

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:

- 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;
- 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;
 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.



PRESIDENT, BOROUGH OF QUEENS

6/18/19

DATE