service to Main)	T	0.66	35.6	D	SB (Service to Main)	T	0.66	35.6	D	SB (Service to Main)	T	0.66	35.6	D
	EB	L	0.23	33.3	C	EB	L	0.26	34.1	C	EB	L	0.26	34.1	C
	EB	TR	0.39	36.1	D	EB	TR	0.39	36.1	D	EB	TR	0.39	36.1	D
	WB	LTR	0.37	36.0	D	WB	LTR	0.82	62.4	E	WB	LTR	0.82	62.4	E
	NB	L	0.86	113.0	F	NB	L	0.86	113.0	F	NB	L	0.86	113.0	F
	NB	TR	0.53	26.1	C	NB	TR	0.56	26.8	C	NB	TR	0.56	26.8	C
SB	L	0.69	87.4	F	SB	L	0.69	87.4	F	SB	L	0.69	87.4	F	
	TR	1.04	66.3	E	SB	TR	1.04	65.7	E	SB	TR	1.04	65.7	E	

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.
- Lane Group: L-Left, T-Through, R-Right, Defl.-Defacto left.
- Shading denotes potential significant adverse impact per *CEQR Technical Manual* criteria.

This table has been updated for the FEIS.

C. CONSTRUCTION

CONSTRUCTION TRAFFIC

As described in Section 5.14, “Construction-Queens,” traffic associated with peak construction period activity would have the potential to result in significant adverse traffic impacts at ~~fiveseven~~ study area intersections during one or more analyzed peak hours. Specifically, ~~nine~~⁴³ lane groups at ~~fiveseven~~ analyzed intersections during the construction AM peak hour and ~~two~~³ lane groups at two analyzed intersections during the construction midday peak hour. Although these potential significant impacts would be temporary, measures to address these temporary significant impacts were considered. As demonstrated below, some of these potential significant impacts could be mitigated through the implementation of traffic signal timing modifications.

The types of mitigation measures proposed herein are standard measures that are routinely identified by the City and considered feasible for implementation. **Table 5.15-9** summarizes the recommended mitigation measures for each of the intersections with potential significant adverse traffic impacts during the construction AM and midday peak hours. Implementation of the recommended traffic signal timing changes is subject to review and approval by DOT. In the absence of the application of mitigation measures, the temporary impacts would remain unmitigated.

Table 5.15-9
Proposed Traffic Mitigation Measures During Peak Construction Period

Intersection	Signal Phase	No Action Signal Timing (Seconds) ¹		Proposed Signal Timing (Seconds) ¹		Recommended Mitigation
		AM	MD	AM	MD	
78th Avenue & Queens Boulevard	WB NB/SB PED	45 90 15	45 90 15	45 90 15	45 90 15	- All potential impacts would remain unmitigated in the weekday AM peak hour.
Union Turnpike & Queens Boulevard	EB/WB-R NB/SB SB-L/NB-R/WB-R SB/NB-R/WB-R	38 75 37 -	41 50 15 44	40 73 37 -	41 48 16 45	- Transfer 2s of green time from NB/SB to EB/WB-R in AM. - Transfer 1s of green time from NB/SB to SB-L/NB-R/WB-R in midday. - Transfer 1s of green time from NB/SB to SB/NB-R/WB-R in midday. - Potential impact to SB(Main)-L lane group would remain unmitigated in the AM peak hour.
Hoover Avenue/ 83rd Avenue & Queens Boulevard	PED EB/WB NB/SB NB-L/SB-L	7 53 70 20	7 53 67 23	7 53 70 20	7 53 67 23	- All potential impacts would remain unmitigated in the weekday AM and midday peak hours.
77th Avenue & Queens Boulevard	EB/WB NB/SB NB-L/NB NB-L	40 70 20 20	48 77 8 17	41 69 20 20	48 77 8 17	- Transfer 1s of green time from NB/SB to EB/WB in AM.
134th Street & Union Turnpike	Unsignalized	-	-	-	-	- All potential impacts would remain unmitigated in the weekday AM peak hour.

Note:

¹Signal timings shown indicate green plus yellow (including all red) for each phase.

This table has been updated for the FEIS.

A CTMP will be developed by DDC prior to commencement of construction-related activities. The CTMP will include transportation data collection as well as traffic and pedestrian analyses. The data collection will include traffic and pedestrian counts, worker shift schedules, worker origin-destination and modal split survey data, parking surveys, and truck frequency data. A traffic management plan for the project would be developed as part of the CTMP in order to address the effect of construction-related activity on transportation systems and verify the need for

implementing construction-related mitigation measures identified in this EIS or additional routine traffic control measures if as warranted and in consultation with DOT. The CTMP would be submitted to DOT and OCMC for review and approval and would be an on-going process for addressing the effects of construction.

The ~~analyzed traffic locations as well as others that may experience temporary disruptions would be included in the CTMP that~~ would be initiated at the start of construction ~~for the project work area~~. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which traffic operations would be disrupted as a result of street network access accommodations requested to facilitate the construction effort cannot be made at this time. As the design-build process is initiated, an updated assessment of traffic conditions around the project site would be made as part of the CTMP. DDC, through the CTMP, in coordination with DOT and OCMC, will implement as warranted any identified traffic control measures that address ~~identify feasible measures that could mitigate any potential disruptions.~~

CONSTRUCTION PEDESTRIANS

~~According to a preliminary assessment of construction generated pedestrian activity, six pedestrian elements were identified as potential impact locations. Because detailed plans for the proposed detention facility and detailed construction logistics, including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which pedestrian operations would be disrupted as a result of construction activity cannot be made at this time. However, an assessment of pedestrian conditions would be included in the CTMP described above. Mitigation measures to address potential impacts to pedestrian elements (sidewalks, corners and crosswalks) typically include signal timing changes, sidewalk and crosswalk widenings or the relocation of street furniture and obstructions. In the event it is found that measures fully mitigating such temporary impacts are infeasible, then unmitigatable significant adverse impacts could occur at the identified pedestrian elements.~~

In addition to the standard traffic mitigation measures identified above, the City will continue to explore other options to further reduce traffic impacts in the vicinity of the Queens Site. Potential options could include remote parking and shuttle service for construction workers, incentives to encourage transit use, the use of traffic enforcement agents/construction flaggers to facilitate traffic circulation, staged deliveries and queuing, and staggered work hour.

Tables 5.15-10 and 5.15-11 show the v/c ratios, delays, and LOS for impacted lane groups at each analyzed intersection with implementation of the recommended mitigation measures and compares them with No Action and Construction With Action conditions for the analyzed periods. **Tables 5.15-10 and 5.15-11** show that, according to *CEQR Technical Manual* criteria, potential significant adverse impacts due to construction-related vehicle trips would be fully mitigated at ~~three~~four lane groups at two analyzed intersections during the construction AM peak hour and one lane group at one analyzed intersection during the construction midday peak hour. In total, impacts to one or more lane groups would remain unmitigated in one or more analyzed construction period peak hours at ~~four~~six analyzed intersections. Consequently, these potential significant impacts would constitute unavoidable significant adverse traffic impacts as a result of the proposed project (see also Section 5.16, “Unavoidable Adverse Impacts-Queens”).

Table 5.15-10
Construction-With-Mitigation Conditions at Potentially Impacted Intersections
AM Peak Hour

Intersection	No Action AM Peak Hour				Construction With Action AM Peak Hour				Construction-with-Mitigation AM Peak Hour						
	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS		
Queens Boulevard & 78th Avenue (signalized)	WB	L	1.46	278.1	F	WB	L	1.54	311.7	F	WB	LTR	1.54	311.7	F
	WB	TR	0.32	48.3	D	WB	TR	0.32	48.3	D	WB	LTR	0.32	48.3	D
	NB (Main)	T	1.00	39.3	D	NB (Main)	T	1.02	46.1	D	NB (Main)	T	1.02	46.1	D
	SB (Main)	T	0.23	16.4	B	SB (Main)	T	0.27	16.8	B	SB (Main)	T	0.27	16.8	B
	NB (Service)	T	0.82	27.2	C	NB (Service)	T	0.82	27.2	C	NB (Service)	T	0.82	27.2	C
	SB (Service)	TR	0.41	20.0	C	SB (Service)	TR	0.41	20.0	C	SB (Service)	TR	0.41	20.0	C
Queens Boulevard & Union Turnpike (signalized)	EB	LT	0.47	56.8	E	EB	LT	0.58	60.6	E	EB	LT	0.55	57.6	E
	EB	R	0.82	82.9	F	EB	R	0.85	86.8	F	EB	R	0.79	76.7	E
	WB	R	1.08	172.3	F	WB	R	1.11	185.3	F	WB	R	1.08	169.5	F
	NB	T	0.81	31.7	C	NB	T	0.81	31.8	C	NB	T	0.83	34.6	C
	NB	R	0.49	3.8	A	NB	R	0.50	3.9	A	NB	R	0.51	4.7	A
	SB (Main)	L	0.98	92.3	F	SB (Main)	L	1.24	183.1	F	SB (Main)	L	1.24	183.1	F
	SB (Main)	T	0.38	26.8	C	SB (Main)	T	0.36	26.4	C	SB (Main)	T	0.37	27.8	C
	SB (Service to local)	T	0.44	29.2	C	SB (Service to local)	T	0.44	29.2	C	SB (Service to local)	T	0.46	30.8	C
Queens Boulevard & Hoover Avenue/83rd Avenue (signalized)	SB (Service to Main)	T	0.12	22.9	C	SB (Service to Main)	T	0.12	22.9	C	SB (Service to Main)	T	0.12	24.1	C
	EB	L	0.65	59.8	E	EB	L	0.66	60.4	E	EB	L	0.66	60.4	E
	EB	TR	0.60	50.8	D	EB	TR	0.60	50.8	D	EB	TR	0.60	50.8	D
	WB	LTR	1.09	133.5	F	WB	LTR	1.19	167.9	F	WB	LTR	1.19	167.9	F
	NB	L	0.66	86.2	F	NB	L	0.66	86.2	F	NB	L	0.66	86.2	F
	NB	TR	1.02	63.0	E	NB	TR	1.10	93.3	F	NB	TR	1.10	93.3	F
134th Street & Union Turnpike (two-way stop-controlled)	SB	L	0.66	87.6	F	SB	L	0.66	87.6	F	SB	L	0.66	87.6	F
	SB	TR	0.36	29.1	C	SB	TR	0.36	29.1	C	SB	TR	0.36	29.1	C
Queens Boulevard & 77th Avenue (signalized)	NB	R	0.93	55.1	F	NB	R	0.96	60.3	F	NB	R	0.96	60.3	F
	EB	LR	0.40	54.9	D	EB	LR	0.40	55.0	E	EB	LR	0.39	53.7	D
	WB	LTR	0.63	63.0	E	WB	LTR	0.72	68.5	E	WB	LTR	0.70	66.0	E
	NB (Main)	L	0.27	48.9	D	NB (Main)	L	0.45	53.7	D	NB (Main)	L	0.45	53.7	D
	NB (Main)	T	0.97	33.8	C	NB (Main)	T	0.98	34.4	C	NB (Main)	T	0.99	37.8	D
	SB (Main)	T	0.35	28.9	C	SB (Main)	T	0.36	29.1	C	SB (Main)	T	0.36	29.8	C
	NB (Service)	L	0.47	82.0	F	NB (Service)	L	0.47	82.0	F	NB (Service)	L	0.47	82.0	F
	NB (Service)	T	0.83	27.7	C	NB (Service)	T	0.83	27.7	C	NB (Service)	T	0.84	29.3	C
	SB (Service)	TR	0.38	31.1	C	SB (Service)	TR	0.39	31.1	C	SB (Service)	TR	0.39	31.9	C

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.
- Lane Group: L-Left, T-Through, R-Right, DefL-Defacto left.
- Shading denotes potential significant adverse impact per *CEQR Technical Manual* criteria.

This table has been updated for the FEIS.

Table 5.15-11
Construction-With-Mitigation Conditions at Potentially Impacted Intersections
Midday Peak Hour

Intersection	No Action Midday Peak Hour				Construction With Action Midday Peak Hour				Construction-with-Mitigation Midday Peak Hour						
	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	Approach	Lane Group	V/C Ratio	Delay (sec/veh)	LOS		
Queens Boulevard & Union Turnpike (signalized)	EB	LT	0.46	53.8	D	EB	LT	0.46	53.8	D	EB	LT	0.46	53.8	D
	EB	R	0.74	71.3	E	EB	R	0.76	73.6	E	EB	R	0.76	73.6	E
	WB	R	0.45	15.7	B	WB	R	0.45	15.7	B	WB	R	0.44	14.6	B
	NB	T	0.57	46.3	D	NB	T	0.59	46.6	D	NB	T	0.61	48.7	D
	NB	R	0.52	13.4	B	NB	R	0.52	13.6	B	NB	R	0.53	13.7	B
	SB (Main)	L	1.10	134.2	F	SB (Main)	L	1.13	146.7	F	SB (Main)	L	1.09	129.7	F
	SB (Main)	T	0.80	27.7	C	SB (Main)	T	0.78	26.8	C	SB (Main)	T	0.79	27.8	C
	SB (Service to local)	T	0.94	48.3	D	SB (Service to local)	T	0.94	48.3	D	SB (Service to local)	T	0.95	50.9	D
Queens Boulevard & Hoover Avenue/83rd Avenue (signalized)	SB (Service to Main)	T	0.42	17.9	B	SB (Service to Main)	T	0.42	17.9	B	SB (Service to Main)	T	0.42	18.5	B
	EB	L	0.42	46.2	D	EB	L	0.43	47.0	D	EB	L	0.43	47.0	D
	EB	TR	0.75	59.3	E	EB	TR	0.75	59.3	E	EB	TR	0.75	59.3	E
	WB	LTR	0.89	87.6	F	WB	LTR	1.80	434.4	F	WB	LTR	1.80	434.4	F
	NB	L	0.73	87.4	F	NB	L	0.73	87.4	F	NB	L	0.73	87.4	F
	NB	TR	0.48	33.3	C	NB	TR	0.49	33.4	C	NB	TR	0.49	33.4	C
	SB	L	0.51	72.8	E	SB	L	0.51	72.8	E	SB	L	0.51	72.8	E
	SB	TR	0.94	54.8	D	SB	TR	0.94	55.0	E	SB	TR	0.94	55.0	E

Note:

- Approach: EB-Eastbound, WB-Westbound, NB-Northbound, SB-Southbound.
- Lane Group: L-Left, T-Through, R-Right, DefL-Defacto left.
- Shading denotes potential significant adverse impact per *CEQR Technical Manual* criteria.

This table has been updated for the FEIS.

CONSTRUCTION PEDESTRIANS

According to a preliminary assessment of construction generated pedestrian activity, four pedestrian elements were identified as potential impact locations. Because detailed plans for the proposed detention facility and detailed construction logistics including any necessary street or sidewalk closures, are not known at this time, the level of specificity necessary to quantify the extent to which pedestrian operations would be disrupted as a result of construction activity cannot be made at this time. However, an assessment of pedestrian conditions would be included in the CTMP described above. Mitigation measures to address potential impacts to pedestrian elements (sidewalks, corners, and crosswalks) typically include signal timing changes, sidewalk and crosswalk widenings, or the relocation of street furniture and obstructions. In the event it is found that measures fully mitigating such temporary impacts are infeasible or inadequate, then unmitigable significant adverse impacts could occur at the identified pedestrian elements.

CONSTRUCTION NOISE

Section 5.14, “Construction Queens,” concludes that construction of the proposed project would have the potential to result in a significant adverse construction noise impact at one noise receptor adjacent to the construction work area. The construction noise analysis concluded that construction of the proposed project would have the potential to result in construction noise levels that exceed *CEQR Technical Manual* noise impact criteria for an extended period at the Queens County Criminal Court. Source or path controls beyond those already identified in Section 5.14 were considered for feasibility and effectiveness in reducing the level of construction noise at the receptors that have the potential to experience significant adverse construction noise impacts. These measures may include enclosing the concrete pump and concrete mixer trucks at any time that the mixer barrels would be spinning in a shed or tunnel including two or three walls and a roof, with the opening or openings facing away from receptors. These measures would provide approximately 10 to 15 dBA reduction in concrete operation noise. However, it would not substantially reduce noise from hoist or tower crane operations. Additionally, selecting quieter equipment models for cranes, generators, compressors, and lifts may result in up to a 10 dBA reduction in noise levels from construction during superstructure and subsequent phases. This is subject to the availability of quieter equipment in the quantities necessary to complete the proposed project in the projected timeframe. These measures, if implemented would partially mitigate the predicted construction noise impacts, because there would still be times when construction of the proposed project would result in exceedances of acceptable noise levels at these receptors. Therefore, construction of the proposed project would result in unmitigated significant adverse noise impacts at the Queens County Criminal Court. *



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190335 ZSX**

CEQR Number: 18DOC001Y

Project Name: **Borough Based Jail System**

Borough(s): Bronx

Community District Number(s): 1

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, 120 Broadway, 31st Floor, New York, NY 10271
 - **FAX:** to (212) 720-3488 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:

SEE ATTACHED

Applicant(s): NYC Department of Correction 75-20 Astoria Boulevard, East Elmhurst, NY 11370 Mayor's Office of Criminal Justice 1 Centre Street, New York, NY 10007	Applicant's Representative: Howard J. Fiedler, AIA NYC Department of Correction 75-20 Astoria Boulevard East Elmhurst, NY 11370
Recommendation submitted by: Bronx Community Board 1	
Date of public hearing: MAY 23, 2019	Location: 234 EAST 149TH STREET BRONX, NEW YORK 10455
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>
Date of Vote: MAY 23, 2019	Location: 234 EAST 149TH STREET BRONX, NEW YORK 10455
RECOMMENDATION <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Modifications/Conditions <input checked="" type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions </div>	
<i>Please attach any further explanation of the recommendation on additional sheets, as necessary.</i>	
Voting # In Favor: 0 # Against: 25 # Abstaining: 3 Total members appointed to the board: 46	
Name of CB/BB officer completing this form <i>Cedric L. Loftis</i>	Title <i>DISTRICT MANAGER</i>
Date <i>May 23, 2019</i>	



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190336 ZMX**

CEQR Number: 18DOC001Y

Project Name: **Borough Based Jail System**

Borough(s): Bronx

Community District Number(s): 1

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, 120 Broadway, 31st Floor, New York, NY 10271
 - **FAX:** to (212) 720-3488 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 New York City Department of Correction and the Mayor's Office of Criminal Justice pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c:

1. changing from an M1-3 District to an M1-4/R7X District property bounded by East 142nd Street, a line 100 feet southeasterly of Concord Avenue, East 141st Street, and Concord Avenue; and
2. establishing a Special Mixed Use District (MX-18) bounded by East 142nd Street, a line 100 feet southeasterly of Concord Avenue, East 141st Street, and Concord Avenue;

Borough of the Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated March 25, 2019.

Applicant(s): NYC Department of Correction 75-20 Astoria Boulevard, East Elmhurst, NY 11370 Mayor's Office of Criminal Justice 1 Centre Street, New York, NY 10007	Applicant's Representative: Howard J. Fiedler, AIA NYC Department of Correction 75-20 Astoria Boulevard East Elmhurst NY 11370
--	---

Recommendation submitted by:

Bronx Community Board 1

Date of public hearing: **5/23/19**Location: **234 EAST 149TH STREET**
BRONX N.Y. 10455Was a quorum present? **YES** **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: **5/23/19**Location: **234 EAST 149TH ST. BRONX N.Y.**
10455**RECOMMENDATION** **Approve** **Approve With Modifications/Conditions** **Disapprove** **Disapprove With Modifications/Conditions**

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

Voting# In Favor: **0** # Against: **25** # Abstaining: **3**Total members appointed to the board: **46**

Name of CB/BB officer completing this form

Christopher Loflin'

Title

DISTRICT MANAGER

Date

MAY 23 2019

**BOROUGH PRESIDENT
RECOMMENDATION**

**CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
Fax # (212)720-3356**

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 representative as indicated on the Notice of Certification.

APPLICATIONS NOS:

**C 190333 PSY, BOROUGH-BASED JAIL SITE SELECTION
C 190335 ZX, BOROUGH-BASED JAIL SYSTEM
C 190336 ZMX, BOROUGH-BASED JAIL SYSTEM
C 190338 HAX, BOROUGH-BASED JAIL FACILITY UDAPP**

DOCKET DESCRIPTION-PLEASE SEE ATTACHMENT FOR DOCKET DESCRIPTION

COMMUNITY BOARD NO. # 1

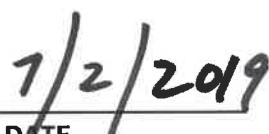
BOROUGH: BRONX

RECOMMENDATION

- APPROVE
 APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
 DISAPPROVE

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary): PLEASE SEE ATTACHMENT FOR THE BOROUGH PRESIDENT'S RECOMMENDATION


BOROUGH PRESIDENT


DATE

BRONX BOROUGH PRESIDENT'S RECOMMENDATION
ULURP APPLICATION NOS: C 190333 PSY, C 190335 ZSX, C 190336 ZMX
BOROUGH BASED JAIL SYSTEM

DOCKET DESCRIPTION

ULURP APPLICATION NO: C 190333 PSY: Citywide Site Selection

IN THE MATTER OF an application submitted by the Department of Correction, the Mayor's office of Criminal Justice, and the Department of Citywide Administrative Services, pursuant to Sections 197-c of the New York City Charter, for the site selection of property located at:

1. 745 East 141st Street (Block 2574, p/o Lot 1), Bronx Community District 1;
2. 275 Atlantic Avenue (Block 175 Lot 1), Brooklyn Community District 2;
3. 124 White Street (block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Manhattan Community District 1; and
4. 126-02 82nd Avenue (Block 9653, Lot 1), 80-25 126th Street (Block 9657, Lot 1), and the bed of 82nd Avenue between 126th and 132nd streets, Queens Community District #9;

For borough-based jail facilities.

ULURP APPLICATION NO: C 190335 ZSX: Grant of a Special Permit

IN THE MATTER OF an application submitted by NYC Department of Correction and the Mayor's Office of Criminal Justice pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-832* of the Zoning Resolution to modify:

- a. The use regulations of Section 42-10 (USES PERMITTED AS OF RIGHT);
- b. The floor area ration requirements of Section 43-10 (FLOOR AREA REGULATIONS);
- c. The height and setback requirements of Sections 43-40 (HEIGHT AND SETBACK REGULATIONS);
- d. The permitted parking requirements of Section 44-10 (PERMITTED ACCESSORY OFF-STREET PARKING SPACES); and
- e. The loading berth requirements of Section 44-50 (GENERAL PURPOSES);

To facilitate the construction of a borough-based jail facility on property located at 320 Concord Avenue (Block 2574, p/o Lot 1), in an M1-3 District, Borough of The Bronx, Community District 1.

*Note: an application for a zoning text amendment is proposed to create a new Section 74-832 (Borough-based jail system) under a concurrent related application N 190334 ZRY.

Plans for this proposal are on file with the City Planning Commission and may be seen at 120 Broadway, 31st Floor, New York, N.Y. 10271-0001.

ULURP APPLICATION NO: C 190336 ZMX: Amending the Zoning Map to Accommodate mixed use development

IN THE MATTER OF an application submitted by New York City Department of Correction and the Mayor's Office of Criminal Justice pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c:

1. Changing from an M1-3 District to an M1-4/R7X District property bounded by East 142nd Street, a line 100 feet southeasterly of Concord Avenue, East 141st Street, and Concord Avenue; and
2. Establishing a Special Mixed Use District (MX-18) bounded by East 142nd Street, a line 100 feet southeasterly of Concord Avenue, East 141st Street, and Concord Avenue;

Borough of The Bronx, Community District 1, as shown on a diagram (for illustrative purposes only) dated March 25, 2019.

ULURP APPLICATION NO: C 190338 HAX: Designation of property for Affordable Housing

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD);

- 1) Pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) The designation of property located at 320 Concord Avenue and 745 East 141st Street (Block 2574, p/o Lot 1) as an Urban Development Action Area; and
 - b) Urban Development Action Area Project for such area; and
- 2) Pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

To facilitate a development containing approximately 235 affordable housing units, community facility and/or retail space, Borough of The Bronx, Community District 1.

Related Non-ULURP Applications:

N 190334 ZRY-Citywide Zoning Text Amendment:

This application (N 190334ZRY) for a zoning text amendment to amend Article VII, Chapter 4 of the Zoning Resolution to create a new special permit for borough-based jail facilities permitting modifications of zoning requirements for use, bulk—including floor area, height, and setback, and parking and loading. This proposed action, would facilitate development of the New York City Borough-Based Jail System in Bronx Community District #1, Brooklyn Community District #2, Manhattan Community District #1 and Queens Community District #9.

N 190337 ZRX-Zoning Text Amendment:

This application (N 190337 ZRX) amends the Zoning Resolution Appendix F, “Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas” to designate the mixed-use development site as a Mandatory Inclusionary Housing (MIH) area, consistent with City policies to apply MIH to residential up-zonings and amend the Zoning Resolution Section 123-90, “Special Mixed Use Districts Specified,” to designate the mixed-use development site a special mixed use district (MX-18), was filed by the new York City Department of Corrections (DOC) and the Mayor’s Office of Criminal Justice on March 22, 2019.

BACKGROUND

Approving these applications would facilitate construction of a new Bronx jail. The proposed site is located at 745 East 141st Street, (Block 2574, p/o Lot 1). It is bounded by East 142nd Street on the north, East 141st Street on the south, Concord Avenue on the west and Southern Boulevard on the east. This site is composed of 148,400 square feet of property and is currently occupied by an outdoor parking facility used as a tow-pound by the New York City Police Department. (No alternative location for this facility is identified). It is currently zoned M1-3, in Bronx Community District #1. This site is also located within the Port Morris Industrial Business Zone (IBZ).

The general objectives this city-wide initiative seeks to realize include:

- Create a dignified environment for the detainee and for their visiting family members.
- Improve accessibility to detainees by their families, attorneys, social services providers and community support organizations
- Allow for natural light and additional space for therapeutic programming all designed to create a more productive environment which is also calmer
- Able to provide additional space for recreation, health, education, and visitation
- Enhancing the well-being for uniform staff as well as for civilians
- Integrating the new facilities into adjacent neighborhoods through connections to courts and service providers
- Reducing detainee travel time associated with traveling to court houses

As proposed, the new Bronx jail will include:

- 1,270,000 gross square feet and rise approximately 245 feet in height (24 stories)
- 1,220,000 gross square feet of housing for those being held in detention
- 10,000 gross square feet of court and court related space uses
- 40,000 gross square feet of storefront/retail and/community facility space
- 575 secure accessory parking facility offering three below grade (underground) levels. This facility will be a self-park garage accessible from East 141st Street. This parking area will be restricted to Department of Correction employees and other accessory uses.
- 1,437 beds
- Visitors' entrance will be via East 142nd Street, near Southern Boulevard
- Court space entrance will be via East 141st Street, near Southern Boulevard
- Retail and/or community use facilities will be via East 141st Street
- It is anticipated that the 4-borough jail sites will be operational by 2027
- This new facility will replace an existing facility (the Vernon C. Bain Center aka The Barge).

Based on the total amount of gross square feet this new facility will include (1,220,000 gross square feet) divided by the approximate maximum number of detainees this new facility will accommodate (1,437 beds/detainees) each detainee will be afforded an interior building-wide total of approximately 1,060 gross square feet of space.

There are no justice or correction facilities located within a ½ mile of this site. As such, the proposed jail facility will not contribute to a concentration of similar facilities that would adversely affect the surrounding community. The proposed jail site in The Bronx is the only site of the proposed four city-wide locations that is not adjacent to a court facility.

Court Houses and court related offices serving Bronx County are all located in Bronx Community District #4, approximately 2-miles from the proposed jail. These include:

- Bronx Supreme Court, 851 Grand Concourse (between East 158th & East 161st streets)
- Bronx Hall of Justice, 265 East 161st Street (between Sherman & Morris avenues)
- Family Court, 215 East 161st Street (between Sheridan & Sherman avenues)
- Bronx District Attorney's Office, 198 East 161st Street (between Concourse Village West & Sherman Avenue)
- Probation Office, 198 East 161st Street

Current transport time between Rikers Island and the above noted court locations approximates 30 minutes. It is estimated that travel-times will be reduced by approximately 10-minutes as both the Major Deegan Expressway and Bruckner Expressway will be used. It is also anticipated that as this new facility will offer on-site healthcare and parole court functions, the need to transport detainees for such purposes will be reduced.

Approving these applications will facilitate the City Planning Commission's ability to:

- Approve a special permit which will
 - Allow modifications to the applicable regulations governing
 - Uses
 - Bulk, including
 - Permitted floor area ratio
 - Permitted capacities of accessory off-street parking facilities and public parking garages
 - Off-street loading regulations

To facilitate construction of the proposed facilities

Approval of such a special permit will require that the Commission finds that:

- Any use modifications will support the operation of the facility and be compatible with the essential character of the surrounding community;
- Ground floor uses will be inviting to the public and will integrate the facility within the surrounding community;
- Any increase in permitted floor area ratio (FAR) will facilitate development of the facility;
- Any bulk modification will improve the interior layout and functionality of the facility;
- Such bulk modification, including any increase in permitted FAR will have minimal adverse effects on access to light and air for buildings and open spaces in the surrounding area;
- Any modifications to the provisions of accessory off-street parking and loading regulations will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area; and
- Any modification to the permitted capacity of public parking garages
 - Will not create serious traffic congestion or unduly inhibit vehicular or pedestrian movement and will not impair or adversely affect the development of the surrounding area; and
 - Will provide adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall such reservoir space be required for more than 50 vehicles.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Associated with development of a new jail facility is a proposal for a mixed use residential development to be located at 320 Concord Avenue (Block 2574, Lot1). This site is composed of 35,000 square feet of City-owned property. It is located west of the proposed Bronx jail and will be a separate zoning and tax lot. The site will front onto Concord Avenue, between East 141st

and East 142nd streets. The site will front onto both East 141st and East 142nd streets, 100 feet east of Concord Avenue

Facilitating this mixed use development the following land use actions are required:

- A zoning map amendment changing from an M1-3 to M1-4/R7X
- A zoning text amendment designating the mixed use development site a special mixed use district (MX) and a Mandatory Inclusionary Housing (MIH) area

It is anticipated that this new development will:

- Offer 235 units of affordable housing
- Offer an approximate maximum of 31,000 zoning square feet of retail/community facility space
- Rise no more than 145 feet (approximately 14 stories)

Taken together the jail and affordable housing/mixed use development will occupy all of Block 2574, Lot 1, encompassing an area of 183,400 square feet. Lot 1 will be subdivided into two tax lots, one for the proposed jail, the other the mixed use development site.

The character of the surrounding community is typified by a mix of low-rise industrial and residential buildings. Some of the industrial sites may include areas for off-street parking. A modest number of these industrial buildings exceed four stories, the largest of these being a self-storage facility located on the west side of Southern Boulevard at St. Mary's Street. A Con Edison substation specifically designed to resemble a block of townhouses is situated on the east side of Southern Boulevard, between East 142nd Street and St. Mary's Street. A homeless shelter reaching three stories in height is located at East 142nd Street and Powers Avenue. Industrial buildings exceeding five stories are located north of East 144th Street and east of Bruckner Boulevard.

Most of the residential development includes one and two family homes, not exceeding three stories, though some multi-family buildings up to six stories in height exist. These include homes located on the west side of Concord Avenue between East 141st and East 142nd Streets. Multi-family residences composed of five story buildings are located on Southern Boulevard at East 142nd Street. Retail activity pursuant to a commercial overlay is found on East 138th Street, approximately four blocks south of the tow pound site. Located within a three block radius of the site are auto-related services, including vehicular service stations, car wash venues and tire centers. The five-story Academic Leadership Charter School is located two blocks from the site on East 141st Street and Powers Avenue

The existing built profile on all streets adjacent the tow pound site does not exceed fifty feet.

Subway service via the #6 train is accessible of the proposed jail at two locations. The first is at Southern Boulevard at East 143rd Street less than a ¼ mile away, the second is on Cypress Avenue at East 138th Street approximately 2/5 mile away. This area is served by two bus routes, the Bx17 and Bx33. Vehicular access to the Bruckner Expressway (Interstate 278) is available at East 138th Street. The Bruckner Expressway, a limited access highway constructed above Bruckner Boulevard is located one block east of the tow pound site.

ENVIRONMENTAL REVIEW AND ULURP CERTIFICATION

These applications have been reviewed pursuant to CEQR and SEQR and received a Type I Declaration. An Environmental Assessment Statement (EAS) has been filed on August 6, 2018. The Planning Commission certified these applications as complete on March 29, 2019.

BRONX COMMUNITY BOARD PUBLIC HEARING

Bronx Community District #1 held a public hearing on these applications on May 23, 2019. A vote recommending these applications be denied was, zero in favor of endorsing these applications, 25 opposing approval of these applications and three abstaining.

BOROUGH PRESIDENT'S PUBLIC HEARING

A public hearing was convened by the Bronx Borough President on June 25, 2019. Representatives of the applicants were present and spoke in favor of these applications. This public hearing was attended by 125 members of the public of which 36 attendees offered testimony. Of these speakers, 27 spoke in favor of these applications and nine spoke in opposition. A total of 16 written comments were received by the Borough President's office, the last such submission was received on June 25, 2019. A total of 14 written statements favor approval of these applications in order to expedite the closing of Rikers Island, two statements favor closing of Rikers Island, recommending instead that no new jails be constructed and that the funds allocated for such construction be redirected to improving educational facilities and social service programs. The public hearing was closed on June 25, 2019. Written testimony remained open through July 1, 2019, however no such testimony was received beyond the June 25th date.

BRONX BOROUGH PRESIDENT'S RECOMMENDATION

Given the magnitude of the proposal to construct a new 1,270,000 square-foot Bronx jail at 745 East 141st Street and a mixed-use development on 320 Concord Avenue in Mott Haven, the breadth of its potential impact, and the urgent need to close Rikers Island, I have been careful to evaluate all of the pertinent information and view it from the perspective of each different actor that it may affect. In analyzing this proposal and determining its efficacy, I have taken into consideration the diligent research provided to me by my staff as well as the documents from the Department of City Planning and relevant community input gathered from public hearings.

As expressed in the city's "Description of Proposal" delivered to my office and Bronx Community Board #1 by the Department of City Planning, the objectives for my consideration of this proposed jail are:

1. Strengthening connections to families and communities by enabling people to remain closer to their loved ones and other people, which allows better engagement of incarcerated individuals with attorneys, social service providers and community supports so that they will do better upon leaving jail and would be less likely to return;
2. Improving access to natural light and space for therapeutic programming, which results in calmer and more productive environments inside the facilities;
3. Offering quality recreational, health, education, visitation and housing facilities, which support reengagement once they return to their community;
4. Enhancing well-being of uniformed staff and civilian staff alike through improved safety conditions, which allows them to perform at the highest level; and
5. Integrating the new facilities into the neighborhoods by offering community benefits and providing connections to courts and service providers.

Despite the seemingly well-intentioned motivation of these objectives, and despite my desire for the swift closure of Rikers Island, I must adamantly deny this proposal.

While the city is proposing this borough-based concept as one that will "minimize the effect on the surrounding neighborhood urban design," I am surprised and dismayed by the way that The Bronx in particular is being considered. Likewise, I am concerned by the shortsighted approach that the administration took in devising a plan with this many adverse impacts for the people that they are allegedly serving, while simultaneously ignoring the more mutually-beneficial alternative that I have continually advocated for. Further, as both an elected official representing my constituents and as a Bronx resident who will feel the reverberation first hand, I am disheartened for our future if this is the trajectory that our urban development and community-based planning approaches will follow. I have particular issue with several elements of the city's proposal, including the blatant disregard of its first, fourth and fifth objectives, as well as the recommendation of the Independent Commission on New York City Criminal Justice and Incarceration Reform report (Lippman Commission report), which is providing the ideological underpinning of this entire process, as they pertain to the Bronx site in comparison to the alternate proposal that my office has provided.

Fortunately, there is an alternative site for a Bronx Borough Jail that I proposed in the Fiscal Years 2020-21 Citywide Statement of Needs for City Facilities at the current underutilized Bronx Family Court building and nearby space behind the Bronx Hall of Justice. This would not only definitively facilitate the closure of Rikers Island, but also meet the scope, needs and projections outlined by the city's proposal. It would also be more fluidly integrated within the physical infrastructure and social fabric of The Bronx and more adeptly and comparably align with the proposals for the other borough-based sites. Simply put, my proposed alternate siting perfectly achieves all of the aforementioned objectives, while maximizing the amount of

community benefits that can be gained and mitigating the adverse impacts that go unaddressed by this current proposal.

I strongly support both the closure of the Rikers Island jail complex and the reform of our criminal justice system in order to promote the healthy, humane and dignified treatment of detainees, their education and rehabilitation, and ultimately their positive reentry into greater society; however, we cannot continue to perpetuate the same cycle of the past. I also support the continued reduction of our city's jail population. Likewise, it is time to move on from the callous and outdated design of Rikers Island. Conditions of cleanliness and sanitation have rapidly deteriorated and are no longer habitable. We must start remediating matters that have plagued our communities and systematically targeted disadvantaged and minority populations. That said, I do not support the *modus operandi* by which the city is choosing to carry out this process. I cannot in good conscience support a plan that is void of any measure of thoroughness, foresight or inclusivity, and one that will ultimately lead to more problems for the same populations that it claims to champion. I cannot support a plan that prioritizes expediency in the land use process over the principles of restorative justice.

To levy the burden of one distress onto the shoulders of another defenseless population is not an honest attempt at finding a solution that benefits our community as a whole. Support for the closure of Rikers Island should not be conditional upon approving the City's incredibly problematic site-location for The Bronx in accordance to the borough-based system. Reevaluating the Bronx site does not inhibit the closure of Rikers Island. Rikers Island should be decommissioned and closed immediately. It is permissible to separate this unprecedented hybrid-ULURP, to still allow for the termination of Rikers Island while the efficacy of the Bronx site is appropriately examined further. This procedure is something that the City has already set a standard for, as the City Planning Commission recently sanctioned a similar separation regarding the upcoming ULURP for the Special Natural Area District, which is to be renamed Special Natural Resource District. Citing a disagreement with certain components of the text, City Planning withdrew Staten Island from the ULURP at their request, while Community Board 8 in the Bronx will move forward with the original ULURP as planned. Similar action should be agreeable for a ULURP as sensitive and transformative as this, given our clearly articulated opposition and request for reassessment. The demolition of existing facilities on Rikers Island, which still will not take place under this proposal until at least 2027, will require an additional ULURP in and of itself according to the city's own testimony at my hearing. There are three other jail sites that can be constructed while Rikers is phased out. Certainly, we can reevaluate the Bronx site and achieve our goal of full closure by 2027. Given the scope and reach of this proposal, it is imperative that it receives the proper analysis and attention to detail that our impacted communities deserve.

The city's proposal claims to follow the recommendations of the Lippman Commission report, which emphasizes proximity between the jail, court and transportation hubs to enable a scenario that will prioritize the best interests of detainees, their families and loved ones, and employees within the justice system. However, the Bronx proposal is apparently and inexplicably exempt from meeting these critical objectives. While Rikers Island has been rightfully condemned because its location results in "inefficient transportation and an increase in related costs to the City," the City's solution is an equally inconvenient location in The Bronx that presents the same

complications of transport and access. In the cases of Manhattan, Brooklyn and Queens this issue is appropriately alleviated with the proposed jail sitting on, adjacent to or in immediate walking distance of the nearest court system property. In the case of The Bronx, however, the proposed jail site is over *two miles* from the nearest court facility. This too, features a commute, depending on the mode of transportation, which will still take upwards of 30 minutes on the best day and involve other discouraging impediments such as delays, transfers and parking availability. In fact, all modes of public transit from the courthouses to the proposed site involve at least one transfer, including an out-of-borough transfer on the subway. At my Public Hearing on June 25th, I was touched by many first-hand accounts of the discouragement that friends and family face in attempting to visit their loved ones being detained on Rikers Island. These obstacles and issues of accessibility prevent detainees from one of the only outlets that they have to feel connected to society as dignified humans. This issue is not effectively ameliorated by barriers that the Mott Haven site would present. When I asked the city to explain this disparity, I was simply told that the site was “not perfect.”

This distance, both geographically and temporally, will also drastically accentuate the margin of error in the transportation process of detainees. This presents a precarious situation where the safety of both correctional professionals and detainees is perpetually compromised. The health and security of our constituents during this process will continue to be undermined and disregarded. These will remain essentially unchanged from the unacceptable conditions of Rikers Island, which were alleged to be of great concern to the administration, and directly contrasts the objective of “enhancing the well-being for uniform staff as well as for civilians.” To put it mildly, the 745 East 141st Street location is a logistical nightmare for this use.

Conversely, my alternative would rectify all of the proximity and transportation related issues by placing it next to the Bronx Hall of Justice, where correction officers and detainees would have a physical connection between the two structures. This would enable an efficient facilitation of detainee transportation to and from the court system. Likewise, it has advantageous and immediate accessibility to the B, D and 4 trains; Yankees-153rd Street and Melrose Metro-North stations; the BX1, 2, 6, 13, 32, 41 and 41 SBS buses; as well as direct proximity to the Major Deegan Expressway. Instead, the current location in Mott Haven will require extensive conveyance of detainees and security back and forth using the city-provided, diesel-fuel buses. Beyond the impact that this will have on the environment and carbon monoxide levels, it is extremely problematic for the inhabitants of the neighborhoods that this bus route travels through where asthma rates are already among the highest in the entire country. This increased emission of toxins will inevitably exacerbate the existing health hazard for this population and poses a serious, long-term threat.

Additionally, the proposal proclaims that the city’s jail population is decreasing exponentially – so much so that the expected capacity number, which was the crux of this plan, has been lowered from the original 5,000-person, citywide estimate by the year 2027 to a new, 4,000-person total. At my Public Hearing, the Mayor’s office capriciously amended their estimates again. As with the initial planned proposal, what is the rationale behind these estimates? Further, the spatial requirements of the proposal are inherently in conflict with the idea to reduce the overall jail population. According to DCP data, Rikers Island facilities, which can house up to 15,000 people, amount to more than 5.5 million square feet. The combined square feet of the proposed

borough-based jail system is only half a million square feet less than the existing facilities. If the jail population is to decrease for the borough-based system by nearly four times the capacity allowable within the space of Rikers, then there is no need to maintain a similar amount of square footage for the new jails.

In devising a comprehensive alternative to this plan, my staff has studied numerous precedents across the country to meticulously determine the efficacy of such a plan and establish proof of success. Of these studies, perhaps the most comparable in terms of situational needs, expected capacity, and size, is the Pasco County Criminal Justice Facilities Master Plan performed in Florida during 2014. This study assumed a space standard of 275 gross square feet per bed. The Mayor's current proposal is calling for approximately 1,104 gross square feet per detainee. That ratio is not only surpassing the required needs for a modern, successful detention facility, it also grossly surpasses the City's own requirements for new affordable housing units. HPD's target net guidelines for one bedroom units are 500 to 550 square feet, and for two bedroom units are 650 to 725 square feet for new construction. This proposal far exceeds even the most luxurious living conditions in the highly commoditized New York City real estate market. What is the message we are sending to communities most in need? I cannot comprehend some of the required building parameters for the proposed jail, and thus the criteria that went into the site selection. It is an unprecedented and careless ask for a jail site to be as large as what is being proposed. While I can certainly appreciate the need to provide detainees with higher standards while in detention and ample space for mental and physical health reasons, there is undoubtedly sufficient room for flexibility within the space requirements for the jail to enable it to comfortably fit within the generous boundaries of our alternative site selection. In fact, the size of the proposed jails are so large it begs the question: Is the city building bigger jails than necessary in case they need to squeeze more beds in them at a later date?

Similarly, there are roughly 6,000 beds currently unused on Rikers Island. There are legitimate ways to prioritize the well-being of detainees and their quality of life, while still intelligently designing and relocating the site to my alternative location, but I feel as though this is being ignored. The administration has openly stated that it is nowhere near finalizing a design, nor programming, for any of the four proposed locations, yet it insists it needs well over one million square feet at each site. Furthermore, if a real plan was in place, could we not already start demolishing the vacant structures on Rikers Island? This would show that the City is serious about closing Rikers Island. It was made clear to me at this hearing as well, that City officials have not done any due diligence or performed a proper cost analysis to appropriately plot out the construction and implementation process, determine the resources needed, or establish an accurate timeline.

Representatives from the Mayor's office further compounded confusion at my hearing. Descriptions of the jail design were vague and still largely undetermined. The grandiosity of the structure, despite their ever-shrinking projection of beds needed, remains unexplained, especially in contrast to the accommodating amount of space that my alternative site will allow for. The overall lack of justification or support for their expectations and parameters leaves me skeptical that the city's proposal was allotted the proper foresight or analysis in order to achieve a sustainable model that meets the needs of our communities. It appears that the administration is more concerned with rushing through the process for political expediency than providing a

thorough and genuine effort to correct the root-issues of Rikers Island. Assuming the task of closing Rikers Island should be taken seriously, not in a flippant or arbitrary manner where random target numbers are put out into the ether with no weight behind them. This is especially concerning when the Mayor's office has found it prudent to nitpick the square footage of available land deemed suitable in my proposal, which is still compliant to these demands in actuality.

Approval of this proposal would also require a special permit from the City Planning Commission to circumvent the zoning regulations put in place to monitor and check outlandish development concepts such as this. Issuance of this permit requires the Commission to find that "any use modifications will support the operation of the facility and be compatible with the essential character of the surrounding community;" which in the case of this jail proposal, it indisputably does not. The special permit will allow the city to completely circumvent what has otherwise been deemed as adverse effects that would endanger the integrity of the existing community landscape. This would inharmoniously and irrevocably alter the atmosphere and character of the neighborhood for citizens who live here and had no say in the matter. This is troublesome not only for the proposed sites in this ULURP, but puts all communities at risk if similar proposals are presented in the future.

The Mott Haven neighborhood is predominantly comprised of low-rise buildings, residential or otherwise, reaching up to six stories at their highest. The Bronx jail proposal, however, calls for a building that will be 293.47 feet above curb level, including rooftop mechanical bulkheads, parapets, and rooftop horticultural space. This is incongruent with the existing building typology and general landscape within Mott Haven and as such fails to meet the criteria required of an approved exemption. Considering this, it also then fails to meet the standards of the proposal's own objective of "integrating the new facilities into the neighborhoods." This building would become among the tallest buildings in the Bronx skyline, almost 5 times the current maximum height of buildings in the neighborhood. The amount of physical, environmental and social intrusions that a building of this egregious scale would inflict upon the neighborhood and the borough-at-large cannot be overstated.

The alternative site however, would better fit the neighboring building typology, while also meeting the city's capacity requirements. Aside from the typical 5-7 story pre-war residential buildings making up most of the West Bronx, the immediate surrounding neighborhood contains office and residential structures ranging from 10-29 stories. River Avenue and 161st Street were rezoned in 2009 to allow for buildings upward of 40 stories. Whereas the proposed tow pound site would jarringly stick out, the Civic Center site would allow for the proposed jail to blend in seamlessly both in terms of physical scale and use.

The Civic Center site features the underutilized and outmoded Family Court which could be demolished. Once combined with land behind the Bronx Hall of Justice, both sites encompass approximately 148,000 to 152,000 square footage of land, easily allowing for the city's abounding estimate of 1,270,000 gross square feet required for their jail and accommodating the recently-reduced, 1,150-bed estimate that the city is planning for. As this site is flexible enough, the Family Court could still operate as the new jail and court complex are phased in, with construction commencing first on the unused land behind the Bronx Hall of Justice.

Alternatively, some Family Court functions could be moved to the soon-to-be-vacant 94,000 square-foot Bronx Housing Civil Court at 1118 Grand Concourse, which is already scheduled to be transferred to the Bronx Supreme Court/Borough Hall Building at 851 Grand Concourse. The design and functionality of the Family Court building has long been despised by the community and its patrons. This balanced alternative successfully meets all of the objectives that the City has set forth to still allow for the closure of Rikers Island.

In addition to these issues of coordination and management, the Mott Haven proposal has been met by staunch opposition from the local community in which it will reside, as well as from neighboring local Bronx residents, stakeholders and elected officials. Another concern raised was that the tow pound site on which the proposed jail is to be built is an existing brownfield in drastic need of remediation due to its high toxicity levels, due to the rubble and hazardous material from the former Lincoln Hospital site which was dumped on this location prior to being converted into a tow pound. This too presents a challenge to the efficacy of the proposal, the plausibility and expenses of the construction phase, and in general is a major health and safety hazard to all the people that would be living and working here. Additionally, the city has not addressed the relocation of the use of the tow pound in any manner. The likelihood is that its relocation would wind up in another yet-to-be-determined community. We are still in the dark concerning the size, whereabouts, and cost that this additional undertaking would entail, in contrast to my alternative where all facets are properly controlled.

When I look at the proposals for the different borough jails side by side, I see disparity and uncommon ground. The proposals for all other boroughs allow for the demolition of a currently standing building so as to conveniently work within the confines of community land and needs, and yet only one site in The Bronx was deemed agreeable to encompass the exorbitant expectations for the proposed building structure. Planning and development that does not include the community or take their best interests into consideration invokes memories of Robert Moses. Even back in 1938, when criminal justice was not an issue, the City knew to build the now-demolished Bronx House of Detention near the courthouses. Moving forward with the administration's proposal is setting our culture and our society backwards 75 years and it is problematic for our future when we can least afford to be reckless.

When our community speaks, it is imperative we listen. Sadly, the Mayor's office has overlooked us here in The Bronx. However, a private conversation with representatives from Manhattan allowed their borough's proposal to have its site altered and revised from the Louis J. Lefkowitz Building to the more preferable Manhattan Detention Complex, aka "The Tombs." The Manhattan-based site location was originally met with similar governmental and community protest, and subsequently altered accordingly to a more mutually agreeable location. Why then, is the same plea from my predominantly minority-populated borough being discounted? The Bronx, particularly the South Bronx, already houses our fair share of citywide facilities. Aside from housing Rikers Island itself, the Horizon Juvenile Center, which hosts most of the City's youthful detainees, is located on 149th Street in Mott Haven. The Vernon C. Bain Center, aka the "Floating Barge", is on the coast of Hunts Point. The Department of Homeless Services PATH Intake Center, which processes all homeless families with children for the entire City, is located on 151st Street. All of these facilities were built against the community's wishes and without

their input. The plight of Bronx residents has been oft-ignored by the administration despite its boast to champion the rights of minorities and at-risk communities.

To combat this, we endorse a substitute proposal for the tow pound site that better utilizes the city-owned property in order to fully incorporate the needs of the community. The Diego Beekman Neighborhood Plan is an integrated approach to harness existing community strengths and leverage key assets for continued growth. Given the concentrated poverty levels, the overwhelming service demands placed on local providers and the unique opportunities offered by publicly owned lots, this plan proposes a series of interrelated community-wide and site-specific interventions:

1. Build a new service collaborative focused on the Diego Beekman neighborhood,
2. Invest in community anchor institutions and physical infrastructure,
3. Preserve and grow housing opportunities,
4. Build locally-rooted economic opportunities, and
5. Attract new community and retail services

Diego Beekman has a triumphant history of overcoming the perils of urban decay and crime. While this community is still saddled with poverty, they represent a success story that The Bronx is proud to tout, with investments of over \$100 million in rehabilitation and stabilization. We wish to highlight and build upon this even further. To instead build an intrusive and out-of-place monolith, would be a slap in the face to this upstanding and continually-improving community which has battled so much to escape its past. Although the city is proposing to provide some supplemental housing to their proposed jail in order to accommodate the needs of Diego Beekman, putting this on the site with a jail is not only insufficient to these extreme needs, but entirely inappropriate and insulting. Conversely, Diego Beekman's plan is a multi-faceted and detail-oriented, mixed-use development that will have wide-ranging positive impacts and continue building on all of the amazing contributions that have already been put forth. It also directly addresses many of the primary concerns of the community via a resident survey that polled their priorities and needs.

The city's proposal for a new jail is rife with problems that intensify issues of inaccessibility, inequality and discrimination. We cannot address the plight of one group by ignoring and even exacerbating that of another. I am genuinely unsure what factors were considered when determining the site location for a new facility in The Bronx, beyond convenience within the land use process. What is clear to me, however, is that the current proposal is deeply flawed beyond reproach and that a less-intrusive, more goal-oriented and community-friendly alternative site exists to allow this plan to still amicably materialize. For a matter as serious and contentious as this, which should have warranted an in-depth review and analysis from the outset, it is completely unfitting to bring a proposal to the table without even remotely engaging any of the local communities that it impacts nor performing proper due diligence with the elected officials chosen to represent them. While I continue to champion the closing of Rikers Island, with these facts laid bare in front of me, I cannot in good faith support the proposed Bronx location on behalf of my constituents and the members of the Bronx community. I vehemently deny the city's proposal and as I have been in compliance with the stipulations, employ my

power to call for a “super majority vote” as explicitly detailed in the City Charter Section 197-c pertaining to ULURP procedure for siting a city facility:

Any such approval or approval with modifications of the commission shall require the affirmative vote of at least seven of the members, except that the affirmative vote of nine members shall be required to approve or approve with modifications an application pursuant to paragraph five, ten or eleven of subdivision a of this section relating to a new city facility if the affected borough president recommends against approval of such application pursuant to subdivision g of this section and has proposed an alternative location in the same borough for such new city facility pursuant to subdivision f or g of section two hundred four.

I recommend disapproval of these applications



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190333 PSY**

CEQR Number: 18DOC001Y

Project Name: **Borough-Based Jail Site Selection**

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, 120 Broadway, 31st Floor, New York, NY 10271
 - **FAX:** to (212) 720-3488 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 Department of Correction, the 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:

1. 745 East 141st Street (Block 2574, p/o Lot 1), Bronx Community District 1;
2. 275 Atlantic Avenue (Block 175, Lot 1), Brooklyn Community District 2;
3. 124 White Street (Block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Manhattan Community District 1; and
4. 126-02 82nd Avenue (Block 9653, Lot 1), 80-25 126th Street (Block 9657, Lot 1), and the bed of 82nd Avenue between 126th and 132nd streets, Queens Community District 9;

for borough-based jail facilities.

Applicant(s): Department of Correction: 75-20 Astoria Blvd., East Elmhurst, NY 11370 Mayor's Office of Criminal Justice: 1 Centre St., Rm 1210 NY, NY 10007 Department of Admin Services: 1 Centre St., 20th Fl., NY, NY 10007	Applicant's Representative: Howard J. Fiedler, AIA NYC Department of Correction 75-20 Astoria Boulevard East Elmhurst, NY 11370
--	--

Recommendation submitted by: Brooklyn Community Board 2	
---	--

Date of public hearing: April 11, 2019	Location: Bishop Loughlin Mem'l HS, 357 Clermont Ave., Brooklyn
---	--

Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>
--	--

Date of Vote: June 12, 2019	Location: NYC College of Technology, 259 Adams St., Brooklyn
------------------------------------	---

RECOMMENDATION	
<input type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions
<input checked="" type="checkbox"/> Disapprove	<input checked="" type="checkbox"/> Disapprove With Modifications/Conditions

Please attach any further explanation of the recommendation on additional sheets, as necessary.			
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Voting	
# In Favor: 32 # Against: 2 # Abstaining: 4	Total members appointed to the board: 48

Name of CB/BB officer completing this form 	Title Chairperson	Date 6/24/2019
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Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190339 ZSK**

CEQR Number: 18DOC001Y

Project Name: **Borough Based Jail System**

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, 120 Broadway, 31st Floor, New York, NY 10271
 - **FAX:** to (212) 720-3488 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:

SEE ATTACHED

Applicant(s): NYC Department of Correction 75-20 Astoria Boulevard, East Elmhurst, NY 11370 Mayor's Office of Criminal Justice 1Centre Street, New York, NY 10007	Applicant's Representative: Howard J. Fiedler, AIA NYC Department of Correction 75-20 Astoria Boulevard East Elmhurst, NY 11370	
Recommendation submitted by: Brooklyn Community Board 2		
Date of public hearing: April 11, 2019	Location: Bishop Loughlin Mem'l HS, 357 Clermont Ave., Brooklyn	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: June 12, 2019	Location: NYC College of Technology, 259 Adams St., Brooklyn	
RECOMMENDATION		
<input type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions	
<input checked="" type="checkbox"/> Disapprove	<input checked="" type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting		
# In Favor: 32 # Against: 2 # Abstaining: 4 Total members appointed to the board: 48		
Name of CB/BB officer completing this form 	Title Chairperson	Date 6/24/2019



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190116 MMK**

CEQR Number: 18DOC001Y

Project Name: **State Street Demapping**

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.

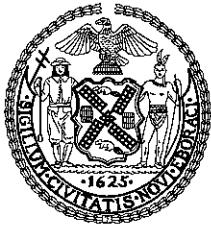
Docket Description:

IN THE MATTER OF an application submitted by the New York City Department of Correction pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of State Street between Boerum Place and Smith Street above a lower limiting plane and below an upper limiting plane;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, In Community District 2, Borough of Brooklyn, in accordance with Map No. X-2753 dated March 25, 2019 and signed by the Borough President.

Applicant(s): New York City Department of Correction 75-20 Astoria Boulevard East Elmhurst, NY 11370	Applicant's Representative: Howard J. Fiedler AIA New York City Department of Correction 75-20 Astoria Boulevard East Elmhurst, NY 11370 718-546-0700		
Recommendation submitted by: Brooklyn Community Board 2			
Date of public hearing: April 11, 2019	Location: Bishop Loughlin Mem'l HS, 357 Clermont Ave., Brooklyn		
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>		
Date of Vote: June 12, 2019	Location: NYC College of Technology, 259 Adams St., Brooklyn		
RECOMMENDATION			
<input type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions		
<input checked="" type="checkbox"/> Disapprove	<input checked="" type="checkbox"/> Disapprove With Modifications/Conditions		
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
Voting			
# In Favor: 32	# Against: 2	# Abstaining: 4	Total members appointed to the board: 48
Name of CB/BB officer completing this form 	Title Chairperson	Date 6/24/2019	



CITY OF NEW YORK
Community Board No. 2

350 JAY STREET - 8TH FL.
BROOKLYN, N.Y. 11201

ERIC ADAMS
Borough President

(718) 596-5410 FAX (718) 852-1461
bk02@cb.nyc.gov

LENUE H. SINGLETARY III
Chairperson

ROBERT PERRIS
District Manager

June 24, 2019

Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

via mail and calendaroffice@planning.nyc.gov

Dear Chair Lago:

I am writing to inform you that Community Board 2 (CB2) has reviewed and made a determination on the "Borough-Based Jail System" ULURP applications filed by the Department of Correction, the Mayor's Office of Criminal Justice and the Department of Citywide Administrative Services, four of which relate to a Brooklyn site at 275 Atlantic Avenue, currently the site of the Brooklyn Detention Complex.

The four applications consist of the selection of sites for four jails, including 275 Atlantic Avenue (C 190333 PSY); a zoning text amendment to create a new City Planning Commission (CPC) special permit for borough-based jails (N 190334 ZRY); application to the CPC for the newly-created special permit for the jail planned for 275 Atlantic Avenue (C 190339 ZSK); and a change to the City map so volumes above and below State Street between Boerum Place and Smith Street, but not the street itself, are demapped.

The community board held a public hearing on these applications on April 11, 2019 at Bishop Loughlin Memorial High School, 357 Clermont Avenue, in Brooklyn. Twenty-one members of Community Board 2, or 45 percent of the membership on that date, attended the hearing. Fifty-one individuals spoke at the four-hour hearing with roughly equal numbers representing organizations and residents near the current/proposed Brooklyn jail site and organizations and individuals concerned about criminal justice and jail reform, many of whom had been incarcerated themselves.

The CB2 Land Use Committee considered the hearing testimony and other information when it convened six days later, at which time it approved (9-1-0) a motion conditionally in support of the applications. However, a motion at the community board's May 8, 2019 general meeting to adopt the committee's recommendation (with minor amendment) failed by a vote of 16 in favor, 17 opposed, two abstentions (16-17-2).

Marisa Lago, Chair
City Planning Commission
June 24, 2019
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The Land Use Committee met again on May 15, 2019 and this time voted nine in favor, none opposed, one abstention (9-0-1) to recommend that Community Board 2 oppose the applications with conditions. Following amendments from the floor at the June 12, 2019 CB2 general meeting, the community board voted 32 in favor, two opposed, four abstentions (32-2-4) to state:

- 1) Brooklyn Community Board 2 does not support the current ULURP applications for 275 Atlantic Avenue as it is currently written, but fully supports rebuilding the borough-based house of detention at this location.
- 2) The community board would reconsider and support revised ULURP applications for 275 Atlantic Avenue under the following conditions:
 - a) The Brooklyn facility's FAR is no more than 10.0 and is significantly reduced to support only 875 beds; and
 - 1) takes into account the reduction of need based on bail reform as passed by the New York State legislature; and
 - 2) includes and takes into account a reduction in need based on a plan to build a new facility in each borough that is consistent with extensive decarceration efforts and the Lippman Commission's report, which recommends that new jails be close to families of detainees and to courts; and
 - 3) includes and takes into account a reduction in need based on a plan to build a new facility that provides a therapeutic environment for incarcerated individuals with psychiatric diagnoses and substance abuse conditions, a plan that would create a path to treating substance abuse and mental illness with health-based solutions; and
 - b) the City support the establishment of more community courts, such as the successful Red Hook Community Justice Center, and to expand and sustain programs that give our youth in the most impacted communities better educational and economic opportunities, emphasizing literacy training—reading, writing and math fundamentals—as well as vocational programs as set forth in Strategy 15a in "Smaller, Safer, Fairer; A Roadmap to Closing Rikers Island;" and
 - c) the City create a training program for corrections officers that will improve their sensitivity to incarcerated people and, consistent with civil service requirements, reimagine more coordinated roles and responsibilities between correction officers and social workers, case managers, mental health workers, and other supportive staff who are focused on healing and rehabilitation; and
 - d) while the plan to close Rikers and expand and build new borough-based facilities is implemented, the City should concurrently develop and implement a plan to improve the conditions and treatment for individuals incarcerated at Rikers and the borough-based facilities, improvements that would ensure people are treated with dignity and respect, with services emphasizing rehabilitation, treatment, and preparation for returning home, improvements that should include but not be limited to:

Marisa Lago, Chair
City Planning Commission
June 24, 2019
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1. a plan to reduce violence and sexual assaults in City facilities; and
 2. a plan to provide Correctional Health Services with the support it needs to provide therapeutic environments; and
 3. services and support for the survivors of violence and sexual assault; and
 4. reentry planning; and
 5. dignified entry and visiting spaces; and
 6. a plan to reduce the physical and psychological isolation of Rikers, which plan would include repurposing the recently closed George Motchan Detention Center (GMDC) for public use; and
- e) a plan to provide continued care, services, and support to incarcerated individuals while construction at 275 Atlantic Avenue is underway and developed and released for public comment; and
 - f) a plan and budget to provide services and support for individuals to be detained at 275 Atlantic Ave, post-construction, is developed and released for public comment; and
 - g) Brooklyn Community Board 2 recognizes that the funds allocated for the 275 Atlantic Avenue facility are meant to serve our communities by providing safety and security but we believe that by significantly reducing the size of the jail, funding could better serve our community in the form of:

Affordable housing:

- Affordability levels should reflect the Area Median Income of the neighborhood rather than the region as a whole.
- Expanded and improved services that help people stay in their homes.
- Supportive housing for individuals and families with mental health needs and substance dependencies.
- Investment in the rehabilitation and maintenance of public housing.

Education programs such as:

- Workforce development.
- Additional enrichment programming.
- Expand investments at CUNY to ensure access to free, public, quality higher education.

Public Health programs such as:

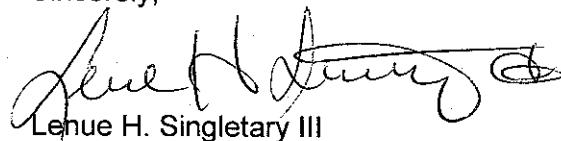
- Free community-based mental health services that are both preventative and responsive to mental-health crisis intervention.
- Low- and no-cost community healthcare options offering a full range of services.
- Expand Mobile Crisis Teams to support first-responders at calls involving mental health crises.
- School-based wellness centers.

Marisa Lago, Chair
City Planning Commission
June 24, 2019
Page 4

I am submitting herewith the duly executed Community/Borough Board Recommendation forms for applications C 190116 MMK, C 190333 PSY and C 190339 ZSK.

Thank you for the opportunity to comment.

Sincerely,



A handwritten signature in black ink, appearing to read "Lenue H. Singletary III".

Encl.

cc: see following page

Marisa Lago, Chair
City Planning Commission
June 24, 2019
Page 5.

cc: Hon. Eric L. Adams
Brooklyn Borough President
Hon. Cory Johnson, Speaker
Hon. Stephen T. Levin
New York City Council
Hon. Velmanette Montgomery
New York State Senate
Hon. Jo Anne Simon
New York State Assembly
Howard J. Fiedler AIA, Director, Design Unit
Department of Correction
Dana Kaplan, Deputy Director of Close Rikers and Justice Initiatives
Mayor's Office of Criminal Justice
Winston Von Engel, Brooklyn Borough Director
Kevin Kraft, City Planner
Department of City Planning
George Rodriguez, Chairman
Bronx Community Board 1
Anthony Notaro, Jr., Chairperson
Manhattan Community Board 1
Kenichi Wilson, Chair
Queens Community Board 9
Tyler Nims, Executive Director
Independent Commission on NYC Criminal Justice and Incarceration Reform
Brandon J. Holmes, New York City Campaign Coordinator
Just Leadership USA
Sara Nordmann, Executive Director
Atlantic Avenue District Management Association
Howard Kolins, President
Boerum Hill Association
Amy Breedlove, President
Cobble Hill Association
Peter Bray, Executive Director
Brooklyn Heights Association
George Fontas, Principal
Fontas Advisors, on behalf of Fair Jails Brooklyn

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

120 Broadway, 31st Floor, New York, NY 10271

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 #: NEW YORK CITY BOROUGH-BASED JAIL SYSTEM – 190116 MMK, 190333 PSY, 190334 ZRY, 190339 ZSK

In the matter of applications submitted by the New York City Department of Corrections (DOC), the Mayor's Office of Criminal Justice (MOCJ), and the New York City Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the following land use actions:

- (1) Site selection of the following properties: 745 East 141st Street in Bronx Community District 1 (Bronx CD 1), 275 Atlantic Avenue in Brooklyn Community District 2 (Brooklyn CD 2), 124 and 125 White Street in Manhattan Community District 1 (Manhattan CD 1), as well as 126-02 82nd Avenue, 80-25 126th Street, and the street bed of 82nd Avenue between 126th & 132nd streets in Queens Community District 9 (Queens CD 9) for borough-based jail facilities.
- (2) An amendment to the City Map, pursuant to Sections 197-c and 199 of the New York City Charter, eliminating, discontinuing, and closing State Street between Boerum Place and Smith Street above a lower limiting plane and below a lower limiting plane, as well as adjusting grades and block dimensions thereby necessitated. Such actions would include authorization for any related acquisition or disposition of real property in Brooklyn CD 2 in accordance with Map No. X-2753 dated March 25, 2019 and signed by the Brooklyn borough president.
- (3) An amendment of the New York City Zoning Resolution (ZR), pursuant to Section 201 of the New York City Charter, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) to create a special permit for a borough-based jail system.
- (4) A special permit pursuant to ZR Section 74-832, to facilitate the construction of a borough-based jail facility containing approximately 1,400,000 gross square feet (gsf) of floor area, including 1,000,000 gsf of housing space (approximately 1,437 beds); 370,000 gsf of building function and support space, and 30,000 gsf of retail and/or community facility space, with 292 accessory parking spaces, at 275 Atlantic Avenue (including the demapped portions of State Street between Boerum Place and Smith Street) within the Special Downtown Brooklyn District (SDBD) in CD 2, to modify floor area ratio (FAR) requirements (ZR Sections 101-20 and 33-10), height and setback requirements (ZR Sections 33-40 and 101-20), permitted requirements for accessory group parking facilities (ZR Section 36-12), loading berth requirements (ZR Section 36-60), and special ground-floor use requirements (ZR Section 101-12).

COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

RECOMMENDATION

190116 MMK, 190333 PSY, 190334 ZRY

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

190339 ZSK

APPROVE
 APPROVE WITH
MODIFICATIONS/CONDITIONS

DISAPPROVE
 DISAPPROVE WITH
MODIFICATIONS/CONDITIONS

SEE ATTACHED



BROOKLYN BOROUGH PRESIDENT

July 5, 2019

DATE

RECOMMENDATION FOR: NEW YORK CITY BOROUGH-BASED JAIL SYSTEM – 190116 MMK, 190333 PSY, 190334 ZRY, 190339 ZSK

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On June 6, 2019, Brooklyn Borough President Eric L. Adams held a public hearing on the requested zoning map and text amendments. There were 54 speakers on the item, with 24 in opposition, 28 in support, and two not indicating a position. Organizations represented by these speakers include the Alliance of Families for Justice, the Cobble Hill Association, Fair Jails Brooklyn, the Fort Greene Association, the Jails Action Coalition, JustLeadershipUSA, the Fortune Society, No New Jails NYC, Recovery House of Worship, and others.

Borough President also heard testimony from representatives of Brooklyn Community Board 2 (CB 2), DOC, the Lippman Commission, MOCJ, and the Office of State Senator Velmanette Montgomery.

Speakers in opposition to the application voiced numerous concerns regarding:

- Inadequate, conflicting, and changing information about the cost, design, and space requirements of the plan
- The fact that the ULURP application has not been adjusted to reflect lower population projections

- The fact that the City does not have a plan to remove mental health detainees from the system
- The lack of community participation, and the City's apparent rush to start the ULURP process
- The rationale for providing parking, given the site's proximity to transit
- The fact that the borough-based jails plan does not include an adult education program though there is a need to bolster basic literacy skills
- The opportunity for the City to be a leader in decarceration by closing down jails and not building new ones
- The fact that the current mayor will not be in office when construction starts
- The need to train correctional staff to better manage jail facilities
- The fact that recent reforms in Albany addressing cash bail, discovery, and pre-trial detention are expected to reduce the incarcerated population and that borough-based jails should reflect this result
- The rationale for greenlighting construction of borough-based jails before the impact of new reforms was not satisfactory
- The idea that the City should fix the problems at Rikers, rather than transfer them to the boroughs
- The idea that no effort can produce humane jails
- The fact that existing jails outside of Rikers are rife with inhumane conditions that have gone unaddressed
- The fact that there is no legally binding document to close Rikers, even after new jails are built
- The need to end broken windows policing
- The possibility of increased surveillance in neighborhoods near new jails

Speakers in support of the application voiced numerous comments regarding:

- The rationale for combining all the programmatic needs of the City's jail system in one facility
- The idea of building a facility on Staten Island
- Building jails that are centrally located, close to families and services, with improved conditions for detainees
- The City's intent to revise its ULURP application, which will occur in due time, as the process has been long in coming
- The inconvenience of the Rikers Island bus, which impacts the ability of children to see their incarcerated parents
- That a borough-based jail system would enable proximity to courts, ensuring that cases are not delayed when DOC fails to transport detainees from Rikers to courts in a timely manner
- The welfare of people who will still be left on Rikers after state legislation reforming cash bail, discovery, and pre-trial detention practices
- What will happen to Rikers inmates between the closure of the facility and the completion of the borough-based jails
- That local jails have no impact on crime or property values in their neighborhoods
- The need to reduce the City's ability to incarcerate people by reducing the overall prison population
- A flexible design that would enable conversation of jail capacity to mental health space in the future

However, those in support and those in opposition concurred on the following points:

- The trauma experienced by RICF detainees and those formerly incarcerated there, and the need to avoid delays in its the closure and demolition
- The extreme scale and height of four proposed jails and the need to reduce the BDC's bulk and density to 10 FAR, 10 floors, and a capacity of 800 beds
- The need to remove DOC from the administration of jail facilities, while pivoting toward a case management model

- The rationale for excluding detainees with mental health issues from the City's plan, and providing separate facilities for women, with trauma services
- The need for investment in communities and restorative justice, including housing, job training, medical facilities, and credible messengers
- The need for increased investment in incarceration alternatives, including treatment and the elimination of sentences one year or shorter
- The need for a restorative and rehabilitative approach to incarceration

In written testimony provided to Borough President Adams during the hearing, Senator Montgomery urged the closure of the Rikers Island Correctional Facility (RICF), while asserting that a 1,440-bed Brooklyn facility contradicts the City's stated goal of smaller, safer, and fairer jails. The senator noted recent State-level criminal-justice reforms, and sought a commitment from the City for an alternative, borough-based proposal with a capacity of approximately 3,500. Senator Montgomery called on the City to issue a revised plan that reflects both community input and the needs of impacted populations, while achieving true criminal justice reform. Finally, the senator advocated for the inclusion of drug treatment, education, employment, mental health, and other services, while expanding community courts and implementing neighborhood policing in to create alternatives to incarceration.

Prior to the hearing, Borough President Adams received written comments from 19 local residents, expressing the following positions:

- That concentrating the incarcerated population of Brooklyn and Staten Island in one high rise in downtown Brooklyn appears contradictory to the goal of closing Rikers seems to fly in the face of all of the goals of closing Rikers
- That the plan's population projections should be adjusted to reflect the administration's intent to develop special facilities for inmates with mental health issues, drug problems and medical needs
- That an FAR of 10 should be the maximum allowed on the site
- That the City should conduct a fair share analysis based on the fact that Brooklyn houses the majority of jail beds within the five boroughs
- That the City must curb pervasive placard abuse and NYPD illegal parking on State and Smith Streets used to facilitate detainee transfers to Criminal Court
- That in order to make communities safer, it is necessary to invest in education, affordable housing, mental health and related services
- That the borough-based jail would import the problematic culture of the DOC into the community
- That the planned community and commercial space should not be a mall and should not compete with existing neighborhood retail
- That the cost to build the new facility is extraordinarily large
- That the planned layout of the new facility, having three pods of 32 people on each floor would significantly reduce the height and mass of the building

Prior to the hearing, Borough President Adams received testimony in support from the Boerum Hill Association (BHA), Columbia University Justice Lab (CUJL), Downtown Brooklyn Partnership (DBP), and Sanctuary for Families.

The BHA limited its support to an 800-bed facility, with additional facilities throughout Brooklyn to house detainees with addiction and mental health issues in therapeutic facilities that would better serve this population. The organization recommends implementing bail reform and full discovery across all boroughs, and replicating the Red Hook Justice Center (RHCJ) model across Brooklyn.

CUJL seeks to reduce the number of individuals awaiting trial due to technical, non-criminal parole violations. The organization believes that borough-based facilities would help reduce the culture of violence in the City's jails, while providing greater support for incarcerated individuals, including reducing effects of isolation, as well as relieving stressors for incarcerated individuals, their families, and staff, in a more efficient model that saves money and staff resources.

DBP believes that a facility of the proposed density and height would best accommodate education, quality health, and therapeutic programming in a safe and humane manner. The organization supports the incorporation of active ground floor uses to complement the mixed-use character of Downtown Brooklyn, while improving the pedestrian experience along Atlantic Avenue. DBP urged that parking accommodations for staff and visitors be coupled with measures to enforce illegal parking. The organization also called for the creation of new transit infrastructure and the promotion of alternative transportation to the site.

Sanctuary for Families advocated reform of the City's criminal justice system to reduce the incarcerated population while achieving greater accountability and connections for detained people with their lawyers, services, and visitors. The organization also emphasized successful outcomes for detainees after release into the community, and the need to ensure that people who remain in the system are treated safely and prepared for re-entry.

Subsequent to the hearing, Borough President Adams received written testimony from Assembly Member Jo Anne Simon, who expressed support for the closure of RICF and the reconstruction of the Brooklyn Detention Center (BDC) consistent with the Lippman Commission's recommendations. Assembly Member Simon, who emphasized the need to reduce the City's jail capacity to 3,500, urged the completion and publication of a feasibility study to determine the effects of moving detainees with mental and physical health concerns to alternative facilities, and noted that the facility should eschew retail uses in favor of cultural and educational resources that better serve the neighborhood. She also requested a revised ULURP application that reflects community concerns and provides a legitimate analysis of the project's effects on the study area.

Subsequent to the hearing, Borough President Adams received testimony in opposition from the Atlantic Avenue Local Development Corporation (AALDC). The organization recommends that the facility should reflect three principles: the anticipated reduction in the City's jail population; a sense of safety, hope, and care for detainees and their families, and a design that is well-integrated into the community.

Subsequent to the hearing, Borough President Adams received written testimony in support from Exodus Transitional Community (ETC), which recommends that people with misdemeanors and non-violent felonies be automatically be placed in alternative programming with education as the top priority, and that those with more serious charges receive specialized care inside a service-enriched facility. The organization believes that replacing the DOC staffing structure with employment trainers and teachers would allow people to receive proper support and treatment. ETC further recommends investing money saved from closing Rikers in our education system to ensure that people with dyslexia receive specialized classrooms and teachers, as a deterrent to incarceration.

Subsequent to the hearing, Borough President Adams received written testimony in support from three faith-based organizations: Trinity Church Wall Street (TCWS), the First Presbyterian Church of Brooklyn, and Congregation Beth Elohim (CBE).

TCWS expressed that modern, borough-based jails support successful rehabilitation and health outcomes by providing detainees with connections to their families, social services, and educational programming. TCWS recommends investing in communities to create alternatives to incarceration, and decarcerating persons with mental health and substance abuses.

The First Presbyterian Church of Brooklyn recommends that in order to reduce the size and height of each facility, the City cap the total capacity of borough-based jails at 3,000; begin demolishing the Rikers Island buildings incorporate them into the present ULURP application; assemble a social services-oriented staff to manage and staff the new facilities (rather than DOC); provide alternatives to jail for people with addiction and mental illnesses; design new facilities for future conversion from jails to treatment facilities, and involve local communities in the process.

The Dismantling Racism Team at CBE believes that the borough-based jail system is the only realistic route to the closure of Rikers at this time. CBE expressed willingness to support the proposal if the City makes the following commitments: new and major economic, educational, health, and residential investments in, and driven by, the communities most impacted by the criminal justice system; the immediate destruction of inoperative jails on Rikers Island and other jails as the number of incarcerated people falls; replacement of Rikers with facilities that will focus on treatment, re-entry and rehabilitation, as well as immediate concrete steps to combat violence, degradation, and rising use of force in jails, including profound reform of DOC culture and operations. Regarding the proposed BDC facility, CBE believes the City must agree to provide treatment for people with serious mental illness and substance addiction, expand and fully fund diversion programs and alternatives to incarceration, reduce the density and size of the proposed jails, and commit to housing incarcerated women in a stand-alone facility with trauma-informed services.

Subsequent to the hearing, Borough President Adams received testimony from the Lower East Side Power Partnership (LES Power Partnership), with general comments on the borough-based jail system proposal. The LES Power Partnership recommended that the height of each facility be reduced by 40 percent, to reflect the effect of criminal justice reform on the Rikers population.

Also, subsequent to the hearing, Borough President Adams received written testimony in opposition from two individuals reiterating much of what was previously expressed. However, additional perspectives included the premise that there would be no correlation between the jail's location and ease of transporting the individuals housed there. The rationale is that only misdemeanor cases are regularly handled in criminal court and following both elective and statutory bail reform (based on the stated policy of Kings County District attorney Eric Gonzalez of presumptive release for misdemeanors, the majority of cases where bail would be set where individuals would then be housed in the Brooklyn Borough Based Jail would be felonies), the vast majority of cases in which bail is set would be felony matters, which are heard in Brooklyn Supreme Court at 320 Jay Street, after only one appearance in criminal court for arraignment and after a grand jury votes an indictment, if at all. Therefore the proximity to criminal court should have no material bearing on the location of a new Brooklyn Jail because most of those cases would be heard in 320 Jay Street following arraignment and those individuals would have to be bused to 320 Jay Street every day their cases are to be heard. In addition, there would be those being the individuals who have to be bused to Staten Island every day their cases are heard, because their cases are in Staten Island.

Consideration

Brooklyn Community Board 2 (CB 2) voted to disapprove this application on June 12, 2019. The board expressed support for a borough-based house of detention at 275 Atlantic Avenue but not the City's current proposal. The board noted that it would support a revised ULURP application under the following conditions:

- That the Brooklyn facility not exceed 10 FAR and 875 beds; that the City's plan account for reduction of need based on recently passed bail reform, decarceration efforts consistent the Lippman Commission's report, and a separate therapeutic facility for individuals with mental illness and substance abuse conditions

- That the City support the establishment of community courts such as the Red Hook Community Justice Center, and expand programs that benefit youth in impacted communities, with an emphasis on literacy and vocational programs, consistent with Strategy 15a in “Smaller, Safer, Fairer; a Roadmap to Closing Rikers Island”
- That the City create a training program for correction officers to improve their interactions with detainees, and facilitate coordination between correction officers and social workers, case managers, mental health workers, and other supportive staff
- That the City concurrently develop and implement a plan to improve conditions for detainees at Rikers and the borough-based facilities, with rehabilitation, treatment, and preparation for re-entry
- That the City develop a plan to reduce violence and sexual assault in City facilities, provide Correctional Health Services with support to facilitate therapeutic environments, provide services for survivors of violence and sexual assault, create dignified entry and visiting spaces, and reduce the physical and psychological isolation of Rikers Island by repurposing the George Motchan Detention Center for public use
- That the City create a plan to provide care, services, and support to incarcerated individuals during construction on the Brooklyn Detention Complex (BDC) and a similar plan for individuals to be detained at 275 Atlantic Avenue post-construction, with opportunities for public input on both plans

CB 2 also expressed the position that funds saved by reducing the size of the new facility could better serve the community if reinvested in affordable housing, education, and public health programs.

The Borough-Based Jail System initiative and resulting ULURP applications emerged from a 2017 report by the MOCJ, “Smaller, Safer, Fairer: A Roadmap to Closing Rikers,” which seeks to reduce the number of people incarcerated in New York City jails. Earlier that year, the de Blasio administration announced its intent to close the RICF by 2027. The following year, the City proposed to create modern, borough-based jail facilities that would rehouse the population removed from Rikers, while reducing the number of beds and detainees. Since 2017, New York City’s average daily jail population has dropped from 9,400 to 8,000 people.

In addition to the City’s study, the process has been influenced by the “A More Just New York City” report, produced concurrently by the Lippman Commission, which was appointed in 2016 by the City Council to study the criminal justice system and propose solutions to reduce the population of Rikers Island. In addition to numerous criminal justice reforms, the commission recommended closing Rikers Island and establishing “jail facilities in all five boroughs located closer to where New Yorkers live and work.”

Under the proposed borough-based jail system, the RICF, consisting of 11 buildings, would be closed and demolished. Four new buildings would be constructed at the following sites: 275 Atlantic Avenue in Brooklyn (the site currently occupied by the BDC), 320 Concord Avenue in the Bronx, 80 Centre Street in Manhattan, and 126-02 82nd Avenue in Queens. No facility is proposed for Staten Island.

The ULURP application documents indicate that the combined four-borough system was seeking approval to house approximately 5,748 beds, with a total average daily population of approximately 80 to 85 percent of such capacity. During the ULURP process, the City expressed intent to create capacity for a reduced number of detainees: approximately 4,600 system-wide, with a total average daily population of 4,000. However, application documents have not been updated to formally reflect such intent.

The preliminary design for each borough facility includes ample support space for educational programming, publicly accessible community space, recreation, therapeutic services, and staff parking.

Support space would incorporate administrative areas, health/mental health care services, infirmary and therapeutic units, medical and behavior health exams, a public-service oriented lobby, space for robust medical screening for new admissions, and a visitation area. The community space is intended to provide useful amenities, such as access to facility programming and supportive services or street-level retail space.

Borough President Adams is restricting the extent of his consideration of the requested Site Selection application (190333 PSY) for 275 Atlantic Avenue. The site is occupied by the existing BDC and is located within a C6-2A commercial zone in the Special Downtown Brooklyn District (SDBD), as designated in 2001. A C6-2A zoning permits a maximum building height of 120 feet. The existing building, known as the BDC, was constructed in 1956. It contains approximately 225,000 sq. ft. in 11 stories, and rises to a height of 170 feet. The BDC serves courts in Brooklyn and Staten Island, with 815 beds housing people undergoing intake or awaiting trial. While the use occupies the entire 59,000 sq. ft. block, its tower is deeply set back from the street line, with a resulting (FAR) of 2.7. The building's one-story base covers much of the site and includes subsurface spaces that connect to the Brooklyn Central Courts Building through a tunnel that runs under State Street. The site includes a sally port but does not provide parking.

The surrounding area consists of the medium-density residential neighborhoods of Boerum Hill, Brooklyn Heights, and Cobble Hill, as well as the high-density mixed commercial and residential neighborhood of Downtown Brooklyn. There is a strong civic presence in the area, with multiple courthouses, including the Brooklyn Criminal Court at 120 Schermerhorn Street, located directly across State Street and extended north of the site to nearly Tillary Street. Directly across from the site are the 12-story 53 Boerum Place residential development, the 13-story 75 Smith Street mixed hotel and residential building, the 20-story Boerum Condominium at 265 State Street, the 20-story Hilton Brooklyn New York at 140 Schermerhorn Street, the 20-story Brooklyn Law School Dormitory at 205 State Street, the six-story Heart Share St. Vincent's Services facility, and three-story destination retail, as well as low-rise buildings fronting the south side of Atlantic Avenue. To the north are several high-rise buildings, including the MTA office building at 170 feet, 96 Schermerhorn Street at 200 feet, 110 Livingston Street at 231 feet, the Lane at Boerum Place at 415 Red Hook Lane at 210 feet, and the Be@Schermerhorn Street condominium located at 189 Schermerhorn Street at 273 feet.

The site is located in close proximity to several subway lines, including the Seventh Avenue Express 2 and 3 trains, the Lexington Avenue Express 4 and 5 trains, and the Queens Boulevard/Broadway/Fourth Avenue Local R trains at Borough Hall, the 2/3 trains at Hoyt Street, the Eighth Avenue Express A train, the Eighth Avenue Local C train, and the Brooklyn-Queens Crosstown Local G train at Hoyt-Schermerhorn Street, the A/C and Sixth Avenue Local F trains at Jay Street, and the F/G trains at Bergen Street. The site is also served by the Long Island Rail Road (LIRR) at Atlantic Terminal, approximately one mile from the site.

The application indicates that the facility would house 1,437 beds, contained within a structure with approximately 1,075,000 sq. ft. of above-grade zoning floor area. Such space would be dedicated to housing and support services, but for approximately 30,000 sq. ft. reserved for community facility and/or retail space. Staff access would be provided via State Street and visitors would be accommodated on Boerum Place. The envisioned commercial and/or community space would have entrances on Atlantic Avenue. Support services would include a loading area and sally port with curb cuts located at Smith and State streets. Below-grade, the facility would have three levels, occupied by an accessory parking and auxiliary functions, including a secure, 292-car garage with an entrance and exit on Smith Street, and a secure tunnel connection to the Brooklyn Central Courts Building.

The initial application documents indicated the maximum zoning height for 275 Atlantic Avenue is 430 feet. Following community engagement and the stated capacity reduction to 1,437 beds, this

DOC/MOCJ application estimate has been revised to 395 feet. As a significant component of the facility's projected height is predicated on the number of beds it is expected to accommodate, DOC/MOJC would be expected to indicate a height that would be associated with a 4,600-bed borough-wide jail system, which might contain a proportionate number of beds for its Brooklyn facility, based on recent New York State reforms that are expected to reduce incarceration rates.

One of the goals of the borough-based jail system is neighborhood integration. The stated intent is that new facilities would be designed to minimize adverse effects on neighborhood context, while achieving efficient floor plans to accommodate programmatic requirements. The preliminary design for the Brooklyn facility provides for a base along Atlantic Avenue, between Boerum Place, and Smith Street that would vary in height at either 80-foot or 225 feet. The application is seeking a maximum building envelope that would extend to a height of 437 feet based on the special permit application document drawing Z-060, with an additional 40 feet for rooftop mechanical and accessory space. However, the special permit application description notes the intended height as 399.45 feet.

State Street would be demapped between Boerum Place and Smith Street above a height of 40 feet above the roadbed and 16 feet below a limiting plane underneath the road bed. The demapping of State Street would facilitate the tunnel though application documents do not provide further clarity to what extent the subsurface would be excavated below the higher limiting plane underneath the utilities.

Subsequent to the hearing, the Lippman Commission provided Borough President Adams with the latest data regarding the composition of the RICF population. In June 2019, there were 7,438 detainees, with 3,135 held on violent felony charges; 1,740 held on non-violent felony charges; 851 held on City sentences; 660 held on misdemeanor and violation charges; 601 held on parole technical violations, and 451 awaiting transfer, warrants, and other actions. In 2018, detainees were 53 percent Black, 33 percent Latino, eight percent white, with the remaining six percent listed as 'other'.

Borough President Adams supports the ideals of criminal justice reform. He strongly believes that those in DOC facilities should have easy access to their attorneys and service providers. Still more important is detainees' connection to their families. Borough President Adams believes that arduous journeys to RICF pose a tremendous burden to families, which results in reduced frequency of visits and difficulty maintaining personal connections. He believes that DOC facilities should meet state-of-the art spatial standards and include a wide range of support facilities that are currently lacking. Borough President Adams generally supports the recommendations of the Lippman Commission, as well as the views of many who have participated in his public hearing process.

In reviewing such complex land use actions, Borough President Adams looks at each application individually and assesses how each action contributes to a proper outcome. He supports the retention of the site as a borough-based DOC facility and is encouraged by the incorporation of subsurface as some above-the-roadbed sections of State Street into the site. He believes that special permits are an appropriate means to ensure, to some extent, what would be constructed in terms of bulk and use. However, the intended development would transform this entire city block in a manner that is significantly out of context.

Borough President Adams believes that the selected site is only part of the equation. He has concerns regarding the level of dialogue, which needs to be enhanced and ongoing. Furthermore, he believes that State Street should not be demapped adjacent to a residential building, and that the title of the requested special permit is inconsistent with the vision of reform. Finally, the requested bulk and logistics fall short of being responsive to the site's surroundings.

Borough President Adams is concerned that too many Brooklyn residents are currently unemployed or underemployed. It is his policy to promote economic development that creates more employment

opportunities. According to the Furman Center's "State of New York City's Housing and Neighborhoods in 2015," double-digit unemployment remains a pervasive reality for several of Brooklyn's neighborhoods, with more than half of the borough's community districts experiencing poverty rates of nearly 25 percent or greater. Prioritizing local hiring would assist in addressing this employment crisis. Additionally, promoting Brooklyn-based businesses, including those that qualify as locally-owned business enterprises (LBEs) and minority- and women-owned business enterprises (MWBEs), is central to Borough President Adams' economic development agenda. This site provides opportunities for the developer to retain a Brooklyn-based contractor and subcontractor, especially those who are designated LBEs consistent with section 6-108.1 of the City's Administrative Code, and MWBEs who meet or exceed standards per Local Law 1 (no less than 20 percent participation).

Selection of a Brooklyn Facility Site

The ULURP application for site section 190333 PSY is for properties located at 275 Atlantic Avenue in Brooklyn, 320 Concord Avenue in the Bronx, 80 Centre Street in Manhattan, and 126-02 82nd Avenue in Queens. Borough President Adams' comments are limited to 275 Atlantic Avenue. He defers to the borough presidents of the other boroughs to provide comments at this time to the City Planning Commission (CPC) and City Council.

The proposed Brooklyn site is already under the jurisdiction of the DOC. The site has convenient proximity to the two court facilities that serve its detainees. The Brooklyn Central Courts Building is connected to this site by a secure tunnel that runs under State Street. While testimony received by Borough President Adams suggests that the relationship between the proposed DOC facility and the Brooklyn Central Courts Building would be reduced based on the composition and needs of the facility's anticipated population, it is important to note that the Brooklyn Supreme Court is located six blocks away at 320 Jay Street.

The existing BDC site is in proximity to the vast majority of subway routes and is a short walk to more than one dozen bus routes. Such transit access supplemented by the various parking facilities in the vicinity of the site would facilitate greater access for legal representatives, service providers, and visitors as compared to RICF. According to the Lippman Commission, "[B]orough-based facilities would enable these providers to increase programming opportunities, facilitating successful reentry for those leaving detention and returning to community life." The site's location in a transit zone would also incentive staff to commute via public transportation, rather than driving.

Borough President Adams seeks to bring the planned number of inmates in line with recent New York State reforms as well as strategies urged by prison reform advocates. The City must aggressively consider sound policies that would need to be enacted by the State as part of ongoing efforts to reduce the number of beds in the proposed facility's design. Just Leadership USA advocates a projected daily population of approximately 3,000, based on a capacity of 3,500 beds. CB 2 has called for no more than 875 beds at BDC. Borough President Adams believes, that as a demonstration of good faith, the Brooklyn site should be designed for a maximum capacity of 900 beds.

Subsequent to the hearing, representatives of the Lippman Commission provided Borough President Adams projected figures for a future jail population of approximately 4,000. The estimated composition, taking into account recently enacted criminal justice legislation, would be as follows: 600 detainees on misdemeanor and nonviolent felony charges (with reductions driven by bail reform); 2,500 detainees on violent felony charges (with reductions driven by faster case processing times and enhance release practices); 300 detainees on technical parole violations, 400 detainees on City sentences under one year (with reductions driven by bail and discovery reform, as well as investment in community alternatives, and 200 detainees held on other charges (with reductions driven by an overall decrease in the jail population and increased efficiency).

Borough President Adams concurs with the Lippman Commission's recommendations regarding community consultation in the borough-based jails planning process. The report notes that "conversations with local communities concerning potential locations for the jails must begin early and the City must ensure that the process is as fair, transparent, and responsive to community concerns as possible." To that end, the commission recommended that the City "create platforms for local residents and organizations to voice their concerns and feedback" in which it would "have regular and reliable contact with residents, and maintain a visible presence."

The Administration has, to a degree, demonstrated such engagement by establishing four neighborhood advisory councils to solicit community input on the borough-based jails system. The Brooklyn Neighborhood Advisory Committee (BNAC), convened by the Office of the Mayor and the Office of Council Member Stephen Levin, issued a series of recommendations in early May 2019. Among other stated positions, it indicated that there is support amongst BNAC members that the proposed jail should incorporate architectural design elements that reduce noise and visual impacts, create a more sustainable building, and increase the building's cohesiveness within the immediate surrounding (500' foot) context.

In order to further community engagement, Borough President Adams believes that there is a need to build on these efforts, and expand the scope of such input. He believes that a community advisory group involving local elected officials, CB 2, as well as neighborhood and business organizations should be established now, to meet regularly with the responsible City agencies. This group would provide ongoing feedback throughout the design, construction, and operations stages, on matters such as building volume, exterior materials, use of the Atlantic Avenue community space, use of the State Street streetbed, vehicular access, and ongoing operational logistics that might have quality-of-life impacts in the community.

Therefore, with regard to 275 Atlantic Avenue, the requested Site Selection application (190333 PSY) should be conditioned on a maximum of 900 beds and on the establishment of a community advisory committee, with representation from local elected officials, CB 2, Atlantic Avenue Betterment Association, AALDC, BHA, Brooklyn Heights Association, Cobble Hill Association, DBP, and other groups as designated by local elected officials, to meet regularly with the responsible City agencies to provide input on design, construction, and operations, including such matters as building volume, exterior materials, use of Atlantic Avenue community space, use of State Street streetbed, vehicular access, and other relevant concerns.

The City Council should obtain a written report from DOC and MOCJ on the status of their community engagement efforts.

Demapping of State Street

DOC and MOCJ propose to demap sections of State Street between Boerum Place and Smith Street above a lower boundary limit of 40 feet above the streetbed to accommodate a wide range of emergency and service vehicles. The agencies also propose to demap below an upper boundary limit of 16 feet below the street to accommodate public utilities that run along State Street.

Such above-street air space is not proposed to be utilized at this time. However, a portion of the underlying utility space is envisioned for the replacement of an existing tunnel between the current BDC and the Brooklyn Central Courts Building. There has been no official representation as to what extent such space might also facilitate support functions for the new BDC, such as loading berth, parking garage, and/or sally port operations.

The space below the utilities provides an opportunity to significantly expand the width of levels B1, B2, and B3 as shown in special permit application drawing Sections Z-060 by generally 60 feet (the State

Street right-of-way is slightly irregular), which would increase these subsurface levels by approximately 33 percent. The space above 40 feet provides opportunities outside the scope of the proposed ULURP to cantilever floors and even facilitate a bridge between the proposed facility and the Brooklyn Central Courts Building. Such action would require authorization from the New York City Landmarks Preservation Commission (LPC) and the New York City Public Design Commission (PDC). A proposal to fill in above Smith Street up to the wall of the 53 Boerum Place residential building could be permitted subject to a subsequent ULURP application to modify the requested special permit according to ZR Section 74-832.

Borough President Adams does not believe that it would ever be appropriate to allow for an encroachment of any distance between the current DOC site and the building at 53 Boerum Place.

Therefore, in order to remove this possibility from subsequent consideration, the CPC and/or the City Council should amend the Site Selection application (190333 PSY) and the amendment to the City Map application (190116 MMK) that includes the section of State Street between Boerum Place and Smith Street. It should be amended to limit such above ground section (lower limit beginning 40 feet above the street bed) of State Street to between a point 135 feet east of Boerum Place and Smith Street.

Establishing a New Zoning Resolution Special Permit

DOC and MOCJ have proposed a zoning text amendment to establish a new special permit that would allow the borough-based jail system facilities to exceed or not be encumbered by various ZR sections as long as CPC finds that such modifications should be adopted.

As described in the Lippman Commission's report, and confirmed by speakers at Borough President Adams' public hearing, New York City's jails have been characterized by a culture of punishment with outdated practices that do not support rehabilitation and re-entry. A system of more humane facilities would focus on reducing recidivism by providing access to basic education, employable job skills, and mental health services. As expressed during Borough President Adam's hearing, such modern facilities need not be associated or equated with the jails they are intended to replace. Moreover, multiple organizations have advocated flexible design to allow the possibility of converting borough-based jails to rehabilitation facilities in the future. Borough President Adams believes that true reform includes reframing the language around such facilities. The first place to start is within the ZR section 74-832 where such facilities should be properly named to signal a change in culture and messaging.

Therefore, in order to properly label these facilities, the CPC and/or the City Council should amend the amendment to the Zoning Text application (190334 ZRY) that would establish ZR Section 74-832 a Borough-Based Jail System (190334 ZRY) special permit to be adopted as establishing a Borough-Based Rehabilitation System special permit.

Appropriate Bulk and Height

The application before Borough President Adams is for a 1,437-bed Brooklyn facility, though special permit application document Section Z-060 denotes a height of 437 feet plus a bulkhead allowance of an additional 40 feet. This number is associated with the original bed count of 1,510, while ULURP application 190339 ZSK indicates an intended height of 399.45 feet.

Subsequent to Borough President Adam's hearing, DOC and MOCJ representatives expressed that the recently enacted New York State reform measures would potentially reduce the necessary capacity to 4,600 system-wide. Based on equal occupancy within each facility, the anticipated BDC capacity would be approximately 1,150 beds. Even with this assumption, without the assistance of the New York City Department of Design and Construction (DDC) and/or input from architectural and/or engineering consultants assisting DOC and MOCJ, any estimate of the facility's height would be purely speculative. Though some reduction in floor area might be expected, the building's service-oriented base

(approximately 80 feet) would not be proportionally scaled based on the need to accommodate fewer individuals. The reduced number of beds would require approximately 75 percent of the floor area that would be provided for such purposes. As depicted on application document Zoning Site Plan Z-030, floors above 262 feet would be required to be set back from Atlantic Avenue, which means that upper floors would be reduced at a faster percentage than lower floors. Without technical support from DOC, MOJC, or City consultants, it might reasonably be assumed that such a 1,150-bed facility would require a height of approximately 300 to 320 feet.

The requested special permit conditions indicated in ULURP application 190339 ZSK seeking relief from various sections of the ZR would require CPC to make various findings, including finding (e) that such bulk modifications, including any increase in permitted FAR, will have minimal adverse effects on access to light and air for buildings and open spaces in the surrounding area. In seeking to meet those findings, the application notes various building heights of neighboring buildings such as the 11-story 53 Boerum Place residential development, built to 97 feet; the 20-story Hilton Hotel/residential development, built to 210 feet and the light and air preserved via street widths of 100 feet for Atlantic Avenue; 130 feet for Boerum Place; 60 feet for Smith Street, and 80 feet for State Street. It was also noted that the Atlantic Avenue and Boerum Place street widths were appropriate for larger, taller buildings and that the proposed height would be generally comparable with the densely built character of Downtown Brooklyn. The application referenced nearby developments such as the approximately 240-foot Brooklyn Law School dormitory and deemed Atlantic Avenue the natural boundary for such lower-rise, finely grained buildings.

The Lippman Commission post-hearing submission projected a 4,000-person future jail population. Bail reform legislation assumptions for misdemeanor and nonviolent felony charges was forecasted as 600 persons. The number of people on violent felony charges was assumed to be 2,500, based on multiple factors. These include faster case processing times due to discovery reform and improved court, New York City county district attorneys and defender policies, as well as enhanced release practices due to bail reform legislation, expanded charitable bail funds, and other City-led reforms. With state legislation or executive action, technical parole violations were forecasted to be 300 persons. Increased investment in community alternatives and the bail and discovery reform legislation for City sentences (under one year) was assumed to be 400 people. Finally, another 200 persons were not specifically classified, though assumed as part of a reduced count based on the overall decrease in jail population.

Assembly Member Simon expressed support for a reconstructed facility consistent with the Lippman Commission's recommendations. She emphasized the need to reduce the City's jail capacity to 3,500, which would be accomplished through a revised application that reflects community concerns.

According to BNAC Principle #2, any jail at the existing Atlantic Avenue site must fit in with the character and history of the immediate neighborhood. While the proposed BDC needs to be of sufficient size to accommodate the required program in a humane manner, the proposal must be revised to reflect a lower density and height. Specifically, the building's bulk and height should be reduced so that it is comparable with the immediate surrounding (500' foot) neighborhood's density and scale. In addition to those building heights indicated in the ULURP 190339 ZSK CPC findings, area residents have cited other buildings within 500 feet, including the Brooklyn Central Criminal Court at likely 150 feet , the Nu-Hotel 75 Smith Street residences at likely 148 feet, the Be@Schermerhorn Street residences at 273 feet, the MTA offices at 170 feet, 110 Livingston Street at 231 feet, and 96 Schermerhorn Street at approximately 200 feet.

To the north are several high-rise buildings, including the MTA office building at 170 feet, 96 Schermerhorn Street at 200 feet, 110 Livingston Street at 231 feet, the Lane at 415 Red Hook Lane at Boerum Place at 210 feet, and the Be@Schermerhorn Street condominium at 189 Schermerhorn Street at 273 feet.

Borough President Adams believes that the number of persons housed in such facility should reflect the guidance of reform advocates and the Lipman Commission. There might be additional opportunities to shrink the bed count, for example, by transferring individuals with significant mental health issues to specialized facilities located in direct proximity to a hospital with a psychiatric support unit. Such facilities would be anticipated to function as crisis respite centers, providing a therapeutic setting for both short- and long-term residential treatment. Borough President Adams concurs that persons with significant mental health and substance abuse issues are best served by qualified mental health professionals and that moving such individuals to therapeutic settings is an important alternative to incarceration. He understands that the City is investigating such possibilities with the New York City Health+Hospitals Corporation (HHC) as one means to achieve this outcome.

Whether or not reforms and decarceration efforts prove successful in reducing New York City's detainee population by 2026 (the anticipated closure of RICF), Borough President Adams generally supports the position of CB 2, BNAC, and other entities that the facility can humanely house the number of desired beds, while achieving a reduction in height. Borough President Adams believes that the SDBD contextual zoning regulations for R10 equivalent zoning districts such as the C5-2A mapped along sections of Montague Street provides a sufficient standard for transitioning to height-limited areas such as the row houses along State Street, zoned R6B (four to five stories), and the contextually-zoned south side of Atlantic Avenue, zoned R6A (six to seven stories). Such C5-2A districts limit height to 235 feet for developments inclusive of affordable housing.

Borough President Adams believes that if additional space is required to reasonably house individuals based on humane design standards and programmatic needs, there are special alternatives that can satisfy these goals with less reliance on height. One means to increasing floor area would be to take advantage of the floor area envelop proposed to be established through the demapping of State Street above a limiting plane of 40 feet above the street grade. However, Borough President Adams does not believe that such building envelope should extend along 53 Boerum Place, but rather be restricted to opposite the Brooklyn Central Court Building. This development envelope would allow floors to cantilever over State Street, which is not consistent with certain special permit application documents, including Ground Floor Plan Z-040 and Sections Z-060. As such, permitting cantilevered floors would likely require a subsequent special permit application. A second means might include cantilevering of floors and would feature a full bridging of State Street extending over the Brooklyn Central Criminal Court Building. Such rooftop addition to Brooklyn Central Criminal Court would require additional consideration by the New York City Landmarks Preservation Commission (LPC) and the PDC. It would also require the replacement of the Brooklyn Central Criminal Court's rooftop mechanical equipment and investigation of structural enhancements to allow for additional floors. It should be noted that such measures are not a means to achieve even 1,150 beds. At most, these strategies would enable DOC to accommodate approximately 900 beds within the BDC.

Borough President Adams believes that the second option described above should only be advanced if the community favors a solution based on bridging State Street, as an additional means to lower height to the recommended 235 feet (with or without the cantilevering of floors). In such instance, he believes that the C5-2A height of 215 feet permitted without affordable housing should be the maximum height allowed.

Therefore, in order to achieve appropriate facility height, the CPC and/or the City Council should amend the special permit application pursuant to ZR Section 74-832, to facilitate the construction of a borough-based jail facility (190339 ZSK) with modifications to application documents Zoning Site Plan Z-030, Waiver Plan – Roof Plan Z-050, and Sections Z-060, which would reduce the overall height (excluding bulkheads) to 235 feet and the lower base height along Atlantic Avenue to 120 feet.

Furthermore, DOC and MOCJ should give consideration to filing a subsequent special permit request pursuant to ZR 74-832 as a follow-up corrective action (FUCA) based initially on engaging in consultation with a community advisory committee of local elected officials, CB 2, and community representatives to modify height based on the following: allowing cantilevering of upper floors opposite the Brooklyn Central Criminal Court, or a subsequent reduction of height approved by the City Council for the current application based on restricting overall height (excluding bulkheads) to 215 feet in conjunction with bridging over State Street, as part of a constructed rooftop addition on the Brooklyn Central Courts Building, subject to approval of the LPC and PDC.

Advancing Community and Cultural Uses at Below-Market Rents

BNAC members support utilizing the community space within the proposed jail for civic, cultural, or business incubator purposes that would complement existing uses in the area, rather than compete with local retailers on Atlantic Avenue.

Assembly Member Simon also favors the inclusion of cultural and educational resources that better serve the neighborhood.

It is one of Borough President Adams' policies to assist community-based non-profit organizations with securing affordable space. These organizations play an important role in the neighborhoods they serve, though it is too often a challenge to secure sufficient affordable space to grow and maintain their operations. Many cultural organizations have contacted Borough President Adams seeking assistance in securing space to expand and sustain their programming. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote cultural activities.

In June 2016, Borough President Adams released "All the Right Moves: Advancing Dance and the Arts in Brooklyn," a report examining the challenges facing artists in the borough, along with accompanying recommendations. The report highlighted the benefits of arts and dance, including maintaining physical fitness and enjoying creative self-expression, as well as contributions to the vibrant culture of Brooklyn. Borough President Adams finds many challenges facing the local arts community, such as an absence of diversity — fewer than half of the individuals working in dance in Brooklyn are people of color, based on 2000 United States Census data. Additionally, funding for the arts has decreased dramatically in New York City in recent years, including by 37 percent from the New York State Council of the Arts (NYSCA), 15 percent from the National Endowment for the Arts (NEA), and 16 percent from the New York City Department of Cultural Affairs (DCLA).

Data show that such cultural activities create a variety of positive contributions, including combating the borough's high rate of obesity — as of 2016, 61 percent of adults are overweight or obese, according to the New York State Department of Health (NYSDOH) — and helping children succeed in school, a finding supported by research released by the Citizens' Committee for Children of New York, Inc. Demand for cultural programs continues to grow across Brooklyn. A 2015 report from the Center for an Urban Future found a 20 percent increase in attendance at events organized by local cultural institutions since 2006.

Many cultural and dance organizations have contacted Borough President Adams seeking assistance with securing space to grow and sustain their programming. In response to those concerns, Borough President Adams' policy is to review discretionary land use actions for their appropriateness to promote cultural and dance activities. Borough President Adams believes that the location of the proposed development is well-suited for inclusion of cultural activities and other community uses given the site's accessibility.

As proposed, the BDC facility would contain approximately 30,000 sq. ft. of commercial and/or community use floor area. Borough President Adams concurs with those who have expressed concern about bringing more retail space to Atlantic Avenue. He believes that there is no need for uses within the jail facility to compete with existing retailers along this section of Atlantic Avenue. Moreover, if such space were marketed to local arts or cultural groups, and/or locally-based community organizations, such activity might bring additional purchasing power to the existing merchants along Atlantic Avenue as well as Smith Street and nearby Court Street.

Brooklyn has many fine community and cultural entities that are in need of affordable space and there are those that are seeking to grow and expand their services. However, such organizations cannot afford to compete with the rent that commercial uses are able to pay to lease in the vicinity of this site. This site is in proximity to such cultural and dance entities as the Brooklyn Ballet, Issue Room Project, comprise the western extension of the Brooklyn Cultural District.

Borough President Adams believes that consideration for community and cultural organizations should include outreach by DOC and MOCJ with the above-referenced community advisory committee. In addition, such tenants should be granted substantially below-market rents at BDC. As this site is City-owned, providing low-cost space for such purposes should be deemed a public benefit, and therefore, an appropriate utilization of a City resource.

Therefore, in order to further advance the accommodation of cultural and other community facility uses in the Special Downtown Brooklyn District (SDBD), that CPC and/or the City Council should specify that the application document Ground Floor Plan Z-040 be amended to eliminate the option of permitting retail occupancy for the non-jail use street level spaces fronting Atlantic Avenue and to include notation that limits occupancy based on substantially below-market rents to community cultural uses recruited in consultation with the community advisory committee.

Vehicular Management and Below-Grade Placement of Support Services

On October 29, 2018, Borough President Adams submitted comments on the proposed scope of work for the Draft Environmental Impact Statement (DEIS) for this project. In his comments, Borough President Adams emphasized neighborhood integration as a guiding urban design principle for borough-based jail facilities. This includes providing added value and benefits to the surrounding neighborhoods. As represented by DOC and MOCJ, the new BDC design will take into account the needs of the adjacent communities, work to integrate the facility into its context, and provide a benefit to local businesses and residents.

Borough President Adams also noted that in order to optimize such efforts, the City's proposed actions should include excavating below the State Street right-of-way between Boerum Place and Smith Street with below-street construction to optimize placement of the accessory parking garage.

Borough President Adams recognizes that the BNAC does not condone the use of personal vehicles for commuting to this transit-rich site. The BNAC has urged the City to support climate change initiatives and Vision Zero, by discouraging the use of single occupancy vehicles. This includes providing incentives for DOC staff to use alternative modes of transportation. In addition, the BNAC strongly supports immediate and permanent enforcement of placard abuse by DOC staff, police vehicles, and others who utilize on-street parking. The BNAC has called on the City to design the new building to accommodate an underground pedestrian connector to the Brooklyn courts, to facilitate a secure off-street pre-arraignment detainee transfer path for the NYPD.

Borough President Adams has received testimony that seeks to integrate the sally port operation with the garage to minimize curb cuts and points of traffic egress and ingress. According to special permit application document Ground Floor Plan Z-040, the sally port would have curb cuts on both Smith and

State streets. Having separate egress and ingress points for this function increases the potential for pedestrian/vehicular conflict, which is inconsistent with the Mayor's Vision Zero initiative. An effective solution is to rout vehicles destined for the sally port via the garage with all other vehicles but for loading and unloading functions. The sally port could then be entered from within the garage and possibly even located on the same level as the upgraded tunnel to the Brooklyn Central Courts Building.

Borough President Adams concurs with the BNAC and others who have provided testimony to that effect that it is important to encourage the use of other modes of transportation. However, he believes that the accessory garage could deter DOC personnel from competing with local residents for neighborhood curbside parking. Moreover, the garage should be used to accommodate the New York City Police Department (NYPD) and other government vehicles that currently park on State Street.

Borough President Adams is aware that when various NYPD precincts need to transfer arrested persons to the Brooklyn Central Courts Building, and that these transfers happen curbside along State Street in proximity to a driveway ramp that formerly served as a sally port but was not sized to accommodate vans. This drop-off point is immediately adjacent to the 53 Boerum Place development and is fully visible to nearby State Street residents east of Smith Street. Borough President Adams believes that such activity should be incorporated into the garage with its own secure tunnel to the Brooklyn Central Courts Building running under State Street.

Borough President Adams is aware that the curbside parking along State Street between Boerum Place and Smith Street is regulated by New York City Department of Transportation (DOT) signage. Such DOT signage restricts parking to vehicles associated with the NYPD, including signage for the NYPD Court Section and New York State Judicial (NYSJ) parking permits. Borough President Adams believes that the intended BDC garage provides an opportunity to remove government vehicle parking from State Street.

Borough President Adams believes that the demapping of State Street from Boerum Place to Smith Street below a highest plane of 16 feet below the street bed provides an opportunity to construct a parking garage of adequate size while reducing support space bulk from what would otherwise need to be enclosed above street level. This more extensive excavation would help reduce the facility's above-ground height to what is absolutely necessary at and above street level.

According to the BNAC, the current proposal must be revised to account for traffic and parking concerns. As indicated in special permit application document Ground Floor Plan Z-040, in addition to the loading berth and sallyport, all vehicles entering and exiting the garage (but for drivers heading east from Boerum Place along State Street towards Smith Street) would be oriented to Smith Street and directed northbound.

Borough President Adams has received testimony suggesting that traffic to the facility should be more evenly dispersed, with some vehicles routed to Boerum Place where they would also be directed northbound.

Borough President Adams believes that dispersing vehicle traffic generated by the facility would be beneficial in minimizing its impacts on the neighborhood. He believes that this can be resolved as an architectural design solution that essentially creates a one-way flow through the site combining the use of the ground floor and upper cellar levels.

Therefore, in considering the application for the special permit pursuant to ZR 74-832, the CPC and/or the City Council, should specify that application document Ground Floor Plan Z-040 be amended to (1) relocate the sally port access/egress to be combined with the initial parking garage circulation then further separated within building, (2) incorporate adjacent to the sally port a dedicated section for

NYPD precinct transfers/drop-offs pertaining to arraignment, and (3) relocate the egress or ingress of the parking garage from Smith Street to Boerum Place.

In addition, CPC and/or the City Council should specify the inclusion of notation indicating full excavation on application document Sections Z-060, of levels B1, B2 and B3, at a point not less than 16 feet below the street bed of State Street between Boerum Place and Smith Street, as part of below grade excavation.

Furthermore, as a means to eliminate parking along State Street between Boerum Place and Smith Street, the documents should include notation indicating parking privileges for Brooklyn Central Courts Building staff and assigned NYPD personnel. Finally, prior to considering the application, the City Council should obtain commitments, in writing, from DOC and MOCJ clarifying how these agencies would memorialize coordination efforts with NYPD and NYSJ to facilitate the relocation of government vehicle parking to the intended garage.

Promote Public Integration of the Facility through Establishment of a Pedestrian Plaza

As noted with regard to advancing community and cultural uses, the requested special permit ZR 74-832 CPC finding (b), ground floor uses should be located in a manner that is inviting to the public and integrates the facility within the surrounding community. Borough President Adams believes that this would be reasonably accomplished along the Atlantic Avenue frontage based on incorporation of his recommendations. However, he believes that this would not be the case for the proposed facility's State Street frontage.

Borough President Adams believes that the design of the proposed facility should be responsive to neighborhood context and community needs. In his scoping comments, he recommended establishing a pedestrian plaza in the Smith Street right of way (with limited vehicular use) as one type of community benefit. Borough President Adams believes that the State Street right-of-way could be transformed into an inviting ground level space that would create a sense of space and help integrate the facility into neighborhood. The BNAC has also noted support for improved pedestrian and bicycle improvements on Atlantic Avenue and State Street. Such enhancements are worthy of consideration in DOC and MOCJ's design and plan for the facility.

This section of State Street provides access to the parking garage for 53 Boerum Place, which includes an Enterprise/National car rental facility. State Street provides an additional local east bound route toward Flatbush Avenue for vehicular traffic. As noted above, it also provides curbside parking restricted to vehicles associated with the NYPD, based on DOT signage for NYPD vehicles, as well as Court Section and NYSJ parking permits.

Should the special permit according to ZR 74-832 incorporate Borough President Adams' recommendation regarding NYPD parking, including Court Section permit vehicles, as well as NYSJ permit vehicles, there would be no need to accommodate accessory street parking. Furthermore, if NYPD arraignment dropoffs could be moved entirely into the dedicated space within the proposed garage, the precincts would no longer require the use of State Street.

Those who would still need to drive through State Street and access the parking garage in the 53 Boerum Place development, as well as the vehicles that would need to load or unload deliveries for the intended DOC facility, Borough President Adams believes that these activities can be safely achieved in a redesigned right-of-way that favors pedestrians.

There are plenty of examples of piazzas in Europe where automobiles were subsequently introduced into streets of medieval origins. In the United States, one example is the section of Pine Street in Seattle's downtown, which separates, yet connects, Seattle's Westlake Park from Westlake Center. In

keeping more with traditional paving augmented by color, another example is the City of Los Angeles' People Street program as already implemented at Sunset Triangle Plaza. These are strategies that balance and combine the needs of a street and a park, which would be the ideal solution for State Street. Borough President Adams believes that DOC and MOCJ should consult with the New York City Department of City Planning (DCP) and DOT as well as the New York City Fire Department (FDNY) to develop such a state-of-the-art design solution.

Therefore, in considering the application for the special permit pursuant to ZR 74-832 CPC finding (b) regarding the location of ground floor uses in a manner that is inviting to the public and integrates the facility within the surrounding community, CPC should require the creation of a pedestrian plaza within the State Street right-of-way between Boerum Place and Smith Street with restrictions on vehicular operations according to a design developed in consultation with DCP, DOT, and FDNY.

The City Council should obtain commitments in writing from DOC and MOCJ clarifying how these agencies would memorialize integrating such modified use of State Street.

Advancing Resilient and Sustainable Energy and Stormwater Management Policies

It is Borough President Adams' sustainable energy policy to promote opportunities that utilize blue/green/white roofs, solar panels, and/or wind turbines, as well as passive house construction. He encourages developers to coordinate with the New York City Mayor's Office of Sustainability, the New York State Energy Research and Development Authority (NYSERDA), and/or the New York Power Authority (NYPA) at each project site. Such modifications tend to increase energy efficiency and reduce a development's carbon footprint.

Furthermore, as part of his flood resiliency policy, Borough President Adams also encourages developers to incorporate permeable pavers and/or establish rain gardens that advance the DEP green infrastructure strategy. Blue/green roofs, permeable pavers, and rain gardens would deflect stormwater from the City's water pollution control plants. According to the "New York City Green Infrastructure 2017 Annual Report," green infrastructure plays a critical role in addressing water quality challenges and provides numerous economic, environmental, and social co-benefits.

Borough President Adams believes it is appropriate for the applicant to engage government agencies, such as the Mayor's Office of Sustainability, NYPA, and/or NYSERDA to give consideration to government grants and programs that might offset costs associated with enhancing the resiliency and sustainability of this development site. One such program is the City's Green Roof Tax Abatement (GRTA), which provides a reduction of City property taxes by \$4.50 per square-foot of green roof, up to \$100,000. The DEP Office of Green Infrastructure advises property owners and their design professionals through the GRTA application process. Borough President Adams encourages the developer to reach out to his office for any help in opening dialogue with the aforementioned agencies and further coordination on this matter.

The proposed development offers opportunities to explore resiliency and sustainability measures in the development such as incorporating blue/green/white roof finishes, micro-wind turbines, passive house construction principles, and solar panels. The required Builders Pavement Plan provides an opportunity to incorporate a DEP rain garden along the development's Atlantic Avenue, Boerum Place, Smith Street, and State Street frontages. Such efforts could help advance DEP green water/stormwater strategies, enhancing the operation of the Red Hook Water Pollution Control Plant (WPCP) during wet weather. In addition, the installation of a rain garden would provide a significant streetscape improvement on these streets.

Borough President Adams believes that DOC and MOCJ should coordinate with DDC to incorporate passive house design principles along one or more elements that further advance resiliency and

sustainability energy and/or rain water absorption features as a model of such green development through incorporation of blue and/or green roof features, micro-wind turbines, and/or solar collectors.

Borough President Adams believes that DOC and MOCJ should consult with DEP, DOT, and the New York City Department of Parks and Recreation (NYC Parks) for consideration regarding the inclusion of a rain garden with integration of street trees and enhanced tree pits as part of a Builders Pavement Plan. To the extent that the agencies concur to support implementing an enhancement, consultation should be initiated with CB 2 and local elected officials prior to agreeing to take action.

Therefore, prior to considering the application, the City Council should obtain commitments in writing from the applicants, DOC, and MOCJ, that clarify how the agencies would memorialize integrating resiliency and sustainability features into the facility's design. The City Council should further seek demonstration of the agencies' commitment to coordinate with DEP, DOT, and NYC Parks regarding the installation of DEP rain gardens and/or enhanced tree pits as part of a Builders Pavement Plan in consultation with CB 2 and local elected officials.

Borough President Adams believes that such commitment should be memorialized though the approved special permit application documents. Specifically, drawing Waiver Plan – Roof Plan Z-050 should be amended to include notation indicating construction according to passive house design principles as well as inclusion of one or more resilient and sustainable energy and/or rain water absorption features, including blue and/or green roof features, micro-wind turbines, and/or solar collectors. In addition, application document Ground Floor Plan Z-040 should be amended to incorporate DEP rain gardens and expanded tree pits.

Ensure Demolition of Corresponding Capacity at the Rikers Island Correctional Facility

The City has represented that its intent in proposing a borough-based jail system proposal is to close the RICF. However, beyond the stated target year, there has been no official commitment to achieve such closure. Borough President Adams believes that an incremental expansion of citywide bed capacity should be sequenced with an equal reduction of such bed capacity via the immediate demolition of one or more buildings designed for replacement.

As noted in Borough President Adams' comments on the proposed scope of work for the DEIS, DOC must take steps toward incarceration reform prior to bringing land use actions before the City Council. Borough President Adams believes that such demonstration should include funding allocations and, ultimately, approval of contracts to demolish excess capacity within a specific timeframe. His letter further stated that DOC must clarify that new capacity would be conditioned on the elimination of existing capacity at Rikers Island, via legal mandate.

There are various steps that can be taken to ensure demolition of the RICF prior to BDC occupancy including the provision of adequate funding in the City's Capital Plan, preparation of bid solicitation, selection of contractor(s), contractor approval, and permit issuance by the New York City Department of Buildings (DOB). Other specific approvals and considerations may be necessary, based on specific buildings and/or site locations, as well as additional environmental findings.

Borough President Adams continues to believe that there should be a legally binding means to ensure demolition of the RICF bed capacity in tandem with new capacity intended for the BDC.

Therefore, in order to ensure the immediate demolition of comparable capacity at Rikers Island, the CPC and/or the City Council should call for application documents Zoning Site Plan Z-030, Ground Floor Plan Z-040, Waiver Plan - Roof Plan Z-050, and Sections Z-060 to be amended and include notation to require that the Certification of Occupancy (C of O) mandate official demonstration from DOC of allocation of City capital funding, with approval of a demolition contract, and secured DOB demolition

permits. Furthermore, it should be clearly stated that the selected contractor is legally bound to demolish such excess capacity by a specific date and that the final C of O will not be granted until demonstration of completed demolition.

Planning for Intended Capacity, Operations, Programming, and Staffing

In light of ongoing reform and stated positions of various elected officials, advocates, and other stakeholders, there is much information that needs to be reconciled between the latest consideration put forth by DOC and MOCJ. A major issue is the optimal capacity for borough-based jails, and how to determine the appropriate floor area for such facilities, to meet the goal of providing humane conditions and support space. There are additional philosophical considerations regarding the operation, programming, and staffing of such facilities.

The allowable density and height would depend on the discretion of the City Council. However, there would be additional time during the design phase to consider concepts and schematics. Programming and staffing logistics could reasonably extend through the construction phase as certain spaces would be open to modification while personnel needs could be discussed for several years. However, a well-conceived arrangement would have to be in place no later than the anticipated opening date of the facility.

Borough President Adams believes it is essential that the City engage groups representing detainees and their families, as well as the assigned City staffers and service providers in direct and immediate dialogue about the development of these facilities.

The following groups should be considered for inclusion in the process: Alliance of Families for Justice, Columbia University Justice Lab (CUJL), Correction Officers Benevolent Association (COBA), DOC Wardens, Exodus Transitional Community (ETC), the Fortune Society, JustLeadership USA, New York City Jails Action Coalition, No New Jails NYC, and Sanctuary for Families.

Engaging these stakeholders in regular and respectful dialogue ensures that DOC and MOCJ would move forward in a manner that promotes justice and rehabilitation. Borough President Adams concurs with CB 2's position that the new BDC should be a place where detainees are treated with dignity and respect, and provided services emphasizing healing, treatment, and reentry. He also concurs with Trinity Wall Street's position that the City must invest in alternatives to incarceration so that detention becomes a tactic of last resort.

Therefore, to ensure that borough-based jail facilities achieve the objective of reserving incarceration solely for those who pose a danger, he believes that DOC and MOCJ should engage in serious dialogue about incarceration reform. Such discussion would consider jail design (including visitation space), support services (including education, health, and nutrition), mental health and substance abuse programming, vocational training, and other issues of concern to stakeholders advocating change in the criminal justice system.

Advance Means to Reduce Population Brought Before the Criminal Justice System Facilities

Borough President Adams is aware that, as part of its vision for a borough-based jail system, the Administration has made significant strides to drive down the population of Rikers Island. Earlier in 2018, the City announced that it would end cash bail for non-felony cases, a significant victory for criminal justice reform that will likely save millions of dollars and hundreds of thousands of days in jail time. Another policy change that will help reduce the jail population is NYPD's strategy, moving forward, to address minor marijuana offenses through summonses instead of arrests.

While these are important steps, Borough President Adams believes that we must take additional measures to reduce the number of people detained at RICF. To begin, more must be done to advance

pre-trial diversion programs that truly mitigate unnecessary incarceration. Strong consideration must be given to expanding the non-violent offenders supervised release program to a wider array of non-violent crimes. This would allow arrested and charged persons to await trial at home (rather than in jail) where they would be assigned a social worker who checks in intermittently before trial. In order to do so, it would be necessary to significantly increase funding for social workers who supervise the defendants. On the whole, there is a pressing need to better connect individuals and families to support services such as mental health and substance abuse programming, to ensure that incarceration is reserved only for those who pose a danger to society.

Therefore, as a means to reduce the current prison population, Borough President Adams believes that DOC and MOCJ should strongly consider expanding the supervised release program for non-violent offenders to a broader range of nonviolent crimes, which would allow defendants to await trial at home, with supervision from an assigned social worker, rather than in detention.

In order to expand the supervised release program, Borough President Adams believes that DOC and MOCJ should allocate the appropriate level of funding necessary to hire and train more social workers who would be responsible for supervising defendants.

Furthermore, Borough President Adams believes that additional steps should be taken to advance successful pre-trial diversion programs that mitigate unnecessary incarceration. Likewise, NYPD's policy reforms in addressing minor marijuana offenses with summonses instead of arrests should be widely implemented as a means to reduce the number of people in the City's jails.

Advance Means to Provide Rehabilitation Services for Special Populations

Subsequent to the hearing, Borough President Adams received additional data from the Lippman Commission that, as of June 2019, 46 percent of the Rikers Island population has mental health diagnoses (71 percent among women; 44 percent among men), with serious mental illness observed in 14 percent of the jail population.

Many stakeholders have advocated decarcerating detainees with mental health and substance abuse afflictions, and transferring such individuals to therapeutic settings where they can receive specialized services and treatment. This view is shared by Assembly Member Jo Anne Simon, State Senator Velmanette Montgomery, and CB 2. The BNAC found "strong support for an overarching policy that houses all therapeutic units off-site in an environment that better serves the medical, mental, and health needs of this sub-population within the City's criminal justice system." BNAC also recommends that "wherever possible, people with medical, mental, and health needs should be diverted from city custody altogether."

In response to comments provided by Borough President Adams on the proposed scope of work for the borough-based jail system DEIS, as well as others such as more recently by BNAC, the City disclosed that it may house people with severe mental illness in secure New York City Health+Hospitals Corporation (HHC) facilities.

Many testified that that height of the intended Brooklyn facility could be reduced if the facility did not accommodate persons with significant mental health deficiencies, who would be best supported by a facility in direct proximity to a hospital with a psychiatric support facility. Such facilities would function as alternatives to traditional incarceration, with short- and long-term in-patient treatment. The rationale is that management by mental health professionals, rather than corrections staff, would ensure that those with mental health issues are treated in a therapeutic residential setting. This approach has also been recommended for detainees suffering from substance addiction.

Borough President Adams believes that the City should begin reassigning those with mental health and substance abuse issues as soon as such facilities can be coordinated. This policy, which is supported by a number of reform advocates, might also reduce the construction scope of the intended facilities in the future.

Therefore, as a means to provide appropriate rehabilitation services for Brooklyn-based detainees, Borough President Adams believes that DOC and MOCJ should work to establish one or more specialized Brooklyn facilities in direct proximity to a hospital with a psychiatric support facility. In order to implement this policy, DOC and MOCJ should continue dialogue with HHC to explore the possibility of establishing secure, specialized areas for individuals with mental health and substance abuse issues. In addition, DOC and MOCJ should initiate dialogue with New York State officials to determine the feasibility of integrating facilities on State property associated with the Vital Brooklyn initiative.

Enhance and Strengthen Existing Services that Might Reduce Recidivism Rates

In order to evolve into a rehabilitation-focused agency, DOC must address current deficiencies in City jails through state-of-the-art practices to reduce recidivism. One area that requires attention and change is learning disabilities and literacy issues among detainees. In 2016, New York City Department of Education (DOE) representatives testified before the City Council that 53 percent of students in the City's jails, and 64 percent of children in the City's juvenile facilities, have a learning disability, while nearly one third of 18 to 21 year-olds at Rikers read below a fifth-grade level. According to data provided by the Lippman Commission, up to 80 percent of persons entering Rikers have neither a high school diploma nor a GED. Learning disabilities and literacy issues that might be diagnosed among school-aged people entering the system are more than likely characteristic of a sizeable number of post-school age detainees. A 2004 study produced in Texas concluded that 42 percent to 48 percent of prisoners had dyslexia. If the City were to conduct an evaluation of academic abilities at all DOC facilities, Borough President Adams believes that the findings would be comparable to the Texas study. It is also reasonable to believe that a large proportion of repeat offenders might have learning disabilities.

In addition to learning disabilities, there may also be individuals affected by nutritional deficiencies. Epidemiological science has long documented behavioral problems and chronic disease stemming from improper nutrition. For example, when individuals consume excess sugar, this leads to hyperactivity, mood swings, and weight gain; when individuals frequently consume meat, this increases their risk factors for heart disease, Type 2 diabetes, and some cancers. If certain individuals in DOC facilities are not properly assessed and provided nutritional foods, they might be more likely to exhibit problematic behavior. Plant-based diets have been shown to improve well-being and prevent and reverse myriad chronic diseases, especially those designed to address saturated fat and excessive sugar intake through whole rather than processed foods. As noted during the public hearing, personal experience noted the lack of freshness of certain meals. Fresher, healthier, and safer food should be the norm. Borough President Adams believes that dietary and culinary education would help incarcerated individuals attain overall wellness, which concerns not only nutrition, but also mental and spiritual health. Exposure to physical activity designed to achieve mindfulness, such as yoga, can help address behavioral issues in a holistic manner.

As noted in her testimony, State Senator Montgomery supports access to improved education for detainees. CB 2 also emphasized the need for such services in its position on the application. Borough President Adams concurs that education and literacy are vital support services in detention and seeks to institute such programs as a means reduce recidivism.

Borough President Adams believes that, as part of its standard operating procedure, DOC should screen all individuals in its care, and not only those aged 18 to 21, for learning disabilities such as dyslexia. The agency should introduce disability-based education for all individuals irrespective of age, based on

specialized instruction by accredited teaching professionals. The Mary McDowell Friends School in Brooklyn is a premier facility that specializes in such teaching methodology for students in grade school through high school. Such educational entities could be retained to help develop appropriate teaching pedagogy.

In addition, Borough President Adams believes that DOC should advance the integration of general wellness initiatives for post-release success such as nutrition education, plant-based diets, and yoga.

Advance Strategies to Curtail the Cycle of Violence that too Often Plagues Our Communities

There is concern that, without proper intervention, some of today's young people could become entangled in the criminal justice system. If the City's real goal is to reduce the number of individuals detailed at DOC facilities, then it is necessary to support youth in neighborhoods where people have disproportionate levels of interaction with the corrections system.

Borough President Adams believes communities with the greatest at-risk populations need dedicated resources to help deter illegal behaviors. While violence interruption programs are important, they should be offered in conjunction with after-school programs, summer youth employment, and cultural activities for the young, to divert juveniles from a cycle of crime that too often leads to a life of incarceration.

Borough President Adams strongly believes that, to be effective, support services must be readily available at the earliest possible time. He advocates expanding early childhood interventions for at-risk communities as well as universal home-visitation programs such as provided by the Nurse Family Partnership, Inc. and other service providers as well as through additional staffing resources for ACS. Such entities and organizations support families with the crucial task of teaching children how to navigate life in society.

Borough President Adams concurs with CB 2 and those who advocate expanding and sustaining programs geared toward youth in impacted communities. Programs emphasizing literacy (math fundamentals, reading and writing) as well as vocational training help bolster educational attainment and economic opportunities, reducing the likelihood of incarceration.

To address learning disabilities for those under DOC supervision, public schools at all grades must provide sufficient support to students with dyslexia and other conditions. DOE should invest in hiring professionals with appropriate credentials and pedagogical experience to ensure successful outcomes. DOE should allocate resources to implement the recently introduced Bronx Initiative in select Brooklyn schools including PS 150 Christopher; PS 165 Ida Posner; The Gregory Jocko Jackson School of Sports, Art, and Technology; PS 327 Dr. Rose B. English; Brownsville Bronx Planorative Middle School, and Mott Hall Bridges Academy, as well as high schools including the High School for Civil Rights, World Academy for Total Community Health High School; The School for Classics: An Academy of Thinkers; Frederick Douglass Academy VII High School, and Teachers Preparatory High School.

After hours, schools must remain open to offer extracurricular programs so that young people in impacted areas have more opportunities for positive support. Studies show that such programming, when consistently funded to ensure availability, provides valuable experiences for participants. Effective afterschool programs bring a wide range of benefits to youth, families and communities. According to entities such as the Afternoon Alliance, there are many documented societal benefits linked to participation with after school programming. Afterschool programs can boost academic performance, reduce risky behaviors, promote physical health, and provide a safe, structured environment for the children of working parents. According to reports published between 2005 and 2010, attending

afterschool programs can improve students' academic performance. A national evaluation found that over 40 percent of students attending 21st Century Community Learning Center programs improved their reading and math grades, and that those who attended more regularly were more likely to make gains. Effective afterschool programs were concluded to be capable of improving classroom behavior, school attendance, academic aspirations, and appear to reduce the likelihood that a student will drop out. Another study noted that participation in afterschool programs has been associated with reduced drug use and criminal behavior. Afterschool programs had been demonstrated to play an important role in encouraging physical activity and good dietary habits. Participation in afterschool programs had been associated with positive health outcomes, including reduced obesity. In addition, working families and businesses also appear to derive benefits from afterschool programs that ensure that youth have a safe place to go while parents are at work. A study concluded that parents concerned about their children's afterschool care miss an average of eight days of work per year, and this decreased worker productivity costs businesses up to \$300 billion annually.

In addition to afterschool activities in DOE venues, there are several cultural providers with established track records of quality programming in impacted communities. The City should allocate resources to sustain these organizations and help grow their capacity and services.

The Mayor's Office to Prevent Gun Violence, housed within MOCJ, has played a direct role by mentoring at-risk youth through initiatives that connect youth in Administration for Children's Services (ACS) Close to Home and Secured Detention sites with credible messengers who provide mentorship and support. Close to Home allows young people who require temporary out-of-home placement by Family Court to be placed in residential programs closer to their families and communities. These young people receive therapeutic services at small group homes in or near the five boroughs near resources that can support treatment and transition back into their communities.

Since 2017, the Mayor's Office to Prevent Gun Violence has also offered a Safe in the City Grant since 2017 that invites applications from New Yorkers for small grants (ranging from \$500 to \$1,000) for resident leaders and organizations who work to promote peace in communities across the city. Proposals are geared toward violence reduction as well as promotion of positive lifestyle choices, and encourage community cohesion and empowerment.

Another issue of concern is foster care. A 2015 report found that only 58 percent of foster youths graduate high school by age 19, versus 87 percent of all 19 year-olds. Less than two percent of those who were in foster care graduate from college by age 25 versus 28 percent of all 25 year-olds.

A 2015 New York City study of local youth discharged from foster care between the ages of 13 to 18 found that 14.7 percent were incarcerated within six years. For youth who were in jail or juvenile detention at least once while they were still in foster care, 57 percent were jailed within six years after discharge from foster care. The primary charges for both categories were sale of a controlled substance, robbery 1 and 2 and assault 3. Finally, only 15.7 percent of the study sample aged out of foster care; most were reunited with their families.

A 2011 study tracking 600 youths aging out of foster care in Illinois, Iowa, and Wisconsin found that 64 percent of young men who aged out of foster care were incarcerated by age 26 versus 8.5 percent in the general population. Statistics for young women showed that 32.5 percent who aged out of foster care were incarcerated by age 26 versus three percent in the general population.

Borough President Adams views such results as a clear indication that foster youth lack adequate supports in the current system. Fair Futures — a coalition of child welfare agencies, non-profits, foundations, and advocates — is working to equip foster youth with the supports they need to be successful adults. Fair Futures is calling on the City and State to make an annual investment beginning

in the Fiscal Year 2021 (FY21) budget to provide full-time life coaches and tutors for current and former foster youth from middle school through age 26, a model that non-profit foster care agencies say has shown promise for youth in their care. The hope is to expand the program citywide to reach a particular at-risk group within this population: youth in their late teens and early twenties who will age out or have aged out of the system without having found a permanent home. Borough President Adams believes in funding this initiative to break the cycle of foster children's ending up in the corrections system.

Therefore, as a means of curtailing the cycle of violence that too often plagues impacted communities and reducing high rates of youth incarceration, it is important to provide early intervention programs that deter criminal behavior by providing access to economic and educational opportunities. Borough President Adams believes that multi-agency initiatives to support such programs should be aggressively implemented where they can make a difference.

Borough President Adams believes that ACS should identify at-risk families to support them in the task of preparing children to navigate today's society. To do so, ACS should expand access and utilization of early childhood development interventions, including universal home-visitation programs.

Borough President Adams believes that the City should target outreach and resources to communities that would benefit from significant investments in programs for youth. He believes that DOE should implement successful pedagogy with accredited teaching specialists for special needs populations in public schools, including students with learning disabilities such as dyslexia. Furthermore, DOE, together with the New York City Department of Youth and Community Development (DYCD), should expand the number of afterschool programs to all area schools by allocating additional funding for such initiatives. On the whole, DYCD should engage a significantly higher number of area youths in its summer employment initiatives. DCLA and DYCD should work with established cultural organizations that target youth in impacted communities to expand their capacity to serve this population. The Mayor's Office to Prevent Gun Violence should expand its violence interruption programs to reach more youth. Finally, the City should provide full funding for the Fair Futures Foster Care initiative in its FY20 budget.

Recommendation

Be it resolved that the Brooklyn borough president, pursuant to Section 197-c, 199 and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application with the following conditions:

1. With regard to 275 Atlantic Avenue, Brooklyn, the requested Site Selection application (190333 PSY) should be conditioned on a maximum of 900 beds and on the establishment of a community advisory committee, with representation from local elected officials, Brooklyn Community Board 2 (CB 2), Atlantic Avenue Betterment Association, Atlantic Avenue Local Development Corporation, Boerum Hill Association, Brooklyn Heights Association, Cobble Hill Association, Downtown Brooklyn Partnership, and other groups as designated by local elected officials, to meet regularly with the responsible City agencies to provide input in design, construction, and operations, including such matters as building volume, exterior materials, use of Atlantic Avenue community space, use of State Street streetbed, vehicular access, and other relevant concerns.
2. That the requested Site Selection application (190333 PSY) and the amendment to the City Map application (190116 MMK) that includes the section of State Street between Boerum Place and Smith Street be amended to limit such above ground section (lower limit beginning 40 feet above the streetbed) of State Street to between a point 135 feet east of Boerum Place and Smith Street to street.

3. That the proposed amendment to the Zoning Text application (190334 ZRY) that would establish New York City Zoning Resolution (ZR) Section 74-832 a Borough-Based Jail System (190334 ZRY) special permit be adopted as establishing a Borough-Based Rehabilitation System special permit.

Be it resolved that the Brooklyn borough president, pursuant to Sections 197-c and 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council disapprove this application with the following conditions:

1. That the special permit application pursuant to ZR Section 74-832, to facilitate the construction of a borough-based jail facility (190339 ZSK) be modified to be pursuant to the following, by amending the application documents, to a height limit of 235 feet and the lower base height along Atlantic Avenue to 120 feet.
2. That additional consideration be provided with the below restrictions and/or through a follow-up corrective action (FUCA):
 - a. In consultation with a community advisory committee, composed of local elected officials, Brooklyn Community Board 2 (CB 2), and community representation, modify height on application documents Zoning Site Plan Z-030, Waiver Plan – Roof Plan Z-050, and Sections Z-060, according to the following:
 - i. Reduce overall height exclusive of bulkheads to 235 feet with the allowance of cantilevering upper floors opposite the Brooklyn Central Courts Building, or
 - ii. As an additional means to reduce height, restrict overall height exclusive of bulkheads to 215 feet in conjunction with bridging over State Street as part of a constructed rooftop addition on the Brooklyn Central Courts Building subject to approval of the New York City Landmarks Preservation Commission (LPC) and New York City Design Review Commission
 - b. That, in order to further advance the accommodation of cultural and other community facility uses in the Special Downtown Brooklyn District (SDBD), the application document Ground Floor Plan Z-040 be amended as follows:
 - i. Eliminate indication of the option of permitting retail occupancy for the non-jail use fronting Atlantic Avenue street level spaces
 - ii. Include a notation that limits occupancy based on substantially below-market rents to community cultural uses arrived in consultation with the CAC
 - c. That application document Ground Floor Plan Z-040 be amended as follows:
 - i. Relocate the sally port access/egress to have it combined with the initial parking garage circulation, then further separated within building
 - ii. Incorporate, adjacent to the sally port, a dedicated section for New York City Police Department (NYPD) precinct transfers/drop-offs pertaining to arraignment
 - iii. Relocate the egress or ingress of the parking garage from Smith Street to Boerum Place
 - iv. Include notation and indicate full excavation on application document Sections Z-060 of levels B1, B2, and B3, at a point no less than 16 feet below the streetbed of State Street between Boerum Place and Smith Street as part of below-grade excavation as a means to optimize placement of the intended accessory parking

- garage, NYPD precinct transfers/drop-offs, sally port operations, and to optimize below-grade placement of support spaces
- v. As a means to eliminate parking along State Street between Boerum Place and Smith Street, include a notation that indicates the incorporation of parking privileges to Brooklyn Central Courts Building staff and assigned NYPD staff
- d. That 74-832 CPC finding (b) regarding ground floor uses being located in a manner that is inviting to the public and would integrate the facility within the surrounding community be modified to also require the establishment of a pedestrian plaza within the State Street right-of-way between Boerum Place and Smith Street with design restrictions that limit vehicular operations
- e. That application document Waiver Plan Roof Plan Z-050 be amended to include a notation that indicates the following:
 - i. Construction according to passive house design principles
 - ii. There would be inclusion of one or more of the following resilient and sustainable energy and/or rain water absorption features, including blue and/or green roof features, micro-wind turbines, and/or solar collectors
- f. That application document Ground Floor Plan Z-040 be amended to incorporate New York City Department of Environmental Protection (DEP) rain gardens and expanded tree pits
- g. That in order to ensure the immediate demolition of comparable capacity at Rikers Island, the application documents Zoning Site Plan Z-030, Ground Floor Plan Z-040, Waiver Plan - Roof Plan Z-050, and Sections Z-060 be amended to include a notation that indicates the requirement that the Certification of Occupancy (C of O) state that such occupancy mandates official demonstration from the New York City Department of Corrections (DOC) that City Capital funding is in place, with demolition contract approved; that New York City Department of Buildings (DOB) building demolition permits are in place; that such contractor is contractually-bound to demolish such excess capacity by a specific date, and that final C of O not be granted until such demonstration of completed demolition

Be it further resolved:

1. That to ensure borough-based jail facilities achieve the objective of reserving incarceration solely for those who pose a danger, Borough President Adams believes that DOC and MOCJ should engage in serious dialogue about incarceration reform. Such discussion would consider jail design (including visitation space), mental health and substance abuse programming, support services (including education, health, and nutrition), vocational training, and other issues of concern to stakeholders advocating for change in the criminal justice system
2. That as a means to reduce the current prison population:
 - a. DOC and MOCJ strongly consider expanding the supervised release program for non-violent offenders to a broader range of nonviolent crimes, which would allow defendants to await trial at home, with supervision from an assigned social worker rather than in detention
 - b. In order to expand the supervised release program, DOC and MOCJ allocate the appropriate level of funding necessary to hire and train more social workers who would be responsible for supervising defendants

- c. The City should take additional steps to advance successful pre-trial diversion programs that mitigate unnecessary incarceration
 - d. NYPD's policy reforms in addressing minor marijuana offenses with summonses instead of arrests should be widely implemented as a means to reduce the number of people in the City's jails
- 3. That as a means to provide appropriate rehabilitation services for Brooklyn-based detainees, DOC and MOCJ should work to establish one or more specialized Brooklyn facilities in direct proximity to a hospital with a psychiatric support facility, as follows:
 - a. Further dialogue with HHC to explore the possibility of establishing secure, specialized areas for individuals with mental health and substance abuse issues
 - b. Should initiate dialogue with New York State officials to determine the feasibility of integrating facilities on State property associated with the Vital Brooklyn initiative
- 4. That as a means to achieve a reduction in recidivism rates, provide an enhancement of existing services that might advance the reduction of recidivism, DOC should:
 - a. Screen all individuals in its care for learning disabilities such as dyslexia as a standard operating procedure
 - b. Introduce learning disability-based education for all individuals irrespective of age based on specialized instruction by accredited teaching professionals
 - c. Advance the integration of general wellness initiatives for post-release success such as nutrition education, plant-based diets, and yoga
- 5. As a means to curtail the cycle of violence that too often plagues impacted communities and reduce high rates of youth incarceration, it is important to provide early intervention programs that deter criminal behavior by providing access to economic and educational opportunities. Borough President Adams believes that multi-agency initiatives to support such programs should be aggressively implemented where they can make a difference
 - a. That ACS identify at-risk families to support them in the task of preparing children to navigate today's society. To do so, ACS should expand access and utilization of early childhood development interventions, including universal home-visitation programs
 - b. That the City target outreach and resources to communities that would benefit from significant investments in programs for youth:
 - i. That the New York City Department of Education (DOE) implement successful pedagogy with accredited teaching specialists for special needs populations in public schools, including students with learning disabilities such as dyslexia
 - ii. That DOE, together with the New York City Department of Youth and Community Development (DCYD), expand the number of afterschool programs to all area schools by allocating additional funding for such initiatives
 - iii. That New York City Department of Cultural Affairs (DCLA) and DYCD work with established cultural organizations that target youth in impacted communities to expand their capacity to serve this population
 - iv. That the Mayor's Office to Prevent Gun Violence expand its violence interruption programs to reach more youth
 - v. That DYCD engage a significantly higher number of area youths in its summer youth employment initiatives

- vi. That the City provide full funding for the Fair Futures Foster care initiative in its FY 2020 budget



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #:

Project Name:

CEQR Number:

Borough(s):

Community District Number(s):

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, 120 Broadway, 31st Floor, New York, NY 10271
 - **FAX:** to (212) 720-3488 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:

Applicant(s):	Applicant's Representative:		
Recommendation submitted by:			
Date of public hearing:	Location:		
Was a quorum present? YES <input type="checkbox"/> NO <input type="checkbox"/>	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:	Location:		
RECOMMENDATION			
<input type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions		
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions		
<u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u>			
Voting			
# In Favor:	# Against:	# Abstaining:	Total members appointed to the board:
Name of CB/BB officer completing this form	Title	Date	

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: MAY 28, 2019

COMMITTEE OF ORIGIN: LAND USE, ZONING & ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	10 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC VOTE:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	35 In Favor	0 Opposed	0 Abstained	1 Recused

RE: Borough Based Jail System Plan & Manhattan Detention Center Complex
 Uniform Land Use Review Procedure (ULURP) Applications

WHEREAS: In 2016 the New York City Council created the Independent Commission on New York City Criminal Justice and Incarceration Reform, chaired by former New York Court of Appeals Chief Judge Jonathan Lippman (the Lippman Commission), to study conditions and possible reforms in the City's criminal justice system and particularly the jails of Rikers Island; and

WHEREAS: The Lippman Commission issued its report in March 2017, entitled *A More Just New York City*, which among other things called for “reforms at multiple stages of the criminal justice process: arrest, arraignment, case processing, and sentencing” to reduce the daily jail population to less than 5,000. The Lippman Commission’s report concluded that, with those reforms and the resulting reduction in the daily jail population, the City should phase the full closure of Rikers Island over 10 years while “developing state-of-the-art jails in each of the five boroughs with a much smaller system bed capacity.” Specifically regarding “Community Involvement,” the Lippman Commission’s Report advised, “Conversations with local communities concerning potential locations for the jails must begin early and the City must ensure that the process is as fair, transparent, and responsive to community concerns as possible. The new jails should be integrated into their surrounding neighborhoods, both in terms of design and uses;” and

WHEREAS: Mayor Bill de Blasio announced at that time that New York City would commit to closing Rikers Island within 10 years, on the assumption that the population of incarcerated individuals could be reduced to 5,000, but the commitment offered no detailed plans; and

WHEREAS: On February 14, 2018, the Mayor announced plans to build a system of borough based jails (BBJs) in each borough except Staten Island in place of Rikers, including a “new, modified or renovated” facility at the site of the existing Manhattan Detention Complex (MDC) at 125 White Street. In an August 15, 2018 follow-up announcement, the Mayor revealed publicly, for the first time and without explanation, that the City changed the Manhattan site selection to 80 Centre Street; and

WHEREAS: Manhattan Community Board 1 (CB1), jointly with Manhattan Community Board 3 (CB3) which includes the Chinatown neighborhood directly East of the proposed 80 Centre Street site, held a public meeting on September 6, 2018 at 1

Centre Street where administration officials presented their BBJ plans and community board members and the public posed questions and comments;

WHEREAS: The City began the legally-required environmental review process, including scoping meetings and a public hearing to identify potential environmental impacts from the planned BBJ project, and the City extended the comment period for the draft scope of work for the environmental impact statement until October 29, 2018; and

WHEREAS: CB1 adopted a resolution dated September 25, 2018 (copy attached), objecting to the administration’s “opaque site selection and lack of community input” for the 80 Centre Street site and calling for a “renewed process to look at a variety of sites that serve both the local community impacted and satisfy the goals of an improved justice system”; and

WHEREAS: Following the community’s outcry and what the administration characterized as “challenges associated with relocating various offices at 80 Centre Street,” the City announced on November 28, 2018 its intention to return to earlier plans to build the Manhattan BBJ at the site of the existing MDC at 124-125 White Street. The City, however, did not conduct a further scoping meeting or public hearing with regard to the different site selected; and

WHEREAS: The South tower of the MDC, known as the “Tombs,” forms part of the Manhattan Criminal Courts Building, built by Wiley Corbett and Charles B. Meyers in 1938-1941, and is a NYC Landmark eligible and NY State Registry eligible building; and

WHEREAS: The City issued a Draft Environmental Impact Statement (DEIS) in March 2019, which identified the proposed facility at 124-125 White Street as consisting of a single-tower facility with approximately 1.27 million gross square feet, built to a maximum zoning height of 450-feet tall using a design-build project method; and

WHEREAS: The NYC Department of Correction (DOC), the Mayor’s Office of Criminal Justice (MOCJ) and the NYC Department of Citywide Administrative Services (DCAS) as co-applicants submitted to the New York City Department of City Planning (DCP) two Land Use Review Applications (the “Applications”)¹ dated March 18, 2019: one a systemwide Application related to the creation of a BBJ system and selection of the four borough sites, and the second a Manhattan-specific Application for actions requested to create the Manhattan BBJ site; and

WHEREAS: These Applications are procedurally unprecedented as this is the first design-build project to go through the ULURP process. Since this is a proposed design-build project, the Applications have much less information and detail than is customary during the ULURP process. Therefore, CB1 has been tasked with evaluating and making recommendations on a significantly impactful

¹ The co-applicants submitted to DCP additional borough-based applications for specific actions related to proposed sites in Queens, Brooklyn, and the Bronx. Those borough-specific applications are not before CB1 as an affected community board.

proposal and has been provided only information up to the maximum possible building envelope; and

WHEREAS: The systemwide Application describes the BBJ proposal as a system to “provide approximately 5,748 beds to accommodate an average daily population of 5,000 people, while allowing space for population-specific housing requirements, such as those related to safety, security, physical and mental health, among other factors, and fluctuations in the jail population.” The systemwide Application includes a “Fair Share Analysis,” dated March 28, 2019, which among other things regarding the Manhattan site states that “the Community District’s 26.6 bed/population ratio (per 1,000 population) for correctional facilities is ranked second-highest in the city and exceeds the citywide ratio (2.1).” The systemwide Application requests the following land use actions for the overall BBJ project:

- A public facility-site selection to approve the siting of the four BBJs, and;
- A zoning text amendment to create a new special permit for borough-based jails to allow modification of zoning regulations related to ground floor use; bulk, including an increase in floor area ratio (FAR) related to courthouse and prison use; and accessory and public parking and loading;
- However, the city has not adequately explained how the average daily prison population can consistently be maintained at a maximum of 5,000 people

WHEREAS: The Manhattan-specific Application describes the proposed project and “preliminary illustrative design,” and it requests the following land use actions the co-applicants claim are necessary to facilitate the Manhattan BBJ:

- A special permit to modify the existing commercial FAR from 10.0 to a total of 13.12 FAR;
- A special permit to modify the existing height requirement, existing 85-foot base setback requirement, and existing sky exposure plane regulations to allow for a maximum base above street level (without setbacks) to between 449.10 and 453.43 feet and an overall maximum building height of 489.10 to 493.43 feet;
- A modification of loading regulations (which require four loading berths) to allow for only two loading berths;
- A City map change narrowing the street right-of-way of White Street from 50 to 35 feet and eliminating, discontinuing and closing a volume of a portion of White Street above and below vertical limiting planes, and;
- An acquisition by DCAS of leases for approximately 6,300 square feet of space in MDC North held by Walker Street-Chung Pak Local Development Corporation.

WHEREAS: DCP certified the Applications for public review on March 25, 2019 and provided notice to CB1 as an affected community board; and

WHEREAS: CB1 notified the public of the Applications and held a public hearing on April 8, 2019, beginning at 6:00 p.m., at the Southbridge Towers Community Room at 90 Beekman Street in Manhattan, where over 150 people attended and dozens of members of the public spoke against or in favor of the Applications; and

WHEREAS: CB1 also received and reviewed hundreds of pages of written comments and testimonies from various organizations and members of the public, both in favor of and against the Applications; and

WHEREAS: Manhattan CB3, which covers the Chinatown neighborhood directly East of the proposed 124-125 White Street site, adopted a resolution on April 23, 2019 which set forth numerous “recommendations [that] must be incorporated into the proposal for the Manhattan detention facility at 124-125 White Street.” CB3’s resolution enumerated many concerns regarding the scale and capacity of the project, its impact on seniors and other residents in the area, impacts to small businesses, construction impacts, eventual community benefits, *etc.*, and CB3 offered thoughtful recommendations for ensuring that all recommended mitigations are realized; and

WHEREAS: According to news reports in early May 2019, the administration promised to further reduce the size of the four proposed BBJs owing to state-level criminal justice reforms, including bail reform and expected parole reforms, which the City predicted will further reduce the jail population figures and therefore require less space in the detention facilities; and

WHEREAS: CB1’s Land Use, Zoning and Economic Development Committee held a public meeting at the offices of the Manhattan Borough President on May 13, 2019, beginning at 6:00 p.m., during which the Committee reviewed the Applications and discussed various concerns and issues. Representatives from the co-applicants presented at the meeting and confirmed the news that the City expected further downward adjustments in the jail population projections, but they were unprepared to expand on what that news might mean, generally or specifically, for any reductions in the size, bulk and height of the proposed Manhattan BBJ. After discussion of the Applications, the Committee voted to adopt the recommendations set forth in this resolution; and

WHEREAS: CB1 thereafter held a public meeting at the Borough of Manhattan Community College on May 28, 2019, beginning at 6:00 p.m., during which the full board of CB1 reviewed the Applications and voted to adopt the recommendations set forth in this resolution; now

THEREFORE

BE IT

RESOLVED

THAT: While CB1 supports the goals of criminal justice reform and the conclusions of the Lippman Commission’s report, for the reasons set forth above and below, pursuant to Section 197-c(e) of the New York City Charter and Section 2-03(f) of

the ULURP Rules promulgated by the NYC City Planning Commission (CPC),
CB1 recommends the CPC disapprove the Applications unless the following modifications and conditions are satisfied:

- CB1 is on record objecting to the administration’s “opaque site selection and lack of community input” for the Manhattan BBJ project, and CB1 continues to believe the administration should reconsider its selection of the Manhattan site in conjunction with a process of meaningful community engagement on site selection;
- CB1 believes the Applications should be withdrawn in light of recent news of significant reductions in the projected daily jail population, as confirmed by the co-applicants at the Committee’s meeting, and the projects (and resulting ULURP applications) should be refiled with a reduction in the requested modifications for allowed FAR, height, base and setback requirements, and sky exposure plane regulations;
- As the City’s “Fair Share Analysis” states, this community’s bed-to-population ratio “is ranked second-highest in the city and exceeds the citywide ratio,” meaning that any further reductions in the projected daily jail population must be spread more fairly to other facilities, including by establishing a facility in the borough of Staten Island, thereby reducing the need for an over-zoned facility in Manhattan;
- The City must present an alternative proposal which analyzes razing and replacing only the MDC North tower, while keeping the MDC South tower of the four-tower Manhattan Criminal Court Complex intact with interior renovations for MDC South. This alternative would allow for the called-for reduction of size, reduction of anticipated significant environmental impacts, and preservation of the historic architectural complex of the Manhattan Criminal Courts;
- CB1 believes the Manhattan BBJ project as currently proposed is grossly out of scale, being more than 30% bigger and bulkier than the zoning allows, and any design for the proposed Manhattan BBJ site should respect the current C6-4 zoning and character of the surrounding area by recognizing a minimum of 30-40% reduction in bulk with no modification of existing base and setback requirements. While the proposed height would be allowed under the current zoning, CB1 believes that it should also be significantly reduced in order to be more in context with the surrounding built environment;
- The City must establish and show precedent for the proposed action of reducing the required loading berths from four to two, including demonstrating in the Applications exactly how only two loading docks can accommodate the needs of a 1.27 million square-foot facility with over 1,000 detainees and hundreds of staff and service providers in any given shift and indicating how sanitation and sidewalk parking violations can be mitigated and prevented in an area where, currently, sidewalk parking by

DOC transport busses and staff vehicles is rampant;

- The proposed City map action to narrow any width of White Street should be rejected because this important view corridor and connection between Tribeca/Civic Center and Chinatown will otherwise be further overshadowed by the bulk of the surrounding building and overhead walkway, effectively making the proposed pedestrian open space a tunnel and not an open-air walkway;
- The proposed compensating amenities to the community from these adverse land use actions are insufficient and are not particularized in any specific way. They must be further discussed and concretely enumerated and agreed, memorialized in writing, and guaranteed by a written instrument signed by a City official with the ability to bind the co-applicants and the administration;
- The City must establish a task force to more closely study the precise environmental, landmark/historic preservation, archaeological, and business displacement impacts of the proposed Manhattan BBJ project and report the findings and recommendations of the task force to CB1 and the public at large;
- The City must define and document how the proposed design-build delivery will allow for required oversight, assuring qualitative urban planning and architectural design for a project of this scale and complexity. If design-build is found to be an acceptable approach, then the City must establish a post-ULURP process for review and input by CB1 of the specific building and site designs, demolition and construction mitigation plans, and environmental impact and mitigation plans;
- The City must define and document how its “guiding urban design principle” of “neighborhood integration,” according to the Applications, is being achieved;
- The City must adopt, with ongoing community input, a robust plan approved by the community pre-demolition to protect the residents of the Chung Pak senior housing facility, the children and families utilizing the Chung Pak Day Care Center, and other patrons of the Chung Pak community facilities abutting the South building of the current MDC during demolition and construction;
- The City must establish a community advisory board or council, which must reflect a fair and true cross-section of the neighboring communities, to represent the communities immediately adjacent to the proposed Manhattan BBJ site and to provide consultation and feedback on the design, construction, post-construction operations and community space programming of the Manhattan BBJ site; and

- The City must provide a detailed analysis of the costs and timing involved in the completion of this proposal.

Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
Fax # (212) 720-3356

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 representative as indicated on the Notice of Certification.

Applications: C 190340 ZSM, C190341 PQM, C 190333 PSY, C 190252 MMM

Docket Description:

C 190340 ZSM

IN THE MATTER OF an application submitted by NYC Department of Correction and the Mayor's Office of Criminal Justice pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-832 of the Zoning Resolution to modify:

- a. The floor area ratio requirements of Section 33-10 (Floor Area Regulations);
- b. The height and setback requirements of Section 33-40 (Height and Setback Regulations);
- c. The loading berth requirements of Section 36-60 (Off-Street Loading Regulations);

to facilitate the construction of a borough based jail facility, on property located at 124-125 White Street (Block 167, Lot 1, Block 198, Lot 1) and the demapped portions of White Street between Centre Street and Baxter Street), in a C6-4 District Borough of Manhattan, Community District 1.

(See Continued)

COMMUNITY BOARD NO:

1

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
 APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE
 DISAPPROVE WITH MODIFICATIONS/CONDITONS

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached


BOROUGH PRESIDENT

July 5, 2019
DATE

C190341 PQM

IN THE MATTER OF an application submitted by NYC Department of Correction, the Mayor's Office of Criminal Justice, and the Department of Citywide Administrative Services, pursuant to 197-c of the New York City Charter, for the acquisition of property located at 124 White Street (Block 198, Lot 1) for a borough-based jail facility. .

C 190340 ZSM, C190341 PQM, C 190333 PSY, C 190252 MMM

Cover Sheet – Page 2 of 2

C 190333 PSY

IN THE MATTER OF an application submitted by NYC Department of Correction and the Mayor's Office of Criminal Justice pursuant to Sections 197-c of the New York City Charter for the site selection of property located at:

1. 124 White Street (Block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Manhattan Community District 1

C 190252 MMM

IN THE MATTER OF an application submitted by NYC Department of Correction and the Mayor's Office of Criminal Justice pursuant to Sections 197-c of the New York City Charter for the change to the City Map to allow the elimination, discontinuation, and closing of volume above the portion of White Street that is between Centre Street and Baxter Street.



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4306 f
431 West 125th Street, New York, NY 10027
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Gale A. Brewer, Borough President

July 5, 2019 (Updated July 8, 2019)

Recommendation on ULURP Application Nos. C 190340 ZSM, N 190334 ZRY, C190252MMM, C190341PQM, and C 190333 PSY – Borough-Based Jail System

By NYC Department of Correction, Mayor's Office of Criminal Justice

Summary of Recommendations

This recommendation is in response to the City's land use applications to replace Rikers Island with a system of borough-based Jails. Specifically, for Manhattan, this application calls for the construction of a 1,145,000 square foot jail facility at 125 White Street, currently the site of the Manhattan Detention Center north and south towers. There is substantial and understandable opposition to this project from the surrounding Chinatown community which has spent the greater part of two decades attempting to recover from the effects of security measures in the wake of the September 11, 2001 terrorist attacks. However, because leaving a jail on Rikers Island is not an option, a solution must be found for a Manhattan jail in proximity to the courts while taking strong measures to mitigate adverse impacts on the neighboring community.

Former New York State Chief Judge Jonathan Lippman, the head of the Independent Commission on New York City Criminal Justice and Incarceration Reform, stated in the Commission's report that "Rikers Island is a stain on our great City" which cannot be fixed but rather must be eliminated and replaced. This recommendation is premised on the closure of Rikers Island as a moral and governmental imperative which is best achieved through a borough-based jail system.

The responsibility for eliminating harmful impacts on the Chinatown community must include strong cooperation with local stakeholders not only during construction of the proposed facility but especially during the planning and design stages when community input is critical. The City bears a strong moral obligation to mitigate any further cultural and economic harm to the Chinatown community because of the permanent damage suffered by residents and businesses after 9/11: a 9% loss of population, while security measures reduced tourism by half, harming local businesses.¹

A thriving Chinatown community is essential to the well-being of the residents as well as the downtown economy. Fortunately, the implementation of criminal justice reforms that we support and recommend as part of the closure of Rikers, such as bail reform and enhanced support services, will significantly reduce the number of persons to be housed at the proposed facility.

¹ <https://www.nydailynews.com/new-york/chinatown-garment-biz-shrivels-tourist-traffic-dwindles-lasting-blow-9-11-article-1.954982>

This smaller population will in turn make possible a reduction in the scale and bulk of a new detention center, and help minimize adverse community impacts.

Reaching these goals will require a process of on-going project review by city agencies, local elected officials, criminal justice experts, and community stakeholders. Among its responsibilities will be to provide transparency and accountability from concept to construction; mitigate local impacts; and ensure that the design of the new facility reflects the goals of criminal justice reform.

We recommend that the closure and replacement of Rikers be viewed not simply as a project to construct new jails or even reduce our jail population. The design of borough-based jails is an unprecedented opportunity to address the injustices of mass incarceration, and re-imagine a system designed for punishment with another system focused on humane practices and rehabilitation. To this end:

This recommendation outlines an extensive list of conditions that are necessary to the closure of Rikers Island, and the replacement of our current system of incarceration with one that is humane and rehabilitative. This can be accomplished while protecting the surrounding neighborhood from deleterious impacts. We have to achieve this as a package in order to bring about the substantive change that we seek. These conditions are grouped into the following categories:

- I. Building a new facility which will both reflect a new vision of incarceration and protect the surrounding community from negative impacts;
- II. Ensuring a transparent process through continuing community input to make certain these goals are met;
- III. Making additional commitments to reforming our system of incarceration to ensure that the replacement of Rikers Island goes way beyond physical change;
- IV. Closing Rikers Island.

In addition, we make the following specific recommendations:

Building a new facility which will both reflect a new vision of incarceration and protect the surrounding community from negative impacts

1. Every effort must be made to reduce the proposed height and bulk of the building. Revisions to the application to further reduce height and bulk through additional criminal justice reform legislation are expected, reducing the need for the allowable 450 foot maximum height and the 1,145,000 square foot bulk. Before the proposed height and bulk are approved, there must be an accurate estimate of the future number of detainees at the facility. Further review is critical to ensuring that the facility reflects a reformed vision for incarceration and to protect the surrounding community. Other cities that have taken on the redesign of their jails have managed to create facilities that meet the same

goals using half the square footage planned for borough-based jails. The City needs to consider this and propose more realistic and contextual facilities.

2. The design of the proposed development should be adaptable and facilitate the decommissioning of currently planned detainee housing units as further reductions in the population are achieved. Planning for this adaptive reuse should be part of the Request for Proposals for the design of the facility.
3. The entrance to the parking lot for the proposed facility should be moved from Baxter Street to Centre Street.
4. More information is needed to understand why the four loading berth requirement under the current zoning would encumber the site before a special permit is considered. We understand more berths may result in more curb cuts, but fewer berths may result in trucks idling in the street waiting to unload. We would like to see corroborating information that supports the request for two berths.
5. White Street must become an open-air plaza accessible 24/7 for pedestrian use, and designed with community input and approval with funds allocated for the maintenance of the space in perpetuity.
6. Chung Pak LDC, the leaseholder of the site adjacent to the proposed development, should be given the option to purchase the land beneath the complex for well below market rate, with a deed restriction to guarantee current uses remain in perpetuity.
7. Chung Pak LDC, as well as the businesses and employees that will be displaced as a result of the City recapturing this leasehold, should be financially compensated. The businesses being displaced should be offered temporary spaces within the area to relocate to and offered right of return in the new retail spaces of the proposed development.
8. The City should provide assistance in wayfinding and advertising for small businesses surrounding the proposed development site. Grant funding should also be made available to assist these businesses as they manage adverse impacts during construction.
9. Chung Pak Complex and its proximity to the proposed development should be protected during demolition and construction by:
 - Installing real-time air quality and dust monitoring
 - Mitigating noise and vibration impacts
 - Protecting the complex from any compromise of its structural integrity
 - Creating safe sidewalks and passageways
10. Park Row should be reopened to vehicular traffic. Prior to construction, city agencies, including but not limited to the New York City Department of Transportation, should study the impacts of the new facility on surrounding streets – including pedestrian safety - during construction.

11. On site community facility space should be increased from 20,000 to 40,000 square feet. Ground floor retail space should be excluded from this calculation.
12. Retail space within the proposed development should be rented below market rate to local small businesses and should be rent stabilized in perpetuity.
13. Off-site community facility space should be provided. Suggested sites include but are not limited to: 2 Howard Street, which the city would need to acquire from the federal government, and 137 Centre Street. The City should also provide funding for the redevelopment of these sites into community facilities.

Ensuring a transparent process through continuing community input to make certain these goals are met

1. The City must be transparent about its decision making throughout the pre-construction, demolition, and construction process.
2. All communication to the community must be made available in the languages spoken by those in the community including but not limited to: English, Mandarin, Cantonese, and Spanish.
3. A community advisory group should be created and meet regularly to address all phases of development from design to post-construction operation of the new facilities. The Manhattan Borough President's Office created a Rikers Task Force in 2018. The office recently merged the Task Force with the Neighborhood Advisory Committee convened by the City. This proposed community advisory group should be comprised of similar stakeholders.
4. The applicants, alongside New York City Department of Design and Construction and all other relevant agencies, should also hold standing monthly presentations with both CB1 and CB3 to provide regular updates on all phases of development and allow opportunity for Q&A.
5. The community must be notified in real-time of any pre-construction environmental testing and remediation.
6. At least 30% of the design must be completed before any construction commences under design-build.
7. A demolition and construction plan, including timelines and target dates, must be created and shared with the community.
8. The community must be notified at least one week in advance of any street closures or major events related to demolition and construction.

9. A construction hotline must be created and operated 24/7 during demolition and construction in order for community members to report unsafe conditions or activities or other concerns. The hotline should be staffed by a live person during all hours of construction. The number for this hotline should be posted prominently on the construction site.
10. The Design Advisory Group, which the applicants have convened and consists largely of city agencies and elected officials, must include community representation (ideally from the suggested community advisory group, CB1, and CB3) as well as designers and architects with experience in designing facilities in urban environments. The group should also include members who have been incarcerated in order to provide perspective on how the interior of the facility should be designed.

Making additional commitments to reforming our system of incarceration to ensure that the replacement of Rikers Island goes way beyond physical change

1. Changes must be made within the New York City Department of Correction (DOC) to ensure that the existing culture of violence and abuse does not recur in the new jail system.
2. DOC staff must be required to have training in dealing with persons with mental health and/or substance abuse issues as well persons with disabilities. Staff must also be trained on gender preferences in order to respect the dignity of the detainees they are tasked with supervising.
3. DOC must commit to providing social workers or to incentivize staff to pursue higher education and/or training in social work in order to become more effective at managing and supporting detainees.
4. The City must continue to fund social service programs that seek to divert people from the criminal justice system and continue to pass legislation and implement reforms that seek further reductions in the jail population. Policy recommendations released by the Independent Commission on New York City Criminal Justice and Incarceration Reform, the Close Rikers Coalition, and other criminal justice reform advocates, should be considered and implemented, specifically the recommendations that focus on investment in communities that have been impacted by mass incarceration.

Closing Rikers Island

1. The new women's facility, currently planned for Queens, should be sited in Manhattan. It has been announced recently that the Lincoln Correctional Facility located in Manhattan Community Board 10 will be decommissioned. This offers a potential opportunity to have a women's facility in a more centralized location and may allow the women's facility on Rikers Island to close sooner.

2. Buildings which are no longer in use on Rikers Island, such as the George Motchan Detention Center, should be demolished immediately. As more buildings are decommissioned, they should be demolished.
3. There should be binding commitments to guarantee the full closure of Rikers Island. Allocation of capital funds should be made before the end of this current administration for the redevelopment of Rikers as a city asset which generates broad public benefit for all New Yorkers.
4. There must be a deed restriction placed on Rikers Island to permanently ban its use for any residential or correctional purpose.

Proposed Actions

The New York City Mayor's Office of Criminal Justice (MoCJ) and Department of Correction (DOC) (collectively the "Applicant") propose to close the detention facilities currently located in Rikers Island and implement a "borough-based jail system" that will include the construction of four new jails in Manhattan, Queens, Brooklyn, and the Bronx. One of the tenets of the borough-based system is that the jails would be situated in closer proximity to each borough's courthouses, so as to minimize travel and wait times for detainees. In this system detainees will also be closer to their home communities, families, and support systems. The proposal requires zoning approvals, public facility siting approvals, changes to the City Map, among other actions.

The land use actions required to facilitate the proposed Manhattan facility are outlined in the table below

N190334ZRY	Amendment to ZR § 74-00 to establish a Borough-Based Jail System Special Permit which would allow for use, bulk, floor area ratio (FAR) related to courthouse and prison use and also allow accessory public parking and loading
C190340ZSM?	Special Permit pursuant to the new above-referenced mechanism, which would: <ul style="list-style-type: none"> • Increase the overall FAR from 10.0 to 13.12 (ZR § 33-10) • Increase building base height from 85 feet to 449 – 453 feet (ZR § 33-40) • Allow two loading berths with entrance on Centre Street and exit on Baxter Street
C190333PSY	Site selection for a public facility which will enable the current Manhattan Detention Facility to be replaced with a new borough-based jail and will expand the capacity on the site <ul style="list-style-type: none"> • This action requires a Fair Share Analysis
C190252MMM	Change to the City Map to allow the elimination, discontinuation, and closing of volume above the portion of White Street that is between Centre Street and Baxter Street. The City Map change will reestablish White Street with upper and lower limiting planes. The width of this portion of White Street will decrease from 50 feet to 35 feet.

C190341PQM	Acquisition for the leasehold interest for a 6,333 retail space in MDC North that is currently held by Walker Street-Chung Pak Local Development Corporation
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Project and Site Description

The Applicant proposes to build a 1,437 bed jail at 124 and 125 White Street (Block 198, Lot 1 and Block 167 Lot 1) “(the “Proposed Development”). The proposed development will have a floor area ratio (FAR) of 13.2 and a total of 1,145,000 zoning square feet. Approximately 1,125,000 zoning square feet will serve to house and provide support services to detainees. The remaining 20,000 zoning square feet will be dedicated to a community facility and/or retail space. The Applicant proposes to include 125 parking spaces in a below-grade facility on the site.

The proposed development would have a base that is approximately 125 feet in height with three wings that extend to the east. There will also be a pedestrian corridor between Center Street and Baxter Street that will complement the community facility and/or retail space. An above-ground pedestrian bridge will connect the proposed development to the Manhattan Criminal Court Building at 100 Centre Street. Because the Applicant has chosen to do a design-build development, there are limited details on the design of the proposed development.

The proposed development will be constructed on the current site of both the Manhattan Detention Center South and Manhattan Detention Center North facilities. The site itself comprises 157,184 square feet (as outlined below) and is located at the intersection of the Civic Center, Chinatown, and TriBeCa.

Table 1: Proposed Development Square Footage at Grade

Manhattan Criminal Court	76,543 SF
Proposed Development - Manhattan Detention Center South	42,238 SF
Proposed Development - Manhattan Detention Center North	30,646 SF
Re-established White Street Volume	7,757 SF
TOTAL	157,184 SF

Background

In her 2016 State of the City address, New York City Council Speaker Melissa Mark-Viverito called for fundamental criminal justice reform. She then announced the creation of an independent Commission to explore the reduction of the Rikers Island population. The Speaker appointed former New York State Chief Judge Jonathan Lippman to chair what became known as the Independent Commission on New York City Criminal Justice and Incarceration Reform (“Commission”). Twenty seven commissioners were selected from the business community, academia, law, and social services. The Commission also contained individuals with personal experience being held on Rikers Island. Throughout the process non-profit and private sector

organizations were engaged to provide research and strategic support. In order to ensure its independence, the Commission took no money from government or political entities.

The Commission spent more than one year studying the City's criminal justice system and Rikers Island. The process involved interviews and public forums with relevant actors and stakeholders, including formerly incarcerated, and members of the general public.

In April 2017, the Commission issued its report entitled, *A More Just New York City*. It contained a set of recommendations for improving New York City's criminal justice system as well as the data supporting the conclusion. In detailing research conducted on the futility of the current jail system and changes in the criminal justice system leading to historic reductions in jail population, the Commission made a compelling social, ethical, and economic case for the closure of Rikers Island's jail complex and the creation of a borough-based jail system. The Commission recommended a phasing out of the Rikers complex over ten years. Borough-based jails would replace the Rikers Island complex. They would be designed to provide 5,745 beds to accommodate a daily population of 5,000, down from the 15,000 person capacity of Rikers Island. This borough-based system would strengthen connections to families, attorneys, courts, medical and mental health care, and faith and community-based organizations. Being closer to home and transit would enhance the network of support systems for people who are detained, and help prevent future returns to jail.

To ensure that criminal justice reform takes place in both form and substance, the Commission recommended changes in building design that facilitates healthier and safer interactions between detainees and jail employees, reforms in Department of Correction practices, and immediate delivery of medical, mental health, and educational services. The design of the new jail facilities would be designed in a "cluster housing" model which provides free movement and improved sightlines. This model is intended to strengthen interactions between staff and detainees by improving communication and identifying problems before they escalate. The Commission also called for a state-of-the-art training facility and doubling of the training for all DOC staff, but it also acknowledges that lasting change requires a "renewed sense of mission".

The report also contained recommendations for community engagement and building design. The Commission called for a fair, transparent process that is responsive to community concerns. They recommended early conversations with communities concerning potential location as well as community integration in both building design and ground floor uses. As an added community benefit, the Commission recommended that there be commercial and community facility space for local businesses and service providers included in the new buildings. According to the applicants, the guiding design principle for the proposed development is neighborhood integration.

The proposed development will be designed with the needs of the community in mind to encourage positive community engagement. In order to engage the communities in which the facilities are proposed to be sited, this administration convened a Neighborhood Advisory Committee (NAC) in each borough. These committees, comprised of community stakeholders, were created to receive updated information about the borough-based jail plan, express community concerns around the development, build consensus on neighborhood investments,

and develop a list of Design Principles and Guidelines to be incorporated in the design of the proposed developments. These committees met between October 2018 and March 2018 to produce these lists which will be incorporated into the Request for Proposals for the design and construction for the proposed facilities if these applications are approved.

Area Context

The study area is characterized by public institution uses, which are located on the lots immediately surrounding the project site, commercial office buildings to the north and south, and mixed-use residential and commercial buildings in the northwestern and northeastern portions of the study area. Primary commercial arterial roads include Canal Street, the southern boundary of the SoHo neighborhood, Broadway, the western boundary of the Tribeca neighborhood, the Bowery, which is the eastern boundary of the Chinatown neighborhood, and the Brooklyn Bridge ramp to the south, which forms a boundary with the neighborhoods that constitute Downtown Manhattan. The study area has a wide range of unique uses, from industrial and residential to institutional.

The block immediately to the north of the project site contains a 13-story residential building with senior housing units, known as Everlasting Pine (or Chung Pak, its Cantonese equivalent) with ground-floor retail spaces. Canal Street contains a mix of old and new office buildings containing ground-floor retail uses, which forms the northern edge of the Chinatown neighborhood. North of Canal Street, larger parcels with commercial uses predominate along the northern edge of the study area. Four- to five-story cast-iron buildings (some with light industrial uses) make up the southern boundary of the SoHo District. To the northeast, along the border with the Little Italy neighborhood, mixed-use residential buildings with commercial ground floors (primarily restaurants) predominate.

The blocks immediately to the west of the project site contain an 11-story building which houses the New York City Civil Court (south of White Street), as well as several mixed-use commercial retail and office buildings (north of White Street). South of the MDC south tower is 100 Centre Street, a 24-story building which houses the Manhattan Criminal Court. The block south of 100 Centre contains the nine-story, approximately 640,000-gsf Louis J. Lefkowitz State Office Building at 80 Centre Street, the Manhattan District Attorney, Office of the City Clerk, Manhattan Marriage Bureau, the New York County Family Court, the Federal Bureau of Investigation (FBI), the Internal Revenue Service (IRS), the New York City Police Department (NYPD), the Department of Buildings (DOB), and the Department of Records (DOR), commercial office buildings and retail.

Farther south, along the study area boundary, City Hall Park contains the Tweed Courthouse and City Hall. To the southeast of the project site, there is a complex of institutional and civic uses bounded by Park Row (which is closed to public traffic), Worth Street to the north, Centre Street to the west, and the approach to the Brooklyn Bridge. This complex contains State court facilities, such as the New York County Supreme Court and Thurgood Marshall Court House, the Metropolitan Correctional Center at 150 Park Row, a federal detention facility with

approximately 800 people in detention, the New York City Police Department headquarters, the David Dinkins Municipal Building, and the U.S. District Court for the Southern District of New York (the Daniel Patrick Moynihan US Courthouse). Residential apartment buildings are also located in the vicinity, such as the 25-story Chatham Towers, located between Worth Street and Park Row.

The block immediately to the east of the project site contains mixed-use, five- to seven-story commercial and residential buildings, with ground-floor retail that form the core of the Chinatown neighborhood. Columbus Park, which includes multiple sports fields and a pavilion, is located east of the project site and south of Bayard Street. Multi-family buildings with commercial retail ground floors are concentrated between Baxter Street and the Bowery. Heavier commercial office uses are located further north along Canal Street. Further east, along the eastern boundary of the study area, 1 Bowery contains apartments funded through the state's Mitchell-Lama program.

Notable uses found throughout the study area include the multiple court and government office uses discussed above, various parks, schools, and the former AT&T Long Lines Building, located at the intersection of Thomas and Church Streets, which still contain critical wiring uses. Parks include Collect Pond Park, directly to the west of the project site; Columbus Park to the east; Thomas Paine Park and Foley Square, southwest of the project site; and City Hall Park near the southern edge of the study area. Schools are also located near the southwestern edge of the study area, including Transfiguration School—a Catholic school between Mulberry and Mott Streets, and Quad Manhattan, a preparatory school located at the intersection of Broadway and Reade Street.

The study area is very well-served by public transit, including four subway stations and nine subway lines. These include the Canal Street station at Broadway that is served by the N, Q, R, and W lines; the Canal Street station at Lafayette Street that is served by the Nos. 6 and 4 lines (late-night only); the Canal Street station served by the J and Z lines; the Brooklyn Bridge-City Hall station that is served by the Nos. 4, 5, 6, and J and Z lines.

Approximately 16 local public parking facilities, with an approximate capacity for 2,200 vehicles, are located throughout the study area. These include Chun Pak Parking Corp; 62 Mulberry Parking Corp; SP Plus Corporation; Edison NY Parking, LLC; Quik park MIA Garage LLC; 170 Park Row Parking Corp; 95 Worth, LLC; 44 Elizabeth Street Parking; 106 Mott Street Parking Corp; Leonard Street Parking, LLC; Champion Parking 700, LLC; Champion Confucius, LLC; MPG Kings Parking; MTP 10 St. Parking Corp.; MTP Henry Operating Corp.; and MTP Madison St. Parking Corp.

According to the current use condition of White Street between Centre and Baxter, it is a parking lot occupied by DOC. This above- and below-ground portion of White Street is proposed to be de-mapped to facilitate the construction of the new prison facility, converting the street into an arcade. Yet, in the 1980s, this portion of White Street was intended to be a community give-back in the form of a public plaza when the City expanded the existing jail. Public space that was once promised to the community through a concession for a pedestrian car-free zone has since been taken over by correction officers for parking. The public space was part of the 1% For Art

project, which included paving, mesh wire columns, tree designations. However, DOC painted lines over the pavement to create parking lot spaces, losing artwork in the process.

Community Board Recommendations

Manhattan Community Board 1 (CB1) held a public hearing on April 8, 2019 at Southbridge Towers Community Room (90 Beekman Street). Over 150 people attended this hearing and many members of the public spoke in favor and against the applications being proposed. On May 13, 2019, additional consideration through the board's Land Use, Zoning, and Economic Development Committee took place. The committee reviewed the applications and discussed their concerns. The committee voted to adopt the recommendations outlined in their resolutions and the full board adopted these recommendations at their public meeting held May 28, 2019.

The board believes the administration's process has not been transparent enough and believes that the applications should be withdrawn and resubmitted with significant reductions and modifications in FAR, height, base and setback requirements, and sky exposure plane regulations. While the current C6-4 zoning allows for the proposed height, the board believes it should be reduced to be more contextual with the buildings surrounding the site. CB1 also believes the City should consider an alternate proposal which would only require the replacement of the MDC north tower, allowing the south tower to remain intact with major interior renovations to meet the design principles of a facility that aims to address needs under a more equitable and restorative community based jail system. The board expressed concerns about the decreased number of loading berths and whether or not it would be suitable for the planned capacity for the site.

The board also expressed concern about the City's decision to de-map and narrow White Street and about the impact of this action on the Chinatown community. It would obstruct this street as a view corridor and would replace the open-air walkway as described with a tunnel-like passage due to the planned bulk of the building and the overhead walkway. CB1 also calls for a full discussion of compensating amenities that are memorialized in writing as a legally binding document. The board also calls for a community advisory group truly reflecting the composition of the community and its stakeholders. It should be consulted about design, construction, post-construction operations and community space programming.

While the proposed development is sited in CB1, Manhattan Community Board 3 (CB3) is adjacent to the development site and many of its members will be impacted by this project. On April 24, 2019, CB3 voted and passed a resolution that was sent to Manhattan Community Board 1 outlining their concerns over the current proposal. CB3 echoes Manhattan Community Board 1's concerns about the height and bulk of the proposed development and believes it is grossly out of scale with the surrounding area. They recommend off-site treatment for mental health and substance abuse to reduce the size of the facility.

CB3 also expressed concern regarding the low-income senior housing residence located adjacent to the proposed development. The property is currently leased from the City by Chung Pak Local

Development Corporation (Chung Pak LDC). CB3 calls for mitigation measures, including air quality and dust monitoring to protect residents and staff. They also call for safety measures for sidewalks around the proposed development site during construction as they are vital paths to local amenities such as Columbus Park, local businesses, and greater Chinatown. The loss of the commercial space at 124 White Street, which Chung Pak LDC leases, will also reduce the revenue generated from this space that supports the operation of the senior building.

CB3 has also expressed concerns about the impact of this development on small business. In addition to the stores at 124 White Street that would be displaced, CB2 identified 15 other businesses along Baxter Street that they believe will face adverse impacts as a result of street closures, scaffolding, and the current facility staff temporarily leaving the area due to construction. They have proposed measures they believe will help in stabilizing these businesses, as additional wayfinding and advertising and grant funding.

I would like to thank Manhattan Community Board 1 for their thoughtful consideration of the applications, as well as their willingness to serve as a proxy for Manhattan Community Board 3 to allow their concerns to be heard in this process.

As this application will impact the three other boroughs, we want to note what other Community Boards have said with regard to this project. Queens Community Board 9 disapproved the application in a resolution dated March 12, 2019. They cited lack of transparency and community involvement in the process of site selection as well as fair share issues and the sizing of the facilities in proportion to the borough's detained population as reasons to disapprove. They also state that the proximity of the proposed Queens facility, which is a site that previously had a detention facility and is close to the Queens Courthouse, is also near-by the residential communities of Kew Gardens and Briarwood. They believe its proximity to a residential community goes against the principles of the Commission report which states that jails should be situated near courthouses in civic centers rather than residential neighborhoods.

On June 12, 2019, Brooklyn Community Board 2, by a vote of 32 in favor, two opposed, and four abstaining, voted to recommend disapproval of the proposed Brooklyn facility, with conditions. The Brooklyn proposal calls for a jail with a maximum zoning height of 395 feet that would replace the current Brooklyn Detention Complex at 275 Atlantic Avenue, which currently has 815 beds. The board requested that the FAR of the jail be limited to a maximum of 10.0, and that the number of beds correspondingly be reduced from 1,437 to 875. The significant reduction, the board stated, provides an opportunity to reallocate funding to affordable housing, educational programs, and public health initiatives. In its resolution, the board also recommended more community courts, ongoing support and social services for individuals detained at Rikers and at the current Brooklyn Detention Complex, as well as training for correction officers to ensure the safety of detainees.

The Bronx proposal calls for a 1,437 bed facility located at 745 East 141st Street, a city-owned property that is operated as a tow pound. This proposal is the only one to include an affordable housing commitment: 235 units would be built—all of which the Applicant has assumed would be affordable. The proposed facility would have a maximum zoning height of 145 feet. On May 23, 2019, Bronx Community Board 1 voted to recommend disapproval of the proposal. One of

the major points raised in public hearings is the fact that the proposed jail would not be near the borough's courthouses, but rather approximately two miles away. Local elected officials and residents have called for a site at East 161st Street.

Borough President Hearing

The Manhattan Borough President's public hearing to discuss the Borough-Based Jail ULURP occurred on June 11, 2019 at Pace University from 6 to 10PM. There were approximately 230 public attendees. The public hearing began with the Mayor's Office of Criminal Justice (MoCJ)'s presentation of the proposed ULURP actions. The presentation was followed by public testimony by 65 people. The Manhattan Borough President's public comment period remained open after the public hearing and concluded on June 27, 2019.

Borough President Comments

In spite of opposition to the siting and scale of the proposed Manhattan Borough jail, there is widespread agreement that the Rikers Island jail complex must close. Constructed on the site of a city dump in the 1930s, it was unfit for habitation from its beginning, and it became a place notorious for its isolation and inhumane treatment, and where generations of people in poverty have been disproportionately punished. In 2014, the Department of Justice released a report to the de Blasio administration and DOC detailing excessive use of force on minors incarcerated on Rikers Island, including children subjected to violence by other detainees, but also at the hands of DOC officers and their supervisors. This report came as a shock to some. But to criminal justice advocates and members of the community who have had family members detained at Rikers, or who were themselves incarcerated there, this report reaffirmed what they have been saying for decades: conditions at Rikers are appalling, and reflect a broken criminal justice system designed to be punitive and violent rather than restorative and transformative.

In 2016 then-City Council Speaker Melissa Mark-Viverito, created an independent Commission, chaired by Judge Jonathan Lippman, to analyze the Rikers Island jail complex and facilitate its closure. *A More Just New York City*, the report released by the Commission in March 2017, recommends reforms to the criminal justice process that would in turn reduce the daily jail population; establish new jail facilities; and transform Rikers Island into an infrastructure site to support a sustainable future.

Among the inefficiencies and inequities of our criminal justice process highlighted by the report, the majority of the individuals incarcerated on Rikers have not been convicted of a crime. Instead, they are being held because they lack the money to post bail and will be detained until their cases are resolved— which, because of inefficiencies in the justice system, can take up to several years. A large majority of these individuals are Black and Latino men who, while awaiting trial, continue to be deprived of their liberty because they are indigent.

The Commission report also identifies Rikers Island itself as the source of significant and costly logistical challenges that contribute to court backlogs, and limit the access of detainees to family visits, legal representation, and other essential services. Due to the island's remoteness from each of the city's criminal courts, it is not uncommon for detainees to be awakened at 3 or 4 a.m. to be transported to a courthouse in time for their appearance. Nonetheless, detainees frequently arrive late to their hearing, which contributes to case delays, prolongs their incarceration, and imposes significant human and monetary costs.

Transporting detainees to mental health services that cannot be offered on the island is also a frequent challenge. According to the Commission report, over the course of just a few months in 2016, an average of nearly 10,000 appointments for mental health services were missed, often preventing timely evaluation or treatment, and causing an increased rate of recidivism among those whose care was interrupted or postponed.

The condition of the facilities on Rikers is abysmal, putting the health and safety of detainees and DOC employees at unnecessary risk. According to the Commission, the average age of the buildings in the Rikers jail complex is greater than 40 years; one building is over 80 years old. Detainee housing lacks proper ventilation; heating and cooling systems often malfunction; mold, leaks, and flooding as well as sewage backups, are common. The Commission highlighted a direct link between the disorderly and degraded environment and the jail's infamous culture of violence, abuse, and neglect. The age and non-standard design of the Rikers facilities makes upgrading them costly and difficult, while the island's underlying landfill contributes to an unhealthy environment for detainees and DOC employees.

Since the publication of the Commission report, the de Blasio administration has made great strides in reducing the city's jail population from a daily average of 20,000 in the 1990s² to 7,346 today.³ To accomplish this, advocates and community groups have worked to shift the goal of the local criminal justice process from a focus on incarceration to factors that contribute to crime such as poverty, mental health, and substance abuse. These and other changes, such as bail reform, have helped give New York the lowest incarceration rate among large American cities.

The recommendation to create a system of borough-based jails is the linchpin of the Commission report. It will enable the closure of the Rikers jail complex, but also help transform our local criminal justice system by locating new jails closer to the borough courthouses, re-imagining them as community-based facilities designed to be contextual and welcoming, and able to provide services to the victims of crime; to members of the bar and public; and to detainees and their families while incarcerated, including services emphasizing rehabilitation and re-entry to the community upon release.

Issues of Process and Transparency

² <http://www.archives.nyc/blog/2019/4/19/riots-rebellion-and-the-citys-second-attempt-to-sink-rikers-island>

³ <https://data.cityofnewyork.us/Public-Safety/Daily-Inmates-In-Custody/7479-ugqb>

In forming the conclusions and recommendations listed below, the staff of the Office of the Manhattan Borough President has reviewed the application, listened carefully to public testimony, and conducted outreach to residents, businesses, community-based organizations, criminal justice advocates, elected officials, and other stakeholders. Their voices inform our findings, including critical steps that the administration must take to ensure that the new Manhattan borough facility is not just a modern, Rikers Island-style jail of enormous size imposed on the neighboring Chinatown community. Instead, in scale, functionality, and appearance it must respect the residents and character of the Chinatown and Lower Manhattan neighborhoods, and in its design reflect a more humane, just, and fairly administered criminal justice process, while serving the public and the families of detainees.

The administration's initial effort to achieve these goals was disappointing. Community members and representatives objected that the City's design and planning process for a new jail lacked transparency, and it offered little or no opportunity to shape the outcome. In response to these concerns the Office of the Manhattan Borough President convened a Rikers Task Force in early 2018. It brought together community members, criminal justice advocates, and representatives of the de Blasio administration to work cooperatively and transparently toward the siting and design of borough-based jails. When the City's own borough-based jails plan was released in August 2018, it was largely a surprise because it had been created without community input. But the selection of the 80 Centre Street site came as a shock. It had not been discussed publicly as an option.

Although the proposal for 80 Centre Street was withdrawn in favor of 124 and 125 White Street, the seeds of community mistrust had been sown, harming the efforts of criminal justice advocates and those in the administration who had worked with them in good faith. Going forward, enhanced transparency and community involvement are essential, and the Office of the Manhattan Borough President is fully committed to an ongoing dialogue about the planned closure of Rikers, the development of borough-based jails, and the topic of criminal justice reform. To that end, the original Rikers Task Force has merged with the City's Neighborhood Advisory Committee to create a new working group, *Jails, Justice, and Community*. It will meet regularly to update community members, criminal justice advocates, and city agencies, and to engage them on a range of issues including borough-based jails and criminal justice reform.

In addition to the *Jails, Justice, and Community* working group, a Community Advisory Group should be created to provide a forum for community input and oversight during the planned development. Composed of a cross section of the community, it would meet regularly to address issues arising from the design, demolition and construction phases of the project, as well as post-construction and ongoing operation of the new facilities. The applicants should also commit to standing monthly presentation dates with both CB1 and CB3 to update the boards on the proposed development's progress and allow opportunity for Q&A and feedback.

The Proposed Development

There is nearly total agreement among local residents and advocates that the proposed facility is too tall, bulky, non-contextual, and grossly out of scale with the surrounding buildings and adjacent Chinatown neighborhood. Specifically, this application seeks 30% more floor area ratio (FAR) than what is allowed under current zoning. Some increase in FAR may be reasonable for a facility designed to provide more space for detainees and program activities than in the city's existing jails. However, no evaluation can be made about the need for a proposed huge increase in height and bulk in the absence of even a preliminary design, concept drawings of typical floor plans, or hard estimates of the future jail population.

In this regard, recently enacted criminal justice reforms, meant to address the legacy of mass incarceration policies, are now codified at the state level. These changes are expected to achieve further permanent reductions in the city's jail population. Yet the application has not been amended to reflect these new realities, nor has any clear rationale been provided to justify the applicant's request for large increases in height and bulk to a jail facility intended to house a much smaller population than in the past. In the absence of that rationale and detailed plans, there is no factual basis on which to evaluate the applicant's request for an increased FAR.

In addition to these concerns, 125 White Street is a landmark-eligible site. The community would like to have a full feasibility study of a plan for 125 White Street that avoids demolition of the existing building. Instead, the interior would be gutted and renovated to create a facility designed to further the goal of a culturally and humanely re-engineered justice system. If feasible, this approach would significantly lessen the physical and psychological impact of a "new" jail on the community; eliminate the proposed massive increase in height and bulk; preserve a handsome building of historic value; and reward the city with a facility whose character and scale are in keeping with the existing jail and court complex.

Returning to the application at hand, the requested reduction of required loading berths from four to two raises concern. The size of the proposed facility suggests a need for more loading berths, not less. Again, we are left to speculate about the applicant's intent. Reducing the number of berths is unlikely to reduce commercial traffic to and from the proposed facility. It may well have the opposite effect, creating a logjam of vehicles waiting to load and unload. The application fails to demonstrate why only two berths are adequate, or justify its assertion that four berths, as presently required, would encumber the site.

At minimum, on-site parking must be adequate to meet the needs of DOC and support staff who often work shifts that make the use of public transportation difficult. Currently, an acute shortage of parking spaces site has contributed to placard abuse and illegal parking at the site. The proposed underground parking facility should help alleviate these problems. Because Barrow Street is narrow but heavily used by local residents to access Columbus Park and other parts of the neighborhood, the entrance to the proposed parking lot should be moved to Centre Street.

In 1982, as part of the Manhattan Detention Center expansion, the dedication of White Street as a car-free public plaza was one of many points of negotiation between the City and the community. The City failed the community by allowing DOC to co-opt the plaza as a parking

lot. The proposed development is an opportunity to keep the promise made 40 years ago and return the public plaza to the community. However, proper design of this space is critical to its success and must include community input and approval. We are concerned that the de-mapping and narrowing of White Street to accommodate elevated pedestrian walkways may create a tunnel effect at ground level rather than a welcoming, open air pedestrian plaza. In addition, we support the NAC's recommendation that White Street remain open to the public 24/7, and that funding for maintenance of the space be guaranteed in perpetuity.

Chung Pak LDC and Greater Chinatown Community

Chung Pak Local Development Corporation (Chung Pak LDC) is the leaseholder of 96 Baxter Street, located adjacent to 124 White Street. They are also the leaseholder of the ground-floor retail space at 124 White Street, which will be acquired as part of the proposed development. This site, and the creation of the Chung Pak LDC, were central to the negotiations with the Chinatown community over expansion of the Manhattan Detention Center in the 1980s. Chung Pak was given a 49-year lease to plan and develop the site to serve and benefit the community. However, no funds were allocated to assist the development, and the Chinatown community created the Chung Pak Complex with its own funds.

The complex consists of Everlasting Pine, a HUD Section 202 housing development for low-income seniors, which abuts 124 White Street. There are 88 units of housing with 105 residents, and the Complex also includes a day care center and local retail establishments along Walker Street. According to Charlie Lai, Executive Director of Chung Pak LDC, the majority of the residents are in their mid-80s and 90s and becoming frailer and less mobile. This site has the highest concentration of seniors over 100 years of age in any HUD Section 202 in the entire country. A precious resource, it cannot meet the need for affordable senior housing in Chinatown; 4,600 seniors are on its waiting list.

The proposed development of a massive jail complex threatens the gains achieved through tireless work by the Chung Pak LDC and the greater Chinatown community. It endangers the well-being of an extremely vulnerable senior population by exposing it to the hazards and stresses of excessive noise and vibration, poor air quality, and through the disruption of life routines caused by the closure and obstruction of streets and sidewalks during construction of the proposed development. The Chung Pak complex must be fully protected from any compromise of its structural integrity. Safe sidewalks and passageways must be created and maintained for residents of the senior housing and the community at large, and full mitigation of these and other health and quality of life impacts must be required of the jail site developer, including robust air quality and dust monitoring to ensure the long-term health concerns of residents, the general public, and DOC and court staff in nearby buildings.

If the proposed development is approved, Chung Pak LDC will lose 6,300 square feet of retail they are currently leasing from the City. This space provides essential revenue for the operation of their senior housing. Given the importance of the Chung Pak complex for housing, childcare, and economic development, Chung Pak LDC should be given the option to purchase the land beneath the complex, to do so at well below market rates, and with a deed restriction to guarantee that current or related uses remain in perpetuity. Additionally, Chung Pak LDC, as

well as the businesses and employees that would be displaced as a result of the City recapturing this leasehold, should be financially compensated and offered a right of return in the new retail spaces of the proposed development.

Beyond the threats posed to the Chung Pak complex and its residents by a new jail facility, there are broader concerns about the economic vitality and physical well-being of the greater Chinatown area. This community has only partially recovered from reduced tourism, significant business closures, and a loss of jobs after 9/11. Much of this hardship is attributable to a lack of federal aid, and data show that ten years after 9/11 the area still had not regained its former vitality. Permanent street closures related to increased security in and around the government center have reduced access to the area for tourists and created hardships for businesses in receiving and making deliveries.³

Chronic traffic congestion in the Chinatown area and around the proposed new jail complex must be addressed before additional impacts from construction occur. The permanent closure of Park Row to private vehicles after 9/11 worsened long-standing traffic congestion in the area. In preparing this document we heard from Chinatown residents in buildings such as Chatham Tower who expressed serious concerns about the overcrowded condition of local streets impeding emergency vehicles. Worth Street, located approximately 1000 feet south of the proposed development site, is a key two-way thoroughfare running east-west from Chatham Square to Hudson Street, and the only remaining two-way east-west through street between Chambers Street and Canal Street.

However, Worth Street has been closed to two-way traffic since May 2016 due to extensive infrastructure work. At present, traffic flows one-way westbound from Chatham Square, further restricting vehicle access to Chinatown. Worth Street construction is estimated to continue at least another 6 months but will likely last longer.⁴ There are also pedestrian safety concerns at intersections along Canal Street, which connects the Holland Tunnel and Manhattan Bridge and already carries a very heavy volume of cars and trucks.

Construction of the proposed development will likely close additional streets for years, imposing new burdens on an already-impacted Chinatown community. In mitigation, the reopening of Park Row should be seriously considered, and prior to the start of construction on a new jail facility, several traffic studies must be undertaken: one focused on impacts to local businesses, and another to identify additional pedestrian safety enhancements at nearby intersections along Canal Street. To offset a loss of trade during construction, the City should make grant funding and emergency assistance available to small businesses around the proposed development site. New York City's Small Business Services should also assist by helping promote these businesses and with new and enhanced temporary signage and wayfinding aids.

³ <https://www.nydailynews.com/new-york/chinatown-garment-biz-shrivels-tourist-traffic-dwindles-lasting-blown-9-11-article-1.954982>

⁴ <https://tribecacitizen.com/2019/02/11/construction-update-part-two-worth-street/comment-page-1/>

Community Facility and Retail Space

Our office concurs with the concerns of stakeholders from various constituencies that the planned 20,000 square feet of community facility space and ground floor retail is not enough to provide a significant resource and should be increased. The retail overlay should be enlarged, and the community facility space within the building increased to 40,000 SF. In addition, the floor plan of the jail facility should be designed to be flexible or modular so that, for example, some detainee housing units can be reconfigured to serve as program or community space if jail populations are reduced further.

City ownership of the new jail complex will make it possible for local small businesses displaced from their location, such as the storefronts at 124 White Street, to be offered first right of return to the newly constructed retail spaces. Any new retail space not reoccupied by displaced businesses should be offered to local small businesses. As in other new projects receiving substantial funding from the City— for example, the recent Inwood Rezoning— all retail space constructed as part of the new jail complex should have its rent set below market rate, and additionally be protected by a provision for limited rent increases going forward. As a City project intended to provide a significant public benefit, the new jail complex should be envisioned as an opportunity to increase economic development in the surrounding community.

When the proposed development was originally sited for 80 Centre Street, 124 and 125 White Street were expected to be made available for use as a community facility. With the change in the site plan, that opportunity has been lost. Our staff has identified the following nearby locations as potential community facility space to be developed with City funding.

Table 2: Possible Sites for Off-Site Community Facility⁵

Address	Owner	Current Use	Lot Area	Zoning/FAR
2 Howard Street	United States General Services Administration	Parking Lot (7 Story)	12,716 SF	M1-5B
137 Centre Street	City of New York	Office Building	5,100 SF	C6-4

Construction Process and Design-Build

The proposed development will use a design-build method. It is a departure from the traditional construction project design where architects and their consultants work in a different silo from the contractor. The drawings for construction are generated, a contractor bids on the work, and any unforeseen conditions or necessary changes often result in cost overruns and delays. Design-

⁵ <https://zola.planning.nyc.gov/>

build aims to eliminate this inefficiency by having the architect and contractor and their consultants and subcontractors working together as a single contracted team from the start of the project. The City was just recently granted the authority by the State to use this method and the borough-based jail system is one of the projects that will use design-build if approved. Although this is a method that has been used across the country and in other parts of New York State for some time, there is concern because this method has not yet been used by City agencies for construction.

Through my involvement in the NAC and from what we have heard at both CB1 and CB3 meetings, there are many unanswered questions regarding design-build. The New York City Department of Design and Construction (DDC) and all relevant agencies must work on an outreach plan for the surrounding community prior to construction. This plan must be shared with all community stakeholders, made available in several languages including English, Mandarin, Cantonese, and Spanish. DDC and all related agencies should also meet with CB1 and CB3 regularly with updates to the process and answers to their questions. The Community Advisory Group that I have suggested should be created as well as the 24/7 hotline for construction issues and be incorporated into this outreach plan

A Design Advisory Group, of which I am a member, has been convened to seek feedback and advice on the design guidelines that will inform this design-build process. It is comprised of many City agencies and local elected officials. However, I believe the group lacks community representation as well as experienced architects and designers who can provide practical knowledge in designing facilities in urban environments. These stakeholders and experts should be included in this group. Former detainees should also be a part of this group, to inform decisions regarding the structure and programming inside the new facility.

Women's Facility

There is a planned separate women's facility that is currently sited in Queens. While a single facility will be most ideal in addressing the much smaller women's population in detention than dispersing them throughout the boroughs, there is still a concern that the location of the site may not be the most accessible. Women's justice advocacy groups have called for the facility to be sited in Manhattan as it is more central. The Lippman Commission report notes that many women who are detained are the sole heads of their households and ensuring proximity to their children and other family members is key to rehabilitation, reentry, and reducing the chances of recidivism. Land constraints do not allow for this facility to be sited at the proposed development site on white Street. However, it was recently announced by New York State that the Lincoln Correctional Facility, located in upper Manhattan (Manhattan Community Board 10) would be decommissioned.

This is an opportunity to further reduce the impact of this development in Queens as well as allow the women's facility at Rikers, the Rose M. Singer Center, to potentially close sooner than expected if the Lincoln Correctional facility is deemed a feasible site for the new women's facility. I ask that this be thoroughly investigated and will offer my assistance in facilitating this.

Future of Rikers Island

There is great mistrust about what the future holds for Rikers Island once the jails are closed. It is believed by many that the site will be made available to real estate developers for luxury housing. The environmental conditions on the site are not fit for any habitation, including the current detention of people in jails. The Lippman Commission and Regional Planning Association have called for Rikers Island to be repurposed into a site for infrastructure, where green measures can be implemented and existing infrastructure across the boroughs can be relocated, freeing up land for other uses. There is also concern that there are no concrete plans for the future of the site nor are there any legally binding agreements to mandate the closure of all the jails on the site. While some facilities on Rikers Island, such as George Motchan Detention Center, have been closed, their structures remain, which further casts doubt on whether the jails on Rikers Island will permanently close.

It is imperative that the buildings that have been closed be demolished immediately and as other buildings are decommissioned, they too are demolished. There needs to be a legally binding commitment to permanently close all jails and ancillary buildings on Rikers Island once the proposed borough jail developments proceed. A plan for the allocation of capital funding budgeted for infrastructure on the site devoted to the future of a more sustainable New York City. Additionally, there must be restrictions placed on the land in perpetuity to prevent future redevelopment for any residential or correctional facility use.

Department of Correction and Continued Criminal Justice Reform

New facilities that are conducive to a more restorative criminal justice system do not address concerns about the culture within DOC. Incidents of abuse, violence and neglect have been widely reported. While new facilities may reduce such incidents, and DOC has been working on these issues, deeper reforms are necessary.

Additional training in treating mental health issues, substance abuse, gender preferences, and individuals with disabilities must be implemented throughout the department. DOC should seek to hire more trained social workers as correction officers, parole officers, and other staff. Staff who desire to pursue higher education and advanced training should be encouraged and incentivized as they become more effective in addressing the issues facing detainees.

In addition to borough-based facilities, we must continue to fund diversion programs and advocate for legislation to achieve further reduce the jail population. The Lippman Commission, Close Rikers Coalition, and other criminal justice reform advocates have worked extensively to create policy recommendations to reach this goal. These recommendations, especially those that invest in communities impacted by mass incarceration, must be implemented in concert with reductions in jail population and more enlightened treatment during incarceration.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application Nos. C 190340 ZSM N 190334 ZRY C190252MMM and C 190333 PSY, only if the following conditions are met:

Building a new facility which will both reflect a new vision of incarceration and protect the surrounding community from negative impacts

1. Every effort must be made to reduce the proposed height and bulk of the building. Revisions to the application to further reduce height and bulk through additional criminal justice reform legislation are expected, reducing the need for the allowable 450-foot maximum height and the 1,145,000 square foot bulk. Before the proposed height and bulk are approved, there must be an accurate estimate of the future number of detainees at the facility. Further review is critical to ensuring that the facility reflects a reformed vision for incarceration and to protect the surrounding community. Other cities that have taken on the redesign of their jails have managed to create facilities that meet the same goals using half the square footage planned for borough-based jails. The City needs to consider this and propose more realistic and contextual facilities.
2. The design of the proposed development should be adaptable and facilitate the decommissioning of currently planned detainee housing units as further reductions in the population are achieved. Planning for this adaptive reuse should be part of the Request for Proposals for the design of the facility.
3. The entrance to the parking lot for the proposed facility should be moved from Baxter Street to Centre Street.
4. More information is needed to understand why the four loading berth requirement under the current zoning would encumber the site before a special permit is considered. We understand more berths may result in more curb cuts, but fewer berths may result in trucks idling in the street waiting to unload. We would like to see corroborating information that supports the request for two berths.
5. White Street must become an open-air plaza accessible 24/7 for pedestrian use and designed with community input and approval with funds allocated for the maintenance of the space in perpetuity.
6. Chung Pak LDC, the leaseholder of the site adjacent to the proposed development, should be given the option to purchase the land beneath the complex for well below market rate, with a deed restriction to guarantee current uses remain in perpetuity.
7. Chung Pak LDC, as well as the businesses and employees that will be displaced as a result of the City recapturing this leasehold, should be financially compensated. The businesses being displaced should be offered temporary spaces within the area to relocate to and offered right of return in the new retail spaces of the proposed development.

8. The City should provide assistance in wayfinding and advertising for small businesses surrounding the proposed development site. Grant funding should also be made available to assist these businesses as they manage adverse impacts during construction.
9. Chung Pak Complex and its proximity to the proposed development should be protected during demolition and construction by:
 - Installing real-time air quality and dust monitoring
 - Mitigating noise and vibration impacts
 - Protecting the complex from any compromise of its structural integrity
 - Creating safe sidewalks and passageways
10. Park Row should be reopened to vehicular traffic. Prior to construction, city agencies, including but not limited to the New York City Department of Transportation, should study the impacts of the new facility on surrounding streets – including pedestrian safety - during construction.
11. On site community facility space should be increased from 20,000 to 40,000 square feet. Ground floor retail space should be excluded from this calculation.
12. Retail space within the proposed development should be rented below market rate to local small businesses and should be rent stabilized in perpetuity.
13. Off-site community facility space should be provided. Suggested sites include but are not limited to: 2 Howard Street, which the city would need to acquire from the federal government, and 137 Centre Street. The City should also provide funding for the redevelopment of these sites into community facilities.

Ensuring a transparent process through continuing community input to make certain these goals are met

1. The City must be transparent about its decision making throughout the pre-construction, demolition, and construction process.
2. All communication to the community must be made available in the languages spoken by those in the community including but not limited to: English, Mandarin, Cantonese, and Spanish.
3. A community advisory group should be created and meet regularly to address all phases of development from design to post-construction operation of the new facilities. The Manhattan Borough President's Office created a Rikers Task Force in 2018. The Office recently merged the Task Force with the Neighborhood Advisory Committee convened by the City. This proposed community advisory group should be comprised of similar stakeholders.

4. The applicants, alongside New York City Department of Design and Construction and all other relevant agencies, should also hold standing monthly presentations with both CB1 and CB3 to provide regular updates on all phases of development and allow opportunity for Q&A.
5. The community must be notified in real-time of any pre-construction environmental testing and remediation.
6. At least 30% of the design must be completed before any construction commences under design-build.
7. A demolition and construction plan, including timelines and target dates, must be created and shared with the community.
8. The community must be notified at least one week in advance of any street closures or major events related to demolition and construction.
9. A construction hotline must be created and operated 24/7 during demolition and construction in order for community members to report unsafe conditions or activities or other concerns. The hotline should be staffed by a live person during all hours of construction. The number for this hotline should be posted prominently on the construction site.
10. The Design Advisory Group, which the applicants have convened and consists largely of city agencies and elected officials, must include community representation (ideally from the suggested community advisory group, CB1, and CB3) as well as designers and architects with experience in designing facilities in urban environments. The group should also include members who have been incarcerated in order to provide perspective on how the interior of the facility should be designed.

Making additional commitments to reforming our system of incarceration to ensure that the replacement of Rikers Island goes way beyond physical change

1. Changes must be made within the New York City Department of Correction (DOC) to ensure that the existing culture of violence and abuse does not recur in the new jail system.
2. DOC staff must be required to have training in dealing with persons with mental health and/or substance abuse issues as well persons with disabilities. Staff must also be trained on gender preferences in order to respect the dignity of the detainees they are tasked with supervising.
3. DOC must commit to providing social workers or to incentivize staff to pursue higher education and/or training in social work in order to become more effective at managing and supporting detainees.

4. The City must continue to fund social service programs that seek to divert people from the criminal justice system and continue to pass legislation and implement reforms that seek further reductions in the jail population. Policy recommendations released by the Independent Commission on New York City Criminal Justice and Incarceration Reform, the Close Rikers Coalition, and other criminal justice reform advocates, should be considered and implemented, specifically the recommendations that focus on investment in communities that have been impacted by mass incarceration.

Closing Rikers Island

1. The new women's facility, currently planned for Queens, should be sited in Manhattan. It has been announced recently that the Lincoln Correctional Facility located in Manhattan Community Board 10 will be decommissioned. This offers a potential opportunity to have a women's facility in a more centralized location and may allow the women's facility on Rikers Island to close sooner.
2. Buildings which are no longer in use on Rikers Island, such as the George Motchan Detention Center, should be demolished immediately. As more buildings are decommissioned, they should be demolished.
3. There should be binding commitments to guarantee the full closure of Rikers Island. Allocation of capital funds should be made before the end of this current administration for the redevelopment of Rikers as a city asset which generates broad public benefit for all New Yorkers.
4. There must be a deed restriction placed on Rikers.
5. Island to permanently ban its use for any residential or correctional purpose.



Gale A. Brewer
Manhattan Borough President



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **190342ZSQ**

CEQR Number:

Project Name: **Borough-Based Jail System: Queens**

Borough(s): **Queens**

Community District Number(s): **09**

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, 120 Broadway, 31st Floor, New York, NY 10271
 - **FAX:** to (212) 720-3488 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

The City of New York, through the applicants, the New York City Department of Correction (DOC) and the Mayor's Office of Criminal Justice (MOCI), and the co-applicant, the Department of Citywide Administrative Services (DCAS), is proposing to develop a new detention facility in Queens (the "Proposed Project") as part of its broader plan to implement a borough-based jail system in keeping with its continued commitment to create a modern, humane, and safe justice system and facilitate the closure of the jails on Rikers Island and replacement of existing borough detention facilities. The Proposed Project will develop four new facilities located in each borough for The Bronx, Brooklyn, Manhattan and Queens. The proposed facilities will be completed and in operation by 2027.

Applicant(s): New York City Department of Correction 75-20 Astoria Boulevard East Elmhurst, NY 11370 Mayor's Office of Criminal Justice Philip Habib & Associates	Applicant's Representative: Howard J. Fiedler, AIA New York City Department of Correction 75-20 Astoria Boulevard East Elmhurst, NY 11370	
Recommendation submitted by: Community Board 8		
Date of public hearing: May 6, 2019	Location: 183-02 Union Turnpike, Fresh Meadows, NY 11366	
Was a quorum present? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>	
Date of Vote: May 8, 2019	Location: 183-02 Union Turnpike, Fresh Meadows, NY 11366	
RECOMMENDATION		
<input type="checkbox"/> Approve <input checked="" type="checkbox"/> Disapprove	<input type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove With Modifications/Conditions	
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting		
# In Favor: 39	# Against: 1	Total members appointed to the board: 50
Name of CB/BB officer completing this form Martha Taylor	Title Chairperson	Date 5/16/2019



Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **190117 MMQ**

Project Name: **82nd Avenue City Map Change**

CEQR Number:

Borough(s): **Queens**

Community District Number(s): **09**

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

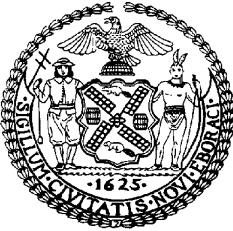
SUBMISSION INSTRUCTIONS

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, 120 Broadway, 31st Floor, New York, NY 10271
 - **FAX:** to (212) 720-3488 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:

The New York City Department of Correction (DOC), on behalf of the City of New York, is seeking an amendment to the City Map involving the elimination, discontinuance and closing (hereafter the "demapping"), of one-block long, 25,029.5-square-foot (sf) portion of 82nd Avenue between 126th Street and 132nd Street in Queens Community District (CD) 9 (hereafter "the proposed demapping area"). The street demapping would facilitate the development of a new detention center, as well as accompanying support services, (hereafter the "proposed project") and a public parking garage on a site assemblage consisting of the street demapping area and two adjoining City-owned properties, including the Queens Detention Complex (Block 9657, Lot 1) (hereafter the "Project Site"). In connection with the demapping of 82nd Avenue, the existing Public Place designation on the City-owned blocks bordering the proposed demapping area (Blocks 9653 and 9657) would be removed from the City map.

Applicant(s): New York City Department of Correction 75-20 Astoria Boulevard East Elmhurst, NY 11370 Philip Habib & Associates	Applicant's Representative: Howard J. Fiedler, AIA New York City Department of Correction 75-20 Astoria Boulevard East Elmhurst, NY 11370		
Recommendation submitted by: Community Board 8			
Date of public hearing: May 6, 2019	Location: 183-02 Union Turnpike, Fresh Meadows, NY 11366		
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>		
Date of Vote: May 8, 2019	Location: 183-02 Union Turnpike, Fresh Meadows, NY 11366		
RECOMMENDATION			
<input type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions		
<input checked="" type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions		
<u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u>			
Voting			
# In Favor:	# Against: 39	# Abstaining: 1	Total members appointed to the board: 50
Name of CB/BB officer completing this form Martha Taylor	Title Chairperson	Date 5/16/2019	



Chairperson, Martha Taylor



District Manager, Marie Adam-Ovide

*The City of New York
Borough of Queens*

Community Board 8

197-15 Hillside Avenue
Hollis, NY 11423-2126
Telephone: (718) 264-7895
Fax: (718) 264-7910
Qn08@cb.nyc.gov
www.nyc.gov/queenscb8

PUBLIC HEARING

DATE:

Monday, May 6, 2019

PLACE:

**Hillcrest Jewish Center
183-02 Union Turnpike
Fresh Meadows, NY 11366**

ATTENDANCE:

**Steven Konigsberg, Zoning Committee Chair
Edward Chung, Board Member
Kevin Forrestal, Board Member
Howard A. Fried, Board Member
Bhitihara Martha-Fulton, Board Member
James Gallagher Jr., Board Member
Joshua Glikman, Board Member
Mitch Lisker, Board Member
Mary Maggio, Board Member
Rabbi Shlomo Nisanov, Board Member
Simon Pelman, Board Member
Wendy Phaff, Board Member
Seymour Schwartz, Board Member
Martha Taylor, Board Member
Jacob Weinberg, Board Member**

Others in attendance:

**Kevin Morris – Mayor's Office, CAU
Soojin Choi representing State Senator John C. Liu
Anthony Lemma representing Honorable David Weprin
Nolan Gray – Queens Department of City Planning
Jessica Schabowski – Queens Borough Director, Mayor's Office, CAU
Jordan m. Stockdale, Deputy Executive Director, Close Rikers
Julia Kerson, Senior Advisor, Deputy Mayor of Operations
Brenda Cooke, Chief of Staff, Department of Corrections
Ahmed Tigani, Senior Advisor, Mayor's Office of Intergovernmental Affairs
Marie Adam Ovide, CB 8 District Manager
Jatnna Reyes, CB8 Staff Member**

Purpose of Public Hearing

Application made by the New York City Department of Correction to amend the City Map involving the elimination, discontinuance and closing of one-block long, 25,029.9 *square feet* portion of 82nd Avenue between 126th Street and 132nd Street in Queens Community District 9 – the proposed demapping area. This demapped area would be incorporated in the Project Site, which would be the site of the proposed Queens Borough Based Jail and would include adjoining parcels to the north and south. To the north is the existing

Queens Borough Hall Municipal Parking Field 112, *360 square feet*. To the south is the inactive Queens Detention Complex building and adjoining yards – *108,000 square feet*. This area will be developed as part of the new jail complex, which will be connected to another existing building on the block: the Queens Criminal Court building and annex located at 125-01 Queens Boulevard. The proposed de-mapping would specifically enable the development of an approximately 270-foot-tall detention facility with a total of approximately *1,337,800 zoning square feet* of space in the proposed jail and detainee beds with direct access to the Queens Criminal Court. It will also include 605 secure accessory parking spaces.

Zoning Chairperson Steven Konigsberg called this Public Hearing to order at 7:54 p.m. He introduced the Board Members present and explained the rules governing the hearing. There were 15 Board Members present; therefore, there was a quorum. A vote will be taken by the full Board at the Community Board Meeting on May 8, 2019 at the Hillcrest Jewish Center, located at 183-02 Union Turnpike at 7:30 p.m.

ULURP Appl. # 190117MMQ/190342ZSQ

Jordan M. Stockdale – introduced himself as the Deputy Executive Director of the Close Rikers initiative from the Mayor’s Office Criminal Justice Unit. He gave a brief Power Point presentation on the plan to close Rikers. These are some of the main highlights of the presentation:

- A slide with the change in jail population over time was shown. In 1991, there were 22,000 people in the Department of Corrections (DOC) custody. To-date, there is less than 7,800. The decline has continued for more than 25 years.
- It is a reasonable suggest that they can further reduce the population. Today, they announced that they can reduce the population to 4,000 instead of 5,000. In this administration, they reduced the jail population by 30%. They have done that by simultaneously reducing crime. It is important to know that they can reduce the jail population and crime at the same time.
- Rikers was designed in a different era with the point of jail as punishment and retribution not rehabilitation, not re-engagement into society. They know today, that it is more important to help someone to re-integrate into society, to reduce recidivism and improve safety. Modern jails are being designed to do that.
- Visiting loved ones on Rikers can be very difficult. It is far away from public transportation, service providers and lawyers. This is the reason why people visit less often. They know that a strong bond between loved ones can reduce recidivism. Family ties can reduce anti-social behavior. Promoting visitation is an important phase of this plan.
- Rikers Island is really far away from the court system. People who are detained are awoken at 4:00 a.m. for court. Sometimes, due to NYC traffic congestion, they get there late and their case is delayed. They sometimes stay in Rikers because of the distance between the court and the jail.
- The point of this initiative is to reduce the jail size and create a system that better integrates people into society to further reduce crime.
- The closure of Rikers will account for a fair, safer and more efficient system. Fair meaning that is designed to rehabilitate, improve health, educational and social outcomes. It houses people closer to their families and their communities. It provides greater access to social services and continued support upon release. Ultimately, fewer families will be impacted by the Justice System. They would like to close the outdated and poorly designed jails on Rikers Island. Improve the lines of sight for the correctional officers. Currently on Rikers, there are long corridors where it is hard to see individuals. People have to be moved around throughout the facility on a continued basis to go to programming, recreation, sometimes to eat. During those times of movement, it's where some of the violence occurs. They believe they can reduce this, through modern designs and other facilities use, as well as other cities use (i.e. San Diego, Montgomery, etc.).
- This will also reduce case delays due to the distance from the courthouse to Rikers and decrease transportation cost.
- They developed the plan to close Rikers with a lot of other people. They met with the Neighborhood Advisory Council to talk about integrating a facility into the neighborhood, how they can use the community space for the community. They met with elected officials, community based organizations. They have done many presentations at different organizations from across the City.
- They have a taskforce comprised of 75 individuals: academics, experts, formerly incarcerated who advised our plan. They also conducted a host of focus groups with practitioners, defense lawyers,

formerly incarcerated to hear specific parts of the preliminary designs of the facility. This includes the housing units, entrance area, visiting rooms ad where people be entered.

- They are building a system for 4,000 people and 4,600 beds. When they originally announced this plan, they were building a system for 5,000 people and 6,000 beds. This being said, they have already reduced the size of the facilities.
- The current jail capacity is 11, 300 beds. Prior to the closure of GMDC, one of the facilities on Rikers, the capacity was 13,100. There are also other facilities on Rikers that are currently closed. In all together, the system currently has a capacity of about 15,000 people. They are planning to build the system for 4,000 people. It is a drastic reduction of the current number of beds. Right now, they have a population of less than 7,800 and 1,500 beds. They are bringing that down to 4,000 and 4,600 beds. They are planning to drastically reduce the size of jails in NYC. They currently have 11 active jails and there are more jails that are inactive. They will be building a system with 4 jails.
- He showed a slide with the sizes of the jails in: South Bronx, Kew Gardens-Queens, Downtown Brooklyn and Downtown Manhattan. He explained that Downtown Manhattan, Brooklyn and Kew Gardens-Queens already have a facility. They will do full demolition and re-built.

Brenda Cooke – Ms. Cooke introduced herself as the Chief of Staff at the Department of Corrections. She continued with the presentation as follows:

- She showed a picture of the rendering of the potential of one of the new facilities: visiting, entrance and lobby for visitors, staff and program service providers an attorneys. What their facilities don't have now is sufficient lobby space to welcome people into the facility; provide information about the services or purpose of which they are there to visit; the ability to pay bail in the bail space that is in the lobby as opposed to a walk-up window.
- They improved significantly with the design o the facilities and the living units for people in detention. Their jail facilities on Rikers Island right now, primarily only have one recreational space for the entire population that is housed there. The new design will provide adjacent outdoor space for each and every housing unit in the facility. It will have direct sunlight and fresh air. Most importantly, would be directly accessible throughout the day for those that are living in the unit. Right now, people are afforded one hour for recreation per day due to the volume of people that need to share the outdoor yard.
- The housing units will also have sufficient programming space. This is an important component of the City's approach for criminal justice reform. These services are crucially important so that people have the best opportunity when they re-enter the community as not to return into custody.

Julia Kerson – Ms. Kerson is the Senior Advisor of Deputy Mayor of Operations. She took off where Ms. Cooke left off and continued with the presentation:

- They have had a significant amount of community engagement as the City has been moving through this public engagement process. They have taken feedback and made some important changes.
- They reduced the inefficiency rate which is the number of vacant beds that would exist at a given time from 20% to 15%. It would reduce 250 beds from the system when they were planning for a system of 5,000. They removed the arraignment court from the Bronx facility which had been proposed. After hearing feedback from the community they decided not to add an arraignment court there.
- They have elected to centralize the women. This would be in the Queens facility. This facility will have a visit intake, medical programs and social services space dedicated for this. They originally had intended to de-centralize the women across the other boroughs facilities. This is to be consistent with the intention to house people in the communities closer to where their family, friends and network exist; however, after hearing from many interested persons and parties, including former justice involved individuals, they determined that they will centralized the women. They are projected to be fewer than 200 in custody at the time that they open these facilities. This will maximize the opportunity for programming services and have somewhere that's dedicated for intake, admission and program space that they have discussed.
- They also made height reductions [slide shown]. Presently, the height reductions for each of the facilities are as listed on the slide. Manhattan has been reduced by 45 feet, Brooklyn has been reduced by 35 feet, the Bronx by 30 feet and Queens down to a total height of 270 feet which represent the 40 foot height reduction.
- The process for the site selection was important. They had 4 criteria to meet. The first criteria was that the property was close to the courthouse. As mentioned before, the Bronx, Manhattan and Brooklyn are all

existing facility locations indirectly adjacent to the courthouse. The Bronx facility is a new location. Their current Bronx facility is the largest, located off the water. The second criteria being that the property was City-owned; so, that they can move through and effectuate this program for criminal justice reform to move swiftly. The third criteria was making it transit accessible. Currently on Rikers, there is only one City bus route that will take you there and from there. You have to switch to another bus operated by an officer to take them through the facilities, making it a very uncomfortable process for attorneys, family and friends. The fourth criteria was to have a site big enough to build a jail that will have the services, programs, adjacent recreation space; provide community space on ground floors in each facility to support the criminal justice reform.

- Ms. Kerson asked Mr. Ahmed to speak about the particulars of the ULURP application.

Ahmed Tigani, Senior Advisor – Mayor’s Office of Intergovernmental Affairs

- They will be taking feedback on the land use actions of this application. Any other comments submitted in regards to the environmental review process will also be considered.
- He explained that how the ULURP process for this application works. The new jail will have housing, centralized services, support services. It will also have commercial and retail usage. The facility will be on the ground floor. The facility itself will be approximately 1,437 beds. They are seeking a special permit to have a maximum height of 270 ft. They are constantly looking for program changes hoping to make it more efficient.
- They will have 605 parking spots and an adjacent parking garage with 675 spaces [slide shown].
- Another slide shown with the ULURP land use actions. They are also seeking a text amendment change and special permit. The special permit is basically the tool that will lock in all the specifics of each site (zoning regulations, modifications, etc.).
- The plans maintain the connection between both, the jail and the courthouse and to build the new facility in the combine site of the existing jail and the public parking lot.
- The plan also includes 675 parking spaces as mentioned before. That parking garage will replace current 302 surface spaces parking lot. It will be located adjacent to the jail.
- The special permit is very specific where things go and how things are placed. This includes where staff parking and building entrances will be. The visitor, staff and pedestrian entrances will be about 126 feet wide.
- One of the land use actions is a City map change. They are proposing to de-map 82nd Avenue and built part of the facility over it. This is a tool they are using to help reduce the height.
- Land use process slide was shown: Community Board phase, Borough President, City Planning Commission and City Council.
- Their main effort is to get the “Close Rikers” program concluded by 2027. To get this done, they will need a signed bill. It will help the process forward and give them the opportunity to build faster. Right after approval, it will go into procurement, design and construction.

Chairman Konigsberg asked once again if there were any questions for the applicant from the Board Members.

Simon Pelman – Mr. Pelman stated that this is 27-story building in a location where there is nothing that size. He wants to know why they came up with a 27-stories, when it destroys the nature of Queens Boulevard.

Answer [Jordan Stockdale]: Mr. Stockdale stated the preliminary goals impacted the height. They want to make sure they have sufficient programming space for people who are detained. They will have smaller housing units which will reduce violence. In Rikers you have quite large units and because they have ample programming space per housing unit, it increases the square footage of the building.

Chairman Konigsberg – asked for a more specificity. Mr. Stockdale mentioned services on the ground floor plus auxiliary offices for services that they will be providing on the facility. He wants to know in how many floors there will be housing.

Answer: [Ahmed] – When they were designing the proposal, parts of what they were seeking was to make up for better outcome of the Rikers Island program. There is a tremendous amount of information and research that they have now. One that creates a better circumstance for a person that is detained in that system and not be absorbed into a cycle. In the new program, they are seeking additional space for sports services inside. They

spoke about space in the housing unit that allow more communication between detainees. They are additionally looking for other spaces to bring in more programming to reduce the rate and duration that they currently have on Rikers Island. Those facilities are not built for that purpose. Putting aside the fact that there are concerns about building and/or having a facility that doesn't connect people closer to their community, families and make it possible for them to take advantage of what we are doing.

Julia Kerson – Ms. Kerson stated that it will be a 270 feet building with 27 residential and/or commercial stories. A jail story is actually 20 foot tall. It is about 13 or so jail stories. The first four or five of those stories are administrative, the lobby and visitor center. The remaining is towers of housing. It can be said that 9 floors will be used for housing.

Jacob Weinberg – Mr. Weinberg inquired about traffic congestion. By bringing this facility into the neighborhood, it will bring more people in and this will create a problem. He wants to know what is going to be done about this.

Answer: [Julia Kerson] – An environmental review was thoroughly conducted. They also did a detailed traffic study. There is a lot of information in that document about transportation. During and after construction. The facility will operate on a shift schedule which is very different from the peak volume when people are going to and from work. The shift changes are: 7:00 a.m., 3:00 p.m. and 11:00 p.m. Those will be the only times when the significant traffic impacts will occur. They are currently engaging in an exercise with the Department of Transportation to identify what other capital investments can be made in the streets around the facility to help alleviate some of the impact of traffic. They will be coming back to us with more information as it becomes available.

Joshua Glikman – Mr. Glikman asked about what will be the impact on the real estate values in the adjoining area.

Answer: [Julia Kerson] – There are very standard ways that they have to studying environmental impacts. According to the City Environmental Quality Review (CEQR) Technical Manual, it doesn't require a specific study of property values. It does require a study for impacts on traffic. They have not seen an impact on property values from other neighborhoods where jails are currently located.

Rabbi Sholomo Nisanov – Rabbi Nisavov stated that to his understanding Rikers Island is supposed to be a holding facility. He feels that what they are trying to build here is a Motel. This is not a place where you are supposed to be there incarcerated for a couple of years. They are supposed to be there for a limited time, go to trial and be sent to a prison not stay in the neighborhood. He feels that what DOC is doing is making the place as comfortable as possible for inmates.

Answer: [Brenda Cooke] – The population has been increasing throughout this administration. The population that remains in custody are those who present a greater risk and who have more serious criminal charges. Their cases tend to last longer. They have seen that their average limit stay for the present population is approximately 70 days. This is just an average. The median length of stay for their population right now is about 150 days. Part of the criminal justice reform efforts as a City is to see speedy trial. To see that those folks are moving through the justice system as swiftly as possible. They don't have control over the duration of the case processing times. They do believe in the criminal justice reform to support people who are in their custody who almost all return to the community that they came from. If they can provide them with services, hard skills, training opportunities, OSHA certifications, job readiness they will.

James Gallagher Jr. – Mr. Gallagher mentioned that as said before, that there 302 current parking spaces in that they all will be eliminated. If they are putting 1,282 parking spaces...Residents waited for to get the Municipal Parking Lot done and is being taken away, which is being used for people who go to jury duty and visit Borough Hall on a daily basis. He wants to know how losing the parking lot for public access will be addressed.

Answer: [Julia Kerson] – The 302 parking spots that are currently there will be replaced with a 686 parking garage. They are going to do everything that they can to maintain parking during construction. For example, this is one way of doing it. It may be done differently after construction. They understand that the Municipal Parking Lot is an asset to the community. They are going to do everything they can to maintain some level of parking site throughout construction.

Mary Maggio – Ms. Maggio wants to know how come Staten Island is not part of this deal and how prisoners are being assigned to the various boroughs.

Answer: *[Jordan Stockdale] – Mr. Stockdale stated that Staten Island makes about 4% of the current jail population. When they reached the population by 1,000, they anticipated that there will be about 200 from Staten Island. Today, they announced that they believe that with bail reform, there will be a population of 4,000 so there will be even fewer people from Staten Island. As an administration, they don't believe that less than 200 people warranted an entire new facility. The point of where people will stay, they will prioritize borough of residence but they will have operational flexibility to prioritize borough of arraignment in that facility.*

Kevin Forrestal – Mr. Forrestal suggested that instead of building in the neighborhood, why don't they rebuilt on Rikers Island. Besides the fact that you are closer; you can have visitations and less transportation. What does changing the latitude and longitude of the facility do to correct the multiple abuses and reduced the violence?

Answer: *[Jordan Stockdale] – Rikers was designed in a different era, because it is on an island, it is difficult to reach not only for family members but also for social services, lawyers and it is difficult to get to court. They know cases delays and sometimes prolongs due to this. It is important to put in context that it is on an island, which means that is more difficult for the various levels of government to reach.*

Brenda Cooke – Ms. Cooke stated that the cultural change of the Department of Corrections has begun. They are not waiting for new facilities, they are not waiting for new borough jails. This administration has been investing almost 6,000 new officers in the last 5 years. The first part of cultural change is having new officers. They raise their standards with respect to hiring practices, screening and background. It begins at the beginning of someone's employment and they are hiring the right people. They have increased the length of training in the academy. It is now nearly 6 months of intensive training. They increased the opportunities for on the job training. This is to make sure they have the right people working in a custodial environment of a jail. They have seen significant improvement in areas where they have invested. Adolescents are off Rikers Island and are housed in the Bronx as a result of the "Raise the Age" legislation. They have 18 to 20 year olds that are considered young adults. They have changed the way they manage this population.

Segregation was a disciplinary infraction process when someone committed an act. They weren't to spend their one hour outside. They no longer do that and they have seen improved results with that population including the supervision and educational services. All of the changes of the Department of Corrections are intense. It has begun. They are not stopping. They will be able to provide this environment in new jails with the programming, services and the commitment to safety to their staff that work in their jails every single day.

Kevin Forrestal – Mr. Forrestal asked Ms. Cooke to address the issue of what the cost of rebuilding g on Rikers Island which can be accomplished sooner than the proposed 10 years for a jail in the neighborhood.

Answer: *[Jordan Stockdale] – The cost of re-building on Rikers will be several billion dollars. They have not done the exact cost estimate. They did not pay a contractor to investigate in the designing on the island. They do not intend to re-build there.*

Kevin Forrestal (KF) – Mr. Forrestal stated that there has been representation of the proposed population in Queens that will far exceed the demand for population due to this system in Queens. There are going to be more people in Queens that will not be having cases heard in Queens. Again, they will be transporting which goes against what they have stated here to reduce transportation. Why not size each of the boroughs in relationship to the needs of that borough.

Answer: *[Jordan Stockdale] – The analysis depends whether you are looking at a borough of residence from the person who allegedly committed a crime or borough of arraignment where the crime occurred.*

KF – Mr. Forrestal stated that right now the constitution says that a person is supposed to have court in the borough that the crime is being prosecuted.

Answer: *[Jordan Stockdale] – Mr. Stockdale stated that right now they are prioritizing borough of residence where possible; however, they are allowing flexibility for borough of arraignment when necessary. If you look at the analysis, borough of arraignment is higher in Manhattan. Although, in borough of residence there will be a higher number, the reason they decided to have equal distribution of the number of beds and cost for the sites. This is something they have been doing since the beginning of the plan.*

KF – Mr. Forrestal wanted to know if they have considered seeking a constitutional amendment to allow for digital verbal arrangements so that people don't have to be transported and keep using the current premises [Rikers Island]. Right now, if you are saying you are studying the premises to use the residence of the individuals, it contradicts with what you're saying. You will have to transport anyway. It makes no sense. He strongly suggest they see how things are being done.

Answer: *[Brenda Cooke] – In respect to the question with the borough of residence and borough of arraignment. The data that they have today in regards to the people in their custody is very high. Some people have cases in multiple boroughs. Regardless, they do expect that the number of buses that transport people every day to the Queens facility will be greatly reduced by housing people in their borough of residence. They are presently, using video court appearances where possible. It is for certain on-trial appearances. There are certain appearances that do require for the inmate to show in person.*

Martha Taylor (MT) – Ms. Taylor mentioned to Mr. Stockdale that in the beginning of his presentation he stated that they have community advisory groups. He is now standing in Community Board 8. She does not believe that anybody from Community Board 8, especially Briarwood residents who are most impacted by this 27-story building were ever invited to anything. She would like to know why that is.

Answer [Jordan Stockdale]: *Mr. Stockdale stated that to his understanding, there were people from Briarwood involved on the neighborhood advisory council who attended the neighborhood advisory meetings.*

MT - Ms. Taylor stated that it was her understanding that they were not.

Chairman Konigsberg – Requested that as a follow-up, a list of the persons who are on that committee be provided to the Board.

Martha Taylor (MT) – Ms. Taylor asked about the women who will not be having people close to them, if they are women who are from the other boroughs. This whole thing is contradictory. The women will have to be transported out to their courthouse, they will not be close to the courthouse. Their visitors will not be close to them. This makes no sense. She wants to know how does this makes sense.

Answer: *[Jordan Stockdale] – Mr. Stockdale stated that when they did the analysis. They learned that the population could reach 5,000. They planned for about 200 hundred women. Now that they are considering a population of 4,000, that number would be even lower. They did a number of focus groups with practitioners, incarcerated women and women on Rose's [detention center located Rikers]. They discussed this prediction. Should they de-centralized the system so people would be closer to their families? That way they will only be a tiny percentage of the overall jail facilities or should they have one centralized facility where they can have many women initiatives, programming and a large percentage of the actual facility would be dedicated for women. They heard from the vast majority of women on those focus groups that they would prefer to be centralized in one facility even if that means they'll longer commute from other areas so that they will not be excluded in terms of programming, admissions and re-entries. They originally wanted to have a de-centralized approach, they conducted these focus groups, listened to the people that have experienced this and it made them changed their mind.*

Chairman Konigsberg – Mr. Konigsberg wanted to know how they chose Queen as a centralized borough for the women's prison when Manhattan is more centralized.

Answer: *[Jordan Stockdale] – Mr. Stockdale stated that is important to know that the number of beds inn each facility would be the same whether women are de-centralized or centralized. In Queens, there will be more beds for women and less man as a result of this change. The reason why Queens was selected is because it has a larger floor plan than Manhattan and Brooklyn. In other boroughs it will greatly impact the height than the way it will impact in Queens.*

Brenda Cooke – Ms. Cooked stated that in addition to what Mr. Stockdale was saying. The women on Rikers Island have a nursery program and a maternity ward. Women can keep their children whether are newborn or unborn until their babies' ae 1 year-old. These two components that are presently part of the female program on Rikers will be re-located in the Queens facility. This is also because is close to Elmhurst Hospital. This is where they have their hospital prison ward location for those who need hospital services and where incarcerated pregnant females give birth.

Wendy Phaff – Ms. Phaff stated that Ms. Cooke stated that the balance is even in all boroughs but Queens has 1,437 groups according to the graphic that was seen earlier. This is not quite balanced. The math doesn't work if you basing out 4,000.

Answer: *[Jordan Stockdale] – Mr. Stockdale stated that there will be a few other arrangements of the plans with the declining numbers over the population for people who are detained. It is a change based on the State Bills that were passed recently. Originally, they had a building for 5,000 people with 6,000 beds which has been changed to 5,000 people to 5,750 beds. Today, they made the announcement that they were building a system for 4,000 people and 4,600 beds for the 15% of the efficiency rate. There will be 1,150 beds per facility as opposed to the previously stated amount.*

Seymour Schwartz (SS) – Mr. Schwartz mentioned that based on the presentation, he is not sure if they are building a jail or a hotel. Secondly, right across the foot bridge there are apartment houses. This bridge is closer to 82nd Avenue than Hoover Avenue. He did not see in the presentation what is going to happen with it. There are hundreds of people every day who go to work and have to go to the subway on Queens Boulevard and use the pedestrian bridge for faster access. He felt that what they are doing is depriving people of access to public transportation. He wants to make sure pedestrians have access on 82nd Avenue.

Answer: *[Julia Kerson] – Ms. Kerson was not aware that there was a pedestrian bridge through 82nd Avenue. They will look into the pedestrian access and get back to us.*

Jordan Stockdale – Mr. Stockdale stated that it is important to know that everybody benefits from safer jails that are meant to rehabilitate, designed to have less trauma. The vast majority of people that go to Rikers Island go home. Building a better facility isn't necessarily to have a fancy place but to help society and ensure that the crimes rates can be reduced in a responsible manner.

SS – Mr. Schwartz asked Mr. Stockdale to make sure that there is no movement to build private homes or commercial construction on the Island.

Answer: *[Julia Kerson] – Ms. Kerson stated that there aren't currently any plans on Rikers Island for anything like that. There are a lot of hazardous materials on Rikers Island that would be very difficult to build on. There is also a height restriction since there is an airport next door.*

Edward Chung – Mr. Chung stated that he believes that people should have equal justice, speedy trial, equal process. Therefore, he believes that people don't have to be moved around. Facetime or video calls should be established to have the court system into the 21st Century.

Mitch Lisker – Mr. Lisker wanted to know why is it that they are always looking out more for the prisoners' wellbeing as opposed to the people in the neighborhood. If you would go around the neighborhood in Kew Gardens Hills asking people if they want this or not, he would like to know how many people would answer yes and how many people would answer no. People in the neighborhood are not taken into consideration but yet the prisoners are.

Answer: *[Jordan Stockdale] – Mr. Stockdale stated that they do care about the concerns of the community. That's why they had the Neighborhood Advisory Council, meeting with Community Boards, community based organizations, conducted focus groups to hear from people across the City including local residents. There are serious justice goals that they have that they think that would benefit the entire City. They believe those goals are incredibly important and closing Rikers is part of this goal.*

ML – Mr. Lisker asked if mailers were sent to each and every individual in Kew Gardens and asked if this is something that they want. He didn't think so.

Howard Fried – Mr. Fried stated that beyond the logic of moving Rikers Island out of its location to the boroughs. They chose a hub of a beautiful neighborhood, commercial hub, a very busy neighborhood of Queens without considering any options of the billions and billions that is going to cost to do rehabilitate Rikers. Instead, you are dropping a 27-story building approximately in one of the nicest open area of Queens, next to Flushing Meadow Park. No consideration is being given of other venues (i.e. JFK airport, one of the cargo areas, etc.). The fact of the matter is, the attorney's goal that was mentioned before to be a burden is an excuse. That's what lawyers do for a living [referring to himself]. They go to courthouses, jails and get paid to do that. He is not sure that the neighborhood understands why this particular location is being picked. He wanted to know how much was invested in bids for the Queens site. He would like to hear some of the answers for the concerns mentioned.

Answer: [Jordan Stockdale] – On the question of why not Rikers. The administration does not believe re-building on Rikers would meet their criminal justice goals that they have declared for a safer City, closer to courthouses, to create better facilities. This is their belief. In terms of other places in Queens, they looked over a variety of places throughout the City of where jails could be cited. They had a specific criteria close to the core infrastructure, City owned land, sufficient square footage for programming goals and for services for people who are detained. This is the site in Kew Gardens where the current facility exist.

Chairman Konigsberg opened the floor for Public Participation. Due to the length of the meeting and the interruptions, he reduced the time for each speaker to 90 seconds.

Public Participation –

Aida Vernon – Ms. Vernon is a resident of Briarwood and spoke against this proposal. She stated that she was part of the neighborhood advisory committee. She learned about this from a friend from Kew Gardens. She attending various meetings. There is a lot of misconceptions with this proposal.

Charlotte Picot – Ms. Picot spoke against this proposal. She asked that the Community Board vote against this proposal and send a message to the Mayor and other elected officials to represent the citizens properly [*written statement submitted*].

Barry Wollner – Mr. Wollner spoke against this proposal. He wanted their voices to be heard as they do not want a jail to be built on this neighborhood [*written statement submitted*].

Donghai Zang – Mr. Zang is a resident of Forest Hills. He spoke against this proposal. He felt it was a bad idea and affects all residents of this neighborhood. It puts their safety in danger.

Yuran Beng – Ms. Beng spoke against this proposal. She believes it is a bad idea and will affect the neighborhood as a whole. They don't want this jail to be built in the neighborhood.

Margaret NcKaenna – Ms. NcKaenna spoke against this proposal. It is not a good idea and will affect everyone in the neighborhood.

Merav Levi – Ms. Levi spoke strongly against this proposal. She stated that she was not informed of any of the meetings that took place. She learned about this proposal through a local neighborhood app that she downloaded on her smartphone. She stated that the streets on Queens Boulevard are filthy with people visiting the courts, imagine having a jail built here.

Eugene Lyubinskiy – Mr. Lyubinskiy spoke against this proposal. It will have a negative impact in the community.

Jairo Soto – Mr. Soto spoke against this proposal. He feels the Community Board is doing its job but not well enough. He learned about this through Community Board 9. He feels placing a jail in this neighborhood is a bad idea. He said something must be done to not let this happen.

Ellen Pustelnik – Ms. Pustelnik spoke against this proposal. He felt that the community should come together and fight for this proposal not to go through. Having a jail in the neighborhood will affect their community.

Will Depo – Mr. Depo spoke against this proposal. He feels that this jail will cost lots of billions of dollars. Those funds should invested in the community (i.e. education, housing, mental health services, etc.). He wants the Community Board to vote against this proposal and consider the people in the neighborhood.

Steven Konigsberg asked if the Board Members had any other questions for the applicant.

Joshua Glikman – Mr. Glikman stated that he would like to know if this proposal can be challenged further. What would be the methodology of the challenge? How would it work?

Answer: [Nolan Gray] – Mr. Gray stated that the Community Board issue a recommendation. It will then go to City Council for review. The recommendation the Board gives tonight will be taken into consideration at the City Planning Commission, City Council as well by the Borough President.

Jacob Weinberg – Mr. Weinberg stated that since the population on Rikers Island has gone down so much since 1991, why a centralized court can't be built there for all five boroughs?

Answer: [Jordan Stockdale] – Mr. Stockdale stated that the City's objective is to design a different system. One that is smaller, fair and is built to rehabilitate and help people engage back into society. Rikers Island is located on an island. They don't believe it is a great place to build on. They frankly disagree with this.

Simon Pelman – Mr. Pelman stated that unfortunately, the community does not know a lot about this. Mayor de Blasio cannot run again but all of the City Council Members who voted for this will be defeated on the next election.

Kevin Forrestal – He made a motion to approve ULURP Appl. #: C 190117 MMQ & 190342 ZSQ for the 82nd Avenue City Map Change and Special Permit for a Based Borough Jail in Kew Gardens.

Martha Taylor – Seconded.

Steven Konigsberg asked if there were any comments with respect to the motion.

Discussion:

Kevin Forrestal – Mr. Forrestal stated that he felt that some of the things that were said tonight about the reduction, size etc. The number of individuals that are not being handled in the criminal court system right now that have mental issues is huge. It is a big concern. He is very concerned about this. If they return back to the community, they will commit more crimes. Crime rate will rise. He added that the presentation conducted was very ingenious. The communities were not consulted. This is a disaster waiting to happen. All of the people of Queens will be the ones to suffer the most.

Vote:

1 in favor

13 opposed

0 abstention

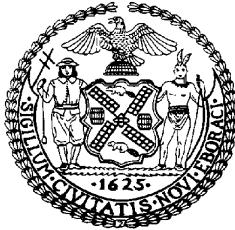
Board Members who voted in favor: Bhithara-Martha Fulton.

Board Members who voted against: Edward Chung, Kevin Forrestal, James Gallagher Jr., Joshua Glikman, Steven Konigsberg, Mitch Lisker, Mary Maggio, Simon Pelman, Wendy Phaff, Seymour Schwartz, Martha Taylor and Jacob Weinberg.

Board Members not present while vote was taken: Rabbi Shlomo Nisanov.

Meeting adjourned at 9:29 p.m.

*Respectfully submitted by,
Jatnna Reyes, Staff Member
May 8, 2019*



Chairperson, Martha Taylor



District Manager, Marie Adam-Ovide

*The City of New York
Borough of Queens*

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Minutes of Community Board 8 Board Meeting held on Wednesday, May 8, 2019 at the Hillcrest Jewish Center, 183-02 Union Turnpike in Flushing, New York.

Attendance:

Board Members Present:

Jagir Singh Bains, Robert H. Block, Edward Chung, Susan D. Cleary, Kenneth Cohen II, Maria DeInnocentiis, Allen Eisenstein, Florence Fisher, Carolann Foley, Kevin Forrestal, Howard A. Fried, Bhitiara-Martha Fulton, James Gallagher Jr., Joshua Glikman, Marc A. Haken, Michael Hannibal, Robert Harris, Tami Hirsch, Fakrul "Delwar" Islam, Steven Konigsberg, Paul S. Lazauskas, Bright Dae-Jung Limm, Mitch Lisker, Elke Maerz, Mary Maggio, Frank Magri, Jennifer Martin, Dilip Nath, Rabbi Shlomo Nisanov, Tamara Osherov, Simon Pelman, Frances Peterson, Wendy Phaff, Mohammad Rahman, Charlton Rhee, Jesse Rosenbaum, Seymour Schwartz, Douglas Sherman, Harbachan Singh, Dr. Penny M. Stern, Martha Taylor, Jacob Weinberg and Stanley Weinblatt.

Board Members Absent:

Dilafroz Ahmed, Carolyn Baker-Brown, Dr. Allen J. Bennett, John Gebhard, Rachele Van Arsdale and Albert Willingham.

Others Present:

Kevin M. Morris representing Mayor Bill de Blasio, Susie Tanenbaum and Irving Poy representing Borough President Melinda Katz, Davinder Singh representing Councilman Barry Grodenchik, Henry Yam representing Councilman Rory Lancman, Akshar Patel representing State Senator John Liu, Pierre Millien representing State Senator Leroy Comrie, Anthony Lemma representing Assemblyman David Weprin, Honorable, Daniel Blech representing Assembly Member Daniel Rosenthal, Hudy Rosenberg representing Assemblywoman Nily Rozic, Marie Adam-Ovide, CB8 District Manager and Izabela Szczepanska, CB8 Staff Member.

Call to Order:

Chairperson Martha Taylor called this Board Meeting to order at 7:30 p.m. She announced that after the Public Participation the Board Members will be taking a group photo.

Public Participation:

James Gallagher, Jr. – Mr. Gallagher announced that this Saturday from 11:00 a.m. to 2:00 p.m. there will be a Community Health Fair in Junior High School 216 George J. Ryan. Everyone is welcome to attend.

Stephanie Lizza: Ms. Lizza introduced herself as the new manager of Community Affairs in New York-Presbyterian Queens. She invited everyone to attend Twist & Sprout on June 9th in the Queens Botanical Garden.

Barbara Foote: Ms. Foote announced a Kidney Health and Hypertension event next week at the Congregation Etz Chaim. She encouraged everyone to attend.

Kevin Burns: Mr. Burns informed everyone about Briarwood CSA (Community Supported Agriculture). They will be setting out healthy food on Sunday mornings next to Briarwood Library. He hopes people are interested and will come and join.

Gabe Hirschan: Mr. Hirschan spoke in favor of the Kew Gardens Hills re-zoning.

Adam Sokol: Mr. Sokol agreed with Mr. Hirschan and is in favor of the Kew Gardens Hills re-zoning.

Jacob Shafran: Mr. Shafran agreed with the previous speakers and is in favor of the Kew Gardens Hills re-zoning.

Boris Abduraktlmanov: Mr. Abduraktlmanov spoke in favor of the Kew Gardens Hills re-zoning.

Meyer Jeger: Mr. Jeger spoke in favor of the Kew Gardens Hills re-zoning and asked the Board Members to vote for this change.

Aviva Tropper: Ms. Tropper agreed with the previous speakers and spoke in favor of the Kew Gardens Hills re-zoning.

Yaakov Stern: Mr. Stern agreed with the previous speakers and is in favor of the Kew Gardens Hills re-zoning.

Chaya Shafran: Ms. Shafran agreed with the previous speakers and is in favor of the Kew Gardens Hills re-zoning.

Shenny Berger: Ms. Berger agreed with the previous speakers and is in favor of the Kew Gardens Hills re-zoning.

Ephraim Berger: Mr. Berger agreed with the previous speakers and is in favor of the Kew Gardens Hills re-zoning.

Shlonvo Merrov: Mr. Merrov agreed with the previous speakers and is in favor of the Kew Gardens Hills re-zoning.

Adila Hussain: Ms. Hussain announced that the Down to Earth Farmer's Market will open this Sunday, May 12, 2019 from 9:00 a.m. to 2:00 p.m. The ribbon cutting ceremony will be at 10:00 a.m. everyone is invited to attend.

Alyssa Dipadova: Ms. Dipadova announced that a new Farmers Market will open in the Queens Botanical Garden on Friday, June 12, 2019. She hopes to see everyone there.

Orit Newman: Ms. Newman agreed with the previous speakers and is in favor of the Kew Gardens Hills re-zoning.

Elan Shamsayev: Mr. Shamsayev agreed with the previous speakers and is in favor of the Kew Gardens Hills re-zoning.

Moshe Sdayeb: Mr. Sdayeb agreed with the previous speakers and is in favor of the Kew Gardens Hills re-zoning.

Dr. Rubin: Dr. Rubin is the Director of Community Affairs for Flushing Hospital. He announced that every three years, every hospital is required to do a neighborhood health needs assessment. He would appreciate if everyone could fill out a survey and return it to them.

Joanne Ariolla: Ms. Ariolla announced that these surveys allow them to learn how they can better serve the community. She informed everyone that Mary Maggio [who works for Flushing Hospital] will be collecting the surveys after the meeting.

Hudy Rosenberg: She spoke on behalf of Assemblywoman Nily Rozic and announced that service will be restored to the Q46 and the Q44. She also asked that if anyone has any feedback on the Queens Bus redesign to contact the office.

Daniel Blech: Mr. Blech announced a number of events that will be sponsored by Assembly Member Daniel Rosenthal and some sponsored events in conjunction with Senator John Liu.

Chairperson Taylor announced that the group picture of the Board Members will be taken now because of some Board Members that need to leave early because of a religious observance.

Salute to the Flag

Chairperson Martha Taylor led the salute to the flag.

Approval of Minutes:

Kevin Forrestal made a motion to approve the minutes of April 10, 2019, seconded by Carolann Foley.

Count in favor 39 Opposed: 0 Abstained: 0

Chairperson Martha Taylor asked Mary Maggio to begin the Elections for the Executive Officers

Mary Maggio, Chair of Nominating Committee – In accordance with the By-Laws of CB8, nominations were held at the April meeting for the positions of Chairperson, 1st Vice-Chair, 2nd Vice-Chair, 3rd Vice-Chair, Treasurer and Secretary. In accordance with the By-Laws, elections are held for these positions in May. A roll call was taken for each position.

Chairperson – Martha Taylor.

Count in favor 38 Opposed: 1 Abstained: 0

Board Members against:

Tamara Osherov.

Martha Taylor was re-elected Chairperson of Community Board 8.

Stanley Weinblatt for 1st Vice Chair.

Count in favor 39 Opposed: 0 Abstained: 0

Board Members against:

None.

Stanley Weinblatt was re-elected 1st Vice Chair of Community Board 8.

Seymour Schwartz for 2nd Vice-Chair.

Count in favor 39 Opposed: 0 Abstained: 0

Board Members against:

None.

Seymour Schwartz was re-elected 2nd Vice-Chair of Community Board 8.

Michael Hannibal for 3rd Vice-Chair.

Count in favor 40 Opposed: 0 Abstained: 0

Board Members against:

None.

Michael Hannibal was re-elected 3rd Vice-Chair of Community Board 8.

Harbachan Singh for Treasurer.

Count in favor 38 Opposed: 2 Abstained: 0

Board Members against:

Susan Cleary and Maria DeInnocentis.

Harbachan Singh was re-elected Treasurer of Community Board 8.

Carolyn Baker-Brown for Secretary.

Chairperson Taylor announced that she has been informed that Roberts Rules states that if there is no other nominee it can be asked if anyone is opposed. She stated that this is what will be done now.

Mary Maggio asked if anyone is opposed to the Secretary being Carolyn Baker-Brown. None were opposed.

Unanimously approved.

Carolyn Baker-Brown was re-elected Secretary of Community Board 8.

Mary Maggio, Chair of the Nominating Committee closed elections for all categories.

Chairperson Martha Taylor introduced Guest Speaker Amanda Nasner from the Department of Homeless Services (DHS) and she will speak about Turning the Tide for homeless people.

Guest Speaker:

Amanda Nasner – Ms. Nasner spoke about the need for shelters and the Turning the Tide plan. She stated that the Turning the Tide plan was released two years ago to review the shelter system and determine how to transform it. Their vision relies on doing more to keep people in their homes by making housing more affordable and stopping illegal evictions. She also spoke about making long-needed operational reforms to better serve people in shelters and neighborhoods. They have also reimaged a shelter strategy that would remove people from all cluster apartment units and commercial hotel facilities. This would cut the total number of shelter facilities and keep homeless people close to their own neighborhoods and on a path to get back on track.

Ms. Nasner opened the floor for questions from the Board Members.

Marc A. Haken – He stated that the Briarwood Family Shelter was supposed to be a model shelter for the City of New York and asked if it succeeded. He also asked if other shelters have been opened along the same line of strictures. He states that when they were open; families were supposed to be there no longer than a certain period of time and that didn't happen. There are families that have been there for two or three years. He states this is because of DHS failure to find regular housing. He also asked about air conditioning in the Briarwood Shelter.

Answer: [Ms. Nasner] - Yes, Briarwood is an amazing shelter. It is something we are moving towards in all the new shelters that are opening. That is why we closed the Commercial Hotel in Community Board 8 (CB8). It is not an adequate place to have families with children. Briarwood Shelter offers an array of social services to the clients. Individuals and families typically stay in the system a year and a half. Finding housing in New York City is incredibly challenging as is finding landlords that will accept vouchers. We have started with a team of lawyers who will look into cases and find if they were discriminating against our clients. It is not a lack of efforts on the City of New York or DHS to get them into housing.

Martha Taylor – Ms. Taylor stated that she can vouch for that. She does guardianship work and they had a case where people were getting evicted. They were able to get vouchers but the landlords wouldn't accept them.

Answer: [Ms. Nasner] - We encourage our clients to call that number or to reach out to us. We want to get in touch with those landlords and see if there is any discrimination going on that we can take legal action on. That is an older building (Briarwood Shelter) and installing air conditioning is something we have been exploring but it is incredibly costly to install. It is a lot more complex.

Marc A. Haken – Mr. Haken asked what is the point of having a shelter if people can't live in it because of the heat.

Answer: [Ms. Nasner] - We would like to install air conditioning. We are working to see if that's possible. We are going to need to secure a lot of money. I know DM Marie Adam-Ovide has been consistent about overseeing if it's possible. We are figuring it out.

Jesse Rosenbaum – Mr. Rosenbaum asked if they are phasing out all of the hotels that are homeless shelters.

Answer: [Ms. Nasner] – Yes, that is correct.

Jesse Rosenbaum – He also asked if a large quantity of families in a specific area is being phased out of commercial hotels, how will services be provided to them once they move out.

Answer: [Nasner] - As we phase commercial hotels out we will replace them with shelters. Folks who are ready will be moved to a permanent residency. Folks who aren't ready will be transferred to another Tier 2 shelter with more structured services and kitchen facilities.

Jesse Rosenbaum – He asked if you have 100 or 200 families that will be moving all in one shot how will those services still be provided.

Answer: [Ms. Nasner] – We wouldn't phase out all commercial hotels at once. We are going to phase out all of the cluster sites and open shelters to accommodate those into permanent housing. It is going to be a slow process. We don't plan on getting out of commercial hotels until 2023.

Susan Cleary – She asked why did De Blasio's Administration state they are transparent when the Par Central Hotel was sneaked into.

Answer: [Ms. Nasner] – I am not sure when Par Central Hotel was opened in this community.

Martha Taylor – She stated that the Par Central is closed and gone. She thanked Amanda for her help with closing Par Central.

Carolann Foley – She asked what good is Turning the Tide if the three large components are not working. She states that she has been hearing of all the failures: no air conditioning, nobody accepting vouchers, and people being in shelters for longer than a year.

Answer: [Ms. Nasner] – DHS is working to revise the shelter system and it will take a long time. The system has been a mess and no administration has ever taken the time or thought into opening shelters that are going to benefit people within the system. They have created a source of income and a discrimination unit. We are working towards getting air conditioning units. We phased out the Par Central unit. We are able to open shelters within different communities and phase out commercial hotels that are not appropriate. We have phased out over 1,500 cluster sights. The cluster sights are individual apartments that the City rented from different landlords. The administration has made a commitment to get out of all those locations. We are halfway through.

Carolann Foley – She stated that there are also people sleeping on trains and the streets.

Answer: [Ms. Nasner] – For those sleeping on streets and trains we now have more money that can go into outreach teams. It is not a crime to sleep on trains and they will not be arrested or issued summons like they used to. Every borough has a contract provider that goes out and does outreach. It takes about 265 engagements for a homeless individual to process and come inside. Our partners have been very successful in placing those individuals into current housing. We have also made a commitment to open more centers where they can get services. We are exploring every option possible. Breaking ground does an amazing job to get people off the streets either to supportive housing or permanent housing.

Robert Harris – Mr. Harris asked if the system is working so well why are people protesting against other shelters in Elmhurst, College Point and South Ozone Park.

Answer: [Ms. Nasner] – People believe DHS is not engaging. We are transparent about the work we are doing. People feel that they were not involved in the process. That's why they stand and protest against these shelters. We have been transparent with sending letters and community engagement. We have been very clear about the need for shelters. In New York State they are mandated by law to open shelters. We are asking for sites that you think are appropriate to open homeless shelters.

Dilip Nath – Mr. Nath asked the average length of time people stay in the shelter on average from 2017 to now. He also asked how successful has DHS been with moving people from shelters to permanent housing.

Answer: [Ms. Nasner] – I am not sure but I believe it has been over 100,000 people.

Dilip Nath – Mr. Nath asked for the percentage in the last three years.

Answer: [Ms. Nasner] – *I do not have that information right now. The average length of stay in shelters varies on population. On average it is usually a year and a half. I will follow up on the amount of individuals we have moved.*

Tami Hirsch – Ms. Hirsch asked Ms. Nasner what she thinks about homeless shelters and are they clean and safe. People didn't find them clean or safe and do not want to return to them.

Answer: [Ms. Nasner] - *There is a misconception. This is another reason why we are doing the Turning the Tide Program to build quality shelters. I don't know if you are talking about a recent incident in one of our shelter systems.*

Tami Hirsch – No, I am talking about a while back when we started building shelters.

Answer: [Ms. Nasner] – *Yes, a lot of administrations prior to this one did not care how we sheltered people. They did start commercial hotels and they are not a great place to house people. We cannot provide services for them. The shelter system has not been in a good place for the last 30 plus years. I can say we are moving in a better direction.*

Frank Magri – Mr. Magri thanked DHS for their hard work. He stated that on trains most individuals need more than housing and food. He stated that some of them need medical, psychiatric or mental help. He asked what DHS does to help these people.

Answer: [Ms. Nasner] – *The majority of chronically homeless people have mental illness. We have an outreach group that will go out to them throughout the day with social workers, psychiatrists and doctors who will try to convince them to take the services. We cannot remove individuals unless they appear to be a threat to themselves or others. We do have support housing for individuals who have mental illness.*

Breaking Ground will continuously go out even if that means every single day for the next two years. We do have drop in centers in Richmond Hill and that is somewhere they can get food and services to figure out if they want to go into shelters or not. For individuals in homeless shelters there are services that are provided for those with mental illness.

Chairperson Taylor thanked Ms. Nasner her for her presentation. .

Chairperson's Report – Martha Taylor:

- Chairperson Taylor announced that Verizon has taken responsibility for the water leaks on 188th Street. An article regarding this was included in packet. She thanked Maria DeInnocentis and Elected Officials for helping.
- Chairperson Taylor informed everyone that the Executive Committee approved the yearly District Manager's Memo of Agreement. No changes were made to the memo.
- Chairperson Taylor informed everyone that DM Adam-Ovide spoke to Dr. Bennett today who is doing better and is in good spirits. He also took his first few steps. She hopes to see him in September.

District Manager's Report, May 2019

HRA – The agency will be sending letters regarding the Fair Fare NYC MetroCard's (*to pay 1/2 fare*) to its clients. If you qualify for SNAP or the Cash Assistance program, you also qualify for the half fare MetroCard. Your pre-tax income must be at or below the poverty level.

In the past, hearings were held only in the Manhattan Family Court for HRA clients suing for child support. Now, these hearing are being held in the Family Court in the county where the custodial parent resides.

DOB – The agency has been doing inspection safety sweeps to ensure that the construction workers are safe. This is in response to recent construction-related fatalities. There were 5,000 inspections done (50+ inspections were done already in CB8 as of last week).

Our DOB representative also wanted to remind the residents that construction hours are: Monday through Friday from 7:00 a.m. to 6:00 p.m. Weekend construction for one and two family homes are from 10:00 a.m. to 4:00 p.m. No construction is allowed on the weekends if the property is located within 500 feet of a house of worship. After-hour variances are required for other times and for other types of buildings to work on the weekend.

The number of work without permits have increased in CB8. DOB receives an average of 200 complaints [for all categories] a month.

DDC – There are now two projects in CB8:

- **QED1047** [164th Street in Jamaica Hill] – They had to reschedule the nightly water shutdown. They were looking to reschedule the shutdown for May 10, 2019. I reminded the representative that it was on the Sabbath. She will go back to her superiors and look for another date. Final restoration will be done in mid-July.
- **HW0100FJM** [Select Bus Service project for Main Street] – The contractor is waiting for the schedule to share with the community.

DFTA – The agency representative announced that on April 9th the Mayor appointed Lorraine Cortes Vazquez as the 7th Commissioner of the Department. She worked at the DFTA back in 1990 and was in charge of the Bureau of Community Program. Then she left for the private sector.

DOT - The agency had a work zone safety campaign in April. This was to remind drivers to reduce speed as they approach work zones. We all must work to protect these public servants who work very hard to maintain our road so they can go home safely to their families.

DEP – Community Board 8 sent a list of questions in preparation for a meeting with DEP regarding the 188th issue with electrolysis since February. We were finally informed by one of the DEP's representative, "After careful consideration and discussion. We believe the questions and concerns you have raised regarding electrolysis should be taken up with Verizon seeing how they have agree[d] to address this concern. Therefore at this time DEP will not be attending a meeting to address these concerns."

Parks – There are several events happening at Cunningham Park this month. On May 10th at 10:30 a.m., there will be a ribbon cutting ceremony for the amphitheater – 193rd Street and Aberdeen Road. Farmer's Market will start this Sunday, May 12th from 9:00 a.m. to noon and will be there every Sunday until mid-November. There will be a clean-up at the Joe Austin Playground on May 13th at 10:30 a.m. The citywide event "It's My Park Day" will be on May 18, 2019.

DSNY – The Chometz Burning Stations and Special Passover collection went well. We originally had three locations listed: one location in Holliswood, one in Jamaica Estates and one in Kew Gardens Hills. At the last minute we were able to service two locations in Hillcrest: one with a burning station and another with a sanitation bin. The Community Board 8 office received no complaints from the community. We thank all involved in serving the community for the holidays, especially Superintendent Eyal Egher, Deputy Chief Stephen Brown and Community Affairs Officer Peter Capozzi for going above and beyond. Next year, we will remind residents not to throw away burnt Chometz into the big sanitation bins to prevent fires. They should be placed in the dedicated small metal cans.

NYPD – The agency was unable to send a representative to the DSC due to a conflict. Officer Peter Capozzi called and announced that we have a new Community Affairs Officer - Kevin McCarthy. He replaced Detective Tom Motta who retired earlier this year.

Community Board 8's Health Fair will be on Friday, June 28, 2019 at Cunningham Park – 196th Place and Union Turnpike from 2:00 p.m. to 6:00 p.m. Please contact our office if you would like to participate as a vendor.

Happy Birthday to Jacob Weinberg, Mitch Lisker, Ed Chung and Mary Maggio who are celebrating their birthdays this month!



Marie Adam-Ovide

Borough President's Representative – Susie Tanenbaum

- She congratulated all of the new and the re-appointed members on Community Board 8.
- On Tuesday, April 30th, Borough President Melinda Katz presided over her annual swearing in ceremony and orientation. Borough President Katz stated that she looks forward to working with everyone in the months and years ahead.
- She acknowledged her colleague Irving Poy Director of Planning and Development at the meeting. Irving Poy was one of the presenters at the Borough President's orientation.
- Last Wednesday, May 1st Borough President Katz and Borough Presidents office partnered with the United States Census Bureau on a 2020 Census Job Fair. 261 individuals were assisted in applying for Census. Borough President Melinda Katz was very proud of this. They hope to do it again.
- Later that evening, Borough President Katz hosted a public hearing. The Governor appointed a Complete Count Commission and CB8 was very well represented. Kevin Forestall and Michael Hannibal delivered testimonies. Carolyn Baker-Brown was there. Sherry Reisner was in the room from Utopia Estates Civic Association, she is also a member of the Queens Complete Count Committee and assisted in preparing for the comic. The Commissioners were very impressed with the diversity of the presenters and also with the issues that were raised. The testimony is going to help the Commissioners to determine what kind of assistance our Borough will receive.
- Everyone is cordially invited to Borough President's annual Memorial Day Observance Ceremony on Wednesday, May 22, 2019 at 11:00 a.m. in the Veterans Memorial Garden at Queens Borough Hall.
- This month she would like to wish everyone who is celebrating a blessed Ramadan.

Chairperson Taylor asked if Nolan Gray would like to speak.

City Planning - Nolan Grey - He announced that if anyone has any questions regarding Kew Gardens or the jail he will be available to answer any questions or concerns after the meeting.

Committee Reports:

Steven Konigsberg, Zoning Chair

ULURP Application No. C190299ZMQ / N190301ZRQ – Kew Gardens Hills – A Public Hearing was held on Monday, May 6, 2019 to discuss the application to rezone the existing R2 zoning districts in Kew Gardens Hills to R2X districts. The movement was co-sponsored by our CB to help avoid certain expenses. At the Public Hearing there was a presentation by Jay Goldstein [attorney applicant representative]. There will be approximately 400 homes affected by this change. This would maintain the existing residential, single family homes, while allowing for enlarged footprints and limiting the heights of the homes. The proposed development will increase the allowable floor area ratio (far) to accommodate the needs of existing homeowners. There were two members of the public that signed up neither of them were in favor of this application. However, the majority of members in the community at the Board Meeting spoke in favor of it.

Marc A. Haken made a motion to approve ULURP Appl. #: C 190299 ZMQ/ N 190301 ZRQ for the rezoning of the existing R2 zoning districts in Kew Gardens Hills to R2X districts. seconded by Jesse Rosenbaum.

Steven Konigsberg asked if there were any comments with respect to the motion. Seeing none, a roll call vote was taken.

A roll call vote was taken.

Count in favor 38 Opposed: 2 Abstained: 0

Board Members against:

Allen Eisenstein and Elke Maerz.

Steven Konigsberg, Zoning Chair

ULURP Application No. 190117MMQ/190342ZSQ – Kew Gardens Jail - A Public Hearing was held on Monday, May 6, 2019 to discuss the application made by the New York City Department of Correction to amend the City Map involving the elimination, discontinuance and closing of one-block long, 25,029.9 square feet portion of 82nd Avenue between 126th Street and 132nd Street in Queens Community District 9. Jordan M. Stockdale gave a brief Power Point presentation on the plan to close Rikers. The proposal has to do with criminal justice reform. There are four main criteria to set out as goals in order to achieve that. Seymour Schwartz raised concerns regarding the footbridge on 82nd Avenue and they responded that there are currently no plans to have a negative impact on that footbridge. Many members of the public spoke at the meeting against this application. Many questions and concerns were also raised by the zoning committee against this application.

Seymour Schwartz made a motion to approve ULURP Appl. # C190117MNQ & 190342ZSQ for the 82nd Avenue between 126th Street and 132nd Street City Map Change and Special Permit for a Based Borough Jail in Queens, seconded by Kevin Forrestal.

Steven Konigsberg asked if there were any comments with respect to the motion.

Kevin Forrestal – Mr. Forrestal disagreed with Mr. Konigsberg and believes that the majority of people may not agree that Rikers Island should not be used as a jail. He stated that as they develop this evolving plan it contradicts its goals. He spoke about the presentation and how there were discrepancy and that they were disingenuous. He asked that everyone votes against this application.

Martha Taylor – Ms. Taylor stated that Briarwood is closer and more impacted than any other community in this area. She stated that CB8 was never invited to any of the forms or discussions. She stated that there were three people from Briarwood only because CB9 invited them. She believed it is outrageous and objectives were not met. She stated that they are putting all women into the Queens facility no matter what borough they are from and this is counter from what their objectives say. She is against this application.

Steven Konigsberg – Mr. Konigsberg stated that everyone is entitled to their own opinion. One of the main reasons was that in consultation with the formerly and currently incarcerated women a decision was made based upon certain medical needs to house them in a unified location in Queens; to be close to Elmhurst Hospital where the women with medical issues or those giving birth would be taken. This is why they are housed there rather than spread out. Economically it would not be feasible to offer the same level of services. Clearly that goes against keeping them near their residences and to have visitors.

Jesse Rosenbaum – Mr. Rosenbaum asked if there will be any impact on the City's decision assuming the motion is voted down.

Steven Konigsberg – Mr. Konigsberg stated that he hopes they will listen to the Board.

Robert Harris - Mr. Harris stated that considering the desire to keep the 27 story building in Queens is not us.

Steven Konigsberg - Mr. Konigsberg stated that it is not actually 27 stories. They were talking about a physical structure with about 270 feet. He stated they always interpreted that it would have about 9 housing floors and 4 services floors.

Bright Limm: Mr. Limm stated that he has been paying attention to this for a couple of years. He also stated that he will vote against this application. He stated that he does believe that every neighborhood should be building to do its fair share but the scale of this proposal is too much. He believes that if the administration had properly done community outreach it would have never gotten to something this size. He also stated that there is some shady real estate stuff going on. Even though I oppose this particular proposal, I for one would vote for a jail in my neighborhood if everybody had their say beforehand.

Howard Fried – Mr. Fried stated that the presentation was disingenuous. He also stated that they didn't try to consider the cost of rehabilitating Rikers. They didn't consider any other locations that were arguably within a location area of a courthouse like near Kennedy Airport where there is far less impact. The consideration was really empty they didn't have justification. We will need to give a closer look at this and vote it down for now.

Steven Konigsberg asked if there were any comments with respect to the motion. Seeing none, a roll call vote was taken.

A roll call vote was taken.

Count in favor 0 Opposed: 39 Abstained: 1

Board Members against:

Jagir Singh Bains, Robert H. Block, Edward Chung, Susan D. Cleary, Kenneth Cohen II, Maria DeInnocentiis, Allen Eisenstein, Florence Fisher, Carolann Foley, Kevin Forrestal, Howard A. Fried, Bhitiara-Martha Fulton, James Gallagher Jr., Joshua Glikman, Marc A. Haken, Michael Hannibal, Robert Harris, Tami Hirsch, Fakrul "Delwar" Islam, Steven Konigsberg, Paul S. Lazauskas, Bright Dae-Jung Limm, Mitch Lisker, Elke Maerz, Mary Maggio, Frank Magri, Jennifer Martin, Dilip Nath, Rabbi Shlomo Nisanov, Tamara Osherov, Simon Pelman, Frances Peterson, Wendy Phaff, Mohammad Rahman, Charlton Rhee, Jesse Rosenbaum, Seymour Schwartz, Douglas Sherman, Harbachan Singh, Dr. Penny M. Stern, Martha Taylor, Mohammed Tohin, Jacob Weinberg and Stanley Weinblatt.

Adjournment

Carolann Foley made a motion to adjourn this meeting at 9:00 p.m.

*Respectfully submitted,
Izabela Szczepanska, CB8 staff
May 14, 2019*

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190117 MMQ**

CEQR Number: 18DOC001Y

Project Name: **82nd Avenue Demapping**

Borough(s): Queens

Community District Number(s): 9

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 New York City Department of Correction pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 82nd Avenue between 126th Street and 132nd Street;
- the elimination of two Public Places within the area bounded by Union Turnpike, 132nd Street, Hoover Avenue, Queens Boulevard, 82nd Avenue and 126th Street;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 9, Borough of Queens, in accordance with Map No. C.P.C. 190117 MMQ dated March 25, 2019 and signed by the Director of the Department of City Planning.

Applicant(s): New York City Department of Correction 75-20 Astoria Boulevard East Elmhurst, NY 11370	Applicant's Representative: Howard J. Fiedler AIA New York City Department of Correction 75-20 Astoria Boulevard East Elmhurst, NY 11370 718-546-0700
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Recommendation submitted by: Queens Community Board 9	
Date of public hearing: April 24, 2019 Location: Queens Borough Hall, 120-55 Queens Blvd	

Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>
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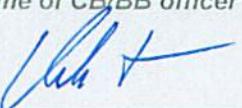
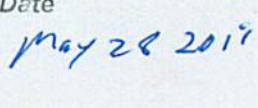
Date of Vote: May 14, 2019	Location: Queens Borough Hall, Room 213
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RECOMMENDATION	<input type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions
<input checked="" type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions	

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

Voting

In Favor: **28** # Against: **0** # Abstaining: **1** Total members appointed to the board: **39**

Name of CB/BB officer completing this form 	Title 	Date 
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City of New York



COMMUNITY BOARD NO. 9

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Kenichi Wilson, Chairperson * James S. McClelland, District Manager * Melinda Katz, Borough President

Response to ULURP # C 190117 MMQ May 14, 2019

Queens Community Board 9 Resolution In Opposition to Borough Based Jails

Queens Community Board 9 (CB9) strongly opposes the City's plan to build a vertical mega jail complex in the residential community of Kew Gardens, Queens and states its concern about a flawed ULURP process which undermines the very legitimacy of this Charter mandated procedure. We oppose for the many reasons cited below.

1. This Uniform Land Use Procedure (ULURP) – is a travesty

Why a travesty? From the beginning, this administration has been a steamroller; the so-called neighborhood advisory meetings have been a farce. Most of those invited to the meetings did not even live in the neighborhood. And half of those non local people didn't even show up. The Kew Gardens community is presented with a *fait accompli* and is consulted basically about which color we would like the drapes.

While we have only just begun ULURP, the City's Department of Design and Construction (DDC) announced on April 22 a **\$107.4 million contract** with AECOM-Hill to create four separate Design – Build management teams, one for each of the new borough-based jails. Yet, so far not one "of the voting groups," let alone the most decisive voting entity, the City Council, has yet to vote, let alone hold a hearing.

Other boroughs have expressed similar objections; the need for community involvement has been consistently ignored by the City. In January, 2019, Queens Borough President Melinda Katz wrote a letter to Mayor de Blasio, stating that "...there is still opportunity to restart borough-based jail planning – this time in collaboration with communities..."

2. Four ULURPs treated as a single ULURP

On March 25, 2019, the City Planning Commission (CPC) certified as complete, the application of the New York City Department of Correction and the Mayor's Office of Criminal Justice to build four jails, one each in the Bronx, Brooklyn, Manhattan and Queens. All four jails were certified as a single ULURP, an action we believe is unique in the history of ULURP.

3. Certification of a Concept

Moreover, this CPC application was certified as a "concept." We question how you certify a concept, an action which is a dramatic departure from the land-use process.

4. Criminal Justice Reform, Bail Reform and its Impact on the Borough-based Jails and ULURP

Referring in a New York Times article to recently passed NY State legislation on bail reform, the Governor stated that he expects that 90% of individuals arrested will be released, not jailed, thus, free to await their court date at liberty. In this case:

- a) Why are we building four enormous jails?
- b) If this leaves the 10% who cannot be released or bailed because of public safety concerns, it means that the most violent felons will be housed in local residential communities.

This is not a recipe for safety.

5. Fiscal Irresponsibility

The Lippman Commission estimated that building the four jails would cost \$10.6 billion. The Mayor has only allocated \$8.6 billion in his budget for closing Rikers. We estimate that if financed over a 10 year period, the cost of these jails could grow to \$30 billion or more. New York City currently has approximately \$77.8 billion in tax backed debt outstanding. This debt is secured mostly by property, income and sales taxes and the amount represents only the principal portion. All this while NYCHA Public housing needs some \$30 billion in repairs; there are over 63,000 homeless people in the City, many of them children¹ and the Mayor's answer is to build 90 homeless shelters. And what would \$30 billion invested in education, housing, communities, etc. do to prevent people becoming involved in criminal activity in the first place.

Where is the money for this? This is especially critical because the City budget currently faces shortfalls. Mayor DeBlasio has ordered City agencies to cut their budgets and to make these cuts re-occurring.

6. Rikers Island Moved into Local Communities

We heard long and loudly at the Board's public hearing that the culture of Rikers Island is one of violence. It is the culture of violence which really needs to be changed. Yet what we see is that the Mayor shows little concern about the consequences of moving that violent culture into four local neighborhoods. Despite the City's PowerPoint presentation showing sketches of happy faces in the hotel-like entrance lobby to the jail, WE are concerned.

7. Massive Jails

The Mayor's Deputy Director for Criminal Justice showed photos of modern jails to the City Planning Commission on September 24, 2018 - photo of a two story modern building in Las Colinas, San Diego appearing in a desert-like setting, plus a photo of a new Denver jail, which appears to be between 8 and 10 stories. Why show these to CPC when what you are proposing are mega vertical jails.

8. A Jail in Kew Gardens Makes No Sense

According to the Lippman Commission Report, the jails were to be placed in communities where they would be an asset with services such as a community center, counseling, tutoring, etc., that not only inmates but ²local communities needed, wanted and had asked for, so inmates released back into their communities, as well as local residents, could go on being helped by the jail based facilities. Because, wrote the Commission, such jails could "*positively change the culture and context of the neighborhood*" leading fewer people into the prison systems, thereby helping break the cycle of incarceration.

In August, 2018 the three ZIP Codes surrounding Kew Gardens had 25 individuals in detention. Therefore, Kew Gardens is not that community.

9. Borough-Based Jails

The revived idea for borough-based jails (which existed in the City in the 1950s) stems from the 2017 Lippman Commission report calling for closing Rikers and building jails in four boroughs - the Bronx, Brooklyn, Manhattan and Queens (Staten Island is apparently exempt). But the Lippman Commission report also stated:

1. There should be an early search for potential jail sites and discussions with those living in those areas.
2. Jails should not be built in residential communities.
3. Jails should be small and proportional in size to the population of the borough's incarcerated numbers
4. Jails shall be an asset to the community and integrated into the community.
5. Jails should contain programs and services not just for the inmates but for the local community in order to "*positively change the culture and context of the neighborhood*" leading fewer people into the prison system, thereby helping break the cycle of incarceration.

None of these recommendations was followed.

10. An Early Search for Potential Jail Sites and Discussions with Residents in Potential Areas.

This never happened for Queens. The \$7.6 million City contract given to Perkins Eastman in January 2018, produced (1) sketches of community-friendly jails looking as if they were lining Madison Avenue and (2) print materials describing these jails as "assets," and as "campuses." But as part of its \$7.6 million contract, Perkins was supposed to seek out potential sites and speak with people living there. No search for sites ever took place, and no effort was ever made to look for or speak with community people at even the chosen site. We learned from the Deputy Director of the Mayor's Office of Criminal Justice in a November meeting with Perkins Eastman and Mayoral staff, that choosing Kew Gardens was a "policy decision of the Mayor's."

Whatever the City and Perkins Eastman were doing for 6 ½ months, only the August 15 press release informed Kew Gardens. (This in the last two weeks leading up to Labor Day). On September 20, 2018, our

Councilwoman held a small meeting in her office at which junior Perkins Eastman staff showed a Power Point presentation but could answer few questions. Yet two days later, on September 24, the Mayor's Deputy Director of Criminal Justice stated to the New York City Planning Commission (CPC): “we have been engaged in a significant amount of community and neighborhood engagements. . . We have been engaged in both open and closed community meetings.”!!! This was certainly not true for Queens.

11. Jails Should Not Be in Residential Communities

Kew Gardens is a residential community, the subject of the 1999 book - *Kew Gardens: Urban Village in the Big City. An Architectural History of Kew Gardens*. Also, immediately adjacent to the proposed jail complex is the residential community of Briarwood. The DEIS (Draft Environmental Impact Statement) ignores these facts and denies any adverse effect on community, stating that Queens Boulevard is a buffer to the Kew Gardens community. However, (a) thousands of people live in apartment buildings immediately across the street and adjacent to the proposed complex, (b) within two blocks of this proposed jail complex begin blocks and blocks of one and two-family homes, plus two elementary schools and a preschool. Yet the DEIS (Draft Environmental Impact Statement) makes the startling assertion that there is no adverse impact on the neighborhood character, acknowledging only that “to the southwest and the east, the study area contains the residential neighborhood of Kew Gardens and Briarwood.”

The DEIS and the Mayor’s literature refer to Kew Gardens as the Queens Civic Center because it has a courthouse, Queens Borough Hall and a small (in comparison) detention center closed since 2002. Yet, there are two other detention centers and 4 other courts in Queens.

12. Jails Should Be Small and Proportional in Size to the Borough’s Incarcerated Population

The proposed jail is neither small nor proportional. Certified as over 1.2 million square ft. and reaching 270 feet high, the certified application also states that “however to provide flexibility in final design,” the height could reach 332.92 feet³. And given the language in that section, it could be even higher, and thus even denser with detainees, staff, cars, delivery trucks, etc. As for being proportional, in August 2018, Queens had 987 people in jails. The Queens jail is proposed for 1437.

13. Jails Will Be an Asset to and Integrated into the Community.

We had been continuously told, orally and in writing that these jails would be community “assets,” because, as noted, they would provide important services to those jailed, as well as help change for the positive the culture and context of the neighborhood. Then came our March 27, 2019 meeting in Kew Gardens with the Mayor. Accused of not following any of the Lippman Commission recommendations, the Mayor responded by saying the Lippman Report was not his “Bible.” The Mayor then dropped all pretense that the Queens jail would be an asset when he asked us straight out — what did we want in exchange for shouldering this “burden” for the City.

14. Adverse Impact on the Community

The City proposes to build a massive jail complex in a residential community and yet the DEIS finds no adverse effects! It states that the defining features of the study area's neighborhood character would not be adversely affected! It defies logic for the City Planning Commission and the City Council to agree that a project imposed on a small residential community, a project massive in size, scope and complex goals, rising perhaps 333 feet and housing 1437 people, which given the new bail reform policies, would likely house the most violent felons – would not result in adverse effects!

15. Urban design

The application asserts that "The proposed detention facility will contribute to the variety of buildings that compose the urban design character of the study area."⁴ This is an extraordinary statement. We note that no jail was incorporated into the major build at Hudson Yards, even though the City contributed some \$6 billion to this area for the rich and superrich.

16. Congestion

The DEIS chose to assess the jail's impact on congestion at hours that are not of highest congestion. During the early evening of CB 9's public hearing on April 24 at Queens Borough Hall, (the location of the proposed jail complex), two fire engines were caught in heavy traffic and delayed. The DEIS tells us that since the area is already congested, aside from changing the timing of lights and improving signage at four intersections, there's nothing to be done about this congestion; it is not mitigatable. Yet this, section by borough Hall, etc. will have to absorb the traffic from over 1200 parked vehicles moving in and out of the complex, as well as trucks making deliveries into the two delivery bays - no matter where the sally ports are located. So if fire engines and other safety vehicles are delayed even longer in the increased congestion caused by this mega jail, it would seem that the City's answer is - so be it.

17. Jails, Courts and Borough of Residence

Two factors are emphasized in the application: 1) jails must be adjacent to court houses to avoid transportation delays and 2) **Individuals will be their borough of residency**⁴ to be near family and friends. This may happen sometimes, but not as a matter of course. It is where the individual is arraigned which determines the court he/she will be tried. The individual may live in Queens, but if arrested and arraigned in Manhattan, that person must be transported from Queens to Manhattan. So the only difference is that the Department of Corrections' Van will drive in a different direction. In addition, Queens does not have enough detainees to fill the proposed jail, and if all women are to be in one facility, it won't matter where they reside.

18. Rehabilitating Rikers

We are told that Rikers' buildings are in terrible physical shape and its culture is one of violence. We are told that even if brand-new buildings are built, that Rikers is isolated and difficult to reach. Yet that is the simplest problem to solve -- add a stop on the ferry which already passes Rikers; even weekly taxi vouchers for friends, family and loved ones would cost less than building four mega jails. It is the culture of violence which really needs to be changed. The City's numbers show us that 42% of the jail population has serious mental health problems. Why are they in jail? and if they weren't in the jails, in addition to a falling jailed population, then massive jails are not needed.

Why let people suffer on Rikers Island when the City could make an immediate difference, not several years into the future. Don't renovate, build anew. Where are any outdoor recreation areas in any of these four proposed jails? Build modern, low-rise facilities such as those the Mayor's Deputy Director for Criminal Justice showed photos of to the City Planning Commission on September 24, 2018 - a photo of a two story modern building in Las Colinas, San Diego appearing in a desert like setting, plus a photo of a new Denver jail, which appears to be between 8 and 10 stories.

Why show these to CPC when mega vertical jails are being proposed?

The City has apparently made no effort to consider the option of rehabilitating the existing Riker's Island jail system. This is the first thing the City should have done and should still do. Or perhaps the interest in Rikers as part of a major real estate deal is a possible deterrent. The April 5th Regional Planning Association's panel discussion about Rikers labeled "The Inner Harbor" have set sights in another direction. And we cannot help remarking on the fact that though the Lippman Commission had no local community residents, it did have three representatives of the major developer, Forest City Ratner, Including its CEO.

Perhaps we should listen to the words of the Deputy Director of the Mayor's Office of Criminal Justice which she wrote in a 2007 paper for the Center for Constitutional Rights.

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By Dana Kaplan

May 2007

CENTER FOR CONSTITUTIONAL RIGHTS

"The public must be more actively informed and engaged in the process of determining jail policy. State elected officials and county legislators must also re-evaluate their spending priorities to determine whether massive investment in detention is the most effective use of taxpayer money, instead of investing in, for example, education or health initiatives. Lessons learned from recent expansion projects, possible alternatives to jail construction, and the impacts of these respective policy decisions on the people of New York State must all be taken into greater consideration when making these critical planning decisions. As the state of New York undergoes an evaluation of many of its current criminal justice practices, there is also an opportunity to re-examine its detention policies. Failure to do so may leave us in a position much like our prison incarceration policies, where we are now bearing the social and fiscal costs of public policy that was informed by politics instead of rational assessment, and whose consequences are far harder to undo than was its implementation." (The bold is ours)

For all the reasons cited, CB9 stands firmly and adamantly opposed to the City's plans to replace Riker's Island jails with borough-based jails. While CB9 recognizes the need for prison reform, we believe the City's borough-based jail plans are inexplicably rushed and ill-considered. A fiscally responsible plan should be created that reflects an honest, complete evaluation of justice reform. The new plan should ensure that the many mistakes made at Riker's Island will be corrected and that the plan does not destroy existing communities. The plan proposed does none of that.

As recommended by Borough President Katz, the City must start over and ensure community involvement from the outset. A fiscally responsible plan should be created that reflects an honest and complete evaluation of justice reform. The new plan should ensure that the many mistakes made at Riker's Island will be corrected and the plan cannot destroy existing communities.

Endnotes

¹ In fiscal year 2018, 45,657 children spent at least one night in a New York City shelter – a figure that continues to hover near record levels. More than two-thirds of those children, or 67.6 percent, were school-age, the second-highest percentage since the City began publicly reporting that measure in 2002. **Coalition for the Homeless: State of the Homeless 2019**

² 11415, 1418, 11424

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⁴ Certification document, Fair Share Analysis, page one

Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190333 PSY**

CEQR Number: 18DOC001Y

Project Name: **Borough-Based Jail Site Selection**

Borough(s): Queens

Community District Number(s): 9

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, 120 Broadway, 31st Floor, New York, NY 10271
 - **FAX:** to (212) 720-3488 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 Department of Correction, the 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:

1. 745 East 141st Street (Block 2574, p/o Lot 1), Bronx Community District 1;
2. 275 Atlantic Avenue (Block 175, Lot 1), Brooklyn Community District 2;
3. 124 White Street (Block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Manhattan Community District 1; and
4. 126-02 82nd Avenue (Block 9653, Lot 1), 80-25 126th Street (Block 9657, Lot 1), and the bed of 82nd Avenue between 126th and 132nd streets, Queens Community District 9;

for borough-based jail facilities.

Applicant(s): Department of Correction: 75-20 Astoria Blvd., East Elmhurst, NY 11370 Mayor's Office of Criminal Justice: 1 Centre St., Rm 1210 NY, NY 10007 Department of Admin Services: 1 Centre St., 20th Fl., NY, NY 10007	Applicant's Representative: Howard J. Fiedler, AIA NYC Department of Correction 75-20 Astoria Boulevard East Elmhurst, NY 11370
---	---

Recommendation submitted by: Queens Community Board 9	
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Date of public hearing: **April 24, 2019** Location: **Queens Borough Hall, 120-55 Queens Blvd**

Was a quorum present? **YES** **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: **May 14, 2019** Location: **Queens Borough Hall, Room 213**

RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

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

(see attached)

Voting

In Favor: **28** # Against: **0** # Abstaining: **1** Total members appointed to the board: **39**

Name of CB/BB officer completing this form

Title

Date

City of New York



COMMUNITY BOARD NO. 9

Queens Borough Hall
120-55 Queens Boulevard, Room 310-A
Kew Gardens, NY 11424

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Email: communitybd9@nyc.rr.com
Website: www.nyc.gov/queenscb9
Facebook: [@communityboard9](#)

Kenichi Wilson, Chairperson * James S. McClelland, District Manager * Melinda Katz, Borough President

Response to ULURP # C 190333 PSY **May 14, 2019**

Queens Community Board 9 Resolution **In Opposition to Borough Based Jails**

Queens Community Board 9 (CB9) strongly opposes the City's plan to build a vertical mega jail complex in the residential community of Kew Gardens, Queens and states its concern about a flawed ULURP process which undermines the very legitimacy of this Charter mandated procedure. We oppose for the many reasons cited below.

1. This Uniform Land Use Procedure (ULURP) – is a travesty

Why a travesty? From the beginning, this administration has been a steamroller; the so-called neighborhood advisory meetings have been a farce. Most of those invited to the meetings did not even live in the neighborhood. And half of those non local people didn't even show up. The Kew Gardens community is presented with a *fait accompli* and is consulted basically about which color we would like the drapes.

While we have only just begun ULURP, the City's Department of Design and Construction (DDC) announced on April 22 a \$107.4 million contract with AECOM-Hill to create four separate Design – Build management teams, one for each of the new borough-based jails. Yet, so far not one "of the voting groups," let alone the most decisive voting entity, the City Council, has yet to vote, let alone hold a hearing.

Other boroughs have expressed similar objections; the need for community involvement has been consistently ignored by the City. In January, 2019, Queens Borough President Melinda Katz wrote a letter to Mayor de Blasio, stating that "...*there is still opportunity to restart borough-based jail planning – this time in collaboration with communities...*"

2. Four ULURPs treated as a single ULURP

On March 25, 2019, the City Planning Commission (CPC) certified as complete, the application of the New York City Department of Correction and the Mayor's Office of Criminal Justice to build four jails, one each in the Bronx, Brooklyn, Manhattan and Queens. All four jails were certified as a single ULURP, an action we believe is unique in the history of ULURP.

3. Certification of a Concept

Moreover, this CPC application was certified as a "concept." We question how you certify a concept, an action which is a dramatic departure from the land-use process.

4. Criminal Justice Reform, Bail Reform and its Impact on the Borough-based Jails and ULURP

Referring in a New York Times article to recently passed NY State legislation on bail reform, the Governor stated that he expects that 90% of individuals arrested will be released, not jailed, thus, free to await their court date at liberty. In this case:

- a) Why are we building four enormous jails?
- b) If this leaves the 10% who cannot be released or bailed because of public safety concerns, it means that the most violent felons will be housed in local residential communities.

This is not a recipe for safety.

5. Fiscal Irresponsibility

The Lippman Commission estimated that building the four jails would cost \$10.6 billion. The Mayor has only allocated \$8.6 billion in his budget for closing Rikers. We estimate that if financed over a 10 year period, the cost of these jails could grow to \$30 billion or more. New York City currently has approximately \$77.8 billion in tax backed debt outstanding. This debt is secured mostly by property, income and sales taxes and the amount represents only the principal portion. All this while NYCHA Public housing needs some \$30 billion in repairs; there are over 63,000 homeless people in the City, many of them children¹ and the Mayor's answer is to build 90 homeless shelters. And what would \$30 billion invested in education, housing, communities, etc. do to prevent people becoming involved in criminal activity in the first place.

Where is the money for this? This is especially critical because the City budget currently faces shortfalls. Mayor DeBlasio has ordered City agencies to cut their budgets and to make these cuts re-occurring.

6. Rikers Island Moved into Local Communities

We heard long and loudly at the Board's public hearing that the culture of Rikers Island is one of violence. It is the culture of violence which really needs to be changed. Yet what we see is that the Mayor shows little concern about the consequences of moving that violent culture into four local neighborhoods. Despite the City's PowerPoint presentation showing sketches of happy faces in the hotel-like entrance lobby to the jail, WE are concerned.

7. Massive Jails

The Mayor's Deputy Director for Criminal Justice showed photos of modern jails to the City Planning Commission on September 24, 2018 - photo of a two story modern building in Las Colinas, San Diego appearing in a desert-like setting, plus a photo of a new Denver jail, which appears to be between 8 and 10 stories. Why show these to CPC when what you are proposing are mega vertical jails.

8. A Jail in Kew Gardens Makes No Sense

According to the Lippman Commission Report, the jails were to be placed in communities where they would be an asset with services such as a community center, counseling, tutoring, etc., that not only inmates but ²local communities needed, wanted and had asked for, so inmates released back into their communities, as well as local residents, could go on being helped by the jail based facilities. Because, wrote the Commission, such jails could "*positively change the culture and context of the neighborhood*" leading fewer people into the prison systems, thereby helping break the cycle of incarceration.

In August, 2018 the three ZIP Codes surrounding Kew Gardens had 25 individuals in detention. Therefore, Kew Gardens is not that community.

9. Borough-Based Jails

The revived idea for borough-based jails (which existed in the City in the 1950s) stems from the 2017 Lippman Commission report calling for closing Rikers and building jails in four boroughs - the Bronx, Brooklyn, Manhattan and Queens (Staten Island is apparently exempt). But the Lippman Commission report also stated:

1. There should be an early search for potential jail sites and discussions with those living in those areas.
2. Jails should not be built in residential communities.
3. Jails should be small and proportional in size to the population of the borough's incarcerated numbers
4. Jails shall be an asset to the community and integrated into the community.
5. Jails should contain programs and services not just for the inmates but for the local community in order to "*positively change the culture and context of the neighborhood*" leading fewer people into the prison system, thereby helping break the cycle of incarceration.

None of these recommendations was followed.

10. An Early Search for Potential Jail Sites and Discussions with Residents in Potential Areas.

This never happened for Queens. The \$7.6 million City contract given to Perkins Eastman in January 2018, produced (1) sketches of community-friendly jails looking as if they were lining Madison Avenue and (2) print materials describing these jails as "assets," and as "campuses." But as part of its \$7.6 million contract, Perkins was supposed to seek out potential sites and speak with people living there. No search for sites ever took place, and no effort was ever made to look for or speak with community people at even the chosen site. We learned from the Deputy Director of the Mayor's Office of Criminal Justice in a November meeting with Perkins Eastman and Mayoral staff, that choosing Kew Gardens was a "policy decision of the Mayor's."

Whatever the City and Perkins Eastman were doing for 6 ½ months, only the August 15 press release informed Kew Gardens. (This in the last two weeks leading up to Labor Day). On September 20, 2018, our

Councilwoman held a small meeting in her office at which junior Perkins Eastman staff showed a Power Point presentation but could answer few questions. Yet two days later, on September 24, the Mayor's Deputy Director of Criminal Justice stated to the New York City Planning Commission (CPC): "we have been engaged in a significant amount of community and neighborhood engagements. . . We have been engaged in both open and closed community meetings."!! This was certainly not true for Queens.

11. Jails Should Not Be in Residential Communities

Kew Gardens is a residential community, the subject of the 1999 book - *Kew Gardens: Urban Village in the Big City. An Architectural History of Kew Gardens*. Also, immediately adjacent to the proposed jail complex is the residential community of Briarwood. The DEIS (Draft Environmental Impact Statement) ignores these facts and denies any adverse effect on community, stating that Queens Boulevard is a buffer to the Kew Gardens community. However, (a) thousands of people live in apartment buildings immediately across the street and adjacent to the proposed complex, (b) within two blocks of this proposed jail complex begin blocks and blocks of one and two-family homes, plus two elementary schools and a preschool. Yet the DEIS (Draft Environmental Impact Statement) makes the startling assertion that there is no adverse impact on the neighborhood character, acknowledging only that "to the southwest and the east, the study area contains the residential neighborhood of Kew Gardens and Briarwood."

The DEIS and the Mayor's literature refer to Kew Gardens as the Queens Civic Center because it has a courthouse, Queens Borough Hall and a small (in comparison) detention center closed since 2002. Yet, there are two other detention centers and 4 other courts in Queens.

12. Jails Should Be Small and Proportional in Size to the Borough's Incarcerated Population

The proposed jail is neither small nor proportional. Certified as over 1.2 million square ft. and reaching 270 feet high, the certified application also states that "however to provide flexibility in final design," the height could reach 332.92 feet³ And given the language in that section, it could be even higher, and thus even denser with detainees, staff, cars, delivery trucks, etc. As for being proportional, in August 2018, Queens had 987 people in jails. The Queens jail is proposed for 1437.

13. Jails Will Be an Asset to and Integrated into the Community.

We had been continuously told, orally and in writing that these jails would be community "assets," because, as noted, they would provide important services to those jailed, as well as help change for the positive the culture and context of the neighborhood. Then came our March 27, 2019 meeting in Kew Gardens with the Mayor. Accused of not following any of the Lippman Commission recommendations, the Mayor responded by saying the Lippman Report was not his "Bible." The Mayor then dropped all pretense that the Queens jail would be an asset when he asked us straight out — what did we want in exchange for shouldering this "burden" for the City.

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The City proposes to build a massive jail complex in a residential community and yet the DEIS finds no adverse effects! It states that the defining features of the study area's neighborhood character would not be adversely affected! It defies logic for the City Planning Commission and the City Council to agree that a project imposed on a small residential community, a project massive in size, scope and complex goals, rising perhaps 333 feet and housing 1437 people, which given the new bail reform policies, would likely house the most violent felons – would not result in adverse effects!

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The application asserts that "The proposed detention facility will contribute to the variety of buildings that compose the urban design character of the study area."⁴ This is an extraordinary statement. We note that no jail was incorporated into the major build at Hudson Yards, even though the City contributed some \$6 billion to this area for the rich and superrich.

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As recommended by Borough President Katz, the City must start over and ensure community involvement from the outset. A fiscally responsible plan should be created that reflects an honest and complete evaluation of justice reform. The new plan should ensure that the many mistakes made at Riker's Island will be corrected and the plan cannot destroy existing communities.

Endnotes

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Community/Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

Application #: **C 190342 ZSQ**

CEQR Number: 18DOC001Y

Project Name: **Borough Based Jail System**

Borough(s): Queens

Community District Number(s): 9

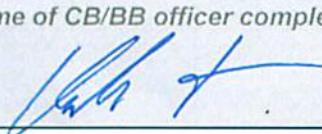
Please use the above application number on all correspondence concerning this application

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SEE ATTACHED

Applicant(s): NYC Department of Correction 75-20 Astoria Boulevard, East Elmhurst, NY 11370 Mayor's Office of Criminal Justice 1Centre Street, New York, NY 10007	Applicant's Representative: Howard J. Fiedler, AIA NYC Department of Correction 75-20 Astoria Boulevard East Elmhurst, NY 11370
Recommendation submitted by: Queens Community Board 9	
Date of public hearing: <u>April 24, 2019</u> Location: <u>Queens Borough Hall, 120-55 Queens Blvd</u>	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> <small>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</small>	
Date of Vote: <u>May 14, 2019</u> Location: <u>Queens Borough Hall, Room 213</u>	
RECOMMENDATION	
<input type="checkbox"/> Approve	<input type="checkbox"/> Approve With Modifications/Conditions
<input checked="" type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions
<u>Please attach any further explanation of the recommendation on additional sheets, as necessary.</u> (see attached)	
Voting # In Favor: <u>28</u> # Against: <u>0</u> # Abstaining: <u>1</u> Total members appointed to the board: <u>39</u>	
Name of CB/BB officer completing this form 	Title <u>Chris</u> Date <u>May 28 2019</u>

City of New York



COMMUNITY BOARD NO. 9

Queens Borough Hall
120-55 Queens Boulevard, Room 310-A
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Facebook: [@communityboard9](https://www.facebook.com/@communityboard9)

Kenichi Wilson, Chairperson * James S. McClelland, District Manager * Melinda Katz, Borough President

Response to ULURP # C 190342 ZSQ

May 14, 2019

Queens Community Board 9 Resolution In Opposition to Borough Based Jails

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On March 25, 2019, the City Planning Commission (CPC) certified as complete, the application of the New York City Department of Correction and the Mayor's Office of Criminal Justice to build four jails, one each in the Bronx, Brooklyn, Manhattan and Queens. All four jails were certified as a single ULURP, an action we believe is unique in the history of ULURP.

3. Certification of a Concept

Moreover, this CPC application was certified as a "concept." We question how you certify a concept, an action which is a dramatic departure from the land-use process.

4. Criminal Justice Reform, Bail Reform and its Impact on the Borough-based Jails and ULURP

Referring in a New York Times article to recently passed NY State legislation on bail reform, the Governor stated that he expects that 90% of individuals arrested will be released, not jailed, thus, free to await their court date at liberty. In this case:

- a) Why are we building four enormous jails?
- b) If this leaves the 10% who cannot be released or bailed because of public safety concerns, it means that the most violent felons will be housed in local residential communities.

This is not a recipe for safety.

5. Fiscal Irresponsibility

The Lippman Commission estimated that building the four jails would cost \$10.6 billion. The Mayor has only allocated \$8.6 billion in his budget for closing Rikers. We estimate that if financed over a 10 year period, the cost of these jails could grow to \$30 billion or more. New York City currently has approximately \$77.8 billion in tax backed debt outstanding. This debt is secured mostly by property, income and sales taxes and the amount represents only the principal portion. All this while NYCHA Public housing needs some \$30 billion in repairs; there are over 63,000 homeless people in the City, many of them children¹ and the Mayor's answer is to build 90 homeless shelters. And what would \$30 billion invested in education, housing, communities, etc. do to prevent people becoming involved in criminal activity in the first place.

Where is the money for this? This is especially critical because the City budget currently faces shortfalls. Mayor DeBlasio has ordered City agencies to cut their budgets and to make these cuts re-occurring.

6. Rikers Island Moved into Local Communities

We heard long and loudly at the Board's public hearing that the culture of Rikers Island is one of violence. It is the culture of violence which really needs to be changed. Yet what we see is that the Mayor shows little concern about the consequences of moving that violent culture into four local neighborhoods. Despite the City's PowerPoint presentation showing sketches of happy faces in the hotel-like entrance lobby to the jail, WE are concerned.

7. Massive Jails

The Mayor's Deputy Director for Criminal Justice showed photos of modern jails to the City Planning Commission on September 24, 2018 - photo of a two story modern building in Las Colinas, San Diego appearing in a desert-like setting, plus a photo of a new Denver jail, which appears to be between 8 and 10 stories. Why show these to CPC when what you are proposing are mega vertical jails.

8. A Jail in Kew Gardens Makes No Sense

According to the Lippman Commission Report, the jails were to be placed in communities where they would be an asset with services such as a community center, counseling, tutoring, etc., that not only inmates but ²local communities needed, wanted and had asked for, so inmates released back into their communities, as well as local residents, could go on being helped by the jail based facilities. Because, wrote the Commission, such jails could "*positively change the culture and context of the neighborhood*" leading fewer people into the prison systems, thereby helping break the cycle of incarceration.

In August, 2018 the three ZIP Codes surrounding Kew Gardens had 25 individuals in detention. Therefore, Kew Gardens is not that community.

9. Borough-Based Jails

The revived idea for borough-based jails (which existed in the City in the 1950s) stems from the 2017 Lippman Commission report calling for closing Rikers and building jails in four boroughs - the Bronx, Brooklyn, Manhattan and Queens (Staten Island is apparently exempt). But the Lippman Commission report also stated:

1. There should be an early search for potential jail sites and discussions with those living in those areas.
2. Jails should not be built in residential communities.
3. Jails should be small and proportional in size to the population of the borough's incarcerated numbers
4. Jails shall be an asset to the community and integrated into the community.
5. Jails should contain programs and services not just for the inmates but for the local community in order to "*positively change the culture and context of the neighborhood*" leading fewer people into the prison system, thereby helping break the cycle of incarceration.

None of these recommendations was followed.

10. An Early Search for Potential Jail Sites and Discussions with Residents in Potential Areas.

This never happened for Queens. The \$7.6 million City contract given to Perkins Eastman in January 2018, produced (1) sketches of community-friendly jails looking as if they were lining Madison Avenue and (2) print materials describing these jails as "assets," and as "campuses." But as part of its \$7.6 million contract, Perkins was supposed to seek out potential sites and speak with people living there. No search for sites ever took place, and no effort was ever made to look for or speak with community people at even the chosen site. We learned from the Deputy Director of the Mayor's Office of Criminal Justice in a November meeting with Perkins Eastman and Mayoral staff, that choosing Kew Gardens was a "policy decision of the Mayor's."

Whatever the City and Perkins Eastman were doing for 6 ½ months, only the August 15 press release informed Kew Gardens. (This in the last two weeks leading up to Labor Day). On September 20, 2018, our

Councilwoman held a small meeting in her office at which junior Perkins Eastman staff showed a Power Point presentation but could answer few questions. Yet two days later, on September 24, the Mayor's Deputy Director of Criminal Justice stated to the New York City Planning Commission (CPC): "we have been engaged in a significant amount of community and neighborhood engagements. . . We have been engaged in both open and closed community meetings."!! This was certainly not true for Queens.

11. Jails Should Not Be in Residential Communities

Kew Gardens is a residential community, the subject of the 1999 book - *Kew Gardens: Urban Village in the Big City. An Architectural History of Kew Gardens*. Also, immediately adjacent to the proposed jail complex is the residential community of Briarwood. The DEIS (Draft Environmental Impact Statement) ignores these facts and denies any adverse effect on community, stating that Queens Boulevard is a buffer to the Kew Gardens community. However, (a) thousands of people live in apartment buildings immediately across the street and adjacent to the proposed complex, (b) within two blocks of this proposed jail complex begin blocks and blocks of one and two-family homes, plus two elementary schools and a preschool. Yet the DEIS (Draft Environmental Impact Statement) makes the startling assertion that there is no adverse impact on the neighborhood character, acknowledging only that "to the southwest and the east, the study area contains the residential neighborhood of Kew Gardens and Briarwood."

The DEIS and the Mayor's literature refer to Kew Gardens as the Queens Civic Center because it has a courthouse, Queens Borough Hall and a small (in comparison) detention center closed since 2002. Yet, there are two other detention centers and 4 other courts in Queens.

12. Jails Should Be Small and Proportional in Size to the Borough's Incarcerated Population

The proposed jail is neither small nor proportional. Certified as over 1.2 million square ft. and reaching 270 feet high, the certified application also states that "however to provide flexibility in final design," the height could reach 332.92 feet³ And given the language in that section, it could be even higher, and thus even denser with detainees, staff, cars, delivery trucks, etc. As for being proportional, in August 2018, Queens had 987 people in jails. The Queens jail is proposed for 1437.

13. Jails Will Be an Asset to and Integrated into the Community.

We had been continuously told, orally and in writing that these jails would be community "assets," because, as noted, they would provide important services to those jailed, as well as help change for the positive the culture and context of the neighborhood. Then came our March 27, 2019 meeting in Kew Gardens with the Mayor. Accused of not following any of the Lippman Commission recommendations, the Mayor responded by saying the Lippman Report was not his "Bible." The Mayor then dropped all pretense that the Queens jail would be an asset when he asked us straight out — what did we want in exchange for shouldering this "burden" for the City.

14. Adverse Impact on the Community

The City proposes to build a massive jail complex in a residential community and yet the DEIS finds no adverse effects! It states that the defining features of the study area's neighborhood character would not be adversely affected! It defies logic for the City Planning Commission and the City Council to agree that a project imposed on a small residential community, a project massive in size, scope and complex goals, rising perhaps 333 feet and housing 1437 people, which given the new bail reform policies, would likely house the most violent felons – would not result in adverse effects!

15. Urban design

The application asserts that "The proposed detention facility will contribute to the variety of buildings that compose the urban design character of the study area."⁴ This is an extraordinary statement. We note that no jail was incorporated into the major build at Hudson Yards, even though the City contributed some \$6 billion to this area for the rich and superrich.

16. Congestion

The DEIS chose to assess the jail's impact on congestion at hours that are not of highest congestion. During the early evening of CB 9's public hearing on April 24 at Queens Borough Hall, (the location of the proposed jail complex), two fire engines were caught in heavy traffic and delayed. The DEIS tells us that since the area is already congested, aside from changing the timing of lights and improving signage at four intersections, there's nothing to be done about this congestion; it is not mitigatable. Yet this, section by borough Hall, etc. will have to absorb the traffic from over 1200 parked vehicles moving in and out of the complex, as well as trucks making deliveries into the two delivery bays - no matter where the sally ports are located. So if fire engines and other safety vehicles are delayed even longer in the increased congestion caused by this mega jail, it would seem that the City's answer is - so be it.

17. Jails, Courts and Borough of Residence

Two factors are emphasized in the application: 1) jails must be adjacent to court houses to avoid transportation delays and 2) **Individuals will be their borough of residency**⁴ to be near family and friends. This may happen sometimes, but not as a matter of course. It is where the individual is arraigned which determines the court he/she will be tried. The individual may live in Queens, but if arrested and arraigned in Manhattan, that person must be transported from Queens to Manhattan. So the only difference is that the Department of Corrections' Van will drive in a different direction. In addition, Queens does not have enough detainees to fill the proposed jail, and if all women are to be in one facility, it won't matter where they reside.

18. Rehabilitating Rikers

We are told that Rikers' buildings are in terrible physical shape and its culture is one of violence. We are told that even if brand-new buildings are built, that Rikers is isolated and difficult to reach. Yet that is the simplest problem to solve -- add a stop on the ferry which already passes Rikers; even weekly taxi vouchers for friends, family and loved ones would cost less than building four mega jails. It is the culture of violence which really needs to be changed. The City's numbers show us that 42% of the jail population has serious mental health problems. Why are they in jail? and if they weren't in the jails, in addition to a falling jailed population, then massive jails are not needed.

Why let people suffer on Rikers Island when the City could make an immediate difference, not several years into the future. Don't renovate, build anew. Where are any outdoor recreation areas in any of these four proposed jails? Build modern, low-rise facilities such as those the Mayor's Deputy Director for Criminal Justice showed photos of to the City Planning Commission on September 24, 2018 - a photo of a two story modern building in Las Colinas, San Diego appearing in a desert like setting, plus a photo of a new Denver jail, which appears to be between 8 and 10 stories.

Why show these to CPC when mega vertical jails are being proposed?

The City has apparently made no effort to consider the option of rehabilitating the existing Riker's Island jail system. This is the first thing the City should have done and should still do. Or perhaps the interest in Rikers as part of a major real estate deal is a possible deterrent. The April 5th Regional Planning Association's panel discussion about Rikers labeled "The Inner Harbor" have set sights in another direction. And we cannot help remarking on the fact that though the Lippman Commission had no local community residents, it did have three representatives of the major developer, Forest City Ratner, Including its CEO.

Perhaps we should listen to the words of the Deputy Director of the Mayor's Office of Criminal Justice which she wrote in a 2007 paper for the Center for Constitutional Rights.

Impacts of Jail Expansion in New York State: A Hidden Burden

By Dana Kaplan

May 2007

CENTER FOR CONSTITUTIONAL RIGHTS

"The public must be more actively informed and engaged in the process of determining jail policy. State elected officials and county legislators must also re-evaluate their spending priorities to determine whether massive investment in detention is the most effective use of taxpayer money, instead of investing in, for example, education or health initiatives. Lessons learned from recent expansion projects, possible alternatives to jail construction, and the impacts of these respective policy decisions on the people of New York State must all be taken into greater consideration when making these critical planning decisions. As the state of New York undergoes an evaluation of many of its current criminal justice practices, there is also an opportunity to re-examine its detention policies. Failure to do so may leave us in a position much like our prison incarceration policies, where we are now bearing the social and fiscal costs of public policy that was informed by politics instead of rational assessment, and whose consequences are far harder to undo than was its implementation." (The bold is ours)

For all the reasons cited, CB9 stands firmly and adamantly opposed to the City's plans to replace Riker's Island jails with borough-based jails. While CB9 recognizes the need for prison reform, we believe the City's borough-based jail plans are inexplicably rushed and ill-considered. A fiscally responsible plan should be created that reflects an honest, complete evaluation of justice reform. The new plan should ensure that the many mistakes made at Riker's Island will be corrected and that the plan does not destroy existing communities. The plan proposed does none of that.

As recommended by Borough President Katz, the City must start over and ensure community involvement from the outset. A fiscally responsible plan should be created that reflects an honest and complete evaluation of justice reform. The new plan should ensure that the many mistakes made at Riker's Island will be corrected and the plan cannot destroy existing communities.

Endnotes

¹ In fiscal year 2018, 45,657 children spent at least one night in a New York City shelter – a figure that continues to hover near record levels. More than two-thirds of those children, or 67.6 percent, were school-age, the second-highest percentage since the City began publicly reporting that measure in 2002. **Coalition for the Homeless: State of the Homeless 2019**

² 11415, 1418, 11424

³ certified application, page 25. However, to provide flexibility in final design, this application is seeking a proposed maximum permitted building envelope that will extend vertically above the average curb level of each street frontage of the proposed development site ranging from heights of 262.95 feet to 292.92 feet for the roof of habitable space and from 302.95 feet to 332.92 feet for rooftop mechanical bulkheads, parapets, and rooftop horticultural and related space.

⁴ Certification document, Fair Share Analysis, page one

Queens Borough President Recommendation

APPLICATION: ULURP #190333 PSY

COMMUNITY BOARD: Q09

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the Department of Correction, the Mayor's Office of Criminal Justice, and the Department of Citywide Administrative Services, pursuant to Section 197-c of the NYC Charter, for the selection of property located at:

1. 745 East 141st Street (Block 2574, p/o Lot 1), Bronx Community District 1;
2. 275 Atlantic Avenue (Block 175, Lot 1), Brooklyn Community District 2;
3. 124 White Street (Block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Manhattan Community District 1;
4. 126-02 82nd Avenue (Block 9653, Lot 1), 80-25 126th Street (Block 9657, Lot 1), and the bed of 82nd Avenue between 126th & 132nd Streets, Queens Community District 9;

for borough-based jail facilities.

(Queens Related: ULURPs # 190117 MMQ, N190334 ZRY, 190342 ZSQ)

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, June 13, 2019 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were twenty-five (25) speakers in favor with fifteen (15) speakers against. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Department of Correction (DOC) and the Mayor's Office of Criminal Justice (MOCJ) have submitted this application proposing the sites for the Borough Based Jails plan. The proposed Queens site is located at 126-02 82nd Avenue and 80-25 126th Street (Block 9653, p/o Lot 1 and Block 9657, Lot 1);
- The proposed complex would include the existing 209,000 GSF Queens Detention Complex which is no longer in use. The new construction would contain approximately 1,258,000 GSF that include space for 1,437 beds for detainees, related support space and community facility space, 605 secure accessory parking spaces. There would be 676 public parking spaces provided in a separate standalone garage adjacent to the detention facility;
- The project area is bordered by Union Turnpike, the Van Wyck Expressway, Hoover Avenue and Queens Boulevard. Existing development in the immediate area includes Queens Borough Hall, The Queens Criminal Courts and the \$15 million, 302-space Queensboro Hall Municipal Parking Field reopened in March 2018. The areas around the proposed site are mostly developed with residential buildings ranging from medium height and density buildings north and south of Queens Boulevard and along Union Turnpike. There are a few taller buildings built along Queens Boulevard with ground floor retail uses;
- Community Board 9 (CB 9) disapproved this application by a vote of twenty-eight (28) against with none (0) in favor and one (1) abstaining at a public meeting held on May 14, 2019. CB 9 in their recommendation outlined the reasons for disapproval as follows:
 1. The ULURP process was flawed and not appropriately undertaken. Many who were invited to the neighborhood advisory meetings did not live in the neighborhood. The plan as presented was "*fait accompli*" and the essence of consultation were "*basically about which color would we like the drapes*". Contracts have already been let for the creation of design-build management teams well before any ULURP hearings have been held or any votes have been cast;
 2. The ULURP application for site selection was bundled into one single application for the four affected boroughs;
 3. The applications certified were for a conceptual plan;
 4. Citing a NY Times article with a statistic that as much as 90% of those arrested would be released, CB 9 questions the need for four very large jails and that the remaining 10% "*most violent felons*" would then be housed in local residential neighborhoods;
 5. The proposed Borough Based Jails plan is fiscally irresponsible. CB 9 projects that the financed cost would be \$30 billion or more over ten years. CB 9 states that these funds would not be available for other needs such as NYCHA needs, homeless programs and education needs that are needed to address and prevent criminal activity;
 6. Concerns that the problems of Rikers Island are being moved into local communities;
 7. The trend elsewhere in the country, as presented to the City Planning Commission September 24, 2019, is for smaller scale jails;
 8. Kew Gardens is the wrong neighborhood for a jail. The Lippman Commission Report recommended placement of jails in communities that would most be served by support services could be provided for those being released back into the community. As of August 2018, there were 25 individuals in detention from the three zip code areas around Kew Gardens;

**Queens Borough President Recommendation
ULURP #190333 PSY**

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9. Borough Based Jails as recommended by the Lippman Commission Report had a number of siting criteria that are not followed in the proposed plan;
10. The contract to locate potential sites for Borough Based Jails began in January 2018. Kew Gardens was only informed through the August 15, 2018 press release announcing the selected sites. This was followed by a September 20th meeting during which a Power Point presentation was shown with few answers to questions. Community and neighborhood public engagement did not occur as stated;
11. Jails should not be in residential neighborhoods;
12. Jails should be small and proportional in size to the borough's incarcerated population;;
13. The proposed Queens jail would be a burden on the neighborhood and not an asset;
14. The jail would have an adverse impact on the small residential Kew Gardens community contrary to the findings of the Draft Environmental Impact Statement (DEIS);
15. The proposed jail is totally out of character with the urban design of the area;
16. The DEIS notes that the area already suffers from congestion and heavy traffic and that some traffic light timings and signage would help. However, the Borough Hall area will be affected by the addition of the large jail complex and traffic generated by 1200 vehicles moving in and out of the complex;
17. Trials occur in the borough of arraignment meaning that individuals would still have to be transported to the other boroughs. There are not enough Queens based detainees to occupy the proposed jail. All women are proposed to be housed in Queens – again contrary to the borough residency concept;
18. Rikers Island should be rehabilitated to improve the existing harsh conditions, a ferry stop should be added for the facility, and alternate treatment of the estimated 42% of the prison population should be provided away from prisons to reduce the need for beds;

RECOMMENDATION

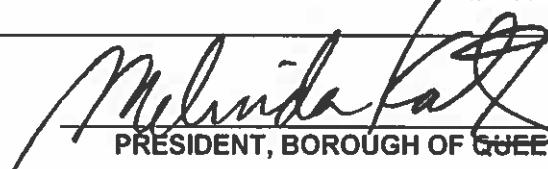
Rikers Island needs to be closed. Ever since the Mayor's Office of Criminal Justice announced the Borough Based Jail project in August 2018 there has been much discussion, debate and an outcry of confusion about how the plan was conceived. Of particular concern has been the lack of community outreach during the planning process, and the lack of any opportunity afforded the community to provide meaningful input until after a plan had been formulated and presented for review.

Prior to certification of the Borough Based Jails ULURP applications, I reached out to the Mayor's Office in letters separately and jointly with the Bronx Borough President asking to stop the process and to instead begin a new more community based approach to plan the replacement of Rikers Island.

Ever since August 2018, as the plans for the Borough Based Jails were filtering out, both sides for and against the plan have expressed universal agreement that Rikers Island is a monument of inhumane dangerous conditions that must be closed. Any replacement plan must recognize the needs of all who are affected: those who are incarcerated and detained, and as importantly the families and loved ones of the incarcerated who now spend the better parts of days traveling and then waiting to visit them.

Based on the above consideration, I hereby recommend disapproval for the following reasons:

- The Mayor's Office of Criminal Justice testified that since the filing of the applications that the estimated projections of the Average Daily Population of the jails have dropped due to dropping crime rates, legislative measures, alternative sentencing, diversion programs and other such reforms. The combined result of these measures is that there is a possibility that the jail population may be reduced to 3000 to 4000. All of these actions must be carefully assessed to assure that the number of people in jail reaches the 3000 threshold in a responsible manner that truly is safer and manageable for all those affected;
- Before any sites are considered, there has to be meaningful dialogue with all community stakeholders with consensus there has to be agreement about the size and scale of any facility that would meet the goals of maintaining the connection between the incarcerated and their families. Instead of reacting to a plan, with active engagement and the ability to fully exchange ideas during a robust planning process the community would more readily accept a plan they had worked on;
- A 1500 person jail anywhere in Queens is unacceptable. The purpose of closing Rikers Island and instead creating community based jails is to have smaller facilities meant to provide treatment, education and other needed services for those detained or incarcerated. Much of the violence and inhumane treatment of those jailed which has led to the efforts to close Rikers Island is due to the massive size and conditions caused by it. Smaller facilities closer to the homes and communities of the imprisoned would better meet the goals of maintaining the communal ties that would help reduce recidivism, create better manageable and safer working conditions for those who are responsible for guarding and rehabilitating those housed, and would bring relief to the families and loved ones who now have to endure many obstacles to maintain contact with the incarcerated or detained individuals.


Melinda Katz
PRESIDENT, BOROUGH OF QUEENS

6/18/19
DATE

Queens Borough President Recommendation

APPLICATION: ULURP #190117 MMQ

COMMUNITY BOARD: Q09

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the New York City Department of Correction pursuant to Sections 197-c and 199 of the NYC Charter, and Section 5-430 et seq. of the NYC Administrative Code for an amendment of the City Map involving:

- the elimination, discontinuance and closing of 82nd Avenue between 126th Street and 132nd Street;
- the elimination of two Public Places within the area bounded by Union Turnpike, 132nd Street, Hoover Avenue, Queens Boulevard, 82nd Avenue and 126th Street;
- the adjustment of grades and block dimensions necessitated thereby:

including authorization for any acquisition or disposition of real property related thereto, in Community District 9, Borough of Queens, in accordance with Map No. CPC 190117 MMQ dated March 25, 2019 and signed by the Director of the Department of City Planning. (Related: ULURPs #190333 PSY, N190334 ZRY, 190342 ZSQ)

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, June 13, 2019 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were twenty-five (25) speakers in favor with fifteen (15) speakers against. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Department of Correction (DOC) is proposing the demapping of 82nd Avenue between 126th & 132nd Streets and Public Places to facilitate development of the proposed Queens Borough Based Jail at 126-02 82nd Avenue and 80-25 126th Street (Block 9653, p/o Lot 1 and Block 9657, Lot 1);
- The proposed complex would include the existing 209,000 GSF Queens Detention Complex which is no longer in use. The new construction would contain approximately 1,258,000 GSF that include space for 1,437 beds for detainees, related support space and community facility space, 605 secure accessory parking spaces. There would be 676 public parking spaces provided in a separate standalone garage adjacent to the detention facility;
- The project area is bordered by Union Turnpike, the Van Wyck Expressway, Hoover Avenue and Queens Boulevard. Existing development in the immediate area includes Queens Borough Hall, The Queens Criminal Courts and the \$15 million, 302-space Queensboro Hall Municipal Parking Field reopened in March 2018. The areas around the proposed site are mostly developed with residential buildings ranging from medium height and density buildings north and south of Queens Boulevard and along Union Turnpike. There are a few taller buildings built along Queens Boulevard with ground floor retail uses;
- Community Board 8 (CB 8) disapproved this application by a vote of thirty-eight (38) against with two (2) in favor and none abstaining at a public meeting held on May 8, 2019. The application was not certified to CB 8, however, they wanted to express their concerns due to the proximity of the proposed jail to their district;
- Community Board 9 (CB 9) disapproved this application by a vote of twenty-eight (28) against with none (0) in favor and one (1) abstaining at a public meeting held on May 14, 2019. CB 9 in their recommendation outlined the reasons for disapproval as follows:
 1. The ULURP process was flawed and not appropriately undertaken. Many who were invited to the neighborhood advisory meetings did not live in the neighborhood. The plan as presented was "*fait accompli*" and the essence of consultation were "*basically about which color would we like the drapes*". Contracts have already been let for the creation of design-build management teams well before any ULURP hearings have been held or any votes have been cast;
 2. The ULURP application for site selection was bundled into one single application for the four affected boroughs;
 3. The applications certified were for a conceptual plan;
 4. Citing a NY Times article with a statistic that as much as 90% of those arrested would be released, CB 9 questions the need for four very large jails and that the remaining 10% "*most violent felons*" would then be housed in local residential neighborhoods;
 5. The proposed Borough Based Jails plan is fiscally irresponsible. CB 9 projects that the financed cost would be \$30 billion or more over ten years. CB 9 states that these funds would not be available for other needs such as NYCHA needs, homeless programs and education needs that are needed to address and prevent criminal activity;
 6. Concerns that the problems of Rikers Island are being moved into local communities;
 7. The trend elsewhere in the country, as presented to the City Planning Commission September 24, 2019, is for smaller scale jails;

Queens Borough President Recommendation

ULURP #190117 MMQ

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8. Kew Gardens is the wrong neighborhood for a jail. The Lippman Commission Report recommended placement of jails in communities that would most be served by support services could be provided for those being released back into the community. As of August 2018, there were 25 individuals in detention from the three zip code areas around Kew Gardens;
9. Borough Based Jails as recommended by the Lippman Commission Report had a number of siting criteria that are not followed in the proposed plan;
10. The contract to locate potential sites for Borough Based Jails began in January 2018. Kew Gardens was only informed through the August 15, 2018 press release announcing the selected sites. This was followed by a September 20th meeting during which a Power Point presentation was shown with few answers to questions. Community and neighborhood public engagement did not occur as stated;
11. Jails should not be in residential neighborhoods;
12. Jails should be small and proportional in size to the borough's incarcerated population;
13. The proposed Queens jail would be a burden on the neighborhood and not an asset;
14. The jail would have an adverse impact on the small residential Kew Gardens community contrary to the findings of the Draft Environmental Impact Statement (DEIS);
15. The proposed jail is totally out of character with the urban design of the area;
16. The DEIS notes that the area already suffers from congestion and heavy traffic and that some traffic light timings and signage would help. However, the Borough Hall area will be affected by the addition of the large jail complex and traffic generated by 1200 vehicles moving in and out of the complex;
17. Trials occur in the borough of arraignment meaning that individuals would still have to be transported to the other boroughs. There are not enough Queens based detainees to occupy the proposed jail. All women are proposed to be housed in Queens – again contrary to the borough residency concept;
18. Rikers Island should be rehabilitated to improve the existing harsh conditions, a ferry stop should be added for the facility, and alternate treatment of the estimated 42% of the prison population should be provided away from prisons to reduce the need for beds;

RECOMMENDATION

Rikers Island needs to be closed. Ever since the Mayor's Office of Criminal Justice announced the Borough Based Jail project in August 2018 there has been much discussion, debate and an outcry of confusion about how the plan was conceived. Of particular concern has been the lack of community outreach during the planning process, and the lack of any opportunity afforded the community to provide meaningful input until after a plan had been formulated and presented for review.

Prior to certification of the Borough Based Jails ULURP applications, I reached out to the Mayor's Office in letters separately and jointly with the Bronx Borough President asking to stop the process and to instead begin a new more community based approach to plan the replacement of Rikers Island.

Ever since August 2018, as the plans for the Borough Based Jails were filtering out, both sides for and against the plan have expressed universal agreement that Rikers Island is a monument of inhumane dangerous conditions that must be closed. Any replacement plan must recognize the needs of all who are affected: those who are incarcerated and detained, and as importantly the families and loved ones of the incarcerated who now spend the better parts of days traveling and then waiting to visit them.

Based on the above consideration, I hereby recommend disapproval for the following reasons:

- The Mayor's Office of Criminal Justice testified that since the filing of the applications that the estimated projections of the Average Daily Population of the jails have dropped due to dropping crime rates, legislative measures, alternative sentencing, diversion programs and other such reforms. The combined result of these measures is that there is a possibility that the jail population may be reduced to 3000 to 4000. All of these actions must be carefully assessed to assure that the number of people in jail reaches the 3000 threshold in a responsible manner that truly is safer and manageable for all those affected;
- Before any sites are considered, there has to be meaningful dialogue with all community stakeholders with consensus there has to be agreement about the size and scale of any facility that would meet the goals of maintaining the connection between the incarcerated and their families. Instead of reacting to a plan, with active engagement and the ability to fully exchange ideas during a robust planning process the community would more readily accept a plan they had worked on;
- A 1500 person jail anywhere in Queens is unacceptable. The purpose of closing Rikers Island and instead creating community based jails is to have smaller facilities meant to provide treatment, education and other needed services for those detained or incarcerated. Much of the violence and inhumane treatment of those jailed which has led to the efforts to close Rikers Island is due to the massive size and conditions caused by it. Smaller facilities closer to the homes and communities of the imprisoned would better meet the goals of maintaining the communal ties that would help reduce recidivism, create better manageable and safer working conditions for those who are responsible for guarding and rehabilitating those housed, and would bring relief to the families and loved ones who now have to endure many obstacles to maintain contact with the incarcerated or detained individuals.


Melinda Katz
PRESIDENT, BOROUGH OF QUEENS

6/18/19
DATE

Queens Borough President Recommendation

APPLICATION: ULURP #190342 ZSQ

COMMUNITY BOARD: Q09

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by the NYC Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the NYC Charter for the grant of a Special Permit pursuant to Section 74-832* of the NYC Zoning Resolution to modify:

- a. the Floor Area Ratio requirements of Section 33-10 (Floor Area Regulations);
- b. the Height and Setback requirements of Section 33-40 (Height and Setback Regulations);
- c. the permitted Accessory Parking requirements of Section 36-12 (Maximum size of Accessory Group Parking Facilities);
- d. the permitted Public Parking Garage requirements of Section 32-10 (Uses Permitted As of Right);
- e. the Loading Berth requirements of Section 36-00 (Off Street Loading Regulations);

to facilitate the construction of a borough-based jail facility, on property located at 126-02 82nd Avenue a.k.a. 80-25 126th Street (Block 9653 Lot 1, Block 9657 Lot 1, and the demapped portion of 82nd Avenue ** between 126th Street and 132nd Street) in a C4-4 district, Borough of Queens, Zoning Maps 14a, 14b & 14d, Borough of Queens. (Queens Related: ULURPs # 190117 MMQ, 190333 PSY, N190334 ZRY)

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, June 13, 2019 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were twenty-five (25) speakers in favor with fifteen (15) speakers against. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- o The Department of Correction (DOC) and the Mayor's Office of Criminal Justice (MOCJ) have submitted this application for a Special Permit that would allow modification of requirements affecting floor area ratio, height and setback, size of accessory group parking facilities, public parking garages and loading berths to facilitate the Queens Borough Based jail;
- o The proposed complex would include the existing 209,000 GSF Queens Detention Complex which is no longer in use. The new construction would contain approximately 1,258,000 GSF that include space for 1,437 beds for detainees, related support space and community facility space, 605 secure accessory parking spaces. There would be 676 public parking spaces provided in a separate standalone garage adjacent to the detention facility;
- o The project area is bordered by Union Turnpike, the Van Wyck Expressway, Hoover Avenue and Queens Boulevard. Existing development in the immediate area includes Queens Borough Hall, The Queens Criminal Courts and the \$15 million, 302-space Queensboro Hall Municipal Parking Field reopened in March 2018. The areas around the proposed site are mostly developed with residential buildings ranging from medium height and density buildings north and south of Queens Boulevard and along Union Turnpike. There are a few taller buildings built along Queens Boulevard with ground floor retail uses;
- o Community Board 8 (CB 8) disapproved this application by a vote of thirty-eight (38) against with two (2) in favor and none abstaining at a public meeting held on May 8, 2019. The application was not certified to CB 8, however, they wanted to express their concerns due to the proximity of the proposed jail to their district;
- o Community Board 9 (CB 9) disapproved this application by a vote of twenty-eight (28) against with none (0) in favor and one (1) abstaining at a public meeting held on May 14, 2019. CB 9 in their recommendation outlined the reasons for disapproval as follows:
 1. The ULURP process was flawed and not appropriately undertaken. Many who were invited to the neighborhood advisory meetings did not live in the neighborhood. The plan as presented was "*fait accompli*" and the essence of consultation were "*basically about which color would we like the drapes*". Contracts have already been let for the creation of design-build management teams well before any ULURP hearings have been held or any votes have been cast;
 2. The ULURP application for site selection was bundled into one single application for the four affected boroughs;
 3. The applications certified were for a conceptual plan;
 4. Citing a NY Times article with a statistic that as much as 90% of those arrested would be released, CB 9 questions the need for four very large jails and that the remaining 10% "*most violent felons*" would then be housed in local residential neighborhoods;
 5. The proposed Borough Based Jails plan is fiscally irresponsible. CB 9 projects that the financed cost would be \$30 billion or more over ten years. CB 9 states that these funds would not be available for other needs such as NYCHA needs, homeless programs and education needs that are needed to address and prevent criminal activity;
 6. Concerns that the problems of Rikers Island are being moved into local communities;
 7. The trend elsewhere in the country, as presented to the City Planning Commission September 24, 2019, is for smaller scale jails;
 8. Kew Gardens is the wrong neighborhood for a jail. The Lippman Commission Report recommended placement of jails in communities that would most be served by support services could be provided for

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- those being released back into the community. As of August 2018, there were 25 individuals in detention from the three zip code areas around Kew Gardens;
9. Borough Based Jails as recommended by the Lippman Commission Report had a number of siting criteria that are not followed in the proposed plan;
 10. The contract to locate potential sites for Borough Based Jails began in January 2018. Kew Gardens was only informed through the August 15, 2018 press release announcing the selected sites. This was followed by a September 20th meeting during which a Power Point presentation was shown with few answers to questions. Community and neighborhood public engagement did not occur as stated;
 11. Jails should not be in residential neighborhoods;
 12. Jails should be small and proportional in size to the borough's incarcerated population;
 13. The proposed Queens jail would be a burden on the neighborhood and not an asset;
 14. The jail would have an adverse impact on the small residential Kew Gardens community contrary to the findings of the Draft Environmental Impact Statement (DEIS);
 15. The proposed jail is totally out of character with the urban design of the area;
 16. The DEIS notes that the area already suffers from congestion and heavy traffic and that some traffic light timings and signage would help. However, the Borough Hall area will be affected by the addition of the large jail complex and traffic generated by 1200 vehicles moving in and out of the complex;
 17. Trials occur in the borough of arraignment meaning that individuals would still have to be transported to the other boroughs. There are not enough Queens based detainees to occupy the proposed jail. All women are proposed to be housed in Queens – again contrary to the borough residency concept;
 18. Rikers Island should be rehabilitated to improve the existing harsh conditions, a ferry stop should be added for the facility, and alternate treatment of the estimated 42% of the prison population should be provided away from prisons to reduce the need for beds;

RECOMMENDATION

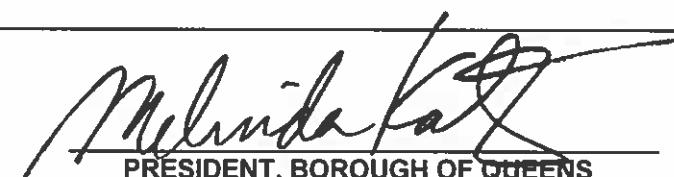
Rikers Island needs to be closed. Ever since the Mayor's Office of Criminal Justice announced the Borough Based Jail project in August 2018 there has been much discussion, debate and an outcry of confusion about how the plan was conceived. Of particular concern has been the lack of community outreach during the planning process, and the lack of any opportunity afforded the community to provide meaningful input until after a plan had been formulated and presented for review.

Prior to certification of the Borough Based Jails ULURP applications, I reached out to the Mayor's Office in letters separately and jointly with the Bronx Borough President asking to stop the process and to instead begin a new more community based approach to plan the replacement of Rikers Island.

Ever since August 2018, as the plans for the Borough Based Jails were filtering out, both sides for and against the plan have expressed universal agreement that Rikers Island is a monument of inhumane dangerous conditions that must be closed. Any replacement plan must recognize the needs of all who are affected: those who are incarcerated and detained, and as importantly the families and loved ones of the incarcerated who now spend the better parts of days traveling and then waiting to visit them.

Based on the above consideration, I hereby recommend disapproval for the following reasons:

- The Mayor's Office of Criminal Justice testified that since the filing of the applications that the estimated projections of the Average Daily Population of the jails have dropped due to dropping crime rates, legislative measures, alternative sentencing, diversion programs and other such reforms. The combined result of these measures is that there is a possibility that the jail population may be reduced to 3000 to 4000. All of these actions must be carefully assessed to assure that the number of people in jail reaches the 3000 threshold in a responsible manner that truly is safer and manageable for all those affected;
- Before any sites are considered, there has to be meaningful dialogue with all community stakeholders with consensus there has to be agreement about the size and scale of any facility that would meet the goals of maintaining the connection between the incarcerated and their families. Instead of reacting to a plan, with active engagement and the ability to fully exchange ideas during a robust planning process the community would more readily accept a plan they had worked on;
- A 1500 person jail anywhere in Queens is unacceptable. The purpose of closing Rikers Island and instead creating community based jails is to have smaller facilities meant to provide treatment, education and other needed services for those detained or incarcerated. Much of the violence and inhumane treatment of those jailed which has led to the efforts to close Rikers Island is due to the massive size and conditions caused by it. Smaller facilities closer to the homes and communities of the imprisoned would better meet the goals of maintaining the communal ties that would help reduce recidivism, create better manageable and safer working conditions for those who are responsible for guarding and rehabilitating those housed, and would bring relief to the families and loved ones who now have to endure many obstacles to maintain contact with the incarcerated or detained individuals.



Melinda Katz
PRESIDENT, BOROUGH OF QUEENS

6/18/19
DATE