



September 3, 2019 / Calendar No. 2

N 190334 ZRY

IN THE MATTER OF an application submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) to create a special permit for a borough-based jail system.

This application (N 190334 ZRY) for a zoning text amendment was filed by the New York City (NYC) Department of Correction (DOC) and the NYC Mayor's Office of Criminal Justice (MOCJ) 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 zoning text amendment, which is the subject of this report (N 190334 ZRY), 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

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 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

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 (N 190334 ZRY), in conjunction with the applications for related actions (C 190333 PSY, 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 the Department of Correction.

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 (N 190334 ZRY), in conjunction with the applications for related actions (C 190333 PSY, 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) 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

Bronx Community Board 1 held a public hearing on this application (N 190334 ZRY), in conjunction with the related actions, 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.

Brooklyn Community Board 2 held a public hearing on this application (N 190334 ZRY), in conjunction with the related actions, 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 conditions.

Manhattan Community Board 1 held a public hearing on this application (N 190334 ZRY), in conjunction with the related actions, 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 conditions.

Queens Community Board 9 held a public hearing on this application (N 190334 ZRY), in conjunction with the related actions, on April 24, 2019 and on May 14, 2019, by a vote of 28 in favor, zero opposed and zero abstaining, adopted a resolution recommending disapproval of the proposed action.

Queens Community Board 8 requested to formally review the application and held a public hearing on this application (N 190334 ZRY), in conjunction with the related actions, 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 action.

All recommendations appear in the report on the related site selection action (C 190333 PSY).

Borough President Recommendation

The Bronx Borough President considered this application (N 190334 ZRY), in conjunction with the related actions, and on July 2, 2019 issued a recommendation disapproval of the proposed application.

The Brooklyn Borough President considered this application (N 190334 ZRY), in conjunction with the related actions, and on July 9, 2019 issued a recommendation to approve the proposed action with conditions.

The Manhattan Borough President considered this application (N 190334 ZRY), in conjunction with the related actions, and on July 5, 2019 issued a recommendation to approve the proposed application with conditions.

The Queens Borough President considered this application (N 190334 ZRY), in conjunction with the related actions, and on June 18, 2019 issued a recommendation to disapprove the proposed action.

All recommendations appear in the report on the related site selection action (C 190333 PSY).

City Planning Commission Public Hearing

On June 19, 2019 (Calendar No. 2) the CPC scheduled July 10, 2019 for a public hearing on this application (N 190334 ZRY). The hearing was duly held on July 10, 2019 (Calendar No. 9) in conjunction with the public hearing on the applications for the related actions (C 190333 PSY, 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 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 zoning text amendment (N 190334 ZRY) is appropriate.

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

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 and 200 of the New York City Charter that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
*** indicates where unchanged text appears in the Zoning Resolution

ARTICLE VII: ADMINISTRATION

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Chapter 4 Special Permits by the City Planning Commission

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74-83 Public Service Establishments

74-831 Court houses

In all #Commercial Districts#, the City Planning Commission may permit modifications of the applicable #bulk# regulations so as to allow the same #bulk# regulations as would apply for a

#community facility building# in the applicable #Commercial District# and may permit modifications of the applicable regulations in Sections 33-26 to 33-30, inclusive, relating to Yard Regulations or Sections 33-41 to 33-45, inclusive, relating to Height and Setback Regulations. The Commission shall find that because of site limitations such modifications are necessary for the proper design and operation of the court house.

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

74-832

Borough-based jail system

For #zoning lots# that are the subject of a site selection for a borough-based jail system pursuant to application C 190333 PSY, the City Planning Commission may, by special permit, allow modifications to the applicable regulations governing #uses#, #bulk#, including permitted #floor area ratio#, the permitted capacities of #accessory# off-street parking facilities and #public parking garages#, and off-street loading regulations, to facilitate construction of the proposed facilities. In order to grant such special permit, the Commission shall find that:

- (a) any #use# modifications will support the operation of the facility and will be compatible with the essential character of the surrounding area;
- (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;
- (c) any increase in permitted #floor area ratio# will facilitate the development of the facility;
- (d) any #bulk# modifications will improve the interior layout and functionality of the facility;
- (e) 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; and
- (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.

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

**74-84
Developments With Existing Buildings**

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The above resolution (N 190334 ZRY), duly adopted by the City Planning Commission on September 3, 2019 (Calendar No. 2) is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

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