



BOROUGH-BASED JAIL SYSTEM PROJECT

CEQR Number 18DOC001Y

STATEMENT OF FINDINGS

Made Pursuant to the New York City Environmental Quality Review Act and City Environmental Quality Review

March 11, 2020

A. INTRODUCTION

This Statement of Findings is issued pursuant to Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617, and the New York City Environmental Quality Review (CEQR) process as set forth in New York City Mayoral Executive Order 91 of 1977, as amended and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York. This Statement of Findings has been prepared to: 1) certify that the procedural requirements have been met; 2) consider the relevant environmental impacts, facts, and conclusions disclosed in the Final Environmental Impact Statement (FEIS) for the Borough-Based Jail System; 3) weigh and balance the relevant environmental impacts of the proposed actions with social, economic, and other considerations; and 4) provide a rationale for the decision of the New York City Department of Correction (DOC).

This statement sets forth the findings of the New York City Department of Correction, as lead agency with respect to the environmental impacts of the Borough-Based Jail System Project (or, the "Proposed Project") as analyzed in the Final Environmental Impact Statement (FEIS) issued by the lead agency on August 23, 2019 and subsequent Technical Memoranda 001 (TM001) on October 11, 2019.

Lead Agency: New York City Department of Correction
75-20 Astoria Blvd.
East Elmhurst, New York 11370

SEQRA Status: The Borough-Based Jail System Project is classified as a Type I action pursuant to 617.4(b)(6)(v), as related to the construction of a facility with more than 240,000 square feet of gross floor area in a city having a population of more than 150,000.

Location: Bronx Community District 1: Block 2574, Lot 1
Brooklyn Community 2: Block 175, Lot 1
Manhattan Community District 1: Block 198, Lot 1; Block 167, p/o Lot 1
Queens Community District 9: Block 9653, p/o Lots 1 and 100; Block 9657, Lot 1

B. SUMMARY OF THE PROPOSED PROJECT

The City of New York, through the New York City Department of Correction (DOC) and the Mayor's Office of Criminal Justice (MOCJ), proposed to implement a borough-based jail system as part of the City's continued commitment to create a modern, humane, and safe justice system. The proposed project included development of four new detention facilities to house individuals who are in the City's correctional custody with one detention facility located in each borough for the Bronx, Brooklyn, Manhattan, and Queens. The sites that will be developed for the proposed borough-based jail system are the following:

- Bronx Site—745 East 141st Street
- Brooklyn Site—275 Atlantic Avenue
- Manhattan Site—124-125 White Street
- Queens Site—126-02 82nd Avenue

Given the City's success in reducing both crime and the number of people in jail, coupled with the current physical and operational deficiencies at the correctional facilities located on Rikers Island, the City is committed to closing the jails on Rikers Island. The 2017 report *Smaller, Safer, Fairer*¹ provides the City's roadmap for creating a smaller, safer, and fairer criminal justice system. Central to this effort is the City's goal to provide a system of modern borough-based detention facilities while reducing the number of people in the City's jails to a total average daily population of 3,300 persons, a number lowered from past projections as a result of recently enacted state legislative bail reform.

Under the proposed project, all individuals in DOC's custody would be housed in the new borough-based detention facilities and the City would close the jails on Rikers Island.

DISCRETIONARY ACTIONS

The proposed project requires actions from multiple City agencies. DOC, as sponsoring agency, will undertake the proposed project using funding allocated in DOC's capital budget. Other City actions include: site selection to allow the City to select the location for each of the proposed facilities; a zoning text amendment to establish a Borough-Based Jail System special permit for each proposed site to waive zoning requirements and allow a zoning envelope that would accommodate the proposed structure, permit the necessary density, and/or permit the proposed parking;² changes to the City map for certain sites; and, relevant to a portion of the Bronx Site, a zoning map amendment to map an M1-4/R7X District, zoning text amendments to designate a Mandatory Inclusionary Housing (MIH) Area and establish Special Mixed Use District (MX), and the designation of an Urban Development Action Area (UDAA) an Urban Development Action Area Project (UDAAP) for such area and approval of future site disposition. The proposed project may also involve the use of public financing for the development of permanently affordable housing.

¹ New York City Mayor's Office of Criminal Justice. *Smaller, Safer, Fairer: A Roadmap to Closing Rikers Island*. Available: <https://rikers.cityofnewyork.us/the-plan/>. Last accessed March 20, 2019.

² The Borough-Based Jail System special permit would only be available for the borough-based jail system and would not be available for other applicants or sites.

C. PROCEDURAL HISTORY

DOC issued its Notice of Intent to serve as lead agency on August 14, 2018 to New York City Department of City Planning (DCP), New York City Department of Environmental Protection (DEP), New York City Police Department (NYPD), New York City Department of Transportation (DOT), New York City Department of Citywide Administrative Services (DCAS), New York County District Attorney, New York State Office of Court Administration, and the New York State Department of Environmental Conservation (NYSDEC). On August 14, 2018, DOC, as lead agency for the CEQR environmental review, issued an Environmental Assessment Statement (EAS) and a Positive Declaration for the proposed project indicating that there was the potential for adverse environmental impacts and directed that a Draft Environmental Impact Statement (DEIS) be prepared. At the same time, a Draft Scope of Work for an Environmental Impact Statement (EIS) was issued for public comment.

The EAS, Positive Declaration, and draft Scope of Work for an EIS were posted on the Mayor's Office of Environmental Coordination (MOEC) and New York City: A Roadmap to Closing Rikers websites. The Positive Declaration and Notice of Public Scoping were published in the *City Record* on August 16 through August 20, 2018; the *Environmental Notice Bulletin* on August 15, 2018; AM NY on September 5, 2018; World Journal/China Daily News on August 17, 2018, Queens Chronicle on September 6, 2018; Bronx Times on September 7, 2018; Downtown Express on September 6, 2018; Staten Island Advance on September 5, 2018; El Diario on August 17, 2018; New York Post on August 15, 2018; and New York Daily News on August 15, 2018.

Public scoping meetings were held on the following dates and locations:

- September 20, 2018 at the PS 133 William A. Butler School, 610 Baltic Street, Brooklyn, NY 11217
- September 26, 2018 at the Queen Borough Hall, 120-55 Queens Boulevard, Kew Gardens, NY 11424
- September 27, 2018 at the Manhattan Municipal Building, 1 Centre Street, New York, NY 10007
- October 3, 2019 at the Bronx County Courthouse, 851 Grand Concourse, Bronx, NY 10451

Written comments on the Draft Scope of Work were accepted through October 29, 2018, and a final Scope of Work was issued on March 22, 2019.

The draft EIS (DEIS) was then prepared in accordance with the final Scope of Work. DOC accepted the DEIS on March 22, 2019. The proposed project was certified in the Uniform Land Use Review Procedure (ULURP) on March 25, 2019 to begin review of the aforementioned discretionary land use actions.

A public hearing on the DEIS was held on July 10, 2019, in conjunction with the New York City Planning Commission's (CPC's) citywide public hearing pursuant to ULURP, and written comments on the DEIS were accepted until July 22, 2019. The Notice of Completion for the Final

EIS (FEIS) was issued on August 23, 2019 (CEQR No. 18DOC001Y). The FEIS incorporated a summary and responses to public comments received on the DEIS. The FEIS and Notice of Completion for the FEIS were posted on the MOEC and New York City: A Roadmap to Closing Rikers websites.

Following the publication of the FEIS, the City Planning Commission (CPC) adopted the proposed project on September 3, 2019 and referred the application to the City Council.

After the CPC's adoption of the proposed project, potential modifications were identified as under consideration by the City Council. TM001 described these potential modifications in detail and examined whether they would result in any new or different potential significant adverse environmental impacts not already identified in the FEIS. TM001 concluded that the Potential City Council Modifications would not result in any new or different potential significant adverse impacts not already identified in the FEIS.

D. FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT THE DECISION

Having reviewed the DEIS, FEIS, TM001, the City Planning Commission (CPC) Report dated September 3, 2019, and the Council of the City of New York Resolutions 1123 through 1130, DOC makes the findings and conclusions contained herein based on those documents and the administrative record.

The proposed project's environmental review concluded that it would result in potential significant adverse impacts with respect to historic and cultural resources, transportation, and construction. No potential significant adverse impacts were identified with respect to land use, zoning, and public policy; socioeconomic conditions; community facilities; open space; shadows; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste; energy; air quality; greenhouse gas emissions; noise; public health; or neighborhood character.

As described in the Mitigation portions of the FEIS chapters for each of the sites, mitigation measures were identified to mitigate, if practicable, the potential significant adverse impacts with respect to transportation, (temporary) construction, and historic and cultural resources. At the Bronx site, the potential for significant adverse impacts was identified for transportation and the potential for temporary impacts was identified for construction transportation and noise. The FEIS identified mitigation measures to partially mitigate transportation and temporary construction traffic and pedestrian impacts. The FEIS concluded that there would be potential for unavoidable adverse impacts for transportation and temporary unavoidable adverse impacts for construction transportation and noise.

At the Brooklyn site, the potential for significant adverse impacts was identified for architectural resources and transportation and the potential for temporary impacts was identified for construction transportation and noise. The FEIS identified mitigation measures to fully mitigate the impacts to architectural resources and to partially mitigate transportation and temporary construction traffic and pedestrian impacts. The FEIS concluded that there would be potential for

unavoidable adverse impacts for transportation and temporary unavoidable adverse impacts for construction transportation and noise.

At the Manhattan site, the potential for significant adverse impacts was identified for architectural and archaeological resources and transportation and the potential for temporary impacts was identified for construction transportation. The FEIS identified mitigation measures to fully mitigate the impacts to archaeological resources and transportation and to partially mitigate architectural resources, and temporary construction pedestrian impacts. The FEIS concluded that there would be potential for temporary unavoidable adverse impacts for construction transportation.

At the Queens site, the potential for significant adverse impacts was identified for transportation and the potential for temporary impacts was identified for construction transportation. The FEIS identified mitigation measures to partially mitigate transportation and temporary construction traffic and pedestrian impacts. The FEIS concluded that there would be potential for unavoidable adverse impacts for transportation and temporary unavoidable adverse impacts for construction transportation.

The environmental review analyzed a No Action Alternative and No Unmitigated Significant Adverse Impacts Alternative. The environmental review concluded that these alternatives would not substantively meet the goals and objectives of the proposed project.

CONCLUSION

The Borough-Based Jail System is an integral part of the City's continued commitment to create a modern, humane, and safe justice system and to close the jails on Rikers Island. The proposed project will allow development of four new detention facilities to house individuals who are in the City's correctional custody with one detention facility located in each borough for the Bronx, Brooklyn, Manhattan, and Queens. This system is central to the City's goal to provide a system of modern borough-based detention facilities while reducing the number of people in the City's jails to a total average daily population of 3,300 persons. The benefits of the Borough-Based Jail System outweigh the potential adverse environmental impacts, many of which will be mitigated by the measures identified in the FEIS. Neither the No Action Alternative nor the No Significant Impact Alternative would accomplish the proposed project's goals and objectives.

On balance, after considering the benefits and impacts of the Borough-Based Jail System disclosed in the FEIS and TM001, DOC concludes that the social, economic, and environmental benefits provide a rationale to proceed with the proposed project notwithstanding its environmental impacts.

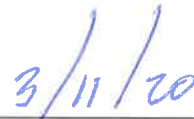
CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the relevant environmental impacts, facts, and conclusions disclosed in the DEIS, including comments on the DEIS and responses thereto, the FEIS and subsequent technical memoranda weighed and balanced relevant environmental impacts with social, economic, and other essential considerations as required in 6 NYCRR 617.11, the DOC finds and certifies that:

- the requirements of Article 8 of the New York State Environmental Conservation Law (SEQRA) and its implementing regulations found at 6 NYCRR Part 617 and the requirements of City Environmental Quality Review (CEQR) found at Title 62, Chapter 5, of the Rules of the City of New York and as set forth in Executive Order 91 of 1977, as amended, have been met; and
- consistent with social, economic, and other essential considerations of state and city policy, from among the reasonable alternatives available, the proposed project is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that significant adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that the FEIS and TM001 have identified as practicable.



Howard Judd Fiedler, A.I.A
Administrative Architect
Director of Design Unit
NYC Department of Correction



Date