

**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 141<sup>st</sup> 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 82<sup>nd</sup> Avenue (Block 9653, Lot 1), 80-25 126<sup>th</sup> Street (Block 9657, Lot 1), and the bed of 82<sup>nd</sup> Avenue between 126<sup>th</sup> and 132<sup>nd</sup> 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, 31<sup>st</sup> 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 142<sup>nd</sup> Street, a line 100 feet southeasterly of Concord Avenue, East 141<sup>st</sup> Street, and Concord Avenue; and
2. Establishing a Special Mixed Use District (MX-18) bounded by East 142<sup>nd</sup> Street, a line 100 feet southeasterly of Concord Avenue, East 141<sup>st</sup> 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 141<sup>st</sup> 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 141<sup>st</sup> Street, (Block 2574, p/o Lot 1). It is bounded by East 142<sup>nd</sup> Street on the north, East 141<sup>st</sup> 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 141<sup>st</sup> 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 142<sup>nd</sup> Street, near Southern Boulevard
- Court space entrance will be via East 141<sup>st</sup> Street, near Southern Boulevard
- Retail and/or community use facilities will be via East 141<sup>st</sup> 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 158<sup>th</sup> & East 161<sup>st</sup> streets)
- Bronx Hall of Justice, 265 East 161<sup>st</sup> Street (between Sherman & Morris avenues)
- Family Court, 215 East 161<sup>st</sup> Street (between Sheridan & Sherman avenues)
- Bronx District Attorney's Office, 198 East 161<sup>st</sup> Street (between Concourse Village West & Sherman Avenue)
- Probation Office, 198 East 161<sup>st</sup> 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 to 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 141<sup>st</sup>

and East 142<sup>nd</sup> streets. The site will front onto both East 141<sup>st</sup> and East 142<sup>nd</sup> 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 142<sup>nd</sup> Street and St. Mary's Street. A homeless shelter reaching three stories in height is located at East 142<sup>nd</sup> Street and Powers Avenue. Industrial buildings exceeding five stories are located north of East 144<sup>th</sup> 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 141<sup>st</sup> and East 142<sup>nd</sup> Streets. Multi-family residences composed of five story buildings are located on Southern Boulevard at East 142<sup>nd</sup> Street. Retail activity pursuant to a commercial overlay is found on East 138<sup>th</sup> 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 141<sup>st</sup> 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 143<sup>rd</sup> Street less than a ¼ mile away, the second is on Cypress Avenue at East 138<sup>th</sup> 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 138<sup>th</sup> 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 SEQRA 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 25<sup>th</sup> 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 141<sup>st</sup> 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 25<sup>th</sup>, 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 141<sup>st</sup> 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-153<sup>rd</sup> 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 proposals 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 161<sup>st</sup> 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 149<sup>th</sup> 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 151<sup>st</sup> 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