

Queens Borough President Recommendation

APPLICATION: ULURP #200143 MMY

COMMUNITY BOARD: Q01

DOCKET DESCRIPTION

IN THE MATTER OF an application submitted by submitted by The NYC Department of Correction, The Mayor's Office of Criminal Justice and NYC Council Speaker Corey Johnson, pursuant to Sections 197-c and 199 of the NYC Charter for an amendment of the City Map involving:

- the establishment of Public Place on Rikers Island within the area bounded by the U.S. Pierhead and Bulkhead line;

in the Borough of the Bronx and under the jurisdiction of Community Board 1, Borough of Queens, in accordance with Map No. C.P.C 200143 MMY dated November 27, 2019 and signed by the Director of the Department of City Planning.

PUBLIC HEARING

A Public Hearing was held in the Borough President's Conference Room at 120-55 Queens Boulevard on Thursday, January 30, 2020 at 10:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There was one other speaker. The hearing was closed.

CONSIDERATION

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- This application was filed for a change to the City Map establishing a Public Place on Rikers Island and to prohibit incarceration of individuals on the island after December 31, 2026. The mapping of a Public Place is to assure that future uses on the island are limited to public purposes following closure of Rikers Island as the city's jail upon implementation of the recently approved Borough Based Jail program;
- The proposed change to the City Map would affect the entire island between the U.S. Pierhead and Bulkhead Line surrounding Bronx Block 2605 Lot 40. The island is currently mapped with a C8-2 District. The C8-2 District is designated for semi-industrial and heavy commercial uses and are typically developed with automotive uses such as gasoline service stations, storage or repairs;
- Rikers Island is an approximately 429.7 acre city owned property located on the East River. The island is just northwest of LaGuardia Airport with its closest point 300 feet from LaGuardia Airport Runway 22/04. Any development on the island is height restricted due to its proximity to the airport. The island has been city owned since the late nineteenth century. Most of the island is composed of landfill which began shortly after it came into city ownership;
- There is currently no approved plan for the reuse of Rikers Island. The application states "Redevelopment plans will be subject to a robust public outreach process and separate approvals and environmental reviews as warranted". This was reiterated at the January 30, 2020 Borough President's Land Use Public Hearing;
- Rikers Island is under the jurisdiction of the Department of Correction and the land is officially part of the Bronx. However, it is under the jurisdiction of Queens Community District 1. The land connection to Rikers Island is the Francis R. Buono Memorial Bridge which was opened in 1966. Access to the island is restricted to authorized vehicles and buses. All visitors are subjected to a security check-in process at the visitor's center;
- Community Board 1 (CB1Q) approved this application by a vote of thirty-six (36) in favor with none (0) against and one (1) abstention at the monthly meeting held on January 21, 2020. CB1Q held a public hearing on this application on January 8, 2020. CB1Q did not place conditions on the approval, but outlined a number of concerns and issues regarding potential future uses and the need for inclusive planning for future uses on the island. Some of these issues were heard in testimony received at the January 8, 2020 public hearing. These included: early community participation in an open and transparent planning process on future use of Rikers Island; CB1Q should be engaged and consulted early in 2020 in NYC's preparations for community participation; full ULURP land use and CEQR environmental review for any change in use even if as-of-right pursuant to the C8-2 zoning; any demolition plan must be made in advance with CB1Q and community stakeholders as partners; demolition debris must be barged off the island with no vehicular transport through local streets; Rikers Island must remain in city ownership after 2026 and used only for public benefit; public benefit use must be defined in agreement with CB1Q and designated stakeholders, recorded as a deed restriction, land covenant or land trust; future uses of Rikers Island should promote sustainability and address community needs;

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- There was one speaker at the Borough President's Land Use Public Hearing who testified against the application. The basis of the speaker's objection to the application was that Rikers Island should kept open for incarceration with construction of newer modern facilities on the island, and opposition to the recently approved Borough-Based Jail plan and the placing of jails in the community. The speaker also raised concerns about the adequacy of the proposed capacity of the Borough-Based Jail plan to meet housing needs should the actual levels of incarceration exceed projections;
- A letter of support for the application from the respective member of the City Council was received subsequent to the January 30, 2020 public hearing. In addition to supporting the application, the Councilmember cited three pieces of legislation currently in committee review that proposes study of the potential capacity to treat wastewater at new treatment plants on Rikers Island that may allow closure of the older existing plants, potential capacity on Rikers Island to generate and store solar powered electricity that may allow closure of the carbon based generating plants, and transfer of jurisdiction and control of Rikers Island to the Department of Environmental Protection.

RECOMMENDATION

It was very clear throughout the preceding ULURP public review process for the Borough-Based Jail initiative, as reflected and expressed in the resulting recommendations, that the stakeholders of the affected communities were concerned and dissatisfied with the level and lack of opportunities to participate in meaningful and inclusive exchanges around the planning for the Borough-Based Jail in our communities.

Public Place is not found in the NYC Zoning Resolution and not well defined beyond statements from the applicants that its designation limits use of city owned property for public purposes. Without understanding where Public Place is statutorily defined and what criteria are used to map it - such a designation for Rikers Island leaves questions open about possible future uses on the island after its closure for incarceration and the potential impacts of those uses on the community.

Based on the above consideration, I hereby recommend approval of this application with the following conditions:

- The Mayor's Office of Criminal Justice testified at the Borough President's Land Use Public Hearing that a public planning process on the future use of Rikers Island would be undertaken by an Executive Order of the Mayor in the near future. That public process must include all of the affected elected officials and Queens Community Board 1;
- The public process to plan redevelopment of Rikers Island as promised should convene immediately. All stakeholders must be given a genuine good faith opportunity to shape the proposed reuses of the island and establish protections for the community. There should be a sufficient number of meetings to ensure a meaningful exchange of information and ideas to enable full participation and mitigation of potential impacts from new uses;
- Any reuse of the island must undergo full environmental and ULURP review;
- The community closest to the bridge connection to Rikers Island has long suffered the impact of all vehicles travelling through their streets to get on or off the island. The history of using landfill to increase the size of the island dictates that there must be extensive environmental review before any demolition or construction begins. Whatever demolition or construction is proposed, the potential danger of toxic dust from lead, asbestos, heavy metal or whatever was part of the landfill will be released into the air by demolition and excavation. There is also the risk of contamination as it passes through the affected community and beyond if transported by truck. All demolition debris and construction materials should be barged onto and off the island and not transported by heavy trucks resulting in traffic and dust that would negatively impact the local community.



PRESIDENT, BOROUGH OF QUEENS

3/2/2020

DATE