



September 3, 2019 / Calendar No. 12

C 190342 ZSQ

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 the grant of a special permit pursuant 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 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); and
- e. 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 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, Community District 9.

This application (C 190342 ZSQ) for a special permit was filed by the New York City (NYC) Department of Correction (DOC) and the NYC Mayor's Office of Criminal Justice 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 special permit, which is the subject of this report (C 190342 ZSQ), the following actions are also being considered concurrently with this application:

System-wide

- C 190333 PSY Site selection for four new borough-based jail facilities
- 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
- 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 190117 MMQ City map amendment to demap 82nd Avenue between 126th Street and 132nd Street

BACKGROUND

A full background discussion and description of this application appear in the report for the related site selection action (C 190333 PSY).

ENVIRONMENTAL REVIEW

The subject application (C 190342 ZSQ), in conjunction with the applications for related actions (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 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.

A summary of the environmental review appears in the report on the related application for a site selection (C 190333 PSY).

UNIFORM LAND USE REVIEW

On March 25, 2019 this application (C 190342 ZSQ), in conjunction with the applications for related actions (C 190333 PSY, N 190334 ZRY and C 190117 MMQ), was certified as complete by the Department of City Planning and duly referred to Community Board 9 and the Queens Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b) and in accordance with the procedures for non-ULURP matters. Queens Community Board 8 also formally requested to review the application.

Community Board Public Hearing

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 disapproval of the proposed application.

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.

Borough President Recommendation

This application (C 190342 ZSQ), in conjunction with the related applications, was considered by the Queens Borough President, who held a public hearing on this application on June 13, 2019 and issued a recommendation on June 18, 2019 disapproving the application.

A summary of the Borough President's recommendation appears in the report for the related site selection action (C 190333 PSY).

City Planning Commission Public Hearing

On June 19, 2019 (Calendar No. 12), the City Planning Commission scheduled July 10, 2019 for a public hearing on this application (C 190342 ZSQ). The hearing was duly held on July 10, 2019 (Calendar No. 19) in conjunction with the public hearing on the applications for the related actions (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 and C 190117 MMQ).

There were a number of speakers, as described in the report for the related site selection action (C 190333 PSY), and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a special permit (C 190342 ZSQ), in conjunction with the related actions, as modified, is appropriate.

A full description of the Commission's consideration appears in the report for the related site selection action (C 190333 PSY).

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-832 (Borough-based jail system) of the Zoning Resolution:

- (a) not applicable;
- (b) ground floor uses will be located in a manner that is inviting to the public and will integrate the facility within the surrounding community;
- (b) any increase in permitted floor area ratio will facilitate the development of the facility;
- (c) any bulk modifications will improve the interior layout and functionality of the facility;
- (d) such bulk modifications, including any increase in permitted floor area ratio, will have minimal adverse effects on access to light and air for buildings and open spaces in the surrounding area;
- (f) 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;
- (g) any modifications to the permitted capacity of #public parking garages#:
 - (1) 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
 - (2) 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 automobiles.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued 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 by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by the 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 the grant of a special permit pursuant 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 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); and

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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, Community District 9, is approved, as modified, and subject to the following conditions:

1. The property that is the subject of this application (C 190342 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Perkins Eastman, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-020	Zoning Analysis	08/30/2019
Z-030	Zoning Lot Site Plan	08/30/2019
Z-040	Ground Floor Plan	08/30/2019
Z-050	Waiver Plan – Roof Plan	08/30/2019
Z-060	Sections	08/30/2019

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.

5. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 190342 ZSQ), duly adopted by the City Planning Commission on September 3, 2019 (Calendar No. 12), 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