

## A. INTRODUCTION

This section considers the potential for the proposed project to result in significant adverse impacts to land use, zoning, and public policy at the Bronx Site. Under the guidelines of the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, this analysis evaluates the uses and development trends in the area that may be affected by the proposed project and determines whether the proposed project is compatible with those conditions or may otherwise affect them. The analysis also considers the proposed project's compatibility with zoning regulations and other applicable public policies.

As described in Chapter 1, "Project Description," with the proposed project, the City would establish a system of four new modern borough-based detention facilities to house a total population of ~~5,000~~ 4,000 people. One facility will be located in each of the following boroughs: Bronx, Brooklyn, Manhattan, and Queens. The proposed project would facilitate the relocation of the detained people from Rikers Island to each of the new facilities and the closure of the jails on Rikers Island. At the Bronx Site, the proposed project would redevelop the existing New York City Police Department (NYPD) tow pound on the eastern portion of the site (745 East 141st Street) with a new detention facility containing approximately ~~4,270,000~~ 1,170,000 gross square feet (gsf) and support space, retail and community facility space, court-related facilities, and approximately 575 accessory parking spaces. The western portion of the site (320 Concord Avenue) would be rezoned from the existing M1-3 zoning district to a Special Mixed Use M1-4/R7X district. The rezoning is intended to allow for a future mixed-use development on the site. For the purposes of analysis and based on a conceptual design, the future mixed-use building is assumed to contain approximately 209,025 gsf of floor area, with approximately 31,000 gsf of ground-floor retail and/or community facility floor area and approximately 235 dwelling units; ~~which would include affordable units.~~ For the purposes of the EIS analysis, it is assumed that all of the dwelling units would be affordable.

To facilitate the overall proposed project, a zoning text amendment is required to create a special permit that will govern permitted use, bulk, density, including floor area ratio, parking, and loading for borough jail facilities. The proposed project at the Bronx Site would require approval of the special permit (created by the zoning text amendment) to modify zoning requirements for bulk including floor area and height and setback, as well as for parking and loading. In addition, to allow for the proposed mixed-use development on the western portion of the Bronx Site a zoning map amendment to map an M1-4/R7X District on the western portion of site; a zoning text amendment to designate an Mandatory Inclusionary Housing (MIH) area and establish Special Mixed Use District (MX); disposition of real property; designation of an Urban Development Action Area (UDAA); an Urban Development Action Area Project (UDAAP) designation would be required. A Site Selection approval would also be required for all sites for the proposed jail facility). Collectively, the zoning text amendment, special permit, zoning map amendment, MIH

text amendment, disposition of real property, designations for UDAA and UDAAP, and Site Selection approval comprise the “proposed actions.”

### PRINCIPAL CONCLUSIONS

The analysis presented in this section concludes that the proposed project would not have the potential to result in significant adverse impacts to land use, zoning, or public policy. While the proposed project would introduce a new detention facility to the study area, existing uses would be buffered by the expressway to the east and the future mixed-use building to the west. The proposed rezoning from M1-3 to the Special Mixed Use M1-4/R7X district would be in keeping with the existing R6 residential zoning district to the west of the project site and would also be consistent with the existing manufacturing zones surrounding the project site. In addition, the special permit would apply only to the proposed detention facility on the project site and would not have the potential to adversely affect zoning within the study area. The proposed project would also be supportive of public policies, including the goals of *Smaller, Safer, Fairer*.

### B. METHODOLOGY

Following the guidance of the *City Environmental Quality Review (CEQR) Technical Manual*, this analysis of land use, zoning, and public policy examines the area within ¼-mile of the Bronx site at 745 East 141st Street, which is the area within which the proposed project could reasonably be expected to have the potential to cause effects. The land use study area is generally bounded by East 147th Street to the north, East 137th Street to the south, Beekman Avenue to the west, and Locust Avenue to the east (see **Figure 2.1-1**). The project site and most of the study area are within Bronx CD 1.

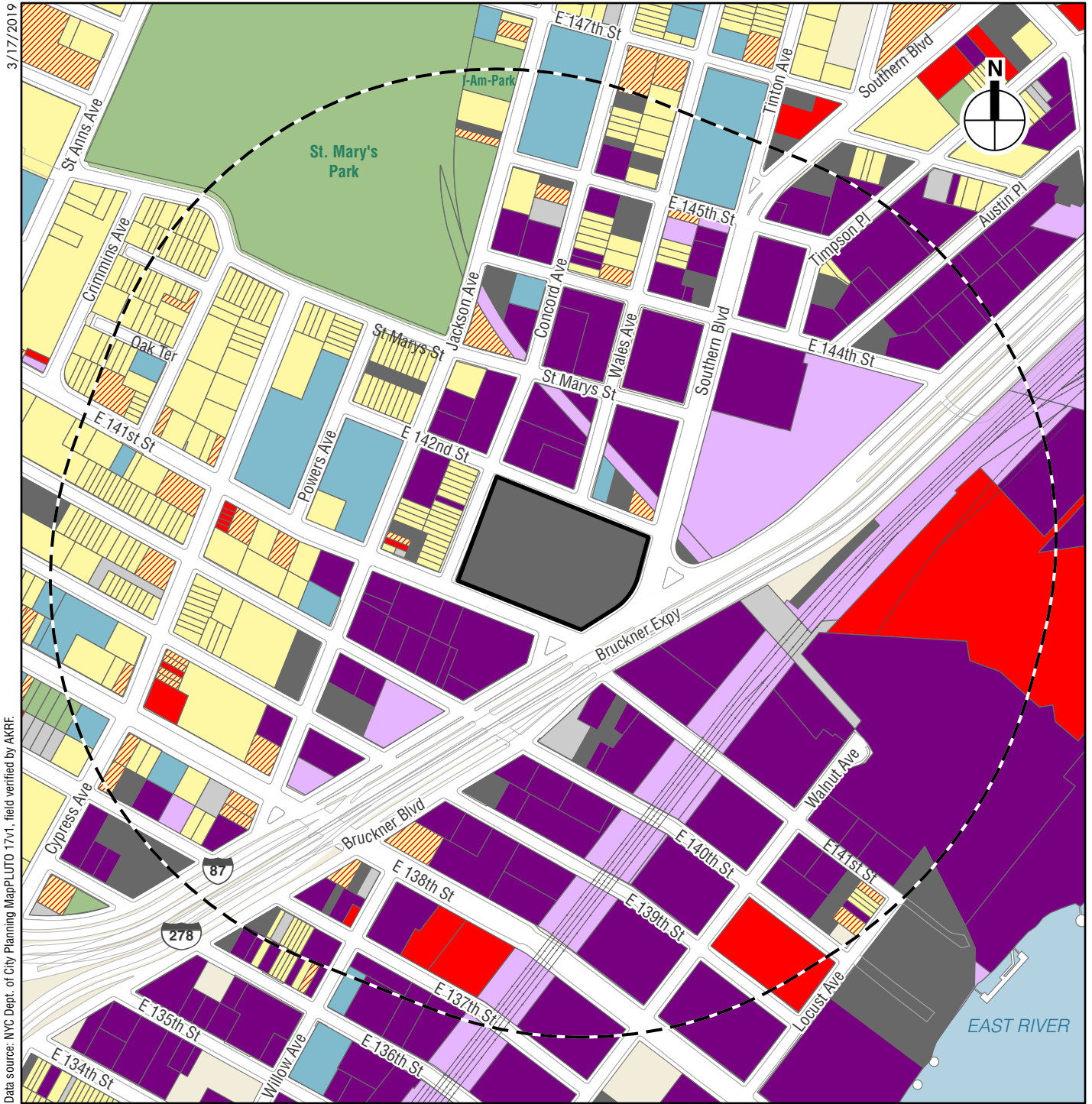
The analysis begins by considering existing conditions in the study area in terms of land use, zoning, and public policy. The analysis then considers land use, zoning, and public policy in the No Action condition in the ~~2027~~ 2026 build year by identifying developments and potential policy changes expected to occur within that timeframe. Probable impacts of the proposed actions are identified by comparing With Action conditions with No Action conditions. Data sources for this analysis include the New York City Department of City Planning (DCP), the New York City Department of Buildings (DOB), and recent environmental assessment and impact statements for projects in the study area.

### C. EXISTING CONDITIONS

#### LAND USE

##### *PROJECT SITE*

The project site (Block 2574, Lot 1) is located on the block bounded by East 142nd Street, Southern Boulevard, Bruckner Boulevard, East 141st Street, and Concord Avenue (see **Figure 2.1-1**). The site is currently in use as the NYPD Bronx Tow Pound and contains a small office structure, storage sheds, and space for vehicle storage. The site is surrounded by a fence and trees and is elevated above the grade of the surrounding streetscape.



- |  |   |  |                                    |
|--|---|--|------------------------------------|
|  | Project Site Boundary                   |  | Open Space and Outdoor Recreation  |
|  | Study Area Boundary (1/4-mile boundary) |  | Parking Facilities                 |
|  | Commercial and Office Buildings         |  | Public Facilities and Institutions |
|  | Industrial and Manufacturing            |  | Residential                        |

- |  |                                   |
|--|-----------------------------------|
|  | Residential with Commercial Below |
|  | Transportation and Utility        |
|  | Vacant Land                       |

### *STUDY AREA*

The study area is characterized by a mix of predominately light industrial and utility uses to the north, south, and east of the project site, and residential uses to the west. The study area is further bisected by the Bruckner Expressway (I-278) along with the abandoned Port Morris train tracks to the east (see **Figure 2.1-1**). The Bruckner Expressway acts as a buffer between the project site and additional industrial uses to the east, and most residential uses are located further to the west.

Two blocks immediately to the north of the project site contain large footprint storage uses, such as the four-story Extra Space Storage facility, while the block between Wales Avenue and Southern Boulevard contains a medical office, vacant land, and a five-story mixed-use residential and commercial building along East 142nd Street. The block immediately to the west of the project site primarily contains small three-story rowhouses (legally nonconforming under the existing M1-3 zoning) along Concord Avenue, with vehicular storage for East Coast Petroleum along the corner of Jackson Avenue and East 142nd Street. The block immediately to the south of the project site primarily contains large footprint single-story vehicular storage uses for moving companies such as Noah's Ark Moving and Storage. The block immediately to the east of the project site contains an eight-story Extra Space Storage facility as well as the Union Crossing site, where a planned mixed-use office and retail development, currently under construction, is set to be completed by the end of 2018. The block to the northeast of the project site contains a car repair facility along with a large footprint Consolidated Edison (ConEd) utility station.

The area to the north of the project site contains light industrial uses, including storage facilities and warehouses. Toward the northern edge of the study area, along East 147th street, there are public institution (school) and residential uses. A utility easement bisects this northern area from approximately St. Mary's Park southeast to Southern Boulevard. The easement is vegetated and contains utility lines, which connect to the ConEd facility mentioned above.

The area to the west of the project site contains residential uses in the form of large footprint six-story multifamily apartment buildings, some with ground-floor retail uses, particularly along Cypress Avenue. Interspersed throughout these larger footprint residential uses, the study area contains newer construction attached three-story rowhouses. These rowhouses are concentrated along Jackson Avenue and East 142nd Street, as well as Cypress Avenue and East 140th Street.

The area to the south of the project site contains the Bruckner Expressway, along with additional large footprint light industrial uses. These uses primarily include vehicular storage, auto repair uses, and building supply warehouses.

The area to the east of the project site contains portions of the Bruckner Expressway, a ConEd facility as noted above, and a greater variety of supply uses including fabric, lighting, and lumber. Fairway Market PDC, a food distribution facility is located to the far east of the study area on a particularly large parcel of land.

Notable uses found throughout the study area include St. Mary's Park, which is located along the northwestern edge of the study area, and is the primary open space resource. A three-story, 98-unit homeless shelter is located on the corner of Powers Avenue and East 141st street. Schools include the Academic Leadership Charter School, located on East 141st Street between Cypress and Powers Avenues to the west, the JM Rapport School for Career Development along East 145th Street and Concord Avenue to the north, and the Samuel Gompers Industrial High School along Wales Avenue and East 145th Street, also to the north.



Parcels containing vacant land and parking facilities are dispersed throughout the study area, while several commercial buildings primarily line the southern edges of the study area. These include a healthcare facility, the Montefiore Wellness Center, along East 138th Street to the southeast and the Silvercup Studios North film studio, occupying the entire block along Walnut Avenue and East 139th street to the southeast of the study area.

## ZONING

### PROJECT SITE

The project site is located within an M1-3 zoning district (see **Figure 2.1-2**). M1-3 districts are manufacturing districts characterized by one- to two-story light industrial uses, such as repair shops, wholesale service, and storage facilities. A maximum Floor Area Ratio (FAR) of 5.0 is permitted, and parking is required at a rate of one space per 300 square feet (sf).

### STUDY AREA

The study area includes the following zoning districts (see **Figure 2.1-2** and **Table 2.1-1**):

**Table 2.1-1**  
**Existing Zoning Districts in the Study Area**

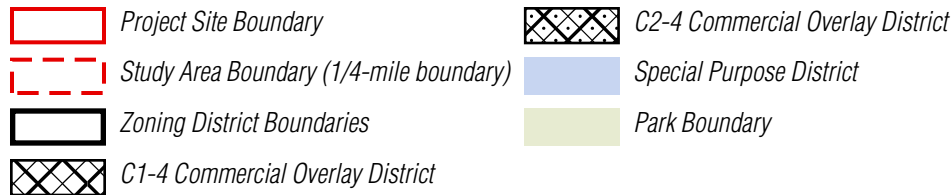
Zoning District	Maximum FAR	Zone Type/Uses
M1-2	2.0	Light industrial district permitting wholesale service and storage uses and office, hotel, and retail uses
M1-3	5.0	Light industrial district permitting wholesale service and storage uses and office, hotel, and retail uses
M3-1	2.0	Heavy industrial district permitting manufacturing uses, power plants and waste transfer facilities
R6	0.78 – 2.43 (non-contextual) 2.2 – 3.6 <sup>1</sup> (contextual)	Residential district permitting taller apartment buildings (non-contextual or contextual)
R7-1	0.87 – 3.44 (non-contextual) 3.44 – 4.60 <sup>1</sup> (contextual)	Residential apartment house district permitting residential and community facility uses (non-contextual or contextual)
<b>Source:</b> New York City Zoning Resolution.		
<b>Note:</b>		
<sup>1</sup> FAR in a Mandatory Inclusionary Housing (MIH) area.		

An M1-2 zoning district is located to the northwest and to the south of the project site. M1-2 districts are manufacturing districts that permit a maximum FAR of 2.0, with similar parking requirements as the M1-3 district (one space per 300 sf).

An M1-3 zoning district immediately surrounds the project site to the north, south, and west. Similar to the zoning on the project site, this district permits a maximum FAR of 5.0.

An M3-1 zoning district is located to the east of the project site, east of the Bruckner Expressway. M3-1 districts are also manufacturing districts that generate more intensive uses with noise, traffic, or pollutants. Typical uses include power plants and fuel supply depots. A maximum FAR of 2.0 is permitted, and similar to the M1-2 and M1-3 districts, parking is required at a rate of one space per 300 sf.

An R6 zoning district is located several blocks to the west of the project site, along with a C1-4 commercial overlay along both sides of Cypress Avenue and both sides of East 138th Street. R6 districts are medium-density residential districts where standard height factor regulations apply,



## BOROUGH-BASED NYC JAIL SYSTEM



Existing and Proposed Zoning  
**Figure 2.1-2**

producing tall buildings set back from the street, or developers can follow optional *Quality Housing* regulations, producing high lot coverage buildings within set height limits (FAR ranging from 2.2 to 3.6). Buildings developed pursuant to standard height factor regulations are often taller buildings, with an FAR ranging from .78 to 2.43. The sky exposure plans begins at 60 feet, and parking is required for 70 percent of total dwelling units. When combined with a C1-4 commercial overlay, ground-floor and second-floor retail uses such as neighborhood grocery stores, restaurants, and beauty parlors are permitted. The maximum commercial FAR is 2.0, and parking is required at a rate of one space per 1,000 sf.

An R7-1 zoning district is located along the northern edge of the study area, concentrated along East 145th street. Similar to R6 districts, R7-1 districts permit medium-density residential uses, and may follow standard height factor or *Quality Housing* regulations, producing high lot coverage buildings within set height limits (FAR ranging from 3.44–4.60). Buildings developed pursuant to standard height factor regulations have a greater range in FAR than R6 districts, permitting a range of .87 to 3.44. Parking is required for 60 percent of total dwelling units.

## **PUBLIC POLICY**

### *SMALLER, SAFER, FAIRER*

*Smaller, Safer, Fairer*, the City's roadmap to closing Rikers Island, was released by the Mayor's Office of Criminal Justice in June 2017 and includes 18 strategies to ultimately reduce the jail population to 5,000, allow for the closure of the jails on Rikers Island, and 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, the City Council, and others within the justice system.

This report articulates that the official policy of the City of New York is to close the jails on Rikers Island and provides a plan to create a detention system with a smaller jail population, safer facilities, and fairer culture. As outlined in this report, the City intends to reduce the average daily jail population to 7,000 over the next five years, and further in the future, to 5,000.<sup>1</sup> In addition to reducing the daily jail population, the City intends to reduce the length of jail sentences and in turn promote alternatives to detention. It is also critical to ensure that facilities both on and off Rikers are made safer with capital improvements, officer training, and more effective surveillance. Finally, in an effort to promote fairness, the City intends to provide additional vocational and training programs for people in detention, improved visitation procedures for their families, and support services for jail staff.

### *FAIR SHARE*

Since 1989, a procedure colloquially known as "Fair Share" has existed to govern how the City sites facilities that it operates either directly or through contracts with third-party service providers. Fair Share was established to require the City to site its facilities in a thoughtful, deliberative manner that takes community input seriously and aims to avoid the uneven distribution of these essential facilities and services. Fair share analyses are conducted for facilities that bring to

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<sup>1</sup> With the adoption of bail reform measures by the State Legislature during spring 2019, the City now anticipates the average daily population of the jail system can be further reduced to 4,000 by 2026.

communities such environmental burdens as waste transfer stations, and are sometimes referred to as “local unwanted land uses” or “LULUs.”

*PORT MORRIS INDUSTRIAL BUSINESS ZONE (IBZ)*

In early 2006, the City created 16 Industrial Business Zones across the City where expanded business services are available for industrial and manufacturing businesses. This designation fosters high-performing business districts by creating competitive advantages over locating in areas outside of New York City. The IBZs are supported by tax credits for relocating within them, zone-specific planning efforts, and direct business assistance from Industrial Providers of New York City Business Solutions Industrial and Transportation. In light of the purpose of IBZs to foster industrial sector growth by committing to preserve certain areas of the City for industrial use, the administration does not generally support the rezoning of these areas for residential use.

## **D. THE FUTURE WITHOUT THE PROPOSED PROJECT**

### **LAND USE**

*PROJECT SITE*

In the No Action condition, no changes to land use are anticipated on the project site. The NYPD Bronx Tow Pound will continue to operate within the existing facility.

*STUDY AREA*

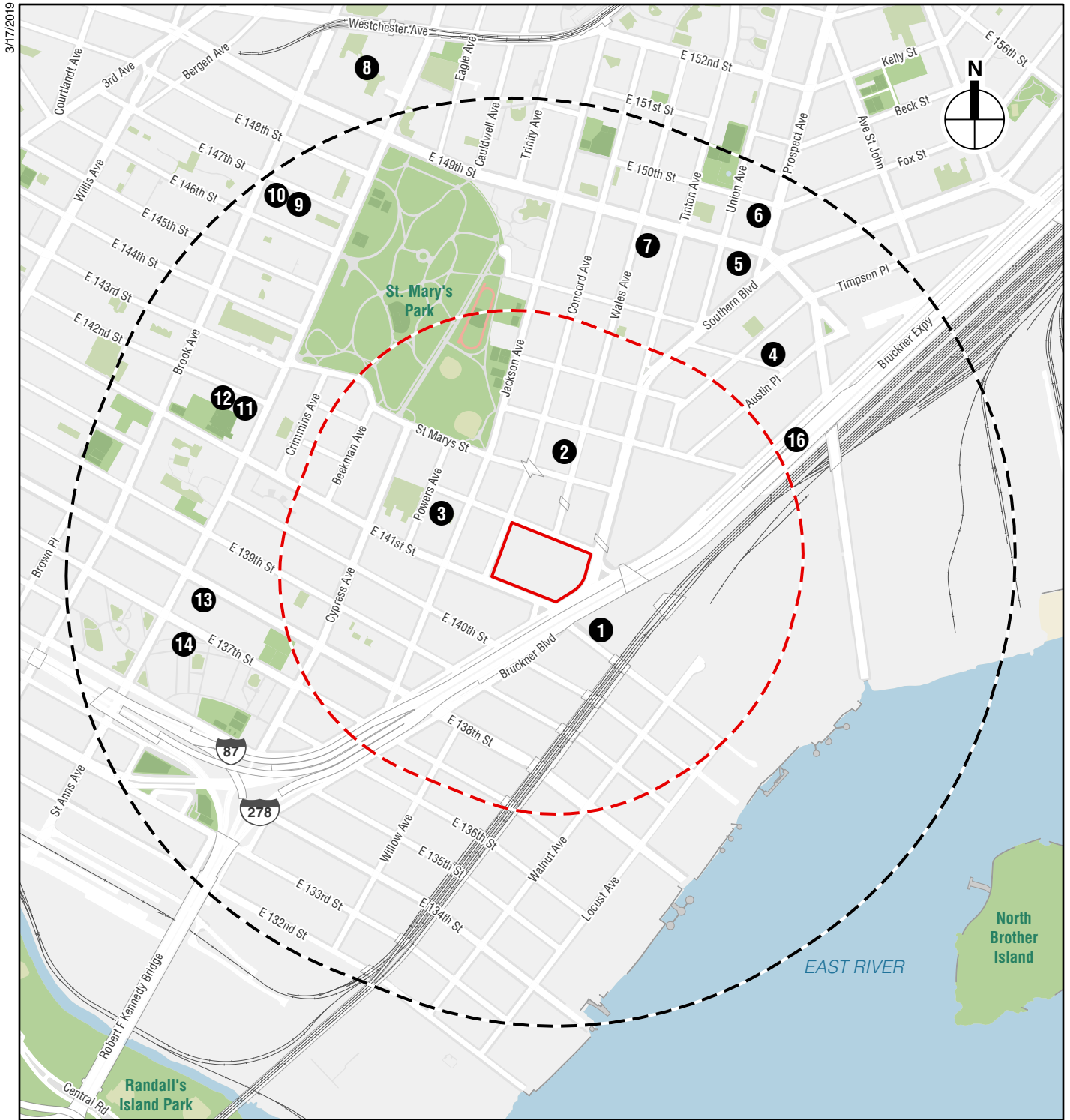
In the No Action condition, the following background development projects have been identified and are anticipated to be complete by ~~2027~~ 2026 (see **Table 2.1-2** and **Figure 2.1-3**). These projects, referred to as No Build projects, are located within the ¼-mile land use study area as well as within a ½-mile study area, consistent with the study areas for other analyses within this EIS. The No Build projects would result in the development of new office uses, a school, and homeless shelter/supportive housing within the ¼-mile land use study area and would result in the development of low- to medium-density residential and retail uses within the ½-mile study area, consistent with existing development trends.

### **ZONING**

In the No Action condition, no changes to zoning are anticipated on the project site or in the study area.

### **PUBLIC POLICY**

In the No Action condition, no changes to public policy are anticipated within the study area.



- Project Site Boundary
- Study Area Boundary (1/4-mile boundary)
- Study Area Boundary (1/2-mile boundary)
- 1 No Build Sites

No Build Sites  
Bronx Site - 745 East 141st Street  
**Figure 2.1-3**

**Table 2.1-2**

**Bronx: No Build Projects Anticipated to be Complete by ~~2027~~ 2026**

Map No.	Name/Address (Block/Lot)	Program	Build Year
<b>¼-Mile Study Area – Land Use Analysis</b>			
1	Union Crossing – 825 East 141st Street (2599/146)	275,000 sf office	2019
2	Rosalyn Yalow Charter School (2574/82)	630-seat charter school	2019
3	346 Powers Avenue (2572/6)	334 DU (homeless shelter and supportive housing)	* <del>2027</del> 2026
<b>½-Mile Study Area – Other Technical Analyses of this DEIS</b>			
4	869 East 147th Street (2600/187)	167 DU	2019
5	Crossroads III/828 East 149th Street (2582/65)	163 DU, 37,808 sf retail, 21,278 sf CF	2018
6	569 Prospect Avenue (2674/9)	45 DU, 6,774 sf retail, 1,017 sf CF	2020
7	536 Wales Avenue (2581/18)	70 DU, 2,342 sf retail, 43,116 sf CF	* <del>2027</del> 2026
8	567 East 149th Street (2276/1)	94,682 sf office	* <del>2027</del> 2026
9	518 East 147th Street (2272/111)	7 DU, 729 sf CF	* <del>2027</del> 2026
10	516 East 147th Street (2272/109)	7 DU, 729 sf CF	* <del>2027</del> 2026
11	540 East 142nd Street (2268/22)	8 DU	* <del>2027</del> 2026
12	538 East 142nd Street (2268/21)	8 DU	* <del>2027</del> 2026
13	580 East 138th Street (2550/12)	8 DU, 2,015 sf retail	* <del>2027</del> 2026
14	Mill Brook Terrace/570 East 137th Street (2548/2)	159 DU	*2019
15	101 Bruckner Boulevard (2278/70)	8,000 sf retail	* <del>2027</del> 2026
16	Hunts Point Interstate Access Improvement	Transportation Improvements	* <del>2027</del> 2026
<b>½-Mile Study Area TOTAL</b>		<b>976 DU, 56,939 sf retail, 369,682 sf office, 133,869 sf CF, 630-seat charter school</b>	
<b>Notes:</b> *Projects for which no build year is known are assumed to be complete by the tentative analysis year of <del>2027</del> 2026. DU = dwelling unit; CF = community facility			

## E. THE FUTURE WITH THE PROPOSED PROJECT

### LAND USE

#### PROJECT SITE

The proposed project would redevelop the eastern portion of the site with a new approximately 245-foot-tall detention facility containing approximately ~~1,270,000~~ 1,170,000 gsf and support space, retail and community facility space, court-related facilities, and approximately 575 accessory parking spaces.

The western portion of the site (to a depth of 100 feet from Concord Avenue) would be rezoned from the existing M1-3 zoning district to a Special Mixed Use M1-4/R7X district. The Special Mixed Use M1-4/R7X district allows a broad mix of uses including residential, commercial, and manufacturing uses. In addition, the re-zoned portion of the site would be mapped as an MIH area. The rezoning is intended to allow for a future development on the site. The program for this development has not yet been identified, but for the purposes of analysis and based on a conceptual design, the proposed building is assumed to reach 145 feet in height and contain approximately 209,025 gsf of floor area, with approximately 31,000 gsf of ground-floor retail and/or community facility floor area and approximately 235 dwelling units, ~~which would include affordable units.~~ For the purposes of the EIS analysis, it is assumed that all of the dwelling units would be affordable.



The proposed project would change the land use of the project site from the current parking use to institutional, community facility, residential, and retail uses. The proposed project would redevelop an underutilized site and provide new uses (i.e., ground-floor retail and community facility uses) that would provide greater street level activity on the site compared to No Action conditions.

### *STUDY AREA*

In the With Action condition, changes would occur only within the project site. The proposed project would be compatible with the predominantly industrial uses in the northern, southern, and eastern portions of the study area. The proposed project would be buffered from the uses to the east by the Bruckner Expressway, a major transportation corridor. The proposed project would introduce a new 245-foot-tall detention facility in close proximity to residential uses in the western portion of the study area, including the existing three-story row houses along Concord Avenue. However, the proposed mixed-used building on the western portion of the project site would buffer the proposed detention facility from the existing residential uses and provide a transition in terms of height, bulk, and density. Therefore, the proposed project would not have the potential to result in significant adverse impacts to land use.

### **ZONING**

#### *PROJECT SITE*

In order to help facilitate the siting of the proposed ~~1,437~~ 1,150-bed Bronx borough-based jail on the proposed development site, this application seeks the following city approvals:

- Special Permit: Allowing the proposed borough-based jail in the Bronx to waive or modify certain zoning requirements. These include the following:
  - 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 up to occupy, in combination with Use Group 6a commercial uses, up to a maximum of 40,000 zoning square feet (zsf). This modification is necessary to accommodate a wider range of community facility uses than is permitted as-of-right in order to include uses considered consistent with the project's aim to provide neighborhood supportive uses that will be compatible with the surrounding area.
  - Floor Area Ratio (FAR): ZR 43-10, et seq. permit a maximum commercial FAR of 5.0 and maximum overall FAR of 6.5. A modification of maximum commercial and maximum total FAR is requested to allow a ~~total commercial and maximum~~ FAR of ~~8.56~~ 7.0, of which up to 0.27 FAR may be Use Group 3, 4, or 6a and all other space, up to ~~8.29~~ 6.73 FAR, must be Use Group 6d, court house or 8d, prisons. As the proposed Bronx borough-based jail site will be a ~~148,400~~ 145,635-sf zoning lot, under existing zoning the maximum permitted commercial floor area is 728,175 zsf and the maximum total floor area is ~~964,600~~ 946,628 zsf. With the proposed modification, the maximum permitted floor area for Use Group 6d and 8d will be ~~1,230,000~~ 980,000 zsf, the maximum permitted floor area for Use Group 3, 4, or 6a will be 40,000 zsf, and the maximum permitted total floor area will be ~~1,270,000~~ 1,020,000 zsf. This modification is necessary to accommodate the proposed jail space program, accommodate proposals for ample support spaces, provide space for proposed parole violation court, provide pedestrian-oriented ground

floor retail and/or community facility uses in character with the area, and achieve the objectives of providing a modern, humane, and safe detention facility.

- Height and Setback: ZR 43-40, et seq. and ZR 43-45~~3~~, 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, as defined in waiver plan and section drawings, with maximum base and building heights that exceed the limits of the sky exposure plane and tower regulations. Specifically, the building will be allowed a maximum base of ~~105 feet 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 will apply to an area measuring approximately 137,900 sf, encompassing all of the jail site excluding the westernmost 30-foot wide section of the site to be occupied by a private driveway, which will have a 23-foot tall maximum height. (streetwall) height of 105 feet above the average curb levels facing E. 141st and E. 142nd streets, with minimum required setbacks from the base of 10 feet facing E. 141st Street and 15 feet facing E. 142nd Street, maximum base height of 253.47 feet (293.47 feet inclusive of rooftop mechanical bulkheads, parapets, and rooftop horticultural and related space) above the average curb level facing Bruckner/Southern boulevards with no required setback, and maximum 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 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. At the building base, this building envelope will apply to an area measuring approximately 135,135 sf, encompassing all of the jail 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 will have a 23-foot tall maximum building envelope. This modification is necessary to accommodate the proposed jail space program, provide efficient programming, viable floorplans, and achieve the objective of providing a modern, humane, and safe detention facility.

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 ~~503~~ 575-space accessory parking garage ~~entered via two-way ramp with curb cut on East 141st Street accessed and egressed via E. 141st Street via a private driveway which in turn will connect with a two-way ramp within the site providing one inbound lane and one outbound lane and a gate system located on the ramp.~~ This modification is necessary to fully accommodate the peak parking demand expected to be generated by New York City Department of Correction staff and other authorized vehicles that will use the garage.

Required Loading:-ZR 44-50, et seq., require four loading berths for the proposed project, pursuant to the following requirement applicable to the ~~1,220,000~~ 970,000 zsf of prison

space to be provided: none required for the first 10,000 zsf, one for the next 290,000 zsf, one for each additional 300,000 zsf. A modification of loading regulations is requested to allow the development to provide two loading berths. The secure loading berths will be located on an internal portion of the jail site and accessed from a private driveway located along the site's western edge. That driveway will operate one-way northbound, for trucks and buses, with a curb cut for inbound ~~vehicles~~ trucks and buses on East 141st Street and a curb cut for outbound vehicles on East 142nd Street. ~~Each of the curb cuts will be 21 feet wide (24 feet wide including splays) and will be located 1.5 to 6 feet east of the western side lot line.~~ The East 141st Street curb cut, which will also include separated lanes for vehicles entering and exiting the accessory parking garage, will be 32 feet wide (35 feet wide including splays) and the East 142nd Street curb cut will be 21 feet wide (24 feet wide including splays) and both curb cuts will be located 1.5 to 6 feet east of the western side lot line. This modification is necessary to allow the jail to provide two loading berths, which the applicants believes will be sufficient to accommodate its needs, based on a scheduling plan for deliveries, and will not result in conflicts with pedestrian and vehicle traffic on East 141st Street in the vicinity of the driveway entry as the 350-foot long driveway will provide sufficient space for any queuing vehicles such as trucks or buses, which the applicant believes will be minimal.

In addition, the proposed Bronx borough-based detention facility requires two other city approvals that are the subject of a related, but separate application. These include:

- Site Selection: To approve the siting of proposed borough-based jails, including the proposed project area as the location for the Bronx borough-based detention facility (this action is subject to a Fair Share analysis); DCAS is a co-applicant for this action; and
- Zoning Text Amendment: To amend Article VII, Chapter 4 of the ZR to create the new special permit for borough-based jail facilities permitting modification of zoning requirements for use, bulk—including floor area, height, and setback—and parking and loading.

The proposed mixed-use building proposed by the New York City Department of Housing Preservation and Development (HPD) requires other city approvals, which include:

- Designation of an Urban Development Action Area, Urban Development Action Area Project Approval, and Disposition: The proposed project area consists of land that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The proposed project area is therefore eligible to be an Urban Development Action Area and the proposed mixed-use development is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law. HPD is the applicant for this action.
- Zoning Map Amendment: ~~To allow for~~ facilitate development of the mixed-use development site, rezoning it on Zoning Map 6c from an M1-3 light manufacturing district to an M1-4/R7X mixed-use district will allow residential, commercial, and light industrial uses as-of-right at permitted densities that could allow for a new mixed-use development with residential units above ground-floor retail and/or community facility uses. A special mixed-use district (see zoning text amendment below) is proposed for this location as the intended future use of the site is predominantly residential, however it is located in an area with a concentration of light industrial uses and existing M1-3 zoning to remain on the

rest of the block to the east and on the immediately neighboring blocks to the north and south. Therefore, a special mixed-use district is appropriate in order that light industrial uses which can meet the strict performance standards for the proposed district will be permitted as such uses are compatible with existing area land uses and zoning. R7X is proposed for the residential component of this mixed-used district as it will result in residential density at a level compatible with existing residential uses in the area. This zoning district will permit a higher FAR than nearby R6 and R7-1 districts and the built density of most surrounding residential buildings; however, unlike other residential districts in the surrounding area this site will be subject to the Mandatory Inclusionary Housing (MIH) provisions, ensuring the creation of affordable housing on the site consistent with City policies to increase the supply of affordable housing. Furthermore, given the site's proximity to the subway and plans for a 100 percent affordable development for this City-owned site, it is an appropriate location for medium residential density. Bulk will be regulated by contextual zoning regulations, to ensure a built form similar to existing streetwall buildings such as those on the facing block front on the west side of Concord Avenue. This is also consistent with City policies in which contextual districts are generally mapped in rezonings of areas with an existing context of high lot coverage buildings. The proposed rezoning area consists of the western portion of the proposed project area block, extending 100 feet east from Concord Avenue; only this portion of the block is included as the remainder of the block will be occupied by the proposed jail which will not include any residential uses;

- Zoning Text Amendment: Amending Zoning Resolution Appendix F, "Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas," to designate the mixed-use development site as an MIH area, consistent with City policies to apply MIH to residential upzonings and amending Zoning Resolution Section 123-90, "Special Mixed Use Districts Specified," to designate the mixed-use development site a special mixed use district (MX-18), as indicated on the zoning map.
- ~~Zoning Text Amendment: Amending Zoning Resolution Section 123-90, "Special Mixed Use Districts Specified," to designate the mixed-use development site a special mixed-use district (MX-18), as indicated on the zoning map;~~
- ~~Disposition of Real Property: In order to allow for the redevelopment of the mixed-use development site, approval of a future disposition of the site is required.~~
- ~~Urban Development Action Area and Urban Development Action Area Plan: In order to allow for the redevelopment of the mixed-use development site as a location for affordable housing under the jurisdiction of HPD, the site must be designated as an Urban Development Action Area (UDAA) and an Urban Development Action Area Plan (UDAAP) must be designated for the UDAA.~~

#### *STUDY AREA*

In the With Action condition, changes would occur only within the project site. The rezoning from M1-3 to the Special Mixed Use M1-4/R7X district would be in keeping with the existing R6 residential zoning district to the west of the project site and would also be consistent with the existing manufacturing zones surrounding the project site. While the proposed project would introduce a 245-foot-tall building, the facility would be buffered by the new residential use to the west and the Bruckner Expressway to the east. In addition, the special permit would apply only to the detention facility on the project site and would not adversely affect zoning within the study area. Therefore, the proposed project would not have the potential to result in significant adverse impacts on zoning.

## PUBLIC POLICY

### *SMALLER, SAFER, FAIRER*

The proposed project is specifically intended to facilitate and advance the goals of *Smaller, Safer, Fairer*, the City's roadmap for creating a smaller, safer, and fairer criminal justice system. As discussed in Chapter 1, "Project Description," the proposed project would establish a system of four new modern borough-based detention facilities to house a total population of ~~5,000~~ 4,000 in order to discontinue the use of Rikers Island as a detention facility.<sup>2</sup> In addition, the proposed project would provide for modern, safer facilities with smaller housing units that facilitate better officer supervision as a result of the improved floorplans, sufficient space for effective and tailored programming, and appropriate housing for those with medical, behavioral health and mental health needs. In addition, the proposed 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. To promote the fairness goals of *Smaller, Safer, Fairer*, the new proposed facilities are intended to provide additional vocational and training programs for people in detention, improved visitation procedures for their families, and support services for jail staff. Overall, the proposed project would advance the goals of *Smaller, Safer, Fairer*.

### *FAIR SHARE*

An analysis of the proposed project's compliance with Fair Share criteria has been completed as part of the proposed project's Uniform Land Use Review Procedure (ULURP) application. As discussed in that analysis, the proposed project is compatible with surrounding uses, which include social service facilities. With the majority of services, such as health, programming, and visitation, provided on-site, the proposed project will minimize impact to the surrounding neighborhood and surrounding facilities. In addition, all sallyport activity and transfers of detained people will take place within the building itself in order to minimize interactions with the surrounding uses.

### *PORT MORRIS INDUSTRIAL BUSINESS ZONE (IBZ)*

As noted above, the administration does not support rezoning IBZs for residential use because the purpose of IBZs is to foster industrial sector growth by committing to preserve certain areas of the City for industrial use. However, this analysis determined that the proposed residential disposition site is appropriate for residential use because it is located on the western edge of the Port Morris IBZ, adjacent to existing residential uses, and is not occupied by an industrial land use. In addition, the proposed residential disposition site was identified as a desirable location for residential use in previous community-led planning processes. The proposed rezoning would only affect this site, and would not alter the City's broader policy regarding residential use within IBZs. Therefore, the proposed project would not have the potential to result in significant adverse impacts to the Port Morris Industrial Business Zone.

Overall, no potential for significant adverse impacts to public policy is anticipated with the proposed project. \*

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<sup>2</sup> With the adoption of bail reform measures by the State Legislature during spring 2019, the City now anticipates the average daily population of the jail system can be further reduced to 4,000 by 2026.